

CITY OF LOVINGTON
REQUEST FOR PROPOSAL (RFP)

INSURANCE BROKER

PROPOSAL #2024-002

REP DUE DATE AND TIME:
March 25, 2024, 10:00 am (MST)

DELIVER RESPONSE TO:
City of Lovington, Finance Office
214 S Love Street
Lovington, New Mexico 88260

CONTACT: Melissa Boydston, Chief Procurement Officer
mboydstun@lovington.org

OFFICIAL CONTACTS ONLY

This RFP contains restrictions on contact with public officials, the City's consultants or others working on behalf of the City of Lovington. See the official contact policy in Item 23 of this document. Violation of this policy may lead to disqualification.

PROJECT NAME:	Insurance Broker
PROJECT NUMBER:	RFP #2024--002

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PROPOSAL INSTRUCTIONS

1. Competitive sealed conceptual proposals on all lines of coverage will be received at the office of the City of Lovington Finance Department, 214 S Love Street, Lovington, NM, prior to **March 25, 2024, 10:00 am (MST)** at which time the said proposals will be opened and recorded as received. Award consideration will be at a regularly scheduled Commission meeting to be determined after evaluation and negotiations are complete. This Request for Proposal is for Insurance Broker,

2. "The Purchaser" as used in these specifications shall refer to the City of Lovington.

3. City of Lovington is seeking conceptual proposals on all lines of coverage from qualified individuals and/or companies in accordance with the scope of work and specifications for Insurance Broker.

4. Any inquiries or requests regarding clarification of this procurement document shall be submitted to the Procurement Officer **IN WRITING**. The Procurement Officer contact information is Melissa Boydston, Finance Department, City of Lovington, 214 S Love Street, Lovington, NM 88260, or mboydstun@lovington.org. Offerors may contact ONLY the Procurement Officer regarding clarification of content and or terminology stated in the procurements document. Other City employees do not have the authority to respond on behalf of the City of Lovington.

Offerors should promptly notify the City of Lovington Procurement Officer **IN WRITING** of any ambiguity, inconsistency, or error which they may discover upon examination of the RFP. Any response made by the City will be provided in writing to all Proposers by addendum, **No verbal responses shall be authoritative.** Addendums will be posted immediately to the City of Lovington web page.

No Addendum will be issued later than three (3) days prior to the date for receipt of Proposals, except an Addendum withdrawing the Request for Proposal or one which includes postponement of the date for receipt of Proposals.

5. The envelope containing the completed request for proposal and literature must be marked "Request for Proposal for **Insurance Broker**" and addressed as follows.

MAIL TO: City of Lovington Finance Department
214 S Love Street
Lovington, NM 88260

OR: Hand deliver your proposal to the office of the Procurement Officer at the City of Lovington Finance Department 214 S Love Street, Lovington, NM 88260 (before the due date and time).

6. Definition of Terminology: This section contains definitions that are used throughout this procurement document, including appropriate abbreviations:

"Agency" means City of Lovington

"Contract" means an agreement for the procurement of items of tangible personal property or services.

"Contractor:" shall mean successful Offeror.

"Determination" means the written documentation of a decision of a procurement manager including findings of fact required to support a decision. A determination becomes part of the procurement file to which it pertains.

"Desirable" The terms "may", "can, "should, or "prefers" identify a desirable or discretionary item or factor.

"Evaluation Committee" means a body appointed by the City Management to perform the evaluation of Offeror proposals.

"Evaluation Committee Report" means a report prepared by the Procurement Officer and the Evaluation Committee for submission to Board of City Commission and/or City Manager for contract award that contains all written determinations resulting from the evaluation.

"Finalist" is defined as an Offeror who meets all the mandatory specifications of the Request for Bid and whose score on evaluation factors is sufficiently high to qualify that Offeror for further consideration by the Evaluation Committee.

"Mandatory" The terms "must", "shall", "will", "is required", or "are required", identify a mandatory item or factor. Failure to meet a mandatory item or factor will result in the rejection of the Offeror's proposal or bid.

"Offeror" or "Proposer" is any person, corporation, or partnership who chooses to submit a proposal or a bid.

"Purchase Order" means the document, which directs a contractor to deliver items of tangible personal property or services pursuant to an existing contract.

"Procurement Officer" means the person or designee authorized by the Agency to manage or administer a procurement requiring the evaluation of request for proposals.

"Request for Proposal" or "RFP" means all documents, including those attached or incorporated by reference, used for soliciting proposals.

"Responsible Offeror" means an Offeror who submits a responsive bid 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 or items of tangible personal property described in the request for proposal.

"Responsive Offer" means an offer, which conforms in all material, respects to the requirements set forth in the request for proposal.

7. Any exceptions to the scope of work and/or specifications shall be listed separately and specifications attached are the minimum requirements. The specifications submitted herein are all that were available to the Purchaser at the time of this mailing. Minor deviations to the specifications as listed may be considered.

8. The City reserves the right to accept or reject any and/or all proposals, to waive irregularities and technicalities, and to request resubmission. Any sole response that is received may or may not be rejected by the City of Lovington depending on available competition and the timely needs of the City. The City reserves the right to award the contract to the responsible proposers submitting responsive proposals with resulting agreements most advantageous and in the best interest of the City.
9. All costs incurred by a Proposer in connection with responding to this RFP, the evaluation and selection process undertaken in connection with this procurement, and any negotiations with the City will be borne by the Proposer.
10. This procurement in no manner obligates the City of Lovington until a valid signed contract is executed.
11. The City of Lovington may add to or delete from the Scope of Work set forth in this RFP.
12. Any and all Proposals not received by the Proposal Submission Date and Time shall be rejected and returned unopened.
13. The City of Lovington reserves the right to eliminate any Proposer who submits incomplete or inadequate responses or is not responsive to the requirements of this RFP.
14. The City of Lovington reserves the right to discontinue negotiations with any selected Proposer.
15. The Procurement Code, Sections 13-1-28 through 13-1-199 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.
16. In signing a contract with the City of Lovington the Contractor certifies that the Contractor has not, either directly or indirectly, entered into action in restraint of full competition in connection with the proposal submitted to the City of Lovington.
17. The contents of the proposals will be kept confidential until the City of Lovington Commissioners award a contract. At that time, all proposal documents pertaining to this procurement will be open to the public, except for the material which is marked as "proprietary" or "confidential". An entire proposal may not be marked/considered "proprietary" or confidential". Otherwise, the Procurement Officer will not disclose or make public any pages of a bid on which the Offeror has stamped or imprinted "proprietary" or "confidential" subject to the following requirements.

Proprietary or confidential data shall be readily separable from the offer in order to facilitate eventual public inspection of the non-confidential portion of the offer. Confidential data is normally restricted to confidential financial information concerning the Offeror's organization and data that qualifies as trade secret in accordance with the Uniform Trade Secrets Act, 57-3A-1 to 57-3A-7 NMSA 1978. The price of products offered, or the cost of services proposed shall not be designated as proprietary or confidential information.

18. Pursuant to Sec 13-1-131 NMSA, 1984 Comp., as amended, the City of Lovington reserves the right to reject any and all proposals, whole or in part, submitted hereunder, provided that such rejections shall be accomplished by a written statement declaring the reason for the rejections.

19. The City of Lovington has the right to refuse any or all proposals and is the sole interpreter of the intent of any clause of the specifications and sole judge as to whether the item proposed or any part or fitting thereof complies with the specifications.

20. By responding to this RFP, Proposers acknowledge and consent to the rights and conditions set forth in this RFP.

21. A business (contractor, subcontractor or supplier) that has either been debarred or suspended pursuant to the requirements of 13-1-177 through 13-1-180, and 13-4-11 through 13-4-17 NMSA 1978 as amended, shall not be permitted to do business with the City of Lovington and shall not be considered for award of the contract during the period for which it is debarred or suspended with the City.

22. Offerors shall submit one (1) original proposal, four (4) identical copies, and one (1) electronic copy of their proposal to the location specified in item 5 of this document.

23. Contacts: Offerors may not contact the Lovington City Manager or his staff, members of the City of Lovington Board of Commissioners or their staff, and any other City of Lovington Elected Official or their staff regarding anything related to this RFP.

24. The contract between the City of Lovington (City) and a Contractor will follow the format specified by the City and contain the terms and conditions set forth in the attached "Sample Contract". The contents of this RFP, as revised and/or supplemented, and the successful offeror's proposal including best and final offer will be incorporated into and become part of the contract.

Should an offeror object to any of the City's terms and conditions contained in the Procurement Section or in the "Sample Contract", that offeror must propose specific alternative language with their proposal. The City may or may not accept the alternative language. General references to the offeror's terms and conditions or attempts at complete substitutions are not acceptable to the City of Lovington and will result in disqualification of the offeror's proposal. Offerors must provide a brief discussion of the purpose and impact, if any, of each proposed change, followed by the specific proposed alternate wording.

Offerors must submit with the proposal a complete set of additional terms and conditions that they expect to have included in a contract negotiated with the City.

25. **PROTESTS**

A. Any Offeror who is aggrieved in connection with a solicitation or award of an Agreement may protest to the Finance Office in accordance with the requirements of the Contracting Agency's Procurement Regulations and the State Procurement Code. The protest should be made in writing within 24 hours after the facts or occurrences giving rise thereto, but in no case later than 15 calendar days after the facts or occurrences giving rise thereto (§13-1- 172 NMSA 1978).

B. In the event of a timely protest under this section, the Purchasing Agent and the Contracting Agency shall not proceed further with the procurement unless the Finance Director makes a determination that the award of Agreement is necessary to protect substantial interests of the Contracting Agency (§13-1-173 NMSA 1978).

C. The Finance Director or his designee shall have the authority to take any action reasonably necessary to resolve a protest of an aggrieved Offeror concerning a procurement.

This authority shall be exercised in accordance with adopted regulations, but shall not include the authority to award money damages or attorneys' fees (§13-1-174 NMSA 1978).

D. The Finance Director or his designee shall promptly issue a determination relating to the protest. The determination shall:

- 1) state the reasons for the action taken; and
- 2) inform the protestant of the right to judicial review of the determination pursuant to § 13-1-183 NMSA 1978.

E. A copy of the determination issued under §13-1-175 NMSA 1978 shall immediately be mailed to the protestant and other Offerors involved in the procurement (§13-1-176 NMSA 1978).

26. **"PIGGY BACK"** In accordance with NMSA 13-1-129 of Procurement Code, Offerors are hereby notified that other government entities within the State of New Mexico, or as otherwise allowed by their respective governing directives, may contract for the goods or services included in this procurement document with the awarded contractor. Contractual engagements accomplished under this provision shall be solely between the awarded vendor and the contracting government entity with no obligation by City of Lovington.

27. **ACH TRANSACTIONS** - Vendors may be required to accept payment electronically through an ACH Transaction.

Melissa Boydston
Procurement Officer

PROJECT DESCRIPTION

Qualifications-based competitive sealed proposals for Insurance Broker Services will be received by City of Lovington Finance Department. Cost will be included as one of the evaluation criteria but the award of this RFP will not depend solely on cost.

RFP SCHEDULE

The Procurement Manager will make every effort to adhere to the following schedule:

Action	Responsibility	Date
Issue of RFP	City of Lovington Finance	March 14, 2024
Submission of Proposal	Offeror	March 25, 2024 10:00 am (MST)
Selection of Finalists	Evaluation Committee	April 2, 2024
*Finalists Interviews	City Commissioners	April 8, 2024
City Commission Approval	City Commissioners	April 22, 2024
Contract Negotiations	Evaluation Committee/Offeror	April 23, 2024
Contract Execution	City of Lovington and Contractor	April 28, 2024
<p>*The selection committee <i>may</i> interview the Offeror(s) of the top-rated proposals; however, contracts may be awarded without such interviews.</p> <p>This schedule is subject to change. All offerors will be notified of schedule changes by addendum via e-mail, fax or US Mail, and/or by posting to www.lovington.org, under "Procurement".</p>		

INTRODUCTION

The City of Lovington invites qualified insurance brokers to participate in a selection process that will result in the City selecting an insurance broker to place all property/casualty insurance for the City that is not purchased through the **New Mexico Municipal League Self Insurer's Fund** or directly from the State of New Mexico. This Request for Proposal requires interested brokers to submit their written responses to the Broker Qualifications (Section 1.2) and to provide Conceptual Proposals for meeting the City's insurance needs (Section 2.2).

BACKGROUND

The City of Lovington, Lea County is a unit of local government under the Constitution and laws of the state of New Mexico. The city is comprised of a commission of five elected officials. The city has multiple departments that provide various services to the over 11,500 residents. Within these departments, the City runs a waste water treatment plant; provides water, sewage and solid waste utility services; provides law enforcement, fire, EMS and planning and zoning services; runs an animal shelter, a senior center, Library, Municipal Court, and Motor Vehicles; while maintaining City streets, parks and the City cemetery. The city does have multiple properties and has a fleet of vehicles.

SCOPE OF WORK

The Broker shall provide insurance marketing and placement and consulting services for property and casualty insurance needs of the City. **This may be a multi-term contract up to four years.**

1. Insurance Broker Services shall include:

- Timely and unbiased information regarding the most advantageous insurance markets from the standpoint of cost, service, coverage and financial stability.
- Assistance in the preparation of underwriting data required by insurers.
- Market insurance policies requested by the City and present all reasonable offers in a timely manner along with the recommendations of the Broker.
- Place all coverage as approved by the City. Note: Almost all policies of insurance below have a July 1st anniversary date.
- Verifying the accuracy and adequacy of all Policies, endorsements and invoices.
- Where possible, price and coverage proposals 60 days prior to inception or renewal. Some coverage may require approval of the Board of City Commissioners that meets twice monthly and items for their consideration need to be submitted four weeks in advance.
- Consultation and brokerage services to assist the City as agreed upon.
- This may be a multi-term contract for up to four years.

1.1. The Broker shall provide the services listed above for the following policies and activities:

- 1.1.1 The City purchases an Environmental Impairment Liability policy for various City of Lovington exposures.
- 1.1.2 The City purchases general liability and law enforcement policies.
- 1.1.3 The City purchases insurance for errors and omissions for its elected officials and employees
- 1.1.4 The City may request the broker to provide other insurance related services to include actuarial analysis of city losses, evaluation of self-insurance alternatives to commercial insurance, assistance in recreating historical insurance records and evaluation of third-party administrators. If any of these services are requested, the compensation will be negotiated separately from the compensation in this RFP and will be agreed to in writing and in advance of the work and identified as a change order to this RFP.

1.2 Broker Qualifications Shall Include:

- 1.2.1 Licensed in the State of New Mexico without any restrictions (**Mandatory Requirement**).
- 1.2.2 Errors and omissions insurance on your firm in the amount of not less than \$1,000,000 (**Mandatory Requirement**).
- 1.2.3 Information identifying technical competence of your business that includes the identification, organization, and accessibility of personnel.

1.2.4 Past experience with public entity clients and ability to meet schedules.

1.2.5 Information identifying your firm's capacity and capability to perform the work required by the City, including any specialized services, and resumes of key personnel to be assigned to the City. Access to insurance markets that provide coverage for: (a) Environmental Impairment Liability Coverage (b) Public entity liability insurance, (c) Commercial Package, (d) General Liability, (e) Employee Benefit Liability, (f) Law Enforcement Liability, (g) Public Entity Management Liability, (h) Auto Liability, (i) Auto Physical Damage (j) Volunteer Accident Policy

2. Conceptual Proposal:

2.1 Background: To prepare your conceptual proposal, the following information is provided:

- 2.1.1 Environmental Liability Coverage
- 2.1.2 Commercial Package
- 2.1.3 General Liability
- 2.1.4 Employee Benefit Liability
- 2.1.5 Law Enforcement Liability
- 2.1.6 Public Entity Management Liability
- 2.1.7 Public Entity Employment-Related Practices
- 2.1.8 Auto Liability
- 2.1.9 Auto Physical Damage
- 2.1.10 Volunteer Accident Policy

2.2 Conceptual Proposal Shall Include:

- 2.2.1 A description of the issues that the City needs to address in placing insurance for Environmental Impairment Liability Coverage. As part of that description proposals shall:
 - 2.2.1.1 Identify the markets that you would approach in order of your preference.
 - 2.2.1.2 For each market, indicate whether the insurer is admitted in New Mexico.
 - 2.2.1.3 Indicate any variations in the broadness of the coverages offered by these markets.
 - 2.2.1.4 Identify the major coverages, exclusions and conditions associated with the coverage forms.
 - 2.2.1.5 Identify any additional issues you would suggest the City of Lovington consider when purchasing this coverage.
- 2.2.2 Explain other insurance related services you can provide to include actuarial analysis of City of Lovington losses, evaluation of self-insurance alternatives to commercial insurance, assistance in recreating historical insurance records and evaluation of third-party administrators, expertise in substantive areas of local government services.
- 2.2.3 The only coverage City of Lovington has with the **New Mexico Municipal League Self Insurer's Fund** is a Workers Compensation policy. If you have this coverage at a better rate, please feel free to include an offer in your proposal.

2.3 Compensation:

The City of Lovington prefers a fixed percentage commission from the carrier paid by the insurers for the services in this RFP. To the extent that commissions may be part of your compensation, explain how they will be disclosed. All fees, commissions, and contingent fee arrangements with insurers used by the broker on this account, must be disclosed. Propose as specific of a compensation level as possible and identify what factors may affect it. The City expects to negotiate the final scope of services and compensation with the successful broker.

METHOD OF AWARD

An evaluation committee will judge the merits of proposals received in accordance with the evaluation factors defined herein. The recommendations of the committee will be forwarded to the City Manager and the Board of City Commissioners for review and approval. Failure of the Proposer to provide any information requested in the Request for Proposals may result in disqualification of the proposal and shall be the sole responsibility of the Proposer.

The City is anticipating a single source award for possibly a multi-term period, however, the City of Lovington reserves the right to award a multiple source award if it is determined to be in the best interest of the City in accordance with 13-1-153 NMSA 1978, and is to be awarded to the Offeror(s) having submitted the proposal(s) determined to be in the best interest of the City. The selection committee *may* interview the Offeror(s) of the top-rated proposals; however, contracts may be awarded without such interviews.

The City of Lovington shall enter into contract negotiations with the highest qualified business for the services contemplated under this RFP at compensation determined to be fair and reasonable. In making this decision, the City shall take into account the estimated value of the services to be rendered and the scope, complexity and professional nature of the services. Should the City be unable to negotiate a satisfactory contract with the business considered to be the most qualified at a price determined by the City to be fair and reasonable, negotiations with that business shall be formally terminated. The City of Lovington shall then undertake negotiations with the second most qualified business. Failing accord with the second most qualified business, the City shall formally terminate negotiations with that business. The City shall then undertake negotiations with the third most qualified business and so on.

SUBMITTAL REQUIREMENTS

- A. A letter of transmittal, which includes the following information: Name, address, telephone and FAX number of business; Name of the primary contact and email address; Authorized signature and title of offeror; Date of proposal; and, Statement that the offeror has the ability to provide the services requested and will comply with the contract terms and conditions set forth in this Request for Proposal, if awarded a contract. Provide One (1) original, four (4) copies, and one (1) electronic copy (CD or flash drive) of your proposal. Proposals shall be limited to a maximum of 40 pages including title, index, not including front and back covers and shall be typewritten on standard 8 ½" x 11" paper and bound on the left-hand margin.
- B. Evidence that you are an insurance broker currently licensed in the State of New Mexico. Are there any restrictions on this license? If so, what are they? Submit a copy of Errors and omissions insurance on your firm in the amount of not less than \$1,000,000.
- C. Identify the person who will be the primary contract contact for the City and if different, the person who will market the insurance coverage for the City and if different, the person who will provide the administrative and policy services. (Only identify people who will actively work on the City's account.)
- D. For each person identified above, list that person's (a) primary work location, (b) any experience that person has had in providing the services listed above, (c) the experience of each person in working with public entities and (d) a resume on each person
- E. For the primary contact, please identify the major public entity accounts currently serviced by this person. For each account, please identify what coverages the primary contact provides. Please provide a contact person for each account that the City may contact.
- F. Provide information on access to insurance markets that provide coverage for: (a) Environmental Impairment Liability Coverage (b) Public entity liability insurance, (c) Commercial Package, (d) General Liability, (e) Employee Benefit Liability, (f) Law Enforcement Liability, (g) Public Entity Management Liability, (h) Auto Liability, (i) Auto Physical Damage (j) Volunteer Accident Policy
- G. An in-depth description of the services to be provided and how your company will fulfill the City's needs per the **Scope of Work** section. Any service that cannot be provided should be noted and if the Offer is going to use a subcontractor to provide the service, describe the sub-contractor that will be hired to fulfill the obligation. Offeror is responsible for the sub-contractor qualifications and performance. The Offeror is particularly encouraged to address all points that will be evaluated as described in the evaluation criteria (in numerical order). If a factor of evaluation is not adequately responded to by the Offeror, the Offeror may be determined to be non-responsive.
- H. Provide a fee schedule that includes all fees described in section 2.3, Compensation, of this RFP.

FAILURE to adequately address and meet the evaluation criteria requirements may be cause for the proposal to be deemed non-responsive by the Procurement Officer or Finance Director.

**** The following pages are NOT included in the 40 page maximum limit. ****

CAMPAIGN CONTRIBUTION DISCLOSURE FORM

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

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

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

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

The following definitions apply:

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

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

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

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

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

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

Name(s) of Applicable Public Official(s) if any: Board of City of Lovington Commissioners: (Mayor Howard D. Roberts, Mayor Pro-tem David Trujillo, Commissioner Scotty Gandy, Commissioner Scott Boldt, Commissioner Lizabeth White
(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)

Veterans / Resident Preference Certification

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

Check one box only:

Veteran Resident Businesses:

- I declare under penalty of perjury that my business prior year revenue starting January 1 ending December 31 is less than \$1M allowing me the 10% preference discount on this solicitation. I understand that knowingly giving false or misleading information about this fact constitutes a crime.
- I declare under penalty of perjury that my business prior year revenue starting January 1 ending December 31 is more than \$1M but less than \$5M allowing me the 8% preference discount on this bid or proposal. I understand that knowingly giving false or misleading information about this fact constitutes a crime.
- I declare under penalty of perjury that my business prior year revenue starting January 1 ending December 31 is more than \$5M allowing me the 7% preference discount on this bid or proposal. I understand that knowingly giving false or misleading information about this fact constitutes a crime.

Resident Businesses:

- I declare under penalty of perjury that my business is a New Mexico resident business allowing me the 5% preference discount on this bid or proposal. I understand that knowingly giving false or misleading information about this fact constitutes a crime.

"I agree to submit a report, or reports, to the State Purchasing Division of the General Services Department declaring under penalty of perjury that during the last calendar year starting January 1 and ending on December 31, the following to be true and accurate:

"In conjunction with this procurement and the requirements of this business' application for a Resident Veteran Business Preference/Resident Veteran Contractor Preference under Sections 13-1-21 or 13-1-22 NMSA 1978, when awarded a contract which was on the basis of having such veterans preference, I agree to report to the State's Division of the General Services Department the awarded amount involved. I will indicate in the report the awarded 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.

Resident Business Veteran Business Certificate Number: _____

(Signature of Business Representative)*
Must be an authorized signatory for the Business.

(Date)

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 or un-award of the procurement involved if the statements are proven to be incorrect.

***** A COPY of a valid New Mexico Resident Business or New Mexico Resident Business Certificate with a valid number must be provided in order to receive preference.*****

Certification Regarding Debarment, Suspension, and Other Responsibility Matters

Offeror certifies to the best of its knowledge and belief that it and its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
2. Have not within a three year period preceding this proposal been convicted of, had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State Antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
3. Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any offenses; and
4. Have not within a three-year period preceding this application/proposal had one or more public transaction (Federal, State, or local) terminated for cause or default.

I understand that a false statement on this certification may be ground for rejection of this proposal or termination of the award. Under 18USC Sec. 1001, a false statement may result in a fine of up to \$10,000 or imprisonment for up to 5 years, or both.

Typed Name & Title of Authorized Representative

Signature of Authorized Representative

Date

NON-COLLUSION AFFIDAVIT

STATE OF _____)

City of Lovington OF _____)

_____ (name) being first duly sworn, deposes and says

that he/she is (title) _____

of (organization) _____

who submits herewith to the City of Lovington, a proposal:

That all statements of fact in such proposal are true:

That said proposal was not made in the interest of or on behalf of any undisclosed person, partnership, company, association, organization or corporation;

That said bidder has not, directly or indirectly by agreement, communication or conference with anyone attempted to induce action prejudicial to the interest of the City of Lovington, or of any bidder of anyone else interested in the proposed contract; and further,

That prior to the public opening and reading of proposal, said bidder:

1. Did not directly or indirectly, induce or solicit anyone else to submit a false or sham proposal
2. Did not directly or indirectly collude, conspire, connive or agree with anyone else that said bidder or anyone else would submit a false or sham proposal, or that anyone should refrain from bidding or withdraw his proposals;
3. Did not in any manner, directly or indirectly, seek by agreement, communication or conference with anyone to raise or fix the proposal price of said bidder or of anyone else, or to raise or fix any overhead, profit or cost element of their proposal price, or of that of anyone else;
4. Did not directly or indirectly, submit his proposed price or any breakdown thereof, or the contest thereof, or divulge information or data relative thereto, to any corporation, partnership, company, association organization, bid depository or to any member or agent thereof, or to any individual or group of individuals, except that City of Lovington, or to any person or persons who have a partnership or other financial interests with said bidder in his business.

By: _____

Title. _____

SUBSCRIBED and sworn to before me this _____ day of _____, 20 ____

Notary Public: _____

My Commission Expires:

Related Party Disclosure Form

1. Are you indebted to or have a receivable from any member of the Board of City Commissioners, elected City of Lovington officials, administration officials, department heads, and key management supervisors with the City of Lovington?

Yes No

2. Are you, or any officer of your company related to any member of the City Board of Commissioners; elected City of Lovington officials, administration officials, department heads, key management supervisors of the City of Lovington and have you had any of the following transactions since January 1, 2019, to which the City of Lovington was, is to be, a party?

Yes No

- Sales, Purchase or leasing of property?
- Receiving, furnishing of goods, services or facilities?
- Commissions or royalty payments

3. Does any member of the Board of City Commissioners; elected City of Lovington officials, administration officials, department heads, key management supervisors with the City of Lovington, have any financial interest in your company whether a sole proprietorship, partnership, or corporation of any kind that currently conducts business with the City of Lovington?

Yes No

4. At any time from January 1, 2019 through the present, did you, your company, or any officer of your company have an interest in or signature authority over a bank account for the benefit of a member of the Board of City Commissioners; elected City of Lovington officials, administration officials, department heads, key management supervisors with the City of Lovington?

Yes No

5. Are you negotiating to employ or do you currently employ any employee, officer or family member of an employee or officer of City of Lovington?

Yes No

The answers to the foregoing questions are correctly stated to the best of my knowledge and belief.

Signature of Owner or Company President: _____ **Date** _____

(Print Name and Title): _____

PROPOSAL CHECKLIST
CITY OF LOVINGTON/ FINANCE DEPARTMENT

Did You:

- Include One (1) original and (4) four copies of the proposal, plus one (1) electronic copy (CD or Flash Drive).
- Sign and Notarize the "Non-Collusion Affidavit" form.
- Sign the "Certification Regarding Debarment, Suspension, and Other Responsibility Matters" form.
- Fill Out and Sign the Related Party Disclosure Form
- Fill Out and Sign the Campaign Contribution Disclosure Form
- Fill Out and Sign the Veterans/Resident Preference Certification Form
- Include a List of clients of similar projects
- Acknowledge all addenda
- Review all clarifications/questions/answers
- Clearly mark your proposal with "**Insurance Broker**" on the front of the envelope.

Deliver your sealed proposal to the City of Lovington Finance Department, 214 S Love Street, Lovington, New Mexico 88260 before **March 25, 2024 10:00 am (MST)**.

* If not completed as required, your proposal may be deemed non-responsive.

Contact the Finance Department immediately if any portion is missing. This form is for your information only and does not need to be submitted with your proposal.

