REQUEST FOR PROPOSAL
FOR
Construction Services
FMS Operations Center
Farmington Municipal Schools

☒ Check here if this is **NOT** a PSCOC funded project.
Note: If checked, any reference to PSCOC or PSFA does not apply.

DISTRICT RFP NO: 2023-05

For Contracting Agency: Farmington Municipal Schools
(District Name)
Contact Person: Ted Lasiewicz, Chief of Operations

Address: 3401 East 30th Street

City/State/Zip: Farmington, NM 87401

Telephone: 505.599.0784 Fax: 505.599.8806 E-Mail: tlasiewicz@fms.k12.nm.us

DEADLINE FOR RECEIPT OF PROPOSALS IS AS FOLLOWS:

DATE: March 9, 2023 TIME: 2:00 PM, Local Time

DELIVER TO:
Farmington Municipal Schools, 3401 East 30th Street, Farmington NM 87401

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 PRE-PROPOSAL CONFERENCE will be held as follows:

DATE: February 9, 2023 TIME: 2:00 PM, Local Time

LOCATION: Farmington Municipal Schools District Office

CITY/STATE/ZIP: 3401 East 30th Street, Farmington NM 87401

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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PROJECT PROPOSAL DOCUMENTS

Drawings and Specifications

for

Farmington Municipal Schools

& The

STATE OF NEW MEXICO

PUBLIC SCHOOL FACILITIES AUTHORITY

A. PROJECT DEPOSIT INSTRUCTIONS

Proposal Documents may be obtained at **Albuquerque Reprographics** upon payment of **$150.00** for each complete set. CHECKS SHOULD BE MADE PAYABLE TO **Farmington Municipal Schools**. Incomplete sets will not be issued. The successful Offeror will receive 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 refund of this deposit. No deposits will be returned after the fifteen-day period.

B. LOCATIONS TO REVIEW PROJECT PROPOSAL DOCUMENTS:

Design Professional of Record: FBT Architects
Address: 6501 Americas Pkwy NE
City/State/Zip: Albuquerque, NM 87110 Telephone: 505.883.5200

1. Dodge Reports, 1615 University Boulevard NE, Albuquerque, NM 87102 Telephone: (505) 243-2817
2. Reed Construction Data (CMD), 3351 Candelaria, NE, Suite D, Albuquerque, NM 87107 Telephone: (505) 881-8590
3. Builder's News and Plan Room, 3435 Princeton Drive NE, Albuquerque, NM 87107 Telephone: (505) 884-1752
4. Construction Reporter, 1609 Second Street NW, Albuquerque, NM 87102 Telephone: (505) 243-9793
5. Sunglass Plan Room, 648 W. Broadway, Farmington NM 87401 Telephone: (505) 327-0700

C. PROJECT PRICE PROPOSAL INFORMATION:

Price Proposals shall be presented in the form of a total Base Proposal under a Lump Sum Contract plus any additive or deductive alternates, or Bid Lots, per the Proposal Form (Section 00 4113), Allowances (Section 01 2100) and Alternates (Section 01 2300) as selected by the Owner. A proposal must be submitted on all proposal items, allowances and alternates; segregated proposals will not be accepted.

NOTE: 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.

In submitting this proposal, each Offeror must satisfy all terms and conditions of the Proposal Documents. All work covered by this Request for Proposal 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 Work Force Solutions Department for this project. Refer to Supplementary Conditions (Section 00 7300). 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 the NM Work Force Solutions Department Registration Act.

D. PROJECT PROPOSAL SECURITY

If Offeror proposal price is greater than $25,000, 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 in accordance with the Instructions to Offerors.

A 100% Performance Bond and a 100% Payment and Materials Bond executed by a surety company authorized to do business in the State of New Mexico shall be required from the successful Offeror prior to award of contract. The amount of the Bonds shall be the proposal price exclusive of gross receipts tax.

The AIA A312 1984 or 2010 Labor and Materials Payment Bond shall in effect, limit the time line Surety has to respond. The Payment Bond shall be modified as follows:

> "Paragraph 6 of this Payment Bond is deleted in its entirety and replaced with the following provision: Within 45 days (1) after the claimant has satisfied the conditions of Paragraph 4 and (2) after the Surety has received at its home office all supporting documentation it requested to substantiate the amount of the claim, the Surety shall pay or arrange for payment of any undisputed amounts. Failure of the Surety to satisfy the above requirements shall not be deemed a forfeiture or waiver of the Surety's or the Contractor's defenses under this Bond or their right to dispute such claim. However, in such event the claimant may bring suit against the Surety Company and provided under this Bond."

E. SUBCONTRACTOR LISTING FORMS AND BONDING

IMPORTANT: PLEASE READ:

1. **00 4334 SUBCONTRACTOR QUALIFICATIONS STATEMENT LISTING FORM**
   And
   00 4336 SUBCONTRACTOR AND ANTI-TRUST COMBINED LISTING FORM:

   BOTH completed Forms SHALL BE PLACED IMMEDIATELY AFTER YOUR LETTER OF TRANSMITTAL. The Committee shall evaluate the entire GC 'TEAM' which includes all of the subcontractors that meet the listing thresholds.

2. **SUBCONTRACTOR QUALIFICATIONS STATEMENTS:** one (1) copy of each subcontractor Qualifications Statement shall be submitted in the technical proposal. Please

ensure that the Qualifications Statements included match the subcontractors you've listed on the 00 4334 Form.

NOTE: The District may allow additional time to produce the additional required copies of the Qualifications Statements to be submitted to the Procurement Manager at the date and time stated in the Sequence of Events Section II A, and RFP Response Format and Organization Section III C, to ensure a timely delivery of the original technical proposal. If not stated, all copies of the Qualifications Statements must be submitted with the original on the date and time stated.

Qualifications Statement listing threshold is 5% of the Architect Estimate or $50,000, whichever is greater.

3. 00 4336 STANDARD SUBCONTRACTOR LISTING FORM AND BONDING

Completed Form 00 4336, the standard Subcontractor Listing Form shall list the subcontractors responsible for the work that meet the listing threshold per statute, one half of one percent or $5,000, whichever is greater.

Each subcontractor shall provide a performance and payment bond on a public works building project if the subcontractor's contract (to the General 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.

F. COMPLETION TIME AND LIQUIDATED DAMAGES:

The Proposal Documents contain a time for completion of the work and further impose liquidated damages for failure to complete the work within the stated time period. No Offeror may withdraw his proposal for **45 days** after the actual date of the opening thereof.

G. METHOD OF AWARD:

The Owner intends to award this Project to the highest ranked Offeror in accordance with the Request For Proposal 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.**

H. FORM OF AGREEMENT BETWEEN OWNER AND CONTRACTOR

The agreement for the work shall be the PSFA Standard Form of Agreement Between the Owner and Contractor 2019 Edition Ver. 3.5 and General Conditions, 2019 Version 3.1a, with the basis of payment as a Stipulated Sum. This document is printed in its entirety in the Project Manual, and it is also available on the PSFA website at www.nmpsfa.org, under Contract Documents and Forms.

I. PROJECT INFORMATION

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 District 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 competitively sealed proposals for construction of **Farmington Municipal Schools - Plant Operations Center** is the most effective means to ensure the project is delivered accordingly.

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.

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

B. PROJECT FUNDING

The District and Public School Capital Outlay Council/Public School Facilities Authority have funds to administer this project and will be referred to throughout the contract documents as "Owner".

The Design Professional estimate of probable construction cost is:

$8,556,100.00*

***(Note: This estimate does not include NM Gross Receipts Tax)**

C. PROJECT DESCRIPTION

The project is described as:

The Operations Center for Farmington Municipal Schools is a 19,000 square foot facility that will house grounds equipment, shop equipment and store warehouse goods that all serve the various schools within the district. An office area will also be included. The building will be constructed by a pre-engineered metal building system with a concrete slab on grade foundation and perimeter footing system.

Site work will include new asphalt paving and concrete sidewalks as well as concrete retaining walls. Plus all utility extensions to the new building from within the site.

D. PROJECT CONTACTS

Any questions concerning the selection process for this Request for Proposals shall be submitted to the Procurement Manager listed below. Technical questions regarding the scope of work shall be submitted to the Design Professional of record, and if appropriate, to the District Representative.

For questions regarding the selection process:

Procurement Contact Name: Lisa Evans, Chief Procurement Officer
Address: 3401 E. 30th St., Farmington, NM 87402
Phone: 505.599.0790
For technical questions regarding the scope of work, drawings and specifications:

District Design Professional: FBT Architects, Antonio Vigil
Address: 6501 Americas Pkwy NE, Suite 300
City/State/Zip: Albuquerque, NM 87110
Phone Number: 505.883.5200

E. PROJECT PLANNING SCHEDULE

Key project planning schedule milestones are:

Tentative Notice of Intent to Award	TBD
Tentative Notice of Award	TBD
Anticipated Substantial Completion	TBD

F. SUMMARY SCOPE OF SERVICES

A summary of services the General Contractor shall perform to complete the Project, include, but are not limited to, the following:

a. Planning, supervision and timely completion of the Project
b. Prepare, monitor, and maintain Project schedule
c. Material procurement, delivery, and storage
d. Submittals and Project documentation
e. Manage construction labor and materials
f. Coordinate with Owner direct labor, subcontractors, and Owner furnished equipment suppliers, if applicable
g. Manage site access, safety, security, and quality control
h. Manage testing, inspections
i. Coordination of all utility inspections
j. Project close-out and warranty period

G. DEFINITIONS AND TERMINOLOGY

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

"Architect" means a member of the project team who is a New Mexico licensed architect and is responsible for the architectural services.

"Award of Contract" shall mean a formal written notice by the District that a firm has been selected to enter into negotiations for a contract for construction services.

"Construction Industries Division – licensing treatment of general and limited partnerships and joint ventures.

(1) General partnerships are to be separately licenses when the partnership is bidding for and performing the work, provided that partnerships are legally authorized to do business in NM in order to be licensed but not requiring that they be separately licensed, see 14.6.3.8 (B)(3) NMAC.

(2) Limited partnerships are required to be separately licenses even though one or more of its partners holds a license or qualifying party certificate (14.6.3.8(B)(1) NMAC.

(3) Joint ventures must be separately licensed per 14.6.3.8(B)(2)(a) NMAC. No two or more persons shall submit a joint bid or jointly engage in contracting unless operating as a validly licensed joint venture.

"Construction Contractor" means successful Offeror awarded the contract that holds a current State of New Mexico general contractor license designation of GB-98.

"Contract" means an agreement between a state agency or school district and a New Mexico licensed contractor for the work covered by this RFP.

"Contract Documents" means any one, or combination, of the following documents: Agreement Between the Owner and the General Contractor for Construction, General Conditions of the Contract for Construction, and the drawings and specifications.

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

"Co-Owner" means the Public School Facilities Authority, on behalf of the Public School Capital Outlay Council that is funding or partially funding the project.

"Department of Finance and Administration (DFA)" is the cabinet agency with central accounting authority and responsibility, which issue payments for work performed under this RFP involving DCP/PSCOC funding.

"Design Professional" means architect or engineer.

"Determination" means the written documentation of a decision of the District and/or the Selection Committee, including findings of fact required to support a decision. A determination becomes part of the procurement file to which it pertains.

"Limited partnership" is formed upon the filing of a certificate of limited partnership with the Secretary of State. Limited partnership shall state whether partners are general or limited. General partners are agents of the limited partnership, may manage the limited partnership, and may be held liable for the limited partnership's obligations.

"Joint venture" is a partnership formed for a single transaction. As a partnership, it can be created without a formal, written agreement meeting (1) a community of interest in the performance of a common purpose; (2) a joint proprietary interest in the subject matter, (3) a mutual right to control, (4) a right to share in the profits, and (5) a duty to share in any losses which may be sustained.

"Offeror" is any person, corporation, or partnership who chooses to submit a proposal in response to this RFP.

"Owner" is the District.

"Partnership" is an 'association of two or more persons who become co-owners of a business for profit per NMSA 1978 54-1A-202(a) 1996. Note: When forming a partnership, written partnership agreements are not required. 'In a 'general partnership' each partner is an agent of and may bind the partnership unless the partnership has limited that partner's authority.
"Proposal" is the Offerors response to this RFP.

"Public School Capital Outlay Council (PSCOC)" is the body with responsibility to approve allocations for public school capital outlay assistance.

"Public School Facilities Authority (PSFA)" is the agency, under the Public School Capital Outlay Council (PSCOC) charged with responsibility for overseeing projects and shall serve as the owner's representative for work performed under this RFP.

"Request for Proposals" or **"RFP"** means all documents, attached or incorporated by reference, used for soliciting proposals for this project.

"Resident Business Preference" means a business that has a valid resident business certificate issued by the New Mexico Taxation and Revenue Department pursuant to §13-1-21 NMSA 1978 as amended.

"Native American Resident Business Preference" means a business that has a valid Native American resident business certificate issued by the New Mexico Taxation and Revenue Department pursuant to §13-1-21 NMSA 1978 as amended.

"Resident Veteran Business Preference" means a business that has a valid resident veteran business certificate issued by the New Mexico Taxation and Revenue Department pursuant to §13-1-21 NMSA 1978 as amended.

"Native American Resident Veteran Business Preference" means a business that has a valid Native American resident veteran business certificate issued by the New Mexico Taxation and Revenue Department pursuant to §13-1-21 NMSA 1978 as amended.

"RFP Documents" means any one, or combination, of the following documents: Request for Proposal, technical proposal, price proposal, contractor qualification statement, subcontractor qualification statements, Price Proposal.

"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.

"Responsive Offer" or **"Responsive Proposal"** means an offer or proposal, which conforms in all material, respects to the requirements set forth in the RFP. Material respects of a RFP include, but are not limited to quality, quantity or delivery requirements.

"Selection Committee or Evaluation Committee" means a body constituted in accordance with Section 13-1-121 NMSA 1978 and 1.4.8.16 NMAC 2005 to perform the evaluation of Offeror proposals and make a recommendation for selection (short list) or final selection recommendation to the governing body. The Evaluation Committee consists of a minimum of three members, should collectively possess expertise in the technical requirements of the project, construction design and contracting.

"Statement of Qualifications Forms" means the forms included as part of this RFP, which all Offerors shall complete, including the qualification for the team member or partners and subcontractors proposed for the project.

"Technical Irregularities" are matters of form rather than substance evident from the Offeror 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. If discussions are not held or if best and final offers upon which award will be made have been received, the Evaluation Committee may waive such irregularities or allow an Offeror to correct them if either is in the best interest of the Owner. Examples include, but are not limited to the failure of the 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 amendment to the RFP, but only if: (1) it is clear from the proposal that the Offeror received the amendment and intended to be bound by its terms; or (2) the amendment involved had no effect on price, quality or quantity.

Note: A technical irregularity can be waived if the irregularity does not affect quality, price, or time elements of the project.

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

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

The terms **"must," "shall," "will," "is required,"** or **"are required"** identify *a necessary* item or factor. Failure to comply *with such* an item or factor *may* result in the rejection of the Offerors proposal.

The terms **"can," "may," "should," "preferably,"** or **"prefers"** identifies a desirable or discretionary item or factor. Failure to comply with such an item or factor *may* result in the rejection of the Offerors proposal. *Rejection of the proposal will be subject to review by the Selection Committee and the final decision on rejection will be made by the Committee Chairman.*

H. PROCUREMENT LIBRARY

A document library has been established for Offerors to review. The library contains the information listed below and the content of each item can be located on the PSFA website at

https://www.PSFA.org (Website Path) Administration > Procurement > Document Library for RFPs.

Guidelines to the New Mexico Public School Adequacy Standards:

- NMAC 6.27.30 Statewide Adequacy Standards
- NMAC 6.27.31 Special Purpose Schools Adequacy Planning Guide
- NMAC Rules – Public School Capital Outlay Council (NMAC 6.27.1 & 6.27.2)
- Facilities Master Plan Scope of Work Checklist
- Facilities Master Plan Scope of Work Checklist Charter
- The State of New Mexico PSFA HVAC and Controls Performance Assurance Program Manual
- The State of New Mexico PSFA TAB Performance Assurance Contractor Manual
- The State of New Mexico PSFA Roofing Program Handbook

Procurement Regulations NMAC 1.4.1.1. may be obtained from the following website:
https://www.generalservices.state.nm.us

II. CONDITIONS GOVERNING THE PROCUREMENT

This section of the RFP outlines and describes the major events of the selection process and the conditions that govern this procurement.

A. SEQUENCE OF EVENTS

	Action	Responsibility	Date / Time
1.	Issue RFP	District	1/29/23
2.	Pre-Proposal Conference Location: Farmington Operations Center Note: **Mandatory**	District	2/9/23 at 2:00 P.M. Local Time
3.	Deadline to Submit Written Questions re: RFP Process	Potential Offerors	2/28/23
4.	Response to Written Questions re: RFP Process and Addendum	District	3/2/23
5.	Date of Release of Last Addenda Prior to Submission of Proposal	Design Professional	3/2/23
6.	**Submission of Proposal**	**Offerors**	**3/9/23 at 2:00 P.M. Local Time**
6A.	Submission of Copies of Technical Proposals (If applicable)	Offerors	3/8/23
7.	Proposal Evaluation	Evaluation Committee	TBD
8.	Notice of Short-Listed Offerors	Procurement Manager	TBD
9.	Interviews of Short-listed Offerors (If held)	Evaluation Committee & Offerors	TBD
10.	Issue Recommendation of Award to Governing Board/Notice of Intent to Award	Procurement Manager & Design Professional	TBD
11.	Contract Negotiations	District	TBD
12.	Issue Notice of Award, Prepare Contract	Design Professional & District	TBD
13.	Protest of Award Deadline	Offeror(s)	TBD

B. EXPLANATION OF SEQUENCE OF EVENTS

1. **Issue RFP**
   This RFP is issued by the District in accordance with the provisions of Sections 13-1-111 and 13-1-117 NMSA 1978, General Government Administration Procurement Regulations NMAC 1.4.1.29 through 1.4.1.47, and 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.

2. **Pre-Proposal Conference**
   This is the date and time of the meeting to review the RFP documents, including the Scope of Work, Response Format, Schedule, and Price Proposal requirements.

In addition to the mandatory Pre-Proposal Meeting, the Owner may allow Prospective Offerors the opportunity to visit with the project User Representative with permission from the District Representative. **Please note that after the proposal submission due date, the Offerors are not allowed any contact without the District Representative's permission. The District may, however, contact Offerors for clarification purposes, changes in the Schedule of Events, notices of non-responsiveness or responsiveness of proposals, and notices of shortlist status and/or interviews.**

3. **Deadline to Submit Written Questions regarding the RFP Process**
This is the date and time set for submitting written questions regarding the RFP document and procurement process to the Procurement Manager. Note: questions regarding the drawings and specifications shall be directed to the Design Professional.

4. **Response to Written Questions to RFP Process and Addendum**
This is the date and time set by the Procurement Manager to issue a response to written questions regarding the RFP procuring document or the procurement process. The Procurement Manager will coordinate this response with the Design Professional to be included in the issuance of addenda, if applicable.

5. **Date of Release of Last Addenda Prior to Submission of Proposals**
This is the date that has been set by the Design Professional that signifies no other addenda will be issued on the project so that Offerors have time to finalize their responses.

6. **Submission of Proposal**
This is the date and time that has been set for the submission of Proposals. Late Proposals *will not* be accepted. It is the Offeror's responsibility to ensure that Proposals arrive at the appointed location, date and time. Proposals may be delivered early to avoid any possible delay of the submission. The documents shall be in a sealed container with the RFP number and opening date indicated on the bottom left hand side of the container as follows:

PROPOSALS RECEIVED AFTER THE DEADLINE SHALL BE CONSIDERED NON-RESPONSIVE. Proposal submittals be shall date and time-stamped by the District office that is designated to receive proposals. A public log will be kept of the names and submittal times of all Offerors who submitted proposals.

The Procurement Manager shall review the proposals for completeness and compliance with the mandatory requirements prior to distribution to the Evaluation Committee. If any proposal submitted is deemed non-responsive, the Offeror will be notified in writing of such determination which will include the right of the Offeror to protest the decision. (See Section II.C.1.). The Procurement Manager shall designate a witness to be present during the opening the proposals. The witness and Procurement Manager shall sign the "List of Offerors" for the procurement file.

7. **Proposal Evaluation**
This is the date and time that the Evaluation Committee will convene to discuss the proposals and to report individual scores to the Procurement Manager. Individual scores shall be recorded on the Master Score/Rank Sheet. After the scores have been recorded, the Procurement Manager shall open the Price Proposals and calculate the points for each Offeror. The Procurement Manager shall record the scores allocated to Price for each Offeror on the Master Score/Rank Sheet.

8. **Notice of Short-Listed Offerors**

The Procurement Manager shall send the Score Sheet to PSFA for review prior to any notification of the evaluation results. Upon PSFA approval, the Procurement Manager may notify all Offerors of the Short List Rank of Offerors in writing, and state whether or not interviews will be held.

Note: The Selection Committee may hold interviews with the highest-ranked Offerors, where there is a natural break in the scoring. The number of interviews, if held, will be at the discretion of the PSFA and the Selection Committee. If interviews are not held, the decision shall be documented for the procurement file.

9. Interview of Short-List Offerors

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 Short-List Offerors that includes the points to be allocated to each question. Points allocated to the questions shall be evenly distributed.

NOTE: A "Pre-Interview" meeting may be held by the District Representative, 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.

10. **Recommendation of Award to Board of Education**

The Procurement Manager shall prepare a procurement report and a recommendation to the Board for award of the Project that shall include the ranking of all Offerors and the final ranking of Short-Listed Offerors.

Upon Board of Education approval, the Design Professional shall prepare the Notice of Intent to Award a contract to the Board approved Offeror.

11. **Contract Negotiations**

The Owner reserves the right to enter into negotiations with the highest ranked Offeror per NMSA 13-1-115. If contract negotiations are not finalized within a reasonable period of time, the Owner will conclude negotiations with the selected firm and begin negotiations with the next ranked firm based on final ranking.

12. **Issue Notice of Award, Prepare Contract**

Upon the successful completion of contract negotiations and Board of Education approval, the Architect shall issue the Notice of Award and prepare the Contract for Construction.

13. **Protest Deadline**

The protest period for **award** of the contract shall begin the day after the date of the Notice of Award. This date shall be determined by the Procurement Manager. See Section C, Paragraph 1, below for more detail.

C. STANDARD CONDITIONS GOVERNING THE PROCUREMENT

The Standard Conditions section contains statutory 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 the solicitation of a contract or the award of a contract may protest to the Procurement Manager or his/her Designee. The protest must be submitted **in writing** within fifteen (15) calendar days after knowledge of the facts or occurrences giving rise to the protest to the Procurement Manager.

   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 GC 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 GC duties and responsibilities to a third party is not acceptable.

4. **Amendments or Modifications to a Proposal by Offeror**
   Per 1.4.1.34 and 1.4.1.35 NMAC, an Offeror may request in writing to amend, modify or withdraw their proposal if the Procurement Manager makes a determination that it is in the best interests of the District and the Offeror to do so, prior to the date and time of the receipt of proposals. If the request is accepted to amend or modify a proposal, the Offeror shall replace the incorrect proposals with corrected proposals in their entirety. Substitution of random pages will not be allowed to avoid information being inserted or removed incorrectly. Any amendment or modification to an Offeror's proposal shall be documented for the procurement file.

5. **Late Withdrawals or Late Modifications**
   Per 1.4.1.36, inclusive of 1.4.1.21 NMAC, submission of a request to withdraw or modify a proposal after the deadline, shall be documented, and shall not be considered unless the written request is received before contract award, and the request to submit, modify or withdraw the proposal would have been timely but for the action or inaction of the Procurement Manager and/or District personnel directly involved in the procurement.

   Any of these occurrences shall be documented by the Procurement Manager, and all Offerors of record shall be notified of the event in writing as soon as possible.

6. **Disclosure of Proposal Contents**
   The content of any proposal shall not be opened to public inspection or disclosed prior to award. At that time, all proposals will be open to the public, except for the material which has clearly been noted and determined by the Procurement Manager to be proprietary or confidential as noted by the Offeror.

7. **Confidential Data**
   if a request is received for disclosure of data, for which an Offeror has made written request for confidentiality, the Procurement Manager shall make a determination that the data is, in fact, confidential and proprietary financial information concerning the Offeror's organization and whether or not the data qualifies as a trade secret under the Uniform Trade Secrets Act, Sections NMSA 1978 57-3A-7. Unless the Offeror takes legal action to prevent disclosure of data that does not meet the requirements of the Uniform Trade Secrets Act, the data will be so disclosed. After award the proposal shall be open to public inspections subject to any continuing prohibition on the disclosure of confidential data. Any pages of a proposal on which the Offeror has stamped or imprinted "proprietary" or "confidential" shall be readily separable from the proposal in order to facilitate public inspection for the non-confidential portion of the qualifications based proposal.

8. **Termination**
   This RFP may be canceled at any time and any and all proposals may be rejected in whole or in part when the District determines such action to be in the best interest of the District and the State of New Mexico.

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 will be accepted by the contractor as 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 Selection 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 Minor Irregularities**
    The Selection Committee reserves the right to waive minor irregularities per 1.4.1.42 NMAC 2005 (see Definitions). The Selection 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 Selection Committee.

12. **Notice**
    The New Mexico criminal statutes impose felony penalties for bribes, gratuities and kickbacks.

13. **Release of Information**

Only the Owner is 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.

14. **Project Reporting**
In addition to the normal project meetings with the Owner, successful Offeror is required to work with the District Representative, the Project Architect, and the PSFA Regional Manager to ensure the project records are uploaded into the PSFA construction information management system. Training for use of this system will be provided by the PSFA training staff. If you have not been trained to use the construction information management system, please check the PSFA website at www.nmpsfa.org for training schedules and information as soon as possible.

15. **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, and will be attached to the final contract documents. 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 General Contractor's place of business. It is the General 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 General Contractor will not relieve the General Contractor from becoming aware of or complying with such determinations.

16. **Clarifications from Offerors**
The Procurement Manager may, at the request of a Selection Committee designee request clarifications on information submitted by any and all Offerors.

17. **Licensing Requirements**
The Contractor and subcontractors shall comply with all licensing regulations and the Contractor shall provide copies of all valid licenses necessary to perform the work in the State of New Mexico.

18. **Subcontractors**
The Subcontractors Fair Practices Act, 13-4-31 et. seq. per NMAC 1.4.8.13, para. C applies to this procurement. Therefore, any request for substitution on the part of the Owner or the Offeror shall comply with this section.

III. RFP RESPONSE FORMAT AND ORGANIZATION

A. NUMBER OF RESPONSES

General Contractors shall only submit one offer. See Paragraph B for the number of copies of the offer required. Multiple offers by one General Contractor are not allowed. Please note that the Procurement Manager, after award, shall retain the original Technical Proposal and Price Proposal for the procurement file as a matter of record.

NOTE: SUBMIT Original Price Proposal with the original Technical Proposal. It shall be submitted in a clearly marked sealed envelope easily removable from the Technical Proposal.

B. NUMBER OF COPIES OF RESPONSES

In addition to the Original Technical Proposal and Price Proposal submittal, Offerors shall provide **Five (5)** identical copies of the proposals for the Evaluation Committee and **One (1)** digital, identical copy of the proposal on a USB Flash Drive in PDF format.

Note: Offerors may be afforded 24 hours to submit the additional copies of the Subcontractors Qualifications Statements. Please do not submit any portion of your RFP in electronic media.

After award of a contract, all Offerors of record may make arrangements with the District to have their proposal copies returned or picked up. The District shall not be responsible for any shipping or mailing costs to return copies of the proposals.

C. SUBMISSION OF PROPOSAL

Hand Carried: Proposals may be hand carried/delivered. If requested, the District may give the person delivering the proposal package a receipt that notes the firm name, date and time the proposal was delivered for the Offeror files.

Common Carrier or USPS: Offers may be shipped/mailed by common carrier or courier. Be advised that the District is not responsible for offers that are not received timely. It is solely the responsibility of the Offeror to ensure the submittal arrives on time at the location state herein.

No Other Methods of Offer Delivery Allowed: Telephone, telegraphic, facsimile or electronic offers will NOT be accepted.

D. GENERAL RESPONSE INSTRUCTIONS AND INFORMATION

1. Proposals shall be prepared SIMPLY AND ECONOMICALLY, providing straightforward, CONCISE description of the respondent's ability to meet the requirements of this RFP. Emphasis shall be on the completeness, clarity of content, responsiveness to the requirements, and an understanding of the owner's needs.

2. Respondents shall carefully read the information contained in this RFP and submit a complete response to all requirements and questions as directed. Incomplete Proposals will be considered non-responsive and subject to rejection.

3. Offerors shall prepare and develop proposals at the sole expense of the Offeror.

4. 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. Questions regarding the procurement process, the RFP documents, general requirements, terms and conditions, etc. must be submitted in writing prior to the submission of Proposal for clarification purposes.

5. If your proposal contains proprietary/confidential information, you shall stamp those pages so that they are easily identifiable by the Procurement Manager. Those pages shall be examined and a written determination shall be made that specifies which portions of the proposal may not be disclosed. If the Offeror disagrees, they are entitled to take legal action to prevent the disclosure.

6. Proposals shall consist of answers to questions or requirements identified in the RFP. It is not necessary to repeat the question in the Proposals; however, it is essential to reference the question number with the corresponding answer.

7. All amendments and addenda shall be acknowledged on the Price Proposal Form where designated.

VOLUME I – TECHNICAL PROPOSAL

A. Technical Proposal Format

Proposals may be submitted in a spiral or three-ring binder. Page format shall include 8-1/2" x 11" paper and 11" x 17" foldout sheets in size. Foldout pages shall be counted s two pages and shall be numbered as such. Text will be no smaller than 10 point. If there are any questions regarding format requirements, please contact the Procurement Manager prior to submission.

Proposals shall not exceed 30 pages total for the tabbed sections 3, 4, 5, 6 and 7 (tabbed Section 2A & 2B, Contractor and Subcontractor Questionnaire Attachments, shall be not be counted in the total pages described herein). Each sheet face that is printed with text or graphics counts as one page. Tab dividers do not count as pages provided the only text or graphics on the divider are the tab number and section title.

Offerors are cautioned to please keep the required documents/attachments in each category to concise, easily readable and applicable information.

B. Tabs/Evaluation Categories:

All sections shall be separated by a numbered tab that corresponds to the Evaluation Category, 1 through 6, described below.

TAB 1. SIGNED LETTER OF SUBMITTAL AND MANDATORY FORMS

00 334 Subcontractor Qualifications Statement Listing Form

00 4336 Subcontractor Listing Form w/Registration Number and Anti-Trust signatures (before contract is signed)

Valid Preference Certificate for one of the following: NM Resident Business

Certificate, Native American Resident Business Certificate, Resident Veteran Business Certificate, or Native American Resident Veteran Business Certificate Campaign Contribution Form

TAB 1. Letter of Submittal Requirements

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 acknowledgments 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 sign documents and who has sufficient knowledge to fully address all matters and respond to all inquiries included in the RFP submittal.
2. If a joint proposal is being submitted, identify the firm, and disclose the work/services to be executed by the nonresident contractor as a percentage of the total amount of the Price Proposal. The resident, Native American contractor, veteran, Native American veteran contractor, preference will be apportioned to the technical, price, and interview (if held) scores based on the percentage of work being performed by the in-state Offeror minus the out-of-state Offorer's percentage of the work.
3. Acknowledge acceptance of all conditions that govern the procurement.
4. 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.
5. 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 deem the proposal 'non-responsive'.
6. Acknowledge that the Owner has a right to obtain relevant information from other sources (references) to determine that the Offeror is 'responsible'.
7. Acknowledge that if awarded the contract, the RFP documents, all terms and conditions stated herein, all information, data, certifications, disclosures and addendum shall be a part of the Contract.
8. Statement/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 with supporting information, pictures, diagrams, reports, etc.
9. Letter of Submittal shall be signed by a person or persons identified in Paragraph 1 of this section, who is/are fully authorized to contractually obligate the firm, and who has sufficient knowledge to fully address all matters and respond to all inquiries including the RFP submittal.

TAB 2A & 2B. GENERAL CONTRACTOR & SUBCONTRACTOR QUALIFICATIONS

NOTE: The attachments to this section are in addition to, and are not counted in the 30 pages allowed per Section IV, Volume I, Technical Proposal, Paragraph A for Tabs 3, 4, 5, 6 and 7.

TAB 2A. GENERAL CONTRACTOR QUALIFICATIONS STATEMENT SUMMARY

1. Firm name and address, type of organization, years in business, other names business may have operated under.
2. Licensing Information.
3. Experience completing one (1) or more Pre-Engineered Metal Building projects of similar complexity totaling **15,000** square feet or more since **the year 2020** as the proposed project – List a maximum of 3 Projects (Projects will be described in detail in Attachment A of the Contractor Qualification Statement).
4. Key Personnel Experience.
5. Capacity and Capability to Perform the Work.
6. Surety Name and Bonding information.
7. Safety Information.
8. Insurance Claims and History.
9. Quality Assurance.
10. Project Scheduling.
11. Labor Code Violations.
12. Judgments/Breach of Contract.
13. Contractor Comments/Other Information.

TAB 2A. GENERAL CONTRACTOR ATTACHMENTS

Attachment A: Project Experience of Similar Complexity and Scope/Qualifications

Provide maximum of 3 examples on Attachment A Form provided.

a. Experience on Similar projects totaling 15,000 square feet since 2020

b. Project execution

c. Customer satisfaction

Attachment B: Resumes for Project Manager, Superintendent, Safety, other key personnel

Attachment C: Organizational Chart of Project Management Team

Attachment D: Projects currently under construction totaling 15,000 square feet or more.

Attachment E: Notarized declaration of surety

Attachment F: ONE (1) Copy of Firm's written safety plan

Attachment G: Letter from Insurance Carrier on their letterhead

Attachment H: Written Assurance Program

Attachment I: Affidavit of non-violation of Labor codes

Attachment J: Judgments/Breach of Contract/Protests

TAB 2B. SUBCONTRACTOR QUALIFICATION STATEMENT SUMMARY

Note: The attachments to this section are in addition to, and do not count toward the 30 pages allowed per Section IV, Volume I, Technical Proposal, Para. A for Tabs 3, 4, 5 and 6.

Per NMAC 1.4.8 RFP for Construction and Facility Maintenance, Services and Repairs, Para. 1.4.8.12, subparagraph D (2), the value of the subcontractors' work that meets the listing threshold state below shall submit a Qualifications Statement:

> "Subcontractor Qualification Statements. Subcontractor qualification statements shall be required for all subcontractors identified in the technical proposal pursuant to the subcontractor listing requirements 1.4.8.13 NMAC, where the value of the subcontract is fifty thousand ($50,000) or five percent (5%) whichever is greater. 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."

1. Offeror Information.
2. Licensing.
3. Experience completing one or more facilities over 15,000 square feet since 2020. List a maximum of 3 projects.
4. Key Personnel.
5. Capacity and Capability.
6. Safety.
7. Insurance and Claims History.
8. Quality Assurance.
9. Labor Code Violations.
10. Subcontractor Comments.
11. Other Information.
12. 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 2B. SUBCONTRACTOR ATTACHMENTS

Attachment A: Project Experience of Similar Complexity and Scope/Qualifications

Provide maximum of 3 examples on Subcontractor Attachment A Form provided.

Attachment B: Resumes for Project Manager, Superintendent, other key personnel

Attachment C: Similar Projects

Attachment D: Written Safety Plan

Attachment E: Written Quality Assurance Program

Attachment F: Affidavit of non-violation of Labor codes

Attachment G: Judgments/Breach of Contract, Mediations & Arbitrations

Attachment H: Subcontractor Comments/Other Information

Attachment I: Certify and/or document firm possesses necessary equipment, financial resources, technical resources, management, professional and craft personnel resources and other required capabilities to successfully perform the contract

TAB 3. PAST PERFORMANCE

Please provide the following information:

A. Capability to meet schedules, budgets and project administration requirements for past projects listed in Attachment A:
   1. Were any of the projects completed early? If yes, identify the project(s) and describe how this was accomplished.
   2. Were any of the projects completed late? If yes, identify the project, how many days late, and the reason(s) why the completion date was delayed.
   3. How many days after Substantial Completion were required to complete the punch list items on each project listed.
   4. Was your firm or your subcontractors called back to any of the projects listed for any reason during the warranty period? After the warranty period?
   5. Were there any outstanding issues remaining after the warranty inspection on any of the projects you've listed?
   6. Did your firm, for any reason, refuse to do additional work required by the Owner? If yes, identify the project and state the reason(s) why.
   7. What was your firm's process for vetting the pricing from your subcontractors and suppliers on change orders in order to ensure fair pricing to the Owner?
   8. 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 the project listed for which your firm absorbed the costs.

B. Describe the role of each teaming partner on the contract.

C. Evidence of past performance quality and overall customer satisfaction.

D. Record of compliance with applicable laws and regulations on past projects.

E. Past record of achievement of health and safety targets.

TAB 4. PROJECT STAFFING

Please provide the following information:

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

B. Address the extent to which key personnel have worked together as a team on project of similar or greater magnitude and on projects of the same nature. Provide a matrix that lists key staff names across the top of the matrix and list 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.).

C. Describe Contractor's and subcontractors' participation in skill training.

D. Address reliable staffing sources/project staffing.

TAB 5. MANAGEMENT PLAN

Provide a brief narrative of the approach to the following issues as they pertain to this project:

Management Team: Provide an organizational chart of the Management Team and address how critical subcontractors were selected and will be managed.

A. 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.

B. Describe the technical approach to the project that is intended to ensure that tasks are executed within cost, schedule and quality goals.

C. Provide a proposed project schedule. Indicate critical dates and other information in sufficient detail for the Evaluation Committee to determine if time frames are reasonable.

D. Provide information regarding your firm's ability to deliver the project within the allotted construction time.

TAB 6. HEALTH AND SAFETY

Please provide the following information:

A. Provide a summary description of the General Contractor's Health and Safety management system.

   NOTE: 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 the 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, Subcontractors, and the Owner.

(See Section V.B. Evaluation Criteria below for detailed scoring guidelines for the 'Health and Safety" category).

TAB 7. NEW MEXICO PRODUCED WORK

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 a part of the project team.

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

NOTE REGARDING TABS 3, 4, 5, 6 AND 7:

There may be a duplication of required information on Attachments of the General Contractor Statement of Qualifications and other sections of the Technical Proposal. The purpose of Tabs 4, 5, 6, and 7 is to allow the Offeror the ability to present more concise information regarding the strengths of the proposed team, and to identify information that the Selection Committee can use for scoring. If the Offeror so chooses, other sections of the Technical Proposal may be referenced within these Tabs, without wholly duplicating information provided. Also, information presented elsewhere may be summarized or condensed within these Tab sections to make the Offeror's proposal more clear.

VOLUME 2. PRICE PROPOSAL

(Provide One Original Copy of Below Information in Separate Sealed container. Price Proposal Form is included in Div. 00 of the Project Manual)

1. **PRICE PROPOSAL AMOUNT**— use the Lump Sum Proposal form provided in the project manual. Price *shall not* include NM Gross Receipts Tax. However, the GRT will be added to the contract.

   NOTE: If a joint proposal is being submitted, be sure you have stated the % of the work/services that will be performed by the nonresident contractor stated, based on the dollar amount of the Price proposed and include your valid in-state preference number assigned by NM Taxation and Revenue on the Proposal Form. Copies of your certificate shall be included in the Technical Proposal, so the preference points are considered and applied correctly.

2. **ANY ALTERNATES OR BID LOTS LISTED** must be clearly identified by cost.

3. **STATE OF NEW MEXICO W-9**

4. **AGENT'S AVIDAVIT**

5. **PROPOSAL BOND**

6. **CERTIFICATE OF INSURANCE**

7. **POWER OF ATTORNEY**

8. **LICENSES, PREFERENCE, REGISTRATION, AND ANY OTHER NUMBERS REQUIRED ON THE PROPOSAL FORM**

IV. PROPOSAL EVALUATION

A. EVALUATION PROCESS AND SCORING METHODOLOGY

1. **Receipt and Opening of Proposals**
   Proposals received prior to or at submission 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 contract for construction is signed by the successful Offeror.

2. **Evaluation Committee**
   The Evaluation Committee shall consist of a minimum of three (3) persons, but no more than five (5) persons appointed by the Owner that 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.

3. **Technical Proposal**
   The Procurement 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 Procurement Manager reserves the right to contact an Offeror to clarify contents of any Technical Proposal.

   Any Offeror whose proposal is determined to be non-responsive shall be notified in writing of the determination as soon as possible. The Procurement Manager will then distribute the proposals and individual score sheets to the Evaluation Committee, and review evaluation criteria.

4. **Price Proposal**
   Price Proposals shall be evaluated on the basis of the numerical weight assigned below and as well as the NM, Native American resident/veteran, contractor, law. The regulatory scoring process permits the scoring of competing Offeror's price proposals in relation to one another: 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:

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

   The Evaluation Committee members shall score the technical proposals individually. Those individual scores will then be combined with the price proposal score and converted to a numeric ranking of all proposals per committee member. The individual member rankings per Offeror will then be totaled and averaged to determine the overall ranking of proposals. The Committee will then determine whether or not to conduct interviews based on the final ranking.

5. **Resident Contractor Preference and Resident Veteran Contractor Preference**

   To ensure adequate consideration and application of NMSA 1978, § 13-1-21 (as amended), Offerors must include a copy of their valid preference certificate in their proposal. Invalid or expired certificates will not be accepted. An expired certificate currently in the process of renewal will not be considered valid. Certificates for preferences must be obtained through the New Mexico Department of Taxation and Revenue: http://www.tax.newmexico.gov/Businesses/in-state-veteran-preference-certification.aspx

   New Mexico preferences are: the New Mexico Resident Business Preference, the New Mexico Native American Resident Business Preference, the New Mexico Resident Veteran Business Preference, and the New Mexico Native American Veteran Business Preference.

   An Offeror cannot be awarded multiple preferences. The District shall award a business only one of the following preferences: New Mexico Resident Business Preference, New Mexico Native American Resident Business Preference, New Mexico Resident Veteran Business Preference, and New Mexico Native American Veteran Business Preference.

   Resident business, resident veteran business, resident contractor, resident veteran contractor, Native American resident business or the Native American resident veteran business shall, if they meet the requirements set forth in New Mexico Procurement Code Sections 13-1-21, 13-1-22 NMSA 1987, if their proposal was submitted under a formal request for proposal process, and the contract is to be awarded based on a point-based system, be afforded preference in the form of additional points equivalent to eight percent (8%) of the total possible points for resident business/contractors, and additional points equivalent to ten percent (10%) of the total possible points for resident veteran business/contractors.

   The New Mexico preferences shall not apply when the expenditures for this RFP include Federal Funds.

   In no event will a business be awarded both a resident business preference and a resident veteran business preference in any single procurement/contractual action.

   The preference calculation formula shall be applied to each Offeror on the Procurement Manager's Master Score/Rank sheet that has a valid preference number issued by the NM Taxation and Revenue Department.

6. **Proposal Discussions**
   Per 1.4.1.39 NMAC 2005, 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 clarifications of proposals. If during discussions there is a need for any substantial clarification of or change in a RFP, the RFP shall be amended to incorporate such clarification or change. Any substantial oral clarification of a proposal shall be reduced to writing by the short-listed Offeror.

NOTE: Except for circumstances and situations otherwise approved by the Procurement Manager, negotiations of the relevant terms and conditions as well as any other important factors in an RFP and proposed contract are negotiated PRIOR TO AWARD OF A CONTRACT, NOT AFTER AWARD.

7. **Interviews:**
   If interviews are held, the Evaluation Committee shall score each question, and the total points shall be translated to a rank. Each interview question shall have the same weight. Example: If the Interview is worth 50 points, and you have 5 questions, each question shall be worth 10 points. The same questions will be issued to each short listed firm as a benchmark for evaluation purposes. Each question may lead to other questions to help clarify and better understand the firm's capabilities, which may be considered in scoring the interview.

   Interview points shall be added to the Technical Proposal and Price Proposal and re-calculated to determine the final overall rank of Short-listed Offerors for recommendation for award of a contract.

8. **Short-Listed Offeror Withdrawal from Interview:**
   A short-listed firm may withdraw their proposal if they determine that cannot improve their position if interviews are held. This event shall be documented for the procurement file, and a notice shall be sent to all Offerors of record of the event. If the next ranked firm is invited to interview, their final points/rank for their Technical/Price evaluation does not change.

B. EVALUATION CRITERIA:
The criteria below aligns with the 1.4.8 NMAC 2007 Rules that govern the process.

VOLUME 1. TECHNICAL PROPOSAL

TAB 1. LETTER OF SUBMITTAL **Mandatory**
00 4334 Sub Qualifications Statement Listing Form
00 4336 Subcontractor/WFS#/Anti-Trust Listing Form
NM Resident Business Certificate, Native American Resident Business Certificate, Resident Veteran Business Certificate, or Native American Resident Veteran Business Certificate
Campaign Contribution Form

TAB 2A. GENERAL CONTRACTOR QUALIFICATIONS STATEMENT 15 POINTS
a. Written Safety Program Compliant, Provide 1 copy
b. List of key safety personnel/safety manager for this project
c. Modification rate for past 5 years
d. Recordable incident rate for past calendar year

OSHA 300 Log

e. Free of committing serious/willful violation of
   Federal/State safety laws

TAB 2B. SUBCONTRACTOR QUALIFICATIONS STATEMENT 10 POINTS

a. Written Safety Program Compliant; Provide 1 copy
b. Experience Modification Rate past 5 Years
c. Recordable Incident Rate for past calendar year
   OSHA 300 log
d. Free of committing serious/willful violations
e. Of Federal/State safety laws

TAB 3. PAST PERFORMANCE 10 POINTS

a. Budget & Schedule Data
   (See III Response Format, Technical Proposal, Tab 3, questions 1-8)
b. Performance quality and overall customer satisfaction if available
c. Compliance with Applicable Laws & Regulations
d. Safety Performance Record

TAB 4. MANAGEMENT PLAN 5 POINTS

a. Reliable Staffing Sources/Project Staffing
b. Management Team/Selection of Subcontractors
c. Organization construction tasks/security/safety/staging areas
d. Technical approach to meet costs/schedule/quality
e. Project Schedule/critical dates
f. Project plan for completion on time

TAB 5. PROJECT STAFFING/CRAFT LABOR CAPABILITIES 5 POINTS

a. Management Team resumes, experience
b. Team members experience in this project team role
c. Proposed team prior working relationships on other projects
d. GC and proposed subcontractor skill training
e. Project Schedule

TAB 6. HEALTH AND SAFETY 3 POINTS

a. Summary description of Health & Safety Plan
b. One Full Copy of Written Safety Plan
c. Competent Person Responsible/Capable of Implementing
d. Project Specific Health/Safety Risks
e. Describe processes to clearly communicate Health/Safety risks

TAB 7. OTHER/VALUE ADDED CRITERIA 2 POINTS

a. NM produced work All listed subcontractors are NM firms ***or***
b. All except one listed subcontractors are NM firms ***or***
c. All except two of the listed subcontractors are NM firms ***or***
d. All except three or more of the listed subcontractors are NM firms

VOLUME 2. PRICE PROPOSAL

PRICE PROPOSAL FORM (Amount stated to be translated to points) **50 POINTS**

TOTAL POINTS **100**

INTERVIEWS, IF HELD **50 POINTS**

GRAND TOTAL **150**

C. CAMPAIGN CONTRIBUTION DISCLOSURE FORM

Note: Submit with Transmittal Letter/Technical Proposal

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

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

THIS FORM MUST BE FILED BY ANY PROSPECTIVE CONTRACTOR WHETHER OR NOT THEY, THEIR FAMILY MEMBER, OR THEIR REPRESENTATIVE HAS MADE ANY CONTRIBUTIONS SUBJECT TO DISCLOSURE:

The following definitions apply:

"Applicable Public Official" means a person elected to an office or a person appointed to complete a term of an elected office, 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 Contributions" 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 on that official's behalf for the purpose of electing the official to either statewide or local office. "Campaign Contributions" includes the payment of a debt incurred in an election campaign, but does not include the value of services provided without compensation or unreimbursed travel or other personal expenses of individuals who volunteer a portion or all of their time on behalf of a candidate or political committee, nor does it include the administrative or solicitation expenses of a political committee that are paid by an organization that sponsors the committee.

"Family Member" means spouse, father, mother, child, father-in-law, mother-in-law, daughter-in-law or son-in-law.

"Pendency of the Procurement Process" means the time period commencing with the public notice of the request for proposals and ending with the award of the contract or the cancellation of the request for proposals.

"Person" means any corporation, partnership, individual, joint venture, association or any other private legal entity.

"Prospective contractor" means a person who is subject to the competitive sealed proposal process set forth in the Procurement Code or is not required to submit a competitive sealed proposal because that person qualifies for a sole source or a small purchase contract.

"Representative of a prospective contractor" means an officer or director of a corporation a member or manager of a limited liability corporation, a partner of a partnership or a trustee of a trust of the prospective contractor.

DISCLOSURE OF CONTRIBUTIONS:

(Note: If you have made more than one contribution, please attach a list of the public officials you have contributed to following the format and attach the list to this document. Please write "see attached" in the blank below.)

Contribution Made By:

_____

Relation to Prospective Contractor:

_____

Name of Applicable Public Official on the District Board of Education:
(Note: List Board of Education Member(s) here)

Date Contribution(s) Made:

_____

Amount(s) of Contribution(s):

_____

Nature of Contribution(s):

_____

Purpose of Contribution(s)

_____
(Attach extra pages if necessary)

_____ _____
Signature Date

Title (position _____

--OR--

NO CONTRIBUTIONS IN THE AGGREGATE TOTAL OVER TWO HUNDRED FIFTY DOLLARS ($250) WERE MADE to an applicable public official by me, a family member or representative.

_____ _____
Signature Date

Title (position) _____