

NOTICE OF PROPOSED REGULATION AMENDMENT

Date: July 27, 2011

REGULATION TITLE:
Surplus Property

REGULATION NO.:
UCF-7.302

SUMMARY OF REGULATION: This regulation is amended to authorize disposal of surplus property as recyclable material, to include updated procedures for sales of surplus property, and to clarify the disposition of monies received from the sale, scrap, recycling, or disposal of surplus property.

AUTHORITY: BOG Regulations 1.001 and 17.001

NAME OF PERSON WHO INITIATED PROPOSED REGULATION AMENDMENT:
Brian Wormwood, Associate Director, Facilities Operations

COMMENTS CONCERNING THE PROPOSED REGULATION AMENDMENT SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. The comments must identify the regulation you are commenting on.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION AMENDMENT IS:

Regulations Administrator
4000 Central Florida Blvd.
Millican Hall, Suite 360
Orlando, FL 32816-0015
Phone: (407) 823-2482
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FULL TEXT OF THE PROPOSED REGULATION AMENDMENT:

UCF-7.302 Surplus Property.

(1) Purpose. The purpose of this regulation is to set forth guidelines with respect to the disposition of state-owned tangible personal property in the custody of the University in accordance with Sections 273.04, 273.05, 273.055, F.S.

(2) Definitions.

(a) Custodian – Any person entitled to lawful custody of property owned by the state.

(b) Property Manager – An individual assigned by the University to manage the assignment, accountability, transfer, and disposal of state-owned property for which the University has custodial responsibility under the Florida Statutes.

(c) Tangible Personal Property.

1. All personal property, other than real estate, acquired by and belonging to the State of Florida.

2. Buildings and structures if and when they are severed from the real property on which they reside are also considered as tangible personal property and will be reported as prescribed in this regulation.

(3) Reporting Requirements.

(a) Surplus, state owned, tangible personal property which is determined to be surplus because it is excess, obsolete, uneconomical, or inefficient for continued use shall be certified as surplus by the custodian of the property to the Property Manager.

(b) The Property Manager will schedule the certification for disposition action by the Property Board.

(4) Certifications. Surplus property certifications shall provide the following information:

(a) Complete description of property.

(b) Statement of condition and age.

(c) Original purchase price.

(d) Estimated current value.

(e) Location of property and hours when property may be examined, person to contact for examining property, and a minimum bid (if required).

(f) Any additional information that would assist in determining whether or not property should be offered to other universities, state agencies, or governmental entities.

(g) In addition, certifications pertaining to buildings and structures which are tangible personal property in accordance with subparagraph (2)(c)2. above, will also include the legal description, location, size, type of construction, and reason for removal.

(5) Property Board.

(a) The Property Board will consist of the following:

1. Chairperson and faculty and/or staff members appointed by the Vice President for Administration and Finance.

2. Advisory, non-voting member – Property Manager.

(b) Board Duties and Authority.

1. The Board determines the disposition of certified surplus property.

2. ~~Board action in cases up to \$1000 is final. Where the amount on any one certificate exceeds \$1000 the Board shall secure concurrence in its determination from the Vice President for Administration and Finance before ordering disposition.~~Board action in the determination of the final disposition of certified surplus property is final.

(6) Disposition Actions. The Property Board's disposition actions may include one or more of the following:

(a) Transfer. If because of type, age, or condition the Property Board feels that the equipment is not useful to any University of the State University System, the Board may

authorize transfer to another State Agency or political subdivision under such conditions as it may determine appropriate.

(b) Scrap or cannibalization of equipment. The Property Board may authorize the scrapping or cannibalization of equipment if it feels it is in the best interest of the University.

(c) Disposal as Waste. The Property Board may authorize the disposal of tangible personal property upon determination that cost of return or repair exceeds the value of the property and the item(s) has no saleable value.

(d) Disposal as Recyclable Material. The Property Board may authorize the recycling of tangible personal property upon determination that cost of return or repair exceeds the value of the property, the item(s) has no saleable value, and recycling of the property is in the best interest of the University and the environment.

(e) Public sale.

1. The Property Board may authorize the public sale of such property determined to be surplus to the needs of the University in accordance with F.S. 273.055(2)(c).

2. ~~All public sales shall be conducted on a set date and time which may be advertised in a local newspaper of general circulation no less than two weeks prior to the sale.~~ To maintain proper disposition evaluations, ethical sales methodologies, sales record integrity, and proper reporting for audit purposes, all public sales of University property shall be made only through the University Surplus Store's online internet venues, the University Surplus Store, or as otherwise directed by the VP of Administration & Finance.

3. ~~Sales may be conducted at the discretion of the Property Board as auction or sealed bid sales.~~ All public sales of University property shall be open to scrutiny by the general public, the University of Central Florida Audit department, and the State of Florida Auditor General.

Individual University departments are banned from selling, recycling, or disposing of university surplus property, whether tagged with a UCF property tag or untagged, through any other means.

4. All public sales shall be conducted at the discretion of the Property Board and/or the VP of Administration & Finance, be open to the general public without prejudice or exclusivity, and be made accessible to University employees not affiliated with a UCF position or assignment within University Surplus Property. University personnel, student assistants, contractors, or other individuals assigned to roles whereby they are directly involved with the evaluating, refurbishing, enhancing, or selling of surplus property shall be banned from participation as a buyer, consumer, or end user of the surplus property to eliminate unfair advantages with regard to the general public.

5. A record of all sales shall be maintained and be made available to the University Audit department as well as the State of Florida Auditor General.

(~~ef~~) Circulation to other agencies. The Property Board may at its discretion recommend the circulation of surplus property having a useful life to other agencies.

(~~fg~~) Transfer or donate to any private non-profit agency.

(~~gh~~) Donation to other organizations. The property Board may authorize the donation of such property determined to be surplus to other organizations as provided in Section 273.055, F.S.

(7) Physical Disposition of Surplus Property.

(a) Certified surplus property shall not be sold, transferred, cannibalized, scrapped, or destroyed without prior written authorization from the Property Board.

(b) Property custodians certifying property as surplus shall be responsible to take reasonable care of the property until written disposition instructions are received from the Property Board.

(8) Exchange of Property. All requests for exchange or trade-in of existing property for the purchase of new property must be submitted to the Property Board for approval, prior to any exchange or trade-in. The request should be made using Finance and Accounting Form No. 41-812B, available at <http://www.fa.ucf.edu/Forms/Forms.cfm>.

(9) Non-State Funded Property. All property originally purchased with non-state funds, such as contracts or grants funds, shall be managed in a form consistent with the applicable rules and regulations of the funding authority. In the absence of an authority's rules and regulations such property shall be managed in accordance with this regulation.

(10) Disposition of monies.

(a) ~~Except as noted in paragraph (b) below, the first \$100.00 per item received from each item of surplus property sold shall be deposited to the Purchasing Department's account to defray the expenses incurred by that department in conducting the sale. The remaining proceeds shall be deposited to the accounts from which the original purchase was made if the accounts are still in operation or if not to the university department originally controlling the defunct account.~~ Except as noted in paragraph (b) below, monies received from the sale, scrap, recycling, or disposal of surplus property shall be deposited into the University Surplus Property account. Proceeds arising from the sale or disposition of surplus property shall be used for official University business at the sole discretion of the Property Board and/or the Vice President of Administration & Finance. The disposition of monies received through surplus property sales or

disposal shall at all times be recorded, by individual transaction, and made available in report format to the University Audit department and the State of Florida Auditor General upon request.

(b) Sales or other disposition of property purchased by contract and grants accounts shall be handled in accordance with the terms of the university's agreement with the source of the funds financing these accounts.

Authority: BOG Regulations 1.001 and 17.001. History—Formerly 6C7-4.04, Renumbered and Amended 6-22-83, Amended 1-31-85, 8-7-86, 12-29-91, 3-16-03; Formerly 6C7-7.302, Amended 4-14-09, -11.