

## 5.1300 **DONATIONS OF EXCESS COMPUTERS AND RESEARCH EQUIPMENT**

### 5.1301 **PURPOSE**

This section sets forth the Department of Commerce (DOC) policy, authority, and procedures for (1) donation of excess DOC-owned research equipment to educational institutions and nonprofit organizations for technical and scientific education and research activities, (2) donation of excess Federal computer equipment to schools and nonprofit institutions under the “Computers for Learning” Program, and (3) donations through various other federal donation programs, giving special consideration to those with the greatest need. Organizations covered by the referenced donation programs include: Hispanic Serving Institutions, Tribal Colleges and Universities, Historic Black Colleges and Universities, and other nonprofit educational programs.

### 5.1302 **POLICY**

- a. DOC will assist the national education goals through the donation of excess DOC-owned research equipment to educational institutions or nonprofit organizations for technical and scientific education and research activities and donation of excess computers to schools under the “Computers for Learning” Program. DOC shall give highest preference to elementary and secondary schools in empowerment zones and enterprise communities or to the recipients of federally funded mathematics and science projects where the equipment would further enhance the progress of the project. All donation transfers shall be made at the lowest cost permitted by law.
- b. Each DOC Bureau Property Management Officer (PMO) is responsible for managing the donation of excess DOC-owned research and computer equipment in accordance with the provisions of subsection 3710 (i) of the Stevenson-Wydler Technology Innovation Act of 1980, as amended (15 U.S.C. 3710 (i)) and Executive Order 12999 “Educational Technology: Ensuring Opportunity for All Children In the Next Century.”
- c. Requests for transfer by DOC Bureaus take precedence over transfers to eligible organizations under the Stevenson-Wydler Technology Innovation Act (41 CFR 43-102). Transfers to eligible organizations under the Stevenson-Wydler Technology Innovation Act and Computers for Learning (Executive Order 12999) may take precedence over all other donations to eligible organizations as addressed in the provisions of section 203 (j) of the Federal Property and Administrative Services Act (40 U.S.C. 483).
- d. DOC will annually report all excess equipment donations to the General Services Administration in accordance with the provisions of section 203 (j) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 483).

- e. In order to ensure that equipment provided under this policy is useful, bureaus shall avoid unnecessary stripping of computer components (such as hard drives).
- f. Within the scope of the Computers for Learning school donation program (Executive Order 12999), software may also be donated, either on diskettes or installed on the hard drive of the computer. The following categories of eligibility exist for software donation:
  - 1. Software may be transferred based on the terms and conditions of the software license agreement.
  - 2. Some software development corporations sponsor software donation programs which permit organizations purchasing upgrades to donate the older versions of upgraded software products to schools and non-profit organizations. By doing so, programs like this enable selected schools to acquire useful copies of software products at no charge. However, the licenses for the software may not be transferable, and as such, the organization may not be eligible for technical support or upgrades. Check with the software vendor or license holder for permission to transfer specific software.
- g. Any issues that may arise in implementing this section shall be referred to the Department Property Management Officer for review and consideration.

#### 5.1303 **AUTHORITY**

- a. This policy is based on the authority for the donation of excess research and computer equipment as contained in the following:
  - 1. Section 11 of the Stevenson-Wydler Technology Innovation Act of 1980, as amended (15 U.S.C. 3710 (i)) states:

“(i) Research Equipment. The Director of a Laboratory, or the head of any Federal Agency or department, may give research equipment that is excess to the needs of the laboratory, agency, or department to an educational institution or nonprofit organization for the conduct of technical and scientific education and research activities. Title of ownership shall transfer with a gift under the section.”
  - 2. Guidelines in support of the National Education Goals (20 U.S.C. 5812) as provided in Executive Order 12999, “Educational Technology: Ensuring Opportunity for All Children in the Next Century,” dated April 17, 1996, or issued by the Coordinating Committee on Education-Related Federal Equipment.
  - 3. Guidelines in support of the education goals for Hispanic Serving Institutions as provided in Executive Order 12900.
  - 4. Guidelines in support of the education goals for Historically Black Colleges and Universities as provided in Executive Order 12876.

5. Guidelines in support of the education goals for Tribal Colleges and Universities as provided in Executive Order 13021.
  6. Basic regulations on the donation of excess federal personal property contained in the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 *et seq.*)
- b. Definitions.
1. “Community-based educational organizations” means nonprofit entities that are engaged in collaborative projects with schools or that have education as their primary focus. Such organizations shall qualify as nonprofit educational institutions or organizations for the purposes of section 203 (j) of the Federal Property and Administrative Services Act of 1949, as amended. (As referenced in Executive Order 12999.)
  2. “Educationally useful Federal equipment” means excess personal computers and related peripheral equipment (e.g., printers, modems, routers, and servers), including telecommunications and research equipment, that are appropriate for use in pre-kindergarten, elementary, middle, or secondary school education. It shall also include computer software, where the transfer of licenses is permitted. (Executive Order 12999.)
  3. “Research equipment” means excess Federal property appropriate for mathematics and science education activities, as defined by and in accordance with the regulations of the agency that owns the research equipment.
  4. “Schools” means individual public or private educational institutions encompassing pre-kindergarten through twelfth grade, as well as public school districts. (Reference Executive Order 12999.)

#### 5.1304 **ELIGIBLE ORGANIZATIONS**

- a. Eligible organizations include schools, nonprofit educational organizations, and community-based educational organizations. Eligible organizations are further defined in Section 5.1305. These eligible organizations may be state, private, parochial, or home schools with state-approved registration. Questions on the eligibility of specific organizations should be referred to the Chief, Personal Property Division, Office of the Secretary for resolution.
- b. Types of Eligible Schools and Non-Profit Educational Organizations:
  1. University
  2. College
  3. School:
    - (a) High School
    - (b) Junior high school or Middle School
    - (c) Elementary school
    - (d) Kindergarten

- (e) Pre-kindergarten or nursery school
- (f) Vocational school
- (g) Apprentice trade school
- (h) Occupational skill center
- (i) School of nursing
- (j) Dental school
- (k) Business school
- (l) Secretarial school
- (m) Professional school
- (n) Training center
- 4. School for the mentally or physically disabled
- 5. Child care or day care center
- 6. Museum
- 7. Library
- 8. Noncommercial educational radio or television station
- 9. Training centers for senior citizens

c. Requirements for Establishing Eligibility:

- 1. IRS ruling of exemption under section 501 of the Internal Revenue Code.
- 2. Proof of accreditation, approval, or licensing by an appropriately recognized authority (e.g., a State board of education or a regional or national accrediting association) when it is a requirement of the applicant's program.
- 3. Conformance to the definition of an educational entity (e.g., school, college, university, etc) as set forth in 41 CFR 101-44.207 (a), (c), and (f).

**5.1305 GENERAL PRIORITY CRITERIA FOR ELIGIBLE ORGANIZATIONS**

The following six categories of eligible organizations shall receive precedence when there are multiple organizations requesting the same personal property. When the personal property requested is appropriate for use at the elementary and secondary school level, the Bureau PMO may give priority to elementary and secondary schools over colleges and universities. However, many factors may be used to determine the most beneficial use for property and the specific eligible activity that should receive the property. Bureaus shall establish a mechanism (e.g., a review committee) to determine which eligible organizations will be offered available equipment. The PMO may request assistance from the Chief, Personal Property Division, Office of the Secretary to resolve competing transfer requests.

- a. Schools and non-profit organizations that are requesting excess personal property as part of an existing or anticipated collaboration with a DOC organization. Examples include the following:

1. Adopt-A-School/Partnership Schools.
  2. Schools in Education Reform Initiatives to Promote Excellence.
- b. Schools with the greatest need such as those in Enterprise Communities and Empowerment Zones. These schools serve the poorest students and lack access to adequate outside resources. These schools include:
1. Schools in economically depressed areas.
  2. Inner city schools.
  3. Rural schools.
- c. Educational organizations that emphasize math, science, or technology. Examples include:
1. Magnet schools
  2. Schools with Federally-funded research and development projects.
- d. Educational Organizations with special significance:
1. Hispanic-Serving Institutions (Reference Executive Order 12900)
  2. Historically Black Colleges and Universities (Reference Executive Order 12876.)
  3. Tribal Colleges and Universities (Reference Executive Order 13021.)
- e. Colleges and Universities with technical emphasis.
- f. State agencies for redistribution to non-profit organizations.

#### 5.1306 **DISSEMINATION OF INFORMATION TO ELIGIBLE ORGANIZATIONS**

- a. When requests for information are received, each Bureau PMO is responsible for providing eligible organizations with information on the donation program and information about the types of property available from the bureau in the organization's local area.
- b. The Bureau PMOs are responsible for ensuring donations are equitably distributed among needy eligible organizations in the community. General priority criteria for eligible organizations are described above in Section 5.1305.

#### 5.1307 **SCREENING OF AVAILABLE EXCESS RESEARCH EQUIPMENT**

- a. The head of each eligible organization must provide a written list (on organization letterhead) of their authorized screeners to the Bureau PMO prior to any screening.
- b. Authorized screeners (possessing appropriate picture identification) must make arrangements with the Bureau PMO or his/her designee to screen available excess equipment. Screening

arrangements shall be at the convenience of the Government. Screeners shall be able to visit the disposal location to review and select any available excess equipment. Selected property must be frozen by notifying the Bureau PMO. The freeze may be registered at any stage of the disposal process, including the Department's 15 day internal screening period; however, DOC Bureaus have precedence over the eligible organizations. (See Sections 5.202, "Interdepartmental Reporting of Excess Personal Property," and 5.1302.c above.)

#### **5.1308 DONATION PROGRAM PROCEDURES USING GSA WEBSITE**

The following procedures shall be used to establish a direct donation program. The program shall be conducted in a fair and equitable manner.

- a. Whenever possible, the Computers for Learning Website shall be used to donate and promote the availability of equipment to eligible organizations. If it is not possible to use the Website, bureaus may use some form of manual or automated record keeping to promote and donate the property similar to the procedure outlined in Section 5.1309 below.
- b. Bureau PMOs control access to the Computers for Learning Website at [www.computers.fed.gov/property/pm1.asp](http://www.computers.fed.gov/property/pm1.asp). The Bureau PMOs will issue registration codes for read-only access, read/write access, supervisory read-only access and supervisory read/write access to their users. The instruction book for use of the website is available online and can be printed from that site.
- c. Schools and non-profit organizations who are interested in participating in the Computers for Learning program can register on the Website at [www.computers.fed.gov](http://www.computers.fed.gov).
- d. The acquiring organization is responsible for removal and shipment of the property from the DOC storage location. DOC will not act as the shipping or billing agent for the acquiring organization. The Computer for Learning Website provides information on a public-private partnership with transportation companies for the transportation of computers ([www.hhgfaa.org/partnership](http://www.hhgfaa.org/partnership)). If it is not possible to use a transportation company through the website, the gaining eligible organization will need to make other arrangements.
- e. Bureaus are responsible for properly packing (boxing or shrink-wrapping) the equipment.
- f. The transfer of title for the research equipment is accomplished at no cost to the acquiring organization through this website. The electronic "Transfer of Title" that is provided through the website must be signed and returned by the acquiring organization.

#### **5.1309 PROCEDURES FOR TRANSFERRING PROPERTY TO ELIGIBLE ORGANIZATIONS IF WEBSITE CANNOT BE USED**

- a. Eligible organizations will submit to the Bureau PMO a completed Standard Form 122, "Transfer Order Excess Personal Property," or CD-50, "Personal Property Control Form," within 14 calendar days from the date the freeze was placed on the property (See Section 5.1307.b above).

Eligible organizations can obtain the SF-122 or CD-50 from the Bureau PMO or at the following websites: CD-50 from [www.doc.gov/OEBAM/catalog.htm](http://www.doc.gov/OEBAM/catalog.htm); SF-122 from [www.fillform.gsa.gov](http://www.fillform.gsa.gov).

- b. The Bureau PMO will provide a copy of the SF-122 to an eligible organization as notice that property has been approved for transfer to their organization by providing a copy of the SF-122 to the acquiring organization. The Bureau PMO will also advise the acquiring organization when the property is available for pickup and removal.
- c. The disposing organization will obtain a “Certification Statement” (see following illustration), signed by an appropriate official from the eligible organization. The certificate will be attached to the disposing organization’s file copy of the completed SF-122 or CD-50.

<p>I hereby certify that the property being obtained by an <input type="checkbox"/> educational institution or <input type="checkbox"/> nonprofit organization will be placed into use at the organization for the conduct of <input type="checkbox"/> technical or <input type="checkbox"/> scientific education or <input type="checkbox"/> research activities.</p> <p>My organization hereby releases the Federal government, DOC, or persons acting on behalf of DOC, from any and all liability of every kind and nature whatsoever (in accordance with state law) resulting from the receipt, shipping, installation, handling, use and maintenance of the property after said property is physically removed from the DOC facility.</p>	
<p>_____</p> <p>_____</p> <p>Name of Organization</p>	<p>_____</p> <p>SF-122 Transfer Order No.</p>
<p>_____</p> <p>_____</p> <p>Printed Name of Official</p>	<p>_____</p> <p>Title</p>
<p>_____</p> <p>_____</p> <p>Signature of Official</p>	<p>_____</p> <p>Date</p>

- d. The Bureau PMO will sign the SF-122 and approve the transfer to the eligible organization.
- e. The acquiring organization is responsible for removal and shipment of the property from the DOC storage location. DOC will not act as the shipping or billing agent for the acquiring organization.
- f. Bureaus are responsible for properly packing (boxing or shrink-wrapping) the equipment.

**5.1310 REPORTING TRANSFERS OF EXCESS RESEARCH EQUIPMENT**

- a. The Computers for Learning Website will automatically compile annual data on transfers under this program. The Bureau PMO will maintain all official files associated with the transfers of excess equipment to eligible organizations.
- b. The Bureau PMO, when unable to use the Computers for Learning Website to transfer computers or scientific equipment directly to schools or nonprofit organizations must compile data on all transfers and submit the data to the Departmental Property Management Officer. All reports will be consolidated for the Annual Report of Personal Property Furnished to Non-Federal Recipients submitted to the General Services Administration.

#### 5.1311 **OTHER TYPES OF PROPERTY**

The Bureau PMO shall forward requests by eligible organizations for any excess property not listed within the definition of research equipment to the Chief, Personal Property Division, Office of the Secretary, for review and approval. The request shall include the name of the requesting organization, the specific property requested, and a specific description of how the requesting organization intends to use the property for the conduct of technical and scientific education, research organizations, or other purposes.