

**NOTICE TO FUNERAL DIRECTORS
INVITATION TO BID FOR
WICHITA COUNTY BODY DISPOSITION CONTRACT FOR 2019**

The Wichita County Commissioners Court will accept sealed bids marked "Burial Bid" for cremation or burial if exception granted of Wichita County deceased paupers until call for bid opening during meeting of Commissioners Court scheduled for **Monday, December 3, 2018 at 10:00 a.m. in Room 270, Wichita County Courthouse, Wichita Falls, Texas.** The Court reserves the right to reject any or all bids and to require a performance bond.

Cremation services will include transportation to the crematory, return and burial of cremains at Wichita County Cemetery and preparation and filing of documents and permits. Burial will be only by authorization as exception to policy and services provided will be transportation of remains, casketing and preparing and filing documents and permits. Burial will only be in Wichita County Cemetery and Wichita County will open and close the grave.

Disposition of pauper remains will be under the direction of the Wichita County Human Services Manager who will coordinate with the selected Funeral Director. Wichita County will not be responsible for any services provided without prior authorization of the Human Services Manager who qualifies decedents for disposition at county expense under the guidelines which are attached for information.

Bid Opening: Monday, December 3, 2018

Submit detailed bid prices for adult, infant and child services on the attached bid form to the following address:

**Wichita County Commissioners Court
900 Seventh Street, Room 260
Wichita Falls, Texas 76301**

Attachments:

1. Wichita County Disposition Policy
2. Wichita County Human Services Disposition Policy Procedures Outline
3. Bid Form

Advertised: Thursday, November 15, 2018 and
Thursday, November 22, 2018

C

Effective:[See Text Amendments]

Vernon's Texas Statutes and Codes Annotated Currentness

Health and Safety Code (Refs & Annos)

Title 8. Death and Disposition of the Body (Refs & Annos)

Subtitle C. Cemeteries and Crematories (Refs & Annos)

▣ Chapter 711. General Provisions Relating to Cemeteries (Refs & Annos)

▣ Subchapter A. General Provisions

→ **§ 711.002. Disposition of Remains; Duty to Inter**

(a) Unless a decedent has left directions in writing for the disposition of the decedent's remains as provided in Subsection (g), the following persons, in the priority listed, have the right to control the disposition, including cremation, of the decedent's remains, shall inter the remains, and are liable for the reasonable cost of interment:

(1) the person designated in a written instrument signed by the decedent;

(2) the decedent's surviving spouse;

(3) any one of the decedent's surviving adult children;

(4) either one of the decedent's surviving parents;

(5) any one of the decedent's surviving adult siblings; or

(6) any adult person in the next degree of kinship in the order named by law to inherit the estate of the decedent.

(b) The written instrument referred to in Subsection (a)(1) shall be in substantially the following form:

I, _____
,

APPOINTMENT OF AGENT TO CONTROL DISPOSITION OF REMAINS

(your name and address)

being of sound mind, willfully and voluntarily make known my desire that, upon my death,

the disposition of my remains shall be controlled by _____
(name of agent)

in accordance with Section 711.002 of the Health and Safety Code and, with respect to that subject only, I hereby appoint such person as my agent (attorney-in-fact).

All decisions made by my agent with respect to the disposition of my remains, including cremation, shall be binding.

SPECIAL DIRECTIONS:

Set forth below are any special directions limiting the power granted to my agent:

AGENT:

Name: _____

Address: _____

Telephone Number: _____

Acceptance of Appointment: _____

(signature of agent)

Date of Signature: _____

SUCCESSORS:

If my agent dies, becomes legally disabled, resigns, or refuses to act, I hereby appoint the following persons (each to act alone and successively, in the order named) to serve as my agent (attorney-in-fact) to control the disposition of my remains as authorized by this document:

1. First Successor

Name: _____

Address: _____

Telephone Number: _____

Acceptance of Appointment: _____

(signature of first successor)

Date of Signature: _____

2. Second Successor

Name: _____

Address: _____

Telephone Number: _____

Acceptance of Appointment: _____

(signature of second successor)

Date of Signature: _____

DURATION:

This appointment becomes effective upon my death.

PRIOR APPOINTMENTS REVOKED:

I hereby revoke any prior appointment of any person to control the disposition of my remains.

RELIANCE:

I hereby agree that any cemetery organization, business operating a crematory or columbarium or both, funeral director or embalmer, or funeral establishment who receives a copy of this document may act under it. Any modification or revocation of this document is not effective as to any such party until that party receives actual notice of the modification or revocation. No such party shall be liable because of reliance on a copy of this document.

ASSUMPTION:

THE AGENT, AND EACH SUCCESSOR AGENT, BY ACCEPTING THIS APPOINTMENT, ASSUMES THE OBLIGATIONS PROVIDED IN, AND IS BOUND BY THE PROVISIONS OF, SECTION 711.002 OF THE HEALTH AND SAFETY CODE.

Signed this _____ day of _____, 19__.

_____ (your signature)

State of _____

County of _____

This document was acknowledged before me on _____ (date) by _____ (name of principal).

_____ (signature of notarial officer)

(Seal, if any, of notary)

_____ (printed name) My commission expires: _____

(c) A written instrument is legally sufficient under Subsection (a)(1) if the wording of the instrument complies substantially with Subsection (b), the instrument is properly completed, the instrument is signed by the decedent, the agent, and each successor agent, and the signature of the decedent is acknowledged. Such written instrument may be modified or revoked only by a subsequent written instrument that complies with this subsection.

(d) A person listed in Subsection (a) has the right, duty, and liability provided by that subsection

only if there is no person in a priority listed before the person.

(e) If there is no person with the duty to inter under Subsection (a) and:

- (1) an inquest is held, the person conducting the inquest shall inter the remains; and
- (2) an inquest is not held, the county in which the death occurred shall inter the remains.

(f) A person who represents that the person knows the identity of a decedent and, in order to procure the disposition, including cremation, of the decedent's remains, signs an order or statement, other than a death certificate, warrants the identity of the decedent and is liable for all damages that result, directly or indirectly, from that warrant.

(g) A person may provide written directions for the disposition, including cremation, of the person's remains in a will, a prepaid funeral contract, or a written instrument signed and acknowledged by such person. The directions may govern the inscription to be placed on a grave marker attached to any plot in which the decedent had the right of sepulture at the time of death and in which plot the decedent is subsequently interred. The directions may be modified or revoked only by a subsequent writing signed and acknowledged by such person. The person otherwise entitled to control the disposition of a decedent's remains under this section shall faithfully carry out the directions of the decedent to the extent that the decedent's estate or the person controlling the disposition are financially able to do so.

(h) If the directions are in a will, they shall be carried out immediately without the necessity of probate. If the will is not probated or is declared invalid for testamentary purposes, the directions are valid to the extent to which they have been acted on in good faith.

(i) A cemetery organization, a business operating a crematory or columbarium or both, a funeral director or an embalmer, or a funeral establishment shall not be liable for carrying out the written directions of a decedent or the directions of any person who represents that the person is entitled to control the disposition of the decedent's remains.

(j) In the absence of evidence of a contrary intent, it is presumed that a married woman directs that her name, as it appears on the grave marker for the plot in which she is interred, include the same last name she used at the time of her death.

(k) Any dispute among any of the persons listed in Subsection (a) concerning their right to control the disposition, including cremation, of a decedent's remains shall be resolved by a court of competent jurisdiction. A cemetery organization or funeral establishment shall not be liable for refusing to accept the decedent's remains, or to inter or otherwise dispose of the decedent's remains, until it receives a court order or other suitable confirmation that the dispute has been resolved or settled.

WICHITA COUNTY GUIDELINES: DISPOSITION OF PAUPER REMAINS

IT IS THE POLICY OF WICHITA COUNTY, TEXAS, to comply with Texas Health & Safety Code § 694.002, to provide for the disposition of the remains of deceased paupers who resided within its borders at the time of death. The following rules are adopted to implement this section.

Disposition of pauper remains will be as follows:

Donation of Remains to Southwest Institute of Forensic Medicine

1. If a county resident dies and has no family as is described in Texas Health & Safety Code § 694.002, and it is determined that the deceased qualifies as a pauper, then Wichita County shall pay for said pauper's remains to be transported to the Southwest Institute of Forensic Medicine as a donation to medical research, if the body is acceptable to that institution.
2. If the body is not acceptable to that institution, or surviving family members of the deceased object to donation of the remains to the Southwest Institute of Forensic Medicine, then:

Cremation

3. Wichita County shall provide for direct cremation of the decedent. The ashes of the deceased shall then be buried in the Wichita County Cemetery. No ashes shall be released to family members after cremation of pauper remains by the County.

Consideration of Information Provided by a Person Listed in § 711.002(a) of the Texas Health and Safety Code

4. Following Texas Health & Safety Code § 694.002(b), the County shall consider any information provided by a person listed in § 711.002(a), including religious affiliation of the deceased, for disposition of pauper's remains.
5. If any family member objects to cremation of the deceased, the County, by and through the Wichita County Commissioner for Precinct 1, shall consider the request of the family member, and determine, within 72 hours of the request being made, if the deceased shall be cremated or buried.
 - a. In the event the Commissioner for Precinct 1 is unavailable, or for any reason unable to hear the request of a family member regarding cremation versus burial, the Wichita County Judge, or his assigned Commissioner, shall consider the family member(s) request, and render a decision on disposition of the remains of the deceased.

6. If presented with information regarding the decedent's religious affiliation, the County shall take that information into account when determining proper disposition of the body.
 - a. The County requires written proof from a religious authority (for example, the church's polity, governing body, Head of Church, or comparable entity) which states that, according to that church's religious doctrine, a decedent's remains must be disposed of, or not disposed of, in a particular manner. Only upon such written proof will the County depart from its standard policy requiring cremation and burial of the pauper's remains.
 - b. Upon a showing of such written proof, the County shall make such arrangements as within its ability to dispose of the decedent's remains, accommodating the religious affiliation expressed.

Location of Interments

7. All interments of deceased paupers shall be made in the Wichita County Cemetery.

ATTACHMENT 2

WICHITA COUNTY HUMAN SERVICE DISPOSITION POLICY PROCEDURES OUTLINE

I. Notification Process

- A. Wichita County Human Service Office (W.C.H.S) upon verification of death.
 - 1. Human Services Manager – Office hours 8:00 a.m. to 5:00 p.m.
Telephone – (940) 716-8535
 - 2. Assistant – Office hours 8:00 a.m. to 5:00 p.m.
Telephone – (940) 716-8535
- B. W.C.H.S. to notify Contracted Provider
- C. Required time limits of W.C.H.S. to notify Providers is a minimum of 48 hours (in accordance with the State Board of Texas)
 - 1. Notification of kinship
 - 2. 48 hour processing period

II. Disposition Procedures

- A. Procedures for Application:
 - 1. Appointment set with next of kin or responsible party.
 - 2. All kinship sought out and notification of death given.
 - 3. The next of kin or other person having personal knowledge of the decedent's circumstance must complete the application and the application must be approved by the Manager of Wichita County Human Services or the designee.
 - 4. The IHC form 101 is worked and all resources – life or burial policies, personal injury protection, personal holdings such as all forms of bank accounts (Checking, Savings, CDs), Real Estate, Vehicles are all taken into consideration and dollar value verified.
 - 5. If approved, a copy of the complete application for disposition will be given to the next of kin or informant. They will then deliver the copy of the completed application to the funeral director. A copy of all applications will remain on file with the county.
 - 6. The funeral home will be notified by Wichita County Human Services that the application was approved or disapproved.
- B. Disposition Coordination:
 - 1. After the application is approved, disposition of the body will be the responsibility of the county.
 - 2. Disposition will be by donation for medical research, direct cremation or by direct burial in the Wichita County Cemetery in Wichita Falls if exception to disposition policy is applied for and approved.
 - 3. Wichita County will only be responsible for disposition of the body and will not provide any other services.

III. Qualification/Disqualification Criteria

- A. **Qualification for Pauper Disposition:**
1. The decedent must be without resources of more than \$2,000, or income valued at more than the Social Services evaluation of the Integrated Eligibility Gross Monthly Income Screening Table (Form IE 205-A) provided by the State of Texas.
 2. If the decedent's next of kin are unable to accept the burial expense according to the law. (Note: see attachment). Any family member or friend not responsible according to the law, but who is willing to accept responsibility of the decedent's burial will be given that responsibility.
 3. The person must have died in Wichita County or the body must have been found within the county. (Note: The County is not responsible for disposition of bodies of persons who died outside of the county.)

IV. Disposition of Decedent

- A. **Unclaimed Decedents:**
1. In case a decedent remains unclaimed for 5 business days or in the event the next of kin or responsible party agrees, decedent's remains will be donated to the University of Texas Southwestern Medical Center at Dallas under contract with the county.
 2. In the event that next of kin or responsible party agree and give complete responsibility to Wichita County:
 - a. Decedent's remains will be donated to University of Texas Southwestern Medical Center at Dallas under contract with the county.
 - b. Cremation through the University of Texas Southwestern Medical Center at Dallas.
 - c. Cremation through current contracted Provider in Wichita County.

V. Finalization

- A. **Cremation (or Burial in County Cemetery as exception to policy)**
1. If approved, next of kin or responsible party will deliver completed application for cremation or burial to the funeral director.
 2. Report of Death, Death Certificate, and Anatomical Board of the State of Texas Affidavit will be worked by the Wichita County Human Service office if cremation takes place at the University of Texas Southwest Medical Center at Dallas.
 3. If cremation takes place with contracted provider in Wichita County, application will be delivered to provider and report of death and death certificate will be completed by the funeral home.

- B. Donation
 - 1. Report of Death
 - a. If decedent is donated to the University of Texas Southwestern Medical Center at Dallas, a report of death will be typed up, leaving the space blank for the funeral home, institution, or person accepting the decedent.
 - b. A typed copy of the report of death and a list of the registrars will be given to the person accepting the decedent.
 - 2. Anatomical Board of the State of Texas:
 - a. The Anatomical Board of the State of Texas Affidavit will be typed.
 - b. A member of the party responsible for the decedent will need to sign this affidavit. If no one is available to perform this requirement then the person who handles the arrangement must sign and attest to no one being available. This will need to be witnessed.
 - c. Form will be completed and filed with the County Clerk's Office. This should be done prior to the pick up of the decedent.
 - 3. Death Certificate:
 - a. Typed on the original state form
 - b. Report will be mailed to the physician or medical examiner's office. They in turn will mail the report to the institution that should complete and mail to the registrar's office within 10 days from the time of death.

VI. Billing

The invoice for payment and a copy of the completed application will be submitted to:

Deborah Stevens, CPA
County Auditor
Wichita County Courthouse Annex
600 Scott St, Suite 300
Wichita Falls, Texas 76301

ATTACHMENT 3

ITEM: Disposition of Deceased Paupers within Wichita County

TO: Wichita County Commissioners Court
Courthouse Room 260
900 7th Street
Wichita Falls, Texas 76301

The following bid is submitted for year 2019 cremation or burial, if authorized, of paupers within Wichita County as authorized in advance by the Manager, Wichita County Human Services Office:

ADULT DIRECT CREMATION

Service/Merchandise

- 1. Minimum service of Funeral Director and staff to include documents and permits \$ _____
 - 2. Transportation of remains to funeral home \$ _____
 - 3. Transportation to crematory \$ _____
 - 4. Crematory fee (set by crematory) \$ _____
 - 5. Cremation container \$ _____
 - 6. Return of cremains \$ _____
 - 7. Burial of cremains at Wichita Co. Cemetery if required (if not required, no chrg) \$ _____
- =====
- Total Cost \$ _____

ADULT DIRECT BURIAL (if authorized)

Service/Merchandise

- 1. Transportation of remains \$ _____
 - 2. Minimum service of Funeral Dir & staff to include filing of documents & permits \$ _____
 - 3. Dressing and casketing \$ _____
 - 4. Casket (20 gauge metal casket) \$ _____
 - 5. Any other costs (explain) \$ _____
- =====
- Total Cost \$ _____

INFANT SERVICES

(Ages to 2 years)

DIRECT CREMATION

Service/Merchandise

- | | |
|--|----------|
| 1. Minimum service of Funeral Dir & staff to include filing of documents & permits | \$ _____ |
| 2. Transportation of remains to funeral home | \$ _____ |
| 3. Transportation of remains to crematory | \$ _____ |
| 4. Crematory fee (set by crematory) | \$ _____ |
| 5. Cremation container | \$ _____ |
| 6. Return of cremains | \$ _____ |
| 7. Burial of cremains at Wichita Co. Cemetery if required (if not required, no chrg) | \$ _____ |
| | ===== |
| Total Cost | \$ _____ |

DIRECT BURIAL (if authorized)

Service/Merchandise

- | | |
|--|----------|
| 1. Transportation of remains | \$ _____ |
| 2. Minimum service of Funeral Dir & staff to include filing of documents & permits | \$ _____ |
| 3. Dressing and casketing | \$ _____ |
| 4. Infant fiberglass casket/vault combination | \$ _____ |
| | ===== |
| Total Cost | \$ _____ |

CHILD SERVICES

(Age 2 years to 10 years)

DIRECT CREMATION

Service/Merchandise

- 1. Minimum service of Funeral Dir & staff to include filing of documents & permits \$ _____
 - 2. Transportation of remains to funeral home \$ _____
 - 3. Transportation of remains to crematory \$ _____
 - 4. Crematory fee (set by crematory) \$ _____
 - 5. Cremation container \$ _____
 - 6. Return of cremains \$ _____
 - 7. Burial of cremains at Wichita Co. Cemetery if required (if not required, no chrg) \$ _____
- =====
- Total Cost \$ _____

DIRECT BURIAL (if authorized)

Service/Merchandise

- 1. Transportation of remains \$ _____
 - 2. Minimum service of Funeral Dir & staff to include filing of documents & permits \$ _____
 - 3. Dressing and casketing \$ _____
 - 4. Casket (wood or metal) \$ _____
- =====
- Total Cost \$ _____

Conditions of the Bid

Other conditions, explanations, exceptions

Respectfully Submitted,

Signature

Printed Name

Name of Funeral Home

Address

Telephone Number