

REQUEST FOR PROPOSALS
ADMINISTRATIVE SERVICES AND
DESIGN PROFESSIONAL SERVICES

RFP No. 2021/2022/09/P

Packet No. _____



Project Name: West Logan Avenue (6th to 9th St.)
Street and Drainage Project

Contracting Agency: City of Gallup

Address: 110 W. Aztec
Gallup, NM 87301

Telephone: 505-863-1334

Date: March 4, 2022

Purchasing Director: Frances Rodriguez

Funding Type: CDBG

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

Qualifications-based competitive sealed proposals for administrative and design professional services will be received by the Contracting Agency, City of Gallup for RFP No. 2021/2022/09/P.

The Contracting Agency is requesting proposals for professional

- architectural services ¹
- surveying services ²
- CDBG Management & Administrative Professional Services**
- planning services**
- engineering services**
- landscape architectural services

For: West Logan Avenue (6th to 9th St.) Street and Drainage Project; Gallup, New Mexico

Project No. 20-C-NR-I-01-G-10

As more particularly set out in the RFP documents, copies of which may be obtained from the City of Gallup Purchasing Division, 110 W. Aztec Ave., Gallup, New Mexico 87301; or contact Frances Rodriguez, Purchasing Director at (505) 863-1334. Copies are available for viewing or can be downloaded from: <https://app.negometrix.com/buyer/3226>

Electronically submitted proposals shall be received via electronic bidding platform until **2:00 P.M. (LOCAL TIME)** on or before **March 24, 2022** where proposals will be received and recorded by the City of Gallup Purchasing Department via virtual conference/video calls or through other virtual means.

The City of Gallup has transitioned to a new e-Bid/RFP software system powered by Negometrix. All solicitations will be released electronically through Negometrix and responses from offerors must be submitted electronically through this online platform. By using Negometrix, prospective offerors will be provided with all information regarding a bid including addendums and changes to the project requirements. Negometrix is a completely free service for all respondents. Prior to submitting a proposal, respondents are required to set up their free account with Negometrix. Register your company at Negometrix.com. Only ELECTRONICALLY SUBMITTED PROPOSALS will now be accepted; system will not accept proposals submitted AFTER due date and time.

A Pre-Proposal Conference will **will not be held.**

PURCHASING AGENT:

Frances Rodriguez

Date: 03/04/2022

(For Contracting Agency's Use Only)

Newspaper: <u>Gallup Sun</u>	Publish: <u>03/04/2022</u>	P.O. No. <u>96383</u>
Newspaper: <u>Gallup Independent</u>	Publish: <u>03/05/2022</u>	P.O. No. <u>N/A</u>
Newspaper: <u>Albuquerque Journal</u>	Publish: <u>03/06/2022</u>	P.O. No. <u>96384</u>

[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 RFP required if over \$50,000 in basic design fee excluding taxes or as prescribed by local regulation.

² RFP required if over \$10,000 in basic design fee excluding taxes or as prescribed by local regulation.

DESIGN PROFESSIONAL SERVICES REQUEST FOR PROPOSALS

1. PROJECT DESCRIPTION

The two blocks along Logan Street running from 7th to 9th street shall include reconstruction of the roadway with a total of 2640 square yards of asphalt. The project will require the removal and replacement of 1440 linear feet of deteriorating curb and gutter. A total of 1,010 square yards of concrete will be needed for replacement of the sidewalks with expansion joints traversing to the curb and gutter: replacement of driveways and the replacement of handicapped ramps with landings.

Infrastructure improvements shall consist of the replacement of 720 linear feet each of 8" water and sewer lines and a total of 480 linear feet each of water and sewer services lines.

2. SCOPE OF WORK

The Offeror shall perform the following design 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

Surveyors

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

Additional Services

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

Engineers

- Study and Report Phase (PER)
- Preliminary Design Phase
- Final Design Phase**
- Bidding and Negotiations Phase**
- Construction Phase**
- Operational Phase

Planning Studies

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

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. 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 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 **XX** 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 submitted ELECTRONICALLY via Negometrix, the City of Gallup's electronic bid/proposal platform at <https://app.negometrix.com/buyer/3226> prior to the time specified for the proposal opening. System will not accept proposals submitted after due date and time. Proposal must be submitted using the proposal document forms furnished by the City of Gallup. Receipt of proposals will be acknowledged and recorded electronically in the Purchasing Department via virtual means. Meeting information will be posted via Negometrix in the "Messages" section of this specific solicitation.
- C. A maximum of **25** pages, not including front and back covers and divider pages.
- 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, if any;
 - 2) Response to Specialized Design and Technical Competence;
 - 3) Response to Capacity and Capability;
 - 4) Response to Past Record of Performance;
 - 5) Response to Familiarity with the Contracting Agency;

- 6) Response to Work to be done in New Mexico **[cannot be used for federally funded projects]**;
- 7) Response to Current Volume of Work with the Contracting Agency not 75% Complete;
- 8) List of Subconsultants;
- 9) Campaign Contribution Disclosure form; and
- 10) 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 Subconsultant 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 must be submitted ELECTRONICALLY via Negometrix, the City of Gallup's electronic bid/proposal platform at <https://app.negometrix.com/buyer/3226> prior to the time specified for the proposal opening and accompanied by the documents listed in the Request for Proposal.
- B. Proposals received after the date and time will not be accepted under any circumstances.
- C. The Offeror shall assume full responsibility for timely submission of proposals at the Purchasing Agent's preferred response ELECTRONICALLY via Negometrix4.
- D. 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.
- E. Oral OR telephonic 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 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 qualification; 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 1978).

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

6.1 A prospective contractor subject to the provisions of §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 A – Campaign Contribution Disclosure Form.

6.2 The form shall be filed with the Grantee as part of the competitive sealed proposal, or in the case of a sole source or small purchase contract, on the date on which the contractor signs the contract.

6.2 A prospective contractor submitting a disclosure statement pursuant to this section

6.3 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 §13-1-181 NMSA 1978 or a contract that is executed may be ratified or terminated pursuant to §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.

7. OTHER INSTRUCTIONS TO OFFER

NONE

GENERAL TERMS AND CONDITIONS – Design Services

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	10
\$1 to \$ 25,000	8
25,001 to 50,000	7
50,001 to 75,000	5
75,001 to 100,000	4
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

CRITERIA AND POINT VALUES

OFFERORS:

Proposal must address each of the following criteria. Each proposal may be awarded points up to the amount listed. [Note: Price **cannot** be a factor]

RATING SHEET FOR:		
Applicant: _____		
ITEM	POSSIBLE POINTS	SCORE
PLANNING & DESIGN SERVICES		
1. Specialized Design and Technical Competence*	<u>30</u>	
2. Capacity and Capability*	<u>30</u>	
3. Past Record of Performance*	<u>25</u>	
4. Familiarity with the Contracting Agency *	<u>10</u>	
5. Work to be Done in New Mexico* <ul style="list-style-type: none"> ■ <i>This criteria is not allowed for federally funded projects.</i> 	<u>0</u>	0
6. Current Volume of Work with the Contracting Agency Not 75% Complete*	<u>5</u>	
7. Other Contracting Agent Criteria (if desired)	<u>0</u>	
SUBTOTAL Planning & Design Services	<u>100</u>	

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

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

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ADMINISTRATIVE SERVICES REQUEST FOR PROPOSALS

[CDBG Management and Administrative Services]

Introduction

The City of Gallup is accepting proposals from consultants for management and administrative services for implementation of the Community Development Block Grant program funded by the state of New Mexico.

Part One. **Management and Administration**

The Scope of Services which the consultant must provide is:

A. With the assistance of the Grantee, assist in the of conduct public hearings. This includes, but is not limited to, tasks such as assisting with public hearings, preparing public notices, and documenting citizen input.

B. Prepare Environmental Review Record for all activities. Responsibilities include making a recommendation to the local governing body as to a finding of the level of impact, preparation of all required public notices, preparation of the Request for Release of Funds, and obtaining adequate backup documentation. For activities which are not exempt from environmental assessments, an environmental assessment will be prepared. For activities which are exempt or categorically excluded from environmental assessments, a written Finding of Exemption will be prepared, which should identify the project or activity, and under which category of exemption it falls. Documentation of compliance with the requirements of historic preservation, flood plains and wetlands, and other applicable authorities must also be included.

C. Coordinate requests for payment with the grantee to insure consistency with the letter of credit procedures established for the CDBG program.

D. Insure that the grantee has an acceptable financial management system

for the CDBG program. An acceptable system includes, but is not limited to, cash receipts and disbursement journal and accompanying ledgers, and should conform to generally accepted principles of governmental accounting.

E. Establish grantee project files. These must be maintained in compliance with all applicable state, local and federal regulations. Monitor project files throughout the program to insure they are complete and that all necessary documentation is being retained in the grantee's files.

F. If applicable, assist grantee in complying with regulations governing land acquisition (real property, easements, rights of way, donation of property, etc.).

G. Obtain contractor and subcontractor clearances from the state.

H. Check weekly payrolls to insure compliance with wage decisions. Conduct on-site interviews and compare the results with appropriate payrolls.

I. Monitor construction to insure compliance with Equal Opportunity and Labor Standards Provisions.

J. Make progress inspections and certify partial payment requests.

K. Accompany design professional on final inspection and issue a final certificate of payment.

L. Prepare close-out documents to include Project Completion Report, Final Wage Compliance Report, and Certificates of Completion.

Part Two. **Proposal**

Proposals will be received at the date, time and place shown on the cover page of this RFP.

Grantee reserves the right to reject any or all proposals. All proposals shall be sealed and marked on the outside, Name of Grantee, **CDBG Administrative Services Proposal [CDBG Management & Administrative Services]**. Proposals submitted late will be returned unopened and will not be evaluated.

All proposals received on time will be ranked, with the highest rated consultant being awarded the contract. Consultants on the consolidated list of debarred contractors are ineligible for consideration.

The proposal must contain four parts:

- ▶ **Technical** -- Describe the approach to be taken in addressing the scope of work.

This includes delineation of specific tasks to be undertaken.

- ▶ **Management and Staffing** -- Describe the management plan to be used and staffing configuration. This includes a project schedule showing start and completion dates for all major tasks, and a staff loading by task chart showing individuals' allocated time by task, and resumes of proposed personnel.
- ▶ **Prior Related Experience** -- Provide a brief description of the firm's related experience including contact person and phone number for each referenced job.
- ▶ **Cost and Pricing** -- Complete and submit the Cost and Price Detail form.

Part Three: EVALUATION CRITERIA

EVALUATION SHEET FOR:		
Applicant _____		
ITEM	Recommended Weight	Weights Used
1. Technical Approach/Understanding of Problems	<u>25</u>	
2. Work Management Plan	<u>20</u>	
3. Experience of Proposed Personnel	<u>20</u>	
4. Similar Experience Familiarity with Local	<u>20</u>	
5. Conditions	<u>15</u>	
TOTAL	<u>100</u>	

- Proposals will be reviewed by grantee's selection committee. Telephone interviews may be conducted.
- Address questions concerning this RFP to the Purchasing Director noted on the cover page of this RFP.
- Proposals will be evaluated on the basis of written materials and interviews, if deemed appropriate. It is not necessary that the consultant attend the meeting at which proposals are considered. Only one copy of the proposal and required supplemental information is required.

GENERAL TERMS AND CONDITIONS – Administrative Services

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. CAMPAIGN CONTRIBUTION DISCLOSURE AND PROHIBITION

7.1 A prospective contractor subject to the provisions of § 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 A – Campaign Contribution Disclosure Form

7.2 The form shall be filed with the Grantee as part of the competitive sealed proposal, or in the case of a sole source or small purchase contract, on the date on which the contract signs the contract.

7.3 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.

7.4 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 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.

7.5 A solicitation or proposed award for a proposed contract may be canceled pursuant to §13-1-181 NMSA 1978 or a contract that is executed may be ratified or terminated pursuant to §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 applicable public official's employees during the pendency of the procurement process.

7.6 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 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 that 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.

8. OTHER INSTRUCTIONS TO OFFERORS

NONE

COST AND PRICE DETAIL

Consultant: _____ Date of Proposal: _____

Address: _____

Total Price:

\$ _____

State Tax ID No. _____ Federal ID No. _____

A. Direct Labor (specify personnel by name)

		<u>Estimated # of days</u>	<u>Daily Rate</u>	<u>Estimated Cost</u>
1.				
2.				
3.				
4.				
5.				
6.				

Total Direct Labor \$ _____

B. Overhead/Indirect Cost

Total Estimated Cost \$ _____

C. Other Direct Costs

		<u>Estimated Cost</u>
1. Transportation	# of on-site visits _____	\$ _____
2. Per Diem	# of days @ \$ _____ / day	\$ _____
3. Reproduction	# of pages @ \$ _____ / page	\$ _____
4. Other (specify) _____		\$ _____

Total Other Direct Costs \$ _____

D. Subcontractors

		<u># of days of effort</u>	<u>Estimated Cost</u>
1.			
2.			
3.			

Total Subcontractors \$ _____

Total Estimated Costs (Lines A + B + C + D) \$ _____

Profit @ _____% \$ _____

TOTAL ESTIMATED PRICE \$ _____

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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 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 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): **Mayor: Louis "Louie" Bonaguidi;
Council Members: Linda Garcia, Michael Schaaf, Yogash
Kumar, and Fran Palochak**

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.)

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)