



**REQUEST FOR PROPOSALS FOR
CONSTRUCTION**

RFP NUMBER 02-15-16

**NEW OFFICE BUILDING
TAOS, NEW MEXICO**

MAY 27, 2016

TAOS SOIL & WATER CONSERVATION DISTRICT

DEADLINE FOR RECEIPT OF PROPOSALS: Date: July 14, 2016 / Time: 2:00 PM MDT

DELIVER TO: Tanya Duncan, Taos SWCD, Juan I. Gonzales Agricultural Center, 202 Chamisa Road, Ste. A, Taos, New Mexico 87571.

BE ADVISED: *Late Proposals will not be accepted. It is the responsibility of the Offeror to ensure that proposals are delivered on time to the correct electronic website or District address stated in the solicitation.*

A NON-MANDATORY PRE-PROPOSAL CONFERENCE WILL BE HELD ON June 29, 2016 at 2:30 AM. MDT

LOCATION: Taos SWCD, Juan I. Gonzales Ag. Center, 202 Chamisa Road, Taos, NM 87571

Note: *Any unauthorized change to the language or forms issued in this Project Manual or identified in any addenda shall render your proposal 'nonresponsive.'*

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I. OVERVIEW OF RFP AND PROJECT

A. PURPOSE OF THIS REQUEST FOR PROPOSALS

Pursuant to the NM Procurement Code governing the competitive sealed proposal process for construction, more specifically 13-1-111, NMSA 1978, 1.4.1.29 through 1.4.1.1.46, and NMAC 1.4.8.1 through 1.4.8.17, the Taos SWCD has made a determination that the use of the competitive sealed bidding method of procurement is not advantageous to ensure that the project described herein is delivered in a quality manner, and within time and budget constraints. Therefore, it is hereby determined that soliciting qualifications based sealed proposals for construction of Taos Soil & Water Conservation District's New Office Building is the most effective means to ensure the project is delivered accordingly. Any contract awarded as a result of this solicitation will be in effect from date of award.

All potential Offerors are to read, understand and accept the requirements of this Request for Proposals (RFP), especially the mandatory requirements.

This is a qualifications-based selection with cost as a consideration. The Offeror is required to provide, as part of the Technical Proposal, the qualifications and other documents requested in this RFP. The Price Proposal will be evaluated separately from the Technical Proposal.

The award of a contract for construction shall take into consideration certain contractor qualification and performance factors that add value to a procurement contract. Factors such as contractor past performance, technical expertise and experience, management capabilities and resources, subcontractor teams and craft personnel resources, will form the basis for the criteria to be considered, in addition to lump sum price to perform the scope of work. Award shall be made in accordance with the terms conditions, and requirements stated herein.

B. PROJECT DESCRIPTION

The project is described as:

The project is located at 220 Chamisa Road, Taos, NM 87571 and consists of the construction of a + 5700 SQ. FT. office building with wood framing, exterior stucco finish, interior drywall finish, pre-engineered trusses, metal roofing, post and beam portals and all required utilities for new construction including site work, parking, sidewalks, landscaping and all other work as specified or implied in the construction documents.

Three alternates consist of a garage (Add Alternate #1), a solar panel parking cover (Add Alternate #2) and 3-rail wood fencing (Add Alternate #3) as described in the Construction Documents.

C. PROJECT FUNDING

The Taos SWCD has funds to administer this project and will be referred to throughout the contract documents as "Owner".

The Design Professional estimate of probable construction cost (including Add Alternates) is: **\$ 1,950,000.00**

NOTE: This estimate does not include NM Gross Receipts Tax

D. NON- MANDATORY PRE-PROPOSAL MEETING

Attendance at the pre-proposal meeting is **NOT** mandatory. The Non-Mandatory Pre-Proposal Conference will be Held on June 29, 2016 at 2:30 p.m. MDT

Location: Taos SWCD Office, Juan I. Gonzales Ag. Center, 202 Chamisa Road, Taos, NM 87571

All prime contractors who intend to submit a proposal for this project, **should** attend this meeting. A tour of the project site will be conducted following the pre-proposal meeting.

E. PROPOSAL SECURITY

Offeror shall provide proposal security in the form of a surety bond executed by a surety company authorized to do business in the State of New Mexico in the amount of **5%** of the total price proposal, or the equivalent in cash by means of a cashier's check or in a form satisfactory to the Owner, must accompany each price proposal.

The Offeror will provide, with the proposal, a notarized declaration from a bonding company licensed to do business in the State of New Mexico confirming the Offeror's ability to obtain Performance; Labor, and Materials Payment Bond in an amount not less than 100% of the price proposal, plus New Mexico Gross Receipts Tax.

No Offeror may withdraw his proposal for **45 days** after the actual date of the opening thereof.

F. SUBCONTRACTOR LISTING FORMS

This RFP includes two Subcontractor Listing Forms, each with its own value threshold and separate meaning. The "Combined List of Subcontractors and Assignment of Anti-Trust Claims" is included as Appendix C and must be completed and included in the Price Proposal. The Listing Form for Submission of Subcontractor Qualifications Questionnaires" is included as Appendix I and must be completed and included in Tab 3 of the Technical Proposal.

G. NEW MEXICO PREVAILING WAGE RATES

Wages to be paid as a result of a contract awarded for this project will be subject to the minimum wage rate determination by the State of New Mexico, which is included in the Project Manual. This determination will become part of the contract by reference and must be posted, per State of New Mexico Statutes, in a conspicuous place at the Prime Contractor's place of business. It is the Prime Contractor's responsibility to be aware of the applicable State of New Mexico statutes and responsibilities related thereto. Failure by the Owner to physically make such minimum wage rate determinations available to the Prime Contractor will not relieve the Prime Contractor from becoming aware of or complying with such determinations.

H. PERMITS, PLAN CHECKING FEES, OTHER CHARGES

Offerors shall include as part of the Price Proposal all costs incurred for permits relating to this scope of work, including any Plan Checking Fees as charged by the State of New Mexico (or any other applicable entity or agency with jurisdiction over the project) for checking Contract Documents prior to obtaining a building permit. Additionally, the Owner will not pay for business licenses,

professional affiliations and similar costs of doing business which are the Offeror's obligation to secure and maintain. The cost of all bonding will be paid by the Offeror and will not be paid by the Owner. These costs are to be included in Offeror's Price Proposal.

I. METHOD OF AWARD

The Owner intends to award this Project to the highest ranked Offeror in accordance with the Request for Proposals requirements. The Owner reserves the right to reject any and all proposals, to waive technical irregularities, and to award the contract to the Offeror whose proposal it deems to be in the best interest of the Owner.*

***NOTE: Please read all of the RFP documents carefully for mandatory requirements.**

II. CONDITIONS GOVERNING THE PROCUREMENT

This section lists the major events of the Selection Process and specifies general requirements.

A. SEQUENCE OF SELECTION PROCESS EVENTS

Event	Responsible Party	Date	Location
1. Issue RFP	Taos SWCD	June 23, 2016	Public Advertisement
2. RFP and Construction Documents Made Available to Potential Offerors	Contract Architect	June 24, 2016	Construction Reporter, Albuquerque, NM
3. Non-Mandatory Pre-proposal Conference	Taos SWCD and Design Professional	June 29, 2016 2:30 PM	Taos SWCD
4. Submission of Requests for Prior Approval of Product Substitutions	Potential Offerors	10 days prior to submission of Proposal	Sent to Design Professional's office
5. Submission of Written Questions	Potential Offerors	7 days prior to submission of Proposal	Sent to Design Professional's office
6. Release of Last Addendum Prior to Submission of Proposals	Taos SWCD and Design Professional	3 days prior to submission of Proposal	Issued to All Potential Offerors
7. Submission of Proposals	Offerors	July 14, 2016 2:30 PM deadline	Taos SWCD
8. Submission of Subcontractors' Qualifications Forms	Offerors	July 18, 2016 10:00 AM deadline	Taos SWCD
9. Proposal Evaluation	Evaluation Committee	To be determined	Taos SWCD Offices
10. Notice of Finalists interviews are held)	(if Taos SWCD	To be determined (only if needed)	
11. Interviews of Finalists interviews are held)	(if Evaluation Committee	To be determined (only if needed)	Taos SWCD Offices
12. Contract Negotiations	Short list Offerors	To be determined	Taos SWCD Offices
13. Best and Final Offers	Short list Offerors	To be determined (only if needed)	Taos SWCD Offices
14. Taos SWCD Board Approval	Taos SWCD	To be determined	Taos SWCD Board Meeting
15. Notice of Award	Taos SWCD	1 day after Taos SWCD Board Mtg.	Taos SWCD Offices
16. Courtesy Notice	Taos SWCD	1 day after Taos SWCD Board Mtg.	Taos SWCD Office

NOTICE: Taos SWCD reserves the sole right, without incurring any liability, to change any aspect of the proposed procurement described above, including the right not to proceed with the procurement and/or the right to proceed in a different manner or on a different timeline than as described above.

B. EXPLANATION OF SELECTION PROCESS EVENTS

1. Issue RFP

This RFP is issued by Taos SWCD in accordance with the provisions of Sections §13-1-111 and §13-1-117 NMSA 1978.

The Request for Proposals (RFP) documents consist of all the documents listed in the Table of Contents and all documents incorporated in this RFP by reference, including the complete Project Manual, Technical Specifications, and Construction Drawings.

2. RFP and Construction Documents Made Available to Potential Offerors

Proposal Documents (RFP, construction drawings, & specifications) may be obtained at Construction Reporter upon payment of **\$200.00** for each complete set. **CHECKS SHOULD BE MADE PAYABLE TO Taos Soil & Water Conservation District.** Incomplete sets will not be issued. The successful Offeror will receive a refund of his deposit, and any unsuccessful Offeror who returns the Proposal Documents in good and complete condition within fifteen (15) days of the Proposal Opening will also receive a refund of this deposit. No deposits will be returned after the fifteen-day period.

RFP & Construction Documents may be reviewed at the following locations:

Design Professional of Record: Roy Woods
Conron & Woods Architects
Address: 1222 Luisa St. #A
Santa Fe, NM 87505
Telephone: 505-983-6948

1. Construction Reporter, 1609 Second Street NW, Albuquerque, NM 87102
Telephone: (505) 243-9793

3. NON - Mandatory Pre-Proposal Conference

This meeting provides potential Offerors an opportunity to request clarification about the procurement process and discuss the intent of the project with Taos SWCD. Subcontractors and suppliers are invited to attend this meeting.

During the meeting a presentation will be made to describe the overall scope of work and intended schedule. This meeting will include a tour of the project site and existing facilities. In addition to attending the pre-proposal meeting, Prospective Offerors shall visit the site and understand the local conditions and restrictions under which the Work will be performed.

If attendees of the pre-proposal meeting have any questions that cannot be answered at that time they will be addressed in a subsequent addendum.

4. Submission of Requests for Prior Approval of Product Substitutions

Requests for prior approval of product substitutions shall follow the requirements of Project Manual Section 0 1600-1 Product Substitution Procedures. The deadline for requests is set at least 10 calendar days prior to the Proposal Submission date to allow the Design Professional to evaluate the request and respond in an addendum.

5. Submission of Written Questions

This deadline for the submission of written questions is set at least 7 calendar days prior to the Proposal Submission to allow the Taos SWCD and the Design Professional to respond in an addendum.

During the period of the bidding, your points of contact (hereinafter called “POC”) will be limited to the Design Professional and Mrs. Tanya Duncan, RFP Procurement Manager Taos SWCD. The Design Professional and Mrs. Duncan have been designated as the contact persons for this RFP. No Offeror may contact any Taos SWCD employee, officer or member of the Board other than Mrs. Tanya Duncan regarding this RFP through the date of the Contract. Any Proposer who makes such unauthorized contact shall be deemed to have violated the terms and conditions of this RFP and Offeror’s proposal may be rejected as a result.

All questions, both those regarding the selection process and those regarding technical construction issues, shall be submitted in writing to the Design Professional, who will route them to Taos SWCD Procurement as required.

Responses to all questions will be incorporated into Addenda issued subsequently by the Design Professional.

Design Professional: Henry Avila w/CC to Andrea Mueller
Conron & Woods Architects
Address: 1222 Luisa St #A
Santa Fe, NM 87505
Telephone: 505-983-6948
Email: henry@conronandwoods.com
andrea@conronandwoods.com

Taos SWCD Procurement Contact: Tanya Duncan
RFP Procurement Manager
Taos Soil & Water Conservation District
Juan I. Gonzales Agricultural Center, Ste. A
202 Chamisa Road
Taos, NM 87571
Telephone: 575-751-0584
Fax: 575-751-9253
Email: tswcd2@newmex.com

Note: Above address is a physical address. USPS will not deliver to this address.

6. Last Addendum Prior to Submission of Proposals

This is the deadline by which the Design Professional must issue all addenda for the project so that Offerors have time to finalize their proposals, and is set at least 3 calendar days prior to the Proposal Submission. The only exception to this deadline is issuance of an addendum that postpones the date for the Submission of Proposals.

By this deadline, the Design Professional (in consultation with Taos SWCD) shall have responded by addendum to all properly submitted Requests for Prior Approval and all properly submitted written questions.

All addenda shall become part of the Request for Proposals and any information required shall be included in each Offeror's proposal. The Design Professional will distribute all addenda in writing to all recipients of the RFP.

7. Submission of Proposals

- a) Receipt of Proposals – Each proposal will consist of Volume 1 - Technical Proposal (one original and five copies) and the Volume 2 - Price Proposal (one original). These two volumes shall be submitted in two separate sealed envelopes or packages. Clearly label each envelope or package with the RFP number, volume number & name, Offeror's name, address and date of submittal.

Offeror shall deliver proposals to:

Taos Soil & Water Conservation District
Juan I. Gonzales Agricultural Center, Ste. A
202 Chamisa Road
Taos NM, 87571

ATTENTION: Tanya Duncan, RFP Procurement Manager
Telephone: 575-751-0584

Note: Above address is a physical address. USPS will not deliver to this address.

The outer package MUST specify that it is for "Request for Proposals #02-15-16". If the package is not properly labeled it may not be opened and it may be rejected and returned to the Offeror. Taos SWCD will make the determination.

Taos SWCD will time-stamp proposals upon arrival at the Taos SWCD Office and hold in a secure location. A public log will be kept of the names and submittal times of all proposals. Proposals delivered after the deadline will be deemed non-responsive, and will be returned unopened to the Offeror. It is solely the Offeror's responsibility to ensure that Proposals arrive at the appointed date, time and location. Proposals may be delivered early to avoid any possible delay of the submission.

Proposals may be hand carried/delivered or shipped/mailed by common carrier, courier or US Postal Service. No other method of delivery will be allowed. Telephone, telegraphic, facsimile and email offers will NOT be accepted.

- b) Opening of Proposals – In accordance with §13-1-116 NMSA 1978, proposals will NOT be opened publicly and shall not be open to public inspection until after award of the contract. The Taos SWCD Procurement Manager will designate one or more witnesses to be present during the opening of the proposals. The witness(es) and Procurement Manager will sign an affidavit identifying the offerors' proposal contents for the procurement file.

8. Submission of Subcontractors' Qualifications Forms

This is the deadline by which the Offerors must have submitted all required copies of the Subcontractors' Statements of Qualifications for Tab 3 of the original Technical Proposal AND must have submitted all required copies of the complete Technical Proposal. This provision is allowed so that an Offeror's submission is not jeopardized due to the volume of copies that must be made and collated. **(IMPORTANT: The Offeror must already have submitted one original of the "Listing Form for Submission of Subcontractor Qualifications Questionnaires" behind Tab 3 of the Technical Proposal by the deadline for Submission of Proposals).**

9. Proposal Evaluation

The Evaluation Committee will meet to review all proposals. The technical proposal evaluation will be scored first and independently of the price proposal evaluation, as described in detail in a later section of this RFP. The Evaluation Committee may decide to hold interviews with the highest-ranked Offerors. The Evaluation Committee reserves the right to award the contract without interviews. If fewer than three proposals are received, the Evaluation Committee may recommend award or may reissue the RFP. The Committee shall determine the rankings without the possibility of a tie.

10. Notice of Finalists (if interviews are to be held)

If the Evaluation Committee decides to hold interviews, Taos SWCD Procurement Manager shall notify all Offerors in writing stating which Offerors will be invited to interview.

Note: The Evaluation Committee may hold interviews with the highest-ranked proposals, where there is a natural break in the scoring. The number of interviews, if held, will be at the discretion of the Evaluation Committee. The Evaluation Committee reserves the right to award the contract without interviews. If interviews are not held, the decision shall be documented for the procurement file.

11. Interviews of Finalists (if interviews are held)

If interview(s) are to be held, the date, time, and location of the Interview Meeting will be included with the notice to those Offerors selected for interview. A list of questions shall be distributed to the Finalist Offerors that includes the points to be allocated to each question.

Note: A "Pre-Interview" meeting may be held by Taos SWCD Procurement Manager, if it is determined it is in the best interest of the short-listed Offerors and the Project, to answer

questions regarding the interview process, and to distribute the list of prepared questions to be addressed.

12. Contract Negotiations

Taos SWCD reserves the right to enter into negotiations with the short-listed Offerors per §13-1-115 NMSA 1978 regarding provisions that are in addition to or different from those contained in this RFP or the Contract Documents. The contents of this RFP, as revised and/or supplemented, and the successful Offeror's proposal will be incorporated into and become part of the Contract. Contract negotiation is at the sole election of Taos SWCD. If Taos SWCD does not enter into negotiations with any Offeror then award shall be made based on the terms of this RFP and the Contract Documents, without modification.

13. Best and Final Offers

Taos SWCD reserves the right to request Best and Final Offers (BAFOs). Taos SWCD is under no obligation to request BAFOs. Taos SWCD may make its selection based on the initial proposals, interviews (if held) and contract negotiations (if held).

If Taos SWCD requests BAFOs, short-listed Offerors selected for interviews or contract negotiations will be so advised. Offerors may be requested and/or allowed to revise their Proposals, including correction of any weaknesses, minor irregularities, errors and/or deficiencies identified to the Offerors during interviews. The request for BAFOs will allow adequate time for the Offerors to revise their Proposals. Upon receipt of BAFOs, the process of proposal evaluation will be repeated, although no additional interviews or contract negotiations will be held. The evaluation committee will consider the revised information and re-evaluate and revise ratings as appropriate. All efforts will be made to make a selection based on initial Proposals, interviews (if any) and contract negotiations (if any). Offerors are not required to submit a BAFO in response to a request. If no BAFO is submitted, the evaluation committee will evaluate the Offeror based solely upon the initial Proposal, interviews (if any) and contract negotiations (if any).

14. Taos SWCD Board Approval

Taos SWCD shall present the selected Offeror's proposal to the Board for approval at their next regularly scheduled meeting. If voted on by the Board, they will do so during open session.

15. Notice of Award

Taos SWCD shall prepare the Notice of Award and send it to the selected Offeror.

16. Courtesy Notice

Taos SWCD Procurement Manager shall prepare a courtesy letter to all Offerors stating which Offeror is being awarded the contract. Taos SWCD Procurement Manager will maintain at least one copy of each Offeror's proposal. Proposals remain the property of SWCD and are open for public inspection after issuance of the Notice of Award.

C. STANDARD CONDITIONS GOVERNING THE PROCUREMENT

This section contains guidelines under which this RFP is issued, and conditions concerning how the project will be completed.

The Owner may evaluate the Proposals based on the anticipated completion of all or any portion of the Project. The Owner reserves the right to divide the Project into multiple parts, to reject any and all Proposals and re-solicit for new Proposals, or to reject any and all Proposals and temporarily or permanently abandon the Project, should the need arise. Owner makes no representations, written or oral, that it will enter into any form of agreement with any Offeror.

1. Protests

In accordance with Section §13-1-172 NMSA 1978, any Offeror who is aggrieved in connection with a solicitation or the award of a contract may protest to the Procurement Manager. The protest must be submitted in writing within fifteen (15) calendar days after knowledge of the facts or occurrences giving rise to the protest. Protests must be submitted in written form to:

Taos Soil & Water Conservation District
Attn: Tanya Duncan
Taos Soil & Water Conservation District
Juan I. Gonzales Agricultural Center, Ste. A
202 Chamisa Road
Taos NM, 87571
Or tswcd2@newmex.com

Note: Above address is a physical address. USPS will not deliver to this address.

The protest letter shall include the name and address of the protestant, the solicitation number, and a statement of the grounds for protest, including appropriate supporting exhibits.

2. Incurring Cost

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

3. Third-Party or Subcontracting Prime Contractor Contract Responsibilities

Direction of all work that may result from this procurement must be performed by the Offeror and payments will only be made to the Offeror. Use of consultants identified in the proposal is permitted, but since the award is made on a quality-based evaluation process, reassignment of Prime Contractor duties and responsibilities to a third party is not acceptable.

4. Amendments or Modifications to a Proposal by Offeror

An Offeror may submit an amended proposal prior to the deadline for receipt of proposals. Such an amended proposal must be a complete replacement for a previously submitted proposal and must be clearly identified as such in the transmittal letter. Owner personnel will not collate or assemble proposal materials for the Offeror.

5. Offeror's Rights to Withdraw Proposal

No Offeror may withdraw their proposal for **45 days** after the date for submission of proposals (Proposal Due Date).

6. Disclosure of Proposal Contents

In accordance with §13-1-116, Proposal contents will be kept confidential until conclusion of successful contract negotiations.

At that time, all proposals will be open to the public, except for the material which has clearly been noted by the Offeror and determined by the Taos SWCD Procurement to be proprietary or confidential. Taos SWCD will comply with the provisions of the Inspection of Public Records Act (§14-2-4 NMSA 1978).

7. Confidential Data

Confidential data is normally restricted to confidential financial information concerning the Offeror's organization and data that qualifies as a trade secret under the Uniform Trade Secrets Act, Sections NMSA 1978 §57-3A-1. Any pages of a proposal on which the Offeror has stamped or imprinted "proprietary" or "confidential" must be readily separable from the proposal in order to facilitate public inspection for the non-confidential portion of the qualifications-based proposal.

8. Termination of RFP

This RFP may be canceled at any time and any and all proposals may be rejected in whole or in part when the Owner determines such action to be in the best interest of Taos SWCD. The RFP process may be terminated at any time if sufficient appropriations or authorizations do not exist. Such termination will be effected by sending written notice to the Offeror. The Taos SWCD's decision as to whether sufficient appropriations and authorizations are available shall be final.

9. Sufficient Appropriation

Any contract awarded as a result of this RFP process may be terminated if sufficient appropriations or authorizations do not exist. Such termination will be effected by sending written notice to the contractor. The Owner's decision as to whether sufficient appropriations and authorizations are available shall be final.

If the determination is made that there is insufficient funding to continue or finalize a project, the successful Offeror will be compensated to the level of effort performed, as authorized by the Owner prior to that determination.

10. Offeror Qualifications

The Evaluation Committee may consider any relevant information or data, from any reliable source (references) relating to the RFP evaluation factors and the Offeror's ability to successfully perform the project. Such information may be obtained from the Offeror's prior customers, commercial and public databases or other reliable sources. The Offeror shall

furnish to Owner all such information and data for this purpose as Owner may request including but not limited to proof of financial resources, production or service facilities, personnel and experience adequate to complete the project. Owner reserves the right to reject any Proposal if the evidence submitted by, or investigation of, such Offeror fails to satisfy Owner that such Offeror is qualified to carry out the obligations of the Contract and to complete the work described therein.

The Evaluation Committee may 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.

11. Right to Waive Technical Irregularities

The Evaluation Committee reserves the right to waive technical irregularities, in accordance with §13-1-132 NMSA 1978 see “Technical Irregularities” in Definitions and Terminology section below). The Evaluation Committee also reserves the right to waive mandatory requirements provided that all of the otherwise responsive proposals failed to meet the same mandatory requirements and the failure to do so does not otherwise materially affect the procurement. This right is at the sole discretion of the Evaluation Committee.

12. Potential Civil and Criminal Penalties

The Procurement Code, Sections §13-1-28 through §3-1-199 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 kickbacks.

13. Release of Information

Only the Owner, and the Design Professional when acting as the Owner’s representative, are authorized to release information about the project(s) covered by this RFP. The Offerors must refer to the Owner any requests to release any information that pertains to the work or activities covered by any action or award related to this RFP.

All requests for information must be submitted to:

Taos Soil & Water Conservation District
Attn: Tanya Duncan
Taos Soil & Water Conservation District
Juan I. Gonzales Agricultural Center
202 Chamisa Road, Ste. A
Taos NM, 87571

Note: Above address is a physical address. USPS will not deliver to this address.

14. Clarifications from Offerors

The Evaluation Committee, after review of the proposals and/or Interviews may request clarifications on information submitted by any and all Offerors in a written format, with a specified deadline for response.

15. Licensing Requirements

The Contractor and subcontractors shall comply with all licensing laws and regulations. The Contractor shall, as part of the proposal, provide copies of all of the Contractor’s valid licenses necessary to perform the work in the State of New Mexico. Copies of the subcontractors’ licenses need be provided only if requested by the Owner.

16. Subcontractors

The Subcontractors Fair Practices Act, §13-4-31, et seq. NMSA 1978, applies to this procurement. Therefore, any request for substitution on the part of the Owner or the Offeror shall comply with this section.

Since the award is made on a qualification-based evaluation process, replacement of subcontractors after award and prior to contract execution may cause the Offeror to be disqualified.

17. Objection to Pre-Listed Subcontractors

Prior to the award of the Contract, the Design Professional will notify the Offeror, in writing, if either the Owner or the Design Professional, after due investigation, has reasonable and substantial objection to any person or organization on such list, and refuses in writing to accept such person or organization, the Offeror may, at their option, (1) withdraw their bid, or (2) submit an acceptable substitute Subcontractor with no increase in the bid price. In the event of withdrawal under this paragraph, Bid Security will not be forfeited, notwithstanding anything to the contrary elsewhere in this RFP.

18. Non-Conforming Proposals

Proposals will be reviewed, for completeness, format and compliance with the requirements of the RFP. Incomplete proposals may be considered non-responsive and subject to rejection.

Proposals that are qualified with conditional clauses, alterations, items not called for in the RFP documents, or irregularities of any kind are subject to rejection by the Owner, at its option.

If any proposal is deemed non-responsive by the Evaluation Committee, the Offeror will be notified in writing of such determination

D. DEFINITIONS AND TERMINOLOGY

This section contains definitions that are used throughout this Request for Proposals (RFP), including appropriate abbreviations.

“Award of Contract” shall mean a formal written notice by Taos SWCD that a firm has been selected to enter into negotiations for a contract for construction services.

“Contract” means an agreement between Taos SWCD and a New Mexico licensed contractor for the work covered by this RFP.

“Contract Documents” means any one, or combination, of the following documents: Request for Proposal, Addenda, Agreement Between the Owner and the General Contractor for Construction, General Conditions of the Contract for Construction, and the drawings and specifications and any and all documents identified as Contract Documents in the Agreement Between the Owner and General Contractor for Construction.

“Contractor” means any person, corporation, or partnership that has entered into a contract with a state agency or a local public body.

“Design Professional” means architect or engineer.

“Determination” The written documentation of a decision made by the Evaluation Committee including findings of fact required to support a decision. A determination becomes part of the procurement file to which it pertains.

“Engineer” means a member of the project design team who is a New Mexico licensed engineer and is responsible for the engineering services.

“Evaluation Committee” A body formed by Taos SWCD to evaluate proposals and make selection recommendation and or selection. The Evaluation Committee consists of at least five members. The committee should collectively possess expertise in the technical requirements of the project, construction, design and contracting. The Evaluation Committee is chaired by the Taos SWCD Procurement Manager.

“Firm” means the company or other business entity for the purpose of identifying, individually or collectively: a general contractor, a prime contractor or a subcontractor, of any tier, whether basic trade subcontractor, subcontractor or other.

“General Provisions” - The terms **“can”**, **“may”**, **“should”**, **“preferably”**, or **“prefers”** identifies a desirable or discretionary item of the RFP. Failure to comply with such an item will not result in the rejection of the Offerors proposal.

“Mandatory Requirements” - The terms **“must,” “shall,” “will,” “is required,”** or **“are required”** identify a mandatory requirement of this RFP. Failure to comply with such a mandatory factor may result in the rejection of the Offeror’s proposal. Rejection of the proposal will be subject to review by the Evaluation Committee and a final decision on rejection will be made by Taos SWCD.

“New Mexico Finance Authority (NMFA)” is the cabinet agency with central accounting authority and responsibility, which issue payments for work performed under this RFP.

“Offeror” is any person, corporation, or partnership who chooses to submit a proposal in response to this RFP, with the intent of providing construction services for this project.

“Owner”, as defined in the Agreement Between the Owner and Contractor, shall be Taos Soil & Water Conservation District otherwise referred to as Taos SWCD.

“Owner’s Project Team” is comprised of the Taos SWCD and others in the Departments Taos SWCD, NorthStar NM staff, and the Design Professional’s design team.

“Pre-listed subcontractors” means the subcontractors, of any tier, that the Offeror is required to list at the time it submits a proposal in response to this request for proposals.

“Prime Contractor” means the New Mexico licensed contractor selected for this project by the Taos SWCD Evaluation Committee.

“Project Design Team or Contract Architect or Engineer Design Team” All members of the Design Professional’s firm, including its consultants, who are responsible for the design of and who will be participating in the construction and completion of the project.

“Proposal” is the Offeror’s response to this RFP.

“Request for Proposals” or **“RFP”** means this document, any attachments incorporated by reference, and any addenda issued for use in soliciting proposals for construction of this project.

“Resident Business” or **“Resident Contractor”** means an entity that has a valid resident certificate issued by the NM Taxation and Revenue Department pursuant to Section §13-1-22 NMSA 1978.

“Resident Veteran Contractor” - is a contractor that has applied to the NM Taxation and Revenue Department, qualified, and been issued a valid Resident Veteran Preference Certificate pursuant to Section §13-1-22 NMSA 1978.

“RFP documents” means any one or any combination of the following documents: Request for Proposals, technical proposal; price proposal; financial proposal; contractor’s qualifications statement; and subcontractor’s qualification statement, contracts or agreements.

“Responsive Offer” or **“Responsive Proposal”** An offer or proposal which conforms in all material respects to the requirements set forth in the RFP as determined by the Taos SWCD Evaluation Committee/Taos SWCD Procurement. Material respects of an RFP include, but are not limited to, price, quality, quantity or delivery requirements.

“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 described in the proposal.

“Selection” A formal written notice by the Taos SWCD Procurement Manager that a firm has been selected to enter into a contract to provide this service.

“Construction Manager” The person designated as the point of contact by Taos SWCD to act on its behalf, concerning the scope of work and requirements of the contract documents for the project.

“Statement of Qualifications Forms” means the forms included as a part of this RFP, which all Offerors shall complete, including the qualifications for the Team member or partners and subcontractors proposed for the project.

“Technical Irregularities” Are matters of form rather than substance evident from the proposal document, or insignificant mistakes that can be waived or corrected without prejudice to other

Offerors; that is, when there is no effect on price, quality or quantity. The Evaluation Committee / Taos SWCD Procurement may waive such irregularities, or allow an Offeror to correct them, if either is in the best interest of Taos SWCD. Examples include the failure of an Offeror to:

- a. Submit the number of signed proposals required by the RFP;
- b. Sign the proposal, but only if the unsigned proposal is accompanied by other material indicating the Offeror's intent to be bound; or
- c. Acknowledge receipt of an addendum to the RFP, but only if: a) it is clear from the proposal that the Offeror received the amendment and intended to be bound by its terms; or b) the amendment involved had no effect on price, quality or quantity.

"User" means the Taos SWCD staff occupying the facility or facilities, for which a project is being designed.

"User Contact" is the person designated by the Taos SWCD to speak on behalf of the staff concerning the scope of work and programming requirements for the project.

III. CONTRACTUAL AGREEMENT AND BONDS

A. FORM OF AGREEMENT BETWEEN OWNER AND CONTRACTOR

The agreement for the work shall be the American Institute of Architects AIA A101 Revised Standard Form of Agreement Between the Owner and Contractor, 2007 Edition and AIA A201 General Conditions, 2007 Edition, with the basis of payment as a Stipulated Sum, as amended. This document is printed in its entirety in the Project Manual.

B. COMPLETION TIME AND LIQUIDATED DAMAGES:

The Project Proposal Documents contain a time for completion of the work and impose liquidated damages for failure to complete the work within the stated time period. These items are stated in the Article 3 of the Agreement between the Owner and the Contractor form included in the Project Manual.

C. PERFORMANCE & LABOR AND MATERIALS PAYMENT BONDS

1. A 100% Performance Bond and a 100% Payment Bond executed by a surety company authorized to do business in the State of New Mexico and listed in the United States Department of the Treasury circular 570 shall be required from the successful Offeror prior to award of contract. The Performance and Labor and Materials Payment Bonds shall be AIA Document A312. The Bonds shall be in the amount of 100% of the Contract price. The Bonds are issued subject to NMSA 1978, § 13-4-18 through 13-4-20.
2. Refer to AIA Documents included in the Project Manual.

D. TIME OF DELIVERY AND FORM OF BONDS

- 1) The Offeror will, prior to commencement of Work, furnish such bonds.
- 2) The bonds will be written on the AIA Document A312 2010, Performance Bond and Labor and Material Payment Bond.

E. SUBCONTRACTOR BONDING

Each subcontractor shall provide a performance and payment bond on a public works construction project if the subcontractor's contract (to the Contractor) for work to be performed on a project is one hundred twenty-five thousand dollars (\$125,000) or more. Failure of a Subcontractor to provide required bond shall not subject the Owner to any increase in cost due to approved substitution of Subcontractor. Taos SWCD shall be named as an additional obligee on all subcontractor performance bonds. The issuance of subcontractor performance or payment bonds shall not reduce or alter Prime Contractor's obligation to provide its own Performance and Payment Bonds in the full contract amount in accordance with NMSA 1978, § 13-4-18 through 13-4-20.

IV. PROPOSAL RESPONSE FORMAT AND ORGANIZATION

A. NUMBER OF PROPOSALS

Each Offeror's proposal shall be submitted in two parts:

- Volume I: Technical Proposal**
- Volume II: Price Proposal.**

Only one (1) complete original proposal may be submitted by each Offeror for this project.

B. SUBMISSION OF ORIGINAL PROPOSALS

1. By the date and time of Submission of Proposals, Offeror shall submit one (1) original copy each of the following documents:

Original Technical Proposal with required information as follows:

- ___ Tab 1 Letter of Submittal
- ___ Tab 2 General Contractor Statement of Qualifications and Attachments
- ___ Tab 3 Subcontractor Qualifications Listing Form 00 4334 and Subcontractors' Statements of Qualifications and Attachments. **(Subcontractors' Statements of Qualifications may be initially excluded if the Offeror chooses to submit these items within 48 hours, as explained below. However, Listing Form (Appendix I) must be included in the initial original Technical Proposal before the Proposal Submission deadline.)**
- ___ Tab 4 Past Performance
- ___ Tab 5 Project Staffing
- ___ Tab 6 Management Plan
- ___ Tab 7 Health and Safety
- ___ Tab 8 New Mexico Produced Work

Original Price Proposal sealed in separate envelope to include:

- ___ Item 1 Price Proposal Form (with all requested information provided)
- ___ Item 2 Proposal Security (Bond or Pre-approved Security), Agent's Affidavit
- ___ Item 3 Notarized Declaration Letter from Surety
- ___ Item 4 Certificate of Insurance
- ___ Item 5 Subcontractors Listing Form (including Subcontractor Listing Requirements and Assignment of Antitrust Claims)
- ___ Item 6 Resident Contractor (or Resident Veteran Contractor) Preference Certificate
- ___ Item 7 Campaign Contribution Disclosure Form
- ___ Item 8 Conflict of Interest and Debarment/Suspension Certification Form
- ___ Item 9 Contractor's U.S. Internal Revenue Service W-9 Form
- ___ Item 10 Offeror's Contractor's License(s)

C. SUBMISSION OF REQUIRED COPIES OF PROPOSALS

1. Within 48 hours of the date and time of Submission of Proposals, Offeror shall submit five (5) additional complete copies of the Technical Proposal, as shown below.

- ___ Tab 1 Letter of Submittal
- ___ Tab 2 General Contractor Statement of Qualifications and Attachments

- ___ Tab 3 Subcontractor Qualifications Listing Form (Appendix I) and Subcontractors' Statements of Qualifications and Attachments, as listed on Listing Form.
- ___ Tab 4 Past Performance
- ___ Tab 5 Project Staffing
- ___ Tab 6 Management Plan
- ___ Tab 7 Health and Safety
- ___ Tab 8 New Mexico Produced Work

2. If Offeror has chosen to initially exclude the Subcontractors' Statements of Qualifications items from the original Technical Proposal, then, within 48 hours of the Submission of Proposals deadline, the Offeror must submit one (1) original of the Subcontractors' Statements of Qualifications materials, to be added to Tab 3 of the original Technical Proposal. Offeror must also, within 48 hours of the Submission of Proposal deadline, have submitted five (5) additional complete copies of the Technical Proposal (clearly labeled as "copies").

The option to submit additional copies up to 48 hours after the Submission of Proposals is provided so that an Offeror's submission is not jeopardized due to the volume of copies that must be made and collated. If the Offeror prefers not to exercise this option, all copies may be submitted initially by the Submission of Proposals date and time.

IMPORTANT: Copies of the Subcontractor's Statements of Qualifications and Attachments must align with the Subcontractor Qualifications Listing Form (Appendix I) submitted in Tab 3 of the original Technical Proposal. Any substitution of a subcontractor shall be executed per the Subcontractors Fair Practices Act

3. **DO NOT** submit additional copies of the Price Proposal. Only the original Price Proposal is necessary.

After award of a contract, all Offerors of record may make arrangements with Taos SWCD to have their proposal copies returned or picked up. The original proposal documents will remain the property of Taos SWCD. Taos SWCD shall not be responsible for any shipping or mailing costs to return the proposal copies. If Offeror does not request the return of proposals within a reasonable period of time, Taos SWCD will shred and destroy them.

D. DETAILED REQUIREMENTS FOR PROPOSAL SUBSECTIONS

VOLUME I – TECHNICAL PROPOSAL

A. Technical Proposal Format

Proposals shall be submitted in a spiral or three-ring binder. Page format shall be 8-1/2" x 11" with foldout sheets (if any) allowed up to 11" x 17" in size. Foldout pages shall be counted as two pages **and shall be numbered as such**. Text will be no smaller than 10 point. **No information shall be submitted on electronic media.**

There is **no page limit** so that the Offeror may be afforded the ability to address questions adequately. However, Offerors are cautioned to please keep the required documents/attachments in each category to concise, easily readable and applicable

information. Tab Dividers do not count as pages provided the only text or graphics on the dividers are the tab numbers and section titles:

If there are any questions regarding format requirements, please contact the Taos SWCD Procurement Manager Contact prior to submission of Documents.

B. Tabs/Evaluation Categories:

All sections shall be separated by numbered tabs that correspond to the Submission Requirements and Evaluation Categories, 1 through 8, as shown below. Within Tab 3, provide Sub-Tabs to separate and label each Subcontractor's Statement of Qualifications. Pages within each Tab shall be numbered consecutively.

EXPLANATION OF ITEMS TO BE INCLUDED IN TECHNICAL PROPOSAL:

TAB 1 - LETTER OF SUBMITTAL

Each proposal must be accompanied by a submittal letter. **Any submittal letter that omits any of the following information may be deemed 'non-responsive'**. The submittal letter shall include acknowledgment and, where appropriate, certification of the following:

1. Identify the name(s), title(s), telephone number(s), fax number(s) and e-mail address(es) of the person or persons who have authority to contractually obligate the Offeror for the purpose of this RFP and who has sufficient knowledge to fully address all matters and respond to all inquiries included in the RFP submittal. The Letter of Submittal shall be signed by one of the persons so identified.
2. If a joint proposal is being submitted, identify the firms, and disclose the percentage of the work/services to be executed by each firm, based on the dollar amount of the fee proposed in the Price Proposal, so that the resident contractor preference or veteran resident contractor preference can be applied in proportion to the work done by each contractor.
3. Acknowledge acceptance of all conditions that govern the procurement. Acknowledge that the information provided in the proposal is truthful, accurate and complete, and that the firm is bound by all information, data, certifications, disclosures and attachments submitted.
4. Acknowledge that, the omission of any material fact concerning requested information, or the submission of any material false or misleading statement, or misrepresentation of a material fact concerning any requested or submitted information, may lead to the disqualification of the proposal as 'non-responsive'.
5. Acknowledge that the Owner has a right to obtain relevant information from other sources (references) to determine that the Offeror is 'responsible'.
6. Acknowledge that if awarded the contract, the RFP documents, and all terms and conditions stated therein, and all information, data, certifications, disclosures and addendum shall be incorporated as part of the Contract.
7. Acknowledge the receipt of all addenda to this RFP and list them by number and date.

8. Provide certification and/or documentation that the firm possesses the necessary equipment, financial resources, technical resources, management, professional and craft personnel resources and other required capabilities to successfully perform the contract, or will achieve same through its prelisted subcontractors.

TAB 2 - GENERAL CONTRACTOR STATEMENT OF QUALIFICATIONS & ATTACHMENTS

Completely fill out the attached General Contractor Statement of Qualifications form and its associated attachments, providing all requested information.

NOTE: Offeror should submit only one copy of Attachment F – Firms Written Safety Plan, bound separately from the rest of the Technical Proposal.

TAB 3 – SUBCONTRACTOR QUALIFICATIONS LISTING FORM AND SUBCONTRACTOR’S STATEMENTS OF QUALIFICATIONS & ATTACHMENTS

As the first item in this section, include a copy of the exact and complete Subcontractor Qualifications Listing Form as it appears in Tab 3 of the original Technical Proposal.

Then, completely fill out the Subcontractor Statement of Qualifications form (see Appendix for form) and its associated attachments, providing all requested information, for each subcontractor that meets one or both of the following two criteria:

1. The value of the subcontractors’ work that meets the listing threshold stated below shall submit a Subcontractor Statement of Qualifications:

“Subcontractor Qualification Statements. Subcontractor qualification statements shall be required for all subcontractors identified in the technical proposal where the value of the subcontract is fifty thousand (\$50,000). A using agency MAY reserve the right to require subcontractor qualification statements from any other subcontractors, at whatever tier and regardless of the value of the subcontract.”

2. Subcontractor Statement of Qualifications Forms shall be provided for the subcontractors performing the trades listed below, regardless of the value of the subcontract. If the Offeror is to self-perform the work, then Offeror is to complete the Forms:

- a. HVAC
- b. Electrical
- c. Plumbing
- d. Concrete
- e. Roofing

3. Provide Sub-Tabs to separate and label each Subcontractor’s Statement of Qualifications.

TAB 4 – PAST PERFORMANCE

Provide the following information:

1. Past performance summary and past capability to meet schedules, meet budgets and meet project administration requirements for comparable projects.

Specifically, the last five projects you have completed for any university or institutional client in New Mexico.)

- a. **Was the project completed early? If yes, how was that accomplished?**
 - b. **Was the project completed late? If yes, how many days and why?**
 - c. **How many days after Substantial Completion were required to complete the punch list items?**
 - d. **Were you or your subcontractors called back to the job for any reason during the warranty period? After the warranty period?**
 - e. **Were there any outstanding issues remaining after the warranty inspection?**
 - f. **Did your firm refuse to do additional work requested by the owner? If yes, why?**
 - g. **What was your company's process for vetting the pricing from your subcontractors and suppliers on change orders in order to ensure fair pricing to the owner?**
 - h. **What was the dollar threshold below which your firm absorbed additional cost changes in order to avoid disproportionate administrative costs for all parties? Give examples of the changes on this project for which your firm absorbed the costs?**
2. Describe the role of each teaming partner on the contract.
 3. Evidence of past performance quality and overall customer satisfaction.
 4. Record of compliance with applicable laws and regulations on past projects.
 5. Past record of achievement of health and safety targets.

Offerors are cautioned that the Evaluation Committee will use data provided by teaming partners as well as data obtained from other sources in the evaluation of past performance.

TAB 5 – PROJECT STAFFING

Provide the following information:

1. Brief resume (education, professional certification(s), years with firm, total years of experience, and a brief description of experience supporting the proposed role) for each key project personnel.

2. Address the extent to which key personnel have worked together as a team on projects of similar or greater magnitude and on projects of the same nature. To this end, provide a matrix that lists key staff members' names across the top of the matrix and lists past projects down the side of the matrix. The project list should begin with all of the projects that appear in Item 3.a. of the General Contractor's Statement of Qualifications. The project list may also include up to five more projects that demonstrate how the key personnel have worked together as a team. At each intersection within the field of the matrix, list the role that the person filled on that particular project (such as Project Manager, Site Superintendent, Safety Manager, QA/QC Manager, Estimator, etc).
3. Describe Contractor's and subcontractors' participation in skill training.
4. Address reliable staffing sources/project staffing.

TAB 6 – MANAGEMENT PLAN

Provide the following information:

- a. Management Team: provide an organization chart of the Management Team and address how critical subcontractors were selected and will be managed.
- b. Describe how the construction will be organized, managed, and administered to meet the project requirements, including security and safety controls, staging areas, delivery routes, crane locations and interfaces required at the site with the using agency.
- c. Describe the technical approach to project that is intended to ensure that tasks are executed within cost, schedule, and quality goals.
- d. Provide proposed project schedule. Indicate critical dates and other information in sufficient detail for the Evaluation Committee to determine if time frames are reasonable.
- e. Description of ability to deliver the project within the construction time.

TAB 7 – HEALTH AND SAFETY

Provide the following information:

- a. Provide a summary description of the General Contractor's Health and Safety management system. (One copy only of the full General Contractor's written Safety Plan is required as Attachment F of the General Contractor Statement of Qualifications).
- b. Identify the competent person responsible for, and capable of, implementing the safety and health program/plan.
- c. Address project specific health and safety risks that have been identified by the RFP and additional risks that the Offeror's team has identified. Describe processes to minimize risk and to ensure that health and safety issues are clearly communicated with the contractors, subs, and the owner.

(See Section V.B Evaluation Criteria, below, for detailed scoring guidelines for the “Health and Safety” category)

TAB 8 – NEW MEXICO PRODUCED WORK

One of Taos SWCD’s goals is to support New Mexico owned businesses and New Mexico based workers. Indicate the volume of work, by percentage, to be produced by New Mexico firms, using New Mexico based employees on this project. Indicate the number of New Mexico based employees that will be part of the Project Team.

(See Section V.B Evaluation Criteria, below, for detailed scoring guidelines for the “New Mexico Produced Work” category)

C. *IMPORTANT NOTE ON THE TECHNICAL PROPOSAL’S CONTENTS*

Regarding the apparent duplication of required information between certain Attachments of the General Contractor’s Statement of Qualifications and the other sections of the Technical Proposal:

The intention of Tab’s 4, 5, 6, 7 & 8 of the Technical Proposal is to provide a place for the proposer to make a concise presentation of the strengths of the proposed team in the exact categories that the committee will be scoring, unencumbered by the format of the Statement of Qualifications Forms. If the proposer so chooses, other sections of the Technical Proposal may be referenced within these Tabs, without wholly duplicating that information. Also, information presented elsewhere may be summarized or condensed within these Tab sections to make the proposer’s presentation more clear.

VOLUME II – PRICE PROPOSAL

(Provide One Original Copy of the Following Information in a Separate Envelope. Price Proposal Form is included in Div. 00 of the Project Manual)

PRICE PROPOSAL SHALL INCLUDE THE FOLLOWING DOCUMENTS:

- ___ Item 1 **Price Proposal Form** (including the information listed immediately below)
 - ___ NM State License Number & Classifications
 - ___ Resident Contractor (or Resident Veteran Contractor) Preference Certificate Number
 - ___ NM DOL (Workforce Solutions) Certificate Number
 - ___ Contractor’s New Mexico Gross Receipts Tax Number
 - ___ Contractor’s Federal Employee Identification Number
 - ___ Acknowledgment of Receipt of Addenda
 - ___ Base Bid Price, Alternates & Allowances
 - ___ Signature and Corporate Seal (if applicable)
- ___ Item 2 **Proposal Security** (Bond or Pre-approved Security), **Agent’s Affidavit**
- ___ Item 3 **Notarized Declaration Letter from Surety**
- ___ Item 4 **Certificate of Insurance**
- ___ Item 5 **Subcontractors Listing Form (including Subcontractor Listing Requirements and Assignment of Antitrust Claims)**
- ___ Item 6 **Resident Contractor (or Resident Veteran Contractor) Preference Certificate**
- ___ Item 7 **Campaign Contribution Disclosure Form**
- ___ Item 8 **Conflict of Interest and Debarment/Suspension Certification Form**
- ___ Item 9 **Contractor’s Federal IRS W-9 Form**
- ___ Item 10 **Offeror’s Contractor’s License(s)**

EXPLANATION OF ITEMS TO BE INCLUDED IN PRICE PROPOSAL:

ITEM 1 - PRICE PROPOSAL FORM:

1. Price Proposals shall be presented in the form of a total Base Proposal under a Lump Sum Contract (using the Price Proposal Form provided in Appendix D of the Project Manual) plus any additive or deductive alternates selected by the Owner per Allowances (Div. 1, Section 01 1200 1.1) and Alternates (Div. 1, Section 01 1200 1.2) . A proposal must be submitted on all proposal items, allowances and alternates; segregated proposals will not be accepted.
2. The proposal, bearing original signatures, must be typed or hand-written in ink on the Price Proposal Form.
3. Proposal price shall not include state gross receipts or local options taxes. Taxes will be included in the Contracted Amount at prevailing rates as a separate item to be paid by Owner.
4. If a joint proposal is being submitted, be sure to state the percentage of the work/services to be executed by each proposing firm, based on the dollar amount of the fee proposed in the Price Proposal, so that the resident contractor preference or veteran resident contractor preference can be applied in proportion to the value of the work being performed by each contractor.

5. In submitting this proposal, each Offeror must satisfy all terms and conditions of the Proposal Documents. All work covered by this Request for Proposals shall be in accordance with applicable state laws and, if price proposal amount is \$60,000 or more, is subject to the minimum wage rate determination issued by the office of the NM Workforce Solutions Department for this project. If the price proposal amount of the contractor or any subcontractor exceeds \$60,000, the contractor and/or subcontractor must comply with the registration requirements pursuant to NMSA 1978, § 13-4-13.1.
6. Before submitting a proposal, each Offeror shall carefully examine the RFP; shall visit the site of the Work; shall fully inform themselves as to all existing conditions and limitations; and shall include in the proposal the cost of all items required by the RFP. If the contractor observes that portions of the Contract Documents are at variance with applicable laws, building codes, rules, regulations or contain obvious erroneous or uncoordinated information, the contractor shall promptly notify the specified Design Professional and the necessary changes shall be accomplished by addendum.

ITEM 2 - PROPOSAL SECURITY (BOND OR PRE-APPROVED SECURITY):

Offeror shall provide proposal security in the form of a surety bond executed by a surety company authorized to do business in the State of New Mexico in the amount of **5%** of the total price proposal, or the equivalent in cash by means of a cashier's check or in a form satisfactory to the Owner, which bond or check must accompany Offeror's price proposal. If Offeror intends to submit alternate security other than a surety bond or cashier's check such alternate security must be submitted to Owner for approval prior to the date and time for submission of proposals. Submission of a proposal with security not specifically allowed by this Section or prior approved by Owner shall render the Offeror's proposal non-responsive.

No Offeror may withdraw his proposal for **45 days** after the actual date of the opening thereof.

ITEM 3 – NOTARIZED DECLARATION LETTER FROM SURETY:

The Offeror will provide, with the price proposal, a notarized declaration letter from a bonding company licensed to do business in the State of New Mexico confirming the Offeror's ability to obtain a Performance Bond, and a Labor and Materials Payment Bond in an amount not less than 100% of the price proposal, plus New Mexico Gross Receipts Tax.

ITEM 4 - CERTIFICATE OF INSURANCE:

Offeror shall provide a Certificate of Insurance that meets the requirements listed in the sample contract.

ITEM 5 - SUBCONTRACTOR LISTING FORM (incl. Subcontractor Listing Requirements and Assignment of Antitrust Claims)

Each Offeror shall complete the Subcontractor Listing Form and include this form in their proposal. The Offeror shall provide a list of all subcontractors that will perform work on the project above the threshold indicated on the List of Subcontractors. The Offeror may not change any of the firms listed without the Owner's consent.

The Owner will consider any request for a change in the listed firms in conformance with the New Mexico “Subcontractors Fair Practices Act” (New Mexico Statutes Annotated, Chapter 13, Sections §13-4-31 through §13-4-43).

ITEM 6 - ASSIGNMENT OF ANTITRUST CLAIMS FORM:

The Offeror, and the successful Offeror’s subcontractors, and suppliers, at the time the Agreement between Owner and Contractor is signed, shall complete the Assignment of Antitrust Claims Form.

ITEM 7 - RESIDENT CONTRACTOR (OR RESIDENT VETERAN CONTRACTOR) PREFERENCE CERTIFICATE:

It will be the sole responsibility of any Proposer claiming a Resident Contractor Preference or Resident Veteran Contractor Preference to apply to the State of New Mexico Department of Taxation and Revenue for the proper certification and to receive approval, a certification number, and a certificate prior to the date and time for receipt of Proposals. Requests for qualification as a Resident Contractor or a Resident Veteran Contractor after receipt of Proposals will not be considered.

1. To receive a resident contractor preference, a contractor shall submit with its proposal a copy of a valid resident contractor certificate issued by the NM Taxation and Revenue Department.
2. When a public body awards a contract using a formal request for proposals process, a resident contractor shall be awarded the equivalent of five percent of the total possible points to be awarded based on the resident contractor possessing a valid resident contractor certificate.
3. To receive a resident veteran contractor preference, a contractor shall submit with its bid or proposal a copy of a valid resident veteran contractor certificate issued by the NM Taxation and Revenue Department.
4. Through either an RFP process or an ITB process the qualified veteran resident contractor shall receive:
 - a. the equivalent of 10% of the total possible points to be awarded if their annual revenues are less than \$1,000,000;
 - b. the equivalent of 8% of the total possible points to be awarded if their annual revenues are less than \$5,000,000 but more than \$1,000,000
 - c. the equivalent of 7% of the total possible points to be awarded if their annual revenues are \$5,000,000 or more.
5. The preference is limited in any calendar year, to an aggregate of \$10,000,000 in purchases by public bodies from all resident veteran businesses receiving preferences.
6. The preferences do not apply when the expenditure includes federal funds for a specific purchase.

7. In addition to the resident veteran preference certificate, the resident veteran contractor shall provide a fully executed Resident Veteran Preference Certificate (Appendix J).
8. If there is a joint bid or joint proposal by a combination of resident veteran, resident or nonresident businesses, the preference shall be calculated in proportion to the percentage of the contract, based on the dollar amount of the goods or services provided under the contract, that will be performed by each business as specified in the joint bid or proposal.
9. An Offeror will not be awarded both a resident business preference and a resident veteran business preference. An Offeror will be granted the greater of the two preference percentages if an Offeror would otherwise qualify for both preferences.

ITEM 8 - CAMPAIGN CONTRIBUTION DISCLOSURE FORM:

The blank form is included in an Appendix of this RFP. 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. 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.

ITEM 9 – CONFLICT OF INTEREST AND DEBARMENT/SUSPENSION CERTIFICATION FORM:

Each Offeror shall complete this form (which is provided in the Appendix of the RFP) and include it in their proposal.

ITEM 10 – CONTRACTOR’S U.S. INTERNAL REVENUE SERVICE W-9 FORM:

Each Offeror shall complete and provide a U.S. Internal Revenue Service W-9 Form.

ITEM 11 – OFFEROR’S CONTRACTOR’S LICENSE(S):

Each Offeror shall provide a photocopy of their Contractor’s License or Licenses.

V. PROPOSAL EVALUATION

A. EVALUATION PROCESS AND SCORING METHODOLOGY

1. Receipt and Opening of Proposals

Proposals, and modifications to proposals, received prior to or at the submission deadline shall be time-stamped upon receipt and the Price Proposal shall be separated from the Technical Proposal and held in a secure place until the Evaluation Committee has scored the Technical Proposal. Proposals shall not be opened publically and shall not be open to public inspection until the successful Offeror has signed a contract.

2. Proposal Discussions

If mistakes are discovered after receipt of the proposal, The Evaluation Committee may request clarifications of information submitted by any or all Offerors in a written format with a specified deadline for response.

Short-listed Offerors shall be accorded fair and equal treatment with respect to any clarification of proposals. If during discussions there is a need for any substantial clarification of, or change to, a Proposal, the Proposal shall be amended to incorporate such clarification or change. Any substantial oral clarification of a proposal shall be documented in writing by the short-listed Offeror.

3. Evaluation Committee

The Evaluation Committee shall consist of a minimum of five (5) persons appointed by the Owner. The team shall collectively possess expertise in the technical requirements of the project, construction design and contracting. The Owner may use independent consultants or agents to support the Committee, provided appropriate precautions are taken to avoid potential conflicts of interest.

4. Technical Proposal Evaluation

The Purchasing Manager shall review each proposal to determine if it meets all of the mandatory requirements. Proposals that do not meet the mandatory requirements may be considered “nonresponsive”. The Offeror shall be notified in writing of the determination. The Purchasing Manager will then distribute the proposals and individual score sheets to the Evaluation Committee, and will review how the proposals shall be scored. The Evaluation Committee members shall score the technical proposals individually.

5. Price Proposal Evaluation

The Price Proposal shall be initially evaluated to ensure that the price(s) offered is responsive to the RFP requirements and instructions and is realistic in respect to the project plans and specifications.

The price basis for this RFP is the price proposed for the Base Bid. Taos SWCD may award one or more Bid Lots and any number of Alternates at the sole discretion of Taos SWCD, subject to availability of funds.

The Offeror with the lowest price shall receive the maximum price score, i.e., the maximum numerical weight assigned to the price below. The price score of each other Offeror shall be determined by applying the following mathematical formula: price of lowest Offeror divided by the price for this Offeror multiplied by the maximum price score:

$$\frac{\text{Price of lowest Offeror}}{\text{Price of this Offeror}} \times \text{maximum price score} = \text{price score this Offeror}$$

6. Combining Scores, Preference Adjustments and Ranking of Proposals

The individual scores on the Technical Proposals will be combined with the price proposal score. These individual subtotals will then be adjusted for Resident Contractor Preference or Resident Veteran Contractor Preference.

Per §13-4-2 NMSA 1978, a resident contractor who holds a valid certificate issued by the NM Taxation and Revenue Department shall be awarded the equivalent of five percent of the total possible points assigned to the procurement.

A resident veteran contractor who holds a valid certificate issued by the NM Taxation and Revenue Department shall be awarded the equivalent of between five and ten percent of the total possible points assigned to the procurement, depending on the annual revenues of the firm and the aggregate annual veteran preference awards, as described in detail in Section IV above.

When a joint proposal is submitted by a combination of resident veteran, resident or nonresident businesses, the preference shall be calculated in proportion to the percentage of the contract, (based on the dollar amount of the goods or services provided under the contract), that will be performed by each business as specified in the joint bid or proposal.

The adjusted point subtotals will be converted to a numeric ranking of all proposals per committee member. The individual member rankings per Offeror will then be totaled together to determine the overall ranking of the proposals. The Committee will then determine whether or not to conduct interviews based on the final ranking. All calculations of point standings shall occur during the Evaluation Committee meeting for this project with all members in attendance.

7. Short-Listed Offeror Withdrawal from Interviews (if held):

A short-listed firm may withdraw their proposal if they determine that they cannot improve their position in the interview. The firm must notify Taos SWCD of their withdrawal in writing. This event shall be documented for the procurement file, and a notice shall be sent to all Offerors of record of the event. If Taos SWCD chooses to invite the next ranked firm to interview, their final points/rank for their Technical/Price evaluation does not change.

8. Interviews (if held)

If Interviews are held, notice to finalists will include the interview date, time, and location. The purpose of the interview is to allow the Offeror to present its qualifications, past performance, management plan, schedule and general plan for constructing the project. It will also provide an opportunity for the Evaluation Committee to seek clarification of the Offeror's proposal.

Prior to the interviews, Taos SWCD will issue the same set of written questions to each short listed Offeror as a basis for evaluation. Points will be assigned to each question, totaling 50 points. Each Evaluation Committee member will score each question. During the interviews, the written questions may lead to other questions to help clarify and better understand the firm's capabilities, which may be considered in scoring the interview.

Each committee member's total interview points for a given Offeror will be adjusted for Resident Contractor (or Resident Veteran Contractor) Preference first and then added to that committee member's Technical Proposal score and the Price Proposal score (both already adjusted for Resident or Resident Veteran Preference) to generate an adjusted subtotal. **These subtotals will then be evaluated as described in the last paragraph under section 6, immediately above.**

Time is of the essence for performance of the Work as required of this RFP. Offerors are expected to be available to attend the interview on the date listed in the Sequence of Selection Process Events table in Article II of this RFP or on the revised date if changed in subsequent addenda.

9. Contract Negotiation and Finalization

Taos SWCD reserves the right to negotiate with successful Offerors regarding provisions that are in addition to or different from those contained in this RFP or the Contract Documents. The contents of this RFP, as revised and/or supplemental, and the successful Offeror's proposal will be incorporated into and become part of the Contract.

10. Best and Final Offers

Taos SWCD reserves the right to request Best and Final Offers (BAFOs). Taos SWCD is under no obligation to request BAFOs. Taos SWCS may make its selection based on the initial proposals, interviews (if held) and contract negotiations (if held).

If Taos SWCD requests BAFOs, final Offerors selected for interviews or contract negotiations will be so advised. Offerors may be requested and/or allowed to revise their Proposals, including correction of any weaknesses, minor irregularities, errors, and/or deficiencies identified to the Offerors during interviews. The request for BAFOs will allow adequate time for the Offerors to revise their Proposals. Upon receipt of BAFOs, the process of proposal evaluation will be repeated, although no additional interviews or contract negotiations will be held. The process will consider the revised information and re-evaluate and revise ratings as appropriate. All efforts will be made to make a selection based on initial Proposals, interviews (if any) and contract negotiations (if any). Offerors are not required to submit a BAFOs in response to a request. If no BAFOs is submitted the evaluation

committee will evaluate the Proposal based solely upon the initial Proposal, interviews (if any) and contract negotiations (if any).

B. EVALUATION CRITERIA

Short listing - A maximum total of 100 points are possible in scoring each proposal for the shortlist evaluation. The Evaluation Committee will evaluate the proposals and may conduct interviews with Offerors. The Technical Proposal shall consist of **50 points** total, the Price Proposal shall consist of **50 points**, and the Interview (if held) shall consist of an additional 50 points.

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

Volume 1 – Technical Proposal

(1) Past Performance.....	13 points
(2) Project Staffing.....	11 points
(3) Management Plan.....	13 points
(4) Health and Safety (see detailed scoring guidelines below)	10 points
(5) New Mexico Produced Work (see detailed scoring guidelines below)	3 points

Subtotal of Technical Proposal.....50 points

Volume 2 – Price Proposal

(6) Price Proposal (Price Proposal submittal) based on requirements set forth in Plans and Specifications.	50 points
---	------------------

TOTAL POINTS (before Interviews)100 points

Interviews (if Held).....50 points

GRAND TOTAL (after Interviews, if held) 150 points

Taos SWCD intends to award this project to the highest ranked Offeror in accordance with the Request for Proposals. Taos SWCD reserves the right to reject any and all proposals, to waive technical irregularities, and to award the contract to the Offeror whose proposal Taos SWCD deems to be in the best interest of Taos SWCD.

Detailed Scoring Guidelines for “Health and Safety” criterion:

a.1 Summary Description of Health and Safety Plan	0.5
a.2 One Full Copy of Written Safety Plan	0.5
b. Competent Person Responsible/Capable of Implementing.....	0.5
c.1 Project Specific Health/Safety Risks	2.0
c.2 Describe Processes to Clearly Communicate Health/Safety Issues.....	0.5

Statement of Qualifications for General Contractors

a. Written Safety Program Compliant; Provide One Copy.....	1.0
b. List of Key Safety Personnel/Safety Manager for This Project.....	0.5
c. Experience Modification Rate Past 5 Years (Equal to, or Better Than Average).....	1.0

- d. Recordable Incident Rate for Past Calendar Year OSHA 300 Log 1.0
- e. Free of Committing Serious/Willful Violations of Federal/State Safety Laws 1.0

Statement of Qualifications for Subcontractors

- a. Written Safety Program Compliant; Provide One Copy 0.5
- b. Experience Modification Rate Past 5 Years 0.4
- c. Recordable Incident Rate for Past Calendar Year OSHA 300 Log 0.4
- d. Free of Committing Serious/Willful Violations of Federal/State Safety Laws 0.2

Total Possible Points 10.0

Detailed Scoring Guidelines for “New Mexico Produced Work” criterion:

Based on the submitted Subcontractor Listing Form, total points for this category will be listed according to the following table:

- If **all** listed subcontractors are New Mexico firms 3 pts
- If **all except one** of the listed subcontractors are New Mexico firms 2 pts
- If **all except two** of the listed subcontractors are New Mexico firms 1 pts
- If **all except three (or more)** of the listed subcontractors are NM firms 0 pts

C. STATUTORY RULES GOVERNING PROPOSAL EVALUATION

The following rules have been excerpted from the New Mexico General Government Administration Procurement Code Regulations for Use of Competitive Sealed Proposals for Construction and Facility Maintenance, Services and Repairs, NMAC 1.4.8.1 through 1.4.8.17. This information is being provided to demonstrate that the current RFP’s evaluation process is consistent with these rules.

1. WEIGHT ASSIGNED TO PRICE AND RFP EVALUATION FACTORS:

- A. Numerical ratings systems. Numerical ratings systems are required for procurements under 1.4.8 Use of Competitive Sealed Proposals for Construction and Facility Maintenance, Services and Repairs and shall comply with the requirements of 1.4.8.14 NMAC.
- B. Total available points. The RFP shall specify the total points available for the procurement (for example, 1,000 total points for all price and non-price technical evaluation factors) and shall assign specific numerical weights or points to price and to each of the non-price evaluation factors identified in the RFP.
- C. Numerical weight for price. The numerical weight assigned to price shall be no greater than seventy (70) percent of the total evaluation points available. (NMAC 1.4.8.14).
- D. Numerical weight for core evaluation factors. The numerical weight assigned to the non-price evaluation factors shall be as follows:
 - (1) Each of the four core evaluation factors specified in Section 1.4.8.15 NMAC shall be assigned at least twenty (20) percent of the available points for non-price technical evaluation factors:

- (2) The weight assigned to any additional evaluation factors shall be determined by the using agency in accordance with the needs of the agency and the project. [1.4.8.14 NMAC – N, 09-30-05]

2. RFP EVALUATION FACTORS – Technical Proposal:

A. Core evaluation factors. Each RFP issued pursuant to 1.4.8 NMAC shall include the following core evaluation factors, for both general and subcontractors for which qualification statements are required, with the sub-factors and criteria specified herein:

- (1) Past performance:
 - a. Budget and schedule data;
 - b. If available, performance quality and overall customer satisfaction;
 - c. Compliance with applicable laws and regulations;
 - d. Safety performance record.
- (2) Management plan:
 - e. Management team;
 - f. Technical approach to project;
 - g. Safety plan/programs;
 - h. Project schedule.
- (3) Project staffing/craft labor capabilities:
 - i. Participation in skill training;
 - j. Reliable staffing sources/project staffing.
- (4) Health & Safety.

B. Additional evaluation factors:

- (1) A using agency may include additional evaluation factors in an RFP issued pursuant to 1.4.8.15 of this NMAC 1.4.8 provided that any such factor is relevant to the successful completion of the contract or otherwise in the best interest of the state or using agency;
- (2) Examples of such additional factors may include, but are not limited to financial capabilities, project schedule, contract warranty or hiring of local construction or maintenance craft labor. [1.4.8.15 NMAC – N, 09-30-05]

End of RFP Procurement Documents

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Contractor's Qualification Statement

The Undersigned certifies under oath that the information provided herein is true and sufficiently complete so as not to be misleading.

SUBMITTED TO:

ADDRESS:

SUBMITTED BY:

NAME:

ADDRESS:

PRINCIPAL OFFICE:

Corporation

Partnership

Individual

Joint Venture

Other

NAME OF PROJECT: (if applicable) «Taos SWCD Office Building»

TYPE OF WORK: (file separate form for each Classification of Work)

General Construction

HVAC

Electrical

Plumbing

Other: (Specify)

§ 1 ORGANIZATION

§ 1.1 How many years has your organization been in business as a Contractor?

§ 1.2 How many years has your organization been in business under its present business name?

§ 1.2.1 Under what other or former names has your organization operated?

§ 1.3 If your organization is a corporation, answer the following:

§ 1.3.1 Date of incorporation:

§ 1.3.2 State of incorporation:

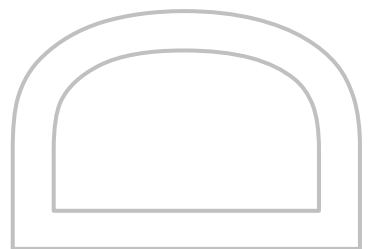
§ 1.3.3 President's name:

ADDITIONS AND DELETIONS:

The author of this document has added information needed for its completion. The author may also have revised the text of the original AIA standard form. An *Additions and Deletions Report* that notes added information as well as revisions to the standard form text is available from the author and should be reviewed.

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

This form is approved and recommended by the American Institute of Architects (AIA) and The Associated General Contractors of America (AGC) for use in evaluating the qualifications of contractors. No endorsement of the submitting party or verification of the information is made by AIA or AGC.



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§ 1.3.4 Vice-president's name(s)

<< >>

§ 1.3.5 Secretary's name: << >>

§ 1.3.6 Treasurer's name: << >>

§ 1.4 If your organization is a partnership, answer the following:

§ 1.4.1 Date of organization: << >>

§ 1.4.2 Type of partnership (if applicable): << >>

§ 1.4.3 Name(s) of general partner(s)

<< >>

§ 1.5 If your organization is individually owned, answer the following:

§ 1.5.1 Date of organization: << >>

§ 1.5.2 Name of owner:

<< >>

§ 1.6 If the form of your organization is other than those listed above, describe it and name the principals:

<< >>

§ 2 LICENSING

§ 2.1 List jurisdictions and trade categories in which your organization is legally qualified to do business, and indicate registration or license numbers, if applicable.

<< >>

§ 2.2 List jurisdictions in which your organization's partnership or trade name is filed.

<< >>

§ 3 EXPERIENCE

§ 3.1 List the categories of work that your organization normally performs with its own forces.

<< >>

§ 3.2 Claims and Suits. (If the answer to any of the questions below is yes, please attach details.)

§ 3.2.1 Has your organization ever failed to complete any work awarded to it?

<< >>

§ 3.2.2 Are there any judgments, claims, arbitration proceedings or suits pending or outstanding against your organization or its officers?

<< >>

§ 3.2.3 Has your organization filed any law suits or requested arbitration with regard to construction contracts within the last five years?

<< >>

§ 3.3 Within the last five years, has any officer or principal of your organization ever been an officer or principal of another organization when it failed to complete a construction contract? (If the answer is yes, please attach details.)

<< >>

§ 3.4 On a separate sheet, list major construction projects your organization has in progress, giving the name of project, owner, architect, contract amount, percent complete and scheduled completion date.

<< >>

§ 3.4.1 State total worth of work in progress and under contract:

<< >>

§ 3.5 On a separate sheet, list the major projects your organization has completed in the past five years, giving the name of project, owner, architect, contract amount, date of completion and percentage of the cost of the work performed with your own forces.

<< >>

§ 3.5.1 State average annual amount of construction work performed during the past five years:

<< >>

§ 3.6 On a separate sheet, list the construction experience and present commitments of the key individuals of your organization.

<< >>

§ 4 REFERENCES

§ 4.1 Trade References:

<< >>

§ 4.2 Bank References:

<< >>

§ 4.3 Surety:

§ 4.3.1 Name of bonding company:

<< >>

§ 4.3.2 Name and address of agent:

<< >>

§ 5 FINANCING

§ 5.1 Financial Statement.

§ 5.1.1 Attach a financial statement, preferably audited, including your organization's latest balance sheet and income statement showing the following items:

Current Assets (e.g., cash, joint venture accounts, accounts receivable, notes receivable, accrued income, deposits, materials inventory and prepaid expenses);

Net Fixed Assets;

Other Assets;

Current Liabilities (e.g., accounts payable, notes payable, accrued expenses, provision for income taxes, advances, accrued salaries and accrued payroll taxes);

Other Liabilities (e.g., capital, capital stock, authorized and outstanding shares par values, earned surplus and retained earnings).

§ 5.1.2 Name and address of firm preparing attached financial statement, and date thereof:

« »

§ 5.1.3 Is the attached financial statement for the identical organization named on page one?

« »

§ 5.1.4 If not, explain the relationship and financial responsibility of the organization whose financial statement is provided (e.g., parent-subsidiary).

« »

§ 5.2 Will the organization whose financial statement is attached act as guarantor of the contract for construction?

« »

§ 6 SIGNATURE

§ 6.1 Dated at this « » day of « » « »

Name of Organization: « »

By: « »

Title: « »

§ 6.2

« »

M « » being duly sworn deposes and says that the information provided herein is true and sufficiently complete so as not to be misleading.

Subscribed and sworn before me this « » day of « » « »

Notary Public: « »

My Commission Expires: « »

Taos Soil & Water Conservation District
New Office Building
REQUEST FOR PROPOSAL FOR CONSTRUCTION # 02-15-16

For the convenience of the contractors, an electronic version of this RFP may be issued for your use. Any changes to the document's questions or language that differs from the wording as issued in the Project Manual dated 06/23/2016 other than to fill in answers for the questions asked, will constitute a non-responsible proposal.

STATEMENT OF QUALIFICATIONS FOR SUBCONTRACTORS

Project Name: _____

1. OFFEROR INFORMATION

Firm Name: _____

Type of Firm:

Corporation Partnership Sole Proprietorship Joint Venture

Other

a. Year Firm was established: _____

b. Parent Company (if applicable) _____

c. All former names during the past 10 years your organization has operated?

2. LICENSING

Provide your team's New Mexico contractor's license, which is current and in good standing with the State of New Mexico Construction Industries Division (CID).

a. Name of license holder (or qualifying party) exactly as on file with the State of New Mexico Construction Industries Division:

b. License Classification: _____

c. License Number: _____

- d. Issue Date: _____ Expiration Date: _____
- e. Is the firm’s contractor’s license free of ever being suspended or revoked by the CID or by the appropriate licensing agency in any other state?
 Yes - free of suspension or revocation No – Attach explanation

3. EXPERIENCE

- a. Has your firm completed one (1) or more educational facility, addition and/or renovation project of similar complexity and of 3800 square feet or more since 2007, as the proposed project?
Complete **Attachment A** for three (3) maximum projects listed:

Yes Number of Projects: _____ No

Project 1 Name: _____

Project 2 Name: _____

Project 3 Name: _____

Provide copies of Performance Evaluation Reports prepared in connection with projects described in Para. 3.a above.

- b. State the average annual amount of construction work performed during the past five years:
\$ _____
- c. Also, on **Attachment A**, list major construction project your organization has in progress, giving the name of the project, owner, architect, contract amount, percent of completion, and scheduled completion date.

4. KEY PERSONNEL EXPERIENCE

Please note that more consideration will be given to those meeting or exceeding the required qualifications below:

- a. Does your assigned Project Manager have the following minimum qualifications and experience? (Attach Resume at **Attachment B**)
 - (1) At least ten (10) years experience in the construction industry?
 Yes Number of Years: _____ No
 - (2) Experience on at least one (1) construction type as identified in 3a.?
 Yes Number of Projects _____ No
 - (3) Experience as a Project Manager on one (1) or more construction projects totaling 3800 square feet or more?

Yes Number of Projects _____ No

b. Does your assigned Project Foreman/Superintendent have the following minimum qualifications and experience? (Attach Resume at **Attachment B**)

(1) At least ten (10) years experience in the construction industry?

Yes Number of Years: _____ No

(2) Experience on at least one (1) construction type as identified in 3a.?

Yes Number of Projects _____ No

(3) Experience as a Project Foreman/Superintendent on one (1) or more construction projects totaling 3800 square feet or more?

Yes Number of Projects _____ No

c. Does your Firm have a Quality Assurance/Quality Control (QA/QC) Manager?:

Yes No

Name: _____ Years with your firm: _____

Present Position/Job Title: _____ Years in position: _____

List other project(s) this person has had a similar role for the past five (5) years:

Is your QA/QC a Principal or Officer of the firm? Yes No

5. CAPACITY AND CAPABILITY TO PERFORM THE WORK

a. Resources

- (1) Total number of current employees:
 - Project Managers _____
 - Estimator's _____
 - Foremen _____
 - Tradesmen _____
 - Administration _____
 - Other _____

b. Please list all projects currently under contract at square footage listed in 3a. with scheduled completion dates (**Attachment C**)

- See Attachment C None

6. SAFETY

a. Does your firm have a written safety program compliant with current State regulations? Provide one (1) copy of your firm's written safety program at **Attachment D**.

- Yes No (attach explanation)

b. Provide your Experience Modification Rate for the past five (5) years:

_____ / _____ / _____ / _____ / _____ /

c. Provide the Recordable Incident Rate for the past calendar year: _____

e. Is your firm free of committing serious or willful violations of federal or state safety laws as determined by a final non-appealable decision of a court or government agency?

- Yes No (attach explanation)

7. INSURANCE & CLAIMS HISTORY

a. Is your firm free of any court judgments, pending litigation, arbitration and final agency decisions filed within the last five (5) years in a construction related matter in which the contractor, or any officer, is or was a party?

- Yes No (attach explanation)

b. Has your firm during the past five (5) years been free of a determination by a court of competent jurisdiction that is filed a false claim with any federal, state or local government entity?

Yes No (attach explanation)

c. Does your firm have the ability to provide the required insurance in the limit stated in the project documents (General Liability and Comprehensive Auto at \$1 Million per occurrence and \$1 Million in the aggregate)?

Yes No (attach explanation)

8. QUALITY ASSURANCE

a. Does your firm have a written Quality Assurance Program?

Yes No

b. Note: If you have a Quality Assurance Program, please provide one (1) copy of the written Assurance Program for **Attachment E**

9. LABOR CODE VIOLATIONS

a. Has your firm during the past five (5) years, been free of any determinations by a court or an administrative agency of repeated or willful violations of laws and/or regulations pertaining to the payment of prevailing wages or employment of apprentices of public works projects?

Refer to **Attachment F**

Yes No

b. Is the firm free of all Subcontractor Fair Practices Act violations for the past five (5) years?

Yes No (explain)

THE UNDERSIGNED CERTIFIES THAT ALL OF THE QUALIFICATION INFORMATION SUBMITTED WITH THIS FORM IS TRUE AND CORRECT.

Name and Title

Firm Name

Signature

Address of Firm

E-mail Address

City/State/Zip

Telephone Number

Fax Number

End of SUBCONTRACTOR STATEMENT OF QUALIFICATIONS

**COMBINED
LIST OF SUBCONTRACTORS
and
ASSIGNMENT OF ANTITRUST CLAIMS
by
CONTRACTOR, SUBCONTRACTORS,
SUB-SUBCONTRACTORS, and SUPPLIERS**

EXAMPLE TRADES AND SUPPLIERS: SITE WORK, CONCRETE, MASONRY, FRAMING, LUMBER, STEEL, STEEL FABRICATION, ROOFING, EXTERIOR INSULATION AND FINISH, DRYWALL, DOORS, GLASS AND GLAZING, PLASTER, PAINTING, CARPET, RESILIENT, CONVEYING SYSTEMS, HVAC, CONTROLS, PLUMBING, SHEET METAL, ELECTRICAL

1. Subcontractor Listing shall be included with Cost Proposal as a condition of the Proposal and be fully complete with regards to all Subcontractors providing services valued at \$5,000.00 or more, or one-half of one percent of the architect's or engineer's estimate of the total project cost, not including alternates, whichever is greater pursuant to Section 13-4-34, NMSA 1978.

Listing Threshold for this Project: \$9,750.00

a. Subcontractor Listing shall be expanded after Proposal award, and before Contract, to include major Suppliers and, each entity listed shall be signed by individual empowered to obligate Supplier, Subcontractor, or Subsubcontractor.

b. Subcontractor Listing shall also be expanded after Proposal award by apparent low Offeror if Awarded, and before Contract, to include the Department of Workforce Solutions labor enforcement fund registration number. See the Department of Workforce Solutions web site at www.dws.state.nm.us under "Public Works" for registration form, listings and information.

c. See Request for Proposal for Construction.

**2. PROJECT NAME: Taos SWCD New Office Building
REQUEST FOR PROPOSAL NUMBER: 02-15-16**

The undersigned agrees that any and all claims which the firm may have or may inure to it for overcharges resulting from antitrust violations as to goods, services, and materials purchased in connection with the above-referenced project are hereby assigned to the Owner, but only to the extent that such overcharges are passed on to the Owner. It is agreed that the firm retains all rights to any such antitrust claims to the extent of any overcharges not passed on to Taos SWCD, including the right to any treble damages attributable thereto.

PROPOSAL FORM

PROJECT IDENTIFICATION: Taos SWCD Office Building Bid No # 02-15-16

THIS BID IS SUBMITTED TO: **Tanya Duncan, RFP Procurement Manager**
Juan I. Gonzales Agricultural Center
202 Chamisa Road
Taos, New Mexico 87571
Tel: (575) 751-0584
Fax: (575) 751-9253
E-Mail: tswcd2@newmex.com

The undersigned OFFERER proposes and agrees, if this Price Proposal is accepted, to enter into an agreement with the OWNER in form included in the Contract Documents to perform and furnish all Work as specified or indicated in the Contract Documents for the Price and within the Times indicated in this Price Proposal and in accordance with the other terms and conditions of the Contract Documents.

OFFEROR accepts all of the terms and conditions of the Request for Proposal for Construction and instructions to bidders, including without limitation those dealing with the disposition of Proposal security. This Proposal will remain subject to acceptance for 45 days after the date Proposals are due. OFFEROR will sign and deliver the required number of counterparts of the Agreement with the bonds and other documents required by the Contract Document Requirements within fifteen days after the date of OWNER'S Notice of Award.

In submitting this Proposal, OFFEROR represents, as more fully set forth in the Agreement, that:

- a. OFFEROR has examined and carefully studied the Contract Documents and the following Addenda, receipt of all which is hereby acknowledged:
(List Addenda by Number and Date; or if none, write none.)

- b. OFFEROR has visited the site and become familiar with and is satisfied as to the general, local and site conditions that may affect cost, progress, performance and furnishing of the Work;
- c. OFFEROR is familiar with and is satisfied as to all federal, state and local Laws and Regulations that may affect cost, progress, performance and furnishing of the Work.
- d. OFFEROR has correlated the information known to OFFEROR, information and observations obtained from visits to the site, reports and drawings identified in the Contract Documents and all additional examinations, investigations, explorations, tests, studies and data with the Contract Documents.

- e. OFFEROR has given ARCHITECT written notice of all conflicts, errors, ambiguities or discrepancies that OFFEROR has discovered in the Contract Documents and the written resolution thereof by ARCHITECT is acceptable to OFFEROR, and the Contract documents are generally sufficient to indicate and convey understanding of all terms and conditions for performing and furnishing the Work for which this Proposal is submitted.
- f. This Proposal is genuine and not made in the interest of or on behalf of any undisclosed person, firm or corporation and is not submitted in conformity with any agreement or rules of any group, association, organization or corporation; OFFEROR has not directly or indirectly induced or solicited any other Offeror to submit a false or sham Proposal; OFFEROR has not solicited or induced any person, firm or corporation to refrain from submitting a Proposal; and OFFEROR has not sought by collusion to obtain for itself any advantage over any other Offeror or over OWNER.
- g. OFFEROR is aware of the general nature of Work to be performed by Owner and others at the site that relates to Work for which this Bid is submitted as indicated in the Contract documents.
- h. OFFEROR acknowledges that the entire Project is subject to a Wage Rate Decision issued specifically for this Project by the New Mexico State Department of Labor.

OFFEROR acknowledges all Cash and Contingency Allowances included in the Lump Sum Price.

OFFEROR agrees that the work will be substantially complete within one hundred eighty (180) calendar days from date of Notice to Proceed and completed and ready for final payment in accordance with Paragraph 14.13 of the General Conditions within ten (10) calendar days of the date of Substantial Completion.

OFFEROR accepts the provisions of the agreement as to liquidated damages in the event of failure to complete the work within the times specified in the Agreement.

OFFEROR will complete the work in accordance with the Contract Documents for the following price provided below:

LUMP SUM PRICE (please use typewriter or print legibly)

Brief Description of Work:

1. The work consists of briefly but not limited to; new construction of a new Office building with wood framing, exterior stucco finish, interior drywall finish, pre-engineered trusses, metal roofing, post and beam portals, and all required utilities for new construction. Including site work parking, sidewalks, landscaping and all other work as specified in construction documents. The following 3 add alternates shall be included, Garage to match office building, solar panel parking cover and 3 rail wood fencing. The contractor shall provide a complete finished product in every way suitable for immediate occupancy by the Owner.

Base Bid, Lump Sum Price (use words and numbers):

_____/ \$ _____

In accordance with the New Mexico Procurement Code, the Gross Receipts Taxes are excluded from the above bid prices and will be billed as a separate added amount at the time of each pay request, and in the percentile applicable at the time of billing.

New Mexico Gross Receipts Tax at _____%, estimate \$ _____

ALT # SHEET # DESCRIPTION OF ALTERNATE

Additive (amount, use words)

- 1. Add Alternate 1 – Garage. See Sheet A-104

_____/ \$ _____
 New Mexico Gross Receipts Tax at _____%, estimate \$ _____

- 2. Add Alternate 2 – Solar panel parking cover See Sheet AS-101

_____/ \$ _____
 New Mexico Gross Receipts Tax at _____%, estimate \$ _____

- 3. Add Alternate 3 – Three rail wood fencing. See Sheet. AS-101

_____/ \$ _____
 New Mexico Gross Receipts Tax at _____%, estimate \$ _____

The following documents are attached to and made a condition of this Bid:

- a. Bid security is due at time of bid submission in the form of a Bid Bond in an amount equal to at least five (5) percent of the amount of the Bid payable to the OWNER as a guaranty that if the Proposal is accepted, the OFFEROR will execute the Agreement and present the required Performance and Payment Bonds within 15 days of receipt of Notice of Award.
- b. In accordance with the Request for Proposal No. 02-15-16, a list of Subcontractors who will provide labor for the project in excess of \$9,750.00
- c. In accordance with the requirements of the Taos Soil and Water Conservation District the following:

- ___ Acknowledgment of Receipt of Addenda
- ___ Base Bid Price, Alternates & Allowances
- ___ Notarized Declaration Letter from Surety
- ___ Certificate of Insurance
- ___ Campaign Contribution Disclosure Form
- ___ Conflict of Interest and Debarment/Suspension Certification Form
- ___ Contractor’s IRS W-9 Form

___Bidders Qualification Statement, Vol. I

Terms used in this Proposal which are defined in the General Conditions or RFP will have the meanings indicated in the General Conditions or RFP.

The Undersigned understands that the Owner reserves the right to reject any or all Proposals or to waive any formality or technicality in any Proposal in the interest of the Owner.

SUBMITTED ON: _____, 2016__.

SUBMITTED BY:

Signature

Title

Firm Name:

Firm Address:

(Seal, if bid is by a corporation)

New Mexico Contractor's License No. & Classification: _____

Resident Contractor Preference

Certificate Number: _____

NM DOL (Workforce Solutions) Certificate Number: _____

Contractor's New Mexico Gross Receipts Tax Number: _____

Contractor's Federal Employee Identification Number: _____

BOND REVIEW AND APPROVAL FORM

THIS FORM MUST BE
ATTACHED TO BOND

REVIEW AND APPROVAL:

This Bond has been executed by a Surety named in the current list of "companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies," as published in Circular 570 (amended) by the Audit Staff Bureau of Accounts, United States Treasury Department.

APPROVED:

Owner's Representative or Governing Authority

Date: _____

AGENT'S AFFIDAVIT

THIS FORM MUST BE
USED BY SURETY

(To be filled in by Agent.)

STATE OF _____)

) ss.

COUNTY OF _____)

_____, being first duly sworn, deposes and says that he/she is the duly appointed agent for _____ and is licensed in the State of New Mexico.

Deponent further states that a certain bond given to indemnify the State of New Mexico in connection with the construction of _____

dated the _____ day of _____, 2016 executed by _____

_____ Contractor, as principal, and, _____

_____ as surety, signed by this

Deponent; and Deponent further states that said bond was written, signed, and delivered by him/her; that the premium on the same has been or will be collected by him/her; and that the full commission thereon has been or will be retained by him/her.

Subscribed and sworn to before me this _____ day of _____, 2016,

Notary Public

My Commission expires: _____

AGENT'S ADDRESS:

Telephone: _____

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)

**CONFLICT OF INTEREST AND
DEBARMENT/SUSPENSION CERTIFICATION FORM
Taos Soil & Water Conservation District
New Office Building
RFP NO - 02-15-16**

CONFLICT OF INTEREST

As utilized herein, the term “Vendor” shall mean that entity submitting a proposal to Taos SWCD in response to the above referenced request for proposals.

The authorized Person, Firm and/or Corporation states that to the best of his/her belief and knowledge: No employee or board member of Taos SWCD (or close relative), with the exception of the person(s) identified below, has a direct or indirect financial interest in the Vendor or in the proposed transaction. Vendor neither employs, nor is negotiating to employ, any Taos SWCD employee, board member or close relative, with the exception of the person(s) identified below. Vendor did not participate, directly or indirectly, in the preparation of specifications upon which the quote or offer is made. If the Vendor is a New Mexico State Legislator or if a New Mexico State Legislator holds a controlling interest in Vendor, please identify the legislator: _____ List below the name(s) of any Taos SWCD employee, board member or close relative who now or within the preceding 12 months (1) works for the Vendor; (2) has an ownership interest in the Vendor (other than as an owner of less than 1% of Vendor’s stock, if Vendor is a publicly traded corporation); (3) is a partner, officer, director, trustee or consultant to the Vendor; (4) has received grant, travel, honoraria or other similar support from Vendor; or (5) has a right to receive royalties from the vendor.

DEBARMENT/SUSPENSION STATUS

The Vendor certifies that it is not suspended, debarred or ineligible from entering into contracts with the Federal Government, or any State agency or local public body, or in receipt of a notice or proposed debarment from any Federal or State agency or local public body. The vendor agrees to provide immediate notice to Taos SWCD Procurement Manager in the event of being suspended, debarred or declared ineligible by any department or agency of the Federal government, or any agency of local public body of the State of New Mexico, or upon receipt of a notice of proposed debarment that is received after the submission of the quote or offer but prior to the award of the purchase order or contract.

CERTIFICATION

The undersigned hereby certifies that he/she has read the above CONFLICT OF INTEREST and DEBARMENT/SUSPENSION Status requirements and that he/she understands and will comply with these requirements. The undersigned further certifies that they have the authority to certify compliance for the vendor named **and that the information contained in this document is true and accurate to the best of their knowledge.**

Signature:

Name of Person Signing (typed or printed):

Title:

Date:

Name of Company (typed or printed):

Address:

City/State/Zip:

Telephone No:

Fax No.:

Email Address:

APPENDIX J

Resident Veterans Preference Certification

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

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 solicitation. I understand that knowingly giving false or misleading information about this fact constitutes a crime.

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

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

I agree to submit a report, or reports, to the State Purchasing Division of the General Services Department declaring under penalty of perjury that during the last calendar year starting January 1 and ending on December 31, the following to be true and accurate:

"In conjunction with this procurement and the requirements of this business' application for a Resident Veteran Business Preference/Resident Veteran Contractor Preference under Sections 13-1-21 or 13-1-22 NMSA 1978, when awarded a contract which was on the basis of having such veterans preference, I agree to report to the State Purchasing Division of the General Services Department the awarded amount involved. I will indicate in the report the award amount as a purchase from a public body or as a public works contract from a public body as the case may be.

"I understand that knowingly giving false or misleading information on this report 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 nonaward of the procurement involved if the statements are proven to be incorrect.