



Commissioners of Ross County

THE GREAT SEAL COUNTY OF OHIO * THE STATE'S FIRST CAPITAL

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RESOLUTION NO. 18-145

ADOPTING AN INTERNET AUCTION POLICY FOR ROSS COUNTY SELL UNNEEDED, OBSOLETE, OR UNFIT PROPERTY BY INTERNET AUCTION

WHEREAS, House Bill 226 of the 124 General Assembly, which became effective on January 26, 2002, authorizes a board of county commissioners to dispose of unneeded, obsolete or unfit personal property through the use of an internet auction; and,

WHEREAS, Section 307.12(C) of the Ohio Revised Code (ORC), as amended by House Bill 226, requires a board of county commissioners to adopt, during each calendar year, a resolution expressing its intent to sell personal property by Internet auction; and,

WHEREAS, the Ross County Board of Commissioners, hereby expresses its intent to dispose of unneeded, obsolete or unfit personal property including motor vehicles acquired for the use of county officers and departments, road machinery, equipment, tools, or supplies, which is not needed for public use, or is obsolete or unfit for the use for which it was acquired by Internet auction during calendar year; now, therefore be it

RESOLVED, by the Ross County Board of County Commissioners, State of Ohio, we do hereby adopt a policy for conducting and Internet Auction for Ross County as follow:

1) All bidders and other participants of this auction agree that they have read and fully understand these terms and agree to be bound thereby.

2) The auctions shall be conducted on a continuous basis by accessing the Ross County surplus property through the Ross County website located www.rosscountycommissioners.com. The Board of Commissioners shall conduct the auction, but has contracted with GovDeals, to provide the software necessary for completing the Internet auction at a fee of 12.50% of the total item bid per agreement on file with the Commissioner's office.

3) The County on an item-by-item basis may determine minimum price or reserve price for that item. Such information shall be available on the website.

4) **GUARANTY WAIVER:** Each item sold is sold "AS IS, WHERE IS". Ross County Board of Commissioners (Seller) makes no warranties or representation of any kind, expressed or implied, as to the merchantability or fitness for any purpose of the property offered for sale. The Buyer is not entitled to any payment for loss of profit or any other money damages-special, direct, indirect or consequential regarding any surplus sold. Please note that upon removal of the property, all sales are final.

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5) DESCRIPTION WARRANTY: Seller warrants to the Buyer that the property offered for sale will conform to its description. Any claim for misdescription must be made prior to removal of the property. If Seller confirms that the property does not conform to the description, Seller will keep the property and refund any money paid. The liability of Ross County Board of Commissioners shall not exceed the actual purchase price of the property. Please note that upon removal of the property, all sales are final.

6) PERSONAL AND PROPERTY RISK: Persons attending during exhibition, sale or removal of goods assume all risks of damage of or loss to person and property and specifically release the seller and GovDeals from liability therefore.

7) INSPECTION: Most items offered for sale are used and may contain defects not immediately detectable. Bidders may inspect the property prior to bidding. Bidders must adhere to the inspection dates and times indicated in the item description. Please contact Brad Cosenza, County Administrator, (740) 702-3085 or e-mail bradcosenza@rosscountyohio.gov.

8) CONSIDERATION OF BID: Ross County Board of Commissioners reserves the right to reject any and all bids and to withdraw from sale any of the items listed. The highest bid for the surplus property is subject to approval by the Ross County Commissioners and Ross County reserves the right to withdraw the offer if the highest bidder is purchasing the surplus for a use contrary to the health and welfare of Ross County or its citizens.

9) BUYER'S CERTIFICATE: Successful bidders will receive a Buyer's Certificate by email from GovDeals.

10) PAYMENT: Only electronic payments through the GovDeals website for the entire cost of the item(s) won during the auction will be accepted. The winning bidder will be notified by email within 10 days of the end date of the auction.

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11) REMOVAL: All items must be removed within 10 business days from the time and date of issuance of the Buyer's Certificate. Purchases will be released only upon receipt of payment as specified. Successful bidders will be responsible for loading and removal and any and all property awarded to them from the place where the property is located as indicated on the website and in the Buyer's Certificate. The Buyer will make all arrangements and perform all work necessary, including packing, loading and transportation of the property. Under no circumstances will Ross County Board of Commissioners assume responsibility for packing, loading or shipping. Property may be removed between time hours and 8:00 a.m. – 4:00 p.m., Monday through Friday, excluding legal holidays. For additional information, please contact Brad Cosenza, County Administrator (740) 702-3085 or e-mail bradcosenza@rosscountyohio.gov. A daily storage fee of \$10.00 may be charged for any item not removed within the 10 business days allowed and stated on the Buyer's Certificate.

12) VEHICLE TITLES: Seller will issue a title or certificate upon receipt of payment.

13) DEFAULT: Default shall include 1) failure to observe these terms and conditions; 2) failure to make and timely payment; or 3) failure to remove all items within the specified time. Default may result in termination of the contract and suspension from participation in all future sales until the default has been cured. If the Buyer fails in the performance of their obligations, Seller may exercise such rights and may pursue such remedies as are provided by law. Seller reserves the right to reclaim and resell all items not removed by the Buyer thirty (30) days from the expiration of specified removal dates.

14) ACCEPTANCE OF TERMS AND CONDITIONS: By submitting a bid, the bidders agrees that they have read, fully understand and accept these Terms and Conditions of Online Sales, and agree to pay for and remove the property, if the bid is accepted, by the dates and times specified. These Terms and Conditions are displayed at the top of each page of the item listed on GovDeals.

15) STATE/LOCAL, SALES AND/OR USE TAX: Buyers may be subject to payment of State and/or local use tax. Buyers are responsible for contacting the appropriate tax office, completing any forms, and paying any taxes that may be imposed.

16) SALES TO EMPLOYEES: Employees of Ross County may bid on the property listed for auction, so long as they DO NOT BID while on duty.

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17) The Ross County Board of Commissioners will advertise in a newspaper of general circulation, a summary of the information contained in this resolution and that this summary will be published in that newspaper on the following dates: the second date being at least 10 days after but not more than 20 days after the first publication of the notice; and a notice similar to the one published in the newspaper will be posted continually throughout calendar year 2019 in a conspicuous place in the offices of the Ross County Auditor and the Board of Ross County Commissioners. A notice will appear continuously on the County's website that surplus property is available through Internet auction.

Adopted this 12th day of December, 2018.

This is to certify that the foregoing is a true and correct copy of the resolution passed by the Board of County Commissioners of Ross County, Ohio, on the 12th day of December, 2018, which is recorded in the Journal of said Board of County Commissioners in Volume 21, Meeting #50, under date of December 12, 2018.

Date

12/12/2019


Gail L. Stout

Clerk of County Commissioners
Ross County, Ohio