

SECTION 1 - GENERAL

ITEM 1-1 SCOPE OF THE TENDER OF SERVICE (TOS):

A. CONSIST OF THE GSA STANDARD TENDER OF SERVICE (STOS):

- Part 1 The GSA General Freight Tender of Service No. 1-F (GSA TOS No. 1-F);
- Part 2 The GSA National Rules Tender No. 100-D (GSA No. 100-D); and
- Part 3 The GSA Baseline Rate Publication No. 1000-D (GSA No. 1000-D).

B. GENERAL: Hereinafter, GSA or the other Government agencies participating in the TOS will be referred to as participating agencies. Agencies not participating in the TOS will be referred to as non-participating agencies. The term "agency" will refer to both participating and non-participating agencies. This TOS provides terms and conditions for the transportation and all related services within CONUS for GSA or the other Government agencies participating in the TOS. This TOS is applicable to all tenders filed with the TOS participating agencies.

Carriers will not be required to furnish the services for the items specified in Item 60 Specialized Services Of The GSA National Rules Tender No. 100-D (GSA No. 100-D), unless provided in their tender.

C. DESCRIPTION OF FREIGHT: The property to be moved under this TOS consists of a variety of commodities to be used by Government agencies or authorized contractors for the Government and will be generally described as freight-all-kinds (FAK) except Class A and B explosives, hazardous wastes, and radioactive articles requiring a hazardous material label. It is further required that all carriers participating in the TOS possess the required insurance and authority to transport hazardous materials other than those restricted herein.

D. CARRIER LIABILITY: Notwithstanding any provision of 41 CFR part **102-117** and 102-118, **cargo** transported under provisions of this TOS shall be valued at full value **unless otherwise stated on the document that constitutes the contract of carriage. However, the shipper should provide the actual value of the shipment on the document that constitutes the contract of carriage between the shipper and carrier (also known as the Transportation Service Provider (TSP)) to ensure full value protection is provided. To avoid the risk of loss and damage claims, shippers should also describe the cargo on the document that constitutes the contract of carriage. Full value is stated in dollars and is considered the actual value of the cargo for reimbursement purposes.**

(Item 1-1.D. revised (see bold) on August 2, 2004)

E. FREIGHT EXCLUDED: Excluded from the scope of this TOS are shipments that can be more advantageously or economically moved via parcel post or small package carrier; shipments of Class A and Class B explosives; hazardous wastes; radioactive articles requiring a hazardous material label; uncrated used household goods; shipments that the Government may elect to move in Government vehicles; and freight subject to specific agency programs or contracts, (e.g. Guaranteed Freight Programs or local drayage contracts.)

F. HAZARDOUS MATERIAL AUTHORITY: Any Government agency shipping hazardous materials requires carriers participating in this STOS to maintain a "satisfactory" safety rating from the Department of Transportation (DOT). If a carrier receives a "conditional" or "unsatisfactory" safety rating from DOT, the carrier will be placed in nonuse status until documentary evidence is furnished to the office placing the carrier in nonuse that such rating has been upgraded by DOT to "satisfactory".

ITEM 1-2 PARTICIPATING GOVERNMENT AGENCIES:

A. **General:** Participating agencies include GSA's Federal Supply Service and those agencies identified in the applicable Request for Offers (RFO) distributed by the Freight Program Management Office (6FBD-X), Kansas City, MO or another GSA Travel and Transportation Management Zone Office.

B. **Rights of Participating Agencies:**

1. Participating agencies are entitled to issue their own RFOs referencing the terms and conditions of the GSA Tender of Service No. 1-F, the GSA National Rules Tender No. 100-D, and the GSA Baseline Rate Publication No. 1000-D, supplements thereto and reissues thereof; and

2. Participating agencies are entitled to accept rate offers submitted by those carriers approved in accordance with Item 2-2 which reference the terms and conditions of the GSA Tender of Service No. 1-F, the GSA National Rules Tender No. 100-D, and the GSA Baseline Rate Publication No. 1000-D, supplements thereto and reissues thereof.

ITEM 1-3 NON-PARTICIPATING AGENCIES: Any reference to any part of the STOS with regards to the solicitation of rate offers or the acceptance of a rate offer based on the GSA Tender of Service NO. 1-F, the GSA National Rules Tender No. 100-D, or the GSA Baseline Rate Publication No. 1000-D, supplements thereto and reissues thereof, by a non-participating agency (an agency not meeting the requirements of a participating agency identified in Item 1-2.A., above) is prohibited. *TSPs are not authorized to reference or use any GSA STOS language to sell their transportation services to non-participating agencies. In the event that this has been shown to occur, either agencies or TSPs will be resultantly liable for the Industrial Funding Fee (IFF) owed to GSA. The IFF reimburses GSA for procurement and administrative costs incurred to operate the GSA Freight Management Program.*

(Item 1-3 revised (see italicized) on August 31, 2004)

(Item 1-3 revised (see bold) on August 2, 2004)

ITEM 1-4 REVISING TOS PROVISIONS AND METHOD OF CANCELING ORIGINAL OR REVISED PAGES: This TOS will be revised by the Freight Program Management Office (6FBD-X), Kansas City, MO, through publication of the changes on GSA's WorldWide Web Page (<http://www.gsa.gov>), the issuance of page revisions (original or revised), or the reissuance of the document on an "as needed" basis.

A. TOS Page Revisions: Reserved

B. Reissuing the TOS: Reserved.

(Item 1-4 revised (see bold) on August 2, 2004)

ITEM 1-5 UNINTENTIONALLY ACCEPTED TENDER RULE: Tenders that are unintentionally accepted and distributed for use, which are later found not to be in compliance with the TOS, are subject to immediate removal by the tender accepting agency. The carrier will be notified when tenders are removed under these circumstances and will be advised the basis for their removal. Even though a tender was unintentionally accepted, such tender may be used until it is canceled by the carrier.

ITEM 1-6 LAWFUL PERFORMANCE, OPERATING AUTHORITY, AND INSURANCE. All service shall be performed in accordance with applicable Federal, State, and local laws and regulations. Common motor carriers or brokers, freight forwarders, rail carriers, shippers agents, or shippers associations shall possess the required carrier or **Surface Transportation Board (STB)** broker operating authority and maintain cargo as well as public liability insurance as required by Federal, State, and local regulatory agencies.

(Item 1-6 revised (see bold) on August 2, 2004)

ITEM 1-7 ACCEPTANCE OF THE TOS. The acceptance of this TOS is a prerequisite for any motor common carrier, broker, freight forwarder, rail carrier, shippers agent, or shippers association desiring to be considered for the transportation of Government property shipped by a participating agency.

The terms and conditions in this TOS are applicable to all interlining carriers.

Any reference to carriers in this TOS, unless otherwise stated, also applies to motor common carriers, brokers licensed to transport general commodity freight, freight forwarders, rail carriers, shippers agents, or shippers associations. The conditions of the TOS are in addition to all service provisions of any applicable tender or tariff (including the GSA National Rules Tender No. 100-D) under which a shipment may be routed, except where these conditions may be in conflict with applicable Federal, State, and local laws and regulations.

If a conflict exists between the provisions of the TOS and the provisions named in the GSA National Rules Tender No. 100-D, the provisions of this TOS will apply.

The acceptance of the GSA TOS by a carrier shall be accomplished as specified in SECTION 2 of this document.

ITEM 1-8 BASIS FOR DETERMINING APPLICABLE DISTANCE: Unless otherwise authorized or such as provided for in ITEM 180 Circuitous Routing Of Hazardous Material Shipments in the GSA No. 100-D, all tenders shall be predicated on the shortest route distance determined from the applicable ALK Technologies, Inc 5-digit Zip Code automated mileage system, regardless of the distance actually traveled by the carrier.

ITEM 1-9 METRIC CONVERSION: The weights and measurements expressed in this STOS are being changed to indicate both metric measurements.

Please see Section 11 for the Metric Conversion Table.

ITEM 1-10 APPLICATION OF THE TERMS AND CONDITIONS OF THE **BILL OF LADING (BL)**: **All Government shipments handled pursuant to this Standard Tender of Service (STOS) will be subject to the terms/conditions contained in 41 CFR §§ 102-117 and 102-118 and the U.S. Government Freight Transportation Handbook. BLs for any such shipments must contain the statement "This is a U.S. Government shipment."**

(Item 1-10 revised (see bold) on August 2, 2004)