

County of Curry



Invitation to Bid No. 2019/20-04

**Sale of Motor Graders
Curry County Road Department**

Issue Date:

January 9, 2020

BID Due:

February 4, 2020

Time: 2:00 p.m. Mountain Time

**Curry County Administrative Complex
417 Gidding, Suite 100
Clovis, NM 88101
Attn: Finance/Purchasing Department**

**Bids must be submitted in a sealed
envelope that is clearly marked**

“Bid No. 2019/20-04 – Do Not Open”

**Curry County Administrative Complex
Bid No. 2019/20-04 Sale of Motor Graders Curry County Road Department
Page 2 Commodity Class #99854**

On behalf of the Board of Curry County Commissioners and pursuant to and in compliance with the NM State Procurement Code, Curry County hereby invites competitive sealed bids for the sale of four (4) 2015 Caterpillar 140M3 AWD Motor Graders, subject to the terms and conditions set forth in this notice. The Motor Graders will be sold separately or in group lots, depending upon the bids(s) that provide the best overall amount to the County. Sealed bids will be accepted until the date specified. Opening will take place at the Curry County Administration office, located at 417 Gidding Street, Suite 100, Clovis, NM 88101.

**IMPORTANT:
BIDS ARE DUE BY FEBRUARY 4, 2020 AT 2:00 P.M. (MST)**

All bids must be submitted in a sealed envelope or package and must be clearly labeled with the Bidder's name and address; bid number and opening date on the front of the envelope. Failure to label bid envelope will necessitate the premature opening of the bid in order to identify the bid number.

WE LOOK FORWARD TO YOUR BID SUBMISSION.

IF THERE IS ANY PROBLEM REGARDING THE FOLLOWING BID SPECIFICATIONS OR CONDITIONS THAT WOULD PREVENT YOU FROM SUBMITTING A BID, CONTACT THE PROCUREMENT OFFICER BY EMAIL AT thall@currycounty.org IMMEDIATELY FOR CLARIFICATION OR CONSIDERATION OF AN ADDENDUM.

Bids may be mailed to: Curry County Administrative Complex
417 Gidding, Suite 100
Clovis, NM 88101
Attn: Finance/Purchasing Department

Or hand/courier-delivered to: Curry County Administrative Complex
417 Gidding, Suite 100
Clovis, NM 88101

May be signed for/left with the receptionist in the Administration Suite 100.

*Note: Delivery by hand or courier is highly recommended and encouraged to help ensure bid is received prior to deadline date and time. It is recommended delivery status be verified, if not already confirmed, prior to bid opening.

Troy Hall
Curry County Purchasing Agent
Chief Procurement Officer
thall@currycounty.org

SPECIFIC CONDITIONS

Bids must be received by February 4, 2020 at 2:00 p.m. Mountain Time. Any bids received after 2:00 p.m. will be kept on file unopened and will be opened and considered only in the event that all other bids are unresponsive.

1. **Criteria for Award:** Award shall be based on the highest responsible bid prices which meet specifications and deliverable requirements. The Board of Curry County Commissioners reserves the right to reject any or all bids, to waive any technicalities and to accept the bid(s) which in its judgment is most advantageous to the County. Multiple bids may be awarded to achieve the best overall cost to the County.

DESCRIPTION OF MOTOR GRADERS

- A. Unit #B3 is a 2015 Caterpillar 140M3 AWD Motor Grader with approximately 3,000 hours, Serial Number N9J00237. Features include: C9.3 ACERT Engine, joystick controls, six-wheel drive configuration, EROPS, side shift, variable horsepower, air conditioner, 14-foot MB, ripper, tip control and differential lock/unlock, 14.0R24 tires, mirrors, outside: heated 24V, and cab is low profile.
- B. Unit #B5 is a 2015 Caterpillar 140M3 AWD Motor Grader with approximately 3,444 hours, Serial Number N9J00235. Features include: C9.3 ACERT Engine, joystick controls, six-wheel drive configuration, EROPS, side shift, variable horsepower, air conditioner, 14-foot MB, ripper, tip control and differential lock/unlock, 14.0R24 tires, mirrors, outside: heated 24V, and cab is low profile.
- C. Unit #B11 is a 2015 Caterpillar 140M3 AWD Motor Grader with approximately 2,800 hours, Serial Number N9J00266. Features include: C9.3 ACERT Engine, joystick controls, six-wheel drive configuration, EROPS, side shift, variable horsepower, air conditioner, 14-foot MB, ripper, tip control and differential lock/unlock, 14.0R24 Tires, mirrors, outside: heated 24V, and cab is low profile.
- D. Unit #B12 is a 2015 Caterpillar 140M3 AWD Motor Grader with approximately 3,808 hours, Serial Number N9J00253. Features include: C9.3 ACERT Engine, joystick controls, six-wheel drive configuration, EROPS, side shift, variable horsepower, air conditioner, 14-foot MB, ripper, tip control and differential lock/unlock, 14.0R24 Tires, Mirrors, outside: heated 24V, rearview Camera and cab is low profile.

Curry County reserves the right to sell each of the above four (4) described Motor Graders individually, or to sell two (2) or three (3) Motor Graders to one Bidder and the remaining Motor Graders to another Bidder, or to sell all four (4) Motor Graders to one Bidder, which ever results in the County obtaining the highest sales price.

Curry County has purchased said Motor Graders new from its respective dealer. All maintenance on the Motor Graders have been serviced directly from the original dealer. Copies of all the maintenance records for each Motor Grader will be available for viewing at the time of inspection.

PROPERTY INSPECTION

The Motor Graders will be available and open for public inspection January 21, 2020 from 7:00 a.m. thru 12:00 noon (MST) at the Curry County Road Barn, 1006 CR6, Clovis, NM 88101. Motors graders are used and may contain defects not immediately detectable. It is recommended Bidder(s) inspect or review the Motor Graders prior to bidding. Bidder shall contact Purchasing Agent, Troy Hall by email at thall@currycounty.org to schedule a time for inspection.

TERMS AND CONDITIONS OF SALE

- A. Each Motor Grader will be sold in its “as-is” condition and without any warranties.
- B. The terms of sale are in US Dollars and payment must be in cash, check or other form of payment acceptable to Curry County at the date of sale.
- C. The sale shall be subject to compliance with Section 3-54-2, NMSA 2018.
- D. The County retains the right to reject any and all bids that do not conform to all of the requirements of Section 3-54-2, NMSA 2018, and the terms and conditions of sale set forth in this Invitation to Bid.
- E. Successful Bidder(s) shall be responsible for transporting the referenced Motor Graders from their present location and shall be responsible for any and all costs and expenses associated therewith. Successful Bidder(s) must remove Motor Graders within ten (10) business days from the date of the fully executed contract.

CRITERIA FOR AWARD

- A. Award shall be based on the best overall amount provided for one or a group of Motor Graders. The Board of Curry County Commissioners reserves the right to reject any or all bids, to waive any technicalities and to accept the bid(s) which in its judgement is most advantageous to the County.
- B. The Motor Graders are presently being used and utilized by the Curry County Road Department. Each of the Road Graders may be used after the date of this Invitation to Bid up through and including the date of sale. The hours listed for the Motor Graders may change. It is recommended all Bidder(s) view and inspect the Motor Graders as set forth in this Invitation to Bid.

VARIATIONS

Any variations from, or exceptions to, the conditions and specifications of this bid must be listed on a separate sheet labeled "Exception(s) to Bid Conditions", and attached to the bid.

QUOTATION SHEETS

Bidder(s) shall use the attached Quotation Sheet(s) to submit their bids. The Quotation Sheet(s) must be signed.

NEW MEXICO BIDDER'S PREFERENCE

Pursuant to Sections 13-1-21 and 13-1-22, NMSA 2018 a resident business claiming the 5% preference must be certified prior to the bid opening. The number must appear on the Quotation Sheet(s) in the space provided in order to receive the preference unless a Resident Veterans Preference Certificate is also submitted in which case the Resident Veterans Preference shall be awarded instead. Offeror's bid must contain a copy of the Resident Business Preference Certificate issued by the New Mexico Taxation and Revenue Department in order to qualify for the preference.

A Resident Veteran business claiming the 10% preference must be certified prior to the bid opening. The number must appear on the Quotation Sheet(s) in the space provided in order to receive the preference. Offeror's bid must contain a copy of the Resident Veterans Preference Certificate issued by the New Mexico Taxation and Revenue Department in order to qualify for the preference.

BID OPENING

Competitive sealed bids will be accepted until February 4, 2020 at 2:00 p.m. (MST) at the Curry County Administrative Complex, 417 Gidding, Clovis, New Mexico. Bids should be submitted in a sealed envelope clearly marked: "Bid No. 2019/20-04 - Do Not Open". At that time and place, the bids will be publicly opened.

RESERVATIONS

The Curry County Commission reserves the right to reject any or all bids, to waive any technicalities, to accept in whole or in part such bid or bids as may be deemed in the best interest of the County.

AWARD

The award may be made to the Bidder providing a responsive, responsible bid which results in the best overall cost to the County. The award will be made by the Curry County Commission at their regularly scheduled meeting. Bid prices must be good for ninety (90) days subsequent to date of opening.

QUESTIONS

Questions regarding the specifications stated within the bid or the bidding process should be directed to Troy Hall, Purchasing Agent at thall@currycounty.org

GENERAL CONDITIONS

1. Bid Forms: All pages included in this Invitation to Bid that are marked "**BID FORM**" must be completed and returned as part of the bid document. All bids must be completed and securely sealed prior to submitting to the purchasing office. No un-sealed, faxed or e-mailed bids are acceptable.
2. Bids Binding Ninety (90) days: Unless otherwise specified all formal bids submitted shall be binding for ninety (90) calendar days following bid opening date, unless the Bidder(s), upon request of the County Manager, agrees to an extension.
3. Payment Terms: Unless other circumstances are approved in writing by the County, the successful Bidder(s) shall make payment to Curry County within ten (10) days after the date of notice of award by the County. Upon payment, Bidder shall, within 24 hours, remove each of the Motor Graders from the County's property. Bidder shall be solely responsible for any and all costs or expenses of any kind relating to the removal of the Motor Graders. County reserves the right to access a reasonable fee against the Bidder for any additional days that any of the four (4) Motor Graders remains on and has not been removed by the Bidder from County property. All final awards will be approved by the County Commission.
4. Equivalency: The County hereby reserves the right to approve as equivalent, or to reject as not being equivalent, any item the Bidder proposes to furnish which contains variations from specification requirements but may comply substantially therewith. Such decisions are strictly at the discretion of the County.
5. If there is any clarification, problem, ambiguity or question regarding this bid, you must contact the Purchasing Agent or designee prior to the bid opening. Clarifications and addenda will be considered prior to the bid opening. Answers provided regarding the bid specifications or bid package **MUST** be answered by the Purchasing Agent or designee. Questions answered by any other person or County official shall be considered completely non-applicable to the legal provisions of this bid, except as specifically authorized by the Purchasing Agent.
6. Restrictive Specifications: It is the responsibility of the prospective Bidder to review the entire Invitation to Bid (ITB) packet and to notify the purchasing department if the specifications are formulated in a manner which would unnecessarily restrict competition. Any such protest or question regarding the specifications or bidding procedures must be received in the purchasing department not less than seventy-two (72) hours prior to the time set for bid opening.
7. An in-state resident or resident veteran preference will be given to all resident New Mexico businesses that have been issued certification by the State of New Mexico.

Curry County Administrative Complex
Bid No. 2019/20-04 Sale of Motor Graders Curry County Road Department
Page 7 Commodity Class #99854

To qualify for the preference, the Bidder must list a valid resident business certificate number and shall submit a copy of the certificate with the bid. If you have a question regarding a Resident Business (or Resident Veteran Business) Certification, or wish to be given a number, you may contact the New Mexico State Department of Taxation and Revenue at 505-827-0951. This number is valuable to have as it allows the county to consider your bid at five to ten percent less than the amount submitted, and could mean a difference in award. Please note that this number is NOT your State CRS Number (i.e. 01-503047-004). In addition, **any preference numbers issued by the NM State Purchasing Office were valid only through December 31, 2011 and must be re-issued through the Taxation and Revenue Department.**

8. Bidder(s) shall list on a separate sheet of paper any variations from or exceptions to the conditions and specifications of this bid. **This sheet shall be labeled "Exception(s) to Bid Conditions" and shall be included with bid.**
9. Non-collusion: Bidder(s), by submitting a signed bid, certify that the accompanying bid or proposal is not the result of, or affected by, any unlawful act of collusion with any other person or company engaged in the same line of business or commerce, or any other fraudulent act punishable under New Mexico or United States law.
10. Non-discrimination Statement: Curry County in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all Bidder(s) that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award. Please refer to complete Curry County Title VI Plan, specifically Appendices A and E at <https://www.currycounty.org/Home/ShowDocument?id=1796>
11. Insurance: Upon payment, Bidder shall be solely responsible for obtaining any and all insurance on the above described Motor Graders. Curry County shall not be liable, obligated to or responsible for any costs, expenses, damages or claims of any manner, with regards to any of the four (4) described Motor Graders, its conditions, or any damages thereto, after receipt of the payment.
12. The State of New Mexico's Procurement Code, Sections 13-1-28 through 13-1-199, NMSA 2018, imposes civil and criminal penalties for its violations. In addition, the New Mexico Criminal Statutes impose felony penalties for illegal bribes, gratuities and kickbacks.
13. Curry County reserves the right to reject any bid from a Bidder who previously failed to perform properly, or complete on time, contracts of similar nature, or to reject the bid of a Bidder who is not in a position to perform such a contract satisfactorily. Such is at the discretion of the County.

Curry County Administrative Complex
Bid No. 2019/20-04 Sale of Motor Graders Curry County Road Department
Page 8 Commodity Class #99854

14. The successful Bidder agrees to protect, defend and save the County, its elected and appointed officials, agents, and employees, while acting within the scope of their duties as such, harmless from and against all claims, demands, causes of action of any kind or character, including the cost of defense thereof, arising in favor of the contractor's employees or third parties on account of bodily or personal injuries, death, or damage to property arising out of services performed or omissions of services or in any way resulting from the acts or omissions of the contractor and/or its agents, employees, representatives, assigns, subcontractors, except the sole negligence of the County under this agreement.
15. If a Bidder to whom a bid is awarded refuses to accept the award or, fails to deliver in accordance with the contract terms and conditions, the County may, in its discretion, suspend the Bidder/Contractor for a period of time from entering into any contracts with Curry County.
16. This solicitation is governed by the laws of the State of New Mexico. By signing and submitting a bid, the parties agree that any litigation concerning this bid, request for proposal, limited solicitation, or subsequent contract or purchase order, must be brought in the Ninth Judicial District in and for Curry County, State of New Mexico, and each party shall pay its own costs and attorney fees.
17. It is the responsibility of the Bidder to ensure that any addenda issued related to this Invitation to Bid have been received prior to submitting a bid. The County guarantees that any addenda issued will be distributed and available to every party on the Distribution List for this solicitation. The County will not accept responsibility for addenda not being obtained, and will not guarantee that addenda will be forwarded or available if the original packet was not obtained as directed.
18. The successful Bidder shall not subcontract any portion of the Price Agreement without the prior written approval of the Procuring Agency. No such subcontracting shall relieve the Bidder from its obligations and liabilities under this Price Agreement, nor shall any subcontracting obligate payment from the Agency.

BID FORM 1

QUOTATION SHEET

Please bid on the following items:

| SERIAL NUMBER | UNIT | BID PRICE |
|----------------------|-------------|------------------|
| N9J00237 | B3 | \$ |
| N9J00235 | B5 | \$ |
| N9J00266 | B11 | \$ |
| N9J00253 | B12 | \$ |

QUOTATION SHEET

Firm submitting bid: _____

Address: _____

Telephone: _____

Email: _____

Signature: _____

Printed Name: _____

Title: _____

Date: _____

BID FORM 2
CAMPAIGN CONTRIBUTION DISCLOSURE FORM

Pursuant to the Procurement Code, Sections 13-1-28, et seq., NMSA 2018 and NMSA 2018, 13-1-191.1, NMSA 2018, 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 2018 or a contract that is executed may be ratified or terminated pursuant to Section 13-1-182, NMSA 2018 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,

**Curry County Administrative Complex
Bid No. 2019/20-04 Sale of Motor Graders Curry County Road Department
Page 11 Commodity Class #99854**

that is made to or received by an applicable public official or any person authorized to raise, collect or expend contributions on that official's behalf for the purpose of electing the official to statewide or local office. "Campaign Contribution" includes the payment of a debt incurred in an election campaign, but does not include the value of services provided without compensation or unreimbursed travel or other personal expenses of individuals who volunteer a portion or all of their time on behalf of a candidate or political committee, nor does it include the administrative or solicitation expenses of a political committee that are paid by an organization that sponsors the committee.

"Family member" means spouse, father, mother, child, father-in-law, mother-in-law, daughter-in-law or son-in-law of (a) a prospective contractor, if the prospective contractor is a natural person; or (b) an owner of a prospective contractor.

"Pendency of the procurement process" means the time period commencing with the public notice of the request for proposals and ending with the award of the contract or the cancellation of the request for proposals.

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

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

Name(s) of Applicable Public Official(s) if any: Ben L. McDaniel, Chet Spear, Robert Thornton, Seth Martin, Robert Sandoval, Anastasia Hogland, Candace Morrison, Debbie Spriggs, Wesley Waller, Mark Lansford

DISCLOSURE OF CONTRIBUTIONS BY PROSPECTIVE CONTRACTOR:

Contribution Made By: _____

Relation to Prospective Contractor: _____

Date Contribution(s) Made: _____

Amount(s) of Contribution(s) _____

Nature of Contribution(s) _____

Purpose of Contribution(s) _____

(Attach extra pages if necessary)

**Curry County Administrative Complex
Bid No. 2019/20-04 Sale of Motor Graders Curry County Road Department
Page 12 Commodity Class #99854**

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)

**BID FORM #3
RESIDENT/VETERANS PREFERENCE CERTIFICATION FORM**

_____ (NAME OF CONTRACTOR) hereby certifies the following in regard to application of the resident veterans' preference to this procurement:

Please check one box only

Resident Veterans:

I declare under penalty of perjury that my business prior year revenue starting January 1 ending December 31 is less than \$3M allowing me the 10% preference discount on this bid or proposal. I understand that knowingly giving false or misleading information about this fact constitutes a crime

Resident Businesses:

I declare under penalty of perjury that my business is a New Mexico resident business allowing me the 5% preference discount on this bid or proposal. I understand that knowingly giving false or misleading information about this fact constitutes a crime.

"I agree to submit a report, or reports, to the State Purchasing Division of the General Services Department declaring under penalty of perjury that during the last calendar year starting January 1 and ending on December 31, the following to be true and accurate:

"In conjunction with this procurement and the requirements of this business' application for a Resident Veteran Business Preference/Resident Veteran Contractor Preference under Sections 13-1-21 or 13-1-22, NMSA 2018, when awarded a contract which was on the basis of having such veterans preference, I agree to report to the State's Division of the General Services Department the awarded amount involved. I will indicate in the report the awarded amount as a purchase from a public body or as a public works contract from a public body as the case may be.

"I understand that knowingly giving false or misleading information on this report constitutes a crime."

I declare under penalty of perjury that this statement is true to the best of my knowledge. I understand that giving false or misleading statements about material fact regarding this matter constitutes a crime.

Resident Business/Veteran Business Certificate Number: _____

The representations made in checking the boxes constitutes a material representation by the business that is subject to protect and may result in denial of an award or un-award of the procurement involved if the statements are proven to be incorrect.

A valid New Mexico Resident Business or New Mexico Veteran's Resident Business Certificate number must be provided in order to receive preference.

I do not claim New Mexico Resident Business or New Mexico Veteran's Resident Business preference on this bid.

(Signature of Business Representative)

(Date)

*Must be an authorized signatory for the Business.