

**REQUEST FOR PROPOSALS
FOR
DESIGN PROFESSIONAL SERVICES**

RFP No. 2016-0318-
PW/MM
Packet No. _____



Project Name: Agua Fria Water and Waste Water
Infrastructure Expansion Plan
Contracting
Agency: Santa Fe County Public Works
Address: 102 Grant Avenue
Santa Fe, NM 87501
Telephone: 505-992-9864
Date: March 27, 2016
Funding Type: _____

This form was prepared by [Santa Fe County Purchasing](#), and is endorsed by the Professional Technical Advisory Board (PTAB which is comprised of the American Council of Engineering Companies New Mexico, New Mexico Society of Professional Engineers, American Institute of Architects New Mexico Chapter, New Mexico Professional Surveyors, and American Society of Landscape Architects New Mexico Chapter), Local Government Division, Department of Finance and Administration, Rural Utility Service, US Department of Agriculture, New Mexico Environmental Department, and New Mexico Finance Authority.

NOTICE OF REQUEST FOR PROPOSALS

Qualifications-based competitive sealed proposals for design professional services will be received by the Contracting Agency, Santa Fe County Purchasing Division for RFP No. 2016-0318-PW/MM

The Contracting Agency is requesting proposals for professional

- architectural services
- engineering services
- surveying services
- landscape architectural services
- planning services

for: Agua Fria Water/Wastewater Infrastructure Expansion Plan within the Community of Agua Fria, Santa Fe, NM.

Project No. 2016-0318-PW/MM

Proposals will be received at 142 West Palace Ave, 2nd Floor Santa Fe, NM 87501 until May 13, 2016, 2:00 pm.

Copies of the Request for Proposals can be obtained in person at the office of Maricela Martinez, Procurement Specialist Senior at 142 W. Palace Ave, Santa Fe NM 87501 or will be mailed or emailed upon request to Maricela Martinez at 505-992-9864 or mcmartinez@santafecountynm.gov.

A Pre-Proposal Conference will will not be held April 27, 2016 at 2:00 pm at Santa Fe County Projects Division 901 W. Alameda, Santa Fe, NM.

PURCHASING AGENT:

Maricela Martinez

Date: 03/23/2016

(for Contracting Agency's Use Only)

Newspaper: _____ Publish: _____ P.O. No. _____
 Newspaper: _____ Publish: _____ P.O. No. _____
 Newspaper: _____ Publish: _____ P.O. No. _____

[Note: This Notice is issued pursuant to the requirements of § 13-1-104 NMSA 1978 and must be published not less than 10 calendar days prior to the date set for the receipt of proposals (§ 13-1-113) and published in a newspaper of general circulation in the area.]

1. PROJECT DESCRIPTION

Community of Agua Fria Background

The Traditional Historic Community of Agua Fria is largely under served by sanitary sewer services, forcing many residents to rely upon septic tank and leach field disposal systems which pose a threat to ground water resources. The Village also needs expanded water service to provide a safe and reliable to supply to residents that now rely on domesitic wells.

The existing wastewater system in Agua Fria consists of the following:

Three main collection lines run within proximity of the community; an 18 inch interceptor to the south of Agua Fria running east to west on Rufina Street that was constructed in the 1960's, a 24 inch main trunk line running north of the Santa Fe River, and a 12 inch PVC sewer line running east to west on Agua Fria Street that was constructed in three phases by Santa Fe County. The 18 inch Rufina Street line and the 24 inch trunk line are owned and operated by the City of Santa Fe. The first two phases of the Agua Fria Sewer were constructed by Santa Fe County and turned over to the City of Santa Fe for ownership and operation. The Third phase was constructed but has not yet been turned over to the City pending the outcome of negotiations on water and wastewater infrastructure within the community in the wake of the implementation of the 2008 Annexation Agreement and Settlement of Claims between the City and County. The three phase sewer extension carried out by the County over the last fifteen years was intended to expand the availability of sewer connections for residents along Agua Fria Street and to provide lateral connections along a number of roads leading to Agua Fria Street. Connections were made along Camino Polvoso, northern end of Paseo De Tercero/Via Don Toribio and Rumbo Al Sur. Most recently, a sewer line was completed on Ben Lane. Additional lateral connections have been investigated on streets off of Agua Fria Street and off of Rufina Street. One of the obstacles to expanding sewer coverage is a high ridge that runs east to west between the two main sewer lines, making it difficult for gravity flow in one direction. Options should be explored to identify the most cost effective way of expanding the water and wastewater coverage for the largest number of residents.

The existing potable water system in Agua Fria consists of the following:

Santa Fe County Utilities (SFCU) provides water and fire protection to customers on Camino Vista Aurora off a 8" line supplied from a City line on the corner of Agua Fria and Lopez Lane. The County installed a (separate) line from Agua Fria and Henry Lynch Rd. to Agua Fria and Lopez lane that provides fire protection along Agua Fria and supplied the Agua Fria Community Water System (AFCWS) with wholesale water to supplement their well supply. The AFCWS operates a mutual domestic water consumer's association within the Village limits that supplies potable water and fire protection to customers from a supply well.

Expansion of the water system within Agua Fria will need to take the AFCWS service area into account and will also have to identify the location of master meters from the City's system that will allow accounting of water transferred between the City and the County. As project phases are designated, they will have to take the need for master metering into account. The goal of the expansion will be to provide water service to as many unserved residents as possible and provide fire protection to Agua Fria to unserved areas.

PHASE ONE: EXPANSION OF WASTEWATER INFRASTRUCTURE

I. Objectives

This project entails an evaluation of the existing sewer systems in Agua Fria and identification of the best methods for providing sanitary sewer service to the greatest number of residents in Agua Fria possible. The deliverable will be a Preliminary Engineering Report (PER) that identifies individual sewer expansion projects and their estimated cost so that they can be funded, designed and constructed in a reasonable timeframe.

II. Basic Services:

System Evaluation

1. Provide engineering services to study the existing sewer system in Agua Fria and evaluate options for expansion of the sewer system.
 - a. Identify areas within the Traditional Community of Agua Fria where sewer services are needed and prioritize the areas where sewer service can be expanded based upon development density, proximity to existing infrastructure, practicality of construction and other factors. The goal is to achieve > 80% sewer service to the residents of the Traditional Community through a number of phased projects.
 - b. Evaluate the existing sewer mains and laterals to better identify where expansion can occur given the limitations of grade, accessibility and easements.

Project Identification and Cost Estimation

2. Provide engineering services to identify specific public sewer expansion projects within the Traditional Community of Agua Fria that can be individually funded and constructed.
 - a. Define the priority areas within the community for sewer system expansion.
 - b. Evaluate growth within the community for the next 20 years as it relates to sewer services.
 - c. Identify separate projects that can be funded, designed and constructed in phases that will match the anticipated available funding.
 - d. Accurately identify the cost of design and construction for each project and the potential number of sewer connections for each project.
 - e. Identify the areas within each project where easements dedications will be necessary for construction and operation/maintenance.
 - f. Identify any areas where private grinder pump installations may be proposed as a way to provide coverage to areas that could not otherwise be sewered.
 - g. Identify any anticipated barriers (legal, cultural, environmental, jurisdictional, topographical, etc.) that would prevent projects for being completed.

The County shall provide, as it is able and applicable, the following information to inform the study effort:

1. Information on all existing water, wastewater and storm water infrastructure in the Traditional Community, including record drawings for expansion Phases 1 – 3 (as available).
2. Existing GIS data and mapping information for the Community, as available, at the time of contract implementation.
3. County Design guidelines.
4. County utility growth and service policies.
5. County utility infrastructure design requirements.
6. Past internal evaluations for expanding sewer infrastructure in the Community.
7. Any relevant cost history.

PHASE TWO: EXPANSION OF WATER INFRASTRUCTURE

I. Objectives

This project entails an evaluation of the existing water delivery system in the Agua Fria Community and identification of the best methods for providing expanded water delivery (including fire protection) to the greatest number of unserved residents in the Agua Fria Community. The deliverable will be a Preliminary Engineering Report (PER) that identifies water delivery system expansion projects and their estimated cost so that they can be funded, designed and constructed in a reasonable timeframe.

II. Basic Services:

System Evaluation

- 1. Provide engineering services to study the water infrastructure system in the Agua Fria Community and evaluate options for infrastructure system expansion.
 - a. Identify areas within Agua Fria that are underserved and prioritize the areas where water service can be expanded based upon development density, proximity to existing infrastructure, practicality of construction and other factors.
 - b. Evaluate the existing easements and identify areas wear easements are needed.

Project Identification and Cost Estimation

- 2. Provide engineering services to identify specific public water infrastructure expansion projects within the Agua Fria Community that can be funded and constructed.
 - a. Define the priority areas within the community for water infrastructure expansion.
 - b. Evaluate growth within the community for the next 20 years as it relates to water services.
 - c. Identify separate projects that can be funded, designed and constructed in phases that will match the anticipated available funding.
 - d. Accurately identify the cost of design and construction for each project and the potential number of water service connections for each project.
 - e. Identify the areas within each project where easement dedications will be necessary for construction, operation and maintenance.
 - f. Identify any areas where fire hydrants would provide the best coverage to the Agua Fria Community.
 - g. Identify any anticipated barriers (legal, cultural, environmental, jurisdictional, topographical, etc.) that would prevent projects for being completed.

The County shall provide, as it is able and applicable, the following information to inform the study effort:

- 1. Information on all existing water, wastewater and storm water infrastructure in the Traditional Community (as available).
- 2. Existing GIS data and mapping information for the Community, as available, at the time of contract implementation.
- 3. County Design guidelines.
- 4. County utility growth and service policies.
- 5. County utility infrastructure design requirements.
- 6. Past internal evaluations for expanding water infrastructure in the Community.
- 7. Any relevant cost history.

2. SCOPE OF WORK

The Offeror shall perform the following professional services:

2.1 Provide standard **Basic Design Services**, consisting of:

Architects/Landscape Architects

- Programming Phase
- Schematic Phase
- Design Development Phase
- Construction Documents Phase

- Bidding and Negotiations Phase
- Construction Administration Phase
- Post-Construction Phase

Engineers

- Study and Report Phase (PER)

- Preliminary Design Phase
- Final Design Phase
- Bidding and Negotiations Phase

- Construction Phase
- Operational Phase

Surveyors

- Property Boundary Survey
- Topographic Survey
- Easement Survey
- Right-of-Way Survey
- Inspection Report

Planning Studies

- Comprehensive Plan
- Strategic (i.e. issue specific) Plan
- Mapping and/or Zoning
- Other Planning Tasks

Additional Services

- Environmental Documentation
- Permitting
- Grant Administration
- Right of Way Acquisition

2.2 **Periodic** or **Full-time** on-site observation during construction.

2.3 Other (list):

- _____
- _____
- _____
- _____

INSTRUCTIONS TO OFFERORS

1. DEFINITIONS AND TERMS

- 1.1. **Addendum:** a written or graphic instrument issued prior to the opening of Proposals, which clarifies, corrects, or changes the Request for Proposals. Plural: addenda.
- 1.2. **Consultant:** means the Successful Offeror awarded the Agreement/Contract.
- 1.3. **Determination:** means the written documentation of a decision of the procurement officer including findings of fact required to support a decision. A determination becomes part of the procurement file to which it pertains (§ 13-1-52 NMSA 1978).
- 1.4. **Offeror:** any person, corporation, or partnership legally licensed to provide design professional services in this state who chooses to submit a proposal in response to this Request for Proposals.
- 1.5. **Procurement Manager:** means the person or designee authorized by the Contracting Agency to manage or administer a procurement requiring the evaluation of proposals.
- 1.6. **Request for Proposals:** or "RFP" means all documents, including those attached or incorporated by reference, used for soliciting proposals (§ 13-1-81 NMSA 1978).
- 1.7. **Responsible Offeror of Proposer:** means an offeror or proposer who submits a responsive proposal and who has furnished, when required, information and data to prove that the proposer's financial resources, production or service facilities, personnel, service reputation and experience are adequate to make satisfactory delivery of the services described in the proposal (§ 13-1-83 NMSA 1978).
- 1.8. **Responsive Offer or Proposal:** means an offer or proposal that conforms in all material respects to the requirements set forth in the request for proposals. Material respects of a request for proposals include, but are not limited to, price, quality, quantity or delivery requirements (§ 13-1-85 NMSA 1978).
- 1.9. The terms **must, shall, will, is required, or are required**, identify a mandatory item or factor that will result in the rejection of the offeror's proposal.

- 1.10. The terms can, may, should, preferably, or prefers identify a desirable or discretionary item or factor.

2. REQUEST FOR PROPOSAL DOCUMENTS

- 2.1. COPIES OF REQUEST FOR PROPOSALS
 - A. A complete set of the Request for Proposals may be obtained from the Contracting Agent.
 - B. A complete set of the Request for Proposals shall be used in preparing proposals; the Contracting Agency assumes no responsibility for errors or misinterpretations resulting from the use of an incomplete set of the request for Proposals.
 - C. The Contracting Agency in making copies of Request for Proposals available on the above terms, does so only for the purpose of obtaining proposals on the Project and does not confer a license or grant for any other use.
 - D. A copy of the RFP shall be made available for public inspection and shall be posted at the Administration Building of the Contracting Agency.
- 2.2. INTERPRETATIONS
 - A. All questions about the meaning or intent of the Request for Proposals shall be submitted to the Procurement Manager of the Contracting Agency in writing. Replies will be issued by Addenda mailed or delivered to all parties recorded by the Contracting Agency as having received the Request for Proposals. Questions received less than five days prior to the date for opening of proposals will not be answered. Only questions answered by formal written addenda will be binding. Oral and other interpretations or clarifications will be without legal effect.
 - B. Offerors should promptly notify the Contracting Agency of any ambiguity, inconsistency, or error, which they may discover upon examination of the Request for Proposals.
- 2.3. ADDENDA
 - A. Addenda will be mailed by certified mail with return receipt requested, by facsimile or hand delivered to all who are known by the Contracting Agency to have received a complete set of Request for Proposals.

- B. Copies of Addenda will be made available for inspection wherever Requests for Proposals are on file for that purpose.
- C. No Addenda will be issued later than 5 days prior to the date for receipt of Proposals, except an Addendum withdrawing the Request for Proposals or one, which includes postponement of the date for receipt of Proposals.
- D. Each Offeror shall ascertain, prior to submitting the Proposal, that the Offeror has received all Addenda issued and shall acknowledge their receipt in the Proposal transmittal letter.

3. PROPOSAL SUBMITTAL PROCEDURES

3.1. NUMBER, FORM AND STYLE OF PROPOSALS

- A. Offerors shall provide **5** copies of their proposal to the location specified on Page 2 on or before the closing date and time for receipt of proposals.
- B. All proposals must be typewritten on standard 8 1/2" x 11" paper and bound on the left-hand margin.
- C. A maximum of **20** pages, not including front and back covers, cover letter, table of contents, Resident Business or Resident Veteran Business Certificates/Certification Form, and Campaign Contribution Disclosure Form.
- D. The proposal must be organized in the following format and must contain, as a minimum, all listed items in the sequence indicated:
 - 1) Cover Letter
 - 2) Response to Evaluation Criteria (Pages 10 and 11)
 - 3) Other supporting or resource material
- E. Any proposal that does not adhere to this format, and which does not address each specification and requirement within the RFP may be deemed non-responsive and rejected on that basis.
- F. Offerors may request in writing nondisclosure of confidential data. Such data should accompany the proposal and should be readily separable from the proposal in order to facilitate eventual public inspection of the non-confidential portion of the proposal. A request that states that the entire proposal be kept confidential will not be acceptable. Only

matters, which clearly are of a confidential nature, will be considered.

- G. Any cost incurred by the Offeror in preparation, transmittal, presentation of any proposal or material submitted in response to this RFP shall be borne solely by the Offeror.

3.2. SUBCONSULTANTS

- A. The Offeror shall list and state the qualifications for each Sub-consultant the Offeror proposes to use for all subcontracted Work.
- B. The Offeror is specifically advised that any person or other party to whom it is proposed to award a subcontract under this proposal, must be acceptable to the Contracting Agency after verification by the Contracting Agency of the current eligibility status, including but not limited to suspension or debarment by the Contracting Agency.

3.3. PREQUALIFICATION PROCESS

A business may be pre-qualified by the Purchasing Agent as an Offeror for particular types of service. Mailing lists of potential Offerors shall include but shall not be limited to such pre-qualified businesses (§ 13-1-134 NMSA 1978). For purposes of this RFP, if pre-qualification is utilized, special instructions will be attached as an exhibit to this RFP.

3.4. DEBARRED OR SUSPENDED CONTRACTORS

A business (contractor, subcontractor or supplier) that has either been debarred or suspended pursuant to the requirements of § 13-1-177 through § 13-1-180, and § 13-3-11 through § 13-4-17 NMSA 1978 as amended, shall not be permitted to do business with the Contracting Agency and shall not be considered for award of the contract during the period for which it is debarred or suspended with the Contracting Agency.

3.5. SUBMITTAL OF PROPOSALS

- A. Proposals shall be submitted at the time and place indicated in the Notice of Request for Proposals and shall be included in an opaque sealed envelope marked with the Project title and name and address of the Offeror and accompanied by the documents listed in the Request for Proposal.
- B. The envelope shall be addressed to the Purchasing Agent/Procurement Officer of the Contracting Agency. The following information shall be provided on the front lower left corner of the Bid envelope: Project Title, Project No., Request for

Proposals number, date of opening, and time of opening. If the Proposal is sent by mail, the sealed envelope shall have the notation "SEALED PROPOSAL ENCLOSED" on the face thereof.

- C. Proposals received after the date and time for receipt of Proposals will be returned unopened.
- D. The Offeror shall assume full responsibility for timely delivery of proposals at the Purchasing Agent's office, including those proposals submitted by mail. Hand-delivered proposals shall be submitted to the Purchasing Agent or the Purchasing Agent's designee and will be clocked in/time stamped at the time received, which must be prior to the time specified.
- E. After the date established for receipt of proposals, a register of proposals will be prepared which includes the name of each Offeror, a description sufficient to identify the service, the names and addresses of the required witnesses, and such other information as may be specified by the Purchasing Agent.
- F. Oral, telephonic, or telegraphic proposals are invalid and will not receive consideration.

3.6. CORRECTION OR WITHDRAWAL OF PROPOSALS

- A. A Proposal containing a mistake discovered before proposal opening may be modified or withdrawn by an Offeror prior to the time set for proposal opening by delivering written or telegraphic notice to the location designated in the Request for Proposals as the place where Proposals are to be received.
- B. Withdrawn Proposals may be resubmitted up to the time and date designated for the receipt of Proposals, provided they are then fully in conformance with the Request for Proposals.

3.7. NOTICE OF CONTRACT REQUIREMENTS BINDING ON OFFEROR

- A. In submitting this proposal, the Offeror represents that the Offeror has familiarized himself with the nature and extent of the Request for Proposals dealing with federal, state and local requirements, which are a part of these Request for Proposals.
- B. Laws and Regulations: The Offerors' attention is directed to all applicable federal

and state laws, local ordinances and regulations and the rules and regulations of all authorities having jurisdiction over the services of the Project.

3.8. REJECTION OR CANCELLATION OF PROPOSALS

This Request for Proposals may be canceled, or any or all proposals may be rejected in whole or in part, when it is in the best interest of the Contracting Agency. A determination containing the reasons therefore shall be made part of the project file (§13-1-131 NMSA 1978).

4. CONSIDERATION OF PROPOSALS

4.1. RECEIPT, OPENING AND RECORDING

- A. Proposals received on time will be opened publicly or in the presence of one or more witnesses and the name of the Offeror and address will be read aloud.
- B. The names of all businesses submitting proposals and the names of all businesses, if any, selected for interview shall be public information. After an award has been made, final ranking and evaluation scores for all proposals shall become public information. (§13-1-120 NMSA 1978). The contents of any proposal shall not be disclosed so as to be available to competing Offerors during the negotiation process (§ 13-1-116 NMSA 1978).

4.2. PROPOSAL EVALUATION

- A. Proposals shall be evaluated on the basis of demonstrated competence and qualifications for the type of service required, and shall be based on the evaluation factors set forth in this RFP. For the purpose of conducting discussions, proposals may initially be classified as:
 - 1) Acceptable,
 - 2) Potentially acceptable, that is, reasonably assured of being made acceptable, or
 - 3) Unacceptable (Offerors whose proposals are unacceptable shall be notified promptly).
- B. The Contracting Agency shall have the right to waive technical irregularities in the form of the Proposal of the Offeror, which do not alter the quality or quantity of the services (§ 13-1-132 NMSA 1978).
- C. If an Offeror who otherwise would have been awarded a contract is found not to be a responsible Offeror; a Determination that the Offeror is not a responsible Offeror, setting forth the basis of the finding, shall be prepared by the Purchasing

Agent/Procurement Manager. The unreasonable failure of the Offeror to promptly supply information in connection with an inquiry with respect to responsibility is grounds for a determination that the Offeror is not a responsible Offeror (§ 13-1-133 NMSA 1978). Businesses, which have not been selected, shall be so notified in writing within twenty-one days after an award is made (§ 13-1-12- NMSA 1978).

D. Selection Process: (§ 13-1-120 NMSA 1978).

- 1) An evaluation committee composed of representatives selected by the Contracting Agency will perform an evaluation of proposals. The committee shall evaluate statements of qualifications and performance data submitted by at least three businesses in regard to the particular project and may conduct interviews with and may require public presentation by all businesses applying for selection regarding their qualifications, their approach to the project and their ability to furnish the required services.
- 2) If fewer than three businesses have submitted a statement of qualifications for a particular project, the committee may:
 - a) Rank in order of qualifications and submit to the local governing body for award those businesses which have submitted a statement of qualifications; or
 - b) Recommend termination of the selection process and sending out of new notices of the proposed procurement pursuant to § 13-1-104 NMSA 1978.

4.3. NEGOTIATIONS (§13-1-122 NMSA 1978)

- A. The Contracting Agency's designee shall negotiate a contract with the highest qualified business for the services contemplated under this RFP at compensation determined in writing to be fair and reasonable. In making this decision, the designee shall take into account the estimated value of the services to be rendered and the scope, complexity and professional nature of the services.
- B. Should the designee be unable to negotiate a satisfactory contract with the business considered to be the most qualified at a price determined to be fair and reasonable, negotiations with that business shall be formally terminated. The designee shall then undertake negotiations with the second most qualified business. Failing

accord with the second most qualified business, the designee shall formally terminate negotiations with that business.

- C. The designee shall then undertake negotiations with the third most qualified business.
- D. Should the designee be unable to negotiate a contract with any of the businesses selected by the committee, additional businesses shall be ranked in order of their qualifications and the designee shall continue negotiations in accordance with this section until a contract is signed with a qualified business or the procurement process is terminated and a new request for proposals is initiated.
- E. The Contracting Agency shall publicly announce the business selected for award.

4.4. NOTICE OF AWARD

After award by the local governing body, a written notice of award shall be issued by the Contracting Agency after review and approval of the Proposal and related documents by the Contracting Agency with reasonable promptness (§ 13-1-100 and § 13-1-108 NMSA 1978).

5. POST-PROPOSAL INFORMATION

5.1. PROTESTS

- A. Any Offeror who is aggrieved in connection with a solicitation or award of a Agreement may protest to the Contracting Agency's Purchasing Agent and the Chief Administrator/Clerk in accordance with the requirements of the Contracting Agency's Procurement Regulations and the state Procurement Code. The protest should be made in writing within 24 hours after the facts or occurrences giving rise thereto, but in no case later than 15 calendar days after the facts or occurrences giving rise thereto (§ 13-1-172 NMSA 1978).
- B. In the event of a timely protest under this section, the Purchasing Agent and the Contracting Agency shall not proceed further with the procurement unless the Purchasing Agent makes a determination that the award of Agreement is necessary to protect substantial interests of the Contracting Agency (§ 13-1-173 NMSA 1978).
- C. The Purchasing Agent or the Purchasing Agent's designee shall have the authority to take any action reasonably necessary to resolve a protest of an aggrieved Offeror concerning procurement. This authority shall be exercised in accordance with

adopted regulations, but shall not include the authority to award money damages or attorneys' fees (§ 13-1-174 NMSA 1978).

- D. The Purchasing Agent or the Purchasing Agent's designee shall promptly issue a determination relating to the protest. The determination shall:
 - 1) State the reasons for the action taken; and
 - 2) Inform the protestant of the right to judicial review of the determination pursuant to § 13-1-183 NMSA 1978
- E. A copy of the determination issued under § 13-1-175 NMSA 1978 shall immediately be mailed to the protestant and other Offerors involved in the procurement (§ 13-1-176 NMSA 1979).

5.2. EXECUTION AND APPROVAL OF AGREEMENT

The Agreement shall be signed by the Successful Offeror and returned within an agreed time frame after the date of the Notice of Award. No Agreement shall be effective until it has been fully executed by all of the parties thereto.

5.3. NOTICE TO PROCEED

The Contracting Agency will issue a written Notice to Proceed to the Consultant.

5.4. OFFEROR'S QUALIFICATION STATEMENT

Offeror to whom award of a Agreement is under consideration shall submit, upon request, information and data to prove that their financial resources, production or service facilities, personnel, and service reputation and experience are adequate to make satisfactory delivery of the services described in the Request for Proposals (§ 13-1-82 NMSA 1978).

6. OTHER INSTRUCTIONS TO OFFERORS

Resident Business Preference or Resident Veteran Business Preference:

Points will be awarded based on Offeror's ability to provide a copy of a current Resident Business certificate or Resident Veteran Business certificate.

- 6.1 **Resident Business Preference**
For the Offeror to receive a Resident Business Preference, the business shall submit, with this proposal, a copy of a valid Resident Business certificate issued by the New Mexico Taxation & Revenue Department. The application for preference may be downloaded at the following website: <http://www.tax.newmexico.gov/forms-and-publications/pages/recently-updated.aspx>.

Five (5) percent (%) of the total possible points may be awarded to an Offeror who qualifies as a Resident Business. These points are added to the total points received for the Evaluation Criteria (page 11).

6.2 **Resident Veteran Business Preference**

For the Offeror to receive a Resident Veteran Business Preference, the business shall complete, sign, and include with the proposal the attached certification form, along with a copy of a valid Resident Veteran Business Preference certificate issued by the New Mexico Taxation & Revenue Department. The application for preference may be downloaded at the following website: <http://www.tax.newmexico.gov/forms-and-publications/pages/recently-updated.aspx>.

Offerors seeking a Resident Veteran Business Preference will be evaluated as follows:

- A. Resident Veteran Businesses with annual revenues of \$1M or less are to receive a 10% preference on their proposals.
- B. Resident Veteran Businesses with annual revenues of more than \$1M but less than \$5M are to receive an 8% preference on their proposals.
- C. Resident Veteran Businesses with annual revenues of more than \$5M are to receive a 7% preference on their proposals.

The 7%, 8%, or 10%, as indicated above, will be to the total points received for the Evaluation Criteria (page 11).

The Resident Veteran Business Preference is separate from the Resident Business Preference and is not cumulative with that preference. However, Resident Veteran Businesses can still receive the Resident Business Preference once the Resident Veteran Business Preference cap is exceeded.

Example: An RFP has a total value of 1,000 points. Five proposals are received: one from a Resident Business, one from a Resident Veteran Business with an 8% preference, and three non-resident businesses. The Resident Business would receive 50 points and the Resident Veteran Business would receive 80 points which would be added to their already evaluated scores, thereby making it possible for the highest score to be 1,080.

Note: Neither the Resident Business Preference nor the Resident Veteran Business Preference can be awarded for any project/contract if it includes federal funds.

GENERAL TERMS AND CONDITIONS

1. GOVERNING LAW

The Agreement shall be governed exclusively by the laws of the State of New Mexico as the same from time to time exists.

2. INDEPENDENT CONTRACTORS

The Consultant (design professionals) and the Consultant's agents and employees are independent Contractors and are not employees of the Contracting Agency. The Consultant and Consultant's agents and employees shall not accrue leave, retirement, insurance, bonding, use of Contracting Agency vehicles or any other benefits afforded to employees of the Contracting Agency as a result of the Agreement.

3. BRIBES, GRATUITIES AND KICK-BACKS

Pursuant to §13-1-191 NMSA 1978, reference is hereby made to the criminal laws of New Mexico (including § 30-14-1, § 30-24-2, and § 30-41-1 through § 30-41-3 NMSA 1978) which prohibits bribes, kickbacks, and gratuities, violation of which constitutes a felony. further, the Procurement Code (§ 13-1-28 through § 13-1-199 NMSA 1978) imposes civil and criminal penalties for its violation.

4. STANDARD FORM OF AGREEMENT BETWEEN CONTRACTING AGENCY AND CONSULTANT (Design Professional)

The form of agreement required by the funding agency or issued by the Contracting Agency will be used for this project. Copies are available and may be reviewed upon request.

5. FEES

A lump sum fixed fee for Basic Service will be negotiated with the Offeror selected.

Additional Services may also be negotiated with the Offeror selected.

6. FUNDING

This solicitation is subject to the availability of funds to accomplish the work.

7. DESIGN PROFESSIONAL REGISTRATION

All work shall be under the direction of the applicable design professional legally licensed and registered by the state.

8. PROFESSIONAL LIABILITY INSURANCE

The Offeror will will not be required to carry professional liability (errors and omissions) insurance. If required to carry such insurance, the amount of coverage will be \$1,000,000

Note to Owner Regarding Evaluation Criteria

The Request for Proposal must include each of the following Evaluation Criteria* as required by statute (§ 13-1-120.B NMSA 1978). Each proposal submitted must address the required Evaluation Criteria. Based on the complexity of the project, the Owner may add additional items to be evaluated. The Owner must assign a weight factor to each of the Evaluation Criteria (page 11) to communicate to Offerors the relative importance of each.

EVALUATION CRITERIA:

1. **Specialized Design and Technical Competence***

Specialized design and technical competence of the business, including a joint venture or association, regarding the type of services required.

2. **Capacity and Capability***

Capacity and capability of the business, including any consultants, their representatives, qualifications and locations, to perform the work, including any specialized services, within the time limitations.

3. **Past Record of Performance***

Past record of performance on contracts with government agencies or private industry with respect to such factors as control of costs, quality of work and ability to meet schedules.

4. **Familiarity with the Contracting Agency***

Proximity to or familiarity with the area in which the project is located.

5. **Work to be Done in New Mexico***

The amount of design work that will be produced by a New Mexico business within this state. *Note: Not allowed for federally funded projects.*

6. **Current Volume of Work with the Contracting Agency Not 75% Complete***

The volume of work previously done for the entity requesting proposals which is not seventy-five percent complete with respect to basic professional design services [through bidding phase], with the objective of effecting an equitable distribution of contracts among qualified businesses and of assuring the interest of the public in having available a substantial number of qualified businesses is protected; however, that the principal of selection of the most highly qualified business is not violated.

Firm should indicate the volume of work they currently have underway with the Contracting Agency that is less than 75 percent complete. The purpose of this criteria is to help distribute projects among qualified firms. An example of how points can be assigned is provided below:

Value of work not yet completed on projects that are not 75% Complete	(Example) Points to be allowed for this item
None	5
\$1 to \$ 25,000	4
25,001 to 50,000	3
50,001 to 75,000	2
75,001 to 100,000	1
100,001 or more	0

7. **Other Contracting Agency Criteria**

The Owner may add additional elements to be evaluated, such as Public Involvement Experience, and assign points according to their importance. *Note: Price **cannot** be a factor.*

EVALUATION CRITERIA

EVALUATION CRITERIA AND POINT VALUES

OFFERORS:

Proposal must address each of the following criteria. Each proposal may be awarded points up to the amount listed.

RATING SHEET FOR: Applicant _____		
ITEM	POSSIBLE POINTS <i>(example)</i>	SCORE
PLANNING & DESIGN SERVICES		
1. Specialized Design and Technical Competence*	_____ <i>(30)</i>	
2. Capacity and Capability*	_____ <i>(25)</i>	
3. Past Record of Performance*	_____ <i>(25)</i>	
4. Familiarity with the Contracting Agency *	_____ <i>(10)</i>	
5. Work to be Done in New Mexico* <i>Note: Not allowed for federally funded projects.</i>	_____ <i>(5)</i>	
6. Current Volume of Work with the Contracting Agency Not 75% Complete*	_____ <i>(5)</i>	
7. Other Contracting Agent Criteria (if desired)	_____ <i>(0)</i>	
SUBTOTAL <i>(total possible points for Planning & Design Services)</i>	_____ <i>(100)</i>	

**Items required by statute (§ 13-1-120.B NMSA 1978).*

*Points awarded to an Offeror for Resident Business Preference or Resident Veteran Business Preference (required by Senate Bill 1, 2011) are based on **total possible points** as indicated above and are added to the total score awarded to that Offeror.*

Points for preference cannot be awarded if the project/contract involves federal funds.

RATING SHEET (CONTINUED) FOR: Applicant _____		
ITEM	POSSIBLE POINTS <i>(example)</i>	SCORE
CONSTRUCTION SERVICES		
1. Specialized construction management experience.	_____ <i>(20)</i>	
2. Specialized experience with start up assistance to the Owner of new facilities.	_____ <i>(15)</i>	
3. Capacity and capability of the consultant to perform the work within the Owner's timeframe.	_____ <i>(15)</i>	
4. History of past performance on the three similar projects described in Specialized Design and Technical Competence (Page 11, number 1), including the record of bid amount versus final close out contract amount.	_____ <i>(10)</i>	
5. History of claims on three similar construction projects and their resolution. The consultant should detail their claims avoidance approach and construction management philosophy.	_____ <i>(10)</i>	
6. Other	_____ <i>(0)</i>	
7. Other	_____ <i>(0)</i>	
SUBTOTAL CONSTRUCTION SERVICES <i>(total possible points for Construction Services)</i>	_____ <i>(70)</i>	
TOTAL SCORE <i>(total possible points)</i>	_____ <i>(170)</i>	

CAMPAIGN CONTRIBUTION DISCLOSURE FORM

Pursuant to the Procurement Code, Sections 13-1-28, et seq., NMSA 1978 and NMSA 1978, § 13-1-191.1 (2006), as amended by Laws of 2007, Chapter 234, any prospective contractor 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 may cancel a solicitation or proposed award for a proposed contract pursuant to Section 13-1-181 NMSA 1978 or a contract that is executed may be ratified or terminated pursuant to Section 13-1-182 NMSA 1978 of the Procurement Code 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.

The state agency or local public body that procures the services or items of tangible personal property shall indicate on the form the name or names of every applicable public official, if any, for which disclosure is required by a prospective contractor.

THIS FORM MUST BE INCLUDED IN THE REQUEST FOR PROPOSALS AND 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 of (a) a prospective contractor, if the prospective contractor is a natural person; or (b) an owner of a prospective contractor.

“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.

“Prospective contractor” means a person or business that 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 or business 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.

Name(s) of Applicable Public Official(s) if any:
To be filled in by State Agency or Local Public Body

DISCLOSURE OF CONTRIBUTIONS BY PROSPECTIVE CONTRACTOR:

Contribution Made By: _____

Relation to Prospective Contractor: _____

Date Contribution(s) Made: _____

Amount(s) of Contribution(s) _____

Nature of Contribution(s) _____

Purpose of Contribution(s) _____

(The above fields are unlimited in size. However, add additional pages if necessary.)

--OR--

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)

Veterans Preference Certification

_____ (Name of Business) hereby certifies the following in regard to application of the resident veteran preference to this formal request for proposals process:

Please check one box only:

- 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 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 \$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.

“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 ending 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 Purchasing Division of the General Services Department the awarded amount involved. I will indicate in the report the award amount as a purchase from a public body or as a public works contract from a public body as the case may be.”

“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.”

(signature of Business Representative)*

(Date)

*Must be an authorized signatory for the Business.

The representation 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 unaward of the procurement involved if the statements are proven incorrect.