

CURRY COUNTY

Request for Proposals

PROFESSIONAL ENGINEERING SERVICES For Curry County Roads and Projects

Request for Proposal No. 2014/15 – 02

**Sealed Proposals Submitted to:
Curry County Administration
700 N. Main Street, Suite 10
Clovis, NM 88101
Attn: Finance Department**

**Date Qualifications Submitted By:
Friday, June 19, 2015
Time: 2:00 p.m.**

**Proposals must be submitted in a sealed envelope
that is clearly marked
“RFP No. 2014/15- 02 - Do Not Open”**

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Professional Engineering Services
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The Board of County Commissioners of Curry County, State of New Mexico (hereinafter referred to as "County") is requesting competitive sealed proposals from qualified engineering Offerors to provide professional engineering services for the County. One (1) original and five (5) copies of the proposals should be submitted no later than **Friday, June 19, 2015 at 2:00 p.m.** at the Curry County Administration Office, Purchasing Department, located at 700 N. Main Street, Suite 10, Clovis, NM, 88101.

Proposals will be reviewed and ranked in private by an Evaluation Committee. It is possible that the Curry County Evaluation Committee will request an oral presentation. A recommendation will then be made to the Curry County Commission for award to the Offeror whose proposal is determined to be the most advantageous to the County, based upon the specific evaluation criteria as outlined in the proposal.

IMPORTANT

SEALED PROPOSAL along with the RFP number, the Offeror's name and address **MUST** appear clearly on the sealed envelope or on the package if packaged with all proposals.

If there is any problem regarding the following specifications or conditions that would prevent you from submitting a proposal, contact Curry County Administration Office (County Manager Lance Pyle or County Finance Director Carol Pipes) immediately for clarification and/or consideration of an addendum.

Proposals may be mailed to Curry County Purchasing Department, 700 N. Main, Suite 10, Clovis, NM 88101 or hand-courier delivered to Curry County Administration Office, 700 N. Main, Suite 10, Curry County Courthouse, Clovis, NM 88101.

NOTE: WHEN SHIPPING OVERNIGHT DELIVERY, IT IS RECOMMENDED THAT SHIPMENT BE MADE TWO (2) DAYS PRIOR TO THE DEADLINE, IF POSSIBLE TO ENSURE DELIVERY. IT IS ALSO RECOMMENDED TO VERIFY DELIVERY PRIOR TO PROPOSAL DEADLINE.

Lance A. Pyle
Curry County Manager
Phone – (575) 763-6016
Fax – (575) 763-3656
lpyle@currycounty.org

SPECIFIC CONDITIONS

1. Proposals **must** be received by June 19, 2015 at 2:00 p.m. Mountain Standard Time. Any proposals received after the deadline will be kept on file unopened and will be considered **only** in the event that **all** other proposals are deemed non-responsive.
2. Offeror shall submit one (1) original and five (5) copies of the proposal.
3. Offeror must have sufficient qualified and trained staff with sufficient back-up personnel to preclude the unnecessary delay of any County project.
4. Curry County often has road projects that require engineering services on quick notice (minimum five (5) day) or for various issues throughout the term of the project. Offeror must be able to meet these conditions.
5. Offeror must submit a certified copy of its current financial report with the proposal. Such information may be marked "**CONFIDENTIAL**" so as not to be disclosed once the file becomes public information.
6. Offeror must submit a list of five (5) references, including name of institution, address, contact person and phone number. In addition, references must include any engineering services contracts that were canceled, terminated or not renewed over the last three (3) years. **ALL SUCH DOCUMENTATION SHALL BE INCLUDED IN THE PROPOSAL.**

SCOPE OF WORK

The County desires to enter into a non-exclusive contractual relationship with a practicing Engineering Offeror to provide professional engineering services to Curry County and its employees to include the planning, design, contract, building, development, renovations, repairs, improvements, and/or expansions to any County roads or County road projects, parking lots, and right-of-ways, and any and all drainage issues, traffic studies and related issues pertaining to the same, and provide professional services with the County on needs, issues, problems, concerns with future growth plans, including but not limited to a comprehensive road plan. The majority of the New Mexico Department of Transportation Road Construction projects are done in house by the County Road Department but from time to time the County may contract the work out and the engineer will be responsible for providing sets of plans and specifications for any bidding and construction of County roads and acting on behalf of the County or assisting with advertising in securing bids, negotiating for services, analyzing bid results and furnishing recommendations on the award of contracts and preparing contract documents. Several of our road projects have multiple funding sources to include New Mexico Department of Transportation (NMDOT), Legislative grants and awards and as a result, projects may be subject but not limited to the following regulations and requirements: Department of Transportation, certificate of contracts, grants, loans and cooperative agreements.

The format or procedure for each of the County road projects will basically be the same and will consist of the following minimum requirements:

1. Research project and make recommendations to the County Road Department Superintendent and Supervisor and/or the County Commission.
2. Prepare preliminary design and cost estimate.
3. Attend public meetings when applicable.
4. Conduct necessary field reviews when applicable.

REQUIREMENTS FOR PROPOSAL

1. Submit one (1) original and five (5) copies of proposal.
2. The Offeror with the successful proposal shall be prepared to enter into negotiations for projected fees, when required, for the Project, prior to any work being started. Negotiations will follow procedures established by State Procurement Code 13-1-115 through 13-1-122.
3. Proposals shall not exceed twenty-five (25) pages in length.

PROPOSAL PACKAGE REQUIREMENTS

Each Offeror must submit the following as labeled and in the same order as follows:

1. Specialized Design and Technical Competence. Offeror shall provide detailed information on the professionalized design and technical competence of the business, including a joint venture or association, regarding the type of services required to include documentation showing prior involvement in the design and engineering of New Mexico county road projects, including drainage and traffic flow for governmental entities, and/or State of New Mexico grant requirements during the past five (5) years.
2. Past record of performance. Offeror shall provide detailed information on the past record of performance on contracts with government agencies or private industry with respect to such factors as control of costs, quality of work and ability to meet schedules.
3. Ability of Engineer to Assist County Personnel. Offeror is to include a narrative showing how it would be available to assist County personnel with design, development and renovations of the county roads and rights of ways, parking lots, including matters pertaining to drainage issues and traffic flows. If Offeror does not have an office or physical location in Curry County, Offeror must provide information on response time for Engineer, its agents and/or representative to come to Curry County, if necessary, to address issues or concerns with engineering projects, road projects, or other Curry County projects. Said information must show that Offeror will be able to provide a forty-eight (48) hour response time to Curry County for any communications during the planning and development phase of any projects and a four (4) hour response time during the construction phase of any project.
4. Capacity and Capability. Offeror shall provide detailed information on the capacity and capability of the business, including any consultants, their representatives, qualifications

and locations, to perform the work, including any specialized services, within the time limitations to include Resumes of the engineers and engineering assistants that will be working on the Projects for Curry County.

5. Familiarity with the Contracting Agency. Offeror shall provide detailed information on the proximity to or familiarity with the area in which the project is located to include terrain, soil types, climate and any unique or geographic factor of Curry County to include a description of your familiarity with the area, i.e., terrain, climate, soil types, and any unique geographical factors of Curry County.
6. Work to be Done in New Mexico. Offeror shall provide detailed information on the amount of design work that will be produced by a New Mexico business within this state
7. Current Volume of Work with the Contracting Agency Not 75% Complete. Offeror shall provide detailed information on the volume of work previously done for the entity requesting proposals which is not seventy-five percent complete with respect to basic professional design services [through bidding phase], with the objective of effecting an equitable distribution of contracts among qualified businesses and of assuring the interest of the public in having available a substantial number of qualified businesses is protected; however, that the principal of selection of the most highly qualified business is not violated.

Offeror should indicate the volume of work they have underway that is less than 75 percent complete. The purpose of this criterion is to help distribute projects among qualified Offerors. An example of how points can be assigned is provided below:

Value of work not yet completed on projects that are not 75% Complete	(Example) Points to be allowed for this item
None	5
\$1 to \$ 25,000	4
25,001 to 50,000	3
50,001 to 75,000	2
75,001 to 100,000	1
100,001 or more	0

8. References. The Offeror must submit the name and contact person for any and all references of counties and other governmental entities that the Offeror has work experience with during the last five years on Road Engineering work to include design and Construction Management.

9. Offeror must provide a description of experienced personnel that will be assigned to any Curry County project who have experience with State Appropriation Agreements.
10. If Offeror intends to provide any additional services to County which will benefit County and ensure quality of work in performing the above eight (8) areas, offeror needs to provide a separate detailed statement regarding the same and labeled as Additional Services Offered.

EVALUATION CRITERIA

1. **20 points** Specialized Design and Technical Competence of the business, including a joint venture or association, regarding the type of services required. (Paragraph 1 above)
2. **20 points** Past record of performance on contracts with government agencies or private industry with respect to such factors as control of costs, quality of work and ability to meet schedules. (Paragraph 2 above)
3. **10 points** Ability of engineer to assist County personnel. (Paragraph 3 above)
4. **20 points** Capacity and capability of business, including any consultants, their representatives, qualifications and locations, to perform the work, including any specialized services, within the time limitations. (Paragraph 4 above)
5. **10 points** Familiarity with Contracting Agency. (Paragraph 5 above)
6. **5 points** Work to be done in New Mexico. (Paragraph 6 above)
7. **5 points** Current volume of work with the contracting agency not 75% complete. (Paragraph 7 above)
8. **5 points** References. Name and contact person for any and all references of counties and other governmental entities that the Offeror has work experience with during the last five years on Road Construction Engineering work to include design and Construction Management. (Paragraph 8 above)
9. **5 points** Experience with State Appropriation agreements. (Paragraph 9 above)

Maximum Evaluation Score

100 Points

PROCEDURE

1. Procedure: Proposals will be reviewed by an evaluation committee. Offeror's who are deemed, on the basis of selection criteria, fully qualified and best suited among those submitting proposal, may be requested to participate in discussions or interviews regarding their proposals. Discussions may cover methods of delivery, and other relevant factors. Those Offerors will then be ranked on the basis of the evaluation

criteria and/or information presented during the discussion/interview(s), if requested. A recommendation will be taken before the Curry County Commission for award. Once awarded, negotiations will be conducted with the Offeror. If a satisfactory agreement can be reached, the contract will be awarded to the Offeror. Otherwise, negotiations will either be conducted with each subsequent Offeror until a satisfactory contract can be established or until the County determines the cancellation of the process is in the best interest of Curry County.

2. The County reserves the right to award this contract to the Offeror that demonstrates the best ability to fulfill the requirements of this request for proposal.
3. Pursuant to the New Mexico Procurement Code, prices are to be determined through formal negotiations relating to the scope of work. Should Curry County and selected Offeror be unable to agree on the fees, then the County will notify the runner-up Offeror and begin the cost negotiation process again. This process will continue until a suitable Offeror and cost are determined.

SEQUENCE OF EVENTS

All parties shall make every effort to adhere to the following schedule:

	Action	Responsibility	Date
1.	Issue of RFP	Curry County	5-22-15
2.	Submission of Proposal	Offeror	6-19-15 at 2:00 p.m.
3.	Proposal Evaluation	Evaluation Committee	6-19-15 to 6-25-15
4.	Selection of Finalist(s)	Evaluation Committee	6-25-15
5.	Negotiate and Finalize Contract	Curry County, Awarded Offeror	6-25-15 to 7-1-15
6.	Approve Contract	County Commission	7-7-15
7.	Commence Services	Contracted Offeror	7-17-15

TERM OF CONTRACT

The contract shall be awarded for a two (2) year period; July 7, 2015 to July 6, 2017. The County shall have the option to renew the contract for one (1) additional two (2) year period for a total period of four (4) years through July 6, 2019, or soliciting proposal for a new Offeror. The rate shall be negotiated every two (2) years if the County takes the option to renew. The County

reserves the right to terminate the contract at any time for non-performance with no less than a thirty (30) day written notice.

ADDITIONAL TERMS

1. The Board of Commissioners of Curry County reserves the right to reject any and all proposals, to waive informality, technical defect, or clerical error in any proposal and to accept the proposal, which in its judgment is the most suitable and advantageous to the County.
2. Payment terms: Payment by credit card (VISA) is the preferred method of payment for Curry County. Payment shall be made net thirty (30) days from invoice date after receipt of goods and services unless additional documentation is requested by the Finance Department to support the expenditure. All invoices shall be submitted directly to the Curry County Finance Department at 700 N. Main, Suite 10, Clovis, NM 88101.
3. If there is any clarification, problem, ambiguity or question regarding this RFP, you must contact the County Manager or designee prior to **the proposal opening**. Clarifications and ambiguities will not be considered after the proposal opening. Answers provided regarding the specifications or RFP package must be answered by the County Manager or designee. Questions answered by any other person or County Official shall be considered completely non-applicable to the legal provision of this proposal except as authorized by the County Manager. The County is not responsible for any errors or omissions contained in the Offeror's proposal.
4. The terms and conditions outlined in this RFP, unless otherwise modified, shall govern the submission of proposals and subsequent contracts. The County reserves the right to reject any proposal which takes exception to these conditions.
5. All information contained in the proposal must be legible. Any and all corrections and/or erasures must be initialed. Changes will not be permitted after the deadline for receipt. Proposals must be signed in ink by an authorized representative of the respondent and the required information must be provided. The contents of the proposals submitted by the Offeror of the RFP will become public record upon award and may become part of any contract approved as the result of any solicitation. If there are portions of the proposal desired to be kept confidential, such as company financial information or any data that qualifies as a trade secret in accordance with the Uniform Trade Secret Act 57-3A-1, NMSA 1978, it is necessary to provide a written request for non-disclosure of such information **with the proposal**. It is not acceptable under the New Mexico State Procurement Code to request that either the entire proposal or the proposed cost of services be kept confidential.
6. Addendum: All changes, additions, and/or clarifications in connection with the RFP will be issued by the Curry County Manager in the form of a written addendum. The Offeror shall acknowledge each addendum on the information form contained in this RFP packet. Verbal response and/or representation is **not acceptable**.

7. The State of New Mexico's procurement code, section 13-1-28 through section 13-1-199 NMSA 1978, imposes civil and criminal penalties for its violations. In addition, the New Mexico criminal statutes impose felony penalties for illegal bribes, gratuities and kickbacks.
8. The Offeror shall commence work only after the transmittal of a fully executed contract and/or after receiving other written notification to proceed from Curry County. The Offeror will perform all services indicated in the proposal in compliance with the negotiated contract.
9. Offeror must, in performance of the work to be performed, agree to fully comply with all applicable federal, state and local laws, licensing, permitting, rules and regulations.
10. Proposals received after the date and time indicated will be kept on file and will be opened and considered only in the event that all other proposals are deemed non-responsive.
11. Proposals that do not meet the requirements set fourth may be considered non-responsive.
12. All proposals submitted shall be binding upon the respondent for ninety (90) calendar days after the proposals submission date.
13. The County reserves the right to negotiate any and all elements of this RFP.
14. The County, or any of its agents, reserves the right to refuse to hold harmless or identify any respondent for any liability whatsoever.
15. Non-Collusion: Offerors, by submitting a signed proposal, certify that the accompanying proposal is not the result of, or affect by, any unlawful act of collusion with any other person or company engaged in the same line of business or commerce, or any other fraudulent act punishable under New Mexico or United States law.
16. Non-discrimination: Offerors, during the performance of this contract, will not discriminate against any employee or applicant for employment based on race, color, religion, creed, political ideas, sex, sexual preference, gender identity, national origin, age, marital status or physical or mental disability except where such is a bona-fide occupational qualification reasonably necessary to perform operations of the Offeror. By signing and submitting a proposal, Offeror agrees to comply with this paragraph.
17. Curry County reserves the right to reject any proposal from any Offeror that has previously failed to perform properly, or complete on time, contacts of similar nature, or to reject the proposal from any Offeror who is not in the position to perform such services satisfactory. Such is at the discretion of the County.
18. If an Offeror to whom a contract is awarded refuses to accept the reward, or fails to deliver in accordance with the contract terms and conditions, Curry County may, in its discretion, suspend the Offeror for a period of time from entering into any contracts with Curry County.
19. This solicitation is governed by the laws of the State of New Mexico. By signing and submitting a proposal, the parties agree that any litigation concerning this request for proposal, or subsequent contract or purchase order, must be brought in the 9th Judicial

District in and for Curry County, State of New Mexico, and each party shall pay its own cost and Attorney fees.

20. Award of this proposal is contingent upon available funding. This solicitation may be awarded in whole, part or none, whatever is deemed in the best interest of Curry County.

CONTRACT TERMS AND METHOD OF PAYMENT

A formal contract will be entered into with the successful Offeror. The submitted proposal will be attached and become part of the contract.

LICENSE REQUIREMENTS

The successful engineering Offeror will be required to have all licenses, as required by law in New Mexico, which are necessary to complete the services outlined in this request for proposal. This is to include professional engineering licenses.

INSURANCE REQUIREMENTS

The following insurance requirements are required:

- A. The successful Offeror will be required to carry professional liability (errors and omissions) insurance. The amount of coverage shall not be less than \$1,000,000. Curry County shall be added as a named insured with regard to any and all services provided under contract with Offeror.

BRIBES, GRATUITIES AND KICK-BACKS

Pursuant to Article 1, Procurement, Section 13-1-191, NMSA 1978, reference is hereby made, to the criminal laws of New Mexico, which prohibits bribes, kickbacks and gratuities, the violation of which constitutes a felony. Furthermore, the Procurement Code imposes civil and criminal penalties for its violation.

ADDITIONAL INFORMATION

Resident Business Preference or Resident Veteran Business Preference:

Points will be awarded based on Offeror's ability to provide a copy of a current Resident Business Certificate or Resident Veteran Business Certificate.

1. Resident Business Preference: For the Offeror to receive a Resident Business Preference, the business shall submit, with this proposal a copy of a valid Resident Business Certificate issued by the New Mexico Taxation and Revenue Department. The application for preference may be downloaded at the following website: <http://www.tax.newmexico.gov/forms-and-publications/pages/recently-updated.aspx>. Five (5) percent (%) of the total possible points may be awarded to an

Offeror who qualifies as a Resident Business. These points are added to the total points received for the Evaluation Criteria.

2. Resident Veteran Business Preference: For the Offeror to receive a Resident Veteran Business Preference, the business shall complete, sign and include with the proposal the attached proposal form titled Form 2, along with a copy of a valid Resident Veteran Business Preference certificate issued by the New Mexico Taxation and Revenue Department. The application for preference may be downloaded at the following website: <http://www.tax.newmexico.gov/forms-and-publications/pages/recently-updated.aspx>. Offerors seeking a Resident Veteran Business Preference will be evaluated as follows:
 - a. Resident Veteran Business with annual revenues of \$1 Million or less is to receive a 10% preference on their proposals.
 - b. Resident Veteran Businesses with annual revenues of more than \$1 Million but less than \$5 Million are to receive an 8% preference on their proposals.
 - c. Resident Veteran Businesses with annual revenues of more than \$5 Million are to receive a 7% preference on their proposals

The 7%, 8%, or 10% as indicated above will be added to the total points received for the Evaluation Criteria.

NOTE: The Resident Veteran Business Preference is separate from the Resident Business Preference and is not cumulative with that preference. However, Resident Veteran Businesses can still receive the Resident Business Preference once the Resident Veteran Business Preference cap is exceeded.

Example: An RFP has a total value of 100 points. Five proposals are received; one from a Resident Business, one from a Resident Veteran Business with an 8% preference, and three non-resident businesses. The Resident Business would receive 50 points and the

Resident Veteran Business receives 80 points which would be added to their already evaluated scores, thereby making it possible for the highest score to be 180. **NOTE:** Neither the Resident Business Preference nor the Resident Veteran Business Preference can be awarded for a Project/Contract if it includes federal funds.

CAMPAIGN CONTRIBUTION DISCLOSE FORM

The Offeror shall submit, with this proposal, the signed Campaign Contribution Disclosure Form with the names(s) of the applicable public official(s) filled in on the form.

QUESTIONS

Any questions concerning this request for proposal and the procurement process should be directed to Lance Pyle, County Manager at (575)763-6016.

FORM 1
PROPOSAL FORM

CAMPAIGN CONTRIBUTION DISCLOSURE FORM

Pursuant to the Procurement Code, Sections 13-1-28, et seq., NMSA 1978 and NMSA 1978, § 13-1-191.1 (2006), as amended by Laws of 2007, Chapter 234, any prospective contractor 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 may cancel a solicitation or proposed award for a proposed contract pursuant to Section 13-1-181 NMSA 1978 or a contract that is executed may be ratified or terminated pursuant to Section 13-1-182 NMSA 1978 of the Procurement Code 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.

The state agency or local public body that procures the services or items of tangible personal property shall indicate on the form the name or names of every applicable public official, if any, for which disclosure is required by a prospective contractor.

THIS FORM MUST BE INCLUDED IN THE REQUEST FOR PROPOSALS AND MUST BE FILED BY ANY PROSPECTIVE CONTRACTOR WHETHER OR NOT THEY, THEIR FAMILY MEMBER, OR THEIR REPRESENTATIVE HAS MADE ANY CONTRIBUTIONS SUBJECT TO DISCLOSURE.

The following definitions apply:

“Applicable public official” means a person elected to an office or a person appointed to complete a term of an elected office, who has the authority to award or influence the award of the contract for which the prospective contractor is submitting a competitive sealed proposal or

who has the authority to negotiate a sole source or small purchase contract that may be awarded without submission of a sealed competitive proposal.

“Campaign Contribution” means a gift, subscription, loan, advance or deposit of money or other thing of value, including the estimated value of an in-kind contribution, that is made to or received by an applicable public official or any person authorized to raise, collect or expend contributions on that official’s behalf for the purpose of electing the official to statewide or local office. “Campaign Contribution” includes the payment of a debt incurred in an election campaign, but does not include the value of services provided without compensation or unreimbursed travel or other personal expenses of individuals who volunteer a portion or all of their time on behalf of a candidate or political committee, nor does it include the administrative or solicitation expenses of a political committee that are paid by an organization that sponsors the committee.

“Family member” means spouse, father, mother, child, father-in-law, mother-in-law, daughter-in-law or son-in-law of (a) a prospective contractor, if the prospective contractor is a natural person; or (b) an owner of a prospective contractor.

“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.

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

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

Name(s) of Applicable Public Official(s) if any: Commissioner Angelina Baca, Commissioner Ben McDaniel, Commissioner Chet Spear, Commissioner Wendell Bostwick, Commissioner Tim Ashley
(Completed by State Agency or Local Public Body)

DISCLOSURE OF CONTRIBUTIONS BY PROSPECTIVE CONTRACTOR:

Contribution Made By: _____

Relation to Prospective Contractor: _____

Date Contribution(s) Made: _____

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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)

PROPOSAL FORM

Veterans Preference Certification

_____ (Name of Business) hereby certifies the following in regard to application of the resident veteran preference to this formal request for proposals process:

Please check one box only:

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

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

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

“I 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 ending 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 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.”

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(Signature of Business Representative)*

(Date)

*Must be an authorized signatory for the Business.

The representation 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 non-award of the procurement involved if the statements are proven incorrect.

FORM 3
PROPOSAL FORM

ASD - 22238
 INT - 06/12



STATE OF NEW MEXICO
 Taxation and Revenue Department



APPLICATION FOR RESIDENT BUSINESS CERTIFICATION

SECTION I			General Information		
Name of Business		Doing Business As (DBA)			
Mailing Address - City, State, Zip Code					
Physical Address - City, State, Zip Code					
Name of Business Owner or Officer		Phone Number of Business Owner or Officer		E-mail of Business Owner or Officer	
Name of Business Contact		Phone Number of Business Contact		E-mail of Business Contact	
NM(CRS) Number:			FEIN/SSN:		
SECTION II			Resident Business Status Information		
Please choose the relevant business status category below and place a checkmark next to all statements that apply to the applicant's business under the relevant category. If any statement under the relevant category is not appropriate to or does not otherwise describe the applicant's business, it may not qualify for certification.					
Existing Business					
<input type="checkbox"/> The business has been in existence for at least three years; and <input type="checkbox"/> The business is licensed to do business in New Mexico; and <input type="checkbox"/> The business has paid property taxes or rent on real property in New Mexico in <i>each</i> of the preceding three years; and <input type="checkbox"/> The business has paid at least one other tax administered by the State of New Mexico in <i>each</i> of the preceding three years.					
New Business					
<input type="checkbox"/> The business did not exist as a business in any form and has been in existence for less than three years; and <input type="checkbox"/> The business is currently licensed to do business in New Mexico; and <input type="checkbox"/> The owner or majority of owners of the business have paid property taxes or rent on real property in New Mexico in <i>each</i> of the preceding three years; and <input type="checkbox"/> The owner or majority of owners have paid at least one other tax administered by the State of New Mexico in <i>each</i> of the preceding three years; and <input type="checkbox"/> This business has not applied for a Resident Business Certificate or Resident Contractor Certificate during the preceding three years.					
Relocated Business					
<input type="checkbox"/> The business moved at least eighty (80%) percent of its total domestic personnel from another state to New Mexico in the past five years; and <input type="checkbox"/> The business is licensed to do business in New Mexico; and <input type="checkbox"/> Eighty (80%) percent or more of the total personnel of the business in the prior year were residents of New Mexico; and <input type="checkbox"/> The business has leased real property in New Mexico for ten years; or The business has purchased real property in New Mexico valued in excess of \$100,000.					

Previously Certified Business or Purchased, Reorganized, Name Changed Business					
<input type="checkbox"/> The business is licensed to do business in New Mexico; and <input type="checkbox"/> After January 1, 2012, but less than three years ago, the business obtained and was eligible for resident business certification. However, the business has since: (1) changed its name; (2) reorganized into one or more different legal entities; or (3) been purchased by or merged with another legal entity, but now operates in New Mexico as substantially the same commercial enterprise; <p style="text-align: center;">OR</p> After January 1, 2012, but less than three years ago, the business applied and was eligible for resident business certification. However, before the Department was able to issue certification, the business: (1) changed its name; (2) reorganized into one or more different legal entities; or (3) was purchased by or merged with another legal entity, but now operates in New Mexico as substantially the same commercial enterprise.					
SECTION III		Affidavit			
AFFIDAVIT FROM CERTIFIED PUBLIC ACCOUNTANT					
STATE OF _____	I hereby swear, <u>under oath</u> that it is my professional opinion that the applicant meets the required criteria set forth in NMSA 1978, Section 15-1-22 (B) (2012) for Resident Business Certification and that ALL information provided and ALL checked marked statements in the foregoing application are true and complete to the best of my knowledge.				
COUNTY OF _____					
Name	CPA License #	State	Date		
Signature					
NOTARY					
Subscribed and sworn to before me this _____ day of _____, 20____.					
(NOTARY SEAL)					
Notary Public _____		My Commission Expires _____			
I am authorized to sign this application on behalf of the applicant and attest to the truthfulness of the information provided herein.					
Signature of Applicant			Date		
<table style="width: 100%; border: none;"> <tr> <td style="width: 30%; vertical-align: top;"> Send completed application along with \$35.00 to: </td> <td style="width: 70%; vertical-align: top;"> Taxation and Revenue Department PO Box 5374 Santa Fe, NM 87502-5374 (505) 827-0951 </td> </tr> </table>				Send completed application along with \$35.00 to:	Taxation and Revenue Department PO Box 5374 Santa Fe, NM 87502-5374 (505) 827-0951
Send completed application along with \$35.00 to:	Taxation and Revenue Department PO Box 5374 Santa Fe, NM 87502-5374 (505) 827-0951				

**APPLICATION FOR RESIDENT BUSINESS CERTIFICATE
INSTRUCTIONS**

Beginning January 1, 2012, New Mexico businesses who wish to obtain a resident business preference must first apply for and obtain a resident business certificate issued by the New Mexico Taxation and Revenue Department (TRD). The preference may be used by the holder to obtain a bidding advantage when participating in a formal bid process or formal request for proposal process for the sale of goods or services to a New Mexico state or local public body. The business must submit with its bid or proposal a copy of a valid resident business certificate.

So long as the business initially meets and continues to meet the necessary requirements, the certificate is valid for three years from the date of issuance. The business must submit a new application if the business's status has changed or if there is a change in ownership of more than fifty percent.

The purchasing agent for a public body may verify that a resident business certificate is issued by TRD by accessing the TRD web site at <https://secure.mvd.newmexico.gov/residentcertificate/default.aspx>, or by calling (505) 827-0951.

RESIDENT BUSINESS CERTIFICATE APPLICATION

TRD has prescribed form ASD-22238 that must be completed in order to obtain a resident business certificate. The required contents of the form are summarized below.

SECTION I General Information

This section requires provision of the applicant's general business information, including basic contact information. The contact information provided must be that of the business owner or the business's authorized representative.

SECTION II Resident Business Status Information

To complete the application, the CPA must select the business status category that applies to the business: existing business, new business, relocated business, or previously certified business or business previously eligible for certification. The CPA must select only the business status category that pertains to the applicant and indicate which statements included in the applicable category accurately describe the business. If any statement is not appropriate to or does not otherwise describe the applicant's business, it may not qualify for certification.

NOTE: When a business is a relocated business, the application must indicate whether at least 80% of the total personnel of the business in the prior year were New Mexico residents. For the purposes of this application, a New Mexico "resident" is considered to be a person who is domiciled in this state during any part of the calendar year or a person who is physically present in this state for at least 185 days during the calendar year.

SECTION III Affidavit

This portion of the form is a sworn statement by the CPA indicating that the statements selected in Section II are accurate descriptions of the business, and that all other information provided in the form is true and correct to the best of the CPA's knowledge. The affidavit also provides a sworn statement that it is the CPA's professional opinion that the business meets the required criteria for resident business certification.

The owner of the business, officer of the business or the business' authorized representative must also sign the application, affirming that the statements made and information provided in the application are true and correct.

APPROVALS AND PENALTIES

TRD will examine the application and affidavit. If necessary, TRD may seek additional information to ensure the business' eligibility. If TRD determines that the business is eligible, it will issue a certificate to the business. If TRD determines that the business is not eligible, it will issue notification within 30 days. If such notification is not provided by the Department, the application is deemed approved.

A certificate is valid for three years from the date of issuance; provided that if there is a change of ownership of more than 50%, the applicant must reapply. A business must also reapply if it has changed its name, reorganized into one or more different legal entities or was purchased by or merged with another legal entity, but now operates in New Mexico as substantially the same commercial enterprise. In such a case, the certification of the business in its previous form will apply three years from the date of the previous certification, but only to the extent the business was eligible for certification in its previous form.

If an application is denied, the business has 15 days from the date of the denial to file an objection with TRD, submitting evidence to support the objection. TRD must review the evidence and issue a response to the objection within 15 days of the filing of the objection.

If following a hearing and an opportunity to be heard, TRD finds that a business provided false information to TRD in order to obtain a certificate or that a business used a certificate to obtain a preference and the business did not perform the percentage of the contract specified in the bid or proposal, the business:

1. Is not eligible to receive a certificate or preference for a period of five years from the date on which TRD became aware of the submission of the false information or the failure to perform the contract as specified in the bid or proposal; and
2. Is subject to an administrative penalty of up to \$50,000 for each violation.

REVOCATIONS

TRD will contemplate revoking an issued certificate if information is revealed that the holder's situation has changed and/or the business does not qualify as a resident business. If TRD contemplates revocation, it will issue a Notice of Contemplated Action to the business. The business will be provided with an opportunity to request an administrative hearing on the matter.

APPLICATION AND FEE SUBMISSION

Submit the application along with \$35 application fee to:

New Mexico Taxation and Revenue Department
Santa Fe District Office
PO Box 5374
Santa Fe, NM 87502-5374

For questions concerning the application process please call (505) 827-0951.