

**COMMONWEALTH OF KENTUCKY
TRANSPORTATION CABINET
DIVISION OF RIGHT OF WAY AND UTILITIES
INVITATION FOR PROPOSAL/BID**

**SEALED BID PROPOSAL
FOR SALE
SURPLUS REAL PROPERTY
OWNED BY THE COMMONWEALTH OF KENTUCKY
50.2+/- acres known as the Drumanard Estate
PROSPECT, JEFFERSON COUNTY KY**

Invitation No.: 101217
Bid Opens: October 12, 2017 at 1:30 p.m. Eastern Time
At the Transportation Cabinet, Division
of Purchases, Room # 422

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1. Sealed bids must be submitted on the "Form of Proposal" included within and made part of this Invitation and received at the Kentucky Transportation Cabinet, Division of Purchases , 4th Floor, Room # 422, Transportation Cabinet Building, 200 Mero Street, Frankfort, Kentucky 40622, not later than the specified "bid opening" time and date.
 2. The Commonwealth of Kentucky reserves the unqualified right to reject any or all bids.
 3. Bidders are invited to attend the bid opening.
 4. To obtain a (Form of Proposal/Bid Package) and further information contact Mark McCoy, Division of Right of Way and Utilities, Kentucky Transportation Cabinet, 200 Mero Street, Frankfort, Kentucky 40622, email: mark.mccoy@ky.gov (Phone: 502/782-4945).
 5. NOTICE TO BIDDERS - If you plan to attend the bid opening and have a disability which requires accommodations by the Division of Real Properties, please contact our office by October 5, 2017 to permit us to make reasonable arrangements.

NOTICE TO BIDDERS –The subject property is being offered for public sale subject to the terms and conditions of a Historic Preservation and Conservation Easement, being of record in Deed Book 10335 Page 770 in the office of the Jefferson County Clerk which will run in perpetuity with the property. The Easement is held by the Kentucky Heritage Council to protect the architectural and historic elements of the subject property and the improvements thereon. All questions related to the Easement should be directed to Craig Potts, Executive Director, Kentucky Heritage Council. (502-564-7005 or craig.potts@ky.gov).

The Easement is available for review @ <http://kyinbridges.com/historic-properties-for-sale/>.

NOTICE TO BIDDERS –The subject property is being offered for public sale subject to the terms and conditions of a Right of First Refusal .

SCOPE OF PROPOSAL

PARCEL NO. 66 (part)

A 50.2+/- tract of land lying in Jefferson County, Prospect, Kentucky, being improved by located at 6401 Wolf Pen Branch Road, known as the Drumanard Estate, being offered for sale “AS-IS”.

Proposals will be accepted for the sale of the above property in compliance with the “Sealed Bid Form of Proposal” herewith.

An open house will be held on October 4, 2017

from 10:00 a.m. to 2:00 p.m.

BID CONDITIONS

1. All complete bids received by the due date and time will be considered for this property. **Bidders must include an approval letter from a lending institution for the amount of their bid.**
2. BID DEPOSIT: Each bid must also be accompanied by a deposit in the form of a certified check, cashier’s check, or money order, made payable to the **Kentucky State Treasurer** in the amount of **20 percent of the total bid made payable to the Kentucky State Treasurer as a guarantee of good faith; cash will not be accepted.** The good faith deposit of all unsuccessful bidder(s) will be returned by mail as soon as possible once the bids have been opened and a contract awarded. The deposits of all bidders will be returned if all bids are rejected.
3. The successful bidder’s good faith deposit will be retained and applied toward the purchase price, if it is determined that the property will be sold. The winning bidder will be required to sign a purchase agreement defining the terms of sale immediately following the bid opening and the acceptance of the high bid. Payment of the balance of the purchase price must be made payable to the Kentucky State Treasurer and is due at the time of delivery of the deed. Closing shall occur no later than 30 days **from written notification** to the

Purchaser from the Division of Right of Way and Utilities. The successful bidder's good faith deposit will be forfeited to the Commonwealth of Kentucky should the successful bidder fail or refuse to consummate the purchase of the property. The Commonwealth does not certify the amount of acreage or square footage of structures to be sold. **The property will be sold "AS-IS" with no guarantees or warranties. Should the Bidder or lending institution require an inspection of the property, this is the sole responsibility of the Bidder.**

4. It shall be the responsibility of the prospective bidder(s) to inspect the property prior to submitting a bid to determine pertinent factors of access, zoning, utilities, and easements, etc. No refunds or adjustments will be made because the property fails to meet standards of quality or conditions expected, nor will failure to inspect the property be grounds for any claim for relief from bid.
5. A good marketable title to the property will be conveyed by deed containing a covenant of special warranty. This sale is subject to the approval of the Secretary, Finance and Administration Cabinet, as authorized by KRS Chapters 45A and 56 and the Governor.
6. The successful bidder or his/her successor in title will be responsible for the payment of all taxes falling due on the property after delivery of the deed, including the deed recording fees.

NOTE: A BID WILL BE CONSIDERED VALID ONLY WHEN SUBMITTED ON THE ATTACHED "FORM OF PROPOSAL", PROPERLY COMPLETED, AND SIGNED, WITH BID DEPOSIT AND LETTER OF CREDIT AS SPECIFIED HEREIN, SEALED IN AN ENVELOPE WITH THE BID INVITATION NUMBER **101217** CLEARLY DISPLAYED ON THE OUTSIDE AND DELIVERED TO THE RECEIVER ON OR BEFORE THE DESIGNATED BID OPENING. FAX BIDS WILL NOT BE ACCEPTED.

7. THE COMMONWEALTH OF KENTUCKY RESERVES THE UNQUALIFIED RIGHT TO REJECT ANY AND ALL BIDS.

REQUIRED AFFIDAVIT FOR BIDDERS, OFFERORS AND CONTRACTORS

PAGE 1 OF 3

FOR BIDS AND CONTRACTS IN GENERAL:

- I. Each bidder or offeror swears and affirms under penalty of perjury, that:
 - a. In accordance with KRS 45A.110 and KRS 45A.115, neither the bidder or offeror as defined in KRS 45A.070(6), nor the entity which he/she represents, has knowingly violated any provisions of the campaign finance laws of the Commonwealth of Kentucky; and the award of a contract to the bidder or offeror or the entity which he/she represents will not violate any provisions of the campaign finance laws of the Commonwealth.
 - b. The bidder or offeror swears and affirms under penalty of perjury that, to the extent required by Kentucky law, the entity bidding, and all subcontractors therein, are aware of the requirements and penalties outlined in KRS 45A.485; have properly disclosed all information required by this statute; and will continue to comply with such requirements for the duration of any contract awarded.
 - c. The bidder or offeror swears and affirms under penalty of perjury that, to the extent required by Kentucky law, the entity bidding, and its affiliates, are duly registered with the Kentucky Department of Revenue to collect and remit the sales and use tax imposed by KRS Chapter 139, and will remain registered for the duration of any contract awarded.
 - d. The bidder or offeror swears and affirms under penalty of perjury that the entity bidding is not delinquent on any state taxes or fees owed to the Commonwealth of Kentucky and will remain in good standing for the duration of any contract awarded.

FOR “NON-BID” CONTRACTS (I.E. SOLE-SOURCE; NOT-PRACTICAL OR FEASIBLE TO BID; OR EMERGENCY CONTRACTS, ETC):

- II. Each contractor further swears and affirms under penalty of perjury, that:
 - a. In accordance with KRS 121.056, and if this is a non-bid contract, neither the contractor, nor any member of his/her immediate family having an interest of 10% or more in any business entity involved in the performance of any contract awarded, have contributed more than the amount specified in KRS 121.150 to the campaign of the gubernatorial slate elected in the election last preceding the date of contract award.

REQUIRED AFFIDAVIT FOR BIDDERS, OFFERORS AND CONTRACTORS

PAGE 2 OF 3

- b. In accordance with KRS 121.330(1) and (2), and if this is a non-bid contract, neither the contractor, nor officers or employees of the contractor or any entity affiliated with the contractor, nor the spouses of officers or employees of the contractor or any entity affiliated with the contractor, have knowingly contributed more than \$5,000 in aggregate to the campaign of a candidate elected in the election last preceding the date of contract award that has jurisdiction over this contract award.

REQUIRED AFFIDAVIT FOR BIDDERS, OFFERORS AND CONTRACTORS
PAGE 3 OF 3

- c. In accordance with KRS 121.330(3) and (4), and if this is a non-bid contract, neither the contractor, nor any member of his/her immediate family, his/her employer, or his/her employees, or any entity affiliated with any of these entities or individuals, have directly solicited contributions in excess of \$30,000 in the aggregate for the campaign of a candidate elected in the election last preceding the date of contract award that has jurisdiction over this contract.

As a duly authorized representative for the bidder, offeror, or contractor, I have fully informed myself regarding the accuracy of all statements made in this affidavit, and acknowledge that the Commonwealth is reasonably relying upon these statements, in making a decision for contract award and any failure to accurately disclose such information may result in contract termination, repayment of funds and other available remedies under law.

Signature

Printed Name

Title

Date

Company Name _____

Address _____

Subscribed and sworn to before me by _____
(Affiant) (Title)

of _____ this _____ day of _____, 20____.
(Company Name)

Notary Public

[seal of notary]

My commission expires: _____

**STATEMENT OF FINAL DETERMINATION
OF VIOLATIONS
PURSUANT TO KRS 45A.485**

Pursuant to KRS 45A.485, the Bidder shall reveal to the Commonwealth, prior to the award of a contract, any final determination of a violation by the Bidder within the previous five (5) year period of the provisions of KRS Chapters 136, 139, 141, 337, 338, 341 and 342.

For the purpose of complying with the provisions of KRS 45A.485, please list any final determination(s) of violation(s) of KRS Chapters 136, 139, 141, 337, 338, 341, and 342, which have been rendered against the Bidder within the five (5) years preceding the award of this contract. Please include the date of the determination and the state agency issuing the determination. (Please use extra sheets if necessary.)

<u>KRS VIOLATION</u>	<u>DATE</u>	<u>STATE AGENCY</u>

The Bidder is further notified that KRS 45A.485 requires that for the duration of this contract, the Bidder shall be in continuous compliance with the provisions of KRS Chapters 136, 139, 141, 337, 338, 341, and 342, which apply to the Bidder's operations. KRS 45A.485 further provides that the Bidder's failure to reveal a final determination of a violation of KRS Chapters 136, 139, 141, 337, 338, 341, and 342, or failure to comply with the above-cited statutes for the duration of the contract, shall be grounds for the Commonwealth's cancellation of the contract, and the Bidder's disqualification from eligibility to bid or submit proposals to the Commonwealth for a period of two (2) years.

**SWORN STATEMENT REGARDING CAMPAIGN FINANCE LAWS
PURSUANT TO KRS 45A.110 KRS 45A.115**

The undersigned hereby swears or affirms, under the penalty prescribed by law for perjury, that neither she/he, individually, nor, to the best of her/his knowledge and belief, the corporation, partnership, or other business entity which she/he represents in connection with this bid has knowingly violated any provision of the campaign finance laws of the Commonwealth of Kentucky, and that the award of a contract to her/him, individually, or to the corporation, partnership, or other business entity which she/he represents, will not violate any provision of the campaign finance laws of the Commonwealth.

BIDDER: _____

(SIGNATURE)

(TITLE)

(NAME OF COMPANY)

STATE OF _____)

)SS

COUNTY OF _____)

The foregoing statement was sworn to me this _____ day of _____, 20____,
by _____.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

FORM OF PROPOSAL (SEALED BID)

TO: Transportation Cabinet
Division of Purchases
Room # 422
4th Floor
200 Mero Street
Frankfort, Kentucky 40622

INVITATION NO. 101217

BID OPENING: October 12, 2017

AT: 1:30 p.m. est

BID FORM

Subject to the instructions, terms, and conditions an Authentication of Bid and Affidavit of Non-Collusion and Non-Conflict of Interest, I propose to pay the Commonwealth of Kentucky the following amount for the property described in this bid package as approved on the attached letter:

\$ _____

**AUTHENTICATION OF BID AND AFFIDAVIT
OF NON-COLLUSION AND NON-CONFLICT OF INTEREST**

I hereby swear (or affirm) under the penalty for false swearing as provided by KRS 523.040:

1. That I am the bidder (if the bidder is an individual), a partner, (if the bidder is a partnership), or an officer or employee of the bidding corporation having authority to sign on its behalf (if the bidder is a corporation).
2. That the attached bid or bids covering Kentucky Transportation Cabinet **Invitation No. 101217** have been arrived at by the bidder independently and have been submitted without collusion with, and without any agreement, understanding or planned common course of action with, any other bidder of materials, supplies, equipment or services described in the invitation to bid, designed to limit independent bidding or competition.
3. That the contents of the bid or bids have not been communicated by the bidder or its employees or agents to any person not an employee or agent of the bidder or its surety on any bond furnished with the bid or bids and will not be communicated to any such person prior to the official opening of the bid or bids.
4. That the bidder is legally entitled to enter into the contracts with the Commonwealth of Kentucky, and the awarding of this bid to the potential bidder will not be in violation of KRS 45A.330 to .340, 164.390 or KRS 11A.040 of the Executive Branch Code of Ethics.

5. That I have fully informed myself regarding the accuracy of the statements made above. I am not relying on any statements, verbal or otherwise, not contained herein. I have examined the property identified above and acknowledge its condition.

NOTE: BIDS SIGNED BY AN AGENT ARE TO BE ACCOMPANIED BY EVIDENCE OF HIS/HER AUTHORITY, UNLESS SUCH EVIDENCE HAS BEEN PREVIOUSLY FURNISHED TO THE AGENCY REPRESENTATIVE.

Should I be the successful bidder, make deed to:

(with)

(without)

Survivorship Clause

SIGNED BY: _____

SIGNED: (Type or Print) _____
(Name)

(Address, Street & Number)

(City, State, Zip)

(Telephone)

IMPORTANT: Complete this Bid Form in duplicate and mail the original with good faith bid deposit and lending approval to the address shown herein; keep the duplicate as your record.