

# **Hudson River Park Trust**

## **Surplus Property Policy and Procedures**

### **SECTION 1 – GENERAL PROVISIONS**

#### **1.1 Purpose**

These guidelines establish Hudson River Park Trust’s (“HRPT”) policy and provide instruction to Hudson River Park Trust staff respecting the designation, transfer, sale and/or disposal of HRPT surplus personal property.

#### **1.2 Authority**

Section 7 of the Hudson River Park Act<sup>1</sup> charges HRPT with the design, construction, operation and maintenance of Hudson River Park (the “Park”) and authorizes HRPT to adopt rules, regulations and orders, to enter into contracts, and to take other actions as may be necessary to carry out its functions. The purchase, maintenance and, ultimately, sale or disposal of tools, equipment, furniture, vehicles and other personal property needed in connection with fulfilling such functions, falls squarely within the scope of such mandate. The sale of surplus personal property is not subject to the competitive bidding requirements governing state contracts for the purchase of equipment.<sup>2</sup>

#### **1.3 Scope**

Unless otherwise stated, this policy statement and accompanying procedures shall apply to all HRPT personal property.<sup>3</sup>

#### **1.4 Surplus Property Coordinator**

The HRPT President shall designate a HRPT staff member to act as the primary manager of property declared to be surplus. Responsibilities of the Surplus Property Coordinator shall include, but are not limited to, confirming the market value, if any, of all property identified as surplus, inventorying and remaining informed as to the location and condition of all HRPT surplus property, coordinating the listing of surplus property for sale, arranging with potential buyers for pre-sale inspection, and, when appropriate, contracting with an auctioneer or other personal property sales broker. If eBay is chosen as the appropriate venue for selling the surplus property, the Surplus Property

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<sup>1</sup> 1998 Session Laws of New York Chap. 592.

<sup>2</sup> State Comptroller Opinions indicated that even where governmental agencies were required to participate in competitive bidding for the purchasing of property, competitive bidding was not applicable to the selling of surplus property. Op. State Compt. 79 – 560; Op. State Compt. 78 – 723; Op. State Compt. 79-1082.

<sup>3</sup> HRPT is not authorized to acquire or hold title to real property (Hudson River Park Act, Section 7.2).

Coordinator shall also provide all necessary information and photographs to the IT department for eBay postings, and oversee any such eBay online auction sales.

## **1.5 Fiscal**

All revenue earned for the sale of property and documentation of all such sales shall be submitted to the HRPT finance department for deposit into HRPT's operational bank account.

## **SECTION 2 – DEFINITIONS**

### **Surplus Personal Property**

Any item owned by HRPT which is not classified as real estate and is no longer useful to HRPT, including, but not limited to personal property which is obsolete, unusable, or for which any continuing or future need for such property does not justify the associated cost of its maintenance and/or storage.

### **Worthless Property**

*Surplus personal property* that has been identified by the Surplus Property Coordinator and confirmed and declared by an HRPT officer to be unusable and of little or no salvage or other economic value.

## **SECTION 3 – PROCEDURES FOR DECLARING PROPERTY AS SURPLUS**

### **3.1 General Requirements**

- (1) Only an officer of HRPT shall have the power to authorize the declaration of HRPT property as surplus.
- (2) When making a determination as to whether HRPT property shall be declared as surplus, the following factors should be considered: (1) the condition of the property; (2) the fair market value of the property; (3) the remaining useful life of the property; and (4) the cost of repairing, maintaining and/or storing the property.
- (3) Property to be declared as surplus shall be inspected for the presence of toxic or contaminated material that would require special handling or disposal instructions. Examples of toxic or contaminated items include, but are not limited to, refrigerants, transformers, solvents, oils and paints and asbestos (ceiling tiles, roofing, etc.).
- (4) In general, forms declaring property as surplus should include: (1) name and contact information of primary contact; (2) a physical description of the property including any known defects; (3) when known, the original cost and, if applicable, the present fair market value of the property; and (4) a notation as to

whether the property contains any contaminants or toxic materials that require special handling/disposal instructions.

### **3.2 Declaring Motor Vehicles and Other Types of Motorized Equipment**

In addition to the general requirements outlined in Section 3.1, to declare a motor vehicle or similar types of motorized equipment as surplus, the following procedure must be followed:

- (1) Complete Form SP1 - "Report of Surplus Motor Vehicles and Motorized Equipment" (Attachment A to this Policy). This form must be signed by an HRPT officer.
- (2) The signed original of Form SP1, along with the title and registration and vehicle manual, if available, should be submitted to the Surplus Property Coordinator.
- (3) Whenever possible, HRPT identifying stickers, labels, etc., should be removed from the property, provided that removing these items does not damage the property.

### **3.3 Declaring All Other Personal Property**

In addition to the general requirements outline in Section 3.1, to declare all other HRPT personal property as surplus, the following forms/documentation must be provided:

- (1) Complete Form SP2 - "Report of Surplus Personal Property" (Attachment B to this Policy). This form must be signed by an HRPT officer.
- (2) The signed original of Form SP2, along with any available paperwork including manuals, warranties or product registration should be submitted to the Surplus Property Coordinator.
- (3) Whenever possible, HRPT identifying stickers, labels, etc., should be removed from the property, provided that removing these items does not damage the property.
- (4) Computers and any other type of electronic information storing devices should be erased of all files and other information before such property is declared as surplus property.

## **SECTION FOUR – DISPOSAL OF SURPLUS PROPERTY**

### **4.1 General Requirements**

- (1) The Surplus Property Coordinator or an officer of HRPT shall determine the most appropriate method for the disposal of property that has been designated as surplus.
- (2) Methods for disposing of surplus property include: sale, trade, donation, disposal or destruction.
- (3) Only *surplus personal property* classified as *worthless property*, as defined in Section Two, shall be destroyed or discarded.
- (4) No HRPT employee shall be entitled to purchase any HRPT *surplus personal property* except: (1) where such property has already been made available for sale to the public through eBay or any similar venue; (2) the price to be paid by the HRPT employee is comparable to the fair market value of said property; and (3) the HRPT employee obtains written approval from both an HRPT officer and the Surplus Property Coordinator (see Attachment C to this Policy).
- (5) No HRPT employee shall be entitled to obtain any HRPT *worthless property* unless such property: (1) has been scheduled to be destroyed or discarded by HRPT; (2) has a fair market value less than \$25.00; and (3) the HRPT employee obtains written approval from both an HRPT officer and the Surplus Property Coordinator.

### **4.2 Selling Surplus Property on eBay**

- (1) HRPT shall consider using eBay to dispose of surplus personal Property wherever possible.
- (2) An eBay account shall be created and maintained by the IT department in the name of HRPT.
- (3) HRPT should create a credit card account to be used exclusively for eBay transaction fees.

## **SECTION 5 – TERMS OF SALE**

The following Terms of Sale should be incorporated in any advertisement or listing of the property for sale. Buyers must be informed of the following Terms of Sale before the sale is made.

**Finality of Sale**

All sales are final.

**Condition of Item**

Items are offered "AS IS" with no warranty.

**Shipping Procedures**

**HRPT does not ship.** The buyer is responsible for picking up all purchased merchandise from the HRPT Administrative Office located at Pier 40, West Houston and West Streets, New York City.

**Item Pick-up**

All items must be picked-up by buyer within ten (10) business days of notice of award of property. Buyer must arrange and pay for all pickup costs, including, packing, removal and transportation. **All property not picked up within 10 days reverts to the Hudson River Park Trust, with no financial compensation made to buyer.**

**Payment Procedures**

Only money orders or cashier checks will be accepted as payment. Payment is due within five (5) business days of notice of award. Buyer must bring payment at time of pick-up or mail full payment prior to pick-up directly to:

Hudson River Park Trust  
Pier 40, Second Floor  
West Houston and West Streets  
New York, NY 10014

HRPT will not release property to buyer until payment has been received in full by HRPT.

**Tax**

All applicable sales tax shall apply. New York State Tax is collected regardless of buyer's residence, unless tax exempt.

**Pre-Sale Inspection**

Whenever feasible, HRPT personnel should permit potential buyers to arrange for pre-sale inspection.

**Award**

HRPT reserves the right to reject any bid which in its opinion does not represent a fair price and further to reject any bidder which is considers unable to meet the terms of sale.

ATTACHMENT A – FORM SP1

**Report of Surplus Motor Vehicles and Motorized Equipment**

INSTRUCTIONS:



Hudson River Park Trust

1. Use one form for each vehicle reported.
2. This form must be signed by an HRPT Officer.
3. HRPT identifying stickers, labels, etc., should be removed from the property, provided that removing these items does not damage the property.
4. Submit **original** form and vehicle title, registration and/or manuals to Surplus Property Coordinator.

YEAR _____ COLOR _____ MODEL/MAKE _____ CYLINDERS _____ VIN _____ STATE IDENT. NO. _____	<input type="checkbox"/> SEDAN <input type="checkbox"/> VAN <input type="checkbox"/> STATION WAGON <input type="checkbox"/> TRUCK _____ <input type="checkbox"/> GEM: 2 SEAT 4 SEAT (CIRCLE ONE) <input type="checkbox"/> OTHER _____
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THE ODOMETER READING \_\_\_\_\_, IN ACCORDANCE WITH FEDERAL & STATE LAWS REFLECTS THE ACTUAL MILEAGE of the vehicle unless one of the following statements is checked:

The actual mileage exceeds the mechanical limits of the odometer (e.g., over 99,999 miles)

The reading is not the actual mileage

OPERATING     NON-OPERATING

AUTO TRANS.     POWER BRAKES     POWER WINDOWS     AIR CONDITIONING

STAND. TRANS.     POWER STEERING     RADIO TAPE     OTHER \_\_\_\_\_

DEFECTS (Please be as specific as possible)

BODY DAMAGE \_\_\_\_\_

\_\_\_\_\_

MECHANICAL DEFECTS \_\_\_\_\_

\_\_\_\_\_

MISSING PARTS \_\_\_\_\_

\_\_\_\_\_

Who can we contact if further information is required? Can this person be listed as a contact for potential buyers who request additional information or who would like to schedule a pre-sale inspection of the product/s?  Yes  No

Name and Department: \_\_\_\_\_ Phone#: \_\_\_\_\_

Original purchase price (if available): \_\_\_\_\_ Current FMV of Vehicle: \_\_\_\_\_

Should the disposal of this vehicle require any special action or handling?  Yes  No If yes, please explain:

\_\_\_\_\_

The personal property listed above is no longer required by the Hudson River Park Trust ("the Trust"). With respect to this property, the Trust declares, with relation to Environmental Conservation Law, Article 27 and 6 NYCRR Part 371, that such listed property is not and does not contain hazardous waste, pesticides, or radioactive materials. I certify that upon information and belief, the condition and the odometer information provided is accurately represented above.

HRPT OFFICER NAME AND TITLE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

ATTACHMENT B – FORM SP2  
**REPORT OF SURPLUS PERSONAL PROPERTY**



Hudson River Park Trust

**INSTRUCTIONS:**

1. Use one form for each commodity.
2. Describe completely each item and its condition.
3. This form must be signed by an HRPT officer.
4. HRPT identifying stickers, labels, etc., should be removed from the property, provided that removing these items does not damage the property.
5. Submit **original, signed** form and any available paperwork including manuals, warranties, and/or product registration to Surplus Property Coordinator.

Who can we contact if further information is required? Name and Title: \_\_\_\_\_ Phone No.: \_\_\_\_\_

Can this person be listed as a contact for potential buyers who request additional information or who would like to schedule a pre-sale inspection of the product/s?  Yes  No

ITEM NO.	DESCRIPTION	QUANTITY	CONDITION	Original Cost	Present FMV

Should the disposal of this equipment require any special action or handling?  Yes  No If yes, please explain:

The personal property listed above is no longer required by the Hudson River Park Trust (“the Trust”). With respect to this property, the Trust declares, with relation to Environmental Conservation Law, Article 27 and 6 NYCRR Part 371, that such listed property is not and does not contain hazardous waste, pesticides, or radioactive materials. I certify that upon information and belief, the condition and the odometer information provided is accurately represented above.

HRPT OFFICER NAME AND TITLE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

ATTACHMENT C – EMPLOYEE PURCHASE OF SURPLUS PROPERTY

**Certification of Appropriateness**

(To be completed by HRPT employees purchasing or otherwise obtaining  
HRPT Surplus Personal Property)

Date: \_\_\_\_\_

Description of Surplus Property to be obtain by HRPT Employee	Fair Market Value	Price to be Pd. By Employee

We hereby certify that, upon information and belief, the surplus property described above:

- (1) has been advertised for sale to the public through eBay or a similar venue; and
- (2) the price to be paid by the HRPT employee is comparable to the fair market value of such property.

**AUTHORIZING OFFICER:**

Name and Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**EMPLOYEE:**

Name and Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**SURPLUS PERSONAL PROPERTY COORDINATOR:**

Name and Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_