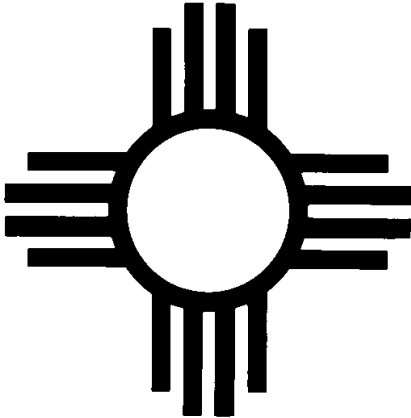


**REQUEST FOR PROPOSALS
FOR
DESIGN PROFESSIONAL SERVICES**

RFP No. _____

Packet No. _____



Project Name: Town of Bernalillo Engineering Retainer Services

Contracting Agency: Office of Planning and Capital Programs,
Town of Bernalillo

Address: 829 Camino del Pueblo
P.O. Box 638
Bernalillo, New Mexico 87004
Telephone: [_505_] 867-3311

Date: November 22, 2009

Procurement Manager: Maria G.C. Rinaldi, Dir. Planning and Capital Programs

This form was prepared by the Local Government Division, Department of Finance and Administration,
and is endorsed by the Professional Technical Advisory Board [composed of the Consulting Engineers Council
of New Mexico, New Mexico Society of Professional Engineers, the American Institute of Architects of New Mexico,
the New Mexico Society of Surveyors and Mappers, and the New Mexico Society of Landscape Architects]

NOTICE OF REQUEST FOR PROPOSALS

Qualifications based competitive sealed proposals for design professional services will be received by the town of Bernalillo for indefinite scope projects on an on-call, time and materials basis. This multi-term contract with one base year and up to three extension years for a maximum term of four years. Contract extensions will be at the discretion of the Town.

The Contracting Agency is requesting proposals for professional

- architectural services¹ engineering services¹
 surveying services² landscape architectural services²
 planning services

Proposals will be received at the Office of Planning and Capital Programs until 5:00pm on Monday, December 7, 2009

Copies of the Request for Proposals can be obtained in person from the Ms. Paula Pierce, receptionist at Town Hall between the hours of 8:00am and 12:00pm, and between the hours of 1:00pm and 5:00pm Monday through Friday. Town Hall is located at 829 Camino del Pueblo, Bernalillo, New Mexico. The RFP can also be mailed upon written or telephone request to Ms. Pierce at (505)867-3311.

A Pre-Proposal Conference will not be held.

PURCHASING AGENT:

Maria G.C. Rinaldi

November 22, 2009

[for Contracting Agency's Use Only]

Newspaper: Albuquerque Journal Publish: Sunday, November 22, 2009 & Sunday, November 29, 2009

[Note: This Notice is issued pursuant to the requirements of 13-1-104 NMSA 1978 and must be published not less than 10 calendar days prior to the date set for the receipt of proposals (13-1-113) and published in a newspaper of general circulation in the area.]

1. **PROJECT DESCRIPTION:**

The Town of Bernalillo is seeking architectural, engineering, planning and landscape architectural services for indefinite scope projects on an on-call, time and materials basis.

2. **SCOPE OF WORK:**

The Offeror shall perform the following professional services: Services will be related to the operational needs of the Town regarding the preparation and administration of project and contract documents for Public Works, Planning and Zoning, and other infrastructure improvements. Services will be ordered via a negotiated Task Order with a specific project scope, fee, and schedule.

Offeror will also provide general administrative support to Town officials and staff that may include consultations, advice, guidance and data for complying with various applications for Federal, State and private funding and coordination of submittals and review with other agencies. In addition, Offeror must be available to testify as expert witness should such service need arise.

The scope of work may also include site/fact investigations, mapping, hydrology studies, review of infrastructure cost and water rights needs for development, inspections, cost/quality estimating and control, project presentations and monthly reports.

Individual projects shall be defined when submitted to the architect/engineer/planner for a "not to exceed" quote.

2.2[**XX**] **Periodic** or [**XX**] **Full-time** on-site observation during construction. The level of on-site observation will be determined during preparation of the scope of work for each Task Order.

INSTRUCTIONS TO OFFERORS

1. DEFINITIONS AND TERMS

- 1.1 **Addendum:** a written or graphic instrument issued prior to the opening of Proposals which clarifies, corrects, or changes the Request for Proposals. Plural: addenda.
- 1.2 **Consultant:** means the Successful Offeror awarded the Agreement/Contract.
- 1.3 **Determination:** means the written documentation of a decision of the procurement officer including findings of fact required to support a decision. A determination becomes part of the procurement file to which it pertains (313-1-52 NMSA 1978).
- 1.4 **Offeror:** any person, corporation, or partnership legally licensed to provide design professional services in this state, who chooses to submit a proposal in response to this Request for Proposals.
- 1.5 **Procurement Manager:** means the person or designee authorized by the Contracting Agency to manage or administer a procurement requiring the evaluation of proposals.
- 1.6 **Request for Proposals:** or "RFP" means all documents, including those attached or incorporated by reference, used for soliciting proposals (313-1-81 NMSA 1978).
- 1.7 **Responsible Offeror or Proposer:** means an offeror or proposer who submits a responsive proposal and who has furnished, when required, information and data to prove that his financial resources, production or service facilities, personnel, service reputation and experience are adequate to make satisfactory delivery of the services described in the proposal (313-1-83 NMSA 1978).
- 1.8 **Responsive Offer or Proposal:** means an offer or proposal which conforms in all material respects to the requirements set forth in the request for proposals. Material respects of a request for proposals include, but are not limited to, price, quality, quantity or delivery requirements (313-1-85 NMSA 1978).
- 1.9 The terms **must, shall, will, is required, or are required**, identify a mandatory item or factor. Failure to comply with a mandatory item or factor will result in the rejection of the offeror's proposal.
- 1.10 The terms **can, may, should, preferably, or prefers** identify a desirable or discretionary item or factor.

2. REQUEST FOR PROPOSAL DOCUMENTS

2.1 COPIES OF REQUEST FOR PROPOSALS

- A. A complete set of the Request for Proposals may be obtained from the Contracting Agency (unless another issuing office is designated in the RFP).
- B. A complete set of the Request for Proposals shall be used in preparing proposals; the Contracting Agency assumes no responsibility for errors or misinterpretations resulting from the use of an incomplete set of the Request for Proposals.
- C. The Contracting Agency in making copies of Request for Proposals available on the above terms, does so only for the purpose of obtaining proposals on the Project and does not confer a license or grant for any other use.
- D. A copy of the RFP shall be made available for public inspection and shall be posted at the Administration Building of the Contracting Agency.

2.2 INTERPRETATIONS

- A. All questions about the meaning or intent of the Request for Proposals shall be submitted to the Procurement Manager of the Contracting Agency in writing. Replies will be issued by Addenda mailed or delivered to all parties

recorded by the Contracting Agency as having received the Request for Proposals. Questions received less than five days prior to the date for opening of proposals will not be answered. Only questions answered by formal written addenda will be binding. Oral and other interpretations or clarifications will be without legal effect.

- B. Offerors should promptly notify the Contracting Agency of any ambiguity, inconsistency, or error which they may discover upon examination of the Request for Proposals.

2.3 ADDENDA

- A. Addenda will be mailed by certified mail with return receipt requested, by facsimile or hand delivered to all who are known by the Contracting Agency to have received a complete set of Request for Proposals.
- B. Copies of Addenda will be made available for inspection wherever Request for Proposals are on file for that purpose.
- C. No Addenda will be issued later than 5 days prior to the date for receipt of Proposals, except an Addendum withdrawing the Request for Proposals or one which includes postponement of the date for receipt of Proposals.
- D. Each Offeror shall ascertain, prior to submitting the Proposal, that the Offeror has received all Addenda issued, and shall acknowledge their receipt in the Proposal transmittal letter.

3. PROPOSAL SUBMITTAL PROCEDURES

3.1 NUMBER, FORM AND STYLE OF PROPOSALS

- A. Offerors shall provide 6 copies of their proposal to the location specified on the cover page on or before the closing date and time for receipt of proposals.
- B. All proposals must be typewritten on standard 8 1/2" x 11" paper and bound on the left-hand margin;
- C. A maximum of 10 pages, including title, index, etc., not including front and back covers.
- D. The proposal must be organized and indexed in the following format and must contain, as a

minimum, all listed items in the sequence indicated:

- 1) Letter of Transmittal, if any;
 - 2) Response to Specialized Design and Technical Competence;
 - 3) Response to Capacity and Capability;
 - 4) Response to Past Record of Performance;
 - 5) Response to Familiarity with the Contracting Agency;
 - 6) Response to Work to be Done in New Mexico.
 - 7) List of Disciplines and Subconsultants; and
 - 8) Other supporting or resource material.
- E. Any proposal that does not adhere to this format, and which does not address each specification and requirement within the RFP may be deemed non-responsive and rejected on that basis.
 - F. Offerors may request in writing nondisclosure of confidential data. Such data should accompany the proposal and should be readily separable from the proposal in order to facilitate eventual public inspection of the nonconfidential portion of the proposal. A request that states that the entire proposal be kept confidential will not be acceptable. Only matters which clearly are of a confidential nature will be considered.
 - G. Any cost incurred by the Offeror in preparation, transmittal, presentation of any proposal or material submitted in response to this RFP shall be borne solely by the Offeror.

3.2 SUBCONSULTANTS

- A. The Offeror shall list and state the qualifications for each Subconsultant the Offeror proposes to use for all subcontracted Work.
- B. The Offeror is specifically advised that any person or other party to whom it is proposed to award a subcontract under this proposal, must be acceptable to the Contracting Agency after verification by the Contracting Agency of the current eligibility status, including but not limited to suspension or debarment by the Contracting Agency.

3.3 PREQUALIFICATION PROCESS

A business may be prequalified by the Purchasing

Agent as an Offeror for particular types of service. Mailing lists of potential Offerors shall include but shall not be limited to such prequalified businesses (᠑13-1-134 NMSA 1978). For purposes of this RFP, if prequalification is utilized, special instructions will be attached as an exhibit to this RFP.

3.4 **DEBARRED OR SUSPENDED CONTRACTORS**

A business (contractor, subcontractor or supplier) that has either been debarred or suspended pursuant to the requirements of ᠑13-1-177 through ᠑13-1-180, and ᠑13-4-11 through ᠑13-4-17 NMSA 1978 as amended, shall not be permitted to do business with the Contracting Agency and shall not be considered for award of the contract during the period for which it is debarred or suspended with the Contracting Agency.

3.5 **SUBMITTAL OF PROPOSALS**

- A. Proposals shall be submitted at the time and place indicated in the Notice of Request for Proposals and shall be included in an opaque sealed envelope marked with the Project title and name and address of the Offeror and accompanied by the documents listed in the Request for Proposals.
- B. The envelope shall be addressed to the Purchasing Agent/Procurement Officer of the Contracting Agency. The following information shall be provided on the front lower left corner of the Bid envelope: Project Title, Project No., Request for Proposals number, date of opening, and time of opening. If the Proposal is sent by mail, the sealed envelope shall have the notation "**REQUEST FOR PROPOSALS FOR DESIGN PROFESSIONAL SERVICES**" on the face thereof.
- C. Proposals received after the date and time for receipt of Proposals will be returned unopened.
- D. The Offeror shall assume full responsibility for timely delivery of proposals at the Purchasing Agent's office, including those proposals submitted by mail. Hand-delivered proposals shall be submitted to the Purchasing Agent or his designee and will be clocked in/time stamped at the time received, which must be prior to the time specified.

E. After the date established for receipt of proposals, a register of proposals will be prepared which includes the name of each Offeror, a description sufficient to identify the service, the names and addresses of the required witnesses, and such other information as may be specified by the Purchasing Agent.

F. Oral, telephonic, or telegraphic proposals are invalid and will not receive consideration.

3.6 **CORRECTION OR WITHDRAWAL OF PROPOSALS**

- A. A Proposal containing a mistake discovered before proposal opening may be modified or withdrawn by an Offeror prior to the time set for proposal opening by delivering written or telegraphic notice to the location designated in the Request for Proposals as the place where Proposals are to be received.
- B. Withdrawn Proposals may be resubmitted up to the time and date designated for the receipt of Proposals, provided they are then fully in conformance with the Request for Proposals.

3.7 **NOTICE OF CONTRACT REQUIREMENTS BINDING ON OFFEROR**

- A. In submitting this proposal, the Offeror represents that the Offeror has familiarized himself with the nature and extent of the Request for Proposals dealing with federal, state and local requirements which are a part of these Request for Proposals.
- B. Laws and Regulations: The Offeror's attention is directed to all applicable federal and state laws, local ordinances and regulations and the rules and regulations of all authorities having jurisdiction over the services of the Project.

3.8 **REJECTION OR CANCELLATION OF PROPOSALS**

This Request for Proposals may be canceled, or any or all proposals may be rejected in whole or in part, when it is in the best interest of the Contracting Agency. A determination containing the reasons therefor shall be made part of the project file (᠑13-1-131 NMSA 1978).

4. CONSIDERATION OF PROPOSALS

4.1 RECEIPT, OPENING AND RECORDING

- A. Proposals received on time will be opened publicly or in the presence of one or more witnesses and the name of the Offeror and address will be read aloud.
- B. The names of all businesses submitting proposals and the names of all businesses, if any, selected for interview shall be public information. After an award has been made, final ranking and evaluation scores for all proposals shall become public information. (ə13-1-120 NMSA 1978). The contents of any proposal shall not be disclosed so as to be available to competing Offerors during the negotiation process (ə13-1-116 NMSA 1978).

4.2 PROPOSAL EVALUATION

- A. Proposals shall be evaluated on the basis of demonstrated competence and qualification for the type of service required, and shall be based on the evaluation factors set forth in this RFP. For the purpose of conducting discussions, proposals may initially be classified as:
 - 1) acceptable,
 - 2) potentially acceptable, that is, reasonably assured of being made acceptable, or
 - 3) unacceptable (Offerors whose proposals are unacceptable shall be notified promptly).
- B. The Contracting Agency shall have the right to waive **technical irregularities** in the form of the Proposal of the Offeror which do not alter the quality or quantity of the services (ə13-1-132 NMSA 1978).
- C. If an Offeror who otherwise would have been awarded a contract is found not to be a responsible Offeror, a determination that the Offeror is not a responsible Offeror, setting forth the basis of the finding, shall be prepared by the Purchasing Agent/Procurement Manager. The unreasonable failure of the Offeror to promptly supply information in connection with an inquiry with respect to responsibility is grounds for a determination that the Offeror is not a responsible Offeror (ə13-1-133 NMSA 1978). Businesses which have not been selected shall

be so notified in writing within twenty-one days after an award is made (ə13-1-120 NMSA 1978).

D. Selection Process: (ə13-1-120 NMSA 1978)

- 1) The evaluation of proposals will be performed by an evaluation committee composed of representatives selected by the Contracting Agency. The committee shall evaluate statements of qualifications and performance data submitted by all the proposals and shall select and rank in order of their qualifications. The Town may conduct interviews with and may require public presentation by all businesses applying for selection regarding their qualifications, their approach to the project and their ability to furnish the required services.
- 2) If fewer than three businesses have submitted a statement of qualifications for a particular project, the committee may:
 - a) rank in order of qualifications and submit to the local governing body for award those businesses which have submitted a statement of qualifications; or
 - b) recommend termination of the selection process and sending out of new notices of the proposed procurement pursuant to ə13-1-104 NMSA 1978.

4.3 NEGOTIATIONS (ə13-1-122 NMSA 1978)

- A. The Contracting Agency's designee shall negotiate a base Task Order contract with the highest qualified business for the services contemplated under this RFP at compensation determined in writing to be fair and reasonable. In making this decision, the designee shall take into account the estimated value of the services to be rendered and the scope, complexity and professional nature of the services.
- B. Should the designee be unable to negotiate a satisfactory contract with the business considered to be the most qualified at a price determined to be fair and reasonable, negotiations with that business shall be formally terminated. The designee shall then undertake negotiations with the second most qualified business. Failing accord with the second most qualified business, the designee shall formally terminate negotiations with that business.

- C. The designee shall then undertake negotiations with the third most qualified business.
- D. Should the designee be unable to negotiate a contract with any of the businesses selected by the committee, additional businesses shall be ranked in order of their qualifications and the designee shall continue negotiations in accordance with this section until a contract is signed with a qualified business or the procurement process is terminated and a new request for proposals is initiated.
- E. The Contracting Agency shall publicly announce the business selected for award.

4.4 NOTICE OF AWARD

After award by the local governing body, a written notice of award shall be issued by the Contracting Agency after review and approval of the Proposal and related documents by the Contracting Agency with reasonable promptness (ə13-1-100 and ə13-1-108 NMSA 1978).

5. POST-PROPOSAL INFORMATION

5.1 PROTESTS

- A. Any Offeror who is aggrieved in connection with a solicitation or award of an Agreement may protest to the Contracting Agency's Purchasing Agent and the Chief Administrator/Clerk in accordance with the requirements of the Contracting Agency's Procurement Regulations and the state Procurement Code. The protest should 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 (ə13-1-172 NMSA 1978).
- B. In the event of a timely protest under this section, the Purchasing Agent and the Contracting Agency shall not proceed further with the procurement unless the Purchasing Agent makes a determination that the award of Agreement is necessary to protect substantial interests of the Contracting Agency (ə13-1-173 NMSA 1978).

- C. The Purchasing Agent or his designee shall have the authority to take any action reasonably necessary to resolve a protest of an aggrieved Offeror concerning procurement. This authority shall be exercised in accordance with adopted regulations, but shall not include the authority to award money damages or attorneys' fees (ə13-1-174 NMSA 1978).
- D. The Purchasing Agent or his designee shall promptly issue a determination relating to the protest. The determination shall:
 - 1) state the reasons for the action taken; and
 - 2) inform the protestant of the right to judicial review of the determination pursuant to ə13-1-183 NMSA 1978.
- E. A copy of the determination issued under ə13-1-175 NMSA 1978 shall immediately be mailed to the protestant and other Offerors involved in the procurement (ə13-1-176 NMSA 1978).

5.2 EXECUTION AND APPROVAL OF AGREEMENT

The Agreement shall be signed by the Successful Offeror and returned within an agreed upon time frame after the date of the Notice of Award. No Agreement shall be effective until it has been fully executed by all of the parties thereto.

5.3 NOTICE TO PROCEED

The Contracting Agency will issue a written Notice to Proceed to the Consultant.

5.4 OFFEROR'S QUALIFICATION STATEMENT

Offeror to whom award of an Agreement is under consideration shall submit, upon request, information and data to prove that their financial resources, production or service facilities, personnel, and service reputation and experience are adequate to make satisfactory delivery of the services described in the Request for Proposals (ə13-1-82 NMSA 1978)

6. OTHER INSTRUCTIONS TO OFFEROR

As no specific projects are provided in the RFP, please include in your Proposal a list of the following individuals or firms that will be performing this work, either in-house or as a or as sub-consultants:

Architects/Architectural Firm

Civil Engineer/Civil Engineering Firm

Electrical Engineer/Electrical Engineering Firm

Mechanical Engineer/Mechanical Engineering Firm

Structural Engineer/Structural Engineering Firm

Landscape Architect/Landscape Architectural Firm

Surveyor/Surveying Firm

Planner/Planning Firm

Geotechnical Engineer/GeotechnicalEngineering Firm

Other disciplines/Sub-consultants

The Campaign Contribution Disclosure Form must be completed and submitted with the proposal. This form is included in the RFP packet and is not included in the page limits of this document.

GENERAL TERMS AND CONDITIONS

1. GOVERNING LAW

The Agreement shall be governed by the laws of the Town of Bernalillo, the State of New Mexico and specifically as required by Federal funding agencies, including but not limited to Community Development Block Grant (CDBG), Federal Highway Administration (FHwy), and American Recovery and Reinvestment Act of 2009 (ARRA).

2. INDEPENDENT CONTRACTORS

The Consultant (design professionals) and his agents and employees are independent Contractors and are not employees of the Contracting Agency. The Consultant and his agents and employees shall not accrue leave, retirement, insurance, bonding, use of Contracting Agency vehicles, or any other benefits afforded to employees of the Contracting Agency as a result of the Agreement.

3. BRIBES, GRATUITIES AND KICK-BACKS

Pursuant to §13-1-191 NMSA 1978, reference is hereby made to the criminal laws of New Mexico (including §30-14-1, §30-24-2, and §30-41-1 through §30-41-3 NMSA 1978) which prohibit bribes, kickbacks, and gratuities, 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. STANDARD FORM OF AGREEMENT BETWEEN CONTRACTING AGENCY AND CONSULTANT (Design Professional)

The form of agreement required by the funding agency or issued by the Contracting Agency will be used for this project. Copies are available and may be reviewed upon request.

5. FEES

Town of Bernalillo Manager/Public Works Director/Planner/Community Development Director may negotiate (1) a firm fixed (not to exceed) fee proposed for the project, (2) a proposed budget for the architectural/engineering services with a plus or minus limit, or (3) decide to utilize the previously determined hourly compensation rates for various categories or service to include printing, travel and administrative services.

6. FUNDING

This solicitation is subject to the availability of funds to accomplish the work.

7. DESIGN PROFESSIONAL REGISTRATION

All work shall be under the direction of the applicable design professional legally licensed and registered by the state.

8. PROFESSIONAL LIABILITY INSURANCE

The Offeror will be required to carry professional liability (errors and omissions) insurance. If required to carry such insurance, the amount of coverage will be \$1,000,000.00

EVALUATION CRITERIA

CRITERIA AND POINT VALUES

Proposals must address each of the following criteria. Each proposal may be awarded points up to the amount listed.

	<u>Suggested</u>	<u>Points</u>	<u>Points</u>	<u>this RFP</u>
<p>1. Specialized Design and Technical Competence</p> <p>Specialized design and technical competence of the business, including a joint venture or association, regarding the type of services required.</p>	[30]		_____	
<p>2. Capacity and Capability</p> <p>Capacity and capability of the business to perform the work, including any specialized services, within the time limitations.</p>	[25]		_____	
<p>3. Past Record of Performance</p> <p>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.</p>	[20]		_____	
<p>4. Familiarity with the Contracting Agency</p> <p>Proximity to or familiarity with the area in which the project is located.</p>	[15]		_____	
<p>5. [] Work to be Done in New Mexico</p> <p>The amount of design work that will be produced by a New Mexico business within this state.</p>	[10]		_____	
<p><u>or</u></p> <p>[] This criteria is not allowed for federally funded projects</p>	[0]		_____	