

**REQUEST FOR PROPOSALS FOR
PROFESSIONAL SERVICES FOR
MUNICIPAL ELECTRIC SUBSTATION AND
POWERLINE DESIGN, INVENTORY, SURVEY AND STAKING
AND RELATED FINANCIAL SERVICES**

RFP No. 10-17-16

Packet No. 1



Project Name: Socorro Municipal Electric Facilities Design

Contracting Agency: City of Socorro

Address: 111 School of Mines Road, Socorro, New Mexico 87801

Telephone: (575) 835-0240

Date: August 15, 2016

Procurement Manager: Leopoldo (Polo) Pineda, Jr.

This form was prepared by the Local Government Division, Department of Finance and Administration, and is endorsed by the Professional Technical Advisory Board [composed of the Consulting Engineers Council of New Mexico, New Mexico Society of Professional Engineers, the American Institute of Architects of New Mexico, the New Mexico Society of Surveyors and Mappers, and the New Mexico Society of Landscape Architects]

NOTICE OF REQUEST FOR PROPOSALS

Competitive sealed Proposal Pricing and Qualifications submittals for professional services for municipal electric substation and distribution preliminary engineering design, inventory, survey and staking services (Proposal A) and related financial services (Proposal B) will be received by the Contracting Agency, the City of Socorro for: RFP No. 10-17-16.

- The Contracting Agency is requesting proposals for professional
- architectural services engineering services
 - Surveying services Title search services
 - Financial Services

for: City of Socorro Municipal Electric Facilities Design

Proposals will be received at City of Socorro, 111 School of Mines Road, Socorro, NM 87801

Until October 17, 2016, 4:30 p.m.

Copies of the Request for Proposals can be obtained in person at the office of the Chief Procurement Officer at City of Socorro, 111 School of Mines Road, Socorro, NM 87801 or will be mailed or emailed upon written or telephone request to Leopoldo (Polo) Pineda, Jr. at (575) 835-0240 or ppineda@socorronm.gov.

A Pre-Proposal Conference Call will will not be held on September 8, 2016 11:00 a.m. MST.

[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 Section 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 (Section 13-1-113) and published in a newspaper of general circulation in the area.]

1. PROJECT DESCRIPTION

Generally:

Proposal A: Offeror should include a Preliminary Engineering Design and Report for the facilities necessary to receive electric power from the grid and distribute said power to the select end users in the City of Socorro Industrial Park ("Park") and New Mexico Institute of Mining and Technology ("Tech"), as defined by the City of Socorro (see Figure 1). Such Design and Report shall include: a preliminary substation and powerline layout/route (taking into consideration economic, cultural and archeological conditions), an inventory of facilities for both the substation and recommended route(s), and inventory of facilities and crossings, cost estimate of such facilities, and a plan for surveying and staking such facilities

Proposal B: Offeror may also submit a second proposal for financial electric rate evaluation and analysis of financing opportunities. Indicative pricing for wholesale electric power will be provided by the City of Socorro for use in the financial analysis.

Proposal A design service tasks will include, but not be limited to:

- Distribution route(s) identification and selection, layout and design of electric distribution lines and associated facilities to service end users in select areas within the Park and Tech (Figure 1);
- Electric substation location and Preliminary Engineering Design for receiving and distributing electric power from the existing Tri State facilities (Figure 1)(Substation size to be based on current end user evaluation and growth projections);
- Property title search to identify all adjacent properties necessary for utility easement to accommodate the proposed substation and utility lines;
- Engineering cost estimate (from Preliminary Engineering Design) for the installation of substation, distribution power lines and associated facilities, including easement acquisition necessary to receive and deliver electric power to select end users within the City Industrial Park and Tech (Figure 1);
- Right-of-way survey and staking of the land to be used for the substation and distribution lines, including environmental, archaeological and biological assessments;
- Inventory and budget development and scoping for future EPC contract; and
- Identification of long lead materials for incorporation into design and future EPC contract.

Proposal B financial service tasks will include, but not be limited to:

- Evaluate financial parameters using the electric system infrastructure costs developed as part of this RFP, indicative cost of power from the grid (provided by the City of Socorro), operation and maintenance costs, and financing alternatives and costs to assist the City with the construction and initial operation of the new facilities;
- Perform a cost analysis to derive the rates the City would be expected to charge its customers for delivery of electric power based on the design and construction costs above, estimated operation and maintenance costs, estimated service equipment costs, debt service on any loans required to fund the electric facilities construction and equipment purchase, and cost of power as supplied by the City; and
- Based on the financial analysis, create debt service models for different scenarios of possible financing options for the City.

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
- Construction Administration Phase
- Post-Construction Phase

Engineers

- Study and Report Phase
- Preliminary Design Phase
- Preliminary Engineering Cost Analysis
- Program Management
- Operational Phase

Surveyors

- Property Boundary Research
- Topographic Survey
- Easement Survey (to support design)
- Right-of-Way Survey

- Inspection Report

Planning Studies

- Electric System Distribution Cost Analysis
- Utility easement location and acquisition analysis
- Electric Rate Structure Analysis
- Electric Rate Financial Evaluation and Financing Opportunities
- Debt Analysis

2.2 PROPOSAL TASKS: Including any and all related ancillary service:

2.2.1 Identify possible routes and substation sites

2.2.2 Substation 30 % Design

- Select primary and alternative substation sites
- Develop civil site plan
- Develop power one-line of substation, indicating transformer MVA, load tap changer or 3 single phase regulators, grounding grid, overhead transmission tap to the Tri-State station, tap structure, high voltage switch, circuit breaker, lightning arresters, metering (high and low side), medium voltage breakers current BIL, interrupting ratings. Consideration shall be given in sizing site to accommodate a second transformer, high voltage bus work required, and medium voltage underground feeder routing

2.2.3 Distribution Feeder 30% Design

- Select several alternative routings for an express feeder (overhead and or underground) from the substation site to the existing industrial park users to include right of way property evaluation and requirements
- Recommendations on several alternatives for feeder development for future connections to the existing Socorro co-op distribution system in the vicinity of the proposed substation or a point close to the industrial park will be identified in enough detail to estimate the construction costs. The point of connection will be advantageous to feed the main co-op line through town as a minimum. The boundaries of co-op line for acquisition will be identified and documented as to age, condition, estimated load capacity, and present value estimate

- Several routes from the proposed substation to the New Mexico Tech Campus will be identified for a distribution feeder to where the schools' distribution system is currently primary metered
- The consultant will attend 2 public hearings to present data and answer questions on the 30% design

2.2.4 Property Title Search; surveying; environmental assessments

- Provide survey services necessary to identify electric distribution routes, including public and private property ownership within the proposed electric line distribution network
- Provide survey service support necessary to support all other preliminary engineering design tasks
- Research current ownership for all property within the preliminary design corridors (substation and distribution network) as necessary for planning easement acquisition and associated cost thereof
- Staking of the land to be used for the substation and distribution lines, including environmental, archaeological and biological assessments
- Inventory of crossings

2.2.5 Design Deliverables

- There shall be two interim design submittals (10% and 20%) with formal presentations to City officials prior to final submittal for City's review and comment. After incorporating the cities final comments, a final report with 30% design drawings, outline specifications, maps showing distribution line routes, and written narratives of alternates with pros and cons identified with cost estimates for the entire system installation. Four copies of documents shall be submitted along with a CD ROM containing Autodesk® Cadd files of drawings and written documents in MS Word. The consultant will attend no more than 2 public meetings to present data and answer questions on the 30% design

2.2.6 Financial Evaluation

- Research existing user electric consumption and associated cost for a minimum of three years for each individual meter in the Socorro Industrial Park (Park) and New Mexico Institute of Mining and Technology (Tech). Three year usage totals to be based on actual metered use or extrapolated from the best available data. Prioritize end users (including Tech) for the initial service from the City of Socorro based on highest use within the City limits
- Provide necessary financial review and analysis incorporating the costs of inventory, installation, operation, maintenance, distribution and sale of electric power (indicative pricing for electric power purchase will be provided by the City for input). The consultant shall detail the procedure to be utilized in the financial analysis and include all available financing options
- Perform a cost analysis to derive probable rates the City would be expected to charge its customers for delivery of electric power based on the design and construction costs above, estimated operation and maintenance costs, estimated service equipment costs, debt service on any loans required to fund the electric facilities construction and equipment purchase, and cost of power as supplied by the City; and
- Evaluate sources of financing and recommend to Socorro the available financing alternatives and associated costs for financing

2.2.7 Financial Deliverables

- The report shall include the financial evaluation of anticipated rate charges based on facilities design and costs for delivery of electric power to end users including analysis of debt Service and financing options available to the City

2.2.8 Schedule

- The consultant shall start upon written notification from City and complete in 90 calendar days. The consultant shall supply the City a schedule, 10 days after notice to proceed indicating the dates for 10, 20, 30% documents and meeting dates for presentation to City

Responders shall include a one page statement in both Proposal A and Proposal B describing their understanding of the project including suggested end users targeted based on implied use of electric power and optimization of distribution of power to said users, method of receiving power from the grid, and distribution of said power to the end users, and approach to the financial evaluation method to be used for the rate evaluation and financing options.

3. RFP SCHEDULE

The following schedule applies to this RFP. The City reserves the right to revise this schedule at any time and will post such notice to the City’s website. Notifications regarding any schedule revisions will be emailed to the Offeror. Offerors are invited to submit written questions to the Procurement Officer via e-mail, which questions and answers will be posted to the City’s website.

Activity	Date
RFP Issued	August 15, 2016
Preproposal RFP Conference Call	September 8, 2016 11:00 AM MST
Q&A Closes	October 3, 2016 4:30 PM MST
Proposal Responses Due	October 17, 2016 4:30 PM MST
Respondent Results Notifications	October 31, 2016 4:30 PM MST

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 (Section13-1-52 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 (Section13-1-81 NMSA 1978).
- 1.7 **Responsible Offeror or Proposer:** means an offeror or proposer who submits a responsive proposal and who has furnished, when required, information and data to prove that his financial resources, production or service facilities, personnel, service reputation and experience are adequate to make satisfactory delivery of the services described in the proposal (Section13-1-83 NMSA 1978).
- 1.8 **Responsive Offer or Proposal:** means an offer or proposal which 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 (Section13-1-85 NMSA 1978).
- 1.9 The terms **must, shall, will, is required, or are required**, identify a mandatory item or factor. Failure to comply with a mandatory item or factor 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 Agency (unless another issuing office is designated in the RFP).
- 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 Request 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 the cover page 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-side;
- C. A maximum of 30 pages, including title, index, etc., not including front and back covers.
- D. The proposal must be organized and indexed in the following format and must contain, as a minimum, all listed items in the sequence indicated:
 - 1) Letter of Transmittal, including Company name, address, primary contact, his or her phone number, address, e-mail address and fax number. The letter should also note any limitations preventing Offeror from providing any services described in this RFP;
 - 2) One page statement describing Project Understanding for Proposal A and/or Proposal B;
 - 3) Qualifications and Past Record of Performance concerning both Proposals including qualifications of management team;
 - 4) Identification, qualifications and past record of sub-consultants;
 - 5) Proximity to or familiarity with the area in which the project is located;
 - 6) Response to Work to be done for (i) Proposal A, and/or (ii) Proposal B;
 - 7) Any appendices, including other forms as required by this RFP.

UNDER SEPARATE COVER:

- 8) Separate Price Proposal (using included Price Submittal Sheet attached as Exhibit A) for (i) Proposal A, and/or (ii) Proposal B; and
- 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 no 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 prequalified 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 prequalified businesses (Section13-1-134 NMSA 1978). For purposes of this RFP, if prequalification 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 Section13-1-177 through Section13-1-180, and Section13-4-11 through Section13-4-17 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 PRICE AND QUALIFICATIONS PROPOSALS

A. Proposals shall be submitted at the time and place indicated in the Notice of Request for Proposals. Proposals shall be included in 2 opaque sealed envelopes marked with the Project title and name and address of the Offeror and accompanied by the documents listed in the Request for Proposals.

B. The envelopes 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 each of the submittal envelopes: 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 shall be submitted in the two separate envelopes as follows:

Envelope 1: 30 page (max) Substantive response including qualifications and project understanding statement (as identified in Section 3.1 immediately above);

Envelope 2: Single sheet bid page for Proposal A and/or Proposal B (attached to this RFP as Exhibit A) corresponding to the proposal tasks identified above.

D. Proposals received after the date and time for receipt of Proposals will be returned unopened.

E. 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 his designee and will be clocked in/time stamped at the time received, which must be prior to the time specified.

- F. 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.
- G. 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 Offeror's 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 therefor shall be made part of the project file

(Section 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. (Section 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 (Section 13-1-116 NMSA 1978).

4.2 PROPOSAL EVALUATION

- A. Proposals shall be evaluated on the basis of demonstrated competence and qualification 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 (Section 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 (Section 13-1-133 NMSA 1978). Businesses which have not been selected shall be so notified in writing within fifteen days after an award is made (Section 13-1-120 NMSA 1978).

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

- 1) The evaluation of proposals will be performed by an evaluation committee composed of representatives selected by the Contracting Agency. 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 Section 13-1-104 NMSA 1978.

4.3 **NEGOTIATIONS** (Section 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 (Section 13-1-100 and Section 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 an 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 (Section 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 (Section 13-1-173 NMSA 1978).

- C. The Purchasing Agent or his 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 (Section 13-1-174 NMSA 1978).
- D. The Purchasing Agent or his 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 Section 13-1-183 NMSA 1978.
- E. A copy of the determination issued under Section 13-1-175 NMSA 1978 shall immediately be mailed to the protestant and other Offerors involved in the procurement (Section 13-1-176 NMSA 1978).

5.2 EXECUTION AND APPROVAL OF AGREEMENT

The Agreement shall be signed by the Successful Offeror and returned within an agreed upon 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 an 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 (Section 13-1-82 NMSA 1978)

6. CAMPAIGN CONTRIBUTION DISCLOSURE AND PROHIBITION (Section 13-1-112 NMSA 1978)

6.1 A prospective contractor subject to the provisions of Section 13-1-191.1 NMSA 1978 shall disclose all campaign contributions given by the prospective contractor or a family member or representative of the prospective contractor to an applicable public official (governing body) of the Grantee during the two years prior to the date on which a proposal is submitted or, in the case of a sole source or small purchase contract, the two years prior to the date on which the contractor signs the contract, if the aggregate total of contributions given by the prospective contractor or a family member or representative of the prospective contractor to the public official exceeds two hundred fifty dollars (\$250) over the two-year period. See Exhibit B – Campaign Contribution Disclosure Form.

6.2 The form shall be filed with this RFP.

6.3 A prospective contractor submitting a disclosure statement pursuant to this section who has not contributed to an applicable public official, whose family members have not contributed to an applicable public official or whose representatives have not contributed to an applicable public official shall make a statement that no contribution was made.

6.4 A prospective contractor or a family member or representative of the prospective contractor shall not give a campaign contribution or other thing or value to an applicable public official or the applicable public official's employees during the pendency of the procurement process or during the pendency of negotiations for a sole source or small purchase contract.

6.5 A solicitation or proposed award for a proposed contract may be canceled pursuant to Section 13-1-181 NMSA 1978 or a contract that is executed may be ratified or terminated pursuant to Section 13-1-181 NMSA 1978 if:

A. A prospective contractor fails to submit a fully completed disclosure statement pursuant to this section; or

B. A prospective contractor or family member or 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.

6.6 As used in this section:

A. *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;

B. *Family member* means spouse, father, mother, child, father-in-law, mother-in-law, daughter-in-law or son-in-law;

C. *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;

D. *Prospective contractor* means a person who is subject to the competitive sealed proposal process set forth in the Procurement Code, §13-1-28 NMSA 1978, or is not required to submit a competitive sealed proposal because that person qualifies for a sole source or small purchase contract; and

E. *Representative of the 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.

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 exist.

2. INDEPENDENT CONTRACTORS

The Consultant (design professionals) and his agents and employees are independent Contractors and are not employees of the Contracting Agency. The Consultant and his 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 Section 13-1-191 NMSA 1978, reference is hereby made to the criminal laws of New Mexico (including Section 30-14-1, Section 30-24-2, and Section 30-41-1 through Section 30-41-3 NMSA 1978) which prohibit bribes, kickbacks, and gratuities, violation of which constitutes a felony. Further, the Procurement Code (Section 13-1-28 through Section 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.

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.

EVALUATION CRITERIA

CRITERIA AND POINT VALUES

Proposals must address each of the following 5 criteria for both Proposal A and Proposal B. (However, offerors are not required to submit proposal for both Proposal A and Proposal B). Each proposal may be awarded points up to the amount listed.

	<u>RFP Points</u>
1. Project understanding Cover letter clarity and understanding of project and needs of the City.	5
2. Qualifications and Past Record of Performance Qualifications and Past Record of Performance concerning both Proposals including qualifications of management team, licenses, accreditations and certifications.	15
3. Qualifications and Past Record of Performance of Sub-consultants	10
4. Proximity and Familiarity with the Area Proximity to or familiarity with the area in which the project is located and identification of similar projects performed by the Offeror in New Mexico.	10
5. Response to Work to be Done in New Mexico Proposal A (Items 2.2.1 through 2.2.5) Proposal B (Items 2.2.6 through 2.2.7) Response to proposed schedule; alternative scheduling proposals	35
6. Price Submittal The price estimate as submitted for Items 2.2.1 through 2.2.5 (and related services), and separately, Items 2.2.6 through 2.2.7 (and related services) as listed in this RFP, and on the Price Submittal Sheet (Submitted in a separate sealed envelope)	25
TOTAL AVAILABLE POINTS	<u>100</u>

PRICE SUBMITTAL SHEET – Exhibit A-1 (Proposal A)

Task	Cost Proposal (Hours & Rate)
Section 2.2.1 and related services:	
Section 2.2.2 and related services:	
Section 2.2.3 and related services:	
Section 2.2.4 and related services:	
Section 2.2.5 and related services:	
Other related services:	
TOTAL:	

PRICE SUBMITTAL SHEET – Exhibit A-2 (Proposal B)

Task	Cost Proposal (Hours & Rate)
Section 2.2.6 and related services:	
Section 2.2.7 and related services:	
Other related services:	
TOTAL:	

CAMPAIGN CONTRIBUTION DISCLOSURE FORM

Pursuant to Chapter 81, Laws of 2006, any prospective contractor seeking to enter into a contract with any state agency or local public body must file this form with that state agency or local public body. 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.

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 either 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.

“Contract” means any agreement for the procurement of items of tangible personal property, services, professional services, or construction.

“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): _____

(The above fields are unlimited in size)

Signature

Date

Title (position)

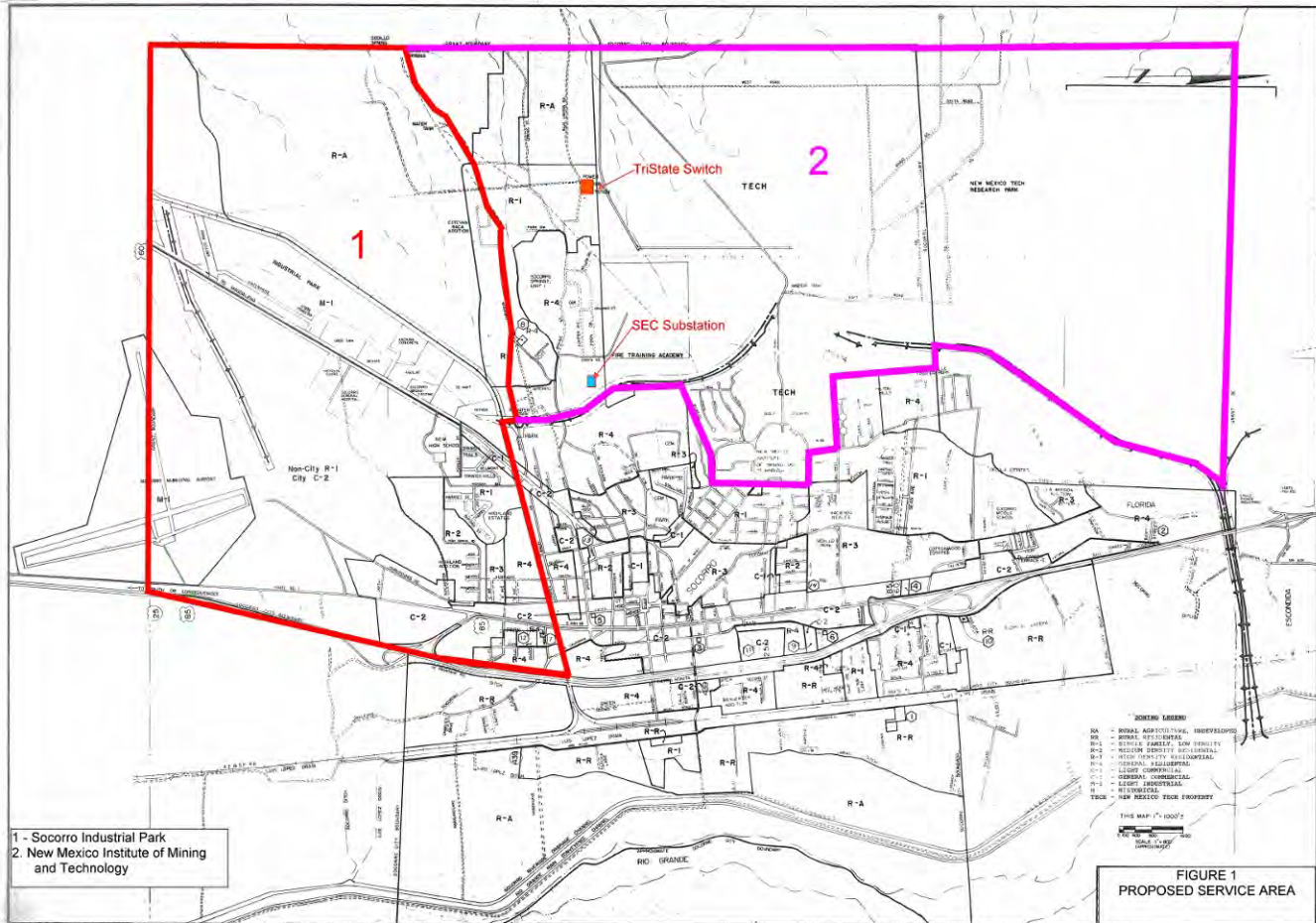
--OR--

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)



1 - Socorro Industrial Park
 2 - New Mexico Institute of Mining and Technology

- ZONING LEGEND**
- NA - BUREAU ADDRESS ZONE, UNDEVELOPED
 - RA - RURAL RESIDENTIAL
 - M-1 - SINGLE FAMILY LOW DENSITY
 - M-2 - MEDIUM DENSITY RESIDENTIAL
 - M-3 - HIGH DENSITY RESIDENTIAL
 - RM - GENERAL RESIDENTIAL
 - C-1 - LIGHT COMMERCIAL
 - C-2 - GENERAL COMMERCIAL
 - I-1 - LIGHT INDUSTRIAL
 - I-2 - HEAVY INDUSTRIAL
 - TECH - NEW MEXICO TECH PROPERTY

THIS MAP IS 1:1000'S
 1" = 100 FEET
 1" = 100 METERS

FIGURE 1
PROPOSED SERVICE AREA