

Chapter 200-360 WAC

SURPLUS PROPERTY OPERATIONS

WAC

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WAC 200-360-010 Surplus property disposal priorities. Excess and/or surplus property will be offered for sale, transfer, or donation as designated below and according to the following priorities:

- (1) Sale or transfer to state agencies (including state universities and colleges);
- (2) Sale or transfer to other tax-supported educational agencies;
- (3) Sale or transfer to tax-supported agencies, municipalities or political subdivisions within the state of Washington;
- (4) Sale or transfer to public benefit nonprofit corporations;
- (5) Donation of surplus, tangible personal property to qualified shelters as described in and in accordance with RCW 43.19.1920.
- (6) Sale to the general public including by auction, sealed bid and negotiation; and
- (7) Other action as needed, such as destruction where it has been determined that the item has no sale value.

[Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-360-010, filed 11/17/11, effective 11/17/11. Statutory Authority: Chapter 43.19 RCW. WSR 99-15-070, § 236-48-190, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 43.19.1919. WSR 94-22-056, § 236-48-190, filed 11/1/94, effective 12/2/94. Statutory Authority: RCW 43.19.1919 and HB 2106. WSR 92-09-016, § 236-48-190, filed 4/3/92, effective 5/4/92; Order 77-2, § 236-48-190, filed 1/28/77.]

WAC 200-360-015 Surplus property—Exceptions to disposal priorities. Excess and/or surplus property may be disposed of without offering to other state agencies if the director of enterprise services determines that it is in the best interest of the state. In this event, the following guidelines will apply:

- (1) Items will be transferred or sold for reasonable cost if practical.
- (2) Items for which a reasonable cost cannot be obtained will be donated to a nonprofit organization (which is registered under state law and exempt from federal income tax liability) with an ongoing equipment rehabilitation program.
- (3) Recipients of donated items, if not designated by the director of enterprise services, will be determined by surplus property operations.

(11/13/15)

(4) Successful donees will be notified by surplus property operations and removal will be the responsibility of the donee.

(5) Items that can be documented to have a higher overhead cost than can be realized from their sale, can, at the discretion of the director of enterprise services, be scrapped or dumped if there is not an acceptable donee organization available.

(6) All surplus actions, including those described in the regulation, will require submittal of a property disposal request to enterprise services.

[Statutory Authority: RCW 43.19.011, 43.19.620, 43.19.985, 43.19.742, 43.19.769, 39.26.080, 39.26.090, 39.26.251, 39.26.255, and 39.26.271. WSR 15-23-062, § 200-360-015, filed 11/13/15, effective 12/14/15. Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-360-015, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.19.1919. WSR 89-18-004 (Order 89-3), § 236-48-1901, filed 8/24/89, effective 9/24/89.]

WAC 200-360-020 Surplus property—Intent of state surplus priorities. Surplus property purchased, transferred or donated pursuant to the priorities of WAC 200-360-010 (1) through (5) is intended for the sole use of the purchaser, transferee or donee. Entities with priority under WAC 200-360-010 (1) through (5) shall not profit from the immediate resale of surplus property.

The director of enterprise services may take action against accounts in arrears or priority buyers who do not comply with the intent of this section. An account is in arrears when it is sixty days past due or ninety days past issuance of invoice. Such action includes, but is not limited to, cancellation or suspension of shopping privileges, cancellation or suspension of priority shopping status.

[Statutory Authority: RCW 43.19.011, 43.19.620, 43.19.985, 43.19.742, 43.19.769, 39.26.080, 39.26.090, 39.26.251, 39.26.255, and 39.26.271. WSR 15-23-062, § 200-360-020, filed 11/13/15, effective 12/14/15. Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-360-020, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.19.1919. WSR 94-22-056, § 236-48-1902, filed 11/1/94, effective 12/2/94.]

WAC 200-360-025 Surplus property auction. Auctions shall be advertised to the general public, provisions being made for interested parties to inspect items either at the auction site or user's location.

[Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-360-025, filed 11/17/11, effective 11/17/11; Order 77-2, § 236-48-191, filed 1/28/77.]

WAC 200-360-030 Sealed bid—Surplus property. Public notice shall be given of the sealed bid and the date set for public bid openings. In addition, information will be provided to interested parties describing the merchandise in question, together with an opportunity for inspection of the same.

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[Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-360-030, filed 11/17/11, effective 11/17/11. Statutory Authority: Chapter 43.19 RCW. WSR 83-18-004 (Order 83-03), § 236-48-192, filed 8/26/83; Order 77-2, § 236-48-192, filed 1/28/77.]

WAC 200-360-035 Negotiation—Surplus property. Negotiation shall be the method of disposal whenever it is determined by the director that such procedure is the most advantageous to the state. The reasons for choosing negotiation shall be set forth in writing and placed in the file relating to the disposition.

[Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-360-035, filed 11/17/11, effective 11/17/11; Order 77-2, § 236-48-193, filed 1/28/77.]

WAC 200-360-040 Guarantee of quality, etc., state responsibility for—Surplus property. All sales of surplus property are "as is," and the state takes no responsibility for and makes no guarantees with respect to items sold: Provided that the state shall make a statement of the condition of the merchandise, including major known defects, before sale. No sale shall be invalid due to defects discovered after sale which may have been discovered by a reasonable inspection of the property before sale.

[Statutory Authority: RCW 43.19.011, 43.19.620, 43.19.985, 43.19.742, 43.19.769, 39.26.080, 39.26.090, 39.26.251, 39.26.255, and 39.26.271. WSR 15-23-062, § 200-360-040, filed 11/13/15, effective 12/14/15. Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-360-040, filed 11/17/11, effective 11/17/11; Order 77-2, § 236-48-194, filed 1/28/77.]

WAC 200-360-045 Weight merchandise—Surplus property. If the property to be disposed of is measured by weight, the successful bidder shall furnish to the custodian of the property, a certified weight ticket showing the gross tare and net weight of the shipment with a notation on the ticket of the driver on or off of the vehicle for each load. The empty and loaded weight ticket must bear the same date. Weighing shall take place at the certified public scale nearest to the point of pickup.

[Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-360-045, filed 11/17/11, effective 11/17/11; Order 77-2, § 236-48-195, filed 1/28/77.]

WAC 200-360-050 Removal—Surplus property. Surplus property must be removed within a reasonable time after purchase, or if a specific time is stated, within that time.

[Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-360-050, filed 11/17/11, effective 11/17/11; Order 77-2, § 236-48-196, filed 1/28/77.]

WAC 200-360-055 Withdrawal from sale or rejection of bids—Surplus property. The state may withdraw from sale the item(s) scheduled for disposal at any time prior to the formation of a contract. The state may also reject any or all bids if the best interests of the state so require.

[Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-360-055, filed 11/17/11, effective 11/17/11. Statutory Authority: Chapter 43.19 RCW. WSR 83-18-004 (Order 83-03), § 236-48-197, filed 8/26/83; Order 77-2, § 236-48-197, filed 1/28/77.]

WAC 200-360-060 Sale of surplus property to state elected officials or employees. Surplus property available for disposal under the provisions of RCW 43.19.1919 shall

not be sold to state elected officials, officers or employees, except at public sale: Provided, however, An item valued at less than direct buy limit and declared surplus of a personal nature such as a chair, desk or bookcase, which in some way depicts or represents the office in which they have served, may be sold to an elected official after leaving office at private sale as used equipment: Provided further, That commissioned officers of the Washington state patrol or other statewide law enforcement activity retired for service or for nonmental or nonstress related disabilities may purchase his or her career service handgun at private sale as used equipment.

[Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-360-060, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.19.190 and 43.19.1919. WSR 97-04-025, § 236-48-198, filed 1/28/97, effective 2/28/97. Statutory Authority: Chapter 43.19 RCW. WSR 91-09-035, § 236-48-198, filed 4/12/91, effective 5/13/91. Statutory Authority: RCW 43.19.190(11) and 43.17.060. WSR 90-16-075, § 236-48-198, filed 7/30/90, effective 8/30/90. Statutory Authority: Chapter 43.19 RCW. WSR 83-18-004 (Order 83-03), § 236-48-198, filed 8/26/83; Order 77-2, § 236-48-198, filed 1/28/77.]