

City of Lovington



REQUEST FOR PROPOSALS

Metropolitan Redevelopment Act Plan Update

Bid Due Date & Time

September 1, 2017
10:00 a.m. (MST)

SUBMIT BID PROPOSALS TO:

Gary L. Chapman
Finance Director
City of Lovington
214 S. Love St.
Lovington, NM 88260
gchapman@lovington.org

**LEGAL NOTICE OF REQUEST FOR PROPOSALS
LOVINGTON, NEW MEXICO**

**FOR METROPOLITAN REDEVELOPMENT ACT PLAN UPDATE
DUE DATE: SEPTEMBER 1, 2017**

The City of Lovington, New Mexico will receive sealed proposals at City Hall, 214 S. Love St., Lovington, New Mexico, on September 1, 2017 at 10:00 a.m. (MST) for the City of Lovington Metropolitan Redevelopment Act Plan Update.

The Request for Proposals, any future addenda, and all related information may be obtained from the City of Lovington's website at www.lovington.org under "Procurement" or by contacting the Finance Department, 214 S. Love St., Lovington, New Mexico 88260, (575) 396-2884, gchapman@lovington.org.

James R. Williams, City Manager

Publish in: Lovington Leader: August 3, 2017 and August 19, 2017
Hobbs New Sun: August 3, 2017 and August 19, 2017

INSTRUCTION TO RESPONDENTS

1. **Envelopes containing proposals must be sealed and marked on the upper left hand corner with the name and address of the Respondent, the date and hour of opening, the name of proposal, and mailed or delivered to the before the time of opening.**
2. Samples of items, when required, must be furnished, free of expense, prior to the opening of proposals, and, if not destroyed, will upon request of Respondent, be returned to the Respondent at its expense. Copy of the warranty must be included with proposal and must be for the maximum amount the manufacturer provides, if goods are warrantable.
3. Proposals which are mailed, or otherwise delivered prior to the point of opening must contain the information detailed in Item 1 above and must be mailed or otherwise delivered to the **Finance Director, 214 South Love, Lovington, New Mexico, 88260**. This information shall be included on **ALL EXTERIOR PACKAGING**.
4. All prices should be stated in units or quantities specified, with packing and delivery charges included.
5. Time of proposed delivery must be stated in definite terms. If time varies for different items, the Respondent should so state.
6. Proposals must be made out and signed in the corporate or other name of Respondent and must be fully and properly executed by an authorized person.
7. Proposals must be submitted on the price submittal form attached (if included in packet). **Any prices pertaining to exceptions must be attached to the proposals** (stapled, bound or secured otherwise). If the Respondent provides any options other than requested, these will not be acceptable.
8. Proposals received later than the time and date specified will not be considered.
9. Amendments to or withdrawals of proposals received later than the time and date set for proposal opening will not be considered.
10. Respondents or their representative may be present at the proposal opening.
11. The Purchasing Agent reserves the right to amend and/or cancel the proposal invitation prior to the time and date of the bid opening.
12. The Purchasing Agent reserves the right to correct any proposal awarded erroneously as a result of a clerical error on the part of the City of Lovington.
13. In the event the Respondent is unable to submit a proposal, the Purchasing Department would appreciate advising this office to that effect. Failure to submit proposals on three consecutive invitations to respond will result in the removal of the Respondents name from the mailing list.

14. Respondents and/or vendors doing business with the City of Lovington must be in compliance with the Federal Civil Rights Act of 1964 and Title VII of the Act. Rev., 1979. The City of Lovington in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders and respondents that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.
15. It will be the sole responsibility to the Respondents requesting consideration for Resident Preference at proposal openings to submit to the State Purchasing Agent, the questionnaire for Resident Business or Contractor's Certification and to receive approval and a certification form prior to the proposal opening. Requests for consideration for Resident Business or Contractor's Preference after proposal opening will not be considered.
16. All contracts solicited by competitive sealed proposals for the City of Lovington require that the proposal amount exclude the applicable state gross receipts tax. As the City of Lovington is required to pay the applicable state gross receipts tax, all requests for payment shall include a separate amount on each billing reflecting the applicable tax. (13-1-108)
17. **All applicable state gross receipts tax charged to the City of Lovington shall be at the current rate at the time of the project. Respondents and/or vendors agree to report the gross receipts tax charged to the City of Lovington on New Mexico Taxation & Revenue Department form CRS- 1 and use Lovington as the municipality name in column A and 04-101 as the location code in column C.**
18. Any equipment supplied to the City of Lovington must comply with all requirements and standards as specified by the federal government's Occupational Safety and Health Act of 1971. All guards and protectors as well as appropriate markings must be in place before delivery. Items not meeting OSHA specifications will be refused. The supplier may be required, at its expense to provide training to municipal employees in the operation of this item and its maintenance, at the convenience of the City of Lovington.
19. **All respondents and/or vendors doing business with the City of Lovington must also provide IRS FORM W-9 (REV. JANUARY 2011 or DECEMBER 2011). Failure to do so may cause the proposal to be rejected by the City of Lovington.**
20. The City reserves the right to render payment of any invoices using the City's Procurement Card without incurring any penalty.

CONDITIONS AND PROPOSAL OPENING PROCEDURES

1. The City of Lovington reserves the right to reject any and all proposals, to waive an informality in bids, and unless otherwise specified by the Respondent, to accept any item on the proposal.
2. In case of error in the extension of prices in the proposal, the unit price will govern.
3. Any discount offered will be computed from the date of delivery or from the date a correct bill rendered on a proper voucher form and certified by the contractor is received, whichever date is latest.
4. The Procurement Code, Sections 13-1-28 through 13-1-199 NMSA 1978, imposes civil and criminal penalties for its violation. In addition, the New Mexico criminal statutes impose felony penalties for illegal bribes, gratuities and kickbacks.
5. It is the intent of these specifications to describe the minimum requirements. All portions not specifically mentioned which are required for a completion of the project, shall conform in design, strength, quality of material and workmanship to the highest standards of engineering practice.
6. All proposals must be clearly marked on the outside of the envelope with the project name and opening date. Should a proposal be opened prior to the official opening date due to the lack of a proper marking, it will be rejected.
7. All interested parties are invited to attend proposal openings of the City of Lovington.
8. Proposals will be opened at precisely the time, the date and the place stipulated in the Request for Proposal and in the legal notice published in the newspaper.
9. Each proposal will be evaluated by the Finance Director and the appropriate department or committee. The Respondent is to provide complete specifications. Acceptable exceptions to specifications will be determined by the Director of Purchasing with the aid of the appropriate department head.
10. The Finance Director and the department or committee will rule on any point needing clarification.
11. The apparent low Respondent, meeting specifications, will be determined by the Finance Director and the department or committee.
12. Respondents are advised to bear in mind that the low response obtained at the opening of the proposals may not be the proposal ultimately selected for the award. The successful respondent will be the one whose product is judged to best serve the interests of the City when price, product, safety, and delivery are considered.
13. A Respondents request for Resident Preference will be honored only when the provisions of Sections

13-1-21 and 13-1-22 of the State Purchasing Act have been met.

14. Do not submit alternate proposals unless instructed to do so, as they will not be considered.
15. Notice is hereby given that the City Commission reserves the right to reject any and all proposals received. In the case of ambiguity or lack of clarity, the right to determine the best bid or to reject same or to waive irregularities and technicalities.
16. Any requested literature and one complete copy of the proposal, unless stated otherwise in the Request for Proposal, must be submitted with the proposal.
17. All proposals must be valid for a minimum of 90 days after bid opening, unless otherwise stated in the proposal sheet by the individual respondent or the City of Lovington.
18. All Respondents who are engaged in business within the municipal limits of the City, shall be licensed to do business by the City of Lovington.
19. This procurement is being done on behalf of the City of Lovington, its departments as well as other entities and agencies in general as provided for by law, at the discretion of the contracted vendor(s).
20. Pursuant to 13-4-11 (A) NMSA Annotated, state wage rates shall apply to any bid or proposal on construction or public works projects in excess of \$60,000.00. In addition all bidders and proposers shall comply with Federal wage rates on applicable projects.
21. Pursuant to 13-1-146 NMSA Annotated, a bid security or bond shall be required of bidders or offerors for construction contracts in excess of twenty-five thousand dollars (\$25,000). Bid security or bond in an amount equal to at least five percent (5%) of the amount bid shall be a bond provided by a surety company authorized to do business in the state of New Mexico, or the equivalent in cash.
22. Pursuant to 13-4-13.1 NMSA Annotated, in order to submit a proposal valued at more than fifty thousand dollars (\$50,000) in order to respond to a request for proposals or to be considered for award of any portion of a public works project greater than fifty thousand dollars (\$50,000) for a public works project that is subject to the Public Works Minimum Wage Act [13-4-10 NMSA 1978], the contractor, serving as a prime contractor or not, shall be registered with the labor and industrial division of the labor department.
23. Pursuant to 13-4-34 NMSA Annotated, (A) Any person submitting a proposal shall in his/her bid set forth: (1) the name and the city or county of the place of business of each subcontractor under subcontract to the contractor who will perform work or labor or render service to the contractor in or about the construction of the public works construction project in an amount in excess of the listing threshold; and (2) the category of the work that will be done by each subcontractor. The contractor shall list only one subcontractor for each category as defined by the contractor in his bid. (B) A bid submitted by a contractor who fails to comply with the provisions of Subsection A of this section is a

non-responsive bid which shall not be accepted by a using agency.

24. Pursuant to 13-4-38 NMSA Annotated, Failure to specify subcontractor: If a contractor fails to list a subcontractor in excess of the listing threshold and he does not state that no bid was received or that only one bid was received, he represents that he is fully qualified to perform that portion of the work himself and that he shall perform that portion of the work himself. If after the award of the contract the contractor subcontracts any portion of the work, except as provided in the Subcontractors Fair Practices Act [13-4- 31NMSA 1978], the contractor shall be guilty of violation of the Subcontractors Fair Practices Act and subject to the penalties provided in Section 13-4-41 NMSA 1978.

HOLD HARMLESS/INDEMNITY AGREEMENT

To the full extent permitted by law, Contractor shall defend, indemnify and hold harmless City, its employees, agents and officials, from any liability, claims, suits, actions, arbitration proceedings, administrative proceedings, regulatory proceedings, losses expenses or costs of any kind, whether actual, alleged or threatened, actual attorney fees incurred by City, court costs, interest, defense costs including expert witness fees and any other costs or expenses of any kind whatsoever incurred in relation to, as a consequence of or arising out of or in any way attributable in whole or in part to the performance of this agreement. All obligations under this provision are to be paid by Contractor as the City incurs them.

Without affecting the rights of City under any provision of this agreement or this section, Contractor shall not be required to indemnify and hold harmless City as set forth above for liability attributable to the sole fault of City, provided such sole fault is determined by agreement between the parties or the findings of a court of competent jurisdiction. This exception will apply only in instances where the City is shown to have been solely at fault and not in instances where Contractor is solely or partially at fault or in instances where City's fault accounts for only a percentage of the liability involved. In those instances, the obligation of Contractor will be all-inclusive and City will be indemnified for all liability incurred, even though a percentage of the liability is attributable to conduct of the City.

Contractor acknowledges that its obligation pursuant to this section extends to liability attributable to City, if that liability is less than the Sole fault of City. Contractor agrees to obtain executed indemnity agreements with provisions identical to those set forth here in this section from each and every subcontractor, sub-tier contractor or any other person or entity involved by, for, with or on behalf of contractor in the performance of this agreement. In the event Contractor fails to obtain such indemnity obligations from others as required here, Contractor agrees to be fully responsible according to the terms of this section. Failure of City to monitor compliance with these requirements imposes no additional obligations on City and will in no way act as a waiver of any rights hereunder. This obligation to indemnify and defend City as set forth herein is binding on the successors, assigns, or heirs of Contractor and shall survive the termination of this agreement or this section.

Any dispute leading to litigation must be settled in the jurisdiction of the Lea County, New Mexico Court system.

1.0 PURPOSE

The purpose of this Request for Proposals is to solicit sealed responses to establish a contract through competitive responses for the procurement of professional services for the update of the City's existing Metropolitan Redevelopment Act Plan as defined by the Metropolitan Redevelopment Code (NMSA 1978, § 3-60A-8 (1979)) on behalf of the City of Lovington, NM. Any qualified and selected offeror must be approved by the New Mexico Finance Authority prior to execution of any contract under this Request for Proposal.

2.0 SCOPE OF WORK

The City of Lovington and the Lovington MainStreet organization adopted a City of Lovington Downtown Master Plan/MRA Plan ("the Plan") in 2010. This Plan needs to be updated as per the scope of work described below and adopted as a Metropolitan Redevelopment Area (MRA) Plan. The 2010 Downtown Master Plan/MRA Plan, and the MRA Designation Report approved by resolution by the City Council are available for review from the City and NM MainStreet.

Required Downtown Master Plan Outline

A Downtown MRA Plan defines a community's vision for the core commercial area and identifies priority catalytic projects to revitalize that area, determined through a dynamic community participation process. The Downtown MRA Plan examines existing conditions and assets, analysis of the core MRA economic market, develops a physical land use plan with livability/design guidelines, designs specific redevelopment sites and projects, and identifies sustainable implementation strategies and specific funding sources for each priority project for the MRA's future physical improvements, economic uses, and regulations. When adopted by the City Commission, the Downtown MRA Plan becomes a living document that guides MRA revitalization and public and private sector investment for several years.

Scope of Planning Services to be Performed

The following tasks are identified as the Scope of Work that the planning consultant team will be requested to perform in preparing the Downtown MRA Plan.

A. Existing Conditions/Asset Inventory

An inventory and mapping of existing conditions will be performed that will include, but not be limited to, existing land use, zoning, public land ownership, transportation networks and traffic volumes within the MRA boundary and related neighborhoods. An asset inventory will also be completed determining the significant cultural and historic features and buildings, opportunity sites for redevelopment, and major regional attractions.

Prepare an overview of the history and settlement of the community and identify key historical or cultural events or populations that can serve as contributing to a place-based identity for the MRA. A map of opportunity sites and potential revitalization projects will be developed for the MRA area summarizing the results of the inventory.

B. Market Analysis

Market research will be conducted that will include the following information:

- Overview of existing downtown, municipal and regional commercial and housing market conditions,
- Overview of demographics of city and regional markets including skill base, education and disposable income,
- Recent history of downtown services and retail including types of businesses, numbers in each area, turnover rates,
- Competitive related markets and nodes in same segments,
- Trends driving the current market,
- Regional influences impacting the MRA,
- Potential opportunities in repositioning the downtown market including underserved Markets,
- Assess where there may be gaps that could be filled by new businesses and what types of skills residents may have to contribute.
- Interviews with commercial realtors will be conducted to identify residential and business types that are undersupplied in the MRA,
- Determination of the types of housing projects {ownership vs. rental, single family vs. multifamily, size of units) will be made that best meet the market needs for the area,
- Assess the feasibility for uses such as retail, office, housing, hotel and cultural {such as museums, arts and entertainment) uses,
- Economic positioning of downtown in relation to the development of the entire community including business recruitment and retention,
- Tourism, especially heritage tourism, including the positioning of the Arts and Cultural District

C. Downtown Vision and MRA Plan

Through the community participation process, create a vision for the downtown that reflects its historical context and present opportunities and assets to serve as an aspiration for the community's future. This process will result in the preparation of a Metropolitan Redevelopment Area (MRA) Plan as per New Mexico Redevelopment Code statute.

1. Develop a Downtown MRA Plan for the area that:
 - Allocates new and future land uses and revitalization projects in the downtown based on the community input and market study that will create a sustainable downtown based on the *MainStreet 4 Point Approach*[®]. A sustainable downtown is more than “green buildings”; it encompasses the adaptive reuse of existing buildings, conserves energy, water and cultural resources, reduces greenhouse gas emissions, promotes economic development and vitality, and celebrates the cultures and traditions of the community.
 - Integrates the preservation and conservation of existing historic buildings and cultural properties into the planning and design of MRA projects and identify the potential for dedicating new nominations of historic buildings, cultural properties, state and/or national historic registered districts. Contact and coordinate with NM Historic Preservation Division (HPD) staff for information related to historic buildings and districts.

- Evaluates transportation/transit, traffic, and pedestrian issues related to the proposed improvements in the area creating a walkable pedestrian-friendly environment through pedestrian enhancements and traffic calming measures. Contact and coordinate with NM Department of Transportation (NMDOT) District Engineer Office and the NMDOT Planning/CSS Division staff for existing information and proposed projects in the town.
 - Determines vacant, underutilized and/or available land and buildings within the plan area that could be redeveloped and recommends adaptive reuses of existing buildings or new development on vacant land.
 - Review the City Zoning Code and recommend changes to the Code that will provide incentives and foster implementation of the plan.
2. Identifies priority catalytic projects that will stimulate revitalization efforts and attract private sector reinvestment into the downtown. Projects should include increasing the town's job creation, economic redevelopment, livability, walkability, place making, and serve to support and enhance its authentic and unique sense of place.
 3. Develop a Downtown Wayfinding system that includes the following elements:
 - Consultation with the City of Lovington and Lovington MainStreet on project needs, branding and conceptual ideas for the system.
 - The approach to the Wayfinding system will be from the perspective of showing visitors how to get to the downtown area and then knowing where to go once they are there. The system will be the path for the traveler to follow to the destinations. This will include strategically-located public parking areas to identify as park-once elements from which to lead the pedestrians to the appropriate destinations.
 - Identify Gateway's and Entry's
 - Identify the list of destinations to be incorporated into the wayfinding signage
 - Create pedestrian signage/kiosks based on the City's approved logo and design standards
 - Create Vehicle signage based on the City's approved logo and design standards
 - Identify locations for Pedestrian signage with the appropriate destinations to be listed on each sign
 - Identify locations for the Vehicle signage with the appropriate destinations to be listed on each sign
 - Develop a cost estimate for the fabrication and installation of the wayfinding signage system

D. Implementation Strategies/Priorities

A prioritized and phased Implementation Plan will be developed consisting of revitalization projects and strategies that the MainStreet board and the City can follow for the successful implementation of the Plan and the long term sustainability of the MRA. Priority catalytic projects will range from small projects that can be implemented through partnerships with the City and the community's MainStreet board using local volunteers and staff, to larger projects that may require Capital Outlay, Legislative and/or Federal funding. Project priorities will be determined through a community-based prioritization process. Projects will have specific funding sources identified to do each project.

E. Funding Sources

The consultant will identify funding sources applicable to the MRA and community to implement the plan

including but not limited to CDBG, TIF, TIDD, LEDA, Lodgers Tax, and other state and federal sources of funding. The narrative will be based on an evaluation of the municipality's financial capacity and the best financial tool(s) to accomplish priority projects within the Downtown/MRA Plan. The contractor shall make assessment of the MRA and determination and findings required for the City to adopt a Metropolitan Redevelopment Area MRA.

F. Community Participation Process

The consultant will prepare the Plan through an intensive community process that will include at minimum the following steps:

- Organize and conduct regular meetings with a Steering Committee regarding the MRA Plan.
- Conduct and facilitate a two-day public design workshop that utilizes a dynamic planning process, e.g., a *charrette*, to solicit and record the communities input on their ideas of revitalization projects and programs to include in the outcome of the Plan. Use this opportunity to solicit volunteers who may want to be involved in the local MainStreet organization or on a task force to implement the MRA Plan's projects.
- Prepare a draft MRA Plan, and present that Plan to the Steering Committee and participants from the public workshop. Provide an opportunity for review and provide comment of the draft Plan to New Mexico MainStreet, NM Historic Preservation Division and NMDOT staff prior to any official action.
- Present the Final Plan to the Steering Committee, participants from the public workshop, and City officials.
- Revise the final Plan as required by NM MainStreet, other state and local agencies, and the City after their review of the final Plan. The final MRA Plan will be adopted by the City Council as per the State's NM Redevelopment Code statute.
- Deliver 25 final color hardcopy Plans to the community, and all digital text and mapping files in MS Word and ESRI ArcView formats. Two copies of the plan in the same formats shall also be submitted to New Mexico MainStreet.

3.0 SPECIAL NOTES

1. NMFA will provide approval of the consultant selected by this process. Selection and approval must occur prior to November 2017.
2. NMFA will require their approval of the contract between the City and consultant and plan scope. Approval must occur prior to November 2017.
3. Submission of the MRA to NMEDD must occur no later than June 2018.

3.0 CONTENT, FORMAT, AND SUBMITTAL OF PROPOSALS

Offeror must provide information to address the ranking criteria listed hereinafter. The proposal should be concise and demonstrate an understanding of the project, experience in related projects, experience of personnel or sub-contractors (include resumes), equipment and provide your own office space available to perform the work, technical approach to the project, and three references from other clients (Municipality specific is preferred, but not required). In addition, the Offeror must submit at minimum five (5) work samples of previous plans that are similar or

specifically related to an MRA.

The submitted proposal must not exceed fifteen (15) pages and must be in a 12-point font with page numbers. Please note that title pages, table of contents, and addendums or attachments are not considered part of the 15-page narrative.

Offeror must provide six (6) copies of the proposal, including one (1) stamped original, which must be delivered to the Finance Department of the City of Lovington, 214 S. Love Street, Lovington, New Mexico 88260, no later than 10:00 a.m. on September 1, 2017.

Sealed proposal envelopes shall be clearly marked "MRA Plan Update 2017" on the outside of the envelope. Failure to comply with these requirements shall result in rejection of the proposal.

4.0 CRITERIA/RANKING

The City of Lovington will utilize a technical advisory team made up of, but not limited to designated City staff, Lovington MainStreet staff, and/or other community members or stakeholders to evaluate the proposals submitted. All proposals shall be reviewed for compliance with the minimum and mandatory requirements as stipulated within this Request for Proposals. Proposals found not to be in compliance will be rejected without further consideration. Proposals which are not rejected will then be evaluated based upon the following weighted values:

1. Experience of the Offeror, Specialized Services and Technical Competence – **30 points maximum**
Please describe the experience or related experience in the development of a Municipal Master Plan(s) or updates or similar document(s). Special attention will be paid to the Offerors ability to complete a thorough and stakeholder participatory Plan within a defined timeline on time and on budget.
2. Cost – **15 points maximum**
Please attach the estimated professional service fees and other anticipated costs for specific portions of the project in a table format based on the scope of work.
3. Capacity and Capability – **10 points maximum**
Please describe your capacity and capability to perform assignments on short notice, in a timely basis, on budget, and to meet time frame set by the City for the planning and implementation of the MRA.
4. Past Record of Performance – **10 points maximum**
Provide a description of your past performance record on similar projects for other entity's and include three (3) letters of support and a minimum of three (3) references.
5. Familiarity with the City of Lovington – **5 points maximum**
Describe your familiarity with the City of Lovington in terms of a historical and cultural perspective and population as it relates to the economy of the City.
6. Approach to the Project – **10 points maximum**
Briefly describe your approach to the Scope of Work and include timelines and priorities for planning,

facilitation, research, and implementation of the final MRA Plan.

7. Approach to Communicating with the City – **5 points maximum**

Briefly describe your approach in regards to communicating with the City of Lovington including upper management, Lovington MainStreet, and designated staff and stakeholders.

8. Personnel Qualifications – **10 points maximum**

Include all relevant key personnel to be identified in this proposal with a summary of their experience and qualifications.

9. Current Volume of Work being done for the City – **5 points maximum**

If an Offeror has other contracts with the City that are not at least 75% complete, it will be taken into account in ranking the proposal on the basis that the Offeror may be too busy to complete the work. The following table shall be used to assign points based on project status:

Value of work not yet completed on projects that are not 75% complete	Points to be allowed for this item
None	5
\$1 to \$25,000	4
\$25,001 to \$50,000	3
\$50,001 to \$75,000	2
\$75,011 to \$100,000	1
\$100,001 or more	0



MRA Plan Update Evaluation

OFFEROR: _____

EVALUATOR: _____

DATE: _____

ITEM	MAXIMUM POINTS	POINTS AWARDED
Experience of the Offeror, Specialized Services, and Technical Competence	30	
Cost	15	
Capacity and Capability	10	
Past Record of Performance	10	
Familiarity with the City of Lovington	5	
Approach to the Project	10	
Approach to Communicating with the City	5	
Personnel Qualifications	10	
Current Volume of Work being done for the City	5	
SUBTOTAL	100	



City of Lovington

PROPOSAL FORM

**Metropolitan Redevelopment Act Plan Update
DUE DATE: SEPTEMBER 1, 2017**

NAME OF OFFEROR: _____

ADDRESS: _____

TELEPHONE NO.: _____

EMAIL: _____

OFFEROR PRICE: _____

The City of Lovington reserves the right to waive any irregularities an award, or not to award, in the best interests of the City. The City is held harmless and is indemnified for the loss and/or misplacement of bid submittals. The bidder is required to utilize this form. Signature is required and reflects agreement, by the bidder, to the terms of this document.

SIGNATURE OF OFFEROR: _____

**Mail or deliver to City Hall at 214 S. Love St., Lovington, NM 88260
Deadline: SEPTEMBER 1, 2017 by 10:00 a.m. (MST)**

**OPTIONS, EXCEPTIONS, OR VARIATIONS
CITY OF LOVINGTON, NEW MEXICO**

FOR Metropolitan Redevelopment Act Plan Update

DUE DATE: SEPTEMBER 1, 2017 at 10:00 a.m. (MST)

Please state each and every option, exception, or variation to the specifications (if any) for the service(s) or item(s) offered. Please sign below and return with your offer.

1. THERE ARE OPTIONS, EXCEPTIONS OR VARIATIONS. _____
Signature

2. THERE ARE NO OPTIONS, ETC. LISTED. The services offered on the Request for Sealed bids meet or exceed all specifications, terms, and conditions as described in said Request for Sealed Bids without exceptions. I understand services not meeting all specifications, terms, and conditions will be rejected and all costs will be borne by the seller.

Signature

CAMPAIGN CONTRIBUTION DISCLOSURE FORM

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 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.

"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:

Contribution Made By: _____

Relation to Prospective Contractor: _____

Name of Applicable Public Official: _____

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)

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)

Resident / Veterans Preference Certification

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

Please check one box only

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 form 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)*

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

A valid New Mexico Resident Business or New Mexico Veterans' Resident Business Certificate number must be provided in order to receive preference.