



**ALAMOGORDO PUBLIC SCHOOLS  
REQUEST FOR PROPOSAL**

**RFP #002-2021**

**RFP TITLE: Legal Services**

**COMMODITY CODE:**

**91874, 96149, 96150**

<b>RFP ISSUE DATE</b>	<b>03/19/2021</b>
<b>PRE-PROPOSAL MEETING AND LOCATION</b>	<b>N/A</b>
<b>DEADLINE FOR written QUESTIONS</b>	<b>03/31/2021</b>
<b>RFP DUE DATE AND TIME</b>	<b>04/13/2021 @ 3:00 PM</b>
<b>EVALUATION OF PROPOSALS</b>	<b>04/14/2021</b>

**PROPOSALS MUST BE RECEIVED BY THE DUE DATE AND TIME IN ORDER TO BE CONSIDERED RESPONSIVE TO THIS SOLICITATION. NO PROPOSALS WILL BE RECEIVED AND OR CONSIDERED AFTER THE DUE DATE AND TIME.**

**District Contact Information**

<b>Name/Title</b>	<b>Dillon Voss, Chief Procurement Officer</b>
<b>Phone Number</b>	<b>575-812-6046</b>
<b>E-Mail</b>	<b>dillon.voss@alamogordoschools.org</b>

*Any inquiries or requests regarding this procurement should be submitted, in writing, to the Chief Procurement Officer. Offerors may contact **ONLY** the Chief Procurement Officer regarding this procurement. Other APS employees or Evaluation Committee members do not have the authority to respond on behalf of APS. Communications directed to parties other than the Chief Procurement Officer will have no legal bearing on this RFP or the resulting contract(s). All responses from Alamogordo Public Schools will be provided in writing to all offerors by addendum.*

*Offerors are encouraged to submit proposals electronically via Alamogordo Public Schools vendor registry portal at the link below.*

[APS Vendor Registry Portal](#)

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## I. GENERAL INSTRUCTIONS

1. **RFP Documentation:** Offerors are expected to be familiar with all documents contained in this RFP to ensure offerors proposals are in compliance with all provisions contained in this Request for Proposal. Offerors must notify Alamogordo Public Schools of any inconsistency or error in review of the RFP Documents.
2. **SCOPE OF WORK:** The District may add to or delete from the Scope of Work set forth in this RFP.
3. **Written Questions:** Offerors may submit written questions to offer clarity to the terms of the RFP. All questions must be submitted to the Chief Procurement Officer listed no later than the date listed in this RFP. The District will respond by addendum to the submitted written questions.
4. **Submission:** The Submission of a proposal constitutes that the offeror has made all appropriate examinations, investigations and analysis and has made provision as to the cost in submitted proposal. By responding to this RFP offeror acknowledges and agrees to the terms and conditions set forth in this RFP and by addendum.
5. **Incurring Cost:** The offeror shall bear the full burden of any cost associated with the preparation, transmittal, and/or presentation of any material, equipment, system submitted in response to this RFP.
6. **Proposal Firm:** Responses to this RFP including price proposals shall be considered firm for One Hundred Twenty (120) days after the response due date.
7. **Forms and Addendums:** The offeror shall be responsible for ensuring that they are in possession of the most recent copy of this RFP including any/all addendums that have been issued. No addendum will be issued later than five calendar days prior to the due date of receipt of proposals. The only addendum that may be issued within Five (5) calendar days of the receipt of Proposals is one which withdraws the RFP or one that extends the proposal receipt due date and time. It is the responsibility of the offeror to acknowledge all addendums in their proposal.
8. **Correction and Withdrawal of Proposal:** Corrections are to be initialed in ink by the individual authorized to sign the proposal on behalf of the offeror. Offerors are permitted to withdraw their proposal any time prior to the deadline of receipt of proposals by submitting a written withdrawal request to the Chief Procurement Officer.
9. **District Discretion:** The Alamogordo Public School District reserves its right in its sole discretion to “waive technical irregularities in the form of the bid or proposal of the low

bidder or offeror which do not alter the price, quality or quantity of the services, construction or items of tangible personal property bid or offered” pursuant to NMSA 1978, §13-1-132

10. **Responsive Offerer:** The Chief Procurement Officer may make investigations to determine if the offeror's proposal meets the requirement of a responsive offer as set forth in [§13-1-85](#) the district may reject a proposal if it does not meet the requirements set forth in [§13-1-85](#)
11. **Award:** Alamogordo Public Schools reserves the right to award all, part, or none of the scope of work detailed in this RFP. This Request for Proposals in no way obligates Alamogordo Public Schools into entering business with any potential offeror without a fully executed contract or purchase order.
12. **Preferences:** Preferences for New Mexico In-State Resident Business and Resident Veteran Business may be awarded in compliance with [NMSA 1978 §13-1-21](#). Offerors will be required to provide in their proposal a current copy of their certificate issued by the New Mexico State Taxation and Revenue to receive preference scoring. In the event that an offeror's proposal is a joint venture the offeror must state what percentage of the work will be performed by the Resident Business and/or Resident Veteran Business. Pursuant to [NMSA 1978 § 13-1-21 H](#), an offeror cannot be awarded both a Residential Preference and a Resident Veteran Preference. Pursuant to [NMSA 1978 §13-1-21 J](#), New Mexico Preference shall not apply when the expenditures for this RFP include federal funds for specific purchases.
13. **RFP Cancellation or rejection:** This Request for Proposals may be canceled and or proposals be rejected in whole or in part when deemed in the best interest of the Alamogordo Public Schools pursuant to [NMSA 1978 §13-1-131](#).
14. **Multi-Award:** The Alamogordo Public Schools District reserves the right to multi-award contracts when necessary for adequate delivery of services pursuant to [NMSA, §13-1-153](#).
15. **Board of Education Approval:** Award of resulting contract from this RFP is not considered final until approved and signed by the Alamogordo Public Schools Board of Education President or Member and the Contractor.

## **DEFINITIONS OF TERMINOLOGY**

**Award of Contract:** shall mean a formal written notice by the Alamogordo Public Schools that a firm has been selected to enter into a contract for services. Any Notice of Award that has not resulted in a written signed bilateral Agreement between the successful offeror and the RRPS District , within I month of written notice of award, shall result in the termination of negotiations and not be considered an award.

**Contract:** means a signed bilateral agreement between the APS District and a successful offeror/contractor for the work covered by this RFP.

**Contractor:** means successful Offeror awarded the contract.

**Determination:** means the written documentation of a decision of the Selection Committee, including findings of fact required to support a decision. A determination becomes part of the procurement file to which it pertains.

**District:** for purposes of this RFP, means the Alamogordo Public Schools Governing Board and is synonymous with the terms and acronym " Owner " and " APS" .

**Entity:** means the Owner, Alamogordo Public Schools (APS).

**Offeror:** is any person, corporation, or partnership who chooses to submit a proposal in response to this RFP.

**Owner:** is Alamogordo Public Schools District.

**Proposal:** is the Offeror' s response to this RFP.

**Request for Proposals:** or "RFP" means all documents, attached or incorporated by reference , used for soliciting proposals.

**Resident Business, Resident Contractor, Veteran Business, Veteran Contractor** means an entity that has a valid resident certificate issued by the NM Taxation and Revenue Department pursuant to NMSA 1978 [§ 13-1-21](#) and [§ 13-1-22](#).

**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.

**Responsive Offer** or **Responsive Proposal** means an offer or proposal, which conforms to all material, respects to the requirements set forth in the RFP. Material respects of a RFP include , but are not limited to quality, quantity or delivery requirements.

**Selection Committee:** means a body constituted in accordance with NMSA 1978 [§ 13-1-121](#) to perform the evaluation of Offeror proposal submittals.

The terms "**must**," "**shall**," "**will**," "**is required**," or "**are required**" identify a necessary item or factor. Failure to comply with such an item or factor may result in the rejection of the Offeror's proposal.

The terms "**can**," "**may**," "**should**," "**preferably**," or "**prefers**" identifies a desirable or discretionary item or factor. Failure to comply with such an item or factor may result in the rejection of the Offeror's proposal. Rejection of the proposal will be subject to review by the Selection Committee and the final decision on rejection will be made by the Committee Chairman.

## **II. SCOPE OF WORK**

The Alamogordo Public School District is seeking legal services from one or more law firms that will take all necessary steps to provide our District with legal representation, advice and general counsel to protect and uphold the interest of our organization. The District reserves the right to multi award. Offeror must be in good standing with the Bar Association of the State of New Mexico and the Bar of the United States District Court of New Mexico.

The legal areas that services are requested for include, but are not limited to the following:

- Counsel and Represent the Alamogordo Public School District's interest on issues related to the New Mexico Public Education Department, State and Federal laws and regulations relating to public education and school district operations.
- Counsel and Represent the Alamogordo Public School Districts interest on issues related to business law, including but not limited to drafting, review and interpretation of contracts, leases, or construction documents.
- Counsel and Represent the Alamogordo Public School District's interest on matters relating to real estate transactions for a public entity, general litigation, labor and employment laws including civil rights and workman's compensation and Special Education laws.
- Counsel and Represent the Alamogordo Public School District's interest on matters relating to Inspection of Public Record Act (IPRA) requests and Board of Education Policies.

### III. INSURANCE REQUIREMENTS

Liability insurance shall be on a comprehensive basis and shall include the following divisions of coverage:

Comprehensive General Liability -Premises and Operations including broad form property damage and contractual liability	\$2,000,000 each occurrence
Professional Liability/Errors and Omission	\$2,000,000 Combined single limit each occurrence

*Other required coverage's:*

Workers Compensation	Statutory-New Mexico (all employees and subcontractors as applicable)
Automobile Liability Insurance for Contractors Providing Vehicles OR Automobile Liability Insurance for Sole Contractors/Subcontractors Using Personal Vehicles	\$500,000 Combined single limit each occurrence  \$100,000 each person \$300,000 limit each occurrence

**OFFEROR WILL BE RESPONSIBLE FOR ALL REQUIRED INSURANCE COVERAGE AS PER THE APS STANDARD CONTRACT FOR PROFESSIONAL SERVICES (APPENDIX A) AND ALL APPLICABLE LOCAL, STATE AND FEDERAL LAWS AND REGULATIONS.**

Coverage shall be with an insurer authorized by the State of New Mexico and shall carry a Best's rating of not less than "A" in the A.M. Best's Key Rating Guide. The Alamogordo Public Schools, its board of education, and employees must be named as Additional Insureds with respect to all of the coverages. Evidence of insurance policies and forms adequate to confirm the currency and adequacy of coverage shall be provided to the District prior to the onset of service and the contract shall be conditioned upon the approval of same by the District.

NOTE: Offerors must provide certificates of current insurance coverage.

#### **IV. PROPOSAL FORMAT**

The Offeror's proposal should follow this format:

##### Firm/Team Information

1. Brief history of the firm.
2. Type of ownership.
3. Statements as to size of professional staff.
4. Name of partner in charge, project manager, and other key team players.
5. Time/Date availability of firms to perform services.

#### **TECHNICAL PROPOSAL MUST INCLUDE THE FOLLOWING:**

- A. The technical proposal must be sealed and marked on the outside as follows:  
**TECHNICAL PROPOSAL for RFP 002-2021 Legal Services**
- B. Cover page with the name, address, and phone number of the offeror
- C. Table of Contents
- D. Letter of Introduction and Expression of Interest
- E. Related Experience and Qualifications, Including Experience and Credentials of Team
  - a. List and describe previous experience with the Alamogordo Public Schools.
  - b. List and describe experience with other New Mexico government, private and public entities apart from educational settings if any.
- F. References: Provide three references or contact information for entities with relevant contractual relationship to the entity
- G. Current proof of licensure and credentials for the State of New Mexico Bar Association for at least one senior partner or member of the firm – **a copy must be provided.**
- H. Campaign Contribution Disclosure Form completed and signed (***Appendix A***)
- I. Prospective Contractor Conflict of Interest Certification Form completed and signed (***Appendix B***)
- J. Debarment/Suspension Certification Form completed and signed (***Appendix C***)
- K. An electronic copy of the proposal on a flash drive
- L. **Valid** In-State/Veteran's Preference Certificate copy (if applicable)

The Offeror can upload their submission to Vendor Registry via the link below

<https://vrapp.vendorregistry.com/Bids/View/BidsList?BuyerId=f1a94450-3adf-4996-8cb9-c3957989cb2c>

OR

The Offeror is required to submit ONE (1) original and Five (5) copies of proposal and the required supporting documentation if the offeror's proposal is being mailed or delivered to APS District offices.

The Offeror is required to submit an electronic copy of the proposal on a flash drive if the offeror's proposal is being mailed or delivered to APS District offices..

If the Offeror considers any part of its proposal material to be proprietary technical or business information, such material shall be prominently and clearly mark as “PROPRIETARY” or “TRADE SECRET.”

**V. EVALUATION CRITERIA (maximum points available – 100 pts)**

Criteria	Points
Experience with the New Mexico Public Education Department	25
Experience with Administrative Law	5
Experience with the interpretation of state and federal laws and regulations relating to school district operations	20
Experience with business law, including but not limited to drafting, review, and interpretation of contracts, leases or construction documents.	5
Experience with real estate - capability of handling all aspects of real estate transactions for a public entity	5
Experience with General Litigation	5
Experience with labor and employment law, including civil rights	10
Experience with Special Education laws, regulation, and procedures	20
Experience with bond sales/ matters	5

**PRICE PROPOSAL**

Price Proposal	50 possible points
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NM Resident Preference if applicable	5 possible points
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**or**

NM Resident Veteran preference if applicable	10 possible points
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**TOTAL POSSIBLE POINTS: 160**

- A. The Price Proposal must be submitted in an envelope separate from the technical proposal. It must be marked the same as the technical proposal and include the wording "PRICE PROPOSAL"
- B. Cover page with the name, address, and phone number of the offeror
- C. List of hourly rates for relevant services
- D. List of other charges that do not fall under hourly rates

**NOTE: It is the Offeror's responsibility to provide full information in order to evaluate the criteria above.**

## CONCLUSION

Only the District is authorized to release information about projects covered by this RFP. The Offeror must refer to the District any requests to release or inspect any information that pertains to the work or activities covered by any action or award related to this RFP.

The District reserves the right to make multiple awards.

### **For questions regarding this Request for Proposals:**

Dillon Voss, Chief Procurement Officer  
1211 Hawaii Ave  
Alamogordo, NM 88310  
(575) 812-6046

Any inquiries or requests regarding this procurement should be submitted, *in writing*, to the Chief Procurement Officer. Offerors may contact **ONLY** the Chief Procurement Officer regarding this procurement. Other APS employees or Evaluation Committee members do not have the authority to respond on behalf of APS.

# Appendix A

## CAMPAIGN CONTRIBUTION DISCLOSURE FORM

### **Note: Submit with Transmittal Letter/Technical Proposal**

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

Furthermore, the state agency or local public body shall void an executed contract or cancel a solicitation or proposed award for a proposed contract 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.

**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:**

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 Contributions” 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 or that official's behalf for the purpose of electing the official to either statewide or local office. “Campaign Contributions” 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.

“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.

“Person” means any corporation, partnership, individual, joint venture, association or any other private legal entity.

“Prospective contractor” means a person who 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 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.

**DISCLOSURE OF CONTRIBUTIONS:**

(Note: If you have made more than one contribution, please attach a list of the public officials you have contributed to following the format and attach the list to this document. Please write “see attached” in the blank below.)

Contribution Made By:

\_\_\_\_\_  
Relation to Prospective Contractor:

\_\_\_\_\_  
Name of Applicable Public Official on the District Board of Education:

(Note: List Board of Education Member(s) here)

\_\_\_\_\_  
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)

# APPENDIX B

## PROSPECTIVE CONTRACTOR CONFLICT OF INTEREST CERTIFICATION

No employee or Board of Education member of the Alamogordo Public School District has a direct or indirect interest in the prospective Contractor or in the proposed transaction (unless prospective Contractor is publicly traded company and the employee or Board of Education member's interest is less than one percent of the prospective Contractor).

Prospective Contractor neither employs nor is negotiating to employ any employee or Board of Education member of the Alamogordo Public School District.

Prospective Contractor did not participate directly or indirectly in the preparation of specifications upon which the quote or offer is made.

If the prospective Contractor is a New Mexico State Legislator or if a New Mexico State Legislator holds a controlling interest in prospective Contractor, please identify legislator:

\_\_\_\_\_

List below the name and social security number of any employee of the prospective Contractor or person assisting in the proposed transaction in any way who was an Alamogordo Public School District employee within the preceding 12- month period.

_____	_____
_____	_____
_____	_____

### Certification

The undersigned hereby certifies that he/she has read the Conflict of Interest requirements as set forth in § 10-16-1 NMSA 1978 et seq. 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 prospective Contractor named below.

Signature: \_\_\_\_\_ Title: \_\_\_\_\_

Name Printed: \_\_\_\_\_ Date: \_\_\_\_\_

Company: \_\_\_\_\_ City: \_\_\_\_\_

# APPENDIX C

## DEBARMENT/SUSPENSION CERTIFICATION FORM

The prospective Contractor certifies that it is not suspended, debarred or ineligible from entering into contracts with any Federal department or agency or with any department or agency of the State of New Mexico, or in receipt of a notice or proposed debarment from any Federal or Public State Agency. The prospective Contractor agrees to provide immediate notice to the Alamogordo Public Schools Purchasing Department 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 quote or offer but prior to the award of the purchase order or contract. If prospective Contractor is awarded a contract, prospective Contractor agrees to provide immediate notice to the Alamogordo Public Schools Purchasing Department in the event of being suspended, debarred or declared ineligible by any Federal or State Department Agency, or upon receipt of a notice of proposed debarment/suspension that is received at any time during the term or any renewal term of the contract.

The undersigned hereby certifies that prospective Contractor understands and will comply with these requirements, including the requirements of 22 CRF Part 513 and § 13-1-177 NMSA 1978 et seq. and any amendments thereto. The undersigned further certifies that he/she has the authority to certify compliance for the prospective Contractor named and that the information contained in this document is true and accurate to the best of their knowledge.

The prospective Contractor certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for disbarment, declared ineligible, or voluntarily excluded from participation in this transaction by any State or Federal department or agency.

Where the prospective Contractor is unable to certify to any of the statements in this certification, the prospective Contractor shall attach an explanation to this proposal.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Title: \_\_\_\_\_

Name Typed/Printed: \_\_\_\_\_

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_