

Superseded 5/12/2015

63A-2-410 State surplus property contractor -- Deposit of proceeds.

- (1)
 - (a) The division shall, after issuing a request for proposals, award a contract to a person in the private sector to administer the state's program for disposition of state surplus property.
 - (b) The request for proposals shall seek:
 - (i) proposals that provide that the sole source of payment to the contractor will be a percentage of the amount for which the contractor sells state surplus property; and
 - (ii) proposals that provide for alternative methods of payment.
- (2) The contract shall:
 - (a) provide that the contractor may sell state surplus property by auction, bid, or other manner designed to get the best price available for the state surplus property;
 - (b) prohibit the contractor from engaging in the sale of state surplus property in a manner that would constitute a conflict of interest;
 - (c) require regular and detailed accounting to the division of:
 - (i) the receipt and sale of state surplus property; and
 - (ii) the receipt and payment of funds by the contractor; and
 - (d) ensure public transparency regarding the sale of state surplus property by requiring that the contractor:
 - (i) post online information related to a sale or attempted sale of state surplus property, including:
 - (A) a description of the state surplus property;
 - (B) the agency that requested sale of the surplus property;
 - (C) the price at which the surplus property was sold; and
 - (D) the date that the surplus property was sold; and
 - (ii) post the information described in Subsection (2)(c)(i):
 - (A) within a time frame described in the contract; and
 - (B) for a period of time described in the contract.
- (3) The contractor may not:
 - (a) unless expressly provided otherwise in the contract between the division and the contractor:
 - (i) be required to store state surplus property; or
 - (ii) charge for the storage of state surplus property;
 - (b) administer the direct transfer of state surplus property from one agency to another agency;
 - (c) administer the disposal or destruction, by an agency, of state surplus property as waste;
 - (d) administer the donation by an agency of state surplus property to a charity; or
 - (e) administer the disposition of state surplus property under Section 63A-2-406, 63A-2-407, 63A-2-408, or 63A-2-409.
- (4) The division shall, after paying the amount owed to the state surplus property contractor, transfer the remaining money received for the sale of a particular item of state surplus property to the agency that requested the sale of the particular item of state surplus property, in accordance with Title 63J, Chapter 1, Budgetary Procedures Act.
- (5) The division shall:
 - (a) on or before August 31, 2013, give an oral report to the Government Operations Interim Committee regarding:
 - (i) the division's progress and plans in relation to issuing the request for proposals described in this section; and
 - (ii) rules passed or proposed, on or after May 14, 2013, in relation to the state surplus property program; and

(b)

- (i) issue the request for proposals described in this section on or before September 30, 2013; or
- (ii) in November 2013, give an oral report to the Government Operations Interim Committee, explaining why the request for proposals was not issued on or before September 30, 2013.