



RFP No. 2016-08

The City of Carlsbad seeks proposals from qualified companies for the provision of:

Third Party Liability Claims Administration and Adjustment Services.

Due Date

Formal sealed proposals will be due on or **before 5 p.m. (MST) on March 4, 2016.** Late proposals will not be accepted. Proposals may be mailed via FedEx or UPS to Municipal Building, Purchasing Manager, Room 115, 101 N. Halagueno St. Carlsbad, NM 88220 or mailed to P.O. Box 1569, Carlsbad, NM 88221-1569. Proposals will not be accepted via fax or email.

The City reserves the right to reject any and all proposals, and to waive any technical irregularities and/or formalities.

Scope of Services

A) Provide the City of Carlsbad, hereafter know as “The City”, with complete Claims Administration and Adjustment Services for matters as assigned by the City.

Claims administration and adjustment services shall include at a minimum, but not limited to, prompt and responsible performance of the following tasks for each claim submitted by the City:

1. Investigation – Successful proposer shall fully investigate each claim. Investigation shall include, but not be limited to interviewing and/or gathering information from all relevant sources such as the claimant(s), witnesses, law enforcement, repair, service, and /or medical providers, City personnel and relevant experts, if any; and inspecting the site of the incident and /or any physical damage.

2. Documentation – Successful proposer shall fully document the claim, which may include recording statements, photographing relevant material, and creating needed reports.

3. Liaison – Successful proposer shall act as a liaison between the City, its insurers, and it’s insurance agents.

4. Report and Advise – Successful proposer monitor and review the progress of each claim and shall provide the City with status reports for each claims so that the City is fully advised as to the progress of each particular claim. The reports shall be made as requested but no less than monthly. Successful proposer will provide the City with an evaluation of each claim, advise the City as to what reserves are necessary in each such claim, whether further investigation is needed and make recommendations regarding claim settlement.

5. Negotiations – Successful proposer will in certain claims, be authorized by the City to enter into settlement negotiations with claimants. All settlement authority shall be subject to the City Administrator's approval. A report giving full details of the claim and all other pertinent information shall be given to the City Administrator prior to entering into negotiations.

6. Litigation – In the event a claim proceeds to litigation, the successful proposer will assist as may be required by the City Administrator or City Attorney.

7. Instruction – As the parties may mutually agree, the successful proposer shall provide the City and it's employees with instruction regarding liability, property and automobile claim services.

8. Bill Review – Successful proposer shall perform such bill reviewing as may be requested by the City.

9. Meetings – Successful proposer shall attend meetings as may be requested from time to time with the City Administrator.

10. HIPAA Compliance and Confidentiality – Successful proposer shall maintain patient confidentiality during the course of investigation and discovery in accordance with current HIPAA law.

B) Response Time- Upon notification by the City of a potential claim, the successful proposer shall contact the claimant or claimants as soon as is reasonably possible, but in no event later than 24 hours after such notification. Furthermore, the successful proposer shall meet, in-person, with each claimant or claimants no more than three business days after notification.

C) Settlement Payments – Successful proposer shall comply with City Finance Department's deadlines when it requests settlement checks to be issued. The parties agree to work together to assure timely payment to claimants.

D) Advice to the City – Successful proposer will makes itself available as a consultant in liability, property and automobile claims related matters to the extent of its knowledge of the same, and will advise the City in such matters.

E) Qualifications – Successful proposer must maintain a current and active License as an Independent New Mexico Insurance Claims Adjuster. Successful proposer shall comply with all applicable local, state and federal laws, rules, regulations, and policies and shall obtain and maintain any permits, licenses, or certifications that may be necessary to carry out the operations required in the RFP.

F) Contract Term – The contract term shall commence upon the date the contract is signed by both parties. The contract may be renewed annually, upon the same terms and conditions, up to four (4) years if mutually agreed to by both parties.

Proposal Format

Proposers shall submit (5) copies of their proposals, typed on 8 ½ x 11 inch paper on one side only of each page. The proposal shall contain no more than 25 pages including cover letter, required Campaign Contribution Form, W-9 form and Insurance Adjusters License(s), excluding the cost proposal, and shall be tabbed as follows:

Tab #1 Proposer Information

Tab #1 shall contain the full legal name of the proposer, address and telephone numbers, and the type of business ie: corporation, limited liability corporation, partnership, sole proprietorship. For corporations and limited liability corporations, the proposer shall include evidence of good standing with the New Mexico Public Regulatory Commission.

Tab #2 Key Personnel

Tab #2 shall contain a listing of the names and qualifications of each of the proposer's key personnel who will be personally providing the services sought by this proposal and who will be overseeing or supervising the employees providing such services. Resumes for each such individual shall be provided outlining all applicable education, training and experience relevant to the services requested in the RFP.

Tab #3 Experience History

Tab #3 shall include a detailed narrative outlining the proposer's experience in having provided similar such services as outlined in the RFP. This narrative shall include sufficient detail to allow the City to evaluate the qualifications of the proposer. Tab #3 shall also include a listing of other governmental entities or private businesses for which proposer has provided similar services.

Tab #4 Required Documents

- Campaign Contribution Form (Required)
- New Mexico Resident Business Certification (if applicable)
- New Mexico Veterans Business Certification (if applicable)
- W-9 Form (Required)
- Copy of current Insurance Adjusters License with the State of New Mexico (Required)

Cost Proposal (Appendix A)

The proposer shall be submitted in a separate sealed envelope marked clearly on the outside of the envelope (RFP 2016-08 Cost Proposal). The cost proposal should be on a per claim basis inclusive of all associated costs and expenses necessary for the performance of such services as outlined in the RFP Scope of Services (A), including but not limited to, adjuster hourly rate, claim processing fee, travel time, and mileage. Cost proposals received in any other format shall be considered non-responsive. One (1) copy of the cost proposal shall be submitted.

APPENDIX A
COST PROPOSAL

The City of Carlsbad shall be invoiced the following amount(s) on a per claim basis:

Note: If there is no charge for a particular category, please write N/C on the line.

- 1. Claim Processing Fee (less than \$2,500) \$ _____
- 2. Claim Processing Fee (\$2,501 to \$5,000) \$ _____
- 3. Adjuster Hourly Rate \$ _____
- 4. Travel Time (per hour) \$ _____
- 5. Mileage Cost (to/from Carlsbad) \$ _____

- TOTAL COST PER CLAIM (Items 1 – 5) \$ _____

Company Name _____

Authorized Signature _____

Title _____

Date _____

Evaluation Criteria

Proposals received shall be evaluated on the basis of the following criteria:

1.	Qualifications of Firm and Key Personnel	35 Points
2.	Experience of Firm related to requested RFP Services	45 points
3.	Cost	<u>20 points</u>
	TOTAL	100 points

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:

- Mayor Dale Janway
- Councilman Nick Salcido
- Councilman Wes Carter
- Councilwoman Sandra Nunley
- Councilman J.R. Doporto
- Councilman Lisa Anaya Flores
- Councilman Jason Shirley
- Councilman Janell Whitlock
- Councilman Dick Doss
- Municipal Court Judge David Redford

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)

New Mexico Resident Business Preference

The State of New Mexico Procurement Code mandates a New Mexico Resident Business Preference on all bids and request for proposals (RFP).

Qualified resident businesses will be given a 5% preference on all bids. When bids are evaluated, New Mexico Businesses registered with the Department of Taxation and Revenue, will have its bid reduced by a factor of 5%.

Qualified resident businesses will be given a 5% preference on all RFP's. When proposals are evaluated, New Mexico resident businesses that are registered with the Department of Taxation and Revenue, will receive an additional points equivalent to 5% of the total points possible for award.

As of October 5, 2011, applications for in-state preference will no longer be processed through the State Purchasing Division. All resident businesses, veterans and contractors will have to obtain a preference number with the NM Department of Taxation & Revenue. For additional information please call 505-827-0951.

Qualifications

A. To receive a **resident** business **preference** pursuant to Section 13-1-21 NMSA 1978 or a **resident** contractor **preference** pursuant to Section 13-4-2 NMSA 1978, a business or contractor shall submit with its bid or proposal a copy of a valid **resident** business certificate or valid **resident** contractor certificate issued by the taxation and revenue department.

B. An application for a **resident** business certificate shall include an affidavit from a certified public accountant setting forth that the business is licensed to do business in this state and that:

(1) the business has paid property taxes or rent on real property in the state and paid at least one other tax administered by the state in each of the three years immediately preceding the submission of the affidavit;

(2) if the business is a new business, the owner or majority of owners has paid property taxes or rent on real property in the state and has paid at least one other tax administered by the state in each of the three years immediately preceding the submission of the affidavit and has not applied for a **resident** business or **resident** contractor certificate pursuant to this section during that time period;

(3) if the business is a relocated business, at least eighty percent of the total personnel of the business in the year immediately preceding the submission of the affidavit were **residents** of the state and that, prior to the submission of the affidavit, the business either leased real property for ten years or purchased real property greater than one hundred thousand dollars (\$100,000) in value in the state; or

(4) if the business is a previously certified business or was eligible for certification, the business has changed its name, has reorganized into one or more different legal entities, was purchased by another legal entity but operates in the state as substantially the same commercial enterprise or has merged with a different legal entity but operates in the state as substantially the same commercial enterprise.

C. An application for a **resident** contractor certificate shall include an affidavit from a certified public accountant setting forth that the contractor is currently licensed as a contractor in this state and that:

(1) the contractor has:

(a) registered with the state at least one vehicle; and

(b) in each of the five years immediately preceding the submission of the affidavit: 1) paid property taxes or rent on real property in the state and paid at least one other tax administered by the state; and 2) paid unemployment insurance on at least three full-time employees who are **residents** of the state; provided that if a contractor is a legacy contractor, the requirement of at least three full-time employees who are **residents** of the state is waived;

(2) if the contractor is a new contractor, the owner or majority of owners has paid property taxes or rent on real property in the state and has paid at least one other tax administered by the state in each of the five years immediately preceding the submission of the affidavit and has not applied for a **resident** business or **resident** contractor certificate pursuant to this section during that time period;

(3) if the contractor is a relocated business, at least eighty percent of the total personnel of the business in the year immediately preceding the submission of the affidavit were **residents** of the state and that, prior to the submission of the affidavit, the contractor either leased real property for ten years or purchased real property greater than one hundred thousand dollars (\$100,000) in value in the state; or

(4) if the contractor is a previously certified contractor or was eligible for certification, the contractor has changed its name, has reorganized into one or more different legal entities, was purchased by another legal entity but operates in the state as substantially the same enterprise or has merged with a different legal entity but operates in the state as substantially the same commercial enterprise.

D. The taxation and revenue department shall prescribe the form and content of the application and required affidavit. The taxation and revenue department shall examine the application and affidavit and, if necessary, may seek additional information to ensure that the business or contractor is eligible to receive the certificate pursuant to the provisions of this section. If the taxation and revenue department determines that an applicant is eligible, the department shall issue a certificate pursuant to the provisions of this section. If the taxation and revenue department determines that the applicant is not eligible, the department shall issue notification within thirty days. If no notification is provided by the department, the certificate is deemed approved. A certificate is valid for three years from the date of its issuance; provided that if there is a change of ownership of more than fifty percent, a **resident** business or **resident** contractor shall reapply for a certificate.

E. A business or contractor whose application for a certificate is denied has fifteen days from the date of the taxation and revenue department's decision to file an objection with the taxation and revenue department. The person filing the objection shall submit evidence to support the objection. The taxation and revenue department shall review the evidence and issue a decision within fifteen days of the filing of the objection.

F. If, following a hearing and an opportunity to be heard, the taxation and revenue department finds that a business or contractor provided false information to the taxation and revenue department in order to obtain a certificate or that a business or contractor used a certificate to obtain a **resident** business or **resident** contractor **preference** for a bid or proposal and the **resident** business or contractor did not perform the percentage of the contract specified in the bid or proposal, the business or contractor:

(1) is not eligible to receive a certificate or a **preference** pursuant to Section 13-1-21 or 13-4-2 NMSA 1978 for a period of five years from the date on which the taxation and revenue department became aware of the submission of the false information or the failure to perform the contract as specified in the bid or proposal; and

(2) is subject to an administrative penalty of up to fifty thousand dollars (\$50,000) for each violation.

G. In a decision issued pursuant to Subsection E or F of this section, the taxation and revenue department shall state the reasons for the action taken and inform an aggrieved business or contractor of the right to judicial review of the determination pursuant to the provisions of Section 39-3-1.1 NMSA 1978.

H. The taxation and revenue department may assess a reasonable fee for the issuance of a certificate not to exceed the actual cost of administering the taxation and revenue department's duties pursuant to this section.

I. The state auditor may audit or review the issuance or validity of certificates.

J. For purposes of this section:

(1) "new business" means a person that did not exist as a business in any form and that has been in existence for less than three years;

(2) "new contractor" means a person that did not exist as a business in any form and that has been in existence for less than five years;

(3) "legacy contractor" means a construction business that has been licensed in this state for ten consecutive years; and

(4) "relocated business" means a business that moved eighty percent of its total domestic personnel from another state to New Mexico in the past five years.

History: 1953 Comp., § 6-5-32.1, enacted by Laws 1969, ch. 184, § 1; 1979, ch. 72, § 2; 2011 (1st S.S.), ch. 3, § 2.

Application of Preference

A. For the purposes of this section:

(1) "business" means a commercial enterprise carried on for the purpose of selling goods or services, including growing, producing, processing or distributing agricultural products;

(2) "formal bid process" means a competitive sealed bid process;

(3) "formal request for proposals process" means a competitive sealed proposal process, including a competitive sealed qualifications-based proposal process;

(4) "public body" means a department, commission, council, board, committee, institution, legislative body, agency, government corporation, educational institution or official of the executive, legislative or judicial branch of the government of the state or a political subdivision of the state and the agencies, instrumentalities and institutions thereof, including two-year post-secondary educational institutions, school districts, local school boards and all municipalities, including home-rule municipalities;

(5) "**resident** business" means a business that has a valid **resident** business certificate issued by the taxation and revenue department pursuant to Section 13-1-22 NMSA 1978; and

(6) "recycled content goods" means supplies and materials composed twenty-five percent or more of recycled materials; provided that the recycled materials content meets or exceeds the minimum content standards required by bid specifications.

B. When a public body makes a purchase using a formal bid process, the public body shall deem a bid submitted by a **resident** business to be five percent lower than the bid actually submitted.

C. When a public body makes a purchase using a formal request for proposals process:

(1) five percent of the total weight of all the factors used in evaluating the proposals shall be awarded to a **resident** business based on the **resident** business possessing a valid **resident** business certificate; or

(2) if the contract is awarded based on a point-based system, a **resident** business shall be awarded the equivalent of five percent of the total possible points to be awarded based on the **resident** business possessing a valid **resident** business certificate.

D. When a joint bid or joint proposal is submitted by both **resident** and nonresident businesses, the **resident** business **preference** provided pursuant to Subsection B or C of this section shall be reduced in proportion to the percentage of the contract, based on the dollar amount of the goods or services provided under the contract, that will be performed by a nonresident business as specified in the joint bid or proposal.

E. When bids are received for both recycled content goods and non-recycled content goods, the public body shall deem the bids submitted for recycled content goods of equal quality to be five percent lower than the bids actually submitted. A bid calculation pursuant to this subsection for a **resident** business shall not also receive the bid calculation **preference** pursuant to Subsection B of this section.

F. The procedures provided in Sections 13-1-172 through 13-1-183 NMSA 1978 or in an applicable purchasing ordinance apply to a protest to a public body concerning the awarding of a contract in violation of this section.

G. This section shall not apply when the expenditure includes federal funds for a specific purchase.

History: 1978 Comp., § 13-1-21, enacted by Laws 1979, ch. 72, § 1; 1981, ch. 104, § 1; 1988, ch. 84, § 1; 1989, ch. 310, § 1; 1995, ch. 60, § 1; 1997, ch. 1, § 2; 1997, ch. 2, § 2; 1997, ch. 3, § 1; 2000, ch. 41, § 1; 2011 (1st S.S.), ch. 3, § 1.

Resident Veterans Preference Certification

_____ (NAME OF CONTRACTOR) hereby certifies the following in regard to application of the resident veterans' preference to this procurement:

Please check one box only

I declare under penalty of perjury that my business prior year revenue starting January 1 ending December 31 is less than \$1M allowing me the 10% preference discount on this solicitation. I understand that knowingly giving false or misleading information about this fact constitutes a crime.

I declare under penalty of perjury that my business prior year revenue starting January 1 ending December 31 is more than \$1M but less than \$5M allowing me the 8% preference discount on this bid or proposal. I understand that knowingly giving false or misleading information about this fact constitutes a crime.

I declare under penalty of perjury that my business prior year revenue starting January 1 ending December 31 is more than \$5M allowing me the 7% preference discount on this bid or proposal. I understand that knowingly giving false or misleading information about this fact constitutes a crime.

"I agree to submit a report, or reports, to the State Purchasing Division of the General Services Department declaring under penalty of perjury that during the last calendar year starting January 1 and ending on December 31, the following to be true and accurate:

"In conjunction with this procurement and the requirements of this business' application for a Resident Veteran Business Preference/Resident Veteran Contractor Preference under Sections 13-1-21 or 13-1-22 NMSA 1978, when awarded a contract which was on the basis of having such veterans preference, I agree to report to the State Purchasing Division of the General Services Department the awarded amount involved. I will indicate in the report the award amount as a purchase from a public body or as a public works contract from a public body as the case may be.

"I understand that knowingly giving false or misleading information on this report constitutes a crime."

I declare under penalty of perjury that this statement is true to the best of my knowledge. I understand that giving false or misleading statements about material fact regarding this matter constitutes a crime.

(Signature of Business Representative)*

(Date)

*Must be an authorized signatory for the Business

The representations made in the boxes constitutes a material representation by the business that is subject to protest and may result in denial of an award or unaward of the procurement involved if the statements are proven to be incorrect.
