

VISTA IRRIGATION DISTRICT
NOTICE INVITING BIDS

FOR THE SALE OF SURPLUS REAL PROPERTY AT 1951 WARMLANDS AVENUE,
VISTA, CA

Subject to Approval by the VID Board of Directors

PLEASE TAKE NOTICE that sealed bids will be received at the office of the Vista Irrigation District ("VID"), 1391 Engineer Street, Vista, CA 92081, until 4:00 P.M. local time on March 19, 2019, at which time the bids will be publicly opened and read aloud for the following:

Purchase of real property at 1951 Warmlands Avenue (APN 171-271-02) ("Property") in its current, "as is, where is, with all faults" condition, with no representations or warranties, which in the opinion of VID, offers the best value to VID.

VID's Board of Directors will consider awarding purchase of the Property to the responsive and responsible bidder who submits the highest dollar value bid for the Property in a manner responsive to this Notice Inviting Bids and its accompanying Bid Form.

All bids shall be time stamped at VID, which shall be conclusive as to the date and time of bid receipt. All sealed bids must have the following information plainly marked on the outside of the envelope or package: BID FOR THE PURCHASE OF 1951 WARMLANDS AVENUE. Bids must be submitted on the "Bid Form" furnished by VID for that purpose.

BIDS RECEIVED AFTER THE SPECIFIED DATE AND TIME WILL NOT BE CONSIDERED RESPONSIVE, AND WILL BE RETURNED UNOPENED.

It is the sole responsibility of the Bidder to ensure that his or her bid is received and time stamped before the closing date and time. Bidders assume all risks of non-delivery or delayed delivery as to bids that are mailed or delivered by a third party. VID will in no way be responsible for any delays.

Sealed bids shall be on the VID "Bid Form" and shall be fully completed, including a signature and date. Bid Forms will be made available on the District website at vidwater.org or may also be obtained by contacting VID at (760) 597-3112. VID reserves the right to reject any incomplete bid forms in its sole discretion.

PREBID CONFERENCE

A pre-bid conference will be held at the Property at 10:00 A.M. on February 14, 2019 for bidders to physically inspect the Property and ask questions of VID. All potential interested parties are encouraged to attend this pre-bid conference. Any potential bidder that does not attend the pre-bid conference will be charged with knowledge of all information that was available at the pre-bid conference. Bidders may individually contact VID to access the Property at another time.

However, VID makes no representations that the Property will be available to inspect at any other time.

BIDDER'S SECURITY AND VERIFICATION OF SUFFICIENT FUNDS

Bidder shall enclose a cashier's check ("Bidder's Security" or "Deposit") in an amount equal to 10% of Bidder's proposed bid. The Bidder's Security is nonrefundable until VID either accepts a Bid or rejects all Bids, and the amount of the Deposit accompanying the successful Bid shall be applied to the purchase price of the Property. The Bidder's Security for the highest accepted bid will be applied to the purchase price. Deposits accompanying unsuccessful Bids shall be returned to the party submitting the bid within five (5) business days of VID's acceptance of a bid or rejection of all bids.

Bidders shall enclose written verification of sufficient funds to close this transaction with their bid. Examples of acceptable verification of sufficient funds include an Official Bank Statement, Letter of Credit, or similar documentation from a financial institution. All documentation must include the name and address of the financial institution that is verifying sufficient funds. Failure to include written verification of sufficient funds with the bid form shall render the bid non-responsive.

NOTICE TO PROCEED AND COMPLETION OF TRANSACTION

Submission of a bid is a binding offer to purchase the Property. However, Bidders shall not enter the Property or proceed with any work whatsoever on the Property without first having been awarded the purchase of the Property by VID upon an affirmative vote by VID's Board of Directors and having recorded the Quitclaim Deed for the Property with the County Recorder's Office.

The Board of Directors of VID intends to consider taking action regarding the bids received for purchase of the Property by April 17, 2019. The Board expressly reserves the right to reject any and all bids, to waive any informalities and/or irregularities in any bid, and to make awards in the best interest of VID. The Board of Directors additionally reserves the right to extend the date on which the Board will take action regarding the bids in its sole and absolute discretion. A vote by the Board of Directors of VID to accept a bid shall constitute the date of acceptance of the bid.

Following acceptance of a bid, funds in the amount of the proposed bid less the Deposit ("Payment") shall be paid by the successful Bidder in cash or cashier's check to VID within forty-five (45) consecutive calendar days ("Payment Date"). If the successful Bidder wishes to obtain any title insurance policy, Bidder may do so at his or her own cost and expense.

Within one (1) business day of the Payment Date, VID shall (1) execute and deliver a Quitclaim Deed for the successful Bidder to collect at VID's office by 5 PM on said business day and (2) remove VID lock from the Property's gate by 5 PM on said business day.

Following receipt of the Quitclaim Deed by the successful Bidder, Bidder shall record said Quitclaim Deed and shall file any required change of ownership and related forms with the County Recorder's Office within thirty (30) days of receipt of the Quitclaim Deed.

PROPERTY SOLD “AS IS”

The Property is sold in “as-is, where is, with all faults” condition with no repairs or reports provided by VID except a 2017 Preliminary Title Report, which is available for Bidders to review and copy at VID upon request. Any updates to said 2017 Preliminary Title Report may be made at the sole expense of Bidders. Bidders are encouraged to conduct their own due diligence regarding the Property prior to submitting a bid. VID makes no representations or warranties regarding the Property. By submitting a bid in response to this Notice Inviting Bids, Bidders agree to purchase the Property without reliance on any representation or warranty of any kind regarding the Property.

By submitting a bid in response to this Notice Inviting Bids, Bidders hereby expressly and unconditionally **forever release** VID from any and all claims, liabilities, injuries, damages, and causes of action allegedly or actually arising from the Property. Furthermore, Bidders **expressly waive** all rights under California Civil Code § 1542, which provides:

“A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor.”

By submitting a bid, Bidders represent and warrant they have considered the possibility that claims, liabilities, injuries, damages, and causes of action that are not presently known or suspected to exist may develop, accrue, or be discovered in the future, and that they voluntarily assume that risk as part of the consideration received for the Bid.

LIQUIDATED DAMAGES

If a successful bidder fails to pay VID the Payment upon the Payment Date, the transaction is terminated and VID shall retain the Bidder’s Deposit as liquidated damages.

QUESTIONS

All questions relative to this project prior to the opening of bids shall be directed, in writing, to:

Vista Irrigation District
Attn: Mark Saltz
1391 Engineer Street
Vista, CA 92081

Dated: January 29, 2019

VISTA IRRIGATION DISTRICT

By: 
General Manager