

CITY OF BELEN
PURCHASING OFFICE



REQUEST FOR PROPOSALS

RFP: 2013-02

CITY OF BELEN WASTEWATER TREATMENT PLANT BLOWER ADDITION

Published 1/5/13

PUBLIC NOTICE
REQUEST FOR PROPOSALS

Notice is hereby given that the City of Belen, New Mexico calls for Sealed Proposals for:

CITY OF BELEN WASTEWATER TREATMENT PLANT BLOWER ADDITION

An entire copy of this REQUEST FOR PROPOSALS may be obtained by contacting the City of Belen Procurement Specialist by providing the following:

Offeror's Contact Name and Company Name
Address
Phone Number AND Email Address

TO:
Leona Vigil
Procurement Specialist
100 South Main Street
City of Belen, NM 87002
Phone: 505-966-2740
Fax Number 505-864-8408
leona.vigil@belen-nm.gov

Interested parties may obtain a copy of the Construction Contract Bid Documents for a deposit of \$50.00 from:

ACADEMY REPROGRAPHICS
300 Central Avenue SE
Albuquerque, NM 87102
Phone: (505) 764-0000

Checks must be made to the City of Belen. No cash will be accepted. Deposit will be refunded for Contract Documents if returned in good, unmarked condition within 10 calendar days of the proposal opening. Checks will be retained and deposited by the City of Belen after this date.

Sealed Proposals must be received by the City of Belen, at the City of Belen, Municipal Building, 100 South Main Street, Belen, New Mexico 87002 no later than **JANUARY 28, 2013 at 2:00 P.M.**

The Procurement Code, Sections 13-1-28 through 13-1-199 NMSA 1978, imposes civil and misdemeanor criminal penalties for its violation. In addition, the New Mexico criminal statutes impose felony penalties for bribes, gratuities and kick-backs.

The City of Belen reserves the right to reject any/all Proposals and waive all informalities.

City of Belen

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I. INTRODUCTION

A. PURPOSE OF THIS REQUEST FOR PROPOSALS

The CITY OF BELEN is requesting competitive sealed proposals for the installation of a new centrifugal blower at the City's wastewater treatment plant, including mechanical and electrical equipment and all other necessary appurtenances. The successful firm will be required to execute a construction contract provided in the Contract Documents. The scope of services, including the time for performance will be as described in the Contract Documents.

B. SUMMARY SCOPE OF WORK

Work under this contract includes, but is not limited to, the following:

- Blower installation; electrical; mechanical; building and equipment modifications.
- Startup assistance

C. SCOPE OF PROCUREMENT

The scope of procurement is as described in the Contract Bid Documents entitled: *City of Belen Wastewater Treatment Plant Blower Addition - September 2012.*

D. PROCUREMENT SPECIALIST

The City of Belen has designated a Procurement Specialist who is responsible for the conduct of this procurement whose name; address and telephone number are listed below. All Deliveries via express carrier should be addressed as follows:

Leona Vigil
Procurement Specialist
100 South Main Street
City of Belen, NM 87002
Phone: 505-966-2740
Fax Number 505-864-8408
leona.vigil@belen-nm.gov

Any inquiries or requests regarding this procurement should be submitted to the Procurement Specialist in writing. Offerors may contact ONLY the Procurement Specialist regarding the procurement. Any question, comment or concern will be shared with all interested parties to this proposal.

II. CONDITIONS GOVERNING THE PROCUREMENT

This section of the RFP contains the schedule for the procurement, describes the major procurement events and the conditions governing the procurement.

A. SEQUENCE OF EVENTS

The Procurement Specialist will make every effort to adhere the following schedule:

	TASK	DATE COMPLETE
1	Issue RFP	01/05/13
2	Site Visit/Pre-Proposal Conference	N/A
3	Deadline to Submit Written Questions	01/11/13
4	Response to Written Questions	01/16/13
5	Submission of Proposals	01/28/13
6	Proposal Evaluation and Selection	1/29-31/13
7	Award of Contract to Selected Offeror; City Council	02/04/13
8	Protest Deadline	02/20/13
9	Preconstruction Meeting; Executed Contract; Notice to Proceed	02/21/13

B. EXPLANATION OF EVENTS

The following paragraphs describe the activities listed in the sequence of events shown in Section II, Paragraph A, above.

1. Issuance of RFP - The City of Belen is issuing this RFP.
2. Site Visit / Pre-Proposal Conference – Not Applicable

3. Deadline to Submit Written Questions - Offerors may submit written questions as to the intent or clarity of this RFP to the Procurement Specialist, as indicated in the Sequence of Events. All written questions must be addressed to the Procurement Specialist as declared in Section I, Paragraph D.
4. Response to Written Questions - Written responses to written questions will be distributed by email as indicated in the Sequence of Events to all potential Offerors whose organization name appears on the log of Offerors maintained by the Procurement Specialist.
5. Submission of Proposal - All offeror proposals must be received for review and evaluation by the procurement specialist or designee no later than **January 28, 2012 at 2:00 p.m.** Proposals received after this deadline will not be accepted. The date and time will be recorded on each proposal. Proposals must be addressed and delivered to the Procurement Specialist at the address listed in Section I, Paragraph D. Proposals must be sealed and labeled on the outside of the package to clearly indicate that they are in response to the RFP for the **City of Belen Wastewater Treatment Plant Blower Addition** Request for Proposals. Proposals submitted by facsimile or email will not be accepted.

A public log will be kept of the names of all offeror organizations that submitted proposals. Pursuant to Section 13-1-116 NMSA 1978, the contents of any proposal shall not be disclosed to competing offerors prior to contract award.

6. Proposal Evaluation and Selection - An evaluation committee will perform the evaluation of proposals. During this time, we may initiate discussions with offerors who submit responsive or potentially responsive proposals for the purpose of clarifying aspects of the proposals, but proposals may be accepted and evaluated without such discussion. Discussions SHALL NOT be initiated by the offerors.
7. Award of Contract to Selected Offeror - After review of the Evaluation Committee Report, the recommendation of the City of Belen management, the City of Belen will award the contract.

The contract shall be awarded to the offeror or offerors whose proposal is most advantageous, taking into consideration the evaluation factors set forth in the RFP. The most advantageous proposal may or may not have received the most points. The award is subject to City of Belen City Council approval. Upon this approval, a Notice of Award will be delivered to the successful Offeror, which will include instructions regarding Offeror's delivery of executed copies of the Contract Agreement and the required Bonds.

8. Protest Deadline - Any protest by an offeror must be timely and in conformance with Section 13-1-172 NMSA 1978 and applicable procurement regulations. The fifteen (15) day protest period for responsive offerors shall begin on the day following the contract award and will end as of close of business on the 15th day. Protests must be written and must include the name and address of the protestor and the request for proposals number. It must also contain a statement of grounds for protest including appropriate supporting exhibits, and it must specify the ruling requested from the City of Belen. The protest must be delivered to the City of Belen. Protests received after the deadline will not be accepted.
9. Preconstruction Meeting; Execute Contract Agreement - The successful Offeror will deliver the required copies of signed originals of the Contract Agreement to the Preconstruction Meeting for signature by the City of Belen. In addition, the successful Offeror will deliver the required copies of executed Bonds. A general discussion of the key elements of the Contract Documents will be conducted by the Engineer. Other project elements and issues will be discussed as needed between all project participants. A Notice to Proceed will also be issued at the Preconstruction meeting. This meeting will be held at the date and time indicated in the Sequence of Events.

C. GENERAL REQUIREMENTS - TERMS AND CONDITIONS

This procurement will be conducted in accordance with the New Mexico State Procurement Code, 13-1-1 through 199, NMSA 1978 and the State Purchasing Agent's procurement code regulations, 1.4.1 NMAC.

1. Acceptance of Conditions Governing the Procurement - Submission of a proposal constitutes acceptance of the Conditions Governing the Procurement and the Evaluation Factors contained in this RFP.
2. Incurring Cost - 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. Prime Contractor Responsibility - Any contract that may result from this RFP shall specify that the prime contractor is solely responsible for fulfillment of the contract with the City of Belen. The City of Belen will make contract payments to only the prime contractor.
4. Subcontractors - The prime contractor must perform all work that may result from this procurement. The prime contractor is responsible for all work that may result from this procurement. The contractor will act as the prime & project manager; subcontracting of work is allowed, but the prime is still responsible for the work completed. Subcontracting work does not absolve the prime contractor in any manner. **More specific requirements for subcontractors are included in the Standard General Conditions of the Construction Contract.**

5. Amended Proposals - An Offeror may submit an amended proposal before the deadline for receipt of proposals. Such amended proposals must be complete replacements for a previously submitted proposal and must be clearly identified as such in the transmittal letter. The City of Belen personnel will not merge, collate, or assemble proposal materials.
6. Offerors' Rights to Withdraw Proposal - Offerors will be allowed to withdraw their proposals at any time prior to the deadline for receipt of proposals. The offeror must submit a written withdrawal request signed by the offeror's duly authorized representative addressed to the Procurement Specialist. The approval or denial of withdrawal requests received after the deadline for receipt of the proposals is governed by the applicable procurement regulations.
7. Proposal Offer Firm - Responses to this RFP, including proposal prices, will be considered firm for ninety (60) days after the due date for receipt of proposals or sixty (30) days after receipt of a best and final offer if Offeror is invited or required to submit one.
8. Disclosure of Proposal Contents - The proposals will be kept confidential until a contract is awarded. At that time, all proposals and documents pertaining to the proposals will be open to the public, except for the material that is proprietary or confidential. The Procurement Specialist will not disclose or make public any pages of a proposal on which the offeror has stamped or imprinted "proprietary" or "confidential" subject to the following requirements:

Proprietary or confidential data shall be readily separable from the proposal in order to facilitate eventual public inspection of the non-confidential portion of the proposal. Confidential data is normally restricted to confidential financial information concerning the offeror's organization and data that qualifies as a trade secret in accordance with the Uniform Trade Secrets Act, 57-3A-1 to 57-3A-7 NMSA 1978. The price of products offered or the cost of services proposed shall not be designated as proprietary or confidential information.

If a request is received for disclosure of data for which an offeror has made a written request for confidentiality, the City of Belen shall examine the offeror's request and make a written determination that specifies which portions of the proposal should be disclosed. Unless the offeror takes legal action to prevent the disclosure, the proposal will be so disclosed. The proposal shall be open to public inspection subject to any continuing prohibition on the disclosure of confidential data.

9. No Obligation - This procurement in no manner obligates the City of Belen or any of its agencies to the use of any proposed professional services until a valid written contract is awarded and approved by the appropriate authorities.

10. Termination - This RFP may be canceled at any time and any and all proposals may be rejected in whole or in part when the City of Belen determines such action to be in the best interest of the City of Belen.
11. Sufficient Appropriation - Any contract awarded as a result of this RFP process may be terminated if sufficient appropriations or authorizations do not exist. Sending written notice to the contractor will effect such termination. The City of Belen's decision as to whether sufficient appropriations and authorizations are available will be accepted by the contractor as final.
12. Legal Review - The City of Belen requires that all offerors agree to be bound by the General Requirements contained in this RFP. Any offeror concerns must be promptly brought to the attention of the Procurement Specialist.
13. Governing Law - The laws of the State of New Mexico shall govern this procurement and any agreement with Offerors that may result.
14. Basis for Proposal - Only information supplied by the City of Belen in writing through the Procurement Specialist or in this RFP should be used as the basis for the preparation of Offeror proposals.
15. Offeror Qualifications - The Evaluation Committee may make such investigations as necessary to determine the ability of the Offeror to adhere to the requirements specified within this RFP. The Evaluation Committee will reject the proposal of any Offeror who is not a responsible Offeror or fails to submit a responsive offer as defined in Sections 13-1-83 and 13-1-85 NMSA 1978.
16. Right to Waive Minor Irregularities - The Evaluation Committee reserves the right to waive minor irregularities. The Evaluation Committee also reserves the right to waive mandatory requirements provided that all of the otherwise responsive proposals failed to meet the mandatory requirements and/or doing so does not otherwise materially affect the procurement. This right is at the sole discretion of the Evaluation Committee.
17. Change in Contractor Representatives - The City of Belen reserves the rights to require a change in contractor representatives if the assigned representatives are not, in the opinion of the City of Belen, meeting its needs adequately.
18. Notice - The Procurement Code, Sections 13-1-28 through 13-1-199 NMSA 1978, imposes civil and misdemeanor criminal penalties for its violation. In addition, the New Mexico criminal statutes impose felony penalties for bribes, gratuities and kick-backs.
19. City of Belen Rights - The City of Belen reserves the right to accept all or a portion of an offeror's proposal.

20. Right to Publish - Throughout the duration of this procurement process and contract term, potential Offerors, Offerors and contractors must secure from the City of Belen written approval prior to the release of any information that pertains to the potential work or activities covered by this procurement or the subsequent contract. Failure to adhere to this requirement may result in disqualification of the Offeror's proposal or termination of the contract.
21. Ownership of Proposals - All documents submitted in response to this Request for Proposals shall become the property of the City of Belen. However, any technical or user documentation submitted with the proposals of non-selected Offerors may be returned after the expiration of the protest period.
22. Electronic Mail Address Required - A large part of the communication regarding this procurement will be conducted by electronic mail (e-mail). Offeror must have a valid e-mail address to receive this correspondence.
23. State and Local Ordinances - In submitting a proposal, the Offeror represents that the Offeror has familiarized himself with the nature and extent of the RFP dealing with federal, state, and local requirements that are part of this RFP. The successful Offeror(s) shall perform work under the resultant Contract in strict accordance with the latest version of all federal, state and local codes, ordinances, and regulations governing the work involved. All materials and labor necessary to comply with the rules, regulations and ordinances shall be provided by the successful Offeror(s). In the event of a conflict between various codes and standards, the more stringent shall apply.
24. Status of Successful Offerors - The successful Offeror(s) is an independent contractor performing services for the City of Belen and neither he/she nor his/her agents or employees shall, as a result of the resultant Contract, accrue leave, retirement, insurance, bonding authority, use of City of Belen vehicles, or any other benefits, prerequisites or allowances normally afforded only to employees of the City of Belen. The successful Offeror(s) acknowledges that all sums received under the resultant Contract are personally reportable by him/her for income, self-employment and other applicable taxes.
25. Offeror's Additional Terms and Conditions - Offerors must submit with the proposal a complete set of any additional terms and conditions they expect to have included in a contract negotiated with the City of Belen.

III. RESPONSE FORMAT AND ORGANIZATION

A. NUMBER OF RESPONSES

Offerors shall submit only one proposal.

B. NUMBER OF COPIES

Offerors shall deliver four (4) identical copies of their proposal to the location specified in Section I, Paragraph D on or before the closing date and time for receipt of proposals.

C. PROPOSAL FORMAT

All proposals must be typewritten on standard 8 1/2 x 11 paper (larger paper is permissible for charts, spreadsheets, etc.) and placed within a binder with tabs delineating each section.

1. Proposal Content and Organization

The proposal must be organized and indexed in the following format and must contain, as a minimum, all listed items in the sequence indicated.

- a) Letter of Transmittal
- b) Table of Contents
- c) Proposal Summary
- d) Completed Bid Form From Contract Documents
- e) Response to Mandatory Specifications
- f) Response to City of Belen Terms and Conditions
- g) Campaign Contribution Disclosure Form
- h) Offeror's Additional Terms and Conditions
- i) Other Supporting Material
- j) Resident Veteran's Preference Certification - Appendix A (Optional)
- k) Resident Contractor's Certification Number - Appendix B (Optional)
- i) Campaign Contribution Form - Appendix C

Within each section of their proposal, Offerors should address the items in the order in which they appear in this RFP. All forms provided in the RFP must be thoroughly completed and included in the appropriate section of the proposal. All discussion of proposed costs, rates or expenses must occur only in a separate envelope with the cost response form.

Any proposal that does not adhere to these requirements may be deemed non-responsive and rejected on that basis.

The proposal summary may be included by Offerors to provide the Evaluation Committee

with an overview of the technical and business features of the proposal; however, this material will not be used in the evaluation process unless specifically referenced from other portions of the Offeror's proposal.

Offerors may attach other materials that they feel may improve the quality of their responses. However, these materials should be included as items in a separate appendix.

2. Letter of Transmittal

Each proposal must be accompanied by a letter of transmittal. The letter of transmittal MUST:

- a) identify the submitting organization
- b) identify the name and title of the person authorized by the organization to contractually obligate the organization
- c) identify the name, title and telephone number of the person authorized to negotiate the contract on behalf of the organization
- d) identify the names, titles and telephone numbers of persons to be contacted for clarification
- e) be signed by the person authorized to contractually obligate the organization
- f) acknowledge receipt of all amendments to this RFP.

IV. MANDATORY SPECIFICATIONS

Offerors should respond in the form of a thorough narrative to each mandatory specification. The narratives along with required supporting materials will be evaluated and awarded points accordingly.

A. Mandatory Specifications

1. Experience

Offerors must submit a statement of relevant experience. The documentation must thoroughly describe how the offeror has supplied expertise for similar contracts and work related to the **City of Belen Wastewater Treatment Plant Blower Addition**.

Offerors should include in their proposals documentation describing the extent of their experience and expertise and business knowledge, contacts, and connections.

2. References

Proposals must include two (2) external client references from clients who received similar services. The minimum information that must be provided about each reference is:

- a. Name of individual or company services were provided for
- b. Address of individual or company
- c. Name of contact person
- d. Telephone number of contact person
- e. Type of services provided and dates services were provided

3. Bonds and Insurance

Requirements for bonds and insurance are included in the construction Contract Documents.

V. EVALUATION

A. Evaluation Point Summary

The following is a summary of evaluation factors with point value assigned to each. These, along with the general requirements, will be used in the evaluation of Offeror proposals.

Short listing - A maximum total of 100 points are possible in scoring each proposal for the shortlist evaluation. The Selection Committee will evaluate the proposals and may or may not conduct interviews with Offerors applying for selection.

The evaluation criteria to be used by the Selection Committee for the proposal shortlist and the corresponding point values for each criterion are as follows:

- (1) Specialized competence of the business in the type of construction required, including a joint venture or association, regarding the type of services required **25 points**
- (2) Capacity and capability of the business to perform the work, including any specialized services, within the time limitations **15 points**
- (3) Past record of performance on contracts with government agencies and private industry with respect to such factors as control of costs, quality of work, and ability to meet schedules **20 points**
- (4) Proximity to or familiarity with the area in which the project is located. **15 points**
- (5) Evidence of understanding of scope of work, the site, and existing conditions..... **25 points**

- TOTAL 100 POINTS**

INTERVIEW (if required) - Approximately 100 points are possible in scoring each interview for this RFP. The Selection Committee will provide a list of questions relevant to the project. These questions shall be addressed to the firms at the interview. Each question will carry equal point value. The interview will allow time for a question and answer session in response to the prepared questions.

PREFERENCES - Preferences for Resident Contractors and Veteran's preferences will be applied for Offerors providing the required certifications for these programs.

B. Shortlist Evaluation Factors

A brief explanation of each evaluation category is listed below. Information in one category may overlap information in other categories. Offerors are encouraged to fully address each category completely, as points are assigned for responses to each separate category.

1. Specialization- Provide information about the firm's specific technical experience with similar projects that demonstrate competence to successfully complete the project. Indicate the relevance of previous projects to the anticipated scope of work. Demonstrate the successful aspects of past projects and the corresponding applications to the proposed scope of work.
2. Capacity and Capability- Provide information about the business that demonstrates the ability to provide sufficient professional competence, meet time schedules, accommodate cost considerations and project administration requirements. Indicate the relationship of the work in this RFP to the firm's other current projects. Indicate proposed work schedules and milestones, with completion methods and strategies. Indicate key project team members and their specific rolls, experience and background. Demonstrate or indicate project team organization and working relationships. Other items could include references from clients, financial institutions and insurance carriers.
3. Past Record of Performance- Demonstrate through historical documentation that the firm has the ability to meet schedules and budgets, as well as user program goals, and final construction project costs. Include information regarding owner budgets, construction estimates, bidding and completed project cost including change order information. Project schedules should provide information about the progress of work as related to owner schedules and goals as well as the overall success of projects and client satisfaction. References from past clients can be included.
4. Proximity to or Familiarity with Site Location- Indicate previous knowledge or experience regarding the project location, and any current work which could enhance the firm's ability to provide timely responses or special expertise to project needs.
5. City of Belen Produced Work- It is in the City of Belen's best interest to support local businesses. Indicate the volume of work to be produced in City of Belen by a City of Belen firm or firms. Identify any out-of-state subcontractors or suppliers that will be involved on the project and the extent of services to be provided by that firm or firms.

6. Volume of Work Previously Awarded- Firms shall be scored on any project that has been previously awarded and is, on the date of the submittal, less than 75% complete (see definitions for clarification of "75% complete"). Information on the status of past project awards shall be included in the "Project Listing Form" as a requirement of this RFP. The following formula on fees for projects awarded that are less than 75% complete shall be utilized in assessing scores:

\$ 25,000	to	\$ 35,000	1 point deducted
\$ 35,001	to	\$ 50,000	2 points deducted
\$ 50,001	to	\$100,000	3 points deducted
\$100,001	to	\$150,000	4 points deducted
\$150,001	and over		5 points deducted

7. Evidence of Understanding of the Scope - Describe in detail the anticipated scope of work for the project. Include information about the project site, project administration, scheduling, budget and programmatic user requirements.

A serious deficiency in any one category may be grounds for rejection of the proposal regardless of the overall score.

APPENDIX A

Resident Veterans' Preference Certification

_____ (NAME OF CONTRACTOR) hereby certifies the following in regard to application of the resident veterans' preference to this procurement:

Pursuant to 13-1-21, Section 5 Paragraph F NMSA 1978 I certify that my business has not exceeded the aggregate of ten million dollars (\$10,000,000.00) in public works contracts by public bodies for the last calendar year starting January 1 and ending December 31.

Please check one box only

- I declare under penalty of perjury that my business prior year revenue starting January 1 ending December 31 is less than \$1M allowing me the 10% preference discount on this bid or proposal. I understand that knowingly giving false or misleading information about this fact constitutes a crime.
- I declare under penalty of perjury that my business prior year revenue starting January 1 ending December 31 is more than \$1M but less than \$5M allowing me the 8% preference discount on this bid or proposal. I understand that knowingly giving false or misleading information about this fact constitutes a crime.
- I declare under penalty of perjury that my business prior year revenue starting January 1 ending December 31 is more than \$5M allowing me the 7% preference discount on this bid or proposal. I understand that knowingly giving false or misleading information about this fact constitutes a crime.

I declare under penalty of perjury that this statement is true to the best of my knowledge. I understand that giving false or misleading statements about material fact regarding this matter constitutes a crime.

(Signature of Business Representative)* (Date)

*Must be an authorized signatory for the Business.

The representations made in checking the boxes constitutes a material representation by the business that is subject to protest and may result in denial of an award or unaward of the procurement involved if the statements are proven to be incorrect.

APPENDIX B

Resident Contractor Preference Certification Number

In accordance with NMSA 13-1-22, a contractor shall acquire a certification number from the New Mexico Taxation and Revenue Department prior to bidding or proposing on a contract as a Resident Contractor.

This is to certify that _____ has been certified as a
(Business Name)

Resident Contractor by the New Mexico Taxation and Revenue Department.

Certification Number: _____

Authorized Signature: _____ Date _____

APPENDIX C

Campaign Contribution Disclosure Form

Pursuant to NMSA 1978, § 13-1-191.1 (2006), any person seeking to enter into a contract with any state agency or local public body for professional services, a design and build project delivery system, or the design and installation of measures the primary purpose of which is to conserve natural resources must file this form with that state agency or local public body. This form must be filed even if the contract qualifies as a small purchase or a sole source contract. The prospective contractor must disclose whether they, a family member or a representative of the prospective contractor has made a campaign contribution to an applicable public official of the state or a local public body during the two years prior to the date on which the contractor submits a proposal or, in the case of a sole source or small purchase contract, the two years prior to the date the contractor signs the contract, if the aggregate total of contributions given by the prospective contractor, a family member or a representative of the prospective contractor to the public official exceeds two hundred and fifty dollars (\$250) over the two year period.

Furthermore, the state agency or local public body shall void an executed contract or cancel a solicitation or proposed award for a proposed contract if: 1) a prospective contractor, a family member of the prospective contractor, or a representative of the prospective contractor gives a campaign contribution or other thing of value to an applicable public official or the applicable public official's employees during the pendency of the procurement process or 2) a prospective contractor fails to submit a fully completed disclosure statement pursuant to the law.

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, which 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.

“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) _____

(Attach extra pages if necessary)

APPENDIX D

Definition of Terminology

This section contains definitions and abbreviations that are used throughout this procurement document.

"Contract" means a written agreement for the procurement of items of tangible personal property or services.

"Contractor" means a successful offeror who enters into a binding contract.

"Determination" means the written documentation of a decision by the Procurement Specialist including findings of fact supporting a decision. A determination becomes part of the procurement file.

"Desirable" The terms "may", "can", "should", "preferably", or "prefers" identify a desirable or discretionary item or factor (as opposed to "mandatory").

"Evaluation Committee" means a body appointed by the City of Belen management to perform the evaluation of offeror proposals will be chaired by the Procurement Specialist.

"Evaluation Committee Report" means a document prepared by the Procurement Manager and the Evaluation Committee for submission to the City of Belen Governing Body for contract award. It contains all written determinations resulting from the procurement.

"Finalist" is defined as an offeror who meets all the mandatory specifications of this Request for Proposals and whose score on evaluation factors is sufficiently high to merit further consideration by the Evaluation Committee.

"Mandatory" The terms "must", "shall", "will", "is required", or "are required", identify a mandatory item or factor (as opposed to "desirable"). Failure to meet a mandatory item or factor will result in the rejection of the offeror's proposal.

"Offeror" is any person, corporation, or partnership that chooses to submit a proposal.

"Procurement Specialist" means the person or designee authorized by the City of Belen to manage or administer a procurement requiring the evaluation of competitive sealed proposals.

"Request for Proposals" or "RFP" means all documents, including those attached or incorporated by reference, used for soliciting proposals.

"Responsible Offeror" means an offeror 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 or items of tangible personal property described in the proposal.

"Responsive Offer" or "Responsive 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.