



**THE CORPORATION OF THE COUNTY OF LANARK**  
**SALE OF SURPLUS LAND BY PUBLIC TENDER**

**Part of Lot 29, Concession 2, Township of Montague, County of Lanark,  
designated as Part 1 on Plan 27R-11827  
(PW-B-49-2022-22-E0)  
FORM OF TENDER**

**SECTION 1 - TENDER AND DEPOSIT REQUIREMENTS**

1. TENDER REQUIREMENTS

- (a) Sealed Tenders, on the Forms and using the Tender Label Form provided, will be received by the undersigned or his designated Representative, until **11:00 a.m., local time, on Thursday, the 4<sup>th</sup> day of August, 2022**, at The Corporation of the County of Lanark Public Works Building, 99 Christie Lake Road, Perth, Ontario, for this Sale of Land.

**Sean Derouin**, Public Works Manager  
The Corporation of the County of Lanark  
**Public Works Office**  
99 Christie Lake Road, Perth, ON, K7H 3C6  
Telephone: (613) 267-1353; Toll free: 1-888-952-6275  
Fax: (613) 267-2793  
E-mail: [roads@lanarkcounty.ca](mailto:roads@lanarkcounty.ca)  
Website: [www.lanarkcounty.ca](http://www.lanarkcounty.ca)

- (b) Tenders must be submitted on this Form of Tender (pages 1 to 9) provided by The Corporation of the County of Lanark (“**Lanark County**”) and using the Tender Label (to be affixed on your Tender Envelope). The Form of Tender must be accompanied by a deposit as set out in Section 1. (c) below. Tenders received by electronic means (fax or email) will be disqualified.
- (c) The Tender must be accompanied by a deposit, enclosed in the same envelope as the Tender. The deposit shall be a certified cheque, bank draft or money order, made payable to **Lanark County**, equal to or greater than the amount shown in the following Table:

<b>Total Amount of Bidder’s Tender</b>	<b>Minimum Deposit Required</b>
\$20,000 or less	\$1,000
\$20,000.01 to \$50,000.00	\$2,000
\$50,000.01 to \$100,000.00	\$5,000
\$100,000.01 to \$250,000.00	\$10,000
\$250,000.01 to \$500,000.00	\$25,000
\$500,000.01 to \$1,000,000.00	\$50,000
\$1,000,000.01 to \$2,000,000.00	\$100,000
\$2,000,000.01 and over	\$200,000

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- (d) Lanark County is not responsible for submissions which are not properly marked and/or delivered to any other location than that specified herein. Tenders received by any other method will be rejected.
- (e) The Tender Form must be signed and witnessed, in the space provided on the Form, with the signature of the Bidder or if the Bidder is a corporation, the authorized signing officer. If a joint bid is submitted, it must be signed and witnessed on behalf of each of the Bidders. In the case of a corporation, the corporate seal must be affixed to the Tender Form.
- (f) The Tender must be legible, written in ink or typewritten with the unit price for every item and other entries clearly shown.
- (g) The Bid must not be restricted by a statement added to the Tender Form, or a covering letter, or alterations to the Tender Form provided by Lanark County.
- (h) All communication, correspondence, enquiries and Tender Form submissions must be in English. Non-compliance will result in disqualification.
- (i) Erasures, overwriting or strike-outs must be initialled by the person signing on behalf of the individual or organization bidding.
- (j) A Bidder may withdraw their Tender at any time up to the time indicated in Paragraph 1(a) above by submitting a letter bearing the Bidder's signature and addressed to the person set out in Paragraph 1(a), who will then mark thereon the time and date of receipt of the withdrawal of Tender. The Bidder's name and Description of the Lands set out in Section 4 shall be shown on the envelope containing such letter. Telegrams, facsimiles, emails, texts or telephone calls will not be accepted. Tenders withdrawn under this procedure cannot be reinstated.
- (k) A Bidder desiring to make adjustments to a Tender must withdraw the Tender and replace it with another Tender before the time indicated in Paragraph 1(a) above.
- (l) The Bidder acknowledges that Lanark County shall have the right to reject any, or all, Tenders for any reason, or to accept any Tender which Lanark County in its sole unfettered discretion deems most advantageous to itself. **The highest, or any,**

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**Tender will not necessarily be accepted.** Lanark County shall have the unfettered right to:

- i. Accept a non-compliant Form of Tender;
  - ii. Reject a Form of Tender that is the highest bid even if it is the only Form of Tender received.
- (m) Lanark County may rely upon the criteria which Lanark County deems relevant, even though such criteria may not have been disclosed to the Bidder. By submitting a bid, the Bidder acknowledges Lanark County's rights under this Section and absolutely waives any right, or cause of action against Lanark County and its consultants, by reason of Lanark County's failure to accept the bid submitted by the Bidder, whether such right or cause of action arises in Contract, negligence, or otherwise.
- (n) The Bidder acknowledges and agrees that Lanark County will not be responsible for any costs, expenses, losses, damages, or liability incurred by the Bidder as a result or arising out of submitting a Tender for the proposed Sale of Surplus Land or due to Lanark County's acceptance or non-acceptance of their Tender.
- (o) Tenders which are incomplete, conditional or obscure, contain alterations, or irregularities of any kind, may be rejected as informal.

**SECTION 2 - RELEASE OF TENDER DEPOSIT**

- (a) The Tender deposit of all Bidders, except the successful and alternative successful Bidders, will be returned, without interest, within ten (10) days of the Tender Opening. No Tender deposit cheques will be returned the same day of the Tender Opening. Please complete the attached Tender Deposit – Method of Return Form indicating your preference for the return of the Tender deposit.
- (b) The Tender deposit of the alternative successful Bidder will be returned when the successful Bidder has returned the executed Agreement of Purchase and Sale and other applicable documents to Lanark County.
- (c) The Tender deposit cheque or security shall be forfeited if the successful Bidder fails to return to Lanark County, within ten (10) days of receipt of the acceptance of Tender, the executed Agreement of Purchase and Sale and other required documents.
- (d) Where any Bidder has not been notified, within thirty (30) days after Tender Opening, that

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their Tender has been accepted, an application may be made to Lanark County for the return of their deposit.

- (e) Lanark County may, at its discretion, return a Tender deposit at an earlier time than provided herein or return a Tender deposit on receipt of an alternative security acceptable to Lanark County and no such action shall prejudice the validity of the Tender to which such Tender deposit relates.

**SECTION 3 - TENDER RESULTS**

- (a) The names of the Bidders and total bid prices will not be made available to the public. Correspondence will be sent to all Bidders following the Tender Opening, advising the status of their bid.

**SECTION 4 - DESCRIPTION OF THE LANDS**

- (a) The subject lands are located on a portion of former County Road 43 (Highway 43) at Rainbow Valley Drive and legally described as Part of Lot 29, Concession 2, Township of Montague, County of Lanark, designated as Part 1 on Plan 27R-11827 (being Part of PIN #05263-0179).

**SECTION 5 - TIMELINE FOR SALE OF LANDS**

- (a) Following is the timeline set for the Sale of Lands:
  - a. Tenders Close – August 4, 2022
  - b. Analysis of Bids Received – August 4, 2022 to August 10, 2022
  - c. Report to Lanark County Council with Recommendation – August 10, 2022
  - d. Correspondence to Bidders advising status of Sale – August 11, 2022 to August 15, 2022.
  - e. Agreement of Purchase and Sale Documents executed by Purchaser – 10 days from date of notification of being the successful Bidder.
  - f. Range available for Closing Date of Sale - September 1, 2022 to November 1, 2022.

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**SECTION 6 - HARMONIZED SALES TAX**

- (a) **This transaction is subject to Harmonized Sales Tax (HST) and such tax shall be in addition to the tender price and shall be charged as an adjustment on closing.**

**SECTION 7 – PAYMENTS**

- (a) The successful Bidder agrees to pay the balance of the tender price, subject to the usual adjustments, by certified cheque or bank draft to Lanark County, or as they may direct, on closing.

**SECTION 8 - EXECUTE AGREEMENT OF PURCHASE AND SALE**

- (a) **Tenders shall be open for acceptance for a period of thirty (30) days after closing date.** After this time, the Tender may only be accepted with the consent of the successful Bidder.
- (b) The successful Bidder shall execute the Agreement of Purchase and Sale documents and furnish any other required documentation within ten (10) calendar days after mailing of notification of Acceptance of the Tender. The mail delivery or e-mail message of the notification of Acceptance of the Tender to the Bidder's address and/or e-mail address given in the Form of Tender shall constitute notification of Acceptance.
- (c) Failure by the successful Bidder to meet the above requirements, will entitle The Corporation of the County of Lanark to cancel the award of the Tender and to retain the Tender deposit as compensation for damages sustained due to the successful Bidder's default. The County may then award the Tender to one of the other Bidders or to take such other action as he chooses.

**SECTION 9 - SALE PROCEDURES**

- (a) This sale is governed by By-Law #2007-75, a By-Law to authorize the adoption of the sale and other disposition of land policy, for The Corporation of the County of Lanark, as regulated under Section 270, *Municipal Act 2001*, c.25, SO 2001.

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**DECLARATION**

TO: THE WARDEN AND COUNCIL OF  
LANARK COUNTY

This Tender is submitted by:

\_\_\_\_\_  
*Name of Company or Individual Submitting Bid*

I, \_\_\_\_\_,  
*Name of Person Signing*

of \_\_\_\_\_,  
*Geographic Location of Residence of Person Signing (i.e. Town of Perth)*

**DECLARE** that no person, firm or Corporation other than the one whose signature or the signature of whose proper officers and seal is or are attached below, has any interest in this Tender or in the proposed purchase.

**I FURTHER DECLARE** that this Tender is made without any connections, knowledge, comparison of figures or arrangement with any other company, firm or person making a Tender for the same purchase, and is in all respects fair and without collusion or fraud.

**I FURTHER DECLARE** that no member of Lanark County Council, Local Municipal Councils or Separated Town of Smiths Falls Council, or any officer of these municipal corporations is or will become interested, directly or indirectly, as a contracting party or otherwise, in the purchase of the lands, unless he or she first declares an interest in this purchase to Lanark County Council, prior to the awarding of the Tenders.

**I FURTHER DECLARE** that several matters stated in the said Tender are in all respects true.

**I FURTHER DECLARE** that I had an opportunity to carefully examine the locality and site of the proposed purchase and understand that no representation regarding the title to, availability of road access, or any other matters relating to the lands is made by Lanark County.

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I am/we are committing to purchase the following property, at the following purchase price, plus Harmonized Sales Tax (“HST”), if my/our tender is successful:

Description of Land	Purchase Price Bid in Canadian Dollars
Part of Lot 29, Concession 2, Township of Montague, County of Lanark, designated as Part 1 on Plan 27R-11827	\$

I/We hereby agree that notification of acceptance of this Tender shall be in writing, to the address provided within this tender and may be sent by prepaid post or by e-mail to the email address set out on page 1. If sent by prepaid post, acceptance shall be deemed to have been made on the date of the mailing of such notification.

I/We hereby submit this as our Tender, dated this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Signature of Individual Submitting Bid

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Signature of Individual Submitting Bid



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**TENDER DEPOSIT – METHOD OF RETURN**

Please complete this Form indicating your preference for returning your Tender deposit cheque.

Bidder will **pick up** cheque.  
**A County Staff Member will notify the Bidder when the cheque is available for pick up.**

If you are selecting this option, if possible, please provide the name of the Representative who will pick up the cheque.

Name: \_\_\_\_\_

Send cheque by **Purolator Courier**.  
Note: Courier charges will be the responsibility of the Bidder.  
My Purolator Account # is: \_\_\_\_\_

Send cheque by **Regular Mail**.

Bidder Name: \_\_\_\_\_

Signature of Bidder: \_\_\_\_\_

Date: \_\_\_\_\_

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**TENDER LABEL**

To help identify your Tender, please cut out the label below and affix this label to the outside of your Tender Envelope:

Lanark County <b>Public Works Building</b> 99 Christie Lake Road Perth, ON K7H 3C6 Attention: <b>Sean Derouin</b> <b>Public Works Manager</b>	
<b>TENDER:</b> Sale of Land by Public Tender Part Lot 29, Concession 2, Township of Montague, County of Lanark, designated as Part 1 on Plan 27R-11827 (PW-B-48-2022-22-E0)	<b>CLOSING DATE:</b> August 4, 2022
<b>YOUR NAME AND FULL ADDRESS:</b>          	



Use the above label, for your envelope, when you submit your Tender Document.