

COUNTY OF MCKINLEY
P. O. BOX 70
GALLUP, NM 87305-0070
(505) 722-3868
FAX (505) 863-6362



REQUEST FOR PROPOSALS
FOR
From Liquor Excise Tax

RFP NO. 2011-07

Proposal Deadline: Tuesday, May 10, 2011 2 p.m. Local Time

PROCUREMENT AGENT: Theresa M. Diaz, Buyer

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MUST BE FILLED OUT AND RETURNED WITH RFP PROPOSAL

NOTICE OF REQUEST FOR PROPOSALS

Qualifications-based competitive sealed proposals for RFP 2011-07 – Liquor Excise Tax for McKinley County will be received by McKinley County, PO Box 70/207 West Hill Street, Third Floor, Gallup, New Mexico 87305 until Tuesday, May 10, 2011, 2:00 p.m. local prevailing time. Copies of the Request for Proposals can be obtained in person at the Office of the Manager at 207 West Hill Street, Third Floor, Gallup, NM 87301, be mailed upon written or telephone request to Theresa Diaz, Procurement Agent, at (505) 722-3868, Ext. 1004, or by visiting www.co.mckinley.nm.us (Purchasing Department). McKinley County reserves the right to accept or reject any or all proposals and to waive all formalities. **The Procurement Code, Sections 13-1-28 Through 13-1-199, NMSA, 1978 imposes civil and criminal penalties for code violations. In addition the New Mexico criminal statutes impose felony/penalties for illegal bribes, gratuities and kickbacks.**

DATED this 4th day of April 2011

**BY: /s/ David Dallago
Chairperson, Board of Commissioners**

PUBLISH: Wednesday, April 6 2011 The Gallup Independent

PROPOSAL REVIEW SCHEDULE

- 1. ADVERTISEMENTApril 6, 2011
- 2. ISSUANCE OF PROPOSAL PACKETApril 6, 2011
- 3. IMPLEMENTING STRATGIC PLAN TO RFP WORKSHOP.....April 19, 2011
 - 1:30 p.m. McKinley County Commission Chambers
 - Workshop is not mandatory
- 4. PROPOSAL SUBMITTAL DEADLINE May 10, 2011
- 5. EVALUATION OF PROPOSALSMay 10 – May 27, 2011
- 6. RECOMMENDATION OF AWARD June 7, 2011
- 7. EXECUTION OF AGREEMENT AND
NOTICE TO PROCEEDJune 8, 2011

**DATES AFTER THE PROPOSAL DEADLINE ARE TENTATIVE
AND ARE SUBJECT TO CHANGE WITHOUT NOTICE.**

SECTION 1 GENERAL INFORMATION

GENERAL INFORMATION/PROJECT DESCRIPTION

The County of McKinley is soliciting Request for Proposals (RFP) No. 20011-07 for Liquor Excise Tax Funding for Fiscal Year 2011 - 2012. If you have the experience and are interested in providing these services, please submit a proposal for this work based on the information presented in this RFP.

We are requesting that you prepare a brief response based on the Request for Proposal and accompanying information. **Additionally, the response shall include a copy of the most recent audit or consolidated financial report showing all sources of revenue.**

The proposal should address your interest to satisfy the County's objectives established for this effort. The proposal should also clearly demonstrate your capability to achieve the scope of work. It is, therefore, important that you list all key individuals that you would assign to the project and define an approach that would be used to implement this service. Careful review of the RFP is highly recommended to ensure a responsive submittal. This RFP was prepared in accordance with current State Procurement Statutes.

In order to adequately supply the committee members involved in reviewing the RFP's and making the selection, we are requesting **one (1) original and four (4) copies** of the RFP to be submitted. Make certain you address all items requested to ensure a responsive submittal.

The Support Services staff feels this format for an RFP is objective and represents a comprehensive and fair system for evaluation of your submittals. Should you require further information, please feel free to contact Theresa Diaz, Procurement Agent at 505-722-3868.

Note that there are significant changes in the structure of the Liquor Excise Tax application process. Any application that does not adhere to the changes will be deemed non-responsive and will not be reviewed.

NOTE: USE OF THE MAIL SERVICE IS AT YOUR OWN RISK FOR PROPER DELIVERY.

SECTION 2 SCOPE OF WORK

2.1 OBJECTIVE AND SCOPE OF WORK FOR ORGANIZATIONS:

The provider will be required to offer one of the following component services:

2.1.1 Community education and prevention;

- A. Develop prevention or treatment services containing specific multiyear goals for narrowing identified service gaps utilizing the Strategic Prevention Framework model developed by the Center for Substance Abuse Prevention that requires a five step process: **1. Assessment; 2. Capacity; 3. Planning; 4. Implementation and; 5. Evaluation.**
- B. Clearly define the target population to address the major risk and protective factors in ways that are appropriate, understandable and effective utilizing the revised Logic Model to include; **Substance Related Consequences** that include the social, economic, and health problems associated with the use of alcohol, tobacco and illicit drugs. Any social, economic, or health problem can be defined as substance use problem if the use of alcohol, tobacco, or drugs increases the likelihood of the problem occurring; **Substance Use** that includes how the way in which people drink, smoke, and use drugs is linked to particular substance-related consequences; **Intervening Variables** to include factors that have been identified as being strongly related to and influence the occurrence and magnitude of substance use and related risk behaviors and their consequences and; **Strategies** in which the program, practice, or policy that addresses factors strongly relate to and influence the occurrence and magnitude of substance use and related risk behaviors and their consequences.
- C. Prevention programs will provide a Science-based or Research-based practice in Substance Abuse Prevention. A current list of all model programs can be found on the internet at www.modelprograms.samhsa.gov or use a Logic Model to explain a program not found. For an explanation of the Logic Model, please contact Debra L. Martinez at 863-1423, extension 4202.
- D. **Note: Proposals that do not conform to this format will be deemed non-responsive and will not be reviewed.**

2.1.2 Community outpatient alcohol and substance abuse treatment and after care:

- A. Provide cost-effective approaches for treatment and recovery services that are considered best practices such as Motivational Interviewing, Reality Therapy, Behavioral Modification, etc.;
- B. The provider shall develop and implement community based rehabilitation and follow-up services for clients who are alcohol and/or drug abusers. The providers shall have trained personnel who can assist in the development of positive self-image, problem solving skills, non-alcohol or drug abusing behaviors and coping skills. Providers shall be licensed as required by the New Mexico Counseling & Therapy Practice Act (61-9A-1 through 61-9A-30 NMSA 1978).

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- C. Target population may include schools and youth programs. The outpatient school based programs should be designed for chemically dependent youth
- D. who need treatment, but may not need to be confined to a residential treatment setting. The program may consist of the following components: education classes; individual, group, peer or family counseling and skills development; the formation of self help groups (al-anon, AA and NA, Parents Anonymous); family or art therapy; aftercare counseling with ongoing support; recreation therapy.
- D. After Care Services: After care will be provided to clients who have progressed sufficiently through in-patient treatment or outpatient services to the point in their recovery where continued contact will support and increase the gains made in the treatment process. Planned monitoring will be provided by the program and will be designed to assure continued successful adaptation to drug free living. The program will provide planned periodic contact with clients, who are attempting to live independently, and who are practicing adaptive skills for living.
- E. After Care services will provide clients continued group or individual counseling. These sessions will address crisis, recall past experiences and insights, support positive gains, summon inspiration to avoid the old ways, and confront backsliding. These program will feature program alumni groups whose main purpose is to maintain support among local graduates and encourage ongoing 12-Step fellowship participation, offer relapse prevention, and provide adjunctive services, such as vocational counseling and training.
- F. Expand the quality and availability of services geared to address the special needs of populations that are vulnerable to addictive disorders that comply with the New Mexico Department of Health Comprehensive Substance Abuse Standards (DOH 93-10).
- G. Community outpatient rehabilitative treatment and aftercare services will consist of an intensive, non-residential, interdisciplinary therapeutic and rehabilitative program designed for the purpose of developing, restoring, or maintaining skills necessary for clients to live drug free in the community. Program staff will provide or ensure client access to and use of an array of services through supervised and planned activities. These services include assessment, individualized treatment planning, verbal and/or non-verbal therapies, case management and monitoring. These services will comply with the New Mexico Department of Health Comprehensive Substance Abuse Standards (DOH 93-10).

2.1.3 Residential alcohol and substance abuse treatment services;

Provide quality acute care alcohol and substance abuse treatment services that comply with the New Mexico Department of Health Comprehensive Substance Abuse Standards (DOH 93-10);

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- 2.1.4 Detoxification Program (Social, Non-Medical): Detoxification is a level .5 treatment modality (ASAM), and it is the required first step in the treatment process for those who are dependent on alcohol/drugs. Detoxification will provide social and supportive services needed to alleviate the short-term symptoms of physical withdrawal from chemicals.
- 2.1.5 Residential Alcohol/Drug Abuse Services: Short-term residential treatment for adolescent/adults referred from social service agencies, courts, schools, self-referrals or other sources to provide a therapeutic living environment for patients with alcohol and substance abuse illness for the purpose of developing skills necessary for successful reintegration into the community.
- 2.1.6 The basic services should include a safe and supervised environment for those are in need; an individualized treatment plan based on results of a comprehensive assessment; individual and group counseling; family support services; alcohol drug education; basic needs such as housing, food, etc. and appropriate after care plans upon completion of the follow up case management.
- 2.1.7 The residential treatment program may include, but not be limited to, a clinical program, an educational program, student management program, occupational therapy, relaxation therapy, and discharge planning services.
- 2.1.8 The provider shall have access to and use of a treatment facility or shelter, equipment and staff to administer the program. The facility shall be licensed either by the State of New Mexico, U.S. Public Health Services and/or meet the Joint Commission on Accreditation of Hospital and Organizations (JCAHO) standards. The provider shall also abide by the Comprehensive Substance Abuse Standards of the Department of Health Behavioral Health Services Division, DOH 93-10.

2.2 MATCHING FUNDS:

- 2.2.1 **Matching funds to other similar type programs.**
- 2.2.2 Programs who are currently being funded by other sources who are able to provide matching funds are eligible to apply for funds.
- 2.2.3 **Programs must be able to match the request by 100%, either in cash or in-kind, or any combination and indicate in the consolidated budget and a budget narrative how the match will be provided.**

2.3 EVALUATION

- 2.3.1 All programs approved for funding will be required to submit an Evaluation Plan by July 31, 2011. Programs approved for funding will be contacted by Debra L. Martinez, Acting DWI Coordinator, by July 31, 2011 to review and approve the Evaluation Plan.
- 2.3.2 Monthly submission of a Project Progress Report narrative is required.

- 2.3.3 For program evaluation purposes, the proposed scope of work described in section 3.1.C **must** include the following: 1) A specific and detailed definition of what it means for a participant to complete the proposed program and; 2) Specific requirements for participant program completion.

2.4 OTHER IMPORTANT ISSUES:

- 2.4.1 Projects that incorporate the following will be given special consideration for funding:
- 2.4.2 Projects that incorporate proven suicide prevention model programs for youth and/or adults;
- 2.4.3 Programs that incorporate assessment and referral for depression for youth and/or adults;
- 2.4.4 Liquor Excise Tax funds are not expected to be the sole source of revenue for a program or project.

SECTION 3 EVALUATION CRITERIA

3.1 CRITERIA AND POINT VALUES

3.1.1 Proposals must address each of the following criteria. Each proposal may be awarded percentage point up to the amount listed in parentheses.

	Suggested Points
A. Qualifications and Staffing: A brief narrative on the organization's ability to provide the service and copy of the license* of each staff member who will be providing the service.	<u>20</u>
B. Target population and geographical area to be served based on needs and gaps in services. The funds are to be used to supplement existing contract to expand the current services offered.	<u>20</u>
C. Projects Objective/Statement of Need/Scope of Work: Describe mission, goals, measurable objectives and evaluation plan for your organization and relationship to funds received from the Liquor Excise Tax.	<u>30</u>
D. Implementation: Describe the benefits and impact of your program in the area of prevention or treatment of alcohol and substance abuse in relationship to funds received from the Liquor Excise Tax.	<u>20</u>
E. Budget: An itemized budget summary, which reflects reasonable and justifiable cost, appropriated to the proposed services and demonstrates sound and economical use of all funds for a 12-month period. A budget narrative which describes the resources and associated funds which are to be included in the implementation of the services to be provided. <u>Each application must provide a 100% cash or in-kind match.</u>	<u>10</u>
TOTAL POSSIBLE POINTS	<u>100</u>

*Pursuant to the New Mexico Counseling and Therapy Practice Act (61-9A-1 through 61-9A-30 NMSA1978), 61-9A-4B requires that after January 1, 1998, unless licensed or registered to practice, under the Counseling and Therapy Practice Act, no person shall engage in the practice of (1) alcohol and drug abuse counseling; (2) alcohol counseling; (3) drug abuse counseling; or (4) substance abuse counseling as a substance abuse intern.

Each request for funds should include a copy of the license of each staff member who will be providing any of these services or proof that an application is currently being reviewed by the New Mexico Counseling and Therapy Practice Board.

SECTION 4 INSTRUCTIONS TO OFFERORS

NOTICE TO PROPOSER

PROPOSAL SUBMITTAL FORMAT SEE SECTIONS 4.3

Non-compliance shall result in a non-responsive proposal.

4.1 DEFINITIONS AND TERMS

- 4.1.1 Addendum:** a written or graphic instrument issued prior to the opening of Proposals, which clarifies, corrects, or changes the Request for Proposals. Plural: addenda.
- 4.1.2 Consultant:** means the Successful Offeror awarded the Agreement/Contract.
- 4.1.3 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).
- 4.1.4 Offeror:** any person, corporation, or partnership legally licensed to provide professional services in this state, who chooses to submit a proposal in response to this Request for Proposals.
- 4.1.5 Procurement Manager:** means the person or designee authorized by the County of McKinley to manage or administer a procurement requiring the evaluation of proposals.
- 4.1.6 Request For Proposals:** or "RFP" means all documents, including those attached or incorporated by reference, used for soliciting proposals (13-1-81 NMSA 1978).
- 4.1.7 Responsible Offeror or Proposer:** means an offeror or proposer who submits a responsive proposal and who has furnished, when required, information and data to prove that his financial resources, production or service facilities, personnel, service reputation and experience are adequate to make satisfactory delivery of the services described in the proposal (13-1-83 NMSA 1978).
- 4.1.8 Responsive Offer or Proposal:** means an offer or proposal which conforms in all material respects to the requirements set forth in the request for proposals. Material respects of a request for proposals include, but are not limited to, price, quality, quantity or delivery requirements (13-1-85 NMSA 1978).
- 4.1.9** The terms **must, shall, will, is required, or are required**, identify a mandatory item or factor. Failure to comply with a mandatory item or factor will result in the rejection of the offeror's proposal.
- 4.1.10** The terms **can, may, should, preferably, or prefers** identify a desirable or discretionary item or factor.

4.2 REQUEST FOR PROPOSAL DOCUMENTS

4.2.1 COPIES OF REQUEST FOR PROPOSALS

4.2.1.1 A complete set of the Request for Proposals may be obtained from the County of McKinley as stated in the RFP Notice.

4.2.1.2 A complete set of the Request for Proposal shall be used in preparing proposals; the County of McKinley assumes no responsibility for errors or misinterpretations resulting from the use of an incomplete set of the Request for Proposals.

4.2.1.3 The County of McKinley in making copies of Request for Proposals 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.

4.2.1.4 A copy of the RFP shall be made available for public inspection and shall be posted at the Office of the Manager, 3rd Floor, County Courthouse

4.2.2 INTERPRETATIONS

4.2.2.1 All questions about the meaning or intent of the Request for Proposals shall be submitted to the Procurement Officer of the County of McKinley in writing. Replies will be issued by Addenda mailed or delivered to all parties recorded by the County of McKinley having received the Request for Proposals. 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.

4.2.2.2 Offerors should promptly notify the County of McKinley of any ambiguity, inconsistency, or error, which they may discover upon examination of the Request for Proposals.

4.2.3 ADDENDA

4.2.3.1 No Addenda will be issued.

4.3 PROPOSAL SUBMITTAL PROCEDURES

4.3.1 NUMBER, FORM AND STYLE OF PROPOSALS

4.3.1.1 Offerors shall provide one (1) original and four (4) copies of their proposal to the location specified on the cover page on or before the closing date and time for receipt of proposals. Submit one (1) original fee estimate under separate sealed cover on your firm's letterhead and mark it "Fee Estimate."

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

4.3.1.3 All proposals must be a maximum of 15 pages, including title, index, etc., not including front and back covers and attachments.

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

- 1) Letter of Transmittal, if any;
- 2) Table of Contents
- 3) Copy of Liability and Worker's Compensation Insurance Certificates.
- 4) Copy of current IRS Form 501 (c) (3)
- 5) Copy of latest financial audit or most recent consolidated financial report
- 6) Response to Qualifications and staffing
- 7) Response to target population
- 8) Response to project objective
- 9) Response to implementation
- 10) Response to Budget including a budget narrative
- 11) Any additional pertinent information.

4.3.1.5 Any Proposal that does not adhere to this format, and which does not address each specification or requirement within the RFP shall be deemed non-responsive and rejected on that basis.

4.3.1.6 Offeror 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 that states that the entire proposal be kept confidential will not be acceptable. Only matters which clearly are of a confidential nature will be considered.

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

4.3.1.8 A pre-proposal conference will not be held.

4.3.2 SUBCONSULTANTS

4.3.2.1 The Offeror shall list and state the qualifications for each Subconsultant the Offeror proposes to use for all subcontracted Work.

4.3.2.2 The Offeror is specifically advised that any person or other party to whom it is proposed to award a subcontractor under this proposal, must be acceptable to the County of McKinley after verification by the County of McKinley of the current eligibility status, including but not limited to suspension or debarment by the County of McKinley.

4.3.3 PREQUALIFICATION PROCESS

4.3.3.1 A business may be pre-qualified by the Purchasing Officer as an Offeror for particular types of service. Mailing lists of potential Offeror 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.

4.3.4 DEBARRED OR SUSPENDED CONTRACTORS

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

4.3.5 SUBMITTAL OF PROPOSALS

4.3.5.1 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.

4.3.5.2 The envelope shall be addressed to the Procurement Officer of the County of McKinley. The following information shall be provided on the front lower left corner of the envelope: Project Title, Request for Proposals 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.

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

4.3.5.4 The Offeror shall assume full responsibility for timely delivery of proposals at the Purchasing Officer's office, including those proposals submitted by mail. Hand-delivered proposals shall be submitted to the Purchasing Officer or his designee and will be clocked in/time stamped at the time received, which must be prior to the time specified.

VIA MAIL

OFFICE OF THE MANAGER
COUNTY OF MCKINLEY
POST OFFICE BOX 70
GALLUP, NM 87305-0070

HAND DELIVERED

OFFICE OF THE MANAGER
COUNTY COURTHOUSE, 3RD FLOOR
201 WEST HILL
GALLUP, NM 87301

4.3.5.5 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, and such other information as may be specified by the Purchasing Officer.

4.3.5.6 Oral, telephonic, or telegraphic proposals are invalid and will not receive consideration.

4.3.6 CORRECTION OR WITHDRAWAL OF PROPOSALS

4.3.6.1 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 Request for Proposals as the place where Proposals are to be received.

4.3.6.2 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 Request for Proposals.

4.3.7 NOTICE OF CONTRACT REQUIREMENTS BINDING ON OFFEROR

4.3.7.1 In submitting this proposal, the Offeror represents that the Offeror has familiarized himself with the nature and extent of the Request for Proposals dealing with federal, state, and local requirements, which are a part of these Request for Proposals.

4.3.7.2 Laws and Regulations: The Offeror 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.

4.3.8 REJECTION OR CANCELLATION OF PROPOSALS

4.3.8.1 This Request for Proposals 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 County of McKinley. A determination containing the reasons therefore shall be made part of the RFP file (13-1-131 NMSA 1978).

4.4. CONSIDERATION OF PROPOSALS

4.4.1 RECEIPT, OPENING AND RECORDING

4.4.1.1 Proposals received on time will be opened publicly or in the presence of two witnesses and the name of the Offeror and address will be read aloud.

4.4.1.2 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 Offeror during the negotiation process (13-1-116 NMSA 1978).

4.4.2 PROPOSAL EVALUATION

4.4.2.1 Proposals shall be evaluated on the basis of demonstrated competence and qualification for the type of service required, and shall be based on the evaluation factors set forth in this RFP. For the purpose of conducting discussions, proposals may initially be classified as:

- 1) Responsive
- 2) Non-Responsive
- 3) Unacceptable (Offeror whose proposals are unacceptable shall be promptly notified)

4.4.2.2 The County of McKinley shall have the right to waive **technical irregularities** in the form of the Proposal of the Offeror, which do not alter the quality of the services (13-1-132 NMSA 1978).

4.4.2.3 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 Procurement Officer. 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).

4.4.2.4 Selection Process: 13-1-120 NMSA 1978)

- 1) The evaluation of proposals will be performed by the Local Option Liquor Excise Tax Committee composed of representatives of the City of Gallup and the County of McKinley. The committee shall evaluate statements of qualifications and performance data submitted by at least three businesses in regard to the particular request and may conduct interviews with and may require public presentation by all businesses applying for selection regarding their qualifications, their approach and their ability to furnish the required services.
- 2) If fewer than three businesses have submitted a statement of qualifications for a particular RFP, the committee may:
 - a) rank in order of qualifications and submit to the County of McKinley for award those businesses which have submitted a statement of qualifications; or
 - b) recommend termination of the selection process and request of new notices of the proposed procurement to be sent out (13-1-104 NMSA 1978).

4.4.3 NEGOTIATIONS (13-1-122 NMSA 1978)

4.4.3.1 The County of McKinley'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.

4.4.3.2 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.

4.4.3.3 The designee shall then undertake negotiations with the third most qualified business.

4.4.3.4 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 request for proposals is initiated.

4.4.3.5 The County of McKinley will publicly announce the business selected for award.

4.4.4 NOTICE OF AWARD

4.4.4.1 After award by the County of McKinley, a written notice of award shall be issued by the County of McKinley with reasonable promptness (13-1-100 and 13-1-108 NMSA 1978).

4.4.5 CONTRACT TERM:

4.4.5.1 The contract period will begin July 1, 2011, through June 30, 2012.

4.5. POST-PROPOSAL INFORMATION

4.5.1 PROTESTS

4.5.1.1 Any Offeror who is aggrieved in connection with a solicitation or award may protest to the County of McKinley Purchasing Officer in accordance with the requirements of the County of McKinley'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).

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4.5.1.2 In the event of a timely protest under this section, the Purchasing Officer and the County of McKinley shall not proceed further with the procurement unless the Purchasing Officer makes a determination that the award is necessary to protect substantial interests of the County of McKinley (13-1-173 NMSA 1978).

4.5.1.3 The Purchasing Officer or his 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 attorney's fees (13-1-174 NMSA 1978).

4.5.1.4 The Purchasing Officer or his designee shall promptly issue a determination relating to the protest. The determination shall:

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

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

4.5.2 EXECUTION AND APPROVAL OF AGREEMENT

4.5.2.1 The Agreement shall be signed by the Successful Offeror and returned within an agreed upon 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.

4.5.3 NOTICE TO PROCEED

4.5.3.1 The County of McKinley will issue a written Notice to Proceed to the Offeror.

4.5.4 OFFEROR'S QUALIFICATION STATEMENT

4.5.4.1 Offeror to whom award 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)

4.6. OTHER INSTRUCTIONS TO OFFERORS (If NONE, write None)

SECTION 5 GENERAL TERMS AND CONDITIONS

5.1 GOVERNING LAW

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

5.2 INDEPENDENT CONTRACTORS

5.2.1 The Offeror and his agents and employees are independent Contractors and are not employees of County of McKinley. The Offeror and his agents and employees shall not accrue leave, retirement, insurance, bonding, use of County of McKinley vehicles, or any other benefits afforded to employees of the County of McKinley as a result of the Agreement.

5.3 BRIBES, GRATUITIES AND KICK-BACKS

5.3.1 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 prohibit 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.

5.4 STANDARD FORM OF AGREEMENT BETWEEN CONTRACTING AGENCY AND OFFERER

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

5.5 FEES

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

5.6 FUNDING

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

5.7 CONTACT WITH COUNTY OF MCKINLEY OFFICIALS OR STAFF MEMBERS

5.7.1 Prior to, and after submittal of proposal, prospective Offeror shall **not** make contact with any official or staff member regarding this RFP, other than contact to obtain a copy of this RFP, with an exception of an explanation of the logic model.

5.8 LIABILITY INSURANCE

The Offeror will will not be required to carry liability (errors and omissions) insurance. If required to carry such insurance, the amount of coverage will be \$150,000.00.

CAMPAIGN CONTRIBUTION DISCLOSURE FORM

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

Furthermore, the state agency or local public body shall void an executed contract or cancel a solicitation or proposed award for a proposed contract if: 1) a prospective contractor, a family member of the prospective contractor, or a representative of the prospective contractor gives a campaign contribution or other thing of value to an applicable public official or the applicable public official's employees during the pendency of the procurement process or 2) a prospective contractor fails to submit a fully completed disclosure statement pursuant to the law.

THIS FORM MUST BE FILED BY ANY PROSPECTIVE CONTRACTOR WHETHER OR NOT THEY, THEIR FAMILY MEMBER, OR THEIR REPRESENTATIVE HAS MADE ANY CONTRIBUTIONS SUBJECT TO DISCLOSURE.

The following definitions apply:

"Applicable public official" means a person elected to an office or a person appointed to complete a term of an elected office, which 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 either 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.

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“**Family member**” means spouse, father, mother, child, father-in-law, mother-in-law, daughter-in-law or son-in-law.

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

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

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

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

DISCLOSURE OF CONTRIBUTIONS:

Contribution Made By: _____

Relation to Prospective Contractor: _____

Name of Applicable Public Official: _____

Date Contribution(s) Made: _____

Amount(s) of Contribution(s) _____

Nature of Contribution(s) _____

Purpose of Contribution(s) _____

(Attach extra pages if necessary)

Signature

Date

Title (position)

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--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.

Typed or Printed Name

Date

Signature

Title (Position)

Company Name