

# Resident Veteran Preference

Application of preferences for formal  
request for proposals (RFP) and  
formal bid proposals (BID)

# Where can I find the bill?

<http://www.nmlegis.gov/lcs/BillFinderNumber.aspx>

**In State Preference:** Senate Bill 1, 2011 1<sup>st</sup> Special Session.

**Resident Veteran Preference:** House Bill 97, 2012 Regular Session.

# Application of Preferences (RFP)

When a public body makes a purchase using a formal request for proposals process, and the contract is awarded based on a point-based system, the public body **shall** award an additional of the equivalent of:

- 5% of the total possible points to a resident business;
- 10% of the total possible points to a resident veteran business that has annual revenues of one million dollars (\$1,000,000) or less;
- 8% of the total possible points to a resident veteran business that has annual revenues of more than one million dollars (\$1,000,000) but less than five million dollars (\$5,000,000);

# Application of Preferences (RFP)

- 7% of the total possible points to a resident veteran business that has annual revenues of five million dollars (\$5,000,000) or more.
- When a joint proposal is submitted by a combination of resident veteran, resident or nonresident businesses, the preference shall be calculated in proportion to the percentage of the contract that will be performed by each business as specified in the joint proposal.

# Application of Preferences (RFP)

- The preference shall be limited, in any calendar year, to an aggregate of ten million dollars (\$10,000,000) in purchases by public bodies from all resident veteran businesses receiving preferences.
- A public body shall not award a business both a resident business preference and a resident veteran business preference.
- Preference shall not apply when the expenditure includes federal funds.

# Application of Preferences (RFP)

## Example:

If an RFP has a total of 1,000 points and there are a total of five proposals received; one from a resident business, one from a resident veteran business with an 8% preference and three non-resident businesses.

The two preference businesses would receive an additional 50 and 80 point respectively to their already evaluated score.

# Application of Preferences (BID)

## Example:

If low bid is \$95,000 and the second low bid is \$100,000 from a resident veteran business with an 10% preference, then the second low bid would be multiplied by 0.9 making their bid \$90,000 for evaluation purposes only.

The preference businesses would receive a 10% discount, but would be awarded the bid in the amount of \$100,000.

# Veteran Preference Certification

- State of New Mexico General Services Department Purchasing Division has issued policy memo FY 13-001.  
<http://www.generalservices.state.nm.us/statepurchasing/>
- Points will be awarded if Offeror provides a copy of a current Resident Business Certificate or Resident Veteran Certificate and a ***Veteran Preference Certification*** with the RFP or BID.

## Veterans Preference Certification

\_\_\_\_\_ (Name of Business) hereby certifies the following in regard to application of the resident veteran preference to this formal request for proposals process:

**Please check one box only:**

- I declare under penalty of perjury that my business prior year revenue starting January 1 ending December 31 is less than \$1M allowing me the 10% preference discount on this 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 \$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 ending 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 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 representation 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 incorrect.

# How does a business apply?

New Mexico Tax and Revenue issues the Resident Business or Resident Veteran Business Certificate. Application form is located at:

<http://www.tax.newmexico.gov/forms-and-publications/pages/recently-updated.aspx>

QUESTIONS?