

INVITATION TO BID (ITB)

Sandoval County Public Works Department

Asphalt Hot and Cold Mix



ITB# FY23-SCPW-02

Release Date: September 11, 2022

Due Date: September 22, 2022 at 3:00 PM MDT

NIGP Codes: 74505, 74511, 74521

I. INTRODUCTION

A. PURPOSE OF THIS INVITATION TO BID

Sandoval County Board of County Commissioners is requesting sealed bids on behalf of the Sandoval County Public Works Department from qualified Bidders to establish a Price Agreement for asphalt hot and cold mix. Responses will be accepted in the Finance Department, Attn: Leslie Olivas, Sandoval County Administrative Bldg., 1500 Idalia Road, Bldg. D 2nd floor, P.O. Box 40, Bernalillo, New Mexico up to 3:00 p.m. (Mountain Standard Time) on September 22, 2022. The Sandoval County Board of Commissioners reserves the right to reject any and all responses.

B. SCOPE OF BID

The Sandoval County Public Works Department is soliciting sealed bids from prospective and qualified Bidders who will be able to provide the County various grades of hot and cold mixes to meet all the specifications outlined in this ITB, as well as all applicable New Mexico State Department of Transportation Standard Specifications for Highway and Bridge Construction, special provisions, standard drawings, and supplemental specifications (current edition). These products will be utilized County-wide for in-house paving and repair projects. County crews will pick up the product at the awarded location(s), however, some projects will require delivery on site.

C. TERM OF CONTRACT

This Invitation to Bid is to contract on a yearly basis with the option to renew annually for a maximum of four (4) years. The resulting contract will be a multi-award. The contract is non-exclusive should a need or conflict arise as determined by Sandoval County.

D. PROCUREMENT MANAGER

1. Sandoval County has assigned a Procurement Manager who is responsible for the conduct of this procurement whose name, address, telephone number and e-mail address are listed below:

Name: Leslie Olivas, Senior Procurement Specialist
Address: Sandoval County
1500 Idalia Road Bldg. D 2nd Floor
PO Box 40
Bernalillo, NM 87004

Telephone: (505) 404-5873
Fax: (505) 867-7605
Email: ldolivas@sandovalcountynm.gov

2. All deliveries of responses via express carrier must be addressed as follows:

Name: Leslie Olivas, Senior Procurement Specialist
Reference ITB Name: Asphlat Hot and Cold Mix
ITB# FY23-SCPW-02
Address: Sandoval County
1500 Idalia Road Bldg. D
PO Box 40
Bernalillo, NM 87004

3. **Any inquiries or requests** regarding this procurement should be submitted, in writing, to the Procurement Manager. Bidders may **ONLY** contact the Procurement Manager regarding this procurement. Other county employees or Evaluation Committee members do not have the authority to respond on behalf of the County. **Protests of the solicitation or award must be delivered by mail to the Protest Manager.** A Protest Manager has been named in this Request for Bids, pursuant to NMSA 1978, § 13-1-172, **ONLY** protests delivered directly to the Protest Manager in writing and in a timely fashion will be considered to have been submitted properly and in accordance with statute, rule and this Request for Bids. Emailed protests will not be considered as properly submitted nor will protests delivered to the Procurement Manager be considered properly submitted.

II. CONDITIONS GOVERNING THE PROCUREMENT

This section of the Invitation to Bid contains the schedule, description and conditions governing the procurement.

A. SEQUENCE OF EVENTS

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

Action	Responsible Party	Due Dates
1. Issue ITB	Sandoval County	SEPTEMBER 11, 2022
2. Return of Acknowledgement of Receipt Form	Bidders	SEPTEMBER 13, 2022
3. Deadline to Submit Questions	Bidders	SEPTEMBER 14, 2022 by 1:00 P.M. MDT
4. Response to Written Questions	Potential Bidders	SEPTEMBER 16, 2022
5. Submission of Sealed Bids	Bidders	SEPTEMBER 22, 2022 by 3:00 P.M. MDT
6. Bid Tabulation	Sandoval County	SEPTEMBER 22, 2022 at 3:00 P.M. MDT
7. Commission Approval	County Commission	TBD
8. Bid Award	County Commission	TBD
9. Protest Deadline		15 calendar days from date of award

B. EXPLANATION OF EVENTS

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

1. Issuance of ITB

This ITB is being issued on behalf of the Sandoval County Public Works Department.

2. Acknowledgement of Receipt

Potential Bidders may e-mail, hand deliver, return by facsimile or registered or certified mail the "Acknowledgement of Receipt of Request for Bids Form" that accompanies this document, APPENDIX A, to have the Bidder placed on the procurement distribution list. The form should be signed by an authorized representative of the Bidder, dated and returned to the Procurement Manager by 5:00 p.m. MDT on September 13, 2022.

The procurement distribution list will be used for the distribution of written responses to questions.

3. Deadline to Submit Written Questions

Potential Bidders may submit written questions to the Procurement Manager as to the intent or clarity of this ITB until September 14, 2022 at 1:00 p.m. Mountain Daylight Time as indicated in the sequence of events. All written questions must be addressed to the Procurement Manager as declared in Section I, Paragraph C. Questions shall be clearly labeled and shall cite the Section(s) in the ITB or other document which form the basis of the question.

4. Response to Written Questions

Written responses to written questions will be distributed as indicated in the sequence of events to all potential Bidders whose name appears on the procurement distribution list. An e-mail copy will be sent to all Bidder's that provide Acknowledgement of Receipt Forms.

5. Submission of Bids

ALL BIDS MUST BE RECEIVED FOR REVIEW AND EVALUATION BY THE PROCUREMENT MANAGER OR DESIGNEE NO LATER THAN 3:00 P.M. MOUNTAIN DAYLIGHT TIME ON SEPTEMBER 22, 2022. Bids received after this deadline will not be accepted or considered. The date and time of receipt will be recorded on each bid.

Bids must be addressed and delivered to the Procurement Manager at the address listed in Section I, Paragraph D2. **Bids must be sealed and labeled on the outside of the package**

to clearly indicate that they are in response to “Asphalt Hot and Cold Mix” and “ITB# FY23-SCPW-02”. Bids submitted by facsimile, or other electronic means will not be accepted.

A public log will be kept of the names of all Bidders that submitted bids. Pursuant to NMSA 1978, § 13-1-116, the contents of bids shall not be disclosed to competing potential Bidders during the negotiation process. The negotiation process is deemed to be in effect until the contract is awarded pursuant to this Request for Bids.

6. Bid Tabulation

Any Contractual agreement(s) resulting from this ITB will be finalized with the most advantageous Bidder(s) as per schedule Section II. A., Sequence of Events or as soon thereafter as possible. This date is subject to change at the discretion of the Sandoval County.

7. Commission Approval

The contract shall be awarded to the Bidder(s) whose Bid is most advantageous to Sandoval County and Sandoval County Public Works Department. The award is subject to appropriate Sandoval County Commission approval.

8. Bid Award

After review of the bids, the contract for the item(s) or services will be awarded to the lowest Responsible and Responsive Bidder(s) meeting or exceeding the required specifications for this sealed bid.

9. Protest Deadline

Any protest by a Bidder must be timely and in conformance with NMSA 1978, § 13-1-172 and applicable procurement regulations. As a Protest Manager has been named in this Request for Bids, pursuant to NMSA 1978, § 13-1-172, ONLY protests delivered directly to the Protest Manager in writing and in a timely fashion will be considered to have been submitted properly and in accordance with statute, rule and this Request for Bids. The 15 calendar day protest period shall begin on the day following the award of contracts and will end at 5:00 pm Mountain Standard Time/Daylight Time on the 15th day. Protests must be written and must include the name and address of the protestor and the request for proposal number. It must also contain a statement of the grounds for protest including appropriate supporting exhibits and it must specify the ruling requested from the party listed below. The protest must be delivered to:

Leslie Olivas, Senior Procurement Specialist
Sandoval County
1500 Idalia Road Bldg. D 2nd Floor
PO Box 40

Protests received after the deadline will not be accepted.

C. GENERAL REQUIREMENTS

1. Acceptance of Conditions Governing the Procurement

Potential 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 all factors described herein.

2. Incurring Cost

Any cost incurred by the potential Bidder in preparation, transmittal, and/or presentation of any bid or material submitted in response to this ITB shall be borne solely by the Bidder. Any cost incurred by the Bidder for set up and demonstration of the proposed equipment and/or system shall be borne solely by the Bidder.

3. Prime Contractor Responsibility

Any contractual agreement that may result from this ITB shall specify that the prime contractor is solely responsible for fulfillment of all requirements of the contractual agreement which may derive from this ITB.

4. Amended Bids

A Bidder may submit an amended proposal before the deadline for receipt of Bids. Such amended Bids must be complete replacements for a previously submitted proposal and must be clearly identified as such in the transmittal letter. The County personnel will not merge, collate, or assemble proposal materials.

5. Bidder's Rights to Withdraw Proposal

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 addressed to the Procurement Manager and signed by the Bidder's duly authorized representative.

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 ITB, including proposal prices for services, will be considered firm for one hundred twenty (120) days after the due date for receipt of Bids or ninety (90) days

after the due date for the receipt of a best and final offer, if the Bidder is invited or required to submit one.

7. No Obligation

This ITB in no manner obligates Sandoval County to the use of any Bidder's services until a valid written contract is awarded and approved by appropriate authorities.

8. Termination

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

9. Sufficient Appropriation

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

10. Legal Review

The County requires that all Bidders agree to be bound by the General Requirements contained in this ITB. Any Bidder's concerns must be promptly submitted in writing to the attention of the Procurement Manager.

11. Governing Law

This ITB and any agreement with a Bidder which may result from this procurement shall be governed by the laws of the State of New Mexico and the Federal Acquisition Regulation.

12. Basis for Bid

Only information supplied, in writing, by Sandoval County through the Procurement Manager or in this ITB should be used as the basis for the preparation of Bidder Bids.

13. Bidder Qualifications

The Evaluation Committee may make such investigations as necessary to determine the ability of the potential Bidder to adhere to the requirements specified within this ITB. The Evaluation Committee will reject the proposal of any potential Bidder who is not a Responsible Bidder or fails to submit a responsive offer as defined in NMSA 1978, § 13-1-82 and 13-1-85.

Bidders must, upon request of the County, provide information and data to prove that the financial resources, production or services facilities, service reputation and experience are adequate to make satisfactory delivery of materials and/or service.

14. 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 failed to meet the same mandatory requirements and the failure to do so does not otherwise materially affect the procurement. This right is at the sole discretion of the Evaluation Committee.

15. Notice of Penalties

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

16. Right to Publish

Throughout the duration of this procurement process and contract term, Bidders and contractors must secure from the County written approval prior to the release of any information that pertains to the potential work or activities covered by this procurement and/or County contracts deriving from this procurement. Failure to adhere to this requirement may result in disqualification of the Bidder's proposal or termination of the contract.

17. Ownership of Bids

All documents submitted in response to the ITB shall become property of the Sandoval County.

18. Confidentiality

Any confidential information provided to, or developed by, the contractor in the performance of the contract resulting from this ITB shall be kept confidential and shall not be made available to any individual or organization by the contractor without the prior written approval of the County.

The Contractor(s) agrees to protect the confidentiality of all confidential information and not to publish or disclose such information to any third party without the procuring County's written permission.

19. Use of Electronic Versions of this ITB

This ITB is being made available by electronic means. In the event of conflict between a version of the ITB in the Bidder's possession and the version maintained by the agency, the Bidder acknowledges that the version maintained by the County shall govern.

20. Use by Other Government Agencies

By submitting a bid, the Bidder indicates that they understand and agree that other local public bodies and state agencies with the State of New Mexico, if allowed by their governing directives, may contact for the goods and services included in this procurement document with the awarded Contractor(s). Contractual engagements accomplished under this provision shall be solely between the awarded Contractor and the contracting government entity with no obligation or liability by Sandoval County.

21. Campaign Contribution Disclosure Form

Bidder must complete, sign, and return the Campaign Contribution Disclosure Form as a part of their proposal. Failure to complete and return the signed unaltered form will result in disqualification.

22. Letter of Transmittal

Bidder's proposal must be accompanied by the Letter of Transmittal Form which must be completed and signed by an individual person authorized to obligate the company. The letter of transmittal MUST:

1. Identify the submitting business entity.
2. Identify the name, title, telephone, and e-mail address of the person authorized by the Bidder organization to contractually obligate the business entity providing the Offer.
3. Identify the name, title, telephone, and e-mail address of the person authorized to negotiate the contract on behalf of the organization (if different than (2) above).
4. Identify the names, titles, telephone, and e-mail addresses of persons to be contacted for clarification/questions regarding proposal content.
5. Sub-contractor will not be authorized for this procurement.
6. Identify the following with a check mark and signature where required:
 - a. **Explicitly** indicate acceptance of the Conditions Governing the Procurement
 - b. Acknowledge receipt of any and all amendments to this ITB.
7. Be signed by the person identified in paragraph 2 above.

23. New Mexico Preferences

To ensure adequate consideration and application of NMSA 1978, § 13-1-21 (as amended), Bidders **must** include a copy of their preference certificate with their proposal. Certificates for preferences must be obtained through the New Mexico Department of Taxation & Revenue:

<http://www.tax.newmexico.gov/Businesses/in-state-veteran-preference-certification.aspx>.

- A. **New Mexico Resident Business Preference**
A copy of the certification must accompany Offeror's proposal.
- B. **New Mexico Native American Resident Business Preference**
A copy of the certification must accompany Offeror's proposal.
- C. **New Mexico Resident Veterans Business Preference**
A copy of the certification must accompany Offeror's proposal.
- D. **New Mexico Native American Resident Veterans Business Preference**
A copy of the certification must accompany Offeror's proposal

An agency shall not award a business both a resident business preference and a resident veteran business preference.

The New Mexico Preferences shall not apply when the expenditures for this ITB includes federal funds.

III. RESPONSE FORMAT AND ORGANIZATION

This section describes the format and organization of the Bidder's responses. Failure to conform to these guidelines may result in the disqualification of the bid.

A. NUMBER OF RESPONSES

Bidders shall submit only one bid in response to this ITB.

B. NUMBER OF COPIES

Bidders shall deliver one (1) original, one (1) copy and one (1) electronic PDF copy will be required with the submission of signed and sealed bids to the location specified in Section 1 Paragraph C on or before the closing date and time for the receipt of bids.

C. BID CONTENTS

All Bids **MUST** contain the following items:

- 1. COMPLETED, SIGNED AND TO BE E-MAILED/FAXED** Acknowledgement of Receipt Form (Appendix A)
- 2. COMPLETED AND SIGNED** Campaign Contribution Disclosure Form (Appendix B)
- 3. COMPLETED AND SIGNED** Letter of Transmittal Form (Appendix C)
- 4. COMPLETED AND SIGNED** Conflict of Interest Affidavit (Appendix D)
- 5. COMPLETED AND SIGNED** Non-Collusion Affidavit (Appendix E)
- 6. COMPLETED AND SIGNED** Bid Form (Appendix F)

D. BID FORMAT

All Bids must be submitted as follows:

1. Typewritten on standard 8 ½ x 11 inch paper (larger paper is permissible for charts, spreadsheets, etc.) and placed within binders with tabs delineating each section.
2. Quotes: The quote is to include all items covered in the Scope of Work.
3. Delivery Time: Delivery time stated in the specifications shall apply.
4. Payment Terms: Bidder must identify the payment terms offered in Bid Documents.

IV. SPECIFICATIONS AND REQUIREMENTS

Sandoval County, New Mexico is accepting bids for Hot and Cold Mix bulk materials. The successful Bidder(s) shall provide the following:

1. **HOT MIX - COLD LAY:** Asphalt hot mix-cold lay to be for maintenance purposes as per specifications listed below. Delivery Options:

OPTION 1: F.O.B. AT HOT PLANT LOADED ON DEPARTMENT TRUCKS.

OPTION 2: DELIVERED TO THE DISTRICT YARD (Rio Rancho or Cuba) OR A LOCATION WITHIN 20 MILES OF THE PATROL YARD.

OPTION 3: DELIVERED TO A SITE OUTSIDE A 20 MILE RADIUS OF THE DISTRICT YARD AS REQUESTED BY THE DEPARTMENT.

To be ordered as per the discretion of the District Management or his/her designee.

The Hot Mix-Cold lay material shall meet the requirements in section 423 and section 424 hot mix asphalt super pave for type SP-III, SP-IV, or SP-V as designated in the most current NMDOT Standard Specifications for Highway and Bridge Construction.

Percent Passing Per HMA Type

Sieve Size	SP-III		SP-IV		SP-V	
	Min	Max	Min	Max	Min	Max
2 inch	---	---	---	---	---	---
1-1/2 inch	---	---	---	---	---	---
1 inch	100	---	---	---	---	---
3/4 inch	90	100	100	---	---	---
1/2 inch	---	90	90	100	100	---
3/8 inch	---	---	---	90	90	100
No. 8	23	49	28	58	32	67
No. 200	2.0	8.0	2.0	10.0	2.0	10.0

Hot Mix-Cold lay materials shall be furnished utilizing existing NMDOT approved Hot-Mix Designs or Designed by a Commercial Laboratory. In either case, designs will need to be concurs by the State Materials Lab.

The type and grade of Bituminous Material shall be High Float Emulsion HFE 300 as designated by the County Engineer, and shall meet the requirements of section 402 asphalt materials, hydrated lime, and anhydrite-based material.

** The contractor shall provide independent test results from an approved testing lab for material made each, testing of the material shall be incidental to the price of the material. All test results shall be made available 24 hours after material was produced.

Sandoval County reserves the right to reject any materials not meeting specifications.

2. **HOT MIX:** Hot Mix to be for maintenance purposes as per specifications listed below.
Delivery Options:

OPTION 1: F.O.B. AT HOT PLANT LOADED ON DEPARTMENT TRUCKS.

OPTION 2: DELIVERED TO THE DISTRICT YARD OR WITHIN 20 MILES OF THE PATROL YARD.

OPTION 3: DELIVERED TO A SITE OUTSIDE THE 20 MILE RADIUS OF THE DISTRICT YARD AS REQUESTED BY THE DEPARTMENT.

To be ordered at the discretion of the District Management or his/her designee.

The Hot Mix material shall meet the requirements of section 423 Hot Mix Super Pave for type SP-III, SP-IV, or SP-V as designated in the most current NMDOT Standard Specifications for Highway and Bridge Construction.

Percent Passing Per HMA Type

Sieve Size	SP-III		SP-IV		SP-V	
	Min	Max	Min	Max	Min	Max
2 inch	---	---	---	---	---	---
1-1/2 inch	---	---	---	---	---	---
1 inch	100	---	---	---	---	---
3/4 inch	90	100	100	---	---	---
1/2 inch	---	90	90	100	100	---
3/8 inch	---	---	---	90	90	100
No. 8	23	49	28	58	32	67
No. 200	2.0	8.0	2.0	10.0	2.0	10.0

The type and grade of bituminous material shall be Performance Graded Asphalt binder as designated by the County Engineer, and shall meet the requirements of section 402 asphalt materials, hydrated lime, and anhydrite-based materials.

Hot Mix materials shall be furnished utilizing existing NMDOT approved Hot Mix designs or designed by a commercial laboratory. In either case, designs will need to be concurred by the State Materials Lab.

** The contractor shall provide independent test results from an approved testing lab for material made each day, testing of the material shall be incidental to the price of the material. All test results shall be made available 24 hours after material was produced. Sandoval County reserves the right to reject any materials not meeting specifications.

Sandoval County reserves the right to go to another source, if deliveries are not in compliance with the contract. Should there be a difference in cost; the contract vendor will be charged the difference.

V. EVALUATION PROCESS

1. Compliance Review

After the required public opening and reading, all timely Bids will be reviewed for compliance with the requirements and specifications stated within the ITB. Bids deemed non-responsive will be eliminated from further consideration.

2. Clarifications

The Procurement Manager may contact the Bidder for clarification of a response.

3. Other Information Sources

The County may use other sources of information to confirm the validity of the bids submitted and the ability of the Bidder to perform.

4. Bid Tabulation

The bid price(s) on the Bid Form from the timely and responsive bids will be tabulated (price compared) to identify the lowest priced bid. If applicable, the price bids will be adjusted (for comparison and award purposes only) for those Bidders that submitted a valid Preference Certificate with their bid.

5. Discrepancies in Price(s)

In case of an error in the Extended Price and Unit Price, the Unit Price shall govern.

6. Determination of Lowest Price

After completion of the bid tabulation, the County will examine the results to determine which Bidder offered the lowest price to the County in accordance with the specifications, terms and conditions set forth in this Invitation to Bid.

VI. APPENDICES

1. Acknowledge of Receipt Form

Potential Bidders **should** hand deliver or return by facsimile, registered or certified mail or email the "Acknowledgement of Receipt Form" (see APPENDIX A) that accompanies this document to have their organization placed on the procurement distribution list. The form

should be signed by an authorized representative of the organization and delivered to the Procurement Manager no later than the date specified in the Sequence of Events. The procurement distribution list will be used for the distribution of important information regarding this procurement.

2. Campaign Contribution Disclosure Form

The Bidder must complete an unaltered Campaign Contribution Disclosure Form and submit a signed copy with the Bidder's proposal. This must be accomplished whether or not an applicable contribution has been made. (See APPENDIX B)

3. Letter of Transmittal Form

The Bidder's proposal **must** be accompanied by the Letter of Transmittal Form located in APPENDIX C. The form **must** be completed and must be signed by the person authorized to obligate the company.

4. Conflict of Interest Affidavit

Bidders must include signed and completed Conflict of Interest Form (APPENDIX D) with ITB documents. The Bidder warrants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance or services required under the Agreement. The Bidder certifies that the requirements of the Governmental Conduct Code Act, Sections 10-16-1 through 10-16-18, NMSA 1978, regarding contracting with a public officer or state employee or former state employee have been followed.

5. Non-Collusion Affidavit

In signing this form (Appendix E), the Bidder certifies he/she has not, either directly or indirectly, entered into action in restraint of free competitive bidding in connection with this offer submitted to the County.

6. Bid Form

The form (Appendix F) is to present the cost to the County and to include all items required for this Bid. **Bid Form may be modified to accommodate additional items not included on original form but must remain in the original format.**

APPENDIX A

ACKNOWLEDGEMENT OF RECEIPT FORM

APPENDIX A

REQUEST FOR PROPOSAL

**Asphalt Hot and Cold Mix
ITB# FY23-SCPW-02**

ACKNOWLEDGEMENT OF RECEIPT FORM

In acknowledgement of receipt of this Request for Proposal the undersigned agrees that s/he has received a complete copy, beginning with the title page and ending with APPENDIX G.

The acknowledgement of receipt should be signed and returned to the Procurement Manager no later than **SEPTEMBER 13, 2022 by 5:00 pm (Mountain Daylight Time)**. Only potential Bidders who elect to return this form completed with the indicated intention of submitting a proposal will receive copies of all Bidder written questions and the written responses to those questions as well as ITB amendments, if any are issued.

FIRM: _____

REPRESENTED BY: _____

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 Proposal.

Firm does/does not (circle one) intend to respond to this Request for Proposal.

Leslie Olivas, Senior Procurement Specialist
Sandoval County
1500 Idalia Road Bldg. D, PO Box 40
Bernalillo, NM 87004
Fax: 505-867-7605
E-mail: ldolivas@sandovalcountynm.gov

APPENDIX B

CAMPAIGN CONTRIBUTION DISCLOSURE FORM

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 one hundred dollars (\$100) 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.

DISCLOSURE OF CONTRIBUTIONS:

Contribution Made By: _____

Relation to Prospective Contractor: _____

Name of Applicable 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 ONE HUNDRED DOLLARS (\$100) WERE MADE to an applicable public official by me, a family member or representative.

Signature

Date

Title (Position)

SANDOVAL COUNTY’S CURRENT ELECTED OFFICIALS

Katherine A. Bruch, Commission District 1

Jay C. Block, Commission District 2

Michael Meek, Commission District 3

David J. Heil, Commission District 4

F. Kenneth Eichwald, Commission District 5

Linda P. Gallegos, Assessor

Anne Brady-Romero, Clerk

Charles J. Aguilar, Probate Judge

Jesse James Casaus, Sherriff

Jennifer Taylor, Treasurer

APPENDIX C

LETTER OF TRANSMITTAL FORM

APPENDIX C
Letter of Transmittal Form

ITB#: _____

Bidder Name: _____ **FED ID#** _____

Items #1 to #7 EACH MUST BE COMPLETED IN FULL

1. **Identity (Name) and Mailing Address** of the submitting organization:

2. For the person authorized by the organization to contractually obligate on behalf of this Offer:

Name _____

Title _____

E-Mail Address _____

Telephone Number _____

3. For the person authorized by the organization to negotiate on behalf of this Offer:

Name _____

Title _____

E-Mail Address _____

Telephone Number _____

4. For the person authorized by the organization to clarify/respond to queries regarding this Offer:

Name _____

Title _____

E-Mail Address _____

Telephone Number _____

5. Use of Sub-Contractors (Select one)

___ No sub-contractors will be used in the performance of any resultant contract OR

___ The following sub-contractors will be used in the performance of any resultant contract:

(Attach extra sheets, as needed)

6. Please describe any relationship with any entity (other than Subcontractors listed in (5) above) which will be used in the performance of any resultant contract.

(Attach extra sheets, as needed)

7. ___ On behalf of the submitting organization named in item #1, above, I accept the Conditions Governing the Procurement

___ I concur that submission of our proposal constitutes acceptance of the Evaluation Factors contained in Section V of this ITB.

___ I acknowledge receipt of any and all amendments to this ITB.

_____, 2022
Authorized Signature and Date (Must be signed by the person identified in item #2, above.)

APPENDIX D
CONFLICT OF INTEREST AFFIDAVIT

APPENDIX D

CONFLICT OF INTEREST AFFIDAVIT

STATE OF NEW MEXICO)
) ss.
COUNTY OF SANDOVAL)

I, _____ (name), being first duly sworn upon my oath, depose and state the following:

I am a former employee of _____ (name of Department/Agency), having separated/retired from state employment as of _____ (date).

I am a current employee of _____ (name of Department/Agency), or a legislator with the state, or the family member (spouse, parent, child, sibling by consanguinity or affinity) of a current employee or legislator with the state. Being a current employee or legislator or family member of a current employee or legislator of the state, I hereby certify that I obtained this Agreement pursuant to Sections 10-16-7 or 10-16-9 NMSA 1978, that is, in accordance with the Procurement Code except that this Agreement has NOT been awarded via the sole source or small purchase procurement methods.

The Department/Agency and I have entered into an agreement in the amount of \$_____.

Section 10-16-8.A(1) NMSA 1978 of the Governmental Conduct Act does not apply to this Agreement because I neither sought a contract with the Department/Agency, nor engaged in any official act which directly resulted in the formation of the Professional Services Agreement while an employee of the Department/Agency.

To the best of my knowledge, this Agreement was awarded in compliance with all relevant provisions of the New Mexico Procurement Code (13-1-28, et. seq., NMSA 1978).

FURTHER, AFFIANT SAYETH NOT.

NAME

Subscribed and sworn to before me by _____ (name of former employee)
this ____ day of _____, 20__.

NOTARY PUBLIC

My Commission Expires:

Terms of the Conflict of Interest Affidavit are inapplicable.

APPENDIX E

NON-COLLUSION AFFIDAVIT

NON-COLLUSION AFFIDAVIT

STATE OF _____)
County of _____)

_____ (name) being first duly sworn, deposes and says that
he/she is (title) _____ of organization
_____ who submits herewith to
the County of Sandoval, a bid:

That all statements of fact in such bid are true:

That said bid was not made in the interest of or on behalf of any undisclosed person, partnership, company, association, organization or corporation;

That said bidder has not, directly or indirectly by agreement, communication or conference with anyone attempted to induce action prejudicial to the interest of the County of Sandoval, or of any bidder of anyone else interested in the proposed contract; and further,

That prior to the public opening and reading of the bid, said bid:

1. Did not directly or indirectly, induce or solicit anyone else to submit a false or sham bid;
2. Did not directly or indirectly collude, conspire, connive or agree with anyone else that said bidder or anyone else would submit a false or sham bid, or that anyone should refrain from bidding or withdraw his bid;
3. Did not in any manner, directly or indirectly, seek by agreement, communication or conference with anyone to raise or fix the bid price of said bidder or of anyone else, or to raise or fix any overhead, profit or cost element of their bid price, or of that of anyone else;
4. Did not directly or indirectly, submit his proposed price or any breakdown thereof, or the contest thereof, or divulge information or data relative thereto, to any corporation, partnership, company, association, organization, bid depository or to any member or agent thereof, or to any individual or group of individuals, except that County of Sandoval, or to any person or persons who have a partnership or other financial interests with said bidder in his business.

By: _____

Title _____

SUBSCRIBED and sworn to before me this _____ day of _____, 20_____.

Notary Public: _____

My Commission Expires:

APPENDIX F

BID FORM

APPENDIX F – BID FORM
Sandoval County Public Works Department
Asphalt Hot and Cold Mix

To: Sandoval County
 Attn: Purchasing
 P.O. Box 40
 Bernalillo, NM 87004

From: _____
 Name of Address

Mailing Address

City, State, & Zip

Items	Approx. Qty.	Unit	Article and Description	Unit Price	Extended Price
01	2000	Ton	Hot-mix cold lay asphalt with HFE 300 at hot plant, SP-III		
02	2000	Ton	Hot-mix cold lay asphalt with HFE 300 at hot plant, SP-IV		
03	2000	Ton	Hot-mix cold lay asphalt with HFE 300 at hot plant, SP-V		
04	2000	Ton	Hot-mix asphalt with 70-22 at hot plant, SP-III		
05	2000	Ton	Hot-mix asphalt with 70-22 at hot plant, SP-IV		
06	2000	Ton	Hot-mix asphalt with 70-22 at hot plant, SP-V		
07	5000	Ton/Mile	One-way haul of material delivered to project site (0.1 to 20 miles outside Cuba)		
08	5000	Ton/Mile	One-way haul of material delivered to project site (21 to 40 miles outside Cuba)		
09	5000	Ton/Mile	One-way haul of material delivered to project site (0.1 to 20 miles outside Rio Rancho)		
10	5000	Ton/Mile	One-way haul of material delivered to project site (21 to 40 miles outside Rio Rancho)		

11	5000	Ton/Mile	One-way haul of material delivered to project site (41 to 60 miles outside Rio Rancho)		
12	5000	Ton/Mile	One-way haul of material delivered to project site (61 to 80 miles outside Rio Rancho)		
Grand Total:					

Contractor's Signature: _____ Date: _____