



Town of Taos
Request for Proposal (RFP)
LEGAL SERVICES – INDIGENT DEFENDANTS
November 10, 2016
SB05-PO1617

The TOWN OF TAOS (Legal Department) is soliciting proposals for professional services consisting of providing legal defense services to indigent defendants charged with misdemeanor offenses in Taos Municipal Court. Cases are assigned by the Municipal Court Judge when he determines that a defendant is indigent and entitled to legal defense services.

The number of cases assigned varies but averages about 30-50 cases per year. Time expended on a case also varies but averages about 4 hours per case. Services include discovery, settlement efforts, and trial. The successful Offeror must be willing to accept all cases assigned by Municipal Judge or Town Attorney and be able to accept cases beginning on or about December 23, 2016.

Proposals must be no longer than 8 typed 8.5" x 11" pages, not including any of the required forms or Resident Business or Resident Veteran Business Preference certificates, if applicable.

The Offeror must be licensed to practice law in New Mexico and be in good standing. At least 1 year experience in the practice of criminal law or the equivalent is required. Within your proposal, please submit your resume, a copy of your Bar Card, names and contact information of two professional references, your qualifications, legal experience and a short summary detailing why you feel you would be the best candidate to fulfill the Town of Taos requirements. Please also submit proposed hourly rate and flat fee per case rate. The successful Offeror will be required to enter into a Professional Services Agreement with the Town of Taos.

The proposal response must include a full description of similar services that the Offeror has performed.

The Offeror must be a "responsible" Offeror that is both ethically and financially in good standing, as determined by the Town. If the Offeror's office has had a contract terminated for default during the past three (3) years, this fact shall be disclosed in the RFP response along with the Offeror's position on the matter(s). If the Offeror has experienced no such terminations for default in the past three years, then it should so indicate.

Please include the following information in your submittal:

- Company name & local business address (Include any regional offices and/or headquarters.)
- Year established (Include former names and year established, if applicable)
- Project manager who will be working the project for the company; and

Fee/Cost Proposal

The cost proposal must include the company name, date and signature of an officer authorized to contract for the work. Price shall be determined by formal negotiations related to scope of work following selection of the most qualified Offeror (NMSA 13-1-112.B).

The detailed fee proposal will be the basis for final contract negotiations with the selected Offeror.

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.

A public log will be kept of the names of all Offerors that submit proposals. Pursuant to Section 13-1-116 NMSA 1978, the contents of any proposal shall not be disclosed to competing Offerors prior to contract award.

The Procurement Officer will review proposals for completeness and compliance with requirements. If any proposal submitted is deemed non-responsive, the Procurement Officer will notify the submitter in writing of such determination and the method of protesting that determination.

The Procurement Officer reserves the right to amend and/or cancel this request for proposals prior to the time and date of the proposal submission deadline, and the right to reject all offers submitted.

The Procurement Officer reserves the right to waive any minor or technical irregularities in any proposal that do not alter the price, quality or quantity of services, systems or items of tangible personal property being offered and the right to reject any proposal mistakenly awarded as a result of clerical, arithmetical, or other error on the part of the Town of Taos.

The Procurement Officer reserves the right to correct any bid/proposal awarded erroneously as a result of a clerical error on the part of the Town of Taos.

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.

Scope of Procurement

The Town of Taos intends to enter into an initial six-month contract with the successful Offeror for the procurement of the services contemplated by this Request for Proposals. Any such contract will be subject to approval by the Town Manager and/or Mayor depending on proposed amount, availability of funds, and other terms and conditions. The parties may renew the initial contract on an annual basis for a maximum of three (3) additional years or any portion thereof for the purpose of continuity of contractual services. In no case will the contract, including all renewals, exceed a total of four (4) years months in duration. Subsequent contracts for the same services will be subject a new RFP process and to Mayor and/or Management approval as called for by law and Town ordinances and policies

Proposal Evaluation

1. Proposals will be evaluated and scored according to the following evaluation criteria. Proposals that significantly deviate from the Town's requirements may be found "non-responsive" without further evaluation.

Evaluation Criteria	Points (Weight Factor)
Experience and References	30 points
Capacity and capability	30 points
Evidence of understanding of scope of work and existing conditions	10 points
Past record of performance on contracts with government agencies and/or private industry with respect to such factors as control of costs, quality of work, and ability to meet schedules	30 points
Resident Business Preference (5 points) or Resident Veteran Business Preference (5, 7, 8 or 10 points)	Up to 10 points
TOTAL POSSIBLE POINTS	110 points

Each Response submitted in response to this RFP shall focus on the above criteria. The Evaluation Committee also may consider past performance of the Offeror on other contracts with the Town or other entities. Responses will be evaluated equally and fairly; no preference will be given to any Offeror based solely on previous experience with the Town or to an incumbent thereof. The Town reserves the right to make additional inquiries and may request the submission of additional information

Resident Business Preference

New Mexico companies or contractors who wish to obtain a five percent bidding advantage on all contracts are required to obtain a valid resident business certificate or resident contractor certificate issued by the State Taxation and Revenue Department. The application for preference may be downloaded at the following website: <http://tax.newmexico.gov/Businesses/in-state-veteran-preference-certification.aspx>

Five (5) percent (%) of the total possible points may be awarded to an Offeror who qualifies as a Resident business. These points are added to the total points received for the Evaluation Criteria. **Offeror must attach a copy of your preference certificate if applicable.**

Resident Veteran Business Preference

For the Offeror to receive a Resident Veteran Business Preference, the business shall complete, sign, and include 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://tax.newmexico.gov/Businesses/in-state-veteran-preference-certification.aspx>

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

Resident Veteran Businesses with annual revenues of \$1M or less are to receive a 10% preference on their proposals.

Resident Veteran Businesses with annual revenues of more than \$1M but less than \$5M are to receive an 8% preference on their proposals.

Resident Veteran Businesses with annual revenues of more than \$5M are to receive 7% preference on their proposals.

The 7%, 8% or 10% as indicated above will be added to the total points received for the Evaluation Criteria.

The Resident Veteran Business Preference is separate from the Resident Business Preference and is not cumulative with that preference. However, Resident Veteran Businesses can still receive the resident business Preference once the Resident Veteran Business Preference cap is exceeded.

Offeror must attach a copy of your Veterans' Preference Certificate and Certification, If applicable.

No contractor shall be treated as a resident contractor in the awarding of public works contracts by the Owner unless the contractor has qualified with the New Mexico Department of Taxation & Revenue as a resident contractor pursuant to this section by making application and receiving from them a certification number. It shall be the sole responsibility of the bidders requesting consideration for Resident Bidders Preference or Veterans' Preference to apply for Certification; and to receive approval and a certification number, which must be included in the Proposal prior to bid opening deadline date and time.

General Submittal Requirements:

Please submit one (1) original and three (3) copies of your proposal in a **sealed envelope** addressed to: Response to Legal Services – Indigent Defendants, Attention Sharon Voigt, Procurement Officer, Finance Department, Town of Taos, 400 Camino de la Placita - Room 202, Taos, New Mexico 87571. **Proposals must be received before 2:00pm, Tuesday, December 6, 2016.**

Sharon Voigt
Procurement Officer
Town of Taos
575.751.2025
svoigt@taosgov.com

FORMS INCLUDED IN THIS SOLICITATION DOCUMENT:

- (1) Response Form
- (2) Campaign Disclosure Form
- (3) Cost Form (to be provided by Offeror)
- (4) Resident Business Preference Certificate, if applicable
- (5) Resident Veteran Business Preference Certificate, if applicable

Failure to complete and submit these forms with your Response may result in it being deemed non-responsive and rejected without further evaluation

***Download solicitations, addenda and forms at
<http://www.taosgov.com/finance/solicitation.php>**

RESPONSE FORM

**Failure to complete this form shall result in your Response being deemed
Non-responsive and rejected without further evaluation.**

TO: Town of Taos:

The Undersigned hereby offers and agrees to furnish the goods and/or services in compliance with all terms, scope of work, conditions, specifications, and addenda in the Request for Proposal Request for Proposal.

ADDENDA:

The undersigned has read, understands and is fully cognizant of the Information to Offerors, Offer and Form of Contract, all Exhibits thereto, together with any written addendum issued in connection with any of the above. The undersigned hereby acknowledges receipt of the following addendum(s): _____, _____, _____, _____ (write "none" if none). In addition, the undersigned has completely and appropriately filled out all required forms.

OBLIGATION:

The undersigned, by submission of this Offer, hereby agrees to be obligated, if selected as the Contractor, to provide the stated goods and/or services to the Town, for the term as stated herein, and to enter into a Contract with the Town, in accordance with the Conditions, Scope and Terms, as well as the Form of Contract, together with any written addendum as specified above.

COMPLIANCE:

The undersigned hereby accepts all administrative requirements of the RFP and will be in compliance with such requirements. By submitting this Response Form, the Offeror represents that: 1) the Offeror is in compliance with any applicable ethics or anti-kickback provisions of the Town's Procurement Ordinance, and 2) if awarded a contract to operate the Concession or provide the Services required in the RFP, the Offeror will comply with the ethics and anti-kickback provisions of the Procurement Ordinance.

NONCOLLUSION:

The undersigned, by submission of this Response Form, hereby declares that this Response is made without collusion with any other business making any other Response, or which otherwise would make a Response.

PERFORMANCE GUARANTEE:

The undersigned further agrees that if awarded the Agreement, it will submit to the Town any required performance guarantee (i.e. performance and payment bond).

SUBMITTAL REQUIREMENTS:

The undersigned certifies it has attached a complete response to each of the submittal requirements listed in the Evaluation Criteria and Submittal Requirements section of this RFP.

No Response shall be accepted which has not been manually signed in ink in the appropriate space below:

I certify, under penalty of perjury, that I have the legal authorization to bind the firm hereunder:

For clarification of this offer, contact:

_____	Name: _____
Company Name	
_____	Title: _____
Address	
_____	Phone: _____
City State Zip	
_____	Fax: _____
Signature of Person Authorized to Sign	
_____	Email: _____
Printed Name	

Title	

Federal Tax ID	

Acknowledged before me by _____ (name) as _____ (title)
of _____ (company) this ____ (day) of _____, 200__.

Notary Signature: _____

My Commission Expires: _____

Affix Seal

CAMPAIGN CONTRIBUTION DISCLOSURE FORM

Pursuant to Chapter 81, Laws of 2006, any prospective contractor seeking to enter into a contract with any state agency or local public body must file this form with the state agency or local public body. 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 representative of the prospective contractor to the public official exceeds two hundred and fifty dollars (\$250) over the two year period.

THIS FORM MUST BE FILED BY AND PROSPECTIVE CONTRACTOR WHETHER OR NOT THEY, THEIR FAMILY MEMBER, OR THEIR REPRESENTATIVE HAD 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 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 un-reimbursed 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.

“Contract” means any agreement for the procurement of items of tangible personal property, services, professional services or construction

“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 applies to contributions made to the following Public Officials: **DANIEL R. BARRONE, MAYOR**

COUNCIL MEMBERS:

**JUDITH Y. CANTU
NATHANIEL EVANS**

**DARIEN D. FERNANDEZ
GEORGE "FRITZ" HAHN**

Contribution made by: _____

Relation to Prospective Contractor: _____

Name of Applicable Public Official: _____

Date Contribution(s) made: _____

Amount(s) of Contributions(s) _____

Nature of Contributions (s) _____

Purpose of Contributions(s) _____

Signature

Date

Title (position)

OR

NO CONTRIBUTIONS IN THE AGGREGATE TOTAL OVER TWO HUNDRED FIFTY DOLLARS (\$250) WERE MADE to an applicable official by me, a family member or representative.

Signature

Date

Title (Position)