

**Town of Silver City  
Request for Bids**

**BID 15/16-11  
Sale of Town Property**

Bid Opening Date and Time:

**June 22, 2016 @ 11:00 am**

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Approval:

Alex C. Brown, Finance Director/Town Manager

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Leann Misquez, Purchasing Agent

**The Procurement Code, §13-1-28 through 13-1-199 NMSA, imposes civil and criminal penalties for its violation. In addition, the New Mexico criminal statutes impose felony penalties for illegal bribes, gratuities and criminal kickbacks.**

**Legal Notice  
Invitation to Bid**

Sealed bids are being requested by the Town of Silver City, New Mexico, at City Hall, Purchasing Department, 101 West Broadway, Silver City, New Mexico.

Bids duly delivered and submitted will be opened and read for providing the following services, on the date and time reflected below:

**Sale of Town Property  
Bid 15/16-11  
Closing: June 22, 2016  
@ 11:00 am**

Any bids received after stated closing date and time will be returned unopened. Further details regarding this bid may be obtained at the Purchasing Office Department of the Town of Silver City or by calling (575) 538-3731 option 1, option 2.

Until the final award by the Council of the Town of Silver City, said Town reserves the right to reject any and/or all bids, to waive technicalities, to re-advertise, to proceed or otherwise when the best interest of the Town will be realized hereby. Bids will be submitted sealed and plainly marked with the date and time of opening.

Town of Silver City  
By: Leann Misquez  
Purchasing Agent

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Publish: Silver City Daily Press Dates: May 9, 2016

Publish: Silver City Sun News Dates: May 9, 2016

- Tear sheet and notarized affidavit must be sent with all invoices.

## **Invitation to Bid**

The Town of Silver City will receive bids for the **SALE OF TOWN PROPERTY BY SEALED BID.** Bids will be received at the **Town of Silver City Purchasing Department, 101 W. Broadway, Silver City NM 88061 through June 22, 2016 by 11:00 a.m.** Bids will be read aloud shortly there after at the same location.

Specifications for property may be examined and/or obtained from Jamie Embick located at the Town's Annex, 1203 N. Hudson St, Silver City, NM.

Bidders shall clearly mark on the outside of the sealed bid envelope **Bid 15/16-11; Town of Silver City-Sale of Town Property** with bidder's name and address.

## **General Conditions**

The following bid is made for purchasing goods or services from the Town of Silver City. The bidder declares that the amount and nature of the goods or services to be furnished is understood and that the nature of this bid is in strict accordance with the conditions set forth and is a part of this bid and that there will at no time be a misunderstanding as to the intent of the specifications or conditions to be overcome or pleaded after the bids are opened.

The bidder, in submitting this bid, represents that he is an equal opportunity employer and will not discriminate with regard to race, religion, color, national origin or sex in the performance of this contract.

The Town reserves the right to reject any or all bids or to waive technicalities at its option when in the best interest of the Town.

Pursuant to Section 13-1-108 NMSA 1978, the total amount bid shall exclude all applicable taxes including applicable state gross receipts tax or applicable local option tax. The Town will pay for any taxes due on the contract and will pay any increase in applicable taxes which become effective after the date the contract is entered. Taxes shall be shown as a separate amount on such billings or request for payment and shall separately identify each tax being billed.

Bids deposited with the Town cannot be withdrawn prior to the time set for opening bids. Request for non-consideration of bids must be made in writing to the Purchasing Agent and received by the Town prior to the time set for opening bids. After other bids are opened and publicly read, the bid for which non-consideration is properly requested may be returned unopened. The bid may not be withdrawn after the bids have been opened and the bidder, in submitting the same, warrants and guarantees that his bid has been carefully reviewed and checked and that it is in all things true and accurate and free of mistakes and that such bid will not and cannot be withdrawn because of any mistake committed by the bidder.

After bids are opened and publicly read, the bids will be tabulated for comparison on the basis of the bid prices shown in the bid. Until final award by the Town of Silver City, the Town reserves the right to reject any or all bids, to waive technicalities and to re-advertise, or proceed to do the work otherwise when the best interest of the Town will be realized.

Bids will be considered irregular if they show any omissions, alterations of form, additions, or conditions

not called for, unauthorized alternate bids or irregularities of any kind. However, the Town reserves the right to waive any irregularities and to make the award in the best interest of the Town. The Town reserves the right to reject any bid or any part of a bid in part and all bids are subject to reservation.

The successful bidder may not assign the rights awarded and duties of an award without the written consent of the Town. Such consent shall not relieve the assignor of liability in event of default by his assignee.

The Town of Silver City has designated a Procurement Manager/Agent, who is responsible for the conduct of this procurement whose name, address and telephone number is listed below:

Leann Misquez, Purchasing Agent  
Town of Silver City  
P.O. Box 1188  
Silver City, NM 88062  
Telephone Number: 575-534-6352  
Fax Number: 575-538-5123  
E-mail: [purchasing@silvercitynm.gov](mailto:purchasing@silvercitynm.gov)

All deliveries via express carrier should be addressed as followed:

Leann Misquez, Purchasing Agent  
Town of Silver City  
101 W. Broadway  
Silver City, NM 88061

All deliveries via common mail services should be addressed as follows:

Leann Misquez, Purchasing Agent  
Town of Silver City  
P.O. Box 1188  
Silver City, NM 88062

Any inquiries or requests regarding this procurement should be submitted to the Purchasing Agent in writing. Only those questions answered by the person listed above will be legal and binding.

## **SECTION 1 – TERMS OF SALE**

The Town of Silver City is interested in soliciting sealed bids for property located at 914 Pope Street, Silver City NM, as described in Section 3 – Specifications of Property, which have been declared surplus to the needs of the Town of Silver City.

**BID AWARD:** Award will be to the highest bidder. The Town of Silver City reserves the right to determine acceptance and award of bids that is deemed to be most advantageous to the Town. Once awarded, the successful bidder is bound by the bid and obligated to claim and purchase the personal property. A bidder failing to complete the purchase, once it has been awarded, may be declared ineligible to bid at future Town of Silver City's auctions. All bids are final. In case of equal sealed bid offers, award will be made based on a coin flip.

**METHOD OF PAYMENT:** Payment must be in the form of cash, certified check, cashier's check, or wire transfer, all U.S. Funds. The bidder must absorb any costs associated with the method of payment. The bid price is payable within five (5) calendar days of the notification of acceptance. The bid amount must be paid in full at City Hall, 101 West Broadway, Silver City, NM 88061 prior to taking possession of the property. If mailed, payment must be received by the Purchasing Office within five (5) calendar days of notification of acceptance and award. Mark envelope in the lower left corner with the statement "Bid 15/16-11; Sale of Town Property - Attn: Leann Misquez.". Failure to pay the bid price within five (5) calendar days will result in rejection of the bid submittal. The Town Purchasing Agent will then award the bid to the next apparent highest bidder.

**RECEIPT OF PAYMENT:** Buyer shall be given a receipt once payment has been received.

**REJECTION OF BID:** The Town reserves the right, for any reason whatsoever, to refuse or reject any or all bids, to withdraw this item from the sale without prior notice, to cancel any or all sales at any time without notice. All sales are subject to approval by the Town of Silver City Purchasing Agent.

**EXECUTION OF AGREEMENT:** After payment has been cleared, Town of Silver City Purchasing Agent will issue a "Notice of Property Transfer".

After acceptance and award of the bid by the Town, the Purchaser agrees to complete payment for the property described in Section 3 from the Town's property. Otherwise the sale shall become null and void and all moneys paid hereunder, shall be forfeited to the Town as liquidated damages.

**INDEMNIFICATION:** All services to be rendered or performed under this Agreement will be rendered or performed entirely at the Purchaser's own risk. The Purchaser expressly agrees, to the fullest extent permitted by law, to indemnify and hold harmless the Town and all its officers, agents, employees or otherwise (collectively, Town) from any and all liability, loss or damage that they may suffer as the result of claims, demands, actions, damages or injuries of every kind or nature whatsoever by or to any and all persons or property, including reasonable attorneys' fees, defense costs, or judgments against them which result from, arise out of, or are in any way connected with the Purchaser's negligent performance of the work under the terms of this Agreement and that of its subcontractors or anyone for whom the Purchaser is legally liable.

The Town expressly agrees, to the fullest extent permitted by law, to indemnify and hold harmless the Purchaser, its officers, directors, employees and subcontractors (collectively, Purchaser) against all damages, liabilities or costs, including reasonable attorneys' fees and defense costs, to the extent caused by the Town's negligent acts in connection with the work of this Agreement and the acts of its contractors, subcontractors or consultants or anyone for whom the Town is legally liable.

Neither the Town nor the Purchaser shall be obligated to indemnify the other party in any manner whatsoever for the other party's own negligence.

**ALL WRITINGS CONTAINED HEREIN:** This Sealed Bid contains all the terms and conditions agreed upon by the Parties. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the Parties hereto.

**COMPLIANCE WITH REGULATIONS:** It shall be the Purchaser's responsibility to comply with applicable Federal, State, County, and City regulations that apply to any activity resulting from the award of a bid, including but not limited to the moving of any personal property purchased.

**PERMITS AND FEES:** The Purchaser will obtain all necessary permits and pay all required fees and costs associated with the removal of the personal property.

SECTION 2 – BID PROPOSAL RESPONSE PAGE

Bidder may bid only once. Town of Silver City reserves the right to reject any or all bids. If Bidder is tax exempt, a copy of the tax exemption certificate must accompany the bid response. Payment of Sales Tax and all other fees, if any, is the responsibility of the bidder. Please complete this form and return with you sealed bid.

Printed Name:	
Company:	
Address:	
Phone:	
Fax:	
Email:	
Signature:	Date:

**I wish to place the following bid:**

**\$** \_\_\_\_\_  
\*No Starting Bid

### SECTION 3 – SPECIFICATIONS OF PROPERTY

#### CONDITION OF PROPERTY:

The property is offered “as is” and “where is” without representation, warranty or guarantee as to quantity, quality, character, condition, size or kind, or that the same is in condition or fit to be used for the purpose for which intended. The Town makes no warranty, expressed or implied, including but not limited to the quantity and quality of improvements and suitability for any use. All descriptions of property are believed correct, but the Town of Silver City makes no guarantee. All sales are subject to conditions contained herein, and as may be named in other materials distributed by the Town.

#### DESCRIPTION OF PROPERTY:

914 Pope Street, Silver City NM  
0.36 acres

The property can be viewed anytime. Assistant Town Manager, James Marshall, is available to show property as well. Please contact Jamie Embick at 575-534-6349 to schedule an appointment. If you have any questions please send it in writing to [purchasing@silvercitynm.gov](mailto:purchasing@silvercitynm.gov), fax to 575-534-6377 Attn: Leann Misquez, or mail/hand deliver to 101 W. Broadway, Silver City NM.