

**TERMS AND CONDITIONS FOR THE SALE OF SURPLUS PERSONAL PROPERTY
OWNED BY SPRING GROVE BOROUGH, YORK COUNTY, PENNSYLVANIA**

1. The surplus property being offered for sale by Spring Grove Borough, is described as follows:

2011 Kubota M8540D Tractor with LA1353 Loader
Hour meter presently showing approximately 1,200 hours
(collectively the “Equipment”).
2. All sealed bids for the Equipment shall be delivered to Kevin Miller, Operations Manager, Spring Grove Borough, 1 Campus Avenue, Spring Grove, Pennsylvania 17362, no later than 12:00 noon, prevailing time, on Monday, September 21, 2026. All sealed bids will be opened and read aloud during the Borough Council meeting beginning at 7:00 p.m. on Monday, September 21, 2026, at the above address. Successful bid(s) will be awarded, or some or all bids will be rejected, at such meeting or at a regular meeting of Borough Council held within forty-five (45) days of the opening of bids. Upon acceptance by Borough Council, these Terms and Conditions shall be deemed a valid and binding contract with the successful bidder. **Borough Council expressly reserves the right, in its sole and absolute discretion, to reject any and all bids, to waive informalities, and to decline to sell the Equipment unless the reserve price established by Borough Council is met.**
3. If accepted, the bid shall be awarded to the highest responsive and responsible bidder meeting the terms and conditions set forth herein. In the event of a tie bid, Borough Council reserves the right to request that only the tied bidders submit a highest and best offer through a second sealed bid process by a deadline established by Borough Council.
4. All sealed bids must be accompanied by a down payment or deposit in the form of a bidder’s certified check, bank treasurer’s check, bank money order, or cashier’s check, drawn on a bank authorized to do business within the Commonwealth of Pennsylvania, in an amount of not less than ten percent (10%) of the proposed purchase price and made payable to “Spring Grove Borough” (the “Deposit”). The Deposit shall be retained by the Borough as liquidated damages, and not as a penalty, should the successful bidder fail to make settlement on the transaction within the time and on the terms and conditions specified herein. Deposits of unsuccessful bidders may be picked up or shall be returned by U.S. First Class Mail within seven (7) business days after award of the bid to the successful bidder at a public meeting of Borough Council or after rejection of all bids, as applicable.
5. Full payment of the balance of the purchase price shall be made within ten (10) business days following award of the bid unless otherwise agreed in writing by the Borough. The

successful bidder shall remove the Equipment from the Borough's premises within ten (10) business days following payment in full, unless extended by the Borough in writing.

6. The successful bidder shall be solely responsible for all costs and arrangements associated with loading, transfer, transport, insurance, and removal of the Equipment from the Borough's premises.

IT IS UNDERSTOOD AND AGREED THAT THE BOROUGH HAS NOT MADE AND IS NOT MAKING ANY WARRANTIES OR REPRESENTATIONS OF ANY KIND OR CHARACTER, EXPRESS OR IMPLIED, WITH RESPECT TO THE EQUIPMENT, INCLUDING, WITHOUT LIMITATION, ANY WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, MECHANICAL CONDITION, OPERATING CONDITION, SAFETY, TITLE, OR NON-INFRINGEMENT. THE EQUIPMENT IS BEING SOLD AND CONVEYED "AS-IS," "WHERE-IS," "WITH ALL FAULTS," AND WITHOUT RECOURSE.

ALL BIDDERS ACKNOWLEDGE AND AGREE THAT THEY HAVE BEEN AFFORDED THE OPPORTUNITY TO INSPECT THE EQUIPMENT PRIOR TO SUBMITTING A BID AND THAT THEY ARE RELYING SOLELY UPON THEIR OWN INSPECTIONS, INVESTIGATIONS, AND JUDGMENT AND NOT UPON ANY STATEMENT, REPRESENTATION, OR INFORMATION PROVIDED BY THE BOROUGH OR ITS OFFICERS, EMPLOYEES, AGENTS, REPRESENTATIVES, OR SOLICITORS.

ALL BIDDERS FURTHER ACKNOWLEDGE, AGREE, AND REPRESENT THAT, PRIOR TO SUBMITTING A BID, THEY HAVE BEEN GIVEN THE OPPORTUNITY TO CONDUCT SUCH DUE DILIGENCE, INSPECTIONS, TESTING, AND INVESTIGATIONS OF THE EQUIPMENT AS THE BIDDER DEEMS NECESSARY OR DESIRABLE TO SATISFY THEMSELVES AS TO THE CONDITION, OPERABILITY, AND SUITABILITY OF THE EQUIPMENT FOR THE BIDDER'S INTENDED USE. ARRANGEMENTS FOR INSPECTION OF THE EQUIPMENT MAY BE MADE BY CONTACTING KEVIN MILLER AS PROVIDED BELOW.

UPON PAYMENT OF THE PURCHASE PRICE AND TRANSFER OF POSSESSION, THE SUCCESSFUL BIDDER SHALL ASSUME ALL RISKS ASSOCIATED WITH THE OWNERSHIP, TRANSPORT, CONDITION, OPERATION, AND USE OF THE EQUIPMENT, INCLUDING ANY LATENT OR PATENT DEFECTS, AND SHALL RELEASE, REMISE, AND DISCHARGE THE BOROUGH AND ITS OFFICERS, EMPLOYEES, AGENTS, AND REPRESENTATIVES FROM ANY AND ALL CLAIMS, DEMANDS, CAUSES OF ACTION, DAMAGES, LOSSES, LIABILITIES, COSTS, AND EXPENSES ARISING OUT OF OR RELATING TO THE EQUIPMENT OR ITS CONDITION.

7. Transfer of ownership shall be completed by delivery of a bill of sale executed by the Borough and any other ownership documentation in the Borough's possession, if applicable.
8. Any interested party may inspect the Equipment by appointment by contacting Kevin Miller, Operations Manager, Spring Grove Borough, at (717) 225-5791 during Borough office hours, Monday through Friday. Any questions regarding these Terms and Conditions should be directed to Peter T. Ruth, Esquire, Saxton & Stump, LLC, Susquehanna Commerce Center East, Suite E600, York, PA 17401, by telephone at (717) 846-9800 or email to pruth@saxtonstump.com.
9. The attached Bid Form must be used when submitting bids.

This solicitation for "sealed bids" for sale of the aforesaid Equipment by the Borough is as provided and authorized by Pennsylvania law governing the disposition of municipal personal property.

BID FORM

Borough of Spring Grove
1 Campus Avenue
Spring Grove, PA 17362

Re: Offer to Purchase
2011 Kubota M8540D Tractor with LA1353 Loader
(collectively the “Equipment”)

Dear Mr. Miller:

The undersigned hereby offers to purchase the Equipment in accordance with the Terms and Conditions of Sale for the sum of:

_____ Dollars (\$_____).

in words in numbers

Enclosed please find the required bid security in the amount of Ten percent (10%) of the bid price offered above, which will be applied to the purchase price if this bid is accepted.

By: _____
(Signature)

Name: _____
(Print name of individual signing)

Title: _____
(Print title of person signing if on behalf of
business entity)

Company: _____
(if applicable)

Address: _____

Telephone Number:_____

Email Address: _____