



NEW MEXICO  
**LAW OFFICES OF THE  
PUBLIC DEFENDER**

Chief Public Defender  
Bennett J. Baur

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## REQUEST FOR PROPOSALS – LOPD RFP #2025-001

### **A. Confirmation of Receipt**

Potential offerors must confirm receipt of this RFP by sending the Confirmation form via e-mail to: [ccls\\_RFP\\_mail@lopdnm.us](mailto:ccls_RFP_mail@lopdnm.us) with “RFP Confirmation” in the subject line. The body of the e-mail shall include the potential offeror’s name, address, e-mail address, and phone number. The e-mail confirming receipt of the RFP must be received by the above e-mail address on or before midnight MDT Monday, June 9, 2025. Only potential offerors who have confirmed receipt of the RFP will be placed on the “RFP Distribution List” and will receive written answers to questions regarding the RFP and any amendments to the RFP and/or proposed Service Contract.

### **B. Procurement Manager/Questions**

Questions regarding this RFP must be submitted in writing to the Procurement Manager, Renee Delafuente, by e-mail to: [renee.delafuente@ccls.lopdnm.us](mailto:renee.delafuente@ccls.lopdnm.us) with “LOPD RFP Question” in the subject line; or by mail to: CCLS, Attn: Renee Delafuente, 4600 Montgomery Blvd. NE, Building A, Suite 201, Albuquerque, NM 87109. Written questions must be received by Monday, June 9, 2025. Written responses will be e-mailed to all offerors on the RFP Distribution List on or before June 16, 2025.

### **C. Purpose**

In accordance with the appropriate sections of the New Mexico Procurement Code (Chapters 13-1-28 through 13-1-199 NMSA 1978 amended), the New Mexico Public Defender Department, also known as Law Offices of the Defender (LOPD), is requesting proposals from attorneys licensed in the State of New Mexico to provide professional criminal defense legal services for indigent clients.

### **D. Statement of Work**

The successful offeror will provide legal services to qualified adult and juvenile clients in a professional and skilled manner in accordance with the Sixth Amendment to the United States Constitution; Art. II., §14 of the New Mexico Constitution; *Gideon v. Wainwright*, 372 U.S. 335 (1963); the Performance Standards for Representation in a Criminal Case, New Mexico Public Defender Commission and Law Offices of the Public Defender; the New Mexico Rules of Professional Conduct, applicable case law and the terms of the contract.

Copies of sample contracts may be found at: <http://www.lopdnm.us/>. The LOPD reserves the



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right to negotiate additional provisions with the successful bidder. All contracts must be reviewed and approved by the LOPD.

Attorneys must have completed at least 7 hours of continuing legal education in criminal defense related programming in the last 24 months.

Attorneys who accept assignments for cases will be required to enter detailed time entry into the online DefenderData system in order for contract counsel to be compensated. Also, this shall include time entry if compensation is based on an hourly system. Attorneys required to access DefenderData and Odyssey must have access to the Internet and a working e-mail address.

**E. Term**

Proposals are being considered for the 2025-2029 term beginning November 1, 2025 through October 31, 2029. Under the terms of Section 13-1-150, contracts may be subject to extensions not to exceed a total of two (2) years.

**F. Rejection/Cancellation/Acceptance**

The LOPD reserves the right to reject any or all proposals in whole or in part and to cancel this RFP at any time when it is in its' interests to do so. Discussions may be conducted with offerors who submit proposals determined to be reasonably susceptible of being selected for the award, but proposals may be accepted without such discussions.

**G. Proposal Evaluation Committee and Evaluation Criteria**

All proposals will be reviewed by the Procurement Manager for compliance with the mandatory requirements stated within the RFP. Proposals deemed non-responsive will be eliminated from further consideration.

The Procurement Manager may contact the offeror for clarification of the response. Proposals will be evaluated and scored by an Evaluation Team appointed by the Contract Counsel Legal Services (CCLS).

**PLEASE READ CAREFULLY:**

Proposals will be evaluated on the following criteria, for a total of 20 points per criterion and 260 points overall (see Attachment C):



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## BACKGROUND QUESTIONNAIRE

FOR RESPONSES TO QUESTIONS THAT REQUIRE A WRITTEN DESCRIPTION LONGER THAN THE SPACE PROVIDED, CONTINUE YOUR ANSWER ON ADDITIONAL PAPER AND ATTACH YOUR ANSWERS TO THIS FORM. CLEARLY INDICATE THE NUMBER OF THE QUESTION YOU ARE ANSWERING.

### 1. EXPERIENCE

- a. Offerors must have earned seven (7) CLE credits in the previous calendar year (2024) and/or current calendar year (2025) in the area of criminal or juvenile law. List the CLE courses you have taken that meet this requirement.
- b. Confirm whether you comply with the performance standards for criminal representation. The performance standards for criminal defense representation are available on the LOPD's website at [www.lopdnm.us](http://www.lopdnm.us).
- c. Do you certify that you possess the minimum qualifications as outlined in standards for attachment C of this RFP for each category of case, which you propose to accept? (y/n). The applicant's knowledge of relevant law, courts and rules. Please describe the applicant's knowledge of relevant law, courts and rules in every jurisdiction you are requesting.
- d. What percentage of your current practice is criminal law?

Felony	_____
Juvenile	_____
Misdemeanor	_____
Appellate/Habeas	_____
First Degree Murder	_____
- e. What portion of your time do you intend to devote to public defender cases?
- f. Describe your ability to advocate in writing—motions, legal research, preservation of issues, etc.



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- g. How many times in the past year did you use a social worker or sentencing advocate?  
What type of cases did you use a social worker or sentencing advocate?
- h. In what percentage of cases do you use an investigator? Explain circumstances:
- i. If you are a current contract attorney, have you ever submitted an LSR? If so, how many and what kind?  
  
If you are not a current contract attorney, do you use experts? What kind and how often?
- j. Approximately how many of your cases went to trial in the last calendar year (# or %)?  
What types of cases did you try?
- k. How many docketing statements or statements of appellate issues have you filed?
- l. Has the Court of Appeals or the Supreme Court ever issued an Order to Show Cause against you for failure to file a docketing or statement of appellate issues? If so, how many times was an Order to Show Cause filed against you?
- m. How many appeals have you handled?
- n. What percentage of cases and under what circumstances do you waive preliminary hearings?

**2. ABILITY TO HANDLE WORKLOAD**

- A. Describe your practice as to the following (USE ADDITIONAL PAPER IF NECESSARY); i.e., zealous advocacy for your client:
- i. Accepting collect calls or other jail communication systems:
  - ii. Communicating with family:
  - iii. Making routine jail runs; in general, how quickly after receiving an assigned case do you visit your incarcerated clients?
  - iv. Sending pleadings to client:



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- v. Providing discovery to client:
  - vi. Discussing trial tactics with other attorneys:
  - vii. Persuading clients to accept a beneficial plea offer:
  - viii. Discussing with clients grand jury practice and procedure and advising clients to testify in the grand jury/preliminary hearings. In how many cases has your client testified before the Grand Jury?
  - ix. Briefly describe how you prepare for a sentencing. Discuss strategies, use of alternative programs, experts, family members, etc.
  - x. Describe how you deal with mental health clients and competency issues.
  - xi. How many times have you asked a court or the Department to allow you to withdraw from a case? Describe and explain any instances in which you failed to get Department approval for the withdrawal. (for offerors who have previously been Public Defender contractors).**
  - xii. Describe the procedure you use for collecting application fees:
  - xiii. List all other employees working in your office. Describe the type of work each employee performs and the amount of time each employee will spend on cases. Indicate which employees are bilingual. If none of your employees are bilingual, describe how you handle non-English speaking clients.
  - xiv. What is the travel from your office to the courthouse(s) and to the jail(s) in each district where you propose to provide services? Do you maintain an office in those districts?
  - xv. If you are a current contractor, are you inputting your time in DefenderData?
  - xvi. Check the items you use in your practice:



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Computer/Software	YES	NO	Fax machine	YES	NO
Answering machine	YES	NO	Voice mail	YES	NO
Answering service	YES	NO	Receptionist	YES	NO
E-mail	YES	NO	On-line research	YES	NO
“800” phone number	YES	NO	Mentor/advisor	YES	NO
Law on disc	YES	NO	Secretary	YES	NO
Computerized billing	YES	NO	Internet access	YES	NO
Time reporting software	YES	NO			

**3. CHARACTER, ETHICS AND REPUTATION**

- a. Briefly describe all disciplinary complaints filed against you with the State Bar within the last five years. Include date of complaint, name of client and resolution or action taken against you by the Disciplinary Board in any jurisdiction where you have practiced. (Attach additional pages if necessary).
- b. Briefly describe all complaints filed against you with the Department or any other Public Defender Department in any jurisdiction where you have practiced in the past five years. Use the same format as above. The Department may consider its own records in evaluating the response to this question.
- c. In the past five years have you been sanctioned by the Department for failure to comply with Department policies and procedures regarding expert witness requests, client complaints, billing or any other matter? The Department may consider its own records in evaluating the response to this question.
- d. Has a District Court or Appellate Court ever ruled that you rendered ineffective assistance to a client? If so, please explain briefly.
- e. Have you ever been held in contempt of court? If yes, please explain the circumstances.
- f. Have you ever been convicted of a crime? Provide details.



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- g. Please disclose you are in compliance with LOPD policies and procedures; including, but not limited to, disclosure of spouse, parent, children or siblings by consanguinity or affinity, who are employed with the LOPD.

**4. PERSONAL STATEMENT**

On a separate sheet of paper (one page, double spaced) explain why you believe you are qualified to handle criminal cases for the Department and why you are interested in representing indigent clients. Please provide the Evaluation Committee with any other information you believe would assist in the evaluation of your proposal.

**5. RESUME AND PROOF OF GOOD STANDING**

Attach a copy of your resume and proof of good standing with the New Mexico State Bar.

**EVALUATION PROCESS**

1. All proposals will be reviewed for compliance with the mandatory requirements stated within the RFP. Proposals deemed non-responsive may be eliminated from further consideration.
2. The Procurement Manager may contact the Offeror for clarification of the response.

Responsive proposals will be evaluated on the factors and assigned points by the Evaluation Committee. Each of the factors is assigned a point value. (See Attachment C - Sample Score





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Sheets). The responsive offerors with the highest scores will be selected as finalist offerors based upon the proposals submitted. Finalist offerors who are selected or who choose to submit revised proposals for the purpose of obtaining best and final offers, will have their points recalculated based on their revised proposal. The responsive offeror whose proposal is most advantageous to the LOPD and its clients, taking into consideration the evaluation factors, will be recommended for the award of contract. Please note: a serious deficiency in the response to any one factor may be grounds for rejection of a proposal, regardless of overall score.

#### **H. Proposal Format**

Proposals must:

1. Identify the judicial district and county or counties for which the proposal is submitted,
2. Identify the types of cases for which the proposal is submitted – habeas, appellate, murder, felonies, misdemeanors and juvenile matters,
3. Address each of the numbered factors in each practice category as listed in Paragraph G above:
  - a. factors must be addressed in the order listed in Paragraph G under the heading PLEASE READ CAREFULLY and
  - b. responses should include a heading indicating the factor addressed. Responses will be concise paragraph form with examples where appropriate. (See paragraph G)
4. Include a signed Campaign Disclosure Form (Attachment A), and
5. In addition to the firm response to items 1 through 4 above, any licensed attorney that is employed by the firm, and will be performing work pursuant to the Professional Services Contract, must provide responses to items 1, 2, 3, and 4.

Proposals must be submitted electronically, in one complete submission, in Word or PDF format to: [ccls\\_RFP\\_mail@lopdnm.us](mailto:ccls_RFP_mail@lopdnm.us) with “LOPD RFP 2025-001” in the subject line. Proposals may be submitted beginning May 2, 2025. **The submission deadline is 4:00 p.m. MDT on July 7, 2025.**

The Campaign Disclosure Form may be signed, scanned and submitted electronically to: [ccls\\_RFP\\_mail@lopdnm.us](mailto:ccls_RFP_mail@lopdnm.us); or mailed to: CCLS, Attn: Renee Delafuente, 4600 Montgomery Blvd. NE, Building A, Suite 201, Albuquerque, New Mexico 87109 or hand-delivered to: CCLS, Attn: Renee Delafuente, 4600 Montgomery Blvd. NE, Building A, Suite 201, Albuquerque, New Mexico 87109. Mailed or hand-delivered Campaign Disclosure forms must be in a sealed envelope labeled: “**LOPD RFP Proposal**”. **No other portion of a proposal shall be**





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**mailed or hand delivered to the Procurement Manager.**


The Procurement Manager will electronically confirm receipt of each proposal within two business days of receipt. If confirmation is not received, e-mail Renee Delafuente at: [renee.delafuente@ccls.lopdm.us](mailto:renee.delafuente@ccls.lopdm.us). Proposals will be opened beginning on July 7, 2025.

A timeline of events relevant to the RFP and a sample scoring sheet are included as Attachments B and C respectively.

**NOTE:** The Procurement Code, Sections 13-1-28 through 13-1-199 NMSA 1978, imposes civil and misdemeanor criminal penalties for its violation. In addition, the New Mexico criminal statutes impose felony penalties for bribes, gratuities and kick-backs.

By:   
Randy Chavez  
Procurement Officer &  
Director of Contract Counsel Legal Services

Date: 5/01/2025

By:   
Bennett J. Baur  
Chief Public Defender, LOPD

Date: 5/1/2025



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**Attachment A**

**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 he/she has a family member or a representative of the prospective contractor have 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 HAVE MADE ANY CONTRIBUTIONS SUBJECT TO DISCLOSURE.**



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The following definitions apply:

**“Applicable public official”** means a person elected to an office, 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)



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**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--**



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**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)



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**Attachment B**

Timeline/Schedule Guidelines

The Procurement Manager will make every effort to adhere to the following schedule:

Action	Responsibility	Date
1. Issue RFP	LOPD	Friday, May 2, 2025
2. Deadline to Submit Confirmation of Receipt of Proposal	Potential Offerors	Monday, June 9, 2025
3. Deadline to Submit Written Questions	Potential Offerors	Monday, June 9, 2025
4. Response to Written Questions and RFP Amendments	LOPD	Monday, June 16, 2025
5. Submission of Proposal	Offeror	July 7, 2025 at 4:00 P.M. MDT
6. Campaign Contribution Disclosure	Offeror	July 7, 2025 at 4:00 P.M. MDT
7. Evaluation of Proposals and Selection of Finalists	Evaluation Committee	July 11, 2025 through August 4, 2025
8. Notification of Finalists	LOPD	August 18, 2025 through August 29, 2025
9. Protest Deadline	Offeror	September 9, 2025



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**Attachment C  
Sample Score Sheet  
(2 pages)**

**EVALUATION POINT TABLE/SUMMARY**

The following is a summary of evaluation factors with a point value assigned to each factor. These factors will be used in the evaluation of individual proposals.

Applicant: \_\_\_\_\_

<b><u>Factor</u></b>	<b><u>Score/Points Available</u></b>	<b><u>Comments</u></b>
1.) Applicant's ability to meet the Performance Standards for Criminal Defense Representation.	_____/20	
2. Applicant's criminal law experience.	_____/20	
3. Applicant's relevant criminal jury and bench trial experience.	_____/20	
4. Applicant's office organization; calendaring/docketing system	_____/20	
5. Applicant's ability to meet with clients in a confidential setting to form an appropriate attorney-client relationship both with clients' in-custody and out-of-custody.	_____/20	
6. Applicant's ability to zealously advocate for clients	_____/20	
7. Description of Applicant's knowledge of relevant law, courts and rules	_____/20	





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8. Relevant CLE	<div></div> <div>/20</div>	
9. Complaints received by the LOPD and the Disciplinary Board	<div></div> <div>/20</div>	
10. Compliance with policies and procedures of LOPD	<div></div> <div>/20</div>	
11. Applicant's ability to advocate in writing – motions, legal research, preservation of issues, etc.	<div></div> <div>/20</div>	
12. Applicant's standing with the New Mexico State Bar.	<div></div> <div>/20</div>	
13. Judicial assessment score	<div></div> <div>/20</div>	

## CONFIRMATION

**This Form MUST be returned to CCLS at [CCLS\\_RFP\\_mail@lopdnm.us](mailto:CCLS_RFP_mail@lopdnm.us) no later than June 9, 2025 for your response to the RFP to be accepted.**

By signature below I confirm that I have received a copy of the 2025 New Mexico Law Office of the Public Defender Request for Proposal (RFP), and a copy of the proposed 2025 New Mexico Public Defender Department Professional Service Contract. Further, I attest that I have the authority to bind the undernamed firm to the LOPD Professional Services Contract.

\_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_  
Firm name

\_\_\_\_\_  
Firm address

☐ This address has not changed since the last contract period

\_\_\_\_\_  
Firm telephone number

\_\_\_\_\_  
Cellular telephone number of firm owner

\_\_\_\_\_  
New Mexico Tax and Revenue CRS# of Firm for billing purposes

☐ I/We do not have a current or Prior Professional Services Contract with any State Agency

In the space below please provide all e-mail addresses for your firm that should be included in the Contract Counsel Legal Services distribution list (attorneys and support staff).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_