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# INVITATION FOR BIDS

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## NEW MEXICO DEPARTMENT OF TRANSPORTATION BIDS CALLED FOR – August 14, 2009 SANTA FE, NEW MEXICO

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Notice is hereby given that SEALED BIDS WILL BE RECEIVED UNTIL 11:00 A.M. (National Institute of Standards and Technology (NIST), atomic clock) on **August 14, 2009** at the **NEW MEXICO DEPARTMENT OF TRANSPORTATION'S GENERAL OFFICE TRAINING ROOMS, 1120 CERRILLOS ROAD, SANTA FE, NEW MEXICO, 87505** at which time bids will be publicly opened and read by the New Mexico Department of Transportation (NMDOT).

Any individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service and desires to attend or participate in this bid opening should contact the Office of Equal Opportunity Programs Bureau at 505.827.1774, at least ten days before the date of bid opening.

All projects shall be constructed in accordance with the New Mexico Department of Transportation's 2007 Edition of the Standard Specifications for Highway and Bridge Construction ("Standard Specifications"), unless otherwise noted.

Section 102.7 of the Standard Specifications mandates that bidders inspect and become familiar with the plans and specifications for the work in advance of bidding. In order for a bidder to verify that it has complied with this mandate it must seek and obtain from the PS&E Bureau status as a "Planholder" for the project on which it intends to bid. To obtain such status, a bidder must either: (1) Request a set of contract documents including the plans for the project on which the contractor anticipates bidding, or (2) Submit via Telefax (505.827.5290) written confirmation that the bidder has obtained a copy of the contract documents and plans from a source other than the PS&E Bureau. Under option (2), such written confirmation by Telefax must be received by the PS&E Bureau no later than the Wednesday preceding a Friday bid opening. **Failure of a bidder to seek status as a "Planholder" in one of the two ways identified herein will render its bid non-responsive and its bid shall be rejected.**

Each bid shall be submitted in a sealed envelope with the project number, location of the proposed improvement and the name and address of the bidder plainly marked on the outside of the envelope.

The total bid amounts as read at the Bid Opening are tentative only and subject to verification of mathematical accuracy. Such verification may result in a change to the order of the bids.

It is not necessary for a contractor to have the license classification(s) alluded to on the individual Federal-Aid funded projects in order to submit a bid on the project. Any contractor bidding on a New Mexico highway project involving the expenditure of federal funds shall submit the required license(s) after receiving the Preliminary Notice of Award and prior to the issuance of the Notice to Proceed. Licenses may be obtained from the New Mexico Construction Industries Division. It is the responsibility of the Contractor to pay whatever fees and to take whatever measures are available by rule or regulation of the Division to expedite the securing of the required license.

All bidders on State funded projects must be licensed in New Mexico by the Construction Industries Division. The bidder must hold the proper license classification, at the time bids are submitted, for the major portion of the work to be performed based on dollar amount. The bidder shall indicate its current New Mexico Contractor's license number and classification in the contract documents where applicable.

After receiving the Preliminary Notice of Award and prior to issuance of the Notice to Proceed, the apparent low bidder shall submit a copy of the "wallet card", issued by the Construction Industries Division of the Regulation And Licensing Department, to the Contract Administration Section of the New Mexico Department of Transportation, PO Box 1149 Santa Fe, New Mexico 87504-1149 or 1120 Cerrillos Road, General Office Complex, Santa Fe, NM 87505, Telephone Number is 505.827.5492.

The five percent (5%) Resident Contractor Preference will apply to all State funded projects.

In accordance with 18.27.5 NMAC, the Contractor Prequalification Rule, all contractors and subcontractors must prequalify with the New Mexico Department of Transportation as a condition for bidding or otherwise supplying services, construction or items of tangible personal property described in the Invitation For Bids. To prequalify, contractors and subcontractors shall file fully executed Pre-

qualification Booklets with the Department. Prime contractors submitting a new or renewal Booklet must submit it not less than seven (7) calendar days prior to the opening of any bid. Subcontractors must submit a new Booklet or renewal Booklet not more than seven (7) calendar days after bid opening. Prequalification Booklets and copies of the Contractor Prequalification Rule may be acquired from the Office of Inspector General at 505.476.0909.

On state funded projects, every contractor or subcontractor (all tiers) that submits a bid valued at more than fifty thousand dollars (\$50,000) shall be registered with the labor and industrial division of the labor department prior to bidding. Information on registration can be obtained from the following website:

[http://www.dol.state.nm.us/dol\\_news\\_pw6-10-04.html](http://www.dol.state.nm.us/dol_news_pw6-10-04.html)

Failure of the contractor to register with the department of labor shall render a bid non-responsive and the bid shall be rejected. Failure of a subcontractor to register with the department of labor shall be grounds for the nmdot to deny written consent of the subcontract under section 108.1 of the standard specifications.

Before bids are opened for each project, contractors will be given the opportunity to withdraw bids, which have not been read. Withdrawn bids will not be allowed to be resubmitted.

All requests for plans and specifications should be directed to the P. S. & E. Bureau of the New Mexico Department of Transportation PO Box 1149, Santa Fe, New Mexico 87504- 1149 or 1120 Cerrillos Road, Santa Fe, New Mexico 87505; General Office Complex, Room 205, Santa Fe, New Mexico, Telephone Number is 505.827.5500 – FAX Number 505.827.5290.

Plans and specifications for all projects may be examined at the P. S. & E. Bureau of the New Mexico Department of Transportation, Room 205, 1120 Cerrillos Road, General Office Complex, Santa Fe, New Mexico.

For each bid submitted, the contractor shall provide a certified check, bid bond, cashier's check, postal money order or bank money order in the amount of at least 5% of the amount bid. Under no circumstances will a personal check be

accepted. Submittal of a personal check will automatically disqualify a bid. As an option, the Department has implemented the Bid Express website ([www.bidx.com](http://www.bidx.com)) as an official depository for electronic bid submittal. Electronic bids submitted through Bid Express do not have to be accompanied by paper bids. In the case of disruption of national communications or loss of services by [www.bidx.com](http://www.bidx.com) the morning of the bid opening, the Department will delay the deadline for bid submissions to ensure the ability of potential bidders to submit bids. Instructions will be communicated to potential bidders.

For information on digital id, and electronic withdrawal of bids, see Bid Express website ([www.bidx.com](http://www.bidx.com)). Electronic bid bonds integrated by surety 2000 and insure vision will be the only electronic bid bonds accepted for NMDOT highway construction projects. Plans and contract books in electronic format are also available in Bid Express.

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**FEDERAL AID PROJECT**  
**AC-GRIP-(IM-NH)-010-2(111)143**  
**CN ESG18A2R**

I-10, Las Cruces to Texas State Line located in Dona Ana County. The approximate length is 18.310 miles.

Construction Consists Of:  
**ROADWAY RECONSTRUCTION,**  
 Pavement Sections (Flexible), Earthwork (Borrow), Metal Barrier Installation, Concrete Wall Barrier, Structures (Culverts, Drop Inlets), Sound Wall, Erosion Control Measures, Traffic Control (Phasing, Detours), Permanent Signage and Miscellaneous Construction.

This contract must be completed in 380 working days.

At this time NMDOT will meet the State DBE Goal on Federally assisted projects through a combination of race-neutral and race-conscious measures. This project is subject to race-conscious measures. The established DBE goal for this project is 0%.

The Contractor may bid and contract as the prime contractor of the entire project, provided he holds the proper classification for the major portion of the work to be performed based on dollar amount. The following New Mexico License classification(s) are required to perform the work called for on this project: (GA-1 or GA-98).

Plans and specifications may also be examined at the office of the District Highway Engineer, Frank Guzman, Deming, New Mexico.

The U. S. Department of Labor has furnished prevailing wage rates, which are to be paid to all classifications of labor on Federal-Aid Projects. Presidential Executive Order 11701 requires that contractors working on Department projects with over \$10,000 in Federal Funds place their job openings in the locale of the project. The Executive Order provides that any non-exempt Federal Government contracts contain affirmative action provisions to employ and advance qualified disabled veterans and veterans of the Vietnam era. For further information, contact the Affirmative Action Programs Bureau located at 811 St. Michaels Drive, PO Box 1149, Santa Fe, New Mexico 87504-1149, Telephone Number 505.827.5914.

The New Mexico State Labor Commission has furnished wage rates to be used with the Federal Wage Rates. Wherever differences exist between the minimum wage rates, the higher wage rates shall govern. These rates are set forth in the contract.

The Contractor will abide by Section 6-6-7 of the Public Works Minimum Wage Act which states: "That in the event it is found, that any contractor or subcontractor willfully paying his laborers or mechanics less than the rate required by the Contract for the work laborers and mechanics are performing, such contractor or subcontractor may lose his right to proceed with the work, or such part of the work as to which there has been willful failure to pay the required wage, and the contracting agency may prosecute the work to completion by Contract or otherwise."

As the successful bidder on a Federal-Aid contract, your firm and all subcontractors will be required to build this project under the Field Operations Handbook, Revision No. 550, June 1, 1987, US Department of Labor.

A record of all addenda to the plans and specifications and copies of same will be available to all qualified bidders at the P. S. & E. Bureau, 1120 Cerrillos Road, General Office Complex three days prior to the letting. Telephone Number is 505.827.6800.

The Contractor is required to submit to the Project Manager evidence that each apprentice being employed on the job, including apprentices used by subcontractors, is registered. This evidence must be in the form of a copy of a card which is issued by the appropriate Apprenticeship Committee showing the apprentice's name, what period of apprenticeship he is currently in, and each such card must show an expiration date not to

exceed six months from the date of issuance.

You may secure help in obtaining the required evidence by contacting Celina Brewington of the Apprenticeship Council, 505.841.8990, 501 Mountain Road NE, Albuquerque, New Mexico.

The Contractor must furnish evidence that all trainees and apprentices are registered in an approved program such as the Manpower Development and Training Program (April 1975 Edition) of the Associated General Contractors of New Mexico. The evidence can be obtained from the Association's office, PO Box 25384, Albuquerque, New Mexico 87125.

The following may be obtained from the P. S. & E. Bureau, New Mexico Department of Transportation, Room 205, 1120 Cerrillos Road PO Box 1149, Santa Fe, NM 87504-1149, telephone number 505.827.5500, FAX 505.827.5290:

- Contract Books that include bidding documents, technical specifications and bid forms, with a deposit of **\$15.00 per Contract Book.**
- Complete sets of reduced plans with a deposit of **\$0.30 per sheet.**

Contractors having established an account with the P. S. & E. Bureau prior to the publishing of the Invitation For Bids may charge the deposits to their accounts. Other contractors may obtain the bidding documents by paying in advance the required deposit to the P. S. & E. Bureau. Such deposits shall only be made by check or money order payable to the New Mexico Department of Transportation. Deposits may be credited to the contractor's account or refunded by the Department, as appropriate, provided the contract bidding documents are returned prior to bid opening in usable condition by the contractor who obtained them. Usable condition shall mean that the contract book and plans have been returned to the P. S. & E. Bureau in complete sets, have not been marked, defaced, or disassembled, and no pages have been removed.

The plan sheets and contract documents are essential parts of the Contract, and a requirement occurring in one is as binding as though occurring in all. The plan sheets and contract documents are intended to be complementary and to describe and provide for a complete project Contract. It is recommended that the prospective bidder purchase both the plan sheets and contract documents.

Each bid must be on the bid form furnished by the Department and the prices quoted in the bid must represent the total compensation for the goods or services provided. The Contractor is responsible

for payment of all taxes due on the amounts earned under this contract, and that the prices quoted in the contract exclude the applicable State Gross Receipts Tax and/or applicable local option tax. Failure to comply with the conditions set forth in this paragraph shall render a bid non-responsive. Further, submittal of a conditional bid or a bid containing material omissions or alterations shall render the bid non-responsive.

**All bids sent by mail or private carrier must be, received by the following contact person no later than the close of business of the day preceding the bid opening:**

**Ronald M. Trujillo  
1120 Cerrillos Road, Room 205  
Santa Fe, NM 87505  
Telephone Number 505.827.5445**

The successful bidder will be required to furnish contract payment and performance bonds in the amount of one hundred percent (100%) of the total bid price of his bid and execute the Contract within fifteen (15) days after receipt of preliminary notification of the award of contract.

When the award of Contract is based on the "A+B" bidding method (contract amount + time costs), the Contract payment and performance bonds will be based on the Contract amount only.

Each bidder on Federal projects must execute a non-collusion statement to reflect the following requirements. Title 23, United States Code, Section 112(c) requires, as a condition precedent to approval by the Federal Highway Administrator of the Contract for this work, that there be filed a sworn statement executed by, or in behalf of, the person, firm, association, or corporation to whom such Contract is to be awarded, certifying that such person, firm, association, or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with such contract. This sworn statement shall be in the form of an affidavit executed and sworn to by the successful bidder before a person who is authorized by laws of this State to administer oaths. The Contractor may submit an unsworn declaration under penalty of perjury in lieu of the above stated sworn statement. Either the sworn statement or unsworn declaration shall be filed with the Department of Transportation prior to the award of the Contract.

The Office of Equal Opportunity Programs Disadvantaged Business Enterprise of the New Mexico Department of Transportation has available a directory of DBE contractors and firms which the

Contractor may utilize to meet the established DBE State goal of 12.51%. Contractors needing assistance with DBE Selected Provisions or Disadvantaged Business Enterprise Program should contact the New Mexico Department of Transportation's Office of Equal Opportunity Programs located at Aspen Plaza, 1596 Pacheco Street, Suite 107, Santa Fe, New Mexico 87504, Telephone Numbers 505.827.1774 or 1.800.544.0936.

The Procurement Code, Sections 13-1-28 through 13-1-199 N.M.S.A. 1978, imposes civil and criminal penalties for its violation. In addition, the New Mexico Criminal Statutes impose felony penalties for illegal bribes, gratuities and kick-backs.

The Department affords equal opportunity to all without regard to race, age, color, religion, sex, national origin, disability, veteran status, Vietnam Era and special disabled veteran.

Advertisement Dates: July 31, 2009 and August 7, 2009.

Gary L.J. Giron  
Cabinet Secretary  
New Mexico Department of  
Transportation  
Santa Fe, New Mexico