

# MIDDLE RIO GRANDE CONSERVANCY DISTRICT



## REQUEST FOR BID

FOR

## OVERSHOT/VERTICALLY HINGED CONTROL GATES

**DEADLINE FOR RESPONSE**

**MARCH 31, 2021**

**10:00 A.M.**

NOTICE

THE NEW MEXICO PROCUREMENT CODE,  
SECTIONS 13-1-28 THROUGH 13-1-199 NMSA 1978  
IMPOSES CIVIL AND CRIMINAL PENALTIES FOR ITS VIOLATION.  
IN ADDITION, THE NEW MEXICO CRIMINAL STATUTES  
IMPOSE FELONY PENALTIES FOR ILLEGAL BRIBES,  
GRATUITIES AND KICK-BACKS

# I INTRODUCTION

## A. PURPOSE OF THIS REQUEST FOR BID (RFB)

The Middle Rio Grande Conservancy District is seeking Sealed Bids to provide Automatic Water Control Gates for efficiency improvement projects. **The term of this agreement shall be for one (1) year, and with the option to extend the agreement for up to 3 additional years, upon mutual agreement of both parties.** MRGCD reserves the right to renew or renegotiate contract pricing annually, by mutual agreement with the offeror. The agreement shall not exceed a total of four (4) years. This RFB will result in a single source award.

## B. SUMMARY SCOPE OF WORK

Proposed gates are to be retrofitted to existing structures with minimal modification to the structure so must be appropriately sized. Gates typically range in height from 3' to 7.5'. Widths can be from 4' up to 20'. Precise dimensions cannot be determined at this time, so it is expected that the respondent will propose either a single cost per gate, or several costs based on an anticipated range of sizes. An example sizing/cost chart is provided in appendix B to provide a suggested range of sizes which may be used if desired. The District operations require three (3) different type gates, depending on intended use, and the type of structure which is to be retrofitted. The District cannot guarantee at this time the number of each style of gate, or the number of any particular size.

## C. BID GUIDELINES

The RFB represents the conditions for an open and competitive process as required by the State of New Mexico and the MRGCD. Bids will be accepted until **10:00 a.m. MST March 31st, 2021.**

Any bid received after this date and time will be rejected. All bids must be signed by an official representative authorized to sign on behalf of the company.

All costs must be itemized and include all costs applicable to meet the requirements of this RFB.

## D. PROCUREMENT MANAGER

The MRGCD has designated a Procurement Manager who is responsible for the conduct of this procurement whose name, address, and telephone number are listed below:

Richard DeLoia, Procurement Manager  
Middle Rio Grande Conservancy District  
1931 Second Street, SW  
P.O. Box 581  
Albuquerque, NM 87103  
(505) 247-0234

**E. MANDATORY REQUIREMENTS AND SPECIFICATIONS**

These gates are to be retrofitted to existing structures with minimal modification to the structure, so must be appropriately sized. *Appendix “A”* provides dimensions for gates. The dimensions provided in *Appendix “A”* are approximate, actual dimensions will be obtained after the Bid is awarded. The District operations require three (3) different type gates, depending on intended use, and the type of structure which is to be retrofitted. Some projects require an overshot type (OS) design. Others require a vertically hinged “saloon door” type of gate or a electric slide style gate.

**II  
CONDITIONS**

This section of the RFB contains the schedule for the procurement and describes the major procurement events as well as the conditions governing the procurement.

**A. EXPLANATION OF EVENTS**

The following paragraphs describe the activities listed in the sequence of events shown in Section II, Paragraph A.

**1. Issue of RFB**

This RFB is issued by the MRGCD in accordance with the provision of Section 13-1-21 through 13-1-199 NMSA 1978. A distribution list of those who received the RFB will be maintained throughout the procurement process and will become part of the procurement file.

**2. Acknowledgement of Receipt Form (Appendix “E”)**

Bidders should deliver, via facsimile, e-mail, or US mail, the “Acknowledgement of Receipt Form”. The form should be signed by an authorized representative, dated and returned by close of business Wednesday March 24, 2021 Mountain Time.

**3. Submission of Bids**

ALL BIDS MUST BE RECEIVED FOR REVIEW AND EVALUATION BY THE PROCUREMENT MANAGER OR DESIGNEE NO LATER THAN 10:00 A.M. MOUNTAIN (STANDARD/ DAYLIGHT) TIME ON MARCH 31, 2021. Bids received after this deadline will not be accepted. The date and time will be recorded on each Bid. Bids must be addressed and delivered to the Procurement Manager at the address listed in Section I, Paragraph D. Bids must be sealed and labeled on the outside of the package to clearly indicate in response to the “**Overshot/Vertically Hinged Control Gates**” Request for Bids. Bids submitted by facsimile or Email will not be accepted.

**4. Evaluation of Bids;**

Bids will be evaluated by the District office using the criteria as listed in this Request for Bid. During the evaluation process, the District may seek additional clarification from offerors.

All bids received by the deadline will be evaluated by the District. Evaluation made by District staff will not be made public until after the selection process is complete.

Evaluation criteria as follows:

- |    |  |     |
|----|--|-----|
| 1. | Bid Amount   | 50% |
| 2. | Compliance to Bid Specs, and RFB Mandatory Requirement | 40% |
| 3. | Mandatory Forms (Appendix 1, 2 & 3 if Applicable)      | 10% |

Selection of offeror

The Contractor selected to provide the materials will be notified along with those not selected in writing.

**5. Award**

The contract will be formally awarded the week of April 1st, 2021. In the event that mutually agreeable terms cannot be reached, the MRGCD reserves the right to finalize a contract with the next most advantageous bid without undertaking a new procurement process.

**6. Protest Deadline**

Any protest by a bidder must be timely and in conformance with § 13-1-172 NMSA 1978 and applicable procurement regulations. The fifteen (15)-day protest period for responsive bidders shall begin on the day following the contract award and will end as of 4:30 p.m. Mountain (standard/Daylight) Time on April 15, 2021. Protests must be written and must include the name and address of the protestor and the request for Bid name or number. It must also contain a statement of grounds for protest including appropriate supporting exhibits, and it must be delivered to the Middle Rio Grande Conservancy District at the address below:

Richard DeLoia, Chief Procurement Officer  
 Middle Rio Grande Conservancy District  
 1931 Second Street, SW  
 P.O. Box 581  
 Albuquerque, NM 87106-0581

Protests received after the deadline will not be accepted.

**B. GENERAL REQUIREMENTS**

This procurement will be conducted in accordance with the Procurement Code regulations, 1.4.1 NMAC

**1. Acceptance of Conditions Governing the Procurement**

Bidders must indicate their acceptance of the Conditions Governing the Procurement section in the letter of transmittal. Submission of a Bid constitutes acceptance of the Evaluation Factors contained in Section V of this RFB.

## **2. Incurring Cost**

Any cost incurred by the bidder in preparation, transmittal, presentation of any Bid or material submitted in response to this RFB shall be borne solely by the bidder.

## **3. Prime Contractor Responsibility**

Any contract that may result from the RFB shall specify that the prime contractor is solely responsible for fulfillment of the contract with the MRGCD. The MRGCD will make contract payments only to the prime contractor.

## **4. Amended Bids**

An amended Bid can be submitted before the deadline for submission of Bids. Such amended Bids must be complete replacements for a previously submitted Bid and must be clearly identified as such in the transmittal letter. The MRGCD personnel will not merge, collage, or assemble Bid materials.

## **5. Bidder's Rights to Withdraw Bid**

Bidders will be allowed to withdraw their Bids at any time prior to the deadline for receipt of Bids. The bidder must submit a written withdrawal request signed by the duly authorized representative addressed to the Procurement Manager.

The approval or denial of withdrawal requests received after the deadline for receipt of the Bids is governed by the applicable procurement regulations.

## **6. Bid Offer Firm**

Responses to this RFB, including Bid prices, will be considered firm for ninety (90) days after the due date for receipt of Bids.

## **7. Disclosure of Bid Contents**

Bids and documents pertaining to the Bids will be open to the public, except for the material that is proprietary or confidential. The Procurement Manager will not disclose or make public any pages of a Bid on which the bidder has stamped or imprinted "proprietary" or "confidential" subject to the following requirements.

Proprietary or confidential data shall be readily separable from the Bid in order to facilitate eventual public inspections of the non-confidential portion of the Bid. Confidential data are normally restricted to confidential financial information concerning the bidder's organization and data that qualify as a trade secret in accordance with the Uniform Trade Secrets Act [§57-3A-1 to 57-3A-7 NMSA 1978]. The price of products offered or the cost of services proposed shall not be designated as proprietary or confidential information.

If a request is received for disclosure of data for which a bidder has made a written request for confidentiality, the Procurement Manager shall examine the bidder's request and make a written determination that specifies which portions of the Bid should be disclosed. Unless the bidder takes legal action to prevent the disclosure, the Bid will be so disclosed. The Bid shall be open to public inspection subject to any continuing prohibition on the disclosure of confidential data.

## **8. Termination**

This RFB may be canceled at any time and any and all Bids may be rejected in whole or in part when the MRGCD determines such action to be in the best interest of the MRGCD.

## **9. Sufficient Appropriation**

Any contract awarded as a result of the RFB process may be terminated if sufficient appropriations or authorizations do not exist. Such termination will be effected by sending written notice to the contractor. The MRGCD's decision as to whether sufficient appropriations and authorizations are available will be accepted by the contractor as final.

## **10. Legal Review**

The MRGCD requires that all bidders agree to be bound by the General Requirements contained in this RFB. Any bidder concerns must be promptly brought to the attention of the Procurement Manager.

## **11. Governing Law**

This procurement and any agreements shall be governed by the terms and conditions of the MRGCD.

## **12. Basis for Bid**

Only information supplied by the MRGCD in writing through the Procurement Manager or in this RFB should be used as the basis for the preparation of Bids.

## **13. Contract Terms and Conditions**

MRGCD "Draft" Contract Terms and Conditions will be made available during contract negotiations.

## **14. Contract Deviations**

Any additional terms and conditions that may be subject of negotiation will be discussed only between the MRGCD and the awarded bidder.

## **15. Bidder Qualifications**

The Evaluation committee may make such investigations as necessary to determine the ability of the bidder to adhere to the requirements specified within this RFB. The Evaluation committee will reject the Bid who is deemed not a responsible bidder or fails to submit a responsive offer as defined in §13-1-82 and §13-1-84 NMSA 1978.

## **16. Right to Waive Minor Irregularities**

The Evaluation Committee reserves the right to waive minor irregularities. The Evaluation Committee also reserves the right to waive mandatory requirements provided that all of the otherwise responsive Bids fail to meet the same mandatory requirements and/or doing so does not

otherwise materially affect the procurement. This right is at the sole discretion of the Evaluation Committee.

#### **17. Notice**

The Procurement Code, §13-1-28 through §13-1-199 NMSA, imposes civil and misdemeanor criminal penalties for its violation. In addition, the New Mexico criminal statutes impose felony penalties for bribes, gratuities, and kickbacks.

#### **18. MRGCD Rights**

The MRGCD reserves the right to accept all or a portion of a Bid

#### **19. Right to Publish**

Throughout the duration of this procurement process and contract term, potential bidders, and contractors must secure from the MRGCD written approval prior to the release of any information that pertains to the potential work or activities covered by this procurement or the subsequent contract. Failure to adhere to this requirement may result in disqualification of the Bid or termination of the contract.

### **III. RESPONSE FORMAT AND ORGANIZATION**

#### **A. NUMBER OF RESPONSES & COPIES**

Bids must include one (1) original and One (1) identical copies.

#### **B. BID FORMAT**

All Bids must be typewritten on standard 8 ½ x 11 paper (larger paper is permissible for charts, spreadsheets, etc.).

##### **1. Bid Organization**

The Bid must be organized and indexed in the following format and must contain, at a minimum, all listed items in the sequence indicated.

- a. Letter of Transmittal
- b. Bid Summary
- c. Response to Mandatory Requirements and Specifications
- d. Response to Business Specifications
- e. Completed Cost Response Form
- f. Other Supporting Material Including
- g. Response to Exhibits A-E

Within each section bidders should address the items in the order in which they appear in this RFB. Any forms provided in the RFB must be thoroughly completed and included in the appropriate section of the Bid.

Bidders may attach other materials that they feel may improve the quality of their responses. However, these materials should be included as items in a separate appendix.

**2. Letter of Transmittal**—Each Bid must be accompanied by a letter of transmittal. The letter of transmittal MUST:

- b. Identify the submitting organization;
- c. Identify the name, title, telephone and fax numbers, and e-mail address of the person authorized by the organization to contractually obligate the organization;
- d. Identify the name, title, telephone and fax numbers, and e-mail address of the person authorized to negotiate the contract on behalf of the organization;
- e. Identify the names, titles, telephone and fax numbers, and e-mail addresses of persons to be contacted for clarification;
- f. Explicitly indicate acceptance of the Conditions Governing the Procurement stated in Section II, Paragraph C.1;
- g. Be signed by the person authorized to contractually obligate the organization;
- h. Acknowledge receipt of any and all amendments to this RFB.

#### **IV. MANDATORY BUSINESS SPECIFICATIONS**

**1. Financial Stability**

Bidders may be required to submit copies of the most recent years independently audited financial statements, as well as those for the preceding three years if they exist.

**2. References**

Bids must include three external client references from clients who received similar services. The minimum information that must be provided for each reference is:

- a. Name of individual or company services where provided
- b. Address of individual or company
- c. Name of contact person
- d. Telephone number of contact person
- e. Type of services provided and dates services were provided

## V. GATE SPECIFICATIONS

### Overshot Gates

The overshot gates should be of a double leaf, hinged design, such that movement of the crest occurs in a single vertical plane, similar in design and operation to the "Langemann" style gate (Aqua Systems 2000, Inc). The gates should be equipped with side plates, resulting in a cartridge type installation so that sealing of the gate leaves occurs within the gate and is not dependent on the walls of the existing structure. All metallic components designed to operate below the waterline will be of stainless steel. Components above the waterline are not required to be stainless steel, but must be coated with a 2-part epoxy coating for corrosion protection. Potential vendors must supply a list of all major components of the gate, and specifications for materials used.

Gate movement should be via low voltage (12v) DC motor, and be capable of both raising the gate, and positively driving the gate leaves downward, not requiring gravitational force or water pressure for gate movement. The gate drive motors should be equipped with a suitable motor controller and electrical panel. Power supply will be solar, provided by the vendor, with battery backup (battery provided by MRGCD).

The gates' electrical panels must be pre-configured to accept a Control Design CD110B RTU. The RTU's will be provided by MRGCD. The RTU will regulate the gate for a desired flow rate or water level (upstream or downstream of the gate), will calculate flow over the crest, and will telemeter gate control information to MRGCD's data collection system. If gate control requires a proprietary control routine, this must be supplied to MRGCD along with the gates as an RP52-BASIC program compatible with the Control Design RTU's. The gate control panel must provide to the RTU digital inputs for gate status (manual/auto), raise limit, lower limit, and motor power. The gate will also be equipped with a gate position sensor capable of providing a 4-20mA signal to the RTU. MRGCD will supply water level sensors.

### Vertically Hinged Gates

The Vertically Hinged Gates should be of a dual-leaf design, similar in design and operation to the "Hydra-LOPAC" gate (Aqua Systems 2000 Inc.). These gates are to be retrofitted into the central slots in existing long crest control weirs. A watertight seal is not required at these locations, though the gate leaves should mesh with some precision so that total leakage through the gate is kept to a minimum. The gate frame must incorporate a bottom sill or plate, extending downstream the full length of each leaf, to prevent debris from lodging under the gate leaf. The gate frames should be equipped with an inclined plane locking mechanism, so that the gates can be inserted into existing stop-log guides and wedged into place against the downstream edge of the guide. All metal components designed to operate below the waterline will be of stainless steel. Components above the waterline must be coated with a 2-part epoxy coating. Potential vendors must supply a list of all major components of the gate, and specifications for materials used.

MRGCD has experience with this type of gate driven through a pump-driven hydraulic actuating mechanism, though other types of drive mechanisms will be considered if they are capable of producing positive movement of the gate leaves and maintain timing between the leaves. Whatever type of drive mechanism is chosen, it is expected to require DC power. The drive mechanism should be equipped with a suitable controls and electrical panel. Power supply will be an appropriate sized solar panel, provided by the vendor, with battery backup (provided by MRGCD).

The gates' electrical panels should be configured to accept a Control Design CD110B RTU. The RTU's will be provided by MRGCD. The RTU will handle control of the gate for upstream level control, and will telemeter gate control information to MRGCD's data collection system. The Gate control panel must provide to the RTU digital inputs for gate status (manual/auto), close limit, open limit, and motor power. MRGCD will supply water level sensors.

### **Electric Fabricated Slide Gates**

The electric fabricated slide gates shall be ranging in size at MRGCD determination, Gate material shall be 3CE12 stainless steel designed for full water load. UMHW gate slides & J Seal gate seals. Single stem with Rotork bevel actuators, Helical bevel speed reducers with a gate speed of minimum 3" per minute. Motor shall be 1/4 HP 12vdc w/cover, limit switches c/w TR programable encoder. 1- 1/2" threaded stem w/ adj stop nut. Stem covers w/ site glass c/w staff gauge. Gate Control Panels shall include electrical panel, ammeter, limit switches, overload relay switches, motor controllers, fuse & terminal blocks. Solar panel w/regulator 60 watt. Panel stand c/w outer enclosure.

**APPENDIX "A" BID FORM  
OVERSHOT GATE  
VERTICALLY HINGED GATE  
ELECTRIC FABRICATED SLIDE GATES**

**PRICES PROPOSED SHALL BE FOR A TERM OF   4   YEAR(S)  
BIDDER MUST INCLUDE COMPLETE DETAIL OF FREIGHT COSTS IF APPLICABLE**

*OVERSHOT*	GATE WIDTH					
GATE DEPTH	<5 FEET	>5.01 FT -<7.01 FT	>7.02 FT - <9.01 FT	>9.02 FT - <11.01 FT	>11.02 FT - <13.01 FT	>13.02 FT - <15.01 FT
< 3.7 Feet	\$	\$	\$	\$	\$	\$
> 3.71 Feet < 4.01 Feet	\$	\$	\$	\$	\$	\$
> 4.02 Feet < 4.26 Feet	\$	\$	\$	\$	\$	\$
> 4.27 Feet < 4.51 Feet	\$	\$	\$	\$	\$	\$
> 4.52 Feet < 4.76 Feet	\$	\$	\$	\$	\$	\$
> 4.77 Feet < 5.01 Feet	\$	\$	\$	\$	\$	\$
> 5.02 Feet < 5.26 Feet	\$	\$	\$	\$	\$	\$
> 5.27 Feet < 5.51 Feet	\$	\$	\$	\$	\$	\$
Freight if Applicable	\$	\$	\$	\$	\$	\$

*VERTICALLY HINGED*	GATE WIDTH					
GATE DEPTH	<2.5 Feet	>2.5 FT <3 Feet	>3.1 FT - <4 FT	>4.1 FT - <5.1 FT		
< 2.0 Feet	\$	\$	\$	\$		
> 2 Feet < 2.5 Feet	\$	\$	\$	\$		
> 2.51 Feet < 3 Feet	\$	\$	\$	\$		
> 3.01 Feet < 4 Feet	\$	\$	\$	\$		
> 4.01 Feet < 4.25 Feet	\$	\$	\$	\$		
> 4.26 Feet < 4.5 Feet	\$	\$	\$	\$		
> 4.51 Feet < 5.0 Feet	\$	\$	\$	\$		
> 5.01 Feet < 5.5 Feet	\$	\$	\$	\$		
> 5.51 Feet < 6 Feet	\$	\$	\$	\$		
> 6.01 Feet < 6.5 Feet	\$	\$	\$	\$		
Freight if Applicable	\$	\$	\$	\$		

*ELECTRIC FABRICATED GATE 12VDC*	GATE WIDTH					
	<5 FEET	>5.01 FT -<7.01 FT	>7.02 FT - <9.01 FT	>9.02 FT - <11.01 FT	>11.02 FT - <13.01 FT	>13.02 FT - <15.01 FT
< 3.7 Feet	\$	\$	\$	\$	\$	\$
> 3.71 Feet < 4.01 Feet	\$	\$	\$	\$	\$	\$
> 4.02 Feet < 4.26 Feet	\$	\$	\$	\$	\$	\$
> 4.27 Feet < 4.51 Feet	\$	\$	\$	\$	\$	\$
> 4.52 Feet < 4.76 Feet	\$	\$	\$	\$	\$	\$
> 4.77 Feet < 5.01 Feet	\$	\$	\$	\$	\$	\$
> 5.02 Feet < 5.26 Feet	\$	\$	\$	\$	\$	\$
> 5.27 Feet < 5.51 Feet	\$	\$	\$	\$	\$	\$
Freight if Applicable	\$	\$	\$	\$	\$	\$



**NOTICE**  
**TO ALL BIDDERS/OFFERORS**

**THIS IS A REMINDER THAT THE MIDDLE RIO GRANDE CONSERVANCY DISTRICT IS NOT RESPONSIBLE FOR RECEIPT OF UNTIMELY BIDS OR PROPOSALS, WHETHER THE DELAYS ARE DUE TO UNTIMELY DELIVERY BY PUBLIC OR PRIVATE (POSTAL OR PERSONAL) DELIVERY SERVICE. THEREFORE, WE ASK YOU TO PLEASE MAKE APPROPRIATE ARRANGEMENTS TO HAVE YOUR BIDS OR PROPOSALS IN BY THE DEADLINE DATE AND TIME AS DESIGNATED ON THE BID OR PROPOSAL.**

## APPENDIX “B”

### CAMPAIGN CONTRIBUTION DISCLOSURE FORM

Pursuant to NMSA 1978, § 13-1-191.1 (2006), any person 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 shall void an executed contract or cancel a solicitation or proposed award for a proposed contract 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.

**THIS FORM 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 either 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.

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

**“Person”** means any corporation, partnership, individual, joint venture, association or any other private legal entity.

**“Prospective contractor”** means a person who 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 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 MRGCD Public Official(s)”**  
(Michael T. Sandoval, Karen Dunning, John P. Kelly, Joaquin Baca, Barbara Baca, Stephanie Russo Baca and Valerie Moore)

DISCLOSURE OF CONTRIBUTIONS:

Contribution Made By: \_\_\_\_\_

Relation to Prospective Contractor: \_\_\_\_\_

Name of Applicable MRGCD Public Official \_\_\_\_\_

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)

**APPENDIX “C”**  
**SUSPENSION AND DEBARMENT REQUIREMENT**

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION, PROPOSED  
DEBARMENT AND OTHER RESPONSIBILITY MATTERS**

The entering of a contract between Middle Rio Grande Conservancy District (MRGCD) and the successful Offeror pursuant to this RFB is a “covered transaction,” as defined by 45 C.F.R. Part 76. MRGCD’s contract with the successor Offeror shall contain a provision relating to debarment, suspension, and responsibility substantially in the form contained in Article 39 of Attachment D. All Offerors must provide as a part of their proposals a certification to MRGCD in the form provided below. Failure of an Offeror to furnish a certification or provide such additional information as requested by the Procurement Manager for this RFB will render the Offeror non-responsible. Furthermore, the Offeror shall provide immediate written notice to the Procurement Manager for this RFB if, at any time prior to contract award, the Offeror learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

*Although MRGCD may review the veracity of the certification through the use of the federal Excluded Parties Listing System or by other means, the certification provided by the Offeror in paragraph (a), below, is a material representation of fact upon which MRGCD will rely when making a contract award. If it is later determined that the Offeror knowingly rendered an erroneous certification, in addition to other remedies available to MRGCD, MRGCD may terminate the contract resulting from this Request for Bids for default.*

*The certification provided by the Offeror in paragraph (a), below, will be considered in connection with a determination of the Offeror’s responsibility. A certification that any of the items in paragraph (a), below, exists may result in rejection of the Offeror’s proposal for nonresponsibility and the withholding of an award under this RFB. If the Offeror’s certification indicates that that any of the items in paragraph (a), below, exists, the Offeror shall provide with its proposal a full written explanation of the specific basis for, and circumstances connected to, the item; the Offeror’s failure to provide such explanation will result in rejection of the Offeror’s proposal. If the Offeror’s certification indicates that that any of the items in paragraph (a), below, exists, MRGCD, in its sole discretion, may request, that the U.S. Department of Health and Human Services grant an exception under 45 C.F.R. §§ 76.120 and 76.305 if MRGCD believes that the procurement schedule so permits and an exception is applicable and warranted under the circumstances. In no event will MRGCD award a contract to an Offeror if the requested exception is not granted for the Offeror.*

(a)(1) By signing and submitting a proposal in response to this RFB, the Offeror certifies, to the best of its knowledge and belief, that:

(i) The Offeror and/or any of its Principals-

Suspension & Debarment Page 2 of 2

- (A) Are  are not  presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any Federal department or agency;  
 Suspension & Debarment Page 1 of 2
- (B) Have  have not , within a three-year period preceding the date of the Offeror's proposal, been convicted of or had a civil judgment rendered against them for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, state, or local) contract or subcontract; violation of Federal or state antitrust statutes relating to the submission of offers; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, or receiving stolen property;
- (C) Are  are not  presently indicted for, or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with, commission of any of the offenses enumerated in paragraph (a)(1)(i)(B) of this certification;
- (D) Have  have not  within a three-year period preceding the date of Offeror's proposal, had one or more public agreements or transactions (Federal, State or local) terminated for cause or default; and
- (E) Have  have not  been excluded from participation from Medicare, Medicaid or other federal health care programs pursuant to Title XI of the Social Security Act, 42 U.S.C. §1320a-7.

(ii) "Principal," for the purposes of this certification, shall have the meaning set forth in 45 C.F.R. §76.995 and shall include an officer, director; owner, partner, principal investigator, or other person having management or supervisory responsibilities related to a covered transaction. "Principal" also includes a consultant or other person, whether or not employed by the participant or paid with Federal funds, who: is in a position to handle Federal funds; is in a position to influence or control the use of those funds; or occupies a technical or professional position capable of substantially influencing the development or outcome of an activity required to perform the covered transaction.

(iii) For the purposes of this certification, the terms used in the certification, such as *covered transaction*, *debarred*, *excluded*, *exclusion*, *ineligible*, *ineligibility*, *participant*, and *person* have the meanings set forth in the definitions and coverage rules of 45 C.F.R. Part 76.

(iv) Nothing contained in the foregoing certification shall be construed to require establishment of a system of records in order to render, in good faith, the certification required by paragraph (a) of this provision. The knowledge and information of an Offeror is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

OFFEROR: \_\_\_\_\_

SIGNED BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

**APPENDIX “D”**

**RESIDENT BUSINESS AND/OR  
RESIDENT VETERANS BUSINESS CERTIFICATION**  
(As per NMSA 1978 13-1-22)

- Resident Business Certificate
- Resident Veterans Certificate

**RESIDENT BUSINESS CERTIFICATION**

Offeror's Company Name: \_\_\_\_\_

Resident Business Certificate Number: \_\_\_\_\_

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

Offeror "must" include a copy of Resident Business Certificate with their proposal

**RESIDENT VETERAN’S BUSINESS CERTIFICATION**

Offeror’s Company Name: \_\_\_\_\_

Resident Veteran’s Business Certificate Number: \_\_\_\_\_

Offeror must include copy of Resident Veteran’s Business Certificate with their proposal.

Offeror’s submitting a Resident Veteran’s Business Certificate must also complete the following certification of prior year’s revenue.

## 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 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 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 NM General Services Department declaring under penalty of perjury that during the last calendar year starting January 1 and ending on December 31st the following to be a 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 Section 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 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 statement 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 termination of award of the procurement involved if the statements are proven to be incorrect.*



**APPENDIX "E"**



**ACKNOWLEDGEMENT OF RECEIPT FORM**

**OVERSHOT/VERTICALLY HINGED  
CONTROL GATES**

1.  Complete RFB copy beginning with Title Page and ending with Appendix "E"
2.  Addendum No. \_\_\_\_\_

In acknowledgement of receipt of this Request for Bid the undersigned agrees that s/he has received a complete copy, beginning with the title page and ending with Appendix "E".

**FIRM:** \_\_\_\_\_

**REPRESENTATIVE:** \_\_\_\_\_

**TITLE:** \_\_\_\_\_ **PHONE NO.:** \_\_\_\_\_

**E-MAIL:** \_\_\_\_\_ **FAX NO.:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**CITY:** \_\_\_\_\_ **STATE:** \_\_\_\_\_ **ZIP CODE:** \_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**This name and address will be used for all correspondence related to the Request for Bid/Proposal.**

**Firm Does / Does Not (circle One) intend to respond to this Request**