

AGENDA

GALLUP CITY COUNCIL REGULAR MEETING TUESDAY, OCTOBER 11, 2016; 6:00 P.M. CITY COUNCIL CHAMBERS

Jackie McKinney, Mayor

Linda Garcia
Councilor, District #1

Allan Landavazo
Councilor, District #2

Yogash Kumar
Councilor, District #3

Fran Palochak
Councilor, District #4

Maryann Ustick, City Manager
George Kozeliski, City Attorney

A. Pledge of Allegiance

B. Roll Call

C. Approval of Minutes

Regular Meeting of September 27, 2016
Special Meeting of October 4, 2016

D. Discussion/Action Topics

1. Proposed Issuance of a Restaurant License (Beer & Wine) License to Fratelli's Bistro, LLC d/b/a Fratelli's Bistro and/or Fratelli's Pizza Bistro and Ice Creamery, 1209 North Highway 491 – George Kozeliski, City Attorney
2. Grant for the Reclassification of Firefighter 2 Position to Emergency Management Specialist – Chief Eric Babcock, Gallup Fire Department
3. Budget Adjustment for Emergent Repairs of Water Mains at Second Street Crossing and Alison Crossing – Dennis Romero, Water and Sanitation Director
4. Appointment of Alexandra Griego to the Lodgers Tax Committee – Mayor Jackie McKinney
5. Professional Services (Engineering) Award for Community Development Block Grant – Stan Henderson, Public Works Director

AGENDA

Regular City Council Meeting – 10/11/2016

Page 2

Discussion/Action Topics, continued

6. Agreement for Water Tank Site for the Navajo Gallup Water Supply Project – George Kozeliski, City Attorney

E. Presentation and Information Items

1. FY 2016 Lodgers Tax Expenditures Summary – Jennifer Lazarz, Acting Tourism and Marketing Manager

F. Comments by Public on Non-Agenda Items

G. Comments by Mayor and City Councilors

H. Comments by City Manager and City Attorney

I. Motion to Adjourn

Auxiliary aides for the disabled are available upon request. Please contact Alfred Abeita, City Clerk, at 863-1254 at least one (1) week prior to the meeting or as soon as possible in advance of the meeting to make any necessary arrangements.

Pursuant to the "Open Meetings Act", NMSA 1978, Section 10-15-1 through 10-15-4 of the State of New Mexico, this Agenda was posted at a place freely accessible to the public 72 hours in advance of the scheduled meeting.

Minutes

Regular Meeting of September 27, 2016
Special Meeting of October 4, 2016

(Minutes will be disseminated prior to the meeting)

Discussion/Action Topic 1

**Proposed Issuance of a Restaurant License (Beer & Wine) License
to Fratelli's Bistro, LLC d/b/a Fratelli's Bistro and/or Fratelli's Pizza
Bistro and Ice Creamery, 1209 North Highway 491**

George Kozeliski, City Attorney

LEGAL NOTICE

PUBLIC NOTICE IS HEREBY GIVEN that at 6:00 P.M. on Tuesday, October 11, 2016 in the Council Chambers of Gallup City Hall, 110 West Aztec Avenue; Gallup, New Mexico, the Governing Body of the City of Gallup will hold a Public Hearing on the proposed issuance of a Restaurant (Beer & Wine) License to Fratelli's Bistro, LLC d/b/a Fratelli's Bistro and/or Fratelli's Pizza Bistro and Ice Creamery, 1209 North Highway 491; Gallup, New Mexico.

The Director of the Alcohol and Gaming Division has granted preliminary approval for this Application.

CITY OF GALLUP, NEW MEXICO

By:



Alfred Abeita II, City Clerk

PUBLISH:

Saturday, September 10, 2016

Saturday, September 17, 2016



New Mexico Regulation and Licensing Department
ALCOHOL AND GAMING DIVISION

P.O. Box 25101 ▪ Santa Fe, New Mexico 87504-5101
(505) 476-4875 ▪ Fax (505) 476-4595 ▪ www.rld.state.nm.us/alcoholandgaming

September 1, 2016

Certified Mail No.: 9171 9690 0935 0079 1755 38

Susana Martinez
Governor

Robert "Mike" Unthank
Superintendent

David Jablonski
Deputy Superintendent

Claudia Armijo
Deputy General Counsel

Mary Kay Root
Director

City of Gallup
Attn: Alfred Abeita, Clerk
PO Box 1270
Gallup, NM 87305

Re: Lic. No. /Appl. No.: **Application No. 1010024**
Name of Applicant: Fratelli's Bistro, LLC
DBA: Fratelli's Bistro and/or Fratelli's Pizza Bistro and Ice Creamery
Proposed Location: 1209 N. Hwy 491, Gallup, NM 87301



Greetings:

The Director of the Alcohol and Gaming Division has reviewed the referenced Application and granted **Preliminary Approval**. It is being forwarded to you for Local Option District approval or disapproval of the Liquor License Application.

While the law states that "within forty-five (45) days after receipt of a Notice from the Alcohol and Gaming Division, the governing body shall hold a Public Hearing in the question of whether the department should approve the proposed issuance or transfer", we recognize the potential for conflict between the requirement for publication of 30 day notice and the 45 day hearing requirement. Should the Local Governing Body be unable to meet one of these requirements, please send a Request for Waiver/Extension by email to the assigned AGD Hearing Officer listed on page 2.

Notice of the Public Hearing required by the Liquor Control Act **shall be given by the governing body by publishing a notice** of the date, time, and place of the hearing **twice during the 30 days prior to the hearing** in a newspaper of general circulation within the territorial limits of the governing body. **The first notice must be published at least thirty (30) days before the hearing. Both publications must occur before a hearing can be conducted.** The notice shall include:

- (A) Name and address of the Applicant/Licensee;
- (B) The action proposed to be taken by the Alcohol & Gaming Division;
- (C) The location of the licensed premises.

In addition, if the Local Option District has a website, **the Notice shall also be published on the website.**

The governing body is required to send notice by certified mail to the Applicant of the date, time, and place of the Public Hearing. The governing body may designate a Hearing Officer to conduct the hearing. **A record shall be made of the hearing.**

THE APPLICANT IS SEEKING A RESTAURANT BEER & WINE LICENSE WITH ON PREMISES CONSUMPTION ONLY AND PATIO SERVICE.

Alcohol and Gaming Division
(505) 476-4875

Boards and Commissions Division
(505) 476-4600

Construction Industries Division
(505) 476-4700

Financial Institutions Division
(505) 476-4885

Manufactured Housing Division
(505) 476-4770

Securities Division
(505) 476-4580

Administrative Services Division
(505) 476-4800

Within thirty (30) days after the Public Hearing, the governing body shall notify the Alcohol and Gaming Division of their decision to approve or disapprove the issuance or transfer of the license by signing the enclosed original Page 1 of the Application. The original Page 1 of the Application must be returned together with the notices of publication. **If the Governing Body fails to either approve or disapprove the issuance or transfer of the license within thirty days after the Public Hearing, the Director may issue the license.**

If the Governing Body disapproves the issuance or transfer of the license, it shall notify the Alcohol and Gaming Division within thirty (30) days setting forth the reasons for the disapproval. A copy of the Minutes of the Public Hearing shall be submitted to the Alcohol and Gaming Division with the Notice of Disapproval (*Page 1 of the Application, noting disapproval*).

Respectfully,



Beverly Kennedy, Hearing Officer
NM Regulation & Licensing Dept. | Alcohol & Gaming Division
Phone: (505) 476-4548 Fax: (505) 476-4595
Email: beverly.kennedy@state.nm.us

Enclosures:

1. Original Page 1 of the Application (*must be signed and returned w/notices of publication*)
2. Copy of Page 2 of the Application
3. Copy of Zoning Statement

xc by email: Applicant



AG 7/5/16
 ENTERED
 200
 1853781

AGD USE ONLY: Payment| Application Fee \$ _____ Received on: _____ Receipt No. _____
 License Fee \$ _____ Received on: _____ Receipt No. _____
 Application # 1010024 Local Option District: City of Gallup

RESTAURANT LIQUOR LICENSE APPLICATION

\$200.00 Application Fee, non-refundable.

Check appropriate boxes: Application is for: New Restaurant Liquor License
 Applicant is: Individual Limited Liability Company Corporation Partnership (General/Limited)

NAME OF APPLICANT (company or individual) ADDRESS (including city, state, zip) TELEPHONE NUMBER
 Fratelli's Bistro LLC 1209 N Hwy 491, Gallup NM 87301 (801) 903-3542

D/B/A Name to be used: Fratelli's Bistro and/or Fratelli's Pizza Bistro and Ice Creamery Business Phone #: (505) 863-9201

Email Address (required): emilyblingshow@gmail.com

Physical location where license is to be used: (Include street number / highway number / state road, city and county, state, and zip code)
1209 N Hwy 491, Gallup NM 87301

Mailing Address: ~~1209 N Hwy 491, Gallup NM 87301~~ PO Box 4646, Gallup NM 87305

Agent/Contact Person: Emily Rohrbough Phone#: (801) 903-3542 Email: emilyblingshow@gmail.com

Are alcoholic beverages currently being dispensed at the proposed location? Yes No If Yes, License # / Type: 929 - Dispenser

I, (print name) Emily Rohrbough, as (title) Managing Member
 being first duly sworn upon oath deposes and says: that he/she is the applicant or is authorized by the applicant to make this application;
 that he/she has read the same; knows the contents therein contained are true. Applicant(s) agree(s) that if any statements or representations
 herein are found to be false, the Director may refuse to issue or renew the license or may cause the license to be revoked at any time.

You must sign and date this form before a Notary Public.

Signature of Applicant: Emily Rohrbough Date: 6/27/2016

NOTARY PUBLIC USE ONLY: (State of New Mexico, County of McKinley)

SUBSCRIBED AND SWORN TO before me this 27th day of June, 20 16

By: Emily Rohrbough Notary Public: Diane K. Harari
 My Commission Expires: 12/18/2019

SEAL

FOR LOCAL OPTION DISTRICT USE ONLY: Local Governing Body of: _____ City, County, Village

Public Hearing held on _____, 20____. Check one: Approved Disapproved

Signature and Title of City/County Official: _____

FOR ALCOHOL AND GAMING DIVISION USE ONLY: Approved Disapproved

Signed by Director: _____ Date: _____



PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION

NMSA §60-6B-10

1. The land and building which is proposed to be the licensed premises is: (check one)

- Owned by Applicant, copy of deed/document attached Leased by Applicant, copy of lease/document attached
 Other (provide details): _____

2. If the land and building are not owned by Applicant, indicate the following:

A. Owner(s): Plaza del Norte LLC

B. Date and Term of Lease: Dated June 13, 2016, until June 15, 2021

3. Premises location is Zoned (example C-1, see Zoning Statement): C3-B

Zoning Statement attached, which must be obtained from the Local Government, listing the proposed location by address, Type of Zone, state whether alcoholic beverages are allowed at proposed location, and if applicable, whether packaged sales, patio service and/or manufacturing is allowable. If there is no zoning in the proposed location, attach Statement from the local government, indicating there is no zoning.

4. Distance* from nearest Church: (Property line of church to closest point of licensed premises—shortest distance)

Name of Church: St. Paul Baptist Church Miles/feet: 3680 feet

Address/location of Church: 1121 W Lincoln, Gallup NM 87301

5. Distance* from nearest School: (Property line of school to closest point of licensed premises—shortest distance)

Name of School: Washington School Miles/feet: 3600

Address/location of School: 700 W Wilson, Gallup NM 87301

6. Distance from military installation *(Property line of military installation to closest point of licensed premises—shortest distance.)

Name of Military Installation, circle one 127 m! Kirtland Air Force Base (Albuquerque), White Sands Missile Range (Las Cruces),
 Holloman Air Force Base (Alamogordo), Cannon Air Force Base (Clovis)

7. Attach Detailed Floor Plan, must include the Total Square Footage of premises; List nearest cross street; Show which direction is North; Show each level (floor) where alcoholic beverages will be sold or consumed, exterior walls, doors, and interior walls; Patio Area with type of barrier used; Highlight Bonded Areas. The floor plan should be no larger than 8½ x 11 inches and **must be labeled** with designated areas highlighted, which will reflect the proposed Licensed Premises.

8. Type of Operation: Hotel Lounge Package Grocery Restaurant Racetrack

Small Brewer Craft Distiller Winery Wholesaler

Other (specify): _____

*NOTE: If the distance is beyond 300 feet, but less than 400 feet, a Registered Engineer or Licensed Surveyor must complete a Survey Certificate showing the exact distance.

COPY



**CITY OF
GALLUP**

Jackie Binney, Mayor

Linda Garcia, District 1 Councilor
Allan Landavazo, District 2 Councilor
Yogash Kumar, District 3 Councilor
Fran Palochak, District 4 Councilor

Maryann Ustick, City Manager
George W. Kozeliski, City Attorney



June 24, 2016

Ms. Mary Kay Root, Director
State of New Mexico
Alcohol and Gaming Division
2550 Cerrillos Road
Santa Fe, NM 87505

Ref: Zoning Certificate –Fratelli’s Restaurant, 1209 N. U.S. Hwy. 491

Ms. Root,

I am writing as a follow up to your request for zoning verification of the Fratelli’s Restaurant located at 1209 N. U.S. Hwy. 491. The property as shown on the current City of Gallup zoning atlas lies within the Heavy Commercial {C3-B} zoning district. Liquor sales as an accessory use to restaurants are a permitted use within the {C3-B} zoning district per Section 10-4B-2B of the City of Gallup Land Development Standards (LDS).

If any additional information is needed please feel free to contact me at (505) 863-1244.

Sincerely,

Clyde (C.B.) Strain
Planning Director
Planning Department

Copy to: zoning certification file.

COPY

Discussion/Action Topic 2

**Grant for the Reclassification of Firefighter 2 Position
to Emergency Management Specialist**

Chief Eric Babcock, Gallup Fire Department



**CITY OF
GALLUP**

COUNCIL STAFF SUMMARY FORM

MEETING DATE: July 26, 2016

SUBJECT: Reclassify FTE Position F02 to Emergency Management Specialist
DEPT. OF ORIGIN: 27 September 2016
DATE SUBMITTED: 27 September 2016
SUBMITTED BY: Eric Babcock

Summary: *I'm requesting approval to reclassify one F0-2 Firefighter Position to an Emergency Manager Specialist. This position will assist the Fire Chief who has recently been assigned City of Gallup Emergency Manager 1 July 2016.*

Summary of position: *Under general direction and guidance of the fire chief. Position involves administrative work to collaborate with other officials in the performance and direction of activities related to developing, planning, presenting, and coordinating emergency preparedness, emergency sheltering. In addition provides public education in emergency preparedness, and fire prevention. (Please see attachments for job description)*

I have review the impact of the loss of one firefighter position over a 4-month period which has no impact on our response capability.

We have been awarded a grant of \$21,750 from the New Mexico Department of Homeland Security and Emergency Management to off-set the cost of this reclassification.

No additional funds will be required for this reclassification.

Fiscal Impact:

Reviewed By: _____

Patty Holland
Finance Department

Budget increase in funds 101 of \$21,750 in grant revenue. Salary are currently budgeted.

Attachments: *Emergency Management Specialist Job Description & Grant Award Letter from the Department of Homeland Security and Emergency Management*

Legal Review:

Approved As To Form: _____

[Signature]
City Attorney

Recommendation: Approve budget increase in Fund 101 of \$21,750 in grant revenue and reclassification of budgeted FTE Firefighter 2 to Emergency Management Specialist.

Approved for Submittal By:



Department Director



City Manager

CITY CLERK'S USE ONLY
COUNCIL ACTION TAKEN

Resolution No.	_____	Continued To:	_____
Ordinance No.	_____	Referred To:	_____
Approved:	_____	Denied:	_____
Other:	_____	File:	_____

Susana Martinez
Governor



M. Jay Mitchell
Cabinet Secretary

David Ceballes
Deputy Cabinet Secretary

**DEPARTMENT OF HOMELAND SECURITY
AND EMERGENCY MANAGEMENT**

September 15, 2016

Gallup Fire Department
PO Box 1270
Gallup, NM 87305

Dear Jesus Morales,

The Department of Homeland Security and Emergency Management (DHSEM) has reviewed your grant application for the 2016 Emergency Management Performance Grant (EMPG Salaries & Benefits). We are pleased to announce the Federal Share of your award in the amount of \$21,750.00. The required Sub-Grantee Non-Federal Match for your award is \$21,750.00.

Your EMPG Award is authorized from Section 662 of the Post-Katrina Emergency Management Reform Act of 2006 and the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

Your Sub-Grant Agreement to follow is expected to be released for your review & acceptance by the end of September 2016. The EMPG Award Period of Performance Start Date is 7/1/2016 and the End Date is 6/30/2017.

Local and Tribal Sub-Grantees are required to submit timely quarterly financial and programmatic reports, specifics will be in your Sub-Grant Agreement. Invoices for payment must be submitted complete, accurately, and in accordance with the Sub-grant Agreement. Local and Tribal Sub-Grantees must also meet the specified requirements, assurances, special conditions & terms and conditions of the Sub-Grant Agreement.

Sincerely,

M. Jay Mitchell
DHSEM Cabinet Secretary

City of Gallup
Job Description

Job Title: Emergency Management Specialist

Department: FIRE

Reports To: Fire Chief/Fire Marshal

Classification:

FLSA Status: Non-exempt

Union Designation: None

MINIMUM REQUIRED QUALIFICATIONS:

- High School Diploma or Equivalent (GED).
- Valid State of New Mexico Driver's License.
- Must be able to work some evenings and /or weekends.
- Must be NIMS compliant.

PREFERRED QUALIFICATIONS:

- Experience in Fire Prevention and Fire Safety Education.
- Experience in Organizing and Teaching Public Safety Education.
- Experience in Emergency Management.
- Experience in Grant Writing.
- Knowledge in Incident Command System (ICS).
- Associates Degree in a Related Field.
- Emergency shelter management

OTHER CONDITIONS

Incident Command (IC) Classes to become compliant for current requirements for that given year; must successfully complete FEMA Professional Development Series within one year of hire and must successfully complete FEMA Advance Series within three years of hire and must become NM Certified through New Mexico Emergency Management Association within two years of hire;

SUMMARY DESCRIPTION:

Under the general direction and guidance of the Fire Chief / Fire Marshal, position involves administrative work to collaborate with other officials in the performance and direction of activities related to developing, planning, presenting, and coordinating emergency preparedness, provides public education in fire preparedness and prevention, including giving public presentations, demonstrations, before community groups, schools, and other organizations or institutions as assigned.

ESSENTIAL DUTIES AND RESPONSIBILITIES The list that follows is not intended as a comprehensive list; it is intended to provide a representative summary of the major duties and responsibilities. Incumbent may not be required to perform all duties, and may be required to perform additional position related tasks.

- Evaluates needs within the community, plans, organizes, develops and implements a variety of programs to increase public awareness in emergency management and preparedness.
- Coordinates the delivery of programs relating to emergency preparedness and prevention to the community.

- Researches policies and procedures and may assist in writing Standard Operating Procedures (SOP), Standard Operating Guidelines (SOG).
- Responsible for the maintenance and upkeep of the McKinley County / City of Gallup backup Emergency Operations Center (EOC); ensures all materials and supplies are available; maintains list of trained personnel that can be called upon should the EOC, Backup EOC and/or MCU be activated.
- Works closely and serves as the Point of Contact (POC) with other public safety agencies, city departments and other organizations within McKinley County to provide planning, exercise, and training thru technical assistance in regards to NIMS Compliance. Provides presentation and community outreach to policy and decisions makers and general public in regards to NIMS Compliant.
- Ensures that City meets and is in compliance with Presidential Directives 5 (PD-5) and Presidential Directives 8 (PD-8) as related to NIMS, and as adopted by Resolution No. APR-13-023 by McKinley County Board of Commissioners.
- Participates in the McKinley County Local Emergency Management Planning Committee (LEPC), New Mexico Association of Counties (NMAC) Fire and Emergency Management Affiliate, the New Mexico Emergency Managers Association (NMEMA) and other committees or groups as assigned.
- Assist with all emergency management exercises to ensure they are National Incident Management System (NIMS) and Homeland Security Exercise Evaluation Program (HSEEP) compliant. Responsible for data entry and data sharing of such exercises in the NEXS Program through Department of Homeland Security (DHS) and New Mexico Department of Homeland Security and Emergency Management (DHSEM) as required by the Emergency Management Performance Grant (EMPG).
- Assist the Office of Emergency Management to ensure that the revision, rewrite, and/or update of the Emergency Operations Plan (EOP) the Hazard Mitigation Plan (HMP), Incident Action Plans (IAP), Standard Operating Policies, Standard Operating Guidelines and future documents and plans incorporate NIMS and ICS Compliance. Also assist in the development and implementation of a COOP Plan for McKinley County and to update and enhance McKinley County THIRA Plan.
- Assist in the management of the day-to-day operational side of Department of Homeland Security Grants (DHS), Federal Emergency Management Agency Grants (FEMA), New Mexico Department of Homeland Security and Emergency Management (NMDHSEM) Grants and other related grants with other Federal & State agencies.
- Assist in the day-to-day operational side of the FEMA Federal Declarations Projects, including, but not limited to: budget, project management, working with contractors, oral and/or written communications with any and all Federal & State agencies.
- Assist Emergency Management as needed for projects, plans, grants, and exercises, etc.
- Will respond to disasters and emergency situations requiring additional resources.

- Will manage, stock, and ensure city sponsored emergency shelter is in continuous readiness operation.
- Performs other related duties as assigned.

KNOWLEDGE, SKILLS AND ABILITIES

Knowledge of:

- Public speaking and public relations techniques.
- Knowledge of the principles and practices of Emergency Management.
- Knowledge of grant writing, management and reporting processes.
- Knowledge of the organization and operations of local government agencies.
- Knowledge of City policies and procedures.
- Knowledge in Incident Command System (ICS) and how it pertains to Emergency Management.
- Skill in developing and maintaining hazard assessment plans.
- Skill in providing training on specified Emergency Management topics.
- Skill in operating a personal computer and software applications; including but not limited to Microsoft Office.
- Skill in following and effectively communicating verbal and written instructions.
- Skill in working independently or as a team member.
- Skill in communicating effectively, both orally and in writing.
- Skill in planning and implementing policies and procedures.
- Skill in establishing and maintaining effective working relationships with elected City officials, County staff and the general public.

Ability to:

- Establish effective working relationships with employees, other agencies, and the general public.
- Read and comprehend sometimes complex instruction, correspondence, training manuals, and rules.
- Conduct meetings and deliver training materials effectively.
- Use standard office equipment, including personal computers and software applications such Microsoft Word, Excel, and Power Point.

Physical:

The employee can expect at times to lift moderate weight up to (50lbs) and/or extreme physical activity at scene at any emergency operation.

Vision:

Specific vision, peripheral vision, depth perception, and the ability to adjust focus.

Hearing:

Moderate

SELECTION GUIDELINES:

Formal application, rating of education and experience; oral interview and reference check; job related tests may be required.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

This position description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the position change.

Approval: _____
Human Resources Director

Approval: _____
Department Head

Acknowledged: _____
Incumbent

Effective date: ____/____/____

Originated:
revision history

Discussion/Action Topic 3

**Budget Adjustment for Emergent Repairs of Water Mains at
Second Street Crossing and Alison Crossing**

Dennis Romero, Water and Sanitation Director



SUBJECT: Request to Approve Budget Adjustment for Emergent Repairs of Water Mains at 2nd Street Crossing and Allison Crossing
DEPT. OF ORIGIN: Water and Sanitation
DATE SUBMITTED: October 5, 2016
SUBMITTED BY: Dennis Romero, P.E., Director

Summary

During a September 14th break in the 16-inch water transmission line that feeds Grandview Tank, Utilities staff relayed to City Management that two 12-inch water transmission lines that could have aided in the delivery of water throughout the City during this event were unable to be used for this purpose due to the fact that they required repairs underneath two crossings. These lines were the 2nd Street Crossing at the BNSF Railway and the Ellison Crossing (Attachment 1). A proposal from NM Underground puts the cost of the 2nd Street Project at \$122,071.98, with Engineering Costs at \$23,000.27, and an Engineer's Opinion of Probable Construction Cost puts the Allison Project at \$334,700 (Attachments 2, 3 and 4). Due to the emergency nature of the 2nd Street Crossing, staff worked with the City Procurement Manager to obtain the services of New Mexico Underground to begin work on restoring this line. The Allison Crossing Project has gone out for bid via an expedited process, with bids closing on October 11th at 2:00PM (bid tab to be provided at October 11th Council Meeting). The Water and Sanitation Department requests to use funds from the Water Enterprise Fund to complete these projects. As of August 2016, the Fund has \$6,244,434.45 cash on hand and is estimated to have an end of fiscal year balance of \$5,181,091.85 without taking these expenditures into account.

Action requested to:

1. Budget adjustment / transfer from fund balance of approximately \$479,773 from Water Enterprise Fund to complete both projects;
2. Retroactive approval of Emergency Procurement for services of New Mexico Underground and DePauli Engineering to repair the 2nd Street Crossing; and
3. Approval of award of Allison Crossing Project to lowest qualified bidder for expedited bids closing at 2:00PM on October 11th

Fiscal Impact: Budget adjustment of approximately \$456,772 from Water Enterprise Fund to complete both projects

Reviewed By: _____

Patty Holland
Finance Department

Attachments: : (1) Map of Project Locations; (2) Cost Proposal for 2nd Street Crossing Project; (3) Engineering Cost Proposal for 2nd Street Crossing (4) Cost Estimate for Allison Crossing Project - Engineering and Construction

Legal Review:

Approved As To Form: _____

[Signature]
City Attorney

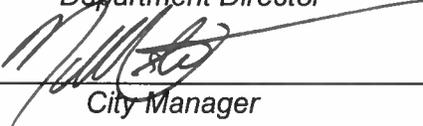
Recommendation: Recommend approval of requested actions

1. Budget adjustment / transfer from fund balance of approximately \$479,773 from Water Enterprise Fund to complete both projects;
2. Retroactive approval of Emergency Procurement for services of New Mexico Underground and DePauli Engineering to repair the 2nd Street Crossing; and
3. Approval of award of Allison Crossing Project to lowest qualified bidder for expedited bids closing at 2:00PM on October 11th

Approved for Submittal By:



Department Director



City Manager

CITY CLERK'S USE ONLY
COUNCIL ACTION TAKEN

Resolution No.	_____	Continued To:	_____
Ordinance No.	_____	Referred To:	_____
Approved:	_____	Denied:	_____
Other:	_____	File:	_____

**BID PROPOSAL
CITY OF GALLUP
EMERGENCY 2ND STREET
WATERLINE EXTENSIONS
Emergency Project No. JU1650
October, 2016**

NM UNDERGROUND UTILITIES, INC.

All:

The undersigned Bidder, in compliance with your invitation for bids for CITY OF GALLUP EMERGENCY 2ND STREET RAILWAY CROSSING, having examined the Plans, Specifications and related documents, sites and conditions of the proposed work and being fully advised as to the materials, supplies, equipment and labor required for the construction of the project, and the time and method of payment for work performed, hereby proposes to furnish all labor, materials and supplies, and to construct the project in accordance with terms of the contract documents, within the time set forth therein, for the prices stated below. The prices are to cover all expenses incurred in completing the work under contract.

The Bidder agrees to commence work under this contract on or before the date specified in a written "Notice to Proceed" issued by the Owner or his representatives and to fully complete the project within thirty (30) consecutive calendar days thereafter, including weather delays. The Bidder also agrees to meet other scheduling requirements of these contract documents

EMERGENCY 2ND STREET WATERLINE EXTENSIONS

ITEM	DESCRIPTION	ESTIMATED QUANTITY	UNIT PRICE	AMOUNT
1	For the installation of 24" O.D. 0.5" wall steel casing & 12" DIP CL 350 carrier waterline (L=140') for the Lump Sum Price of:	LS	\$ <u>64,015.⁰⁰</u>	\$ <u>64,015.⁰⁰</u>
2	For the installation of 12" D.I.P. CL350 with granular bedding & backfill complete and in place for the Unit Price per Linear Foot:	85 LF	\$ <u>89.⁰⁰</u>	\$ <u>7,565.⁰⁰</u>
3	For the installation of 12" AWWA resilient wedge gate valves with valve box complete and in place for the Unit Price per Each of:	2 EA.	\$ <u>3,372.⁰⁰</u>	\$ <u>6,744.⁰⁰</u>
4	For the installation of a tie-in including pipe cuts & removal, pipe drain, and pit dewatering; excluding fittings and valves for the Unit Price per Each of:	2 EA	\$ <u>1,510.⁰⁰</u>	\$ <u>3,020.⁰⁰</u>
5	For the installation of 3/4" water service line including: saddle corp-stop and up to 25' of line for the Unit Price per Each of:	4 EA	\$ <u>930.⁰⁰</u>	\$ <u>3,720.⁰⁰</u>
6	For the removal & replacement of asphalt 6" PMBP on 6" of base course complete & in place for the Unit Price per Square Yard of:	100 SY	\$ <u>79.⁰⁰</u>	\$ <u>7,900.⁰⁰</u>
7	For the removal & replacement of fire hydrant assemblies complete and in place including valve, valve can, and up to 25' of 6" CL 350 ductile iron pipe for the Unit Price per Each of:	1 EA.	\$ <u>5,612.⁰⁰</u>	\$ <u>5,612.⁰⁰</u>
8	For Traffic Control plan, implementation and maintenance for HWY NM 118, 610 and BNSF Railway. Including, but not limited to NMDOT Work Permit and coordination/access to Railway ROW for the Lump Sum Price of:	LS	\$ <u>5,040.⁰⁰</u>	\$ <u>5,040.⁰⁰</u>

EMERGENCY 2ND STREET WATERLINE EXTENSIONS

ITEM	DESCRIPTION	ESTIMATED QUANTITY	UNIT PRICE	AMOUNT
9	For quaility testing by independent testing lab (This is an estimated amount to be used for totaling bid). Actual amount paid will be invoice cost.	Allowance	\$ 2,000. ⁰⁰	\$ 2,000. ⁰⁰
10	For the installation of compact ductile iron waterline fittings and appurtenances, complete and in place for the Unit Price per Pound of fittings used:	1050 LB	\$ 6. ⁷⁵	\$ 7,087. ⁵⁰

SUBTOTAL: \$ 112,703.⁵⁰

Tax @ 8.3125%: \$ 9,368.⁴⁸

TOTAL: \$ 122,071.⁹⁸

The undersigned Bidder understands that the Owner reserves the right to reject any or all bids and to waive any informalities in the bidding.

The undersigned Bidder agrees to enter into a contract for completion of the project within fifteen (15) days from the date of acceptance of this proposal. Upon receipt of written notice of acceptance of his bid, Bidder will execute the formal contract documents attached within fifteen (15) days & deliver the Surety Bond as required.

The Bid Bond attached hereto is to become the property of the Owner in the event the Contract and Bond are not executed within the time above set forth, as liquidated damages for the delay and expense incurred by the Owner

RECEIPT OF THE FOLLOWING ADDENDA NO'S IS HEREBY ACKNOWLEDGED:

Addendum No. 1: _____ Date: _____

Addendum No. 2: _____ Date: _____

NM UNDERGROUND UTILITIES, INC.

Company Name: _____

RESPECTFULLY SUBMITTED:

Signature: _____

Printed Name: _____

Title _____

Business Address _____

6201 INDUSTRY WAY SE

ALBU, NM 87205

City State Zip Code

Casey.thompson@nmunderground.com
e-mail address

CONTRACTOR'S LICENSE NO. & CLASSIFICATION

384433, GA-98, GB-98, GF-98, MM-98

NEW MEXICO CONTRACTOR'S RESIDENT BIDDER'S PREFERENCE NO.

LO925544400

NEW MEXICO DEPARTMENT OF WORKFORCE SOLUTIONS NO.

1749120150318



Phone: 505-863-5440 • Fax: 505-863-1919 • www.depauliengineering.com

307 South 4th Street • Gallup, NM 87301

PO BOX 876 • Gallup, NM 87305

October 3, 2016

Dennis Romero, PE
Water, Waste Water & Sanitation Director
City of Gallup
P.O. Box 1270
Gallup, NM 87305

Re: 2nd Street Crossing B.N.S.F. Railway – 12” Waterline

Dear Dennis,

Thank you for your recent request for professional services for the subject project. Our scope of work and accompanying fee estimate are as follows:

Scope of Work:

Provide Engineering, design and construction management services for 2nd Street Crossing B.N.S.F. Railway with a new 12” diameter waterline and steel casing.

Fee Estimate:

Principal PE/PS	20 hours @ \$175.00	\$3,500.00
Engineer PE	40 hours @ \$125.00	\$5,000.00
Engineer EIT	72 hours @ \$85.00	\$6,120.00
Survey Staking Crew	12 hours @ \$180.00	\$2,160.00
Administrative Assistant	52 hours @ \$85.00	<u>\$4,420.00</u>

Subtotal: \$21,200

65 mi @ \$0.54: \$35.10

Subtotal: \$21,235.10

NMGRT @ 8.3125%: \$1,765.17

TOTAL: \$23,000.27

The work shall be performed under our Minor Services Contract with the City of Gallup, NM. We are prepared to begin work immediately. If you have any questions, please feel free to contact me.

Sincerely,

Marc DePauli, PE/PS
MDP/dmtm

cc: Gary Munn, Chief Engineer, City of Gallup
Ernest Thompson, Water & Wastewater Superintendent, City of Gallup

DePauli Engineering & Surveying, LLC
 307 S. 4th Street
 Gallup, NM 87301

Cost Estimate

City of Gallup
 12" Transmission Main
 Santa Fe Pump Station to Well #10 (Eilson Drive) Projection)
 Parallel with Railroad (No Railroad Crossing or US 66 Crossing)
 September 19, 2016

ITEM	DESCRIPTION	ESTIMATED QUANTITY		UNIT PRICE	AMOUNT
1	12" PVC C-900	3200	LF	\$ 50.00	\$ 160,000.00
2	Railway Clearing and Coordination	1	LS	\$ 9,000.00	\$ 9,000.00
3	12" Gate Valves	2	EA	\$ 5,000.00	\$ 10,000.00
4	Fire Hydrant Assembly	2	EA	\$ 5,000.00	\$ 10,000.00
5	Air Release Valve Assembly	1	EA	\$ 7,500.00	\$ 7,500.00
6	Tie-In	1	EA	\$ 5,000.00	\$ 5,000.00
7	Gravel Surfacing	1500	SY	\$ 30.00	\$ 45,000.00
9	Traffic Control	1	LS	\$ 5,000.00	\$ 5,000.00
10	Material Testing QA/QC	1	LS	\$ 6,000.00	\$ 6,000.00

Subtotal: \$ 257,500.00

NMGR 8.3125%: \$ 21,404.69

Total Construction Cost: \$ 278,904.69

Engineering Design and Construction Management: \$ 55,780.94

Total Project Cost: \$ 334,685.63

Discussion/Action Topic 4

**Appointment of Alexandra Griego
to the Lodgers Tax Committee**

Mayor Jackie McKinney

(Backup documentation will be provided prior to the meeting)

Discussion/Action Topic 5

**Professional Service (Engineering) Award for
Community Development Block Grant**

Stan Henderson, Public Works Director



SUBJECT: Professional Services (Engineering) Award For
Community Development Block Grant

DEPT. OF ORIGIN: PW/City Engineering

DATE SUBMITTED: 5 October 2016

SUBMITTED BY: Stanley Henderson, Public Works Director

Summary: Attached for the City Council's consideration and approval is a professional services proposal from DePauli Engineering and Surveying (DES) of Gallup, NM. Said services are for the grant administration, environmental clearance, and engineering design of Vista Avenue using CDBG funds.

Staff solicited a "request for proposals" (RFP) for the subject services at the end of the prior fiscal year. See enclosure (1) for the RFP.

RFPs were subsequently reviewed by Staff. There was only the one proposal from DES. Upon review, Staff considered DES' proposal to be a fair and reasonable offer. See enclosure (2) for the RFP Evaluation Committee's recommendation.

Fiscal Impact:

Reviewed By: _____

Patty Holland
Finance Department

DES' proposal is for \$89,559.55 per enclosure (3). Project is identified in the 2016-2017 City's Community Improvement Plan as part of the City's CDBG grant (including matching funds), and the work will be funded from the same.

See enclosure (4) for the current project budget estimate. As now estimated, the project budget is short +\$201,000.00 on the bottom line. However, it is a conceptual estimate that will be refined repeatedly as the project moves forward. The final cost estimate will be developed at a later date with the final plans and specifications.

Last, project construction is planned for the next fiscal year in the July – October timeframe. If necessary, budget adjustment can be part of the 2017-2018 Community Improvement Plan.

- Enclosures:** (1) RFP #2015/2016/12/P dtd 7 May 2016
(2) RFP Evaluation Committee's recommendation dtd 21 July 2016
(3) DES's cost proposal dtd 19 May 2016
(4) Project Budget Estimate dtd 5 Oct 16

Legal Review:

Approved As To Form: _____

[Signature]
City Attorney

Recommendation: Approve the attached proposal for project professional services from DePauli Engineering and Surveying for \$89,559.55 including NMGRS.

Approved For Submittal By:

VIR *Staley Henderson*

Department Director

[Signature]

City Manager

CITY CLERK'S USE ONLY
COUNCIL ACTION TAKEN

Resolution No. _____ Continued To: _____

Ordinance No. _____ Referred To: _____

Approved: _____ Denied _____

Other: _____ File: _____

REQUEST FOR PROPOSALS
ADMINISTRATIVE SERVICES AND
DESIGN PROFESSIONAL SERVICES

RFP No. 2015/2016/12/P

Packet No. _____



Project Name: Sky City IV
Contracting Agency: City of Gallup
Address: 110 W. Aztec
Gallup, NM 87301
Telephone: 505-863-1334
Date: May 7, 2016
Purchasing Director: Frances Rodriguez
Funding Type: CDBG

This form was prepared by Local Government Division of the Department of Finance, and is endorsed by the Professional Technical Advisory Board (PTAB which is comprised of the American Council of Engineering Companies New Mexico, New Mexico Society of Professional Engineers, American Institute of Architects New Mexico Chapter, New Mexico Professional Surveyors, and American Society of Landscape Architects New Mexico Chapter), Local Government Division, Department of Finance and Administration, Rural Utility Service, US Department of Agriculture, New Mexico Environmental Department, and New Mexico Finance Authority.

Enclosure (1)

NOTICE OF REQUEST FOR PROPOSALS

Qualifications-based competitive sealed proposals for administrative and design professional services will be received by the Contracting Agency, City of Gallup for RFP No. 2015/2016/12/P.

The Contracting Agency is requesting proposals for professional

- | | |
|---|---|
| <input type="checkbox"/> architectural services | <input checked="" type="checkbox"/> planning services |
| <input type="checkbox"/> surveying services | <input checked="" type="checkbox"/> engineering services |
| <input checked="" type="checkbox"/> CDBG Management & Administrative Professional Services | <input type="checkbox"/> landscape architectural services |

for: Sky City IV; Vista Avenue; Gallup, New Mexico

Project No. 15-C-NR-I-01-G-15

Proposals will be received at City of Gallup Purchasing Department; 110 West Aztec Avenue, Gallup NM 87301 until **May 20, 2016, 2:00 pm (local time)**.

Copies of the Request for Proposals can be obtained in person at the office of City of Gallup Purchasing Department at 110 W. Aztec Avenue, Gallup NM 87301 or will be mailed or emailed upon request to Frances Rodriguez, Purchasing Director at (505) 863-1334 or email frodriquez@gallupnm.gov. Copies of RFP may also be accessed at www.gallupnm.gov/bids.

A Pre-Proposal Conference will **will not be held**.

PURCHASING AGENT:

Frances Rodriguez

Date: 5/7/2016

(for Contracting Agency's Use Only)

Newspaper: <u>Gallup Independent</u>	Publish: <u>5/7/16</u>	P.O. No. <u>N/A</u>
Newspaper: <u>Albuquerque Journal</u>	Publish: <u>5/9/16</u>	P.O. No. <u>F75486</u>
Newspaper: _____	Publish: _____	P.O. No. _____

[Note: This Notice is issued pursuant to the requirements of § 13-1-104 NMSA 1978 and must be published not less that 10 calendar days prior to the date set for the receipt of proposals (§ 13-1-113) and published in a newspaper of general circulation in the area.]

DESIGN PROFESSIONAL SERVICES REQUEST FOR PROPOSALS

1. PROJECT DESCRIPTION

Sky City Phase IV – Vista Avenue in a US Housing & Urban Development (HUD) Public Housing area within the Northside Community in Gallup, NM. Latitude – 35.539711 Longitude – 108.7421601

Phase IV of the Sky City Project will include approximately:

- 2,333 square yards of street reconstruction
- 700 square yards of new asphalt along with 700 square yards of Type II base course
- 950 linear feet of curb & gutter
- 615 square yards of new concrete sidewalks
- 110 square yards of new concrete handicapped ramps
- 360 linear feet of 3' high retaining walls and 100 linear feet of 6' high retaining walls, and
- 570 linear feet of 8" both water and sewer lines along with 300 linear feet of water service lines

Preliminary Design Documents have been completed and will be made available to the successful bidder. Final construction documents shall include replacement of deteriorated concrete, curb, gutter, sidewalks, and parking stalls all to comply with Americans with Disabilities Act (ADA) standards. There is also a requirement for retaining walls and stairways servicing the adjacent Public Housing Facilities. Existing water and sewer lines will also be replaced requiring design of these two utilities. Professional services also will include environmental documents, grant administration, on-site construction management, inspection and project certification.

2. SCOPE OF WORK

The Offeror shall perform the following design professional services:

2.1 Provide standard **Basic Design Services**, consisting of:

Architects/Landscape Architects

- Programming Phase
- Schematic Phase
- Design Development Phase
- Construction Documents Phase
- Bidding and Negotiations Phase
- Construction Administration Phase
- Post-Construction Phase

Surveyors

- Property Boundary Survey
- Topographic Survey
- Easement Survey
- Right-of-Way Survey
- Inspection Report

Additional Services

- Environmental Documentation**
- Permitting
- Grant Administration**
- Right of Way Acquisition

Engineers

- Study and Report Phase (PER)
- Preliminary Design Phase
- Final Design Phase**
- Bidding and Negotiations Phase**
- Construction Phase**
- Operational Phase

Planning Studies

- Comprehensive Plan
- Strategic (i.e. issue specific) Plan
- Mapping and/or Zoning
- Other Planning Tasks

2.2 Periodic or **Full-time on-site observation during construction.**

2.3 Other (list):

INSTRUCTIONS TO OFFERORS

1. DEFINITIONS AND TERMS

- 1.1. **Addendum:** a written or graphic instrument issued prior to the opening of Proposals, which clarifies, corrects, or changes the Request for Proposals. Plural: addenda.
- 1.2. **Consultant:** means the Successful Offeror awarded the Agreement/Contract.
- 1.3. **Determination:** means the written documentation of a decision of the procurement officer including findings of fact required to support a decision. A determination becomes part of the procurement file to which it pertains (§ 13-1-52 NMSA 1978).
- 1.4. **Offeror:** any person, corporation, or partnership legally licensed to provide design professional services in this state who chooses to submit a proposal in response to this Request for Proposals.
- 1.5. **Procurement Manager:** means the person or designee authorized by the Contracting Agency to manage or administer a procurement requiring the evaluation of proposals.
- 1.6. **Request for Proposals:** or "RFP" means all documents, including those attached or incorporated by reference, used for soliciting proposals (§ 13-1-81 NMSA 1978).
- 1.7. **Responsible Offeror of Proposer:** means an offeror or proposer who submits a responsive proposal and who has furnished, when required, information and data to prove that the proposer's financial resources, production or service facilities, personnel, service reputation and experience are adequate to make satisfactory delivery of the services described in the proposal (§ 13-1-83 NMSA 1978).
- 1.8. **Responsive Offer or Proposal:** means an offer or proposal that 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 (§ 13-1-85 NMSA 1978).
- 1.9. The terms **must, shall, will, is required, or are required,** identify a mandatory item or factor that will result in the rejection of the offeror's proposal.
- 1.10. The terms can, may, should, preferably, or prefers identify a desirable or discretionary item or factor.

2. REQUEST FOR PROPOSAL DOCUMENTS

- 2.1. COPIES OF REQUEST FOR PROPOSALS
 - A. A complete set of the Request for Proposals may be obtained from the Contracting Agent.
 - B. A complete set of the Request for Proposals shall be used in preparing proposals; the Contracting Agency assumes no responsibility for errors or misinterpretations resulting from the use of an incomplete set of the request for Proposals.
 - C. The Contracting Agency in making copies of Request for Proposals available on the above terms, does so only for the purpose of obtaining proposals on the Project and does not confer a license or grant for any other use.
 - D. A copy of the RFP shall be made available for public inspection and shall be posted at the Administration Building of the Contracting Agency.
- 2.2. INTERPRETATIONS
 - A. All questions about the meaning or intent of the Request for Proposals shall be submitted to the Procurement Manager of the Contracting Agency in writing. Replies will be issued by Addenda mailed or delivered to all parties recorded by the Contracting Agency as having received the Request for Proposals. Questions received less than five days prior to the date for opening of proposals will not be answered. Only questions answered by formal written addenda will be binding. Oral and other interpretations or clarifications will be without legal effect.
 - B. Offerors should promptly notify the Contracting Agency of any ambiguity, inconsistency, or error, which they may discover upon examination of the Request for Proposals.
- 2.3. ADDENDA
 - A. Addenda will be mailed by certified mail with return receipt requested, by facsimile or hand delivered to all who are known by the Contracting Agency to have received a complete set of Request for Proposals.
 - B. Copies of Addenda will be made available for inspection wherever Requests for Proposals are on file for that purpose.

- C. No Addenda will be issued later than 5 days prior to the date for receipt of Proposals, except an Addendum withdrawing the Request for Proposals or one, which includes postponement of the date for receipt of Proposals.
- D. Each Offeror shall ascertain, prior to submitting the Proposal, that the Offeror has received all Addenda issued and shall acknowledge their receipt in the Proposal transmittal letter.

3. PROPOSAL SUBMITTAL PROCEDURES

- 3.1. NUMBER, FORM AND STYLE OF PROPOSALS
 - A. Offerors shall provide **Four (4); one (1) original and three (3)** copies of their proposal to the location specified on Page 2 on or before the closing date and time for receipt of proposals.
 - B. All proposals must be typewritten on standard 8 1/2" x 11" paper and bound on the left-hand margin.
 - C. A maximum of **25** pages, not including front and back covers, cover letter, table of contents, and Campaign Contribution Disclosure Form.
 - D. The proposal must be organized in the following format and must contain, as a minimum, all listed items in the sequence indicated:
 - 1) Letter of Transmittal, if any;
 - 2) Response to Specialized Design and Technical Competence;
 - 3) Response to Capacity and Capability;
 - 4) Response to Past Record of Performance;
 - 5) Reponse to Familiarity with the Contracting Agency;
 - 6) Response to Work to be done in New Mexico (does not apply);
 - 7) Reponse to Current Volume of Work with the Contracting Agency not 75% Complete;
 - 8) List of Subconsultants;
 - 9) Campaign Contribution Disclosure form;
 - 10) Other supporting or resource material
 - E. Any proposal that does not adhere to this format, and which does not address each specification and requirement within the RFP may be deemed non-responsive and rejected on that basis.
 - F. Offerors may request in writing nondisclosure of confidential data. Such data should accompany the proposal and should be

readily separable from the proposal in order to facilitate eventual public inspection of the non-confidential portion of the proposal. A request that states that the entire proposal be kept confidential will not be acceptable. Only matters, which clearly are of a confidential nature, will be considered.

- G. 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.

3.2. SUBCONSULTANTS

- A. The Offeror shall list and state the qualifications for each Sub-consultant the Offeror proposes to use for all subcontracted Work.
- B. The Offeror is specifically advised that any person or other party to whom it is proposed to award a subcontract under this proposal, must be acceptable to the Contracting Agency after verification by the Contracting Agency of the current eligibility status, including but not limited to suspension or debarment by the Contracting Agency.

3.3. PREQUALIFICATION PROCESS

A business may be pre-qualified by the Purchasing Agent as an Offeror for particular types of service. Mailing lists of potential Offerors shall include but shall not be limited to such pre-qualified businesses (§ 13-1-134 NMSA 1978). For purposes of this RFP, if pre-qualification is utilized, special instructions will be attached as an exhibit to this RFP.

3.4. DEBARRED OR SUSPENDED CONTRACTORS

A business (contractor, subcontractor or supplier) that has either been debarred or suspended pursuant to the requirements of § 13-1-177 through § 13-1-180, and § 13-3-11 through § 13-4-17 NMSA 1978 as amended, shall not be permitted to do business with the Contracting Agency and shall not be considered for award of the contract during the period for which it is debarred or suspended with the Contracting Agency.

3.5. SUBMITTAL OF PROPOSALS

- A. Proposals shall be submitted at the time and place indicated in the Notice of Request for Proposals and shall be included in an opaque sealed envelope marked with the Project title and name and address of the Offeror and accompanied by the documents listed in the Request for Proposal.
- B. The envelope shall be addressed to the Purchasing Agent/Procurement Officer of

the Contracting Agency. The following information shall be provided on the front lower left corner of the Bid envelope: Project Title, Project No., Request for Proposals number, date of opening, and time of opening. If the Proposal is sent by mail, the sealed envelope shall have the notation "SEALED PROPOSAL ENCLOSED" on the face thereof.

- C. Proposals received after the date and time for receipt of Proposals will be returned unopened.
- D. The Offeror shall assume full responsibility for timely delivery of proposals at the Purchasing Agent's office, including those proposals submitted by mail. Hand-delivered proposals shall be submitted to the Purchasing Agent or the Purchasing Agent's designee and will be clocked in/time stamped at the time received, which must be prior to the time specified.
- E. After the date established for receipt of proposals, a register of proposals will be prepared which includes the name of each Offeror, a description sufficient to identify the service, the names and addresses of the required witnesses, and such other information as may be specified by the Purchasing Agent.
- F. Oral, telephonic, or telegraphic proposals are invalid and will not receive consideration.

3.6. CORRECTION OR WITHDRAWAL OF PROPOSALS

- A. A Proposal containing a mistake discovered before proposal opening may be modified or withdrawn by an Offeror prior to the time set for proposal opening by delivering written or telegraphic notice to the location designated in the Request for Proposals as the place where Proposals are to be received.
- B. Withdrawn Proposals may be resubmitted up to the time and date designated for the receipt of Proposals, provided they are then fully in conformance with the Request for Proposals.

3.7. NOTICE OF CONTRACT REQUIREMENTS BINDING ON OFFEROR

- A. In submitting this proposal, the Offeror represents that the Offeror has familiarized himself with the nature and extent of the Request for Proposals dealing with federal, state and local requirements, which are a part of these Request for Proposals.
- B. Laws and Regulations: The Offerors' attention is directed to all applicable federal

and state laws, local ordinances and regulations and the rules and regulations of all authorities having jurisdiction over the services of the Project.

3.8. REJECTION OR CANCELLATION OF PROPOSALS

This Request for Proposals may be canceled, or any or all proposals may be rejected in whole or in part, when it is in the best interest of the Contracting Agency. A determination containing the reasons therefore shall be made part of the project file (§13-1-131 NMSA 1978).

4. CONSIDERATION OF PROPOSALS

4.1. RECEIPT, OPENING AND RECORDING

- A. Proposals received on time will be opened publicly or in the presence of one or more witnesses and the name of the Offeror and address will be read aloud.
- B. The names of all businesses submitting proposals and the names of all businesses, if any, selected for interview shall be public information. After an award has been made, final ranking and evaluation scores for all proposals shall become public information. (§13-1-120 NMSA 1978). The contents of any proposal shall not be disclosed so as to be available to competing Offerors during the negotiation process (§ 13-1-116 NMSA 1978).

4.2. PROPOSAL EVALUATION

- A. Proposals shall be evaluated on the basis of demonstrated competence and qualifications for the type of service required, and shall be based on the evaluation factors set forth in this RFP. For the purpose of conducting discussions, proposals may initially be classified as:
 - 1) Acceptable,
 - 2) Potentially acceptable, that is, reasonably assured of being made acceptable, or
 - 3) Unacceptable (Offerors whose proposals are unacceptable shall be notified promptly).
- B. The Contracting Agency shall have the right to waive technical irregularities in the form of the Proposal of the Offeror, which do not alter the quality or quantity of the services (§ 13-1-132 NMSA 1978).
- C. If an Offeror who otherwise would have been awarded a contract is found not to be a responsible Offeror; a Determination that the Offeror is not a responsible Offeror, setting forth the basis of the finding, shall

be prepared by the Purchasing Agent/Procurement Manager. The unreasonable failure of the Offeror to promptly supply information in connection with an inquiry with respect to responsibility is grounds for a determination that the Offeror is not a responsible Offeror (§ 13-1-133 NMSA 1978). Businesses, which have not been selected, shall be so notified in writing within twenty-one days after an award is made (§ 13-1-12- NMSA 1978).

D. Selection Process: (§ 13-1-120 NMSA 1978).

- 1) An evaluation committee composed of representatives selected by the Contracting Agency will perform an evaluation of proposals. The committee shall evaluate statements of qualifications and performance data submitted by at least three businesses in regard to the particular project and may conduct interviews with and may require public presentation by all businesses applying for selection regarding their qualifications, their approach to the project and their ability to furnish the required services.
- 2) If fewer than three businesses have submitted a statement of qualifications for a particular project, the committee may:
 - a) Rank in order of qualifications and submit to the local governing body for award those businesses which have submitted a statement of qualifications; or
 - b) Recommend termination of the selection process and sending out of new notices of the proposed procurement pursuant to § 13-1-104 NMSA 1978.

4.3. NEGOTIATIONS (§13-1-122 NMSA 1978)

- A. The Contracting Agency's designee shall negotiate a contract with the highest qualified business for the services contemplated under this RFP at compensation determined in writing to be fair and reasonable. In making this decision, the designee shall take into account the estimated value of the services to be rendered and the scope, complexity and professional nature of the services.
- B. Should the designee be unable to negotiate a satisfactory contract with the business considered to be the most qualified at a price determined to be fair and reasonable, negotiations with that business shall be formally terminated. The designee shall then undertake negotiations with the second

most qualified business. Failing accord with the second most qualified business, the designee shall formally terminate negotiations with that business.

- C. The designee shall then undertake negotiations with the third most qualified business.
- D. Should the designee be unable to negotiate a contract with any of the businesses selected by the committee, additional businesses shall be ranked in order of their qualifications and the designee shall continue negotiations in accordance with this section until a contract is signed with a qualified business or the procurement process is terminated and a new request for proposals is initiated.
- E. The Contracting Agency shall publicly announce the business selected for award.

4.4. NOTICE OF AWARD

After award by the local governing body, a written notice of award shall be issued by the Contracting Agency after review and approval of the Proposal and related documents by the Contracting Agency with reasonable promptness (§ 13-1-100 and § 13-1-108 NMSA 1978).

5. POST-PROPOSAL INFORMATION

5.1. PROTESTS

- A. Any Offeror who is aggrieved in connection with a solicitation or award of a Agreement may protest to the Contracting Agency's Purchasing Agent and the Chief Administrator/Clerk in accordance with the requirements of the Contracting Agency's Procurement Regulations and the state Procurement Code. The protest should be made in writing within 24 hours after the facts or occurrences giving rise thereto, but in no case later than 15 calendar days after the facts or occurrences giving rise thereto (§ 13-1-172 NMSA 1978).
- B. In the event of a timely protest under this section, the Purchasing Agent and the Contracting Agency shall not proceed further with the procurement unless the Purchasing Agent makes a determination that the award of Agreement is necessary to protect substantial interests of the Contracting Agency (§ 13-1-173 NMSA 1978).
- C. The Purchasing Agent or the Purchasing Agent's designee shall have the authority to take any action reasonably necessary to resolve a protest of an aggrieved Offeror concerning procurement. This authority shall be exercised in accordance with

adopted regulations, but shall not include the authority to award money damages or attorneys' fees (§ 13-1-174 NMSA 1978).

- D. The Purchasing Agent or the Purchasing Agent's designee shall promptly issue a determination relating to the protest. The determination shall:
 - 1) State the reasons for the action taken; and
 - 2) Inform the protestant of the right to judicial review of the determination pursuant to § 13-1-183 NMSA 1978
- E. A copy of the determination issued under § 13-1-175 NMSA 1978 shall immediately be mailed to the protestant and other Offerors involved in the procurement (§ 13-1-176 NMSA 1979).

5.2. EXECUTION AND APPROVAL OF AGREEMENT

The Agreement shall be signed by the Successful Offeror and returned within an agreed time frame after the date of the Notice of Award. No

Agreement shall be effective until it has been fully executed by all of the parties thereto.

5.3. NOTICE TO PROCEED

The Contracting Agency will issue a written Notice to Proceed to the Consultant.

5.4. OFFEROR'S QUALIFICATION STATEMENT

Offeror to whom award of a Agreement is under consideration shall submit, upon request, information and data to prove that their financial resources, production or service facilities, personnel, and service reputation and experience are adequate to make satisfactory delivery of the services described in the Request for Proposals (§ 13-1-82 NMSA 1978).

6. CAMPAIGN CONTRIBUTION DISCLOSURE FORM (Exhibit A)

The Offeror shall submit, with this proposal, the signed Campaign Contribution Disclosure Form with the name(s) of applicable public official(s) filled in on the form.

GENERAL TERMS AND CONDITIONS

1. GOVERNING LAW

The Agreement shall be governed exclusively by the laws of the State of New Mexico as the same from time to time exists.

2. INDEPENDENT CONTRACTORS

The Consultant (design professionals) and the Consultant's agents and employees are independent Contractors and are not employees of the Contracting Agency. The Consultant and Consultant's agents and employees shall not accrue leave, retirement, insurance, bonding, use of Contracting Agency vehicles or any other benefits afforded to employees of the Contracting Agency as a result of the Agreement.

3. BRIBES, GRATUITIES AND KICK-BACKS

Pursuant to §13-1-191 NMSA 1978, reference is hereby made to the criminal laws of New Mexico (including § 30-14-1, § 30-24-2, and § 30-41-1 through § 30-41-3 NMSA 1978) which prohibits bribes, kickbacks, and gratuities, violation of which constitutes a felony. further, the Procurement Code (§ 13-1-28 through § 13-1-199 NMSA 1978) imposes civil and criminal penalties for its violation.

4. STANDARD FORM OF AGREEMENT BETWEEN CONTRACTING AGENCY AND CONSULTANT (Design Professional)

The form of agreement required by the funding agency or issued by the Contracting Agency will be used for this project. Copies are available and may be reviewed upon request.

5. FEES

A lump sum fixed fee for Basic Service will be negotiated with the Offeror selected.

Additional Services may also be negotiated with the Offeror selected.

6. FUNDING

This solicitation is subject to the availability of funds to accomplish the work.

7. DESIGN PROFESSIONAL REGISTRATION

All work shall be under the direction of the applicable design professional legally licensed and registered by the state.

8. PROFESSIONAL LIABILITY INSURANCE

The Offeror will will not be required to carry professional liability (errors and omissions) insurance. If required to carry such insurance, the amount of coverage will be **\$1,000,000**.

Note to Owner Regarding Evaluation Criteria

The Request for Proposal must include each of the following Evaluation Criteria* as required by statute (§ 13-1-120.B NMSA 1978). Each proposal submitted must address the required Evaluation Criteria. Based on the complexity of the project, the Owner may add additional items to be evaluated. The Owner must assign a weight factor to each of the Evaluation Criteria (page 11) to communicate to Offerors the relative importance of each.

EVALUATION CRITERIA:

1. Specialized Design and Technical Competence*

Specialized design and technical competence of the business, including a joint venture or association, regarding the type of services required.

2. Capacity and Capability*

Capacity and capability of the business, including any consultants, their representatives, qualifications and locations, to perform the work, including any specialized services, within the time limitations.

3. Past Record of Performance*

Past record of performance on contracts with government agencies or private industry with respect to such factors as control of costs, quality of work and ability to meet schedules.

4. Familiarity with the Contracting Agency*

Proximity to or familiarity with the area in which the project is located.

5. Work to be Done in New Mexico*

The amount of design work that will be produced by a New Mexico business within this state. *Note: Not allowed for federally funded projects.*

6. Current Volume of Work with the Contracting Agency Not 75% Complete*

The volume of work previously done for the entity requesting proposals which is not seventy-five percent complete with respect to basic professional design services [through bidding phase], with the objective of effecting an equitable distribution of contracts among qualified businesses and of assuring the interest of the public in having available a substantial number of qualified businesses is protected; however, that the principal of selection of the most highly qualified business is not violated.

Firm should indicate the volume of work they currently have underway with the Contracting Agency that is less than 75 percent complete. The purpose of this criteria is to help distribute projects among qualified firms. An example of how points can be assigned is provided below:

Value of work not yet completed on projects that are not 75% Complete	(Example) Points to be allowed for this item
None	5
\$1 to \$ 25,000	4
25,001 to 50,000	3
50,001 to 75,000	2
75,001 to 100,000	1
100,001 or more	0

7. Other Contracting Agency Criteria

The Owner may add additional elements to be evaluated, such as Public Involvement Experience, and assign points according to their importance. *Note: Price **cannot** be a factor.*

EVALUATION CRITERIA

EVALUATION CRITERIA AND POINT VALUES

OFFERORS:

Proposal must address each of the following criteria. Each proposal may be awarded points up to the amount listed.

RATING SHEET FOR: Applicant _____		
ITEM	POSSIBLE POINTS	SCORE
PLANNING & DESIGN SERVICES		
1. Specialized Design and Technical Competence*	<u>30</u>	
2. Capacity and Capability*	<u>30</u>	
3. Past Record of Performance*	<u>25</u>	
4. Familiarity with the Contracting Agency *	<u>10</u>	
5. Work to be Done in New Mexico* <i>Note: Not allowed for federally funded projects.</i>	<u>0</u>	
6. Current Volume of Work with the Contracting Agency Not 75% Complete*	<u>5</u>	
7. Other Contracting Agent Criteria (if desired)	<u>0</u>	
SUBTOTAL (total possible points for Planning & Design Services)	<u>100</u>	

**Items required by statute (§ 13-1-120.B NMSA 1978).*

Points for preference cannot be awarded if the project/contract involves federal funds.

RATING SHEET (CONTINUED) FOR: Applicant _____		
ITEM	POSSIBLE POINTS	SCORE
CONSTRUCTION SERVICES		
1. Specialized construction management experience.	<u>20</u>	
Specialized experience with start up assistance to the Owner of new facilities.	<u>15</u>	
3. Capacity and capability of the consultant to perform the work within the Owner's timeframe.	<u>15</u>	
4. History of past performance on the three similar projects described in Specialized Design and Technical Competence (Page 11, number 1), including the record of bid amount versus final close out contract amount.	<u>10</u>	
5. History of claims on three similar construction projects and their resolution. The consultant should detail their claims avoidance approach and construction management philosophy.	<u>10</u>	
6. Other	<u>0</u>	
7. Other	<u>0</u>	
SUBTOTAL CONSTRUCTION SERVICES (total possible points for Construction Services)	<u>70</u>	
TOTAL SCORE (total possible points)	<u>170</u>	

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): Mayor: **Jackie McKinney; Council Members: Linda Garcia, Allan Landovazo, Yogash Kumar, Fran Polochak.**

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) _____

(The above fields are unlimited in size. However, add additional pages if necessary.)

--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)



City Purchasing Division
Frances Rodriguez, Director

ADMINISTRATIVE SERVICES AND DESIGN PROFESSIONAL SERVICES
SKY CITY IV PROJECT
CDBG PROJECT NO. 15-C-NR-I-01-G-15
CITY OF GALLUP RFP NO. 2015/2016/12/P

Committee Members: Stan Henderson, Alicia Santiago, Rusty Swatzell

The committee met on July 8, 2016 to score proposals using criteria developed and included in RFP 2015/2016/12/P. Evaluations were based solely on written proposal(s) received whereas committee members were also given an opportunity to ask offerors any additional questions if so desired. No further questions or information was requested by committee members.

There was only one (1) proposal received:

- DePauli Engineering & Surveying, LLC
307 S. 4th Street
Gallup, NM 87301

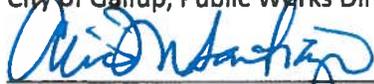
The following are average scores given to offeror per the criterion within the RFP:

A. CONSTRUCTION SERVICES (70 POINTS)	<u>POINTS</u>
1) Specialized construction management experience (20):	18
2) Specialized experience with start-up assistance to the Owner of new facilities (15):	13.67
3) Capacity and capability of the consultant to perform the work within the Owner's timeframe (15):	11.33
4) History of past performance on the three similar projects Described in Specialized Design and Technical Competence Including record of bid amount versus final close out contract amount (10):	9.33
5) History of claims on three similar construction projects and their resolution. The consultant should detail their claims avoidance approach and construction management philosophy (10):	<u>9.33</u>
SUBOTAL CONSTRUCTION SERVICES (70)	61.66

B. PLANNING & DESIGN SERVICES (100 POINTS)	<u>POINTS</u>
1) Specialized Design and Technical Competence (30):	26
2) Capacity and Capability (30):	26.33
3) Past record of Performance (25):	22
4) Familiarity with Contracting Agency (10):	9.33
5) Work to be done in New Mexico (0):	N/A
6) Current Volume of Work with the Contracting Agency Not 75% Complete (5):	4.33
7) Other Contracting Agent Criteria (if desired) (0)	<u>N/A</u>
SUBTOTAL PLANNING & DESIGN SERVICES (100)	<u>87.99</u>
TOTAL CONSTRUCTION, PLANNING & DESIGN SERVICES (170)	149.65

COMMITTEE RECOMMENDATION:

Based on the evaluation completed, the following committee member(s) therefore recommends the selection of **DePauli Engineering & Surveying, LLC** to provide services as outlined in RFP 2015/2016/06/P scope of work and furthermore recommends the official award to be made.

 _____ Stan Henderson <input checked="" type="checkbox"/> Recommend City of Gallup, Public Works Director	 _____ Date
 _____ Alicia Santiago <input checked="" type="checkbox"/> Recommend City of Gallup, Grants & Contracts Manager	 _____ Date
 _____ Rusty Swartzell <input checked="" type="checkbox"/> Recommend City of Gallup, Streets Superintendent	 _____ Date

SKY CITY ROADWAY CONSTRUCTION PRJ PH 4 (VISTA AVE)
Project Budget Estimate

Line Item Description	Weight	Estimated Amounts	SubTotals	Comments
PROJECT REVENUE			\$ 723,612.13	\$700,000.00
City General Funds		\$ 23,612.13		101-153-247-445.30 CDBG Application Fr PW/CE Prof Srvc Bdgt
		\$ 50,000.00		2016-2017 Community Improvement Plan CDBG Leverage
Fiscal Agency Costs				Required Expense By NMDFA.
City Enterprise Funds		\$ 100,000.00		2016-2017 Community Improvement Plan CDBG Leverage
City Bond Funds				
Legislative Funding				
Fiscal Agency Costs				NWNMCOG SIOH. 4%
Community Development Block Grants		\$ 500,000.00		NMDFA
Plus City Match		\$ 50,000.00		2016-2017 Community Improvement Plan CDBG Leverage
PROJECT EXPENDITURES				
Project Planning	1.0526%		\$ 7,365.25	
Feasibility Study		\$ 6,800.00		
Property Acquisition				
NM Gross Receipt Tax	8.3125%	\$ 565.25		
Cooperative Educational Services SIOH	0.0000%	\$ -		
Project Development	12.7990%		\$ 89,559.54	
Independent Cost Estimate				
A/E Design Proposal		\$ 46,464.00		See DES estimate 05/19/16.
A/E Design Changes				
Project Certifications		\$ 25,143.20		See DES estimate 05/19/16.
Special Reports		\$ 11,079.05		See DES estimate 05/19/16.
Public Participation/Input Material Submittal Review				
NM Gross Receipt Tax	8.3125%	\$ 6,873.29		
Cooperative Educational Services SIOH	0.0000%	\$ -		
Project Delivery	13.3076%		\$ 93,118.15	
Independent Cost Estimate				
Contract/Grant Administration		\$ 15,000.00		See DES PO #081559 dtd 04/30/15. For CDBG application.
Bid Assistance		\$ 2,650.00		See DES estimate 01/22/16
QA Inspections		\$ 68,321.75		See DES estimate 01/22/16
QA Material Testing				
IA Material Testing				
NM Gross Receipt Tax	8.3125%	\$ 7,146.40		
Cooperative Educational Services SIOH	0.0000%	\$ -		
Construction	100.0000%		\$ 699,736.66	\$646,035.00
Base Bid				
= Roadway Reconstruction		\$ 545,835.00		See DES estimate 03/18/15.
= Utilities Replacement		\$ 100,200.00		See DES estimate 03/18/15.
=				
Bid Additives				
1				
2				
3				
NM Gross Receipt Tax	8.3125%	\$ 53,701.66		

NOTE: ABOVE ESTIMATE IS A CONCEPTUAL COST ESTIMATE FOR PROGRAMMING.

SKY CITY ROADWAY CONSTRUCTION PRJ PH 4 (VISTA AVE)
Project Budget Estimate

	Cooperative Educational Services SIOH	0.0000%	\$ -		
	Construction Changes	0.0000%		\$ -	
1					
2					
	NM Gross Receipt Tax	8.3125%	\$ -		
	Cooperative Educational Services SIOH	0.0000%	\$ -		
	Incidental Costs	5.0000%	\$ 34,986.83	\$ 34,986.83	
	Total Estimated Costs			\$ 924,766.44	
	NWCOG Fiscal Agency SIOH				4%
	Grand Total Estimated Costs			\$ 924,766.44	
PROJECT BALANCE					
				\$ (201,154.31)	
123	Soft Number (Estimate)				
123	Hard Number (PO or Contract)				
PROJECT RECAP	Indirect Costs	10.8931%	\$ -	\$ 96,924.79	
	= Project Planning	0.8278%	\$ 7,365.25		Architect/Engineer
	= Project Development	10.0654%	\$ 89,559.54		Architect/Engineer
	Direct Costs	89.1069%		\$ 792,854.81	
	= Project Delivery	10.4653%	\$ 93,118.15		Architect/Engineer
	= Construction Award	78.6416%	\$ 699,736.66		Construction Contractor
	= Construction Changes		\$ -		Construction Contractor
	Total Project Costs	100.0000%		\$ 889,779.61	
	= Incidental Costs		\$ 34,986.83		
			\$ 924,766.44	CHECKSUM	
	Architect/Engineer	21.3584%	\$ 190,042.95		
	Construction Contractor	78.6416%	\$ 699,736.66		
		100.0000%	\$ 889,779.61	CHECKSUM	

NOTE: ABOVE ESTIMATE IS A CONCEPTUAL COST ESTIMATE FOR PROGRAMMING.

Discussion/Action Topic 6

**Agreement for Water Tank Site for the
Navajo Gallup Water Supply Project**

George Kozeliski, City Attorney



CITY OF GALLUP

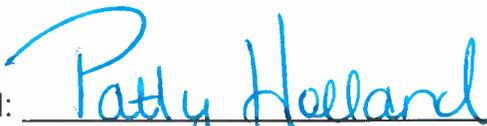
COUNCIL STAFF SUMMARY FORM

MEETING DATE: October 11, 2016

SUBJECT: Agreement for Navajo Gallup South Water Tank Site
DEPT. OF ORIGIN: City Attorney's Office
DATE SUBMITTED: October 7, 2016
SUBMITTED BY: George W. Kozeliski, City Attorney

Summary: This is an agreement to acquire 4.576 acres of land from the Catholic Diocese for construction of the main south side water tank. The City will pay the appraised value of the land \$26,000 and provide hook ups for the Diocese property at this location. The Diocese will become an in town customer once the tank is completed. This is similar to all other easements and property acquired for the NGWSP.

Financial Impact: \$26,000

Approved: 
Finance Department

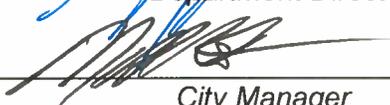
Attachments: Agreement

Legal Review: Drafted Agreement and negotiated the same and recommends approval.

Approved As To Form: 
City Attorney

Recommendation: Approval of Agreement for purchase of property.

Approved for Submittal By:


Department Director

City Manager

CITY CLERK'S USE ONLY COUNCIL ACTION TAKEN

Resolution No. _____ Continued To: _____
Ordinance No. _____ Referred To: _____
Approved: _____ Denied: _____
Other: _____ File: _____

AGREEMENT

This Agreement made and entered into this 17th day of October, 2016, by and between the City of Gallup, a New Mexico municipal corporation, hereinafter referred to as CITY, and The Roman Catholic Church Diocese of Gallup, a New Mexico nonprofit corporation, hereinafter referred to as DIOCESE.

WHEREAS, City desires to obtain certain property owned by the DIOCESE for the placement of a water tank and appurtenances for what is known as Reach 27.13 of the Navajo Gallup Water Supply Project (NGWSP), which will bring water from San Juan River to the Gallup, New Mexico area, and;

WHEREAS, the DIOCESE is willing to sell the subject property for \$26,000 to the City under certain additional conditions and for certain consideration, it is hereby agreed as follows:
(Property is free and clear of encumbrance and liens).

1. DIOCESE will transfer 4.576 acres more or less to the City for the NGWSP, legally described as follows:

DESCRIPTION TRACT 2 :

A TRACT OF LAND LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 34, T15N, R18W, N.M.P.M. MCKINLEY COUNTY, NEW MEXICO.

COMMENCING AT THE QUARTER CORNER COMMON TO SECTION 34, T15N, R18W, N.M.P.M. AND SECTION 3, T14N, R18W, N.M.P.M.; THENCE N89°06'32"W, ON A NEW MEXICO STATE PLANE WEST ZONE GRID BEARING 1149.14'; THENCE N01°38'55"E, 302.05' TO THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND AND THE REAL POINT OF BEGINNING;

THENCE N01°38'55"E, 300.00' TO THE NORTHEAST CORNER;
THENCE N89°13'43"W, 664.38' TO THE NORTHWEST CORNER;
THENCE S01°38'55"W, 300.00' TO THE SOUTHWEST CORNER;
THENCE S89°13'43"E, 664.38' TO THE SOUTHEAST CORNER AND THE REAL POINT OF BEGINNING.

CONTAINING 4.576 ACRES ±

2. City agrees to pay the appraised value of the property the above described property to DIOCESE in the amount of \$26,000.00.

3. The CITY presently provides water to DIOCESE at the present water rate charged are 1.5 times the city rate for customers outside city limits. The parties agree that upon signing of this agreement and transferring of the property to CITY, that DIOCESE will be charged from that point forward the rate charged by the City for water within the city limits to commercial customers (commercial volume charge) plus the customary monthly service charge plus any applicable surcharges and taxes, with the same being subject to periodic rate changes in Gallup's water rates.

4. DIOCESE will, in addition, be able to access water from the water tank once it is constructed and placed on-line, and CITY agrees to hookup DIOCESE at no additional cost and fees, such as tap fees. The water rate for future uses on the remainder of the property owned by DIOCESE will also be at the commercial volume charge for city customers within the city limits of Gallup plus the customary monthly service charge plus any applicable surcharges and taxes, with the same being subject to periodic rate changes in Gallup's water rates.

5. CITY agrees that it will be required to obtain and install any equipment and water lines to connect DIOCESE adjoining property to the new water tank to a point where service is provided

6. Any other expansion or extension of DIOCESE water system will be at DIOCESE discretion and at DIOCESE expense.
7. The existing pump system and pipeline will remain the property of the DIOCESE.
8. Notices hereunder, if necessary shall be as follows:

Diocese of Gallup Chancery
P.O. Box 1338
Gallup, NM 87305

City of Gallup
P.O. Box 1720
Gallup, NM 87305

The parties warrant that each has the legal authority to enter into this Agreement and said Agreement is binding upon their respective successors, assigns, grantees, or any entity claiming by or through them.

This Agreement may only be modified or changed herein by a subsequent written agreement executed by both parties hereto.

ROMAN CATHOLIC CHURCH
DIOCESE OF GALLUP:

By: 
James S. Wall, Bishop of Gallup

CITY OF GALLUP:

By: _____
Jackie McKinney, Mayor

Attest:

By: _____
Alfred Abeita, City Clerk

Presentation and Information Item 1

FY 2016 Lodgers Tax Expenditures Summary

Jennifer Lazarz, Acting Tourism and Marketing Manager



**CITY OF
GALLUP**

COUNCIL STAFF SUMMARY FORM

MEETING DATE: October 3, 2016

SUBJECT: FY 2016 Lodgers Tax Expenditures Summary
DEPT. OF ORIGIN: TOURISM
DATE SUBMITTED: 10/3/2016
SUBMITTED BY: Jennifer Lazarz

Summary:

The attached charts are a summary of what was budgeted and then spent from Lodger's Tax FY16. This is to update the City Council on the FY 16 spending and explain general changes that will take place in 2017.

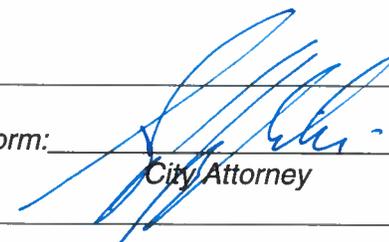
Fiscal Impact:

None, this is just presented for informational purposes.

Reviewed By: 
Finance Department

Attachments:

Legal Review:

Approved As To Form: 
City Attorney

Recommendation:

The Lodger's Tax Committee has already reviewed the 2016 FY. Per their request we will be compiling a report moving forward that includes revenues as well as expenditures from various reporting sources.

Approved for Submittal By:


Department Director

City Manager

**CITY CLERK'S USE ONLY
COUNCIL ACTION TAKEN**

Resolution No. _____ Continued To: _____
Ordinance No. _____ Referred To: _____
Approved: _____ Denied: _____
Other: _____ File: _____

Lodgers Tax Expenditures Summary FY 2016

CATEGORY	BUDGETED AMOUNT	ACTUAL EXPENDITURE	Sub Category Expenditures	Notes
CVB Operations	69,520	36,776.22	Payroll/Benefits: \$30,311.74 Travel: \$2,110.85 Supplies: \$129.63 Computer/Tech: \$649.99 Subscriptions/Dues/Conference Fees: \$3,575	No staff until 2/16
Chamber of Commerce Contracts	145,000	145,000	N/A	120,000 for Advertising/marketing; 25,000 for administration of contract
Visitor Center/Museum	50,000	50,000	N/A	Maintained by the Chamber
Debt Service	86,400	86,400	N/A	
Audit Service	10,000	0	N/A	Rolled into FY 17
Special Events Advertising/Promotional Materials [GRANTS]	319,427	252,393.49	See FY 2016 Lodger's Tax Applicants Report	N/A
Economic Development Advertising/Promotional	500,003	287,203	Summer Indian Dances Contract: \$50,000 Run for the Wall \$11,100 Rodeo Ad & Promotions \$77,327.86 Fourth of July \$10,500 Fireman's Tri-State \$23,503.01 Print and Digital Advertising: \$114,774.13	There are MANY items from three accounts getting merged into these totals so this isn't exact, it's close though.
City Facility Management	0	0	N/A	Red Rock Added FY 2017

This report does not include investments, control revenue, etc. These numbers are not exact in all cases because several accounts have merged in the current FY and some projects rolled over from year to year.

Project #	Organization Name	Event Name	Contact	FY 2015 Award	FY 2016 Request	FY 2016 Committee Recommendation	Council Approved	Check Number	Amount
1	ADVENTURE GALLUP & BEYOND INC	TOURISM DEVELOPMENT	BOB ROSEBROUGHT	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	219333	\$ 25,000.00
2	ANIMOSITY LLC - Check made to Leesa Gurley	5TH ANNUAL ANIMOSITY FREESTYLE MOTORCROSS COMPETITION	JOHN/LEESA GURLEY	\$ 1,500.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	216235 216350	\$ 2,889.89 \$ 110.11
3	CYCLE CITY PROMOTIONS	RED ROCK ARENACROSS	TOD HAMMOCK	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	215373	\$ 5,000.00
4	GALLUP CHRISTIAN SCHOOL	WILD THING BULL RIDING	JIM CHRISTIAN	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	215834	\$ 3,852.13
5	GALLUP FAMILY FITNESS SERIES	GALLUP TRIATHLON	KARLA RIVERA	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	Funds Owed FY15	
6	GALLUP FAMILY FITNESS SERIES	SQUASH BLOSSOM CLASSIC	JENNIFER VAN DRUNEN	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	217635	\$ 9,891.45
7	GALLUP INTER-TRIBAL INDIAN CEREMONIAL	94TH GALLUP INTER-TRIBAL INDIAN CEREMONIAL	MARY JEAN CHRISTENSEN	\$ 40,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	215170	\$34,923.39
8	GALLUP LION'S CLUB	67TH ANNUAL GALLUP LION'S CLUB RODEO	DAVID LEWIS	\$ 20,000.00	\$ 45,000.00	\$ 20,000.00	\$ 20,000.00	222401 215835	\$ 19,783.35 \$ 10,786.93
9	GALLUP SENIOR SOFTBALL LEAGUE	SSSA 50/60 PLUS	ARCHIE BACA/JOHN AZUA	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	222520	\$ 216.65
10	GALLUP PARTS, INC	MCKINLEY COUNTY ARTS EXPO	AMY COATS	\$ -	\$ 4,000.00	\$ 4,000.00	\$ 4,000.00	218400	\$ 4,000.00
11	LAND OF ENCHANTMENT OPERA, INC	2015 SUMMER SEASON	PATRICK MASON	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	215193	\$ 15,000.00
12	NEW MEXICO HIGH SCHOOL RODEO ASSOC	NMISHRA GALLUP RODEO	JEFF MEDLIN	\$ 4,500.00	\$ 6,000.00	\$ 6,000.00	\$ 6,000.00	221337	\$ 2,961.00
13	RED ROCK BALLOON RALLY ASSOC	RED ROCK BALLOON RALLY	TOM ROBINSON	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	216144	\$ 25,000.00
14	RED ROCK MOTORSPORTS CLUB, INC	NEW MEXICO MOTORCROSS SERIES ROUND #3	GREG KIRK	\$ 4,000.00	\$ 12,500.00	\$ 6,000.00	\$ 6,000.00	215466	\$ 5,886.56
15	RED ROCK MOTORSPORTS CLUB, INC	WEBE RACING HARE SCRAMBLE	GREG KIRK	\$ 3,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	215468	\$ 5,000.00
16	RED ROCK MOTORSPORTS CLUB, INC	RED ROCK RAGE	GREG KIRK	\$ -	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	215467	\$ 5,000.00
17	ROCKS THE ROCK PRODUCTION	WILD THING CHAMPIONSHIP BULL RIDING	LARRY PETERSON	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	215474	\$ 15,000.00
18	SACRED HEART CATHEDRAL	SACRED HEART SPANISH MARKET	REV MATTHEW KELLER	\$ -	\$ 7,500.00	\$ 5,000.00	\$ 5,000.00	220103	\$ 2,000.00
19	TONY DORSETT TOUCH DOWN FOOTBALL LEAGUE - TDFL	6TH ANNUAL FOUR CORNERS INVITATIONAL YOUTH FOOTBALL CHAMPIONSHIP	SAMMY CHIODA	\$ 18,000.00	\$ 18,000.00	\$ 18,000.00	\$ 18,000.00	216821 217093 217218 217486	\$ 1,408.06 \$ 3,942.52 \$ 6,149.12 \$ 4,493.34
20	ZIA RIDES	24 HOURS IN THE ENCHANTED FOREST	SETH BUSH	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	221703	\$ 5,000.00
21	ZIA RIDES	DAWN 'TIL DUSK	SETH BUSH	\$ 8,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	221703	\$ 10,000.00
22	GSL SPORTS	GSL STATE COED SOFTBALL TOURNAMENT	JAY DENETCLAW	\$ -	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00		
23	GSL SPORTS	GSL STATE MEN'S & WOMEN'S SOFTBALL TOURNAMENT	JAY DENETCLAW	\$ -	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00		
24	GSL SPORTS	SPRING SMASH 2	JAY DENETCLAW	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	218000	\$ 2,187.26
25	GSL SPORTS	SOFTBALL WARRIORS	JAY DENETCLAW	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00		
26	GALLUP CHAMBER OF COMMERCE	GALLUP FREEDOM RIDE, FLV, CRUISE	DAVID HINKLE/FRANCIS BEE	\$ -	\$ 16,032.00	\$ 16,032.00	\$ 16,032.00	215546 216343	\$9,177.41 \$1,395.03
27	GALLUP FILM OFFICE	NATIVE FILM SERIES 2015	LISA E RODRIGUEZ	\$ 5,000.00	\$ 6,000.00	\$ 5,500.00	\$ 5,500.00	215883	\$ 5,500.00
28	GOOD SAMARITAN SOCIETY-GRANTS	HOLY FRIOLE ANNUAL ALZHEIMER'S SOFTBALL BASH	RICHARD MORGAN	\$ 4,000.00	\$ 5,000.00	\$ 4,000.00	\$ 4,000.00		
29	GALLUP AMATEUR BASEBALL SOFTBALL ASSOC	PEE WEE RECEV/WVILLE MAVS BASEBALL SERIES	LAWRENCE ANDRADE	\$ 5,000.00	\$ 10,000.00	\$ 3,000.00	\$ 10,000.00	220046	\$ 4,224.06
30	MCKINLEY COUNTY HUMANE SOCIETY	THE GREAT GATSBY BOW MEOW	COLT BALOK	\$ -	\$ 5,000.00	\$ 900.00	\$ 1,500.00	219138	\$ 1,105.03
31	TRICES INC DBA RED ROCK PRODUCTION	RED ROCK TRAILER ROPING	WALT EDDY	\$ -	\$ 2,000.00	\$ 1,000.00	\$ 2,000.00	218461	\$ 1,928.39

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 Prepared by Linette Kanteena

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