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**MWD**

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

*Baron E. Duff*  
EXECUTIVE SECRETARY

November 23, 1994

To: Board of Directors (Engineering and Operations Committee--Action)

From: General Manager

Subject: Renewal of Eligibility and Designation of MWD Officials and Staff Authorized to Purchase Federal Surplus Personal Property

### Report

Metropolitan, as a public entity, is eligible to participate in the federal surplus personal property program and must periodically reconfirm that eligibility. Pursuant to the program, Metropolitan can inexpensively purchase such property, usually secondhand property, from the California State Agency for Surplus Property (SASP), subject to certain reasonable terms and conditions listed on SASP Form No. 201-A 3/92 (copy attached hereto). For example, the purchases must be made for public purposes, and purchased property must be placed in use within one year of receipt, continued in use for at least one year from the time it is placed in use, and cannot be disposed of during this period without prior approval of federal and state authorities. The purchases are also subject to federal nondiscrimination regulations. Although this last requirement may involve a degree of review of Metropolitan's affairs by the General Services Administration to ensure Metropolitan's compliance, this should not represent an undue burden since Metropolitan is already bound to, and does, comply with similar federal and state regulations.

Since first qualifying for participation in the federal surplus property program, Metropolitan has, from time to time, purchased materials and equipment under this program and staff believes it is in Metropolitan's interest to renew eligibility in the program to make such purchases in the future.

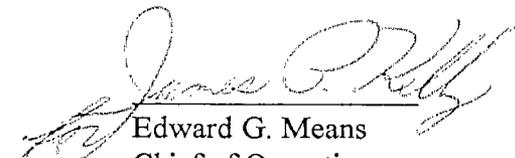
As a precondition to participation in the program, your Board must specify by Resolution those persons authorized to purchase federal surplus property for Metropolitan, pursuant to the terms and conditions specified on SASP Form No. 201-A. In 1986, your Board passed such a resolution. The new SASP Form No. 201-A is in the format of a resolution and has been approved as such by the General Counsel. Staff has completed the form, including the names and titles of Metropolitan's officers and employees we recommend be authorized to make purchases of federal surplus property and, upon approval of your Board and signature of the Board Chairman, it will be submitted to SASP.

Recommendation

It is recommended that your Board adopt the Resolution attached to this letter authorizing the General Manager, Deputy General Managers, the Chief of Operations, the Manager of Purchasing and Stores, and the Principal Buyer to purchase federal surplus personal property as needed.

John R. Wodraska  
General Manager

Submitted by:

  
Edward G. Means  
Chief of Operations

Concur:

  
John R. Wodraska  
General Manager

State of California  
Department of General Services  
State Agency for Surplus Property  
701 Burning Tree Road  
Fullerton, CA 92633 (714) 449-5900

RESOLUTION 8461

ELIGIBILITY RENEWAL APPLICATION  
FEDERAL SURPLUS PROPERTY PROGRAM

Name of organization Metropolitan Water District of Southern Cal. Telephone (213) 217-762  
Address P.O. Box 54153 City Los Angeles County L.A. ZIP 90054

Organization is a:

PUBLIC AGENCY \_\_\_\_\_

NONPROFIT AGENCY \_\_\_\_\_

- \_\_\_\_\_ A. Conservation
- \_\_\_\_\_ B. Economic Development
- \_\_\_\_\_ C. Education
- \_\_\_\_\_ D. Parks and Recreation
- \_\_\_\_\_ E. Public Health
- \_\_\_\_\_ F. Public Safety
- \_\_\_\_\_ G. 2 or more listed
- X \_\_\_\_\_ H. Other (includes library/museums)
- \_\_\_\_\_ I. Homeless Program

- \_\_\_\_\_ J. Private Education
- \_\_\_\_\_ K. Private Health
- \_\_\_\_\_ L. Older Americans Act for Sr. Citizens
- \_\_\_\_\_ M. Homeless Program

NOTE: Categories J-K-L-M  
Number of sites \_\_\_\_\_  
Enrollment or number of clients served \_\_\_\_\_

RESOLUTION

"BE IT RESOLVED by the Governing Board, OR by the Chief Administrative Officer of those organizations which do not have a governing board, and hereby ordered that the official(s) and/or employee(s) whose name(s), title(s), and signature(s) are listed below shall be and is (are) hereby authorized as our representative(s) to acquire federal surplus property from the California State Agency for Surplus Property under the Terms and Conditions listed on the reverse side of this form."

| NAME—(Print or type)         | TITLE                                   | SIGNATURE          |
|------------------------------|---|--------------------|
| <u>John R. Wodraska</u>      | <u>General Manager</u>                  | <u>[Signature]</u> |
| <u>Frederick Wiley Horne</u> | <u>Deputy General Manager</u>           | <u>[Signature]</u> |
| <u>Timothy H. Quinn</u>      | <u>Deputy General Manager</u>           | <u>[Signature]</u> |
| <u>Edward G. Means III</u>   | <u>Chief of Operations</u>              | <u>[Signature]</u> |
| <u>Clarence Simmons</u>      | <u>Manager, Purchasing &amp; Stores</u> | <u>[Signature]</u> |
| <u>James Cullen</u>          | <u>Principal Buyer</u>                  | <u>[Signature]</u> |

PASSED AND ADOPTED this 13th day of December, 1994, by the Governing Board of The Metropolitan Water District of Southern Calif by the following vote:

Ayes: 78219; Noes: 0; Absent: 8936

I, Karen E. Dorff, Exec. Secty. ~~Clerk of the Governing Board of~~ Metropolitan Water District of Southern California do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the Board at a regular meeting thereof held at its regular place of meeting at the date and by the vote above stated, which resolution is on file in the office of the Board.

(Signed) [Signature] OR

AUTHORIZED this 13th day of December, 1994, by:

John R. Wodraska  
Name of Chief Administrative Officer  
(Signed) [Signature]

FOR STATE AGENCY USE

Application approved: \_\_\_\_\_ Application disapproved: \_\_\_\_\_

Comments or additional information: \_\_\_\_\_

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

## TERMS AND CONDITIONS

### (A) THE DONEE CERTIFIES THAT:

(1) It is a public agency; or a nonprofit institution or organization, exempt from taxation under Section 501 of the Internal Revenue Code of 1954; within the meaning of Section 203(j) of the Federal Property and Administrative Services Act of 1949, as amended, and the regulations of the Administrator of General Services.

(2) If a public agency, the property is needed and will be used by the recipient for carrying out or promoting for the residents of a given political area one or more public purposes, or, if a nonprofit tax-exempt institution or organization, the property is needed for and will be used by the recipient for educational or public health purposes, including research for such purpose, or for programs for older individuals. The property is not being acquired for any other use or purpose, or for sale or other distribution; or for permanent use outside the state, except with prior approval of the state agency.

(3) Funds are available to pay all costs and charges incident to donation.

(4) This transaction shall be subject to the nondiscrimination regulations governing the donation of surplus personal property issued under Title VI of the Civil Rights Act of 1964, Title VI, Section 606, of the Federal Property and Administrative Services Act of 1949, as amended, Section 504 of the Rehabilitation Act of 1973, as amended, Title IX of the Education Amendments of 1972, as amended, and Section 303 of the Age Discrimination Act of 1975.

### (B) THE DONEE AGREES TO THE FOLLOWING FEDERAL CONDITIONS:

(1) All items of property shall be placed in use for the purpose(s) for which acquired within one year of receipt and shall be continued in use for such purpose(s) for one year from the date the property was placed in use. In the event the property is not so placed in use, or continued in use, the donee shall immediately notify the state agency and, at the donee's expense, return such property to the state agency, or otherwise make the property available for transfer or other disposal by the state agency, provided the property is still usable as determined by the state agency.

(2) Such special handling or use limitations as are imposed by General Services Administration (GSA) on any item(s) of property listed hereon.

(3) In the event the property is not so used or handled as required by (B)(1) and (2), title and right to the possession of such property shall at the option of GSA revert to the United States of America and upon demand the donee shall release such property to such person as GSA or its designee shall direct.

### (C) THE DONEE AGREES TO THE FOLLOWING CONDITIONS IMPOSED BY THE STATE AGENCY, APPLICABLE TO ITEMS WITH A UNIT ACQUISITION COST OF \$5,000 OR MORE AND PASSENGER MOTOR VEHICLES, REGARDLESS OF ACQUISITION COST, EXCEPT VESSELS 50 FEET OR MORE IN LENGTH AND AIRCRAFT:

(1) The property shall be used only for the purpose(s) for which acquired and for no other purpose(s).

(2) There shall be a period of restriction which will expire after such property has been used for the purpose(s) for which acquired for a period of 18 months from the date the property is placed in use, except for such items of major equipment, listed hereon, on which the state agency designates a further period of restriction.

(3) In the event the property is not so used as required by (C)(1) and (2) and federal restrictions (B)(1) and (2) have expired then title and right to the possession of such property shall at the option of the state agency revert to the State of California and the donee shall release such property to such person as the state agency shall direct.

### (D) THE DONEE AGREES TO THE FOLLOWING TERMS, RESERVATIONS, AND RESTRICTIONS:

(1) From the date it receives the property listed hereon and through the period(s) of time the conditions imposed by (B) and (C) above remain in effect, the donee shall not sell, trade, lease, lend, bail, cannibalize, encumber, or otherwise dispose of such property, or remove it permanently, for use outside the state, without the prior approval of GSA under (B) or the state agency under (C). The proceeds from any sale, trade, lease, loan, bailment, encumbrance, or other disposal of the property, when such action is authorized by GSA or by the state agency, shall be remitted promptly by the donee to GSA or the state agency, as the case may be.

(2) In the event any of the property listed hereon is sold, traded, leased, loaned, bailed, cannibalized, encumbered, or otherwise disposed of by the donee from the date it receives the property through the period(s) of time the conditions imposed by (B) and (C) remain in effect, without the prior approval of GSA or the state agency, the donee, at the option of GSA or the state agency, shall pay to GSA or the state agency, as the case may be, the proceeds of the disposal or the fair market value or the fair rental value of the property at the time of such disposal, as determined by GSA or the state agency.

(3) If at any time, from the date it receives the property through the period(s) of time the conditions imposed by (B) and (C) remain in effect, any of the property listed hereon is no longer suitable, usable, or further needed by the donee for the purpose(s) for which acquired, the donee shall promptly notify the state agency, and shall, as directed by the state agency, return the property to the state agency, release the property to another donee or another state agency or a department or agency of the United States, sell, or otherwise dispose of the property. The proceeds from any sale shall be remitted promptly by the donee to the state agency.

(4) The donee shall make reports to the state agency on the use, condition, and location of the property listed hereon, and on other pertinent matters as may be required from time to time by the state agency.

(5) At the option of the state agency, the donee may abrogate the conditions set forth in (C) and the terms, reservations, and restrictions pertinent thereto in (D) by payment of an amount as determined by the state agency.

### (E) THE DONEE AGREES TO THE FOLLOWING CONDITIONS, APPLICABLE TO ALL ITEMS OF PROPERTY LISTED HEREON:

(1) The property acquired by the donee is on an "as is," "where is" basis, without warranty of any kind.

(2) Where a donee carries insurance against damages to or loss of property due to fire or other hazards and where loss of or damage to donated property with unexpired terms, conditions, reservations, or restrictions occurs, the state agency will be entitled to reimbursement from the donee out of the insurance proceeds, of an amount equal to the unamortized portion of the fair value of the damaged or destroyed donated items.

### (F) TERMS AND CONDITIONS APPLICABLE TO THE DONATION OF AIRCRAFT AND VESSELS (50 FEET OR MORE IN LENGTH) HAVING AN ACQUISITION COST OF \$5,000 OR MORE, REGARDLESS OF THE PURPOSE FOR WHICH ACQUIRED:

The donation shall be subject to the terms, conditions, reservations, and restrictions set forth in the Conditional Transfer, Document executed by the authorized donee representative.