



New Mexico Board of Finance Submission Requirement Checklist

LEASE OF REAL PROPERTY

This checklist is intended to assist public entities in complying with 1.5.23.10 NMAC and providing standard information and documentation needed for consideration. Please reference the rule in its entirety along with this checklist to ensure you are following all requirements.

[Click here for the full rule.](#)

REQUIRED ITEMS

- (1) This checklist once completed
- (2) All items and necessary attachments listed below

SEND REQUIRED ITEMS AS

One (1) bookmarked PDF file

To:

bof.administrator@state.nm.us

Complete items below, as applicable, and prepare documents as needed.

ENTITY CONTACT INFORMATION

Submitted by _____ Date _____

Public Entity _____ Email address _____ Phone Number _____

Presenters _____ Title _____ Email _____

GENERAL PROPERTY INFORMATION

Location of the property _____

Square footage/acreage of property _____ How long has the entity owned the property? _____

Detailed description of the property _____

Has the entity made improvements to the property? Yes No

If yes:

When were the improvements made? Within last 10 years More than 10 years ago Both

Describe the improvements _____

Were state capital appropriations used to fund any improvements? Yes No

What was the amount of capital appropriations received and expended on the property, and when were the appropriations received? _____

LEASING INFORMATION

Lessee/tenant _____

Is the lessee a current tenant? Y N If yes, how long has the lessee leased the property? _____

Reason the property is being leased _____

How will the lessee use the property? _____

Property/ Appraised Value _____ Appraisal Date _____

**Appraised value if purchaser is private entity. Otherwise, general value of property if known.*

Lease Rate _____ Lease Term _____ Options to Extend? Y N

If yes, number of options & extension terms _____

How was the lessee selected? Competitive sealed bid Public auction Negotiation Other (describe)

Will the lessee provide services, tangible property, or construction (i.e., services in lieu of rent)? Y N

If yes:

Describe the services _____

Did the entity seek bids for services? Y N When was the request for bids issued? _____

REQUIRED DOCUMENTS

All leases

COVER LETTER addressed to the Director of the BOF describing the property, nature of the request, and other pertinent and detailed information that will provide staff a full picture of the request and proposed transaction.

UNSIGNED COPY OF LEASE, including all exhibits and attachments, if any.

- The lease must expressly state that any amendments thereto are subject to and shall not be effective prior to BOF approval.
- The lease must contain provisions contemplating sufficient appropriations for any lessor obligations.
- Any lease with a term greater than 5 years must include a rent escalation or periodic review of the appraised value.
- Any holdover period must be limited to 6 months

SIGNED RESOLUTION or SIGNED MINUTES of the governing body authorizing the lease, containing a provision making the lease subject to approval by the BOF. It is recommended that the governing body/bodies delegate authority to revise the lease agreement as may be required by the BOF.

If lessee is NOT another public body

CURRENT APPRAISAL by a certified appraiser. **Lease or other consideration for less than fair market value from a private entity is not permitted**, except as authorized by law (see 1.5.23.10(C) NMAC). All appraisals must:

- Have an effective date within one year of the date the application is submitted to the BOF for approval.
- List the BOF as an intended user of the appraisal.

REPORT OF TECHNICAL REVIEW from the Taxation and Revenue Department, Property Tax Division, on the appraised value (Property Tax Division Contact: NMTRD.Appraisals@state.nm.us).

Date of TRD Review _____

Note: For Appraisal guidelines, [please click here](#).

If lessee will provide services, tangible personal property, or construction (i.e., services in lieu of rent)

EVIDENCE OF PROCUREMENT CODE COMPLIANCE to include (1) evidence that selection of the lessee as vendor complied with the procurement code or is expressly exempt and that (2) the term of the lease complies with Section 13-1-150 NMSA 1978.

DETAILED LIST OF SERVICES OR DETAILED DESCRIPTION OF PROPERTY OR CONSTRUCTION to include monetary value of services and how the values were determined (for services), and a detailed valuation of property and/or construction (for provided personal property/construction).

COPY OF REPORTING FORM to be provided by the lessee to the entity to report valuation of services.

If entity is a school district

EVIDENCE THAT ALL CHARTER SCHOOLS IN THE DISTRICT HAVE DECLINED THE USE OF THE BUILDING pursuant to 22-8B-4(F) NMSA 1978 or that the building does not meet Public School Capital Outlay Council occupancy standards.

CONTACT Us

BOF.ADMINISTRATOR@STATE.NM.US

505 827 4980