

ITEM: C5

**Florida Gulf Coast University Board of Trustees
September 14, 2004**

SUBJECT: Surplus Property Procedures

PROPOSED BOARD ACTION

Approve Surplus Property Procedures

BACKGROUND INFORMATION

At the June 15, 2004 meeting, the Board of Trustees approved the repeal of Rule 6C10-7.002, Surplus Property, because changes in statutory authority rendered the rule obsolete and eliminated the requirement to implement these procedures in rule format. During September 2004, the Secretary of State will certify the rule repeal as in effect.

In place of the rule and in accordance with Section 1013.28(2), Florida Statutes, and Chapter 273, Florida Statutes, the University proposes that the Board of Trustees approve the attached Florida Gulf Coast University Surplus Property Procedures – Tangible Personal Property. Primarily, these procedures establish the determination criteria for when a University-owned item is deemed to be sold, transferred, exchanged, or disposed as surplus property.

Supporting Documentation Included: Florida Gulf Coast University Surplus Property Procedures – Tangible Personal Property

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Legal Review by: Ms. Wendy S. Morris, General Counsel

Submitted by: Dr. Joseph D. Shepard, Vice President - Administrative Services

Florida Gulf Coast University Surplus Property Procedures Tangible Personal Property

- (1) Purpose. This policy implements the authority provided to the Board of Trustees by Section 1013.28(2), FS, and Chapter 273, FS, to dispose of tangible personal property certified as surplus.
- (2) Definitions. The following terms are defined for purposes of this rule:
 - (a) Custodian -- The Vice President for Administrative Services or designee is hereby declared to be the custodian of all property owned by the University.
 - (b) Property Manager -- A University employee who has been delegated responsibility by the custodian to manage the assignment, accountability, transfer and disposal of University-owned property.
 - (c) Tangible Personal Property -- All personal property of a non-consumable nature, acquired and belonging to the University, the value or cost of which is \$1,000 or more and the normal expected life is more than one (1) year.
 - (d) Exchange Property -- Property being offered as a trade-in on the purchase of a new item.
 - (e) Property Survey Board -- The advisory body appointed by the Vice President for Administrative Services to oversee surplus property practices and make recommendations for certification of property as surplus.
- (3) Reporting Requirements for Surplus, University-owned, Tangible Personal Property. Tangible Personal Property, which is determined to be surplus because it is excess, obsolete, uneconomical or inefficient for continued use shall be certified as surplus by the custodian of the property to the Property Manager, using the Request for Relief from Property Accountability Form. The Property Transfer/Relocation/Check Out Report Form shall be used when equipment is transferred to the Physical Plant to hold pending disposal. The Property Manager will notify the chair of the Property Survey Board for disposition action by the Property Survey Board. However, the Property Manager shall have the authority to process routine disposal of property with the stipulation that ratification by the Property Survey Board will be routed for signature or approved at the next meeting. The Property Manager, in consultation with the chair of the Property Survey Board, may request special or emergency meetings to deal with exceptional circumstances. The Request for Relief from Property Accountability Form shall be completed to the extent possible by the custodian of the property and submitted to the Property Manager for processing and completion as necessary to provide the following information:

- (a) Complete description of property.
- (b) Statement of condition and age.
- (c) Original purchase price.
- (d) Estimated current value.
- (e) Location of property and hours when property may be examined, person to contact for examining property, and a minimum bid (if required).
- (f) Any additional information that would assist in determining whether or not property should be offered to other state universities, state agencies, a private not for profit agency or other governmental entities.

- (4) Buildings and Structures. Buildings, structures and other items of a semi-permanent nature shall be considered tangible personal property, if and when they are severed from the real property upon which they reside. They shall be reported in the same manner as all other surplus property. In addition, the legal description of the location, size, type of construction, and reason for removal shall be provided. Disposal of buildings and structures will require a special meeting of the Property Survey Board for approval and subsequent recommendation to the Vice President for Administrative Services.
- (5) Theft and Fire Damage. Theft, fire damage, and other losses due to acts or events beyond the control of the property custodian will be approved for disposal by the Property Survey Board in the same manner as provided in Section (3) above.
- (6) Guidelines for Disposal of Property.
 - (a) The Property Survey Board has the authority to recommend that the property certified as surplus be offered for transfer or sale to another university, another agency of the State of Florida or another state, a political subdivision, a department of the federal government, a private nonprofit agency or by sale open to the public. The Property Survey Board may also recommend that surplus property be used as exchange property, be scrapped or cannibalized, or be transferred to another agency or private entity for sale or disposal through auction, sealed bid or through contract disposal. The determination of which method of disposal to use shall be based on guidelines adopted by the Board which take into account the type, age, condition, number, usefulness, and value of the surplus property.
 - (b) Disposal of cannibalized equipment. The Property Survey Board may authorize the disposal of cannibalized equipment when it determines that cost of storage and handling will exceed the value of the equipment in its current cannibalized state.

(c) All abandoned property, including vehicles that come within the possession or custody of the University shall be disposed of in the same manner as surplus property.

(d) Public Sale.

1. When the Property Survey Board determines to offer surplus property for sale at a public sale, the University shall advertise the sale in a local newspaper of general circulation for a minimum of two weeks prior to the date and time set for the sale.

2. All property shall be sold either through auction or sealed bid.

3. The successful bidder or offerer shall take all property in "as-is, where-is" condition without warranty of title or condition. The bidder or offerer shall have forty-eight hours to remove the property from the location where it is being held or stored. Failure to remove the property within the time provided by this rule shall void the sale after which the University may dispose of the property by any means provided in this rule.

4. The University reserves the right to remove any property listed as surplus and offered for sale through auction or sealed bid from the public sale at any time.

5. The University may auction surplus property in lots or as single items.

(e) Contract Disposal. A contract may be executed with a local vendor, via Request for Proposal, pursuant to Chapter 6C10-6, F.A.C., Purchasing, to pick up assets appropriately disposed of by the University on a regular basis and to assume all responsibility for that property. In return, the University may receive a settlement fee.

(f) Exchange Property. When the University determines that it is more economical for property certified as surplus to be traded-in toward the purchase of new property of the same type rather than sold or disposed of in another manner provided in this policy, the Property Survey Board shall issue a recommendation approving such exchange. The Property Manager shall advise the Bureau of State Surplus Property of the availability of such exchange in writing providing any information required by the Bureau.

(7) Authority for Disposal. Surplus property shall not be sold, transferred, cannibalized, scrapped or destroyed without prior authorization from the Property Survey Board and certification by the Property Manager. Any employee or agent who disposes of surplus property in violation of this rule shall be personally liable to the University for the fair market value of any such property.

- (8) Non-State Funded Property. All property originally purchased with non-state funds, such as contracts or grants, shall be managed in a manner consistent with the respective contract or grant provisions or with the rules and regulations of the funding authority, or if there are no rules or regulations, in accordance with these procedures.

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