

Effective 5/12/2015

63A-2-401 Utah surplus property program -- Administration.

- (1) The division shall determine the appropriate method for disposing of state surplus property.
- (2) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the division may contract with one or more state surplus property contractors to assist with the disposition of state surplus property by:
 - (a) online auction;
 - (b) live auction;
 - (c) pick up, sale, and disposal;
 - (d) disposal;
 - (e) destruction; or
 - (f) another method approved by the purchasing director.
- (3)
 - (a) A state agency shall use the services of the state surplus property contractors under contract with the division for the disposition of state surplus property unless the purchasing director authorizes an exception in writing.
 - (b) Justification for an exception under Subsection (3)(a) includes:
 - (i) a security issue;
 - (ii) the need for restricted public access to the state surplus property;
 - (iii) a lack of adequate storage space; and
 - (iv) an issue specific to the state agency, as approved by the purchasing director.
- (4)
 - (a) By following the procedures and requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules establishing a surplus property program that meets the requirements of this chapter by following the procedures and requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
 - (b) The rules under Subsection (4)(a) shall include:
 - (i) procedures and requirements for transferring state surplus property directly from one state agency to another;
 - (ii) procedures and requirements governing division administration requirements that a state agency is required to follow;
 - (iii) requirements governing purchase priorities;
 - (iv) requirements governing accounting, reimbursement, and payment procedures;
 - (v) procedures for collecting bad debts;
 - (vi) requirements and procedures for the disposition of firearms;
 - (vii) the elements of the rates or other charges assessed by the division for services and handling;
 - (viii) procedures governing the timing and location of public sales of state surplus property;
 - (ix) procedures governing the disposition of information technology equipment; and
 - (x) procedures governing the transfer of information technology equipment by state agencies directly to public schools.
 - (c) Except as it relates to a vehicle or federal surplus property, the rules described in Subsection (4)(b)(i) may not require approval by the division, the purchasing director, or any other person, for a state agency to transfer state surplus property directly to another state agency.
- (5) The division may:
 - (a) establish facilities to store state surplus property at appropriate locations throughout the state;
 - (b) hold public sales of state surplus property at geographically dispersed locations throughout the state;

- (c) after consultation with the state agency requesting the sale of state surplus property, establish the price at which the surplus property shall be sold; and
- (d) as provided in Title 63J, Chapter 1, Budgetary Procedures Act, transfer proceeds generated by the sale of state surplus property to the state agency requesting the sale, reduced by a fee approved in accordance with Subsection 63A-2-103(3) to pay the division's costs of administering the state surplus property program.
- (6) Except as otherwise expressly provided in this part, or by explicit reference to this part, each state agency shall divest and acquire state surplus property only by participating in the division's program.
- (7) A state agency may declare property owned by the state agency to be state surplus property by making a written determination that the property:
 - (a) is excess property that is no longer being used;
 - (b) has exceeded its useful life;
 - (c) is no longer usable;
 - (d)
 - (i) is damaged; and
 - (ii)
 - (A) cannot be repaired; or
 - (B) cannot be repaired at a cost that is less than the property's value; or
 - (e) is no longer required to meet the state agency's needs or responsibilities.

Amended by Chapter 98, 2015 General Session