

802 CMR: OPERATIONAL SERVICES DIVISION

802 CMR 3.00: DISPOSITION OF SURPLUS STATE PROPERTY (PERSONAL)

Section

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3.01: Purpose, Scope and Applicability

(1) The purpose of 802 CMR 3.00 is to ensure the realization of maximum financial and operational benefit from State-owned surplus property for all eligible Commonwealth entities. SSPO achieves this objective by proactively promoting the availability of State surplus property, while regulating and overseeing the manner in which disposal of such property takes place to Commonwealth agencies, towns and municipalities, non-profit organizations and the general public.

(2) The State Surplus Property Office (SSPO), within the Operational Services Division, is responsible for:

- (a) managing the distribution of usable state property from all state agencies;
- (b) the disposal of obsolete, excess and salvage materials; and
- (c) facilitation of distribution of surplus federal property to eligible Commonwealth entities.

By redistributing excess equipment, the Commonwealth endeavors to efficiently manage its personal property assets and to reduce disposal and operating costs.

(3) State agencies, cities and towns, non-profit organizations and the general public may obtain surplus state property, in accordance with SSPO rules. Any item that is the personal property of a state agency and is no longer needed is subject to disposal in accordance with SSPO rules. SSPO publishes an on-line list of all equipment available statewide to facilitate transfer of surplus property among eligible acquiring entities.

(4) 802 CMR 3.00 applies to all State agencies.

3.02: Definitions

Agency or State Agency. State agency as defined in M.G.L. c. 29, § 1.

Agency Surplus Property Officer. Individual at a state agency designated by the agency's Internal Control Officer as surplus property officer, responsible for management and disposition of surplus state property.

Donor Agency. Agency reporting surplus property to State Office for Surplus Property.

Needs File. File of requests for surplus property received from State agency.

Personal Property. All state agency-owned personal property, (*e.g.* furniture, office machines, vehicles) except land and buildings, acquired with appropriated funds.

Receiving Entity. Entity receiving surplus property from either redistributed federal surplus property or a donor agency.

State Surplus Property Office. Unit within the Operational Services Division, headed by the State Surplus Property Officer, responsible for identifying, storing and disposing of surplus property.

Surplus and Property Listing. SSPO generated listing of surplus property.

3.02: continued

Surplus Property. Personal property no longer required by the acquiring state agency, including but not limited to:

- (a) property exceeding the needs of a state agency;
- (b) property obsolete to the needs of a state agency;
- (c) damaged non-repairable property (salvage); or
- (d) Historic Artifacts.

3.03: Responsibilities of Agencies

(1) Agencies must examine their inventories of equipment, supplies and materials and periodically, but no less than annually, and report property that is no longer needed to the SSPO. The disposal of all surplus, salvage, scrap, and worthless property must be coordinated through the SSPO. State agencies may not transfer, donate, destroy or otherwise dispose of property without following SSPO procedures. Agencies must advise SSPO of all items which are of no further use to them, with the exception of worthless property. For specific guidance concerning the disposal of worthless property, *see* 802 CMR 3.04(6).

(2) Agencies may not transfer surplus property from one geographic location (street address) to another without approval of the SSPO.

(3) Agencies should contact the SSPO in accordance with established SSPO procedures for disposition information on items which may be suitable for sale, auction or use by other state agencies.

(4) Items declared as surplus, salvage or scrap under the appropriate condition code will remain the responsibility of the declaring agency until disposal has been completed. Additionally, if items declared for disposal must be removed from the reported location, SSPO must be notified immediately. Agencies are responsible for ensuring that any confidential or sensitive data is removed from surplus property prior to transfer.

(5) Agencies must follow all applicable SSPO policies and procedures, unless a waiver is granted by the SSPO.

3.04: Policies Governing Distribution of Surplus Property

(1) Upon receipt of all applicable SSPO documentation, the SSPO will determine if the property meets the needs of any State agency. SSPO may contact agencies to inform them of the available item(s). For transfers of surplus property, the disposing agency and acquiring entity are responsible for scheduling inspections and authorized property transfers.

(2) If there is no request for the item, SSPO shall list the item in the Surplus Property Listing available to State agencies. Agencies must arrange any required inspection, transportation of surplus items, and confirm receipt of surplus items in writing to the SSPO.

(3) If two or more agencies request an item simultaneously, the SSPO shall determine which agency will receive the item.

(4) Agencies desiring items identified by SSPO as surplus should advise the SSPO, in accordance with established SSPO Policies and Procedures. SSPO shall establish the order of priority for distribution of surplus property items to non-state agency recipients.

(5) The SSPO will determine the method of disposal for all surplus items according to the type of property, condition, and its best value to the Commonwealth. The SSPO reserves the right to authorize an agency to dispose of property that has insufficient value. Formal authorization will be granted when the SSPO has received appropriate documentation, in accordance with established SSPO Policies and Procedures. In the case of usable property, the agency may receive authorization to sell the property at the best price obtainable by competitive bid, as authorized by SSPO. Any funds received must be payable to the Commonwealth of Massachusetts and remitted to SSPO.

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3.04: continued

(6) Upon approval by SSPO, agencies are authorized to destroy property items considered to be worthless. The agency surplus property officer must appoint, when applicable, a three member property disposal team which should be made up of the Agency Head, the Fiscal Officer and a third agency employee, or their designees. The team members are required to personally inspect and determine the value of the property. If the property is determined to be worthless, each member must provide a certification to that effect, which shall be sent to the SSPO. Prior to destruction, the agency should remove any part of an assembly that can be used or stocked for repair of other articles. Surplus property, even if worthless, must be disposed of in a manner that complies with M.G.L. c. 268A.

3.05: Waiver

SSPO may waive any provision of 802 CMR 3.00 on a case by case basis, upon demonstration of good cause by the requesting entity, or if SSPO determines that it is in the best interests of the Commonwealth to do so.

REGULATORY AUTHORITY

802 CMR 3.00: M.G.L. c. 7, §§. 4L, 22 and 25A.