

**ALBANY COUNTY AIRPORT AUTHORITY**  
**DISPOSITION OF PROPERTY GUIDELINES**

**ARTICLE I PREAMBLE**

The Albany County Airport Authority ("Authority") has adopted these Property Disposition Guidelines ("Guidelines") in conformance with Title 5-A (Disposition of Property by Public Authorities) of the New York State Public Authorities Law.

**ARTICLE II DEFINITIONS**

For the purposes of these Guidelines, unless a different meaning is required by the context:

1. "Contracting officer" shall mean the General Counsel of the Authority, who shall be responsible for the disposition of property of the Authority as set forth in these Guidelines.
2. "Dispose" or "disposal" shall mean transfer of title or any other beneficial interest in personal or real property in accordance with Article IV.
3. "Property" shall mean personal property in excess of five thousand dollars in value, real property, and any inchoate or other interest in such property, to the extent that such interest may be conveyed to another person for any purpose, excluding an interest securing a loan or other financial obligation of another party.

**ARTICLE III DUTIES WITH RESPECT OF THE DISPOSAL OF PROPERTY**

1. It is the intent of the Authority that these Guidelines shall:
  - (a) Detail the Authority's operative policy and instructions regarding the use, awarding, monitoring and reporting of contracts for the disposal of property, and
  - (b) Designate a contracting officer who shall be responsible for the Authority's compliance with, and enforcement of, such Guidelines.

The Authority intends that these Guidelines shall be consistent with, and shall require the Authority's contracting activities to comply with Title 5-A of the New York State Public Authorities Law and any other applicable law for the disposal of property.

These Guidelines shall be annually reviewed and approved by the Authority. On or before the thirty-first day of March in each year, the public authority shall file with the New York State Comptroller a copy of these Guidelines as most recently

reviewed and approved by the Authority, including the name of the Authority's designated contracting officer.

At the time of such filing of the Guidelines, the Authority shall also post such guidelines on the Authority's internet website. Guidelines posted on the Authority's internet website shall be maintained on such website at least until the procurement guidelines for the following year are posted on such website.

2. The Authority shall:
  - (a) Maintain adequate inventory controls and accountability systems for all property under its control;
  - (b) Periodically inventory such property to determine which property shall be disposed of;
  - (c) Produce a written report of such property in accordance with subdivision three of this section; and
  - (d) Transfer or dispose of such property as promptly as possible in accordance with Article IV.
3.
  - (a) The Authority shall publish, not less frequently than annually, a report listing all real property of the Authority. Such report shall consist of a list and full description of all real and personal property disposed of during such period. The report shall contain the price received by the Authority and the name of the purchaser for all such property sold by the Authority during such period.
  - (b) The Authority shall deliver copies of such report to the NYS Comptroller, the NYS Director of the Budget, the NYS Commissioner of General Services, and the NYS Legislature.

#### **ARTICLE IV DISPOSAL OF PROPERTY**

1. Supervision and Direction:

Except as otherwise provided in these Guidelines, the Contracting Officer shall have supervision and direction over the disposition of property of the Authority.

2. Custody and Control:

The custody and control of the property of the Authority, pending its disposition, and the disposal of such property, shall be performed by Authority or by the NYS Commissioner of General Services when so authorized under this Article.

3. Method of Disposition:

Subject to Article III the Authority may dispose of property for not less than the fair market value of such property by sale, exchange, or transfer, for cash, credit, or other property, with or without warranty, and upon such other terms and conditions as the contracting officer deems proper, and it may execute such documents for the transfer of title or other interest in property and take such other action as it deems necessary or proper to dispose of such property under the provisions of this section. Provided, however, that no disposition of real property, any interest in real property, or any other property which because of its unique nature is not subject to fair market pricing 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.

4. Sales by the NYS Commissioner of General Services:

When it shall be deemed advantageous, the Authority may enter into an agreement with the Commissioner of General services where under such Commissioner may dispose of property of the Authority under terms and conditions agreed to by the Authority and the Commissioner of General Services. In disposing of any such property of the Authority, the Commissioner of General Services shall be bound by the terms of this Article and references to the contracting officer shall be deemed to refer to such Commissioner.

5. Validity of Deed, Bill of Sale, Lease, or Other Instrument:

A deed, bill of sale, lease, or other instrument executed by or on behalf of the Authority, purporting to transfer title or any other interest in property of the Authority shall be conclusive evidence of compliance with the provisions of these Guidelines insofar as concerns title or other interest of any bona fide grantee or transferee who has given valuable consideration for such title or other interest and has not received actual or constructive notice of lack of such compliance prior to the closing.

6. Bids for Disposal; Advertising; Procedure; Disposal by Negotiations; Explanatory Statement:

- (a) All disposals or contracts for disposal of property of the Authority made or authorized by the contracting officer shall be made after publicly advertising for bids except as provided in paragraph (c) of this Article IV.6.
- (b) Whenever public advertising for bids is required under paragraph (c) of this Article IV.6.
  - (i) The advertisement for bids shall be made at such time prior to the disposal or contract, through such methods, and on such terms and conditions as

shall permit full and free competition consistent with the value and nature of the property;

- (ii) All bids shall be publicly disclosed at the time and place stated in the advertisement; and
  - (iii) The award shall be made with reasonable promptness by notice to the responsible bidder whose bid, conforming to the invitation for bids, will be most advantageous to the Authority, price and other factors considered; provided, that all bids may be rejected when it is in the public interest to do so.
- (c) Disposals and contracts for disposal of property may be negotiated or made by public auction without regard to paragraphs (a) and (b) of this Section IV.6 but subject to obtaining such competition as is feasible under the circumstances, if:
- (i) The personal property involved is of a nature and quantity which, if disposed of under paragraphs a and b of this subdivision, would adversely affect the state or local market for such property, and the estimated fair market value of such property and other satisfactory terms of disposal can be obtained by negotiation;
  - (ii) The fair market value of the property does not exceed fifteen thousand dollars;
  - (iii) Bid prices after advertising therefor are not reasonable, either as to all or some part of the property, or have not been independently arrived at in open competition;
  - (iv) The 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;
  - (v) The disposal is for an amount less than the estimated fair market value of the property, the terms of such 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 (to include but not limited to, the prevention or remediation of a substantial threat to 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 revenues, or where the authority's enabling legislation permits), the purpose and the terms of such disposal are documented in writing and approved by resolution of the board of the Authority; or

- (vi) Such action is otherwise authorized by law.
- (d) (i) An explanatory statement shall be prepared of the circumstances of each disposal by negotiation of:
  - (A) Any personal property which has an estimated fair market value in excess of fifteen thousand dollars;
  - (B) Any real property that has an estimated fair market value in excess of one hundred thousand dollars, except that any real property disposed of by lease or exchange shall only be subject to clauses (C) through (E) of this subparagraph;
  - (C) Any real property disposed of by lease for a term of five years or less, if the estimated fair annual rent is in excess of one hundred thousand dollars for any of such years;
  - (D) Any real property disposed of by lease for a term of more than five years, if the total estimated rent over the term of the lease is in excess of one hundred thousand dollars; or
  - (E) Any real property or real and related personal property disposed of by exchange, regardless of value, or any property any part of the consideration for which is real property.
- (ii) Each such statement shall be transmitted to the NYS Comptroller, the NYS Director of the Budget, the NYS Commissioner of General Services, and the NYS Legislature not less than ninety days in advance of such disposal, and a copy thereof shall be preserved in the files of the Authority.

Adopted by the Albany County Airport Authority – May 1, 2006

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## Public Authorities

§ 2896. Duties of public authorities with respect to the disposal of property. 1. Every authority, as defined in section two of this chapter, shall adopt by resolution comprehensive guidelines which shall (a) detail the public authority's operative policy and instructions regarding the use, awarding, monitoring and reporting of contracts for the disposal of property, and (b) designate a contracting officer who shall be responsible for the public authority's compliance with, and enforcement of, such guidelines. Such guidelines shall be consistent with, and shall require the public authority's contracting activities to comply with this section, the authorities enabling legislation and any other applicable law for the disposal of property, except that such guidelines may be stricter than the provisions of this section, the authorities enabling legislation and any other applicable law for the disposal of property if the public authority determines that additional safeguards are necessary to assure the integrity of its disposition activities. Guidelines approved by the public authority shall be annually reviewed and approved by the governing body of the public authority. On or before the thirty-first day of March in each year, the public authority shall file with the comptroller a copy of the guidelines most recently reviewed and approved by the public authority, including the name of the public authority's designated contracting officer. At the time of filing such guidelines with the comptroller, every public authority shall also post such guidelines on the public authority's internet website. Guidelines posted on the public authority's internet website shall be maintained on such website at least until the procurement guidelines for the following year are posted on such website.

2. Each public authority shall:

- a. maintain adequate inventory controls and accountability systems for all property under its control;
- b. periodically inventory such property to determine which property shall be disposed of;
- c. produce a written report of such property in accordance with subdivision three of this section;
- d. transfer or dispose of such property as promptly as possible in accordance with section twenty-eight hundred ninety-seven of this title.

3. a. Each public authority shall publish, not less frequently than annually, a report listing all real property of the public authority. Such report shall include a list and full description of all real and personal property disposed of during such period. The report shall contain the price received by the public authority and the name of the purchaser for all such property sold by the public authority during such period.

b. The public authority shall deliver copies of such report to the comptroller, the director of the budget, the commissioner of general services, the legislature and the authorities budget office.