

OPERATION OSWEGO COUNTY, INC. DISPOSITION OF PROPERTY GUIDELINES

1. PURPOSE AND CONTROLLING LEGISLATION.

1.1 The Public Authorities Accountability Act of 2005, and the Public Authorities Reform Act of 2009 requires the Organization to adopt by resolution comprehensive Guidelines which detail the Organization’s operative policy and instructions regarding the use, awarding, monitoring and reporting of contracts for the Disposal of Property and designate a Contracting Officer with responsibility for compliance with, and enforcement of these Guidelines.

1.2 These Guidelines are intended to be consistent with and shall be construed in accordance with the Act and the Organization’s By-Laws. The Organization shall Dispose of its Property in accordance with these Guidelines, the Act and the Organization’s By-Laws.

1.3 The Act requires the Organization to establish Guidelines to ensure that the Organization shall:

- (i) maintain adequate inventory controls and accountability systems for all property owned by the Organization and under its control;
- (ii) periodically inventory such Property to determine which property shall be disposed of;
- (iii) produce a written report of such Property in accordance with the Act; and
- (iv) Dispose of such Property as promptly as possible in accordance with the Act.

2. DEFINITIONS. As used herein, the following terms shall have the meaning set forth below.

2.1 “*Act*” shall mean Title 5-A of the New York Public Authorities Law, as amended from time to time.

2.2 “*Commissioner of General Services*” shall mean the Commissioner of the New York State Office of General Services.

2.3 “*Contracting Officer*” shall mean the officer or employee of the Organization who shall be appointed by Organization resolution to be responsible for the Disposal of Property. Unless otherwise designated by resolution, the Executive Director shall serve as the Contracting Officer.

- 2.4 “Dispose” or “Disposal” shall mean transfer of title or any other beneficial interest in Property in accordance with these Guidelines and Section 2897 of the Public Authorities Law, as amended from time to time.
- 2.5 “Guidelines” shall mean these Guidelines, as amended from time to time by Organization resolution.
- 2.6 “Property” shall mean personal property in excess of five thousand dollars (\$5,000) in value, and real property, and an inchoate or other interest in such property, to the extent that such interest may be conveyed to another person for any purpose, excluding an interest securing a loan or other financial obligation of another party.
- 2.7 “Organization” shall mean Operation Oswego County, Inc.

3. **DUTIES OF CONTRACTING OFFICER.**

Except as otherwise provided herein and in the Act, the Contracting Officer shall have supervision and direction over the Disposal of Property of the Organization and be responsible for compliance by the Organization with, and enforcement of, these Guidelines. The Organization shall have the right to Dispose of its Property for any valid corporate purpose.

4. **ORGANIZATION PROPERTY.**

4.1 Custody and Control of Organization Property.

The custody and control of Organization Property, pending its Disposal, and the Disposal of such Property, shall be performed by the Organization or by the Commissioner of General Services when so authorized under the Act and these Guidelines.

4.2 Disposal of Organization Property.

- (i) Fair Market Value. The Organization may Dispose of its Property for not less than its fair market value by sale, exchange, or transfer, for cash, credit, or other property, with or without warranty, and upon such other terms and conditions as the Organization by resolution deems property under the Act and the Organization’s By-Laws as implemented by these Guidelines, provided, however, except in compliance with all applicable law, no disposition of real Property, any interest in real Property, or any other Property which because of its unique nature is not subject to fair market pricing shall be made unless an appraisal of the value of such Property has been made by an independent appraiser and included in the Organization’s record of the transaction.
- (ii) Disposal by Commissioner of General Services. When the Organization shall have deemed that Disposal of any of the Organization’s Property by the Commissioner of General Services will be advantageous to the Organization and the State of New York, the Organization may enter into an agreement with the

Commissioner of General Services pursuant to which said Commissioner may Dispose of Property of the Organization under terms and conditions agreed to by the Organization and the Commissioner. In Disposing of any such Property, the Commissioner shall be bound by the terms hereof and references to the Contracting Officer shall be deemed to refer to the Commissioner of General Services.

(iii) Public Advertising Required.

- (A) All Disposals or contracts for Disposal of Property of the Organization shall be made after publicly advertising for bids except as provided in Section 4.2(iv).
- (B) Whenever public advertising for bids is required under this Section 4.2(iii):
 - (1) the advertising for bids shall be made at such time prior to the Disposal or contract for Disposal through such methods, and on such terms and conditions as the Contracting Officer determines will permit full and free competition consistent with the value and nature of the Organization's Property proposed for Disposal;
 - (2) all bids shall be publicly disclosed at the time and place stated in the advertisement; and
 - (3) the award shall be made by the Contracting officer on behalf of the Organization with reasonable promptness by the notice to the responsible bidder whose bid, conforming to the invitation for bids, will be most advantageous to the Organization taking into consideration, price and other factors; provided that all bids may be reject when the Organization determines it is in the public interest to do so.

(iv) Exception to Public Advertising.

- (A) Disposal and contracts for Disposal of Property may be negotiated or made by public auction without regard to Sections 4.2(iii) but subject to obtaining such competition as the Contracting Officer determines to be feasible under the circumstances, if:
 - (1) the personal Property involved is of a nature and quantity which, if Disposed of under Sections 4.2(iii), would adversely affect the State or local market for such Property, and the estimated fair market value of such Property and other satisfactory terms of

Disposal can in the opinion of the Board be obtained by negotiation; or

- (2) the fair market value of the Property does not exceed \$15,000; or
- (3) bid prices after advertising therefore and are not reasonable, either as to all or some part of the Property, or have not been independently arrived at in open competition; or
- (4) the Disposal will be to the State or any political subdivision and the estimated fair market value of the Property and other satisfactory terms of Disposal are obtained by negotiation; or
- (5)
 - (a) the Disposal is for an amount less than the estimated fair market value of the Property; and
 - (b) the terms of such Disposal are obtained by public auction or negotiation; and
 - (c) the Disposal of the Property is intended to further the public health, safety or welfare or an economic development interest of the Agency, the state or a political subdivision of the State (to include but not limited to, the prevention or remediation of a substantial threat to public health or safety, the creation or retention of a substantial number of job opportunities, or the creation or retention of a substantial source of revenues, or where the Organization's By-Laws permit); and
 - (d) the purpose and the terms of such Disposal are documented in writing and approved by resolution of the Organization; or
- (6) such action is otherwise authorized by law.

(B) An explanatory statement shall be prepared by the Contracting Officer of the circumstances of each Disposal by negotiation of:

- (a) any personal Property which has an estimated fair market value in excess of \$15,000;

- (b) any personal Property that has an estimated fair market value in excess of \$100,000, except that any real Property Disposed of by lease or exchange shall only be subject to clauses (c) through (e) of this subparagraph.
- (c) any real Property Disposed of by lease for a term of five years or less, if the estimated fair annual rent is in excess of \$100,000 for any such years;
- (d) any real Property Disposed of by lease for a term of more than five years, if the total estimated rent over the term of the lease is in excess of \$100,000; or
- (e) any real Property or real and related personal Property Disposed of by exchange, regardless of value, or any Property any part of the consideration for which is real Property.

(C) Each such explanatory statement shall be transmitted to the Comptroller of the State, the Director of Budget of the State, the Commissioner of General Services and the New York Legislature, not less than ninety (90) days in advance of such Disposal, and a copy thereof shall be retained in the files of the Organization.

5. REPORTS.

5.1 The Organization shall publish, not less frequently than annually, a report listing all Property of the Organization. Such report shall consist of a list and full description of all real and personal Property Disposed of during such period. The report shall contain the price received by the Organization and the name of the purchaser for all such Property Disposed of by the Organization during such period.

5.2 The Organization shall deliver copies of such report to the Comptroller of the State of New York, the Director of the Budget of State of New York, the Commissioner of the New York State Office of General Services, and the New York State Legislature.

6. ANNUAL REVIEW AND AMENDMENTS OF GUIDELINES.

The Guidelines are subject to modification and amendments at the discretion of the Organization in accordance with the Act and Organization's By-Laws. On or before March 31 of each year, the Organization shall review and approve the Guidelines annually including the name of the Contracting Officer. On or before March 31st of each year, the Guidelines most recently reviewed and approved shall be filed with the Comptroller of the State, posted on the Organization's website and maintained on the Organization's website until guidelines for the following year or amended guidelines are posted.

7. APPROVAL.

This Policy has been reviewed and approved by the Executive/Governance Committee at its meeting held on January 24, 2019, and ratified by the Board of Directors at its meeting held on March 18, 2019.

Eric Behling
Secretary

[END OF POLICY]