

County of Nueces



MIKE PUSLEY
Commissioner
Precinct 1

JOE A. GONZALEZ
Commissioner
Precinct 2

OSCAR ORTIZ
Commissioner
Precinct 3

JOE McCOMB
Commissioner
Precinct 4

SAMUEL L. NEAL, JR.
County Judge
Nueces County Courthouse, Room 303
901 Leopard Street
Corpus Christi, Texas 78401-3697

ORDER OF COMMISSIONERS COURT

WHEREAS, Nueces County ("County") owns 121.63 acres of real property ("county property") adjacent to the Robstown Airport. This land is contained in the Nueces County Airport Lands (totaling 220 acres), the said acreage is not included any of the lands being used as Nueces County Airport. The 121.63 acres is used for farming and related use, and for no other purpose;

WHEREAS, the County, acting through its Commissioners Court ("Court") wishes to lease the property for a period of three(3) years, payable in advance by cash in one year increments for each year of the lease.

WHEREAS, the Court has determined that the best method of leasing the county property is through the sealed-bid procedure authorized by Section 263.007 of the Texas Local Government Code; and

WHEREAS, the Court wishes to adopt a sealed bid procedure for the of the real property as set forth herein ("Bid Procedure"), authorize and direct the County Purchasing Agent to carry out the Bid Procedure and to take such other action as may, in her opinion, be necessary or useful for effectuating and carrying out the terms and provisions of the Bid Procedure for the lease of the real property,

NOW, THEREFORE, THE COURT MAKES THE FOLLOWING FINDINGS AND ORDERS;

1. The Court finds and **ORDERS** that the recitals set forth above are true and correct and that the method of leasing the real property will be by an invitation for sealed bids in accordance with the Bid Procedure hereby adopted by the Court pursuant to Section 263.007 of the Texas Local Government Code.
2. The Court finds and **ORDERS** that the County's Purchasing Agent publish the notice of lease of the real property through the Bid Procedure, and undertake and administer the Bid Procedure, and that she take such other action or actions as may, in her opinion, be necessary or useful the Bid Procedure for the lease of the real property. In carrying out her duties, the Purchasing Agent may delegate such tasks and activities as she deems appropriate.
3. The Bid Procedure for the lease of the real property, in whole, shall be as follows:
 - (1) The County's Purchasing Agent, or her designee, shall publish a notice of the lease of the real property through an Invitation for sealed bids in a newspaper of general circulation in Nueces County, Texas, as follows:

- i. The notice must be published on two dates, with the date of the second publication occurring before the 14th day before the date the award of the lease is made;
 - ii. The notice must include a description of the real property, including its location;
 - iii. The notice must include a description of the procedure by which sealed bids for the lease may be submitted.
- (2) The Purchasing Agent, at her discretion, may publish, in addition to the required notice of lease set forth above, notice of lease in any additional newspaper or publication, or on the internet, including the County's website, and such additional notices may be published on only one date or on more than one date, as the Purchasing Agent shall deem advisable, in her discretion. In addition, beginning on the date that the first required notice is published, the Purchasing Agent may provide a notice of the lease and a copy of the Invitation for Bids to any person who may be interested in receiving the information, or who makes a request to receive it.
- (3) The Purchasing Agent shall prepare a written "Invitation for Bids" which shall be made available to prospective bidders, and which (i) describes the real property and its location, (ii) sets out the instructions for preparing and submitting bids, (iii) identifies the place and deadline for submitting bids, and (iv) describes the County's evaluation criteria, and the procedure for evaluating bids and awarding a lease, (v) states that the County has the right to reject any and all bids submitted, and (vi) provides the lease agreement which will be used in the lease, which may be modified to set out the complete agreement of the County and the bidder. The Invitation for Bids may contain any additional information that the Purchasing Agent wishes to include. The Invitation for Bids shall be made available to prospective bidders beginning on the first date on which the notice of lease is published in the newspaper.
- (4) Award of any lease will be authorized by the Court at a Commissioners Court meeting. If the Court does not reject all bids, the Court may authorize acceptance of a bid and execution of a mutually-acceptable agreement for the lease of the real property. An award by the Commissioners Court will not be deemed complete until (i) the Commissioners Court has approved the lease, and (ii) the bidder and the County have duly signed the lease agreement.
- (5) The County will not be obligated to lease the real property until all of the following have occurred:
 - (i) The commissioners court has awarded the agreement for lease of the real property to a bidder; and
 - (ii) The bidder and the County have duly executed a mutually-acceptable agreement; and
 - (iii) The County has received the lease amount provided in the lease agreement, with the cash component being in good funds, and the delivery of all required documents has been completed.
- (6) The Court reserves the right to modify the terms of this Bid Procedure. The County reserves the right to discontinue the Bid Procedure or to withdraw the real property from the market at any time prior to execution by County and the successful bidder of an agreement for lease of the real property. In such event, County will notify the bidders of such discontinuation. The County

reserves the right, after discontinuance or termination of the bid process, to lease or otherwise dispose of the real property, or an interest in the real property, as provided by Texas law, on terms acceptable to County. County reserves the right to waive any irregularity or informality in the bid or the Bid Procedure or in the submission of a bid.

**DULY ADOPTED BY VOTE OF THE COMMISSIONERS COURT OF NUECES COUNTY, TEXAS
ON THIS 8th DAY OF JANUARY, 2014.**

SAMUEL L. NEAL, JR.
NUECES COUNTY JUDGE

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Commissioner, Precinct 1

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ATTEST:

DIANA T. BARRERA
County Clerk