

Math and Science Academy

Adopted: October 21, 1995

Revised: June 2, 2005

Revised: March 8, 2009

Revised: April 8, 2010

Revised: July 20, 2020

Revised: December 4, 2003

Revised: December 7, 2006

Revised: April 9, 2009

Revised: October 16, 2017

802 DISPOSITION OF OBSOLETE EQUIPMENT AND MATERIAL

I. PURPOSE

The purpose of this policy is to provide guidelines for the director to assist in timely disposition of obsolete equipment and material.

II. GENERAL STATEMENT OF POLICY

Effective use of the Math and Science Academy (MSA) building space, and consideration for safety of personnel, will at times require disposal of obsolete equipment and material.

III. DEFINITIONS

- A. “Contract” means an agreement entered into by MSA for the sale of supplies, materials or equipment.
- B. “Official newspaper” is a regular issue of a qualified legal newspaper.

IV. MANNER OF DISPOSITION

A. Authorization

The director shall be authorized to dispose of obsolete equipment and materials by selling it at a fair price consistent with the procedures outlined in this policy. Any sale exceeding the minimum amount for which bids are required must first be specifically authorized by the Board of Directors (BOD). The Director shall be authorized to properly dispose of used books, materials and equipment deemed to have little or no value.

B. Contracts Over \$100,000

1. If the value of the equipment or materials is estimated to exceed \$100,000, sealed bids shall be solicited by two weeks’ published notice in the official newspaper. This

notice shall state the time and place of receiving bids and contain a brief description of the subject matter. Additional publication in the official newspaper or elsewhere may be made as the BOD shall deem necessary.

2. The sale shall be awarded to the highest responsible bidder, be duly executed in writing, and be otherwise conditioned as required by law.
3. A record shall be kept of all bids, with names of bidders and amounts of bids, and an indication of the successful bid. A bid containing an alteration or erasure of any price contained in the bid which is used in determining the highest responsible bid shall be rejected unless the alteration or erasure is corrected by being crossed out and the correction printed in ink or typewritten adjacent thereto and initialed in ink by the person signing the bid.
4. In the case of identical high bids from two or more bidders, the BOD 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 BOD 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 BOD may re-advertise.
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 MSA 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 MSA 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 BOD 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.

C. Contracts From \$25,000 to \$100,000

If the amount of the sale is estimated to exceed \$25,000 but not to exceed \$100,000, 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.

D. Contracts \$25,000 or Less

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, in the discretion of the BOD. 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.

E. Electronic Sale of Surplus Supplies, Materials, and Equipment

Notwithstanding the other procedural requirements of this policy, MSA may contract to sell supplies, materials, and equipment which is 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.

F. 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.

G. Sales to Employees

No officer or employee of MSA shall sell or procure for sale or possess or control for sale to any other officer or employee of the MSA any property or materials owned by MSA unless the property and materials are not needed for public purposes and are sold to an MSA 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. An MSA employee may purchase no more than one motor vehicle from MSA in any one auction. This section shall not apply to the sale of property or materials acquired or produced by MSA for sale to the general public in the ordinary course of business. Nothing in this section shall prohibit an employee of MSA 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.

H. Exceptions for Surplus School Computers

1. MSA may bypass the requirements for competitive bidding and is not subject to any other laws relating to MSA contracts if it is disposing of surplus school computers and related equipment , including a tablet device by conveying the property and title to:

- a. another school district;
- b. the state department of corrections;
- c. the board of trustees of Minnesota State Colleges and Universities;~~or~~
- d. the family of a student residing in the district whose total family income meets the federal definition of poverty; or..
- e. 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.

2. If surplus school computers are not disposed of as described in Paragraph 1., upon adoption of a written resolution of the school board, when updating or replacing school computers, including tablet devices, used primarily by students, the school district may sell used computers or tablets to qualifying students at the price specified in the written resolution. MSA will follow the procedure listed below in the event of an equipment sale.

a. Evaluation of Potential Surplus and Sale:

Technology coordinator and the Director will determine whether any of the obsolete equipment is in working order and eligible to be sold. This determination will be made as the need arises throughout the school year, and will follow the procedure listed below.

b. Procedure for Communication and Sale of Obsolete Equipment:

- 1) When the Technology coordinator and Director determine that a sale of obsolete equipment is warranted, they will notify the MSA Board of Directors of a recommended resolution.
- 2) There will be a written resolution of the MSA Board of Directors authorizing the sale price of the obsolete equipment.
- 3) An announcement of the sale of obsolete equipment will be made via MSA's communication systems such as, Skyward messenger, daily announcements, and school website
- 4) Within that communication will be a form or link to fill out for individuals to be included as part of those intending to purchase the equipment

5) Eligibility for sales will be completed in the following order:

- a. The student is currently enrolled and intending to enroll in the school following the year of receipt of the obsolete equipment
- b. Should there be more individuals interested in purchasing the equipment than equipment available, the sale will be prioritized in the following manner:
 - i. First priority will be to families qualifying for free and reduced lunch
 - ii. Second priority will be to any remaining eligible applicants chosen via lottery.

Legal References: Minn. Stat. § 13.591 (Business Data)

Minn. Stat. § 15.054 (Public Employees Not to Purchase Merchandise From Governmental Agencies; Exceptions; Penalty)

Minn. Stat. § 123B.29 (Sale of School Building at Auction)

Minn. Stat. § 123B.52 (Contracts)

Minn. Stat. § 471.345 (Uniform Municipal Contracting Law)

Minn. Stat. § 645.11 (Published Notice)