



CITY OF RIO RANCHO
DEPARTMENT OF FINANCIAL SERVICES
PURCHASING DIVISION
3200 CIVIC CENTER CIRCLE NE 3rd FLOOR
RIO RANCHO, NEW MEXICO 87144
PHONE: (505)891-5044 FAX: (505)891-5762

**ADDENDUM NO (1) One
RFP 15-AD-003
Federal Lobbyist Services**

August 7, 2014

Addendum Number (1) One forms part of the contract documents and modifies them in the manner and extent set forth below.

ATTENTION CONTRACTORS

- **Question and Answer**
- **Attachments**
 - **Congressman Funding Attempts**

Question and Answer

Question: Can you tell us how the \$71,000 is split between the state and federal lobbying contract?

Answer: \$40,000 federal lobbying services, \$31,000 state lobbying services.

Question: Is the \$71,000 budget number for state and federal lobbying services a set number in the current fiscal year?

Answer: These are the current amounts earmarked/set aside.

Question: Is there any chance that the \$71,000 budget number would be increased?

Answer: Unknown at this time.

Question: What is the City's fiscal year (July-June, calendar year, other)?

Answer: City Fiscal Year (July 1 – June 30).

Question: Have other attempts to securing federal funding through the Energy and Water Development Appropriations Bill been tried in the succeeding years since 2008?

Answer: See attached for Congressman Lujan's efforts in 2013 and 2014. These have been the only attempts. A total of \$350,000 was remitted by the US Army Corps of Engineers to the City in 2009 (this is a date typo update from the narrative in the RFP).

Question: Have other funding strategies through the federal government budgeting process been pursued?

Answer: No.

Question: Is there evidence that the arsenic contamination comes from any other source(s)?

Answer: No.

Question: Has the City pursued federal funding in the past for these types of public infrastructure projects?

Answer: Not recently via a contracted federal lobbyist.

Question: We would like to understand more about the grant agreement that is referred to on p. 2 of RFP 15-AD-003. Is it possible for us to see the agreement itself and/or the announcement agreement to better understand what was promised?

Answer: The Rio Rancho Arsenic Treatment Facility was constructed under the Central New Mexico Environmental Infrastructure Program (Section 593 of the Water Resources Development Act of 1999). The agreement is a reimbursable grant where by the US Army Corps of Engineers would pay 75% of the construction costs and the City would be responsible for the remaining 25%. The agreement with the US Army Corps of Engineers states that reimbursements will be made pending availability of federal appropriations. In addition, Article II.D of the cost sharing agreement states "any reimbursement by the Government is subject to the availability of funds and is limited by the Section 593 Program Limit."

The agreement in its entirety can be provided upon request.

Question: We would like to understand the timing of the failure or refusal to pay by the Army Corps of Engineers of the amount stated in the grant agreement. On page 2 of the RFP 15-AD-003 you state that \$350,000 was paid in 2008; when thereafter was the city notified that it would not be paid any more funds until the Congress appropriated them? Did the City ever receive an explanation about why \$350,000 was paid but the rest was not? If so what was the explanation?

Answer: The first reimbursement request for \$2 million was submitted by the City to the US Army Corps of Engineers in 2008. A total of \$350,000 was remitted by the US Army Corps of Engineers to the City in 2009 (this is a date typo update from the narrative in the RFP). At that time, City staff was told by US Army Corps of Engineers staff the \$350,000 was the only amount available in that fiscal year for reimbursement. Following the initial reimbursement payment by the US Army Corps of Engineers, subsequent and multiple reimbursement requests were submitted by the City over the years with no payment made by the US Army

Corps of Engineers and the responses given being: a) lack of appropriations by Congress and/or lack of funds appropriated for this program; and b) the cost sharing agreement between the City and US Army Corps of Engineers states “any reimbursement by the Government is subject to the availability of funds and is limited by the Section 593 Program Limit.”

Question: We would like to understand what, if any, other methods the City has investigated to try and recover the money? Has the City sought an opinion from legal counsel for filed any legal action for recovery? If so, may we see the legal opinion or the disposition of the court in any court filing?

Answer: To date, the City has asked for assistance from U.S. Senator Tom Udall and Congressman Ben Ray Lujan in obtaining the outstanding reimbursement amount.

Question: We would like to have a better understanding of the attempt to provide funds in the Energy and Water Appropriations bill in the summer of 2013 and the reasoning for not including such funding. Was this amendment to be added to the Energy and Water Appropriation bill for fiscal year 2014? If not, what fiscal year did the bill you sought to amend address? Do you have a copy of the amendment offered by Congressman Lujan? Since he is not on the Appropriations Committee, ordinarily, any amendment he would offer directly would have to be offered on the floor of the House of Representatives. Do you know if he offered it on the floor of the House of Representatives? If not, then he could have offered it through a surrogate on the Appropriations Committee. Do you know if he requested someone on the Appropriations Committee to include his amendment? Is there correspondence with the Congressman or with his staff explaining what happened? Is there a key staff member of Congressman Lujan who you could recommend we speak to who could provide information on this amendment?

Answer: See attached for Congressman Lujan’s efforts in 2013 and 2014. The City has been working with staff via Congressman Lujan’s Rio Rancho Field Office (505-994-0499).

Question: We have a local office and a Washington D.C. office. Both offices will be submitting separate proposals for state and federal lobbying services. We are with the same company so I wanted to find out if you have a special process for this type of scenario, or if you would like that reflected in each of our proposals?

Answer: Please reflect in each of the proposals.

Question: Since our federal office is located in Washington D.C. will they be eligible to submit a proposal, or does the contractor need to be in New Mexico for the federal lobbying services?

Answer: Contractor does not need to be in New Mexico for the federal lobbying services.

Question: Who makes the selection decision for this RFP?

Answer: A committee comprised of the City Manager, Financial Services Director, and Chief Communications Officer.

Question: How does the client want to receive updates on status?

Answer: Noted in Scope of Services. When references are made to written documents, email submission of those documents will suffice.

All other provisions of the Contract Documents shall remain unchanged. Each Offeror should ensure that they have received all addenda and amendments to this RFP before submitting their proposal.

FOR IMMEDIATE RELEASE
Thursday, July 10, 2014
www.lujan.house.gov

Contact: Andrew Stoddard
Phone: 202-225-6190
Cell: 505-503-3043

Luján Highlights Need to Recover Funding for Rio Rancho and Other Communities Working with Army Corps of Engineers

Washington, D.C. – Congressman Ben Ray Luján of New Mexico’s Third District offered an amendment to the Energy and Water Appropriations bill yesterday in an effort to highlight the importance of increasing funding for accounts within the Army Corps of Engineers’ budget so that it can reimburse local governments for infrastructure projects. Luján withdrew the amendment after securing a commitment from Energy and Water Appropriations Subcommittee Chair Mike Simpson to work on this important issue with him. Below are Luján’s remarks. [Click here to watch his speech.](#)

“Mr. Chairman, I rise to amend the Energy and Water Appropriations bill to increase the Construction Account by \$15 million to ensure local governments, like the City of Rio Rancho, the County of Bernalillo, and the Middle Rio Grande Conservancy District, get reimbursed for work they have done in conjunction with the Army Corps of Engineers. The Army Corps of Engineers works with local governments in New Mexico to construct levies, implement flood control measures, and other important infrastructure for the safety of the public.

“More specifically, the City of Rio Rancho entered into a reimbursement contract with the Army Corps of Engineers and has not been paid back for several years due to the lack of appropriations. The same goes for the County of Bernalillo, the Middle Rio Grande Conservancy District, and other communities across the United States. This delay in reimbursement has led to interruptions in financing for other city projects and also has the potential to hurt the credit rating of these entities if they do not recover these funds via reimbursement, as stated in their contracts with the federal government.

“By increasing the dollar amount in this account, which includes a number of programs and accounts that are critical to local governments – like engineering, construction, technical assistance, flood control, and environmental infrastructure – we can get these entities reimbursed and get these liabilities off the books of the Army Corps of Engineers and get other projects going.

“According to the Congressional Budget Office this increase has zero impact on the budget, and in fact would save money by reducing the liability for the federal government.

“Mr. Chairman, local governments have been left holding an IOU from the federal government for doing work based on good faith written agreements with the Army Corps of Engineers.

“Mr. Chairman, I understand there may be opposition from some of my colleagues, but I am hoping that I can persuade the Chairman [Simpson] to support me in this effort.

“Under Section 593 of the Water Resources Development Act of 1999, the City of Rio Rancho and other local governments entered into agreements with the Army Corps of Engineers. When city and local governments enter into reimbursement contracts they expect to be reimbursed. They have annual budgets with the expectations they will get paid back. Congress should live up to these obligations in the authority given to the agency by Congress.

“And Mr. Chairman, I understand the constraints that the subcommittee dealt with the allocations given to them, but we need to make sure we are working to make these local governments whole with agreements and contracts with the federal government.”

#