

Rec'd NCO 19 JUN 79 14

REQUEST FOR RECORDS DISPOSITION AUTHORITY  
(See Instructions on reverse)

LEAVE BLANK	
JOB NO	NC1-269-79-1
DATE RECEIVED	June 22, 1979
NOTIFICATION TO AGENCY	
In accordance with the provisions of 44 U.S.C. 3303a the disposal request, including amendments, is approved except for items that may be stamped "disposal not approved" or "withdrawn" in column 10	
2-25-81 Date	<i>[Signature]</i> Archivist of the United States

TO GENERAL SERVICES ADMINISTRATION,  
NATIONAL ARCHIVES AND RECORDS SERVICE, WASHINGTON, DC 20408

1 FROM (AGENCY OR ESTABLISHMENT)  
General Services Administration

2 MAJOR SUBDIVISION  
Office of General Counsel

3 MINOR SUBDIVISION

4. NAME OF PERSON WITH WHOM TO CONFER  
Raymond Hershberger

5 TEL EXT  
566-0673

6 CERTIFICATE OF AGENCY REPRESENTATIVE

I hereby certify that I am authorized to act for this agency in matters pertaining to the disposal of the agency's records; that the records proposed for disposal in this Request of 8 page(s) are not now needed for the business of this agency or will not be needed after the retention periods specified.

A Request for immediate disposal.

B Request for disposal after a specified period of time or request for permanent retention.

C DATE 6/18/79	D SIGNATURE OF AGENCY REPRESENTATIVE <i>Michael G. Barbour</i> Michael G. Barbour	E TITLE Chief, Records Management Branch (ARAE)
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7 ITEM NO	8 DESCRIPTION OF ITEM (With Inclusive Dates or Retention Periods)	9 SAMPLE OR JOB NO	10 ACTION TAKEN
	<p><u>Legal Services Program Records</u></p> <p>Files descriptions and requested disposition authorizations are contained in the attached proposed chapter to the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).</p> <p>Appendix 21-A. Proposed changes to the schedules that were approved on Dec. 12, 1968 and May, 21, 1973.</p>	<p>NN168-92 (68)</p> <p>NN172-223 (73)</p>	

27 LEVINS

Closed out: 3-11-81: K.T.J.  
Copy sent to All FRCs, NNF & NNB, Agency

This appendix describes legal services program records. Legal services program records are accumulated as a result of providing legal counsel, advice, suggestions, and assistance to services and staff offices to assist them in accomplishing their missions and program responsibilities. These records are created in carrying out functions assigned in the GSA Organization Manual (OFA P 5440.1), authority delegated in the GSA Delegations of Authority Manual (ADM P 5450.39A), and pursuant to provisions of orders and handbooks in the 5000 subject classification series. This appendix is not applicable to documents accumulated by offices receiving legal services. Documents of this type should be identified with, and filed in the particular case file for, the contract, project, inquiry, or transaction to which the legal service pertains.

21A1. General legal subjects. Correspondence, memoranda, and documents relating to general legal services which, because of their nature, cannot logically be filed in one of the specific categories described in this appendix.

Cut off annually, hold 3 years, and retire. Destroy ~~after 3 additional years.~~ *when 6 years old.*

21A2 - 21A4. Reserved.

21A5. Pending action reports. Documents used in reporting the status of all pending claims, disputes, litigation, and similar matters being handled in the Office of General Counsel and in each Office of Regional Counsel. Included are reports on GSA Board of Contract Appeals cases; claims and other adversary submissions to the General Counsel or the Comptroller General; Court of Claims cases; referrals to the Department of Justice, including local U.S. Attorneys; and Federal and State court cases.

Cut off annually, ~~hold 1 year, and~~ destroy *when 1 year old.*

21A6 - 21A9. Reserved.

21A10. Legislation and regulations. Documents accumulated in preparing, reviewing, and commenting on, and providing legal advice and assistance on proposed and enacted legislation; regulations for publication in the Federal Register and Code of Federal Regulations; and changes and additions to Federal Procurement Regulations, Federal Property Management Regulations, General Services Administration Procurement Regulations, and General Services Administration Property Management Regulations. Included are comments, interpretations, notes, drafts, and similar records. Excluded are formal (numbered) opinions of the General Counsel which are described elsewhere in this appendix, and record copies of documents which are to be included in official directives case files.

~~a. Documents relating to enacted legislation regulations:  
Cut off annually, hold 2 years, and retire. Destroy after 98 additional years.~~

~~b. Documents relating to pending legislation regulations:  
Cut off annually, hold 2 years, and retire. Destroy after 3 additional years.~~ *when 5 years old.*

*RWC  
11/19/80  
per telecon  
w/ R. Herschler  
of GSA.*

*BA 1-26-81*

Note.--This file category will be used in offices responsible for providing legal services, instead of those file categories in ch. 9 of this handbook which describe similar records.

*Rev 11/9/80  
Ref 1/26/81* 21A11 - 21A14. Reserved.

~~21A15. Opinion digests. Cards or other index documents reflecting title, brief, date, and file location of each opinion rendered by the General Counsel.~~

~~Retain in the current file area until no longer needed for reference then retire. Destroy after 100 years from date of origin.~~

WITH-DRAWN

*Rev 11/7/80  
Ref 1/26/81* ~~21A16 - 21A19. Reserved.~~

~~21A20. Formal opinions. Documents created in researching and providing legal opinions and correspondence on statutes, regulations, orders, contractual provisions, and other matters affecting the activities of GSA. Included are requests for opinions, background material and citations used in preparation of opinions, copies of the opinions (numbered) rendered, and related records. Excluded are basic, nonbasic, and memorandum opinions which are filed with the related case file for the project, inquiry, case, or other action to which the informal opinion pertains.~~

~~Retain in current file area until no longer needed for reference, then retire. Destroy after 100 years from date of origin.~~

WITH-DRAWN

*Rev 11/7/80  
Ref 1/26/81* ~~21A21 - 21A24. Reserved.~~

21A25. Potential legal cases. Documents relating to accidents, incidents, contracts, actions, or other matters which, although not in controversy, may result in litigation, suit, claim, appeal, or other proceeding. When litigation, suit, claim, appeal or other proceeding arises in connection with a particular matter contained in this file, the pertinent documents will be withdrawn and filed in the case file for the litigation, claim, appeal, or other proceeding.

Cut off annually, hold 2 years, and retire. Destroy ~~after 4 additional years~~ when 6 years old.

21A26 - 21A29. Reserved.

21A30. Precedent and legal documents. Model copies of contracts, leases, easements, letters of intent, contract clauses, mortgages, deeds, and other legal documents; background material and citations noted in preparation of such documents, the record copies of those documents which are included in the appropriate official project or case files; and similar records accumulated for reference purposes.

Destroy after purpose has been served.

21A31 - 21A34. Reserved.

21A35. Appeal cases. Documents accumulated as a result of representing GSA in hearings before the GSA Board of Contract Appeals on contractor appeals of decisions of contracting officers and officials. Included are copies of decisions, opinions, or reports made by the Board; statements of fact; briefs; supplementary decisions or amendments; and related records. Excluded are the official case files of the GSA Board of Contract Appeals; these are described elsewhere in this handbook.

Cut off annually following decision on the appeal by the Board, hold 2 years, and retire. Destroy ~~after 5 additional years~~ *when 7 years old.*

21A36. Protests to Comptroller General. Documents relating to bidder and contractor protests to the Comptroller General on solicitations issued or contracts entered into by GSA. Included are General Accounting Office requests for reports on the protests, administrative reports, and related records.

a. Litigation pending: Cut off annually, ~~hold for 6 years old~~ *destroy when* ~~or when years or until~~ the litigation has terminated, whichever is later, ~~then destroy.~~

b. No litigation pending: Cut off annually, ~~hold for 7 years old.~~ *destroy when* ~~years, and destroy.~~

21A37 - 21A39. Reserved.

21A40. Claim cases. Documents relating to claims by or against the Government resulting from personal injury, property damage, abandoned or unclaimed property, acquisition and disposal of personal and real property, delinquent accounts, and other business transactions of GSA.

OAD P 1820.2 CHGE

Excluded are documents relating to claims resulting in litigation; these are filed in the appropriate litigation file.

- a. Settled claims. Cut off annually following settlement, hold 2 years, and retire. Destroy ~~after 4 additional years.~~ *when 6 years old.*
- b. Disallowed claims: Cut off annually following disallowance, hold 2 years, and retire. Destroy ~~after 5 additional years.~~ *when 7 years old.*
- c. Delinquent accounts: Cut off annually following settlement of account, ~~hold 1 year, and~~ destroy *when 1 year old.*

21A41 - 21A44. Reserved.

21A45. Freedom of information files. Documents accumulated in providing legal advice and assistance on implementation of the "Freedom of Information Act" (5 U.S.C. 552). Included are requests for information, interpretations, copies of letters denying access to requested information, and similar records. Excluded are documents relating to court actions filed to gain access to GSA information; these are filed in the appropriate litigation file.

Cut off annually, hold 3 years, and retire. Destroy ~~after 3 additional years.~~ *when 6 years old.*

21A46 - 21A49. Reserved.

21A50. Legal assistance files. Documents accumulated in providing legal advice and counsel to officials of GSA; Presidential Commissions, Committees, and Libraries; and other Federal agencies to assist them in accomplishing their missions and program responsibilities. Excluded are documents relating to actions, claims, cases, and formal (numbered) opinions which are identifiable with specific file categories described elsewhere in this appendix.

Cut off annually, hold 3 years, and retire. Destroy ~~after 3 additional years.~~ *when 6 years old.*

21A51 - 21A54. Reserved.

21A55. Litigation files. Documents relating to litigation by or against the Government resulting from sales, claims, torts, contracts, foreclosures, actions against GSA officials (personal judgments), criminal actions, titles to real property, and similar matters. Included

Appendix 21-A

are statements of claims, documentary evidence, copies of condemnation or foreclosure proceedings and decisions, list of witnesses, supporting documents, correspondence, and related records.

Cut off annually following closing of case by authority of the General Counsel or disposition by court action:

*NOTE 1/26/81  
see memo to  
Director, NCD dated  
11/18/80  
BJH 1/26/81*

- a. Cases designated as significant by the General Counsel: **PERMANENT.**  
Hold 2 years and retire. ~~Destroy after 90 additional~~ *Transfer to*  
~~years~~ *NARS in 5-year blocks when 7 years old.*
- b. Other cases: Hold 2 years and retire. ~~Destroy after~~  
*5 additional years when 7 years old.*

*[Annual accumulation: less than 1 cu.ft. <sup>4 gal.</sup> on hand: 1 cu.ft.]*

Note.--Original documents relating to title to real property and legislative jurisdiction will be withdrawn and forwarded to PBS for inclusion in their 40A60, Title document files.

21A56 - 21A59. Reserved.

21A60. Mistake in bid cases. Documents reflecting administrative determinations and actions taken with respect to resolving mistakes in bids. These files include copies of invitations to bid, bid tabulations, bids containing alleged mistakes, statements of bidders, and supporting data; recommendations of Regional Counsel; records of approval and disapproval as to legal sufficiency, whether determined by the General Counsel or the Comptroller General; and related records.

Cut off annually following final determination in each case, hold 2 years, and retire. ~~Destroy after 5 additional~~  
*years when 7 years old.*

21A61 - 21A64. Reserved.

21A65. Patent cases. Documents created in reviewing invention disclosures of employees and contractors to determine patenting, licensing, assignment, or other disposition action; investigating and disposing of infringement allegations and claims; reviewing use of contract clauses and actions concerning royalties; developing and providing information for use in patent infringement and interference litigation; and handling similar matters.

Cut off on completion of action; e.g., abandonment of patent application or invention, issue of a patent or license, completion of investigation or review, completion of litigation, or other applicable action, hold 2 years, and retire. ~~Destroy after 21 additional~~  
*years when 23 years old.*

21A66 - 21A69. Reserved.

21A70. Personnel action legal assistance files. Documents accumulated in rendering legal assistance to GSA officials on personnel actions, advising employees seeking redress of grievances or appealing alleged adverse personnel actions, representing GSA in hearings on contested personnel actions, and similar matters. Excluded are documents relating to legal proceedings in courts of law which are filed with the particular litigation file concerned.

Cut off annually, ~~hold 5 years,~~ and destroy *when 5 years old.*

21A71 - 21A74. Reserved.

21A75. Representation file. Documents accumulated in representing GSA and other Government agencies in proceedings before Federal and State regulatory agencies on communications, transportation, similar public utility services, or other matters. Included are notices, petitions, briefs, verified statements, transcripts of hearings, written protests, statements relating to the proceedings, and related records.

Cut off annually following completion of case, hold 2 years, and retire. Destroy ~~after 8 additional years.~~ *when 10 years old.*

21A76 - 21A79. Reserved.

21A80. Site registers. Documents relating to the acquisition of sites for Federal buildings. Most of the papers maintained in these files are copies of documents filed in the title record jackets. Included are deeds of conveyance, site selection documents, studies and other papers, revocable licenses, permits, easements, citations of pertinent authorizations, legislative authorizations, drawings, plans, documents reflecting condemnation proceedings, and related records.

Destroy on transfer or disposal of site.

21A81 - 21A84. Reserved.

*including reporting under Ethics in Government Act*

21A85. Statement of employment and financial interests. Official agency file of forms prepared by certain GSA employees reflecting information used in reviews for possible conflict of interest violations. The information requested on the form is confidential and is required by Executive Order 11222, *and P.L. 95-521*, regulations of the Civil Service Commission or it's successor, and the GSA Administrative Manual, ch. 3 (OAD P 5410.1). <sup>reports</sup> Included are supplemental changes or additions, annual statements, <sup>and SF 278A,</sup> and directly related records.

*2. All other statements of employment and financial interests and related records.*  
Cut off at end of fiscal year following supersession of form, separation of employee from position which required the statement, or separation of employee from the agency; ~~hold 2 years, and destroy when 2 years old.~~

*GRS 1-26-81*  
*GRS 1/25b*

21A86 - 21A89. Reserved.

21A90. Attorney training files. Documents related to selecting candidates for advanced legal training and in establishing training positions for, developing training and assignment plans for, and evaluating the progress of, individuals participating in such legal training and development programs, including the Junior Attorney Training Program. Included are documents reflecting duty assignments, general and special courses attended, participation in activities of legal societies, certification courses and assignments completed, and related matters--copies of which may be duplicated in the official personnel folders. These files are maintained under the name of the individual.

Cut off annually, or after separation or departure of employee, ~~hold 1 year, and destroy when 1 year old.~~

- a. Records including SF 278A for individuals filing according to Section 2016 of *PK 95-521*, and not subsequently confirmed by the US Senate. *GRS 1/25*  
*1 a 1*  
*Destroy 1 year after nominee ceases to be under consideration for appointment. EXCEPT that documents needed in an on-going investigation will be retained until no longer needed in the investigation.*
- b. all other records including SF 278 as required by *PK 95-521*. *GRS 1/25*  
*a 2*  
*Destroy when 6 years old; except that documents needed in an on-going investigation will be retained until no longer needed in the Appendix 21-A investigation.*