

COUNTY OF LINCOLN

Carrizozo, NM 88301



**“Independent Contractor Services for
Misdemeanor Compliance Program”**

**Due: October 14, 2019
2:00 p.m. Local Time**

**COUNTY OF LINCOLN
Carrizozo, NM 88301**

Request for Proposals

19-20-001

**“Independent Contractor Services for
Misdemeanor Compliance Program”**

**Due: October 14, 2019
2:00 p.m. Local Time**

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LEGAL NOTICE

Request for Proposals 19-20-001 Independent Contractor Services for Misdemeanor Compliance Program

DUE: October 14, 2019

NOTICE is hereby given that competitive sealed proposals will be received by the County of Lincoln, for Independent Contractor Services for Misdemeanor Compliance Program . Complete Request for Proposal (RFP) documents may be obtained the office of the County Purchasing Agent, 300 Central Ave., Carrizozo, NM 88301 and by calling Orlando Samora at (575) 648-2385 ext. 105 or go to lincolncountynm.gov, find Purchasing under County Offices to download Bids and RFP's.

All proposals submitted must be clearly marked on the outside of the sealed package or envelope with the RFP Title, RFP Number, and Due Date. If the RFP is sent by mail, the sealed package or envelope shall have the notation "Sealed Proposal" along with the RFP Number. Proposals should be sent or hand-delivered to County of Lincoln, PO Box 711 (300 Central Ave.), Carrizozo, NM 88301 by 2:00 PM Local Time, October 14, 2019. Proposals received after that date and time will be returned unopened. Faxed proposal cannot be accepted.

The Lincoln County Board of Commissioners will review the proposals and make their final determination during the regular Commission meeting on October 15, 2019 at the Lincoln County Commission Chambers.

Lincoln County reserves the right to accept or reject any or all proposals and to waive all formalities.

Orlando Samora
Purchasing Agent

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COUNTY OF LINCOLN
Carrizozo, NM

Request for Proposals 19-20-001

**“Independent Contractor Services for
Misdemeanor Compliance Program”**

SCOPE OF WORK

I. COURT COMPLIANCE MONITOR

Lincoln County is now accepting applications for a Lincoln County Magistrate Court Compliance Officer (CCO). The individual or agency selected will establish and operate a Magistrate Court Compliance Program (MCP) for Lincoln County Magistrate Courts in accordance with the guidelines established by the Administrative Office of the Courts (AOC).

II. DUTIES

- A. Through interaction with Magistrate and District Courts, law enforcement agencies, community service agencies and other community services, MCP shall determine the extent to which referred offenders are in compliance with their sentences for attending and completing court-ordered programs and treatments.
- B. Through telephone calls and office visits, encourage and motivate referred probationers to comply fully with sentences from the courts, including, but not limited to, payment of fines, fees and restitution.
- C. Conduct field visitations at the probationer's place of work or home. CCOs may request to be accompanied by local law enforcement authorities when such visits are made.
- D. Periodic testing of probationers for alcohol and/or drug compliance.
- E. Provide periodic offender compliance and non-compliance reports to the courts, District Attorney's office and Defense Attorneys.
- F. Receive, record and deposit probation fees on a daily basis as coordinated with the County Treasurer's office.
- G. Set up and maintain a community service program for probationers within the County.

III. QUALIFICATIONS, KNOWLEDGE, SKILLS AND ABILITIES REQUIRED

See Attachment 1 “AOC Required Qualifications” dated November 4, 2009. Amended June 14, 2013.

IV. INDEPENDENT CONTRACTOR STATUS

The MCA will be an independent contractor, not an employee of the County of Lincoln or the court system and, as such, will not be entitled to paid benefits. As an independent contractor, the individual or agency selected will be subject to termination “at will” for any reason or no reason.

V. INSURANCE REQUIREMENTS

As an independent contractor, the MCA will be required to provide his or her own:

- A. Vehicle insurance
- B. General liability insurance in an amount of at least \$300,000 including assault and battery and civil rights violations coverage.

VI. COMPENSATION

State Statute permits judges to order probationers to pay from \$15 to \$50 per month (\$0.50 to \$1.00 per day) probation costs. Judges may waive this amount in the event of indigence or for good cause. The only compensation the MCA shall receive shall be from fees collected from probationers.

VII. PROPOSAL RESPONSE

- A. At a minimum, your proposal response should contain:
 - 1. Chronological work history
 - 2. Educational background
 - 3. Detailed response listing your experience and abilities that meet the position requirements listed in Section III.
 - 4. Personal and professional references.
- B. Mailed or hand-delivered proposal responses must indicate the Proposal Number, Proposal Name and Due Date on the outside envelope. Proposals received after the due date and time and will be returned unopened. Send or hand-deliver the proposal to:

County of Lincoln
 Orlando Samora, Purchasing Agent
 P.O. Box 711
 300 Central Ave
 Carrizozo, NM 88301

- C. Lincoln County reserves the right to accept or reject all or any part of the proposal, waive minor technicalities and award the proposal to best serve the interest of Lincoln County.

VIII. PROPOSAL EVALUATION

A team comprised of a Magistrate Judge, the Purchasing Agent and the Finance Officer will evaluate submissions based on the following point system:

Work History	25 points
Educational Background	25
Experience in Position Requirements	25
Personal and Professional References	<u>25</u>
	100 points

IX. CONDITIONS PRECEDENT

- A. Award of contract is expressly contingent upon office space being provided by the Lincoln County Magistrate Courts.
- B. CCO is responsible for all other costs associated with office operations.
- C. The Magistrate Judges will provide direct oversight of the CCO.
- D. Lincoln County will act solely as Fiscal Agent for the program.

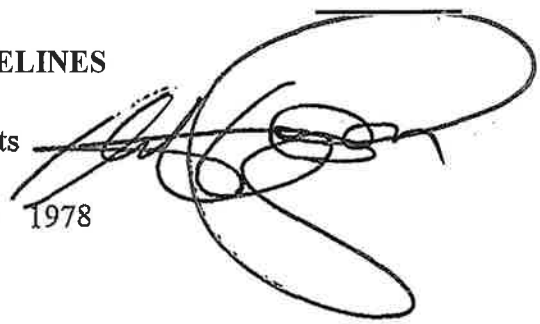
MISDEMEANOR COMPLIANCE PROGRAM GUIDELINES

ISSUING AGENCY: Administrative Office of the Courts

STATUTORY AUTHORITY: Section 31-20-5.1 NMSA 1978

DURATION: Permanent

EFFECTIVE DATE: November 4, 2009. Amended June 14, 2013

A large, stylized handwritten signature in black ink, overlapping the 'ISSUING AGENCY' and 'STATUTORY AUTHORITY' text.

1. PURPOSE

The purpose of these guidelines is to ensure, through standards and limitations of powers, the safe and consistent handling of misdemeanor defendants who may be monitored or supervised by county-operated misdemeanor compliance programs.

Section 31-20-5.1 NMSA 1978 states that *A county may create a "misdemeanor compliance program" to monitor defendants' compliance with the conditions of probation imposed by a district or magistrate court . . . A county's program shall comply with guidelines established by the administrative office of the courts.*

2. LIMITATIONS

The program created under Sections 31-20-5.1 NMSA 1978 shall be *limited to participation by persons who have been convicted of a misdemeanor criminal offense specified in the Criminal Code, convicted of driving while under the influence of intoxicating liquor or drugs, or convicted of driving while the person's driver's license is suspended or revoked pursuant to the Motor Vehicle Code.*

3. PROGRAMS SHALL BE COUNTY OPERATED

Programs existing or formed pursuant to this statute shall be county run and are subject to these guidelines. Counties may hire compliance officers, or may contract with individuals or with public, private, or not-for-profit organizations to carry out the program.

4. PROGRAM NAME

Programs shall be called " _____ County Misdemeanor Compliance Program" (hereinafter referred to as MCP).

5. COMPLIANCE OFFICER TITLE

Officers hired by counties shall be called "Court Compliance Officers" (hereinafter referred to as CCO) to avoid the appearance of overlap with NM Department of Adult Probation and Parole probation officers.

6. CCO POWERS and DUTIES

a. A CCO shall have the power to:

- i. Determine the extent to which referred defendants are in compliance with their sentences for attending and completing court-ordered programs and treatments, through interaction with magistrate and district courts, law enforcement agencies, community service agencies, and other community services.
- ii. Through telephone calls and office visits, encourage and motivate referred defendants to comply fully with sentences from the courts, including but not limited to payment of fines, fees, and restitution.
- iii. Provide periodic defendant compliance and non-compliance reports to the courts, district attorney's office, and defense attorneys.
- iv. Receive and receipt compliance program costs and monthly fees from defendant.
- v. Set up and maintain a community service program within the county.
- vi. Track defendants sentenced to the probation program.

b. The CCO may have the following powers and duties, but only if such powers and duties are specifically given the CCO in the order, signed by both the judge and defendant, setting conditions of probation:

- i. Make random visits to bars and clubs. If the CCO observes a person under supervision violating probation, the CCO shall not confront the person but shall document the violation and submit appropriate notice to the court.
- ii. Require periodic and/or random testing of the defendants for alcohol and/or drug compliance.

- m. Monitor the defendant's compliance with an electronic monitoring and/or alcohol monitoring program.
- lv. Monitor the defendant's use of an ignition interlock device.
- v. Conduct home visits if:
 - (1) the CCO has satisfactorily completed a curriculum including field-work safety training that has been pre-approved by the New Mexico Administrative Office of the Courts, or
 - (2) the Corrections Department affirms in writing that the CCO was formerly a certified probation and parole officer and left the employment of the Corrections Department in good standing, or
 - (3) the CCO was formerly a law enforcement officer and the agency for whom the CCO worked affirms in writing that the CCO left its employment as an officer in good standing, and
 - (4) the county has adopted a safety policy governing home visits including the above requirements and stipulating the conditions upon which home visits may be executed.

It is strongly recommended that CCOs go in pairs or with a law enforcement officer to make home visits.

7. CCO LIMITATIONS

- a. CCOs shall not have arrest powers and must observe and respect all due process rights of all defendants. Any arrest shall be made only by a law enforcement officer and only upon the issuance of a warrant as set forth in Rules 6-802 or 8-802 NMRA.
- b. CCOs shall not carry firearms.
- c. It is strongly recommended that CCOs shall wear body armor while in the field. If a CCO chooses not to do so, the CCO should provide the county with a written waiver. The form for such a waiver may be requested from the AOC Magistrate Court Division.

- d. CCO's shall not have access to offender medical or treatment specifics unless so authorized by appropriate waiver. Proof of attendance at court-ordered sessions and meetings may be required and shall not be restricted by this section.

8. CCO MINIMUM QUALIFICATIONS

Associate degree and two years of experience in the judiciary, in a criminal justice position, in counseling, or another human services discipline. Relevant education may substitute for experience and relevant experience may substitute for education at a rate of 30 semester hours equating to one year full-time work experience.

Knowledge of approved principles and practices of law enforcement and applicable laws and ordinances.

Knowledge of investigative techniques and practices.

Must be able to pass a rigid background investigation including work history, character, honesty, integrity, criminal record, driving record, etc.

Ability to work independently; to analyze and evaluate investigative materials; to communicate and interview effectively both orally and in writing; to prioritize workload; to work in a stressful environment; operate a computer; be persuasive, assertive and empathetic to people from various populations; and maintain confidentiality. Ability to communicate in a second language is desirable but not required.

Ability to establish and maintain effective working relationships with fellow employees and other agencies.

Counties shall ensure that CCOs meet the minimum qualifications, knowledge, skills, and abilities listed above. Any county choosing to hire someone who does not meet minimum qualifications should justify the hiring decision in writing in the CCO's personnel or contractual file.

9. FUNDING SOURCES

Section 31-20-5.1 NMSA 1978 authorizes judges to order a defendant to pay from \$15 to \$50 per month in fees to be used to operate a MCP. This fee shall be stated in the court order and shall be paid by the defendant directly to the county where the supervising MCP is located. All payments shall be in a form approved by the county treasurer's office.

The county shall be responsible for audit of the account.

10. FILES

A clerk of the court will supervise any files maintained by the court. A separate file on the individual defendants should be maintained by the CCO and any relevant documents (e.g., orders of probation, completion of probation, reports to court) shall be given to a court clerk for inclusion in the defendant's court file.

The CCO shall have access to the court files of those defendants assigned to the program in order to follow up on the defendant's personal information and other related court documents. The officer shall be allowed to copy relevant documents but may not remove any documents from the file.

Subject to the approval of the presiding judge and chief clerk and when resources allow, CCOs may be provided with a computer and may be given limited (data entry only) access to the comi's case management system in order to assist courts in the entry of post-judgment data.

CCOs shall not handle any receipts or other financial-related matters of the court. This does not restrict the CCO from facilitating restitution or collecting program costs and fees.

11. SUPERVISION AND REPORTING

All CCOs shall be employees or contractors of the County.

The CCO shall report to the presiding judge, through appropriate chain-of-command, on all court-related issues.

An employee CCO shall report to the county manager, who shall serve as or designate a direct supervisor for the CCO.

The MCP shall operate subject to guidelines established by the AOC Magistrate Court Division. Additional specific probation conditions and guidelines may be developed collaboratively by local county officials, the presiding magistrate judge, and district court judge.

12. RADIOS

Counties may provide CCOs with police dispatch radios so that the CCO can contact the local law enforcement agency as necessary.

13. TRANSFERS OF DEFENDANTS TO OTHER JURISDICTIONS

Where defendant resides outside the county where sentenced by the court, the judge may order that:

- a. The defendant shall be supervised by the sentencing county MCP. In this case, with the written approval of the supervising MCP, the defendant could participate in programs such as DWI school, community service, etc., outside the originating jurisdiction but would be required to report back to the MCP in the county in which the defendant was sentenced, or
- b. The defendant will be referred to the NM Adult Probation and Parole Division, or
- c. With the written consent of the MCP where the defendant resides, the defendant will be transferred to that MCP. In this instance, the monthly compliance program costs and fees would be payable to the county in which the defendant resides. This MCP would be required to report back to the MCP in the county in which the defendant was sentenced.

DWI defendants shall be screened and tracked in the county where sentenced. With the written approval of the MCP, the defendant may participate in programs such as DWI school, community service, etc. in defendant's county of residence.

14. CONFIDENTIALITY

Defendant files maintained by the MCP, and information contained within those files, shall remain confidential. Only those reports submitted to the court as a matter of court record will become public in accordance with the New Mexico Public Information Act.

15. CONTINUING EDUCATION

It is strongly recommended that all CCOs shall, during each twelve month period of employment or service, complete a minimum of sixteen hours of in-service training. It is further recommended that every six months, every CCO shall complete four hours of in-service training in defensive tactics, for a total of eight hours every year. The remaining eight hours recommended during the year may be elective in nature. Recommended CEU topics include:

- Legal and policy updates
- Motivational interviewing techniques
- Substance abuse issues
- Domestic violence awareness
- Basic first aid/CPR
- Universal precautions/blood borne pathogens

APPENDIX

These Misdemeanor Compliance Program guidelines have been established pursuant to Section 31-20-5.1 NMSA 1978.

31-20-5.1. Misdemeanor compliance programs; counties may establish; fees.

A. A county may create a "misdemeanor compliance program" to monitor defendants' compliance with the conditions of probation imposed by a district or magistrate court. The program shall be limited to participation by persons who have been convicted of a misdemeanor criminal offense specified in the Criminal Code, convicted of driving while under the influence of intoxicating liquor or drugs or convicted of driving while the person's driver's license is suspended or revoked pursuant to the Motor Vehicle Code. A county's program shall comply with guidelines established by the administrative office of the courts.

B. As a condition of probation, the district or magistrate court may require the defendant to pay a fee of not less than fifteen dollars (\$15.00) no more than fifty dollars (\$50.00) per month to the county for a public probation program for the term of the defendant's probation. Money collected by the county for a pursuant to this subsection shall be used only to operate the misdemeanor compliance program.

History: Laws 2000, ch. 49, § 1. ch. 104, & 1.

CAMPAIGN CONTRIBUTION DISCLOSURE FORM

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

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

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

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

The following definitions apply:

“Applicable public official” means a person elected to an office or a person appointed to complete a term of an elected office, who has the authority to award or influence the award of the contract for which the prospective contractor is submitting a competitive sealed proposal or who has the authority to negotiate a sole source or small purchase contract that may be awarded without submission of a sealed competitive proposal.

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

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

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

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

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

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

DISCLOSURE OF CONTRIBUTIONS BY PROSPECTIVE CONTRACTOR:

Contribution Made By: _____

Relation to Prospective Contractor: _____

Date Contribution(s) Made: _____

Amount(s) of Contribution(s) _____

Nature of Contribution(s) _____

Purpose of Contribution(s)

(Attach extra pages if necessary)

Signature

Date

Title (position)

--OR--

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

Signature

Date

Title (Position)

RESIDENT VETERANS PREFERENCE CERTIFICATION

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

PLEASE CHECK ONLY ONE BOX FROM THE FOUR (4) CHECK BOXES LISTED BELOW:

I declare that my firm is ineligible to receive New Mexico Resident Veterans Preference.

The following three (3) checkboxes are applicable to ONLY those vendors eligible to receive New Mexico Resident Veterans Preference AND who have included a valid New Mexico Resident Veterans Preference certificate with their sealed response. No preference will be extended unless a valid certificate is included in your sealed response. Submitted certificates shall be validated by CNM with New Mexico Tax & Revenue.

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

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

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

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

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

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

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

(Signature of Business Representative)*

(Date)

*Must be an authorized signatory for the Business.

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