

NATIONAL AUCTIONEERS ASSOCIATION

Best Practices for Auction Operations Amid COVID-19

It is essential that Auction Professionals incorporate best practices for all auction operations to ensure the safety of themselves, their employees and customers as well as the safety of our local, regional, and national communities. Our communities must be foremost in our thoughts and actions. We all must do our part to help control the spread of this pandemic. Further consideration to the perception of our profession and auctions in general should also be front of mind.

General Guidelines

- **Personal Protective Equipment** - Auction companies should consider supplying employees and contractors with personal protective equipment including eye protection (as necessary), masks, and gloves or requiring them to furnish their own. Until such time as higher quality masks become available, homemade masks, face-coverings or non-N95 masks are recommended.
- **CDC Guidelines for Protecting Yourself and Others** should be maintained as much as possible.
 - Wash hands often for at least 20 seconds.
 - If soap and water are not readily available, use a hand sanitizer that contains at least 60% alcohol.
 - Avoid touching your eyes, nose, and mouth with unwashed hands
 - Put distance between yourself and other people (at least 6 feet), and don't gather in groups.
 - Cover your mouth and nose with a cloth face cover when around others
 - Cover coughs and sneezes with either a tissue or the inside of your elbow
 - Throw tissues in the trash
 - Immediately wash your hands or use hand sanitizer
 - Clean and disinfect
 - Frequently touched surfaces multiple times per day
 - This could include but is not limited to tables, doorknobs, light switches, countertops, handles, desks, phones, keyboards, toilets, faucets, and sinks
 - If surfaces are dirty, first clean them with soap and water.
 - Then, use an EPA approved disinfectant (<https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2>)
- The Equal Employment Opportunity Commission (EEOC) allows employers to take employees' temperatures. The temperature reading should be kept confidential and the person administering the temperature check should be trained on the procedure.
- During a pandemic, ADA-covered employers may ask employees who call in sick if they are experiencing symptoms of the pandemic virus, the EEOC said in its guidance. For COVID-19, these include fever, chills, cough, shortness of breath and sore throat. Employers must maintain all information about employee illness as a confidential medical record in compliance with the ADA.
- Consider posting signs at your customer contact points. Examples include [COVID-19 Safe Practice](#) and/or a [COVID-19 Bidder Notice](#). Explore the use of a signed waiver (note some

states are currently prohibiting the signing of documents for pickup) ([example waiver](#) which includes language about providing customers notices).

- Auction facilities with fixed locations should take additional precautions before allowing public access including:
 - Clean and disinfect
 - Frequently touched surfaces multiple times per day
 - This could include but is not limited to tables, doorknobs, light switches, countertops, handles, desks, phones, keyboards, toilets, faucets, and sinks
 - If surfaces are dirty, first clean them with soap and water.
 - Then, use an EPA approved disinfectant (<https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2>)
 - Personal protective equipment should be made available to the public
 - Limit the ability of buyers to “touch everything”, restrict what they have access to
 - Limit number of people allowed into your spaces
 - Community items should be cleaned and disinfected on a regular basis
 - Including but not limited to microphones, cashier/clerk computers, doors, customer seating, and bathrooms

Disclosure Guidelines

- Based on current published scientific studies the transmission of COVID-19 on surfaces is not fully defined. Therefore if any property in an auction was owned/used/in a location where a positive COVID-19 person was, while symptomatic, contagious, or in quarantine, this information should be shared prominently in all communication with all parties.
- Thorough disinfection is recommended and depending on the size and scope of the asset, professional, third party service may need to be employed.

Prospecting Guidelines

- Auctioneers are encouraged to have clients send photos, conduct video calls, and similar activities when reviewing potential assets for sale to limit face to face contact between auctioneers and potential sellers.
- Should remote previews not be possible, auctioneers are encouraged to limit onsite meetings to one on one meetings and practice recommended physical distancing guidelines during such meetings.

Contracting Guidelines

- As much as reasonably possible, contracts between auctioneers and sellers should be presented and signed in a digital format. If digital contracting is not possible, auctioneers should limit the passing of physical documents between the parties. Each party should have their own writing instruments and personal protective equipment.
- You may consider updating contracts to include language regarding health guidelines and Force Majeure events. Below find sample language you should review with your legal counsel.
 - **Force Majeure.** Force Majeure. If either party is delayed or prevented from the performance of any act required under the Agreement by reason of any act of God, an act of nature, including any epidemic or outbreak of pandemic disease, fire, act of

government or state, war, civil commotion, insurrection, embargo, prevention from or hindrance in obtaining raw material, energy or other supplies, labor disputes of whatever nature, federal, state, or local governmental orders or policies, or policy recommendations or guidance issued by any governmental or quasi-governmental public health or similar entity, that may impact or prevent the performance of this Agreement or make performance of this Agreement impossible or commercially impractical or whatever reason beyond the control of the party (a "Force Majeure Event"), the performance of such act shall be excused for the period of such event provided that if such interference lasts for any period in excess of 45 days each party may, by written notice to the others, terminate this Agreement, in the reasonable discretion of any party or parties. In the event that this agreement is terminated for a Force Majeure Event, [customer] agrees to reimburse [Auction Company] for all expenses incurred by [Auction Company] in preparation for the auction described in this agreement.

- [Auction Company] follows health and safety standards mandated by the government. We additionally follow guidelines and provisions made by the CDC and relevant government bodies with regard to the COVID-19 Pandemic. If you and/or your company has additional health and safety requirements set into place, or if you and/or your company has had any cases of COVID-19 at the sites our employees are scheduled to visit, please make our employees aware upon entering the facilities in which they are working.

Preview/Inspections Guidelines

- Physical distancing will be a critical aspect of any plan to move forward and open the auction industry and every reasonable effort should be employed to reduce person-to-person contact.
- Previews and inspections should be done through scheduled inspections with limitations on the number of people in attendance at any one time. This may necessitate extending preview times.
 - Scheduling applications can assist in automating the scheduling process
- If possible, auctioneers should consider virtual previews through video recording tools and when possible take extra photographs to reduce the need for onsite inspection.

Auction Day Guidelines

- Auctioneers are encouraged to conduct online-only or virtual auctions when practical to ensure minimal contact between auctioneers, auction employees, buyers and sellers.
- If live auctions are conducted, the following guidelines should be followed
 - Any gathering should be within the guidelines set forth by local and state officials.
 - Notice should be given to the local health authorities of any large gathering or event until the pandemic subsides.
 - Personal protective equipment should be made available to the public and required by staff as appropriate for their position.
 - Limit the ability of buyers to "touch everything", restrict what they have access to.
 - Limit the number of people allowed into auction venues or rings.
 - Community items should be cleaned and disinfected on a regular basis

- Items include cashier/clerk computers, doors, customer seating, and bathrooms
- Each auctioneer is encouraged to have his or her own microphone when possible. When not possible, shared microphones should be sanitized between auctioneers.
- Maintain correct physical distance between auctioneer and bidders (at least 6 feet), and discourage bidders gathering in groups.
- Do not allow lines to form without providing for proper distancing between people.
- Physical shields, such as acrylic shields are strongly encouraged between auction staff and customers.

Removal/Pickup/Shipping Guidelines

- Physical distancing will be key as we move forward in the industry
- Auction Companies should develop standard procedures in light of these guidelines and display those procedures as part of auction marketing and terms.
- Removal/Pickup should be done through scheduled times with strict and stated limitations on the number of people permitted at any one time.
 - Scheduling applications can assist in automating the scheduling process
- Shipping of auction items and lots, as possible, is the best way to perform physical distancing.
 - The employees that pack and ship items should be following **CDC Guidelines for Protecting Yourself and Others**
 - Washing hands before and after each box is handled
 - Avoid touching your eyes, nose, and mouth with unwashed hands
 - Cover your mouth and nose with a cloth face cover when around others
 - Cover coughs and sneezes with either a tissue or the inside of your elbow
 - Throw tissues in the trash
 - Immediately wash your hands or use hand sanitizer
- If shipping or scheduled removal/pickup is not an option setting or placing items out in an open area for customer pick is advised when possible.

Auction Settlements

- As much as reasonably possible, auction settlements between auctioneers and sellers should be completed electronically, via mail or courier service.
 - This may include sending settlements with self-addressed return envelopes to return documents.
 - Net proceeds should be wired, mailed, or couriered to sellers rather than hand-delivered or picked up by sellers.