

BID FORM

BID NO.: 2022-05

City of Carlsbad
101 North Halagueno
Carlsbad, NM 88220
Or
P O Box 1569
Carlsbad, NM 88221-1569

PEST CONTROL SERVICES
Please submit bid on or before
2:00 pm, June 15, 2022 at the office
of the Purchasing Dept. in Room
Room 114. At precisely 2:00 p.m.
June 15, 2022 bids will be opened
and read aloud in the Conference
Room 204.

GENERAL TERMS AND CONDITIONS

1. Bids must be clearly marked on the outside of the sealed envelope: "Bid No. 2022-05 Pest Control Services."
2. All bids must be submitted on bid forms furnished by the City of Carlsbad.
3. In order to be a valid bid, all bids must be signed.
4. No alternate bids will be accepted.
5. Bidder must maintain a local office within the City of Carlsbad for immediate service.
6. The City of Carlsbad will provide a list of personnel contacts for bidder to schedule monthly spraying of facilities.
7. All prices shall be held firm from July 1, 2022 through June 30, 2023.
8. The City reserves the right to accept bid on lowest overall bid price or lowest item price (if applicable).
9. The term of the agreement shall be for a period of one (1) year beginning July 1, 2022 and ending June 30, 2023.

We submit the following bid on General Pest Control Services according to the specifications listed below.
Instructions to Bidders:

1. Bidder is responsible to have city personnel accompany them each time they come to spray.
2. Bidder is responsible for notifying city personnel at each location if they see a problem and how they will solve the problem.
3. Bidder must provide us with a monthly inspection report per location.
4. Bidder must provide a copy of each individual's applicators license.
5. Bidder will be responsible to call the proper personnel at each location one week prior to spraying to schedule a date and time to spray.
6. Upon the first spray, the bidder is responsible to spray at that time each month.
7. Bidder is responsible to obtain a proper signature upon completion of spraying.

Total Monthly Bid Price for All Buildings _____

SUBMITTED BY:

New Mexico Identification Tax No.

Name of Company

City Business Registration Number

Signature

Resident Business Certification No.
(New Mexico Only)

Print Name

Business Address, Telephone No.

City, State, Zip

In order for 5% In-State Preference to be applied, Resident Business Certification Number must be submitted on this form.

The Procurement Code, Sections 13-1-28 through 13-1-199 NMSA 1978, imposes civil and criminal penalties for its violation. In addition, the New Mexico criminal statutes impose felony penalties for illegal bribes, gratuities, and kickbacks. Acceptance of this bid constitutes a contract and is binding on both parties.

BID NO. 2022-05

SUBJECT:

Pest Control Services

BID SPECIFICATIONS

GENERAL: The following specifications describe pest control services or equivalent to be used by the City facilities listed. All specifications shall be considered as minimum. You will be responsible for spraying for all bugs, insects, spiders, ants, roaches, etc. – **once a month -- inside and along the outside of the buildings listed below.**

Spraying shall consist of spraying all accessible corners, baseboards, and under desks, inside structures and the entire building perimeter outside of structures.

ITEM	MINIMUM/REQUIRED SPECIFICATIONS	BID PRICE EACH	BIDDER'S SPECIFICATIONS ⁽¹⁾	BIDDER'S ACTUAL SPECIFICATIONS ⁽²⁾
1	Fire Station No. 1 409 S. Halagueno (Includes main office and app. room)	Monthly	<input type="checkbox"/> Conforms <input type="checkbox"/> Does Not Conform	
2	Fire Station No. 1 (Storage Bldg) (A-1 Building) 501 S. Halagueno	Monthly	<input type="checkbox"/> Conforms <input type="checkbox"/> Does Not Conform	
3	Fire Station No. 1 409 S. Halagueno (Fire Marshall Bldg and (Old Municipal Court Bldg at 405 S. Halagueno)	Monthly	<input type="checkbox"/> Conforms <input type="checkbox"/> Does Not Conform	
4	Fire Station No. 1 409 S. Halagueno (PFA Garage Bldg)	Monthly	<input type="checkbox"/> Conforms <input type="checkbox"/> Does Not Conform	
5	Fire Station No. 2 2415 W. Church	Monthly	<input type="checkbox"/> Conforms <input type="checkbox"/> Does Not Conform	
6	Fire Station No. 3 1028 N. Halagueno	Monthly	<input type="checkbox"/> Conforms <input type="checkbox"/> Does Not Conform	
7	Police Dept. Sub-Station 4202 Nat'l Parks Hwy	Monthly	<input type="checkbox"/> Conforms <input type="checkbox"/> Does Not Conform	
8	Fire Station No. 6 1507 Terminal Drive	Monthly	<input type="checkbox"/> Conforms <input type="checkbox"/> Does Not Conform	
9	Fire Station No. 7 304 W. Wood Street	Monthly	<input type="checkbox"/> Conforms <input type="checkbox"/> Does Not Conform	
10	Library & Museum 101 S. Halagueno	Monthly	<input type="checkbox"/> Conforms <input type="checkbox"/> Does Not Conform	
11	San Jose Senior Center 2814 San Jose Blvd.	Monthly	<input type="checkbox"/> Conforms <input type="checkbox"/> Does Not Conform	
12	Wastewater Treatment Plant, 45 Blackfoot Road (2 buildings equal in size)	Monthly	<input type="checkbox"/> Conforms <input type="checkbox"/> Does Not Conform	
13	Riverwalk Recreation Ctr. 400 Riverwalk Drive, including basement area	To be treated twice per month.	<input type="checkbox"/> Conforms <input type="checkbox"/> Does Not Conform	
14	Playground on the Pecos 419 Riverwalk Drive (Perimeter only)	Monthly	<input type="checkbox"/> Conforms <input type="checkbox"/> Does Not Conform	
15	Municipal Building 101 N. Halagueno	Monthly	<input type="checkbox"/> Conforms <input type="checkbox"/> Does Not Conform	

BID NO. 2022-05

ITEM		MINIMUM/ REQUIRED SPECIFICATIONS	BID PRICE EACH	BIDDER'S SPECIFICATIONS ⁽¹⁾	BIDDER'S ACTUAL SPECIFICATIONS ⁽²⁾
16	North Mesa Senior Ctr 2212 N. Mesa	Monthly		<input type="checkbox"/> Conforms <input type="checkbox"/> Does Not Conform	
17	Water Warehouse 209 N. Cypress	Monthly		<input type="checkbox"/> Conforms <input type="checkbox"/> Does Not Conform	
18	Water Department (including new addition) 1502 W. Stevens	Monthly		<input type="checkbox"/> Conforms <input type="checkbox"/> Does Not Conform	
19	Law Enforcement Center 602 W. Mermod (Service to begin upon occupancy by the Police Department)	Monthly		<input type="checkbox"/> Conforms <input type="checkbox"/> Does Not Conform	
20	Airport 1500 Terminal Drive (Terminal only)	Monthly		<input type="checkbox"/> Conforms <input type="checkbox"/> Does Not Conform	
21	Public Works Office Building (only) 1702 W. Fox Street	Monthly		<input type="checkbox"/> Conforms <input type="checkbox"/> Does Not Conform	
22	Public Works Out Buildings (Electrician Shop, Street Broom Room, Construction and Welding Shop) 1702 W. Fox Street	Monthly		<input type="checkbox"/> Conforms <input type="checkbox"/> Does Not Conform	
23	Public Works - Garage	Monthly		<input type="checkbox"/> Conforms <input type="checkbox"/> Does Not Conform	
24	Transit Building 510 N. Main	Monthly		<input type="checkbox"/> Conforms <input type="checkbox"/> Does Not Conform	
25	City Hall Annex (Old Federal Building)	Monthly		<input type="checkbox"/> Conforms <input type="checkbox"/> Does Not Conform	
26	Carlsbad Water Park (Office Building Only)	Monthly		<input type="checkbox"/> Conforms <input type="checkbox"/> Does Not Conform	
27	Mausoleum at Sunset Garden Cemetery 1406 E. Wood Ave.	Monthly		<input type="checkbox"/> Conforms <input type="checkbox"/> Does Not Conform	
28	Carlsbad Cemetery Office 1506 Boyd Drive	Monthly		<input type="checkbox"/> Conforms <input type="checkbox"/> Does Not Conform	
29	Cavern Theater 210 N. Canyon	Monthly		<input type="checkbox"/> Conforms <input type="checkbox"/> Does Not Conform	
30	Lake Carlsbad Golf Shop 901 Muscatel Ave.	Monthly		<input type="checkbox"/> Conforms <input type="checkbox"/> Does Not Conform	
31	Pate School Building 120 Kircher Street	Monthly		<input type="checkbox"/> Conforms <input type="checkbox"/> Does Not Conform	
32	Performing Arts Center 4012 National Parks Hwy	Monthly		<input type="checkbox"/> Conforms <input type="checkbox"/> Does Not Conform	

VENDOR NOTES:

CAMPAIGN CONTRIBUTION DISCLOSURE FORM

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.

CURRENT CITY OF CARLSBAD ELECTED OFFICIALS

Mayor – Dale Janway
Municipal Judge – Collis Johnson

City Council Ward 1
Edward T. Rodriguez
Lisa A. Anaya-Flores

City Council Ward 3
Jason Chavez
Jeff Forrest

City Council Ward 2
Karla Hamel Niemeier
Judith Waters

City Council Ward 4
Wesley Carter
Mark Waltersheid

DISCLOSURE OF CONTRIBUTIONS BY PROSPECTIVE CONTRACTOR:

Name(s) of Applicable Public Official(s) if any:

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)

New Mexico Resident Business Preference

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

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

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

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

Qualifications

A. To receive a **resident business preference** pursuant to Section 13-1-21 NMSA 1978 or a **resident contractor preference** pursuant to Section 13-4-2 NMSA 1978, a business or contractor shall submit with its bid or proposal a copy of a valid **resident business certificate** or valid **resident contractor certificate** issued by the taxation and revenue department.

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

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

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

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

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

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

(1) the contractor has:

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

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

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

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

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

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

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

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

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

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

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

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

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

J. For purposes of this section:

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

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

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

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

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

Application of Preference

A. For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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