

City of Truth or Consequences



INVITATION TO BID (SEALED BIDS)

18-19-006

SALE OF REAL PROPERTY

Lot 15 and Lot 16, Block 66, Original Townsite
to the City of Truth or Consequences, Sierra County, New
Mexico otherwise known as:
309 Birch Street, Truth or Consequences, NM 87901

Bid Due Date & Time November 6, 2018

3:00 PM (MST)

SUBMIT SEALED BID PROPOSALS TO:

Pat Wood
Chief
Procurement
Officer
City of Truth or
Consequences
505 Sims St.
Truth or Consequences,
NM 87901
pat@torcnm.org

LEGAL NOTICE OF REQUEST FOR SEALED BIDS

18-19-006

TRUTH OR CONSEQUENCES, NEW MEXICO

**FOR SALE OF REAL PROPERTY LOCATED AT
309 Birch Street, Truth or Consequences, NM 87901
DUE DATE: NOVEMBER 6, 2018 3:00 PM**

The City of Truth or Consequences, New Mexico will receive sealed bid proposals in person at the Chief Procurement Officer's Office at 505 Sims Street, Truth or Consequences or mailed to Pat A. Wood Chief Procurement Officer at 505 Sims Street, Truth or Consequences, NM 87901 by November 6, 2018 3:00 PM (MST) for the sale of real property located at Lot 15 and Lot 16, Block 66, Original Townsite to the City of Truth or Consequences, Sierra County, New Mexico otherwise known as: 309 Birch Street, Truth or Consequences, NM 87901

The Invitation for Sealed Bids, any future addenda, and all related information may be obtained from the City of Truth or Consequences website at **torcnm.org** under "Purchasing Department" or by contacting the Chief Procurement Officer's Office at 505 Sims Street, Truth or Consequences, New Mexico 87901, (575) 894-6673 ext. 312, pat@torcnm.org.

Renee Cantin, Interim City Manager

Publish in:

The Herald October 10, 2018

Sierra County Sentinel October 5, 2018

FACSIMILE AND ELECTRONIC PROPOSALS ARE NOT ACCEPTABLE

Pursuant to the provisions of the New Mexico State Purchasing Act, sealed bids, subject to the conditions herein, will be received at the Office of the Truth or Consequences Chief Procurement Officer until the date and time shown above, and thereafter immediately opened and read in public for furnishing the commodities and/or services listed in the attached specifications.

COMMODITY CODES:

Effective July 1, 2016, each state agency and local public body shall use the standardized classification codes developed by the state purchasing agent. (NMSA 1978 13-1-30.1)

Applicable classification codes for this proposal are:

5-DIGIT CODE	ITEM DESCRIPTION
99884	Real Estate (Incl. Buildings, Houses, Land, etc.), Sale of Surplus and Obsolete Items, Sale of Surplus and Obsolete Items

INSTRUCTION TO BIDDERS

1. **Envelopes containing bids must be sealed and marked on the upper left-hand corner with the name and address of the Respondent, the date and hour of opening, the name of bid proposal, and mailed or delivered to the Chief Procurement Officer before the time of opening.**
2. Bids which are mailed, or otherwise delivered prior to the point of opening must contain the information detailed in Item 1 above and must be mailed or otherwise delivered to the **Chief Procurement Officer, 505 Sims Street, Truth or Consequences, New Mexico, 87901**. This information shall be included on **ALL EXTERIOR PACKAGING**.
3. Bids must be made out and signed in the corporate or other name of Respondent and must be fully and properly executed by an authorized person.
4. Bids must be submitted on the bid price submittal form attached. **Any prices pertaining to exceptions must be attached to the bid** (stapled, bound or secured otherwise). If the Respondent provides any options other than requested, these will not be acceptable.
5. Bids received later than the time and date specified will not be considered.
6. Amendments to or withdrawals of bids received later than the time and date set for proposal opening will not be considered.
7. Respondents or their representative may be present at the bid opening.
8. The Purchasing Agent reserves the right to amend and/or cancel the bid invitation prior to the time and date of the bid opening.
9. The Purchasing Agent reserves the right to correct any bid awarded erroneously as a result of a clerical error on the part of the City of Truth or Consequences.
10. In the event the Respondent is unable to submit a bid, the Purchasing Department would appreciate advising this office to that effect. Failure to submit proposals on three consecutive Invitations to respond will result in the removal of the Respondents name from the mailing list.
11. Respondents and/or vendors doing business with the City of Truth or Consequences must be in compliance with the Federal Civil Rights Act of 1964 and Title VII of the Act. Rev., 1979
12. It will be the sole responsibility to the Respondents requesting consideration for Resident Preference at bid openings to submit to the State Purchasing Agent, the questionnaire for Resident Business or Contractor's Certification and to receive approval and a certification form prior to the proposal opening. Requests for consideration for Resident Business or Contractor's Preference after bid opening will not be considered.

CONDITIONS AND BID OPENING PROCEDURES

1. The City of Truth or Consequences reserves the right to reject any and all bids, to waive an informality in bids, and unless otherwise specified by the Respondent, to accept any item on the bid.
2. In case of error in the extension of prices in the bid, the unit price will govern.
3. Any discount offered will be computed from the date of delivery or from the date a correct bill rendered on a proper voucher form and certified by the contractor is received, whichever date is latest.
4. The Procurement Code, Sections 13-1-28 through 13-1-199 NMSA 1978, imposes civil and criminal penalties for its violation. In addition, the New Mexico criminal statutes impose felony penalties for illegal bribes, gratuities and kickbacks.
5. It is the intent of these specifications to describe the minimum requirements. All portions not specifically mentioned which are required for a completion of the project, shall conform in design, strength, quality of material and workmanship to the highest standards of engineering practice.
6. All bids must be clearly marked on the outside of the envelope with the project name and opening date. Should a bid be opened prior to the official opening date due to the lack of a proper marking, it will be rejected.
7. All interested parties are invited to attend bid openings of the City of Truth or Consequences.
8. Bids will be opened and read aloud at precisely the time, the date and the place stipulated in the Invitation for Bids and in the legal notice published in the newspaper.
9. Bids will be opened and read aloud in front of whomsoever is present at the scheduled time and place.
10. Each bid will be evaluated by the Chief Procurement Officer and the appropriate department or committee. The Respondent is to provide complete specifications. Acceptable exceptions to specifications will be determined by the Chief Procurement Officer with the aid of the appropriate department head.
11. The Chief Procurement Officer and the department or committee will rule on any point needing clarification.
12. The apparent high Respondent, meeting specifications, will be determined by the Chief Procurement Officer and the department or committee.
13. Respondents are advised to bear in mind that the highest response obtained at the opening of the proposals may not be the proposal ultimately selected for the award. The successful respondent will be the one whose product is judged to best serve the interests of the City when price, product, safety, and delivery are considered.

14. A Respondent's request for Resident Preference will be honored only when the provisions of Sections 13-1-21 and 13-1-22 of the State Purchasing Act have been met.
15. Do not submit alternate bids unless instructed to do so, as they will not be considered.
16. Notice is hereby given that the City Commission reserves the right to reject any and all bids received. In the case of ambiguity or lack of clarity, the right to determine the best bid or to reject same or to waive irregularities and technicalities.
17. Any requested literature and one complete copy of the bid, unless stated otherwise in the Request for Proposal, must be submitted with the bid.
18. All bids must be valid for a minimum of 90 days after bid opening, unless otherwise stated in the bid sheet by the individual respondent or the City of Truth or Consequences.
19. Payment of accepted bid will be due within 30 days of notice of acceptance.
20. All Respondents who are engaged in business within the municipal limits of the City, shall be licensed to do business by the City of Truth or Consequences.
21. This procurement is being done on behalf of the City of Truth or Consequences, its departments as well as other entities and agencies in general as provided for by law, at the discretion of the contracted vendor(s).

1.0 PURPOSE

The purpose of this Invitation for Sealed Bids is to obtain sealed bid offers to purchase real property together with all structures located at: 309 Birch Street, Truth or Consequences, NM 87901

2.0 PROJECT DESCRIPTION

The City desires to sell surplus real property located at 309 Birch Street. This property is legally described as Lot 15 and Lot 16, Block 66, Original Townsite to the City of Truth or Consequences, Sierra County, New Mexico. This property is approximately 60 feet by 140 feet and is located in Limited Commercial Zone C1. The parcel will be sold as is.

3.0 SPECIAL NOTES

- A. Interested parties must complete and submit the Offer to Purchase (Attachment A) indicating the amount offered for the property. All offers submitted shall remain valid for a period of ninety (90) calendar days from the opening date of the Bid. In case of ambiguity or lack of clearness in stating bid proposals, the City of Truth or Consequences, New Mexico, reserves the right to adopt the most advantageous thereof or to reject any or all proposals and waive irregularities.
- B. Appraisal price for this property has been established at \$15,000.00. (Copy of appraisal available upon request).
- C. The cost of the title policy, deed recording, and any other closing costs will be the responsibility of the Buyer.
- D. Buyer or any future owner(s) shall not violate any ordinances or other regulations of the City of Truth or Consequences or County of Sierra, 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.
- E. Buyer or any future owners(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 Truth or Consequences.
- F. Payment of accepted bid will be due within 30 days of notice of acceptance.

**City of Truth or Consequences
INVITATION TO BID
18-19-006
ATTACHMENT A
Bid Form
OFFER TO PURCHASE**

309 Birch Street, Truth or Consequences, NM 87901

DUE DATE: NOVEMBER 6, 2018 3:00 PM

_____ Herein called the Buyer, hereby offer and agree to purchase from the City of Truth or Consequences, New Mexico, hereinafter called the City, at the price subject to the terms, conditions, reservation, restriction, 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:

Lot 15 and Lot 16, Block 66, Original Townsite

City of Truth or Consequences, Sierra County, New Mexico

OFFER AMOUNT: \$ _____

NAME OF BIDDER: _____

ADDRESS: _____

TELEPHONE NO.: _____

EMAIL: _____

The City of Truth or Consequences reserves the right to waive any irregularities an award, or not to award, in the best interests of the City. The City is held harmless and is indemnified for the loss and/or misplacement of bid submittals. The bidder is required to utilize this form. Signature is required and reflects agreement, by the bidder, to the terms of this document.

SIGNATURE OF BIDDER: _____

**Mail or deliver to:
Chief Procurement Officer's Office at 505 Sims Street, Truth or Consequences, NM 87901
Deadline: NOVEMBER 6, 2018 3:00 PM (MST)**

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)

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.