

EXHIBIT "A"
HIDALGO COUNTY
(All funding sources, programs & entities)
"AUCTIONEER & STORAGE SERVICES"
RFB NO.: 2018-043B-00-00-SGS
COMMODITY CODE: 962-09

Project Overview:

Hidalgo County is seeking to contract with a qualified vendor to conduct all public auction sales of County Surplus vehicles and other misc. personal property called by the Hidalgo County Commissioners Court which require the services of a Licensed Auctioneer, including storage. As determined by the Court in its sole discretion on an "AS NEEDED BASIS". Auctioneer shall conduct the public auction sales of Hidalgo County including, but not limited to the following:

- 1.) All Hidalgo County departments under general and road and bridge fund;
- 2.) State and/or Federal funded programs, i.e. Department of Community Supervision and Corrections, Headstart, WIC, CSA (Community Service Agency) and Urban County.
- 3.) Law Enforcement Agencies, or Cooperative Agencies of which Hidalgo County is party, i.e. Hidalgo County HIDTA Task Force, District Attorney, Sheriff's Department, Constable Offices, and DPS.

Note: Agencies shall obtain prior written approval from State and Federal agencies and submit to the Purchasing Department before the sale or disposition of any equipment purchased with funds from State and Federal regardless of cost.

Specifications & Requirements

1. Auctioneer shall be licensed by TDLR (Texas Department of Licensing and Regulations), to perform public and private auctions within the state of Texas in accordance with all applicable Texas laws and regulations.

A copy of bidder's current- Auctioneer License, Vehicle Storage Facility License, Tow Truck Driver's TDLR License and Tow Truck permits, must be submitted along with bid.
2. The determining factor for the award of contract will be based on the lowest & best Bid received for the percentage of gross sale proceeds to be retained. Hidalgo County will require documentation (vendor invoice & customer receipt copies) on additional charges to buyers (at buyer's option) for batteries, locksmith services, etc.
3. Auctioneer will make all vehicles and equipment presentable, so as to receive the best possible bid in addition the auctioneer should also start all vehicles that are in working condition during auction.
4. Auctioneer will provide all labor (i.e. loading and unloading of trailers, detail car washing, re-keying etc), machinery and equipment (including rental of machinery & equipment), tools and materials (i.e. pallets, plastic, tape etc.) required in rendering services, at no additional expense to Hidalgo County and all mentioned parties.
5. Auctioneer will maintain throughout the contract term, all insurances and its limits for Automobile, General, Workers Compensation Insurance and all licenses held. (Refer to Exhibit "C").

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6. Vendor must have the proposed facility insured for losses resulting in theft, fire, employee negligence or hazardous weather condition (Garbage Keeper's Insurance) and must be maintained through out the contract term. Bidder will provide a copy of their policy, upon request.
7. Auctioneer will have twenty-four hour security monitoring service (i.e. surveillance cameras and or security guards) at Auctioneer's premises/storage facility or wherever auctioneer stores property including but not limited to the following;
 - 1.) All Hidalgo County departments under general and road and bridge fund;
 - 2.) State and/or Federal funded programs, i.e. Department of Community Supervision and Corrections, Headstart, WIC, CSA (Community Service Agency) and Urban County;
 - 3.) Law Enforcement Agencies or Cooperative Agencies of which Hidalgo County is party, i.e. Hidalgo County HIDTA Task Force, District Attorney, Sheriff's Department, Constable Offices, and DPS.
8. Auctioneer must possess and submit a copy of their Vehicle Storage Facility License, if vehicles are to be stored at auctioneer's premise/storage facility. Pursuant to Chapter 85.200 of the Texas Department of Licensing and Regulation's Administration code.
9. Auction sales will be conducted at either option A, B or C sites with prior notice given to the Auctioneer:
 - Option A). Auctioneer's premises/storage facility
 - Option B). County-owned sites
 - Option C). On-line auctions whether thru the auctioneers or at the County's designated website
10. In the event auction sales are conducted on other than County-owned or controlled premises, Auctioneer shall indemnify Hidalgo County harmless from any claims or damages arising out of the conduct of the sale.
11. Statutory Notification:

The County will publish at its own expense, pursuant to Chapter 263.153. Of the Texas Local Government Code:

 - (a) *The Commissioners' Court shall publish notice of a sale of surplus or salvage property in at least one newspaper of general circulation in the County.*
 - (b) *The notice must be published on or after the 30th day but before the 10th day before the date of sale.*
12. Promotion of Sale through Auction:
 - A). It will be the Auctioneers responsibility to circulate notices promoting the Auction/Sale at the Auctioneer's expense, in English and Spanish (i.e. publication in newspapers).
 - B). Auctioneer shall provide proof of such promotion to the Hidalgo County Purchasing Department's Fixed Asset Division as part of the documentation submitted with proceeds.

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13. Services to be provided by the Auctioneer and staff at no additional expense to Hidalgo County and mentioned parties; shall include, but not limited to, the following:
- A). Re-keying, detail carwash (to include removal of debris; so as to look presentable) and gas, one week prior to auction with contact's approval;
 - B) Auctioneer will check in all items submitted by Hidalgo County and all mentioned parties upon receiving any and all equipment and will submit an Inventory status report to the Hidalgo County Purchasing Department's-Fixed Assets Division on a monthly term. Inventory reports can be sent by via-e-mail to: agueda.garcia@co.hidalgo.tx.us, or by facsimile to 956-318-2629.
 - C) A Vehicle Check in List will be prepared by Auctioneer, Forms FA12-002 & FA12-003 (*see attached Exhibit A-1*). All County vehicles and all confiscated, seized, forfeited, etc., vehicles taken to Auctioneer's premises/storage facility by HIDTA, District Attorney's Office, Sheriff's Department and DPS, are to be physically inspected by Auctioneer. All Vehicle Check in List forms prepared by the Auctioneer shall be submitted to Hidalgo County Purchasing Department – Fixed Asset Division, no later than 48 hours after the vehicle arrives at the Auctioneer's premises and 72 hours, if on a weekend.
Vehicles should remain at one location at the Auctioneer's premises and not moved until the vehicles are released for auction or if the vehicle(s) need to be relocated. Unnecessary mechanical repairs and the removal of any parts should not be done to any vehicle. Any item(s) removed from any vehicle will be listed as part of the inventory (i.e. car seats, factory stereos, batteries, tires and any personal effects etc.).
 - D) Upon arrival of equipment and/or vehicles etc., to Auctioneer's premise/storage, Form FA12-001 (*See attached Exhibit A-2, to be filled out by Departments*), will be given to the Auctioneer and/or authorized recipient. All Incoming inventory must be reviewed and verification made that all items are accounted for. The form *must be signed*, acknowledging the receipt of items listed. The signed form will then be given back to the County personnel making the delivery.
 - E) Auctioneer will label & set-up groups or lots of equipment and individually identify, palletize and mark on the inventory list with a group or lot number. The set up of groups or lots should be made so as to get the most out of the items being sold. Lots should be prepared with the approval of County contact.
 - F) Auctioneer will remove all emblems and logos (as where it is no longer visible or recognized), also all license plates from vehicles prior to the auction. All plates will be forwarded to the Hidalgo County's Purchasing Department- Fixed Asset Division, located at: 2802 S. Bus. Hwy. 281, Edinburg, TX. 78539.
 - G) The Auction Report: Each receipt forming part of the Auction Report should include the Lot number and the itemized description, including the County's Identification numbers (asset numbers) as indicated in the inventory list approved by Commissioner's Court.

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All copies of any ads, buyer's lists, receipts and clearing of all auction proceeds must be forwarded to Hidalgo County Purchasing Department's Fixed Asset Division no later than fifteen (15) working days from the date of the auction.

- H). Auctioneer will handle any disputes that may arise during and at the end of auction & may ask for assistance from the Purchasing Department's Fixed Asset Division if required for resolution.
- I). Auctioneer will provide towing service on an "AS NEEDED BASIS" to the County, at no additional expense. All tow truck drivers must possess a TDLR License and all tow trucks will have permits and be in compliance with all TDRL rules and regulations. All required licenses must be kept current with copies sent to Hidalgo County yearly, for the term of contract.
- J). Auctioneer must provide a secure fenced area (preferably no less than 5 (five) acres) and an enclosed warehouse (preferably a minimum of 5,000 sq. ft.), for storage of vehicles and equipment seized/confiscated by law enforcement agencies of Hidalgo County, or any Cooperative agency of which Hidalgo County is a party of, including, but not limited to, the Hidalgo County HIDTA Task Force, DPS, Sheriff's Department, Constable Offices, and the Hidalgo County District Attorney's Office, and other items which Hidalgo County or all mentioned parties wishes to store for auction or storage from all other department(s) or entities. Storage area must be open at least eight (8) hours a day Monday-Friday and must be available for emergencies on nights and weekends.
- K). Auctioneer shall announce at each auction prior to starting, that all vehicles must be registered within twenty (20) working days and that a vehicle to be exported shall be exported within seventy two (72) hours from date of auction sale.
- L). Auctioneer shall announce that all items are sold "As Is" and with "No Warranty", prior to an export vehicle is to be auctioned, the Auctioneer must state that vehicle is for "Export Only" Vehicles that will be exported after the auction should be clearly marked on the vehicle's windshield.
- M). Auctioneer shall video tape or record all auctions and submit copies to the County.
- N). Auctioneer will be responsible for completing the Application for Texas Certificate of Title (Form 130U). Also to submit the Texas Motor Vehicle Transfer Notification (Form VTR0346) electronically. Auctioneer will also stamp all titles and label all vehicles that are to be exported, "Export Only" on the front or back of the title and vehicle windshields for all County vehicles to be auctioned and submit all copies to the Purchasing Department.
- O). Auctioneer is responsible for retaining records for a period of three years from the date of sale. The records should be made available to the County upon request.

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14. No storage fees will be assessed to the County during and at the end of the contract term for: Trailer/Semi-Trailers, Independent Motorcycles/All-Terrain Vehicles; Travel Trailers and Small Vehicles (i.e. cars, pick-ups, sport utility vehicles etc.), if the County wishes to use items after it has been awarded to the extent permitted by the Court(s) in any forfeiture or seizing proceeding. No storage fees will be assessed to defendant(s), if stated by the Court(s), on item(s) returned to the defendant.
15. Auctioneer may elect to charge its usual and customary storage, wrecker or impoundment fees; (fees must be in compliance with TDLR), consistent with the fee schedules to the owners of seized property held by the Auctioneer, which is awarded to such owner upon final adjudication of the forfeiture or seizure proceeding by any Court.(as indicated by final judgment)
16. No storage fees will be assessed to Hidalgo County for any remaining vehicles upon expiration of the contract term.
17. In the event that the Auctioneer cannot respond adequately to the needs of the County by reason of meeting the County's auction schedule or any other reason, the Auctioneer shall advise the Hidalgo County Purchasing Department in writing within 24 hours of said inability. The County shall have the right to deduct the cost incurred in having to provide said services from the payment to be made to the Auctioneer under the contract and the existing contract will be canceled.
18. Hidalgo County reserves the right to audit the records of the auctioneer related to the sale(s) of all County property at the auction site.
19. County items shall be first priority in all sales, to include State and Federal funded departments / programs as identified in project overview. Hidalgo County reserves the right to add/delete items from the list up to the day of the auction. Hidalgo County reserves the right to video tape or record any and all auction sales.
20. Hidalgo County reserves the right to view the proposed premises prior to award of bid.
21. Auctioneer, his employees or agents, or any of his associates, shall not have any personal financial interest, directly or indirectly in the auction, by bidding or causing someone to bid, soliciting or influencing anyone to bid other than through advertising.
22. No fee for Auctioneer Services are payable for items which do not receive the minimum bid or on which County rejects the price offered at auction.

Terms and Conditions:

- a. Successful bidder will be awarded a one (1) year term contract with the County's option to extend the term for an additional two (2), one - year terms under the same rates, terms and conditions. The award of a contract does not constitute a representation or guarantee by Hidalgo County that any or all public or private auction sales will be conducted by it during the contract term.

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- b. Hidalgo County reserves the right to continue this bid for an additional sixty (60) day Grace Period at the end of the contract term for unforeseen delay in award of new bid for the next contract term.
- c. Hidalgo County reserves the right to hold bids for a period of ninety (90) days without taking any action.
- d. Hidalgo County reserves the right to reject any/all bids, to waive any/all formalities or technicalities or to accept the bid received from the responsible bidder submitting the lowest and best bid to the County.
- e. The County may, in at sole discretion, allow item(s) with minimum bids established for auction, to be offered for auction as many times as allowed by Commissioners Court, if the minimum bid is not met.
- f. Hidalgo County will have thirty (30) working days to remove and relocate all remaining inventory at no charge, in the event that new provider has not been secured at the completion of the procurement process.
- g. Hidalgo County has the right to award all or part of this bid if it is in the best interest of the County.
- h. After bid is awarded and successful awarded contractor defaults in meeting the general instructions to bidder(s) and/or in complying with the contract agreement, Hidalgo County reserves the right to seek the services of the next lowest bidder(s). In such event, Hidalgo County shall charge the successful bidder the difference for any additional cost to the County.
- i. Any contract awarded to a successful bidder will be in effect until;
 - a) The contract expires.
 - b) Delivery acceptance of products and/or performance of services ordered or
 - c) Terminated by county with thirty (30) days written notice prior to the cancellation.
- j. All costs and expenses associated with the preparation and submission of (bid, proposals, statement of qualifications and quotes) shall be responsibility of the participant and no reimbursements for such charges or expenses shall be passed on to HIDALGO COUNTY.
- k. County will seek purchases from state awarded vendors whenever it is, its best interest to do so.
- l. Hidalgo County reserves the right to add or delete during the term of the contract under the same rates and conditions.
- m. Hidalgo County reserves the right to award the bid to ONE OR MULTIPLE bidders, if the County determines it is in its best interest to do so.

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- n. Insurance requirements for this project to be maintained throughout the contract term (Refer to limits on the Exhibit "C" for limits).

ADDITIONAL INFORMATION:

Hidalgo County is requesting that any and all questions, inquiries and clarifications regarding quotes, bids, proposals or statements of qualifications be addressed to, Martha L. Salazar, CPPB, Purchasing Agent, 2812 S Business Hwy 281, Edinburg, Texas 78539. TELEPHONE INQUIRIES WILL NOT BE ACCEPTED.

ALL WRITTEN INQUIRIES WILL BE ACCEPTED VIA E-MAIL / FACSIMILE/ IN PERSON, No Later Than, Monday, MONTH 00, 2018 by 5:00 P.M. to: sandy.suarez@co.hidalgo.tx.us Responses to said inquiries will be sent to all applicants via e-mail/ facsimile by no later than, Wednesday, MONTH 00, 2018 by 5:00 PM.