

**Request for Proposal Number: 19-001****Project: Rodgers Hall Renovation (Re-bid)****NIGP Code: 91065****Proposal deadline: THURSDAY, NOVEMBER 1, 2018 3:00 PM MST**

**Pre-proposal conference** – A mandatory pre-proposal conference and site visit will be held on **Friday September 21, 2018, at 10:00 am MDT**, in the first floor of the Rodgers Hall Administration Building on the NMHU Campus. The conference will provide proposers an opportunity to discuss the project and RFP requirements with NMHU. Potential proposers are encouraged to submit written questions in advance of the conference. The identity of the organization submitting the question(s) will not be revealed. Additional written and oral questions may be submitted at the conference. All questions will be addressed at the conference. A public log will be kept of the names of potential proposers that attended the pre-proposal conference. A guided site visit will be provided after the conference.

**Design Professional of Record:  
Address:**

**Baker Architecture + Design, P.C.  
505 Central Avenue NW, Suite E  
Albuquerque, NM 87102  
Telephone: 505-254-4697**

Construction Documents may be reviewed at the following locations:

1. Dodge Reports, 1615 University Boulevard NE, Albuquerque, NM 87102  
Telephone: (505) 243-2817
2. Builder's News and Plan Room, 3435 Princeton Drive NE, Albuquerque, NM 87107  
Telephone: (505) 884-1752
3. Construction Reporter, 1609 Second Street NW, Albuquerque, NM 87102  
Telephone: (505) 243-9793

## **RFP TABLE OF CONTENTS**

### **I. Project Information**

- A. Purpose of this Request for Proposals
- B. Project Description
- C. Project Funding
- D. Mandatory Pre-Proposal Meeting
- E. Proposal Security
- F. Subcontractor Listing Forms
- G. New Mexico Prevailing Wage Rates
- H. Plan Checking Fees, Permits, Other Charges
- I. Method of Award

### **II. CONDITIONS GOVERNING THE PROCUREMENT**

#### **A. Sequence of Selection Process Events**

#### **B. Explanation of Selection Process Events**

- 1. Issue RFP
- 2. RFP and Construction Documents Made Available to Potential Offerors
- 3. Mandatory Pre-Proposal Conference
- 4. Submission of Requests for Prior Approval of Product Substitutions
- 5. Submission of Written Questions
- 6. Last Addendum Prior to Submission of Proposals
- 7. Submission of Proposals
- 8. Submission of Subcontractors' Qualification Forms
- 9. Proposal Evaluation
- 10. Notice of Finalists (if interviews are to be held)
- 11. Interviews of Finalists (if interviews are held)
- 12. Courtesy Letter
- 13. Notice of Intent to Award
- 14. Contract Negotiations
- 15. NMHU Board of Regents Approval
- 16. Notice of Award

#### **C. Standard Conditions Governing the Procurement**

- 1. Protests
- 2. Incurring Cost
- 3. Third-Party or Subcontracting GC Contract Requirements
- 4. Amendments or Modifications to a Proposal by Offeror
- 5. Offeror's Rights to Withdraw Proposal
- 6. Disclosure of Proposal Contents
- 7. Confidential Data
- 8. Termination of RFP
- 9. Sufficient Appropriation
- 10. Offeror Qualifications
- 11. Right to Waive Technical Irregularities
- 12. Potential Civil and Criminal Penalties
- 13. Release of Information
- 14. Clarifications from Offerors
- 15. Licensing Requirements
- 16. Subcontractors
- 17. Objection to Pre-Listed Subcontractors
- 18. Non-conforming Proposals

#### **D. Definitions and Terminology**

### **III. CONTRACTUAL AGREEMENT AND BONDS**

- A. Form of Agreement Between the Owner and Contractor
- B. Completion Time and Liquidated Damages
- C. Performance & Labor and Materials Payment Bonds
- D. Time of Delivery and Form of Bonds
- E. Subcontractor Bonding

**IV. PROPOSAL RESPONSE FORMAT AND ORGANIZATION**

- A. Number of Proposals**
- B. Submission of Original Proposals**
- C. Submission of Required Copies of Proposals**
- D. Detailed Requirements for Proposal Subsections**

**VOLUME I – TECHNICAL PROPOSAL**

- A. Technical Proposal Format
- B. Tabs/Evaluation Categories
  - Tab 1 Letter of Submittal
  - Tab 2 General Contractor’s Statement of Qualifications & Attachments
  - Tab 3 Subcontractor Qualifications Listing Form and Subcontractors’ Statements of Qualification & Attachments
  - Tab 4 Past Performance
  - Tab 5 Management Plan

**VOLUME II – PRICE PROPOSAL – (1 Original only required)**

- Item 1 Price Proposal Form
- Item 2 Proposal Security (Bond or Cash), Agent’s Affidavit
- Item 3 Notarized Declaration Letter from Surety
- Item 4 Certificate of Insurance
- Item 5 Subcontractor Listing Form (including Subcontractor Listing Requirements and Assignment of Antitrust Claims)
- Item 6 Resident Contractor (or Veteran Resident Contractor) Preference Certificate
- Item 7 Campaign Contribution Disclosure Form
- Item 8 Conflict of Interest and Debarment/Suspension Certification Form
- Item 9 Contractor’s State of NM W-9 Form
- Item 10 Offeror’s Contractor’s License(s)

**V. PROPOSAL EVALUATION**

- A. Evaluation Process and Scoring Methodology**
  - 1. Receipt and Opening of Proposals
  - 2. Proposal Discussions
  - 3. Evaluation Committee
  - 4. Technical Proposal Evaluation
  - 5. Price Proposal Evaluation
  - 6. Combining Scores, Preference Adjustments, and Ranking of Proposals
  - 7. Short-Listed Offeror Withdrawal from Interviews (if held)
  - 8. Interviews (if held)
- B. Evaluation Criteria**
- C. Statutory Rules Governing Proposal Evaluation**

**APPENDICES: FORMS**

- A. General Contractor’s Statement of Qualifications Form w/Attachment Forms A - K**
- B. Subcontractor’s Statement of Qualifications Form w/Attachment Forms A - I**
- C. Subcontractor Listing Form (including Subcontractor Listing Requirements and Assignment of Anti-Trust Claims)**
- D. Proposal for Lump Sum Contract**
- E. Bond Review and Approval Form**
- F. Agent’s Affidavit**
- G. Campaign Contribution Disclosure Form**
- H. Conflict of Interest Form and Debarment/Suspension Certification Form**
- I. Listing Form 00 4334 for Subcontractor Qualifications Questionnaire**

## I. OVERVIEW OF RFP AND PROJECT

### A. PURPOSE OF THIS REQUEST FOR PROPOSALS

#### Scope of Work

New Mexico Highlands University (NMHU) requests written proposals from General Contractors to provide construction services for the Rodgers Hall Renovation project on NMHU's Main Campus.

NMHU is requesting proposals from primary contractors to provide construction services based on the scope of work described above. It is issued under, and all proposals submitted in response hereto shall be subject to, New Mexico Procurement Code, §13-1-21 through 13-1-199, NMSA 1978. All potential proposers are to read, understand and accept the requirements of this RFP.

The purpose of this RFP is to solicit proposals from qualified, bonded entities to manage the renovation of Rodgers Hall Administration building. The renovation will consist of approximately 15,000 square feet designed to meet the needs of NMHU's administration and students. All project elements will be required to achieve a LEED® certification.

**NMHU views utilization of local vendors, suppliers and contractors as good sustainable practice. As such, NMHU strongly encourages offerors to solicit and consider local New Mexico Business community members in preparing proposal offers.**

This RFP is designed to provide interested proposers with sufficient basic information to submit proposals meeting minimum requirements, but is not intended to limit a proposer's content or exclude any relevant or essential data. Proposers are at liberty and are encouraged to expand upon the specifications after meeting specified requirements to evidence their under the proposal.

The successful proposer will be responsible for serving as the contractor for the project, furnishing all labor and materials, including all site, structural, mechanical and electrical work as indicated on the drawings and as specified within the project manual, while ensuring elements meet the LEED® certification as required.

The project contractor will be required to coordinate with NMHU's project manager, facility director and design professionals (architect and engineers) and other contracted contractors and technical installation personnel.

### B. PROJECT DESCRIPTION

The project is described as:

Renovation of New Mexico Highlands University's historic Rodgers Hall. The renovation will consist of approximately 15,000 sf designed to meet the needs of NMHU's administration and records.

### C. PROJECT FUNDING

New Mexico Highlands University has funds to administer this project and will be referred to throughout the contract documents as the "Owner". The MACC (Maximum Allowable Construction Cost) shall not exceed 3.1 million, not including NMGR.T.

#### **D. MANDATORY PRE-PROPOSAL MEETING**

**Attendance at the pre-proposal meeting is mandatory. The pre-proposal meeting will be conducted at New Mexico Highlands University, 803 National Ave. Las Vegas, NM 87701 on September 21, 2018 at 10:00 AM local time. All prime contractors who intend to submit a proposal for this project, must attend this meeting. A tour of the project site will be conducted following the pre-proposal meeting.**

#### **E. PROPOSAL SECURITY**

Offeror shall provide proposal security in the form of a surety bond executed by a surety company authorized to do business in the State of New Mexico in the amount of **5%** of the total price proposal, or the equivalent in cash by means of a cashier's check or in a form satisfactory to the Owner, must accompany each price proposal.

The Offeror will provide, with the proposal, a notarized declaration from a bonding company licensed to do business in the State of New Mexico confirming the Offeror's ability to obtain Performance; Labor, and Materials Payment Bond in an amount not less than 100% of the price proposal.

No Offeror may withdraw his proposal for **45 days** after the actual date of the opening thereof.

#### **F. SUBCONTRACTOR LISTING FORMS**

This RFP includes two Subcontractor Listing Forms, each with its own value threshold and separate meaning. The "Combined List of Subcontractors and Assignment of Anti-Trust Claims" is included as Appendix C and must be completed and included in the Price Proposal. The "Listing Form 00 4334 for Submission of Subcontractor Qualifications Questionnaires" is included as Appendix I and must be completed and included in Tab 3 of the Technical Proposal.

#### **G. NEW MEXICO PREVAILING WAGE RATES**

Wages to be paid as a result of a contract awarded for this project will be subject to the minimum wage rate determination by the State of New Mexico, which is included in the Project Manual. This determination will become part of the contract by reference and must be posted, per State of New Mexico Statutes, in a conspicuous place at the General Contractor's place of business. It is the General Contractor's responsibility to be aware of the applicable State of New Mexico statutes and responsibilities related thereto. Failure by the Owner to physically make such minimum wage rate determinations available to the General Contractor will not relieve the General Contractor from becoming aware of or complying with such determinations.

#### **H. PERMITS, PLAN CHECKING FEES, OTHER CHARGES**

Offerors shall include as part of the Price Proposal all costs incurred for permits relating to this scope of work, including any Plan Checking Fees as charged by the State of New Mexico (or any other applicable entity or agency with jurisdiction over the project) for checking Contract Documents prior to obtaining a building permit. Additionally, the Owner will not pay for business licenses, professional affiliations and similar costs of doing business which are the Offeror's obligation to secure and maintain. The cost of all bonding will be paid by the Offeror and will not be paid by the Owner. These costs are to be included in Offeror's Price Proposal.

**I. METHOD OF AWARD:**

A contract solicited under these regulations are to be awarded to the responsible Offeror whose proposal represents the best value and is in the University's best interest. The evaluation committee shall prepare a selection recommendation report for the Chief Procurement Officer or his/her designee recommending, in order of preference, up to three firms that are considered to be the most highly qualified. All firms on the most highly qualified selection recommendation report are considered "selected firms" with which the Chief Procurement Officer or his/her designee may recommend to the Board of Regents for final award.

Approval of the final award decision shall be made by the Board of Regents in open session. The Board of Regents will review the recommendations of the evaluation committee and shall, with the advice of appropriate technical and staff representatives, make the final selection. If the firm selected for award is not the recommended as the most highly qualified by the evaluation committee, the selection authority shall provide for the contract file a written explanation of the reason for the award preference.

A five percent (5%) preference will be given to Registered New Mexico Residential Businesses. To claim the preference, a copy of the resident business certificate or resident contractor certificate must be submitted with the response. The Registration Number may be obtained from the New Mexico Revenue and Taxation Department.

Resident Veterans Preference: A ten percent (10%), eight percent (8%) or seven percent (7%) preference, as qualified, will be given to registered residential veterans. Points will be awarded based on Offerors ability to provide a copy of a current Resident Business Certificate or Resident Veterans Certificate.

## II. CONDITIONS GOVERNING THE PROCUREMENT

This section lists the major events of the Selection Process and specifies general requirements.

### A. SEQUENCE OF SELECTION PROCESS EVENTS

Event	Responsible Party	Date	Location
1. Advertisement of construction RFP	NMHU Procurement	Sept. 3, 2018, week of	Public Advertisement
2. RFP and Construction Documents Made Available to Potential Offerors	Contract Architect	Sept. 3, 2018	Albuquerque Reprographics, Albuquerque, NM
3. Mandatory Pre-proposal Conference	NMHU Facilities and Design Professional	Sept. 21, 2018 10:00 AM	NMHU Rodgers Hall 803 National Ave. Las Vegas, NM 87701
4. Submission of Written Questions	Potential Offerors	October 5, 2018 before 3:00 PM deadline	Sent to Design Professional's office
5. Submission of Requests for Prior Approval of Product Substitutions	Potential Offerors	October 12, 2018 before 3:00 PM deadline	Sent to Design Professional's office
6. Release of Last Addendum Prior to Submission of Proposals	NMHU Facilities and Design Professional	October 19, 2018 3:00 PM deadline	Issued to All Potential Offerors
7. Submission of Proposals	Offerors	Nov 1, 2018 3:00 PM deadline	NMHU Purchasing Dept 903 University Las Vegas, NM 87701
8. Submission of Subcontractors' Qualifications Forms	Offerors	Nov 2, 2018 3:00 PM deadline	NMHU Purchasing Dept 903 University Las Vegas, NM 87701
9. Proposal Evaluation	Evaluation Committee	Nov 5 – Nov 8	NMHU Facilities Offices
10. Committee rating discussion (if applicable)	NMHU Procurement	Nov 9, 2018	NMHU Rodgers Hall 803 National Ave. Las Vegas, NM 87701
11. Notice of Finalists and recommendation to NMHU Board of Regents	NMHU Procurement	November, 2018	
12. Interviews of Finalists – NMHU Board of Regents	Evaluation Committee	November, 2018	NMHU Board Meeting
13. Notice of Intent to Award	NMHU Facilities	December 2018	
14. Contract Negotiations Completed	Successful Offeror	December 2018	NMHU Facilities Offices
16. Notice of Award	NMHU Facilities	December 2018	NMHU Facilities Office
17. Construction (Start to Completion)	Selected Contractor	Dec 2018 – Oct 2019	NMHU Rodgers Hall

**NOTICE: NMHU reserves the sole right, without incurring any liability, to change any aspect of the proposed procurement described above, including the right not to proceed with the procurement and/or the right to proceed in a different manner or on a different timeline than as described above.**

**B. EXPLANATION OF SELECTION PROCESS EVENTS**

**1. Issue RFP**

This RFP is issued by New Mexico Highlands University in accordance with the provisions of Sections §13-1-21 and §13-1-199 NMSA 1978.

The Request for Proposals (RFP) documents consist of all the documents listed in the Table of Contents and all documents incorporated in this RFP by reference, including the complete Project Manual, Technical Specifications, and Construction Drawings.

**2. RFP and Construction Documents Made Available to Potential Offerors**

Proposal Documents (RFP, construction drawings, & specifications) may be obtained at Albuquerque Reprographics upon payment of **\$200.00** for each complete set.

Incomplete sets will not be issued. A compact disc containing the RFP documents only is available for a fee of ten dollars (\$10) at Albuquerque Reprographics or can be obtained by visiting: <http://www.nmhu.edu/purchasing-department/> and clicking on the “Information for Vendors” or “Request for Proposal” Tabs.

The successful Offeror will receive a refund of his deposit, and any unsuccessful Offeror who returns the Proposal Documents in good and complete condition within fifteen (15) days of the Proposal Opening will also receive a refund of this deposit. No deposits will be returned after the fifteen-day period.

RFP & Construction Documents may be reviewed at the following locations:

<b>Design Professional of Record:</b>	<b>Baker Architecture + Design, P.C.</b>
<b>Address:</b>	<b>505 Central Avenue NW, Suite E</b>
	<b>Albuquerque, NM 87102</b>
	<b>Telephone: 505-254-4697</b>

- Dodge Reports, 1615 University Boulevard NE, Albuquerque, NM 87102  
Telephone: (505) 243-2817
- Builder's News and Plan Room, 3435 Princeton Drive NE, Albuquerque, NM 87107  
Telephone: (505) 884-1752
- Construction Reporter, 1609 Second Street NW, Albuquerque, NM 87102  
Telephone: (505) 243-9793

**3. Mandatory Pre-Proposal Conference**

This meeting provides potential Offerors an opportunity to request clarification about the procurement process and discuss the intent of the project with NMHU Facilities and the user. A representative from each interested prime contractor is required to attend. Subcontractors and suppliers are invited and encouraged to attend this meeting but it is not mandatory for them.

**THE PRIME CONTRACTOR’S ABSENCE FROM THE MANDATORY PRE-PROPOSAL MEETING PRECLUDES PARTICIPATION AS AN OFFEROR ON THIS PROJECT.**



During the meeting a presentation will be made to describe the overall scope of work and intended schedule. This meeting will include a tour of the project site and existing facilities. In addition to attending the pre-proposal meeting, Prospective Offerors shall visit the site and understand the local conditions and restrictions under which the Work will be performed.

If attendees of the pre-proposal meeting have any questions that cannot be answered at that time they will be addressed in a subsequent addendum.

#### **4. Submission of Requests for Prior Approval of Product Substitutions**

Requests for prior approval of product substitutions shall follow the requirements of Project Manual Section 01 6300-1 Product Substitution Procedures, including submitting the Prior Approval Substitution Request Form 01 6310-1. The deadline for requests is set at least 10 calendar days prior to the Proposal Submission date to allow the Design Professional to evaluate the request and respond in an addendum.

#### **5. Submission of Written Questions**

This deadline for the submission of written questions is set at least 7 calendar days prior to the Proposal Submission to allow the NMHU and the Design Professional to respond in an addendum.

**During the period of the bidding, your points of contact (hereinafter called “POC”) will be limited to the Design Professional and Adam Bustos, Director of the Purchasing Department. The Design Professional and Mr. Bustos have been designated as the contact persons for this RFP. No Offeror may contact any NMHU employee, officer or member of the Board of Regents other than Mr. Bustos regarding this RFP through the date of the Contract. Any Proposer who makes such unauthorized contact shall be deemed to have violated the terms and conditions of this RFP and Offeror’s proposal may be rejected as a result.**

**All questions, both those regarding the selection process and those regarding technical construction issues, shall be submitted in writing to the Design Professional, who will route them to NMHU Procurement and/or NMHU Facilities Design & Construction, as required.**

**Responses to all questions will be incorporated into Addenda issued subsequently by the Design Professional.**

Design Professional:

**Tomas Sanchez  
Baker Architecture + Design, P.C.  
505 Central Avenue NW, Suite E  
Albuquerque, NM 87102  
Telephone: 505-254-4697  
Fax: 505-254-4697  
E-mail: sanchez@bakerad.com**

NMHU Procurement Contact:           **Adam Bustos**  
**Director Of Purchasing**  
**Box 9000**  
**Las Vegas NM, 87701**  
**Telephone: 505-454-3053**  
**Fax: 505-454-3109**  
**E-mail: adambustos@nmhu.edu**

## **6. Last Addendum Prior to Submission of Proposals**

This is the deadline by which the Design Professional must issue all addenda for the project so that Offerors have time to finalize their proposals, and is set at least 4 calendar days prior to the Proposal Submission. The only exception to this deadline is issuance of an addendum that postpones the date for the Submission of Proposals.

By this deadline, the Design Professional (in consultation with NMHU Procurement and NMHU Facilities) shall have responded by addendum to all properly submitted Requests for Prior Approval and all properly submitted written questions.

All addenda shall become part of the Request for Proposals and any information required shall be included in each Offeror's proposal. The Design Professional will distribute all addenda in writing to all recipients of the RFP.

## **7. Submission of Proposals**

### **a) Receipt of Proposals:**

Each proposal will consist of Volume 1 - Technical Proposal (one original and five copies) and the Volume 2 - Price Proposal (one original). These two volumes shall be submitted in two separate sealed envelopes or packages. Clearly label each envelope or package with the RFP number, volume number & name, Offeror's name, address and date of submittal.

### **Offeror shall deliver proposals to:**

**New Mexico Highlands University**  
**903 University Ave (Purchasing Building)**  
**Las Vegas, NM 87701**  
**ATTENTION: Adam Bustos, Director of Purchasing**  
**Telephone: 505-454-3053**

The outer package **MUST** specify that it is for "Request for Proposals #19-001". If the package is not properly labeled it may not be opened and it may be rejected and returned to the Offeror. NMHU will make the determination.

NMHU Procurement will time-stamp proposals upon arrival at the Procurement Office and hold in a secure location. A public log will be kept of the names and submittal times of all proposals. **Proposals delivered after the deadline will be deemed non-responsive, and will be returned unopened to the Offeror.** It is solely the Offeror's responsibility to ensure that Proposals arrive at the appointed date, time and location. Proposals may be delivered early to avoid any possible delay of the submission.

Proposals may be hand carried/delivered or shipped/mailed by common carrier, courier of US Postal Service. **No other method of delivery will be allowed. Telephone, telegraphic, facsimile and email offers will NOT be accepted.**

b) Opening of Proposals:

In accordance with §13-1-116 NMSA 1978, proposals will NOT be opened publicly and shall not be open to public inspection until after an Offeror has been selected for award of the contract. The NMHU Purchasing Agent will designate one or more witnesses to be present during the opening of the proposals. The witness(es) and Purchasing Agent will sign an affidavit identifying the offerors' proposal contents for the procurement file.

### **8. Submission of Subcontractors' Qualifications Forms**

This is the deadline by which the Offerors must have submitted all required copies of the Subcontractors' Statements of Qualifications for Tab 3 of the original Technical Proposal AND must have submitted all required copies of the complete Technical Proposal. This provision is allowed so that an Offeror's submission is not jeopardized due to the volume of copies that must be made and collated. **(IMPORTANT: The Offeror must already have submitted one original of the "Listing Form 00 4334 for Submission of Subcontractor Qualifications Questionnaires" behind Tab 3 of the Technical Proposal by the deadline for Submission of Proposals).**

### **9. Proposal Evaluation**

The Evaluation Committee will meet to review all proposals. The technical proposal evaluation will be scored independently of the price proposal. The Evaluation Committee may decide to hold interviews with the highest-ranked Offerors. If fewer than three proposals are received, the Evaluation Committee may recommend reissue of the RFP. The Committee shall determine the rankings without the possibility of a tie.

### **10. Notice of Finalists**

NMHU Procurement shall notify all Offerors in writing stating which Offerors will be invited to interview at the next scheduled Board of Regents meeting.

### **11. Interviews of Finalists**

The date, time, and location of the Interview Meeting will be included with the notice to those Offerors selected for interview. A list of potential questions shall be distributed to the Finalist Offerors.

NOTE: A "Pre-Interview" meeting may be held by NMHU Procurement, if it is determined it is in the best interest of the short-listed Offerors and the Project, to answer questions regarding the interview process.

### **12. Professional Courtesy Letter**

NMHU Procurement shall prepare a Courtesy Letter to all Offerors stating which Offerors are being recommended to the Board of Regents for an interview.

NMHU Procurement will maintain at least one copy of each Offeror's proposal. Proposals remain the property of NMHU and are open for public inspection after the award and conclusion of successful contract negotiations.

**13. Notice of Intent to Award**

NMHU shall prepare the Notice of Intent to Award to notify the successful Offeror in writing of their selection for a tentative contract award.

**14. Contract Negotiations**

The Owner reserves the right to enter into negotiations with the apparent successful Offeror per §13-1-115 NMSA 1978, and will begin contract negotiations as soon as possible after the Notice of Intent to Award. If contract negotiations are not finalized within a reasonable period of time, the Owner may conclude negotiations with the selected firm and begin negotiations with the next ranked firm based on final ranking.

**15. NMHU Board of Regents Approval**

NMHU Board of Regents shall approve the recommendation of the Offeror of whom NMHU will enter into contract negotiations with for the project by a vote by the Board in open session.

**16. Notice of Award**

NMHU shall prepare the Notice of Award and send it to the selected Offeror.

**17. Construction**

Estimated start to completion December 2018-October 2019.

**C. STANDARD CONDITIONS GOVERNING THE PROCUREMENT**

This section contains guidelines under which this RFP is issued, and conditions concerning how the project will be completed.

The Owner may evaluate the Proposals based on the anticipated completion of all or any portion of the Project. The Owner reserves the right to divide the Project into multiple parts, to reject any and all Proposals and re-solicit for new Proposals, or to reject any and all Proposals and temporarily or permanently abandon the Project, should the need arise. Owner makes no representations, written or oral, that it will enter into any form of agreement with any Offeror.

**1. Protests**

In accordance with Section §13-1-172 NMSA 1978, any Offeror who is aggrieved in connection with a solicitation or the award of a contract may protest to the Procurement Director. The protest must be submitted in writing within fifteen (15) calendar days after knowledge of the facts or occurrences giving rise to the protest. Protests must be submitted in written form to:

New Mexico Highlands University  
Attn: Adam Bustos  
P.O. Box 9000  
Las Vegas, NM 87701

Or [adambustos@nmhu.edu](mailto:adambustos@nmhu.edu)

The protest letter shall include the name and address of the protestant, the solicitation number, and a statement of the grounds for protest, including appropriate supporting exhibits.

## **2. Incurring Cost**

Any cost incurred by the Offeror in preparation, transmittal, or presentation of any proposal or material submitted in response to this RFP shall be borne solely by the Offeror.

## **3. Third-Party or Subcontracting GC Contract Responsibilities**

Direction of all work that may result from this procurement must be performed by the Offeror and payments will only be made to the Offeror. Use of consultants identified in the proposal is permitted, but since the award is made on a quality-based evaluation process, reassignment of GC duties and responsibilities to a third party is not acceptable.

## **4. Amendments or Modifications to a Proposal by Offeror**

An Offeror may submit an amended proposal prior to the deadline for receipt of proposals. Such an amended proposal must be a complete replacement for a previously submitted proposal and must be clearly identified as such in the transmittal letter. Owner personnel will not collate or assemble proposal materials for the Offeror.

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

No Offeror may withdraw their proposal for **45 days** after the actual date of the receipt thereof (Proposal Due Date).

## **6. Disclosure of Proposal Contents**

In accordance with §13-1-116, Proposal contents will be kept confidential until conclusion of successful contract negotiations.

At that time, all proposals will be open to the public, except for the material which has clearly been noted and determined by the NMHU Procurement to be proprietary or confidential as noted by the Offeror. NMHU will comply with the provisions of the Inspection of Public Records Act (§14-2-4 NMSA 1978).

## **7. Confidential Data**

Confidential data is normally restricted to confidential financial information concerning the Offeror's organization and data that qualifies as a trade secret under the Uniform Trade Secrets Act, Sections NMSA 1978 §57-3A-1. Any pages of a proposal on which the Offeror has stamped or imprinted "proprietary" or "confidential" must be readily separable from the proposal in order to facilitate public inspection for the non-confidential portion of the qualifications-based proposal.

## **8. Termination of RFP**

This RFP may be canceled at any time and any and all proposals may be rejected in whole or in part when the Owner determines such action to be in the best interest of NMHU. The RFP process may be terminated at any time if sufficient appropriations or authorizations do not exist. Such termination will be effected by sending written notice to the Offeror. The NMHU Facility's decision as to whether sufficient appropriations and authorizations are available will be accepted by the Offeror as final.

## **9. Sufficient Appropriation**

Any contract awarded as a result of this RFP process may be terminated if sufficient appropriations or authorizations do not exist. Such termination will be effected by sending written notice to the contractor. The Owner's decision as to whether sufficient appropriations and authorizations are available will be accepted by the contractor as final. If the determination is made that there is insufficient funding to continue or finalize a project, the successful Offeror will be compensated to the level of effort performed, as authorized by the Owner prior to that determination.

### **10. Offeror Qualifications**

The Evaluation Committee may consider any relevant information or data, from any reliable source (references) relating to the RFP evaluation factors and the Offeror's ability to successfully perform the project. Such information may be obtained from the Offeror's prior customers, commercial and public databases or other reliable sources. The Offeror shall furnish to Owner all such information and data for this purpose as Owner may request including but not limited to proof of financial resources, production or service facilities, personnel and experience adequate to complete the project. Owner reserves the right to reject any Proposal if the evidence submitted by, or investigation of, such Offeror fails to satisfy Owner that such Offeror is qualified to carry out the obligations of the Contract and to complete the work described therein.

The Evaluation Committee may reject the proposal of any Offeror who is not a responsible Offeror or fails to submit a responsive offer as defined in Sections §13-1-83 and §13-1-85 NMSA 1978.

### **11. Right to Waive Technical Irregularities**

The Evaluation Committee reserves the right to waive technical irregularities, in accordance with §13-1-132 NMSA 1978 see "Technical Irregularities" in Definitions and Terminology section below). The Evaluation Committee also reserves the right to waive mandatory requirements provided that all of the otherwise responsive proposals failed to meet the same mandatory requirements and the failure to do so does not otherwise materially affect the procurement. This right is at the sole discretion of the Evaluation Committee.

### **12. Potential Civil and Criminal Penalties**

The Procurement Code, Sections §13-1-28 through §3-1-199 NMSA 1978, imposes civil and misdemeanor criminal penalties for its violation. In addition, the New Mexico criminal statutes impose felony penalties for bribes, gratuities and kickbacks.

### **13. Release of Information**

Only the Owner, and the Design Professional when acting as the Owner's representative, are authorized to release information about the project(s) covered by this RFP. The Offerors must refer to the Owner any requests to release any information that pertains to the work or activities covered by any action or award related to this RFP.

All requests for information must be submitted to:

New Mexico Highlands University  
Attn: University Relations/IPRA  
P.O. Box 9000  
Las Vegas, NM 87701

### **14. Clarifications from Offerors**

The Evaluation Committee, after review of the proposals and/or Interviews may request clarifications on information submitted by any and all Offerors in a written format, with a specified deadline for response.

### **15. Licensing Requirements**

The Contractor and subcontractors shall comply with all licensing laws and regulations. The Contractor shall, as part of the proposal, provide copies of all of the Contractor's valid licenses necessary to perform the work in the State of New Mexico. Copies of the subcontractors' licenses need be provided only if requested by the Owner.

**16. Subcontractors**

The Subcontractors Fair Practices Act, §13-4-31 NMSA 1978, applies to this procurement. Therefore, any request for substitution on the part of the Owner or the Offeror shall comply with this section.

The replacement of subcontractors after award and prior to contract execution may cause the Offeror to be disqualified.

**17. Objection to Pre-Listed Subcontractors**

Prior to the award of the Contract, the Design Professional will notify the Offeror, in writing, if either the Owner or the Design Professional, after due investigation, has reasonable and substantial objection to any person or organization on such list, and refuses in writing to accept such person or organization, the Offeror may, at their option, (1) withdraw their bid, or (2) submit an acceptable substitute Subcontractor with no increase in the bid price. In the event of withdrawal under this paragraph, Bid Security will not be forfeited, notwithstanding anything to the contrary elsewhere in this RFP.

**18. Non-Conforming Proposals**

Proposals will be reviewed, for completeness, format and compliance with the requirements of the RFP. Incomplete proposals will be considered non-responsive and subject to rejection.

Proposals that are qualified with conditional clauses, alterations, items not called for in the RFP documents, or irregularities of any kind are subject to rejection by the Owner, at its option. If any proposal is deemed non-responsive by the Evaluation Committee, the Offeror will be notified in writing of such determination.

#### D. DEFINITIONS AND TERMINOLOGY

This section contains definitions that are used throughout this Request for Proposals (RFP), including appropriate abbreviations.

**“Architect”** means a member of the project team who is a New Mexico licensed architect and is responsible for the architectural services.

**“Award of Contract”** shall mean a formal written notice by NMHU that a firm has been selected to enter into negotiations for a contract for construction services.

**“Construction Contractor”** means successful Offeror awarded the contract that holds a current State of New Mexico general contractor license designation of GB-98.

**“Contract”** means an agreement between New Mexico Highlands University and a New Mexico licensed contractor for the work covered by this RFP.

**“Contract Documents”** means any one, or combination, of the following documents: Request for Proposal, Addenda, Agreement Between the Owner and the General Contractor for Construction, General Conditions of the Contract for Construction, and the drawings and specifications.

**“Contractor”** means any person, corporation, or partnership that has entered into a contract with a state agency or a local public body.

**“Design Professional”** means architect or engineer.

**“Determination”** The written documentation of a decision made by the Evaluation Committee including findings of fact required to support a decision. A determination becomes part of the procurement file to which it pertains.

**“Engineer”** means a member of the project design team who is a New Mexico licensed engineer and is responsible for the engineering services.

**“Evaluation Committee”** A body formed by NMHU to evaluate proposals and make selection recommendation and or selection. The Evaluation Committee consists of at least five members. The committee should collectively possess expertise in the technical requirements of the project, construction, design and contracting. The Evaluation Committee is chaired by the Director of the Facilities. The NMHU Purchaser serves as staff to the Evaluation Committee.

**“Firm”** means the company or other business entity for the purpose of identifying, individually or collectively: a general contractor, a prime contractor or a subcontractor, of any tier, whether basic trade subcontractor, subcontractor or other.

**“General Provisions”** - The terms **“can,” “may,” “should,” “preferably,”** or **“prefers”** identifies a desirable or discretionary item of the RFP. Failure to comply with such an item will not result in the rejection of the Offerors proposal.

**“LEED®”** (Leadership in Energy and Environmental Design) Green Building Rating System™ is a voluntary, consensus-based national standard for developing high-performance, sustainable buildings, created and administered by the U.S. Green Building Council.



**“Mandatory Requirements”** - The terms **“must,” “shall,” “will,” “is required,”** or **“are required”** identify a mandatory requirement of this RFP. Failure to comply with such a mandatory factor may result in the rejection of the Offeror’s proposal. Rejection of the proposal will be subject to review by the Evaluation Committee and a final decision on rejection will be made by NMHU.

**“Offeror”** is any person, corporation, or partnership who chooses to submit a proposal in response to this RFP, with the intent of providing construction services for this project.

**“Owner”**, as defined in the Agreement Between the Owner and Contractor, shall be New Mexico Highlands University.

**“Owner’s Project Team”** is comprised of the NMHU Facilities and others in the Departments of NMHU, Progressive Construction Management staff and the Design Professional’s design team.

**“Pre-listed subcontractors”** means the subcontractors, of any tier, that the Offeror is required to list at the time it submits a proposal in response to this request for proposals.

**“Prime Contractor”** means the New Mexico licensed contractor selected for this project by the NMHU Evaluation Committee.

**“Project Architect, Project Engineer, Contract Engineer or Contract Architect”** means architect/engineer.

**“Project Design Team or Contract Architect or Engineer Design Team”** All members of the Design Professional’s firm, including its consultants, who are responsible for the design of and who will be participating in the construction and completion of the project.

**“Proposal”** is the Offeror’s response to this RFP.

**“Request for Proposals”** or **“RFP”** means this document, any attachments incorporated by reference, and any addenda issued for use in soliciting proposals for construction of this project.

**“Resident Business”** or **“Resident Contractor”** means an entity that has a valid resident certificate issued by the NM Taxation and Revenue Department pursuant to Section §13-1-22 NMSA 1978.

**“RFP documents”** means any one or any combination of the following documents: Request for Proposals, technical proposal; price proposal; financial proposal; contractor’s qualifications statement; and subcontractor’s qualification statement, contracts or agreements.

**“Responsive Offer”** or **“Responsive Proposal”** An offer or proposal which conforms in all material respects to the requirements set forth in the RFP as determined by the NMHU Evaluation Committee/NMHU Procurement. Material respects of an RFP include, but are not limited to, price, quality, quantity or delivery requirements.

**“Responsible Offeror”** means an Offeror who submits a responsive proposal and who has furnished, when required, information and data to prove that his financial resources, production or service facilities, personnel, service reputation and experience are adequate to make satisfactory delivery of the services described in the proposal.

**“Selection”** A formal written notice by the NMHU Purchasing Agent that a firm has been selected to enter into a contract to provide this service.

**“Construction Manager”** The person designated as the point of contact by NMHU to act on its behalf, concerning the scope of work and requirements of the contract documents for the project.

**“Statement of Qualifications Forms”** means the forms included as a part of this RFP, which all Offerors shall complete, including the qualifications for the Team member or partners and subcontractors proposed for the project.

**“Technical Irregularities”** Are matters of form rather than substance evident from the proposal document, or insignificant mistakes that can be waived or corrected without prejudice to other Offerors; that is, when there is no effect on price, quality or quantity. The Evaluation Committee / NMHU Procurement may waive such irregularities, or allow an Offeror to correct them, if either is in the best interest of NMHU. Examples include the failure of an Offeror to:

- a) Submit the number of signed proposals required by the RFP;
- b) Sign the proposal, but only if the unsigned proposal is accompanied by other material indicating the Offeror’s intent to be bound; or
- c) Acknowledge receipt of an addendum to the RFP, but only if: a) it is clear from the proposal that the Offeror received the amendment and intended to be bound by its terms; or b) the amendment involved had no effect on price, quality or quantity.

**“User”** means the NMHU staff occupying the facility or facilities, for which a project is being designed.

**“User Contact”** is the person designated by the University to speak on behalf of the staff concerning the scope of work and programming requirements for the project.

**“Veteran Resident Contractor”** - is a contractor that has applied to the NM Taxation and Revenue Department, qualified, and been issued a valid Veteran Resident Preference Certificate pursuant to Section §13-1-22 NMSA 1978.

### III. CONTRACTUAL AGREEMENT AND BONDS

#### 1. FORM OF AGREEMENT BETWEEN OWNER AND CONTRACTOR

The agreement for the work shall be the NMHU Standard Form of Agreement Between the Owner and Contractor, 2008 Edition and General Conditions, 2008 Revision 1, with the basis of payment as a Stipulated Sum. This document is printed in its entirety in the Project Manual.

#### 2. COMPLETION TIME AND LIQUIDATED DAMAGES:

The Project Proposal Documents contain a time for completion of the work and impose liquidated damages for failure to complete the work within the stated time period. These items are stated in the Article 3 of the Agreement between the Owner and the Contractor form included in the Project Manual.

#### 3. PERFORMANCE & LABOR AND MATERIALS PAYMENT BONDS

- a) A 100% Performance Bond and a 100% Payment and Materials Bond executed by a surety company authorized to do business in the State of New Mexico and listed in the United State treasury department circular 570 shall be required from the successful Offeror prior to award of contract. The Performance and Labor and Materials Payment Bonds shall be AIA Document A312. The amount of the Bonds shall be the proposal price exclusive of gross receipts tax.
- b) Refer to Document #00 6000 – 1 – Bonds and Insurance, included in the Project Manual.

#### 4. TIME OF DELIVERY AND FORM OF BONDS

- a) The Offeror will, prior to commencement of Work, furnish such bonds.
- b) The bonds will be written on the AIA Document A312, Performance Bond and Labor and Material Payment Bond.
- c) The AIA A312 1984 Labor and Materials Payment Bond shall in effect, limit the time line Surety has to respond. The bond shall be modified as follows:

Paragraph 6 of this Payment Bond is deleted in its entirety and replaced with the following provision: Within 45 days (1) after the claimant has satisfied the conditions of Paragraph 4 and (2) after the Surety has received at its home office all supporting documentation it requested to substantiate the amount of the claim, the Surety shall pay or arrange for payment of any undisputed amounts. Failure of the Surety to satisfy the above requirements shall not be deemed a forfeiture or waiver of the Surety's or the Contractor's defenses under this Bond or their right to dispute such claim. However in such event the claimant may bring suit against the surety as provided under this bond.

#### 5. SUBCONTRACTOR BONDING

Each subcontractor shall provide a performance and payment bond on a public works construction project if the subcontractor's contract (to the Contractor) for work to be performed on a project is one hundred twenty-five thousand dollars (\$125,000) or more. Failure of a Subcontractor to provide required bond shall not subject the Owner to any increase in cost due to approved substitution of Subcontractor.

## IV. PROPOSAL RESPONSE FORMAT AND ORGANIZATION

### A. NUMBER OF PROPOSALS

Each Offeror’s proposal shall be submitted in two parts:

- Volume I: Technical Proposal**
- Volume II: Price Proposal.**

Only one (1) complete original proposal may be submitted by each Offeror for this project.

### B. SUBMISSION OF ORIGINAL PROPOSALS

1. By the date and time of Submission of Proposals, Offeror shall submit one (1) original copy each of the following documents:

**Original Technical Proposal with required information as follows:**

- \_\_\_ Tab 1 Letter of Submittal
- \_\_\_ Tab 2 General Contractor Statement of Qualifications and Attachments
- \_\_\_ Tab 3 Subcontractor Qualifications Listing Form 00 4334 and Subcontractors’ Statements of Qualifications and Attachments.  
**(Subcontractors’ Statements of Qualifications may be initially excluded if the Offeror chooses to submit these items within 24 hours, as explained below. However, Listing Form 00 4334 must be included in the initial original Technical Proposal before the Proposal Submission deadline.)**
- \_\_\_ Tab 4 Past Performance
- \_\_\_ Tab 5 Management Plan

**Original Price Proposal sealed in separate envelope to include:**

- \_\_\_ Item 1 Price Proposal Form (with all requested information provided)
- \_\_\_ Item 2 Proposal Security (Bond or Cash), Agent’s Affidavit
- \_\_\_ Item 3 Notarized Declaration Letter from Surety
- \_\_\_ Item 4 Certificate of Insurance
- \_\_\_ Item 5 Subcontractors Listing Form (including Subcontractor Listing Requirements and Assignment of Antitrust Claims)
- \_\_\_ Item 6 Resident Contractor (or Veteran Resident Contractor) Preference Certificate
- \_\_\_ Item 7 Campaign Contribution Disclosure Form
- \_\_\_ Item 8 Conflict of Interest and Debarment/Suspension Certification Form
- \_\_\_ Item 9 Contractor’s U.S. Internal Revenue Service W-9 Form
- \_\_\_ Item 10 Offeror’s Contractor’s License(s)

**C. SUBMISSION OF REQUIRED COPIES OF PROPOSALS**

1. Within 24 hours of the date and time of Submission of Proposals, Offeror shall submit five (5) additional complete copies of the Technical Proposal, as shown below.

___ Tab 1	Letter of Submittal
___ Tab 2	General Contractor Statement of Qualifications and Attachments
___ Tab 3	Subcontractor Qualifications Listing Form 00 2020 and Subcontractors' Statements of Qualifications and Attachments, as listed on Listing Form 00 2021.
___ Tab 4	Past Performance
___ Tab 5	Management Plan

2. If Offeror has chosen to initially exclude the Subcontractors' Statements of Qualifications items from the original Technical Proposal, then, within 24 hours of the Submission of Proposals deadline, the Offeror must submit one (1) original of the Subcontractors' Statements of Qualifications materials, to be added to Tab 3 of the original Technical Proposal. Offeror must also, within 24 hours of the Submission of Proposal deadline, have submitted five (5) additional complete copies of the Technical Proposal (clearly labeled as "copies").

The option to submit additional copies up to 24 hours after the Submission of Proposals is provided so that an Offeror's submission is not jeopardized due to the volume of copies that must be made and collated. If the Offeror prefers not to exercise this option, all copies may be submitted initially by the Submission of Proposals date and time.

**IMPORTANT: Copies of the Subcontractor's Statements of Qualifications and Attachments must align with the Subcontractor Qualifications Listing Form 00 4334 submitted in Tab 3 of the original Technical Proposal. Any substitution of a subcontractor shall be executed per the Subcontractors Fair Practices Act**

3. **DO NOT** submit additional copies of the Price Proposal. Only the original Price Proposal is necessary.

After award of a contract, all Offerors of record may make arrangements with NMHU to have their proposal copies returned or picked up. The original proposal documents will remain the property of NMHU. NMHU shall not be responsible for any shipping or mailing costs to return the proposal copies. If Offeror does not request the return of proposals within a reasonable period of time, NMHU will shred and destroy them.

**D. DETAILED REQUIREMENTS FOR PROPOSAL SUBSECTIONS**

**VOLUME I – TECHNICAL PROPOSAL**

**A. Technical Proposal Format**

Proposals shall be submitted in a spiral or three-ring binder. Page format shall be 8-1/2" x 11" with foldout sheets (if any) allowed up to 11" x 17" in size. Foldout pages shall be counted as two pages **and shall be numbered as such**. Text will be no smaller than 10 point. **No information shall be submitted on electronic media.**

**Proposals shall not exceed 30 pages total for all of the tabbed sections listed below. Each sheet face that is printed with text or graphics counts as one page. Tab Dividers do not count as pages provided the only text or graphics on the dividers are the tab numbers and section titles:**

**Tab 1 – Letter of Submittal**

**Tab 4 – Past Performance**

**Tab 5 – Management Plan**

**Any response that exceeds the referenced page limitation shall have a deduction of 20 points taken from each evaluation committee member's Technical Proposal score.** If there are any questions regarding format requirements, please contact the NMHU Procurement Contact prior to submission of Documents.

B. Tabs/Evaluation Categories:

All sections shall be separated by numbered tabs that correspond to the Submission Requirements and Evaluation Categories, 1 through 5, as shown below. Within Tab 3, provide Sub-Tabs to separate and label each Subcontractor's Statement of Qualifications. Pages within each Tab shall be numbered consecutively.

***EXPLANATION OF ITEMS TO BE INCLUDED IN TECHNICAL PROPOSAL:***

**TAB 1 – LETTER OF SUBMITTAL**

Each proposal must be accompanied by a submittal letter. **Any submittal letter that omits any of the following information may be deemed 'non-responsive.'** The submittal letter shall include acknowledgment and, where appropriate, certification of the following:

1. Identify the name(s), title(s), telephone number(s), fax number(s) and e-mail address(es) of the person or persons who have authority to contractually obligate the Offeror for the purpose of this RFP and who has sufficient knowledge to fully address all matters and respond to all inquiries included in the RFP submittal. The Letter of Submittal shall be signed by one of the persons so identified.
2. If a joint proposal is being submitted, identify the firms, and disclose the percentage of the work/services to be executed by each firm, based on the dollar amount of the fee proposed in the Price Proposal, so that the resident contractor preference or veteran resident contractor preference can be applied in proportion to the work done by each contractor.
3. Acknowledge acceptance of all conditions that govern the procurement. Acknowledge that the information provided in the proposal is truthful, accurate and complete, and that the firm is bound by all information, data, certifications, disclosures and attachments submitted.
4. Acknowledge that, the omission of any material fact concerning requested information, or the submission of any material false or misleading statement, or misrepresentation of a material fact concerning any requested or submitted information, may lead to the disqualification of the proposal as 'non-responsive'.
5. Acknowledge that the Owner has a right to obtain relevant information from other sources (references) to determine that the Offeror is 'responsible'.

6. Acknowledge that if awarded the contract, the RFP documents, and all terms and conditions stated therein, and all information, data, certifications, disclosures and addendum shall be incorporated as part of the Contract.
7. Acknowledge the receipt of all addenda to this RFP and list them by number and date.
8. Provide certification and/or documentation that the firm possesses the necessary equipment, financial resources, technical resources, management, professional and craft personnel resources and other required capabilities to successfully perform the contract, or will achieve same through its prelisted subcontractors.

**TAB 2 – GENERAL CONTRACTOR STATEMENT OF QUALIFICATIONS & ATTACHMENTS**

Completely fill out the attached General Contractor Statement of Qualifications form and its associated attachments, providing all requested information.

NOTE: Offeror should submit only one copy of Attachment F – Firms Written Safety Plan, bound separately from the rest of the Technical Proposal.

**TAB 3 – SUBCONTRACTOR QUALIFICATIONS LISTING FORM AND SUBCONTRACTOR’S STATEMENTS OF QUALIFICATIONS & ATTACHMENTS**

As the first item in this section, include a copy of the exact and complete Subcontractor Qualifications Listing Form 00 4334 as it appears in Tab 3 of the original Technical Proposal.

Then, completely fill out the Subcontractor Statement of Qualifications form (see Appendix for form) and its associated attachments, providing all requested information, for each subcontractor that meets one or both of the following two criteria: The value of the subcontractors’ work that meets the listing threshold stated below shall submit a Subcontractor Statement of Qualifications:

“Subcontractor Qualification Statements. Subcontractor qualification statements shall be required for all subcontractors identified in the technical proposal where the value of the subcontract is fifty thousand (\$50,000) or five percent (5%) of the estimate whichever is greater. A using agency MAY reserve the right to require subcontractor qualification statements from any other subcontractors, at whatever tier and regardless of the value of the subcontract.”

1. Subcontractor Statement of Qualifications Forms shall be provided for the subcontractors performing the trades listed below, regardless of the value of the subcontract. If the Offeror is to self-perform the work, then Offeror is to complete the Forms:
  - a. HVAC
  - b. Electrical
  - c. Plumbing
  - d. Concrete
  - e. Masonry
2. Provide Sub-Tabs to separate and label each Subcontractor’s Statement of Qualifications.

*Note: if General Contractor is proposing to perform work tasks listed above, then they must also fill out Subcontractor's Statement of Qualification forms for that portion of the work.*

#### **TAB 4 – PAST PERFORMANCE OF CONTRACTOR**

Provide the following information:

- a. Past performance summary and past capability to meet schedules, meet budgets and meet project administration requirements for comparable projects.

**Specifically, the last five projects you have completed.**

- 1. Was the project completed early? If yes, how was that accomplished?**
  - 2. Was the project completed late? If yes, how many days and why?**
  - 3. How many days after Substantial Completion were required to complete the punch list items?**
  - 4. Were you or your subcontractors called back to the job for any reason during the warranty period? After the warranty period?**
  - 5. Were there any outstanding issues remaining after the warranty inspection?**
  - 6. Did your firm refuse to do additional work requested by the owner? If yes, why?**
  - 7. What was your company's process for vetting the pricing from your subcontractors and suppliers on change orders in order to ensure fair pricing to the owner?**
  - 8. What was the dollar threshold below which your firm absorbed additional cost changes in order to avoid disproportionate administrative costs for all parties? Give examples of the changes on this project for which your firm absorbed the costs?**
- b. Record of compliance with applicable laws and regulations on past projects.
- c. Past record of achievement of health and safety targets.
- d. Firm's experience in delivering LEED-rated or equivalent green/sustainable buildings.

Offerors are cautioned that the Evaluation Committee will use data provided by teaming partners as well as data obtained from other sources in the evaluation of past performance.

#### **TAB 5 – MANAGEMENT PLAN**

Provide the following information:

- a. Management Team: provide an organization chart of the Management Team and address how critical subcontractors were selected and will be managed.
- b. Describe how the construction will be organized, managed, and administered to meet the project requirements, including security and safety controls, staging areas, delivery routes, crane locations and interfaces required at the site with the using agency.
- c. Describe the technical approach to project that is intended to ensure that tasks are executed within cost, schedule, and quality goals.



- d. Address protocol to support optimization of sustainability principles and achievement of LEED certification.
  - e. Provide proposed project schedule. Indicate critical dates and other information in sufficient detail for the Evaluation Committee to determine if time frames are reasonable.
  - f. Description of ability to deliver the project within the construction time.
  - g. Describe the role of each teaming partner on the contract.
-

**VOLUME 2 – PRICE PROPOSAL**

**(Provide One Original Copy of the Following Information in a Separate Envelope. Price Proposal Form is included in Div. 00 of the Project Manual)**

**PRICE PROPOSAL SHALL INCLUDE THE FOLLOWING DOCUMENTS:**

- \_\_\_ Item 1 **Price Proposal Form** (including the information listed immediately below)
  - \_\_\_ NM State License Number & Classifications
  - \_\_\_ Sub-Contractor List
  - \_\_\_ Resident Contractor (or Veteran Resident Contractor) Preference Certificate Number
  - \_\_\_ NM DOL (Workforce Solutions) Certificate Number
  - \_\_\_ Contractor’s New Mexico Gross Receipts Tax Number
  - \_\_\_ Contractor’s Federal Employee Identification Number
  - \_\_\_ Acknowledgment of Receipt of Addenda
  - \_\_\_ Base Bid Price, Alternates & Allowances
  - \_\_\_ Signature and Corporate Seal (if applicable)
- \_\_\_ Item 2 **Proposal Security** (Bond or Cash), **Agent’s Affidavit**
- \_\_\_ Item 3 **Notarized Declaration Letter from Surety**
- \_\_\_ Item 4 **Certificate of Insurance**
- \_\_\_ Item 5 **Subcontractors Listing Form (including Subcontractor Listing Requirements and Assignment of Antitrust Claims)**
- \_\_\_ Item 6 **Resident Contractor (or Veteran Resident Contractor) Preference Certificate**
- \_\_\_ Item 7 **Campaign Contribution Disclosure Form**
- \_\_\_ Item 8 **Conflict of Interest and Debarment/Suspension Certification Form**
- \_\_\_ Item 9 **Contractor’s State of NM W-9 Form**
- \_\_\_ Item 10 **Offeror’s Contractor’s License(s)**

***EXPLANATION OF ITEMS TO BE INCLUDED IN PRICE PROPOSAL:***

**ITEM 1 – PRICE PROPOSAL FORM:**

1. Price Proposals shall be presented in the form of a total Base Proposal under a Lump Sum Contract (using the Price Proposal Form provided in the Project Manual) according to Bid Lots (Section 01 2300) . A proposal must be submitted on all proposal items and bid lots; segregated proposals will not be accepted.
2. The proposal, bearing original signatures, must be typed or hand-written in ink on the Price Proposal Form.
3. Proposal price shall not include state gross receipts or local options taxes. Taxes will be included in the Contracted Amount at prevailing rates as a separate item to be paid by Owner.
4. In submitting this proposal, each Offeror must satisfy all terms and conditions of the Proposal Documents. All work covered by this Request for Proposals shall be in accordance with applicable state laws and, if price proposal amount is \$60,000 or more, is subject to the minimum wage rate determination issued by the office of the NM Work Force Solutions Department for this project. If the price proposal amount of the contractor or any subcontractor exceeds \$60,000, the contractor and/or subcontractor must comply with the registration requirements pursuant to the NM Work

Force Solutions Department Registration Act.

5. Before submitting a proposal, each Offeror shall carefully examine the RFP; shall visit the site of the Work; shall fully inform themselves as to all existing conditions and limitations; and shall include in the proposal the cost of all items required by the RFP. If the contractor observes that portions of the Contract Documents are at variance with applicable laws, building codes, rules, regulations or contain obvious erroneous or uncoordinated information, the contractor shall promptly notify the specified FD+C Representative and the necessary changes shall be accomplished by addendum.

**ITEM 2 – PROPOSAL SECURITY (BOND OR CASH):**

Offeror shall provide proposal security in the form of a surety bond executed by a surety company authorized to do business in the State of New Mexico in the amount of **5%** of the total price proposal, or the equivalent in cash by means of a cashier's check or in a form satisfactory to the Owner, which bond or check must accompany Offeror's price proposal.

No Offeror may withdraw his proposal for **45 days** after the actual date of the opening thereof.

**ITEM 3 – NOTARIZED DECLARATION LETTER FROM SURETY:**

The Offeror will provide, with the price proposal, a notarized declaration letter from a bonding company licensed to do business in the State of New Mexico confirming the Offeror's ability to obtain a Performance Bond, and a Labor and Materials Payment Bond in an amount not less than 100% of the price proposal.

**ITEM 4 – CERTIFICATE OF INSURANCE:**

Offeror shall provide a Certificate of Insurance that meets the requirements listed in Project Manual Section 00 6000 Bond and Insurance.

**ITEM 5 – SUBCONTRACTOR LISTING FORM (including Subcontractor Listing Requirements and Assignment of Antitrust Claims)**

Each Offeror shall complete the Subcontractor Listing Form and include this form in their proposal. The Offeror shall provide a list of all subcontractors that will perform work on the project above the threshold indicated on the List of Subcontractors. The Offeror may not change any of the firms listed without the Owner's consent.

The Owner will consider any request for a change in the listed firms in conformance with the New Mexico "Subcontractors Fair Practices Act" (New Mexico Statutes Annotated, Chapter 13, Sections §13-4-31 through §13-4-43).

**ITEM 6 – ASSIGNMENT OF ANTITRUST CLAIMS FORM:**

The Offeror, and the successful Offeror's subcontractors, and suppliers, at the time the Agreement between Owner and Contractor is signed, shall complete the Assignment of Antitrust Claims Form.

**ITEM 7 – RESIDENT CONTRACTOR (OR VETERAN RESIDENT CONTRACTOR) PREFERENCE CERTIFICATE:**

It will be the sole responsibility of any Proposer claiming a Resident Contractor Preference or Veteran Resident Contractor Preference to apply to the State of New Mexico Department of Taxation and Revenue for the proper certification and to receive approval, a certification number, and a certificate prior to the date and time for receipt of Proposals. Requests for qualification as a Resident Contractor or a Veteran Resident Contractor after receipt of Proposals will not be considered.

1. To receive a resident business preference, a business or contractor shall submit with its proposal a copy of a valid resident business certificate or valid resident contractor certificate issued by the NM Taxation and Revenue Department.
2. When a public body awards a contract using a formal request for proposals process, a resident contractor shall be awarded the equivalent of five percent of the total possible points to be awarded based on the resident contractor possessing a valid resident contractor certificate.
3. To receive a veteran resident contractor preference, a contractor shall submit with its bid or proposal a copy of a valid veteran resident contractor certificate issued by the NM Taxation and Revenue Department.
4. Through either an RFP process or an ITB process the qualified veteran resident contractor shall receive:
  - a) 10% preference if their annual revenues are less than \$1,000,000;
  - b) 8% preference if their annual revenues are less than \$5,000,000 but more than \$1,000,000
  - c) 7% preference if their annual revenues of \$5,000,000 or more.
5. The preference is limited in any calendar year, to an aggregate of \$10,000,000 in purchases by public bodies from all resident veteran businesses receiving preferences.
6. The preferences do not apply when the expenditure includes federal funds for a specific purchase.
7. In addition to the veteran resident preference certificate, the veteran resident contractor shall provide any additional documentation required to validate the percentage of preference to be awarded.
8. If there is a joint bid or joint proposal by a combination of resident veteran, resident or nonresident businesses, the preference shall be calculated 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 each business as specified in the joint bid or proposal.
9. An Offeror will not be awarded both a resident business preference and a resident veteran business preference. An Offeror will be granted the greater of the two preference percentages if an Offeror would otherwise qualify for both preferences.

**ITEM 8 – CAMPAIGN CONTRIBUTION DISCLOSURE FORM:**

The blank form is included in an Appendix of this RFP. Pursuant to Chapter 81, Laws of 2006, any prospective contractor seeking to enter into a contract with any state agency

or local public body must file this form with that state agency or local public body. This form must be filed by any prospective contractor whether or not they, their family member, or their representative has made any contributions subject to disclosure.

**ITEM 9 – CONFLICT OF INTEREST AND DEBARMENT/SUSPENSION  
CERTIFICATION FORM:**

Each Offeror shall complete this form (which is provided in the Appendix of the RFP) and include it in their proposal.

**ITEM 10 – CONTRACTOR'S U.S. INTERNAL REVENUE SERVICE W-9 FORM:**

Each Offeror shall complete and provide a U.S. Internal Revenue Service W-9 Form.

**ITEM 11 – OFFEROR'S CONTRACTOR'S LICENSE(S)**

Each Offeror shall provide a photocopy of their Contractor's License or Licenses.

## V. PROPOSAL EVALUATION

### A. EVALUATION PROCESS AND SCORING METHODOLOGY

#### 1. Receipt and Opening of Proposals

Proposals, and modifications to proposals, received prior to or at the submission deadline shall be time-stamped upon receipt and the Price Proposal shall be separated from the Technical Proposal and held in a secure place until the Evaluation Committee has scored the Technical Proposal. Proposals shall not be opened publically and shall not be open to public inspection until the successful Offeror has signed a contract.

#### 2. Proposal Discussions

If mistakes are discovered after receipt of the proposal, The Evaluation Committee may request clarifications of information submitted by any or all Offerors in a written format with a specified deadline for response

Offerors shall be accorded fair and equal treatment with respect to any clarification of proposals. If during discussions there is a need for any substantial clarification of, or change to, a Proposal, The Proposal shall be amended to incorporate such clarification or change. Any substantial oral clarification of a proposal shall be documented in writing by the short-listed Offeror.

#### 3. Evaluation Committee

The Evaluation Committee shall consist of a minimum of three (3) persons appointed by the Owner. The team shall collectively possess expertise in the technical requirements of the project, construction design and contracting. The Owner may use independent consultants or agents to support the Committee, provided appropriate precautions are taken to avoid potential conflicts of interest.

#### 4. Technical Proposal Evaluation

The Purchasing Agent shall review each proposal to determine if it meets all of the mandatory requirements. Proposals that do not meet the mandatory requirements shall be considered “nonresponsive”. The Offeror shall be notified in writing of the determination. The Purchasing Agent will then distribute the proposals and individual score sheets to the Evaluation Committee, and will review how the proposals shall be scored. The Evaluation Committee members shall score the technical proposals individually.

#### 5. Price Proposal Evaluation

The Price Proposal shall be initially evaluated to ensure that the price(s) offered is responsive to the RFP requirements and instructions and is realistic in respect to the project plans and specifications.

The price basis for this RFP is the price proposed for the Base Bid. NMHU may award one or more Bid Lots and any number of Alternates at the sole discretion of NMHU, subject to availability of funds.

*Note, points for pricing will be distributed in the following manner:  
During the initial ranking/rating of proposals, points will be awarded for pricing using a mathematical formula to compare the lowest responsive price proposal submittal against each responsive submittal.  
Basically, the formula uses the lowest responsive price amount as the numerator and each subsequent*

*price proposal amount as the denominator. The resultant factor is then applied to the total possible point number (55 points); the resultant number becoming the point award.*

<i>Example:</i>	<i>Total possible points =55 pts</i>
<i>Proposal A = \$100</i>	<i>Point award for A: 100/100 = 1 x 55 pts = 55 pts</i>
<i>Proposal B = \$115</i>	<i>Point award for B: 100/115 = .87 x 55 pts = 47.85 pts</i>

*Proposers may attach other materials that they feel may improve the quality of their responses. However, these materials should be included as items in a separate appendix.*

**6. Combining Scores, Preference Adjustments and Ranking of Proposals**

The individual subtotals will be adjusted for Resident Contractor Preference or Veteran Resident Contractor Preference.

Per §13-1-21 and §13-1-122 NMSA 1978 (SB 1, 2011 Special Legislative Session, effective 10/5/2011) a resident contractor who holds a valid certificate issued by the NM Taxation and Revenue Department shall be awarded the equivalent of five percent of the total possible points assigned to the procurement.

A veteran resident contractor who holds a valid certificate issued by the NM Taxation and Revenue Department shall be awarded the equivalent of between zero and ten percent of the total possible points assigned to the procurement, depending on the annual revenues of the firm and the aggregate annual veteran preference awards, as described in detail in Section IV above.

When a joint proposal is submitted by a combination of resident veteran, resident or nonresident businesses, the preference shall be calculated 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 each business as specified in the joint bid or proposal.

The adjusted point subtotals will be converted to a numeric ranking of all proposals per committee member. The individual member rankings per Offeror will then be totaled together to determine the overall ranking of the proposals. The Committee will then determine whether or not to conduct interviews based on the final ranking. All calculations of point standings shall occur during the Evaluation Committee meeting for this project with all members in attendance.

**7. Offeror Withdrawal from Interviews:**

A firm may withdraw their proposal if they determine that they cannot improve their position in the interview. The firm must notify NMHU of their withdrawal in writing. This event shall be documented for the procurement file, and a notice shall be sent to all Offerors of record of the event. If NMHU chooses to invite the next ranked firm to interview, their final points/rank for their Technical/Price evaluation does not change.

**8. Interviews**

Notice to finalists will include the interview date, time, and location. The purpose of the interview is to allow the Offeror to present its qualifications, past performance, management plan, schedule and general plan for constructing the project to the Board of Regents

Prior to the interviews, NMHU will issue the same set of written questions to each short listed Offeror as a basis for evaluation. During the interviews, the written questions may lead to other questions to help clarify and better understand the firm’s capabilities.

Time is of the essence for performance of the Work as required of this RFP. Offerors are expected to be available to attend the interview on the date listed in the Sequence of Selection Process Events table in Article II of this RFP or on the revised date if changed in subsequent addenda.

**B. EVALUATION CRITERIA**

The evaluation criteria to be used by the Evaluation Committee:

**Volume 1 – Technical Proposal**

- (1) Contractor Past Performance ..... **25 points**
- (2) Management Plan ..... **20 points**

**Volume 2 – Price Proposal**

- (1) Price Proposal ..... **55 points**

---

**GRAND TOTAL..... 100 points**

NMHU will provide the three highest ranked Offerors to the NMHU Board of Regents. The Board of Regents will conduct interviews with Offerors in open session. The Board of Regents will then direct the University to enter into contract negotiations with the selected Offeror. NMHU reserves the right to reject any and all proposals, to waive technical irregularities, and to award the contract to the Offeror whose proposal NMHU deems to be in the best interest of NMHU.

End of RFP Procurement Documents