



INVITATION TO BID

PORTALES MUNICIPAL SCHOOLS
501 S. Abilene
Portales, NM 88130

ITB 17-18-0007

Enclosed are specifications on Bidder's Forms for LED LAMP RETROFIT & INSTALLATION. If you are interested in submitting bids on any or all of the items listed, PLEASE SUBMIT one copy of your proposal by **4:00 P.M. June 5, 2018** to:

*Portales Municipal Schools
Sarah M. Stubbs, Chief Procurement Officer/Finance Director
ITB 17-18-0007
501 South Abilene
Portales, NM 88130
Phone No: (575) 356-7000*

Envelopes or Containers in which bids are submitted shall be plainly marked **17-18-0007: LED LAMP RETROFIT & INSTALLATION**.

All bids are subject to the following general conditions:

All Prices must be quoted F.O.B. Portales Municipal Schools and merchandise DELIVERED FOB PORTALES OR AS SPECIFIED IN THE BID DOCUMENT.

We reserve the right to accept or reject any bid or part of bid and waive any formalities thereof. Bids will be evaluated on the basis of advantages or disadvantages to our school district.

The bidder shall enter the bid in the blank space of the bid form hereto attached. Additional forms will be furnished on request.

Any bids on items which do not conform exactly to the specifications as listed in the Bid Form must be accompanied by literature completely illustrating and describing the items being substituted.

Successful bidders will be notified in writing through a determination letter mailed on June 12, 2018.

Successful bidders shall guarantee delivery AS SPECIFIED and is to invoice the school AFTER DELIVERY. The time of delivery may be considered as a determining factor in awarding purchase contracts.

BOARD OF EDUCATION
Portales Municipal Schools
/s/ Inez Rodriguez, President

SCHEDULE

Date	Task	Time	Location
5/13/2018	Issue ITB-Posted on Website		
5/13/2018 & 5/20/2018	Printed in Paper		
5/29/2018	Pre-Bid Conference	1:30	LC Cozzens Administrative Offices 501 S Abilene Ave Portales, NM 88130
6/5/2018	Submission of ITB Due	4:00	
6/6/2018	Bid Opening	2:00	LC Cozzens Administrative Offices 501 S Abilene Ave Portales, NM 88130
6/11/2018	Board Approval	6:00	LC Cozzens Administrative Offices 501 S Abilene Ave Portales, NM 88130
6/12/2018	Determination Letters Mailed		
6/26/2018	Protest Deadline	3:00	
6/27/2018	Issue Purchase Order		

If you have any additional questions regarding this bid or specifications, please write, call or e-mail:

Sarah Stubbs

Phone: (575) 356-7000

Fax: (575) 356-4377

E-mail: sstubbs@portaleschools.com

Thank you,

Sarah Stubbs

Chief Procurement Officer/Finance Director

INSTRUCTIONS TO BIDDERS

1. Sealed bids for the furnishing and delivery, and installing, where called for, of the services, materials, equipment and/or supplies, as required by the Board of the Portales Municipal Schools (PMS) and as set forth in the following Specifications, will be opened at the time, place, and date as stated in the Notice to Bidders thereof.
2. The person, firm or corporation making such proposal shall submit it in a sealed envelope to **Sarah Stubbs, Chief Procurement Officer/Finance Director** at the place herein mentioned on or before the hour and day so stated, and the envelope endorsed on its face with the name of the person, firm, corporation making such proposal, and the title of the services, materials, equipment, or supplies for which proposal is made.
3. The bidder shall insert a unit price and extension where necessary. In the event of a discrepancy between the unit price and the extension, the unit price will govern. The price inserted must be net and must include delivery charge if any. Any applicable discounts should be included in the price of the item.
4. No charge will be allowed for Federal, State or Municipal sales and excise taxes for the purchase of tangible personal property, from which Portales Municipal Schools are exempt. Taxes for the purchases of services are not exempt. The price offered shall be net and shall not include the amount of any such tax, but the contracting agency shall be required to pay the applicable tax including any increase in the applicable tax becoming effective after the date the contract is entered into. All applicable taxes, including gross receipts tax or applicable local option tax, shall be shown as a separate amount on each billing or request for payment made under the contract. A nontaxable transaction certificate and number is available upon request from the Portales Municipal Schools' Business Office.
5. Bids will be awarded to the bidder submitting the lowest price that satisfactorily meets the specifications. Items will be awarded on a "Line Item" basis unless otherwise indicated in the bid. Bidders offering specific items grouped as "All or None" must show savings over same items offered on a line item basis to be considered for award. **Differences from bid requirements must be clearly identified. Examples are such things as "length of warranty" or "unit of issue".**

Purchase Orders are not payable until all goods and services are received.

Award of bid is contingent on available budgeted funds.

6. Articles identified in this invitation by brand name "or approved equal" are intended to be descriptive but not restrictive and serve to indicate to prospective bidders a description of articles that will be satisfactory. Bids offering articles other than brands or models identified in this invitation will be considered provided:
 - a. Substitutes are clearly identified by brand and/or model

b. A statement of basic differences between the substitute and that identified in the invitation is enclosed along with any descriptive literature the bidder feels is worthy of inclusion.

c. Samples of products offered by the bidder are to be submitted upon request. Samples must be labeled with name of bidder, bid number and item number. All expenses incurred in submitting samples must be borne by the bidder. Upon completion of evaluation of the sample, bidders may pick up unused samples, or request in writing the return shipment to bidder at expense of bidder. All bid samples not claimed within 90 days after bid opening will become property of the Portales Municipal Schools.

7. The burden of proof concerning an item being equal to one identified in the invitation does not fall on the Portales Municipal Schools, but upon the bidder.

8. Unless the bidder clearly indicates in his bid that he is offering a difference in an article, his bid will be considered as offering a brand name and/or model identified in the specifications.

9. All prices quoted to be F.O.B. Portales Municipal Schools Warehouse, 1401 E. Spruce, Portales, NM 88130. Items must be furnished at the prices quoted in the bid proposal during the term of the contract.

10. Out of State bidders must show 5% saving under In-State bidders to receive contract of sale as per state law governing it. This shall not apply when the expenditure of federal funds designated for a specific purchase if involved.

11. Bids received after the time shown in the NOTICE TO BIDDERS shall be returned unopened. **UNSIGNED BIDS SHALL NOT BE ACCEPTED.**

12. It shall be the option of the bidder (unless otherwise stipulated) as to the length of time during the current fiscal year that purchases in even lots may be made at these prices, plus transportation. The quantity of any or all items ordered may be increased at the per unit bid price.

13. Vendor shall guarantee that the product shall be new, the latest model available, and shall carry the standard manufacturer's warranty for all items submitted on the bid. No item shall be outdated or near manufacturers use not later than date.

14. By submission of this bid or proposal, the bidder certifies that this bid or proposal has been independently arrived at without collusion with any other bidder or with any competitor, and that it is in all respects fair and in good faith, without collusion or fraud.

This bid or proposal has not been knowingly disclosed and will not be knowingly disclosed, prior to the opening of bids or proposals for this project, to any other bidder, competitor or potential competitor. No attempt has been or will be made to induce any other person, partnership, firm or corporation to submit or not submit a bid or proposal.

15. Recycled content goods may be acceptable, provided they meet price, quality, quantity, availability and delivery requirements.
16. Performance bonds or other security at 100% of the amount of the contract, and to be submitted within thirty days from date of notice, may be required prior to award of this contract, as the Central Purchasing Office deems necessary to protect the interests of the Portales Municipal Schools. Any such bond requirements shall not be used as a substitute for a determination of the responsibility of a bidder or offeror.
17. Any bidder or offeror who is aggrieved in connection with a solicitation or award of a contract may protest to the Central Purchasing Office. The protest shall be in writing within fifteen (15) calendar days after knowledge of the facts or occurrences giving rise to the protest. (NMSA 1978 13.1.172) The protest shall include the following information: Name and address of the protestant or aggrieved, RFB, IFB or RFP number, statement of grounds for protest, including all documents, evidence or information to substantiate any claim, and specify ruling requested from the Central Purchasing Office.
18. Vendor shall provide Manufacturer's Safety Data Sheet (MSDS) with products shipped as required by law.
19. A potential contractor or the Contractor agrees to comply with state laws and rules pertaining to workers' compensation insurance coverage for its employees. If a contractor fails to comply with the Workers' Compensation Act and applicable rules when required to do so, the contract may be cancelled effective immediately.
20. All corporations operating in New Mexico must be registered with the State Corporation Commission and have a certificate of incorporation that amounts to legal standing to operate in the state.
21. Any firm or person failing to acknowledge an invitation to bid will be automatically dropped from our bidder's list and must re-apply to be placed on the list again.

Portales Municipal Schools is an Equal Opportunity Employer in accordance with Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Sections 503 and 504 of the Vocational Rehabilitation Act, Americans with Disabilities Act, and other federal and state laws and executive orders affective employment and equal opportunity.

The Portales Municipal School District does not discriminate on the basis of race, color, national origin, sex, age or disability in its programs and activities. The following person has been designated to handle inquiries regarding the nondiscrimination policies: Assistant Superintendent, Portales Municipal School District, 501 S. Abilene, Portales, NM 88130. Phone (575) 356-7000.

RESIDENT PREFERENCE

The following is reprinted from New Mexico Statutes 1978, Chapter 13 Public Purchases and Property, Pamphlet 29.

13-1-21. Application of preferences.

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 thereof, including two-year post-secondary educational institutions, school districts, local school boards and all municipalities, including home-rule municipalities;
- (5) "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;
- (6) "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 but does not include a resident veteran business; and
- (7) "resident veteran business" means a business that has a valid resident veteran business certificate issued by the taxation and revenue department pursuant to Section 13-1-22 NMSA 1978.

B. Except as provided in Subsection C of this section, when a public body makes purchase using a formal bid process, the public body shall deem a bid submitted by a:

- (1) resident business to be five percent lower than the bid actually submitted;
- (2) resident veteran business with annual revenues of one million dollars (\$1,000,000) or less to be ten percent lower than the bid actually submitted;
- (3) resident veteran business with annual revenues of more than one million dollars (\$1,000,000) but less than five million dollars (\$5,000,000) to be eight percent lower than the bid actually submitted subject to the limitation provided in Subsection G of this section; and
- (4) resident veteran business with annual revenues of five million dollars (\$5,000,000) or more to be seven percent lower than the bid actually submitted subject to the limitation provided in Subsection G of this section.

C. When a public body makes a purchase using a formal bid process and the bids are received for both recycled content goods and nonrecycled content goods, the public body shall deem:

- (1) bids submitted for recycled content goods from any business, except a resident veteran business, to be five percent lower than the bids actually submitted;

- (2) bids submitted for recycled content goods from a resident veteran business with annual revenues of one million dollars (\$1,000,000) or less to be ten percent lower than the bids actually submitted;
 - (3) bids submitted for recycled content goods from a resident veteran business with annual revenues of more than one million dollars (\$1,000,000) but less than five million dollars (\$5,000,000) to be eight percent lower than the bids actually submitted subject to the limitation provided in Subsection G of this section; and
 - (4) bids submitted for recycled content goods from a resident veteran business with annual revenues of five million dollars (\$5,000,000) or more to be seven percent lower than the bids actually submitted subject to the limitations provided in Subsection G of this section.
- D. When a public body makes a purchase using a formal request for proposals process, not including contracts awarded on a point-based system, the public body shall award an additional:
- (1) five percent of the total weight of all the factors used in evaluation the proposals to a resident business;
 - (2) ten percent of the total weight of all the factors used in evaluating the proposals to a resident veteran business that has annual revenues of one million dollars (\$1,000,000) or less;
 - (3) eight percent of the total weight of all the factors used in evaluating the proposals to a resident veteran business that has annual revenues of more than one million dollars (\$1,000,000) but less than five million dollars (\$5,000,000) subject to the limitation provided in Subsection G of this section; and
 - (4) seven percent of the total weight of all the factors used in evaluating the proposals to a resident veteran business that has annual revenues of five million dollars (\$5,000,000) or more subject to the limitation provided in Subsection G of this section.
- E. When a public body makes a purchase using a formal request for proposals process, and the contract is awarded based on a point-based system, the public body shall award an additional of the equivalent of:
- (1) Five percent of the total possible points to a resident business;
 - (2) Ten percent of the total possible points to a resident veteran business that has annual revenues of one million dollars (\$1,000,000) or less;
 - (3) eight percent of the total possible points to a resident veteran business that has annual revenues of more than one million dollars (\$1,000,000) but less than five dollars (\$5,000,000) subject to the limitation provided in Subsection G of this section; and
 - (4) seven percent of the total possible points to a resident veteran business that has annual revenues of five million dollars (\$5,000,000) or more subject to the limitation provided in Subsection G of this section.
- F. When a joint bid or joint proposal is submitted by a combination of resident veteran, resident or nonresident business, the preference provided pursuant to Subsection B, C, D, or E of this section shall be calculated 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 each business as specified in the joint bid or proposal.
- G. The preference pursuant to Paragraphs (3) and (4) of Subsection B of this section, Paragraphs (3) and (4) of Subsection C of this section, Paragraphs (3) and (4) of

Subsection D of this section and Paragraphs (3) and (4) of Subsection E of this section shall be limited in any calendar year, to an aggregate of ten million dollars (\$10,000,000) in purchased by public bodies from all resident veteran business receiving preferences pursuant to the provisions of those paragraphs.

- H. A public body shall not award a business both a resident business preference and a resident veteran business preference.
- I. 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.
- J. 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, a;1997, ch.1, 2;1997, Ch. 2, 2;1997, Ch. 3, 1;2000, Ch. 41, 1;2011 (1st S.S.), Ch. #, 1;2012, Ch. 56, 1.

Repeals and reenactments---Laws 1968, Ch. 72, 9, repealed former 6-5-32, 1953 Comp., relating to resident preference, and enacted a similar provision, also designated 6-5-32, 1953 Comp.

Laws 1979, Ch. 72, 1, repealed former 13-1-21 NMSA 1978, relating to resident preference, and enacted a new 13-1-21 NMSA 1978.

The 2012 amendment, effective July 1, 2012, alphabetized terms; gave resident veteran businesses a preferences; limited the preference in any calendar year to an aggregate of ten millions dollars in purchases by public bodies from all resident veteran businesses receiving preferences; in Subsection A, added Paragraph (5) and deleted former Paragraph (6) to alphabetize the definition of "recycled content goods", in Paragraph (6), after "Section 13-1-22 NMSA 1978", added the remainder of the sentence, and added Paragraph (7); in Subsection B, in the introductory sentence, added "Except as provided in Subsection C of this section", and added Paragraphs (3) through (4) added Subsection C; in Subsection D, after "request for proposals process", added the remainder of the sentence, in Paragraph (1), after "evaluating the proposals", deleted "shall be awarded" and after "resident business", deleted "based on the resident business possessing a valid resident business certificate; or", and added Paragraphs (2) through (4); in Subsection E, in the introductory sentence, added "When a public body makes a purchase using a formal request for proposals process" and after "point-based system", added the remainder of the sentence, in Paragraph (1), at the beginning of the sentence, deleted "a resident business shall be awarded the equivalent of", after "total possible points to", deleted "be awarded based on the " and added "a", and after "resident business", deleted "possessing a valid resident business certificate", and added Paragraphs (2) through (4); in Subsection F, after "proposal is submitted by", deleted "both resident and" and added "a combination of resident veteran, resident or", after "nonresident businesses, the", deleted "resident business; after Subsections B, C", added "D or E", after "this section shall be", deleted "reduced" and added "calculated", and after "will be performed by" deleted "a nonresident" and added "each"; deleted former Subsection E, which provided a five percent preference for recycled content goods of equal quality when bids were received for the recycled content goods and nonrecycled content goods; and add Subsections G and H.

The 2011 (1st S.S.) amendment, effective October 5, 2011, provided a five percent advantage to bids and proposals by resident businesses and to recycled content goods; specified the minimum percentage of recycled materials in recycled content goods; eliminated the practice of brokering the preference through joint bids or proposals by resident and non-resident businesses by reducing the preferences by the percentage of the contract performed by the nonresident business; eliminated the preference for resident manufacturers and New York state business enterprises; expanded the application of the resident business preference to contracts larger than \$5,000,000; provided the procedure for protesting violations of this section; deleted former Paragraphs (2) through (4) and (6) of Subsection A, which defined "New Mexico resident business", "New York state business enterprise", resident manufacturer", and "virgin content goods"; added Paragraphs (1) through (4) of Subsection A; in Paragraph (5) of Subsection A, after "means a", deleted " New Mexico resident business or a New

York state business enterprise" and added the remainder of the sentence; in Paragraph (6) of Subsection A, after "materials composed", deleted "in whole or in part" and added "twenty-five percent or more"; deleted former Subsections B through J, which provided rules for awarding contracts for goods services when the bid from a resident business or resident manufacturer or for virgin content goods and recycled goods is made lower, by the application of the five percent preference, than the lowest bid from other bidders; added new Subsections B through F; in Subsection G, after "when the expenditure", deleted "of" and added "includes", after the phrase "federal funds", deleted is involved or for any bid price greater than five million dollars (\$5,000,000)"; and deleted former Subsection L, which exempted the purchase of buses from resident manufacturers and resident businesses that manufactures buses in New Mexico.

The 2000 amendment, effective March 6, 2000, added Subsection L.

The 1997 amendment, January 24, 1997, in Subsection A inserted "a New Mexico resident business or a New York state business enterprise;" in Paragraph (1); designated Paragraph (2), adding "New Mexico resident business' means "at the beginning; added Paragraph (3), redesignating former Paragraphs (2) through (5) as Paragraphs (4) through (6), and added the proviso at the end of Paragraph (4).

The 1995 amendment, effective June 16, 1995, substituted "a business that" for "one which" in Paragraph (1) in Subsection A, added Paragraphs (3) and (4) in Subsection A, added Subsections G through J, and redesignated former Subsection G as Subsection K.

ANNOTATIONS

Policy.---The underlying policy of this section is to give a preference to those persons and companies who contribute to the economy of the state of New Mexico by maintaining plants and other facilities within the state and giving employment to residents of the state. 1969 Op. Att'y Gen. No. 69-42

Multiple preference policy.---A bidder who offers materials grown, processed or manufactures in this state may not claim both the manufacturer's 5% preference and the resident dealer's 5 % preference against an out-of-state supplier, giving the in-state supplier a 10% preference. 1968 Op. Att'y Gen. No. 68-42.

Am. Jur. 2d. A.L.R. and C.J.S. references.---64 A. Jur. 2d Public Works and Contracts 52, 54, 67, 69.

Constitutionality of enactment or regulation forbidding or restricting employment of aliens in public employment or on public works, 38 A.L.R.3d 1213.

Validity, construction, and effect of requirement under state statute or local ordinance giving local or locally qualified contractors a percentage preference in determining lowest bid, 89 A.L.R. 4th 587

72 Supp. C.J.S. Public Contracts 7 to 9, 16

13-1-22. Resident business, resident veteran business, resident contractor and resident veteran contractor certification.

- A. To receive a resident business or resident veteran business preference pursuant to Section 13-1-21 NMSA 1978 or a resident contractor or resident veteran contractor or resident veteran 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, valid resident veteran business certificate, valid resident contractor certificate or valid resident veteran 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 on 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.
- C. An application for a resident veteran business certificate shall include the affidavit required by Subsection B of this section, an affidavit from a certified public accountant providing the previous year's annual revenues of the resident veteran business and:
 - (1) Verification by the federal department of veterans affairs as being either a veteran-owned small business or a service-disabled veteran-owned small business; or
 - (2) Verification by the veteran status as indicated by the United States department of defense DD form 214 of release or discharge from active duty with an honorable discharge or of service-disable veteran status by the department of veterans affairs and proof that a veteran or veterans own a majority of the business.
- D. 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 certifications, 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.
- E. An application for a resident veteran contractor certificate shall include the affidavit required by Subsection D of this section, an affidavit from a certified public accountant providing the previous year's annual revenues for the resident veteran contractor and :
- (1) Verification by the federal department of veterans affairs as being either a veteran-owned small business or a service-disabled veteran-owned small business; or
 - (2) Verification of veteran status as indicated by the United States department of defense DD form 214 of release or discharge from active duty with an honorable discharge or of service-disabled veteran status by the department of veterans affairs and proof that a veteran or veterans own a majority of the business.
- F. The taxation and revenue department shall prescribe the form and content of an application for certification 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, resident veteran business, resident contractor or resident veteran contractor shall reapply for a certificate.
- G. 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.
- H. 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, resident veteran business, resident contractor or resident veteran contractor preference for a bid or proposal and the resident business, resident veteran business, resident contractor or resident veteran 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.
- I. In a decision issued pursuant to Subsection G or H 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.
- J. 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.
- K. The state auditor may audit or review the issuance or validity of certificates.
- L. 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; 2012, Ch. 56, 3.

The 2012 amendment, effective July 1, 2012, provided for certification of resident veteran businesses and resident veteran contractors; in the title, after “Resident business”, deleted “and” and added “resident veteran business” and after “resident contractor”, added “and resident veteran contractor”; in Subsection A, after “resident business”, added “or resident veteran business”, after “resident contractor”, added “or resident veteran contractor”, after resident business certificate”, added “valid resident veteran business certificate”, and after “resident contractor certificate”, added “or valid resident contractor certificate”; added Subsections C and E; in Subsection F, in the first sentence, after “content of an application”, added “for certification” and in the sixth sentence, after “resident business”, added “resident veteran business” and after “resident contractor”, added “or resident veteran contractor”; in Subsection H, after “obtain a resident business”, deleted “or” and added “resident veteran business”, after “resident veteran business, resident contractor”, added “or resident veteran contractor”, after “and the resident business”, deleted “or” and added resident veteran business, resident”, and after “resident veteran business, resident contractor”, added “or resident veteran contractor”; and in Subsection I, after Subsection”, deleted “E or F” and added “G or H”.

The 2011 (1st S.S.) amendment, effective October 5, 2011, provided for the certification of resident businesses and contractors by the taxation and revenue department; specified the qualifications for certification as a resident business or contractor; required businesses and contractors to submit a copy of a valid resident business or contractor certification with their bids or proposal as a condition to receiving the resident business and contractor preferences; provided for the review of denials of applications for certification; provided penalties for providing false information to obtain certification or for failure to perform the percentage of a contract specified in a bid or proposal; in the catch line, after “Resident business and “, deleted “manufacturer”, and added “resident contractor” and deleted “ application; information”; deleted the former introductory paragraph and Subsections A through C, which provided for the certification of resident business and resident manufacturers and the issuance of a certification number by the state purchasing agent; and added new Subsections A through J.

Temporary provisions.---Laws 2011 (1st S.S.), Ch.3,7, effective October 5, 2011, provided that a certification as a resident business or resident manufacturer by the general services department that is in effect prior to the passage of this 2011 act is valid until January 1, 2012 for the purpose of obtaining a resident business preferences pursuant to Section 13-1-21 NMSA 1979. A certification as a resident contractor by the general services department that is in effect prior to passage of this 2011 act is valid until January 1, 2012 for the purpose of obtaining a resident contractor preference pursuant to Section 13-4-2 NMSA 1978. After January 1, 2012, a certification as a resident business or resident contractor by the taxation and revenue department for the purpose of obtaining a resident business preference or a resident contractor preference is required for all bids and proposals.

CAMPAIGN CONTRIBUTION DISCLOSURE FORM

Pursuant to NMSA 1978, § 13-1-191.1 (2006), any person seeking to enter into a contract with any state agency or local public body for professional services, a design and build project delivery system, or the design and installation of measures the primary purpose of which is to conserve natural resources must file this form with that state agency or local public body. This form must be filed even if the contract qualifies as a small purchase or a sole source contract. The prospective contractor must disclose whether they, a family member or a representative of the prospective contractor has made a campaign contribution to an applicable public official of the state or a local public body during the two years prior to the date on which the contractor submits a proposal or, in the case of a sole source or small purchase contract, the two years prior to the date the contractor signs the contract, if the aggregate total of contributions given by the prospective contractor, a family member or a representative of the prospective contractor to the public official exceeds two hundred and fifty dollars (\$250) over the two year period.

Furthermore, the state agency or local public body shall void an executed contract or cancel a solicitation or proposed award for a proposed contract if: 1) a prospective contractor, a family member of the prospective contractor, or a representative of the prospective contractor gives a campaign contribution or other thing of value to an applicable public official or the applicable public official's employees during the pendency of the procurement process or 2) a prospective contractor fails to submit a fully completed disclosure statement pursuant to the law.

THIS FORM MUST BE FILED BY ANY PROSPECTIVE CONTRACTOR WHETHER OR NOT THEY, THEIR FAMILY MEMBER, OR THEIR REPRESENTATIVE HAS MADE ANY CONTRIBUTIONS SUBJECT TO DISCLOSURE:

The following definitions apply:

“Applicable Public Official” means a person elected to an office or a person appointed to complete a term of an elected office, who has the authority to award or influence the award of the contract for which the prospective contractor is submitting a competitive sealed proposal or who has the authority to negotiate a sole source or small purchase contract that may be awarded without submission of a sealed competitive proposal.

“Campaign Contributions” 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 on that official's behalf for the purpose of electing the official to either statewide or local office. “Campaign Contributions” includes the payment of a debt incurred in an election campaign, but does not include the value of services provided without compensation or unreimbursed travel or other personal expenses of individuals who volunteer a portion or all of their time on behalf of a candidate or political committee, nor does it include the administrative or solicitation expenses of a political committee that are paid by an organization that sponsors the committee.

“Family Member” means spouse, father, mother, child, father-in-law, mother-in-law,

daughter-in-law or son-in-law.

“Pendency of the Procurement Process” means the time period commencing with the public notice of the request for proposals and ending with the award of the contract or the cancellation of the request for proposals.

“Person” means any corporation, partnership, individual, joint venture, association or any other private legal entity.

“Prospective contractor” means a person who is subject to the competitive sealed proposal process set forth in the Procurement Code or is not required to submit a competitive sealed proposal because that person qualifies for a sole source or a small purchase contract.

“Representative of a prospective contractor” means an officer or director of a corporation a member or manager of a limited liability corporation, a partner of a partnership or a trustee of a trust of the prospective contractor.

THIS FORM SHALL BE INCLUDED IN YOUR PROPOSAL ENVELOPE:

14-114 DISCLOSURE OF CONTRIBUTIONS:

(Note; Please attach a list if necessary)

Contribution Made By: _____

Relation to Prospective Contractor: _____

Name of Applicable Public Official on the District Board of Education:

Antonio Sanchez, Jr., Inez Rodriguez, Dr. Alan Garrett, Randy Rankin, Rod Savage

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)

PORTALES MUNICIPAL SCHOOLS
ITB 17-18-0007
LED LAMP RETROFIT

INTENT

It is the intent of these specifications to describe a LED lamp retrofit project at various school campuses throughout the Portales Municipal School district. It is the responsibility of each bidder to attend a pre-bid meeting at **1:30 p.m. on May 29, 2018** at Portales Municipal Schools, LC Cozzens Administrative Building, 501 S. Abilene, Portales, and make a full inspection of the areas to be included in this project.

SCOPE

1. Contractor must be capable of providing a complete turnkey retrofit and installation of 10,598 LED lamps (PMS provided) into 5,299 existing fluorescent fixtures at six different school sites.
2. Convert existing fixtures and replacing existing bulbs with district provided LED bulbs. (LED Tube 18W 4ft DLC Item 834118-XX-L-F/834018-XX-L-C or equivalent.)
3. Two LED lamps are to be installed per fixture.
4. Any fixture conversion materials needed will be provided by contractor.
5. Old bulbs will be disposed of by contractor.
6. Contractor responsible for daily clean up.
7. All work areas must be left in original condition.
8. Work cannot be performed when students are present.
9. This is limited to inside T12, T5, and T8 fixtures only.
10. All work must be completed by August 3, 2018

Total Fixture Count for the District					
Location	Total Fixtures per Building				Priority
	T5	T8	T12	Total	
High School	66	1518	50	1634	1
Portales Junior High	59	1041	1	1101	2
James	2	648	1	651	3
Valencia	16	685	0	701	4
Lindsey-Steiner	23	555	0	578	5
Brown ECC	0	634	0	634	6
Totals	166	5081	52	5299	

MAC

The maximum allowable cost for this project is \$59,900.

GENERAL

- (1) Prices bid shall include all labor, equipment, materials, and preparation costs.
- (2) At the discretion of PMS, additional fixtures to be retrofitted may be added to, or removed from this project. Any additions or subtractions will be noted in writing.
- (3) Lamps to be installed are (LED Tube 18W 4ft DLC Item 834118-XX-L-F/834018-XX-L-C or equivalent.)
- (4) The successful bidder must coordinate work hours and location through the Director of Maintenance or his/her designee.
- (5) The company shall be fully qualified and licensed to provide services requested.
- (6) All problems, which may arise from faulty workmanship or parts, must be corrected at no expense to PMS.
- (7) **NO WORK SHALL BEGIN WITHOUT A PURCHASE ORDER NUMBER.** PMS will not be liable for any work done without a purchase order. PMS Maintenance Department must approve all work prior to start.
- (8) Drawings of the sites will be available upon request. The contractor is responsible for onsite inspections and to bid this appropriately. PMS will not be responsible for any mistakes that are made in contractor figures and computations
- (9) Warranty on workmanship shall be for at least one (1) year from time of acceptance by PMS. Written warranties for this bid shall be attached to bid documents and submitted with bid.

PROJECT SITES

Brown Early Childhood Center
520 West 5th Street

James Elementary School
701 West 18th Street

Valencia Elementary School
1415 South Globe

Lindsey-Steiner Elementary School
1000 North Ave. M

Portales Junior High School
700 East 3rd Street

Portales High School
201 South Knoxville

AWARD

This bid will be awarded to the contractor submitting the lowest per fixture cost. If the per fixture prices exceeds or falls below the MAC, PMS shall reserve the right to adjust either up or down, the number of fixtures to be retrofitted. If PMS determines the low bidder may be unable to complete the project in a timely manner, PMS reserves the right to award a portion of the bid to the second lowest bidder. The size of the portion awarded to the second lowest bidder shall be no larger than what is deemed necessary by PMS to allow the project to be completed in a timely manner.

INSPECTION BY PMS

PMS reserves the right for inspection of the work being performed at any time. The contractor shall be available to answer questions at the request of the Director of Maintenance or his/her designee.

SAFETY

The successful contractor shall take all safety precautions necessary to insure the safety of people and vehicles.

COMPLETION

This project is scheduled to begin on June 27, 2018 and must be completed prior to August 3, 2018. Exceptions to this will only be granted if approved by the Superintendent of Schools in writing.

EXCEPTIONS

All exceptions to the specifications must be detailed on an attached sheet. Failure to do so is reason enough for rejection of bid.

INSURANCE

The successful contractor shall provide a certificate of insurance to PMS to prove the contractor owns liability coverage at the New Mexico Tort Claims Act limits.

SAFETY REQUIREMENTS

It shall be the contractor's responsibility to provide for the safety of workers, students, staff and the public in compliance with the requirements of insurance and public health and safety.

CONTRACT MANAGER

This contract will be administered and supervised by the Director of Maintenance or his/her designee.

Questions concerning the bid process should be directed to Sarah Stubbs, Chief Procurement Officer at (575) 356-7000.

INSURANCE INDEMNITY

The contractor hereby agrees to protect, defend, indemnify and hold PMS and its employees, agents, officers and servants free and harmless from any and all losses, claims and liens, demands and causes of actions of every kind and character including, but not limited to, the amounts of judgments, penalties, interest, court costs, legal fees, and all other expenses incurred by PMS arising in favor of any party, including claims, liens, debts, personal injuries, including employees of PMS, death or damages to property (including property of PMS) without limitations by enumeration, all other claims or demands of every character occurring or in any ways incident to, in connection with or arising directly or indirectly out of this contract. Contractor agrees to investigate, handle, respond to, provide defense for and defend any such claims, demand, or suit at the sole expense of the contractor. Contractor also agrees to bear all costs and expenses related thereto, even if the claim or claims alleged are groundless, false or fraudulent. This provision is not intended to create any cause of action in favor of any third party against contractor or PMS or to enlarge in any way the contractors' liability for damages or inquiries to third persons on property arising from contractors' performance hereunder.

MISCELLANEOUS

This shall not be an exclusive contract with the vendor for the service and products specified. PMS reserves the right to purchase like service or products from another vendor.

The District reserves the right to accept or reject any bid or part of bid and waive any formalities thereof. Bids will be evaluated on the basis of advantages or disadvantages to the district.

This does not guarantee a specific quantity of business. Purchases are to be made only as authorized by a Purchase Order issued by the school district. This is not an exclusive contract!

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

“Equal Opportunity Compliance” The successful bidder will abide by all federal and state laws, rules and regulations, and executive orders of the Governor of the State of New Mexico, pertaining to equal employment opportunity. In accordance with all such laws, rules and regulations, and executive orders of the Governor, the contractor agrees to assure that no person in the United States shall, on the grounds of race, color, religion, national origin, sex, sexual preference, age or handicap, be excluded from employment with or participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity performed under this agreement. If the successful bidder is found to be not in compliance with these requirements during the life

of this agreement, the successful bidder agrees to take appropriate steps to correct these deficiencies.

"A potential contractor or the contractor agrees to comply with state laws and rules pertaining to workers' compensation insurance coverage for its employees. If contractor fails to comply with the Workers' Compensation Act and applicable rules when required to do so, the contract may be canceled effective immediately."

PORTALES MUNICIPAL SCHOOLS
ITB 17-18-0007
LED LAMP RETROFIT

PER FIXTURE PRICING SUBMITTAL SHEET

I have read all of the terms and conditions of this Invitation To Bid, and I understand that if awarded the contract, I shall be bound by its terms and conditions, and hereby tender my bid in the amount of

\$ _____ PER FIXTURE 10' & UNDER

\$ _____ PER FIXTURE OVER 10'

Measurement shall be made from the floor directly beneath the fixture to the lowest portion of the fixture.

The individual signing this Bid Statement warrants they have authority to bind the Bidder by their signature.

Signature: _____ Date: _____

Name: _____ Title: _____

Firm: _____

Address: _____

City/State/Zip: _____