

EXCESS PERSONAL PROPERTY GUIDANCE

1. Approach

The U.S. Securities and Exchange Commission (SEC) will consider, when practicable and consistent with the Federal Management Regulation (FMR), whether obtaining excess personal property, already owned by the government, can meet the SEC's needs. This guidance sets forth how the SEC will consider obtaining excess personal property and identifies factors for SEC personnel to consider in determining whether to obtain excess personal property from the General Services Administration (GSA) web-based system for facilitating disposal of excess personal property (GSA System), currently Personal Property Management System (PPMS). This guidance must be reviewed at least once every four years to ensure its contents remain relevant and current. This guidance supersedes OCOO.01 dated May 10, 2023.

2. Purpose and Scope

The purpose of this guidance is to provide the framework for when and how the SEC should consider obtaining excess personal property using the GSA System, including when it is practicable to check for and obtain excess personal property and how to evaluate the suitability of excess personal property for meeting the SEC's needs. In setting forth such a framework for practicability and suitability determinations, the SEC has considered that GSA does not currently require that personal property, including IT Property, made available on the GSA System is compliant with other federal requirements, such as supply chain risk management requirements set forth in Executive Order 14028, Improving the Nation's Cybersecurity (May 12, 2021), and OMB M-22-18, Enhancing the Security of the Software Supply Chain through Secure Software Development Practices (Sept. 14, 2022).

GSA leaves the responsibility to each agency to determine, among other things, that excess IT Property made available on the GSA System is wiped, virus-free, properly configured, and otherwise compliant with other federal legal requirements and directives.

3. Applicability

This guidance applies to all SEC divisions and offices and all SEC employees, interns, and anyone else responsible for acquiring SEC personal property, whether through a Government Purchase Card or other vehicle. This guidance applies to SEC personal property, including IT Property, as well as Furniture, Fixtures, and Equipment (FF&E). The requirement to

check for and obtain excess personal property using the GSA System does not apply to purchases below the Federal Acquisition Regulation (FAR) micro-purchase threshold in Part 13 (currently, \$10,000), but this guidance does not prohibit the SEC from obtaining excess personal property where the acquisition would be below the FAR micro-purchase threshold. Pursuant to FAR 8.002, this guidance only applies after the SEC has determined the requirements cannot be satisfied using existing SEC inventory.

4. Definitions

4.1. Contracting Officer Representative (COR): An employee of a program office at the SEC with technical knowledge and understanding to carry out the terms of the specified contract. A COR is appointed by a Contracting Officer to monitor complex technical requirements and oversee the day-to-day contract administration aspects of a specified contract.

4.2. Furniture, Fixtures, and Equipment (FF&E): Industry term broadly encompassing items that are not permanently affixed as part of a building or site, which includes but is not limited to appliances, fine art, furnishings, furniture, security screening equipment, and office supplies.

4.3. Government Purchase Card (GPC): An internationally accepted MasterCard or Visa that may be used, with the appropriate delegation of authority, to purchase supplies and services for official Government business valued at or below the micro-purchase threshold; procure commercial training up to \$25,000 using the SF182 (Authorization, Agreement and Certification of Training) or equivalent form; and make payments when the merchant agrees to accept the card as the method of payment for other contracts and agreements.

4.4. GSA Excess Personal Property: Any personal property that an agency other than the SEC has determined is not required for its needs or for the discharge of its responsibilities and is listed on the GSA System.

4.5. Personal Property Management System (PPMS): The current GSA web-based system for facilitating disposal of excess personal property.

4.6. IT Property (also known as IT Assets): Information Technology personal property which is accountable, capital, administratively controlled, or sensitive property and equipment, which includes, but is not limited to, desktop computers, laptop computers, certain monitors, printers, scanners, fax machines, copy systems, external CD/DVD reader/writers and hard drives, handheld devices, cell phones, security tokens, audio visual equipment, concentrators, servers, racks, firewall devices, hubs, switches, mass storage units, modems, uninterruptible power supplies, routers, wireless devices, software, and other nonexpendable peripherals or devices.

4.7. Personal Property: All government property including FF&E, IT Property, and supplies, except real property and government records. This includes items of a nonexpendable and expendable nature as well as intangible property.

4.8. Property Accountability Officers (PAOs): Branch Chief-level staff who serve as the primary on-site individuals responsible for ensuring accountability of accountable, capital and sensitive assets at the organizational level. PAOs are appointed for Headquarters organizations, Regional Offices and Data Centers and are formally appointed by the Assistant Director, Assistant Regional Director for Operations, Office Head or Director for the applicable designated area. When no Branch Chief is available, at the discretion of the Office Director, Assistant Director or Office Head, the Administrative Officer or other nonsupervisory employee outside of the bargaining unit may serve as the PAO.

4.9. Requisitioner: The SEC employee who submits a requisition for services, FF&E, hardware, or software through a new or existing contract or agreement.

5. Procedures

5.1. Checking, When Practicable, for GSA Excess Personal Property and Issuing Notifications

5.1.1. The Office of Information Technology (OIT) Asset Management Branch (AMB) will periodically check, when practicable, and at least quarterly, with GSA and/or the GSA System for a listing of available IT Property, except for software. In addition, OIT PAOs, OIT CORs, and OIT Requisitioners may check the GSA System where practicable prior to purchasing IT Property, except for software. These checks will be documented.

5.1.2. OIT Enterprise Architecture Branch (EAB) will periodically check, when practicable, and at least quarterly, with GSA and/or the GSA System for a listing of available software. These checks will be documented.

5.1.3. If there is any available excess IT Property identified through the GSA System, except for software, AMB will notify the applicable OIT PAOs, OIT CORs, and OIT Requisitioners if AMB performs the check. If the OIT PAOs, OIT CORs, and OIT Requisitioners perform the check, by definition they are already notified.

5.1.4. The applicable OIT PAOs, OIT CORs, and/or OIT Requisitioners will determine the practicability of checking for and obtaining the IT Property, except for software, giving consideration to, among other things, the factors detailed in Section 5.2. The presence or absence of any or all factors discussed in Section 5.2 does not necessarily require the SEC to check for or obtain any particular excess personal property.

5.1.5. The applicable OIT PAOs, OIT CORs, and/or OIT Requisitioners will determine the suitability of the IT Property, except for software, for SEC use, giving consideration

to, among other things, the factors detailed in Section 5.3. The presence or absence of any or all factors discussed in Section 5.3 does not necessarily require the SEC to obtain any particular excess personal property.

5.1.6. EAB will determine the practicability of checking for and obtaining software for SEC use, giving consideration to, among other things, the factors detailed in Section 5.2. The presence or absence of any or all factors discussed in Section 5.2 does not necessarily require the SEC to check for or obtain any particular excess software.

5.1.7. EAB will determine the suitability of software for SEC use, giving consideration to, among other things, the factors detailed in Section 5.3. The presence or absence of any or all factors discussed in Section 5.3 does not necessarily require the SEC to obtain any particular excess software.

5.1.8. After Office of Support Operations (OSO) personnel responsible for acquiring FF&E have made a determination that requirements for a purchase of FF&E of more than the FAR micro-purchase threshold cannot be satisfied using current SEC inventory, such personnel must consider obtaining excess FF&E from the GSA System when it is practicable to check for and obtain such property and the excess personal property is suitable for meeting the SEC's needs. Responsible personnel may proceed with the new acquisition if it would not be practicable to search for or obtain the FF&E or if the FF&E listed on GSA's website is not suitable for the need identified. Practicability and suitability determinations are made by applying the factors discussed in Sections 5.2 and 5.3 to the specific facts and circumstances presented by the requirement for FF&E. The presence or absence of any and all factors listed in Section 5.2 or 5.3 does not necessarily require OSO to obtain any particular excess FF&E. A determination of suitability is only required after it is determined that it would be practicable to search for and obtain FF&E of the type required via the GSA System. The responsible OSO personnel document their consideration of obtaining excess FF&E from the GSA System.

5.2. Practicability to Check for and Obtain GSA Excess Personal Property

5.2.1. As applicable, the EAB, OIT PAOs, OIT CORs, OIT Requisitioners, or the OSO personnel responsible for acquiring FF&E will consider the following, non-exclusive list of factors in determining the practicability of checking for and obtaining such property from GSA:

5.2.1.1. The property's listing or absence from OIT-approved software, hardware, or services lists;

5.2.1.2. Any risks posed by property type to personnel, IT systems, equipment, hardware, physical security, and other property;

5.2.1.3. Ability to comply with legal requirements and directives, including those for supply chain, zero trust, and other security matters (*e.g.*, Federal Information Security Modernization Act, Executive Order 14028, OMB Memorandum M-22-18);

5.2.1.4. Importance of having a warranty on the purchase or other assurance as to the integrity and security of the property acquired;

5.2.1.5. Cost of disassembling, transporting, reassembling, conserving, restoring, safeguarding, refurbishing, and installing (including ensuring IT Property is wiped, virus free, properly configured, and compliant with applicable agency and federal standards) the property type does not exceed the cost of purchasing and maintaining new property of this type;

5.2.1.6. The savings associated with avoiding a new acquisition for property of this type justifies staff time involved in checking for and obtaining the type of personal property and determining with reasonable certainty that it can be incorporated into project requirements without sacrificing mission, quality, utility, or schedule;

5.2.1.7. Urgency of the need and frequency of the purchase; and

5.2.1.8. Quantity needed and requirement to match the personal property in the future as additional quantities are required.

5.3. Suitability of GSA Excess Personal Property

5.3.1. As applicable, the EAB, OIT PAOs, OIT CORs, OIT Requisitioners, or the OSO personnel responsible for acquiring FF&E will consider the following, non-exclusive list of factors in determining the suitability of GSA Excess Personal Property for SEC use, including whether it would be more advantageous than purchasing new property:

5.3.1.1. Sufficiency of information provided on the GSA System to determine suitability, to include condition, location, age and useful life, quantity, durability, and obsolescence;

5.3.1.2. The property's listing or absence from OIT-approved software, hardware, or services lists;

5.3.1.3. Whether the property poses any risks to personnel, IT systems, equipment, hardware, physical security, and other property;

5.3.1.4. Ability to comply with legal requirements and directives, including those for supply chain, zero trust, and other security matters (*e.g.*, Federal Information Security Modernization Act, Executive Order 14028, OMB Memorandum M-22-18);

5.3.1.5. The availability of a warranty or other assurance as to the integrity and security of the property over the duration of the requirement;

5.3.1.6. Whether sources of spare parts and repair services are readily accessible; and

5.3.1.7. Whether the property meets the SEC's requirements (or is suitable for adaptation or substitution), including with respect to condition, location, age and useful life, quantity, durability, and obsolescence as well as the need for standardization.

6. Authority

- 40 U.S.C. § 524
- Federal Acquisition Regulation, Part 8, 48 C.F.R., ch. 1, subch. B, pt. 8
- Federal Acquisition Regulation, Part 13, 48 C.F.R., ch. 1, subch. C, pt. 13
- Federal Management Regulation, 41 C.F.R., ch. 102
- Executive Order 14028, Improving the Nation's Cybersecurity (May 12, 2021)
- OMB M-22-18, Enhancing the Security of the Software Supply Chain through Secure Software Development Practices (Sept. 14, 2022)

7. Roles and Responsibilities

7.1. For IT Property, except for software, Chief, AMB, or designee(s) shall:

7.1.1. Periodically check the GSA System, at least quarterly, to provide ongoing information to OIT PAOs, OIT CORs, and OIT Requisitioners who may be considering IT purchases throughout the year, as well as document the check.

7.1.2. Establish, implement, and report on procedures for staff to conduct searches within the GSA System for excess IT Property that may meet the SEC's specific needs and requirements on a periodic basis.

7.1.3. Regularly check current SEC inventory for available IT Property.

7.2. For software, Chief, EAB, or designee(s) shall:

7.2.1. Periodically check, when practicable and at least quarterly, with GSA and/or the GSA System for a listing of software and apply the factors in Section 5 of this guidance in considering the practicability and suitability of obtaining excess software from GSA, as well as document the check.

7.2.2. Establish, implement, and report on procedures for staff to periodically conduct searches within the GSA System for software that may meet the SEC's specific needs and requirements.

7.2.3. Periodically check current SEC inventory for available software.

7.3. OIT PAO, OIT COR, and OIT Requisitioner or designee(s) shall:

7.3.1. Periodically check the GSA System, at least quarterly, and document the check.

7.3.2. Coordinate with the AMB Chief or designee(s) to apply the factors in Section 5 of this guidance in considering the practicability and suitability of obtaining excess IT Property, except for software, from GSA, when provided with a list of GSA Excess Personal Property.

7.4. Within OSO, the Fixed Asset Module (FAM) Lead Property Specialist; CORs; PAOs; Fine Arts Specialist; and Office Supply Program Manager are primarily responsible for conducting and documenting the practicability and suitability determinations set forth in this guidance.

8. Effective Date

This guidance is effective upon date of signature.

Approved by:

Kenneth A. Johnson
Chief Operating Officer