

HOW TO DISPOSE OF YOUR OBSOLETE EQUIPMENT

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Disposal of Obsolete Equipment

- Unless otherwise noted, all the following have advertising requirements (typically in accordance with IC 5-3-1)
- IC 36-1-11 & IC 5-22-22
 - Doesn't apply to the lease of school buildings under IC 20-47
 - Disposal of Curricular Materials [IC 20-26-12]
- IC 5-22-22-3
 - "A purchasing agent may sell property that:...(2) belongs to the governmental body but is no longer needed..."

Disposal of Obsolete Equipment (continued)

- IC 5-22-22-4
 - Engage Auctioneer
 - 1 item > \$1,000
 - More than 1 item > \$5,000
- IC 5-22-22-4.5
 - Internet sales
 - If the site is approved by IC 4-13.1-2-1 and
 - The site is linked to the electronic gateway administered under IC 4-13.1-2-2(a)(5)
- IC 5-22-22-5
 - Public Sale or Sealed Bids
 - Highest responsive bidder

Disposal of Obsolete Equipment (continued)

- IC 5-22-22-6
 - Private sale or transfer w/o advertising if:
 - 1 item < \$1,000
 - More than 1 item < \$5,000
- IC 5-22-22-8
 - Worthless Property
 - Costs to dispose exceeds expected income
 - Board has to deem it worthless
 - Demolish/Junk
- IC 5-22-22-10
 - Exchange with another governmental unit
 - Both boards adopt substantially the same resolution

Disposal of Obsolete Equipment (continued)

- IC 36-1-11-5.5
 - Sell/Transfer to not-for-profit created for educational or recreational
 - No compensation or a nominal fee

- IC 36-1-11-9
 - Trade-ins

Disposal of Curricular Materials

- IC 5-22-22 and IC 36-1-11 defer to IC 20-26-12
- However, IC 20-26-12-3 was repealed effective July 1, 2015
- Our suggestion:
 - Get a legal opinion for your corporation attorney on how to handle this.