



Consideration of Lea County Resolution No. 22-APR-101R Awarding Request for Proposal No. 02 2021 – 2022 for County - Wide Economic Development Services for Fiscal Year 2022 - 2023

The County recommends that funding for economic development activities for the FY 2022 – 2023 fiscal year be awarded to the following organizations:

ECONOMIC DEVELOPMENT	FY 22-23 Allocation
Lovington Economic Development Corporation	\$ 65,000
EDC of Lea County	608,000
Lovington Main Street	125,000
GRAND TOTAL	\$ 798,000

**LEA COUNTY BOARD OF COUNTY COMMISSIONERS****AGENDA ITEM SUMMARY FORM****LCBCC Meeting Date: Thursday, April 28, 2022**

Submit this summary form & all attachments to the Finance Director clow@leacounty.net & cc the Community Engagement Manager ssout@leacounty.net by: **Wednesday, April 20, 2022**

County Manager Approval mcallagher@leacounty.net required for all time sensitive issues that do not meet the above deadline.

DATE SUBMITTED mm-dd-yyyy: 04/25/2022	SUBMITTED BY Name, Title, Dept: Chip Low - Finance Director
SUBJECT: Award Economic Development Funding for the FY 2022 - 2023 Fiscal Year.	ATTACHMENT(S): 1. Resolution
NO. OF ORIGINALS FOR SIGNATURE:	ACTION REQUESTED: Action Item
BUDGET LINE ITEM NUMBER: 401-002048	FISCAL BUDGET YEAR: FY 2022 - 2023
STRATEGIC PLAN Implementation of 5 Year Strategic Plan: Section 3.2 - Economic Growth & Vitality Lea County is a community that has economic growth & diversification.	
SUMMARY: Lea County issued RFP #02 - (21-22) requesting proposals for the provision of County-Wide Economic Development Services. The County reviewed the proposals received and recommended that the following organizations be funded and the amounts: Lovington EDC - \$ 65,000 EDC of Lea County - \$508,000 Lovington Main Street - \$125,000 Total \$798,000	
Requested Items Needed for Presentation Easels/Laptop/Projector/Etc.: Easel <input type="checkbox"/> Laptop <input checked="" type="checkbox"/> Projector <input checked="" type="checkbox"/> Other: _____ <small>If checked, how many:</small>	See Additional Summary Attached <input type="checkbox"/>
SUBMITTER'S RECOMMENDATION(S): Recommend approval	Submitter's Signature Department Director, Etc. Henry C Low Jr <small>Digitally signed by Henry C Low Jr Date: 2022.04.25 10:16:57 -06'00'</small>
FINANCE REVIEW Fiscal Impact/Cost: The financial impact to Lea County will be expenditures from the General Fund of \$798,000. Funds will be budgeted in 401-002048 in the FY 23 budget.	Reviewed by Finance Director Henry C Low Jr <small>Digitally signed by Henry C Low Jr Date: 2022.04.25 10:18:21 -06'00'</small>
LEGAL REVIEW: (Note: Travel does not need legal review)	Reviewed by County Attorney
COUNTY MANAGER REVIEW:	Approved by County Manager to be Placed on Agenda
Item No. 0207 RECORDING SECRETARY'S USE ONLY ~ COMMISSION ACTION TAKEN	
Approved: _____ Denied: _____ Other: _____ Resolution No. <u>22-APR-101R</u> Policy No. _____ Ordinance No. _____ Continued To: _____ Referred To: _____ Comments: _____	

STATE OF NEW MEXICO
COUNTY OF LEA
RESOLUTION NO. 22-APR-101R

**A RESOLUTION AWARDING REQUEST FOR PROPOSAL NO. 02 2021 – 2022 COUNTY-WIDE
ECONOMIC DEVELOPMENT SERVICES FOR FISCAL YEAR 2022 - 2023**

WHEREAS, Lea County solicited qualifications-based proposals to provide various economic development services through a competitive contract award process; *and*

WHEREAS, proposed services should include development and implementation of marketing and promotion plan, development and implementation of an advertising, printing, publication, and materials distribution plan, development and implementation of plans for active solicitation of new business, manufacturing, and industry, provision of technical services related to all industrial and economic development matters, and willingness to perform additional related services as needed; *and*

WHEREAS, several proposals were received by the County of Lea for the provision of such services; *and*

WHEREAS, the Board of County Commissioners of Lea County has received the evaluations of these proposals and has itself had the opportunity to review all proposals.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of County Commissioners of Lea County that the following funds be allocated for the named entities:

ECONOMIC DEVELOPMENT	FY 22-23 Allocation
Lovington Economic Development Corporation	\$ 65,000
EDC of Lea County	608,000
Lovington Main Street	125,000
GRAND TOTAL	\$ 798,000

BE IT FURTHER RESOLVED that the County Manager may negotiate the terms of each contract ensuring that the services received constitute fair market value for the approved funding.

BE IT FURTHER RESOLVED that the County Manager is authorized to finalize and execute each contract on behalf of the County of Lea.

PASSED AND APPROVED on this 28th day of April, 2022, by the Lea County Board of County Commissioners in an open meeting in Lovington, New Mexico.

LEA COUNTY BOARD OF COUNTY COMMISSIONERS

Dean Jackson (District 1), Chair
Voted: Yes No Abstain

Gary G. Eidson (District 3), Vice Chair
Voted: Yes No Abstain

Rebecca Long (District 2), Member
Voted: Yes No Abstain

Jonathan Sena (District 4), Member
Voted: Yes No Abstain

Pat Sims (District 5), Member
Voted: Yes No Abstain

ATTEST: Keith Manes
Lea County Clerk

**APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:**

By:

Teri Davis, Deputy Clerk

John W. Caldwell, County Attorney

LEA COUNTY, STATE OF NEW MEXICO

REQUEST FOR PROPOSAL

**County – Wide Economic Development Services
Fiscal Year 2022-2023**

COMMODITY CODE: 96128,96129,91849,91827,96110

RFP #02 – (21-22)

**County Board of Commissioners
Dean Jackson, Chair**

**Procurement Officer
Kelli Ferguson
kferguson@leacounty.net**



RFP NUMBER:	02 – (21-22)
PROJECT NAME:	County- Wide Economic Development Services FY 2022-2023

TABLE OF CONTENTS	PAGE #
PART I - PROPOSAL INSTRUCTIONS AND PROCUREMENT INFORMATION	3 – 9
PART II – THE PROJECT / OVERVIEW	10
SCOPE OF WORK	
SECTION A – SPECIFICATIONS	11
SECTION B – METHOD OF AWARD	12
SECTION C – NARRATIVE RESPONSE	12
SECTION D – COST PROPOSAL / BUDGET	13
SECTION E – EVALUATION	14
SECTION F – SUBMITTAL FORMAT	15
PART III – REQUIRED FORMS TO SUBMIT WITH RESPONSE	16
PROPOSAL TRANSMITTAL COVER LETTER	17-18
MANDATORY RESPONSE FORM	19
COST PROPOSAL FORM	20
CAMPAIGN DISCLOSURE FORM	22-23
RELATED PARTY DISCLOSURE FORM	25
CERTIFICATION REGARDING DEBARMENT	27
NON-COLLUSION AFFIDAVIT	29
REFERENCES FORM	30
CHECK LIST	31

PART I – INSTRUCTIONS AND PROCUREMENT INFORMATION

DUE DATE - Proposals will be received at the office of the Lea County Finance Department – **4th Floor** prior to March 11, 2022 at 3:00 P.M. (Local time) at which time the proposals will be opened and recorded as received.

The sealed envelope or box containing the completed proposal must be marked with the RFP Title and RFP Number and delivered to:

Lea County Finance Department – 4th Floor
100 N. Main, Suite 11
Lovington, NM 88260

All proposals not received by the Submission Date & Time shall be rejected and returned unopened.

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

Action	Responsibility	Date
Issuance of RFP	County Purchasing	February 17, 2022
Pre-proposal Meeting	County and Offerors	N/A
Submission of Proposal	Offeror	March 11, 2022
County Commission Approval	County Commissioners	TBD
Contract Negotiations	Evaluation Committee	TBD
Contract Execution	County and Contractor	TBD
This schedule is subject to change. All Offerors will be notified of schedule changes via e-mail, fax or US Mail.		

1. **ACH TRANSACTIONS** – Vendors may be required to accept payment electronically through an Automated Clearing House (ACH) Transaction.
2. **APPROPRIATIONS** - Award of this Contract is contingent upon sufficient appropriations being allocated by the County. If the County does not make sufficient appropriations and authorize their allocation, the agreement shall, notwithstanding any other provisions, terminate immediately upon Contractor's receipt of written notice of termination from the County. Lea County's decision as to whether sufficient appropriations are available shall be accepted by the Contractor and shall be final.
3. **BRIBES, GRATUITIES AND KICK-BACKS** - Pursuant to 13-1-191 NMSA 1978, (including 30-14-1, 30-24-2, and 30-41-1 through 30-41-3 NMSA 1978), the criminal laws of New Mexico prohibit bribes, kickbacks and gratuities, the violation of which constitutes a felony. Further, the Procurement Code (13-1-28 through 13-1-199 NMSA 1978) imposes civil and criminal penalties for its violation.
4. **CLARIFICATIONS** - Any inquiries or requests regarding clarification of this procurement document shall be submitted to Procurement Officer Kelli Ferguson in writing. Procurement Officer contact information is Kelli Ferguson, 100 N. Main, Suite 11, Lovington, NM 88260, phone 575-396-8521 or email kferguson@leacounty.net. Offerors may contact ONLY the Procurement Officer regarding questions or information

on this "Request for Proposals". Other County employees do not have the authority to respond on behalf of the County.

4.1 Offerors shall promptly notify the County Procurement Officer of any ambiguity, inconsistency, or error which they may discover upon examination of the RFP. Any response made by the County will be provided in writing to all Offerors by addendum. No verbal responses are authorized.

4.2 No Addendum will be issued later than three (3) days prior to the date for receipt of Proposals, except an Addendum withdrawing the Request for Proposal or one which includes postponement of the date for receipt of Proposals.

5. **Collusion** - Collusion among Offerors or the submission of more than one proposal under different names by any firm or individual shall be cause for rejection of all proposals without consideration. Offeror's proposal may not be made in the interest, or on behalf of, any undisclosed person, partnership, company, association, organization or corporation. Offeror may not, directly or indirectly by agreement, communication or conference with anyone attempted to induce any action prejudicial to the interest of the County, or of anyone else interested in the proposed contract. Two or more specifically identified organizations may choose to submit a collaborative proposal. The enclosed Non-Collusion Affidavit must be executed along with the Proposal.
5. **COMPETITION** - In signing a contract with Lea County the Contractor certifies that the Contactor has not, either directly or indirectly, entered into any action in restraint of full competition in connection with the proposal submitted to the County.
6. **CONTACTS** - Offerors **MAY NOT** contact other Lea County Departments, the Lea County Manager or his staff, members of the Lea County Board of County Commissioners or their staff, and any other Lea County Elected Official or their staff regarding inquiries or requests regarding clarification to this RFP. All inquiries or requests regarding clarification of this procurement document shall be submitted to the Procurement Officer in writing.
7. **CONTRACTS** - The contract between Lea County (County) and a Contractor will follow the format specified by the County and contain the terms and conditions set forth in the attached "Sample Contract". The contents of this RFP, as revised and/or supplemented, and the successful Offeror's proposal, including best and final offer, will be incorporated into and become part of the contract.
 - 7.1 Should an Offeror object to any of the County's terms and conditions, that Offeror must propose specific alternative language with the proposal. The County may or may not accept the alternative language. General references to the Offeror's terms and conditions or attempts at complete substitutions are not acceptable to the County and will result in disqualification of the Offeror's proposal. Offerors must provide a brief discussion of the purpose and impact, if any, of each proposed change, followed by the specific proposed alternate wording.
 - 7.2 Offerors must submit with their proposal any additional terms and conditions that they would like to have included in a contract negotiated with the County, such terms must be clearly identified in the proposal.

8. **COST** - All costs incurred by an Offeror in connection with responding to this RFP, the evaluation and selection process undertaken in connection with this procurement, and any negotiations with the County will be borne by the Offeror.
9. **DEBARMENT & SUSPENSION** - The Offeror certifies that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency. It further agrees that by submitting this proposal that it will include this clause without modification in all lower tier transactions, solicitations, proposals, contracts, and subcontracts. Where the Proposer/Offeror/Contractor or any lower tier participant is unable to certify to this statement, it shall attach an explanation to this solicitation/proposal. The enclosed **Certificate of Debarment and Suspension** must be executed along with the Proposal.
10. **DEFINITIONS** - This section contains definitions that are used throughout this procurement document, including appropriate abbreviations:

<p>“Agency” or “County” means Lea County</p> <p>“Contract” means an agreement for the procurement of items of tangible personal property or services.</p> <p>“Contractor” shall mean successful Offeror.</p> <p>“Determination” means the written documentation of a decision of a procurement manager including findings of fact required to support a decision. A determination becomes part of the procurement file to which it pertains.</p> <p>“Desirable” The terms “may”, “can” or “prefers” identify a desirable or discretionary item or factor.</p> <p>“Evaluation Committee” means a body appointed by the County Management to perform the evaluation of Offeror proposals.</p> <p>“Evaluation Committee Report” means a report prepared by the Procurement Officer and the Evaluation Committee for submission to Board of County Commission and/or County Manager for contract award that contains all written determinations resulting from the evaluation.</p> <p>“Finalist” is defined as an Offeror who meets all the mandatory specifications of the Request for Proposal and whose score on evaluation factors is sufficiently high to qualify that Offeror for further consideration by the Evaluation Committee.</p>	<p>“Mandatory” The terms “must”, “shall”, “will”, “is required”, or “are required”, identify a mandatory item or factor. Failure to meet a mandatory item or factor will result in the rejection of the Offeror’s proposal.</p> <p>“Offeror” or “Proposer” is any person, corporation, or partnership that chooses to submit a proposal or an offer.</p> <p>“Purchase Order” means the document which directs a contractor to deliver items of tangible personal property or services pursuant to an existing contract.</p> <p>“Procurement Officer” means the person or designee authorized by the Agency to manage or administer a procurement requiring the evaluation of request for proposals.</p> <p>“Request for Proposal” or “RFP” means all documents, including those attached or incorporated by reference, used for soliciting proposals.</p> <p>“Responsible Offeror” means an Offeror who submits a responsive proposal and who has furnished, when required, information and data to prove that his financial resources, production or service facilities, personnel, service reputation and experience are adequate to make satisfactory delivery of the services or items of tangible personal property described in the proposal.</p> <p>“Responsive Offer” means an offer, which conforms in all material, respects to the requirements set forth in the request for proposal.</p>
--	---
11. **EXCEPTIONS** - Any exceptions to the scope of work and/or specifications shall be listed separately, and specifications attached are the minimum requirements. The specifications submitted herein are all that were available to the Purchaser at the time of this mailing. Minor deviations to the specifications as listed, may be considered.
12. **EQUAL OPPORTUNITY** - The Contractor, subcontractors, and all sub-subcontractors shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, or national origin. The Contractor shall take affirmative action to ensure that applicants are employed and that employees are treated during employment

without regard to their race, religion, color, sex, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, or transfer; recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the policies of nondiscrimination. The Contractor, and all sub-contractors shall, in all solicitation or advertisements for employees placed by them or on their behalf, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, or national origin.

13. **GROSS RECEIPTS TAX** - New Mexico Statutes require that the proposed amount exclude the applicable state gross receipts tax or applicable local option tax but that the Contracting Agency shall be required to pay the applicable tax including any increase in the applicable tax becoming effective after the date the contract is entered into. The applicable gross receipts tax or applicable local option tax shall be shown as a separate amount on each billing or request for payment made under the contract.
14. **INCOMPLETE RESPONSES** - The County reserves the right to eliminate any Offeror that submits incomplete or inadequate responses or is not responsive to the requirements of this RFP.
15. **INSURANCE REQUIREMENTS** - The Contractor shall not commence work under this contract until he has obtained all insurance required under this paragraph and such insurance has been approved. The contractor shall not allow any subcontractor to commence work on this subcontract until all similar insurance required of the subcontractor has been obtained. Insurance specifications and monetary requirements will be finalized at contract development.

	Standard Insurance	Limits Not Less Than
✓	Commercial and General Liability	\$1,000,000/\$3,000,000
✓	Automobile Liability	\$1,000,000/\$1,000,000
✓	Worker's Compensation as required by State Law	As required by Law
✓	Other legally required of the employer or for the contractor's occupation / profession.	As required by Law
	Specialized Insurance	
✓	Professional Liability	\$1,000,000
	Other / Specify:	

- 15.1 Contractor's Insurance For Other Losses - The Contractor shall assume full responsibility for all loss or damage from any cause whatsoever to any tools, Contractor's employee owned tools, machinery, equipment, or motor vehicles owned or rented by the Contractor, or the Contractor's agents, suppliers or contractors as well as to any temporary structures, scaffolding and protective fences.

16. **IRREGULARITIES** - The County reserves the right to accept or reject any or all proposals, to waive irregularities and technicalities, and to request resubmission. Any sole

response that is received may or may not be rejected by the County depending on available competition and timely needs of the County. The County reserves the right to award the contract to the responsible Offerors submitting responsive proposals with resulting agreements most advantageous and in the best interest of the County.

17. **NEGOTIATIONS** - Should the County be unable to negotiate a satisfactory contract with the business considered to be the most qualified at a price determined by the County to be fair and reasonable, negotiations with that business shall be formally terminated. The County may then undertake negotiations with the second most qualified business. Failing accord with the second most qualified business, the County shall formally terminate negotiations with that business and may then undertake negotiations with the third most qualified business and so on. The County reserves the right to discontinue negotiations with any selected Offeror.
18. **NO OBLIGATION** - This procurement in no manner obligates Lea County until a valid signed contract is executed.
19. **PROCUREMENT UNDER EXISTING CONTRACTS** - In accordance with NMSA Procurement Code, Section 13-1-129 , Offerors are hereby notified that other government entities within the State of New Mexico, or as otherwise allowed by their respective governing directives, may contract for the goods or services included in this procurement with the awarded contractor. Contractual engagements accomplished under this provision shall be solely between the awarded vendor and the contracting government entity with no obligation by Lea County.
20. **PROPOSAL DISCLOSURES** - The contents of the proposals will be kept confidential until a contract or contracts have been awarded. At that time, all proposal documents pertaining to this procurement will be open to the public, except for the material which is marked as proprietary or confidential. The Procurement Officer will not disclose or make public any pages of a proposal on which the Offeror has stamped or imprinted "proprietary" or "confidential" subject to the following requirements.
 - 20.1 Proprietary or confidential data shall be readily separable from the offer in order to facilitate eventual public inspection of the non-confidential portion of the offer. Confidential data is normally restricted to confidential financial information concerning the Offeror's organization and data that qualifies as a trade secret in accordance with the Uniform Trade Secrets Act, 57-3A-1 to 57-3A-7 NMSA 1978. The price of products offered or the cost of services proposed shall not be designated as proprietary or confidential information. Entire proposals may not be considered proprietary.
21. **PROPOSAL AWARD** -The County reserves the sole right to:
 - 22.1. Determine responsible Offerors and responsive proposals.
 - a. **Responsible Offeror**: 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 items described in the Request for Proposal.

- b. Responsive Proposal: A proposal which conforms in all material respects to the requirements set forth in the Request for Proposal.
- 22.2 Determine and waive minor technicalities in the proposal form or requirements not affecting price, quality, or quantity of items or services sought.
- 22.3 Award this RFP to one (1) or multiple Offerors.
- 22.4 Reject any or all proposals in part or in whole.
- 22. **PROTESTS** - Any Offeror who is aggrieved in connection with a solicitation or award of an Agreement may protest to the Purchasing Office in accordance with the requirements of the State Procurement Code. The protest Shall be made in writing within 24 hours after the facts or occurrences giving rise thereto, but in no case later than 15 calendar days after the facts or occurrences giving rise thereto (§13-1-172 NMSA 1978).
 - 23.1 In the event of a timely protest under this section, the County will not proceed further with the procurement unless the Purchasing Department makes a determination that the award of Agreement is necessary to protect substantial interests of the County (§13-1-173 NMSA 1978).
 - 23.2 The Procurement Officer or his designee shall have the authority to take any action reasonably necessary to resolve a protest of an aggrieved Offeror concerning a procurement. This authority shall be exercised in accordance with adopted regulations, but shall not include the authority to award money damages or attorneys' fees (§13-1-174 NMSA 1978).
 - 23.3 The Procurement Officer or his designee will promptly issue a determination relating to the protest. The determination will:
 - 23.3.1 State the reasons for the action taken; and
 - 23.3.2 Inform the Protestor of the right to judicial review of the determination pursuant to §13-1-183 NMSA 1978.
 - 23.4 A copy of the determination issued under §13-1-175 NMSA 1978 will immediately be mailed to the Protestor and other Offerors involved in the procurement (§13-1-176 NMSA 1978).
- 23. **REJECT ALL** - Pursuant to Sec 13-1-131 NMSA, 1984, as amended, Lea County reserves the right to reject any and all proposals, in whole or in part, submitted hereunder, provided that such rejections shall be accomplished by a written statement declaring the reason for the rejections.
- 24. **RESIDENT VETERANS PREFERENCE** – In accordance with Sections 13-1-21 and 13-1-22 NMSA 1978 resident veterans businesses are to receive the following preferences:
 - 24.1 Resident veterans businesses with annual revenues of \$1 Million or less will be awarded an additional ten percent (10%) of the total possible RFP evaluation points.
 - 24.2 Resident veterans businesses with annual revenues of more than \$1 Million but less than \$5 Million will be awarded an additional eight percent (8%) of the total possible RFP evaluation points.

- 24.3 Resident veterans businesses with annual revenues of more than \$5 Million will be awarded an additional seven percent (7%) of the total possible RFP evaluation points.

This Veteran's preference is separate from the current instate resident preference and is not cumulative with that preference. **If a vendor will be utilizing this preference, they must include a copy in their proposal of the Resident Veteran business certificate issued by the State of New Mexico Taxation and Revenue Department and complete the Resident Veterans Preference Declaration form included in the Required Forms Section.** This preference will not apply when the expenditure includes federal funds for a specific purchase.

25. **RFP RESPONSES** - By responding to this RFP, Offerors acknowledge and consent to the rights and conditions set forth in this RFP.
26. **SOLE INTERPRETER** - Lea County has the right to refuse any or all proposals and is the sole interpreter of the intent of any clause of the specifications, and sole judge as to whether the item proposed, or any part or fitting thereof, complies with the specifications.

PART II – THE PROJECT :

OVERVIEW

Lea County is soliciting qualifications-based proposals to provide various economic development services through a competitive contract award process. **Proposed services should include development and implementation of a marketing and promotion plan, development and implementation of an advertising, printing, publication, and materials distribution plan, development and implementation of plans for active solicitation of new business, manufacturing, and industry, provision of technical services related to all industrial and economic development matters, and willingness to perform additional related services as needed.**

Pursuant to §13-1-153 NMSA 1978 of the New Mexico Procurement Code, the County reserves the right to multi-award this RFP. The County intends to enter into a single contract with one or more organizations to provide the above mentioned services for which the Offeror has been qualified pursuant to their response to this RFP. The term of these contracts shall be from date of award until June 30, 2023.

COMMUNITY COLLABORATION:

Lea County government strives to enhance the economic development of Lea County to ensure the health, safety, and quality of life for all residents as determined by law and community interests. Services are provided through innovative leadership and teamwork in a fair, respectful and professional manner.

ORGANIZATIONAL CAPACITY & EXPERIENCE - *Proposal Requirements:*

1. Organizations who have previously been awarded a contract from the County must demonstrate a project history of successful program and budgetary management.
2. Proposal must demonstrate organizational capacity to implement the proposed project by providing their most recent certified audit or financial review and, if applicable, proof of their U.S. Internal Revenue Service 501(c) 3 application or final determination of their non-profit status.
3. Proposals must contain budgets that are cost effective and appropriate to the program and provide an evaluation assessment of their program.

SECTION A. – SPECIFICATIONS

The services offered must be in accordance with all state of New Mexico regulations and standards.

Service	Description
Economic Development	Marketing and promotion plan to bring new business, manufacturing, and industry to Lea County

All items in Section A. are REQUIRED under this procurement. In order and by number, provide written response as specified for each of the specifications detailed in Section A.

Evaluators will provide a numerical ranking for each of these criteria based on Offeror's response to each item. Offeror must initial where indicated (see Part III) that they are able to meet each of these minimum criteria and provide documentation / explanation of this ability in the narrative response to this proposal.

1. **Project Approach** – Describe the programs and processes used on projects of similar scope and magnitude, the processes envisioned in this project, and the ability to initiate and perform the services proposed.
2. **Management and Staffing** – Identify the staff assigned to this project (by names and positions) and their knowledge of the Lea County area and the State of New Mexico. The listing should include relevant experience and capability. Staff resumes may be included but are not required.
3. **Specialized Experience** – Provide a written record listing, or a brochure describing, past work with emphasis on comparable projects. Project references should be included.
4. **Budget** – Submit a proposed budget of revenue and expenditures for one fiscal year relative to the scope of work. The County proposes that expenses incurred under a mutually acceptable contract will be reimbursed based on supporting evidence that the services have been completed or the goods received; however, the proposal should include the proposer's option on the proposed method of payment.
5. **Familiarity with State and Local Rules and Regulations** – Briefly discuss familiarity with State and local regulations and related organizations actively involved with economic development in Lea County.

SECTION B. – METHOD OF AWARD

An evaluation committee will judge the merits of proposals received in accordance with the evaluation factors defined herein. The recommendations of the committee will be forwarded to the Board of County Commissioners for approval. Failure of the Proposer to provide any information requested in the Request for Proposals may result in disqualification of the proposal and shall be the sole responsibility of the Proposer.

The selection committee *may* interview the Offeror(s) of the top rated proposals; however, contracts may be awarded without such interviews.

The County will enter into contract negotiations with one or more qualified Offerors(s) for the services contemplated under this RFP at compensation determined to be justified, fair and reasonable. In making this decision, the County shall take into account the estimated value of the services, accessibility, the scope, complexity and professional nature of the services to be rendered. Should the County be unable to negotiate a satisfactory contract with an offeror at a price determined by the County to be fair and reasonable, negotiations with the offeror shall be formally terminated.

SECTION C – NARRATIVE RESPONSE

Include the following information in your written narrative response:

1. A concise overview of Offeror's qualifications and ability to comply with specifications of the RFP;
2. Detailed Response to the scope of work and specifications list in Section A;
3. Completed Cover Letter, taken from Part III, all items shall be completed, the document executed and included as page 1.

SECTION D – COST PROPOSAL / BUDGET

Cost Proposal Form – Complete, sign and include with your proposal response. (Part III)

Budget Section – Include on a separate page(s). This section must fully list and describe the expected expenses. The budget section must include a line item budget and a narrative that justifies and/or explains the budget.

Points will be awarded based on clearly defined justification for costs for the levels of service provided that are directly related to the project.

SECTION E. EVALUATION

The following is a summary of evaluation criteria with the point values, as applicable, assigned to each requirement or non-mandatory item or category. These, along with the general requirements, will be used in the evaluation of Offerors' proposals.

<u>Reference</u>	<u>Criteria Statement</u>	<u>Maximum Points</u>
1.	Technical Approach	300
2.	Prior Related Experience (includes staff)	200
3.	Familiarity with Applicable Regulations	100
4.	Budget	200
5.	State Resident or Veteran's Preference Discount (<i>If applicable</i>)	50
<u>TOTAL</u>	<u>Total Possible Points</u>	850

SECTION F. SUBMITTAL FORMAT

Submit One (1) original and six (6) photocopies of your proposal, plus one (1) electronic copy (CD or memory stick) in the following order. All copies must be 3-hole punched and unstapled:

Organize your presentation in the following numerical order:

	<u>Located On Page:</u>
1. Completed Cover Letter - Transmittal Form (see Part III – Required Forms)	17-18
2. Mandatory Response Form	19
3. Narrative Written Response (See Requirements Section C above)	12
4. Cost Proposal (see Part III – Required Forms)	20
5. References (Use References Form, Part III)	30
6. Executed Contract Section II Forms (See Part III – Required Forms)	
Attachment C – Campaign Contribution Disclosure Form	22-23
Attachment D – Related Party Disclosure Form	25
Attachment E – Certification Regarding Debarment & Suspension	27
Attachment F - Non-Collusion Affidavit	29
7. Other Documents as required in the Checklist. (See Part III)	31

PART III - REQUIRED FORMS

LEA COUNTY PROPOSAL TRANSMITTAL COVER LETTER

RFP # 02 – (21-22). TITLE: COUNTY - WIDE ECONOMIC DEVELOPMENT SERVICES

Due Date/Time: March 11, 2022 @ 3:00 pm Location: 100 N. Main, Suite 11, Lovington, NM 88260

Procurement Officer: Kelli Ferguson Email: kferguson@leacounty.net

As applicable, all items below must be completed in full. Failure to complete may be grounds for disqualification.

Legal Name of Submitting Organization _____

Person authorized to negotiate and contractually obligate the Organization:

Name _____ Title _____

Email _____ Phone _____ Cell _____

Street Address _____

City / State / Zip _____

Alternate Contact Information:

Name _____ Title _____

Email _____ Phone _____ Cell _____

Prior Year Funded Amount: \$ _____ **Fiscal Year 2022-2023 Request: \$** _____

Description of Agency: Brief Description of the organization

Achievements: Goals met by your organization during FY 21/22

Scope of Work: Brief description of services to be provided

Proposal attached that addresses all Evaluation Criteria: <input type="checkbox"/> Yes <input type="checkbox"/> No Services offered meet Specifications: <input type="checkbox"/> Yes <input type="checkbox"/> No *Any options, exceptions or variations are to be set forth on a separate page. NM State Resident or Veterans Preference #, if applicable (certificate copy must be attached) _____

On behalf of the submitting organization above:

- I accept all Terms and Conditions Governing this Procurement as required.
- I acknowledge receipt of any and all amendments to this bid or proposal.
- I have read and concur with the terms and conditions of the County's contract documents, and, if objections, I have provided suggested alternative language in my response.
- I concur, as applicable, that submission of this bid or proposal constitutes acceptance of Evaluation Factors.
- I concur, as applicable, to FOB Point: Destination, Lovington, New Mexico, acknowledge brand names and numbers are for reference only, that equivalents will be considered and that I must be prepared to furnish complete data to prove product(s) / services meet or exceed specifications.
- Our organization is committed to and will comply and act in accordance with the following:
 1. Federal Executive Orders relating to the enforcement of civil rights;
 2. New Mexico State Statutes and County of Lea Ordinances regarding enforcement of civil rights;
 3. Federal Code, 5 USCA 7201 et. seq., Anti-discrimination in Employment;
 4. Executive Order No. 11246, Equal Opportunity in Federal Employment;
 5. Title 6, Civil Rights Act of 1964; and
 6. Requirements of the Americans with Disabilities Act of 1990 for work performed under this contract.

Authorized Signature

Date

Printed Name

MANDATORY RESPONSE FORM
PROPOSAL AGREEMENT TO PROVIDE REQUIRED ITEMS

THIS FORM MUST BE COMPLETED AND SUBMITTED WITH EACH PROPOSAL

Offeror must sign each of the below items indicating contractual agreement to comply with the specified RFP item if awarded this contract. Offeror may also indicate higher performance than the minimum requirement specified. Failure of Offeror to agree to any item below may affect the Evaluation Team's determination of Proposal Compliance. Requirements for each of the below items are all specified in the referenced item number of Section II of the RFP.

REVIEW CAREFULLY BEFORE SIGNING.

<i>Item Reference – All Items are Found in Part II of the RFP</i>	<i>Signature Verifies Offeror's Agreement to Comply with all Requirements of the Referenced Item <u>and</u>, as applicable with Offeror's written RFP Responses for that Item</i>
<u>PART II. A. – THE PROJECT</u>	
Page 10 - Project Overview	
Page 10 - Community Collaboration	
Page 10 - Organizational Capacity & Experience	
Page 11 - Specifications	
<u>PART II. D. - COST PROPOSAL</u>	

COST PROPOSAL / BUDGET
ECONOMIC DEVELOPMENT SERVICES
LEA COUNTY, NEW MEXICO

Organization Name: _____

I. PAYMENT SCHEDULE

Payments will be made quarterly, based on an invoice submitted to Lea County.
(Purchasing Department must approve any other financial agreements in advance)

II. ANNUAL COST FOR SPECIFIED SERVICES	\$ _____	<i>Without Tax</i>
_____ % NMGR	+	_____
TOTAL / YEAR	\$ _____	

III. BUDGET / LINE ITEMS – *Attach additional pages if necessary.*

This section must fully list and describe the expected expenses. The budget section must include a line item budget and a narrative that justifies and/or explains the budget.

COMMENTS (*if any*):

Signature _____

Title _____

Date _____

ATTACHMENT C

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 m

ay 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: **Board Of County Commissioners: Rebecca Long, Dean Jackson, Jonathan Sena, Pat Sims, Gary Eidson; Assessor Sharla Kennedy; Clerk Keith Manes; Probate Judge Sandra Goad; Treasurer Susan Marinovich; Sheriff Corey Helton.**

DISCLOSURE OF CONTRIBUTIONS BY PROSPECTIVE CONTRACTOR:

Contribution Made By: _____

Relation to Prospective Contractor: _____

Date Contribution(s) Made: _____

Amount(s) of Contribution(s) _____

Nature of Contribution(s) _____

Purpose of Contribution(s) _____

(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)

ATTACHMENT D

RELATED PARTY DISCLOSURE FORM

1. Are you indebted to or have a receivable from any member of the Board of County Commissioners; elected county officials, administration officials, department heads, and key management supervisors with the County of Lea?

Yes _____ No _____

2. Are you, or any officer of your company related to any member of the Board of County Commissioners; elected county officials, administration officials, department heads, key management supervisors of the County of Lea and have you had any of the following transactions to which Lea County was, is to be, a party?

	Yes	No
Sales, Purchase or leasing of property?	_____	_____
Receiving, furnishing of goods, services or facilities?	_____	_____
Commissions or royalty payments	_____	_____

3. Does any member of the Board of County Commissioners; elected county officials, administration officials, department heads, key management supervisors with the County of Lea, have any financial interest in your company whether a sole proprietorship, partnership, or corporation of any kind that currently conducts business with the County of Lea?

Yes _____ No _____

4. Did you, your company, or any officer of your company have an interest in or signature authority over a bank account for the benefit of a member of the Board of County Commissioners; elected county officials, administration officials, department heads, key management supervisors with the County of Lea?

Yes _____ No _____

5. Are you negotiating to employ or do you currently employ any employee, officer or family member of an employee or officer of County of Lea?

Yes _____ No _____

The answers to the foregoing questions are correctly stated to the best of my knowledge and belief.

Signature of Owner or Company President: _____ Date _____

(Print Name and Title): _____

ATTACHMENT E

**CERTIFICATION REGARDING
DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS**

Offeror certifies to the best of its knowledge and belief that it and its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
2. Have not within a three year period preceding this proposal been convicted of, had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State Antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
3. Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any offenses; and
4. Have not within a three-year period preceding this application/proposal had one or more public transaction (Federal, State, or local) terminated for cause or default.

I understand that a false statement on this certification may be ground for rejection of this proposal or termination of the award. Under 18USC Sec. 1001, a false statement may result in a fine of up to \$10,000 or imprisonment for up to 5 years, or both.

Print Name of Authorized Representative

Title

Signature of Authorized Representative

Date

ATTACHMENT F

NON-COLLUSION AFFIDAVIT

STATE OF _____)

County OF _____)

_____ (name) being first duly sworn, deposes and
says that he/she is (title) _____ of
(organization) _____

who submits herewith to the County of Lea, a proposal:

That all statements of fact in such proposal are true:

That said proposal was not made in the interest of or on behalf of any undisclosed person, partnership, company, association, organization or corporation;

That said Offeror has not, directly or indirectly by agreement, communication or conference with anyone attempted to induce action prejudicial to the interest of the County of Lea, or of any Offeror of anyone else interested in the proposed contract; and further,

That prior to the public opening and reading of proposal, said Offeror:

1. Did not directly or indirectly, induce or solicit anyone else to submit a false or sham proposal
2. Did not directly or indirectly collude, conspire, connive or agree with anyone else that said Offeror or anyone else would submit a false or sham proposal, or that anyone Shall refrain from proposing or withdraw his proposals;
3. Did not in any manner, directly or indirectly, seek by agreement, communication or conference with anyone to raise or fix the proposal price of said Offeror or of anyone else, or to raise or fix any overhead, profit or cost element of their proposal price, or of that of anyone else;
4. Did not directly or indirectly, submit his proposed price or any breakdown thereof, or the contest thereof, or divulge information or data relative thereto, to any corporation, partnership, company, association organization, proposal depository or to any member or agent thereof, or to any individual of group of individuals, except that County of Lea, or to any person or persons who have a partnership or other financial interests with said Offeror in his business.

By: _____

Title _____

SUBSCRIBED and sworn to before me this _____ day of _____, 20_____.

Notary Public: _____

My Commission Expires: _____

REFERENCES FORM

Provide information below for no fewer than three (3) businesses you have supplied with the same or similar parts or services during the past year. Complete all information requested and sign the "authorization to contact" form below.

NAME OF YOUR ORGANIZATION: _____

RFP # _____ RFP TITLE: _____

Offeror Statement: I provide the following references for the above RFP and by my signature below authorize the County to contact those listed for inquiry regarding my company, personnel and products.

REFERENCE # 1

Business Name: _____ Phone: _____

Contact Name: _____ Email: _____

Products and Services provided include: _____

Volume of Business annually: \$ _____ No. of Years Served: _____

REFERENCE # 2

Business Name: _____ Phone: _____

Contact Name: _____ Title: _____ Email: _____

Products and Services provided include: _____

Volume of Business annually: \$ _____ No. of Years Served: _____

REFERENCE # 3

Business Name: _____ Phone: _____

Contact Name: _____ Title: _____ Email: _____

Products and Services provided include: _____

Volume of Business annually: \$ _____ No. of Years Served: _____

Signature

Title

Date

CHECKLIST
LEA COUNTY PURCHASING DEPARTMENT

RFP 02– (21-22) Title: County –Wide Economic Development Services

<i>Required For This Procurement</i>	<i>Offeror Check List X</i>	<i>Items to be completed and included in the Offeror Submission Packet</i> <i>ORGANIZE DOCUMENTS IN THE ORDER LISTED</i>
<i>Yes</i>		<i>1 original and 6 copies of proposal / bid packet (plus one electronic)</i>
<i>Yes</i>		<i>Signed Proposal / Transmittal Cover Sheet</i>
<i>Yes</i>		<i>Mandatory Response Form</i>
<i>Yes</i>		<i>Narrative per requirements as specified in Part II</i>
<i>Yes</i>		<i>Cost Proposal</i>
<i>Yes</i>		<i>Campaign Contributions</i>
<i>Yes</i>		<i>Related Party</i>
<i>Yes</i>		<i>Debarment</i>
<i>Yes</i>		<i>Non-Collusion</i>
<i>Yes</i>		<i>References Form</i>
<i>Yes</i>		<i>Resumes / Certifications / Licenses of Key Personnel</i>
<i>Yes</i>		<i>Copy of current annual certificate of business registration</i>
<i>If Applicable</i>		<i>Acknowledge all Addenda, if applicable</i>
<i>If Applicable</i>		<i>NM Tax & Revenue Resident &/or Veteran's Preference Certificate.</i>
<i>If Applicable</i>		<i>Copies of any Licenses / Certifications applicable to the Job</i>

Remember to clearly mark your proposal with the RFP Title,

Number and Opening Date on the front of the envelope or box.