



City of Carlsbad NM

Request for Proposal (RFP) Data/VOIP Wiring RFP # 2016-15

Inquiries and requests regarding this RFP should be directed to:

Matt Fletcher, Purchasing Manager
City Of Carlsbad NM
101 N. Halagueno
Carlsbad, NM 88220
Phone: 575.234.7905
msfletcher@cityofcarlsbadnm.com

**Sealed proposals and bids must be delivered no later than:
5:00 PM on : April 22, 2016**

To:
City Of Carlsbad NM
Administration Building
Room 114
101 N. Halagueno St.
Carlsbad NM, 88220

REQUEST FOR PROPOSAL

City of Carlsbad NM

ADMINISTRATION BUILDING

101 N. Halagueno St.

Carlsbad NM, 88220

TO ALL PROPOSERS:

Proposers are required to use the enclosed cost proposal form and to provide all of the information requested.

Response to this **RFP** must be in a sealed envelope marked "RFP 2016-15". For mailing purposes, please address the proposal to:

City Of Carlsbad

Attention: Matt Fletcher, Purchasing Manager

101 N. Halagueno St., Room 114

Carlsbad NM, 88220

Proposals may be hand-delivered to the Administration Building located at 101 N. Halagueno St., Room 114, Carlsbad NM, where the proposals **are due on Friday, April 22, no later than 5:00 PM.**

Proposals that are mailed must be done in ample time to assure delivery by the due date and time. Proposals received late will be considered "non-responsive and will be returned to the vendor unopened. ***The City of Carlsbad NM, does not accept EMAIL or FAX bids.***

The City of Carlsbad NM, reserves the right to accept or reject any and all proposals, and to waive any formalities, to award the entire proposals to one (1) vendor, or to make awards by groups or by line item, whichever is in the best interest of the City of Carlsbad NM.

GENERAL TERMS AND CONDITIONS

This RFP provides the requirements and evaluative criteria. Responses from all prospective vendors should address pricing, shipping (if applicable), and service descriptions.

1.0 Preparations of Proposals

1.1 Proposals must be submitted in a sealed envelope marked, as specified on Page 2 (Request for Proposal).

1.2 Proposers are instructed to carefully read all terms, conditions and specifications set forth in the "RFP". Bid forms must be completed in their entirety. **Any correction made on the bid form (white out or strike through) must be initialed by an authorized representative of the company submitting the bid or the bid may be rejected by the City of Carlsbad NM.** Each proposer is required to furnish all information requested in the RFP.

2.0 Submission of Proposals

2.1 Any proposal received after the designated time, will be deemed late and will not be considered by the City of Carlsbad NM. **City of Carlsbad NM does *not* accept proposals via EMAIL or FAX.**

2.2 Confidential Material – Any material that is to be considered as confidential in nature must be clearly marked as such and will be treated as confidential by the City of Carlsbad NM to the extent allowable.

3.0 Specifications

3.1 The expectation of the RFP is for the exact cable specification listed. Any deviation from the specifications must be clearly noted in the proposal. City of Carlsbad NM shall determine in its sole discretion whether substitution or modifications of the requested specifications are comparable to those contained within the RFP. If City of Carlsbad NM determines that the modifications or deviations from the specifications are not in compliance, they may reject the proposal as non-responsive.

3.2 A vendor's failure to deliver any items according to specifications set forth in their proposal may result in cancellation of the purchase and permanent removal from future "Request of Proposals". If any items do not meet these specifications, the items will be picked up at vendor's expense and removed from the premises of City of Carlsbad NM at the sole cost of the vendor.

3.3. If there is an error in the description or specifications contained in the RFP, the City of Carlsbad NM reserves the right to notify each of the proposers separate from the RFP, of such specification or description change and may require all proposals to be in compliance with such modification.

In the case of an error in the specifications or the descriptions, City of Carlsbad NM further reserves the right to cancel the RFP and conduct an amended RFP at a later date.

3.4 Omissions in the proposal of any provision herein described shall not be construed as to relieve the vendor of any responsibility or obligation to the complete and satisfactory delivery, operation, and support of any and all equipment or services.

3.5 A pre-bid on-site walkthrough to better understand the needs of the City is available to schedule by contacting Sam Plumlee at splumlee@cityofcarlsbadnm.com.

3.6 The City will not be liable for any cost incurred by the respondents in preparing responses to this RFP or negotiations associated with award of a contract.

4.0 Cost Proposal

4.1 Cost proposals must be submitted in a separate envelope labeled "Cost Proposal (RFP 2016-15)"

4.2 Cost proposals must be submitted on the form provided in the RFP document.

4.3 Cost proposal must include pricing for all 4 site locations and a total project cost.

4.4 Cost must include any and all delivery charges.

4.5 In addition to a total project cost, all proposals are to contain costs for materials and labor.

4.6 State of New Mexico Wage Rates are in effect for this RFP if the cost for any of the four site locations exceeds \$60,000.

4.7 A bid bond shall be required in the amount of five percent (5%) of the total project cost if the total project cost exceeds \$25,000.

4.8 All prices must be valid for 90 days.

4.9 Pricing to be FOB City of Carlsbad NM Administration Office (City Hall), Carlsbad NM

5.0 Proposer's Evidence of Responsibility

5.1 City of Carlsbad NM reserves the right to require a financial statement from any Proposer. The Proposer must submit a current financial statement within 24 hours after notification of such requirement.

5.2 Proposer to provide at least three (3) reference companies with contact information for which your company has done similar work.

6.0 Awards

6.1 City of Carlsbad NM reserves the right to accept or reject any part of a submitted proposal, to accept the entire proposal from one proposer, to accept portions of the proposal from several proposers, or to reject all proposals submitted. City of Carlsbad NM reserves the right to award the RFP under the most beneficial and economic terms for the City of Carlsbad NM.

6.2 It is anticipated that a contract will be made with the provider whose proposal is determined to be in the overall best interest of the City. The main evaluation considerations are price, industry experience, and qualifications.

The evaluation criteria include, but are not necessarily limited to, the following:

- the overall best pricing for product and services 25%
- proposer's experience with other businesses 15%
- vendor's proximity (business location) to the City 15%
- vendor's overall performance record, including responsiveness and reputation based upon feedback from available references 25%
- quality of vendor's response, including completeness, accuracy and appropriateness. 20%

6.3 In awarding the RFP, price, availability, past vendor experience, qualifications, references, and compliance with specifications and requirements, Resident Business reference and Veterans preference will be determining factors.

6.4 Proposer's qualifying for either the **New Mexico Resident Business Preference** or **Veteran's Business Preference** will receive additional points in accordance with the New Mexico Procurement Code. Qualifying proposers must submit certification documentation to be eligible to receive the preference points.

6.4 If after the award of the RFP, there is a **decrease** in the price of a product from the manufacturer, or a rebate, the successful proposer will pass that price decrease and/or rebate onto City of Carlsbad NM.

6.5 This RFP does not obligate the City to award a contract, to pay for any costs incurred in the preparation of a proposal, or to procure or contract the services or supplies. The City reserves the right to accept or reject any or all proposals received as a result of this request, to negotiate with any qualified source, or to cancel in part or in its entirety the "Request for Proposal" if it is in the best interest of the City.

6.6 Any contact or attempt to contact any other City of Carlsbad NM employee for the purpose of securing privileged information or advantages in the proposal process will result in disqualification of vendor.

7.0 Contract

7.1 Each proposer is responsible for having knowledge and understanding of any New Mexico State laws, and City of Carlsbad NM regulations or policies pertaining to procurement. Should any dispute arise as a result of a bid, the dispute will be settled in accordance with the Laws of the State of New Mexico.

7.2 Whether or not a dispute arises, under no event will City of Carlsbad NM be liable to any vendor for costs incurred by such vendor in responding to this RFP.

8.0 Invoicing

8.1 Payment will be made by City of Carlsbad NM after installation and acceptance of all items. However, final acceptance will not be made until after inspection and approval by the City of Carlsbad NM authorized representative.

8.2 The successful vendor will be required to supply an original invoice and to reference all invoices to the purchase order to which they pertain.

8.3 No invoice will be processed for payment until such time as all contractual obligations have been met and/or items ordered have been received and approved by the City of Carlsbad NM authorized representative.

8.4 Progress billing will be allowed during the project. Progress payments will be issued within 21 days of acceptance, except for final payment which will be made within ten (10) days of final acceptance.

9.0 Compliance

Final inspection of all products for acceptance or rejection will be made by the City of Carlsbad NM authorized representative. Final inspection resulting in acceptance or rejection of the products will be made as soon as practicable, but failure to inspect shall not be construed as a waiver by City of Carlsbad NM of its rights to reject such products or to claim reimbursement or damages for such products which are later found to be defective or not in conformance with the required specifications.

10.0 City of Carlsbad NM Prohibits Unlawful Discrimination and Harassment

10.1 The City of Carlsbad NM is an equal opportunity employer. It is our expressed policy that no person shall be unlawfully excluded from participation, be denied benefits of, or otherwise subjected to discrimination in employment on the basis of race, color, national origin, sex, including sexual orientation or transgender identity, disability, age, religion, height, weight, marital or family status, military status, ancestry, genetic information, or any other legally protected category, (collectively, "Protected Classes"), in its programs and activities as required by Title II of the Americans with Disabilities Act, Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973 or the Age Discrimination in Employment Act.

10.2 City of Carlsbad NM prohibits unlawful discrimination or harassment including sexual harassment. Contractor and subcontractors, if any, shall not engage in unlawful harassment or discrimination while on school premises.

10.3 Contractor or subcontractor may be suspended, terminated, or debarred if it violates these policies while on City property.

11.0 Equipment/Services Specifications:

Data/Cabling Requested

The City of Carlsbad NM is requesting proposals from qualified vendors interested in providing compliant Data/VOIP wiring according to the scope and specifications outlined in the Specifications Sheet within this document.

The work as outlined in this RFP will be completed at the following locations:

1. Waterworks and warehouse located at 1502 W. Stevens Street
2. City of Carlsbad Library at 101 South Halagueno Strett
3. Carlsbad Museum and Art Center at 418 Fox St.
4. Riverwalk Recreation Center at 400 Riverwalk Drive

Cabling and all associated equipment must be CAT6A (Augmented Cat6) wiring, to provide data and VOIP to all offices and data to two access points. Vendor will provide parts, materials, installation and testing.

The scope of the project includes:

- Installation of Category 6A (Augmented Cat6) wiring for the four (4) buildings listed above.
- Provide testing with documentation to meet specifications end-to-end.
- Work will need to take place outside the normal business operating hours.

The City will insure building and closet access to the vendor throughout the project.

- The vendor must supply all supervision, tools, equipment, hardware, material, transportation, and construction, and all other related services unless specific provisioning by the customer has been denoted.
- The vendor is responsible for providing all necessary working/building permits required under this contract, which includes, local, state, or federal permits, as needed.
- The vendor will be responsible for repair of all damage to the building due to the negligence of its workers.
- During the contract period the vendor will abide by all fire and safety regulations. City Security Policies must be observed at all times.

- Upon completion of any repair, replacement or installation activity, the vendor must provide evidence of the completion with a successful test on said system with results provided to owner in owner specified format (s).
- The vendor will be responsible for the prompt correction of all defects in the system.
- The vendor must leave the premises clean and neat including having all ceiling tiles in place after each work session.
- All work must be coordinated through a designated City contact before the beginning of the installation work, and must be requested by the Director of IT.
- Vendor must assume total responsibility for the actions of any/all subcontractors.

Cabling/Installation Specifications

Responsive proposers will provide a complete design and itemized quotation for Cat6A (Augmented Cat6) wiring for Data/VOIP according to the specifications and instructions provided on the Specifications Sheet provided in the body of the RFP document.

SPECIAL TERMS AND CONDITIONS

1. All items quoted must be new. No refurbished or remanufactured will be accepted.

City of Carlsbad RFP for Data/VOIP wiring

Scope of Work: New Cat6A (Augmented Cat6) wiring to be implemented for 4 locations.

1. Waterworks and warehouse located at 1502 W. Stevens Street
2. City of Carlsbad Library at 101 South Halagueno St.
3. City of Carlsbad Museum at 418 Fox St.
4. Recreation Center at 400 Riverwalk Drive

All wiring to be terminated to dual Keystone jacks with face plate and or junction box.

Conduit may be used at the Recreation Center

At other locations the preference is wiring to be run in the wall, but in locations not possible Wiremold or Panduit may be used.

We are requesting turn-key installation from the Keystone jack all the way to the switch, so the connection will be from the keystone to the patch panel and from the patch panel to the switch.

All cabinets, backer boards, patch panels, patch cables and wire maintenance must be included in the quote. Also Cabinets Enclosed or wall mount must be able to accommodate UPS and power distribution, estimating about 4U for the pair.

The locations in each room should in most offices be just above the desk level. In a typical office sufficient drops are expected for moving furniture and computers usually 2 dual keystone jacks at opposite sides of the room. This will not be expected for areas of high public traffic. In those areas wiring will need to be appropriate for the situation.

As well as wiring for computers, printers and other hard wired devices. Wireless Access points will be installed as needed. The Library will need WiFi for the park on the Halagueno side of the building. And all buildings will need sufficient drops located in the ceiling for access point installation. We will be responsible for configuration of the AP's but depending on the location may expect it to be installed by you (for instance at the Rec center where the AP's will be up very high in the building). AP's should be POE so there is not an issue of power location.

Included is installation of drops for future use of security IP cameras.

You must supply proper documentation and certification of wiring installation according to National standards. All drops must be identified from the drop to the patch panel. A1 through C48, conventional labeling of each cable and location.

Mapped locations of cables for AP's or Camera's must be identified and documented for future reference.

Supply List Template

Cat6A Plenum per ft.

Cat6 Data Jack

Face Plates

Patch panels

Ubiquiti AP's

Low Voltage Box

Wire Manager

Wall Rack 20 U with swinging doors

66 Block

Plywood backer board

Cat6 patch cables

Conduit

Panduit/ Wiremold

Surface Mounts

Rack bonding and grounding kit

City Low Voltage Permit

Please be sure to include labor and city tax on labor on your quote. Points will be deducted for failing to include this in your proposal.

Schedule of work from start to finish will be coordinated through the City Project Manager Jason Burns and invoices must be sent to the proper department via email. cp@cityofcarlsbadnm.com.

Estimated Ethernet drops per Building:

Library 90

Waterworks 70

Museum 65

Recreation 70

VENDOR DATA SHEET

COMPANY NAME: _____
COMPANY ADDRESS: _____
TAXPAYER IDENTIFICATION NUMBER (S): _____

ORDERS SUBMITTED TO: _____
PAYMENTS SUBMITTED TO: _____

CONTRACT ADMINISTRATOR INFORMATION: NAME _____
TITLE _____
ADDRESS _____
TELEPHONE () _____
CELL () _____
FAX () _____
EMAIL _____

Work will commence within _____ days after receipt of Purchase Order.

CERTIFICATION LETTER
(must be completed and returned with bid)

I certify that I have read and understand the terms and conditions herein. I further state that I am and/or my company is capable, able to, and will provide the requested products and/or service described herein. I am the owner or agent of the company stated below and am authorized and empowered to contract. By my signature on this RFP response, I/ we guarantee and certify that all items included in my bid meet or exceed specifications.

I certify that this bid is made without prior understanding, agreement, or connection with any corporation, firm or person submitting a bid for the same materials, supplies, equipment or services and is in all respects fair and without collusion or fraud. I understand collusive bidding is a violation of State and Federal Law and can result in fines, prison sentences, and civil damage awards. I agree to abide by all conditions of the RFP and certify that I am authorized to sign this bid for the Contractor.

SUBMITTED BY _____ DATE _____

TITLE _____ E-MAIL _____

COMPANY NAME _____

ADDRESS _____ CITY _____ STATE _____ ZIP _____

TELEPHONE NUMBER _____ FAX NUMBER _____

COMPANY WEBSITE _____

SIGNATURE _____

When signed, this bid becomes legal and binding to City of Carlsbad NM and is acknowledgement that all specifications and terms and conditions have been read and understood.

COST PROPOSAL SHEET

Please provide a price quote for each of the facilities listed below and a total project cost for all four (4) sites:

1. Waterworks and warehouse located at 1502 W. Stevens Street

\$ _____

2. City of Carlsbad Library at 101 South Halagueno Street

\$ _____

3. Carlsbad Museum and Art Center at 418 Fox St.

\$ _____

4. Riverwalk Recreation Center at 400 Riverwalk Drive

\$ _____

Total Project Cost (All 4 Sites) \$ _____ including NMGRT

****Must be submitted in a separate envelope labeled "Cost Proposal"**

X _____

Date: _____

Sign

CAMPAIGN CONTRIBUTION DISCLOSURE FORM

(Required)

Pursuant to the Procurement Code, Sections 13-1-28, et seq., NMSA 1978 and NMSA 1978, § 13-1-191.1 (2006), as amended by Laws of 2007, Chapter 234, any prospective contractor 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 may cancel a solicitation or proposed award for a proposed contract pursuant to Section 13-1-181 NMSA 1978 or a contract that is executed may be ratified or terminated pursuant to Section 13-1-182 NMSA 1978 of the Procurement Code 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.

The state agency or local public body that procures the services or items of tangible personal property shall indicate on the form the name or names of every applicable public official, if any, for which disclosure is required by a prospective contractor.

THIS FORM MUST BE INCLUDED IN THE REQUEST FOR PROPOSALS AND 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 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 of (a) a prospective contractor, if the prospective contractor is a natural person; or (b) an owner of a prospective contractor.

"Pendency of the procurement process" means the time period commencing with the

public notice of the request for proposals and ending with the award of the contract or the cancellation of the request for proposals.

"Prospective contractor" means a person or business that 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 or business 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 Public Official(s) if any:

Mayor Dale Janway

Councilman Nick Salcido

Councilman Wes Carter

Councilwoman Sandra Nunley

Councilman J.R. Doporto

Councilman Lisa Anaya Flores

Councilman Jason Shirley

Councilman Janell Whitlock

Councilman Dick Doss

Municipal Court Judge David Redford

DISCLOSURE OF CONTRIBUTIONS BY PROSPECTIVE CONTRACTOR:

Contribution Made By:

Relation to Prospective Contractor:

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)

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.

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](tel: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.

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.



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PUBLIC WORKS PROJECT REQUIREMENTS

As a participant in a Public Works project valued at more than \$60,000 in the State of New Mexico, the following list addresses many of the responsibilities that are defined by statute or regulation to each project stakeholder.

Contracting Agency

- Ensure that all Contractors wishing to bid on a Public Works project when the project is \$60,000 or more are actively registered with the Public Works and Apprenticeship Application (PWAA) website: <http://www.dws.state.nm.us/pwaa> (Contractor Registration) prior to bidding.
- Please submit Notice of Award (NOA) and Subcontractor List(s) to the PWAA website promptly after the project is awarded.
- Please update the Subcontractor List(s) on the PWAA website whenever changes occur.

General Contractor

- Provide a complete Subcontractor List and Statements of Intent (SOI) to pay Prevailing Wages for each Contractor to the Contracting Agency within 3 (three) days of award.
- Ensure that all Subcontractors wishing to bid on a Public Works project have an active Contractor Registration with the Public Works and Apprenticeship Application (PWAA) website: <http://www.dws.state.nm.us/pwaa> prior to bidding when their bid will exceed \$60,000.
- Submit bi-weekly certified payrolls to the Contracting Agency.
- Make certain the Public Works Apprentice and Training Act contributions are paid either to an approved Apprenticeship Program or to the Public Works Apprentice and Training Fund.
- Confirm the Wage Rate poster, provided in PWAA, is displayed at the job site in an easily accessible place.
- Make sure, when a project has been completed, the Affidavits of Wages Paid (AWP) is sent to the Contracting Agency.

Subcontractor

- Ensure that all Subcontractors wishing to bid on a Public Works project have an active Contractor Registration with the Public Works and Apprenticeship Application (PWAA) website: <http://www.dws.state.nm.us/pwaa> prior to bidding when their bid will exceed \$60,000.
- Submit bi-weekly certified payrolls to the General Contractor(s).



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- Make certain the Public Works Apprentice and Training Act contributions are paid either to an approved Apprenticeship Program or to the Public Works Apprentice and Training Fund.

Additional Information

Reference material and forms may be found at New Mexico Department of Workforce Solutions Public Works web pages at: http://www.dws.state.nm.us/new/Labor_Relations/publicworks.html.

CONTACT INFORMATION

Contact the Labor Relations Division for any questions relating to Public Works projects by email at public.works@state.nm.us or call (505) 841-4400.

TYPE "B" - GENERAL BUILDING

Effective January 1, 2016

Trade Classification	Base Rate	Fringe Rate	Apprenticeship
Asbestos Worker - Heat & Frost Insulator	31.26	11.11	0.50
Boilermaker	21.77	3.98	0.50
Bricklayer/Blocklayer/Stonemason	23.32	7.30	0.50
Carpenter/Lather	23.40	8.18	0.50
Cement Mason	19.61	9.57	0.50
Electricians			
Outside Classifications			
Groundman	21.28	10.32	0.50
Equipment Operator	30.54	12.64	0.50
Lineman/Tech	35.93	13.98	0.50
Cable Splicer	39.52	14.88	0.50
Inside Classifications			
Wireman/Technician	29.90	9.75	0.50
Cable Splicer	32.89	9.84	0.50
Sound Classifications			
Installer	23.39	8.31	0.50
Technician	28.95	7.52	0.50
Soundman	27.01	8.31	0.50
Elevator Constructor	38.37	28.08	0.50
Elevator Constructor Helper	26.86	28.08	0.50
Glazier	20.15	3.65	0.50
Ironworker	26.50	13.68	0.50
Painter (Brush/Roller/Spray)	16.00	5.18	0.50
Paper Hanger	16.00	5.18	0.50
Drywall Finisher/Taper	23.40	8.18	0.50
Plasterer	21.39	7.66	0.50
Plumber/Pipefitter	31.14	11.55	0.50
Rofer	15.18	0.50	0.50
Sheetmetal Worker	28.28	15.37	0.50
Soft Floor Layer	23.40	8.18	0.50
Sprinkler Fitter	27.95	17.87	0.50
Tile Setter	14.80	1.20	0.50
Tile Setter Helper	13.00	1.02	0.50
Laborers			
Group I	15.68	5.40	0.50
Group II	16.33	5.40	0.50
Group III	17.30	5.40	0.50
Group IV	19.53	5.40	0.50
Group V	17.60	5.40	0.50
Group VI	17.75	5.40	0.50
Operators			
Group I	19.57	6.00	0.50
Group II	21.53	6.00	0.50
Group III	21.95	6.00	0.50
Group IV	22.35	6.00	0.50
Group V	22.52	6.00	0.50
Group VI	22.71	6.00	0.50
Group VII	22.82	6.00	0.50
Group VIII	25.56	6.00	0.50
Truck Drivers			
Group I	14.76	6.25	0.50
Group II	15.00	6.25	0.50
Group III	15.50	6.25	0.50
Group IV	15.51	6.25	0.50
Group V	15.60	6.25	0.50
Group VI	15.75	6.25	0.50
Group VII	15.90	6.25	0.50
Group VIII	16.11	6.25	0.50
Group IX	16.32	6.25	0.50

NOTE: SUBSISTENCE, ZONE AND INCENTIVE PAY APPLY ACCORDING TO THE PARTICULAR TRADES COLLECTIVE BARGAINING AGREEMENT. DETAILS ARE LOCATED AT WWW.DWS.STATE.NM.US.



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Wage Decision Approval Summary

1) Project Title: Cat6A Wiring for Water Warehouse
 Requested Date: 04/04/2016
 Approved Date: 04/07/2016
 Approved Wage Decision Number: ED-16-0608-B

Wage Decision Expiration Date for Bids: 08/05/2016

2) Physical Location of Jobsite for Project:
 Job Site Address: 209 N. Cypress Street
 Job Site City: Carlsbad
 Job Site County: Eddy

3) Contracting Agency Name (Department or Bureau): City of Carlsbad
 Contracting Agency Contact's Name: Matt Fletcher
 Contracting Agency Contact's Phone: (575) 234-7905 Ext.

4) Estimated Bid Opening Date: 04/29/2016

5) Estimated total project cost: \$60,000.00
 a. Are any federal funds involved?: No
 b. Does this project involve a building?: Yes - Cat6A network wiring will be installed in the water warehouse building. There will not be any building or renovating involved in the project.
 c. Is this part of a larger plan for construction on or appurtenant to the property that is subject to this project?: No
 d. Are there any other Public Works Wage Decisions related to this project?: No
 e. What is the ultimate purpose or functional use of the construction once it is completed?: Install Cat6A network wiring to improve the overall network infrastructure for the City of Carlsbad.

6) Classifications of Construction:

Classification Type and Cost Total	Description
General Building (B) Cost: \$60,000.00	Install Cat6A network wiring throughout the water warehouse building to improve network infrastructure.



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Wage Decision Approval Summary

1) Project Title: Cat6A Wiring for Carlsbad Museum and Art Center
Requested Date: 04/04/2016
Approved Date: 04/07/2016
Approved Wage Decision Number: ED-16-0609-B

Wage Decision Expiration Date for Bids: 08/05/2016

2) Physical Location of Jobsite for Project:
Job Site Address: 418 West Fox Street
Job Site City: Carlsbad
Job Site County: Eddy

3) Contracting Agency Name (Department or Bureau): City of Carlsbad
Contracting Agency Contact's Name: Matt Fletcher
Contracting Agency Contact's Phone: (575) 234-7905 Ext.

4) Estimated Bid Opening Date: 04/29/2016

5) Estimated total project cost: \$60,000.00

a. Are any federal funds involved?: No

b. Does this project involve a building?: Yes - Cat6A network wiring will be installed throughout the Carlsbad Museum and Art Center as part of a network infrastructure improvement project.

c. Is this part of a larger plan for construction on or appurtenant to the property that is subject to this project?: No

d. Are there any other Public Works Wage Decisions related to this project?: No

e. What is the ultimate purpose or functional use of the construction once it is completed?: To improve the network infrastructure for the Carlsbad Museum and Art Center as part of an overall network improvement project for the City of Carlsbad.

6) Classifications of Construction:

Classification Type and Cost Total	Description
General Building (B) Cost: \$60,000.00	Install Cat6A network wiring at the Carlsbad Museum and Art Center to improve the overall network infrastructure.



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Wage Decision Approval Summary

1) Project Title: Cat6A Wiring for Riverwalk Recreation Center
 Requested Date: 04/04/2016
 Approved Date: 04/07/2016
 Approved Wage Decision Number: ED-16-0610-B

Wage Decision Expiration Date for Bids: 08/05/2016

2) Physical Location of Jobsite for Project:
 Job Site Address: 400 Riverwalk Drive
 Job Site City: Carlsbad
 Job Site County: Eddy

3) Contracting Agency Name (Department or Bureau): City of Carlsbad
 Contracting Agency Contact's Name: Matt Fletcher
 Contracting Agency Contact's Phone: (575) 234-7905 Ext.

4) Estimated Bid Opening Date: 04/29/2016

5) Estimated total project cost: \$60,000.00

a. Are any federal funds involved?: No

b. Does this project involve a building?: Yes - Cat6A network wiring will be installed throughout the Riverwalk Recreation Center as part of an overall network infrastructure improvements project. There will be no building or renovating involved in the project.

c. Is this part of a larger plan for construction on or appurtenant to the property that is subject to this project?: No

d. Are there any other Public Works Wage Decisions related to this project?: No

e. What is the ultimate purpose or functional use of the construction once it is completed?: To improve the network infrastructure for the Recreation Center as part of an overall network infrastructure improvement project.

6) Classifications of Construction:

Classification Type and Cost Total	Description
General Building (B) Cost: \$60,000.00	Install Cat6A network wiring throughout the Riverwalk Recreation Center to improve the overall network infrastructure for the City of Carlsbad.



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Wage Decision Approval Summary

1) Project Title: Cat6A Wiring for City Library
 Requested Date: 04/04/2016
 Approved Date: 04/08/2016
 Approved Wage Decision Number: ED-16-0626-B

Wage Decision Expiration Date for Bids: 08/06/2016

2) Physical Location of Jobsite for Project:
 Job Site Address: 101 S Halagueno Street
 Job Site City: Carlsbad
 Job Site County: Eddy

3) Contracting Agency Name (Department or Bureau): City of Carlsbad
 Contracting Agency Contact's Name: Matt Fletcher
 Contracting Agency Contact's Phone: (575) 234-7905 Ext.

4) Estimated Bid Opening Date: 04/29/2016

5) Estimated total project cost: \$60,000.00
 a. Are any federal funds involved?: No
 b. Does this project involve a building?: Yes - The will take place in the City of Carlsbad Library, but will not affect the building structure itself. There will not be any building or renovation on the job site.
 c. Is this part of a larger plan for construction on or appurtenant to the property that is subject to this project?: No
 d. Are there any other Public Works Wage Decisions related to this project?: No
 e. What is the ultimate purpose or functional use of the construction once it is completed?: The installation of Cat6A wiring as part of an overall network infrastructure improvement project for the City.

6) Classifications of Construction:

Classification Type and Cost Total	Description
General Building (B) Cost: \$60,000.00	Work to include the installation of Cat6A network wiring throughout the City of Carlsbad Library to improve the overall network infrastructure of the City.