Tree Trimming Services
FOR
CITY OF CARLSBAD

BID NO. 2016-22

The City of Carlsbad is soliciting bids for a pricing agreement for the provision of Tree Trimming Services for the upcoming fiscal year beginning July 1, 2016. The agreement will be for a twelve month period beginning July 1, 2016 and ending June 30, 2017.

Specifications and bid documents may be obtained by contacting the Purchasing Manager at 575-234-7905 or via email request to msfletcher@cityofcarlsbadnm.com or by visiting the following web link at the City of Carlsbad website:

http://www.cityofcarlsbadnm.com/purchasing.cfm

There will be no pre-bid meeting held for this bid.

Bids must be received by the City of Carlsbad, Purchasing Manager, Room 114, Carlsbad Municipal Building, 101 North Halagueno, Carlsbad, New Mexico 88220 by Monday, June 27th at 2:30 p.m. Bids submitted after the due date/time will not be accepted. Bid opening will be conducted immediately after the due date/time in Room 204 at the Carlsbad Municipal Building, 101 N. Halagueno, Carlsbad, New Mexico.

/s/ _____
Matt Fletcher, CPO

CITY OF CARLSBAD
TREE TRIMMING SERVICE ANNUAL BID
(Bid # 2016-22)

BID OVERVIEW

The City if seeking tree trimming services for City owned trees on an individual basis, located in City parks, Municipal Golf Course and other City facilities on an as needed.

The price quoted will be used for approximately one year, beginning July 1, 2016 and expiring on June 30, 2017. Trimming service includes removing dead limbs and properly removing branches as needed to improve the appearance of the tree and to allow the tree to properly grow. The size of the tree is broken down into several ranges that may include small trees that can be accessed from the ground or large trees that would have to be accesses using a man-lift. The number of trees to be trimmed during the year is not specified and will be requested as funds and need arise.

TREE REMOVAL SERVICE

In the case of tree removal, the Contractor shall provide the complete removal including branches, leaves, and trunk. Include disposal of all parts and including stump grinding to 4" below grade. Include backfill of the stump hole with dirt and raking the area for a neat appearance.

EQUIPMENT REQUIREMENT

Contractor must provide equipment needed to trim trees including but not limited to chain saws, pole saws, man-lift, rakes and hand tools. The Contractor is not required to own the tools but providing or renting of equipment is solely the responsibility of the Contractor.

CERTIFICATION AND LICENSE REQUIREMENTS

The Contractor must be properly certified and knowledgeable in tree trimming. The Contractor will be required to have a current Business License and Federal Tax ID. The Contractor will be required to be trained in tree trimming techniques from an accredited Arborist school or College level course. Having a National Arborist Association technician on staff is preferred.

PROVISION OF INSURANCE COVERAGE

The Contractor must provide insurance. The insurance limit minimum includes Contractors General Liability of $2,000,000 and shall name City of Carlsbad as additional insured. If required, the Contractor shall carry Workers Compensation insurance in the State of New Mexico.

SCOPE OF WORK

- The work includes trimming limbs and branches in a safe professional manner.
- The limbs and branches must be removed and disposed of at the Contractors expense.
- The area must be raked and cleared of all leaves and wood including chain saw cuttings such that the area looks as clean as it was before the work began.
- The work area must be barricade off using orange barrels or barricades and using caution tape so that pedestrians or unauthorized persons are warned to stay out of the area.
- The Contractor must not allow unauthorized entry into the work zone.
- If the work zone extends into a street, the Contractor must provide proper signs according to the MUTCD to keep vehicles away from hazards.
- Work in City property must be accomplished without permanent damage to the facilities.
- If sprinkler heads are damaged as a result of the work, the Contractor must have them replaced.
- City Park personnel will mark heads and facilities ahead of time if requested by the Contractor.
- The Contractor must work safely and obey all OSHA regulations including workers Personal Protective Equipment.
- The Contractor will not be allowed to work around live power or aerial wiring other than that allowed by regulations.

INSTRUCTIONS TO BIDDERS

1. Bids must be clearly marked on the outside of the sealed envelope: "Bid No. 2016-22."
2. All bids must be submitted on bid forms furnished by the City of Carlsbad.
3. In order to be a valid bid, all bids must be signed by a company representative.
4. New Mexico Resident Business Preference and Veteran's Business Preference will be taken into consideration for the award of this bid as provided for in the State of New Mexico Procurement Code. Eligible bidders must submit a valid copy of their Resident or Veterans Business Certification form.
5. The Campaign Contribution form is required and must be returned with the bid documents.
6. Bids received after the due date and time will not be accepted.
7. Bids will remain subject to acceptance for 30 days after Bid Opening.
8. Acceptance of this bid constitutes a contract and is binding to both parties.
9. The City of Carlsbad reserves the right to reject any or all bids if it is in the best interest of the City.
10. Any questions concerning this bid must be addressed to the Purchasing Manager (575) 234-7905 or via email to msfletcher@cityofcarlsbadnm.com

COST PROPOSAL

The unit price for tree trimming service is all inclusive including labor, equipment, and materials needed.

This service will be taxable for the City of Carlsbad at 7.5625% or applicable rate at the time the work is performed.

There will be no additional payment for extra work such as bee hive removal or unexpected obstructions without prior written approval by the Director of Public Works or his assignee.

Please provide bid pricing in the space provided below:

ITEM 1 – Remove Trees, 1" to 11" trunk diameter	Unit Price _____
ITEM 2 – Remove Trees, 12" to 23" trunk diameter	Unit Price _____
ITEM 3 – Remove Trees, 24" to 36" trunk diameter	Unit Price _____
ITEM 4 – Remove Trees, above 36" trunk diameter	Unit Price _____
ITEM 5 – Trim Trees, 1" to 11" trunk diameter	Unit Price _____
ITEM 6 – Trim Trees, 12" to 23" trunk diameter	Unit Price _____
ITEM 7 – Trim Trees, 24" to 36" trunk diameter	Unit Price _____
ITEM 8 – Trim Trees, above 36" trunk diameter	Unit Price _____

PAYMENT TERMS AND CONDITIONS

- Invoices are to be submitted to the following address upon completion of work

City of Carlsbad
Attn: Purchasing
PO Box 1569
Carlsbad, NM 88220

Or

Email to msfletcher@cityofcarlsbadnm.com

- Invoices will be paid on net 30 day terms from the date the invoice is approved for payment.
- Invoices must clearly indicate the Name of the Company and Mailing or Remit to Address.
- Invoices must reference the purchase order number for the work that was performed.
- A purchase order must be in place prior to beginning work. Work completed without a purchase order may be subject to non-payment of invoice.

- Disputed invoices will be returned to the contractor with a detailed explanation of the dispute.

BID DUE DATE AND TIME

Bids will be due on or before June 27, 2016 at 2:30 p.m. Bids will be opened and read aloud in Room 204, located at 101 N. Halagueno St., Carlsbad, NM 88220. Late bids will not be accepted.

NEW MEXICO PROCUREMENT CODE

The 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 kickbacks.

COMPANY INFORMATION

Company Name _____

Federal Tax ID # _____

CRS# _____ aka (State of New Mexico Tax ID)

City of Carlsbad Business License # _____

Contractors License # (if applicable) _____

Bids are not official unless signed by an authorized company representative

X_____ Date: _____
Owner or Company Representative (Signature)

Title _____

Additional Comments (if needed)

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

New Mexico Resident Business Preference

The State of New Mexico Procurement Code mandates a New Mexico Resident Business Preference on all bids and request for proposals (RFP).

Qualified resident businesses will be given a 5% preference on all bids. When bids are evaluated, New Mexico Businesses registered with the Department of Taxation and Revenue, will have its bid reduced by a factor of 5%.

Qualified resident businesses will be given a 5% preference on all RFP's. When proposals are evaluated, New Mexico resident businesses that are registered with the Department of Taxation and Revenue, will receive an additional points equivalent to 5% of the total points possible for award.

As of October 5, 2011, applications for in-state preference will no longer be processed through the State Purchasing Division. All resident businesses, veterans and contractors will have to obtain a preference number with the NM Department of Taxation & Revenue.
For additional information please call 505-827-0951.

Qualifications

A. To receive a **resident** business **preference** pursuant to Section 13-1-21 NMSA 1978 or a **resident** 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 certificate or valid **resident** contractor certificate issued by the taxation and revenue department.

B. An application for a **resident** business certificate shall include an affidavit from a certified public accountant setting forth that the business is licensed to do business in this state and that:

(1) the business has paid property taxes or rent on real property in the state and paid at least one other tax administered by the state in each of the three years immediately preceding the submission of the affidavit;

(2) if the business is a new business, the owner or majority of owners has paid property taxes or rent on real property in the state and has paid at least one other tax administered by the state in each of the three years immediately preceding the submission of the affidavit and has not applied for a **resident** business or **resident** contractor certificate pursuant to this section during that time period;

(3) if the business is a relocated business, at least eighty percent of the total personnel of the business in the year immediately preceding the submission of the affidavit were **residents** of the state and that, prior to the submission of the affidavit, the business either leased real property for ten years or purchased real property greater than one hundred thousand dollars ($100,000) in value in the state; or

(4) if the business is a previously certified business or was eligible for certification, the business has changed its name, has reorganized into one or more different legal entities, was purchased by another legal entity but operates in the state as substantially the same commercial enterprise or has merged with a different legal entity but operates in the state as substantially the same commercial enterprise.

C. An application for a **resident** contractor certificate shall include an affidavit from a certified public accountant setting forth that the contractor is currently licensed as a contractor in this state and that:

(1) the contractor has:

(a) registered with the state at least one vehicle; and

(b) in each of the five years immediately preceding the submission of the affidavit: 1) paid property taxes or rent on real property in the state and paid at least one other tax administered by the state; and 2) paid unemployment insurance on at least three full-time employees who are **residents** of the state; provided that if a contractor is a legacy contractor, the requirement of at least three full-time employees who are **residents** of the state is waived;

(2) if the contractor is a new contractor, the owner or majority of owners has paid property taxes or rent on real property in the state and has paid at least one other tax administered by the state in each of the five years immediately preceding the submission of the affidavit and has not applied for a **resident** business or **resident** contractor certificate pursuant to this section during that time period;

(3) if the contractor is a relocated business, at least eighty percent of the total personnel of the business in the year immediately preceding the submission of the affidavit were **residents** of the state and that, prior to the submission of the affidavit, the contractor either leased real property for ten years or purchased real property greater than one hundred thousand dollars ($100,000) in value in the state; or

(4) if the contractor is a previously certified contractor or was eligible for certification, the contractor has changed its name, has reorganized into one or more different legal entities, was purchased by another legal entity but operates in the state as substantially the same enterprise or has merged with a different legal entity but operates in the state as substantially the same commercial enterprise.

D. The taxation and revenue department shall prescribe the form and content of the application and required affidavit. The taxation and revenue department shall examine the application and affidavit and, if necessary, may seek additional information to ensure that the business or contractor is eligible to receive the certificate pursuant to the provisions of this section. If the taxation and revenue department determines that an applicant is eligible, the department shall issue a certificate pursuant to the provisions of this section. If the taxation and revenue department determines that the applicant is not eligible, the department shall issue notification within thirty days. If no notification is provided by the department, the certificate is deemed approved. A certificate is valid for three years from the date of its issuance; provided that if there is a change of ownership

of more than fifty percent, a **resident** business or **resident** contractor shall reapply for a certificate.

E. A business or contractor whose application for a certificate is denied has fifteen days from the date of the taxation and revenue department's decision to file an objection with the taxation and revenue department. The person filing the objection shall submit evidence to support the objection. The taxation and revenue department shall review the evidence and issue a decision within fifteen days of the filing of the objection.

F. If, following a hearing and an opportunity to be heard, the taxation and revenue department finds that a business or contractor provided false information to the taxation and revenue department in order to obtain a certificate or that a business or contractor used a certificate to obtain a **resident** business or **resident** contractor **preference** for a bid or proposal and the **resident** business or contractor did not perform the percentage of the contract specified in the bid or proposal, the business or contractor:

(1) is not eligible to receive a certificate or a **preference** pursuant to Section 13-1-21 or 13-4-2 NMSA 1978 for a period of five years from the date on which the taxation and revenue department became aware of the submission of the false information or the failure to perform the contract as specified in the bid or proposal; and

(2) is subject to an administrative penalty of up to fifty thousand dollars ($50,000) for each violation.

G. In a decision issued pursuant to Subsection E or F of this section, the taxation and revenue department shall state the reasons for the action taken and inform an aggrieved business or contractor of the right to judicial review of the determination pursuant to the provisions of Section 39-3-1.1 NMSA 1978.

H. The taxation and revenue department may assess a reasonable fee for the issuance of a certificate not to exceed the actual cost of administering the taxation and revenue department's duties pursuant to this section.

I. The state auditor may audit or review the issuance or validity of certificates.

J. For purposes of this section:

(1) "new business" means a person that did not exist as a business in any form and that has been in existence for less than three years;

(2) "new contractor" means a person that did not exist as a business in any form and that has been in existence for less than five years;

(3) "legacy contractor" means a construction business that has been licensed in this state for ten consecutive years; and

(4) "relocated business" means a business that moved eighty percent of its total domestic personnel from another state to New Mexico in the past five years.

History: 1953 Comp., § 6-5-32.1, enacted by Laws 1969, ch. 184, § 1; 1979, ch. 72, § 2; 2011 (1st S.S.), ch. 3, § 2.

Application of Preference

A. For the purposes of this section:

(1) "business" means a commercial enterprise carried on for the purpose of selling goods or services, including growing, producing, processing or distributing agricultural products;

(2) "formal bid process" means a competitive sealed bid process;

(3) "formal request for proposals process" means a competitive sealed proposal process, including a competitive sealed qualifications-based proposal process;

(4) "public body" means a department, commission, council, board, committee, institution, legislative body, agency, government corporation, educational institution or official of the executive, legislative or judicial branch of the government of the state or a political subdivision of the state and the agencies, instrumentalities and institutions thereof, including two-year post-secondary educational institutions, school districts, local school boards and all municipalities, including home-rule municipalities;

(5) "**resident** business" means a business that has a valid **resident** business certificate issued by the taxation and revenue department pursuant to Section 13-1-22 NMSA 1978; and

(6) "recycled content goods" means supplies and materials composed twenty-five percent or more of recycled materials; provided that the recycled materials content meets or exceeds the minimum content standards required by bid specifications.

B. When a public body makes a purchase using a formal bid process, the public body shall deem a bid submitted by a **resident** business to be five percent lower than the bid

actually submitted.

C. When a public body makes a purchase using a formal request for proposals process:

(1) five percent of the total weight of all the factors used in evaluating the proposals shall be awarded to a **resident** business based on the **resident** business possessing a valid **resident** business certificate; or

(2) if the contract is awarded based on a point-based system, a **resident** business shall be awarded the equivalent of five percent of the total possible points to be awarded based on the **resident** business possessing a valid **resident** business certificate.

D. When a joint bid or joint proposal is submitted by both **resident** and nonresident businesses, the **resident** business **preference** provided pursuant to Subsection B or C of this section shall be reduced in proportion to the percentage of the contract, based on the dollar amount of the goods or services provided under the contract, that will be performed by a nonresident business as specified in the joint bid or proposal.

E. When bids are received for both recycled content goods and non-recycled content goods, the public body shall deem the bids submitted for recycled content goods of equal quality to be five percent lower than the bids actually submitted. A bid calculation pursuant to this subsection for a **resident** business shall not also receive the bid calculation **preference** pursuant to Subsection B of this section.

F. The procedures provided in Sections 13-1-172 through 13-1-183 NMSA 1978 or in an applicable purchasing ordinance apply to a protest to a public body concerning the awarding of a contract in violation of this section.

G. This section shall not apply when the expenditure includes federal funds for a specific purchase.

History: 1978 Comp., § 13-1-21, enacted by Laws 1979, ch. 72, § 1; 1981, ch. 104, § 1; 1988, ch. 84, § 1; 1989, ch. 310, § 1; 1995, ch. 60, § 1; 1997, ch. 1, § 2; 1997, ch. 2, § 2; 1997, ch. 3, § 1; 2000, ch. 41, § 1; 2011 (1st S.S.), ch. 3, § 1.

Top of Form

15

Bottom of Form

Top of Form

24

Bottom of Form

Resident Veterans Preference Certification

_____ (NAME OF CONTRACTOR) hereby certifies the following in regard to application of the resident veterans' preference to this procurement:

Please check one box only

__ I declare under penalty of perjury that my business prior year revenue starting January 1 ending December 31 is less than $1M allowing me the 10% preference discount on this solicitation. I understand that knowingly giving false or misleading information about this fact constitutes a crime.

__ I declare under penalty of perjury that my business prior year revenue starting January 1 ending December 31 is more than $1M but less than $5M allowing me the 8% preference discount on this bid or proposal. I understand that knowingly giving false or misleading information about this fact constitutes a crime.

__ I declare under penalty of perjury that my business prior year revenue starting January 1 ending December 31 is more than $5M allowing me the 7% preference discount on this bid or proposal. I understand that knowingly giving false or misleading information about this fact constitutes a crime.

"I agree to submit a report, or reports, to the State Purchasing Division of the General Services Department declaring under penalty of perjury that during the last calendar year starting January 1 and ending on December 31, the following to be 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 Sections 13-1-21 or 13-1-22 NMSA 1978, when awarded a contract which was on the basis of having such veterans preference, I agree to report to the State Purchasing Division of the General Services Department the awarded amount involved. I will indicate in the report the award amount 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 statements about material fact regarding this matter constitutes a crime.

_____ _____

(Signature of Business Representative)* (Date)

*Must be an authorized signatory for the Business

The representations made in the boxes constitutes a material representation by the business that is subject to protest and may result in denial of an award or unaward of the procurement involved if the statements are proven to be incorrect.

_____