

Policy 802 DISPOSITION OF OBSOLETE EQUIPMENT AND MATERIAL

I. PURPOSE

The Northfield School District, as a public trust, will manage and efficiently utilize its property, equipment, instructional materials, and fixed assets. Effective use of school building space, and consideration for safety of personnel, will at times require disposal of obsolete equipment and material. Equipment, instructional materials, and fixed assets of the district which are obsolete, surplus or no longer usable or repairable will be disposed of in a fair and reasonable manner. Refer to the [Fiscal Compliance and Procedure Manual](#) for the disposition of federally funded purchases.

II. DEFINITIONS

- A. “Obsolete” property, equipment, instructional materials and fixed assets are those materials which have been reviewed by district staff and deemed no longer usable for any district purposes.
- B. “Contract” means an agreement entered into by the district for the sale of supplies, materials or equipment.
- C. “Official newspaper” is a regular issue of a qualified legal newspaper.

III. MANNER OF DISPOSITION

- A. ***Authorization***
The superintendent or their designee is authorized to properly dispose of obsolete material. Disposition by sale will follow the procedures outlined in this policy. Any sale exceeding the minimum amount for which bids are required must first be specifically authorized by the school board.
- B. ***Priority for Disposition***
The manner of disposition shall be:
 - 1. Reuse
 - 2. Sell
 - 3. Donate
 - 4. Recycle
 - 5. Dispose
- C. ***Contracts More Than \$175,000***
 - 1. If the estimated value of the equipment or materials exceeds \$175,000, sealed bids shall be solicited by two weeks’ published notice in the official newspaper and via electronic media. This notice shall state the time and place of receiving bids and contain a brief description of the subject matter.

2. The sale shall be awarded to the highest responsible bidder, be duly executed in writing, and be otherwise conditioned as required by law. Notwithstanding the foregoing, the district shall have the right to reject all bids.
3. A record shall be kept of all bids for one year and shall include the names of bidders, amounts of bids, and an indication of the successful bid. All bids shall conform to the bidding practice of the district.
4. In the case of identical high bids from two or more bidders, the school board may, at its discretion, utilize negotiated procurement methods with the tied high bidders so long as the price paid does not go below the high tied bid price. In the case where only a single bid is received, the school board may, at its discretion, negotiate a mutually agreeable contract with the bidder so long as the price paid does not fall below the original bid. If no satisfactory bid is received, the board may readvertise.
5. All bids obtained shall be kept on file for a period of at least one year after their receipt. Every contract made without compliance with the foregoing provisions shall be void.
6. Data submitted by a business to a school in response to a request for bids are private until opened. Once opened, the name of the bidder and the dollar amount specified become public; all other data are private until completion of the selection process, meaning the school has completed its evaluation and ranked the responses. After completion of the selection process, all data submitted by all bidders are public except trade secret data. If all responses are rejected prior to completion of the selection process, all data remain private, except the name of the bidder and the dollar amount specified which were made public at the bid opening for one year from the proposed opening date or until resolicitation results in completion of the selection process or until a determination is made to abandon the purchase, whichever occurs sooner, at which point the remaining data becomes public. Data created or maintained by the district as part of the selection or evaluation process are protected as nonpublic data until completion of the selection or evaluation process. At that time, the data are public with the exception of trade secret data.

D. ***Contracts From \$25,000 to \$175,000***

If the amount of the sale is estimated to exceed \$25,000 but not to exceed \$175,000, the contract may be made either upon sealed bids in the manner directed above or by direct negotiation, by obtaining two or more quotations for the purchase or sale when possible, and without advertising for bids or otherwise complying with the requirements of competitive bidding notice. All quotations obtained shall be kept on file for a period of at least one year after receipt.

E. ***Contracts Less Than \$25,000***

If the amount of the sale is estimated to be \$25,000 or less, the contract may be made either upon quotation or in the open market, at the discretion of the school board. The sale in the open market may be by auction. If the contract is made on quotation, it shall be based, so far as practicable, on at least two quotations which shall be kept on file for a period of at least one year after receipt.

F. ***Electronic Sale of Surplus Supplies, Materials, and Equipment***

Notwithstanding the other procedural requirements of this policy, the district may contract to sell supplies, materials, and equipment which are surplus, obsolete, or unused through an electronic selling process in which purchasers compete to purchase the supplies, materials, or equipment at the highest purchase price in an open and interactive environment.

G. ***Notice of Quotation***

Notice of procedures to receive quotations shall be given by publication or other means as appropriate to provide reasonable notice to the public.

H. ***Sales to Employees***

No officer or employee of the district shall sell or procure for sale or possess or control for sale to any other officer or employee of the district any property or materials owned by the district unless the property and materials are not needed for public purposes and are sold to a district employee after reasonable public notice, at a public auction or by sealed response if the employee is not directly involved in the auction or sale process. Reasonable notice shall include at least one week's published or posted notice. A district employee may purchase no more than one motor vehicle from the district at any one auction. This section shall not apply to the sale of property or materials acquired or produced by the district for sale to the general public in the ordinary course of business. Nothing in this section shall prohibit an employee of the district from selling or possessing for sale public property if the sale or possession for sale is in the ordinary course of business or the normal course of the employee's duties.

I. ***Exceptions for Surplus School Computers***

A district may bypass the requirements for competitive bidding and is not subject to any other laws relating to district contracts if it is disposing of surplus school computer and related equipment by conveying the property and title to:

1. Another school district.
2. The state department of corrections.
3. The board of trustees of Minnesota State Colleges and Universities.
4. The family of a student residing in the district whose total family income meets the federal definition of poverty.
5. A charitable organization under section 501(c)(3) of the Internal Revenue Code that is registered with the attorney general's office for educational use.

J. ***Disposing of Surplus Books***

Notwithstanding Minnesota Statutes, section 471.345, governing school district

contracts made upon sealed bid or otherwise complying with the requirements for competitive bidding, other provisions of this section governing school district contracts, or other law to the contrary, the school district may dispose of school books, including library books, books from an individual classroom library, and textbooks including other materials accompanying a textbook. The school district may dispose of surplus books by donating them to a family of a student residing in the district or a charitable organization under section 501(c)(3) of the Internal Revenue Code.

K. *Transfer to Another Public Entity*

The district may transfer its personal property for a nominal amount or without consideration to another public corporation for public use.

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Board of Education

INDEPENDENT SCHOOL DISTRICT NO. 659

Northfield, Minnesota

Legal References: Minn. Stat. § 13.591 (Business Data)
Minn. Stat. § 15.054 (Sale of Purchase of State Property; Penalty)
Minn. Stat. § 123B.29 (Sale at Auction)
Minn. Stat. § 123B.52 (Contracts)
Minn. Stat. § 471.345 (Uniform Municipal Contracting Law)
Minn. Stat. § 471.85 (Property Transfer; Public Corporations)
Minn. Stat. § 645.11 (Published Notice)

Cross References: MSBA School Law Bulletin “F” (School District Contract and Bidding Procedures)