

ARTICLE B. DISPOSAL OF SURPLUS EQUIPMENT OR PROPERTY

1-9B-1: PURPOSE:

The primary purpose of this article, referred to herein as "this article", is to:

- A. Ensure fair and equitable treatment of all persons who wish to, or do, conduct business with the city.
- B. Provide for the greatest possible economy in city disposal activities.
- C. Foster effective broad based competition within the free enterprise system to ensure that the city will receive the very best possible return on surplus equipment or property that is placed for sale or disposal. (Ord. 5-11-99A, 5-11-1999)

1-9B-2: FEDERAL AND STATE PROVISIONS:

Whenever a piece of equipment or property is placed for disposal that has been purchased or donated to the city from a federal or state agency, the city shall comply with applicable federal and state laws and regulations in disposing of this property or equipment. (Ord. 5-11-99A, 5-11-1999)

1-9B-3: DEFINITIONS:

As used in this article, the following words and terms shall have the meanings ascribed to them in this section:

BUSINESS: Any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture or any other private legal entity.

CONTRACT: Any city agreement for the disposal of supplies, services or property.

DISPOSAL AGENT: The person or persons duly authorized by the mayor with the concurrence of the city council to enter into and administer contracts and to make written determinations with respect thereto.

INVITATION FOR BIDS: All documents, whether attached or incorporated by reference, used for soliciting bids.

REQUEST FOR PROPOSALS: All documents whether attached or incorporated by reference used for soliciting proposals from various entities.

SALES DESCRIPTION: The words used in a solicitation to describe the supplies, property or equipment to be sold. It may also include specifics concerning the property or equipment so as to clarify to the purchaser or bidder the condition of the item.

SEALED BIDS: Written proposals from persons or entities offering to purchase from the city an item, or items, that has been placed for disposal. Purchasers are required to submit their bids or proposals in a sealed envelope clearly marked sealed bid. They are to be opened in an open meeting after the deadline for receipt of bids as defined in the invitation to bid. (Ord. 5-11-99A, 5-11-1999; amd. 2003 Code)

1-9B-4: DISPOSAL AGENT:

The mayor, with the concurrence of the city council, shall appoint a disposal agent or disposal agents, as necessary, to assure the most efficient disposal of goods, equipment and property for the city consistent with the provisions of this article. The disposal agent shall be responsible to make descriptions, solicit bids and proposals, enter into and administer contracts, and make written determinations concerning bids or recommendations to the mayor and the city council as provided herein. (Ord. 5-11-99A, 5-11-1999)

1-9B-5: PROCEDURE:

A. **Vote Of City Council:** All equipment, supplies and property that is deemed to be in excess of the city's needs, as determined by the department head or public works superintendent, shall be placed on the agenda of the next regular meeting or special meeting. The entire city council present shall vote as to their willingness to place the item or items for disposal. The city council will determine the best method of disposal; this can be any of the following methods: advertising the item or items by flyers, by an auction, by an auction with a reserved bid and also by including the item in an equipment sale sponsored by a reputable dealer. Then and only then shall the items be placed for disposal by the department head and disposal agent.

B. **Public Notice Of Invitation For Bid:** Public notice of the invitation for bids shall be given at least ten (10) days prior to the date set forth therein for the submission and/or opening of

bids. The notice shall include posting of the invitation to bid at the usual place of posting notices for the city and publication in the newspaper of general circulation in the county if the city council so states. Advertisements so placed must allow at least ten (10) days from publication until bid opening.

- C. Opening Of Bids: Bids shall be opened publicly by the mayor in a regular or special meeting of the city council. The amount that each bid and any other relevant information, together with the name of each bidder, shall be recorded. The record of each bid shall be open to public inspection.
- D. Corrections Or Withdrawals: Correction of or withdrawal of inadvertently erroneous bids before or after award, or cancellation of awards or contracts based on such bid mistakes, shall be permitted if approved by the majority of the city council. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the city or fair competition shall be permitted. All the reasons to permit the correction or withdrawal of bids or to cancel awards or contracts based on bid mistakes shall be supported by a written determination made by the entire city council present.
- E. Award Of Bid: Bid contracts shall be awarded with reasonable promptness, by written notice, to the lowest responsible bidder determined solely in the discretion of the city council when the successful bid meets the requirements and criteria set forth in the invitation for bids.
- F. Cancellation Or Rejection: An invitation for bids or other solicitation may be canceled or any or all bids or proposals may be rejected, in whole or in part, as may be determined by the city council when it is in the best interest of the city; the reasons for cancellation or rejection shall be made part of the contract file.
- G. Nonresponsibility Or Disqualification: Determination of the nonresponsibility or disqualification of the bidder or offeror shall be made in writing. Any reasonable failure of a bidder or offeror to promptly supply information requested by the city council may be grounds for determination of disqualification or nonresponsibility with respect to the bidder or offeror.
- H. Required Contract Clauses:
 - 1. All items offered for sale or disposal by the city shall contain the clause, "purchaser hereby agrees that the equipment, supplies or property is sold in an 'as is' condition".

2. The city retains the right to accept or reject any or all bids.
3. Payment for any item offered for sale or bid must be paid for in cash at date of bid opening.
4. Successful bidders shall remove the equipment, supplies or item within ten (10) days of the bid opening. (Ord. 5-11-99A, 5-11-1999)

1-9B-6: FINANCIAL PROVISIONS:

- A. All money collected by the disposal agent shall promptly be turned over to the city treasurer, who will issue a receipt detailing the amount received for each piece or group and the name of the successful bidder. The city treasurer shall deposit this money into the city bank account the next banking day.
- B. The city recorder will credit this amount to the department that the item or items had been charged to initially. (Ord. 5-11-99A, 5-11-1999)