

# City of Lovington



## REQUEST FOR PROPOSALS

### SALE OF REAL PROPERTY

2 Lot Parcel of Land

SE Corner of Jefferson Avenue and North Main Street

PROPOSAL # 102215

Proposal Due Date & Time

**THURSDAY, OCTOBER 22, 2015**  
**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](mailto:jwilliams@lovington.org)

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

**SALE OF REAL PROPERTY  
2 LOT PARCEL OF LAND, SE CORNER OF JEFFERSON AVENUE AND NORTH MAIN STREET  
CITY OF LOVINGTON  
PROPOSAL # 102215  
DUE DATE: OCTOBER 22, 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 2 lot parcel of land located on the Southeast corner of Jefferson Avenue and North Main Street. This property is legally described as Lots 5 and 6, Block 2, Original Lovington Subdivision found in Book 004, Page 340. The parcel will be sold as is. This parcel is zoned commercially and has restrictions in place that limit development of the parcel. Development and design must conform to the character of the historic downtown district. The successful respondent will be required to begin development of the property within twelve months of closing and be complete within eighteen months of closing.

Submitted responses will be publicly opened at 10:00 a.m. MST on October 22, 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 102215".

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: October 6, 2015

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

### **A. Request**

Proposals are being accepted by the City of Lovington for the sale of a two lot parcel of land located on the Southeast corner of Jefferson Avenue and North Main Street. The property is legally described as Lots 5 and 6, Block 2, Original Lovington Subdivision, found in Book 004, Page 340.

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 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](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 selling a two (2) lot parcel of land located on the Southeast corner of Jefferson Avenue and North Main Street. The property is legally described as Lots 5 and 6, Block 2, Original Lovington Subdivision, found in Book 004, Page 340. It is the City's intention for the buyer(s) to add value to this property, enhance the downtown area while adhering to the master plan, 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.

This property was quit claim deeded to the City of Lovington and was previously a gas station. All documentation on file with the City of Lovington indicates the underground storage tanks have been removed. Copies of this documentation are available upon request.

## **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. 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.

### **C. 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 uses only and must conform with the character of the historic downtown district and downtown master plan. The Lovington City Commission reserves the right to determine if a response meets this restriction.
2. Development and construction of any structures on the property must be designed to conform with the character of the downtown district. Designs must be reviewed and approved by the City of Lovington.
3. The City shall retain the right of first refusal should the respondent desire to sell the property.
4. Prior to sale or lease of property to another individual or group, the use and sale must be approved by the City of Lovington.
5. Any additional or change of use of the property by the respondent or future owners must have approval by the City of Lovington.
6. No portion of this property may be utilized for permanent or temporary residences, to include recreational vehicles (RV's), trailer houses, or mobile homes.
7. Development of the property shall begin within twelve (12) months of closing.
8. Development of the property shall be completed and business in operation on the site within twelve (18) months of closing.

9. 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.
10. 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.

**D. 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 May 22, 2015, at which time the proposals will be publicly opened. The outside of the envelope shall be clearly marked "RFP 102215". Late or incomplete submittals will not be considered. Offers received after closing time will be returned unopened to the sender.

**E. 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 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.

**F. Schedule**

The projected tentative schedule for award of bid is:

Bid Opening:	October 22, 2015
Bid Award by City Council:	October 26, 2015

This schedule is subject to change.

**ATTACHMENT A  
SALE OF REAL PROPERTY  
RFP 102215  
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:

Southeast Corner of Jefferson Avenue and North Main Street  
Lots 5 and 6, Block 2, Original Lovington Subdivision, found in Book 004, Page 340

**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.**