

## Public Law 85-486

July 2, 1958  
[S. 2224]

## AN ACT

To amend the Federal Property and Administrative Services Act of 1949, as amended, regarding advertised and negotiated disposals of surplus property.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 203 (e) of the Federal Property and Administrative Services Act of 1949, as amended, is hereby further amended to read as follows:

Surplus property disposal.  
63 Stat. 385; 70 Stat. 1020.  
40 USC 484.  
Bids.  
Public advertising.

“(e) (1) All disposals or contracts for disposal of surplus property (other than by abandonment, destruction, donation, or through contract brokers) made or authorized by the Administrator shall be made after publicly advertising for bids, under regulations prescribed by the Administrator, except as provided in paragraphs (3) and (5) of this subsection.

## Procedure.

“(2) Whenever public advertising for bids is required under paragraph (1) of this subsection—

“(A) the advertisement for bids shall be made at such time previous to the disposal or contract, through such methods, and on such terms and conditions as shall permit that full and free competition which is consistent with the value and nature of the property involved;

“(B) all bids shall be publicly disclosed at the time and place stated in the advertisement;

“(C) award shall be made with reasonable promptness by notice to the responsible bidder whose bid, conforming to the invitation for bids, will be most advantageous to the Government, price and other factors considered: *Provided*, That all bids may be rejected when it is in the public interest to do so.

## Disposal by negotiation.

“(3) Disposals and contracts for disposal may be negotiated, under regulations prescribed by the Administrator, without regard to paragraphs (1) and (2) of this subsection but subject to obtaining such competition as is feasible under the circumstances, if—

“(A) necessary in the public interest during the period of a national emergency declared by the President or the Congress, with respect to a particular lot or lots of personal property or, for a period not exceeding three months, with respect to a specifically described category or categories of personal property as determined by the Administrator;

“(B) the public health, safety, or national security will thereby be promoted by a particular disposal of personal property;

“(C) public exigency will not admit of the delay incident to advertising certain personal property;

“(D) the personal property involved is of a nature and quantity which, if disposed of under paragraphs (1) and (2) of this subsection, would cause such an impact on an industry or industries as adversely to affect the national economy, and the estimated fair market value of such property and other satisfactory terms of disposal can be obtained by negotiation;

“(E) the estimated fair market value of the property involved does not exceed \$1,000;

“(F) bid prices after advertising therefor are not reasonable (either as to all or some part of the property) or have not been independently arrived at in open competition;

“(G) with respect to real property only, the character or condition of the property or unusual circumstances make it impractical to advertise publicly for competitive bids and the fair market value of the property and other satisfactory terms of disposal can be obtained by negotiation;

“(H) the disposal will be to States, Territories, possessions, political subdivisions thereof, or tax-supported agencies therein, and the estimated fair market value of the property and other satisfactory terms of disposal are obtained by negotiation; or

“(I) otherwise authorized by this Act or other law.

“(4) Disposals and contracts for disposal of surplus real and related personal property through contract realty brokers employed by the Administrator shall be made in the manner followed in similar commercial transactions under such regulations as may be prescribed by the Administrator: *Provided*, That such regulations shall require that wide public notice of availability of the property for disposal be given by the brokers.

Personal prop-  
erty.

“(5) Negotiated sales of personal property at fixed prices may be made by the Administrator either directly or through the use of disposal contractors without regard to the limitations set forth in paragraphs (1) and (2) of this subsection: *Provided*, That such sales shall be publicized to the extent consistent with the value and nature of the property involved, that the prices established shall reflect the estimated fair market value thereof, and that such sales shall be limited to those categories of personal property as to which the Administrator determines that such method of disposal will best serve the interests of the Government.

Negotiated  
sales.  
Fixed prices.

“(6) Except as otherwise provided by this paragraph, an explanatory statement of the circumstances of each disposal by negotiation of any real or personal property having a fair market value in excess of \$1,000 shall be prepared. Each such statement shall be transmitted to the appropriate committees of the Congress in advance of such disposal, and a copy thereof shall be preserved in the files of the executive agency making such disposal. No such statement need be transmitted to any such committee with respect to any disposal of personal property made under paragraph (5) at a fixed price, or to property disposals authorized by any other provision of law to be made without advertising.

Explanatory  
statement.  
Transmittal to  
Congress.

Exception.

“(7) Section 3709, Revised Statutes, as amended (41 U. S. C. 5), shall not apply to disposals or contracts for disposal made under this subsection.”

Nonapplicabil-  
ity.

Approved July 2, 1958.

## Public Law 85-487

### AN ACT

To provide for the reconveyance of certain surplus real property to Newaygo, Michigan.

July 2, 1958  
[H. R. 10009]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Administrator of General Services is hereby directed to convey to the village of Newaygo, Michigan, by quitclaim deed and without monetary consideration therefor all right, title, and interest of the United States in and to that certain parcel comprising approximately seventeen thousand square feet of land in the village of Newaygo, county of Newaygo, State of Michigan, more particularly described in the proceeding in condemnation entitled United States against Certain Land in the Village of Newaygo, County of Newaygo, State of Michigan; and the Village of Newaygo, et al., civil action numbered 125, in the United States District Court in the Western District of Michigan, together with easements for rights-of-way acquired in connection therewith.

Newaygo, Mich.  
Reconveyance.

Approved July 2, 1958.