

Disposal of Surplus Real Property

Applies to: Agency employees, state agencies, boards, commissions, junior colleges

Information contact: Acquisition & Disposal Manager, Real Estate Services

Governance: Listed below are some, but not all, applicable governing requirements. Note: Laws and rules may change over time and such changes may take precedence over this policy.

- State law: [RCW 43.82.010 Acquisition, lease, and disposal of real estate for state agencies.](#)
- State law: [RCW 43.63A. 510 Affordable housing — Inventory of state-owned land](#)
- State law: [RCW 43.17.400 Disposition of state-owned land — Definitions — Notice](#)
- State law: [RCW 39.33.010 Sale, exchange, transfer, lease of public property authorized — Section deemed alternative](#)
- State law: [RCW 39.33.015 Transfer, lease, disposal of public property or affordable housing](#)
- State law: [RCW 39.33.020 Disposal of surplus property—Hearing—Notice](#)
- State law: [RCW 42.56.260 Real Estate Transactions.](#)

Effective date: December 15, 2015

Last update: March 23, 2022

Sunset review date: March 23, 2025

Approved by:  Chris Liu, Director

Reason for Policy

The purpose of this policy is to provide a process by which the Department of Enterprise Services (Enterprise Services) disposes of real property on behalf of the State of Washington.

Policy Statement

Enterprise Services shall make sure the value of state-owned real property assets are maximized for the state by giving priority consideration to state agencies, boards and commissions, the state's political subdivisions and other governmental entities when disposing of real property.

The requirements of this policy are in addition and supplemental to other requirements of the laws of this state.

Policy

A. Government entities are given priority.

Enterprise Services, acting on behalf of any state agency, board or commission or political subdivision may sell surplus real property or exchange it in full or part consideration for land or improvements, or for construction of improvements at equivalent to fair market value or for mutual and offsetting benefits to any of the following governmental entities with priority given in the order listed:

1. Any other state agency, board, or commission.

2. The county in which the real property is situated.
3. The city in which the real property is situated.
4. Any other municipal corporation or special purpose district in which the real property is situated.
5. Any federal agency operating within the state; and
6. Any federally recognized Indian Tribe within whose reservation boundary the property is located or abuts.

B. Enterprise Services shall notify government entities of the availability of surplus real property.

Enterprise Services will notify all the following of the availability of the surplus real property:

- State agencies,
- State boards and commissions,
- Political subdivisions in which the real property is located,
- Federal agencies operating within the state, and
- Federally recognized Indian Tribes within whose reservation boundary the real property is located or abuts.

These entities shall be permitted not less than ten (10) calendar days, but not more than sixty (60) calendar days to respond to the notification.

C. Enterprise Services may sell or exchange surplus real property.

If none of the governmental entities notified under [part B](#) above respond in writing within the defined time limits, Enterprise Services may then sell the property or exchange it in full or part consideration for land or improvements, or for construction of improvements at fair market value, or for mutual and offsetting benefits to any private entity or person through the solicitation of written bids through public advertising.

D. Enterprise Services shall evaluate proposals and determine the best value to the state.

Enterprise Services, acting on behalf of the state, shall recommend the successful bidder by evaluating the proposals and determining which proposal provides the best value for the state. Enterprise Services shall negotiate the terms and conditions of the sale. Enterprise Services shall not enter into a formal sales agreement until sixty (60) calendar days have passed from the date of the notification of availability of surplus real property.

E. Enterprise Services may reject proposals.

Enterprise Services reserves the right any time, in its sole judgment, to reject any or all proposals and/or reject any or all proposals resulting from notification or solicitation.

Procedures

There are no procedures associated with this policy.

Forms/Instructions

There are no forms associated with this policy.

Responsibilities

Acquisition & Disposal Manager

Drafts all necessary paperwork for disposition of the real property. Commissions the title report, the appraisal, environmental reports and survey if applicable. Upon receipt of all proposals submitted for the purchase of the property, reviews and evaluates the proposal (s). Submits a summary of the proposals to the client agency. Once a proposal is selected, notifies all proposer(s) and commences negotiations. Once negotiations are complete, formalizes the transaction in the Attorney General approved as to form Purchase and Sale Agreement and proceeds to closing of the transaction.

History

Amended

March 23, 2022 – Added RCW 39.33.020 to governance.

December 2, 2020 – added responsibilities section.

January 7, 2012 – Revised to change references of Department of General Administration to the Department of Enterprise Services effective October 1, 2011.

Supersedes

Former Department of General Administration Policy No. POL 410-Disposal of Surplus Property

Original Effective Date:

January 7, 2012.

Need a copy of a prior version of this policy? E-mail jack.zeigler@des.wa.gov