
**OWNER'S MANUAL
FOR
QUALIFICATIONS-BASED SELECTION (QBS)**

**A Process for the Selection
of
Design Professionals
by Public Owners**

Revised January 2017

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American Institute of Architects (AIA), New Mexico Chapter
New Mexico Society of Professional Engineers (NMSPE)
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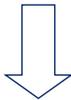
 Example of Scope of Work and Fee Proposal

Preamble to the Owner's Manual

This manual has been prepared to assist municipalities and agencies (also referred to as Owners) in the selection and hiring of design professionals in compliance with the State Procurement Code. The manual contains a complete explanation of the qualifications-based selection (QBS) process and guidelines for proceeding from project inception to conclusion of a contract for professional services.

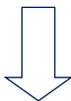
Of practical importance to Owners is the inclusion of sample forms for preparing a Request for Proposals (RFP) and for evaluating the proposals. Although much of the work of preparing an RFP has been simplified with this manual, additional tasks for the Owner to complete are outlined below.

**OWNER DEFINES
WHAT IS NEEDED**



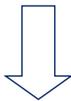
Only the Owner can define what is needed and what is required from the design professional regarding services to be performed, and only the Owner can develop a timeframe for completion of the work. Selection committees and/or local officials are encouraged to meet to discuss the scope of services and to define the final products expected from the design professional. All previous project-related reports and studies should be made available for review.

**SCOPE OF WORK
DRAFTED**



The Owner uses the results of the discussion to draft a scope of work for professional services that reflects the Owner's needs and expectations. The Owner is not limited by the space provided in Item 1 (PROJECT DESCRIPTION) in the Sample RFP (see Appendix A). The Owner can attach a separate page to fully explain the project's scope of work and what is expected of the design professional. Progress made to date on the project, including studies, reports, and surveys, should be made available to potential Offerors in order to provide them necessary background information.

**SCORING SYSTEM
DEVELOPED**



The Owner translates the desired scope of work into a scoring system that reflects its needs and priorities. The scope can be divided into "Planning, Design, and Construction" phases for evaluation and contracting. Producing such a scoring system not only solidifies the desires of the Owner, but also clearly transmits the Owner's priorities to the responding Offerors.

**RFP ADVERTISED,
MOST QUALIFIED
SELECTED, AND
CONTRACT
NEGOTIATIONS
CONDUCTED**



**PTAB provides
assistance with the
above processes**

The Owner advertises the RFP, receives proposals from responding Offerors, determines the most qualified Offeror, and enters into contract negotiations. During negotiations, the successful Offeror (design professional) prepares a proposed scope of work and a detailed fee proposal, as explained in Appendix C. This information should clearly indicate how the professional views the work and will allow the professional and Owner to discuss each work task in detail. Negotiations end with both the Owner and design professional having a better understanding of each others' expectations, thereby reducing the potential for later disappointments.

The **Professional Technical Advisory Board (PTAB)** was formed to provide assistance, at no cost to the Owner, in order to successfully complete the above processes. PTAB assigns a Professional Technical Advisor (PTA) to assist in the development of the RFP and to answer any additional questions. *The role of PTAB is discussed further in the next section of this manual.*

Introduction

An elected or appointed public official may become involved in seeking the services of an engineer, architect, landscape architect, or surveyor. Their first reaction may be to obtain price quotes and go with the lowest bidder. After all, that is how copy paper, pencils, or a new dump truck are procured.

In the case of professional design services, how does the local public body know if an apparent low bidder fully understands the overall requirements of a project? The design work may end up costing much more when it is discovered that additional services are required. Or worse, the project may be completed without all the design services needed, resulting in greatly increased construction costs, as well as inappropriately high operation and maintenance costs. Either way, bidding for professional design services compromises the overall integrity of the services needed for a project.

In the case of major surgery, bid requests are not sent out for medical professionals. When being sued, one does not select the lowest priced legal professional for defense. In both cases, professionals are selected on competence, experience, and reputation. Design professionals should be selected with the same care, based on specialized experience and qualifications. For a unique project, the local public body needs to utilize a qualifications-based selection (QBS) process to obtain the best firm at the least overall cost.

APPLICABLE LAW

Procurement for professional services in New Mexico is guided by New Mexico Procurement Code (Section 13-1-120). The Procurement Code authorizes agencies to conduct a multi-step procurement for Request for Proposals (RFP)-based procurements. This means that the agency can review the proposals submitted and select finalist(s) based on qualifications.

Pursuant to Chapter 81, Laws of 2006, any prospective Offeror/Contractor (engineer or architect) seeking to enter into a contract with any state agency or local public body must file a CAMPAIGN CONTRIBUTION DISCLOSURE FORM with that state agency or local public body. This form must be filed by the prospective Offeror/Contractor with their response to the RFP. The prospective Offeror/Contractor must disclose whether they, a family member, or a representative of the prospective Offeror/Contractor has made a campaign contribution to an applicable public official of the state agency or a local public body during the two years prior to the date on which the Offeror/Contractor submits a proposal. The CAMPAIGN CONTRIBUTION DISCLOSURE FORM is included in Appendix B. It may also be obtained at http://nmdfa.state.nm.us/Contracts_Review_Bureau.aspx.

Pursuant to Chapter 13, Laws of 2013, when federal funds are not involved in the funding of a project, points will be awarded based on an Offeror's ability to provide a copy of a current Resident Business certificate or a Resident Veteran Business certificate. Refer to the Sample RFP on page 8 or here, <http://www.tax.newmexico.gov/Businesses/in-state-veteran-preference-certification.aspx>, for more information.

PROFESSIONAL TECHNICAL ADVISORY BOARD (PTAB)

The New Mexico Procurement Code (Section 13-1-117.2) also states that if the local public body does not have on staff a licensed professional, i.e. engineer, architect, surveyor, and/or landscape architect, then a Professional Technical Advisor (PTA) must be appointed by the appropriate New Mexico professional society. The Professional Technical Advisory Board (PTAB) was created to comply with this requirement.

PTAB is made up of professionals from the following organizations:

- *American Council of Engineering Companies (ACEC) New Mexico,*
- *New Mexico Society of Professional Engineers (NMSPE),*
- *American Institute of Architects (AIA), New Mexico Chapter,*
- *New Mexico Professional Surveyors (NMPS), and*
- *American Society of Landscape Architects, New Mexico Chapter.*

PTAB serves to assist local public bodies throughout New Mexico with the procurement of professional design services. Once a request for assistance is received at PTAB@acecnm.org, a PTA is assigned to the local public body to educate and provide assistance with the RFP and to ensure its compliance with the State Procurement Code and, therefore, QBS. A local public body must allow sufficient time for the PTA assignment process to be completed. A minimum of four weeks prior to the advertising date is suggested. This allows for the selection of an appropriate PTA for a specific RFP. *Remember*, all PTAs are professionals who are volunteering their time and expertise. Their firms are excluded from responding to the RFP and proposing on the project if they serve as PTA for that RFP.

THE ROLE OF THE PROFESSIONAL TECHNICAL ADVISOR (PTA)

The PTA is a senior member of an architectural, engineering, surveying, or landscape architectural firm with experience appropriate to the type of public works project proposed. The PTA is also a resident licensed design professional with at least ten years experience in responsible charge. The PTA is process-oriented, a good listener, and an articulate spokesperson and trainer.

The PTA may:

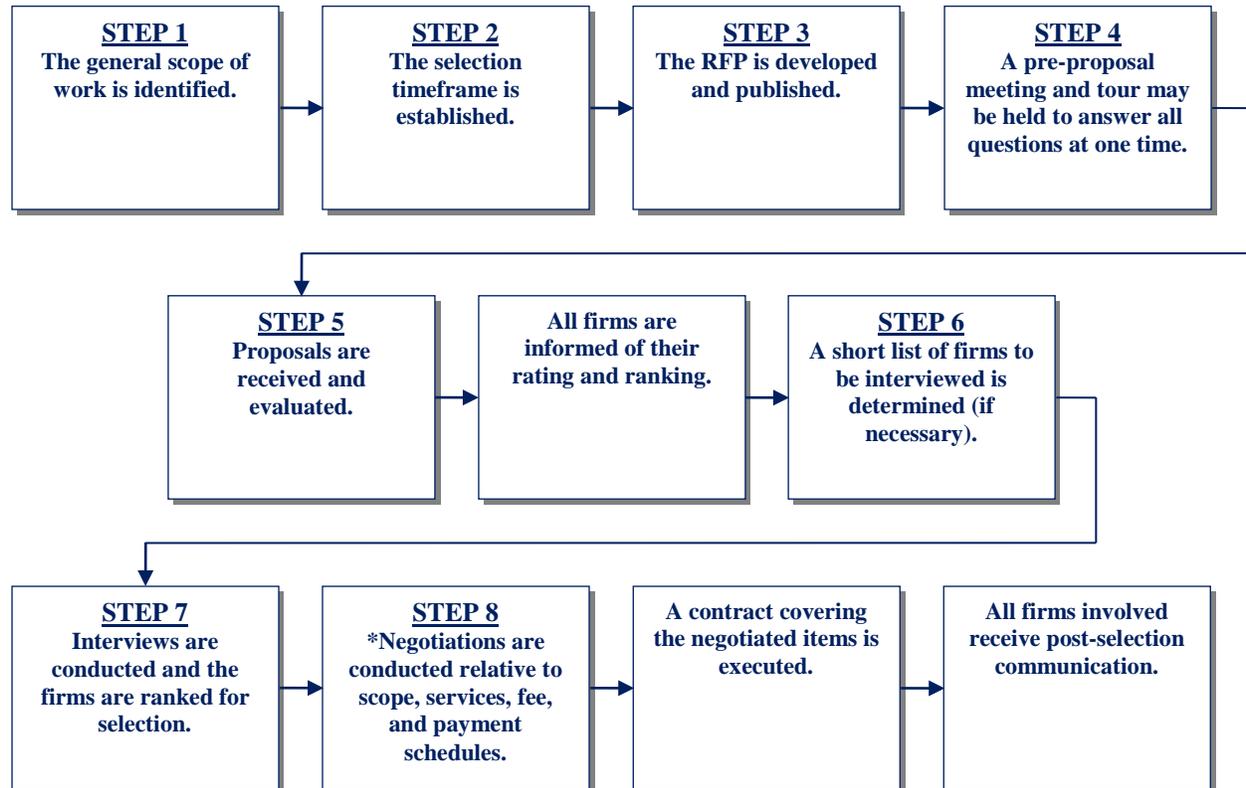
1. Speak with the local public body, board, committee, staff, individual, or group to provide information on what design professionals do and to explain the advantages of QBS in the selection of a design professional;
2. Provide assistance and guidance and answer questions throughout the selection process;
3. Advise and assist in preparing the RFP;
4. Advise the Owner in giving public notice of the RFP;
5. Assist in the evaluation and selection process (but not in the selection itself);
6. Assist in the contract negotiations (limited to providing advice only); and
7. Provide other resources, such as additional materials or references.

The PTA will not:

1. Recommend a firm or firms;
2. Provide an evaluation or critique of any design professional or firm;
3. Dictate the process to be used in selecting a design professional;
4. Participate in the interviewing process except as an observer;
5. Participate in contract negotiations between the local public body and the selected firm;
6. Warrant or, in any way, be responsible to the firm and/or local public body as to the timely and proper completion of the selection process; and
7. Have any personal or firm interest in any proposal submitted.

The QBS Process

The Qualifications-Based Selection (QBS) process includes all or part of the following steps and is detailed in the following sections:



*If an agreement cannot be reached with the top ranked firm, negotiations are ended and then began with the second ranked firm. This continues down the list until an agreement is reached or a new RFP is issued.

Local public bodies should involve the services of a design professional as early as possible in the planning of a project. The design professional takes the available information and ideas and creates workable plans with options that allow the local public body to make sound project decisions.

STEP 1: IDENTIFYING THE GENERAL SCOPE OF WORK

The first and most important step in the process of QBS is to identify the general scope of work and the particular needs of the project. This can only be done by the local public body, but the PTA can assist in developing the scope of work. The local public body should be prepared to spend time defining its needs and the work product desired so a specific scope can be included in the RFP. Questions to be answered include: *Who are the stakeholders in this project? Why are we hiring a professional? How can they help us? What final product do we want from them? When do we need the product delivered?* The scope of work is reflected in the EVALUATION CRITERIA with the relative importance of each criterion reflected in the weight (or points) assigned to each. Items normally included in a statement of the scope of work for a public project are:

1. The local public body or Owner's name.
2. The project name or identification.
3. Project location.
4. Contact person (*clearly identified as the only person to contact for information on the project*), mailing address, telephone number, and email address, as appropriate.
5. Description of any other projects in process or planned for the same site or timeframe which might affect the scope of work.
6. Descriptions of completed studies, surveys, and/or preliminary feasibility work relevant to the project and available to Offerors that respond.
7. Requirements for further feasibility studies or program planning prior to design and construction, if appropriate.
8. Project outline, including intended size, function, capacity, and other general anticipated requirements, i.e. renovation, modernization, demolition, additions, new construction, energy, land use, site selection considerations.
9. Anticipated timeframe, including completion of design work, beginning of construction, and planned project completion date.
10. Description of the deliverables expected from the professional, such as final construction plans and specifications.
11. List of funding sources anticipated for the project and the agencies involved.
12. Description of the selection process, including who is involved.
13. Additional or unique requirements/considerations, such as anticipated public meetings, funding requirements, and budgeting.
14. Other items, as appropriate, which provide general guidance to the interested Offerors and meet the needs of the Owner.

STEP 2: SELECTION TIMEFRAME

To keep the process of selecting a design professional moving forward, the Owner establishes a timeframe for completion of the selection process. Establishing the timeframe communicates requirements with the Offerors and prevents misunderstandings and last minute "surprises" which may delay the process.

The timeframe for each public project differs, depending upon the nature of the project, the concerns of the Owner, and other factors. *The suggested timeframe for an average QBS project is a total of four to six weeks to allow proper planning and administration between each step of the selection process.* Depending upon the status of the Owner's project, adjustments can be made to accommodate the Owner's needs. A sample SCHEDULE OF ACTIVITIES form is provided in Appendix B.

STEP 3: REQUEST FOR PROPOSALS (RFP)

At a minimum, the RFP indicates the following:

1. Scope of work;
2. Proposal receipt deadline;
3. Contact name and telephone number;

4. Type of services;
5. Number of copies required;
6. Page limits and exclusions to the page limits;
7. EVALUATION CRITERIA to be used, including those required by State Statutes; and
8. Points allotted to each evaluation criterion.

In accordance with state law, *the RFP must be published at least once in a newspaper of general circulation* (13-1-104 NMSA 1978) in the area from which the notice emanates. In addition, the RFP should be sent to those firms which have expressed to the local public body an interest in submitting proposals for a particular category of professional services. The RFP may be distributed by email or by mail.

Additional data, if it exists, may be included in the published RFP or may be made available upon request to Offerors responding to the RFP. All Offerors must be given equal access to information.

Additional data may include:

1. A more detailed scope of work, including maps and prior studies and reports;
2. Technical approach;
3. Explanation for handling of late receipt of proposals;
4. Regulations concerning minority programs;
5. Definitions or interpretation of documents and publication of addendum;
6. Time schedule for projects;
7. Funding availability;
8. Selection process and weighted categories of interest;
9. Contract requirements; and
10. Limitations on proposal content.

The PTA assists in developing the RFP and additional data as requested.

STEP 4: PRE-PROPOSAL MEETING AND TOUR OF THE FACILITY

In most major or complex projects, a pre-proposal meeting and tour of the project site or facility is one of the most important parts of the selection process. These tours provide interested Offerors the opportunity to obtain firsthand information on the proposed project and to have their questions answered. The Owner can make the meeting mandatory, so only those Offerors that attend the meeting are eligible to submit a RFP.

Tours can be one-on-one between a local public body representative and an Offeror representative; however, a group tour which includes all interested Offerors reviewing the site and/or facility at the same time often works best. Because the tour includes all interested Offerors, the Owner only provides information and answers questions once, and all Offerors receive the same information. Significant issues are summarized in an addendum issued to all interested Offerors in accordance with the terms of the RFP.

STEP 5: RECEIPT AND EVALUATION OF PROPOSALS

The Owner receives proposals only up until the appointed and published deadline. Late proposals are not accepted.

The first step in the evaluation process is to establish a selection committee. Remember that committees composed of elected officials may need to observe notice requirements of the Open Meetings Act. The selection committee is composed of competent individuals who are able to make an intelligent selection decision based on factual information. The committee first determines whether the proposals submitted conform to the mandatory requirements listed in the RFP. Next, the committee evaluates each proposal based on the published EVALUATION CRITERIA. With assistance from the PTA, the Owner can tailor this form to meet its specific project needs and priorities. Note that the EVALUATION CRITERIA are not limited to those required by State Statutes. Criteria that address specific concerns of the Owner can be added. *IMPORTANT: The selection committee should document its proceedings and decisions in the event questions arise about any decisions made.*

References for the most qualified Offeror may be checked before proceeding to the next step and entering into contract negotiations. A sample REFERENCE CHECK form is included in Appendix B. The Owner may check references other than those listed by the Offeror in the proposal. The Owner may ask listed references if they are aware of other projects completed by the Offeror that might provide additional information.

STEP 6: ESTABLISHING A SHORT LIST

Based upon the evaluation and ranking of the proposals, the Owner establishes a short list of three to five firms to be interviewed. Because all the firms submitting proposals have made a commitment of time and expense in pursuing the project, the Owner contacts ALL the firms that submitted a proposal and notifies them of the short list. The letter sent to those firms who did not make the short list expresses appreciation and identifies the firms being invited for further consideration. A sample MEMO is included in Appendix B.

The nature of the responses, as well as the size and complexity of the project, determines whether interviews are held. Keep in mind that the purpose of the interview is to learn more about the firms than what was provided in their written proposals. If one firm clearly out-ranks all others, interviews are not necessary. The PTA can assist in this determination.

If interviews are scheduled, the firms selected for interviews need to be provided with the following information:

1. The date, place, time of interview, and length of time allowed for each firm, along with who will be conducting the interview;
2. A list of interview questions, the EVALUATION CRITERIA, and an explanation of the scoring and selection process, as well as the structure of the interview (such as questions/answers or presentation followed by questions); and
3. Any feasibility studies, project program, or other necessary background information.

A sample INTERVIEW MEMO to be sent to firms selected to be interviewed is included in Appendix B.

STEP 7: INTERVIEWING THE SHORT-LISTED FIRMS

Interviewing short-listed firms is an opportunity for the Owner to compare the firms' creative approaches to the design process, as well as the interpretation and understanding of the project requirements. *The Owner should not expect project sketches or design details at this time.*

All interviews should be designed to allow for the evaluation of the personal styles of each firm's management and key personnel assigned to the project. The selection committee evaluates how well the firm matches up with the EVALUATION CRITERIA developed in Step 5.

The PTA may sit in on the interviews, but may not participate directly.

The Interview Set-Up

The room for the interview should be comfortable with good acoustics and should be large enough to accommodate the number of people expected. A separate area should be provided for firms waiting to be interviewed.

Most firms bring any equipment necessary for their presentation. Since equipment set-up time may cause some delays in the interviewing process, the interview schedule should allow some time for set-up, or two rooms should be used, if possible. While one firm is being interviewed in the first room, another firm can set up for its presentation in the second room.

Interviews, if requested by the Owner, are held in closed session.

Guidelines for Interviews

1. Interview only those firms on the short list. All interviewed firms should have an equal opportunity to prepare their presentation based on the same information.
2. Schedule at least 45 minutes for each presentation and 15 minutes between interviews. This allows ample time for the presentation and question and answer period and for the selection committee members to discuss the presentation amongst themselves before beginning the next interview.
3. Schedule all the interviews on the same day. This allows the committee to compare all the firms while the information is still fresh in their minds. It also allows for consistent interview scoring.
4. The EVALUATION CRITERIA for the interview scoring system are sent to all firms in advance.
5. While it is appropriate to question firms about how they would approach the design of a project, the committee *should not ask for an actual design solution during the interview*. The goal is to provide a clear understanding of the issues and challenges of the project and to learn how the firm will approach and address them.
6. The selection committee may ask how the firm plans to develop an appropriate level of compensation for the professional services and their experience staying within budgets. However, *specific compensation amounts cannot be discussed until after a firm has been selected and only after there is a comprehensive and mutual understanding of the actual scope of services to be performed.*
7. Notify short-listed firms when a selection has been made. If possible, the decision is made the same day the interviews are conducted.

Ranking of Interviewed Firms

The evaluation form, which includes a weight and a score for each EVALUATION CRITERIA, is a useful instrument for evaluating, ranking, and ultimately selecting a qualified firm. Each interviewer evaluates all firms separately during the firm's presentation. A sample Interview Evaluation Summary form is included in Appendix B. Other versions may be developed, based upon the complexity of the project.

The chairperson of the selection committee compiles the individual score sheets when all the interviews have been concluded. The ranking and selection is done by consensus rather than by majority vote. This system provides a documented record of the selection process to support the committee's actions. If requested, the PTA can sit in on the selection committee meeting to determine ranking following any interviews. *The PTA offers guidance but not opinions on individual evaluations.*

After the interviews and ranking are completed, a courtesy letter regarding the ranking of the firms is sent to all firms who participated in the interview process. The interviewed firms are listed in the order in which the committee ranked them. A sample POST-INTERVIEW MEMO is included in Appendix B. According to the Procurement Code, all firms that have not been selected must be notified in writing within 15 days after an award has been made (13-1-120.D NMSA 1978). Keep all documents of the selection process for at least the life of the project in the event questions are raised. These documents are required to verify compliance with the Procurement Code if public funding is sought for the project now or sometime in the future.

STEP 8: NEGOTIATION OF SCOPE AND COMPENSATION

As soon as possible after selecting a preferred firm, the Owner begins detailed negotiations with the selected firm. If agreement on the scope of services and compensation is not reached, negotiations with the first-ranked firm are terminated, and the Owner initiates negotiations with the second-ranked firm. *The law does not permit playing one firm against another.*

Compensation Estimation

It is not overly difficult to reach agreement on compensation, if detailed discussions of the scope of services have taken place. Those services for which the effort is readily estimated may be included under the basic fee. Special services of a more indeterminate nature, such as surveys, soil borings, and investigations; regulatory agency permits; construction observation; materials testing; and special administrative procedures are included under special services with not-to exceed caps of a reasonable amount on costs for these efforts.

The selected firm is requested to prepare a detailed fee estimate predicated on the agreed upon, detailed scope of services as the basis of compensation negotiations.

The PTA may be able to offer assistance as negotiations proceed or become bogged down. However, because of the potential for conflict of interest, the PTA must not be involved in any contract negotiations. The PTA's role is to provide guidance for the Owner's negotiations or negotiating team.

Overhead

The most obvious costs incurred by design professionals are direct labor and expenses incurred during the development of designs and plans or in the observation of construction. A secondary cost is overhead. This cost is usually shown as a percentage of direct salary cost. Direct salary overhead for the firm

includes such items as federal FICA, employment taxes, group insurance, and unemployment benefits. General overhead costs include administrative salaries, bookkeeping, office supplies, insurance, etc. Total overhead may be expected to vary from 150% to 200% of direct labor costs. Specialty firms may have higher overhead but may be more efficient in direct labor charges.

Other Direct Costs

The design professional may incur other direct costs for the project. These include the costs of information, such as maps or reports, and the cost for subconsultants, such as aerial photography, geotechnical investigations, and environmental and cultural resources analyses. It is customary for the professional to add an overhead charge (typically 10%) to their direct cost to cover their expenses for administration of the subcontracts.

Methods of Payment

The method of payment is clearly stated in the contract for professional services. The method and timing for submitting invoices for the work is discussed and included in the contract. The design professional is made aware of any special billing requirements, such as an hourly accounting of staff hours or segregation of the bill, according to project phases or funding.

Lump Sum

Lump sum payment arrangements are usually best when the scope of the services is well-defined. A schedule of payments for various phases of the project's development is a part of the lump sum agreement. For ease of administration, try and select easily identified milestones for payment, such as "submittal of preliminary plans" and "submittal of final plans." The contract clearly describes the scope of work to be performed for the lump sum fee.

Time and Materials

Cost-based arrangements are more desirable when the scope of particular services is less well-defined. These may take the form of direct and overhead costs plus a fixed fee, salaries times a multiplier (typically 2.75 to 3.50) plus expenses, or standard billing rates plus expenses. Cost-based arrangements should have a maximum agreed-upon limit that is not exceeded without Owner approval. The maximum agreed-upon limit may also contain a contingency for unexpected costs.

Other Methods

Retainers, per diem, or other systems of reimbursement are sometimes used. If public funding is anticipated for the project, check with the funding agency to determine if it has specific requirements for method of payment or for other required contract conditions.

Contract Execution

As an integral part of the scope discussions, the requirements and format of the proposed written contract must be discussed. The Owner and design professional may wish to use the standard forms of agreement used by professional societies. Many engineering firms have their own contract form; however, the Owner should check with the agencies funding the project to ensure the format is acceptable. Otherwise, the agency may not be able to use its money to pay the professional services. The PTA may be able to offer assistance in formalizing the agreement. Again, check with potential funding agencies to ensure its requirements are included in the contract to avoid denial of payment later.

Terminology

Addendum – a supplement to the request for proposals (RFP) sent out to all potential Offerors by the contracting agency/local public body that contains additional information or modifies the original RFP.

Campaign Contribution Disclosure Form – document used to disclose whether they, a family member, or a representative of the prospective Offeror/Contractor has made a campaign contribution to an applicable public official of the state agency or a local public body during the two years prior to the date on which the Offeror/Contractor submits a proposal (Chapter 81, Laws of 2006).

Community/Owner – a local public body conducting the procurement, also referred to as the contracting agency.

Contract – an agreement for the procurement of services (13-1-41 NMSA 1978).

Evaluation Committee – a body appointed by the local public body to perform the evaluation of proposals submitted by Offerors.

Offeror – any person, corporation, or partnership that chooses to submit a proposal.

Professional Services – the services of architects, engineers, surveyors, and landscape architects (13-1-76 NMSA 1978).

Professional Technical Advisor (PTA) – a licensed, senior member, with at least ten years experience in responsible charge of an engineering, architectural, surveying, or landscape architectural business with experience appropriate to the individual type of public works project proposed.

Professional Technical Advisor Board (PTAB) – board consisting of design professionals created as a result of New Mexico Procurement Code (Section 13-1-117.2) to serve as a clearinghouse to receive requests for assistance from local public bodies within New Mexico.

Procurement Code – Chapter 13, Sections 13-1-28 through 13-1-199 NMSA 1978 (New Mexico State Statutes) which outlines the legal process for the acquisition of products and services for all governmental entities throughout New Mexico.

Qualifications-Based Selection (QBS) – a procurement method that results in the selection of the best qualified professional most suitable to the needs of the contracting agency.

Request for Proposals (RFP) – all documents, including those attached or incorporated by reference, used for soliciting proposals to meet the specific needs of a contracting agency (13-1-81 NMSA 1978).

Responsive Proposal – an offer or proposal which conforms in all material respects to the requirements set forth in the RFP.

APPENDIX A

1. SAMPLE REQUEST FOR PROPOSALS (RFP)
2. INSTRUCTIONS FOR SAMPLE REQUEST FOR PROPOSALS (RFP)

**REQUEST FOR PROPOSALS (RFP)
FOR
PROFESSIONAL DESIGN SERVICES**

RFP No. _____
Packet No. _____

1



Project Name: _____

2

Contracting Agency: _____

Address: _____

Telephone: _____

Date: _____

Funding Type: _____

3

This form was prepared by [Insert Association Name](#) and is endorsed by the Professional Technical Advisory Board (PTAB), which is comprised of the American Council of Engineering Companies (ACEC) New Mexico, New Mexico Society of Professional Engineers (NMSPE), American Institute of Architects (AIA) New Mexico Chapter, New Mexico Professional Surveyors (NMPS), and American Society of Landscape Architects (ASLA) New Mexico Chapter; Local Government Division, Department of Finance and Administration; Rural Utilities Service, US Department of Agriculture; New Mexico Environmental Department; and New Mexico Finance Authority.

For information and suggestions on how to fill out this RFP, please refer to the "OWNER'S MANUAL FOR QUALIFICATIONS-BASED SELECTION (QBS)" at www.ptabnm.org.

NOTICE OF REQUEST FOR PROPOSALS (RFP)

Qualifications-based competitive sealed proposals for professional design services will be received by the Contracting Agency, Insert Association Name for RFP No. _____ **4**

The Contracting Agency is requesting proposals for professional

- architectural services
- engineering services
- surveying services **5**
- landscape architectural services
- planning services

for: insert Project Name and Location **6**

Project No. _____ **7**

Proposals will be received at location address until day and date, time am/pm. **8**

Copies of the Request for Proposals (RFPs) can be obtained in person at the office of name of office or department at address or will be mailed or emailed upon request to person's name at phone or email. **9**

A mandatory non-mandatory pre-proposal meeting will will not be held on day and date at time am/pm at location address. **10**

Interviews may be held will not be held for this project after the evaluation of proposals is completed. **11**

PURCHASING AGENT:
person's name **12** _____ Date: _____

(for Contracting Agency's Use Only)

Newspaper: _____ **13** _____ Publish: _____ P.O. No. _____
 Newspaper: _____ Publish: _____ P.O. No. _____
 Newspaper: _____ Publish: _____ P.O. No. _____

[Note: This Notice is issued pursuant to the requirements of § 13-1-104 NMSA 1978 and must be published not less that 10 calendar days prior to the date set for the receipt of proposals (§ 13-1-113) and published in a newspaper of general circulation in the area.]

1. PROJECT DESCRIPTION

(insert detailed project description, along with project location, or include project description as an attachment and reference it in this section)

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2. SCOPE OF WORK

The Offeror shall perform the following professional services:

2.1 Provide standard **Basic Design Services**, consisting of:

Architects/Landscape Architects

- Programming Phase
- Schematic Phase
- Design Development Phase
- Construction Documents Phase
- Bidding and Negotiations Phase
- Construction Administration Phase
- Post-Construction Phase

Surveyors

- Property Boundary Survey
- Topographic Survey
- Easement Survey
- Right-of-Way Survey
- Inspection Report

Additional Services

- Environmental Documentation
- Permitting
- Grant Administration
- Right-of-Way Acquisition

Engineers

- Study and Report Phase (PER)
- Preliminary Design Phase
- Final Design Phase
- Bidding and Negotiations Phase
- Construction Administration Phase
- Operational Phase

Planning Studies

- Comprehensive Plan
- Strategic (i.e. issue specific) Plan
- Mapping and/or Zoning
- Other Planning Tasks

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2.2 **Periodic** or **Full-time** observation during construction.

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2.3 Other (list):

- _____
- _____
- _____
- _____

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INSTRUCTIONS TO OFFERORS

1. DEFINITIONS AND TERMS

- 1.1. **Addendum:** a written or graphic instrument issued prior to the opening of proposals, which clarifies, corrects, or changes the Request for Proposals. Plural: addenda.
- 1.2. **Consultant:** means the Successful Offeror awarded the Agreement/Contract.
- 1.3. **Determination:** means the written documentation of a decision of the procurement officer including findings of fact required to support a decision. A determination becomes part of the procurement file to which it pertains (§ 13-1-52 NMSA 1978).
- 1.4. **Offeror:** any person, corporation, or partnership legally licensed to provide professional design services in this state who chooses to submit a proposal in response to this Request for Proposals.
- 1.5. **Procurement Manager:** means the person or designee authorized by the Contracting Agency to manage or administer a procurement requiring the evaluation of proposals.
- 1.6. **Request for Proposals:** or "RFP" means all documents, including those attached or incorporated by reference, used for soliciting proposals (§ 13-1-81 NMSA 1978).
- 1.7. **Responsible Offeror of Proposer:** means an offeror or proposer who submits a responsive proposal and who has furnished, when required, information and data to prove that the proposer's financial resources, production or service facilities, personnel, service reputation and experience are adequate to make satisfactory delivery of the services described in the proposal (§ 13-1-83 NMSA 1978).
- 1.8. **Responsive Offer or Proposal:** means an offer or proposal that 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 (§ 13-1-85 NMSA 1978).
- 1.9. The terms **must, shall, will, is required, or are required**, identify a mandatory item or factor that will result in the rejection of the offeror's proposal.
- 1.10. The terms **can, may, should, preferably, or prefers** identify a desirable or discretionary item or factor.

2. REQUEST FOR PROPOSAL DOCUMENTS

- 2.1. COPIES OF REQUEST FOR PROPOSALS (RFP)
 - A. A complete set of the RFP may be obtained from the Contracting Agent.
 - B. A complete set of the RFP shall be used in preparing proposals; the Contracting Agency assumes no responsibility for errors or misinterpretations resulting from the use of an incomplete set of the RFP.
 - C. The Contracting Agency in making copies of RFP available on the above terms, does so only for the purpose of obtaining proposals on the Project and does not confer a license or grant for any other use.
 - D. A copy of the RFP shall be made available for public inspection and shall be posted at the Administration Building of the Contracting Agency.
- 2.2. INTERPRETATIONS
 - A. All questions about the meaning or intent of the RFP shall be submitted to the Procurement Manager of the Contracting Agency in writing. Replies will be issued by Addenda mailed or delivered to all parties recorded by the Contracting Agency as having received the RFP. Questions received less than five days prior to the date for opening of proposals will not be answered. Only questions answered by formal written addenda will be binding. Oral and other interpretations or clarifications will be without legal effect.
 - B. Offerors should promptly notify the Contracting Agency of any ambiguity, inconsistency, or error, which they may discover upon examination of the RFP.
- 2.3. ADDENDA
 - A. Addenda will be emailed, mailed, faxed, or hand delivered to all who are known by the Contracting Agency to have received a complete copy of the RFP.
 - B. Copies of Addenda will be made available for inspection wherever RFPs are on file for that purpose.
 - C. No Addenda will be issued later than five days prior to the date for receipt of proposals, except an Addendum withdrawing the RFP or one which includes postponement of the date for receipt of proposals.
 - D. Each Offeror shall ascertain, prior to submitting the Proposal, that the Offeror has received all Addenda issued and shall

acknowledge their receipt in the Proposal Cover Letter.

3. PROPOSAL SUBMITTAL PROCEDURES

3.1. NUMBER, FORM AND STYLE OF PROPOSALS

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A. Offerors shall provide _____ copies of their proposal to the location specified on Page 2 on or before the closing date and time for receipt of proposals.

B. All proposals must be typewritten on standard 8-1/2" x 11" paper and bound on the left-hand margin.

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C. A maximum of _____ pages, not including front and back covers, cover letter, table of contents, Resident Business or Resident Veteran Business Certificates/Certification Form, and Campaign Contribution Disclosure Form.

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

1) Cover Letter
2) Response to Evaluation Criteria included in this RFP.

3) Other supporting or resource material

E. Any proposal that does not adhere to this format, and which does not address each specification and requirement within the RFP, may be deemed non-responsive and rejected on that basis.

F. Offerors may request in writing nondisclosure of confidential data. Such data should accompany the proposal and should be readily separable from the proposal in order to facilitate eventual public inspection of the non-confidential portion of the proposal. A request stating the entire proposal is confidential will not be acceptable. Only matters, which clearly are of a confidential nature, will be considered.

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

3.2. SUBCONSULTANTS

A. The Offeror shall list and state the qualifications for each subconsultant the Offeror proposes to use for all subcontracted work.

B. The Offeror is specifically advised that any person or other party to whom it is proposed

to award a subcontract under this proposal, must be acceptable to the Contracting Agency after verification by the Contracting Agency of the current eligibility status, including, but not limited, to suspension or debarment by the Contracting Agency.

3.3. PREQUALIFICATION PROCESS

A business may be pre-qualified by the Purchasing Agent as an Offeror for particular types of service. Mailing lists of potential Offerors shall include but shall not be limited to such pre-qualified businesses (§ 13-1-134 NMSA 1978). For purposes of this RFP, if pre-qualification is utilized, special instructions will be attached as an exhibit to this RFP.

3.4. DEBARRED OR SUSPENDED CONTRACTORS

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 § 13-3-11 through § 13-4-17 NMSA 1978 as amended, shall not be permitted to do business with the Contracting Agency and shall not be considered for award of the contract during the period for which it is debarred or suspended with the Contracting Agency.

3.5. SUBMITTAL OF PROPOSALS

A. Proposals shall be submitted at the time and place indicated in the Notice of Request for Proposals and shall be included in an opaque sealed envelope marked with the Project title and name and address of the Offeror and accompanied by the documents listed in the Request for Proposal.

B. The envelope shall be addressed to the Purchasing Agent/Procurement Officer of the Contracting Agency. The following information shall be provided on the front lower left corner of the envelope: project title, project number, RFP number, date of opening, and time of opening. If the proposal is sent by mail, the sealed envelope shall have the notation "SEALED PROPOSAL ENCLOSED" on the face thereof.

C. Proposals received after the date and time for receipt of proposals will be returned unopened.

D. The Offeror shall assume full responsibility for timely delivery of proposals at the Purchasing Agent's office, including those proposals submitted by mail. Hand-delivered proposals shall be submitted to the Purchasing Agent or the Purchasing Agent's designee and will be clocked

in/time stamped at the time received, which must be prior to the time specified.

- E. After the date established for receipt of proposals, a register of proposals will be prepared which includes the name of each Offeror, a description sufficient to identify the service, the names and addresses of the required witnesses, and such other information as may be specified by the Purchasing Agent.
- F. Oral, telephonic, or telegraphic proposals are invalid and will not receive consideration.

3.6. CORRECTION OR WITHDRAWAL OF PROPOSALS

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

3.7. NOTICE OF CONTRACT REQUIREMENTS BINDING ON OFFEROR

- A. In submitting this proposal, the Offeror represents that the Offeror has familiarized itself with the nature and extent of the RFP dealing with federal, state, and local requirements, which are a part of these RFP.
- B. Laws and Regulations: The Offeror's attention is directed to all applicable federal and state laws, local ordinances and regulations, and the rules and regulations of all authorities having jurisdiction over the services of the project.

3.8. REJECTION OR CANCELLATION OF PROPOSALS

This RFP may be canceled, or any or all proposals may be rejected in whole or in part, when it is in the best interest of the Contracting Agency. A determination containing the reasons therefore shall be made part of the project file (§13-1-131 NMSA 1978).

4. CONSIDERATION OF PROPOSALS

4.1. RECEIPT, OPENING AND RECORDING

- A. Proposals received on time will be opened publicly or in the presence of one or more

witnesses and the name of the Offeror and address will be read aloud.

- B. The names of all businesses submitting proposals and the names of all businesses, if any, selected for interview shall be public information. After an award has been made, final ranking and evaluation scores for all proposals shall become public information. (§13-1-120 NMSA 1978). The contents of any proposal shall not be disclosed so as to be available to competing Offerors during the negotiation process (§ 13-1-116 NMSA 1978).

4.2. PROPOSAL EVALUATION

- A. Proposals shall be evaluated on the basis of demonstrated competence and qualifications for the type of service required and shall be based on the evaluation factors set forth in this RFP. Price, including costs or fees, cannot be considered in the evaluation of proposals for professional services (architecture, engineering, surveying, and landscape architecture, §13-1-120 NMSA 1978). For the purpose of conducting discussions, proposals may initially be classified as:
 - 1) Acceptable,
 - 2) Potentially acceptable, that is, reasonably assured of being made acceptable, or
 - 3) Unacceptable (Offerors whose proposals are unacceptable shall be notified promptly).
- B. The Contracting Agency shall have the right to waive technical irregularities in the form of the proposal of the Offeror, which do not alter the quality or quantity of the services (§ 13-1-132 NMSA 1978).
- C. If an Offeror who otherwise would have been awarded a contract is found not to be a responsible Offeror, a Determination that the Offeror is not a responsible Offeror, setting forth the basis of the finding, shall be prepared by the Purchasing Agent/Procurement Manager. The unreasonable failure of the Offeror to promptly supply information in connection with an inquiry with respect to responsibility is grounds for a determination that the Offeror is not a responsible Offeror (§ 13-1-133 NMSA 1978). Businesses, which have not been selected, shall be so notified in writing within twenty-one days after an award is made (§ 13-1-120 NMSA 1978).
- D. Selection Process: (§ 13-1-120 NMSA 1978).

- 1) An evaluation committee composed of representatives selected by the Contracting Agency will perform an evaluation of proposals. The committee shall evaluate statements of qualifications and performance data submitted by at least three businesses in regard to the particular project and may conduct interviews with and may require public presentation by all businesses applying for selection regarding their qualifications, their approach to the project, and their ability to provide the required services.
- 2) If fewer than three businesses have submitted a statement of qualifications for a particular project, the committee may:
 - a) Rank in order of qualifications and submit to the local governing body for award those businesses which have submitted a statement of qualifications; or
 - b) Recommend termination of the selection process and sending out of new notices of the proposed procurement pursuant to § 13-1-104 NMSA 1978.

4.3. NEGOTIATIONS (§13-1-122 NMSA 1978)

- A. The Contracting Agency's designee shall negotiate a contract with the highest qualified business for the services contemplated under this RFP at compensation determined in writing to be fair and reasonable. In making this decision, the designee shall take into account the estimated value of the services to be rendered and the scope, complexity and professional nature of the services.
- B. Should the designee be unable to negotiate a satisfactory contract with the business considered to be the most qualified at a price determined to be fair and reasonable, negotiations with that business shall be formally terminated. The designee shall then undertake negotiations with the second most qualified business. Failing accord with the second most qualified business, the designee shall formally terminate negotiations with that business.
- C. The designee shall then undertake negotiations with the third most qualified business.
- D. Should the designee be unable to negotiate a contract with any of the businesses selected by the committee, additional businesses shall be ranked in order of their qualifications, and the designee shall

continue negotiations in accordance with this section until a contract is signed with a qualified business or the procurement process is terminated and a new RFP is initiated.

- E. The Contracting Agency shall publicly announce the business selected for award.

4.4. NOTICE OF AWARD

After award by the local governing body, a written notice of award shall be issued by the Contracting Agency after review and approval of the proposal and related documents by the Contracting Agency with reasonable promptness (§ 13-1-100 and § 13-1-108 NMSA 1978).

5. POST-PROPOSAL INFORMATION

5.1. PROTESTS

- A. Any Offeror who is aggrieved in connection with a solicitation or award of a Agreement may protest to the Contracting Agency's Purchasing Agent and the Chief Administrator/Clerk 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 Purchasing Agent 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 Purchasing Agent or the Purchasing Agent's designee shall have the authority to take any action reasonably necessary to resolve a protest of an aggrieved Offeror concerning 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 Purchasing Agent or the Purchasing Agent's 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 1979).

5.2. EXECUTION AND APPROVAL OF AGREEMENT

The Agreement shall be signed by the Successful Offeror and returned within an agreed time frame after the date of the Notice of Award. No Agreement shall be effective until it has been fully executed by all of the parties thereto.

5.3. NOTICE TO PROCEED

The Contracting Agency will issue a written Notice to Proceed to the Consultant.

5.4. OFFEROR'S QUALIFICATION STATEMENT

Offeror to whom award of an Agreement is under consideration shall submit, upon request, information and data to prove that their financial resources, production or service facilities, personnel, and service reputation and experience are adequate to make satisfactory delivery of the services described in the Request for Proposals (§ 13-1-82 NMSA 1978).

6. OTHER INSTRUCTIONS TO OFFERORS

Resident Business Preference or Resident Veteran Business Preference (required by House Bill 93, 2016):

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

- 6.1 Resident Business Preference
For the Offeror to receive a Resident Business Preference, the business shall submit, with this proposal, a copy of a valid Resident Business certificate issued by the New Mexico Taxation & Revenue Department. The application for preference may be downloaded at the following website:
<http://www.tax.newmexico.gov/forms-and-publications/pages/recently-updated.aspx>.

An Offeror who qualifies as a Resident Business shall receive a 5% preference added to the total possible points of the selection process.

- 6.2 Resident Veteran Business Preference
For the Offeror to receive a Resident Veteran Business Preference, the business shall complete, sign, and include with the proposal the attached certification form, along with a copy of a valid Resident Veteran Business Preference certificate issued by the New Mexico Taxation & Revenue Department. The application for preference may be downloaded at the following website:

<http://www.tax.newmexico.gov/forms-and-publications/pages/recently-updated.aspx>.

Offerors seeking a Resident Veteran Business Preference will be evaluated as follows:

- A. Resident Veteran Businesses with annual gross revenues of up to \$3M shall receive a 10% preference added to the total possible points of the selection process.

Preference points are added only once to the total possible points of the overall selection process.

Example: A selection process has total possible points of 1,000 points. Five proposals are received: one from a Resident Business, one from a Resident Veteran Business, and three non-resident businesses. The Resident Business would receive 50 points (5% of 1,000 possible points) and the Resident Veteran Business would receive 100 points (10% of 1,000 possible points) which would be added to the total of their evaluated scores, thereby making it possible for the highest possible total points to be 1,100.

An additional example of the scoring process is attached to this RFP.

Note: Neither the Resident Business Preference nor the Resident Veteran Business Preference can be awarded for any project/contract if it includes federal funds.

- 6.3 Campaign Contribution Disclosure Form
The Offeror shall submit, with its proposal, the signed Campaign Contribution Disclosure Form with the name(s) of applicable public official(s) filled in on the form.

GENERAL TERMS AND CONDITIONS

1. GOVERNING LAW

The Agreement shall be governed exclusively by the laws of the State of New Mexico as the same from time to time exists.

2. INDEPENDENT CONTRACTORS

The Consultant (design professionals) and the Consultant's agents and employees are independent Contractors and are not employees of the Contracting Agency. The Consultant and Consultant's agents and employees shall not accrue leave, retirement, insurance, bonding, use of Contracting Agency vehicles, or any other benefits afforded to employees of the Contracting Agency as a result of the Agreement.

3. BRIBES, GRATUITIES AND KICK-BACKS

Pursuant to §13-1-191 NMSA 1978, reference is hereby made to the criminal laws of New Mexico (including § 30-14-1, § 30-24-2, and § 30-41-1 through § 30-41-3 NMSA 1978) which prohibits bribes, kickbacks, and gratuities, violation of which constitutes a felony. Further, the Procurement Code (§ 13-1-28 through § 13-1-199 NMSA 1978) imposes civil and criminal penalties for its violation.

4. STANDARD FORM OF AGREEMENT BETWEEN CONTRACTING AGENCY AND CONSULTANT (Design Professional)

The form of agreement required by the funding agency or issued by the Contracting Agency will be used for this project. Copies are available and may be reviewed upon request.

5. FEES

A lump sum fixed fee for Basic Services will be negotiated with the Offeror selected.

Additional Services may also be negotiated with the Offeror selected.

6. FUNDING

This solicitation is subject to the availability of funds to accomplish the work.

7. DESIGN PROFESSIONAL REGISTRATION

All work shall be under the direction of the applicable design professional legally licensed and registered by the State.

8. PROFESSIONAL LIABILITY INSURANCE

The Offeror will will not be required to carry professional liability (errors and omissions) insurance. If required to carry such insurance, the amount of coverage will be _____.

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Note to Owner Regarding Evaluation Criteria

The Request for Proposal must include each of the following Evaluation Criteria* as required by statute (§ 13-1-120.B NMSA 1978). Each proposal submitted must address the required Evaluation Criteria. Based on the complexity of the project, the Owner may add additional items to be evaluated. The Owner must assign a weight factor to each of the Evaluation Criteria to communicate to Offerors the relative importance of each.

EVALUATION CRITERIA:

1. **Specialized Design and Technical Competence***

Specialized design and technical competence of the business, including a joint venture or association, regarding the type of services required.

2. **Capacity and Capability***

Capacity and capability of the business, including any consultants, their representatives, qualifications, and locations, to perform the work, including any specialized services, within the time limitations.

3. **Past Record of Performance***

Past record of performance on contracts with government agencies or private industry with respect to such factors as control of costs, quality of work, and ability to meet schedules.

4. **Familiarity with the Contracting Agency***

Proximity to or familiarity with the area in which the project is located.

5. **Work to be Done in New Mexico***

The amount of design work that will be produced by a New Mexico business within this state. **Note: Not allowed for federally funded projects.**

6. **Current Volume of Work with the Contracting Agency Not 75% Complete***

The volume of work previously done for the entity requesting proposals which is not seventy-five percent complete with respect to basic professional design services [through bidding phase], with the objective of effecting an equitable distribution of contracts among qualified businesses and of assuring the interest of the public in having available a substantial number of qualified businesses is protected; however, that the principal of selection of the most highly qualified business is not violated.

Indicate the volume of work currently underway with the Contracting Agency that is less than seventy-five percent complete. An example of how points can be assigned is provided below:

Value of work not yet completed on projects that are not 75% Complete	(Example) 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
75,001 to 100,000	1
100,001 or more	0

7. **Other Contracting Agency Criteria**

The Owner may add additional elements to be evaluated, such as Public Involvement Experience, and assign points according to their importance. **Note: Price cannot be a factor (§ 13-1-120.B NMSA 1978). Price of any type, i.e. fees, fee schedule, etc., cannot be included with the proposal. This includes a separate sealed envelope, which also is not allowed.**

RFP EVALUATION CRITERIA

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EVALUATION CRITERIA AND POINT VALUES

OFFERORS:

Proposal must address each of the following criteria. Each proposal may be awarded points up to the amount listed.

RATING SHEET FOR: Applicant _____		
ITEM	POSSIBLE POINTS	SCORE
PLANNING & DESIGN SERVICES		
1. Specialized Design and Technical Competence*	_____ (30)	<div style="border: 1px solid black; padding: 10px; color: red; font-weight: bold; font-size: 1.5em;">22</div>
2. Capacity and Capability*	_____ (25)	
3. Past Record of Performance*	_____ (25)	
4. Familiarity with the Contracting Agency *	_____ (10)	
5. Work to be Done in New Mexico* <i>Note: Not allowed for federally funded projects. Assign Possible Points of 0 if federal funds are involved.</i>	_____ (5)	<div style="border: 1px solid black; padding: 10px; color: red; font-weight: bold; font-size: 1.5em;">23</div>
6. Current Volume of Work with the Contracting Agency Not 75% Complete*	_____ (5)	
7. Other Contracting Agent Criteria (if desired)	_____ (0)	
SUBTOTAL (total possible points for PLANNING & DESIGN SERVICES)	_____ (100)	

**Items required by statute (§ 13-1-120.B NMSA 1978).*

RATING SHEET (CONTINUED) FOR: Applicant _____		
ITEM	POSSIBLE POINTS	SCORE
CONSTRUCTION OBSERVATION SERVICES		
1. Construction observation experience.	_____ (5)	24
2. Experience with start up assistance to the Owner of new facilities, if applicable.	_____ (5)	
3. Capacity and capability of the consultant to provide strategies to assist in meeting the Owner's construction timeframe.	_____ (5)	
4. History of past performance, including the record of bid amount versus final close out contract amount.	_____ (5)	
5. History of legal claims, if applicable, on similar construction projects and their resolution. The consultant should detail their claims avoidance approach and construction observation philosophy.	_____ (5)	
6. Other	_____ (0)	
7. Other	_____ (0)	
SUBTOTAL (total possible points for CONSTRUCTION OBSERVATION SERVICES)	_____ (25)	
TOTAL SCORE (total possible points for PLANNING & DESIGN SERVICES and CONSTRUCTION OBSERVATION SERVICES)	_____ (125)	

Interviews may be held will not be held for this project, insert Project Name.

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INTERVIEW EVALUATION CRITERIA

INTERVIEW RATING SHEET FOR:		
Applicant _____		
ITEM	POSSIBLE POINTS	SCORE
1. Describe your project manager’s and project team’s experience specifically relevant to this project.	_____ (10)	
2. What unique experience does your project team have that can be applied to the successful completion of this project?	_____ (15)	
3. Describe the approach your project team will take to successfully complete this project.	_____ (20)	
4. What are the project’s critical issues, and how will your project team approach and address them?	_____ (15)	
5. What challenges do you foresee for this project, and how will your project team address and overcome them?	_____ (15)	
6. What innovative ideas or concepts will your project team apply to this project?	_____ (15)	
7. Describe the strengths and weaknesses of your project team?	_____ (10)	
6. Other	_____ (0)	
7. Other	_____ (0)	
TOTAL SCORE	_____ (100)	

The above are suggested EVALUATION CRITERIA and POSSIBLE POINTS for interviews.

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:
[\(Completed by State Agency or Local Public Body\)](#)

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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 Preference Certification

_____ (Name of Business) hereby certifies the following in regard to application of the resident veteran preference to this formal request for proposals process:

Please check one box only:

- I declare under penalty of perjury that my business prior year revenue starting January 1 ending December 31 is less than \$3M allowing me the 10% 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 ending 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 Purchasing Division of the General Services Department the awarded amount involved. I will indicate in the report the award amount as a purchase from a public body or as a public works contract from a public body as the case may be."

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

(signature of Business Representative)*

(Date)

*Must be an authorized signatory for the Business.

The representation 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 unaward of the procurement involved if the statements are proven incorrect.

EXAMPLE OF SCORING

27

	Total Possible Points	Consultant Firm A (Resident Veteran Business)	Consultant Firm B (Resident Business)	Consultant Firm C
Score from PLANNING & DESIGN SERVICES Section	100	90	85	80
Score from CONSTRUCTION OBSERVATION SERVICES Section (N/A if Section not included)	25	20	25	20
Score from INTERVIEW Section (N/A if Section not included)	100	90	85	80
Subtotal Score		200	195	180
Total Possible Points (of all Sections included)	225			
Total Preference Points Applied, if applicable (total preference points for Resident Business is equal to 5% of the Total Possible Points or Resident Veteran Business is equal to 10% of the total possible points); only one can apply		22.5 Because Consultant Firm A is a Resident Veteran Business, 22.5 points (10% of the Total Possible Points of 225) are added to the firm's Subtotal	11.25 Because Consultant Firm B is a Resident Business, 11.25 points (5% of the Total Possible Points of 225) are added to the firm's Subtotal	0 Because Consultant Firm C is neither a Veteran Resident Business nor a Resident Business, 0 points are added to the firm's Subtotal
Total Score		222.5	206.25	180

Notes:

*Neither the Resident Business Preference nor the Resident Veteran Business Preference can be awarded for any project/contract if it includes **federal funds**.*

*Either the Resident Business Preference **or** the Resident Veteran Business Preference is applied. Both cannot be applied to the score of an individual Consultant Firm.*

INSTRUCTIONS FOR SAMPLE REQUEST FOR PROPOSALS (RFP)

(See corresponding numbers in Sample RFP starting on page A-1.)

1. Insert the internal RFP number issued by the Contracting Agency, i.e. 2016-01. Number each Packet issued to a requesting firm, i.e. 1,2,3,4, and so on.
2. Identify Project Name, i.e. Broadway Street Improvements. Insert Contracting Agency along with address, telephone number, and date of RFP, i.e. XYZ Agency, 2401 Broadway Street, Anytown, NM, 87xxx, (505) xxx-xxxx, June xx, 20xx.
3. List Funding Type, i.e. Community Development Block Grant, Special Appropriations, Rural Infrastructure Program, etc.
4. List the Contracting Agency, i.e. XYZ Agency, and the internal RFP number issued by the Contracting Agency again (from the first page) i.e. 2016-01.
5. Check the boxes for which professional services are required. If this RFP is for more than one of the services for the proposed project, then check all of the applicable boxes, i.e. [x] engineering, [x] surveying, etc.
6. Insert the project name and location, i.e. Broadway Street Improvements, Anytown, NM.
7. List the funding agency issued Project No. (if applicable), i.e. SAP 03-0324-STB, (Special Appropriations) or 02-C-RS-I-1-G-2 (Community Development Block Grant), etc.
8. List the address/location (add room number if applicable) and time to receive, record, and time stamp proposals, i.e. July xx, 20xx until 2:00 p.m. *It is recommended that a physical address be used for the appointed location rather than a P.O. Box.*
9. Identify the contact person from the agency who will be responsible for distributing copies of the RFP to potential Offerors and for answering questions regarding the RFP.
10. Check whether a mandatory or non-mandatory pre-proposal meeting will or will not be held and list the date, location, and time, i.e. [x] will be held on July 1, 20xx at Anytown City Hall, Room 210, 1:00 p.m.
11. Check whether an interview may be held or will not be held for the project.
12. The Contracting Agency authorized purchasing agent should sign and date the RFP.
13. List the names of newspaper(s) where the RFP will be published. Include publish dates and Contracting Agency purchase order number, i.e. Anytown Daily Gazette, June 24, 20xx, PO No. 03-1023.
14. The Project Description and location should be clearly outlined in this section. Only the Contracting Agency can define what is needed and what is expected from the design professional regarding services to be performed. Contracting Agency officials are encouraged to include a well-defined scope of services and final products expected from the design professional. The Contracting Agency should draft a scope of work for professional services that reflects its needs and expectations. Attach a separate page that fully explains the project and what is expected of the design professional, if necessary.

15. Check all of the professional services to be accomplished under this RFP to complete the project. *Note: With the exception of Topographic Survey, registered Professional Surveyors must perform all other Surveying Services.*
16. Check whether Periodic or Full-time observation will be performed during the construction of the project. *Note: Full-time observation requires additional fees.*
17. List any additional services required by the Contracting Agency.
18. List the number of proposal copies required. *It is recommended that the number of proposals required is the same as the number of members on the selection committee.*
19. Provide a limit to the number of pages allowed in the proposal submitted by the Offeror. *It is recommended that proposals be less than 20 pages.*
20. Check whether the Offeror is required to carry professional liability insurance and, if so, the amount, i.e. The Offeror [x] will be required to carry professional liability (errors and omissions) insurance. If required to carry such insurance, the amount of coverage will be \$1,000,000.
21. The EVALUATION CRITERIA are the weighted factors that are used for the evaluation of proposals. These factors communicate to the Offerors the relative importance of a specific criterion to the Contracting Agency.

Section 13-1-120.B of the Procurement Code establishes base evaluation factors for “competitive sealed qualifications-based” procurements for architects, engineers, landscape architects, and surveyors. The following is a list of these base evaluation factors that must be included in the EVALUATION CRITERIA:

- 1) **Specialized Design and Technical Competence**
- 2) **Capacity and Capability**
- 3) **Past Record of Performance**
- 4) **Familiarity with the Contracting Agency**
- 5) **Work to be Done in New Mexico**
- 6) **Current Volume of Work with the Contracting Agency Not 75% Complete**

The Contracting Agency may weigh the EVALUATION CRITERIA based on the complexity of the project, past experience with similar RFPs, and on the importance of each item to the Contracting Agency. The items most important should have the most points. The Contracting Agency is not limited to this list and can add **7. Other Contracting Agent Criteria** for evaluation, such as “Public involvement experience” or “Past experience with passive solar design.”

22. The Contracting Agency weights the EVALUATION CRITERIA for PLANNING & DESIGN SERVICES. *Note: In the RFP, the POSSIBLE POINTS for the EVALUATION CRITERIA are determined by the Contracting Agency and typed in for each in the table. These must add up to the SUBTOTAL at the bottom of the table. The numbers in blue in parenthesis in the table are examples and can be changed by the Contracting Agency.*

23. If federal funds are involved in the funding of the project, this evaluation criterion must have a 0 for POSSIBLE POINTS. The POSSIBLE POINTS for the other EVALUATION CRITERIA can be redistributed but must still add up to the SUBTOTAL at the bottom of the table.
24. If CONSTRUCTION OBSERVATION SERVICES are required, the Contracting Agency also weights the EVALUATION CRITERIA for these services.
25. Some funding agencies now require that interviews be conducted during the evaluation process. As such, this section is included as an example to assist the Contracting Agency in the interview process. POSSIBLE POINTS for each EVALUATION CRITERIA are determined and typed in as previously done in the proposal evaluation process.
26. The Name(s) of Applicable Public Official(s), if any, must be listed on the CAMPAIGN CONTRIBUTION DISCLOSURE FORM.
27. The EXAMPLE OF SCORING sheet provides information on how to apply the Resident Veteran Business and Resident Business preference points, if no federal funds are involved in the project, during the scoring process.

APPENDIX B

1. CAMPAIGN CONTRIBUTION DISCLOSURE FORM
2. SAMPLE SCHEDULE OF ACTIVITIES
3. SAMPLE PROPOSAL EVALUATION SUMMARY
4. SAMPLE REFERENCE CHECK
5. SAMPLE MEMO (for firms that submitted proposals but were not selected for interview)
6. SAMPLE INTERVIEW MEMO (for short-listed firms selected to be interviewed)
7. SAMPLE INTERVIEW EVALUATION SUMMARY
8. SAMPLE POST-INTERVIEW MEMO (for all firms that were interviewed)

The samples provided illustrate form or content and are intended to be modified by the Contracting Agency for each RFP.

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:
[\(Completed by State Agency or Local Public Body\)](#)

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)

SAMPLE SCHEDULE OF ACTIVITIES

The following schedule has been established by:

Owner

Project Title

Date

- | | | |
|-------|---------------|---|
| _____ | STEP 1 | Identification of needs finalized by Owner. A scope of work in general terms is developed. |
| _____ | STEP 2 | Establish timeframe. |
| _____ | STEP 3 | Publish RFP. |
| _____ | STEP 4 | Proposals and qualifications due. (Allow a minimum of 10 days for firms to submit their materials; however, 14 days or more is advisable.) |
| _____ | STEP 5 | Development of short list of three to five firms selected for subsequent interviews, if appropriate. Selection should be based on qualifications, references, and compatibility with Owner's project. |
| _____ | | Memo mailed to short-listed firms advising them of the date for interviews, along with criteria to be reviewed during the interview, when appropriate. |
| _____ | | Memo mailed to all firms, excluding short-listed firms, informing them of firms to be interviewed and expressing appreciation for their interest. |
| _____ | STEP 6 | Scheduled interviews for short-listed firms will be held on this date. The best firm for the project is selected based on qualifications. |
| _____ | STEP 7 | Contract with selected firm negotiated and implemented. |
| _____ | STEP 8 | Memo mailed to all firms interviewed informing them of the results of the interviews and expressing appreciation for their involvement. |

SAMPLE PROPOSAL EVALUATION SUMMARY

To be used by the person in the selection committee who is in charge of compiling the evaluation results of all proposals submitted to narrow the number of firms down to the number desired for a short list, if appropriate. NOTE: Enter the grand total for each firm's qualifications from their respective evaluation forms for comparative purposes in selecting the three to five most qualified firms to be interviewed, if interviews are to be conducted.

Offerors (Firms)	Offeror 1	Offeror 2	Offeror 3	Offeror 4	Offeror 5	Offeror 6	Offeror 7	Offeror 8
Selection Committee Member 1								
Selection Committee Member 2								
Selection Committee Member 3								
Selection Committee Member 4								
Selection Committee Member 5								
SUBTOTALS								
Preference Points (if applicable*)								
GRAND TOTALS								

* Preference Points cannot be applied if the project includes federal funds.

SAMPLE MEMO

(for firms that submitted proposals but were not selected for interview)

TO: *(List all firms not asked to interview or tour the facilities in alphabetical order.)*

FROM: _____
Owner Contact Title
Address _____

DATE: _____

RE: STATUS OF SELECTION PROCESS

Project

The *(name of committee or group)* appreciates your firm submitting a proposal for the above project. After careful consideration of all the firms who submitted proposals, a decision to interview the following firms has been made:

- 1) *(List firms in alphabetical order)*
- 2)
- 3)
- 4)
- 5)

While your firm was not selected for an interview, we appreciate your interest in our project and the resources spent on the preparation of your proposal.

SAMPLE INTERVIEW MEMO

(for short-listed firms to be interviewed)

TO: *(List all firms asked to interview in alphabetical order.)*

FROM: _____
 Owner Contact Title
 Address _____

DATE: _____

RE: INTERVIEW SCHEDULE AND REQUIREMENTS

 Project

The firms listed above have been short-listed and will be interviewed for *(engineering, architectural, etc.)* services relative to the work necessary to implement the *(project)*. Attached to this memo are the following:

- 1) Interview questions.
- 2) An Interview Score Sheet to be used by the Selection Committee during the interview session.
- 3) Copies of *(name of studies or reports)* compiled by *(name of group)* for your information and review.

Each firm is allowed 45 minutes to present their proposals and to answer questions. The interviewers will schedule 15 minutes between interviews for informal discussion of information presented during the preceding interview. At the completion of the interviews, the interviewers will rank the firms interviewed in accordance with their determination of which firm is most competent and compatible to do the work. The firm deemed to be the most qualified will enter into contract negotiations to provide the necessary design services. If terms cannot be reached, negotiations with the first-ranked firm will cease, and negotiations with the second-ranked firm will be initiated to negotiate a contract.

Interviews will be held on *(date)* at *(time)* at *(location and name of building)* at *(address)*.

The order and time of interviews are:

- FIRM A - *(time)*
- FIRM B - *(time)*
- FIRM C - *(time)*
- FIRM D - *(time)*
- FIRM E - *(time)*

SAMPLE INTERVIEW EVALUATION SUMMARY

*(for use by the person on the selection committee who is responsible
for compiling all scores of firms participating in the interview process)*

NOTE: Enter the grand total for each firm as recorded by each interview on the interview evaluation score sheet. After all entries are made and totaled, divide the combined group total for each firm by the number of interviewers for an average score.

	Offeror 1	Offeror 2	Offeror 3	Offeror 4	Offeror 5
Selection Committee Member 1	_____	_____	_____	_____	_____
Selection Committee Member 2	_____	_____	_____	_____	_____
Selection Committee Member 3	_____	_____	_____	_____	_____
Selection Committee Member 4	_____	_____	_____	_____	_____
Selection Committee Member 1	_____	_____	_____	_____	_____
GRAND TOTALS	_____	_____	_____	_____	_____
Divide by number of interviewers:					
AVERAGE SCORE	_____	_____	_____	_____	_____

APPENDIX C

EXAMPLE OF SCOPE OF WORK AND FEE PROPOSAL

An example of a **proposed scope of work** and a **detailed fee proposal** is included on the following pages. This example is intended to show a desirable process only and does not reflect current representative pricing rates for the consulting engineering industry.

A salary multiplier is used in the example as the basis to establish fully loaded hourly billing rates. The fully loaded hourly billing rates used in the example includes hourly wages, overhead expenses (as a percentage of project related labor cost), and a profit. The process for establishing fully loaded billing rates, based on current hourly wages, is shown.

In reality, hourly wages paid by engineering consultants are in proportion to an employee's level of experience, capability, and responsibility. Engineering consultants compete with one another for employees; therefore, wage levels are generally driven by market forces. The hourly wages used in this example are fictitiously low but the proportionate amounts may be representative of comparisons between different categories of team members used on a project.

The level of detail provided, concerning tasks identified in this example, are simplified for the purposes of this guide. Development of the scope of work for complex projects normally requires a greater level of detail, in the way tasks are broken down, relative to that shown in this example. The scope of work should be defined in sufficient detail to provide the owner and the engineer a clear understanding of expectations.

The fee is negotiated based on the detailed scope of work and the estimated labor and expense required to complete each task delineated within the scope of work.

Letterhead

New Mexico Engineering Associates

August 24, 2016

Purchasing Agent
City of New Mexico Community
City Hall
New Mexico Community

Re: Revised Scope of Work and Fee Proposal for A Street (1st Street to 10th Street) Street and Drainage Improvements – Phase 1, Planning and Investigation

Purchasing Agent:

Attached is a revised detailed fee proposal showing estimated time and expense to complete the revised scope of work described below for referenced project.

New Mexico Engineering Associates (NMEA) met with the City on 7/28/16 to establish the City's goals, objectives, and requirements for this project. We submitted a scope of work and fee proposal on 8/8/16 and met with the City on 8/11/16 for negotiations. NMEA has modified the proposed scope and fee based on agreements made with the City during negotiations.

As requested, I have also attached estimated fees for Phase 2 – Surveying and Preliminary Design, Phase 3 – Final Design and Right-of-Way Mapping, and Phase 4 – Construction Services. These estimates are submitted for budgeting purposes only. As agreed, each of these phases will be negotiated following completion and acceptance of the previous phase. It is understood that the scope of work and estimated fees, which will be needed for each phase, will change depending on the final outcome of the previous phase of services. For budgeting purposes, we recommend that the City add at least 10% contingencies to the estimated fees to allow for potential increases.

Project Description

The project includes paving, sidewalk, drainage, and intersection improvements on A Street, a 4-lane minor arterial street with 12-foot driving lanes, 8-foot shoulders, and a 14-foot center turn lane, from (and including) the intersection with 1st Street to (and including) the intersection with 10th Street. The intersection of A Street with 2nd Street will be evaluated for possible addition of turning lanes and signalization. (*Note – the estimated design fees assume that new turning lanes and signalization will be needed.*) Street lighting improvements will only be made at the 2nd Street Intersection. Most of the existing corners and drive-pads are not ADA compliant and will be replaced as needed for ADA compliance. The pavement exhibits moderate block cracking between 1st and 7th Streets and has extensive sub-grade failure between 7th and 10th Streets. Pavement will be removed and replaced or milled and inlayed depending on a geotechnical investigation and analysis. The bridge spanning H Arroyo is not planned for any improvements as part of this project. NMEA will however complete a scour analysis for use on the upcoming bridge replacement project. There is an existing storm sewer system in the vicinity of H Arroyo with inadequate capacity to support the design storm event. This system will be replaced

with a higher capacity system. The project will be funded with a general obligation bond and is not subject to NEPA requirements.

Scope of Work

The planning and investigation phase will include an analysis of existing conditions, including pavement, curb and gutter, sidewalk, ADA, drainage, signing, and traffic operations. Alternatives will be identified and evaluated for the 2nd Street Intersection Improvements. Meetings will be held with stakeholders including affected utilities and the economic development council. We will also meet with the five key property owners in the vicinity of 2nd Street.

Project Start-Up (SCP)

<i>ID</i>	<i>Task</i>	<i>Description</i>	<i>Amount</i>
SCP-1	Preliminary Field Review	On-site meeting with owner to confirm goals, objectives, and requirements for project	1 meeting
SCP-2	Develop Scope/Approach	Develop detailed scope of work and approach	
SCP-3	Start-up meeting	Start-up meeting with design team for communication of scope of work, approach, criteria, resources, roles, schedule, issues, etc.	1 meeting
SCP-4	Travel time	Travel time to and from preliminary field review	

Project Management, Coordination and Quality Assurance (PMC)

<i>ID</i>	<i>Task</i>	<i>Description</i>	<i>Amount</i>
PMC-1	Stakeholder Meetings	One meeting with affected utility companies and another meeting with the Economic Development Council about their concerns regarding the project	2 meetings
PMC-2	Property Owner Interviews	Interviews with five property owners in the vicinity of the Second Street Intersection about their concerns regarding intersection improvements	5 interviews
PMC-3	Internal Team Meetings	Internal team meetings during the process of planning	3 meetings
PMC-4	Meetings with Owner	One meeting with the Owner's project representatives and presentation at one City council meeting	2 meetings
PMC-5	General Project Management	Coordination with Owner and other stakeholders, invoicing, planning project meetings and minutes, contract management including budget and schedule, invoicing, general project oversight, contracting and coordination with subconsultants; coordination with utility companies	

PMC-6	Quality Assurance	Quality control review by project engineer and quality assurance review by senior engineer	
PMC-7	Travel Time	Travel time to and from New Mexico Community for meetings	6 trips

Planning and Investigation (PER)

<i>ID</i>	<i>Task</i>	<i>Description</i>	<i>Amount</i>
PER-1	Preliminary Drainage Report	Hydrological and hydraulic analysis and report in accordance with NMDOT Drainage Manual requirements	3
PER-2	HEC-RAS (H-Arroyo)	HEC-RAS and Scour analysis for channel upstream of existing and proposed bridge structure for the H-Arroyo crossing; this is to support ongoing bridge design by another engineer	5 sub-basins
PER-3	Final Drainage Report	Update preliminary drainage report for new construction	
PER-4	Pavement Design	Design of pavement structure components and thicknesses based on geotechnical investigation	2 segments
PER-5	Conceptual Storm Sewer Layout	Conceptual layout design for storm sewer improvements in vicinity of H-Arroyo; plan view only at 1" = 50'	2 sheets
PER-6	Conceptual Street Layout	Conceptual Street and Sidewalk Layout showing existing features together with proposed location of improvements; plan view only at 1" = 50'	8 sheets
PER-7	Traffic Analysis A-2 nd Street Inters.	Traffic counts including turning movements collected by City during completion of 2015 Comprehensive Transportation Plan together with projections and an analysis of accident records will be used to analyze and determine capacity and safety improvements needed at intersection; a warrant analysis will be completed for signalization	
PER-8	A-2 nd Streets Intersection Conceptual Layout	A conceptual layout will be developed showing recommendations for turning lane additions, signalization, and other improvements; plan view only at 1" = 20'	2 sheets
PER-9	Scoping Report and EOPCC	A scoping report will be prepared summarizing investigations, findings, and recommendations; a conceptual level engineer's opinion of probable construction cost will be prepared	
PER-10	Geo-Technical Investigation	New Mexico Community Geotechnical Associates (NMCGA) will complete ten boreholes and perform laboratory testing to	

		characterize sub-grade for design of pavement structure; please see attached scope of work and fee proposal from NMCGA	
--	--	--	--

The proposed cost for the scope of work described above is as follows:

Project Start-Up	\$892.53
Project Management, Coordination and Quality Assurance	\$2,253.42
Planning and Investigation.....	\$6,447.99
<u>Reimbursable Expenses</u>	<u>\$245.90</u>
Total Cost for Phase 1 Services.....	\$9,839.84

The proposed schedule for completion of the Phase 1 services is within 90 working days from the date of receipt of the written notice to proceed from the City.

Please let us know if you need additional information or would like to discuss this proposal in more detail.

New Mexico Engineering Associates is anxious to begin work on this project and look forward to your response to this revised proposal.

Thank you,

Principal-in-Charge