Kim Harris, CPA Liberty County Treasurer



1901 Cos Street Liberty, Texas 77575

Tuesday, March 12, 2019

To:All Liberty County BanksSubject:Application for Liberty County Depository Contract
Contract Term beginning June 1, 2019

Liberty County Commissioners Court is accepting bids for a two-year or four-year depository contract in accordance with the provisions of Chapters 116 and 117 of the Texas Local Government Code and other statutes and codes that pertain to county depositories, certain trust funds, and court registry funds held in trust by the County.

Please find enclosed the following documents:

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All documents required by the Bid Specifications must be submitted in a sealed envelope marked "LIBERTY COUNTY DEPOSITORY BID" no later than 2:00 p.m. on Tuesday, April 2, 2019 to the office of Liberty County Purchasing Agent Harold Seay, 1901 Cos Street, Liberty, Texas. Bids will be opened publicly at 2:00 p.m. in the conference room at 1901 Cos Street.

Bids should be accompanied by a certified check or cashiers check made payable to Liberty County for not less than one-half of one percent of the County's revenue for fiscal year 2017 or \$212,548.00. The checks of unsuccessful bidders will be returned immediately after selection by commissioners court and the check of the successful bidder will be returned after the depository has filed the surety bond or pledged securities as required by law.

Your participation is appreciated. Please contact me with any questions you may have.

Sincerely, Kim Harr

Public Notice for Selection of County Depository for Liberty County, Texas

The Commissioners Court is hereby accepting applications from banks to serve as the County Depository for Liberty County, Texas for a two year or four year term. Application forms may be obtained by email request to Liberty County Treasurer Kim Harris at kharris@co.liberty.tx.us or in person at the office of the County Treasurer, 1901 Cos Street, Liberty, Texas. Questions regarding bids may be addressed to Liberty County Treasurer Kim Harris at email: <u>kharris@co.liberty.tx.us</u>.

Bids must be received by 2:00 p.m. on Tuesday, April 2, 2019 in the office of the Liberty County Purchasing Agent, Harold Seay, 1901 Cos Street, Liberty, Texas. Any bids received after this time will be returned to the bidder unopened. Bid documents should be submitted on forms provided by Liberty County and enclosed in a sealed envelope marked "LIBERTY COUNTY DEPOSITORY BID".

The Liberty County Commissioners Court reserves the right to accept or reject in part or in whole any and all bids, waive minor technicalities, and award the proposal that best serves the interests of Liberty County.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 12th DAY OF MARCH, 2019.

Jay Knight, County Judge Liberty County, Texas

LIBERTY COUNTY, TEXAS DEPOSITORY BANK APPLICATION

INSTRUCTIONS TO BIDDERS

BID TITLE:	Liberty County Depository Bid
BID DUE DATE/TIME :	Tuesday, April 2, 2019 at 2:00 p.m.
<u>BID OPENING DATE/TIME</u> :	Tuesday, April 2, 2019 at 2:00 p.m. Conference Room at 1901 Cos Street, Liberty
CONTRACT AWARD DATE:	Tuesday, April 9, 2019 at 9:00 a.m. Meeting of Liberty County Commissioners Court, Liberty County Courthouse 1923 Sam Houston, Liberty
MARK ENVELOPE:	Liberty County Depository Bid Attention: Harold Seay, Purchasing Agent
<u>CONTACT</u> :	Kim Harris, Liberty County Treasurer Telephone: (936) 336-4621 E-mail: kharris@co.liberty.tx.us

Bids must be delivered by the date and time specified above to:

Harold Seay, County Purchasing Agent 1901 Cos Street Liberty, Texas 77575

APPLICATION CONTENTS

APPLICATIONS MUST INCLUDE THE FOLLOWING:

- 1. One ORIGINAL of pages 5 through 17 of this bid package, clearly labeled with original signatures, and one COPY of pages 5 through 17 of this bid package.
- 2. List of references for bank's current public funds customers
- 3. A statement showing the amount of the bank's paid-up capital stock and permanent surplus
- 4. A statement showing the financial condition of the bank on the date of the application
- 5. Certified check or cashier's check payable to Liberty County in the amount of \$212,548.00
- 6. A response to every section and subsection in the application and worksheet
- 7. Attachment indicating other services and charges not specified
- 8. Sample Bank Statement
- 9. Sample Collateral Report
- 10. Bank's Deposit Availability Schedule

LIBERTY COUNTY, TEXAS DEPOSITORY BANK APPLICATION

GENERAL BID SPECIFICATIONS

DELIVERY INSTRUCTIONS – Applications must be delivered to the County Purchasing Agent of Liberty County, Texas at 1901 Cos, Liberty, Texas 77575, by the date and time specified on the previous page. Applications should be presented in a sealed envelope labeled "LIBERTY COUNTY DEPOSITORY BID".

LATE APPLICATIONS – Late applications will be returned to the applying bank unopened. Liberty County will not be responsible for unmarked or improperly marked applications, or applications delivered to the wrong location.

<u>WITHDRAWAL AND ALTERATION OF APPLICATION</u> – Applications may be withdrawn at any time prior to the public opening. An authorized representative of the applying bank must initial any alterations made prior to the public opening. After the official opening, applications may not be amended, altered, or withdrawn without the recommendation of the County Treasurer and the approval of the Liberty County Commissioners Court. All applications become the property of Liberty County and are subject to the Open Records Act.

<u>NON-CONFORMING OR INCOMPLETE APPLICATIONS</u> – Non-conforming or incomplete applications will be rejected.

<u>PUBLIC OPENING</u> – Public opening of the bids will be held in the conference room of the County Purchasing Agent of Liberty County, Texas at 1901 Cos, Liberty, Texas 77575, at the date and time specified on the previous page.

<u>CONTRACT AWARD</u> – The County will contract with one or more banks for a two-year or four-year term. The application must be submitted using the worksheets in the specifications. The contract award will be made during the meeting of Commissioners Court on April 9, 2019. The bid request along with worksheets, submitted materials, and any documented negotiations, when properly accepted and awarded by Liberty County Commissioners Court, shall constitute a contract equally binding between the successful bidder and the County of Liberty. Changes to this contract shall be effected only through official written amendment signed by authorized representatives of the parties hereto.

The Commissioners Court of Liberty County reserves the right to reject in part or in whole any or all bids, waive minor technicalities, and award the bid that best serves the interests of Liberty County.

SCOPE OF CONTRACT - It is the intent of Liberty County to execute a contract with a bank desiring to be designated as the County Depository Bank beginning on June 1, 2019. The contract will include deposits of Liberty County public funds, including, but not limited to direct deposits from state and federal agencies, funds and registry funds held by the County and District Clerks, funds held by the Sheriff's department, and funds collected by the County Tax Assessor-Collector and other departments.

RESPONSE REQUIRED FOR EACH SECTION/SUBSECTION – Each section and subsection requires a response from depository applicants. Applicants must format responses in the same sequence as presented in the worksheet. Where appropriate, responses may consist of phrases such as "understood," "agreed," "no exception," or "not applicable".

<u>MINOR EXCEPTIONS</u> – Minor exceptions, conditions, or qualifications to the provisions of the County's specifications must be clearly identified as such and the reasons stated in the explanation.

EVALUATION CRITERIA - Liberty County will award the depository bank contract based on, but not limited to, the following criteria:

- 1) Bank's past and prospective financial condition,
- 2) Bank's ability to pledge adequate securities against County funds,
- 3) Experience in providing depository services to similar accounts,
- 4) Net rate of return on County funds,
- 5) Ability to meet service requirements,
- 6) Cost of services,
- 7) Cash management products available that will enhance the County's banking procedures,
- 8) Convenience of branch locations
- 9) Reputation of bidder.

EVALUATION METHOD – Liberty County reserves the right to select evaluation methods deemed most appropriate. Each bid will be evaluated on a case-by-case basis, regardless of any previous evaluation method.

FIRM RATES – All rates are to be firm for the life of the contract. Interest rates are subject to the renegotiation clause, Local Government Code Section 116.021(b). Only fees indicated in the "Bank Service Fees" section will be valid unless a completely new service is added during the contract period.

CONTRACTUAL REQUIREMENTS

BANK AFFILIATION – An applying bank must be a Federal or Texas chartered bank doing business in and having a full service facility within Liberty County, Texas. Banks operating under the State of Texas bank charter may submit an application without membership in the Federal Reserve System. State chartered banks MUST be able to perform ALL services required by this Application. Any bank submitting an application must be a member of the Federal Deposit Insurance Corporation (FDIC).

Understood:______(signature of authorized bank representative) Comment:______

<u>COMPLIANCE WITH THE STATUTES</u> - By submitting an application, bank acknowledges that it understands and will comply with the Texas Local Government Code, Chapter 116 "Depositories for County Public Funds" and Chapter 117 "Depositories for Certain Trust Funds and Court Registry Funds" and all laws related to the managing and safekeeping of public funds.

Understood: ______ (signature of authorized bank representative) Comment:

DURATION OF CONTRACT - The Bank contract will be effective beginning June 1, 2019 for a two-year or a four-year term. Under Local Government Code Section 116.021, on expiration of a contract under this section, the contract may be renewed for two years under terms negotiated by the Commissioners Court. For a four-year term, the contract shall allow the county to establish, on the basis of negotiations with the bank, new interest rates and financial terms of the contract that will take effect during the final two years of the four-year contract.

If the maturity on a time deposit extends beyond the expiration date of the contract, the depository bank will continue to pledge sufficient securities required for public funds to Liberty County until the maturity of the time deposit.

The depository bank will allow for a 60-day extension of contract terms in the event the County must transition to a new bank at the end of the contract period.

Understood:	(signature of authorized bank representative)
Comment:	

CONTRACTUAL REQUIREMENTS, CONTINUED

<u>BUY OUT</u> – Liberty County reserves the right to request new bids within 6 months of a bank buyout if not satisfied with the services of the new owners.

Understood:	(signature of authorized bank representative)
Comment:	

SUBMITTING FINANCIAL STATEMENTS - All banks wishing to be designated as the Depository Bank must state the amount of the Bank's paid-up capital stock and permanent surplus and must submit a statement showing the financial condition of the Bank on the date of the application.

Bank's Paid-up capital stock:

Bank's permanent surplus:

The successful applicant shall continue, during the term of the depository contract, to furnish the County Treasurer updated information related to the financial condition of the Bank.

Understood:______(signature of authorized bank representative) Comment:______

GOOD FAITH GUARANTEE - Bank must submit with the application a certified or cashier's check for \$212,548.00 (one-half percent of the County's revenue for 2017) payable to Liberty County as a guarantee of the good faith on the part of the bank that, if selected as County Depository, it will enter into the contract as provided by law. The County will hold the checks until the Depository Bank is selected and the required securities have been pledged. Checks of unsuccessful bidders will be returned immediately upon selection by Liberty County Commissioners Court.

Understood:	(signature of authorized bank representative)
Comment:	

<u>PLEDGED COLLATERAL SECURITY</u> - Within fifteen (15) days after the selection of the depository, the selected bank must qualify as the depository by providing security for the funds to be deposited by the County. To allow for increases or decreases in County deposits and fluctuations of market value of pledged collateral, the minimum market value of collateral will be 110% of County deposits. Pledged securities shall be the kind prescribed by law under Texas Local Government Code Chapter 116, and must be acceptable to Liberty County.

CONTRACTUAL REQUIREMENTS, CONTINUED

The Bank must be the true and legal owner of all securities, which will be pledged to the County. The securities must be free and clear of all liens, claims, or pledges for other purposes. The County will not accept any security acquired by the Bank under a repurchase agreement. The securities will be deposited with the Federal Reserve Bank or a Federal Home Loan Bank without expense to the County under an appropriate contract to be drawn subject to the provisions of Government Code Chapter 116 and amendments in accordance with the application, if approved.

Understood:______ (signature of authorized bank representative) Comment:______

LIQUIDATED DAMAGES – As stated in Texas Local Government Code Section 116.023: "If a bank is selected as a depository and does not provide the bond, the County shall retain the amount of the check as liquidated damages, and the County Judge shall re-advertise for applications, if necessary, to obtain a depository for the County."

Understood:______(signature of authorized bank representative) Comment:______

COLLATERAL MANAGEMENT - The depository Bank must include, as part of the application, a statement as to how the Bank intends to confirm, on a daily basis, that sufficient collateral is pledged to protect covered accounts.

Understood:______ (signature of authorized bank representative) Comment:______

<u>VALUE OF COLLATERAL</u> – The Depository Bank must propose how it will value pledged securities. The County may at any time investigate the value of any of the securities that may be pledged by the Bank. The full cooperation of the Bank will be required in such instance.

Understood:	(signature of authorized bank representative)
Comment:	

CONTRACTUAL REQUIREMENTS, CONTINUED

<u>PAYMENT OF SERVICES</u> - Bank will specify fees required for services. Banking services not detailed on the Bid Worksheet will be provided at no cost to the County.

Understood: _____ (signature of authorized bank representative)

Comment:_____

INVESTMENTS MADE OUTSIDE DEPOSITORY BANK - Liberty County reserves the right to make investments with banks and other financial institutions other than the Depository Bank according to the laws of the State of Texas, the Investment Policy of Liberty County, and as a result of Court Order.

Understood:	(signature of authorized bank representative)
Comment:	

INTEREST AND INTEREST RATE - Variable interest rates, fixed interest rates, and rates on certificates of deposit shall be quoted by the Bank. Liberty County reserves the right to select the rate most favorable to the County any time during the term of the contract.

Understood:______ (signature of authorized bank representative)
Comment:______

INTEREST - BEARING ACCOUNTS - Liberty County will have accounts established under these interest-bearing account specifications for disbursing checks written on Liberty County funds. Checks and transfers will be written from these accounts. Wire transfers, ACH transfers, and internal bank transfers will be made from these accounts.

Understood:	(signature of authorized ba	ank representative)
Comment:		

BANK SERVICE REQUIREMENTS

<u>REPORTS</u> - A detailed collateral report is required to be sent to the Treasurer's Office once each month. The report shall contain security descriptions, par value, current face and current market value. To compensate for increases or decreases in County deposits and fluctuation of market value of pledged collateral, the minimum market values of collateral will be 110% of County deposits.

Understood:______(signature of authorized bank representative) Comment:______

<u>STATEMENTS</u> - Monthly account statements will be provided for ALL accounts with all corresponding check copies (front and back), debit and credits memos, etc. This statement shall show the number of checks, deposits and deposit items posted, daily ledger balances, average daily ledger balance for the month, average daily collected balance for the month and other items on which charges are based. Such statements shall be provided within seven working days after each calendar month-end. A sample bank statement must be included as a part of the Bid.

Understood:______(signature of authorized bank representative) Comment:

<u>ACH TRANSACTIONS AND WIRE TRANSFERS</u> – Bank must provide for acceptance of ACH (Automatic Clearing House) credits and debits. Bank must provide the ability to send wire transfers on an automated basis, and to provide the ability to receive wire transfers. Bank must provide the ability to restrict outgoing wire transfers (debits) to only those authorized.

Understood:	(signature of authorized bank representative)
Comment:	

<u>ONLINE SERVICES</u> – The depository bank will provide on-line banking and/or other cash management tools to the County for daily reporting of fund balances, managing controlled disbursements, collected and ledger balances, stop payment requests, confirmations, and detailed debits and credits. Bank should be prepared to provide the Treasurer's Office personnel an opportunity to physically work with this technology before the application is selected.

Understood:	(signature of authorized bank representative)
Comment:	

BANK SERVICE REQUIREMENTS, CONTINUED

<u>PAYROLL DIRECT DEPOSIT</u> – Bank must provide the capability for the County to utilize "Direct Deposit" payroll processing, allowing County employees to select the bank of their choice.

Understood:	(signature of authorized bank representative)
Comment:	

DISBURSEMENT SERVICES – A successful Bidder will furnish standard disbursing services for all accounts to include the payment of all County checks upon presentation. Bank must also agree to cash, without charge to the County or County employee, an employee's payroll check whether or not the employee has an account with the Bank.

Understood:	(signature of authorized bank representative)
Comment:	

<u>CASH OVERDRAFTS</u> – For determining cash overdrafts, the daily cash balance in all County accounts will be added together and if a negative balance occurs, the County's account is considered overdrawn. An applicable insufficient funds fee can then be charged.

Understood:	_(signature of authorized bank representative)
Comment:	

<u>CONTACT PERSON</u> – Bank must identify a local senior level management representative who will be responsible for overseeing the County's entire relationship, who will serve as the County's primary contact and who will be able to make decisions regarding operational aspects of the contract. Bank must also provide a list of contact personnel who can provide information in the following areas:

- General Information
- Safekeeping and Securities Clearance
- Posting and Deposit Discrepancies and Balance Adjustments
- Stop Payments
- Collateral Adequacy
- Internal Transfers and Wire Transfers
- Online Banking Services
- Certificates of Deposit rate quotes

Understood:	(signature of authorized bank representative)
Comment:	

BANK SERVICE REQUIREMENTS, CONTINUED

<u>STOP PAYMENTS</u> - The Bank will be required to process stop payments on verbal instructions from the County Treasurer or her assignees with follow-up written confirmation.

Understood:	(signature of authorized bank representative)
Comment:	

STALE DATED CHECK – The Bank will agree not to honor stale dated checks on Liberty County accounts after 6 months (180 days).

Understood:______ (signature of authorized bank representative) Comment:______

<u>STANDARD DEPOSIT SERVICES</u> - The Bank will guarantee immediate credit on all wire transfers, ACH transactions and Government checks upon receipt and all other checks based on the Bank's availability schedule. All deposits received before the Bank's established deadline will be credited daily. Bank will include a copy of their Availability Schedule as part of the bid.

Understood: ______ (signature of authorized bank representative) Comment:

SHORT-TERM FINANCING - The County may require short-term financing during this contract.

Understood:______(signature of authorized bank representative)

Comment:_____

LIBERTY COUNTY INVESTMENT POLICY – A copy of the Liberty County Investment Policy will be provided to the successful bidder. Depository bank must comply with the terms of the policy as applicable.

Understood:______(signature of authorized bank representative) Comment:

BANK SERVICE REQUIREMENTS, CONTINUED

<u>AUDIT PROCEDURES</u> – Liberty County's internal and external auditors utilize standard bank confirmations during their audit procedures. The Depository Bank shall furnish the information requested at no cost within a reasonable time period. The Treasurer and/or the County Auditor are authorized to request the confirmations on any County account maintained by the Depository Bank, including those accounts on which the Treasurer or County Auditor may not have signature authority.

Understood: _____ (signature of authorized bank representative) Comment:

FEDERAL IDENTIFICATION NUMBER – The Depository shall notify the Treasurer any time an account is opened that utilizes Liberty County's Federal Identification Number. Additionally, the depository shall furnish upon request by the Treasurer or County Auditor all accounts utilizing Liberty County's Federal Identification Number.

Understood:	(signature of authorized bank representative)
Comment:	

OTHER UNSPECIFIED SERVICES AND/OR COSTS – Other services and/or costs not specified in this document should be listed and attached, along with a description and unit pricing.

Understood: _____ (signature of authorized bank representative)

Comment:_____

<u>QUESTIONS AND CLARIFICATIONS</u> – Any questions or requests for clarifications regarding this bid

packet should be submitted in writing to:

Kim Harris, CPA Liberty County Treasurer 1901 Cos Street Liberty, Texas 77575 Fax: (936)336-4637 E-mail: <u>kharris@co.liberty.tx.us</u>

A written response will be mailed, faxed, or e-mailed to the inquiring bank and to all banks who have requested a Depository Bank Application from the County Treasurer.

<u>TWO-YEAR</u> CONTRACT PROPOSAL BID WORKSHEET FOR LIBERTY COUNTY DEPOSITORY CONTRACT

DEPOSITORY BANK

	Variable Interest Rate	Fixed Interest Rate	Base Interest Rate
Interest-Bearing Checking Accounts			
Money Market Savings Accounts			
Minimum Balance Required:	(Interest-Bearing Check	ting Account)
	(Money Market Saving	s Account)

<u>Certificates of Deposits - Variable Interest Rate</u> 91 Day US T-Bill Effective Rate (as determined by latest T-Bill Auction)

	Less than \$100,000	More than \$100,000
1. Maturity 7-29 days (if available)	+basis points	+basis points
2. Maturity 30-59 days	+basis points	+basis points
3. Maturity 60-89 days	+basis points	+basis points
4. Maturity 90-179 days	+basis points	+basis points
5. Maturity 180 days -1 year	+basis points	+basis points
Certificates of Deposits - Fixed Intere	st Rate	
1. Maturity 7-29 days (if available)	%	%
2. Maturity 30-59 days	%	%
3. Maturity 60-89 days	%	%
4. Maturity 90-179 days	%	%
5. Maturity 180 days – 1 year	%	%

<u>FOUR-YEAR</u> CONTRACT PROPOSAL BID WORKSHEET FOR LIBERTY COUNTY DEPOSITORY CONTRACT

DEPOSITORY BANK

	Variable Interest Rate	Fixed Interest Rate	Base Interest Rate
Interest-Bearing Checking Accounts			
Money Market Savings Accounts			
Minimum Balance Required:	(Interest-Bearing Check	king Account)
	(Money Market Saving	s Account)

Certificates of Deposits - Variable Interest Rate

91 Day US T-Bill Effective Rate (as determined by latest T-Bill Auction)

	Less than \$100,000	More than \$100,000
1. Maturity 7-29 days (if available)	+basis points	+basis points
2. Maturity 30-59 days	+basis points	+basis points
3. Maturity 60-89 days	+basis points	+basis points
4. Maturity 90-179 days	+basis points	+basis points
5. Maturity 180 days -1 year	+basis points	+basis points

Certificates of Deposits - Fixed Interest Rate

1. Maturity 7-29 days (if available)	%	%
2. Maturity 30-59 days	%	%
3. Maturity 60-89 days	%	%
4. Maturity 90-179 days	%	%
5. Maturity 180 days - 1 year	%	%

BANK SERVICE FEES

	YES	NO	DOLLAR AMOUNT OF FEE
Services Provided:			
1) Monthly Account Analysis Comment:			
2) Wire Transfer: Incoming Outgoing Comment:			
3) ACH Service Transfers: Comment:		-	
4) In-House Acct. Transfers: Comment:			
5) Account Maintenance on checking accounts: Comment:			
6) Furnish deposit slips and checks:			

Comment:

BANK SERVICE FEES, CONTINUED

			YES	NO	DOLLAR AMOUNT OF FEE
7) Night depository services, in	cludin	ng bags:			
Comment:					
8) Stop payments issued:					
Comment:					
9) Returned Items:					
Comment:					
10) Short-term Financing:					
Fixed Rate	_%	Variable Rate		_% Other	%
Comment:					
Are there any additional charges services not previously covered? additional worksheet.	for the If so,	e requested colle , please describe	ection, dis and show	bursement, invest the fee per unit.	ment or miscellaneous If necessary, attach an
Service:				Fee/Unit	

LIBERTY COUNTY, TEXAS

APPLICATION FOR DEPOSITORY BANK

The bank must complete the information below to validate the bid for a Liberty County Depository Bank.

The undersigned affirms that they are fully authorized to execute this contract by providing Liberty County with a Certified and Attested Resolution from a duly authorized meeting of the Board of Directors of the submitting Bank authorizing or empowering the undersigned to execute this contract; that this Bank has not prepared this bid in collusion with any other bidder; and that the contents of this bid as to fees, interest rates, terms, or conditions of said bid have not been communicated by the undersigned, nor by any employee or agent, to any other bidder or to any other persons engaged in this type of business prior to the official opening of this bid. <u>All unsigned Bids will be disqualified</u>.

Name and address of Bank:	
Signature:	
Title:	
The current paid-up capital stock of the Bank is \$	and the current permanent
surplus of the Bank is \$. A certified cashier's check for <u>\$212,548</u> made
payable to Liberty County accompanies this bid and	
Government Code, § 116.023) and these specification	
(Bank representati	ve) is hereby authorized to accept receipt of said check
upon return to the Bank by Liberty County.	
	(Bidding Bank)
	By:
The following is to be signed when check is returned	to bidding Bank:
Received certified cashiers' check for \$	for
	(Bank name)
	Date:
	By:
	17