



Red Wing Brands of America GSA Contract Sales

Dear Red Wing Shoe Store, Dealer, or Authorized Account,

This document contains information to assist you with your participation under our GSA contract. Please keep and reference it as questions arise.

Key GSA requirements:

- Sell to eligible federal, state, and local agencies that are using the GSA schedule contract at or less than the contracted prices as found on the GSA price list.
- GSA account owners must configure GSA programs to ensure contractual pricing of eligible products, and automated reporting through Xstore.
- Dealers and authorized accounts not using the Red Wing Xstore point of sale must manually report all GSA sales.

We will continue to distribute our footwear directly from our warehouse and through company owned and independently owned retail and mobile shoe distributions to eligible federal, state, and local agencies under the GSA Schedule contract. The majority of the sales will be done through participating retail stores. The price we sell to eligible federal, state, and local agencies under the GSA schedule contract will be from the same GSA price list published to the stores. Those ordering footwear directly from us will not have the option to use the retail network for fitting or customer care after the sale.

Only sales made under the GSA contract require reporting in the above manner. You will not be required to comply with reporting requirements for sales of Red Wing products to any customer not made under the GSA contract.

We are excited about the potential that GSA holds for Red Wing Brands of America, Inc. If you have any questions, feel free to contact us at GSA.information@redwingshoes.com or contact your Red Wing sales representative, or Industrial Sales Manager.

Sincerely,

Red Wing Brands of America, Inc.
GSA Department
GSA.information@redwingshoes.com

RED WING BRANDS OF AMERICA, INC.

314 Main Street Red Wing, MN 55066 Phone: 651.388.8211 Fax: 651.385.0897

Rev. 01/2019



Frequently Asked Questions

All Participants

What is the Red Wing GSA contract information?

GSA Schedule 84, GSA Contract # GF-0027N, effective through 09/30/2022.

Are all Red Wing styles on the GSA Schedule?

No, only those that meet certain manufacturing requirements.

Which styles are approved to sell on the GSA program?

ONLY those styles that are listed on the current GSA price list are approved. Styles and prices do change periodically.

Can I sell footwear on the GSA price list for an amount below the GSA price?

Yes, if you have an advertised, closeout or your everyday price is lower you may sell items for a lower price. You CANNOT sell at a higher amount than the approved GSA price to a customer purchasing under our GSA contract.

How will GSA sales be paid for?

Most GSA sales are paid at the point of sale by agency personnel using the GSA SmartPay Purchase account. These purchase cards may be either a Visa card beginning with "4616" or "4716," or a MasterCard beginning with "5568" or "5565." (See <https://smartpay.gsa.gov/content/businesses-and-vendors#sa445> for more information on the SmartPay program.)

Another option is to enroll the agency as an invoiced RWBAA with a PO or alternative billing arrangement. In this case the agency will be billed directly but retail locations must validate purchaser IDs and conduct sales to authorized accounts with active GSA programs.

Will my store be listed as a GSA participant at www.redwingshoes.com?

Yes, it will be uploaded after your participation agreement is processed.

Will Red Wing Brands of America, Inc. promote, advertise and market the brand to GSA users?

Yes, we will continue to advertise in targeted magazines, attend trade shows, send out direct mail and other strategies.

Who is authorized to buy off GSA?

There is a long list of federal, state and local agencies that are allowed to purchase under this program. Please visit this link <https://www.gsa.gov/buying-selling/purchasing-programs/overview/eligibility-to-use-gsa-sources> for a summary, or review GSA Order OGP 4800.2I, appended to the end of this FAQ document.

Can I sell non-approved items to GSA buyers?

Yes, you can. Non-approved items are not covered by the GSA contract though, and are therefore not reported.

Do I have to sell to every eligible user?

Yes, as long as they pay on time.

How do I handle exchanges and returns?

You should handle GSA exchanges and returns just like you handle other industrial customers' exchanges and returns. You may not exchange footwear purchased for ASTM protection for non-ASTM footwear. You may not return shoes for cash that were purchased on GSA.

Do we need to report the exchanges to Red Wing?

You do not need to report exchanges.

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Do all of the warranties and guarantees apply to GSA sales?

Yes, the warranty against defects of material and workmanship and any others apply to the GSA sales.

I have a mobile truck. Can I sell to eligible agencies from the truck? What price do I use to sell off of the truck?

Yes. Use the current approved GSA price list.

How long is the price list valid for?

The price list will be updated as Red Wing Shoe Company makes changes to the product line or their Manufacturer's Suggested Retail Price (MSRP) and GSA approves the modification. You will receive an email notification with the updated price list when approved. At that point you must review the price list and ensure that items you sell as GSA approved are on the updated price list. If you have your own GSA programs, you must update the program pricelist with the allowed styles and price.

Manual Reporting Participants (Non-Red Wing POS)

Will I receive notice when it is time to report my monthly GSA sales online?

Yes. The email address you provide with your GSA Participation Agreement will receive monthly notifications including a link to the online reporting site.

What if I don't find the style number I sold on the drop down list on the reporting site?

If you cannot find the style number this means the style is NOT a GSA approved style and you should not be selling that style as a GSA approved item.

What if I do not have a computer to complete the on-line reporting?

You will need to arrange access to a computer and report electronically. If you are unable to do this, you cannot participate in the GSA program. There are no exceptions to this policy.

What if I do not report a sale from GSA?

You will jeopardize the program for your store and for the company. You will also lose the privilege to participate in the program.

What if I no longer wish to participate in the program?

You can simply ask to have your store removed from the list at GSA.information@redwingshoes.com

Local Bonus Selling Opportunity

Can City, County, and States Piggy-Back on Red Wing's schedule 84 GSA contract?

YES! This is a huge opportunity for you.

Your local governments can take advantage of the GSA pricing. You will be required to report all sales made under the GSA contract to your local, county and State agencies.

What is Cooperative Purchasing? (Piggy-Backing sales through GSA contract)

Cooperative Purchasing allows for the Administrator of General Services to provide states and localities access to certain items offered through the General Services Administration's GSA's Federal Supply Schedule 84. The products and services available to state and local governments include firefighting and rescue equipment, law enforcement and security equipment, and special purpose clothing.

Can state and local governments purchase from all GSA Schedules?

No. The Cooperative Purchasing Program only allows for state and local government entities to purchase from contracts awarded under GSA Schedule 84 and then only items listed above.

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What are the differences between the Cooperative Purchasing Program and the Disaster Recovery Purchasing Program?

The primary distinctions between the Cooperative Purchasing Program and the Disaster Recovery Purchasing Program involve the particular GSA Schedules authorized for use and the conditions under which products and services may be purchased.

The Cooperative Purchasing Program authorizes state and local government entities to purchase products and services from contracts awarded under Schedule 84. The Cooperative Purchasing Program places **no restrictions** on how or when the products and services may be used.

The Disaster Recovery Purchasing Program authorizes state and local government entities to purchase products and services from contracts awarded under **all** GSA Schedules. The products and services purchased under the Disaster Recovery Purchasing Program may be used to facilitate recovery from a major disaster, terrorism, or nuclear, biological, chemical, or radiological attack. State and local government entities may use GSA Schedule contracts to purchase products and services in advance of a disaster declared by the president, as well as in the aftermath of an emergency event.

When did the Cooperative Purchasing Program go into effect?

Cooperative Purchasing for GSA Schedule 84 was effective upon publication of the interim rule in the Federal Register (September 19, 2008).

Since the issuance of the interim rule, GSA Schedule 84 contracts have been and will continue to be modified, as mutually agreed between the Schedule contractor and GSA, to allow Schedule contractors to participate in the Cooperative Purchasing Program.

Vendors submitting new offers for GSA Schedule 84 contracts are also required to indicate whether they will offer Cooperative Purchasing.

How are state and local governments defined?

The General Services Administration Acquisition Manual (GSAM), Part 538.7001, Definitions, offers the following definition of state and local governments:

"The States of the United States, counties, municipalities, cities, towns, townships, tribal governments, public authorities (including public or Indian housing agencies under the United States Housing Act of 1937), school districts, colleges, and other institutions of higher education, council of governments (incorporated or not), regional or interstate government entities, or any agency or instrumentality of the preceding entities (including any local educational agency or institution of higher education), and including legislative and judicial departments."

The term **does not include contractors** or grantees of state or local governments.

Are state and local government entities required to use the GSA Schedules Program?

No. Cooperative Purchasing is voluntary for both state and local government entities and for Schedule contractors. State and local entities have full discretion to decide if they wish to make a GSA Schedule purchase, subject to any limitations that may be established under state and local laws and procedures.

Are Schedule contractors required to accept orders from state and local government entities?

Schedule contractors have the option of deciding whether they will accept orders placed by state and local government buyers. Schedule contractors will make this decision on two levels. First, at the contract level, Schedule contractors will decide whether they want to offer Cooperative Purchasing and, if so, the applicable SINS to be offered. Schedule contractors will then either enter into a mutual agreement with GSA to modify the existing Schedule contract or indicate, prior to contract award, their intent to offer their Schedule products and services under Cooperative Purchasing. Second, even after an existing contract is modified or a new contract awarded, a Schedule contractor will retain the right to decline orders received from state and local government entities on a case-by-case basis. Schedule contractors may decline an order, for any reason, within a five-day

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period after receipt of the order; however, credit card orders must be declined within 24 hours (GSAM 552.232-79).

How do state and local government entities place orders against Schedule contracts? Do such orders against Schedule contracts meet competition requirements?

State and local government entities are encouraged to use GSA's Schedule Ordering Procedures to ensure the benefit of receiving the best value from GSA Schedule contractors. **When state and local governments follow the GSA Schedule Ordering Procedures**—i.e., the Ordering Procedures for Supplies, and Services Not Requiring a Statement of Work (Federal Acquisition Regulation (FAR) 8.405-1) or the Ordering Procedures for Services Requiring a Statement of Work (FAR 8.405-2)—use of the GSA Schedules Program is considered to be a "competitive procedure" under the Competition in Contracting Act of 1984 (CICA). State and local entities may include terms and conditions required by statute, ordinance, regulation, or order to the extent that these terms and conditions do not conflict with the terms and conditions of the GSA Schedule contract.

If the contractor does not perform acceptably under a Cooperative Purchasing order issued by a state or local entity, should the ordering activity request the GSA contracting officer take corrective measures?

No. Acceptance of an order by the Schedule contractor under Cooperative Purchasing constitutes the formation of a new contract between the non-federal ordering activity and the Schedule contractor. The ordering activity's contracting officer is responsible for all contract administration under the new contract.

While the majority of the terms and conditions of the Schedule contract are incorporated by reference into the Cooperative Purchasing order (see below for exceptions), the federal government is not liable for the contractor's performance, or non-performance. Disputes that cannot be resolved by the parties may be litigated in any state or federal court with jurisdiction, using the principles of federal procurement law and the uniform commercial code, as applicable and appropriate.

However, state and local government entities may submit information concerning a contractor's performance to the GSA contracting officer for consideration when evaluating the contractor's overall performance under the GSA Schedule contract.

Under Cooperative Purchasing, can ordering activities include terms and conditions required by state or local statutes, ordinances, regulations, or orders?

Yes. However, the additional terms and conditions must be included as a part of the Statement of Work (SOW) or the Statement of Objectives (SOO) and must not conflict with the terms and conditions of the GSA Schedule contract.

Are Prompt Payment provisions incorporated into Cooperative Purchasing orders?

Yes. GSAM 552.232-81, Payments by Non-Federal Ordering Activities, allows for the terms and conditions of a state's prompt payment law to apply to orders placed by eligible non-federal ordering activities. However, if the ordering activity is not otherwise subject to a state prompt payment law, the activity is covered by the federal prompt payment act in the same manner as federal ordering activities.

Are state and local government preference programs affected by Cooperative Purchasing?

No. Cooperative Purchasing does not affect state and local government preference programs.

May state and local government entities use credit cards to purchase products and services under this program?

Yes. Schedule contractors may accept any state and local government-issued credit cards for orders placed under Cooperative Purchasing. Contractors are required to accept credit cards for orders up to the micro-purchase threshold and contractors may voluntarily accept credit cards for orders exceeding the micro-purchase threshold.

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Rev. 01/2019



Can state and local governments issue Blanket Purchase Agreements (BPAs) under the Schedule contracts?

Yes. State and local government entities may issue BPAs under the Schedule contracts. In order to qualify as a GSA Schedule BPA, the competition underlying the award of the BPA must be conducted in accordance with the GSA Schedule ordering procedures.

Can state and local government entities be granted additional price reductions under the Schedule contracts?

Yes. State and local government entities may be granted additional price reductions under Cooperative Purchasing.

Will a spot discount to state and local government entities under the GSA Schedule contract trigger the Price Reductions clause?

No. Granting state and local government entities additional price discounts under the GSA Schedule contract will not trigger the Price Reductions clause.

Does the Trade Agreements Act apply to contracts between the Schedule contractor and state and local government entities?

Yes. All Schedule contract terms and conditions, except those stated in previous responses apply to contracts between the GSA Schedule contractor and state and local government entities.

Can state or local government grantees purchase products and services from Schedule 84 under the Cooperative Purchasing Program? If state or local governments themselves receive grant money, can they purchase products and services from Schedule 84?

Under the Cooperative Purchasing Program, only state and local government entities, as defined in General Services Administration Acquisition Manual (GSAM) 538.7001, are eligible to purchase products and services from Schedule 84. As noted in the definition, the term, state and local government entities, "...does not include contractors of, or grantees of, state or local governments." Thus, state or local government grantees cannot purchase Schedule products and services under the Cooperative Purchasing Program.

With regard to state or local governments themselves receiving grant money, these entities are eligible users under the Cooperative Purchasing Program by virtue of meeting the definition of *state and local government entities*; the source of funding for these entities is irrelevant.

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Rev. 01/2019

GENERAL SERVICES ADMINISTRATION
Washington, DC 20405

OGP 4800.2I
July 19, 2016

GSA ORDER

SUBJECT: Eligibility to Use GSA Sources of Supply and Services

1. **Purpose.** This Order provides definitions and listings of agencies and organizations authorized to use General Services Administration (GSA) sources of supply and services. It also provides definitive guidelines concerning eligibility requirements.
2. **Cancellation.** ADM 4800.2H is canceled.
3. **Background.** 40 U.S.C. §§ 501 - 502 authorizes the Administrator of General Services (Administrator) to procure and supply personal property and non-personal services for executive agencies and other Federal agencies, mixed-ownership Government corporations as identified in 31 U.S.C. § 9101, the District of Columbia, qualified nonprofit agencies for the blind or other severely handicapped individuals for use in making or providing an approved commodity or service to the Government, and state and local governments for certain Federal supply schedule purchases. Other organizations are eligible pursuant to other statutes under which GSA operates (such as 40 U.S.C § 602, which governs eligibility to obtain GSA Fleet motor vehicles and related services) or by reason of enabling statutory authority.
4. **Nature of revision.** To reflect statutory and administrative changes and to update the listings of organizations determined eligible to use GSA sources of supply and services.
5. **Definition.** GSA sources of supply and services are defined as those support programs administered by GSA and prescribed in the Federal Property Management Regulations (FPMR), 41 CFR Parts 101-26--Procurement Sources and Program, 101-39--Interagency Fleet Management Systems (GSA Fleet), 41 CFR Part 101-42, Disposition of Personal Property with Special Handling Requirements, the Federal Management Regulation (FMR), 41 CFR Parts 102-35 through 102-42 --Utilization and Disposal Programs, 102-117--Transportation Management, and the Federal Travel Regulation (FTR), 41 CFR Part 301-73 -- Travel Programs.
6. **Authority to use GSA sources of supply and services.** The authority to use GSA sources of supply and services is established by statute or regulation (see paragraph 7).

7. Eligible activities. Organizations are eligible to use GSA sources of supply and services pursuant to 40 U.S.C. §§ 501 - 502 or other statutory authority; however, some organizations may be eligible to use only specific GSA sources of supply or services. In addition, although an organization may be eligible to use GSA sources of supply, particular sources may not be accessible due to limits of supply sources or geographical constraints. For example, in the case of GSA Fleet, it may not be practical for GSA to make certain sources of supply available. In addition, the terms of a specific contract may not permit participation by otherwise eligible organizations.

a. Executive agencies. 40 U.S.C. § 501, Services for executive agencies, authorizes the Administrator to procure and supply personal property and non-personal services for executive agencies to use in the proper discharge of their responsibilities, and perform functions related to procurement and supply including contracting, inspection, storage, issue, property identification and classification, transportation and traffic management, management of public utility services, and repairing and converting. Executive agencies include:

(1) Executive departments. Cabinet departments are defined in 5 U.S.C. § 101 and are listed in Appendix A.

(2) Wholly owned Government corporations. Corporations wholly owned by the Government are defined in 31 U.S.C. § 9101(3). To the extent that GSA has determined that wholly owned Government corporations not defined in 31 U.S.C. § 9101(3) are eligible to use GSA sources of supply and services, such determinations are listed in Appendix A.

(3) Independent establishments in the executive branch of the Government. Independent establishments in the Executive branch are generally defined by 5 U.S.C. § 104. However, it is often necessary to consult specific statutes, legislative histories, and other references to determine whether a particular establishment is within the executive branch. To the extent that GSA has made such determinations, the organizations qualifying under this authority are included in Appendix A.

b. Other Federal agencies, mixed-ownership Government corporations, the District of Columbia, qualified nonprofit agencies for the blind or other severely handicapped individuals for use in making or providing an approved commodity or service to the Government, and state and local governments for certain Federal Supply Schedule purchases. 40 U.S.C. § 502, Services for other entities, authorizes the Administrator to provide access to GSA sources of supply (or limited authorizations in some cases) to these organizations upon request. 40 U.S.C § 602 authorizes the Administrator to furnish GSA Fleet motor vehicles and related services to Federal agencies, mixed-ownership Government corporations, or the District of Columbia.

(1) Other Federal agencies. These are Federal agencies as defined in 40 U.S.C. § 102(5) that are not in the executive branch of the Government, *i.e.*, any establishment in the legislative or judicial branch of the Government. However, the Senate, the House

of Representatives, and the Architect of the Capitol and any activities under his direction are not Federal Agencies for purposes of this definition (see ¶ 7.c below). To the extent that GSA has made such determinations, the organizations qualifying under this authority are listed in Appendix B.

(2) Mixed-ownership Government corporations. These are identified in 31 U.S.C. § 9101(2). To the extent that GSA has determined that mixed-ownership Government corporations not defined in 31 U.S.C. § 9101(2) are eligible to use GSA sources of supply and services, such determinations are listed in Appendix B.

(3) District of Columbia. The Government of the District of Columbia is eligible to use GSA sources of supply and services pursuant to 40 U.S.C. § 502(a)(3) and 40 U.S.C. § 602(c), the latter pertaining to GSA Fleet motor vehicles and related services. The Government of the District of Columbia and those parts thereof that have been determined eligible to use GSA sources of supply and services are listed in Appendix B.

c. The Senate, the House of Representatives, and activities under the direction of the Architect of the Capitol. These organizations are eligible to use GSA sources of supply and services under 40 U.S.C. § 113(d) upon request. To the extent that GSA has made such determinations, the organizations qualifying under this authority are listed in Appendix B.

d. Other organizations authorized under the authority of 40 U.S.C. §§ 501 - 502. GSA has determined that certain organizations, other than those described above, are eligible to use its sources of supply and services under the authority provided to the Administrator by 40 U.S.C. §§ 501 - 502.

(1) Cost-reimbursement contractors (and subcontractors) as properly authorized. Under 40 U.S.C. § 501, the Administrator determined that in order to promote greater economy and efficiency in Government procurement programs, contractors performing cost-reimbursement type contracts or other types of negotiated contracts, when the agency determines that a substantial dollar portion is of a cost-reimbursement nature, may be authorized to use GSA sources of supply. This authorization is reflected in Part 51 of the Federal Acquisition Regulation (FAR), which provides that agencies may authorize certain contractors (generally cost-reimbursement contractors) to use GSA sources of supply. In each case, the written authorization must conform to the requirements of FAR Part 51, Use of Government Sources by Contractors. Contractors are not eligible to obtain GSA City Pair Program contract airfares.

(2) Cost-reimbursement or fixed price contractors' use of GSA Fleet motor vehicles and related services. Subpart 51.2 of the FAR states that, if it is in the Government's interest, a contracting officer may authorize a cost-reimbursement contractor to obtain, for official purposes only, GSA Fleet motor vehicles and related services. The FAR also states that Government contractors shall not be authorized to use GSA Fleet motor vehicles and related services for use in performance of any contract other than a cost-reimbursement contract, except as otherwise specifically

approved by the Administrator at the request of the agency involved. Accordingly, any request for use of GSA Fleet vehicles and related services by other than a cost-reimbursement contractor must be requested by the agency contracting officer and approved by GSA.

(3) Fixed-price contractors (and subcontractors) purchasing security equipment. Under 40 U.S.C. § 501, the Administrator has determined that fixed-price contractors and lower-tier subcontractors who are required to maintain custody of security classified records and information may purchase security equipment from GSA. Procedures for such acquisitions are set forth in 41 CFR 101-26.507.

(4) Non-Federal firefighting organizations cooperating with the U.S. Department of Agriculture, Forest Service. Pursuant to 40 U.S.C. § 501 and 16 U.S.C. § 580a, it has been determined that certain non-Federal firefighting organizations may purchase wildfire suppression equipment and supplies from the Federal Acquisition Service (FAS). The current interagency agreement between GSA and the United States Department of Agriculture, Forest Service that enables purchasing based on these statutory authorities is identified as FAS No. FM-IA-06-002, December 27, 2006. Note: GSA transferred product management and sourcing responsibility to the Defense Logistics Agency in 2014 (i.e., "Fire Program supplies") for approximately 300 National Stock Number products; however, eligible non-Federal firefighting organizations covered by the above-referenced statutes may continue to purchase through GSA for wildfire suppression equipment or supplies still under the Agency's purview.

(5) Tribes and tribal organizations.

(a) The Indian Self-Determination and Education Assistance Act (ISDEAA). As provided in section 102(13) of Pub. L. 103-413 (the Indian Self Determination Act Amendments of 1994), a tribal organization, when carrying out a contract, grant or cooperative agreement under the Indian Self-Determination and Education Assistance Act, is deemed an executive agency for purposes of 40 U.S.C. § 501 (See 25 U.S.C. § 450j(k)). Additionally, each Indian tribe or tribally designated housing entity and each employee of the Indian tribe or tribally designated housing entity shall have access to sources of supply on the same basis as employees of an executive agency. If the self-determination contract contains a provision authorizing interagency motor pool vehicles and related services, as provided in Section 103 of the Indian Self-Determination Act Amendments of 1994, the tribe or tribal organization is eligible to use GSA Fleet motor vehicles and related services, if available (See 25 U.S.C. § 450l). Authorization to use GSA sources of supply under the authority cited in this paragraph does not include purchases for resale unless the contract, grant, cooperative agreement, or funding agreement authorizes such activity. Information on the authority for resale must be provided to GSA, and based on that information, GSA must concur.

(b) The Native American Housing Assistance and Self-Determination Act (NAHASDA). As provided in section 101 of Pub. L. 110-411 (the Native American Housing Assistance and Self-Determination Reauthorization Act of 2008), for purposes

of 40 U.S.C. § 501, each Indian tribe or tribally designated housing entity shall be considered to be an executive agency in carrying out a program, service, or other activity under a block grant pursuant to NAHASDA; and each tribe or tribally designated housing entity shall have access to sources of supply on the same basis as employees of an executive agency (see 25 U.S.C. § 4111 (j)). Authorization to use GSA sources of supply under the authority cited in this paragraph does not include purchases for resale unless the block grant authorizes such activity. Information on the authority for resale must be provided to GSA, and based on that information, GSA must concur.

(6) Use of Certain Federal supply schedules by state and local Governments. State and local governments have access to GSA sources of supply, as detailed below. State or local government, defined at 40 U.S.C. § 502(c)(3), includes any state, local, regional, or tribal government, or any instrumentality thereof (including any local educational agency or institution of higher education). In any case of the use by a state or local government of a Federal Supply Schedule, participation by a firm that sells to the Federal Government through its Federal supply schedule contract shall be voluntary with respect to a sale to the state or local government under that contract.

(a) Cooperative Purchasing. Pursuant to 40 U.S.C. § 502(c), the Administrator may provide for the use by state or local governments of Schedule 70 and Schedule 84 for supplies and services available under those Federal supply schedules.

(b) Disaster Purchasing Program. As provided in 40 U.S.C. § 502(d), the Administrator may provide for the use of Federal Supply Schedules by state or local governments for the purchase of products and services to be used to facilitate recovery from major disasters declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to facilitate disaster preparedness or response, or to facilitate recovery from terrorism, or nuclear, biological, chemical, or radiological attack.

(c) 1122 Program. 10 U.S.C. § 381 allows for the purchase of equipment suitable for counter-drug, homeland security, and emergency response activities through the Department of Defense. GSA maintains the catalog of available products under this program.

(d) Public Health Emergencies. State, local, territorial, and tribal governments may access Federal Supply Schedules as authorized users for goods and services when expending Federal grant funds in response to Public Health Emergencies declared by the Secretary of Health and Human Services under section 319 of the Public Health Services Act, codified at 42 U.S.C. § 247d.

(7) The American National Red Cross. As provided in in section 2 of Pub. L. 111-263, the Federal Supply Schedules Usage Act of 2010, codified at 40 U.S.C. § 502(e), the American National Red Cross in furtherance of its purposes set forth in 36 U.S.C. § 300102 is authorized to access Federal Supply Schedules. Authorization to

use Federal Supply Schedules under the authority cited in this paragraph does not include purchases for resale.

(8) Other Qualified Organizations. Under the Federal Supply Schedules Usage Act of 2010, 40 U.S.C. § 502(e), the Administrator may provide for the use by other qualified organizations, to include the National Voluntary Organizations Active in Disaster (NVOAD), of Federal Supply Schedules. Purchases under this authority by other qualified organizations shall be used in furtherance of purposes determined to be appropriate to facilitate emergency preparedness and disaster relief and set forth in guidance by the Administrator of General Services, in consultation with the Administrator of the Federal Emergency Management Agency. This authority may not be used to purchase supplies for resale. The term "qualified organization" means a relief or disaster assistance organization as described in section 309 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. § 5152).

e. Other statutes. Other statutes authorize specific organizations to use GSA sources of supply and services. The organizations that have had eligibility reviews conducted and that have been determined eligible to use GSA sources of supply are listed in Appendix B or Appendix C, as appropriate. The major categories of such organizations include:

(1) Certain institutions. The following activities are eligible to use GSA sources of supply and services and are listed in Appendix B:

- (a) Howard University (20 U.S.C. § 130)
- (b) Gallaudet College [University] (20 U.S.C. § 4362)
- (c) National Institute for the Deaf (20 U.S.C. § 4362) and
- (d) American Printing House for the Blind (20 U.S.C. § 106).

(2) Governments authorized under 48 U.S.C. § 1469e. As provided in 48 U.S.C. §1469e, the governments of the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands are eligible to use GSA sources of supply and services. These governments are listed in Appendix B.

(3) Entities authorized under the Foreign Assistance Act (FAA). Section 607 of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. § 2357, provides that the President may authorize friendly countries, international organizations, the American Red Cross, and voluntary nonprofit relief agencies to use GSA sources of supply and services when determined consistent with and in furtherance of the international development goals of the FAA. The President delegated his authority to make relevant Section 607 determinations under the FAA to the U.S. Agency for International Development (USAID). Entities determined eligible under this authority are listed in Appendix C. Purchases are limited to those for civilian use only.

(4) Non-appropriated fund activities. FPMR 101-26.000 provides that certain civilian and military commissaries and non-appropriated fund activities may use GSA sources of supply and services for their own use, not for resale, unless otherwise authorized by the individual Federal agency and GSA has concurred.

8. Ineligible activities. Except for the acquisition of excess personal property through sponsoring agencies, which is governed by FMR 102-36.185 - 102-36.205 and not this GSA Order, or in accordance with paragraph 7.d(6)(d) above regarding state and local governments expending Federal grant funds in response to Public Health Emergencies, Federal grantees are ineligible to use GSA sources of supply and services. In addition, a cost-reimbursement contractor cannot transfer procurement authorization to a third party.

9. Travel and transportation.

a. Persons. Organizations seeking to use GSA sources of supply and services for travel-related services and transportation of persons must obtain a separate determination for the requested service(s). This is necessary to determine whether the requesting entity is eligible under the language of the specific contract(s); e.g., travel management services, travel charge card services, and air passenger transportation.

b. Goods. An organization seeking to use GSA sources of supply for transportation of goods pursuant to a contract entered into under the FAR may do so if the requesting entity is eligible under the language of the specific contract(s); e.g., express small package delivery, express heavyweight delivery services. As a general matter, transportation under GSA's tenders of service entered into under 49 U.S.C. § 13712 or similar statutes governing common carriage are limited to transportation for the Federal Government. Thus, an entity that is not part of the Federal Government may not use these tenders of service.

10. Excess, surplus, and forfeited property. The eligibility of organizations to obtain supplies and services through GSA's personal property utilization and disposal programs is not governed by this GSA Order.

11. Determination of eligibility. Organizations other than those covered in the appendices to this GSA Order may be eligible to use GSA sources of supply and services. Organizations requesting an eligibility determination should submit a request by mail to the U.S. General Services Administration, Office of Government-wide Policy, Office of Acquisition Policy (MV), 1800 F St. NW, Suite 2200, Washington, DC 20405, or by email to spe.request@gsa.gov. Include in the request the name and contact number of the entity or organization with applicable supporting documentation and any separate statutory authority that may exist, for GSA's analysis and determination.

Additional organizations, upon an affirmative determination of eligibility, may be posted to the appropriate appendix of the GSA Order on GSA's website at <http://www.gsa.gov/portal/mediaId/176231/fileName/SignedGSADirective480021.action>.

12. Signature.



TROY CRABB
Associate Administrator
Office of Government-wide Policy

Appendix A: Executive Agencies

The following have been determined to be "executive agencies," or parts thereof, for the purpose of using GSA sources of supply and services. This list is not all-inclusive; other agencies may be eligible, and GSA will make an eligibility determination on a case-by-case basis in response to requests received. (See paragraph 11). Listed here are major executive agencies and their components for which inquiries have been received.

Advisory Council on Historic Preservation
Agency for International Development
Agriculture, Department of
Air Force, Department of
American Battle Monuments Commission
Armed Forces Retirement Home
Army Corps of Engineers
Army, Department of
Bonneville Power Administration
Bureau of Land Management
Central Intelligence Agency
Christopher Columbus Fellowship Foundation
Commerce, Department of
Commission on Civil Rights
Commission on Fine Arts
Commodity Credit Corporation
Commodity Futures Trading Commission
Consumer Products Safety Commission
Corporation for National and Community Service
Defense, Department of
Defense agencies and Joint Service Schools
Defense Nuclear Facilities Safety Board
Education, Department of
Energy, Department of
Environmental Protection Agency
Equal Employment Opportunity Commission
Executive Office of the President
Export-Import Bank of the United States
Farm Credit Administration
Federal Communications Commission
Federal Election Commission
Federal Emergency Management Agency
Federal Labor Relations Authority
Federal Maritime Commission
Federal Trade Commission
Forest Service, U.S.
General Services Administration
Government National Mortgage Association

Harry S. Truman Scholarship Foundation
Health and Human Services, Department of
Homeland Security, Department of
Housing and Urban Development, Department of
Interagency Council on the Homelessness
Inter-American Foundation
Interior, Department of the
International Boundary and Water Commission, United States Section
James Madison Memorial Fellowship Foundation
Justice, Department of
John F. Kennedy Center for the Performing Arts
Labor, Department of
Merit Systems Protection Board
Millennium Challenge Corporation
Morris K. Udall Scholarship and Excellence in National Environment Policy Foundation
National Aeronautics and Space Administration
National Archives and Records Administration
National Credit Union Administration (not individual credit unions)
National Council on the Handicapped [National Council on Disability]
National Endowment for the Arts
National Endowment for the Humanities
National Labor Relations Board
National Science Foundation
National Transportation Safety Board
Navy, Department of
Nuclear Regulatory Commission
Nuclear Waste Technical Review Board
Occupational Safety and Health Review Commission
Office of Personnel Management
Office of Special Counsel
Overseas Private Investment Corporation
Peace Corps
Pension Benefit Guaranty Corporation
Postal Regulatory Commission
Presidio Trust, the
Railroad Retirement Board
Securities and Exchange Commission
Selective Service System
Small Business Administration
Smithsonian Institution
Social Security Administration
State, Department of
Tennessee Valley Authority
Trade and Development Agency
Transportation, Department of
Transportation Security Administration

Treasury, Department of
U.S. Arms Control and Disarmament Agency
U.S. Secret Service
U.S. International Trade Commission
U.S. Navy Medical Research Unit
U.S. Postal Service
Veterans Affairs, Department of

Appendix B: Other Eligible Users

The following have been determined to be eligible to use GSA sources of supply and services, in addition to the organizations listed in appendixes A and C. This list is not all-inclusive; other organizations may be eligible to use GSA sources of supply and services. GSA will make an eligibility determination on a case-by-case basis in response to requests received. (See paragraph 11).

Access Board, United States
Administrative Office of the U.S. Courts
American Printing House for the Blind
American National Red Cross
American Samoa, Government of
Architect of the Capitol
Arctic Research Commission, U.S.
Army and Air Force Exchange Service
Chemical Safety and Hazard Investigation Board
Civil Air Patrol
Coast Guard Auxiliary (through the U.S. Coast Guard)
Committee for Purchase From People Who Are Blind or Severely Disabled (operating as U.S. AbilityOne Commission)
Contractors and subcontractors - cost reimbursement (as authorized by the applicable agency's contracting official)
Contractors and subcontractors - fixed price (security equipment only when so authorized by the applicable agency's contracting official)
Courts, District of Columbia
Courts, Federal (not court reporters)
Delaware River Basin Commission
Denali Commission
District of Columbia, Government of
District of Columbia, Public Schools
District of Columbia, Pretrial Services Agency/Public Defenders
Eisenhower Exchange Fellowship
Election Assistance Commission, U.S.
Farm Credit Banks (AgFirst FCB, AgriBank FCB, CoBank ACB, Farm Credit Bank of Texas)
Federal Coordinator for the Alaska Natural Gas Transportation Project
Federal Deposit Insurance Corporation
Federal Financial Institutions Examination Council
Federal Home Loan Banks
Federal Reserve Board of Governors
Firefighters, Non-Federal (as authorized by the Forest Service, U.S. Department of Agriculture)
Gallaudet College [University]
Government Printing Office
Guam, Government of

House of Representatives, U.S.
Howard University (including hospital)
Institute of Peace, U.S.
Japan-United States Friendship Commission
Land Grant Institutions (as cost-reimbursement contractors)
Legal Services Corporation (not its grantees)
Library of Congress
Marine Mammal Commission
Medicare Payment Advisory Commission
National Capital Planning Commission
National Gallery of Art
National Guard Activities (only through U.S. Property and Fiscal Officers)
National Railroad Passenger Corporation (AMTRAK)
National Technical Institute for the Deaf
Navajo and Hopi Indian Relocation, Office of
Neighborhood Reinvestment Corporation
Non-appropriated fund activities (not for resale)
Northern Mariana Islands, Government of the Commonwealth of the
Public Interest Declassification Board
Puerto Rico, Government of the Commonwealth of
Regional Fishery Management Councils, U.S.
St. Elizabeth's Hospital
Senate, U.S.
South Atlantic Fishery Management Council
John C. Stennis Center for Public Service
Susquehanna River Basin Commission
U.S.-China Economic Security Review Commission
Tax Court, U.S.
Vietnam Education Foundation
Virgin Islands, Government of (including Virgin Islands Port Authority)
Washington Metropolitan Area Transit Authority (METRO)

Appendix C: International Organizations and Others Determined Eligible under Section 607 of the Foreign Assistance Act

The following have been determined to be eligible to use GSA sources of supply and services, in addition to the organizations listed in appendixes A and B. This list is not all-inclusive; other entities may also be eligible to use GSA sources of supply and services. In accordance with Section 607 of the Foreign Assistance Act, USAID will make an eligibility determination on a case-by-case basis in response to requests received.

NOTE: Organizations included in this Appendix C have a limited authorization to access GSA sources of supply, namely for purchases consistent with and in furtherance of the international development goals of the Foreign Assistance Act. (See paragraph 7.e.(3)).

African Development Fund
American Red Cross
Asian Development Bank
Counterpart Foundation, Inc.
Customs Cooperation Council
European Space Research Organization
Food and Agriculture Organization of the United Nations
Great Lakes Fishery Commission
Inter-American Defense Board
Inter-American Development Bank
Inter-American Institute of Agriculture Sciences
Inter-American Investment Corporation
Inter-American Statistical Institute
Inter-American Tropical Tuna Commission
Intergovernmental Maritime Consultative Organization
Intergovernmental Committee for European Migration
International Atomic Energy Agency
International Bank of Reconstruction and Development (WORLD BANK)
International Boundary Commission-United States and Canada
International Boundary and Water Commission-United States and Mexico
International Center for Settlement of Investment Disputes
International Civil Aviation Organization
International Coffee Organization
International Cotton Advisory Committee
International Development Association
International Fertilizer Development Center
International Finance Corporation
International Hydrographic Bureau
International Institute for Cotton
International Joint Commission-United States and Canada
International Labor Organization
International Maritime Satellite Organization
International Monetary Fund

International Pacific Halibut Commission
International Pacific Salmon Fisheries Commission-Canada
International Secretariat for Volunteer Services
International Telecommunications Satellite Organization
International Telecommunications Union
International Wheat Council
Iraqi Ministry of Housing and Construction
Lake Ontario Claims Tribunal
Multinational Force and Observers
Multinational Investment Guarantee Agency (MIGA)
North Atlantic Treaty Organization (NATO)
Organization of African Unity
Organization of American States
Organization for Economic Cooperation and Development
Pan American Health Organization
Radio Technical Commission for Aeronautics
South Pacific Commission
United International Bureau for the Protection of Intellectual Property
United Nations
United Nations Educational, Scientific, and Cultural Organization
Universal Postal Union
World Health Organization
World Intellectual Property Organization
World Meteorological Organization
World Tourism Organization