

# GRANT COUNTY

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*Commissioner, District 1*

**JAVIER SALAS**  
*Commissioner, District 2*

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*Commissioner, District 3*



**GERALD W. BILLINGS JR.**  
*Commissioner, District 4*

**HARRY BROWNE**  
*Commissioner, District 5*

## BID EVALUATION REPORT

Date: November 23, 2021

To: Board of County Commissioners

From:  Randy J. Hernandez, Chief Procurement Officer

Re: Bid No. B-22-05, Jet-A Fuel Storage, Bulk Loading System  
and Facility Improvements (Re-Bid)

### SOLICITATION SUMMARY

County staff, with assistance from Bohannon Huston and Argus Consulting, re-solicited bids for the above-referenced item. This original solicitation resulted in no-bids. This bid was conducted in accordance with NMSA 1978 13-1-103. On November 17, 2021, two (2) bid were received; the bidders are listed below.

Bidder	Base Bid Amount
Diamond Construction	\$794,922.49
Highland Enterprise, Inc.	\$1,074,705.00

### PROJECT SUMMARY

The Project includes the following Work: Construction of concrete containment pad around the two existing fuel storage tanks, construction of a truck fuel loading and unloading containment pad, construction of a secondary containment basin with discharge pump, construction of a stormwater retention basin, construction of UG containment piping, modifications to the two fuel tank loading/unloading hard piping, connections and spill boxes, construction of asphalt paving, construction of security fence and gates including motor operated gates, provision of temporary truck loading and unloading containment basin, demolition of existing fence, asphalt pavement – including pavement under the two existing fuel tanks, and other work to complete the project.

### FUNDING SUMMARY

The County has identified and that this project will be funded by New Mexico Department of Transportation Aviation Division grant funds.

**BID RECOMMENDATION**

It is the recommendation of myself, the Engineer of Record and the Airport Manager that this bid be **REJECTED** based on NMSA 13-1-106 and 13-1-131; my determinations are as follows:

**Bidder - Diamond Construction:** Bid submittal has been deemed non-responsive. After the bid was submitted and received, the Bidder withdrew the bid citing a material mistake, making this bid non-responsive. The Bidder submitted evidence that clearly demonstrated the mistake and I have accepted the withdrawal in accordance with NMSA 13-1-106.

**Bidder- Highland Enterprise, Inc.:** Bid submittal has been deemed non-responsive. During the post-bid review, it was identified that the Bidder failed to identify and list crucial third-party subcontractors for this project as identified on form C-440, Page 2 of the Bid submittal, making this bid non-responsive.

**Project Continuation Identified:** Once rejected, the County may secure a contract for construction in the open market at the best obtainable price, as authorized by NMSA 13-1-131. County staff will work with the Engineer of Record to identify a Contractor and begin negotiations to enter into a contract for this project.

NMSA 13-1-131 Cites:

Title: Rejection or cancellation of bids or request for proposals; negotiations

“An invitation for bids, a request for proposals or any other solicitation may be canceled or any or all bids or proposals may be rejected in whole or in part when it is in the best interest of the state agency or a local public body. A determination containing the reasons for cancellation shall be made part of the procurement file. If no bids are received or if all bids received are rejected and if the invitation for bid was for any tangible personal property, construction or service, then new invitations for bids shall be requested. *If upon rebidding the tangible personal property, construction or services, the bids received are unacceptable, or if no bids are secured, the central purchasing office may purchase the tangible personal property, construction or services in the open market at the best obtainable price.*

History: Laws 1984, ch. 65, § 104; 1987, ch. 348, § 12.”

Enclosures

**BOARD ACTION**

\_\_\_\_\_ AWARDED

MEETING DATE: 12/09/2021

REJECTED

SPECIAL CONDITIONS/REMARKS: \_\_\_\_\_



PO Box 6 ▪ 188 Airport Road  
Hurley, New Mexico 88043  
575-313-9784

November 23, 2021

Mr. Randy Hernandez  
Grant County Chief Procurement Officer  
1400 Highway 180 East  
Silver City, NM 88061

RE: Grant County-Silver City Airport  
Jet-A Fuel Storage, Bulk Loading System and Facility Improvements – Re-Bid  
Grant County, New Mexico  
NMDOT – Aviation Division Grant No. SVC-20-02  
Bid No. B-22-05

Dear Mr. Hernandez:

Two sealed bids were received on November 17, 2021 for the Grant County-Silver City Airport Jet Fuel Storage, Bulk Loading System and Facility Improvements.

The qualified low bidder, Diamond Construction, Inc., subsequently withdrew their bid citing a bid error. The other bidder Highland Enterprises, Inc., bid was found to be non-responsive.

It is my recommendation we, Grant County, reject the bids for this project and enter into negotiations in accordance with NMSA 13-1-. 131. "Rejection or cancellation of bids or requests for proposals; negotiations."

Sincerely,

Rebekah Wenger, C.M.  
Grant County Airport Manager

November 23, 2021

voice: 505.823.1000  
facsimile: 505.798.7988  
toll free: 800.877.5332

Mr. Randy Hernandez  
Grant County Chief Procurement Officer  
1400 Highway 180 East  
Silver City, NM 88061

RE: Grant County-Silver City Airport  
Jet-A Fuel Storage, Bulk Loading System And Facility Improvements – Re-Bid  
NMDOT – Aviation Division Grant No. SVC-20-02  
Bid No. B-22-05

Dear Mr. Hernandez:

Two sealed bids were received, opened, and read aloud for the referenced project on November 17, 2021, at 3:00 PM at the Grant County Government Center. The bids have been evaluated and are shown on the attached bid abstract.

All required documents, including bid bonds, were submitted with the bids. The two addenda issued during the bidding process were acknowledged. The two prime contractors have current registration with the Labor Enforcement Fund. Registration with the Labor Enforcement Fund was verified for the subcontractors with work valued at \$60,000 or more.

The bid was for a lump sum amount for a base bid only. The results are summarized below:

CONTRACTOR	BASE BID	NEW MEXICO GROSS RECEIPTS TAX @ 6.5625%	TOTAL BASE BID PLUS NMGR (for budgeting)
<i>Engineer's Estimate Argus Consultants, Albuquerque, NM</i>	\$385,782.00	\$25,316.94	\$411,098.94
Diamond Construction, Inc. Las Cruces, NM	\$794,922.49	\$52,166.79	\$847,089.28
Highland Enterprises, Inc. Las Cruces, NM	\$1,074,705.00	\$70,527.52	\$1,145,232.52

The bid evaluation and Plan Holder's List are attached.

The qualified low bidder, Diamond Construction, Inc., holds a correct and current New Mexico Contractors license as verified via the State CID website. Registration with the Labor Enforcement Fund for the prime contractor was verified. The contractor is not on the State list of suspended or debarred contractors. The Bid Bond was issued by a company listed in Federal Register Circular 570.

Engineering ▲

Spatial Data ▲

Advanced Technologies ▲

Randy Hernandez  
Grant County  
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All other bidding requirements appear to be in compliance with the bidding documents.

Diamond Construction, Inc., in a letter dated November 18, 2021, claimed they made a bid error and requested that their bid be withdrawn. We have received your decision that their bid can be withdrawn.

Highland Enterprises, Inc. holds a correct and current New Mexico Contractors license as verified via the State CID website. Registration with the Labor Enforcement Fund for the prime contractor was verified. The contractor is not on the State list of suspended or debarred contractors. The Bid Bond was issued by a company listed in Federal Register Circular 570.

Highland Enterprises, Inc. did not list the subcontractors for the NACE Certified testing agency, NACE certified coating inspector, independent testing laboratory for weld-integrity testing, and did not list a MM-1 subcontractor for the mechanical work. In our opinion, this makes their bid non-responsive.

Verification of the NM Resident Contractor/Veterans Preference was not accomplished as the NM Taxation and Revenue website used to verify this information is not working, and an email request to NM Taxation and Revenue requesting verification has not been returned.

Based on this information, we recommend Grant County reject the bids for this project and enter into negotiations in accordance with NMSA 13-1-. 131. "Rejection or cancellation of bids or requests for proposals; negotiations."

Should you have any questions concerning this, please contact Dumas Slade or me at your convenience. We look forward to continue assisting the County on this important project for the airport.

Sincerely,

**Mark  
Huntzinger**

Digitally signed by Mark Huntzinger  
DN: cn=Mark Huntzinger,  
o=Bohannon Huston, ou=Aviation,  
email=mhuntzinger@bhinc.com, c=US  
Date: 2021.11.23 10:15:31 -0700

Mark Huntzinger, PE  
Project Manager  
Aviation

MH/ab  
Attachments

cc: Rebekah Wenger, Grant County  
Seth Newbold, Argus Consultants