

**I. PURPOSE**

This policy aims to describe the means of disposal of obsolete equipment and material by Athlos Academy of St. Cloud. Equipment, instructional materials, and fixed assets of Athlos Academy which are obsolete, surplus or no longer useable or repairable will be disposed of in a fair and reasonable manner.

**II. DEFINITIONS**

- A. Obsolete assets: Property, equipment, instructional materials and fixed assets, which have been reviewed by school staff and deemed no longer usable for any school purposes
- B. Contract: An agreement entered into by the school for the sale of supplies, materials or equipment.
- C. Official newspaper: A regular issue of a qualified legal newspaper.

**III. POLICY**

- A. The Governing Board of Athlos Academy of St. Cloud grants the Lead School Administrator the authority to manage and dispose of Surplus Equipment and Supplies in the best interests of the school and pursuant to the guidelines set out by this policy.
- B. The manner of disposition shall be:
  - 1. Re-use;
  - 2. Sale;
  - 3. Donation;
  - 4. Recycling; or
  - 5. Disposal.
- C. Except as provided for in following sections, sales of obsolete assets shall follow procedures based on the anticipated sale value of the assets.
  - 1. If the estimated value of the equipment or materials exceeds \$100,000, sealed bids shall be solicited by two weeks' published notice in the official newspaper and via electronic media.

## Surplus Sales Policy

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- a. This notice shall state the time and place of receiving bids and contain a brief description of the subject matter.
  - b. 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, Athlos Academy of St. Cloud shall have the right to reject all bids.
  - c. 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.
2. 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.
    - a. All quotations obtained shall be kept on file for a period of at least one year after receipt.
  3. 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 Board.
    - a. The sale in the open market may be by auction.
    - b. 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.
  4. Notwithstanding the other procedural requirements of this policy, the school 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.
  5. Notice of procedures to receive quotations shall be given by publication or other means as appropriate to provide reasonable notice to the public.
- D. Athlos Academy of St. Cloud may bypass the requirements for competitive bidding and is not subject to any other laws relating to school contracts if it is disposing of surplus school computer and related equipment by conveying the property and title to:
1. Another charter school or school district;

2. The state department of corrections;
  3. The Board of trustees of Minnesota State Colleges and Universities; or
  4. The family of a student residing in the district whose total family income meets the federal definition of poverty.
- E. Athlos Academy may transfer its personal property for a nominal amount or without consideration to another public corporation for public use.
- F. No officer or employee of the school shall sell or procure for sale or possess or control for sale to any other officer or employee of the school any property or materials owned by the school unless the property and materials are not needed for public purposes and are sold to a school 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.
1. Reasonable notice shall include at least one week's published or posted notice.
  2. A school employee may purchase no more than one motor vehicle from Athlos Academy of St. Cloud at any one auction.
  3. This section shall not apply to the sale of property or materials acquired or produced by Athlos Academy of St. Cloud for sale to the general public in the ordinary course of business.
  4. Nothing in this section shall prohibit an employee of Athlos Academy 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.

### **Legal References:**

[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*)

[Minn. Stat. § 13.591](#) (*Business Data*)

[Minn. Stat. § 471.85](#) (*Property Transfer; Public Corporations*)

### **Cross References:**

[MSBA Service Manual, Chapter 13, School Law Bulletin "F"](#) (*School District Contract and Bidding Procedures*)