



2012 EREF EQUIPMENT AUCTION EQUIPMENT DONATION GUIDELINES

The Environmental Research and Education Foundation (EREF) receives substantial support from Environmental Industry Association (EIA) member companies, and others, at an annual Equipment Auction held in conjunction with WasteExpo. These rules provide a framework to enhance the value of the Auction to the donors, the EREF and WasteExpo.

1. **EIA Membership:** An EREF donor shall be a member in good standing of the EIA, if eligible for regular membership.
2. **Support of WasteExpo:** A donor must purchase floor space at WasteExpo large enough to accommodate the donation, or otherwise support WasteExpo in a manner satisfactory to WasteExpo. The donor need not display equipment identical to that being auctioned.
3. **Equipment Limitations:** For the Live Auction, the equipment Fair Market Value (FMV) shall be not less than five thousand (\$5,000.00) dollars based on the manufacturer-published list price. Any item with a FMV under \$5,000.00 should be entered into the Silent Auction. However, if your company has an item whose FMV is less than \$5,000.00 but has been included in the Live Auction previously, this item can be kept in the Live Auction. These limits may be adjusted from time to time by the Auction Committee. Regardless of FMV, EREF reserves the right to determine which items will go in the Live and Silent Auctions at its discretion.
4. **Title:** Contributions to the EREF are in the form of the proceeds realized from the sale of the donor's equipment at the Auction. All ownership rights and title to equipment shall remain with the donor up to, and until, the donor or its agent transfers title to the successful bidder. Certificates of origin or certificates of title for truck chassis shall be conveyed directly from the equipment donor to the successful bidder and not through the EREF.
5. **Delivery and Spotting:** Donor shall be responsible for the costs of delivery of equipment to the equipment marshaling area of WasteExpo, such equipment clearly identified as being for the Auction. The EREF shall be responsible for any and all costs incident to spotting the equipment to the designated location within the WasteExpo facilities where the Auction will take place and removal of the equipment from the Auction location.
6. **Liability Disclaimer:** Neither the EREF nor WasteExpo assumes any responsibility whatsoever for the equipment within the WasteExpo facility, and the donor hereby expressly agrees to release, indemnify and hold harmless WasteExpo, the EREF, and their officers, staff and directors, from any and all claims including, but not limited to, injury, death and loss of property, including said equipment, that may be sustained incident to the delivery and spotting of the equipment at the WasteExpo facility, while on display at WasteExpo and during Auction, and during removal of equipment for transfer of said equipment to the possession of successful bidder.
7. **Product Liability Disclaimer:** Donor hereby agrees to indemnify, defend and hold harmless the EREF and WasteExpo and each of their respective officers, staff and directors from and against any and all liabilities, damages, fines, costs of defense, settlement and attorney fees related to any personal injury, death or property damage incident to the use of the equipment.
8. **Taxes:** Donors are responsible for payment of the Federal Excise Tax (FET) and the Auction bid will be inclusive of the FET but exclusive of any state and local taxes incident to the sale or transfer of the equipment. The donor's list price is not necessarily the estimated value of the equipment, but the list price shall be included in the Auction literature.
9. **Tax Treatment of Contribution:** The contributor shall be responsible for determining the value of the donation for purposes of determining federal tax treatment of its equipment contribution to the EREF, a non-profit organization pursuant to Section 501(c)(3) of the Internal Revenue Code.
10. **Unrestricted Use of Proceeds:** Proceeds of the Auction from each and every unit of equipment shall be available to the EREF, on an unrestricted basis, for use in furthering the purposes of the EREF pursuant to its bylaws.
11. **Professional Auctioneer:** A professional auctioneer in compliance with all state and local laws and regulations, to the extent applicable shall auction equipment in the Live Auction.
12. **Auction Committee:** The President of the EREF, in consultation with representatives of the EIA and WasteExpo, shall annually recommend to the EREF Board, the appointment of a committee of donors and other interested parties. The committee will provide support, guidance and advice to enhance the value of the Auction to the donors, the EREF, and WasteExpo. The committee shall recommend to the EREF Board changes and additions to these rules as may be desirable. The committee shall meet from time to time as called by the President of the EREF.