

**ON-CALL OWNER CONSULTANT / TECHNICAL ADVISOR  
LEA COUNTY**

**Request for Qualifications – Based Proposals  
RFQP #13 – (22-23)**

**NIGP Codes: 90607, 92517**



**DUE DATE: June 9, 2023 – 3:00 p.m. (local time)**

# TABLE OF CONTENTS

I. INTRODUCTION.....	3
A. Purpose .....	3
B. Scope.....	3
C. Term.....	3
D. Procurement Officer .....	3
II.CONDITIONS GOVERNING THE PROCUREMENT .....	4
A. Sequence of Events .....	4
B. Explanation of Events.....	5
C. General Requirements.....	7
III. RESPONSE FORMAT AND ORGANIZATION .....	9
A. Number of Responses .....	9
B. Number of Copies .....	10
C. Proposal Format .....	10
IV. EVALUATION .....	12
Appendix - REQUIRED FORMS .....	14
A. Acknowledgement of Receipt Form .....	14
B. Campaign Contribution Form .....	15
C. Resident / Resident Veteran Preference Form.....	17
D. Related Party disclosure Form .....	18
E. Certification RE: Debarment, Suspension .....	19
F. Non-Collusion Affidavit .....	20

**ON-CALL OWNER CONSULTANT /TECHNICAL ADVISOR  
LEA COUNTY**

**I. INTRODUCTION**

**A. PURPOSE OF THIS REQUEST FOR QUALIFICATIONS –BASED PROPOSALS (RFQP)**

The Lea County Board of County Commissioners requests sealed proposals from qualified firms to provide On-Call Owner Consultant / Technical Advisor services for various planned construction projects throughout Lea County.

**B. BACKGROUND AND SCOPE OF PROCUREMENT**

As growth and the necessity for renovated and/or newly constructed facilities is an on-going need and process, the County wishes to contract with an On-Call Consultant / Technical Advisor.

Lea County would like to ensure that planning program, systems selection, engineering, design, and construction implementation for all building systems are installed in accordance with building codes, energy codes, manufacturer tested assembly requirements, industry standards and benchmarks, and can be calibrated and operated as required to deliver functional and efficient performance.

The Technical Advisor would assist with decision making regarding building science, technologies, and building systems available in the market and proposed for use on the owner's facilities. Expectations for the consulting firm and their sub-contractors is to be a professional Architect or Civil Engineer firm licensed in the state of New Mexico.

Consultant is expected to bring to Owner's attention any problems that may jeopardize the building's in-service performance and interior environmental quality. Desired consultant will have significant in-building management and/or commissioning experience, including technical and management expertise on commercial and public work projects.

**C. CONTRACT TERM**

This RFQP is a multi-term contract which will be effective upon execution by Lea County. Award will be for the initial year plus three (3) one-year options to renew at the discretion of both parties.

**D. PROCUREMENT OFFICER**

Lea County's Procurement Officer, whose name and contact information is listed below is responsible for the conduct of this procurement.

Name: Kelli Ferguson, Procurement Officer  
Address: Lea County  
Finance Department, 4th Floor  
100 North Main, Suite 11  
Lovington, NM 88260

Email: [kferguson@leacounty.net](mailto:kferguson@leacounty.net)

## E. QUESTIONS:

1. You must submit any questions regarding this procurement in writing, ONLY to the Procurement Officer at: [kferguson@leacounty.net](mailto:kferguson@leacounty.net).
2. No one other than the Procurement Officer has the authority to respond on behalf of the County.
3. Questions will be answered by an addendum to the RFQP that will be distributed to vendors who have completed and returned the "Acknowledgement of Receipt Form" and will be posted to Lea County's website at: [Requests for Proposals \(leacounty.net\)](http://leacounty.net)

## II. CONDITIONS GOVERNING THE PROCUREMENT

This section of the RFQP contains the schedule, description and conditions governing the procurement.

### A. SEQUENCE OF EVENTS

The PROCUREMENT OFFICER will make every effort to adhere to the following schedule:

Action	Responsible Party	Due Dates (Local Time)
1. Issue of RFQP	Lea County	May 12, 2023
2. Acknowledgement of Receipt	Potential Offerors	By May 19, 2023 – 5:00 pm
3. Deadline for Written Questions	Potential Offerors	By May 24, 2023 - 5:00 pm
4. Response to Written Questions	Procurement Officer	By May 29, 2023 - 4:00 pm
<b>5. Submission of Proposals</b>	<b>Potential Offerors</b>	<b>June 9, 2023 - 3:00 pm</b>
6. Proposal Evaluation	Evaluation Committee	TBD
7. Best & Final Offer <i>If Requested</i>	Offerors	TBD
8. Selection of Finalist(s)	Evaluation Committee	TBD
9. Contracts Negotiations	Lea County and Potential Offeror(s)	TBD
10. Contract Award(s)	Lea County	TBD

11. Protest Deadline		By 15 days after award
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**B. EXPLANATION OF EVENTS**

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

**1. Issuance of RFQP**

This RFQP is being issued on behalf of the Lea County Facilities Department.

**2. Acknowledgement of Receipt – Appendix A**

Potential offerors/responders may e-mail, hand deliver, return by facsimile or registered or certified mail the "*Acknowledgement of Receipt Form*" that accompanies this document to have the offeror placed on the "***Procurement Distribution List***". The form should be signed by an authorized representative of the offeror, dated and returned to the Procurement Officer [kferguson@leacounty.net](mailto:kferguson@leacounty.net) by 5:00 pm MDT/MST on May 19, 2023.

The "*Procurement Distribution List*" will be used for the distribution of Addenda (including written responses to questions).

**3. Deadline to Submit Written Questions**

Potential offerors must submit all questions in writing only to the Procurement Officer before May 24, 2023 at 5:00 pm (MDT/MST) as indicated in the "Sequence of Events" (Section II-A). Questions shall be clearly labeled and shall name the Section(s) in the RFQP or other document which form the basis of the question.

**4. Response to Written Questions**

Written responses to written questions will be answered by Addendum and emailed to all potential offerors whose name(s) appear on the "*Procurement Distribution List*". Addenda will also be posted to Lea County’s website at: [Requests for Proposals \(leacounty.net\)](http://leacounty.net/Requests-for-Proposals)

**5. Submission of Proposals**

All RFQP documents as well as any future addenda may be found on the Lea County website: [Requests for Proposals \(leacounty.net\)](http://leacounty.net/Requests-for-Proposals)

Lea County will accept responses only at the address below up to 3:00 pm (MDT/MST) on June 9, 2023. Faxed or emailed responses will not be accepted. Responses received after that date and time will not be accepted. The Lea County Board of Commissioners reserves the right to reject any and all responses that are not in its best interest and to cancel and reissue the RFQP.

Name: Lea County Finance Dept.  
Attn: Kelli Ferguson

Address:           Lea County Finance Dept. (4<sup>th</sup> floor)  
                      100 North Main, Suite 11  
                      Lovington, NM 88260

Proposals must be sealed and labeled on the outside of the package to indicate they are in response to RFQP 13 – (22-23) On-Call Owner Consultant / Technical Advisor.

A public log will be kept of the names of all offerors that submitted proposals.

## **6. Proposal Evaluation**

An Evaluation Committee will review and score proposals. Offerors shall not initiate discussions.

## **7. Best and Final Offers**

Finalists may be asked to submit revisions to their proposals for the purpose of obtaining best and final offers.

## **8. Selection of Finalists**

Any Contractual agreement(s) resulting from this RFQP will be finalized with the most advantageous offeror(s). In the event mutually agreeable terms cannot be reached with the apparent most advantageous offeror in the time specified, the County reserves the right to finalize a contractual agreement with the next most advantageous offeror without undertaking a new procurement process.

## **9. Contract Negotiations**

Pursuant to § 13-1-116 NMSA 1978, the contents of proposals shall not be disclosed to competing potential offerors during the negotiation process. The negotiation process is deemed to be in effect until the contract is awarded and executed pursuant to this Request for Qualifications – Based Proposals.

If an Agreement cannot be negotiated with the firm(s) on the ranking list, the County may choose to negotiate with other qualified offerors scored by the Committee or to terminate negotiations.

The County will negotiate with the successful offeror(s) on a contract incorporating the General Requirements, Scope of Services and any other provisions of this Request for Proposal, and acceptable to both parties.

## **10. Contract Awards**

The contract may be awarded to the offeror(s) whose proposal(s) are most advantageous to Lea County, taking into consideration the evaluation factors set forth in this RFQP. Based on the County's needs, Lea County reserves the right to issue a multiple award.

## **11. Protest Deadline**

Any protest by an offeror must be timely and in conformance with § 13-1-172 NMSA 1978 *et. seq.* and applicable procurement regulations.

## **C. GENERAL REQUIREMENTS**

### **1. Acceptance of Conditions Governing the Procurement**

By responding to this RFQP, potential offeror(s) indicate their acceptance of the Conditions Governing the Procurement and of the Evaluation Factors.

### **2. Incurring Cost**

Any cost incurred by the potential offeror in response to this RFQP shall be borne solely by the offeror.

### **3. Company Responsibility**

The awarded company is solely responsible for fulfillment of all requirements of the contractual agreement which may derive from this RFQP.

### **4. Amended Proposals**

An offeror may submit an amended proposal before the deadline for receipt of proposals. Such amended proposals must be complete replacements for a previously submitted proposal and must be clearly identified as such in the transmittal letter. The County personnel will not merge, collate, or assemble proposal materials.

### **5. Offeror's Right to Withdraw Proposal**

Offerors will be allowed to withdraw their proposals at any time prior to the deadline for receipt of proposals. The offeror must submit a written withdrawal request addressed to the PROCUREMENT OFFICER and signed by the offeror's duly authorized representative.

The approval or denial of withdrawal requests received after the deadline for receipt of the proposals is governed by the applicable procurement regulations.

### **6. Proposal Offer Firm**

Responses to this RFQP will be valid until Proposal is awarded.

### **7. Disclosure of Proposal Contents**

A. Proposals will be kept confidential until negotiations and the award are completed by the County. At that time, all proposals and documents pertaining to the proposals will be open to the public, except for material that is clearly marked proprietary or confidential. The PROCUREMENT OFFICER will not disclose or make public any pages of a proposal on which the potential offeror has stamped or imprinted "proprietary" or "confidential" subject to the following requirement:

B. Proprietary or confidential data shall be readily separable from the proposal in order to facilitate eventual public inspection of the non-confidential portion of the proposal.

C. Confidential data is restricted to:

1. confidential financial information concerning the offeror's organization;
2. any data that qualifies as a trade secret in accordance with the Uniform Trade Secrets Act, § 57-3A-1 to 57-3A-7 NMSA 1978.
3. PLEASE NOTE: The price of products offered or the cost of services proposed shall not be designated as proprietary or confidential information.

## **8. Termination**

This RFQP may be canceled at any time and any and all proposals may be rejected in whole or in part when the County determines such action to be in the best interest of Lea County.

## **9. Sufficient Appropriation**

Any contract awarded as a result of this RFQP process may be terminated if sufficient budget appropriations or authorizations do not exist. Such terminations will be effected by sending written notice to the company. The County's decision as to whether sufficient appropriations are available shall be final.

## **10. Governing Law**

This RFQP and any agreement with an offeror which may result from this procurement shall be governed by the laws of the State of New Mexico.

## **11. Basis for Proposal**

Only information supplied, in writing, by Lea County through the PROCUREMENT OFFICER or in this RFQP should be used as the basis for the preparation of offeror proposals.

## **12. Right to Waive Minor Irregularities**

The Evaluation Committee reserves the right to waive minor irregularities.

## **13. Notice of Penalties**

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

## **14. Ownership of Proposals**

All documents submitted in response to the RFQP shall become property of Lea County.

## **15. Campaign Contribution Disclosure Form – Appendix B**



Offeror must complete, sign, and return the Campaign Contribution Disclosure Form as a part of their proposal.

**16. New Mexico Preferences – Appendix C (If applicable, not required)**

**A. New Mexico Resident / Resident Veterans Preference Certification**

To ensure adequate consideration and application of § 13-1-21 NMSA 1978, Offerors must include a copy of their New Mexico preference certificate with their proposal. Certificates for preferences must be obtained through the New Mexico Department of Taxation & Revenue: <http://www.tax.newmexico.gov/Businesses/in-state-veteran-preference-certification.aspx>. Preference is not applicable unless a certificate from the State is submitted with the response to this RFQP.

In addition to a copy of the certification, the offeror should sign and complete the Resident/Resident Veterans Preference Certificate form, as provided in this RFQP.

Only one of the above Preference designations may be applied to this “Request for Qualifications Based Proposals”.

The New Mexico Preferences shall not apply when the expenditures for this RFQP includes federal funds.

**17. Insurance Requirements**

The Consultant shall procure and maintain during the term of this contract, insurance of the types and in the minimum amounts stated below:

	<b>Standard Insurance</b>	<b>Limits Not Less Than</b>
✓	Commercial and General Liability	\$1,000,000/\$2,000,000
✓	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
	<b>Specialized Insurance</b>	
✓	Professional Liability	\$1,000,000
	Other / Specify:	

**III. RESPONSE FORMAT AND ORGANIZATION**

This section describes the format and organization of the offeror’s proposal. Failure to conform to these guidelines may result in the disqualification of the proposal.

**A. NUMBER OF RESPONSES**

Offerors shall submit only one proposal in response to this RFQP.

## **B. NUMBER OF COPIES**

### **1. Hard Copy Responses**

The original and all copies, including packaging shall be clearly marked with the RFQP number and title on the front.

Offerors must submit one original, five copies, and one copy on flashdrive.

The original and other copies of information **must be identical**. In the event of a conflict between versions of the submitted proposal, the Original hard copy shall govern.

Any proposal that does not adhere to the requirements of this Section and **Section III.C “Proposal Format”**, may be deemed non-responsive and rejected on that basis.

## **C. PROPOSAL FORMAT**

All proposals must be submitted as follows: Hard copies must be typewritten on standard 8 ½ x 11inch paper (larger paper is permissible for charts, spreadsheets, etc.) with a minimum size 12 font. Proposals shall be placed within binders with tabs delineating each section.

Offerors must address items in the order indicated below. All forms provided in this RFQP including those in the APPENDIX must be completed and included in each Proposal.

### **1. Proposal Content and Organization:**

The proposal must be organized and indexed in the following format and must contain, at a minimum, all listed items in the order indicated with divider tab inserts.

**a. Letter of Transmittal** – Each proposal must be accompanied by a letter of transmittal. The letter of transmittal MUST:

- Identify the submitting organization;
- Identify the name and title of the person authorized by the organization to contractually obligate the organization;
- Identify the name, title and telephone of the person authorized to negotiate the contract on behalf of the organization;
- Identify the names, titles and telephone numbers of persons to be contacted for clarification;
- Explicitly indicate Acceptance of the Conditions Governing the Procurement stated in Section C.;
- Be signed by the person authorized to contractually obligate the organization;
- Accept receipt of any and all addenda to this RFQP.

### **b. Table of Contents**

**c. Proposal Summary (optional)** - A proposal summary may be included by offerors to provide the Evaluation Committee with an overview of the technical and business features of the proposal; this material will not be used in the evaluation process unless specifically referenced from other portions of the offeror's proposal.

**d. Response to Evaluation Criteria** – Responsive proposals will be evaluated by a committee and assigned points under each criterion specified below. Points will be awarded based on the thoroughness and clarity of the response.

**1. Company Profile:**

Provide a company profile including previous experience with Building Envelope Commissioning and/or Architectural Consulting Services Project Management. Indicate the relevance of previous projects to the anticipated scope of work.

**2. Capacity and Capability:**

Demonstrate the firm's capacity to meet the requirements of an on-call contract, include any consultants, their representatives, qualifications and locations, to perform the work. Address the ability to provide sufficient professional competence, meet time schedules, accommodate cost considerations and project administration requirements.

Include the licensed professionals and individual who will be the main point of contact and the team responsible for providing services for the duration of the contract. The Owner reserves the right to determine the acceptability of this individual.

**3. Staff Qualifications:**

Provide resumes for all team members, including subcontractors. Include experience, credentials/certifications, background and responsibilities. The Owner expects the team members to participate throughout the duration of the contract. Any changes in key staff must be reviewed and approved by the Owner and their consultants.

**4. Past Performance:**

List three (3) similar projects including information regarding building type, location, soft size, project cost, start and completion dates of design and construction, architect, general contractor, owner contact, and any unique project features.

References from past clients can be included.

**5. New Mexico Produced Work:** Indicate the volume of work to be produced in New Mexico by a New Mexico firm or firms.

**6. Familiarity with the Contracting Agency:**

Provide proximity to or familiarity with the Lea County area where the projects are located.

**e. Appendix Forms**

**IV. EVALUATION**

An evaluation committee will review and evaluate all replies and detailed proposals, may conduct oral presentations, or a combination of both, unless otherwise indicated in this solicitation. The evaluation committee will have only the response to this solicitation to review for selection of finalists and, therefore, it is important that offerors emphasize specific information considered pertinent to the services to be provided.

The County Purchasing department has the option to initiate discussions with offerors who submit responsive or potentially responsive proposals for the purpose of clarifying aspects of the proposals, but proposals may be accepted and evaluated without such discussion. Discussions SHALL NOT be initiated by the offerors.

Evaluation of the responses will be based on the following criteria:

	<u>Possible Points</u>
<b><u>Planning &amp; Design Services</u></b>	
1. Company Profile	25
2. Capacity and Capability	20
3. Staff Qualifications	20
4. Past Performance	25
5. New Mexico Work	5
5. Familiarity with the Contracting Agency	<u>5</u>
Total points possible	100

Resident Veterans OR Resident Business Preference (if applicable)

**EVALUATION PROCESS**

1. All Offeror proposals will be reviewed for compliance with the requirements and specifications stated within the RFQP. Proposals deemed non-responsive will be eliminated from further consideration.
2. The PROCUREMENT OFFICER may contact the offeror for clarification of the response.
3. Responsive proposals will be evaluated on the factors set forth in the RFQP, which have been assigned a point value. The responsible offerors with the highest scores may be selected as finalists, based upon the proposals submitted. The responsible offeror(s) whose proposals are most advantageous to the County, taking into consideration the evaluation factors, will be recommended for award.

The County reserves the right to make multiple awards dependent upon the expertise, technical capabilities or capacity of other offerors to perform the work within timelines

required.

If the offeror has qualified sufficiently, Lea County reserves the right to assign a particular project based on the specialized expertise and strengths of an offeror. Typically projects will be assigned based on highest scores by the evaluation committee. Should a project require specialized requirements, the County reserves the right to assign certain projects regardless of ranking based on the best interest of the County.

4. Percentages for New Mexico Preferences will be determined based upon the point based system outlined in § 13-1-21 NMSA 1978

**Appendix A**  
**ACKNOWLEDGEMENT OF RECEIPT FORM –**  
**ON-CALL OWNER CONSULTANT / TECHNICAL ADVISOR**  
**LEA COUNTY**

**\*\*ONLY this form may be submitted by EMAIL: [kferguson@leacounty.net](mailto:kferguson@leacounty.net)**

In acknowledgement of receipt of this Request for Qualifications Based-Proposal the undersigned agrees that he/she has received a complete copy, beginning with Page 1 title page and ending with page 20.

The acknowledgement of receipt should be signed and returned to the PROCUREMENT OFFICER no later than May 19, 2023 by 5:00 p.m. (local time). Only potential offerors who elect to return this form completed with the indicated intention of submitting a proposal will receive copies of all Offeror written questions (if any) and the written responses to those questions via an Addendum. Addenda are also immediately posted to Lea County's website: [Requests for Proposals \(leacounty.net\)](#)

FIRM: \_\_\_\_\_

REPRESENTED BY: \_\_\_\_\_

TITLE: \_\_\_\_\_ PHONE NO.: \_\_\_\_\_

E-MAIL: \_\_\_\_\_ FAX NO.: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

\*\* This name and address will be used for all correspondence related to this Request for Proposals (RFP)

**Firm does / does not (circle one) intend to respond to this Request for Proposal.**

Kelli Ferguson, Procurement Officer  
Lea County  
Finance Dept., 4<sup>th</sup> floor  
100 N. Main, Ste. 11  
Lovington, NM 88260  
Fax: 575-396-1127  
[E-mail: kferguson@leacounty.net](mailto:kferguson@leacounty.net)

## Appendix B

### Campaign Contribution Disclosure Form

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

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

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

The following definitions apply:

"Applicable public official" means a person elected to an office or a person appointed to complete a term of an elected office, who has the authority to award or influence the award of the contract for which the prospective contractor is submitting a competitive sealed proposal or who has the authority to negotiate a sole source or small purchase contract that may be awarded without submission of a sealed competitive proposal.

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

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

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

***Continued on next page.....***

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

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

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

Name(s) of Applicable Public Official(s):

Board of County Commissioners: Dean Jackson, Gary Eidson, Jonathan Sena, Pat Sims, Brad Weber; Assessor Ava Benge, Clerk Keith Manes, Treasurer Susan Marinovich, Sheriff Corey Helton, Probate Judge LaDonna Hardin.

DISCLOSURE OF CONTRIBUTIONS: *(Attach extra pages if necessary)*

Contribution Made By: \_\_\_\_\_

Relation to Prospective Contractor: \_\_\_\_\_

Date Contribution(s) Made: \_\_\_\_\_

Amount(s) of Contribution(s): \_\_\_\_\_

Nature of Contribution(s): \_\_\_\_\_

Purpose of Contribution(s): \_\_\_\_\_

**SIGNATURE REQUIRED BELOW ....**

\_\_\_\_\_  
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)



# Appendix C

## New Mexico Resident / Resident Veterans Preference Certification

**Reminder:** A COPY of the actual NM Resident / Resident Veterans Preference Certificate MUST be submitted with the proposal in order to ensure adequate consideration and application of NMSA 1978, § 13-1-21 (as amended).

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

**Please check ONE of the boxes  only:**

**Resident VETERAN Business:**

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

**RESIDENT Business:**

- I declare under penalty of perjury that my business is a New Mexico resident business allowing me the 5% preference discount on this bid or proposal. I understand that knowingly giving false or misleading information about this fact constitutes a crime.

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

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

"I understand that knowingly giving false or misleading information on this report constitutes a crime."

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

**X** \_\_\_\_\_  
(Signature of Business Representative)\* (Title) (Date)

*\*Must be an authorized signatory for the Business. The representations made in checking the boxes constitutes a material representation by the business that is subject to protest and may result in denial of an award or termination of award of the procurement involved if the statements are proven to be incorrect.*

**Appendix 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 since January 1, 2016, 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. At any time from January 2016 through the present, 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):** \_\_\_\_\_

**Appendix E**  
**Certification Regarding**  

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**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.

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Signature of Authorized Representative Date

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Typed Name & Title of Authorized Representative

**Appendix 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 bidder 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 bidder of anyone else interested in the proposed contract; and further,

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

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 bidder or anyone else would submit a false or sham proposal, or that anyone should refrain from bidding 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 bidder 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, bid 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 bidder in his business.

By: \_\_\_\_\_

Title \_\_\_\_\_

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

Notary Public: \_\_\_\_\_

My Commission Expires: