

MIDDLE RIO GRANDE CONSERVANCY DISTRICT



REQUEST FOR BID

FOR:

FRESNO SLIDE GATES

DEADLINE FOR RESPONSE:

**THURSDAY FEBRUARY 13, 2020
10:00 A.M.**

COMMODITY CODES; 00262, 02049, 67017

PREPARED BY:

**Richard DeLoia, Purchasing Agent
Middle Rio Grande Conservancy District
1931 Second Street, S.W. Post Office Box 581
Albuquerque, New Mexico 87103
(505) 247-0234**

SECTION I

GENERAL INFORMATION

The Middle Rio Grande Conservancy District (MRGCD) is seeking bids for a fixed price agreement from vendors for Fresno Slide Gates and Replacement Parts in accordance with specifications contained in this Request for Bid. **The price agreement and term of the contract shall be one year with the option for three (3) additional successive one-year terms, with the same terms and conditions as stated on the original bid and shall not to exceed four (4) years. Any price increases due to manufacture or supply increase can be submitted in writing to MRGCD for approval before renewal of yearly contract.**

The District reserves the right to reject any and all bids, to waive any minor technicalities in bids and, unless otherwise specified by the bidder, to accept any item in the bid. In case of error in the extension of prices in the bid, the unit prices will govern. Bids will be awarded in whole not in part unless otherwise specified by the District.

The District will take advantage of payment discounts offered whenever possible; however, payment discounts will not be used as a means to determine the lowest responsible bidder. Time in connection with discounts offered, will be computed from date of the delivery of the supplies and or service completions, or from the date a correct invoice certified by the contractor is received.

In case of default of the contractor, the District may procure the articles or services from other sources and hold the contractor responsible for any excess cost occasioned thereby.

No officer or employee of the District or public officer of the District shall be admitted to any share or part of this contract or to any benefit that may arise therefrom, directly or indirectly.

I. INTRODUCTION

The Middle Rio Grande Conservancy District (hereafter referred to as District) will be accepting Sealed Bids for an **Annual Price Agreement for;**

A. FRESNO SLIDE GATES & PARTS

One (1) original and (1) copy of the bid and supporting documentation must be submitted with your bid. Bids must be in the format specified. Bids must be signed, and the authority of the individual signing must be stated on the bid.

II. TIME – PLACE - AWARD

Bids must be submitted on the official bid form, if space is not adequate on the please attach a separate sheet with the additional information.

All bids shall be clearly marked in the lower left-hand corner of the sealed envelope “**FRESNO GATE BID**”. The filing date and time marked or stamped on the envelope by MRGCD shall be conclusive evidence of the date and time the bids were filed.

1. The deadline for receipt of bids shall be Thursday February 13, 2020 no later than 10:00 a.m.
2. Acknowledgement of Receipt forms deadline by C.O.B. Tuesday February 4, 2020

No Bid will be accepted by electronic transmission.

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P.O, Box 581
Albuquerque, New Mexico 87103

Bid Modifications: Only modifications received prior to the time specified for the closing will be accepted. No modifications will be accepted following the opening. Technical clarifications of the offer

may be requested by the District following the opening.

Withdrawal of Bids: Bids may be withdrawn by written notice of in person by a bidder or an authorized representative any time prior to the award.

Late Submission: Late submissions of bids will not be considered unless it is determined by the District that the late receipt was due solely to mishandling by the District or if the bid is the only one received. **All other late submissions will be returned unopened.** All bids received will remain sealed and unopened until the opening time specified.

Campaign Contributions: Bidders must complete and submit the NMSA Campaign Contribution Disclosure Form (See Appendix 1).

Debarment/Suspension: In performing services and/or furnishing the goods specified in this invitation, the vendor/contractor certifies that it is not suspended, debarred or declared ineligible from entering into contract with the Executive Branch of the Federal Government, and State agencies or local public boding, nor is in receipt of a notice of proposed debarment or suspension from the Executive Branch of the Federal Government and "Contracting Officer: shall mean "District" respectively. (See Appendix 2).

Resident Business or Resident Veteran Business Certificate (As required by Section 13-1-22 NMSA if applying for a preference under Section 13-1-21 NMSA)
Resident Veterans Business Preference Certification
(If applying for Resident Veteran Business preference; See Appendix 3.)

III. RFB MANDATORY REQUIREMENTS:

1. Bidder must provide documentation as an established business for a minimum of 5 years.
2. Bidder will accept that MRGCD reserves the right to order the quantity that is bid, in increments that are acceptable to our needs at that time, over a 12 month period and not to exceed four (4) years. MRGCD may go over or under

- the amount bid with no price increase or penalty.
3. Documentation, paperwork, brochures of product(s) being offered must be presented with bid.
 4. All paperwork, Invoices are due on delivery and before payment will be made.

IV. 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 | 40% |
| 2. Compliance to Bid Specifications and ALL” Mandatory Requirements in RFB | 40% |
| 3. Mandatory Forms | 20% |

V. SELECTION OF OFFEROR

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

DELIVERY OF MATERIAL

At minimum 24 hours, preferably 72 hours notice is required prior to any deliveries to District yards. Failure to comply may result in rejection of shipment. The following is the contact information and telephone numbers for each shipping location:

Albuquerque Division Yard
1930 Second Street, S.W.
Albuquerque, New Mexico
(505) 247-0234

Mr. Joe Brem, Division Manager Ext. 1347
Mr. Ricardo Varela, Supply Clerk Ext. 1348

INSTRUCTION TO BIDDERS

- 1.** **MRGCD** reserves the right to refuse any shipment that is deemed unacceptable due to product concerns, changes or workmanship of Gates and attaching items. If an order is deemed unacceptable, MRGCD will notify Bidder within 24 hours. At that time, Bidder will have 72 hours to pick up shipment that is unacceptable to return to the Bidders facility for correction. Bidder will be responsible for freight cost to their facility and for the freight cost back to our facility for corrected product.
- 2.** Samples of items, when required, must be furnished, free of expense, prior to the opening of bids, and upon request, will be returned at the bidder's expense.
- 3.** Prices should be stated in units of quantity specified with packaging included.
- 4.** Time of proposed delivery must be stated in definite terms. If time varies for

different items the bidder shall so state.

5. If item bid had a trade name or brand, such trade name and brand must be stated in the bid.
6. To ensure prompt payment, bills should be certified as follows: I certify that this bill is correct and just, and that payment therefore has not been received.

NOTICE

THE PROCUREMENT CODE, SECTIONS 13-1-29 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 KICKBACKS.

MINIMUM SPECIFICATIONS

SLIDE GATES

SLIDE GATES: Spigot back or Flat back (will be specified) with 6 foot frame height, (except where specified), right hand stem thread and 6 foot tall. Slide gates shall be Fresno 101C Gates. Gate designed for use on low head system. Hand Wheels on gates should be largest size available for the gate.

STEMS

Right hand thread, fully threaded with lip.

REPLACEMENT PARTS

Replacement parts requiring right hand thread unless otherwise specified.

ACCEPTANCE OF GOODS CONDITION

MRGCD reserves the right to reject the shipment of gates and (or) replacement parts. Please refer to line 1 in "Instruction to Bidder" section.

SCHEDULE I

**THE FOLLOWING ITEMS TO BE DELIVERED
ALBUQUERQUE DIVISION
F.O.B. DESIGNATED DESTINATION
1930 SECOND ST SW.
ALBUQUERQUE, NM**

ITEM NO.	SLIDE GATES W/ FLAT BACK MOUNT	UNIT PRICE	TOTAL AMOUNT
1.	12"	\$	\$
2.	15"	\$	\$
3.	18"	\$	\$
4.	24"	\$	\$
5.	30"	\$	\$
6.	36"	\$	\$

ITEM NO.	SLIDE GATES W/ SPIGOT BACK MOUNT	UNIT PRICE	TOTAL AMOUNT
1.	12"	\$	\$
2.	15"	\$	\$
3.	18"	\$	\$
4.	24"	\$	\$
5.	30"	\$	\$
6.	36"	\$	\$

ITEM NO.	CARBON STEEL STUB	UNIT PRICE	TOTAL AMOUNT
1.	12"	\$	\$
2.	15"	\$	\$
3.	18"	\$	\$
4.	24"	\$	\$
5.	30"	\$	\$
6.	36"	\$	\$

VENDOR INFORMATION

COMPANY NAME: _____

ADDRESS: _____

TELEPHONE # _____

E-MAIL ADDRESS: _____

CONTACT: _____

PLEASE PRINT

Date: _____

SIGNATURE

SECTION VII

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 bid 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, which has the authority to award or influence the award of the contract for which the prospective contractor is submitting a competitive sealed bid or who has the authority to negotiate a sole source or small purchase contract that may be awarded without submission of a sealed competitive bid.

“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 bid process set forth in the Procurement Code or is not required to submit a competitive sealed bid 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)**”

(Karen Dunning, John Kelly, Joaquin Baca, Valerie Moore, Barbara Baca, Stephanie Russo Baca and Michael T. Sandoval)

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)

SECTION VIII

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 Bidder pursuant to this RFP is a "covered transaction," as defined by 45 C.F.R. Part 76. MRGCD's contract with the successor Bidder shall contain a provision relating to debarment, suspension, and responsibility substantially in the form contained in Article 39 of Attachment D. All Bidders must provide as a part of their bids a certification to MRGCD in the form provided below. Failure of a Bidder to furnish a certification or provide such additional information as requested by the Procurement Manager for this RFP will render the Bidder non-responsible. Furthermore, the Bidder shall provide immediate written notice to the Procurement Manager for this RFP if, at any time prior to contract award, the Bidder 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 Bidder 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 Bidder 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 Bidder in paragraph (a), below, will be considered in connection with a determination of the Bidder's responsibility. A certification that any of the items in paragraph (a), below, exists may result in rejection of the Bidder's bid for nonresponsibility and the withholding of an award under this RFP. If the Bidder's certification indicates that that any of the items in paragraph (a), below, exists, the Bidder shall provide with its bid a full written explanation of the specific basis for, and circumstances connected to, the item; the Bidder's failure to provide such explanation will result in rejection of the Bidder's bid. If the Bidder'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 a Bidder if the requested exception is not granted for the Bidder.

(a)(1) By signing and submitting a bid, the Bidder certifies, to the best of his/her knowledge and belief, that:

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

- (A) Are are not presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any Federal department or agency;
- (B) Have have not , within a three-year period preceding the date of the Bidder's bid, 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 Bidder's bid, 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 a Bidder is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

BIDDER: _____

SIGNED BY: _____

TITLE: _____ DATE: _____

NOTICE

TO ALL BIDDERS

THIS IS A REMINDER THAT THE MIDDLE RIO GRANDE CONSERVANCY DISTRICT IS NOT RESPONSIBLE FOR RECEIPT OF UNTIMELY BIDS OR BIDS 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 BIDS IN BY THE DEADLINE DATE AND TIME AS DESIGNATED ON THE BID OR BID.

THANK YOU

APPENDIX NO. 3

**RESIDENT BUSINESS AND/OR RESIDENT VETERANS BUSINESS
CERTIFICATION**

(As per NMSA 1978 13-1-22)

**Points will be awarded based on Offerors ability to provide a copy of a current
Resident Business Certificate or Resident Veterans Certificate**

_____ **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 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 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.

DATE: _____

(Signature of Business Representative)*

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.