

# City of Lovington



## REQUEST FOR PROPOSALS

**LEASE OF REAL PROPERTY  
5.00 acres on N.M. Highway 18  
with office, shop, and fencing  
PROPOSAL # 52616**

**Proposal Due Date & Time**

**Thursday, JUNE 9, 2016  
10:00 A.M. (MST)**

## SUBMIT PROPOSALS TO:

**Mr. James R. Williams  
City Manager  
City of Lovington  
214 South Love  
PO BOX 1269  
Lovington, NM 88260  
jwilliams@lovington.org**

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

**LEASE OF REAL PROPERTY  
5.00 acres on N.M. Highway 18 with office, shop, and fencing  
CITY OF LOVINGTON  
PROPOSAL # 52616  
DUE DATE: JUNE 9, 2016**

The City of Lovington, New Mexico will receive sealed proposals in the Finance Department, 214 S. Love St., Lovington, New Mexico, for the lease of 5.00 acres of real property on Highway 18 that includes an office, shop, and fencing. This property is also known as the "Key Energy Yard". The property is legally described as Tract A, Lovington Industrial Park Subdivision found in Book 1843, Page 852. Award of proposal will be based upon offered lease amount and the type of use that is determined by the Lovington City Commission to be the most advantageous to the City.

Submitted responses will be publicly opened at 10:00 a.m. MST on June 9, 2016 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 52616".

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](http://www.lovington.org) under "Procurement" or by contacting City Hall, 214 S. Love St., Lovington, New Mexico 88260, (575) 396-2884, [jwilliams@lovington.org](mailto:jwilliams@lovington.org).

James R. Williams, City Manager

Publish in Lovington Leader: May 28, 2016

## **SECTION 1.0 – REQUEST FOR PROPOSAL**

### **A. Request**

Proposals are being accepted by the City of Lovington for the lease of 5.00 acres of real property located on Highway 18 that includes an office, shop, and fencing. The property is legally described as Tract A, Lovington Industrial Park Subdivision found in Book 1843, Page 852. The lease will be for a minimum of 5 years, with one option to renew for an additional 5 years at the City's discretion.

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

### **B. Obtaining a Request for Proposal with Offer to Lease 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](http://www.lovington.org) under "Procurement" or by contacting City Hall, 214 S. Love St., Lovington, New Mexico 88260, (575) 396-2884, [jwilliams@lovington.org](mailto:jwilliams@lovington.org).

## **SECTION 2.0 – PROPERTY INFORMATION**

The City of Lovington is interested in leasing 5.00 acres of real property located on Highway 18 that includes an office, shop, and fencing. The property is legally described as Tract A, Lovington Industrial Park Subdivision found in Book 1843, Page 852. Property is also known as the "Key Energy Yard". It is the City's intention for the lessee to utilize the property to add jobs to the local area and increase City gross receipts tax revenue by sale of goods and services. The lease shall be conditioned upon the offer, use of the property, proposed improvements, timetable for beginning and completing development (if any), and the number of jobs created. Some restrictions regarding use are in place, as the property is located within the Municipal Water Well Field. Acceptable uses and restrictions will be identified in the lease agreement.

## **SECTION 3.0 – CONDITIONS GOVERNING DISPOSITION OF SAID PROPERTY**

### **A. Offer**

Interested parties must complete and submit the Offer to Lease (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. Special Restrictions**

The lease of this property is contingent upon the following restrictions that will be identified in the lease agreement.

1. The lease of this property is limited to commercial and industrial uses only.
2. No portion of this property may be utilized for permanent or temporary residences, to include recreational vehicles (RV's), trailer houses, or mobile homes.
3. Development of the property must be completed and business in operation on the site within ninety (90) days of signing the lease agreement.
4. Lessee 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.
5. Lessee 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.
6. As the property is located within the City of Lovington Municipal Well Field, additional restrictions and safety requirements must be followed.

### **C. 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 June 9, 2016, at which time the proposals will be publicly opened. The outside of the envelope shall be clearly marked "RFP 52616". Late or incomplete submittals will not be considered. Offers received after closing time will be returned unopened to the sender.

**D. Award**

Award for property will be based on proposals submitted on the City's form of Offer to Lease (Attachment A), Property Narrative (Attachment B) including any supportive documentation, and will be subject to the acceptable offer received that is determined to be in the best interests of the City. The lease 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.

**E. Schedule**

The projected tentative schedule for award of bid is:

RFP Opening:	June 9, 2016
RFP Award by City Council:	June 13, 2016

This schedule is subject to change.

**ATTACHMENT A  
LEASE OF REAL PROPERTY  
RFP 52616  
OFFER TO LEASE**

\_\_\_\_\_ herein called the Offeror, hereby offer and agree to lease 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:

5.00 acres of real property located on Highway 18 that includes an office, shop, and fencing.  
The property is legally described as Tract A, Lovington Industrial Park Subdivision found in Book  
1843, Page 852.

**LEASE OFFER AMOUNT:**     \$ \_\_\_\_\_ /month

**Name of Offeror:** \_\_\_\_\_

**Address:** \_\_\_\_\_  
\_\_\_\_\_

**Telephone Number:** \_\_\_\_\_

**Signature of Offeror:** \_\_\_\_\_

**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.**