



**NOTICE OF PUBLIC AUCTION**  
**Long-Term Business Lease Number ES-0072**  
**Eddy County, New Mexico**

The New Mexico Commissioner of Public Lands (the "Commissioner") will accept sealed bids seeking the highest and best bid for a long term commercial business lease of 326 +/- acres of state trust land for a renewable energy (solar power) facility (the "Lease"). The land is located in Eddy County, New Mexico. Additional information is available in the bid packet, available at <http://www.nmstatelands.org> or upon request as detailed below. The entire bid packet is incorporated with this notice by reference and should be reviewed before submitting a bid.

1) Description of the Land: The land is offered as a single parcel only, and is described as follows (the "Land"): 326 + acres located in the State of New Mexico N.M.P.M., Eddy County, New Mexico, more particularly described as follows:

Township 26 South, Range 27 East, Section 02: Pt. S2NE4, Pt. NW4, Pt. S2 – 326 acres ±;

2) Summary of Basic Provisions of the Lease: The Land is proposed to be leased pursuant to State Land Office Rule 9 (19.2.9 NMAC) for the purpose of operating a renewable energy (solar power) facility, and is subject to the terms and conditions authorized in the Lease. The term of the Lease is for thirty eight (38) years plus a possible five year renewal. Per Section 4.1 of the Lease, Lessee shall pay to Lessor [the Commissioner] as rent for the Land and for the rights and privileges granted in the Lease:

First Year's Base Rent of seven dollars (\$7.00) per acre, for a total of two thousand two hundred eighty two dollars (\$2,282.00).

YEAR	PER ACRE PAYMENT
1	\$7.00
2	\$7.00
3	\$8.00
4	\$9.00
5	\$10.00

Operations Base Rent begins when the Solar Power Facility starts generating energy. The rent for operations phase base year, year one (1) will be ten dollars (\$10.00) per acre per year or three thousand dollars (\$3,000.00) per megawatt (MW) of installed capacity, or whichever is greater. The Lease contains additional fees, including a Ground Disturbance Charge (Section 4.2.1) and Solar Power Device Installation Charge (Section 4.2.2). Additional Operation Base Rent parameters, including Percent Rent, are referenced in Section 4.1.2.2 of the Lease (see bid packet Exhibit 3).

Operation Phase Years:	Minimum Operations Phase Rent:
Year 1	The greater of, \$3,000/MW Installed Capacity, or \$10.00 /acre of Leased Premises / Year
Years 2-10	The greater of, \$3,000/MW Installed Capacity, or \$13.00 /acre of Leased Premises / Year
Years 11-20	The greater of, \$3,000/MW Installed Capacity, or \$16.00 /acre of Leased Premises / Year
Years 21 – end of Operations Phase	The greater of, \$3,000/MW Installed Capacity, or \$18.00 /acre of Leased Premises / Year
Renewal Term (if any)	The greater of, \$3,000/MW Installed Capacity, or \$20.00 /acre of Leased Premises / Year

Decommissioning Phase Rent. Lessee shall pay Lessor one-time Decommissioning Phase Rent of three dollars (\$3.00) per acre, payable upon commencement of decommissioning activities on the land as described in Section 3.3.4 of the Lease.

3) Requirements and Qualification of Bidders & Required Deposits: Only qualified bidders may submit a sealed bid. In order to qualify to submit a sealed bid, prospective bidders must submit the following: a) a completed application meeting the statement of minimum qualifications- bid packet Exhibit 5, b) an application fee of five hundred dollars (\$500.00); c) an advertising deposit in the amount of six thousand four hundred and sixty dollars and sixty-nine cents. (\$6,460.69); and d) the first year's rent in the amount of two thousand two hundred eighty-two dollars (\$2,282.00). A bidder shall submit one-time payment for the Total Qualification Deposit in the amount of nine thousand two hundred forty-two dollars and sixty-nine cents (\$9,242.69), payable to "Commissioner of Public Lands."

4) Application and Deposit Submittal: The application, application fee and qualification deposit must be received at the New Mexico State Land Office, P.O Box 1148, Santa Fe, NM, 87504 or 310 Old Santa Fe Trail, Santa Fe, NM, 87501, Attn: Commissioner of Public Lands, no later than 3:00 p.m. (MST) on Monday January 3, 2022.

5) Sealed Bid Auction: The auction will be in the form of a sealed bid. Only bidders who have submitted a complete application and met the qualification requirements may submit a sealed bid. The minimum bonus bid amount is one hundred and twenty thousand dollars (\$120,000.00) with additional amounts in increments of ten thousand dollars (\$10,000.00) each. The bonus bid amount should be entered on the bid form and sealed in a separate envelope. The envelope containing the sealed bid must be plainly marked "ES-0072 AUCTION-SEALED BID, not to be opened until January 7, 2022 at 9:30 am." Sealed bids may be submitted by mail, express delivery, or in person to the Commissioner of Public Lands and must be received by 3:00 p.m. (MST) on Thursday January 6, 2022. All bids submitted will be opened at the date, time and place of the auction as set forth below.

Date: Friday, January 7, 2022  
Time: 9:30 am (MST)  
Place: New Mexico State Land Office  
310 Old Santa Fe Trail, Santa Fe, NM 87501

6) Selection of the Winning Bidder: The Lease will be awarded to the highest and best bidder as determined by the Commissioner. The Commissioner reserves the right to reject all bids or to cancel this auction, and to reinitiate the process of offering the Land for long-term lease, sale or exchange on the same or different terms. In the event that the auction is cancelled, all qualified bidders will be notified. The successful bidder must deposit with the Commissioner the bonus bid amount no later than five (5) business days after auction. If the bonus bid is not timely submitted, the Commissioner may disqualify the bidder and declare the next highest qualified bidder to be the successful bidder, or declare that no bid was successful.

7) How to Get Additional Information: Additional information is available in the Bid Packet. The Bid Packet is incorporated in this Notice by reference and should be reviewed in detail before attempting to qualify to bid. To obtain more information about this lease or a copy of the Bid Packet, please go to <http://www.nmstatelands.org> or contact:

Jeremy Lewis  
Director, Office of Renewable Energy  
Commercial Resources Division  
NM State Land Office  
310 Old Santa Fe Trail  
Santa Fe, NM 87501  
505-827-5724  
jlewis@slo.state.nm.us

Disabled individuals who require aid to participate in the Lease auction may call (505) 827-5760; Fax (505) 827-5766 and /or TTY (800) 659-8331.