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1.0 Policy

The RGRTA Surplus Property Disposition Program is designed to provide a cost-effective, timely, and efficient process to reallocate needed resources within RGRTA and to dispose of unneeded resources at the highest practical rate of return to RGRTA and in full compliance with all applicable federal and state laws and regulations.

Property no longer needed by the RGRTA department currently possessing it will be used for other purposes within RGRTA or removed from service according to provisions of and in accordance with this Policy and Procedure and any and all applicable laws or regulations, including the applicable requirements of State of New York and the Federal Transit Administration (including without limitation [RGRTA's enabling legislation](#), the latest version of FTA [Circular 5010.1X](#), and [Section 2896 of the Public Authorities Law](#)).

In the event of a conflict between this Policy and Procedures and any such applicable laws or regulations, the rule that is stricter shall control. The property disposition procedures contained herein shall apply to RGRTA and to all its subsidiary companies.

1.1. Objectives

The general objectives of this Policy are to:

- A. Avoid the costs associated with unnecessary purchases by facilitating the reuse of surplus property where possible;
- B. Promote optimum use of existing equipment and other property within RGRTA;
- C. Minimize the cost of replacing equipment and other personal property or obtaining additional equipment and other personal property for individual departments and RGRTA;
- D. Avoid the costs associated with storage and maintenance of unneeded property through the disposal of property which is no longer needed by RGRTA;
- E. Provide for the sale or other disposition of property no longer needed by RGRTA;
- F. Provide an orderly and uniform approach for the disposal of surplus property/assets of RGRTA;

- G. Provide for Fixed Asset Control documentation in order to properly account for any reuse or disposal of RGRTA property; and
- H. Prohibit disposition of RGRTA property in a context or by a method that could give rise to an allegation of a conflict of interest.

1.2. Responsibility

Primary responsibility for monitoring and assuring compliance with this Surplus Property Policy shall reside with the Chief Financial Officer (the "CFO"), who shall be deemed the "Contracting Officer" and shall be responsible for the disposition of surplus property and ensuring compliance with this policy and these procedures.

- A. The CFO shall assure that all Surplus Property is redeployed or disposed of in accordance with this Policy.
- B. The Finance Department and the Procurement Department shall be the primary departments responsible for the actual redeployment or disposition of Surplus Property, subject to the direction of the CFO.
- C. Fair market value for the Surplus Property will be determined between the Procurement Department and the department presently responsible for the property provided, however, that no disposition of real property or any interest in real property, shall be made unless an appraisal of the value of such property has been made by an independent appraiser and included in the record of the transaction; and provided further that no disposition of any other property, which because of its unique nature or the unique circumstances of the proposed transaction is not readily valued by reference to an active market for similar property, shall be made without a similar appraisal. The CFO must review and approve the fair market value determination.
- D. A file shall be maintained for each transfer and each disposal for the purpose of documenting the transfer or sale, including all documents and information pertinent to the disposal.
- E. The Contracting Officer or designee shall be responsible for the maintenance of accountability on all items of Surplus Property and shall ensure that adequate audit and inventory trails on all items of Surplus Property are maintained. A transfer document signed by the receiving institution shall be maintained on all transferred Surplus Property.

1.3. Board Approval

Prior to disposal of Surplus Property outside of RGRTA, a report of Surplus Property must be submitted to the RGRTA Board of Commissioners, which must approve the proposed disposition of the property.

2.0 Definitions

- **Authority** and **RGRTA** each mean the Rochester Genesee Regional Transportation Authority and its wholly controlled subsidiaries, (RTS, RTS Access, RTS Genesee, RTS Livingston, RTS Ontario, RTS Orleans, RTS Seneca, RTS Wayne, and RTS Wyoming).
- **Fixed Asset** means any RGRTA-owned personal property with an acquisition cost in excess of \$5,000 per unit and a useful life of one year or greater. The major personal property fixed asset categories are as follows:
 1. Revenue vehicles
 2. Non-revenue vehicles
 3. Maintenance equipment
 4. Computer equipment
 5. Other equipment

- **Restricted Person** means any individual who is, or within the last six (6) months has been, a Board member, officer, employee, or independent contractor of RGRTA or to a family member of any such individual.
- **RGRTA Property** means all items of real or personal property owned by RGRTA, whether movable or fixed, including, without limitation, equipment, supplies, materials, vehicles and other items that constitute "personal property" under New York State law, and real property, such as land, buildings, and improvements to land, and any inchoate or other interest in such property to the extent that such interest may be conveyed to another person for any purpose.
- **Surplus Personal Property** means RGRTA Property which constitutes "personal property" under New York State law and which is no longer needed by the RGRTA department which currently possesses it, regardless of its existing condition or estimated value.
- **Surplus Real Property** means RGRTA Property which constitutes "real property" under New York State law and which RGRTA has determined is not necessary, convenient, or desirable for its purposes.

3.0 Details

3.1. Accounting and Fixed Asset Control

RGRTA has a significant investment in Fixed Assets. The following procedures shall be followed in order to assist in proper financial reporting, accountability, and operational efficiency in connection with the redeployment and/or disposition of Surplus Personal Property.

- A. The Director of Accounting Services shall maintain accurate Fixed Asset information including, without limitation, adequate inventory controls and accountability systems for all property owned or under the control of RGRTA; and shall periodically inventory all such property to determine which property shall be disposed of.
- B. RGRTA's Accounting Department will act as an internal service bureau, monitoring and coordinating inputs to the accounting system. The Accounting Department will:
 1. Maintain a complete and accurate Fixed Asset database including, without limitation, the historical cost of each asset, as well as the asset's location.
 2. Distribute reports in order to assist RGRTA managers in:
 - a. Effectively budgeting for, accounting for, and controlling Fixed Assets;
 - b. Identifying underutilized Surplus Personal Property in their own departments that can be reassigned for more productive use or otherwise disposed of;
 - c. Identifying replacement and renovation needs of existing assets;
 - d. Identifying Surplus Personal Property in other departments that would still be of use in the manager's department;
 - e. Making budgetary decisions for specific requests and/or long-term planning;
 - f. Determining the value of a particular item planned for disposition;
 - g. Collect, store, make available, and generate reports pertaining to the Fixed Assets.

3.2. Transfer of Fixed Assets within RGRTA

- A. The first option for items of Surplus Personal Property by the department which currently possesses them will always be re-circulation within entities or departments of RGRTA. Before such an asset is abandoned

(discarded), an inquiry process should be completed to determine if any other department or subsidiary within the Authority's organization can utilize the asset.

- B. When appropriate, Surplus Personal Property will be advertised internally via electronic mail for a minimum of five business days before they will be eligible for disposition outside of RGRTA. The department currently possessing such items shall be authorized to withdraw the advertisement and retain the items itself.
- C. When a department takes possession from another department of a capital equipment item that was Surplus Personal Property in the hands of the other department, the receiving department Manager will forward the completed [Asset Disposal and Transfer Form](#) to the Accounting Department so the item will be properly recorded in the RGRTA inventory records.

3.3. Disposal of Surplus Personal Property

3.3.A. Notice to the Authority Budget Office

In accordance with [Section 2897\(6\)\(d\) of New York Public Authorities Law](#), the Authority shall submit to the New York Authority Budget Office a written explanation of the circumstances involving the disposal of any of the following types of property through a negotiated transaction not less than 90 days prior to the scheduled date of that transaction.

1. Personal property having an estimated fair market value greater than \$15,000.
2. Personal property disposed of by exchange of that property for other personal property, regardless of value.
3. Any personal property for which the consideration, in whole or in part, is real property.

3.3.B. Methods of Sale

Surplus Personal Property that cannot be re-circulated within entities or departments of RGRTA will be disposed of in accordance with one of the methods detailed in this section. Any such sale will be conducted through the most expeditious manner that will yield the best financial return to the RGRTA or, in the case of grant funds, to the proper funding agency.

1. Trade-In

Surplus Personal Property that cannot be effectively reutilized within RGRTA may be offered for trade-in when purchasing new property if RGRTA will receive greater value from a sale/trade-in of the Surplus Personal Property than it would by the other disposal methods detailed in this section. The head of the department currently possessing the Surplus Personal Property will be responsible, subject to the approval of the CFO or designee, for determining whether RGRTA will receive greater value from the trade-in than other disposal methods.

In the event of a trade-in, the Asset Transfer and Disposal Form shall include all appropriate information such as serial number, condition, make and model, and any relevant comments.

2. Receipt of Sealed Bids

The sale of Surplus Personal Property through the receipt of sealed bids shall be managed by the Procurement Department. A notice of the intent to sell through the receipt of sealed bids shall be advertised in the Rochester Business Journal and sealed bids shall be publicly opened no sooner than twenty-one (21) days after the publication of the advertisement. To foster greater competition, the Procurement Department may advertise in additional venues, notify potential buyers to alert them to

the sale, or a combination thereof. If multiple bids are not received, the Procurement Department shall assess whether the process should be completed again.

3. Public Auction

If it is determined that public auction is the most beneficial means to sell Surplus Personal Property for the Authority, auction services will be obtained through contractual agreements entered into with an auctioneer chosen on a competitive basis.

A notice of the intent to sell through Public Auction shall be advertised in the Rochester Business Journal and sealed bids shall be publicly opened no sooner than twenty-one (21) days after the publication of the advertisement. The notice shall describe the property to be sold and specify the date, time, place, manner, conditions of the item, and that it will be sold “as is”. To foster greater competition, the Procurement Department may advertise in additional venues, notify potential buyers to alert them to the sale, or a combination thereof.

4. Negotiated Sale/Transfer to a Governmental Entity

RGRTA may sell/transfer Surplus Personal Property to the state or any political subdivision if the estimated fair market value of the property or other satisfactory terms of sale/transfer are obtained by negotiation. The terms and conditions of the sale/transfer shall require that the ownership and use of the asset will remain with the government or any other public entity. If the transfer is temporary, ownership of the Surplus Personal Property will revert to the RGRTA at the end of such period of transfer.

5. Negotiated Sale to Non-Governmental Entities/Persons

Negotiated Sales of Surplus Personal Property to any person or organization other than a governmental entity may be completed, subject to the approval of the CFO or designee, if the estimated fair market value of such property and other satisfactory terms of disposal can be obtained by negotiation and if the following conditions are met:

- a. The fair market value of the Surplus Property does not exceed fifteen thousand dollars (\$15,000) unless it has been approved pursuant to Section 3.3.A of this Policy;
- b. The prices obtained through Receipt of Sealed Bids or Public Auction were unacceptable to the Authority;
- c. Such action is otherwise authorized by law;
- d. If the Surplus Personal Property involved has qualities separate from the utilitarian purpose of such property, such as artistic quality, antiquity, historical significance, rarity, or other quality of similar effect, that would tend to increase its value;
- e. If the Surplus Personal Property is to be sold in such quantity that, if it were disposed through public advertising for bids, the sale would adversely affect the state or local market for such property.

6. Scrapped

Surplus Property that cannot be effectively reutilized within RGRTA and cannot be sold, but has parts that have value to an RGRTA department, will be dismantled in order to remove such parts and then the remaining parts that do not have value to an RGRTA department will be scrapped. When an asset is scrapped, it is retired through “abandonment.”

- a. All usable parts should be removed from the item. The head of the department which currently possesses the Surplus Personal Property should dismantle that property for parts that have

- value to that department or any other RGRTA department before scrapping the property. An Asset Disposal and Transfer Form must be forwarded to the Director of Accounting Services.
- b. The asset should then be sold for scrap and proceeds forwarded to the Accounting Department. If the scrapped asset has no salvage value, it should be properly disposed of and not given to any person for personal use. An Asset Disposal and Transfer Form must be forwarded to the Director of Accounting Services.
- c. Surplus materials classified as scrap by the CFO may be sold by the Manager of Procurement directly to dealers at the current market value.
- d. Information Technology equipment, including computer equipment and telecommunications equipment, that has been classified as scrap, shall be disposed of in accordance with New York State regulations. Such regulations require that the equipment be processed by a licensed disposal/recycling firm. A fee is charged for such disposal and recycling services and may be deducted from any residual value paid to the Authority for the scrapped items.

3.3.C. Limitations on Disposals

1. Sale/Transfer to a Restricted Person

Surplus Personal Property shall never be sold or transferred directly or indirectly to a Restricted Person as defined in this policy. The prospective purchaser shall either acknowledge through their submission of a sealed bid or the execution of a bill of sale that they are not a Restricted Person.

2. Disposal for Less than Fair Market Value

No asset owned, leased or otherwise in the control of RGRTA will be sold, leased, or otherwise alienated for less than its fair market value except if:

- a. The transferee is a government or other public entity, and the terms and conditions of the transfer require that the ownership and use of the asset will remain with the government or any other public entity, or if the transfer is temporary, will revert to the ownership of RGRTA at the end of such period of transfer;
- b. The purpose of the transfer is within the purpose, mission or governing statute of RGRTA; or
- c. In the event RGRTA seeks to transfer an asset for less than its fair market value to other than a governmental entity, which disposal would not be consistent with the Authority's mission, purpose or governing statutes, RGRTA shall provide written notification thereof to the governor, the speaker of the assembly, and the temporary president of the senate, and such proposed transfer shall be subject to denial by the governor, the senate, or the assembly. Denial by the governor shall take the form of a signed certification by the governor. Denial by either house of the legislature shall take the form of a resolution by such house. The governor and each house of the legislature shall take any such action within 120 days of receiving notification of such proposed transfer during a legislative session, provided that if the legislature is out of session for at least 10 days after such notification, the legislature may take any such action within 60 days of the legislature next going into session. If no such resolution or certification is performed within 120 days of such notification of the proposed transfer to the governor, senate, and assembly, RGRTA may effectuate such transfer.
- d. In the event a below fair market value asset transfer is proposed, the following information must be provided to the RGRTA Board of Commissioners and the public:
 - i. A full description of the asset;

- ii. An appraisal of the fair market value of the asset and any other information establishing the fair market value sought by the Board;
 - iii. A description of the purpose of the transfer, and a reasonable statement of the kind and amount of the benefit to the public resulting from the transfer, including but not limited to the kind, number, location, wages or salaries of jobs created or preserved as required by the transfer, the benefits, if any, to the communities in which the asset is situated as are required by the transfer;
 - iv. A statement of the value to be received compared to the fair market value;
 - v. The names of any private parties participating in the transfer, and if different than the statement required by subparagraph (iv) of this paragraph, a statement of the value to the private party; and
 - vi. The names of other private parties who have made an offer for such asset, the value offered, and the purpose for which the asset was sought to be used.
- e. Before approving the disposal of any property for less than fair market value, the RGRTA Board of Commissioners shall consider the information described in paragraph (d) of this subdivision and make a written determination that there is no reasonable alternative to the proposed below-market transfer that would achieve the same purpose of such transfer.

3.3.D. Disposal of Hazardous Material

Surplus Personal Property that has been contaminated with a hazardous or dangerous substance, is not reasonably clean, or is not safe to handle, is not marketable and should be scrapped.

Employees shall contact the Purchasing Department to inquire on the proper procedures to follow to safely scrap such Surplus Personal Property.

Prior to the disposal of Surplus Personal Property that has been determined not to be marketable, the responsible department shall certify either that the Surplus Personal Property was not contaminated with a hazardous or dangerous substance, was safe to handle and was reasonably clean, or that proper means have been taken to remedy any such condition of the Surplus Personal Property before it was offered for sale or scrapped.

4.0 Procedures

4.1. Disposal of Surplus Personal Property

All Surplus Personal Property must be disposed of through proper channels. The following steps are to be followed prior to disposal of any RGRTA assets.

Action to Dispose of Surplus Personal Property	Person Responsible
1. The Department Head completes Section 1 and forwards the Asset Disposal and Transfer Form to the Director of Accounting Services. The Director of Accounting Services reviews the form for reasonableness and forwards it to the Manager of Loss Prevention.	Department Head Director of Accounting Services
2. The Manager of Loss Prevention determines whether the asset is clear to be disposed of or should be held, pending resolution of any legal matters, indicates the status in Section 2, and returns the form to the Director of Accounting Services for Step 3.	Manager of Loss Prevention

Action to Dispose of Surplus Personal Property	Person Responsible
<p>3. The Director of Accounting Services completes Section 3 by providing information on the book value of the asset and the funding sources used to initially purchase the asset. The form is signed by the Director and then forwarded to the Manager of Procurement for Step 4.</p>	<p>Director of Accounting Services</p>
<p>4. The Manager of Procurement completes Section 4 determining that the disposal is practical, determining the fair market value of the asset and determining the disposal methodology to be used. The form is then provided to the CFO for Step 5.</p>	<p>Manager of Procurement</p>
<p>5. The CFO indicates authorization to proceed with the disposal by completing Section 5 of the form. The form is returned to the Manager of Procurement.</p>	<p>CFO</p>
<p>6. The Manager of Procurement prepares a resolution for the Board of Commissioners accompanied by a report of all proposed disposals for the quarter. Presentations to the Board for disposal authorizations shall only occur at Quarterly Meetings of the Board unless special circumstances require presentation at a Regular Meeting.</p> <p>7. Following receipt of Board approval, the Manager of Procurement completes Section 6 of the form with the Board resolution number and date. Proceed with approved disposal.</p> <p>In the case where the bus is being retained for parts, the Manager of Procurement will only complete the Board resolution number and date, and will provide the original to the Director of Accounting Services and keep a copy. The Director of Accounting Services and Manager of Procurement will keep the form in respective process folders. Once the Department Head wishes to proceed with disposal, they shall contact the Manager of Procurement who will request the original from the Director of Accounting Services and then proceed with the disposal. Once completed, the Manager of Procurement will provide the completed form to the Director of Accounting Services. At that time, the Accounting Department will take it off the books.</p> <p>8. Complete Section 7 of the Asset Disposal and Transfer Form. The Procurement Department retains a copy of the form and the original copy is forwarded to the Director of Accounting Services.</p> <p>9. Deliver any payments received to the Director of Accounting Services along with Bill of Sale/Agreement - Vehicle.</p>	<p>Manager of Procurement</p>
<p>10. Update the Fixed Asset Module in Section 7 to reflect the disposal of the asset. Retain the Asset Disposal and Transfer Form. A copy of the check (if asset is sold) and the final asset register report should be attached to the disposal form.</p>	<p>Director of Accounting Services</p>

4.2. Disposal of Surplus Real Property

- A. If the Manager of Procurement determines that real property is surplus, he/she shall also determine if any buildings on that property are to be demolished or sold with the land.
- B. The Manager of Procurement will prepare and submit to the CFO a written recommendation for the disposal of real property. This recommendation will set forth in detail the reasons for disposal of the real property. The CFO will provide a written response to the Manager of Procurement either approving or denying the recommendation for disposal of real property. If the recommendation for disposal of real property is approved, the Manager of Procurement or designee will:
 1. Obtain an appraisal of the real property from an independent appraiser (which appraisal shall be included in the record of the transaction) to determine its fair market sale value and its fair market lease value.
 2. Obtain an updated abstract of title, survey, and environmental assessment.
 3. Forward all of the above to the CFO along with a report describing the property to be sold, the appraised value of the property, the recommendation concerning whether to sell or lease the property, and any environmental or other concerns that must be addressed before the property is sold and the estimated cost of doing so.
- C. The CFO shall determine whether the Surplus Real Property will be sold or leased and will establish an asking price for the property.
- D. In accordance with [Section 2897\(6\)\(d\) of New York Public Authorities Law](#), the Authority shall submit to the New York Authority Budget Office a written explanation of the circumstances involving the disposal of any of the following types of property through a negotiated transaction not less than 90 days prior to the scheduled date of that transaction.
 1. Real property having an estimated fair market value greater than \$100,000, other than any real property disposed of by lease or exchange;
 2. Real property disposed of by lease for a term of five (5) years or less, having estimated fair annual rent greater than \$100,000 for any of such years;
 3. Real property disposed of by lease for a term of more than five (5) years, if the total estimated rent over the term of the lease is greater than \$100,000;
 4. Real property disposed of by exchange, regardless of value, or any real property any part of the consideration for which is real property.
- E. The Procurement Department will manage the sale which will be conducted through receipt of sealed bids except as otherwise specifically provided below.
 1. A notice of the intent to sell through the receipt of sealed bids shall be advertised in the Rochester Business Journal and sealed bids shall be publicly opened no sooner than twenty-one (21) days after the publication of the advertisement. All bids shall be publicly disclosed that the time and place stated in the Invitations to Bid.
 2. To foster greater competition, the Procurement Department may advertise in additional venues, notify potential buyers to alert them to the sale, or a combination thereof. If multiple bids are not received, the Procurement Department shall assess whether the process should be completed again.
 3. No bid for the purchase of the property shall be accepted if it proposes anything other than full payment of the purchase price at closing.

4. If no acceptable bid is received, RGRTA shall select a qualified real estate agent in accordance with Procurement Manual to represent RGRTA in connection with a negotiated sale of the Surplus Real Property.
5. Surplus Real Property shall never be conveyed to a Restricted Person. The prospective purchaser/lessee will be required to execute a statement verifying that he/she is not a Restricted Person. The signed statement shall be maintained with the other documents pertaining to the sale/lease.
6. Surplus Real Property may be disposed of by public auction or negotiated sale only if:
 - a. The fair market value of the Surplus Real Property does not exceed fifteen thousand dollars (\$15,000);
 - b. Bid prices after advertising the Surplus Property are not reasonable, either as to all or some part of the property, or have not been independently arrived at in open competition;
 - c. Disposal will be to the state or any political subdivision, and the estimated fair market value of the property and other satisfactory terms of disposal are obtained by negotiation;
 - d. The disposal is for an amount less than the estimated fair market value of the property, the terms of the disposal are obtained by public auction or negotiation, the disposal of the property is intended to further the public health, safety or welfare or an economic development interest of the State or a political subdivision (including but not limited to the prevention or remediation of the substantial threat to the public health or safety, the creation or retention of a substantial number of job opportunities, or the creation or retention of a substantial source of revenue, or where RGRTA's enabling legislation permits), and the purpose and terms such disposal are documented in writing and approved by resolution of the Board; or
 - e. The action is specifically authorized by law.
7. An explanatory statement of the circumstances of each disposal of Surplus Real Property by negotiation shall be prepared and a copy shall be preserved in the files of RGRTA, if the proposed Surplus Property consists of:
 - a. Any real property that has an estimated fair market value in excess of one hundred thousand dollars (\$100,000) per annum; provided, however, that this subsection shall not apply to any real property disposed of by lease or exchange;
 - b. Any real property disposed of by lease for a term of five (5) years or less, if the estimated fair market rent is in excess of \$100,000 for any of such years;
 - c. Any real property disposed of by lease for a term of more than five (5) years, if the total estimated rent of the term of the lease is in excess of \$100,000; or
 - d. Any real property or real and related personal property disposed of by exchange, regardless of value, or any property or any part of the consideration for which is real property.

4.3. Surplus Property Acquired with Grant Funds

The foregoing notwithstanding, Surplus Personal Property and Surplus Real Property originally procured with federal or New York State grant funds shall be disposed of in accordance with the terms of the applicable grant contract, and in accordance with this Policy and these Procedures to the extent they are not inconsistent with the terms of the applicable grant contract.

4.4. Employee Responsibilities

- A. Employees are responsible for the care and safekeeping of RGRTA property.

- B. Employees will be held accountable for any RGRTA property that is lost, stolen, damaged, or destroyed by the negligent act or failure to act of the employee.
- C. Pecuniary liability may result when a person’s negligence or willful misconduct toward RGRTA property is the cause of any loss, theft, damage, or destruction, of such property. In addition, administrative action may be taken.
- D. The RGRTA department responsible for any RGRTA property that is lost, stolen, damaged, or destroyed must devote all reasonable efforts to identify the asset serial number and submit all pertinent investigative reports to the Director of Accounting Services, who will record the event in the RGRTA Accounting System.
- E. Unauthorized removal or disposal of RGRTA Property, regardless of value, constitutes a violation of RGRTA policy and may result in pecuniary liability and/or administrative action.

4.5. Annual Approval and Reporting

- A. The RGRTA Board of Commissioners shall annually review and approve this Policy and related Procedures and shall amend it as deemed desirable or necessary by the Board from time to time.
- B. The Director of Accounting Services shall cause all reports required by law or regulation pertaining to Surplus Property and/or the disposition thereof to be made to the appropriate parties on or before their due dates.