

REQUEST FOR PROPOSALS
FOR
RIGHT OF WAY (ROW) ACQUISITION – ON-CALL
SERVICES

As Requested by

THE SOUTHERN SANDOVAL COUNTY ARROYO
FLOOD CONTROL AUTHORITY



RFP No. 2020-01

PROPOSAL DUE DATE:

April 7, 2020

3:00 pm

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Submission Instructions to Offerors:

1. Proposal due date: April 7, 2020 at 3:00 p.m. local time. Proposals for the project will be received by the Fiscal Services Department, Southern Sandoval County Arroyo Flood Control Authority, 1041 Commercial Dr. SE, Rio Rancho, New Mexico 87124.
2. Submit 1 Original and 3 copies of your Proposal in a sealed envelope or container.
3. Proposals must be submitted in a sealed package or envelope listing the following information on the outside:

Right of Way (ROW) Acquisition – On-Call Services RFP No. 2020-01

4. **Point of Contact:** This Request for Proposals (RFP) is issued by SSCAFCA, Fiscal Services Department, which is the sole point of contact during the procurement process (the “Point of Contact”). Communications initiated by a respondent to this RFP (the “Offeror”) with members of the Governing Body or SSCAFCA personnel, other than as coordinated by the Point of Contact noted below, shall be grounds for Offeror disqualification. Any inquiries or requests during this procurement shall be submitted to the following Point of Contact:

Southern Sandoval County Arroyo Flood Control Authority
Fiscal Services Department
Attention: Deborah Casaus, Fiscal Services Director
1041 Commercial Dr. SE
Rio Rancho, NM 87124
(505) 892-5266
dcasaus@sscafca.com

**SOUTHERN SANDOVAL COUNTY ARROYO
FLOOD CONTROL AUTHORITY
(SSCAFCA)**

**RIGHT OF WAY (ROW) ACQUISITION – ON-CALL SERVICES
REQUEST FOR PROPOSALS
RFP No. 2020-01**

1. INTRODUCTION

1.1. Overview. Southern Sandoval County Arroyo Flood Control Authority (SSCAFCA), a political subdivision of the State of New Mexico, requests qualification based competitive sealed proposals for **Right of Way (ROW) Acquisition – On-Call Services**.

SSCAFCA is an independent corporate political body with an elected board entrusted with flood and storm water control. Established by New Mexico Statute Section 72-19-1 through 72-19-103 in 1990, we acquire, improve, maintain and operate flood and storm water control facilities on streams and watersheds that enter, originate in or cross our area of authority. As part of the development and construction of facilities, it is necessary for SSSCAFCA to acquire the Right of Way necessary for each project.

It is SSSCAFCA’s intention to select one or more right-of-way acquisition negotiators, which can be called upon to perform services on a task or project basis. The negotiator(s) must possess a current New Mexico Real Estate license, be familiar with federal and/or state right-of-way acquisition requirements, effectively negotiate settlements, understand partial acquisition appraisals and legal title, interpret right of way maps and possess effective communication skills.

1.2. Term. SSSCAFCA intends to enter into a one (1) year contract, with an option to renew (3) additional years not to exceed four (4) years.

1.3. Funding. For services provided as a result of this RFP, funding will be limited to SSSCAFCA Bond funds, other local funds and other State funds. No Federal funds will be included in Task Orders assigned under this procurement.

1.4. Scope of Work/Specifications.

1.4.1 Coordinate with SSSCAFCA and relevant Agencies and parties regarding each project to identify right of way issues, and/or to discuss project status, procedural issues, budget, and schedules.

1.4.2 Attend project meetings, make public presentations to individuals and organizations and represent SSSCAFCA in presentations and public hearings on all matters pertaining to the Project, as needed.

- 1.4.3** Prepare and submit, in a format acceptable to SSCAFCA, monthly acquisition status reports. If appropriate, as requested by SSCAFCA, the acquisition schedule and/or status report may require updating more frequently.
- 1.4.4** Prepare a cost estimate and firm budget for project right of way costs. The right of way project costs shall include an appropriate contingency amount for unknowns and proposed changes. Any proposed changes to right of way costs for project will be submitted to SSCAFCA for review and approval. Project cost estimates will be updated quarterly.
- 1.4.5** Provide Quality Assurance/Quality Control (QA/QC) throughout term of the contract. The QA/QC is intended to ensure that the appraisals, maps, reports, plans, studies, estimates, agreements and other documents submitted under assigned Scope of Work are complete, accurate, checked, and proofread to meet professional standard practice requirements, and to monitor work for conformance with the appropriate standards and policies.
- 1.4.6** Complete all right of way acquisition and negotiation services in accordance with SSCAFCA's Property Acquisition Procedures and any other applicable regulations.
- 1.4.7** Obtain Appraisals or Market Analyses as needed for the acquisition of real property.
- 1.4.8** Provide title and escrow services necessary for the acquisition of real property, which include, but are not limited to, obtaining preliminary title reports, litigation guarantees, policies of title, title searches, document searches, document preparation, estimates of closing costs, escrow instructions, and other documents.
- 1.4.9** Prepare acquisition packages, including recommendation of amount of just compensation, and negotiate with property owners. Just compensation must be based on the appraised value and the negotiator's additional recommendations. SSCAFCA shall approve the final determination of just compensation.
- 1.4.10** Maintain a Record of Negotiations documenting that all elements of the acquisition process and transactions were performed in accordance with applicable Federal, State, and local laws and regulations. A file shall be established and maintained for each property owner or property interest acquired pursuant to SSCAFCA's policies and procedures.
- 1.4.11** Upon completion of the acquisition process for each property or property interest, or at project completion, provide SSCAFCA with the original acquisition file as well as an electronic copy for each property or property interest acquired.
- 1.4.12** Perform other normal procedures and processes to implement the acquisition assignment and provide any other supporting information and/or correspondence required by SSCAFCA, as needed.
- 1.4.13** Provide bilingual (English/Spanish) acquisition agents as needed.
- 1.4.14** Assist SSCAFCA in Eminent Domain support if needed. If requested, provide expert testimony in any court or administrative proceedings, and assist as required in legal matters as directed by SSCAFCA legal staff, especially in the litigation

of cases for or against SSCAFCA, including but not limited to gathering of documents and information.

1.4.15 Develop and maintain an escrow schedule; deliver documents and checks to escrow companies; review all documents for submission and delivery to escrow companies; review title and escrow documents; ensure that SSCAFCA is acquiring good title and/or the property rights needed for the completion of the Project, free and clear of any and all encumbrances that may affect or hinder the development of future consideration; coordinate escrow closings and file all applicable forms and documents with the Sandoval County Assessor’s Office.

2. CONDITIONS GOVERNING PROCUREMENT

2.1. Overview. This section of the Request for Proposals (RFP) contains the schedule for the procurement, describes the major events and milestones and specifies general conditions governing the procurement.

2.2. Schedule of Events. SSCAFCA will make every effort to adhere to the following schedule:

Action	Responsibility	Date	Time
Issue RFP	SSCAFCA	March 15, 2020	NA
Deadline to Submit Written Questions	Potential Offerors	March 26, 2020	5:00 PM
Response to Written Questions	SSCAFCA	March 31, 2020	5:00 PM
RFP Addenda	SSCAFCA	If applicable, no later than March 31, 2020	5:00 PM
Submission of Proposals	Offerors	April 7, 2020	3:00 PM
Proposal Evaluation (Including time for Interviews, Oral Presentations, and Best and Final Offers)*	Evaluation Committee	April 7 – 10, 2020	
Notify Offerors of Selection	SSCAFCA	April 10, 2020	5:00 PM
Finalize Contract (upon SSCAFCA Board approval)	SSCAFCA/Offeror	April 16, 2020	
Protest Deadline	Offerors	10 days following notification of award	

*Offerors will be notified by the Fiscal Services Department if and when to expect interview and Best and Final Offer dates.

2.2.1 Written Questions and RFP Amendments. Potential Offerors may submit written questions as to the intent or clarity of this RFP until the date and time specified in the schedule of events. All written questions must be sent by email and

addressed to the Point of Contact. All addenda and communications will be posted to SSCAFCA’s website at the following address:

<http://www.sscafca.com>

It is the responsibility of all potential Offerors to ensure that all addenda have been received before submitting their proposal.

2.2.2 Submission of Proposal. All Offeror proposals must be received by SSCAFCA no later than the date and time specified in the Schedule of Events. Proposals received after this deadline will not be accepted. The date and time of receipt will be recorded on each proposal. Proposals must be hand delivered or mailed to:

**Southern Sandoval County Arroyo Flood Control Authority
Attention: Deborah Casaus, Fiscal Services Director
1041 Commercial Dr. SE
Rio Rancho, New Mexico 87124**

Proposals must be submitted in a sealed package or envelope listing the following information on the outside:

**Right of Way (ROW) Acquisition – On-Call Services
RFP No. 2020-01**

SSCAFCA shall not be responsible for proposals that are mailed and not received by the time specified in this section. Receipts for hand delivered proposals may be issued by SSCAFCA (upon request).

2.2.3 Proposal Evaluation. The evaluation and ranking of proposals will be performed by the Evaluation Committee during the time period noted in the Schedule of Events.

2.2.4 Selection of Finalist. The Evaluation Committee will select and the Point of Contact will notify the Finalist Offeror.

2.2.5 Oral Presentations and Interviews. The Evaluation Committee may request oral presentations or interviews by the Offerors. If this is required, the requested action will take place at the SSCAFCA office in Rio Rancho within the proposal evaluation timeframe specified the Schedule of Events.

2.2.6 Finalize Contract. The Contract will be finalized with the most qualified Offeror. In the event that mutually agreeable terms cannot be reached, SSCAFCA reserves the right to terminate negotiations with that Offeror. The Contract will be presented to the SSCAFCA Board of Directors for its approval on the date specified in the Schedule of Events.

2.2.7 Protest Deadline. The ten (10) day protest period for Offerors shall begin on the day following the notification of the contract award and will end at 5:00 pm MT on the tenth calendar day following the notification of the contract award. Protests must be

submitted in writing and must include the name and address of the protestant and the RFP number. It must also contain a statement of grounds for protest and be addressed and delivered to the Point of Contact.

2.3. General Requirements.

- 2.3.1** Offerors shall carefully read the information contained in this RFP and submit a complete response to all requirements and questions as directed. Incomplete proposals may be considered non-responsive and subject to rejection.
- 2.3.2** Proposals and any other information submitted by Offerors in response to this RFP shall become the property of SSCAFCA. All information, documentation, and other materials submitted in response to this RFP are considered non-confidential and/or non-proprietary and are subject to public disclosure after the solicitation is completed.
- 2.3.3** Proposals that are qualified with conditional clauses, alterations, or irregularities of any kind are subject to rejection by SSCAFCA, at its option.
- 2.3.4** It is incumbent upon each Offeror to carefully examine all specifications, terms, and conditions contained herein. Any inquiries, suggestions, or requests concerning interpretation, clarification or additional information shall be made in writing, (facsimile transmissions acceptable, email is preferred) through the Point of Contact named above. SSCAFCA will not be responsible for any oral representation(s) given by any employee, representative or others. The issuance of a written addendum is the only official method by which interpretation, clarification or additional information can be given. If it becomes necessary to revise or amend any part of this RFP, notice may be obtained by accessing our web site. Respondents in their proposal must acknowledge receipts of amendments. **Each Offeror should ensure that they have received all addenda and amendments to this RFP before submitting their proposal.**
- 2.3.5** A proposal may be amended or withdrawn in person at any time BEFORE the scheduled due date and time of proposals provided a receipt for the withdrawn proposal is signed by the Offeror's authorized representative. An amendment must be a complete replacement for a previously submitted proposal and must be clearly identified in a transmittal letter signed by the Offeror's authorized representative. SSCAFCA reserves the right to request proof of authorization to withdraw or amend a proposal.
- 2.3.6** SSCAFCA makes no representations, written or oral, that it will enter into any form of agreement with any Offeror to this RFP for any project and no such representation is intended or should be construed by the issuance of this RFP.
- 2.3.7** SSCAFCA may, in the evaluation of proposals, request clarification from Offerors regarding their proposals, obtain additional material or literature, and pursue other avenues of research as necessary to ensure that a thorough evaluation is conducted.

- 2.3.8** By submitting a proposal in response to this RFP, the Offeror accepts the evaluation process and acknowledges and accepts that determination will require subjective judgments by SSCAFCA.
- 2.3.9** Offeror acknowledges and accepts that any expense incurred from the Offeror's participation in this RFP process shall be at the sole risk and responsibility of the Offeror.
- 2.3.10** SSCAFCA expects the highest level of ethical conduct from Offerors including adherence to all applicable laws regarding ethical behavior. The Procurement Code, NMSA 1978, Sections 13-1-28 through 13-1-199 (1984 as amended), imposes civil and criminal penalties for its violation. In addition, the New Mexico criminal statutes impose felony penalties for illegal bribes, gratuities and kickbacks.
- 2.3.11** After identifying the highest scoring Offeror, SSCAFCA will attempt to negotiate final terms of a Contract with such Offeror, on such terms as SSCAFCA deems in its best interest. SSCAFCA reserves the right to negotiate all elements of the Contract.
- 2.3.12** SSCAFCA shall evaluate any potential conflict of interests identified and determine if it is a direct conflict of interest. A direct conflict of interest shall be cause for disqualifying an Offeror from consideration. SSCAFCA's determination shall be final.
- 2.3.13** A preference of five percent (5%) may be afforded to an Offeror who qualifies as a Resident Offeror or a preference of ten percent (10%) may be afforded to an Offeror who qualifies as a Resident Veteran Offeror in accordance with New Mexico State Law (**NMSA 1978, Section 13-1-22**). For the Offeror to receive a Resident Business Preference the business shall submit, with their proposal, a copy of a valid Resident Business Certificate or Resident Veteran's Business Certificate issued by the New Mexico Taxation & Revenue Department. Failure to submit this certificate when submitting a proposal will result in no preference being applied.

3. PROPOSAL FORMAT AND ORGANIZATION REQUIREMENTS

- 3.1. General Proposal Requirements.** Proposals shall be prepared simply and economically, providing a straightforward, concise description of the Offeror's ability to meet the requirements of this RFP. Emphasis shall be placed on the quality, completeness, and clarity of content of the proposal.
- 3.2. Number of Copies.** Offeror must submit 1 original and 4 copies of its proposal in a sealed envelope or container.
- 3.3. Proposal Format.**

- 3.3.1** Proposals shall be limited to a maximum length of 10 numbered pages, not including the Cover Letter, Table of Contents, dividers, the front and back cover and any documentation listed in Section 4.2.2. Please identify the requirement number in the proposals when responding to each.
- 3.3.2** Proposals shall be clearly divided into unique sections, which shall include:
- a. Cover Letter
 - b. Table of Contents
 - c. Other Required Documents
 - d. Response to Scoring Criteria
- 3.3.3** Proposals shall be printed on letter-size (8-1/2” x 11”) paper and bound or assembled with spiral bindings, stapled or in 3-ring binders. Graphics incorporated into the proposal may exceed the paper-size requirement. Any 11” x 17” pages shall be numbered as two pages. Drawings on 24” x 36” sheets shall be numbered as four pages.

4. SUBMISSION REQUIREMENTS

- 4.1. Overview.** This section contains the mandatory and scoring criteria requirements as well as related information.
- 4.2. Mandatory Proposal Submission Requirements.** Failure to comply with a mandatory requirement may result in disqualification of the proposal.
- 4.2.1 Page Limit.** Proposal shall be limited to a maximum length of 10 numbered pages, pursuant to 3.3.1, not including the documents listed in 4.2.2 through 4.2.3 below.
- 4.2.2 Cover Letter.** Offerors must submit a cover letter summarizing why the Offeror is interested in this project. A party authorized to bind the entity submitting the proposal must sign the cover letter. The cover letter should include the following items:
- a. Identity of Offeror including business address, cell phone number and office telephone number, fax number, and email address.
 - b. A statement that the proposal is effective for 60 days from proposal due date.
 - c. A statement that the Offeror will comply with all terms and conditions as stated in this RFP; or identification of any exceptions taken to any of the RFP terms.
- 4.2.3 Other Required Documents.** The following list of documents must be submitted with the proposal, but will not be counted towards the page limit:

- a. **Disclosure of any Potential Conflicts of Interest.** Offeror shall either state they have no conflict of interest or disclose any potential conflict of interest. A potential conflict of interest includes, but is not limited to:
 - i. Accepting an assignment where duty to SSCAFCA would conflict with the Offeror’s personal interest, or interest of another client.
 - ii. Performing work for a client or having an interest which conflicts with this contract.
- b. Certification of professional liability insurance of at least one million dollars (\$1,000,000).
- c. **Campaign Contribution Disclosure Form.** In accordance with the Procurement Code, Section 13-1-28, all prospective contractors who are seeking to enter into a contract with a state agency or local public body (SSCAFCA) are required to file the attached “Campaign Contribution Disclosure Form” with that state agency or local public body, in this case SSCAFCA. This form must be filled out in its entirety and submitted with the offer.

4.3. Scoring Criteria. Failure to respond to a scoring category will result in zero (0) points being awarded for that requirement, except for Section 4.3.4.

4.3.1 Qualifications and Experience with Scope of Services. A description of the Offeror’s qualifications and experience with providing the services requested in this RFP. Include a description or brief resume of individuals or subcontractors performing major duties and functions under the proposed contract; include role, responsibility, and qualifications.

4.3.2 Proposed Approach. A description of how the Offeror plans to execute assignments under the Scope of Work given above including the approach that the Offeror will utilize in providing the necessary services. Please include a discussion of how acquisition costs will be controlled to the extent possible.

4.3.3 Past Record of Performance. Please include a summary of up to five (5) projects awarded the Offeror in New Mexico that are most relevant to the Scope of Work listed in Section 1.4.

For each project, please provide

- a. Client contact (with phone numbers and/or email address);
- b. Source of project funding;
- c. Scope of services/work completed;
- d. Year(s) services provided;

- e. Initial cost estimate and final project completion cost;
- f. Project start and completion dates
- g. List of key team members, and their respective roles, for each project, and
- h. A narrative explaining the project or specific items listed above, as needed for clarification.

4.3.4 Quality and Content of Proposal. The proposal will be scored on the overall quality of the assembly and presentation of information.

4.3.5 Resident/Veteran Offeror Preference. A copy of a valid Resident Business Certificate or Resident Veteran’s Business Certificate issued by the New Mexico Taxation & Revenue Department. Failure to submit this certificate when submitting a proposal will result in no preference being applied.

5. EVALUATION OF PROPOSALS

5.1 Evaluation Points Summary. The following is a summary of evaluation factors and the maximum point factors assigned to each. These will be used in the evaluation of each Offeror proposal submitted.

5.2 Scoring Criteria Summary. The following is a summary of evaluation factors and the maximum point factors assigned to each. These will be used in the evaluation of each Offeror proposal submitted.

RFP Section	Factor	Points
	<u>Mandatory Requirements-Pass/Fail</u>	
4.2.1	10-page Limit	Pass/Fail
4.2.2	Cover Letter	Pass/Fail
4.2.2 a.	Identity of Offeror	Pass/Fail
4.2.2 b.	Statement that the proposal is effective for 60 days	Pass/Fail
4.2.2 c.	Statement of compliance with all terms and conditions	Pass/Fail
4.2.3	Other Required Documents	
4.2.3 a.	Disclosure of Conflicts of Interests	Pass/Fail
4.2.3 b.	Certification of Liability Insurance	Pass/Fail
4.2.3 c.	Campaign Contribution Disclosure Form	Pass/Fail
4.3	<u>Scoring Criteria</u>	
4.3.1	Qualifications and Experience with Scope of Services	35
4.3.2	Proposed Approach	25
4.3.3	Past Record of Performance	35
4.3.4	Quality and Content of the proposal	5

4.3.5	Resident Contractor or Resident Veterans Contractor Preference (Up to 10 points possible, See NMSA 1978, Section 13-1-22)	10
TOTAL POINTS POSSIBLE		100

5.3 Volume of Work. Each Offeror will be ranked based on the volume of work previously awarded by SSCAFCA to the Offeror, which is not seventy-five percent complete and has not been billed as of the due date for submittals for this RFP.

5.3.1 The deductive point value of work not yet completed is assigned as follows:

Value of work not yet completed on projects that are not 75% complete	Points
None	0
\$1 to \$100,000	-1
\$100,001 to \$200,000	-2
\$200,001 to \$300,000	-3
\$300,001 to \$400,000	-4
\$400,001 or greater	-5

5.4 Oral Presentation/Interview. Offerors who submit a written proposal in response to this RFP may be selected to give an oral presentation. SSCAFCA reserves the right to award a contract on the basis of proposals only or may require selected Offerors to be interviewed or make an oral presentation.