

NEW MEXICO HIGHLANDS UNIVERSITY

**REQUEST FOR PROPOSAL # 23-025
REBID On-Call Window Replacement and Services
NIGP Commodity Code 90937, 91079, 91080**

<p>This Request for Proposal is to establish a contract for glass and window purchases and installation services to be provided on a “As Needed” basis as required by and for New Mexico Highlands University.</p>			
<p>Date Request for Proposal Issued: Wednesday, April 26, 2023</p>		<p>Date and Time Request for Proposal Is Due: Prior to 2:00 pm local time on Wednesday, May 24, 2023</p>	
<p>NMHU Point-of-Contact: Aaron Flure Director of Purchasing</p>	<p>Email: aflure@nmhu.edu</p>	<p>Phone Number: (505) 454-3053</p>	<p>Fax Number: (505) 454-3109</p>

RFP CONDITIONS

New Mexico Highlands University (hereinafter called “NMHU”) is seeking responses (hereinafter called “Proposal”) for the performance of Window Replacement and Services (hereinafter called “Services”) requested in this Request for Proposal Number 23-025, its attachments and subsequent addendums (hereinafter called “RFP”). You/your firm’s (hereinafter called “Offeror”) Proposal is to provide responses to all of the requirements set forth within the RFP.

NMHU may accept Proposals, in whole or in part that most closely meets all the criteria described herein. **NMHU reserves the right to make an award to multiple Offerors.** NMHU also reserves the right to cancel this RFP in whole or in part at any time if it is in its best interests. An award will not be based solely on the lowest fee; instead it will be based on several weighted criteria, as provided herein.

The successful Offeror(s) (hereinafter called “Contractor”) will enter into a binding agreement (hereinafter “Contract”) with NMHU. Offeror may recommend changes, deletions or additions to the Contract, however NMHU will determine if they will be in its best interest to accept any of those recommendations.

For definitions or clarifications to terms refer to Section VII of this document.

ACCEPTANCE OF TERMS AND CONDITIONS OF RFP FORM

During the period of the bidding, your point of contact (hereinafter called “POC”) will be limited to Aaron Flure, Director of the Purchasing Department and Jennifer Silva, Buyer. They have been designated as the contact person(s) for this RFP. No Offeror may contact any NMHU employee, officer, or member of the Board of Regents other than Mr. Flure and Ms. Silva regarding this RFP through the date of the execution and award of the Contract. Any Offeror who makes such unauthorized contact shall be deemed to have violated the terms and conditions of this RFP and Offeror’s offer may be rejected as a result. Questions regarding the RFP should be submitted in writing via email to the POC. Any question, statement or response from the POC or other individual from NMHU that is not submitted and responded to in writing will not be incorporated into the Contract, RFP & attachments and addendums. NMHU will not be responsible for any misinterpretations, discrepancies or contradictory information that Offeror may claim if correspondences for clarification are not submitted to and received in writing. Every effort will be made to respond to your questions within a timely manner. The question and response will be shared with all Offerors, with personal information removed to ensure anonymity.

By signing below Offeror signifies that he understands all of the terms and conditions of this RFP, its Attachments and all subsequent addendums and agrees to cause himself or his firm to be bound by them. Only an authorized agent of the Offeror’s company may sign this document.

Name of Firm

Authorized Representative Name Title

Signature Date

Provide point of contact of Offeror:

Name Title

Mailing Address

Telephone Number(s) Fax Number

Email Address

SECTION I GENERAL INFORMATION

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PROPOSAL SCHEDULE

ALL DATES AND TIMES ARE SUBJECT TO CHANGE

Issuance of RFP	April 26, 2023
Last Day to Submit Requests for Clarification	To be received by 5:00 pm on May 10, 2023
Proposal Submittal Deadline	Prior to 2:00 pm on May 24, 2023
Evaluations of Proposals	Approximately one week
Presentations (if necessary)	Two weeks following evaluation
Notice to Proceed with Negotiations	Approximately one week following completion of evaluations or presentations
Award of RFP and Execution of Contract	Following successful negotiations
Commencement of Services	Date of execution of Contract or June 7, 2023, whichever is later
Protest Deadline	15 days after award or knowledge of facts pertaining to protest.

SECTION II BACKGROUND AND SCOPE OF WORK

1. BACKGROUND

NMHU is a state-funded institution of higher education primarily serving northeastern New Mexico, but has a diverse student population from throughout the U.S. and from foreign nations. NMHU is in its 128th year with its main campus located in Las Vegas, New Mexico. It currently serves other communities within the state via distance education technologies and satellite campuses.

NMHU offers bachelors and masters degrees in programs such as social work, the sciences, education, business, the arts and many other fields of study. NMHU is an open enrollment university with students from diverse backgrounds.

2. PURPOSE

New Mexico Highlands University (NMHU) is seeking submission for glass and window purchases and installation services pursuant to the terms and conditions of this RFP.

3. SCOPE OF SERVICES

Services will be rendered as needed.

1. Remove and/or install (quantity depends on each job) windows. Windows may be furnished by NMHU or quoted by Contractor, depending on the scope of work of the specific job. If supplying, should be efficient equivalent or modified windows. Window frames should be bronze anodized with Low E Glass. If windows are provided for by the University, at such times, labor only would be contracted. All metal from demolished windows shall be taken to the university's Recycling Center for disposal.
2. Contractor shall deliver windows to worksite and unpack.
3. The period of performance shall vary based on each job's scope.

BONDS

Required:

A.) Bid Security Bond. A Bid Bond is required in the amount no less than five percent (5%) of the amount bid by the Bidder. The bid bond is to be provided by a surety company authorized to do business in this state or may be provided in the form of a cashier's check.

B.) Performance Bond. The Successful Bidder is to provide a performance bond satisfactory to NMHU executed by a surety company authorized to do business in the State of New Mexico and said surety is to be approved in federal circular 570 as published by the United States treasury department or the state board of finance or NMHU. The amount of the performance bond is to be equivalent to one-hundred percent (100%) of the contract award.

C.) Payment Bond. The Successful Bidder is to provide a performance bond satisfactory to NMHU executed by a surety company authorized to do business in the State of New Mexico and said surety is to be approved in federal circular 570 as published by the United

States treasury department or the state board of finance or NMHU. The amount of the performance bond is to be equivalent to one hundred percent (100%) of the contract award. D.) Bids shall reflect State Wage Rates if over \$60,000 per job and include the appropriate bonds.

SITE VISIT

A site visit will be required of all jobs prior to delivery of a quote. No site visit required during RFP.

4. SUBMITTALS

- A.) Provide and demonstrate relevant experience that pertains to the Scope of Service of this RFP. Descriptions should include but are not limited to items that show accurate cost information and timely completion of projects.
- B.) Statement of ability to perform work for NMHU on an “As Needed” basis.
- C.) Provide description of your network or access to windows and window products. Include types of windows and different specifications that are available.
- D.) Personnel – Identify the primary individuals who will be assigned to provide services and the nature of the services each would perform. Provide resumes or other background information for each of the individuals identified, which pertains to the scope of Services outlined above.
- E.) List major projects completed within the last two year including client information for reference. Client information should include: The organization’s name, a contact, email and a telephone number. Offeror, by furnishing these references, agrees to allow NMHU to contact any persons and/or organizations listed, and to utilize information obtained in the evaluation of the offer.

SECTION III GENERAL TERMS AND CONDITIONS

1. LENGTH OF PROPOSAL

The Proposal is not to exceed twenty (20) pages. Double –sided printed pages will count for two (2) pages. The following will not count towards the page limit:

- A.) Acceptance of Terms and Conditions of RFP Form (page 2 of this RFP);
- B.) Completed RFP attachment forms number 1 through 4; and
- C.) Cover Letter of Proposal

2. PERIOD OF PERFORMANCE

The resultant Contract shall be for a one (1) year term starting on the date of the execution of the Contract. The Contract may be extended for an additional three (3) years and are to be made in a minimum of one (1) year increments. Contract may not exceed 4 years including extensions. Extensions must be made in writing and must be signed by authorized representatives of both parties.

3. PRICING

NMHU shall pay the successful Bidder on a Firm-Fixed Price. NMGRT will be added to every quote provided to the University and separated out on the quote. Performance Bond will be separated out on quote.

- A.) Offeror shall provide Fee Proposal including the following information and format. Please include:

Fee Proposal

1) Price for Travel (roundtrip) to Las Vegas, NM
_____ (Dollars) (\$) _____

2) Price for equipment rental, if applicable (i.e. Scissor Lift for 2nd and 3rd Floor, or other equipment needs. (Please specify)
_____ (Dollars) (\$) _____

(Other Equipment) _____

3) Price for Performance and Payment Bonds
_____ (Dollars) (\$) _____

Include pricing for window and labor installation for each low E glass, bronze anodized window frame, and window size in matrix below:

Width (ft.)	Window Price ONLY per Size (\$)						
2'							
3'							
4'							
5'							
6'							
7'							
8'							
Height (ft.)	2'	3'	4'	5'	6'	7'	8'

Include pricing for labor installation only for each window size in matrix below:

Width (ft.)	Labor Installation Price ONLY Per Window Size (\$)						
2'							
3'							
4'							
5'							
6'							
7'							
8'							
Height (ft.)	2'	3'	4'	5'	6'	7'	8'

Continued next page....

Include pricing for labor removal only for each window size in matrix below:

Width (ft.)	Labor Removal Price ONLY Per Window Size (\$)						
2'							
3'							
4'							
5'							
6'							
7'							
8'							
Height (ft.)	2'	3'	4'	5'	6'	7'	8'

B.) Any revision in rates must be justified and made available for NMHU’s review and potential negotiation at a minimum of thirty (30) days prior to the beginning of each new contract year. Any such approval must be mutually agreed upon by both parties and in writing by authorized representatives of both parties. If both parties cannot come to agreement prior to the end of the existing term the Contract will not be extended for any further terms.

4. PRESENTATIONS

NMHU may choose to invite Offerors to make a presentation and answer questions asked by the evaluation committee. NMHU reserves the right to invite as many Offerors that are in its best interest. Prior to the presentations NMHU may, with adequate time, specify requirements for the presentation and anything that is allowable and unallowable to present and discuss.

5. AWARD

A.) In accordance with the State of New Mexico “Procurement Code”, §13-1-28 through §13-1-199 N.M.S.A., NMHU reserves the right to make an Award to the Offeror(s) which provides the Services in its best interest and will not make the Award to the Offeror(s) with simply the highest-ranking score. The RFP will be evaluated based on all criteria listed in this RFP, its attachments and its addendums. Failure to meet criteria in any one category is grounds to determine a proposal non-responsive; and

B.) NMHU reserves the right to negotiate with Offerors. Issuance of an Intent to Negotiate with a Offeror(s) does not guarantee an Award. An Award will be made only after NMHU and Offeror(s) complete successful negotiations and execution of a Contract.

6. CONTRACT DOCUMENT

- A.) The Contractor's signature on the “**ACCEPTANCE OF TERMS AND CONDITIONS OF RFP FORM**” (page 2 of this document) signifies a full understanding of all the terms and conditions of the RFP, its attachments and subsequent addendums; and
- B.) Services may commence when the NMHU Purchasing Department issues a purchase order to the Contractor.

7. CONTRACT VALUE

Procurement through this request for proposal is not to exceed a total value of \$4,000,000 per project, or \$12,500,000 over a three-year period per NMSA 13.1-154.1. All materials, equipment rental, travel, labor and overhead & profit costs of a project will be included within the project limit.

8. REQUIRED AND INFORMATIONAL FORMS

- A.) The following are to be **completed and submitted** with your Proposal:
 - 1.) Acceptance of Terms and Conditions of RFP Form (page 2 of this document);
 - 2.) Addendum(s) Acknowledgement Form (Attachment 1);
 - 3.) Supplier Conflict of Interest and Debarment/Suspension Certification Form (Attachment 2);
 - 4.) Campaign Contribution Disclosure Form (Attachment 3);
 - 5.) New Mexico Business Preference Form (Attachment 4), if applicable;
 - 6.) Resident Veterans Preference Form (Attachment 5), if applicable.
- B.) Informational Documents
 - 1.) Advertisement (Attachment 6)

SECTION IV EVALUATION COMPONENTS

This section of the RFP contains specifications and other relevant information to be used by Offerors in preparation of their Proposal. Award of a Contract will not be based solely on cost.

Offerors shall ensure that all the information required herein be submitted with their Proposal. All information provided should be verifiable by documentation requested by NMHU. Failure to provide all information, inaccuracy or misstatement may be sufficient cause for rejection of the Proposal or rescission of a Contract. Offerors are encouraged to provide any additional information describing any additional abilities.

All responsive Proposals will be reviewed independently by each member of the evaluation committee. Their evaluations will be based on the Proposal as a whole and will be scored solely on the requirements, data, information and related responses to the RFP.

SELECTION CRITERIA

All Proposals shall be reviewed for compliance with the mandatory requirements as stipulated within this RFP and procurement statutes. Proposals found not to comply will be rejected from further consideration. Proposals which are not rejected will then be evaluated based upon the following weighted criteria. There is a maximum number of one-hundred (100) points that may be awarded.

<u>Description</u>	<u>Weight</u>
1.) Document achievement of quality & responsiveness to clients	30 points
2.) List major projects completed in the last two years. List clients' contact information.	20 points
3.) Experience in providing timely and accurate cost information	20 points
4.) Access to numerous window types and specifications	30 points
TOTAL	<u>100 points</u>

SECTION V. NEW MEXICO BUSINESS PREFERENCE FORM (if applicable)

Points will be awarded based on Offerors ability to provide a copy of a current Resident Business Certificate or Resident Veterans Certificate.

In addition, the attached certification form must accompany any RFP and any business wishing to receive a resident veteran’s preference must complete and sign the form.

RFP’s are to be evaluated on preference as follows:

In addition, to the total points on an RFP, a percentage of additional points must be added for preference award. For example; an RFP has a total value of 100 points. Five proposals are received; one from a resident business (five percent [5%] preference), one from a resident veterans business with an eight percent (8%) preference and three non-resident (no preference) businesses.

The two resident business preference businesses would receive five (5) points for a maximum of one-hundred and five (105) points and the resident veterans business preference would receive eight (8) points to their already evaluated score, making it possible for the highest score total of one-hundred and eight (108).

“I agree to submit a report, or reports, to the State Purchasing Division of the General Services Department declaring under penalty or 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 N.M.S.A. 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.

NM RESIDENT PREFERENCE NUMBER OR RESIDENT VETERANS PREFERENCE NUMBER:

Provide a copy of the Certificate with your Proposal

SECTION VI SUBMITTAL PROCEDURES

1. NUMBER OF PROPOSALS

Offeror is to submit **five (5)** complete copies of their Proposal when submitting through carrier service or in person. Offeror is to submit **one (1)** copy when submitting through vendorregistry.com

2. COSTS INCURRED

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

3. INSTRUCTIONS

A.) Instructions

- 1.) Proposals must be received in the NMHU main campus' Central Receiving Department office (800 National Avenue, Las Vegas, NM 87701) by the due date and time as listed on page three (3) of this RFP. If a Proposal is late NMHU shall not accept it. Postmarked or estimated delivery dates issued by carriers will not be accepted as received by NMHU.
- 2.) All Proposals must be submitted in a SEALED envelope. Please write on the outer sealed envelope the following:

**"SEALED PROPOSAL #23-025 TO BE RECEIVED
BY 2:00 PM May 24, 2023"**

Failure to mark the sealed envelope may result in the Proposal being opened early or later and/or the Proposal may be declared non-responsive;

- 3.) NMHU is not responsible for Proposals lost during delivery regardless of means of delivery. Proposals may be accepted if received by NMHU staff and not delivered to the Purchasing Department office only when the error was made by NMHU staff. NMHU will make this determination; and
- 4.) Faxed and emailed Proposals will not be accepted.
- 5.) Proposals will be accepted through **vendorregistry.com**.

B.) DELIVERY MAY BE MADE AS FOLLOWS

- 1.) **If via delivery in person:**
New Mexico Highlands University
Post Office – Receiving
Attn: Purchasing Department-Rebid-RFP #23-025
800 National Avenue
Las Vegas, NM 87701
- 2.) **If via United States Postal Service, FedEx, UPS, or other carrier:**
New Mexico Highlands University
Post Office – Receiving
Attn: Purchasing Department-RFP-Rebid- #23-025
800 National Avenue
Las Vegas, NM 87701

SECTION VII INSTRUCTIONS TO OFFERORS

1. DEFINITIONS AND TERMS

- A.) **Addendum:** a written or graphic instrument issued prior to the opening of Proposals which clarifies, corrects, or changes the RFP. Plural: addenda.
- B.) **Determination:** means the written documentation of a decision of the Purchasing Agent including findings of fact required to support a decision. A determination becomes part of the procurement file to which it pertains.
- C.) **Offeror:** any person, corporation, or partnership legally licensed to provide professional services in this state who chooses to submit a Proposal in response to this RFP.
- D.) **Purchasing Agent:** means the person or designee authorized by NMHU to manage or administer a procurement requiring the evaluation of proposals.
- E.) **RFP:** means all documents, including attachments, addendums or other documents incorporated by reference which are used for soliciting Proposals.
- F.) **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 RFP.
- G.) **Responsive Proposal:** means a Proposal which conforms in all material respects to the requirements set forth in the RFP. Material respects of a RFP include, but are not limited to; price, quality, quantity or delivery requirements.
- H.) The terms **must, shall, will, is required, or are required**, identify a mandatory item or factor. Failure to comply with a mandatory item or factor may result in the rejection of the Offeror's Proposal.
- I.) The terms **can, may, should, preferably, or prefers** identify a desirable or discretionary item or factor.

2. RFP DOCUMENTS

- A.) COPIES OF RFPS
 - 1.) A complete set of the RFP shall be used in preparing Proposals; NMHU assumes no responsibility for errors or misinterpretations resulting from the use of an incomplete set of the RFP.
 - 2.) A copy of the RFP shall be made available for public inspection at the Purchasing Office of NMHU.
- B.) INTERPRETATIONS
 - 1.) All requests of clarification about the meaning or intent of the RFP shall be submitted in writing and to the POC. The date listed as the deadline for submitting questions is the date of receipt. Only questions answered by formal written addenda will be binding. Oral and other interpretations or clarifications will be without legal effect.
 - 2.) Offerors should promptly notify NMHU of any ambiguity, inconsistency, or error, which they may discover upon examination of the RFP.
- C.) ADDENDA

- 1.) Addenda will be mailed, by facsimile or emailed to all whom are known by NMHU to have received a complete set of RFPs.
- 2.) Each Offeror shall ascertain, prior to submitting the Proposal, that the Offeror has received all Addenda issued, and shall acknowledge their receipt in the Proposal transmittal letter (Attachment 1).

3. PROPOSAL SUBMITTAL PROCEDURES

A.) CORRECTION OR WITHDRAWAL OF PROPOSALS

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

B.) REJECTION OR CANCELLATION OF PROPOSALS

A rejection or cancellation of this RFP may be made in accordance with §13-1-131 N.M.S.A. 1978. NMHU reserves the right to waive irregularities, reject any or all Proposals, cancel this RFP for any reason and at any time, and/or award a Contract that is in its best interests.

4. CONSIDERATION OF PROPOSALS

A.) RECEIPT, OPENING AND RECORDING

- 1.) Proposals received on time will be opened in the presence of two (2) or more witnesses (NMHU employees), but will not be opened publicly.
- 2.) The contents of all Proposals shall not be disclosed so as to be available to competing Offerors during the negotiation process.

B.) PROPOSAL EVALUATION

- 1.) Proposals shall be evaluated on the basis of demonstrated competence and qualification for the type of Service required, and shall be based on the evaluation factors set forth in this RFP. For the purpose of conducting discussions, proposals may initially be classified as:
 - a.) acceptable, or
 - b.) potentially acceptable, that is, reasonably assured of being made acceptable, or
 - c.) unacceptable (Offeror whose Proposal is unacceptable shall be notified promptly).
- 2.) NMHU shall have the right to waive technical irregularities in the form of the Proposal of the Offeror, which do not alter the price, quality or quantity of the Services.
- 3.) If a Offeror who otherwise would have been issued an Award and Contract, is found not to be a responsible Offeror, a determination that the Offeror is not a responsible Offeror, setting forth the basis of the finding, shall be prepared by the Purchasing Agent. The unreasonable failure of the Offeror to promptly supply information in connection with an inquiry with respect

to responsibility is grounds for a determination that the Offeror is not a responsible Offeror.

4.) Selection Process

a.) The evaluation of Proposals will be performed by an evaluation committee composed of representatives selected by the NMHU. The committee shall evaluate statements of qualifications and performance data submitted by Offerors in regard to the particular request.

b.) The committee will select, rank in order of their qualifications which are most qualified to perform the required services: and may choose to have the finalist(s) make an oral presentation to the committee. The committee will determine the schedule for the oral presentations. All costs incurred by Offeror for the oral presentations will be borne on Offeror.

C.) NEGOTIATIONS

Offerors submitting Proposals may be afforded an opportunity for discussion and revision of Proposals. Revisions may be permitted after submissions of Proposals and prior to Award for the purpose of obtaining best and final offers. Negotiations may be conducted with responsible Offerors who submit Proposals found to be reasonably likely to be selected for Award.

D.) NOTICE OF AWARD

After Award by NMHU, with reasonable promptness, a written Notice of Award shall be issued by NMHU to the Contractor and a letter of non-Award to the unsuccessful Offerors.

5. USE OF CONTRACT

New Mexico law allows other governmental entities within the State of New Mexico to contract, in accordance with §13-1-129 NMSA 1978, for services with the Contractor under the terms contained in the Agreement. Should that occur, NMHU will not be a party to any engagements entered into pursuant to this paragraph. Contractual engagements accomplished under this provision will be solely between the Contractor and the subject governmental entity.

6. GOVERNING LAW

This RFP, its attachments, subsequent addenda and the resultant contract and/or purchase order will be interpreted and governed by the Laws of the State of New Mexico.

ATTACHMENT 1

ADDENDUM ACKNOWLEDGEMENT FORM

ADDENDUM ACKNOWLEDGEMENT

In submitting this Proposal, Offeror represents that he has examined copies of all addenda listed below and has incorporated them into his Proposal:

Addendum Number	Date
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

ATTACHMENT 2

**SUPPLIER CONFLICT OF INTEREST AND
DEBARMENT/SUSPENSION CERTIFICATION FORM**

Conflict of Interest

- 1.) No employee or Regent of New Mexico Highlands University has a direct or indirect interest in the Contractor or in the proposed transaction (unless Contractor is a publicly traded company and the employee or Regent’s interest is less than one percent (1%) of the Contractor);
- 2.) Contractor neither employs nor is negotiating to employ any NMHU employee or member of the NMHU Board of Regents;
- 3.) Contractor did not participate directly or indirectly in the preparation of specifications upon which the Proposal is made;
- 4.) If the Contractor is a New Mexico State Legislator or if a New Mexico State Legislator holds a controlling interest in Contractor, please identify Legislator(s):
_____;
- 5.) List below the name and social security number of any employee of the Contractor or person assisting in the proposed transaction in any way who was a NMHU employee within the preceding twelve (12) month period; and
- 6.) In accordance with NMHU policy, an award cannot be made to a firm in which current or recent (last twelve [12]) NMHU employees have a controlling interest.

Debarment/Suspension Status

- 1.) The Contractor certifies that it is not suspended, debarred or ineligible from entering into contracts with the Executive Branch of the Federal Government, or in receipt of a notice or proposed debarment from any Agency; and
- 2.) The Contractor agrees to provide immediate notice to New Mexico Highlands University Purchasing Department Buyer in the event of being suspended, debarred or declared ineligible by any department or Federal Agency, or upon receipt of a notice of proposed debarment that is received after the submission of the Proposal but prior to the award of the purchase order or contract.

Certification

The undersigned hereby certifies that he/she has read the above Conflict of Interest and Debarment/Suspension Status requirements and that he/she understands and will comply with these requirements. The undersigned further certifies that they have the authority to certify compliance for the Contractor named below.

Signature: _____ Title: _____

Name Typed: _____ Date: _____

Company: _____ City _____

Address: _____ State: _____ Zip _____

ATTACHMENT 3

CAMPAIGN CONTRIBUTION DISCLOSURE FORM

Pursuant to the Procurement Code, Sections §13-1-28, et seq., N.M.S.A. 1978 and N.M.S.A. 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 (2) 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 (2) 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 (2) 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 N.M.S.A. 1978 or a Contract that is executed may be ratified or terminated pursuant to Section §13-1-182 N.M.S.A. 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.

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

(Completed by State Agency or Local Public Body)

DISCLOSURE OF CONTRIBUTIONS BY PROSPECTIVE CONTRACTOR:

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)

ATTACHMENT 4

NEW MEXICO BUSINESS PREFERENCE

Points will be awarded based on Offeror's ability to provide a copy of a current Resident Business Certificate or Resident Veterans Certificate.

In addition, the attached certification form must accompany any RFP and any business wishing to receive a resident veteran's preference must complete and sign the form.

RFP's are to be evaluated on preference as follows:

In addition, to the total points on an RFP, 10% must be added for preference award. For example; an RFP has a total value of 1000 points. Five proposals are received; one from a resident business, one from a resident veteran's business with an 8% preference and three non-resident businesses.

The two preference businesses would receive 50 points and 80 points to their already evaluated score, making it possible for the highest score total 1080.

"I agree to submit a report, or reports, to the State Purchasing Division of the General Services Department declaring under penalty or 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 N.M.S.A. 1978, when awarded a contract which was on the basis of having such veteran's preference, I agree to report to the State Purchasing Division of the General Services Department the awarded amount involved. I will indicate in the report the award amount as a purchase from a public body or as a public works contract from a public body as the case may be.

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

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

NM RESIDENT PREFERENCE NUMBER OR RESIDENT VETERANS PREFERENCE NUMBER (if applicable):

ATTACHMENT 5

RESIDENT VETERANS PREFERENCE CERTIFICATION FORM

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

Please check one 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 solicitation. I understand that knowingly giving false or misleading information about this fact constitutes a crime.

_____ I declare under penalty of perjury that my business prior year revenue starting January 1 ending December 31 is more than \$5M allowing me the 7% preference discount on this solicitation. 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 or 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 N.M.S.A. 1978, when awarded a contract which was on the basis of having such veteran's preference, I agree to report to the State Purchasing Division of the General Services Department the awarded amount involved. I will indicate in the report the award amount as a purchase from a public body or as a public works contract from a public body as the case may be.

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

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

(Signature of Business Representative) *

(Date)

*Must be an authorized signatory for the business.

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

ATTACHMENT 6

**NEW MEXICO HIGHLANDS UNIVERSITY
REQUEST FOR PROPOSAL #23-025
NIGP 90937, 91079, 91080**

New Mexico Highlands University (NMHU) will accept proposals to establish a contract(s) for glass and window purchases and installation services to be provided on a “As Needed” basis as required by and for New Mexico Highlands

All proposals must be in NMHU’s Purchasing Department prior to **2:00 pm** local time on Wednesday, May 24, 2023. Proposals received after that time will not be accepted. Proposals will not be opened publicly.

All proposals shall comply with the New Mexico Procurement Code, and applicable federal, State and local laws.

NMHU reserves the right to waive irregularities, reject any or all proposals, cancel this RFP for any reason and at any time, and/or award a contract that is in its best interest. No offeror may withdraw proposal for ninety (90) calendar days after the actual date of the opening.

RFP 23-025 will be available and solicited through Vendor Registry at: <https://vrapp.vendorregistry.com>.

RFP documents may also be obtained by emailing rfp@nmhu.edu.

To register at Vendor Registry, follow three steps below:

1. www.nmhu.edu/purchasing-department
2. Click “Information for Vendors Link
3. Click Vendor Registration, complete instructions