

City of Lovington



REQUEST FOR PROPOSALS

SALE OF REAL PROPERTY
5 ACRE TRACT OF LAND ON HIGHWAY 18
PROPOSAL # 040615

Proposal Due Date & Time

~~TUESDAY~~ MONDAY, APRIL 6, 2015
10:00 A.M. (MST)

SUBMIT PROPOSALS TO:

Mr. Gary Lee Chapman
Finance Director
City of Lovington
214 South Love
PO BOX 1269
Lovington, NM 88260
gchapman@lovington.org

**LEGAL NOTICE OF REQUEST FOR PROPOSALS
LOVINGTON, NEW MEXICO**

**SALE OF REAL PROPERTY
5 ACRE TRACT OF LAND ON HIGHWAY 18
CITY OF LOVINGTON
PROPOSAL # 040615
DUE DATE: APRIL 6, 2015**

The City of Lovington, New Mexico will receive sealed proposals in the Finance Department, 214 S. Love St., Lovington, New Mexico, for the sale of a 5 acre tract of land located on Highway 18, approximately 3.5 miles south of Lovington. The property has restrictions in place that limit development of the property to commercial or industrial purposes. Development of the property must also be completed within 12 months of closing. Additional restrictions and acceptable uses will be identified in the purchase agreement. Proposals will be reviewed and may be rejected based on incomplete information or restrictions as may be required for the safety and proper operations of the Municipal Wellfield.

Submitted bids will be publicly opened at 10:00 a.m. MST on April 6, 2015 at City Hall. Any proposals received after that time will be returned unopened. The fact that a proposal was dispatched will not be considered. Proposals must be sealed and clearly marked on the outside "RFP 040615".

In case of ambiguity or lack of clearness in stating bid proposals, the City of Lovington, New Mexico, reserves the right to adopt the most advantageous thereof or to reject any or all proposals and waive irregularities.

The Request for Proposals, any future addenda, and all related information may be obtained from the City of Lovington's website at www.lovington.org under "Procurement" or by contacting the Finance Department, 214 S. Love St., Lovington, New Mexico 88260, (575) 396-2884, gchapman@lovington.org.

James R. Williams, City Manager

Publish in Lovington Leader: March 26, 2015

Publish in Hobbs New Sun: March 26, 2015

SECTION 1.0 – REQUEST FOR PROPOSAL

A. Request

Proposals are being accepted by the City of Lovington for the sale of real property located approximately 3.5 miles south of Lovington, New Mexico on Highway 18. The property is a tract of land that is approximately 5.0 acres in size.

Respondents shall submit to the City of Lovington a proposal which will address the various components as set forth in this Request for Proposal.

B. Obtaining a Request for Proposal with Offer to Purchase Forms

This document is available to all interested parties that request a copy up to the closing date and hour of submission.

The Request for Proposals, any future addenda, and all related information may be obtained from the City of Lovington's website at www.lovington.org under "Procurement" or by contacting the Finance Department, 214 S. Love St., Lovington, New Mexico 88260, (575) 396-2884, gchapman@lovington.org.

SECTION 2.0 – PROPERTY INFORMATION

The City of Lovington is interested in selling an approximately 5.0 acre tract of land located 3.5 miles south of Lovington on NM Highway 18. It is the City's intention for the buyer(s) to add value to this property, increase gross receipts tax revenue, and add jobs. The sale shall be conditioned upon the offer, use of the property, proposed improvements, timetable for beginning and completing development, and the number of jobs created.

The following legal description is included to precisely define the property:

A tract of land located in the SE ¼ of Section 25, Township 16 South, Range 36 East, N.M.P.M., City of Lovington, Lea County, New Mexico and being more particularly described by metes and bounds as follows:

Commencing at a found 5/8" rebar, being used as the SE corner of Section 25; thence 89°48'00"W 1203.92 feet along the South line of Section 25 and Section 36; thence N40°05'38"W 1837.71 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" for a Point of Beginning; thence continuing N49°45'50"E 407.17 feet along the west line of the Lovington Highway to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence N40°14'10"W 534.91 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence S49°45'50"W 403.18 feet to a set 5/8" rebar with red

plastic cap marked "HICKS NMPS 12348"; thence S40°14'10" E 534.91 feet along the west right of way line of Lovington Highway to the Point of Beginning and containing 5.00 acres, more or less.

SECTION 3.0 – CONDITIONS GOVERNING DISPOSITION OF SAID PROPERTY

A. Offer

Interested parties must complete and submit the Offer to Purchase (Attachment A) indicating the amount offered for the property. The property narrative response (Attachment B) must contain detailed information for each category listed. All offers submitted shall remain valid for a period of ninety (90) calendar days from the opening date of the RFP. In case of ambiguity or lack of clearness in stating bid proposals, the City of Lovington, New Mexico, reserves the right to adopt the most advantageous thereof or to reject any or all proposals and waive irregularities.

B. Purchase Price

Minimum purchase price for this property has been established at \$50,000.

C. Title and Escrow Costs

City agrees to provide Buyer with a standard owner's title policy for the property in the escrow agent's standard coverage form. The cost of the title policy, deed recording, and any other closing costs will be shared equally by the City and Buyer. The Buyer shall pay for any extended form of title insurance coverage as determined and requested by Buyer.

D. Special Restrictions

The sale of this property is contingent upon the following restrictions that will be recorded as covenants:

1. The sale of this property is limited to commercial and industrial uses only.
2. Prior to sale of property to another individual or group, the use and sale must be approved by the City of Lovington to ensure the safety and operation of the municipal wellfield.
3. No portion of this property may be utilized for permanent or temporary residences, to include recreational vehicles (RV's), trailer houses, or mobile homes.
4. Development of the property must be completed and business in operation on the site within twelve (12) months of closing.
5. Buyer or any future owner(s) shall agree upon annexation by the City of Lovington and will file no protests against annexation.

6. Buyer or any future owner(s) shall not violate any ordinances or other regulations of the City of Lovington or County of Lea, or any other state or federal rule, regulation or law, now in force or hereinafter adopted, which in any manner shall affect the use of the premises.
7. Buyer or any future owner(s) shall not use the premises, or any part thereof for any use that is extra hazardous on account of fire, chemical waste or for any purpose that is a nuisance or that is offensive to other tenants or occupants of other buildings or facilities in the vicinity without written permission from the City of Lovington.

E. Submission of Proposal

To receive consideration, an original proposal, if mailed or hand delivered, must be received at Lovington City Hall, 214 S. Love Street, Lovington, NM 88260, no later than 10:00 a.m. MST on April 6, 2015, at which time the proposals will be publicly opened. The outside of the envelope shall be clearly marked "RFP 040615". Late submittals will not be considered. Offers received after closing time will be returned unopened to the sender.

F. Award

Award for property will be based on proposals submitted on the City's form of Offer to Purchase (Attachment A), Property Narrative (Attachment B) including any supportive documentation, and will be subject to the highest acceptable offer received that is determined to be in the best interests of the City. The sale is subject to the final approval of the City of Lovington who shall be the sole determinants of the offer in the best interests of the City. The City reserves the right to reject any or all offers.

G. Schedule

The projected tentative schedule for award of bid is:

Bid Opening:	April 6, 2015
Bid Award by City Council:	April 13, 2015
Adoption of Ordinance Authorizing Sale:	April 27, 2015
Begin Closing:	April 28, 2015

This schedule is subject to change.

**ATTACHMENT A
SALE OF REAL PROPERTY
RFP 040615
OFFER TO PURCHASE**

_____ herein called the Buyer, hereby offer and agree to purchase from the City of Lovington, New Mexico, hereinafter called the City, at the price subject to the terms, conditions, reservations, restrictions, and covenants herein stated, and easements, encumbrances, and other matters of record, and to all zoning, building, or other laws or ordinances, the following described property.

The following legal description is written to precisely define the property:

A tract of land located in the SE ¼ of Section 25, Township 16 South, Range 36 East, N.M.P.M., City of Lovington, Lea County, New Mexico and being more particularly described by metes and bounds as follows:

Commencing at a found 5/8" rebar, being used as the SE corner of Section 25; thence 89°48'00"W 1203.92 feet along the South line of Section 25 and Section 36; thence N40°05'38"W 1837.71 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" for a Point of Beginning; thence continuing N49°45'50"E 407.17 feet along the west line of the Lovington Highway to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence N40°14'10"W 534.91 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence S49°45'50"W 403.18 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence S40°14'10" E 534.91 feet along the west right of way line of Lovington Highway to the Point of Beginning and containing 5.00 acres, more or less.

OFFER AMOUNT: \$ _____

Name of Buyer: _____

Address: _____

Telephone Number: _____

Signature of Buyer: _____

Title: _____

CAMPAIGN CONTRIBUTION DISCLOSURE FORM

Pursuant to NMSA 1978, § 13-1-191.1 (2006), any person seeking to enter into a contract with any state agency or local public body **for professional services, a design and build project delivery system, or the design and installation of measures the primary purpose of which is to conserve natural resources** must file this form with that state agency or local public body. This form must be filed even if the contract qualifies as a small purchase or a sole source contract. The prospective contractor must disclose whether they, a family member or a representative of the prospective contractor has made a campaign contribution to an applicable public official of the state or a local public body during the two years prior to the date on which the contractor submits a proposal or, in the case of a sole source or small purchase contract, the two years prior to the date the contractor signs the contract, if the aggregate total of contributions given by the prospective contractor, a family member or a representative of the prospective contractor to the public official exceeds two hundred and fifty dollars (\$250) over the two year period.

Furthermore, the state agency or local public body shall void an executed contract or cancel a solicitation or proposed award for a proposed contract if: 1) a prospective contractor, a family member of the prospective contractor, or a representative of the prospective contractor gives a campaign contribution or other thing of value to an applicable public official or the applicable public official's employees during the pendency of the procurement process or 2) a prospective contractor fails to submit a fully completed disclosure statement pursuant to the law.

THIS FORM MUST BE FILED BY ANY PROSPECTIVE CONTRACTOR WHETHER OR NOT THEY, THEIR FAMILY MEMBER, OR THEIR REPRESENTATIVE HAS MADE ANY CONTRIBUTIONS SUBJECT TO DISCLOSURE.

The following definitions apply:

"Applicable public official" means a person elected to an office or a person appointed to complete a term of an elected office, who has the authority to award or influence the award of the contract for which the prospective contractor is submitting a competitive sealed proposal or who has the authority to negotiate a sole source or small purchase contract that may be awarded without submission of a sealed competitive proposal.

"Campaign Contribution" means a gift, subscription, loan, advance or deposit of money or other thing of value, including the estimated value of an in-kind contribution, that is made to or received by an applicable public official or any person authorized to raise, collect or expend contributions on that official's behalf for the purpose of electing the official to statewide or local office. "Campaign Contribution" includes the payment of a debt incurred in an election campaign, but does not include the value of services provided without compensation or unreimbursed travel or other personal expenses of individuals who volunteer a portion or all of their time on behalf of a candidate or political committee, nor does it include the administrative or solicitation expenses of a political committee that are paid by an organization that sponsors the committee.

"Family member" means spouse, father, mother, child, father-in-law, mother-in-law, daughter-in-law or son-in-law.

"Pendency of the procurement process" means the time period commencing with the public notice of the request for proposals and ending with the award of the contract or the cancellation of the request for proposals.

"Person" means any corporation, partnership, individual, joint venture, association or any other private legal entity.

"Prospective contractor" means a person who is subject to the competitive sealed proposal process set forth in the Procurement Code or is not required to submit a competitive sealed proposal because that person qualifies for a sole source or a small purchase contract.

"Representative of a prospective contractor" means an officer or director of a corporation, a member or manager of a limited liability corporation, a partner of a partnership or a trustee of a trust of the prospective contractor.

DISCLOSURE OF CONTRIBUTIONS:

Contribution Made By: _____

Relation to Prospective Contractor: _____

Name of Applicable Public Official: _____

Date Contribution(s) Made: _____

Amount(s) of Contribution(s): _____

Nature of Contribution(s): _____

Purpose of Contribution(s): _____

(Attach extra pages if necessary)

Signature

Date

Title (position)

NO CONTRIBUTIONS IN THE AGGREGATE TOTAL OVER TWO HUNDRED FIFTY DOLLARS (\$250) WERE MADE to an applicable public official by me, a family member, or representative.

Signature

Date

Title (position)

BID FORM
Resident / Veterans Preference Certification

_____ (NAME OF CONTRACTOR) hereby certifies the following in regard to application of the resident veterans' preference to this procurement:

Please check one box only

Veteran Resident Businesses:

- I declare under penalty of perjury that my business prior year revenue starting January 1 ending December 31 is less than \$1M allowing me the 10% preference discount on this solicitation. I understand that knowingly giving false or misleading information about this fact constitutes a crime.

- I declare under penalty of perjury that my business prior year revenue starting January 1 ending December 31 is more than \$1M but less than \$5M allowing me the 8% preference discount on this bid or proposal. I understand that knowingly giving false or misleading information about this fact constitutes a crime.

- I declare under penalty of perjury that my business prior year revenue starting January 1 ending December 31 is more than \$5M allowing me the 7% preference discount on this bid or proposal. I understand that knowingly giving false or misleading information about this fact constitutes a crime.

Resident Businesses:

- I declare under penalty of perjury that my business is a New Mexico resident business allowing me the 5% preference discount on this bid or proposal. I understand that knowingly giving false or misleading information about this fact constitutes a crime.

"I agree to submit a report, or reports, to the State Purchasing Division of the General Services Department declaring under penalty of perjury that during the last calendar year starting January 1 and ending on December 31, the following to be true and accurate:

"In conjunction with this procurement and the requirements of this business' application for a Resident Veteran Business Preference/Resident Veteran Contractor Preference under Sections 13-1-21 or 13-1-22 NMSA 1978, when awarded a contract which was on the basis of having such veterans preference, I agree to report to the State's Division of the General Services Department the awarded amount involved. I will indicate in the report the awarded amount as a purchase from a public body or as a public works contract from a public body as the case may be.

"I understand that knowingly giving false or misleading information on this report constitutes a crime."

I declare under penalty of perjury that this statement is true to the best of my knowledge. I understand that giving false or misleading statements about material fact regarding this matter constitutes a crime.

Resident Business/Veteran Business Certificate Number: _____

(Signature of Business Representative)*

(Date)

*Must be an authorized signatory for the Business.

The representations made in checking the boxes constitutes a material representation by the business that is subject to protest and may result in denial of an award or un-award of the procurement involved if the statements are proven to be incorrect.

A valid New Mexico Resident Business or New Mexico Veterans' Resident Business Certificate number must be provided in order to receive preference.