

Revised Form J Offer Qualifications for RFP 2008-013 Addendum 2

Form J Offeror Qualifications (Tab 4)

This is reprinted from Section 1, No. 4 – Offer Qualifications – Please provide your responses on this form and submit with your Proposal

Provide documentation and information as requested relating to the history of your company that includes its' philosophy of doing business, its' background, expertise, experience, past performance and ability to provide the products and services proposed herein. Generally, CES will not accept an offer from a business less than three (3) years old or which has failed to establish a proven record of business. If the Offeror has recently purchased an established business or has proof of prior success in either this business or a closely related business, provide written documentation and verification. CES reserves the right to accept or reject newly formed companies solely based on information provided in this response and from its own investigation of the company.

- A. Provide documentation and information as requested relating to the history of your company that includes its' philosophy of doing business, its' background, expertise, experience, past performance and ability to provide the construction products and services proposed herein. Generally, CES will not accept an offer from a business less than three (3) years old or which has failed to establish a proven record of business. If the Offeror has recently purchased an established business or has proof of prior success in either this business or a closely related business, provide written documentation and verification. CES reserves the right to accept or reject newly formed companies solely based on information provided in this response and from its own investigation of the company.
- B. Organization
- 1). How many years has your organization been in business as a contractor?
 - 2). How many years has your organization been in business under its' present business name?
 - 3). Under what other or former names has your organization operated?
 - 4). If your organization is a corporation, answer the following:
 - (a). Date of incorporation
 - (b). State of incorporation
 - (c). President's name
 - (d). Vice-President's name(s)
 - (e). Secretary's name
 - (f). Treasurer's name
 - 5). If your organization is a partnership, answer the following:
 - (a). Date of organization
 - (b). Type of partnership (if applicable)
 - (c). Name(s) of general partner(s)
 - (d). If your organization is individually owned, answer the following:
 - (i) Date of organization
 - (ii) Name of owner
 - 6). If the form of your organization is other than those listed above, describe it and the name of the principals.
 - 7). Where are the headquarters of the company physically located? Provide address, city, state and zip code. Provide same information on any branch offices in New Mexico. How long has your company resided at these locations? For what period of time and in

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what parts of New Mexico has your organization provided the services/products requested in this solicitation?

- 8). For the key individuals who will be marketing, consulting, estimating, coordinating, supervising and managing before, during and after-sales services, warranty, maintenance, and support services offered in response to this solicitation, in your response, provide a listing of and the qualifications of these key individuals. Provide the name, title, qualifications and experience in the area(s) of services that they will be providing.
- 9). Describe your organization's current in-house work force, equipment and facilities available to perform under this solicitation.

C. Licensing

- 1). What year was your organization first licensed as a contractor in the State of New Mexico?
- 2). List jurisdictions and trade categories in which your organization is legally qualified to do business, and indicate registration or license numbers, if applicable.
- 3). List jurisdictions in which your organization's partnership or trade name is filed.
- 4). Provide all current applicable NMCID licenses and NMDOL registration information.
- 5). Pursuant to NMSA1978 13-4-2, Residential Contractor preference will not apply for solicitation using the RFP process
- 6). Has your organization or any of the qualifying parties named above ever conducted business, past or present, as a contractor under a different business name? If yes, what name(s) and when?

D. Experience and Past Performance

- 1). List the categories of work that your company normally performs with its' own forces.
- 2). Provide a complete list of major construction projects (over \$60,000 in total construction costs) that your company had or has in progress, as of April 01, 2007, giving the name of project, owner, architect, contract amount and scheduled completion date. Please state the total worth of all construction work in progress and under contract as of April 01, 2007.
- 3). Within the last five (5) years, has your company performed work on New Mexico public work projects? If the answer is "yes," describe each project and your company's role. In your description, include the following information on each project described.
 - (a). Project name
 - (b). Owner of the project
 - (c). Owner representative or contact
 - (d). Original bid amount and final project cost (include all change orders)
 - (e). Architect/Engineer (A/E)
 - (f). Original scheduled completion date, the final completion and acceptance date
 - (g). Percentage of the cost of the work performed with your own forces
- 4). List all projects your company has completed beyond the scheduled date of substantial completion and the number of days past the scheduled substantial completion date on which substantial completion was certified as indicated by owner and architect signature.
- 5). List all projects in which your company failed to complete the project, including all punch list items identified by the owner and/or owner's representative by the date agreed to by all parties.
- 6). In the last five years, has your company provided any extended warranties on a project and not been able to fulfill to the owner's satisfaction? If yes, for each describe the issues. For each, include the following information:
 - (a). Project name
 - (b). Owner of the project
 - (c). Owner representative or contact

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- (d). Architect/Engineer (A/E)
 - (e). Date of substantial completion
 - (f). Type of warranty coverage
 - (g). Reasoning for inability to resolve, such as owner not fulfilling obligations
- E. Bonding, Insurance, Claims, Suits, and Disputes
- 1). Provide with this RFP a Certificate of Insurance listing the minimum and maximum coverage for liability, vehicle and property damage. CES is not asking you to acquire additional or special insurance for this contract. CES needs proof that you are insured. Before any work can commence, you must provide a certificate that names CES and/or its Member as a certificate holder. Normally, this is a free service provided by an insurance company.
 - 2). Provide written documentation and evidence relating to the surety company that will be providing payment and performance bonds for projects performed under this solicitation. Please address the following:
 - (a). Name, address, phone number and agent's name.
 - (b). Letter from the surety company stating your firm's current bonding rate and your organization's total bonding capacity.
 - (c). Has your company used this surety company for more than two (2) years? If no, please provide the names, addresses, phone numbers, contact names and dates under agreement with any other surety company used in the past three (3) years.
 - 3). Are there any judgments, claims, arbitration proceedings, suits or disputes pending or outstanding against your company or its' officers in New Mexico or any other jurisdiction?
 - 4). Has your company filed any lawsuits or requested arbitration with regard to construction contracts within the last five years?
 - 5). If the answer to items 3). or 4). above is yes, please provide complete details, including, but not limited to:
 - (a). Name and location of project owner
 - (b). Name and location of project architect
 - (c). Name and location of project
 - (d). Nature of and amount in dispute
 - (e). Forum in which dispute was presented, that is AAA arbitration; mediation; district court (state, file name, and number)
 - (f). Manner in which dispute was resolved
 - 6). For the last five (5) years, list any projects where your surety has been given notice of default of your company's performance under either its' performance bond or labor and material payment bond. For each project state the nature of the claim against your company and the outcome of each such claim.
 - 7). Within the last five (5) years, has any surety on any project you have worked on paid or settled work that your company had contracted to complete? If yes, give complete details.
 - 8). Within the last five (5) years, has your firm had any business, trade or contracting licenses suspended or revoked? If yes, give complete details.
 - 9). Within the last five (5) years, has your company been a party in civil litigation or administrative proceedings which have alleged a violation of any of the following: environmental law or regulation; law banning workplace discrimination; law governing wages, hours, labor or employment standards; conduct of occupations; law governing professions or regulated industries; or any other law which would reflect, if convicted, a lack of business integrity or honesty? If yes, give complete details.

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- 10). Within the last five (5) years, has your company had a tax lien filed against it by any taxing authority? If yes, provide the following: when, by what tax authority and has the lien been released. If no, describe action your company has taken with respect to the lien.
 - 11). Within the last five (5) years, has your company been debarred from bidding on or performing work for any public agency (federal, state or local public body) as a contractor or subcontractor? If yes, provide complete details, including actions your company has taken to prevent such debarment in the future.
- F. Miscellaneous items
- 1). Is the workers' compensation experience modifier for the company as reported by your insurer less than 2.0? If no, what is your reported E-Mod?
 - 2). What is the incident/injury rate for your company as reported by your insurer? Is it less than the Bureau of Labor Standards published rate for New Mexico? If yes, by how much?
- G. Financial Resources and Banking Information
- 1). A major problem often facing companies awarded a CES contract is rapid growth, followed by cash flow difficulties. For purposes of determining a bidder's capacity and ability to perform financially, the Offeror is asked to provide a financial statement, preferably audited, including your company's latest balance sheet and income statement showing the following items:
 - (a). Current assets (e.g. cash, joint venture accounts, accounts receivable, notes receivable, accrued income, deposits, materials inventory and prepaid expenses)
 - (b). Net fixed assets
 - (c). Other assets
 - (d). Current liabilities (e.g. accounts payable, notes payable, accrued expenses, provision for income taxes, advances, accrued salaries and accrued payroll taxes)
 - (e). Other liabilities (e.g. capital, capital stock, authorized and outstanding shares par values, earned surplus and retained earnings)
 - (f). Name and address of firm preparing attached financial statement, and date thereof
 - (g). Is the attached financial statement for the identical company named on page one?
 - (h). If not, explain the relationship and financial responsibility of the company whose financial statement is provided (e.g. parent-subsidiary).
 - (i). Provide written evidence or other documentation relating to your banking and/or lending institution. Include the following:
 - (i) Names, addresses, phone numbers and contact names
 - (ii) Letters from listed financial/lending institution that indicates the amount of time your company has had a relationship with them.
 - (iii) Your line of credit available to you and evidence of financial stability over the past five (5) years. This letter does not need to identify a dollar amount. Instead, a credit range should be indicated, that is, "credit in the low six figures" or "a credit line exceeding five figures."
 - (j). Will it be necessary for your firm to assign payments to a financial institution in order to perform under this contract? If so, please name any financial institutions that you may use for assignments or for factoring. If you enter into any assignment agreements, will you sign a notarized Power of Attorney that grants the company receiving the assignment the right to endorse payments from CES? Please attach a sample assignment or factoring agreement with your bid if you intend to use these financial services. The fact that a company uses these services will not reflect on the

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credit stature of the CES vendor. Since CES requires a 45-day term rather than the more traditional 30 days, such payment arrangements may be necessary.

- (k). Within the last seven (7) years, has your company been the subject of any voluntary or involuntary bankruptcy, insolvency or receivership proceeding? If so, please state the case name(s) and court file number of each proceeding, the nature of the proceeding, whether such proceeding is ongoing and the resolution of each completed proceeding.
- H. Describe your company's policies and procedures in regards to complying with the New Mexico Public Education Department (NMPED) mandate regarding security and background checks for individuals working and/or providing services within public school buildings. Please describe or provide a sample of the type of background check that you are willing and able to perform on your providers in order to comply with this requirement.
- I. Has and does your company incorporate formal quality assurance and control processes on public works projects? If yes, describe the processes with their expected results and the benefits received by the owners by implementing such a program.
- J. CES is the administrative agency of the Joint Powers Agreement to Establish an Educational Cooperative and its Members are the public educational institutions in New Mexico. The sole purpose of CES is to support these institutions in their day-to-day procurement. Describe in writing, your company's ability, willingness and means to sell, deliver, provide and support the proposed products/services to New Mexico educational agencies under the most advantageous conditions including price. No Offeror will be denied a contract simply because sales are limited to New Mexico. However, CES, as an agent for the public educational institutions, will not enter into a contract with an Offeror that has an existing contract that would be more advantageous than a CES contract to sell and provide products and services to New Mexico agencies. Do you currently have or plan to have such state or other contracts, such as a State Procurement Division Agreement or CES Members? If so, why do you wish to secure a CES contract and how would the CES contract be more advantageous in pricing of other services over other cooperative contracts?
- K. This is an RFP and while CES is required to base an award strictly on the highest rated proposals. Every CES contract must be for the public good, not for the benefit of a vendor. However, having said that, CES is totally committed to two basics in the American way of business – profit and competition. Products and services offered herein must be of good sound quality, have good durability/ performance life and stand up to public use. Is there “added value” received by the customer when purchasing through you rather than a competitor, or is your major benefit price alone?
- L. In comparing previous projects your organization has completed, do you see any areas where your organization possesses experience, production or service facilities, personnel or other service reputation that should be considered with your ability to provide on time quality construction projects for New Mexico educational institutions? If yes, fully describe these attributes, resources and how they are utilized to benefit the owner's projects.