

**SAN MIGUEL COUNTY
REQUEST FOR PROPOSALS
FOR AUDITING SERVICES
Advertised April 2023**

**RELEASE DATE: APRIL 21, 2023
DUE DATE: MAY 12, 2023**

TABLE OF CONTENTS

	<u>Page No.</u>
I. INTRODUCTION	
A. PURPOSE OF THIS REQUEST FOR PROPOSALS	4
B. SUMMARY SCOPE OF WORK	4
C. SCOPE OF PROCUREMENT	4
D. PROCUREMENT MANAGER	4
E. DEFINITION OF TERMINOLOGY	5-6
II. CONDITIONS GOVERNING THE PROCUREMENT	
A. SEQUENCE OF EVENTS.....	7
B. EXPLANATION OF EVENTS	7-9
1. Issue of RFP	
2. Submission of Proposal	
3. Proposal Evaluation	
4. Selection of Finalists	
5. Recommendation to State Auditor’s Office	
6. Protest Deadline	
7. Contract Award	
a) GENERAL REQUIREMENTS.....	9-15
1. Acceptance of Conditions Governing the Procurement	
2. Incurring Cost	
3. Prime Contractor Responsibility	
4. Subcontractors	
5. Amended Proposals	
6. Offeror’s Rights To Withdraw Proposal	
7. Proposal/Offer Firm	
8. Disclosure of Proposal Contents	
9. No Obligation	
10. Termination	
11. Sufficient Appropriation	
12. Legal Review	
13. Governing Law	
14. Basis for Proposal	
15. Contract Terms and Conditions	
16. Offer’s Term and Conditions	
17. Contract Deviations	
18. Offers Qualifications	
19. Right to Waive Minor Irregularities	
20. Change in Contractor Representatives	
21. Notice	

- 22. Agency Rights
- 23. Right to Publish
- 24. Ownership of Proposal

III. RESPONSE FORMAT AND ORGANIZATION

- A. NUMBER OF RESPONSES 16
- B. NUMBER OF COPIES 16
- C. PROPOSAL FORMAT 16-18
 - 1. Proposal Organization
 - 2. Letter of Transmittal

IV. SPECIFICATIONS

- A. SCOPE OF WORK 18
- B. INFORMATION.....18
 - 1. Agency Resources
 - 2. Work Performance
 - 3. Level of Effort
 - 4. Time Frame
- C. MANDATORY SPECIFICATIONS..... 19-20

V. EVALUATION

- A. EVALUATION POINT TABLE/SUMMARY 20-21
- B. EVALUATION PROCESS..... 21-22
 - 1. Evaluation of Experience, Qualifications and General Requirements
 - 2. Evaluation of Cost

APPENDICES:

- A. Campaign Disclosure Form
- B. Cost Response Form

I. INTRODUCTION

A. PURPOSE OF THIS REQUEST FOR PROPOSALS

San Miguel County is requesting proposals for auditing services for the Fiscal Year(s) 2022/2023; 2023/2024; and 2024/2025.

B. SUMMARY SCOPE OF WORK

The scope of work shall consist of:

1. a financial statement audit, to include component unit(s);
2. a federal single audit; and,
3. financial statement preparation.

The Contract shall not become effective until approved by the State Auditor pursuant to Section 12-6-14 NMSA 1978 with a termination date of one-year from the date of the contract.

C. SCOPE OF PROCUREMENT

The County reserves the option of renewing the initial contract on an annual basis for two additional years at the same price, terms and conditions as stated on the original proposal.

D. PROCUREMENT MANAGER

The Agency has designated a Procurement Manager who is responsible for the conduct of this procurement whose name, address and telephone number is listed below. All deliveries via express carrier should be addressed as follows:

Ebeny Mondragon
San Miguel County
500 W. National Suite 304
Las Vegas, NM 87701
505-425-6146

Any inquiries or requests regarding this procurement should be submitted to the Procurement Manager in writing. Offerors may contact ONLY the Procurement Manager regarding the procurement.

E. DEFINITION OF TERMINOLOGY

This section contains definitions and abbreviations that are used throughout this procurement document.

"Agency" means the County of San Miguel.

"Close of Business" means 5:00 PM Mountain Standard or Mountain Daylight Time, whichever is in effect on the date given.

"Contract" means a written agreement for the procurement of items of tangible personal property or services.

"Contractor" means a successful offeror who enters into a binding contract.

"Determination" means the written documentation of a decision by the Procurement Manager including findings of fact supporting a decision. A determination becomes part of the procurement file.

"Desirable" The terms "may", "can", "should", "preferably", or "prefers" identify a desirable or discretionary item or factor (as opposed to "mandatory").

"DFA" means the Department of Finance and Administration for the State of New Mexico.

"Evaluation Committee" means a body appointed by the Agency management to perform the evaluation of offeror proposals.

"Evaluation Committee Report" means a document prepared by the Procurement Manager and the Evaluation Committee for submission to the State Purchasing Agent for contract award. It contains all written determinations resulting from the procurement.

"Finalist" is defined as an offeror who meets all the mandatory specifications of this Request for Proposals and whose score on evaluation factors is sufficiently high to merit further consideration by the Evaluation Committee.

"Mandatory" The terms "must", "shall", "will", "is required", or "are required", identify a mandatory item or factor (as opposed to "desirable"). Failure to meet a mandatory item or factor will result in the rejection of the offeror's proposal.

"Offeror" is any person, corporation, or partnership who chooses to submit a proposal.

"Procurement Manager" means the person or designee authorized by the Agency to manage or administer a procurement requiring the evaluation of competitive sealed proposals.

"Request for Proposals" or "RFP" means all documents, including those attached or incorporated by reference, used for soliciting proposals.

"Responsible Offeror" means an offeror 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 or items of tangible personal property described in the proposal.

"Responsive Offer" or "Responsive 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.

"State Purchasing Agent" or "SPA" means the purchasing agent for the State of New Mexico or a designated representative.

II. CONDITIONS GOVERNING THE PROCUREMENT

This section of the RFP contains the schedule for the procurement, describes the major procurement events and the conditions governing the procurement.

A. SEQUENCE OF EVENTS

The Procurement Manager will make every effort to adhere the following schedule:

<u>Action</u>	<u>Responsibility</u>	<u>Date</u>	
1.	Issue of RFP	San Miguel County	4/21/2023
2.	Submission of Proposal	Offeror	5/12/2023

3.	Proposal Evaluation	Evaluation Committee	5/15/2023
4.	Approval by County Commission	County Manager	6/13/2023
5.	Recommendation to SAO	San Miguel County	6/14/2023

B. EXPLANATION OF EVENTS

The following paragraphs describe the activities listed in the sequence of events shown in Section II, Paragraph A.

1. Issue of RFP

This RFP is being issued by the County of San Miguel.

2. Submission of Proposal

ALL OFFEROR PROPOSALS MUST BE RECEIVED DELIVERED TO THE SAN MIGUEL COUNTY MANAGERS OFFICE, 500 WEST NATIONAL SUITE 201, LAS VEGAS, NM 87701 BY 3:00 PM ON MAY 12, 2023. The envelope containing the proposal shall be clearly labeled “PROPOSALS FOR AUDITING SERVICES – SAN MIGUEL COUNTY”. The bidder shall provide five (5) copies of its proposal. Proposals received after this deadline will not be accepted. The date and time will be recorded on each proposal. Proposals must be addressed and delivered to the Procurement Manager at the address listed in Section I, Paragraph D. Proposals must be sealed and labeled on the outside of the package to clearly indicate that they are in response to the San Miguel County Request for Proposals for Auditing Services. Proposals submitted by facsimile will not be accepted.

A public log will be kept of the names of all offeror organizations that submitted 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.

3. Proposal Evaluation

The evaluation of proposals will be performed by an evaluation committee appointed by County management. This process will take place on May 15, 2023. During this time, the Procurement Manager may initiate discussions with offerors who submit responsive or potentially responsive proposals for the purpose of

clarifying aspects of the proposals, but proposals may be accepted and evaluated without such discussion. Discussions SHALL NOT be initiated by the offerors.

4. Selection

The Evaluation Committee will make a recommendation to the County Commission on June 13, 2023. The Procurement Manager will notify the successful offeror on June 14, 2023 with the understanding the State Auditor's Office has final approval.

5. Recommendation to State Auditor's Office

Upon approval by the County Commission, the Procurement Manager will request the successful offeror to sign four original contracts (Appendix A) the County will then submit the County's recommendation as well as the contract to the State Auditor's Office for their final approval.

6. Protest Deadline

Any protest by an offeror must be timely and in conformance with Section 13-1-172 NMSA 1978 and applicable procurement regulations. The fifteen (15) day protest period for responsive offerors shall begin June 14, 2023. Protests must be written and must include the name and address of the protestor and the request for proposals name. It must also contain a statement of grounds for protest including appropriate supporting exhibits, and it must specify the ruling requested from the Procurement Manager. The protest must be delivered to the Procurement Manager.

Protests received after the deadline will not be accepted.

7. Contract Award

After review of the Evaluation Committee and approval by the State Auditor's Office, the County will award the contract.

The contract shall be awarded to the offeror or offerors whose proposal is most advantageous, taking into consideration the evaluation factors set forth in the RFP. The most advantageous proposal may or may not have received the most points.

The award is subject to appropriate State approvals.

C. GENERAL REQUIREMENTS

1. Acceptance of Conditions Governing the Procurement

Offerors must indicate their acceptance of the Conditions Governing the Procurement section in the letter of transmittal. Submission of a proposal constitutes acceptance of the Evaluation Factors contained in Section V of this RFP.

2. 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.

3. Prime Contractor Responsibility

Any contract that may result from this RFP shall specify that the prime contractor is solely responsible for fulfillment of the contract with the Agency. The Agency will make contract payments to only the prime contractor.

4. Subcontractors

All work that may result from this procurement must be performed by the prime contractor. Subcontracting of work is only acceptable as per NMAC Section 2.2.2.8L (1)&(2).

5. 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 Agency personnel will not merge, collate, or assemble proposal materials.

6. 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 Procurement Manager.

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

7. Proposal Offer Firm

Responses to this RFP, including proposal prices, will be considered firm.

8. Disclosure of Proposal Contents

A. 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 Procurement Manager 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.

B. 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.

C. Confidential data is normally restricted to 1. confidential financial information concerning the offeror's organization and 2. data that qualifies as a trade secret in accordance with the Uniform Trade Secrets Act, 57-3A-1 to 57-3A-7 NMSA 1978.

D. Please note, the price of products offered or the cost of services proposed shall not be designated as proprietary or confidential information.

E. If a request is received for disclosure of data for which an offeror has made a written request for confidentiality, the State Purchasing Agent 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.

9. No Obligation

This procurement in no manner obligates the State of New Mexico 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.

10. Termination

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

11. Sufficient Appropriation

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

12. Legal Review

The Agency 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 Manager.

13. Governing Law

This procurement and any agreement with offerors that may result shall be governed by the laws of the State of New Mexico.

14. Basis for Proposal

Only information supplied by the Agency in writing through the Procurement

Manager or in this RFP should be used as the basis for the preparation of offeror proposals.

15. Contract Terms and Conditions

The contract between the Agency and a contractor will follow the format specified by the Agency and contain the terms and conditions set forth in Appendix A, "Contract Terms and Conditions". However, the Agency reserves the right to negotiate with a successful offeror provisions in addition to those contained in this RFP. The contents of this RFP, as revised and/or supplemented, and the successful offeror's proposal will be incorporated into and become part of the contract.

Should an offeror object to any of the Agency's terms and conditions, as contained in this Section and in Appendix A, that offeror must propose specific alternative language. The Agency may or may not accept the alternative language. General references to the offeror's terms and conditions or attempts at complete substitutions are not acceptable to the Agency and will result in disqualification of the offeror's proposal.

Offerors must provide a brief discussion of the purpose and impact, if any, of each proposed change followed by the specific proposed alternate wording.

16. 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 Agency.

17. Contract Deviations

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

18. 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.

19. 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.

20. Change in Contractor Representatives

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

21. 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.

22. Agency Rights

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

23. Right to Publish

Throughout the duration of this procurement process and contract term, potential offerors, offerors and contractors must secure from the Agency 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.

24. Ownership of Proposals

All documents submitted in response to the RFP shall be returned to the offerors after the expiration of the protest period with the following exception. One complete copy of the selected offeror's proposal including the Best and Final Offer, if one was submitted, shall be placed into the procurement file. Those documents will become the property of the Agency and the State of New Mexico.

III. 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 D on or before the closing date and time for receipt of proposals.

C. PROPOSAL FORMAT

All proposals must be typewritten on standard 8 1/2 x 11 paper (larger paper is permissible for charts, spreadsheets, etc.) and placed within a binder with tabs delineating each section.

1. 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) Signed Letter of Transmittal
- b) Table of Contents
- c) Proposal Summary (optional)
- d) Response to Mandatory Specifications
- e) Completed Cost Response Form
- g) Response to Agency Terms and Conditions
- h) Offeror's Additional Terms and Conditions
- i) Signed Campaign Disclosure Form
- j.) Other Supporting Material

Within each section of their proposal, offerors should address the items in the order in which they appear in this RFP. All forms provided in the RFP must be thoroughly completed and included in the appropriate section of the proposal.

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

The proposal summary may be included by offerors to provide the Evaluation Committee with an overview of the technical and business features of the proposal; however, this material will not be used in the evaluation process unless specifically referenced from other portions of the offeror's proposal.

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.

2. Letter of Transmittal

Each proposal must be accompanied by a letter of transmittal. The letter of transmittal MUST:

- a) identify the submitting organization;
- b) identify the name and title of the person authorized by the organization to contractually obligate the organization;
- c) identify the name, title and telephone number of the person authorized to negotiate the contract on behalf of the organization;
- d) identify the names, titles and telephone numbers of persons to be contacted for clarification;
- e) explicitly indicate acceptance of the Conditions Governing the Procurement stated in Section II, Paragraph C.1;
- f) be signed by the person authorized to contractually obligate the organization;
- g) acknowledge receipt of any and all amendments to this RFP.

IV. SPECIFICATIONS

Offerors should respond in the form of a thorough narrative to each mandatory specification. The narratives along with required supporting materials will be evaluated and awarded points

accordingly.

A. Scope of Work

The scope of work shall consist of:

1. A financial statement audit, to include component units(s);
2. A federal single audit; and
3. Financial Statement Presentation

B. Information

1. Agency Resources

The following resources will be provided to contractor personnel for use on this contract:

- * office space
- * desk, telephone
- * access will be available to copiers and fax machines
- * other technical support resources

2. Work Performance

For the purpose of preparing proposals, Offerors are to assume that all on-site work will be performed in the following location:

500 W. National Suite 304
Las Vegas, NM 87701

3. Time Frame

The contract is scheduled to begin on June 21, 2023. The initial contract deliverables are to be completed by December 1, 2023. Each subsequent year will also have the beginning date of July 1 and a completion date of December 1.

C. Mandatory Specifications

1. Capability of Firm

- a) The firm has the resources to perform the type and size of audit required.
Number of firm team members to be assigned to project _____
Total audit hours available _____
- b) The firm meets independence standards to perform audit.
- c) External Quality Control Review (Peer Review)
 1. Peer review results. Provide most recent copy of the external quality control review report including letter of comments.
 2. Opinion Received _____
 3. Results of reference checks and agency's prior experience with firm.

Please list at least four (4) references of other local or state government clients.

- d) Results of reference checks and agency's prior experience with the firm. (Please list no fewer than four (4) local government and/or state agency references.
- e) Provide a schedule of governmental audit clients last year with a column to identify when the audit report was due and a column to indicate the date the audit was submitted to the State Auditor's Office (without being rejected).
- f) Provide a listing of relevant experience of staff to work on the engagement.

2. Work Requirements and Audit Approach

- a) Knowledge of audit objectives, agency needs, and product to be delivered.
- b) Proposal or bid contains a sound technical plan and realistic estimate of time to complete major segments of the audit to include planning, interim fieldwork, fieldwork and reporting. This timeline should factor in current and estimated workloads and must be completed no later than the report due date indicated in 2.2.2.9.A(f) New Mexico Administrative Code.
- c) Plans for using agency staff in order to complete contracted
- d) If the proposal is for a multi-year contract, approach for planning and conduction the work efforts of subsequent years.

3. Technical Experience

- a) Governmental audit experience of on-site manager. (Name on-site manager)
- b) Team audit experience.
 - 1. Specialization with Counties
 - 2. GASB 34 and 25 experience.
 - 3. Experience with Housing Authorities
 - 4. Attendance at continuing professional education seminars or meetings on auditing, accounting and regulations directly related to state and local government audits and agency.

4. Other Information Required

- a) Campaign Disclosure Form must be submitted with the response to this RFP.

5. Cost

Offerors must propose one firm, fixed, fully-loaded annual cost per service category on the proposal cost form in Appendix B. The firm, fixed, fully-loaded annual cost will include travel to and from the off-site workplace to the on-site workplace. The proposed fully-loaded annual cost must include travel, per diem, fringe benefits and any overhead costs for contractor personnel, as well as subcontractor personnel if appropriate. New Mexico gross receipts taxes are excluded from the proposed maximum annual cost. They shall be shown separately on the invoice.

The service categories are as follows:

a. Financial statement audit	\$
b. Federal single audit	\$
c. Financial statement preparation (so long as the IPA has considered any threat to independence and mitigated it)	\$
d. GASB Implementation (65,66,67,68 and 70)	\$
e. Other (i.e. housing authority, other component units)	\$
Gross Receipts Tax	\$
Total Compensation	\$

V. EVALUATION

A. Evaluation Point Summary

Section	Attribute	Points Available
Capability of Firm	Resources (Availability of time)	0-5
	Peer Review	0-10
	References	0-7
	Financial and Technical Experience	0-7
	Past History on Timeliness	0-8
Work Requirements & Audit Approach	Knowledge (Technical)	0-5
	Planning	0-5
	Plans for agency staff	0-3
	Multi-year	0-2
Technical Experience	Governmental audit experience of firm	0-13
	Governmental audit experience of audit team	0-15
	Continuing Education of audit team	0-5
	Total Points Available	85

B. Evaluation Process

The evaluation of proposals will be based using a two-step evaluation process. Each offeror shall initially be evaluated on the basis of experience and qualification as well as the general requirements, Section II C. After the initial top three selections, the offeror shall be evaluated on the basis of cost.

1. Evaluation of Experience, Qualifications and General Requirements

The first evaluation process will follow the steps listed below:

- a. All offeror proposals will be reviewed for compliance with the mandatory requirements stated within the RFP. Proposals deemed non-responsive will be eliminated from further consideration.
- b. The Procurement Manager may contact the offeror for clarification of the response as specified in Section II, Paragraph B.3.
- c. The Evaluation Committee may use other sources of information to perform the evaluation as specified in Section II, Paragraph C.18.
- d. Responsive proposals will be evaluated on the factors in Section V that have been assigned a point value. Three responsible offerors with the highest scores will be selected to go through the second phase which will be based on cost.

2. Evaluation of Cost

The evaluation of selected offeror's cost proposal will be conducted using the following formula:

$$\frac{\text{Lowest Responsive Offeror Average Annual Cost}}{\text{this offeror's Average Annual Cost}} \times 15 = \text{Award Points}$$

The responsible offeror whose proposal is most advantageous to the Agency, taking into consideration the evaluation factors in Section V, will be recommended for contract award as specified in Section II, Paragraph B.7. Please note, however, that a serious deficiency in the response to any one factor may be grounds for rejection regardless of overall score.

APPENDIX A
CAMPAIN DISCLOSURE FORM

CAMPAIGN CONTRIBUTION DISCLOSURE FORM

Pursuant to the Procurement Code, Sections 13-1-28, et seq., NMSA 1978 and NMSA 1978, § 13-1-191.1 (2006), as amended by Laws of 2007, Chapter 234, any prospective contractor seeking to enter into a contract with any state agency or local public body **for professional services, a design and build project delivery system, or the design and installation of measures the primary purpose of which is to conserve natural resources** must file this form with that state agency or local public body. This form must be filed even if the contract qualifies as a small purchase or a sole source contract. The prospective contractor must disclose whether they, a family member or a representative of the prospective contractor has made a campaign contribution to an applicable public official of the state or a local public body during the two years prior to the date on which the contractor submits a proposal or, in the case of a sole source or small purchase contract, the two years prior to the date the contractor signs the contract, if the aggregate total of contributions given by the prospective contractor, a family member or a representative of the prospective contractor to the public official exceeds two hundred and fifty dollars (\$250) over the two year period.

Furthermore, the state agency or local public body may cancel a solicitation or proposed award for a proposed contract pursuant to Section 13-1-181 NMSA 1978 or a contract that is executed may be ratified or terminated pursuant to Section 13-1-182 NMSA 1978 of the Procurement Code if: 1) a prospective contractor, a family member of the prospective contractor, or a representative of the prospective contractor gives a campaign contribution or other thing of value to an applicable public official or the applicable public official's employees during the pendency of the procurement process or 2) a prospective contractor fails to submit a fully completed disclosure statement pursuant to the law.

The state agency or local public body that procures the services or items of tangible personal property shall indicate on the form the name or names of every applicable public official, if any, for which disclosure is required by a prospective contractor.

THIS FORM MUST BE INCLUDED IN THE REQUEST FOR PROPOSALS AND MUST BE FILED BY ANY PROSPECTIVE CONTRACTOR WHETHER OR NOT THEY, THEIR FAMILY MEMBER, OR THEIR REPRESENTATIVE HAS MADE ANY CONTRIBUTIONS SUBJECT TO DISCLOSURE.

The following definitions apply:

“Applicable public official” means a person elected to an office or a person appointed to complete a term of an elected office, who has the authority to award or influence

the award of the contract for which the prospective contractor is submitting a competitive sealed proposal or who has the authority to negotiate a sole source or small purchase contract that may be awarded without submission of a sealed competitive proposal.

“Campaign Contribution” means a gift, subscription, loan, advance or deposit of money or other thing of value, including the estimated value of an in-kind contribution, that is made to or received by an applicable public official or any person authorized to raise, collect or expend contributions on that official’s behalf for the purpose of electing the official to statewide or local office. “Campaign Contribution” includes the payment of a debt incurred in an election campaign, but does not include the value of services provided without compensation or unreimbursed travel or other personal expenses of individuals who volunteer a portion or all of their time on behalf of a candidate or political committee, nor does it include the administrative or solicitation expenses of a political committee that are paid by an organization that sponsors the committee.

“Family member” means spouse, father, mother, child, father-in-law, mother-in-law, daughter-in-law or son-in-law of (a) a prospective contractor, if the prospective contractor is a natural person; or (b) an owner of a prospective contractor.

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

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

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

Name(s) of Applicable Public Official(s) if any: _____
(Completed by State Agency or Local Public Body)

DISCLOSURE OF CONTRIBUTIONS BY PROSPECTIVE CONTRACTOR:

Contribution Made By: _____

Relation to Prospective Contractor: _____

Date Contribution(s) Made: _____

Amount(s) of Contribution(s) _____

Nature of Contribution(s) _____

Purpose of Contribution(s) _____

(Attach extra pages if necessary)

Signature Date

Title (position)

--OR--

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

Signature Date

Title (Position)

APPENDIX B

Cost

SUMMARY OF PROPOSED RATES

The Offeror listed below submits the following firm, fixed annual cost to complete the requirements as outlined in this RFP for the State of New Mexico.

Category	Hours	Hrly Rate	Annual Cost
Financial Statement Audit			
Federal Single Audit			
Financial Statement Preparation (So long as the IPA has considered any threat to independence and mitigated it)			
Housing Authority Audit			
Total			

APPENDIX C

The Contract and Terms shall be the standard contract as approved by the State Auditor's Office.