

## **TIOGA COUNTY REQUEST FOR BIDS**

### **I. INVITATION TO APPLICANTS**

Tioga County (“County”) invites bids for the purchase of property located at 1216 Route 17c, Barton, NY 13734, which is also identified as Tax Map No. 157.00-2-31 and Tioga County Deed Book 527, Page 248. This Property is known as the “Barton Transfer Station” and it includes all real property, improvements, and the New York State Department of Environmental Conservation Solid Waste Management Permit No. 7-4920-00050/00001 for that location.

The buildings and scales on this property were impacted by the flood event of September 2011, but have since been cleaned, all load cells have been replaced and a new indicator box has been purchased. A new electric panel has also been installed and rewired.

The County will host a tour of the Property at 9:00 a.m. on February 1, 2012 and all interested parties may attend. In addition, as set forth in the attached contract for the sale of the Property, the successful bidder will have an opportunity, at their sole cost and expense, to obtain a Phase I environmental audit of the Property prior to closing.

### **II. DEFINITIONS AND GENERAL INFORMATION**

#### **A. Definitions**

“*Applicant*” shall include the actual legal entity submitting and executing the Proposal Documents and Forms.

“*Bid*” means the Proposal Documents and Forms completed by the Applicant and submitted for consideration by the County.

“*Bid Period*” shall commence upon publication of the legal notice offering the Property for sale and shall end on the date and time specified in the legal notice and as further described in Section III. A, below.

“*County*” means Tioga County.

“*Property*” means the property located at 1216 Route 17c, Barton, NY 13734, which is also identified as Tax Map No. 157.00-2-31 and Tioga County Deed Book 527, Page 248. This Property is known as the “Barton Transfer Station” and it includes all real property, improvements, and the New York State Department of Environmental Conservation Solid Waste Management Permit No. 7-4920-00050/00001.

“*Proposal*” means Applicant’s intended purchase of the Property as described in its Bid to the County.

#### **B. General Information**

These Proposal Documents and Forms are intended to provide Applicants with essential information regarding the County's procedures for the public sale of County-owned property.

Applicants should carefully review all Proposal Documents and Forms. Any questions concerning the Proposal Documents and Forms should be directed to the contact person noted in Section V, below; however, Applicants are solely responsible for the preparation and contents of any Bid submitted. The County requires that all Applicants utilize these Proposal Documents and Forms. All documents submitted in Applicant's Bid must be completed in their entirety. The County expressly reserves the right to reject any Bid submitted with incomplete or missing information or to reject any Bid that does not conform to the Bid Specifications described in these documents.

Pursuant to County Law § 215(6), the Property will be sold only to the highest responsible bidder after public advertisement.

All Applicants are notified that, as a material part of the consideration for the contract with the County to purchase the Property, the Applicant will acquire the Property "AS IS" with any and all latent and patent defects and there is no warranty by the County that the Property is fit for a particular purpose. The Applicant will acknowledge that it is not relying upon any representation, statement or other assertions with respect to the Property and the Applicant will take the Property with the understanding that there are no express or implied warranties.

### **III. BID PROCESS**

#### **A. Bid Deadline, Notice of Acceptance or Rejection, Legal Compliance**

All Bids for the purchase of the Property must be clearly marked "Bid: Barton Transfer Station Property" and delivered to:

Judith Quigley, Esq.  
Tioga County  
56 Main Street  
Owego, NY 13827

on or before 3:00 p.m. (EST) on the 15<sup>th</sup> day of February, 2012 ("Bid Period").

Immediately thereafter, all timely Bids submitted will be opened and made public at Tioga County, 56 Main Street, Owego, NY 13827 ("Bid Opening Date").

Bids that are timely submitted with fully completed Proposal Documents and Forms will be reviewed by the County based upon Applicant's compliance with the Bid Requirements and Bid Specifications. Notice of acceptance or rejection of a Bid will be

mailed to each Applicant via U.S. Mail to the address noted by the Applicant on its Bid to the County.

The requirements of New York County Law § 215 concerning the public sale of property shall apply to the Bid Process, in addition to any and all other applicable laws governing the disposition of property by a public entity.

## **B. Bid Requirements**

### 1. General Requirements

Applicants are required to utilize the Proposal Documents and Forms contained in this packet and as otherwise provided by the County. Applicants shall complete all information requested and sign accordingly. Those Bids that are submitted with incomplete or missing information without explanation as to same may not be accepted or considered by the County in its award of Bids.

Note that the first and second pages of the Proposal Documents seek specific information about Applicants Proposal for purchase of the Property, including a Narrative Description of the nature and character of improvements to be made to the Property (if any) and the proposed Purchase Price.

At the completion of the Bidding Process, the successful Bidder will be required to enter into a Contract for Sale of Property setting forth the terms and conditions of the transaction. A form of Contract for Sale of Property is included with these Proposal Documents and Forms.

### 2. Proposal Forms and Faithful Performance Guaranty

Each Applicant shall complete and submit the following documents contained in the Proposal Forms as part of its Bid:

#### i. *Statement of Public Disclosure*

Applicant shall complete a Statement of Public Disclosure on the form provided. The County shall have the right to make such investigation as it deems necessary to determine the completeness of the Applicant's Statement of Public Disclosure. The County reserves the right to reject any Bid where the available evidence or information does not satisfy the County that the Applicant has made full disclosure, or where the Applicant refuses to cooperate and assist the County in making such investigation, or the County otherwise determines the Statement of Public Disclosure to be unsatisfactory.

#### ii. *Affidavit of Non-Collusion*

Applicant shall complete an Affidavit of Non-Collusion on the form provided. The Affidavit of Non-Collusion is affirmation that the Applicant has not colluded, conspired, connived, or agreed with any other Applicant or person, firm or corporation in regard to any Bid submitted to the County. The failure of Applicant to submit the Affidavit of Non-Collusion shall be cause for rejection of Applicant's Proposal.

iii. *Narrative Description*

Applicant shall submit a Narrative Description of the Applicant's proposed development of the Property, if any. The Narrative Description should include the exact nature, character, and use of the Applicant's proposed improvements to the Property. Applicant shall include, where appropriate, maps, plans, and drawings to clearly indicate the location, size, materials, style of structures, parking lots, and any other improvements proposed for development of the Property.

iv. *Faithful Performance Guaranty*

Applicant must submit a Faithful Performance Guaranty in an amount equal to not less than 10% of the total amount being offered for the Property. The Faithful Performance Guaranty shall guaranty the execution and performance of the purchase agreement. The Faithful Performance Guaranty may be in the form of a certified or cashier's check or other security as approved by the County. All checks shall be made payable to "Tioga County". No offer to purchase the Property will be considered unless it is accompanied by the required Faithful Performance Guaranty.

The Faithful Performance Guaranty will be refunded to Applicants whose Bids are rejected as soon as practicable after notice of rejection to Applicant is issued.

**C. Corrections or Other Changes to Applicant's Bid**

Corrections, erasures or any other changes to Applicant's Bid or the Proposal Documents and Forms must be explained and/or noted over the signature of the Applicant.

**D. Withdrawal of Bids**

Bids submitted prior to the scheduled public opening of bids may be withdrawn upon written request of the Applicant provided that such request is received by the County not less than twenty-four (24) hours prior to the Bid Opening Date and time described in Section III.A. Any unopened Bid will be returned promptly.

#### **IV. COUNTY'S RIGHTS**

The County expressly reserves the right to accept or reject any or all Bids and to waive any informalities, irregularities or technical defects if such are deemed, in the County's sole opinion, to be immaterial.

#### **V. ADDITIONAL INFORMATION**

For further information as to the County's property disposition, interested parties should contact Judith Quigley, Esq. in writing by regular mail or e-mail at the following address no less than one (1) week prior to the Bid closing date:

Judith Quigley, Esq.  
Tioga County  
56 Main Street  
Owego, NY 13827  
[QuigleyJ@co.tioga.ny.us](mailto:QuigleyJ@co.tioga.ny.us)

All questions will be posted for public view at the following URL address:  
<http://www.tiogacountyny.com/departments/solid-waste/barton-transfer-station-bid.html>.  
Answers will also be posted and made available to the public at the same URL address. The County will endeavor to answer all properly submitted questions no less than two (2) days prior to the Bid closing date. All interested parties shall be responsible for reviewing the URL address prior to submission of Bids.

#### **VI. BID SPECIFICATIONS**

##### **A. General Requirements**

1. All of the provisions of County Law §215 will apply to the Bidding process for the sale of the Property.
2. The site purchase must include all Property being bid, including the improvements upon such Property and the New York State Department of Environmental Conservation Solid Waste Management Permit for that location.
3. All Bids involving the development of the Property shall include the Narrative Description of proposed development, if any.
4. The Applicant with the successful Bid shall acquire the Property "AS IS" with any and all latent and patent defects and no warranty by the County that the Property is fit for a particular

purpose. However, all Applicants will have a reasonable opportunity to view the Property and conduct environmental due diligence.

5. All plans must meet current legal requirements of New York State. Note any exceptions.
6. Tioga County encourages all purchasers of land to use contractors local to Tioga County.
7. Applicant may be required to present their Bids for purchase and/or development of the Property at a public meeting of the Tioga County Legislature and will be notified in advance.
8. Any Bid submitted by a trust must identify each beneficiary of the trust and the settlor empowered to revoke or modify the trust.

**B. Bid Evaluation**

The County shall evaluate and consider the following factors in its review of Bids:

1. The total Purchase Price offered by Applicant;
2. Applicant's conformance to the Bid Specifications;
3. The character of the improvements proposed to be made by the Applicant (if any);
4. Any other factors which will assure the County that the sale of the Property, if made, will best serve the interest of the community, both from the standpoint of human and economic welfare.
5. The County expressly reserves the right to reject any and all Bids.



Applicant or from persons or entities having knowledge of the Applicant's experience, abilities, past performance, integrity or financial status, or knowledge related to any other item referenced in the Proposal Documents and Forms.

Applicant, by submission of a completed Application also acknowledges that any information provided to or obtained by the County, whether related to financial matters or otherwise, may be subject to disclosure under the New York State Freedom of Information Law.

Applicant further agrees to execute a contract for the purchase of the Property within thirty (30) days after notification of acceptance of this offer.

Applicant understands and acknowledges that the County expressly reserves the right to reject any and all Bids and to waive any informalities, irregularities or technical defects if such are deemed, in the County's sole opinion, to be immaterial.

Dated \_\_\_\_\_

*Respectfully submitted,*

\_\_\_\_\_  
*Name of Individual or Corporation*

*By:* \_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Name (type)*

\_\_\_\_\_  
*Title*

*ATTEST: (BY SECRETARY OF A CORPORATION)*

*Address:*

*By:* \_\_\_\_\_  
*Signature*

\_\_\_\_\_

\_\_\_\_\_  
*Name (type)*

\_\_\_\_\_

\_\_\_\_\_  
*Title*

\_\_\_\_\_

*Address:*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Statement of Public Disclosure**

Applicant: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1. Applicant proposes to enter into a contract for the purchase of property located at 1216 Route 17c, Barton, NY 13734, which is also identified as Tax Map No. 157.00-2-31 and Tioga County Deed Book 527, Page 248. This Property is known as the “Barton Transfer Station” and it includes all real property, improvements, and the New York State Department of Environmental Conservation Solid Waste Management Permit No. 7-4920-00050/00001 for that location.

2. Organizational Status of Applicant:
- An individual
  - A corporation
  - A not-for-profit corporation or charitable institution
  - A partnership known as: \_\_\_\_\_
  - A business association or a joint venture known as: \_\_\_\_\_
  - A Federal, State or Local government or instrument thereof known as \_\_\_\_\_
  - Other (explain): \_\_\_\_\_

3. Organized and operating under the laws of \_\_\_\_\_

4. Date of Organization: \_\_\_\_\_

5. Names, addresses, and title of principal officers, investors, members or shareholders of Applicant, as follows: (attach additional sheets if necessary)

a. CORPORATION: the officers, directors or trustees, and each stockholder owning more than 10% of any class stock

b. NOT-FOR-PROFIT: the members who constitute the board of trustees or board of directors or similar governing body

c. PARTNERSHIP: each partner, whether a general or limited partner, and the nature and percent of interest

d. BUSINESS ASSOCIATION OR JOINT VENTURE: each participant and the nature and percent of interest

e. OTHER ENTITY: the officers, the members of the governing body, and each person having an interest of more than 10%

*Name & Address*

*Title and nature and percent of interest*

6. Names, addresses, and the nature and percent of interest of each person or entity (not named in Item 5) who has a beneficial interest in any of the shareholders or investors named in Item 5 which gives such person or entity more than a computed 10% interest in the Applicant (for example, more than 20% of the stock in a corporation which holds 50% of the stock of the Applicant; or more than 50% of the stock in a corporation which holds 20% of the stock of the Applicant).

*Name & Address*

*Title and nature and percent of interest*

7. Names of officers and directors, or trustees of any corporation or firm listed under Item 5 or Item 6 above.

*Name & Address*

*Title and nature and percent of interest*

8. Does any member of the Tioga County Legislature or any officer or employee of Tioga County have any direct or indirect personal interest in the Applicant or the purchase or development of the land as proposed?

Yes

No

If yes, explain:

9. Is this organization or any of its owners or officers presently delinquent on property taxes or any fee (including, but not limited to, permit fees, license fees and user fees) owed to the State of New York or Tioga County.

Yes

No

If yes, explain:

10. Brief statement regarding Applicant's intent to use local suppliers, contractors and labor.

CERTIFICATION

I (We), \_\_\_\_\_ Certify that this Statement for Public Disclosure is true and correct to the best of my (our) knowledge and belief.

\_\_\_\_\_  
*Name*

\_\_\_\_\_  
*Name*

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Title*

\_\_\_\_\_  
*Title*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Date*

*(If the Applicant is an individual, this statement should be signed by such individual; if a partnership, it should be signed by one of the partners; if a corporation or other entity, it should be signed by one of its chief officers having knowledge of the facts required by this statement.)*



**Contract for Sale of Property**