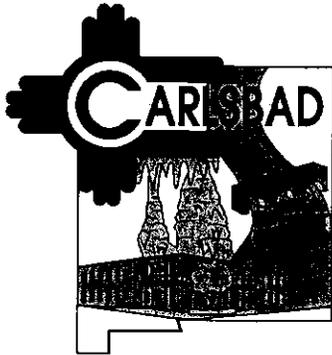


**REQUEST FOR PROPOSALS  
FOR  
HVAC ON-CALL SERVICES**

RFP No. 2018-07



**A Cooperative Procurement  
On Behalf of**

**City of Carlsbad  
&  
County of Eddy**

101 N. Halagueno  
Carlsbad, NM 88220

Telephone: (575) 887-1191

Release Date: March 16, 2018

Due Date: March 28, 2018

**NOTICE OF REQUEST FOR PROPOSAL**

CITY OF CARLSBAD / EDDY COUNTY

REQUEST FOR PROPOSALS RFP No. 2018-07

**HVAC ON-CALL SERVICES**

The City of Carlsbad will accept sealed proposals at the office of the Purchasing Manager, 101 N. Halagueno, Carlsbad, NM 88220 or P.O. Box 1569, Carlsbad, NM 88221-1569, Room 114 until 5:00 p.m. on March 28, 2018 for HVAC On-Call Services.

Specifications may be obtained at the office of the Purchasing Department, noted above, between 8:00 a.m. and 5:00 p.m., Monday through Friday or will be mailed upon written or telephone request to the Purchasing Department at (575) 234-7905.

The City of Carlsbad and Eddy County reserve the right to reject any or all proposals received and, in the case of ambiguity or lack of clearness, to determine the best proposal or to reject the same and waive irregularities and technicalities.

PURCHASING AGENT:

\_\_\_\_\_  
Matthew Fletcher

Date: 3/16/18

\_\_\_\_\_  
[FOR CONTRACTING AGENCY'S USE ONLY]

Newspaper: Current-Argus Publish: 3/16/18 P.O. No. 177652

Newspaper: \_\_\_\_\_ Publish: \_\_\_\_\_ P.O. No. \_\_\_\_\_

Newspaper: \_\_\_\_\_ Publish: \_\_\_\_\_ P.O. No. \_\_\_\_\_

[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.]

**RFP No. 2018-07**

**REQUEST FOR PROPOSALS  
FOR HVAC ON-CALL SERVICES**

**GENERAL INFORMATION**

The City of Carlsbad and County of Eddy are jointly seeking a qualified firm to provide HVAC On-Call Services on an as needed, per job basis, for local, state and/or federally funded capital and maintenance projects. These services include, but are not limited to installation of new HVAC units and systems including relevant equipment and controls, repairs of existing HVAC units and systems, and maintenance to existing units and systems.

**SCOPE OF WORK**

The successful Offeror shall provide On-Call HVAC services as directed by the City or County respectively, pursuant to set standards for such services as provided by the individual scope of work or task order as prepared and provided by the City of Carlsbad or Eddy County, and by the supplementary conditions of any project's specifications and contract documents.

**QUALIFICATIONS OF THE PROPOSER**

The successful Offeror will have a combination of experience, training and education so as to demonstrate an in-depth knowledge of all aspects of HVAC new installation, repairs, and maintenance.

The successful Offeror will also demonstrate the ability to secure general liability insurance in the amount of \$1,000,000.00 and such other insurances as may be required, including Worker's Compensation Insurance. The successful Offeror shall possess and maintain all the certifications and licensing of the category and type required to provide any required HVAC installations, repairs, or maintenance.

The successful Offeror must be within a 50 mile radius of Carlsbad, NM.

**INDEPENDENT CONTRACTOR**

The successful Offeror is an independent contractor and not an employee of the City of Carlsbad and shall not accrue benefits afforded to city employees, including the use of city vehicles, equipment and materials, as a result of the agreement for the services to be provided.

**BRIBES GRATUITIES AND KICKBACKS**

The Procurement Code of the State of New Mexico imposes civil and criminal penalties for its violation. In addition, the New Mexico Criminal Statutes impose felony penalties for illegal bribes, gratuities and kickbacks.

## **FEES**

The Offerors shall provide a unit price per hour for the services to be provided. This unit price shall include all expenses associated with providing the services in question. As projects warrant, a lump sum fee will be negotiated as per job basis.

## **FUNDING**

Individual task orders shall be subject to the availability of funds to accomplish the requested work.

## **INSTRUCTIONS TO OFFERORS**

### **COPIES OF REQUEST FOR PROPOSALS**

A complete set of the Request for Proposals shall be used in preparing proposals; the City of Carlsbad assumes no responsibility for errors or misinterpretations resulting from the use of an incomplete set of the Request for Proposals.

No specifications will be provided by telephone or facsimile transmittal and no proposals will be accepted by facsimile transmittal.

### **INTERPRETATIONS**

All questions about the meaning or intent of the Request for Proposals shall be submitted to the Purchasing Manager in writing. Replies will be issued by Addenda mailed or delivered to all parties recorded by the City of Carlsbad 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.

Offerors should promptly notify the City of Carlsbad of any ambiguity, inconsistency, or error that they may discover upon examination of the Request for Proposals.

### **ADDENDA**

Addenda will be mailed by certified mail with return receipt requested to all who are known by the City of Carlsbad to have received a complete set of Request for Proposals.

### **PROPOSAL SUBMITTAL PROCEDURES**

Proposals must be received at the office of the Purchasing Manager on or before the date and time specified in the RFP. Late proposals will not be considered. The filing date and time marked or stamped in the envelope by the City of Carlsbad shall be conclusive evidence of the time and date each proposal is filed.

Proposals must be clearly marked on the outside of the sealed envelope:

“RFP No. 2018-07, On-Call HVAC Services.”

Proposals shall be submitted to:

Purchasing Manager, Room 114, Municipal Building, 101 N. Halagueno Street, Carlsbad, NM 88220 or P.O. Box 1569, Carlsbad, NM 88221-1569.

Offerors shall provide five (5) copies of their proposal to the location specified on the cover page on or before the closing date and time for receipt of proposals.

All proposals must be typewritten on standard 8 1/2” by 11” paper and bound on the left-hand margin.

Each proposal shall consist of a maximum of 25 pages, including title, index, etc., not including front and back covers.

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;
- (2) Response to Technical Competence;
- (3) Response to Capacity and Capability;
- (4) Response to Past Record of Performance;
- (5) Response to Familiarity with the Contracting Agency; and
- (6) Cost Proposal (Hourly Labor Rate, excluding NMGRT)
- (7) Other supporting or resource material.

The letter of transmittal shall include:

- (1) All necessary contract information and must be signed by the CEO/responsible party submitting the proposal.

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.

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.

## **CORRECTION OR WITHDRAWAL OF PROPOSALS**

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. Withdrawn proposals may be resubmitted up to the date and time designated for the receipt of proposals.

## **PROPOSAL SUBMITTAL**

In submitting a proposal, the Offeror represents that the Offeror has familiarized himself with the nature and extent of the Request for Proposal dealing with federal, state, and local requirements which are a part of this Request for Proposal.

## **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 City of Carlsbad and/or Eddy County.

## **PROPOSAL EVALUATION**

Proposals will be evaluated on the basis of the criteria enumerated below by a committee comprised of members of City and County staff. The Offeror receiving the highest evaluation will be recommended by said committee to the Governing Body/ies of the City of Carlsbad and Eddy County for award subject to the negotiation of a satisfactory contract. Contracts will be specific to the individual entity, and will be negotiated separately. Each entity will determine the award based on which proposal is in the best interest of the entity, taking into consideration the evaluation criteria.

## **NEGOTIATIONS**

The City's/County's designee(s) shall negotiate a contract with the highest qualified Offeror for the services contemplated under this RFP at compensation determined in writing to be fair and reasonable. Contract periods are recommended to be a 1 year, with the option to renew up to 3 times for a total of 4 years, but will be negotiated individually between the City and the County.

Should the designee(s) be unable to negotiate a satisfactory contract with the Offeror considered to be the most qualified at a price determined to be fair and reasonable, negotiations with that proposer be formally terminated. The designee shall then undertake negotiations with the second most qualified proposer and with the third, if necessary, until a satisfactory contract can be negotiated.

## **NOTICE OF AWARD**

After award by the Governing Body, a written notice of award shall be issued individually by the City and the County.

## 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.

	Maximum Points	Points this RFP
<b>1. Technical Competence</b>		
Experience in installing new HVAC units and systems for commercial buildings.	10	_____
Experience in evaluating and repairing existing HVAC units and systems for commercial buildings.	10	_____
Experience in providing necessary maintenance services for existing HVAC systems and units.	10	_____
Soundness of approach to HVAC new installation, repairs, and maintenance.	10	_____
<b>Subtotal Technical Competence</b>	<b>[40]</b>	_____
<b>2. Capacity and Capability</b>		
Capacity and capability of the contractor to perform the work within time limitations.	10	_____
Capacity and capability of the contractor to handle multiple projects.	10	_____
<b>Subtotal Capacity and Capability</b>	<b>[20]</b>	_____
<b>3. Past Record of Performance</b>		
Consultants past record of performance providing similar services.	15	_____
<b>Subtotal Past Record of Performance</b>	<b>[15]</b>	_____

**4. Familiarity with Contracting Agency**

Previous positive relationship with the City/County and familiarity with project(s). 10 \_\_\_\_\_

Residence within Eddy County of Carlsbad 15 \_\_\_\_\_

**Subtotal Familiarity with Contracting Agency [25]** \_\_\_\_\_

**5. Cost Evaluation**

Cost proposals will be compared based on the hourly labor rate for each Offer. The lowest offer will receive the full 10 points. The other proposals will receive a pro-rated amount of points based on the following formula:

$\frac{\text{Lowest Cost Offer}}{\text{Comparable Offer}} \times 10 \text{ Points} = \text{Score for Cost Category}$  10 \_\_\_\_\_

**Total Possible Points this RFP [110]**

**Total Points Awarded** \_\_\_\_\_

City of Carlsbad  
CAMPAIGN CONTRIBUTION DISCLOSURE FORM

Pursuant to the Procurement Code, Sections 13-1-28, et seq., NMSA 1978 and NMSA 1978, § 13-1-191.1 (2006), as amended by Laws of 2007, Chapter 234, any prospective contractor seeking to enter into a contract with any state agency or local public body for professional services, a design and build project delivery system, or the design and installation of measures the primary purpose of which is to conserve natural resources must file this form with that state agency or local public body. This form must be filed even if the contract qualifies as a small purchase or a sole source contract. The prospective contractor must disclose whether they, a family member or a representative of the prospective contractor has made a campaign contribution to an applicable public official of the state or a local public body during the two years prior to the date on which the contractor submits a proposal or, in the case of a sole source or small purchase contract, the two years prior to the date the contractor signs the contract, if the aggregate total of contributions given by the prospective contractor, a family member or a representative of the prospective contractor to the public official exceeds two hundred and fifty dollars (\$250) over the two year period.

Furthermore, the state agency or local public body may cancel a solicitation or proposed award for a proposed contract pursuant to Section 13-1-181 NMSA 1978 or a contract that is executed may be ratified or terminated pursuant to Section 13-1-182 NMSA 1978 of the Procurement Code if: 1) a prospective contractor, a family member of the prospective contractor, or a representative of the prospective contractor gives a campaign contribution or other thing of value to an applicable public official or the applicable public official's employees during the pendency of the procurement process or 2) a prospective contractor fails to submit a fully completed disclosure statement pursuant to the law.

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

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

The following definitions apply:

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

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

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

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

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

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

#### CURRENT CITY OF CARLSBAD ELECTED OFFICIALS

Mayor - Dale Janway

City Council Ward 1  
Edward T. Rodriguez  
Lisa A. Anaya-Flores

City Council Ward 2  
Jason Shirley  
Judith Waters

City Council Ward 3  
Jason Chavez  
Leo Estrada

City Council Ward 4  
Wesley Carter  
Mark Waltersheid

DISCLOSURE OF CONTRIBUTIONS BY PROSPECTIVE CONTRACTOR:

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

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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)

COUNTY OF EDDY  
CAMPAIGN CONTRIBUTION DISCLOSURE FORM

Pursuant to the Procurement Code, Sections 13-1-28, et seq., NMSA 1978 and NMSA 1978, §

13-1-191.1 (2006), as amended by Laws of 2007, Chapter 234, any prospective contractor seeking to enter into a contract with any state agency or local public body for professional services, a design and build project delivery system, or the design and installation of measures the primary purpose of which is to conserve natural resources must file this form with that state agency or local public body. This form must be filed even if the contract qualifies as a small purchase or a sole source contract. The prospective contractor must disclose whether they, a family member or a representative of the prospective contractor has made a campaign contribution to an applicable public official of the state or a local public body during the two years prior to the date on which the contractor submits a proposal or, in the case of a sole source or small purchase contract, the two years prior to the date the contractor signs the contract, if the aggregate total of contributions given by the prospective contractor, a family member or a representative of the prospective contractor to the public official exceeds two hundred and fifty dollars (\$250) over the two year period.

Furthermore, the state agency or local public body may cancel a solicitation or proposed award for a proposed contract pursuant to Section 13-1-181 NMSA 1978 or a contract that is executed may be ratified or terminated pursuant to Section 13-1-182 NMSA 1978 of the Procurement Code if: 1) a prospective contractor, a family member of the prospective contractor, or a representative of the prospective contractor gives a campaign contribution or other thing of value to an applicable public official or the applicable public official's employees during the pendency of the procurement process or 2) a prospective contractor fails to submit a fully completed disclosure statement pursuant to the law.

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

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

The following definitions apply:

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

## New Mexico Resident Business Preference

The State of New Mexico Procurement Code mandates a New Mexico Resident Business Preference on all bids and request for proposals (RFP).

Qualified resident businesses will be given a 5% preference on all bids. When bids are evaluated, New Mexico Businesses registered with the Department of Taxation and Revenue, will have its bid reduced by a factor of 5%.

Qualified resident businesses will be given a 5% preference on all RFP's. When proposals are evaluated, New Mexico resident businesses that are registered with the Department of Taxation and Revenue, will receive an additional points equivalent to 5% of the total points possible for award.

As of October 5, 2011, applications for in-state preference will no longer be processed through the State Purchasing Division. All resident businesses, veterans and contractors will have to obtain a preference number with the NM Department of Taxation & Revenue. For additional information please call 505-827-0951.

### Qualifications

- A. To receive a **resident business preference** pursuant to Section 13-1-21 NMSA 1978 or a **resident contractor preference** pursuant to Section 13-4-2 NMSA 1978, a business or contractor shall submit with its bid or proposal a copy of a valid **resident** business certificate or valid **resident** contractor certificate issued by the taxation and revenue department.
- B. An application for a **resident** business certificate shall include an affidavit from a certified public accountant setting forth that the business is licensed to do business in this state and that:
- (1) the business has paid property taxes or rent on real property in the state and paid at least one other tax administered by the state in each of the three years immediately preceding the submission of the affidavit;

(2) if the business is a new business, the owner or majority of owners has paid property taxes or rent on real property in the state and has paid at least one other tax administered by the state in each of the three years immediately preceding the submission of the affidavit and has not applied for a **resident** business or **resident** contractor certificate pursuant to this section during that time period;

(3) if the business is a relocated business, at least eighty percent of the total personnel of the business in the year immediately preceding the submission of the affidavit were **residents** of the state and that, prior to the submission of the affidavit, the business either leased real property for ten years or purchased real property greater than one hundred thousand dollars (\$100,000) in value in the state; or

(4) if the business is a previously certified business or was eligible for certification, the business has changed its name, has reorganized into one or more different legal entities, was purchased by another legal entity but operates in the state as substantially the same commercial enterprise or has merged with a different legal entity but operates in the state as substantially the same commercial enterprise.

C. An application for a **resident** contractor certificate shall include an affidavit from a certified public accountant setting forth that the contractor is currently licensed as a contractor in this state and that:

(1) the contractor has:

(a) registered with the state at least one vehicle; and

(b) in each of the five years immediately preceding the submission of the affidavit: 1) paid property taxes or rent on real property in the state and paid at least one other tax administered by the state; and 2) paid unemployment insurance on at least three full-time employees who are **residents** of the state; provided that if a contractor is a legacy contractor, the requirement of at least three full-time employees who are **residents** of the state is waived;

(2) if the contractor is a new contractor, the owner or majority of owners has paid property taxes or rent on real property in the state and has paid at least one other tax administered by the state in each of the five years immediately preceding the submission of the affidavit and has not applied for a **resident** business or **resident** contractor certificate pursuant to this section during that time period;

(3) if the contractor is a relocated business, at least eighty percent of the total personnel of the business in the year immediately preceding the submission of the affidavit were **residents** of the state and that, prior to the submission of the affidavit, the contractor either leased real property for ten years or purchased real property greater than one hundred thousand dollars (\$100,000) in value in the state; or

(4) if the contractor is a previously certified contractor or was eligible for certification, the contractor has changed its name, has reorganized into one or more different legal entities, was purchased by another legal entity but operates in the state as substantially the same enterprise or has merged with a different legal entity but operates in the state as substantially the same commercial enterprise.

D. The taxation and revenue department shall prescribe the form and content of the application and required affidavit. The taxation and revenue department shall examine the application and affidavit and, if necessary, may seek additional information to ensure that the business or contractor is eligible to receive the certificate pursuant to the provisions of this section. If the taxation and revenue department determines that an applicant is eligible, the department shall issue a certificate pursuant to the provisions of this section. If the taxation and revenue department determines that the applicant is not eligible, the department shall issue notification within thirty days. If no notification is provided by the department, the certificate is deemed approved. A certificate is valid for three years from the date of its issuance; provided that if there is a change of ownership of more than fifty percent, a **resident** business or **resident** contractor shall reapply for a certificate.

E. A business or contractor whose application for a certificate is denied has fifteen days from the date of the taxation and revenue department's decision to file an objection with the taxation and revenue department. The person filing the objection shall submit evidence to support the objection. The taxation and revenue department shall review the evidence and issue a decision within fifteen days of the filing of the objection.

F. If, following a hearing and an opportunity to be heard, the taxation and revenue department finds that a business or contractor provided false information to the taxation and revenue department in order to obtain a certificate or that a business or contractor used a certificate to obtain a **resident** business or **resident** contractor **preference** for a bid or proposal and the **resident** business or contractor did not perform the percentage of the contract specified in the bid or proposal, the business or contractor:

(1) is not eligible to receive a certificate or a **preference** pursuant to Section 13-1-21 or 13-4-2 NMSA 1978 for a period of five years from the date on which the taxation and revenue department became aware of the submission of the false information or the failure to perform the contract as specified in the bid or proposal; and

(2) is subject to an administrative penalty of up to fifty thousand dollars (\$50,000) for each violation.

G. In a decision issued pursuant to Subsection E or F of this section, the taxation and revenue department shall state the reasons for the action taken and inform an aggrieved business or contractor of the right to judicial review of the determination pursuant to the provisions of Section 39-3-1.1 NMSA 1978.

H. The taxation and revenue department may assess a reasonable fee for the issuance of a certificate not to exceed the actual cost of administering the taxation and revenue department's duties pursuant to this section.

I. The state auditor may audit or review the issuance or validity of certificates.

J. For purposes of this section:

(1) "new business" means a person that did not exist as a business in any form and that has been in existence for less than three years;

(2) "new contractor" means a person that did not exist as a business in any form and that has been in existence for less than five years;

(3) "legacy contractor" means a construction business that has been licensed in this state for ten consecutive years; and

(4) "relocated business" means a business that moved eighty percent of its total domestic personnel from another state to New Mexico in the past five years.

**History:** 1953 Comp., § 6-5-32.1, enacted by Laws 1969, ch. 184, § 1; 1979, ch. 72, § 2; 2011 (1st S.S.), ch. 3, § 2.

### **Application of Preference**

A. For the purposes of this section:

(1) "business" means a commercial enterprise carried on for the purpose of selling goods or services, including growing, producing, processing or distributing agricultural products;

(2) "formal bid process" means a competitive sealed bid process;

(3) "formal request for proposals process" means a competitive sealed proposal process, including a competitive sealed qualifications-based proposal process;

(4) "public body" means a department, commission, council, board, committee, institution, legislative body, agency, government corporation, educational institution or official of the executive, legislative or judicial branch of the government of the state or a political subdivision of the state and the agencies, instrumentalities and institutions thereof, including two-year post-secondary educational institutions, school districts, local school boards and all municipalities, including home-rule municipalities;

(5) "**resident** business" means a business that has a valid **resident** business certificate issued by the taxation and revenue department pursuant to Section 13-1-22 NMSA 1978; and

(6) "recycled content goods" means supplies and materials composed twenty-five percent or more of recycled materials; provided that the recycled materials content meets or exceeds the minimum content standards required by bid specifications.

B. When a public body makes a purchase using a formal bid process, the public body shall deem a bid submitted by a **resident** business to be five percent lower than the bid actually submitted.

C. When a public body makes a purchase using a formal request for proposals process:

(1) five percent of the total weight of all the factors used in evaluating the proposals shall be awarded to a **resident** business based on the **resident** business possessing a valid **resident** business certificate; or

(2) if the contract is awarded based on a point-based system, a **resident** business shall be awarded the equivalent of five percent of the total possible points to be awarded based on the **resident** business possessing a valid **resident** business certificate.

D. When a joint bid or joint proposal is submitted by both **resident** and nonresident businesses, the **resident** business **preference** provided pursuant to Subsection B or C of this section shall be reduced in proportion to the percentage of the contract, based on the dollar amount of the goods or services provided under the contract, that will be performed by a nonresident business as specified in the joint bid or proposal.

E. When bids are received for both recycled content goods and non-recycled content goods, the public body shall deem the bids submitted for recycled content goods of equal quality to be five percent lower than the bids actually submitted. A bid calculation pursuant to this subsection for a **resident** business shall not also receive the bid calculation **preference** pursuant to Subsection B of this section.

F. The procedures provided in Sections 13-1-172 through 13-1-183 NMSA 1978 or in an applicable purchasing ordinance apply to a protest to a public body concerning the awarding of a contract in violation of this section.

G. This section shall not apply when the expenditure includes federal funds for a specific purchase.

**History:** 1978 Comp., § 13-1-21, enacted by Laws 1979, ch. 72, § 1; 1981, ch. 104, § 1; 1988, ch. 84, § 1; 1989, ch. 310, § 1; 1995, ch. 60, § 1; 1997, ch. 1, § 2; 1997, ch. 2, § 2; 1997, ch. 3, § 1; 2000, ch. 41, § 1; 2011 (1st S.S.), ch. 3, § 1.

## Resident Veterans Preference Certification

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

**Please check one box only**

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

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

"I agree to submit a report, or reports, to the State Purchasing Division of the General Services Department declaring under penalty of perjury that during the last calendar year starting January 1 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 Sections 13-1-21 or 13-1-22 NMSA 1978, when awarded a contract which was on the basis of having such veterans preference, I agree to report to the State Purchasing Division of the General Services Department the awarded amount involved. I will indicate in the report the award amount as a purchase from a public body or as a public works contract from a public body as the case may be.

"I 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.

\_\_\_\_\_  
(Signature of Business Representative)\*

\_\_\_\_\_  
(Date)

\*Must be an authorized signatory for the Business

The representations made in the boxes constitutes a material representation by the business that is subject to protest and may result in denial of an award or unaward of the procurement involved if the statements are proven to be incorrect.

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