



**BOARD OF EDUCATION POLICY**

**SALE OF TECHNOLOGY CENTER SURPLUS PROPERTY**

Real Property

When technology center-owned real estate is no longer needed for public technology center purposes, the board of education may declare the property to be surplus to the needs of the technology center. Following such a declaration surplus real estate may be sold at any time using the following procedure:

1. Prior to requesting bids for a property, the technology center will have the property appraised by at least two (2) disinterested, qualified, appraisers chosen by the superintendent. If the superintendent deems it appropriate additional appraisals may be obtained. All appraisals will be confidential until after the property is sold. When the property is sold, all appraisals will be made available for public inspection. Any appraisal must be made within six (6) months of the date on which the property is offered for public bid.
2. The superintendent will prepare a notice to bidders advising that sealed bids for the purchase of a property will be received by the technology center at a time and place designated in the bid notice. The bid notice will require each bidder to state, in his or her bid, the intended use of the property. This use may be a factor in determining the successful bidder.
3. The bid notice will be published at least ten (10) days prior to the bid opening in at least one (1) issue of a newspaper of general circulation in the county in which the property is located. The bid notice may be published in additional newspapers or advertised by additional means at the discretion of the superintendent or by direction of the board of education.
4. The bids will be opened at the time and place specified in the bid notice and the bids will be referred to the board of education for acceptance or rejection. The board of education will reserve the right to reject any and all bids or to accept any particular bid.
5. Surplus real estate will not be sold at private sale unless the real estate has first been offered for sale by public sale or public bid and all such bids have been rejected.
6. Surplus real estate will not be sold at a public or private sale for less than 75% of the appraised value as determined by averaging the property appraisals.
7. Surplus real estate will not be sold to any bidder for less than 75% of the appraised value.

8. Any conveyance of real estate by private sale to a non-profit organization, association, or corporation to be used for public purposes, unless for exchange, will contain a reversionary clause which returns the real estate to the technology center upon cessation of the use without profit or for public purposes by the purchaser or the assigns of the purchaser.

### Personal Property

Technology center-owned personal property includes all property owned by the technology center other than real estate (equipment, furniture, etc.). When technology center-owned personal property is no longer needed, the board may declare the property to be surplus to the needs of the technology center. Following such a declaration, surplus personal property may be disposed of using the following procedure:

1. The board must declare the property surplus during a regular or special board meeting. The meeting agenda (or an attachment to the agenda) must contain a description of all property to be declared surplus.
2. After the board has declared the property surplus, the superintendent is authorized to use the most economical and beneficial means to dispose of the property. These methods may include sale (public auction, written bids, online services, etc.), trade, salvage/scrap, discard, or any other means the superintendent determines to be appropriate based on the condition of the property and the totality of the circumstances. If property is sold or traded, the technology center must receive reasonable compensation.
3. The superintendent or designee will maintain records regarding disposition of surplus property for five years from disposition of the property.
4. Surplus computers, copiers, and other electronics that store data must be either electronically wiped clean or have the hard drive destroyed so that any sensitive or confidential information (social security numbers, health information, personal identification information, technology center financial information, licensed software, etc.) cannot be recovered from the equipment.
5. Partner technology centers may be given an opportunity to take any needed surplus personal property.
6. Technology center board members (and their second-degree relatives) are prohibited by state law from purchasing property from the technology center.
7. Technology center employees (and members of their immediate families) who recommend that property be declared surplus are prohibited from obtaining the surplus property either directly or indirectly.

## Leased Property

If a board of education makes the decision to dispose of real or personal property that is leased at the time the decision is made, whether such disposal is by public sale, public bid or private sale, the lessee shall have a right of first refusal to purchase the property on the following terms and conditions:

1. If a board of education receives a bid or offer in a public sale, public bid or private sale for any real or personal property that it desires to accept, then it shall provide notice to the lessee of the property. The notice shall include the identity of the prospective purchaser of the property, the terms and conditions of the proposed sale and the purchase price to be paid by the prospective purchaser, and
2. The lessee shall have thirty (30) days after the receipt of the notice to inform the board of education that it elects to purchase the property on the same terms and conditions set forth in the notice, in which event the board of education shall convey the property to the lessee on all the same terms and conditions set forth in the notice; provided, however, that if any portion of the consideration include in the purchase price set forth in the notice is not in cash, then the lessee shall be entitled to pay the fair market value in cash of such noncash consideration.

### Reference:

OKLA. STAT. tit. 70, § 5-117(11)

OKLA. STAT. tit. 60, § 812