



**REQUEST FOR PROPOSALS
SP38 HAAK'U ROAD PLANNING & DESIGN
PUEBLO OF ACOMA COMMUNITY DEVELOPMENT OFFICE**

Project Title: **On-Call Engineering Services**

RFP#: **2023-EN-3414**

Due Date: **March 3rd, 2023, 4:30 P.M. MDST**

Point of Contact: **Dennis Felipe Jr., Civil Engineer
dhfelipe@poamail.org**

**Charles Riley, Director
criley@poamail.org**

**Community Development Office (CDO)
(505) 552-5190**

Submit to: **Pueblo of Acoma
Daniel Mariano, Procurement Agent
25 Pinsbaari Dr.
PO Box 348
Pueblo of Acoma, NM 87034**

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I. INTRODUCTION

A. PURPOSE OF THIS REQUEST FOR PROPOSALS

The Pueblo of Acoma (POA) is requesting proposals from qualified Offerors to provide Phase I & Phase II Services for planning and design of Tribal Road SP-38, Haak'u Road. The work will focus on complying with Tribal, Federal Highway Administration, and Bureau of Indian Affairs guidelines.

B. SCOPE OF WORK

The selected Offeror shall perform the services as specified in Appendix A, Scope of Work.

C. PROCUREMENT AGENT

The POA has designated the Procurement Agent responsible for the conduct of this procurement listed below. All physical deliveries to be addressed to:

- Pueblo of Acoma
Daniel Mariano, Procurement Agent
25 Pinsbaari Dr.
P.O. Box 348
Pueblo of Acoma, NM 87034

D. PROJECT POINT OF CONTACTS

The POA has designated the Community Development Office Director and Civil Engineer responsible for inquiries of this procurement listed below. All inquiries to be addressed to:

- Charles Riley, Director
Pueblo of Acoma Community Development Office
criley@poamail.org
- Dennis Felipe Jr., Civil Engineer
Pueblo of Acoma Community Development Office
dhfelipe@poamail.org

Any inquiries or requests regarding this RFP must be submitted electronically via email to ALL project point of contacts by February 10th, 2023. See II.E. Section of Events.

Other POA employees do not have the authority to respond on behalf of the POA.

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E. DEFINITION OF TERMINOLOGY

- “Agency” means the Pueblo of Acoma.
- “Authorized Purchaser” means an individual authorized by the POA to place orders against this contract.
- “Award” means the final execution of the contract.
- “Business Day” means any day except Saturday, Sunday or holiday recognized by the POA.
- “Business Hours” means 8:00 AM thru 4:30 PM Mountain Standard or Mountain Daylight Time.
- “Calendar Day” means each day on the calendar, including Saturdays, Sundays and holidays. For purposes of deadlines, calendar days mean each day, not including the day of the defining event, from which a designated period of time begins to run, including the last day of the period unless it is a Saturday, Sunday, or legal holiday, in which case the period runs until the end of the next day that is not a Saturday, Sunday, or legal holiday. The term “day” means calendar day whether or not expressly identified.
- “Close of Business” means 4:30 PM Mountain Time.
- “Contract” means any agreement for the procurement of items of tangible personal property, services or construction. A contract is also referenced in this RFP as an “Agreement.”
- “Contractor” means any business having a contract with the POA. A contractor may also be referenced in this RFP as “Consultant” or “Engineer.”
- “Desirable” includes the terms “may”, “can”, “should”, “preferably”, or “prefers,” and identifies a desirable or discretionary item or factor, as opposed to “mandatory” item or factor.
- “Determination” means the written documentation of a decision of a procurement officer including findings of fact required to support a decision. A determination becomes part of the procurement file to which it pertains.
- “Finalist” is defined as an Offeror who meets all the mandatory specifications of this RFP and whose score on evaluation factors is sufficiently high to merit further consideration by the Selections Committee (SC).
- “Hourly Rate” means the proposed fully loaded maximum hourly rates that include travel, per diem, fringe benefits and any overhead costs for contractor personnel, as well as subcontractor personnel if appropriate.
- “IT” means Information Technology.
- “Mandatory” includes the terms “must”, “shall”, “will”, “is required”, or “are required”, and identifies a mandatory item or factor, as opposed to “desirable” item or factor. Failure to meet a mandatory item or factor will result in the rejection of the Offeror’s proposal.
- “Minor Technical Irregularities” means anything in the proposal that does not affect the price quality and quantity or any other mandatory requirement.
- “Multiple Source Award” means an award of an indefinite quantity contract for one or more similar services, items of tangible personal property or construction to more than one Offeror.
- “Non-Responsive” means not adequately addressing or meeting the requirements contained in a request for competitive bids on a contract. Any Offeror that does not comply with the RFP’s mandatory items or factors, or whose offering fails to meet the RFP’s acceptability

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requirements will be rejected as Non-Responsive, with Non-Responsive proposals disqualified and eliminated from further consideration.

- “Offeror” is one (“Consultant”, “Engineer”, or “Other”) who submits a proposal in response to a RFP.
- “Person” means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture or other legal or commercial entity.
- “Procurement Division” means the Procurement Division within the POA.
- “Procurement Agent” means the person or designee authorized by the POA to enter into or administer contracts and make written determinations with respect thereto.
- “Procuring Agency” means POA allowed by to entertain procurements.
- “Selections Committee” or “SC” means a body appointed by the POA to perform the evaluation of Offerors’ proposals.
- “Project” means a temporary process undertaken to solve a well-defined goal or objective with clearly defined start and end times, a set of clearly defined tasks, and a budget. The project terminates once the project scope is achieved, and project acceptance is given by the project executive sponsor.
- “Request for Proposals” 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 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 or items of tangible personal property described in the proposal.
- “Responsive Offer” or “Responsive Proposal” means an offer which conforms in all material respects to the requirements set forth in the request for proposals. Material respects of a request for proposals include, but are not limited to price, quality, quantity, or delivery requirements.
- “Sealed” means, in terms of a non-electronic submission, the proposal is enclosed in a package which is completely fastened in such a way that nothing can be added or removed. Open packages submitted will not be accepted, except for packages that may have been damaged by the delivery service itself. The POA reserves the right to accept or reject packages where there may have been damage done by the delivery service itself. By submitting a proposal, the Offeror agrees to and concurs with this process and accepts the determination of the Procurement Agent in such cases.
- “Staff” means any individual who is a full-time, part-time, or an independently contracted employee with the Offerors’ company.
- “Statement of Concurrence” means an affirmative statement from the Offeror to the required specification agreeing to comply and concur with the stated requirement(s). This statement shall be included in Offeror’s proposal, e.g. “We concur”, “Understands and Complies”, “Comply”, “Will Comply if Applicable,” etc.
- “Written” means typewritten on standard 8 ½ x 11 inch paper. Larger paper is permissible for charts, spreadsheets, etc.

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II. CONDITIONS GOVERNING THE PROCUREMENT

This section of the RFP contains the schedule for the procurement, describes the major procurement events and the conditions governing the procurement. Failure to comply with mandatory conditions governing procurement will result in the Offeror’s proposal being regarded as Non-Responsive.

A. SEQUENCE OF EVENTS

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

<u>Action</u>	<u>Responsibility</u>	<u>Date</u>
1. Issue of RFP	POA	1/14/2023
2. Pre-proposal Conference	POA & Offerors	1/30/2023
3. Acknowledgement of Receipt Form (“Appendix C”)	Offerors	3/3/2023
4. Deadline to Submit Additional Written Questions	Offerors	2/3/2023
5. Response to Written Questions/RFP Amendments	POA	2/10/2023
6. Submission of Proposal (Due 4:30p.m. MDT or MST)	Offerors	3/3/2023
7. Proposal Evaluation	POA SC	3/6/2023
8. Selection of Finalists	POA SC	3/10/2023
9. Finalists Presentation/Interview	Offeror	3/13/2023
10. Best and Final Offers	Offeror	3/17/2023
11. Finalize Contract	Offeror/POA	3/20/2023
12. Contract Award	POA	3/27/2023

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B. EXPLANATION OF EVENTS

1. Issue of RFP

This RFP is being issued by the POA.

2. Pre-proposal Conference

A pre-proposal conference **WILL BE** held for this project on 1/30/2023 at the CDO Conference Room at the Alvin G. Lewis, Sr. Community Development Complex at 35 Pinsbaari Dr., Acoma Pueblo, NM 87034 from 10:30 AM – 11:30 AM.

3. Acknowledgement of Receipt Form

Potential Offerors must submit by email or send by registered or certified mail the "Acknowledgement of Receipt Form" that accompanies this document to have their organization placed on the procurement distribution list. (See Appendix C.) The form must be signed by an authorized representative of the organization, dated, and returned by the close of business on 3/3/2023.

Submit forms to ALL point of contacts (See Section I.D. or Cover Page)

The distribution list will be used for the distribution of written responses to questions and any RFP amendments.

Failure to return this form constitutes a presumption of receipt and rejection of the RFP, and the potential Offeror's organization name will not appear on the distribution list.

4. Deadline to Submit Additional Written Questions

Potential Offerors may submit additional written questions as to the intent or clarity of this RFP until the close of business on February 3rd, 2023. All written questions must be addressed to the CDO Director. (See Section I, Paragraph D.)

5. Response to Written Questions/RFP Amendments

Written responses to written questions and any RFP amendments will be distributed on 2/10/2023 to all potential Offerors whose organization name appears on the procurement distribution list.

Additional written requests for clarification of distributed answers and/or amendments must be received by the Procurement Agent no later than one (1) day after the answers and/or amendments were issued.

6. Submission of Proposal

Proposals must be submitted to the POA.

Proposals submitted by hard copy, facsimile, email, or any other manner other than the prescribed means will be rejected.

7. Proposal Evaluation

The evaluation of proposals will be performed by the Selection Committee (SC) starting 3/6/2023. During this time, the Procurement Agent may initiate discussions with Offerors who submit responsive or potentially responsive proposals for the purpose of clarifying aspects of the proposals; however, proposals may be accepted and evaluated

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without such discussion. Discussions SHALL NOT be initiated by the Offerors.

8. Selection of Finalists

The SC will select and Procurement Agent will notify the finalist Offerors approximately 3/10/2023. Only finalist Offerors will be invited to participate in the subsequent steps of the procurement. If applicable, the schedule for Oral Presentations will be determined at that time.

9. Oral Presentation by Finalists (if applicable)

In the event of a tie, scores are too close, or based on the size and complexity of the project, the POA will determine whether to conduct oral presentations. Offerors identified to conduct oral presentations will prepare a presentation to the SC and present to all members at a given time and location identified by the Procurement Agent.

In the event of Oral Presentations, presentations for this procurement will be held in 3/13/2023 and are limited to one (1) hour in duration for each Offeror.

The POA has determined the point value will be forty (40) points. Each SC member will determine the distribution of the points to each team. The team with the highest score will be considered the top ranked Offeror. Additional discussion or presentations may be necessary.

10. Best and Final Offers from Finalists (if applicable)

Finalist Offerors may be asked to submit revisions to their proposals by 3/17/2023 for the purpose of obtaining best and final offers. Best and final offers may be clarified and amended at the finalist Offeror's oral presentation. If a best and final offers from finalists are not needed and a selection is made, notification will be made on 3/17/2023.

11. Finalize Contract

The contract will be finalized with the most advantageous Offeror in the month(s) of 3/20/2023. This date is subject to change at the discretion of the POA. In the event mutually agreeable terms cannot be reached with the apparent most advantageous Offeror in the time specified, the POA reserves the right to finalize a contractual agreement with the next most advantageous Offeror(s) without undertaking a new procurement process.

12. Contract Award

The POA anticipates awarding the contract in the month of 3/24/2023. These dates are subject to change at the discretion of the POA.

The contract shall be awarded to the Offeror(s) whose proposal is most advantageous, taking into consideration the evaluation factors set forth in the RFP. The most advantageous proposal may or may not have received the most points.

13. Right to Protest

Any protest by an Offeror must be timely and in conformity with POA procurement regulations. The Pueblo's Chief Procurement Officer serves as protest manager for this RFP. Pursuant to POA regulations, ONLY protests delivered directly to the protest manager in writing and in a timely fashion will be considered to have been submitted properly and in accordance with statute, rule, and this Request for Proposals. The fifteen (15) calendar

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day protest period shall begin on the day following the award of contract(s) and will end at 4:30 p.m. Mountain Standard Time/Daylight Time on the fifteenth (15th) day.

Protests must be written and must include the name and address of the protestor and the Request for Proposal number. Protests must also contain a statement of the grounds for protest, including appropriate supporting exhibits, and must specify the ruling requested from the party listed below. Emailed protests will not be considered as properly submitted. Protests must be mailed, or hand delivered to:

- Pueblo of Acoma
Daniel Mariano, Procurement Agent
25 Pinsbaari Dr.
P.O. Box 348
Pueblo of Acoma, NM 87034

C. GENERAL REQUIREMENTS

This procurement will be conducted in accordance with POA Procurement Regulations.

1. Acceptance of Conditions Governing the Procurement

Offerors must indicate their acceptance of the Conditions Governing the Procurement section in the letter of transmittal. Submission of a proposal constitutes acceptance of the Evaluation Factors contained in Section V of this RFP

2. Incurring Cost

Any cost incurred by the potential Offeror in preparation, transmittal, and/or presentation of any proposal or material submitted in response to this RFP shall be borne solely by the Offeror. Any cost incurred by the Offeror for set up and demonstration of the proposed equipment and/or system shall be borne solely by the Offeror.

3. Prime Contractor Responsibility

Any contract that may result from this RFP shall specify that the prime Contractor is solely responsible for fulfillment of the contract with the POA. The POA will make contract payments only to the prime Contractor.

4. Subcontractors/Consent

The use of subcontractors is allowed. The prime Contractor shall be wholly responsible for the entire performance of the contract whether or not subcontractors are used. Additionally, the prime Contractor must receive approval, in writing, from the POA before any subcontractor is used during the term of the agreement.

5. Certifications and Licenses

Potential Offerors must have the proper certifications and licenses to do business in New Mexico as follows:

Corporations:

- File Articles of Incorporation with the Secretary of State's Office and record with the County pursuant to NMSA 1978, Section 53-4-6.

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- Name of registered agent pursuant to NMSA 1978, Section 53-5-2.
- Certificate of Authority from the Secretary of State's Office indicating that the corporation is authorized to conduct business in New Mexico pursuant to NMSA 1978, Sections 53-17-6 and 53-17-8.
- Obtain a Federal employer identification number.
- Register with the New Mexico Taxation and Revenue Department and obtain a tax identification number to report gross receipts taxes.

Limited Liability Companies:

- Registered office and registered agent for service of process that is either a New Mexico resident or domestic corporation, limited liability company, or partnership that is located in New Mexico.
- File an Application for Registration with the Secretary of State's Office to conduct business in New Mexico and must obtain a Certificate of Good Standing from the Secretary of State's Office to conduct business in New Mexico.
- Obtain a Federal employer identification number.
- Register with the New Mexico Taxation and Revenue POA and obtain a tax identification number to report gross receipts taxes.

Limited Partnerships:

- Apply for Certificate of Limited Partnership with the New Mexico Secretary of State pursuant to NMSA 1978, Sections 54-2A-101 through 54-2A-119.
- File a Statement of Qualifications with the New Mexico Secretary of State pursuant to NMSA 1978, Sections 54-1A-101 through 54-1A-1206.
- Obtain a Federal employer identification number.
- Register with the New Mexico Taxation and Revenue Department and obtain a tax identification number to report gross receipts taxes.

General Partnerships:

- File a Statement of Partnership Authority with the Secretary of State pursuant to NMSA 1978, Sections 54-1A-101 through 54-1A-1206.
- Obtain a Federal employer identification number.
- Register with the New Mexico Taxation and Revenue Department and obtain a tax identification number to report gross receipts taxes.

Sole Proprietorships and Joint Ventures:

- Obtain a Federal employer identification number.
- Register with the New Mexico Taxation and Revenue Department and obtain a tax identification number to report gross receipts taxes.

6. Amended Proposals

An Offeror may submit an amended proposal before the deadline for receipt of proposals.

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Such amended proposals must be complete replacements for a previously submitted proposal and must be clearly identified as such in the transmittal letter. The POA will not merge, collate, or assemble proposal materials.

7. Offerors' Rights to Withdraw Proposal

Offerors will be allowed to withdraw their proposals at any time prior to the deadline for receipt of proposals. The Offeror must submit a written withdrawal request signed by the Offeror's duly authorized representative and addressed to the Procurement Agent. The approval or denial of withdrawal requests received after the deadline for receipt of the proposals is governed by the POA applicable procurement regulations.

8. Proposal Offer Firm

Responses to this RFP, including proposal prices for services, will be considered firm for one hundred twenty (120) calendar days after the due date for receipt of proposals or ninety (90) calendar days after the due date for the receipt of a best and final offer, provided the Offeror is invited or required to submit one.

9. Disclosure of Proposal Contents

- 1) Proposals will be kept confidential until negotiations and the award are completed by the POA. At that time, all proposals and documents pertaining to the proposals will be open to the public, except for material that is clearly marked proprietary or confidential. The Procurement Agent will not disclose or make public any pages of a proposal on which the potential Offeror has stamped or imprinted "proprietary" or "confidential" subject to the following requirements:
- 2) Proprietary or confidential data shall be readily separable from the proposal in order to facilitate eventual public inspection of the non-confidential portion of the proposal.
- 3) Confidential data is restricted to:
- 4) Confidential financial information concerning the Offeror's organization
- 5) If a request is received for disclosure of data for which an Offeror has made a written request for confidentiality, the POA shall examine the Offeror's request and make a written determination that specifies which portions of the proposal should be disclosed. Unless the Offeror takes legal action to prevent the disclosure, the proposal will be so disclosed. The proposal shall be open to public inspection subject to any continuing prohibition on the disclosure of confidential data.
- 6) **Please note:** The price of products offered or the cost of services proposed shall not be designated as proprietary or confidential information.

10. No Obligation

This RFP in no manner obligates the POA any of its programs to the use of any Offeror's services until a valid written contract is awarded and approved by appropriate authorities.

11. Termination

This RFP may be canceled at any time, and any and all proposals may be rejected in whole or in part when the Procurement Agent determines such action to be in the best interest of the POA.

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12. Sufficient Appropriation

Any contract awarded as a result of the RFP process may be terminated if sufficient appropriations do not exist. Such termination will be effected by sending written notice to the Contractor. The POA's decision as to whether sufficient appropriations are available will be accepted by the Contractor as final.

13. Legal Review

The POA requires that all Offerors agree to be bound by the General Requirements contained in this RFP. Any Offeror concerns must be promptly brought to the attention of the Procurement Agent

14. Governing Law

This RFP and any contract with an Offeror which may result from this procurement shall be governed by the laws of the POA.

15. Consent to Jurisdiction and Venue

If a recipient of this RFP chooses to offer a proposal, the Offeror understands and agrees that by submitting such proposal to the POA they consent to and agree to the exclusive jurisdiction of the POA for the resolution of any disputes arising under or resulting from contract selection and/or approval process in response to this RFP, or any dispute arising under or resulting from the performance of any contract resulting from this RFP that cannot be resolved informally. The Offeror, by submitting such proposal, waives any objection to the personal jurisdiction of the POA over the Offeror. By submitting such proposal, the Offeror agrees and consents that the POA shall have venue and jurisdiction over all matters arising or derived from this RFP, including a resulting contract.

16. Basis for Proposal

Only information supplied by the POA in writing through the Procurement Agent or in this RFP should be used as the basis for the preparation of Offeror proposals.

17. Contract Terms and Conditions

The negotiated contract between the POA and the Contractor will follow the format specified or as agreed to by the POA.

18. Offeror's Terms and Conditions

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

19. Contract Deviations

Any additional terms and conditions, which may be the subject of negotiation, will be discussed only between the POA and the selected Offeror and shall not be deemed an opportunity to amend the Offeror's proposal.

20. Contract Negotiations

Contract negotiations will be held in accordance with applicable provisions of the POA Procurement Regulations.

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21. Offeror Qualifications

The SC may make such investigations as necessary to determine the ability of the Offeror to adhere to the requirements specified within this RFP. The SC will reject the proposal of any Offeror who is not a responsible Offeror or fails to submit a responsive offer as determined by the SC and Procurement Agent.

22. Right to Waive Minor Irregularities

The SC reserves the right to waive minor irregularities. The Chief Procurement Officer reserves the exclusive right to determine whether discrepancies regarding mandatory requirements result in an offer being Non-Responsive.

Change in Contractor Representatives

The POA reserves the right to require a change in contractor representatives if, in the opinion of the POA, the assigned representative(s) is (are) not adequately meeting the needs of the POA.

23. POA Rights

The POA in agreement with the SC reserves the right to accept all or a portion of a potential Offeror's proposal.

24. Right to Publish

Throughout the duration of the procurement process and contract term, Offerors and Contractors must secure from the POA written approval prior to the release of any information that pertains to the potential work or activities covered by this procurement and/or POA contracts deriving from this procurement. Failure to adhere to this requirement may result in disqualification of the Offeror's proposal or removal from the Contract.

25. Ownership of Proposals

All documents submitted in response to this RFP shall become the property of the POA.

26. Confidentiality

Any confidential information provided to, or developed by, the Contractor in the performance of the Contract resulting from this RFP shall be kept confidential and shall not be made available to any individual or organization by the Contractor without the prior written approval of the POA.

The Contractor(s) agrees to protect the confidentiality of all confidential information and not to publish or disclose such information to any third party without the POA's written permission.

27. Electronic Mail Address Required

A large part of the communication regarding this procurement will be conducted by electronic mail (e-mail). Offeror must have a valid e-mail address to receive this correspondence.

Use of Electronic Versions of this RFP

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This RFP is being made available by electronic means. If accepted by such means, the Offeror acknowledges and accepts full responsibility to insure that no changes are made to the RFP. In the event of conflict between a version of the RFP in the Offeror's possession and the version maintained by the POA, the version maintained by the POA shall govern.

28. Native American Preference

To ensure adequate consideration of Native American preference, Offerors must include a copy of their preference certificate with their proposal. Certificates for Native American Preference Certification must be obtained through the New Mexico Department of Taxation & Revenue.

29. Conflict of Interest; Governmental Conduct Act

The Offeror warrants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance or services required under the Agreement.

30. Equal Employment Opportunity

The following requirements shall apply to state- and federal-funded contracts: In connection with this RFP and the anticipated contract, the Offeror shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual preference, national origin, age, marital status, disability, or other protected class.

The Offeror shall take affirmative action to insure that all applicants are treated fairly during employment, without regard to their race, color, religion, sex, sexual preference, national origin, age, marital status, disability, or other protected class.

Such actions shall include but not be limited to the following: layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

III. RESPONSE FORMAT AND ORGANIZATION

A. NUMBER OF RESPONSES

Offerors shall submit only one proposal in response to this RFP.

B. NUMBER OF COPIES

Five copies will be required and mailed to the Procurement Agent to the address provided earlier in the document.

C. PROPOSAL FORMAT (ELECTRONIC)

Offerors must utilize page indicators within their PDF document that clearly identify the different sections of the proposal, including by creating a bookmark on the PDF document. Offerors must use a standard 8 1/2 x 11 document. (Larger paper is permissible for charts, spreadsheets, etc. Offerors are strongly encouraged to limit their proposals to a maximum of thirty (30) pages. Exclusions to this limitation include the letter of introduction, table of contents, covers, proposal summary, dividers, other information, e.g., letters of appreciation,

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and acknowledgement of amendments (if applicable). Offerors are strongly encouraged to create the document with a minimum of 12-point font size.

1. Proposal Organization

The proposal must be organized and indexed in the following format and must contain, at a minimum, all listed items in the sequence indicated:

- 1) Letter of Transmittal
- 2) Table of Contents
- 3) Proposal Summary
- 4) Response to Contract Terms and Conditions
- 5) Response to Mandatory Specifications and Forms
- 6) Offeror's Additional Terms and Conditions
- 7) Other Supporting Material

Within each section of their proposal, Offerors should address the items in the order in which they appear in this RFP. All forms provided in the RFP must be thoroughly completed and included in the appropriate section of the proposal. Offerors may attach other materials that they feel may improve the quality of their responses. However, these materials should be included as items in a separate appendix.

Any proposal that does not adhere to these requirements can be deemed non-responsive and rejected on that basis.

2. Letter of Transmittal

Each proposal must be accompanied by a letter of transmittal. The letter of transmittal MUST:

- 1) Identify the submitting organization;
- 2) Identify the name and title of the person authorized by the organization to contractually obligate the organization;
- 3) Identify the name, title, email address and telephone number of the person authorized to negotiate the contract on behalf of the organization;
- 4) Identify the names, titles and telephone numbers of persons to be contacted for clarification;
- 5) Explicitly indicate acceptance of the Conditions Governing the Procurement stated in Section II, Paragraph C.1;
- 6) Be signed by the person authorized to contractually obligate the organization; and
- 7) Acknowledge receipt of any and all amendments to this RFP.

IV. SPECIFICATIONS

A. INFORMATION

The contract is scheduled to begin in or around 3/24/2023.

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B. MANDATORY SPECIFICATIONS AND FORMS

Offerors shall respond in the form of a thorough narrative to each mandatory specification requiring such. The narratives along with required supporting materials will be evaluated and awarded points accordingly. Failure to address mandatory specifications and requirements, or provide the mandatory forms, will render a proposal non-responsive.

1. General Information

The Offeror must identify its principal member(s) or officer(s) who will be responsible for the administration of the contract; provide the name(s) and registration number(s) of the New Mexico Registered Professional Engineer who will be directly responsible and in charge of the work; and identify the name, address, and phone number of the office(s) where the work will be performed for the prime Offeror and all sub-consultants.

2. Specialized Design and Technical Competence

The Offeror must describe or provide a work plan to perform the services required by the project scope, including the Offeror's specialized problem-solving techniques or approaches, innovative practices/ideas, and advantages its team brings or offers to the project. Proposals should include a bar chart schedule and describe all work proposed to fulfill the project scope.

3. Capacity and Capability of the Offeror to Perform the Work

The Offeror must provide information about the business that demonstrates the ability to provide sufficient professional competence, meet time schedules, accommodate cost considerations and project administration requirements, including information that demonstrates the Offeror's ability to perform the services required for this project. Proposals must include an organizational chart indicating key project team members, including any sub-consultants, and their specific roles on the project and/or area(s) of expertise, and clearly identifying the lead engineer who will be directly responsible for the project. The percentage of time each team member will spend or commit to providing services toward the project must be included in the organizational chart. Brief resumes for the lead engineer and key project team members, must be included in the proposal, describing why each team member was selected for this project, highlighting relevant project experience and knowledge of FHWA/BIA/NMDOT procedures. If a subcontractor is affiliated with the prime contractor as an affiliated company, firm, or business, the proposal must indicate this. The proposal must also identify the Offeror's team's list of current projects.

4. Past Record of Performance

The Offeror must demonstrate through historical documentation that the Offeror has the ability to meet schedules and budgets, as well as user program goals, and final construction project costs. Project schedules should provide information about the progress of work as related to owner schedules and goals as well as the overall success of projects and client satisfaction. The proposal must describe 3 to 5 past projects, specifying relevance to the current project and include client references (names, addresses, email address and telephone numbers) for each project.

5. Proximity to or Familiarity with Site Location

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The Offeror must identify its familiarity with the project area and its understanding of the project scope. Offerors must demonstrate through narrative, graphics or maps the firm's ability to respond quickly to on and off-site requirements for engineering services and administration of the project. The Offeror must also indicate previous knowledge or experience regarding the project location, and any current work or associated consultants who could enhance the firm's ability to provide timely responses or special expertise to project needs.

6. New Mexico Produced Work (does not apply to federally funded projects)

It is in the POA's best interest to support in-state businesses. Proposals should indicate the volume of work to be produced in New Mexico by a New Mexico firm or firms. The Offeror must identify any out-of-state consultant(s) or business relationships that will be involved on the project and the extent of services to be provided by that firm or firms.

7. Volume of Work Currently Being Performed

Offerors shall be scored on any project that has been previously awarded and is, on the date of the submittal, less than 75% complete. Information on the status of past project awards shall be included in the "Project Listing Form" (see Appendix D) as a requirement of this RFP. The following formula on fees for projects awarded that are less than 75% complete shall be utilized in assessing scores:

*Contract Balance Amount

\$ Less than - \$800,000 minus 0 point

\$ \$800,001 - \$1,334,000 minus 1 point

\$1,334,001 - \$2,668,000 minus 2 points

\$2,668,001- \$4,000,000 minus 3 points

\$4,000,001- over minus 4 points maximum**

*Contract Balance Amount is defined as:

- a. Single Phase Contracts: Amount of contract including supplemental agreements that have been negotiated and that are covered under a signed contract, minus all paid invoices, if any (per project).
- b. Multi-Phase Contracts: Amount of contract including all subsequent phases and supplemental agreements that have been negotiated and that are covered under a signed contract, minus all paid invoices, if any (per project). On multi-phase contracts over \$1,334,000.00, a minimum one (1) point deduction will be carried on initial and subsequent phases (except final phase) regardless of percent complete.

** The maximum total point deduction by Phase (sum of all ongoing contracts) will be 4 points. Deduction points will be calculated on the date the proposals are due. The Offeror must invoice against ongoing contracts not less than five (5) business days prior to proposal due date to allow sufficient time for posting to Deduction Point listing.

The POA SC will calculate deduction points.

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8. Native American

Pursuant to NMSA 1978, Section 13-1-21, when a public body makes a purchase using a formal request for proposals process, and the contract is awarded based on a point- based system, the public body shall award additional points equivalent to:

- (1) five percent (5%) of the total possible points to a resident business; or
- (2) ten percent (10%) of the total possible points to a native American business, resident veteran business that has annual gross revenues of up to three million dollars (\$3,000,000) in the preceding tax year.

To be awarded points for **Native American Preference**, Offerors must include a copy of their preference certificate in this section of your proposal.

Applications for Resident Business Preference and Resident Veteran's Preference are processed through the New Mexico Department of Taxation & Revenue. If an Offeror has a preference certification number that was issued by the New Mexico State Purchasing Division, it will need to follow the link below to apply for a new Resident Business, Native American Preference or Veteran Business Preference number:

<http://www.tax.newmexico.gov/Businesses/in-state-veteran-preference-certification.aspx>

IF AN OFFEROR DOES NOT QUALIFY FOR A NATIVE AMERICAN PREFERENCE IT MUST PROVIDE A STATEMENT STATING IT DOES NOT QUALIFY IN THIS SECTION OF THE PROPOSAL. IF AN OFFEROR DOES NOT QUALIFY FOR EITHER PREFERENCE, THE PROPOSAL WILL BE ACCEPTED; HOWEVER, IT WILL NOT RECEIVE POINTS FOR PREFERENCE.

- 1) Form A-1013, Design or Other Consultant Offeror's List ("Appendix H")
- 2) Form A-1036, Confidentiality and Non-Disclosure Agreement ("Appendix I")

V. EVALUATION

A. EVALUATION FACTORS/POINTS

The POA’s Selections Committee will evaluate responsive proposals and assign a score in each category, not to exceed the maximum allowed score for that category, as determined through the Offeror’s attention to the criteria detailed in the following sections. The amount of discussion to be applied to each listed topic is an individual choice of the Offeror; however, discussion should be detailed enough to inform and educate evaluators.

Proposals will be scored based upon a comparison of the information submitted by each Offeror against the evaluation criteria outlined below.

EVALUATION FACTORS	POINTS AVAILABLE
1) General Information	5
2) Specialized Design and Technical Competence	25
3) Capacity and Capability of the Offeror to Perform the Work	30
4) Past Record of Performance	25
5) Proximity to or Familiarity with Site Location	10
6) New Mexico Produced Work	(verification only)
7) Volume of Work Currently Being Performed	(0-4 Pt. Deduction)
8) Native American Preference	5
<i>Total Maximum Allowable Points</i>	<i>100-110 Points</i>

B. EVALUATION PROCESS

The evaluation process will follow the steps listed below:

1. All Offeror proposals will be reviewed for compliance with the mandatory specifications stated within the RFP. Proposals deemed non-responsive will no longer be considered.
2. The Procurement Agent may contact the Offeror(s) for clarification of the response as specified in Section II, Paragraph B.7.
3. The SC may use other sources of information to perform the evaluation as specified in Section II, Paragraph C.23.
4. Responsive proposals will be evaluated on the factors in Section V that have been assigned a point value. The responsible Offeror(s) whose proposal is most advantageous to the POA, taking into consideration the evaluation factors in Section V and successful negotiations, will be recommended for contract award as specified in Section II, Paragraph B.12. Please note that a serious deficiency in the response to any one factor may be grounds for rejection regardless of overall score.
5. In the event of oral presentations, responsible Offerors with the highest scores resulting from the written evaluations will be selected as finalist Offerors. Points awarded from the oral presentations will be added to the previously assigned points from the written evaluations to attain final scores.