

MIDDLE RIO GRANDE CONSERVANCY DISTRICT



REQUEST FOR BID FOR AUTOMATIC WATER CONTROL GATES

**DEADLINE FOR RESPONSE
JUNE 27, 2024
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 price 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.

B. SUMMARY SCOPE OF WORK

Proposed automatic water control gates (gates) are to be installed in existing concrete structures with minimal structure modification or for new structures. Gates must be appropriately sized for canal capacities. The ranges in gate range in height from 1' to 10'. Widths can be from 1' up to 20'. Precise dimensions cannot be determined at this time, so it is expected that the respondent will provide costs for all appropriate gates that fall within the requested size parameters. The District's operations require gates that can be automated to operate to meet downstream flow conditions (flow control) and/or upstream water level control conditions (level control).

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 June 27th, 2024.**

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

Gates are to be retrofitted to existing structures with minimal modification to the structure, so must be appropriately sized. The District needs automatic water control gates that fall within the size ranges of heights from 1' to 10' and widths can be from 1' up to 20'. MRGCD will need gates that can operate to meet downstream flow conditions (flow control) and/or upstream water surface conditions (level control). Gates must also have manual control capability. Gates must be able to integrate into the District's UHF radio telemetry system and be MODBUS compatible. Gates must be low voltage DC systems that are battery powered and solar recharged or capable of integration with AC charging systems. Vendor should provide quotes and pricing for all gates that can meet the operation objectives and sizes that are identified in the specifications.

**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 Friday June 21st, 2024 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 JUNE 27, 2024. 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 **"Automatic Water 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 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 Specs, and RFB Mandatory Requirement | 50% |
| 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 July 1st, 2024. 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. 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. Cost Response Forms or priced catalogs
- 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**:
 - a. Identify the submitting organization;
 - b. Identify the name, title, telephone and fax numbers, and e-mail address of the person authorized by the organization to contractually obligate the organization;
 - c. 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;
 - d. Identify the names, titles, telephone and fax numbers, and e-mail addresses of persons to be contacted for clarification;
 - e. Be signed by the person authorized to contractually obligate the organization;
 - f. Acknowledge receipt of any and all amendments to this RFB.

IV. MANDATORY BUSINESS SPECIFICATIONS

1. 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**

The District requires gates for placement in open channel canals which may serve as a diversion gate, canal head gate, check gate, farm delivery gate, or wasteway gate. Water control gates should be able to be automated with a Radio Transmission Unit (RTU) that will provide flow control and level control and will telemeter gate control information to the District's data collection system. RTU must be compatible with UHF telemetry and must be MODBUS compatible. Gates must also have manual control capability. The gate drive mechanism should be equipped with a suitable controller and electrical panel. Gates must be low voltage DC systems with a solar power supply, provided by the vendor, with battery backup or capable of integration with AC charging systems.

All metallic components designed to operate near or below the waterline will be stainless steel. Components above the waterline are not required to be stainless steel but must have corrosion protection. Potential vendors must supply a list of all major components of the gate, and specifications for materials used.

Gates will need to be available in a wide range of sizes and capacity to pass a wide range of flow volumes. The sizes and flow rates needed will be site dependent. Sizes will range from Gates typically range in height from 1' to 10'. Widths can be from 1' up to 20'.

Catalog Inclusion: Vendors are encouraged to submit their entire product catalog for consideration. This includes all products and services relevant to the scope.

Diverse Offerings: MRGCD is interested in a broad range of products that meet or exceed the specified requirements. Vendors should highlight products that offer varied features, performance levels, and price points.

Catalog Submission Requirements:

Comprehensive Listing:

The submitted catalog should include a comprehensive listing of all available products and services. Each item should be clearly described with detailed specifications.

Product Descriptions: Provide detailed descriptions for each product, including specifications, features, dimensions, materials, and any other relevant technical details.

Pricing Information: Include pricing for each product or service in the catalog. Vendors should outline any volume discounts, bundled offers, or tiered pricing structures available.

RFB/RFP COMPLIANCE

IN THE INTEREST OF FAIRNESS AND SOUND BUSINESS PRACTICES, IT IS MANDATORY THAT YOU STATE ANY EXCEPTIONS.

IF BID OR PROPOSAL DOES NOT MEET OR EXCEED THE REQUIREMENTS, OR IF ANY DEVIATIONS EXIST, BIDDER/OFFEROR MUST DETAIL SPECIFICALLY BELOW. (ATTACH SEPARATE SHEET IF NECESSARY):

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

I MEET REQUIREMENTS _____ I DON'T MEET REQUIREMENTS _____
(Must Check One)

NAME _____

TITLE _____

N O T I C E
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)”

(Karen Dunning, John Kelly, Glen Duggins, Barbara Baca, Stephanie Russo Baca, Colin Baugh 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)

Campaign Contributions – 3 of 3

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: _____

Suspension & Debarment Page 2 of 2

APPENDIX “D”

RESIDENT BUSINESS AND/OR RESIDENT VETERANS / NATIVE AMERICAN RESIDENT BUSINESS CERTIFICATION

To ensure adequate consideration and application of 13-1-21 NMSA (as amended), the Consultant must include a copy of their preference certificate in this section. In addition, for resident Veterans Preference / Native American Resident Business to receive a resident business, Native American resident business, resident veteran business or Native American resident veteran business preference pursuant to Section 13-1-21 NMSA 1978 or a resident contractor, Native American resident contractor, resident veteran contractor or Native American resident veteran contractor preference pursuant to Section 13-4-2 NMSA 1978, a business or contractor shall submit with its bid or proposal a copy of a valid resident business, issued by the taxation and revenue department. Qualifications for preference are stated in 13-1-22.

☐ Resident Business Certificate

☐ Resident Veterans / Native American Resident 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 / NATIVE AMERICAN 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.

To ensure adequate consideration and application of NMSA 1978, § 13-1-21 (as amended), Offerors **MUST** include a copy, in this section, of its NM Resident preference certificate, as issued by the New Mexico Taxation and Revenue Department.

APPENDIX E

CONFLICT OF INTEREST AFFIDAVIT AND DISCLOSURE

A. "Conflict of Interest Disclosure" A disclosure of clients represented and a formal statement of whether there is any real or perceived conflict of interest in representing the issues and advocacy for the MRGCD, addressing whether or not any conflict of interest exists between this project and other past or on-going projects, including any projects currently being conducted with another client..

B. "Person" includes a bidder, offeror, contractor, consultant, or subcontractor or sub-consultant at any tier, and also includes an employee or agent of any of them if the employee or agent has or will have the authority to control or supervise all or a portion of the work for which a bid or offer is made.

C. The Consultant or Sub consultant warrants that, except as disclosed in section D, below, there are no relevant facts or circumstances now giving rise or which could, in the future, give rise to a conflict of interest.

D. The following facts or circumstances give rise or could in the future give rise to a conflict of interest (explain in detail):

E. The consultant or sub-consultant agrees that if an actual or potential conflict of interest arises after the date of this affidavit, the consultant or sub-consultant shall immediately make full disclosure in writing to the chief procurement officer of all relevant facts and circumstances. This disclosure shall include a description of actions that the consultant or sub-consultant has taken and proposes to take to avoid, mitigate, or neutralize the actual or potential conflict of interest.

The undersigned further states that the firm or individual submitting a proposal is not in violation of any applicable Conflict of Interest laws or regulations, etc.

Date:_____

By:_____

(Authorized Representative and Affiant)

APPENDIX F

NEW MEXICO EMPLOYEES HEALTH COVERAGE

- A. If the Contractor has, or grows to, six (6) or more employees who work, or who are expected to work, an average of at least 20 hours per week over a six (6) month period during the term of the contract, Contractor certifies, by signing this agreement, to have in place, and agree to maintain for the term of the contract, health insurance for those employees and offer that health insurance to those employees if the expected annual value in the aggregate of any contracts between Contractor and the State exceed \$250,000.
- B. Contractor agrees to maintain a record of the number of employees who have (a) accepted health insurance; (b) declined health insurance due to other health insurance coverage already in place; or (c) declined health insurance for other reasons. These records are subject to review and audit by a representative of the state.
- C. Contractor agrees to advise all employees of the availability of State publicly financed health care coverage programs by providing each employee with, as a minimum, the following website link to additional information: <http://insurenwmexico.state.nm.us/>.
- D. For Indefinite Quantity, Indefinite Delivery contracts (state price agreements without specific limitations on quantity and providing for an indeterminate number of orders to be placed against it); the Contractor agrees these requirements shall apply the first day of the second month after the Contractor reports combined sales (from state and, if applicable, from local public bodies if from a state price agreement) of \$250,000.

By signing below, Bidder agrees to be bound by the terms stated in this form:

Signature of Bidder: _____ Date: _____



APPENDIX "G"

ACKNOWLEDGEMENT OF RECEIPT FORM AUTOMATIC WATER CONTROL GATES



1. ☐ Complete RFB copy
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 "G".

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**