



**TOWN OF KIRTLAND  
REQUEST FOR PROPOSALS  
RFP # 2019-02**

**MUNICIPAL LEGAL SERVICES**

PROPOSAL DUE DATE/TIME/PLACE:

Monday, September 30, 2019  
Town of Kirtland Council Room  
47 Road 6500  
Kirtland, NM 87417

FINAL DATE FOR QUESTIONS

Friday, September 20, 2019

Tentative Council Contract Approval Date

Tuesday, October 08, 2019

For further information contact:

Gwen Warner

Town Clerk

Town of Kirtland

Phone: 505-598-4160

Fax: 505-598-6411

Email: [gwarner@kirtlandnm.org](mailto:gwarner@kirtlandnm.org)

**TOWN OF KIRTLAND  
MUNICIPAL LEGAL SERVICES  
REQUEST FOR PROPOSAL NUMBER 2019-02**

**I. INTRODUCTION**

**A. PURPOSE OF THIS REQUEST FOR PROPOSALS**

The TOWN OF KIRTLAND is requesting competitive proposals for Town Attorney Firm(s).

**B. SCOPE OF PROCUREMENT**

Attorney shall, in a competent and professional manner, provide legal representation before Courts, Boards and Commissions, legal advice and legal services to the Town, its officers, agents and employees which shall consist of all of those services that are normally provided in terms of service as a Town Attorney. Attorney shall attend Town Trustees, Board or Commission meetings on an "as requested by the Mayor" basis. Attorney shall be available to attend meetings on short notice. The legal services required include court prosecutions, providing legal advice and counsel to the Town, preparation of contracts, Ordinances and Resolutions; legal advice and drafting of documents relating to land ownership and land use issues, including but not limited to deeds, grants of easement, right-of-way agreements, and similar documents; lobbying on specified issues before the New Mexico legislature and other public officials, as instructed by the Mayor; legal advice and assistance on any other matters that may come before the Mayor or Trustees, including but not limited to personnel matters, contract disputes, intergovernmental cooperation and related agreements, municipal utility law and policy, and public finance; addressing any legal matter that comes before the Town, the Town Mayor or Town Trustees; reviewing contracts and agreements; advice and assistance on procurement matters; litigation in the courts of New Mexico and the United States; representation of the Town in administrative proceedings before administrative agencies.

**C. PROCUREMENT OFFICER**

The Town of Kirtland has designated a Procurement Officer who is responsible for the conduct of this procurement whose name and address are listed below. All Deliveries should be **addressed to the Town Clerk, and mailed via CERTIFIED MAIL, USPS with a postmark by 4:00 pm MST September 30, 2019** and addressed as follows:

**Town of Kirtland  
Gwen Warner, Town Clerk  
PO Box 1887  
Kirtland, NM 87417**

All potential proposers are advised that the Town of Kirtland will accept proposals until 4:00 p.m. September 30, 2019 at which time and place they will be opened for later evaluation. Submit one original and five (5) copies of the proposal. Proposals submitted after the deadline will not be considered.

Any inquiries or requests regarding this procurement should be submitted to the Town Clerk in writing. Offerors may contact **ONLY** the Town Clerk regarding the procurement. Any question, comment or concern will be shared with all interested parties to this proposal.

D. AWARD AND CONTRACT TYPE

The Town Mayor shall select an Advisory Committee to rank, in the order of their qualifications, firms it deems to be the most highly qualified to perform the services described in this request for proposals. The Advisory Committee shall evaluate the proposals, taking into consideration the evaluation factors set forth in this request for proposals. Interviews may be conducted, as requested by the Committee. The Contract period will be for four years.

E. PROPOSAL OPENING

All proposals submitted to the Town must be an original and 5 copies. Proposals shall not be opened until the time specified in this request for proposals. Proposal envelopes shall be clearly marked on the outside of the envelope:

**Competitive Proposal RFP # 2019-02  
Legal Services**

Any amendment to a submitted proposal, made prior to the expiration of the proposal submission deadline, must be acknowledged as having been received by the Town.

Each sealed proposal submitted shall include a completed mandatory campaign Disclosure form.

F. QUESTIONS

Questions concerning this proposal should be directed in writing until 4:00 p.m., September 20, 2019 to Gwen Warner, Clerk, Town of Kirtland, by email **only** to gwarner@kirtlandnm.org. Prospective offerors who have provided an email address to the Town Clerk will be included as recipients of the Town's answers to any questions submitted by any potential offeror.

An award shall be made by the Town of Kirtland Governing Body after a contract has been negotiated.

**II. SUBMISSION GUIDELINES AND REQUIREMENTS**

A. ACCEPTANCE OF CONDITIONS GOVERNING THE PROCUREMENT

Submission of a proposal constitutes acceptance of the Conditions Governing the Procurement and the Evaluation Factors contained in this RFP.

B. INCURRING COST

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.

**III. GENERAL REQUIREMENTS**

A. AMENDED PROPOSALS

An offeror may submit an amended proposal before the deadline for receipt of proposals. Such amended proposals must be complete replacements for a previously submitted proposal and must be clearly identified as such in the transmittal letter. The Town of Kirtland personnel will not merge, collate, or assemble proposal materials.

B. OFFERORS' RIGHTS TO WITHDRAW PROPOSAL

Offerors will be allowed to withdraw their proposals at any time prior to the deadline for receipt of proposals. The offeror must submit a written withdrawal request signed by the offeror's duly authorized representative addressed to the Town Clerk.

The approval or denial of withdrawal requests received after the deadline for receipt of the proposals is governed by the applicable procurement regulations.

C. DISCLOSURE OF PROPOSAL CONTENTS

The proposals will be kept confidential until a contract is awarded. At that time, all proposals and documents pertaining to the proposals will be open to the public, except for the material that is proprietary or confidential. The Town Clerk will not disclose or make public any pages of a proposal on which the offeror has stamped or imprinted "proprietary" or "confidential" subject to the following requirements

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

If a request is received for disclosure of data for which an offeror has made a written request for confidentiality, the Town of Kirtland shall examine the offeror's request and make a written determination that specifies which portions of the proposal should be disclosed. Unless the offeror takes legal action to prevent the disclosure, the proposal will be so disclosed. The proposal shall be open to public inspection subject to any continuing prohibition on the disclosure of confidential data.

D. NO OBLIGATION

This procurement in no manner obligates the Town of Kirtland or any of its agencies to the use of any proposed professional services until a valid written contract is awarded and approved by

the appropriate authorities.

E. TERMINATION

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

F. SUFFICIENT APPROPRIATION

Any contract awarded as a result of this RFP process may be terminated if sufficient appropriations or authorizations do not exist. Sending written notice to the contractor will effect such termination. The Town of Kirtland's decision as to whether sufficient appropriations and authorizations are available will be accepted by the contractor as final.

G. LEGAL REVIEW

The Town of Kirtland requires that all offerors agree to be bound by the General Requirements contained in this RFP. Any offeror concerns must be promptly brought to the attention of the Procurement Officer.

H. GOVERNING LAW

The laws of the State of New Mexico shall govern this procurement and any agreement with offerors that may result.

I. BASIS FOR PROPOSAL

Only information supplied by the Town of Kirtland in writing through the Town Clerk or in this RFP should be used as the basis for the preparation of offeror proposals.

J. OFFEROR'S TERMS AND CONDITIONS

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

K. CONTRACT DEVIATIONS

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

L. OFFEROR QUALIFICATIONS

The Evaluation Committee may make such investigations as necessary to determine the ability of the offeror to adhere to the requirements specified within this RFP. The Evaluation Committee will reject the proposal of any offeror who is not a responsible offeror or fails to submit a responsive offer as defined in Sections 13-1-83 and 13-1-85 NMSA 1978.

M. RIGHT TO WAIVE MINOR IRREGULARITIES

The Evaluation Committee reserves the right to waive minor irregularities. The Evaluation Committee also reserves the right to waive mandatory requirements provided that all of the otherwise responsive proposals failed to meet the mandatory requirements and/or doing so does not otherwise materially affect the procurement. This right is at the sole discretion of the Evaluation Committee.

N. CHANGE IN CONTRACTOR REPRESENTATIVES

The Town of Kirtland reserves the rights to require a change in contractor representatives if the assigned representatives are not, in the opinion of the Town of Kirtland, meeting its needs adequately.

O. NOTICE

The Procurement Code, Sections 13-1-28 through 13-1-199 NMSA 1978, imposes civil and misdemeanor criminal penalties for its violation. In addition, the New Mexico criminal statutes impose felony penalties for bribes, gratuities and kick-backs.

P. TOWN OF KIRTLAND RIGHTS

The Town of Kirtland reserves the right to accept all or a portion of an offeror's proposal.

Q. RIGHT TO PUBLISH

Throughout the duration of this procurement process and contract term, potential offerors, offerors and contractors must secure from the Town of Kirtland written approval prior to the release of any information that pertains to the potential work or activities covered by this procurement or the subsequent contract. Failure to adhere to this requirement may result in disqualification of the offeror's proposal or termination of the contract.

R. OWNERSHIP OF PROPOSALS

All documents submitted in response to this Request for Proposals shall become the property of the Town of Kirtland. However, any technical or user documentation submitted with the proposals of non-selected offerors shall be returned after the expiration of the protest period.

S. ELECTRONIC MAIL ADDRESS REQUIRED

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

**IV. RESPONSE FORMAT AND ORGANIZATION**

A. NUMBER OF RESPONSES

Offerors shall submit only one proposal.

B. NUMBER OF COPIES

Offerors shall deliver **five (5) identical copies** of their proposal to the location specified in Section I, Paragraph C on or before the closing date and time for receipt of proposals.

C. PROPOSAL FORMAT

All proposals must be typewritten on standard 8 ½ x 11 paper (larger paper is permissible for charts, spreadsheets, etc.) and placed within a binder with tabs delineating each section.

D. PROPOSAL ORGANIZATION

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

- a. Letter of Interest signed by the person who will be in charge of this service.
- b. Employee resumes who will actually perform the scope of work.
- c. A list of professional references who can attest to the quality of work that you do, and their phone numbers so that we can reach them.
- d. A letter of interest should include a statement that the proposer has read the specifications and the scope of work and fully understands the work to be performed.
- e. The letter of interest should set forth the proposed method of cost to be charged to the Town to perform these services.
- f. The letter of interest should include any valid Resident Business or Resident Veteran Business Certification or both issued by the New Mexico Taxation and Revenue Department.
- g. Time is of the essence in the performance of this work. Proposers should state when they are ready to start work, and explain how the work **will** be performed in the event its employees are unable to work due to illnesses or other issues.
- h. Campaign contribution disclosure form.

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

Offerors may attach other materials that they feel may improve the quality of their responses. However, these materials should be included as items in a separate appendix.

E. ACKNOWLEDGEMENT OF RECEIPT

Offeror's proposal must be accompanied by the Acknowledgement of Receipt Form which must be completed and signed by an individual person authorized to obligate the company.

#### IV. SPECIFICATIONS

A. INFORMATION

The award of the contract shall be made to the responsible offeror whose proposal is the most advantageous to the Town of Kirtland, which will take into consideration various evaluation factors. (Please note, however, that regardless of overall score, a serious deficiency in any one criterion may be grounds for rejections).

B. TOWN RESERVATIONS

The Town of Kirtland reserves the right to reject any or all proposals, to waive any technicalities, to accept in whole or in part such proposal as may be deemed in the best interest of the Town. The Town's decision to accept or reject a submitted proposal is final and not subject to appeal.

**V. EVALUATION OF PROPOSALS**

A. EVALUATION POINT SUMMARY

The following is a summary of evaluation factors with point value assigned to each.

These, along with the general requirements, will be used in the evaluation of Offeror proposals, but are not limited to, price, quality, quantity or delivery requirements.

<b>FACTOR</b>	<b>POINTS AVAILABLE</b>
1. Staff Resumes	20
2. Experience/Qualifications	30
3. References	20
4. Firms Strengths or Weakness	20
5. Cost	10
6. Valid Resident Business	5
7. Valid Resident Veteran Business	10
<b>TOTAL</b>	<b>115</b>



**CAMPAIGN CONTRIBUTION DISCLOSURE FORM**  
**TOWN OF KIRTLAND**  
**RFP NO. 2019-02**  
**Attorney Services**

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 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.

#### **Names and Titles of Applicable Public Officials:**

Mark Duncan, Mayor  
Pete Emery, Councilor  
Larry Hathaway, Councilor  
Jason Heslop, Councilor  
Tom Wethington, Councilor

**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)

**ACKNOWLEDGEMENT OF RECEIPT FORM**

**PROPOSAL NO.: 2019-02**

**REQUEST FOR QUALIFICATIONS BASED PROPOSAL: LEGAL SERVICES –  
TOWN OF KIRTLAND**

**12 PAGES (INCLUDING ACKNOWLEDGEMENT AND CAMPAIGN DISCLOSURE FORM).**

***NOTE: ONLY POTENTIAL OFFERORS WHO COMPLETE AND RETURN THIS FORM  
WILL RECEIVE COPIES OF ADDENDUMS, IF ISSUED.***

**PROPOSAL INFORMATION:**

In acknowledgement of receipt of the above referenced Proposal Packet, the undersigned agrees that he/she has received a complete copy.

\_\_\_\_\_  
OFFEROR NAME

\_\_\_\_\_  
SIGNATURE OF AUTHORIZED REPRESENTATIVE

\_\_\_\_\_  
PRINTED NAME OF AUTHORIZED REPRESENTATIVE

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

PHONE NO.: \_\_\_\_\_

E-MAIL: \_\_\_\_\_

**RETURN TO:**

Gwen Warner  
PO Box 1887  
Kirtland, New Mexico  
gwarner@kirtlandnm.org

**Emailed copies of the Acknowledgement of Receipt Form will be accepted.  
Emailed Proposal responses will not be accepted.**