

ARTICLE 15

3810. REGULATIONS FOR SALE, LEASE, TRANSFER AND DISPOSAL (SC Code § 11-35-3810)

3810.1 Subject to this code and existing provisions of law, the board shall adopt rules governing:

3810.1.1 the sale, lease, or disposal of surplus supplies by public auction, competitive sealed bidding, or other appropriate methods; (SC Code § 11-35-3810(1))

3810.1.2 the transfer of excess supplies between schools and departments. (SC Code § 11-35-3810(2))

3810.2 **Definition.** Surplus property is all District owned supplies and equipment, not in actual public use, with remaining useful life and available for disposal. This definition and the ensuing provisions exclude the disposal of solid and hazardous wastes as defined by any federal, state or local statutes and regulations. (§19-445.2150(A)(1))

3810.3 **Determination of Sale Price.** (SC Reg. §19-445.2150(C)(2)). The sale price for all items will be established by the Chief Procurement Officer or his designee. The Chief Procurement Officer or his designee shall have the final authority to accept or reject bids received via public sale. The following categories and methods will be used:

3810.3.1 Vehicles: NADA loan value shall be used for the sale price. In certain instances, the most recent public sale figures and consultation with the generating governmental body shall be the basis for a sale price. (SC Reg. §19-445.2150(C)(2))

3810.3.2 Boats, motors, heavy equipment, farm equipment, airplanes and other items with an acquisition cost in excess of \$5,000: The sale price shall be set from the most recent public sale figures and/or any other method necessary to establish a reasonable value including consultation with the generating district office. (SC Reg. §19-445.2150(C)(2))

3810.3.2 Miscellaneous items with an acquisition cost of \$5,000 or less such as office furniture and machines, shop equipment, cafeteria equipment, etc.: A sale price will be assessed in accordance with the current fair market value. (SC Reg. §19-445.2150(C)(2))

3810.4 **Public Sale of Surplus Property.** (SC Reg. §19-445.2150(D)). All surplus property shall be offered through competitive sealed bids or public auction.

3810.4.1 When surplus property is sold via the competitive sealed bid process, notification of such sale shall be given through a Notice of Sale to be posted at the District Office at least fifteen (15) days prior to the bid opening date. The sale shall also be announced through advertisement in newspapers of general circulation and/or the *South Carolina Business Opportunities* publication. The Notice of Sale shall list the supplies or property offered for sale; designate the location and how property may be inspected; and state the terms and conditions of sale and instructions to bidders including the place, date, and time set for bid opening. Bids shall be opened publicly. (SC Reg. §19-445.2150(D)(2))

3810.4.2 Award shall be made in accordance with the provisions set forth in the Notice of Sale and to the highest responsive and responsible bidder provided that the price offered by such bidder is deemed reasonable by the procurement officer or his designee. Where such price is not deemed reasonable, the bids may be rejected in whole, or in part, and the sale negotiated beginning with the highest bidder provided the negotiated sale price is higher than the highest responsive and responsible bid. In the event of a tie bid the award will be made in accordance with the tie bid procedure set forth in Section 1520.9 of the Code. (SC Reg. §19-445.2150(D)(2))

3810.4.3 Property may also be sold at a public auction by an experienced auctioneer. The Notice of Sale shall include, at a minimum, all terms and conditions of the sale and a statement clarifying the authority of the designee of the Chief Procurement Officer or his designee, to reject any and all bids. These auctions will be advertised in a newspaper of general circulation or *South Carolina Business Opportunities* or on the radio, or both. (SC Reg. §19-445.2150(D)(2))

3810.5 Property sold to the public shall be paid for in full at the time of purchase. Transactions shall be documented by a Bill of Sale enumerating all conditions of the sale i.e., "as is, where is," etc. and must be signed by the purchaser.