



CITY OF WACO

**General Services
Fleet, Purchasing & Facilities**

P.O. Box 2570
Waco, Texas 76702-2570
254 / 750-8060
Fax: 254 / 750-8063

BID INVITATION COVER SHEET

RFB No: 2012-015
Commodity/Service: Sale of Various Properties

Receipt of Bids Closing Time: 2:00 PM, February 15, 2012
Bid Opening Time: 2:01 PM, February 15, 2012

Bid Opening Location: Purchasing Conference Room
City of Waco Operations Center
1415 N. 4th St., Waco, Texas

For Property Information Contact: Bob Smith, Property Manager, 254-750-5669 RobertS@ci.waco.tx.us
For Bidding Information Contact: Kelly Holecek, Purchasing Department, 254-750-8433
kellyh@ci.waco.tx.us

This invitation includes the following documents: **(*To be returned with bid)**

1. **Bid Invitation Cover Sheet ***
2. Instructions for Bidders
3. **Bid Sheet ***

The undersigned agrees, if this bid offer is the highest bid, to fully comply in strict accordance with the invitation, the bid and provisions attached thereto for the amounts shown on the accompanying bid sheet(s).

Print Company or Individual's Name: _____

Signature of Person
Authorized to Sign Bid: _____

Signatory's Name and Title (if a legal entity)
(Print or type): _____

Date: _____ Mailing Address: _____

Telephone No.: _____

FAX No.: _____

INSTRUCTIONS FOR BIDDERS

I. NOTICE OF SALE OF PROPERTY

Sealed bids addressed to the City Council of the City of Waco for the purchase of the properties listed on Exhibit A, attached hereto and incorporated herein, will be accepted in the City of Waco Purchasing Office, located in the City of Waco Operations Center, 1415 N. 4th St., Waco, Texas 76707 until 2:00 PM, February 15, 2012. Thereafter, for properties owned by the City and not acquired through tax foreclosure, the successful bids will be presented to the City Council for action at the first feasible meeting. For properties acquired through tax foreclosure and held in trust by the City of Waco for itself, and other taxing entities, the successful bids will be presented to the City Council for action at the first feasible meeting, and then to the Waco Independent School District and McLennan County for their approval.

The City Council reserves the right to reject any or all bids. The City may waive any defect, irregularity or informality in any bid or bidding procedure. The City of Waco will provide a **Deed Without Warranty**. The City will not provide Title Insurance or a current survey of the property. The City of Waco makes no guarantee as to the availability of utilities.

All bids must be submitted on the official City of Waco Bid Form included in the Bid Package provided. All Bid Forms submitted must be secured in a sealed envelope. The bidder must provide the requested information on the face of the envelope and must comply with all of the Instructions for Bidders. Bids submitted which are not in compliance with the Instructions for Bidders are subject to being disqualified at the sole discretion of the City of Waco.

Bid forms and Instructions for Bidders may be obtained from the City of Waco, Purchasing Services at the City of Waco Operations Center, 1415 N. 4th St., Waco, Texas 76707 or on the City of Waco website (www.waco-texas.com). Inquiries concerning properties may be directed to Bob Smith, Property Manager, City of Waco at (254) 750-5669 RobertS@ci.waco.tx.us. Inquiries concerning bidding may be directed to Kelly Holecek, Program Administrator, Purchasing Services, City of Waco at (254) 750-8433 kellyh@ci.waco.tx.us.

II. FACTS REGARDING PROPERTY OFFERED FOR SALE

Each potential purchaser should carefully read this information and evaluate these facts in light of the anticipated use of the property. These important legal facts regarding the property offered for sale should be considered:

- (1) Purchaser will receive a **Deed Without Warranty** from the City of Waco. If the property is held in trust, purchasers will receive a **Deed Without Warranty** from the City of Waco as a trustee. Additional time is required for deeds for properties acquired through tax foreclosure to be signed by all of the taxing authorities involved. A **Deed Without Warranty has no warranty, either expressed or implied.**
- (2) The City will not provide Title Insurance or a current survey of the property.
- (3) Since the purchaser will only receive a Deed Without Warranty, a Policy of Title Insurance may be difficult to obtain.
- (4) Any property that has been acquired through tax foreclosure will be sold subject to the prior owner's statutory right to redeem (buy back) the property. The prior owner who redeems property may not be required to reimburse the purchaser for improvements made to the property by the

purchaser. It is the responsibility of the bidder to determine if a prior owner has the right to redeem the property.

- (5) The City makes no guarantee as to the availability of utilities to the property and the property will be conveyed “as is”. Specifically, no warranty, written, expressed or implied, is made regarding the property as to the suitability of use of for building/construction of any structure(s), suitability for habitation, compliance with City codes, or clear title. It is the sole responsibility of the bidder to examine the property, research building codes, encumbrances, zoning designations, physical location and all other aspects of the property prior to submitting a bid on that property.
- (6) Purchasers should confirm location of the property on the ground prior to the sale. Maps and plats of the property may be on file in the office of the County Clerk of McLennan County at Waco, Texas. If a property was acquired through tax foreclosure, pleadings in the tax suit may be on file in the Office of the District Clerk of McLennan County, Texas.
- (7) The Solid Waste Department of the City of Waco has two kinds of accounts: residential and commercial. If the property is not bought and used as the owner’s personal home, Solid Waste will classify it as investment, and therefore, commercial property. Rules for removal of bulk waste for residential accounts differ from rules for the collection of bulk waste from commercial accounts, and commercial accounts are subject to a different and higher fee structure. Remodeling and tenant evictions are subject to commercial account fee structures. Purchasers are expected to know the proper classification of their properties and to be prepared for the costs of bringing them in compliance with City Codes, including costs for repair, demolition, and waste removal.
- (8) No oral guarantee or assurance concerning any property has been made and furthermore, no City employee is authorized to make any guarantee or assurance. Bidders are cautioned to investigate this property thoroughly before tendering a bid.

III. RULES FOR BIDDING

Any deviation from these rules for tendering a bid on the properties offered for sale may, at the sole discretion of the City of Waco, result in the disqualification of the bidder and/or automatic rejection of the bid. However, the City reserves the right to waive minor deviations on bid responses. The rules are:

- (1) All bids must be submitted to the City of Waco Purchasing Services office located in the City of Waco Operations Center at 1415 N. 4th St., Waco, Texas, 76707. This may be done in person or by delivery service to that street address. If bids are mailed, they must be mailed to:

City of Waco Purchasing Services
P.O. Box 2570
Waco, Texas 76702-2570.
Attn: Kelly Holecek

- (2) Please note that U.S.P.O. mail is **not** delivered to the street address. Bids must be physically in the office of Purchasing Services, and time stamped by the advertised bid closing time, order to be considered. Bidders may not rely on mailing of the bid to constitute on-time arrival for the bid opening. If the bid has not been received in the Purchasing Services Office at the scheduled opening time it cannot be considered, regardless of what time it was posted.
- (3) Each bid must be sealed in an envelope by the bidder **with only the name of the bidder and the property address written on the envelope.**

- (4) **All bids must be submitted on an official Bid Form.** The bidder must supply all information requested on the Bid Form in the format required. A Bid Form may be obtained from the Purchasing Services Office, City of Waco (254) 750-8060 or on the City of Waco website (www.waco-texas.com). Bidders may reproduce copies of the official Bid Form for the purpose of submitting a bid on numerous properties offered. The successful bidder must also complete and execute a Conflicts of Interest Questionnaire (FORM CIQ) and a Disclosure of Relations form, and submit them along with the bidder's payment in full. A copy of both forms are included in this Bid Invitation.
- (5) **Property will not be sold to anyone having a past due tax account.**
- (6) The City Council of the City of Waco reserves the right to review each and every bid and to award the property to the bidder submitting the bid which it deems most acceptable. The City Council further reserves the right to reject any and all bids if no bid is deemed acceptable.
- (7) All bids must be submitted by 2:00 PM, February 15, 2012 at the City of Waco, Purchasing Services Office. Absolutely no bids will be accepted after that time.
- (8) All bids will be opened at a public meeting at the Purchasing Services Office held on February 15, 2012, at 2:01 PM in the Purchasing Conference Room, City of Waco Operations Center, 1415 N. 4th St., Waco, Texas. **Bidders who are not present at the bid opening may contact the Purchasing Office or access the City of Waco website on or after 9:00 AM on the day following the bid opening date to obtain the bid results.**
- (9) **The successful bidder must make payment of the total amount of the bid offered to the City of Waco by 5:00 P.M. on the first business day after the bid opening date.** Payment must be cash, personal check, certified check, or cashiers check made payable to the City of Waco, and delivered to the Program Management Office of the City of Waco, located on the 2nd Floor of City Hall, 300 Austin Avenue, 76702. If payment is not made within the prescribed time, or is determined to be invalid, the first place bid will be disqualified and the second place bid will be considered the successful bidder with that bidder having until 5:00 PM of the next business day after the City notifies the bidder that the bidder's bid is the successful bid, to tender payment.
- (10) **The successful bidder may be required to execute a contract or other documents in connection with the sale of the applicable property.**
- (11) **By submitting a bid, the bidder acknowledges that the bidder has read these Instructions for Bidders and agrees that these Instructions for Bidders apply to the sale of the properties listed.**

RFB 2012-015

(Offer to Purchase)

**BID FORM
CITY OF WACO**

City Council
City of Waco
Waco, Texas

The undersigned hereby acknowledges that (s)he has been provided with a copy of the **Instructions for Bidders**, that (s)he has read and understands the information contained therein (including that no guarantees have been or can be made), and that in compliance with the Instructions for Bidders, (s)he proposes the purchase of the following described property for the amount indicated.

PRINT ONLY

Address: _____

Legal Description: _____

Minimum Bid: \$_____

Your BID Amount: _____ **Date:** _____

Signed: _____ **Telephone Number:** _____

Email: _____

Print the new Owner's Information as you would want it to appear on the Deed Without Warranty:

Name: _____

Address: _____

City and State: _____

INSTRUCTIONS FOR CONFLICTS OF INTEREST QUESTIONNAIRE

H.B. 914, passed during the 2005 Texas legislative session, as amended by H.B. 1491 passed in 2007, requires certain persons who wish to conduct business or be considered for business with a city to file a “conflict of interest questionnaire.” The Texas Ethics Commission (TEC) created the conflict of interest questionnaire (FORM CIQ). These laws are codified in Chap. 176 of the Texas Local Government Code.

What vendors/persons are subject to Chapter 176?

- The word “person” includes a partnership, corporation or other corporate body, including those performing professional services. Such partnerships or corporations act through individuals, but it is the partnership or corporation that would be seeking to do business with the city.
- Any “person” who contracts or seeks to contract for the sale or purchase of property, goods, or services with a local governmental entity
- An agent of a person who contracts or seeks to contract for the sale or purchase of property, goods, or services with a local governmental entity
- A vendor shall file a completed conflict of interest questionnaire if the person has a business relationship with a local governmental entity and:
 - (1) **has an employment or other business relationship with an officer of that local governmental entity, or a family member of the officer that results in taxable income exceeding \$2,500 during the 12 month period preceding the date a contract is executed or a contract is being considered;**
or
 - (2) has given an officer of that local governmental entity, or a family member of the officer, one or more gifts with the aggregate value of more than \$250 in the 12 month period preceding the date a contract is executed or a contract is being considered

What triggers the requirement to file a “conflict of interest questionnaire”?

When a person begins (1) contract discussions or negotiations with the city or (2) submits an application, response to request for proposals or bids, correspondence, or another writing related to a potential agreement, Form CIQ must be completed. Whether the person initiates the discussion or the city initiates the discussions, Form CIQ must be completed. Even if the vendor has no affiliation or business relationship with an officer or employee of the city, Form CIQ must be completed and submitted

To what type of contracts does the bill apply?

Any written contract and any implied contract, such as purchase orders, procurement card purchases, utility purchases, or any exchange of money or other consideration for some service or property. The monetary amount or value of the contract/purchase does not matter.

When must a vendor file the conflict of interest questionnaire?

No later than seven days after the date the person: (a) begins contract discussions or negotiations with the city, or (b) submits an application or response to a request for proposals or bids, correspondence, or another writing related to a potential agreement with a city, or (c) becomes aware of an employment relationship with a local government officer or family member of the officer, or (d) becomes aware of a qualifying gift..

What has to be revealed?

Section 176.006 requires disclosure of a person’s employment or business relationships. This includes each employment or business relationship with a corporation or other business entity with respect to which a local government officer services as an officer or director or holds an ownership interest of 10% or more.

How do I go about filling out the Conflict of Interest Questionnaire form?

Each number below corresponds with the number on FORM CIQ 2:

1. Fill in the full name of the person who is trying to do business with the City. If the person is a corporation, partnership, etc., then it is the name of that corporation, partnership, etc., that is required on Form CIQ.

2. Check box if the form is an update to a form previously completed. Updates are required by the 7th business day after an event that makes a statement in a previously filed questionnaire incomplete or inaccurate. Updates are also required by September 1 of each year in which the person submits a proposal, bid or response to the City of Waco or begins contract discussions or negotiations with the City.
3. Complete this Section by listing the name of the local government officer (member of City Council or City Manager) with whom there is an affiliation to or business relationship and you checked the “Yes” box in Section 3 A, B, or C.
If there is more than one local government officer (City Council or City Manager) with whom there is an affiliation or business relationship, more than one page two may be needed to provide information on each local government officer.
4. State whether the local government officer named on the form receives or is likely to receive taxable income, other than investment income, from the vendor filing the questionnaire.
5. State whether the filer receives or is likely to receive taxable income, other than investment income, from or at the direction of the local government officer named on the form AND the taxable income is not received from the local governmental entity.
6. State whether the filer is employed by a corporation or other business entity with which the local government officer serves as an officer or director or holds an ownership interest of 10% or more.
7. Describe each employment or business relationship with the local government officer named on the form.
8. Signature box. Person completing form must date and sign the form. If the form is being completed for a corporation, partnerships, etc., the person signing should be someone who is authorized to act on behalf of the corporation, partnership, etc.

A signature is required in box #4 regardless of any other entry on the form.

A copy of Chapter 176 of the Texas Local Government Code can be found at:

<http://www.statutes.legis.state.tx.us/SOTWDocs/LG/htm/LG.176.htm>

CONFLICT OF INTEREST QUESTIONNAIRE
For vendor or other person doing business with local governmental entity

FORM CIQ

This questionnaire reflects changes made to the law by H.B. 1491, 80th Leg., Regular Session.
 This questionnaire is being filed in accordance with Chapter 176, Local Government Code by a person who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the person meets requirements under Section 176.006(a).
 By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the person becomes aware of facts that require the statement to be filed. *See* Section 176.006, Local Government Code.
 A person commits an offense if the person knowingly violates Section 176.006, Local Government Code. An offense under this section is a Class C misdemeanor.

OFFICE USE ONLY

Date Received

1. Name of person doing business with local governmental entity.

RFB / RFP / Contract #

2. Check this box if you are filing an update to a previously filed questionnaire.

(The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date the originally filed questionnaire becomes incomplete or inaccurate.)

3. Name of local government officer with whom filer has employment or business relationship.

Name of Officer

This section (item 3 including subparts A, B, C & D) must be completed for each officer with whom the filer has an employment or other business relationship as defined by Section 176.001(1-a), Local Government Code. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer named in this section receiving or likely to receive taxable income, other than investment income, from the filer of the questionnaire?

Yes

No

B. Is the filer of the questionnaire receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer named in this section AND the taxable income is not received from the local governmental entity?

Yes

No

C. Is the filer of this questionnaire employed by a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership of 10 percent or more?

Yes

No

D. Describe each employment or business relationship with the local government officer named in this section.

Signature of person doing business with governmental entity

Date Signed



**DISCLOSURE OF RELATIONS WITH
CITY COUNCIL MEMBER, OFFICER, OR EMPLOYEE OF CITY OF WACO**

Failure to fully and truthfully disclose the information required by this form may result in the termination of any business the City is now doing with the entity listed below and/or could impact future dealings.

Name of Entity/Business/Person: _____

1. Is the above named entity/business/person: (check one)

- A corporation
- A partnership
- A sole proprietorship or an individual
- Other (specify): _____

Check all applicable boxes.

2. Relationship/Connection to Council member, officer, or employee

- NO - there is no connection between Entity/Business/Person and the City of Waco.
- YES - a person involved with this Entity/Business/Person

Who is an owner, principal, or manager of this entity/business/person
is related to* or a member of the same household as
a City of Waco city council member, officer or employee.

* As used here, "related to" means a spouse, child or child's spouse, and parent or parent's spouse. It also includes a former spouse if a child of that marriage is living, in which case the marriage is considered to continue as long as a child of that marriage lives.

If **YES**, provide (a) the name of owner, principal, or manager **and** (b) the name of the City Council member, officer or employee. Include the department the City officer or employee works for, if known. If related to, indicate (c) whether relationship is spouse, child or child's spouse, and parent or parent's spouse or member of same household. Use back of page if more space needed.

(a) Name of owner, principal, or manager	(b) Name of Council member, officer or employee & department	(c) What is relationship or household arrangement

3. City Council member, officer, or employee directly involved

- NO – City of Waco council member, officer or employee not involved
- YES - a person involved with this Entity/Business/Person

is an owner, principal, or manager of this entity/business/person
or is working for this entity/business/person,

AND said person is a current City of Waco city council member, officer or employee.

If YES, provide the name of owner, principal, or manager who is a City Council member, officer or employee. Include the department the City officer or employee works for, if known

Signature: _____ Phone #: _____ Date: _____

Print Name: _____ Print Title: _____