

Commodity Code 98831

CITY OF CARLSBAD

REQUEST FOR PROPOSALS NO. 2018-24 GOLF PRO SHOP MANAGEMENT SERVICES FOR LAKE CARLSBAD MUNICIPAL GOLF COURSE CARLSBAD, NEW MEXICO

The City of Carlsbad will accept proposals at the office of the Purchasing Manager, 101 N. Halagueno, Carlsbad, NM 88220 or P.O. Box 1569, Carlsbad, NM88221-1569, Room 115 until 5:00 p.m., January 18, 2019, for Golf Pro Shop Management Services for the Lake Carlsbad Municipal Golf Course.

Request for Proposals may be obtained at the office of the Purchasing Manager, 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 Manager at (575) 234-7905.

Proposals will be reviewed by committee appointed by the Procurement Manager with a recommendation made to the Governing Body of the City of Carlsbad.

The City of Carlsbad reserves 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.

/s/ Matt Fletcher, CPO
Purchasing Manager

Commodity Code 98831

RFP NO. 2018-24

PROCEDURES AND REQUIREMENTS

1. Proposals must be received at the office of the Purchasing Manager on or before the date and time specified in the Request for Proposals. Late proposals will not be considered. The filing date and time marked or stamped on the sealed envelope by the City of Carlsbad shall be conclusive evidence of the time and date each proposal is filed.
2. Proposals must be clearly marked on the outside of the envelope: “**RFP No. 2018-24 ,Golf Pro Shop Management Services.**” Proposals shall be submitted to:
Purchasing Manager, Municipal Building, 101 N. Halagueno Street, Carlsbad, NM 88220 or P.O. Box 1569, Carlsbad, NM 88221-1569.
3. Proposals transmitted to the City by facsimile will not be considered.
4. It is the intent of the City of Carlsbad to enter into a contract with a successful proposer for Golf Pro Shop Management Services with the terms and conditions of such contract to be subject to the approval of the Carlsbad City Council.
5. The Procurement Code of the State of New Mexico imposes civil and criminal penalties for its violations. In addition, the New Mexico Criminal Statutes impose felony penalties for illegal bribes, gratuities and kickbacks.
7. This RFP in no manner obligates the City of Carlsbad or any of its department’s to use any Offeror’s services until a valid written contract is awarded and approved by appropriate authorities and a purchase order is presented to the winning offeror authorizing the service to be performed.
8. This RFP may be canceled at any time and any and all proposals may be rejected in whole or in part if it is determined that such action to be in the best interest of the City of Carlsbad.
9. Any inquiries or requests regarding this procurement should be submitted, in writing, to the Procurement Manager at the following email address:

msfletcher@cityofcarlsbadnm.com

Commodity Code 98831

10. Offerors may contact ONLY the Procurement Manager regarding this procurement. Other City of Carlsbad employees or Evaluation Committee members do not have the authority to respond on behalf of the City. Protests of the solicitation or award must be delivered by mail to the Purchasing Manager.
11. Pursuant to NMSA 1978, § 13-1-172, ONLY protests delivered directly to the Purchasing Manager in writing and in a timely fashion will be considered to have been submitted properly and in accordance with statute, rule and this Request for Proposals. Emailed protests will not be considered as properly submitted.
12. 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 Manager 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.
13. 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. The City of Carlsbad personnel will not merge, collate, or assemble proposal materials.
14. Any cost incurred by the potential Offeror in preparation, transmittal, and/or presentation of any proposal or material submitted in response to this RFP shall be borne solely by the Offeror.
15. Any contractual agreement that may result from this RFP shall specify that the prime contractor is solely responsible for fulfillment of all requirements of the contractual agreement with a City of Carlsbad which may derive from this RFP. The City of Carlsbad when entering into a contractual agreement with a vendor will make payments to only the prime contractor.
16. The City of Carlsbad requires that all Offerors agree to be bound by the General Requirements contained in this RFP. Any Offeror's concerns must be promptly submitted in writing to the attention of the Procurement Manager.

The City of Carlsbad discourages exceptions from the contract terms and conditions as set forth in the RFP. Such exceptions may cause a proposal to be rejected as non-responsive, when, in the sole judgment of the City (and its evaluation team), the proposal appears to be conditioned on the exception, or correction of what is deemed to be a deficiency, or an unacceptable exception is proposed which would require a substantial proposal rewrite to correct

Commodity Code 98831

17. This RFP and any agreement with an Offeror which may result from this procurement, shall be governed by the laws of the State of New Mexico.
18. Only information supplied, in writing, by the City of Carlsbad through the Procurement Manager or in this RFP should be used as the basis for the preparation of Offeror proposals.
19. All documents submitted in response to the RFP shall become property of the City of Carlsbad and may be subject to public disclosure upon request, in accordance with the Open Records Act.
20. Any confidential information provided to, or developed by, the contractor in the performance of the contract resulting from this RFP shall be kept confidential and shall not be made available to any individual or organization by the contractor without the prior written approval of the City of Carlsbad.

The Contractor(s) agrees to protect the confidentiality of all confidential information and not to publish or disclose such information to any third party without the written permission of the City of Carlsbad.

21. Offeror must complete, sign, and return the Campaign Contribution Disclosure Form. This requirement applies regardless whether a covered contribution was made or not made for the positions of Mayor, Carlsbad City Council or Municipal Court Judge. Failure to complete and return the signed unaltered form may result in disqualification.
22. To ensure adequate consideration and application of NMSA 1978, § 13-1-21 (as amended), Offerors must include a copy of their 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>

A. New Mexico Business Preference

B. New Mexico Resident Veterans Business Preference

In addition to a copy of the certification, the Offeror should sign and complete the Resident Veterans Preference Certificate form, as provided in this RFP (Appendix D)

The City of Carlsbad shall not award a business both a resident business preference and a resident veteran business preference.

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

Commodity Code 98831

RFP NO. 2018-24

GOLF PRO SHOP MANAGEMENT SERVICES

The City of Carlsbad is seeking proposals for golf pro shop management services at Lake Carlsbad Municipal Golf Course. The facility is located at 901 North Muscatel Street, Carlsbad, NM 88220. The facility consists of a 6,512 yard, par 72, 18-hole regulation course that is laid out on hilly terrain that winds its way through the Chihuahuan Desert landscape.

The City also maintains an executive 9-hole par 3 course that plays to 1,305 yards and runs along the banks of the Pecos River.

The courses are open six and a half (6.5) days a week throughout the year with approximately 40,000 rounds of golf played annually. The courses are closed for play on Tuesday mornings until noon to address maintenance needs that can't be addressed during normal hours of operation.

Facilities also include a driving range, two practice putting greens with chipping area, a fully functional golf pro shop with office and storage room, golf cart storage building.

Course maintenance is the responsibility of the City. The Lake Carlsbad Municipal Golf Course is the only municipal golf course in Eddy County.

For more information about Lake Carlsbad Municipal Golf Course please visit the following link: <http://www.cityofcarlsbadnm.com/ParksRecGolfCourse.cfm>

Proposals will be received in the office of the City Purchasing Manager, 101 N. Halagueno, Room 114, Carlsbad, New Mexico 88220 until 5:00 p.m. on January 18, 2019. Proposals shall be sealed and marked clearly on the exterior of the envelope or folder: "RFP No. 2018-24 Golf Pro Shop Management Services."

The successful proposal will be the one that is most advantageous to the City. This determination will be based on price and other factors which are set forth at length in the body of this Request for Proposal.

Minimum Management Services Required

1. Operation of the Lake Carlsbad Golf Pro Shop, which shall include but not be limited to:
 - a. Receipt and accounting of all greens fees, permit fees, etc., and weekly remittance of such fees as required to the City Treasurer.
 - b. Sales of goods and services normally provided by professional golf shops including sales of golf equipment, golf apparel, club repair, golf instruction, etc.

Commodity Code 98831

- c. Furnishing of adequate motorized golf carts with GPS capabilities for rent by the public (a maximum of 200 private carts are allowed to operate on the course).
 - i. The City currently has a lease agreement for 40 golf carts. The City will entertain, via this RFP, an arrangement with the successful bidder to assume the monthly lease payment for these carts and a revenue sharing proposal between the parties.
 - d. Utilize the City owned Point of Sales (POS) system for all sales. Submit a monthly report detailing all sales for course use, cart use, permits and driving range use, etc.
2. Management of course play
- a. Enforcement of course rules, regulations and golf course etiquette to insure optimum access and minimize slow play and damage to the course and pertinent facilities.
 - b. Management and coordination of tournament play.
 - c. Cooperation with City officials and golf committees
 - i. Cooperation with the Mayor, City Administrator and/or his designee, City Council and Golf Course Advisory Board as may be required in matters pertaining to the Golf Course.
 - ii. Cooperation with user golf groups and organizations in promoting recreational opportunities and tournament play.
 - iii. Cooperation with the City Golf Course Superintendent.
3. General Matters
- a. Employment of adequate personnel to perform all duties required to properly staff the golf shop, maintain golf carts in operational condition and monitor or marshal course use and speed of play.
 - b. Furnishing of adequate liability and workman's compensation insurance in statutory amounts or as otherwise reasonably required by the City.
 - i. Liability insurance will be a minimum of \$1,000,000 and will list the City as co-insured.

Term of Contract

The City will seek to negotiate a Professional Services contract with the successful proposer, the term of which shall be (4) four years beginning March 1, 2019.

Commodity Code 98831

Format of Proposals

Proposals shall be typed double space on 8 ½ x 11 inch paper on one side only of each page. Each section shall be appropriately tabbed and indexed and the number of pages shall not exceed the maximum number of pages specified for each section.

Proposal

Section I. Qualifications and Experience of the proposer (5 pages maximum).

- A. Proposers shall provide a detailed narrative of their qualifications and experience, identifying all prior positions managing a golf shop.
- B. Proposers shall provide a photocopy of any documents as they may deem appropriate to demonstrate their professional qualifications.

Section II. Operations of the Golf Pro Shop (5 pages maximum).

- A. Proposers shall provide a detailed narrative describing the various services they intend to provide in the Golf Pro Shop, including but not limited to equipment sales, apparel sales, club repair and fitting, instruction, tournament operation.
- B. Proposers shall provide a detailed narrative describing how they propose to work with the City with the existing cart lease and rentals.
- C. Proposers shall provide a letter of credit or other such documentation attesting to their financial ability to provide for and maintain a full service golf shop in accordance with golf industry standards.

Section III. Management of course play (5 pages maximum).

- A. Proposers shall address in narrative form how they intend to manage play on the golf courses to ensure optimum access, enforce course rules, regulations, golf course etiquette, and minimize slow play.
- B. Proposers shall provide a narrative detailing their experience in planning, managing, and implementing tournament play and similar activities.
- C. Proposers shall detail their ideas as to how to further promote recreational as well as tournament play on the Municipal Golf Courses.

Commodity Code 98831

Section IV. Financial Terms and Contractual conditions (5 pages maximum).

- A. Proposer shall detail all financial terms and conditions proposed between themselves and the City. In addition, proposer shall complete the following:

	<u>Mgt Share %</u>	<u>City Share %</u>
1. Golf Cart lease and Rentals	_____	_____
2. Golf Cart Storage	_____	_____
3. Green Fees	_____	_____
4. Merchandise Sales	_____	_____
6. Private Cart Trail Fees	_____	_____
7. Driving Range balls	_____	_____
8. Annual Management Fee	_____	_____

The proposer shall propose a percentage for each item that shall represent the proposer's share of income, and the City's share.

(The sum for each item must equal 100 %)

- B. Proposer shall detail a management plan for the operation of the Golf Pro Shop, including funding sources for inventory. Inventory to include golf carts, all merchandise, and driving range supplies.
- C. Proposer shall detail any special non-monetary contractual conditions they would propose between themselves and the City.

V. Evaluation Criteria

Proposals shall be evaluated by a committee appointed by the City Procurement Manager. Including but not limited to Golf Course Advisory Board Members and City staff.

Proposal's will be evaluated as follows:

1. Qualifications and Experience: 20 points maximum
2. Operation of Golf Pro Shop: 20 point maximum
3. Management of course play: 20 points maximum
4. Financial and Contractual terms: 40 points maximum

Total Possible Points 100

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
Municipal Judge – Collis Johnson

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

City Council Ward 3
Jason Chavez
Leo Estrada

City Council Ward 2
Jason Shirley
Judith Waters

City Council Ward 4
Wesley Carter
Mark Waltersheid

DISCLOSURE OF CONTRIBUTIONS BY PROSPECTIVE CONTRACTOR:

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

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)

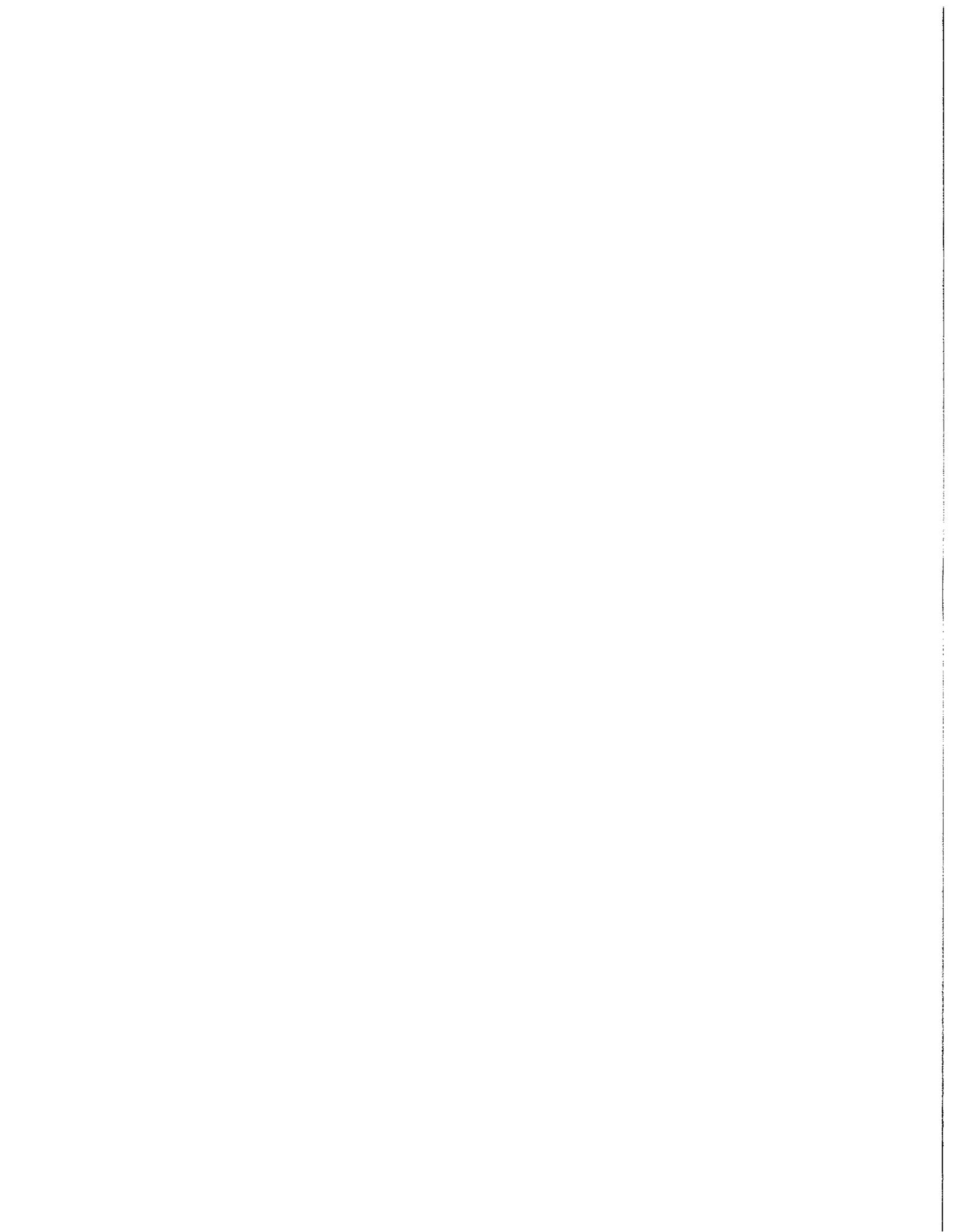
--OR--

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)



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.
