



# **PROCEDURE FOR THE DISPOSITION OF PROPERTY**

### I. Introduction

From time to time, the Oneida-Herkimer Solid Waste Authority (Authority) disposes of property which no longer has utility for the Authority. The following procedures outline the Authority's guidelines for disposing of such property (the "Procedures"). These Procedures shall be annually reviewed and approved by the Authority Board of Directors (Board). On or before the thirty-first day of March in each year, the Authority will file with the State Comptroller a copy of these Procedures most recently reviewed and approved by the Board. The Procedures will also be posted on the Authority's web site, [www.ohswa.org](http://www.ohswa.org).

### II. Legislative Consistency

The Procedures are intended to comply with the Authority's enabling legislation, the Public Authorities Accountability Act of 2005 (the "Act") and any other applicable law for the disposal of Authority property.

### III. Contracting Officer

The Authority Board shall appoint by resolution an Authority employee responsible for the disposition of property consistent with the parameters set forth in these Procedures (the "Contracting Officer"). For 2022-2023 the Authority Board has appointed Solid Waste Engineer Andrew Opperman.

### IV. Inventory Controls

Not less than annually, the Contracting Officer shall conduct an inventory of Authority property greater than \$5,000 in value and determine which of that property is surplus. The property shall be placed on an inventory list by Authority facility, and contain descriptive information and identification numbers, if any. A determination shall be made by the Contracting Officer as to which property should be disposed of.

### V. Disposal of Property

Once property is determined to be surplus, it shall promptly be placed for sale, exchange or transfer. The Authority's policy is to foster an environment of full and free competition consistent with the nature and value of the property. Disposals or contracts for disposal shall normally be made after public advertising and bidding except as described below. The Contracting Officer shall determine which sale method is likely to produce the sale or exchange most advantageous to the Authority, including public auction, sealed bid, set pricing, use of the Commissioner of General Services or other suitable method, and whether to obtain an estimate or appraisal. If a sealed bid sale is implemented, public notification of the sale shall be published on the Authority's website and the legal notices sections of the Utica Observer Dispatch, Rome Sentinel and [Herkimer] Times Telegram. The public notice shall contain descriptive information for each piece of property, instructions for bidders, terms and dates/times when bids are due. The notification period shall be a minimum of 7 business days.

All items posted for sale by the Contracting Officer using a sealed bid shall be sold to the highest responsible bidder as determined by the Contracting Officer. All bids may be rejected by the Authority when it is in the Authority's interest to do so. A bill of sale shall be generated by the Authority and shall be conclusive evidence of compliance with the provisions of the Act.

The Authority shall also have the option to utilize online auction sites such as “E-bay” and other reputable (as researched by Authority staff) on-line auction sites by setting up an account and making direct surplus auction sales.

Additionally, the Contracting Officer may enter into an Authorization to Sell Agreement with the Oneida County Purchasing Department to list and sell Authority surplus items through its auction sites.

The Authority shall annually inform the public through its network of newspaper legal notices of its option to sell certain surplus items through on-line auction sites.

For the sale of any real property (real estate), an appraisal will be obtained. The Board shall direct that bids will be sought through public advertisement as described above unless the Contracting Officer determines that the interests of the Authority will be best served by the retention of a real estate broker licensed by the State of New York. In that event, the Contracting Officer shall evaluate real estate brokers to market the real property. The Executive Director and Contracting Officer will then make a recommendation to the Board regarding selection of a broker. Any such brokerage agreements must be approved by the Authority Board of Directors. Bids shall then be solicited in accordance with the Act. Any and all bids received will be reviewed by the Contracting Officer and a recommendation of award will be made to the Board, which must approve all real property sales.

### VI. Reports

Not less frequently than annually, the Authority shall publish a report listing all its real property. The report shall list with full description all Property (as that term is defined in the Act) disposed of during the period of the report. In addition, the report shall contain the price received by the Authority and the name of the purchaser. The Authority will deliver copies of the report to the State Comptroller, Director of Budget, Commissioner of General Services and the New York State Legislature.