

## **FACILITIES**

### **Site or Building Acquisition and Disposal**

#### **Real Property Disposal**

This policy supersedes Policy 8350.1.

#### **I. PURPOSE**

To establish procedures for disposing of real property to individuals or entities other than the Board of Supervisors of Fairfax County. These procedures do not govern transfers of property between the School Board and the Fairfax County Board of Supervisors.

#### **II. IDENTIFICATION OF REAL PROPERTY AVAILABLE FOR DISPOSAL**

- A. As part of the annual facilities planning process, the Superintendent shall review the continued need for currently owned or proffered real property. This review shall include consideration of the school system's five-year capital improvement program, the school system's long- and short-range student population projections, current student-teacher ratios, housing ratios, and educational program needs.
- B. When the Superintendent concludes that real property owned by the School Board ("School Property") may not be needed for school system use in the foreseeable future, the Superintendent shall recommend that the School Board solicit proposals for the sale, long-term lease, and/or exchange of such School Property.
- C. Upon the decision that the School Board may dispose of real property, the School Board shall notify in writing adjacent property owners, appropriate community associations, and the local supervisor. The School Board shall make ample opportunity for citizens to share their views with the School Board on the disposition of the property.

#### **III. PROCEDURE FOR SALE OR EXCHANGE**

- A. Upon the adoption by the School Board of a resolution soliciting proposals for the sale, long-term lease, and/or exchange of School Property, the Department of Facilities and Transportation Services shall:
  - 1. Obtain an appraisal of the School Property.
  - 2. Issue a written request for proposals (the request for proposals for an exchange of School Property shall also indicate in general terms that which is sought to be obtained in exchange, including any unique requirements that have been identified).

3. Cause a notice to be published in at least one major Washington metropolitan newspaper with general circulation in Fairfax County of the School Board's solicitation of proposals for the sale, long-term lease, and/or exchange of such School Property and invite proposals to be submitted.
  4. Hold at least one presubmission meeting with prospective offerors to provide such additional information concerning the School Property as may be appropriate.
- B. The School Board shall select two or more offerors whose proposals are deemed to be most advantageous to the School Board, and negotiations shall be conducted with each of the offerors so selected. Price need not be the sole determining factor. If no proposal is deemed sufficiently advantageous to the School Board, it may reject all proposals. Should the School Board determine in its sole discretion that only one offer is sufficiently advantageous to the School Board, a contract may be negotiated and awarded to that offeror.
- C. Prior to making a final decision on selling School Property, the School Board shall:
1. Receive approval by the Board of Supervisors of the sale and the retention by the School Board of all or a portion of the proceeds of such sale satisfactory to the School Board.
  2. Hold a public hearing on the specific sale or disposition option recommended by staff members and on the retention of proceeds.
- D. When the School Board receives funds from the sale of real property, it shall establish a capital improvement fund into which such funds shall be deposited. The capital improvement fund shall only be used for new school construction, school renovation, and major school maintenance projects.
- E. If the School Board determines that there is only one source practicably available for the sale, long-term lease, and/or exchange of the School Property, a contract may be negotiated and awarded to that source without competitive negotiation. The School Board shall issue a written notice stating that only one source was determined to be practicably available, identifying the party selected, and specifying the date on which the contract was or will be awarded.
- F. In case of emergency, a contract may be awarded without competitive sealed bidding or competitive negotiation; however, such procurement shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be provided to the School Board and included in the contract file.

- II G. Settlement of any contract or lease awarded by the School Board shall be implemented by the Department of Facilities and Transportation Services and the School Board attorney after all contingencies have been satisfied.

Legal Reference: Code of Virginia, Section 22.1-129

Policy

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