Finance Department
100 North Main, Suite 11
Lovington, NM 88260

Phone: (575) 396-8521
Fax: (575) 396-5684
e-mail: kferguson@leacounty.net

LEGAL NOTICE OF INVITATION FOR BIDS
LEA COUNTY, NEW MEXICO

FIVE (5) NON-POTABLE WATER STORAGE TANKS
KNOWLES AND MONUMENT FIRE STATIONS
COMMODITY CODE: 83032
BID #03 - (20-21)
DUE DATE: OCTOBER 27, 2020 – 3:00 P.M.(LOCAL TIME)

The Lea County Commissioners will receive sealed bids for the above in the Finance Department, Fourth Floor, Courthouse, 100 N. Main, Lovington, New Mexico.

"Invitations for Bids", any addenda, and all related information are available under "Procurement", on Lea County's website at **www.leacounty.net** or by contacting the Finance Department, Courthouse, 100 N. Main, Suite 11, Lovington, New Mexico 88260-4030, (575) 396-8521, Ext. 8610, kferguson@leacounty.net

Rebecca Long, Chair

Hobbs Daily News Sun OCTOBER 13, 2020

TERMS AND CONDITIONS
LEA COUNTY, NEW MEXICO

FIVE (5) NON-POTABLE WATER STORAGE TANKS
KNOWLES AND MONUMENT FIRE STATIONS
BID #03 - (20-21)
DUE DATE: OCTOBER 27, 2020 - 3:00 P.M. (LOCAL TIME)

1. The Terms and Conditions will form part of the contract between the County and the successful bidder. Failure to comply with all of the Terms and Conditions may subject the offer to rejection.

2. All bids shall be sealed, addressed and **delivered before 3:00 p.m. (local time) on OCTOBER 27, 2020** to: The Finance Department, Courthouse FOURTH FLOOR, 100 North Main, Suite 11, Lovington, New Mexico, 88260. Please mark the outside of the envelope **"BID # 03 - (20 - 21)".** It is the bidder's responsibility to see that the bid arrives on time. Late bids, faxes, telegrams or telephone bids will not be accepted. Bids will be opened and read aloud at 3:00 p.m. on OCTOBER 27, 2020 in the 1st floor Commission Chambers of the Lea County Courthouse.

3. Each bidder is to submit its bid on the form provided. The form must be fully completed.

4. All bids must be mailed or delivered to Finance Department, 4th floor, Lea County Courthouse, 100 North Main, Lovington, New Mexico.

5. The bid shall exclude all State taxes. Nontaxable transaction certificates will be issued if requested.

6. All bidders will be notified by letter of the Board's award.

7. Bid specifications indicate the minimum standard of quality, performance or other pertinent characteristics required. Terms which equal or exceed these specifications will be considered. All options, variations or exceptions to specifications must be listed.

8. In case of ambiguity in stating bid prices, the County reserves the right to adopt the most advantageous interpretation.

9. The County reserves the right to waive technical irregularities in the form of the offer which do not alter price, quality or quantity, and to reject any or all offers when it is in the best interest of the County to do so.

10. In signing this bid, the Vendor certifies that there has been no direct or indirect action in restraint of free competitive bidding in connection with this bid submitted to Lea County.

11. The Lea County Procurement Policy and the New Mexico Procurement Code, NMSA 1978, Sections 13-1-28 through 199, as amended, shall apply to this procurement and prevail over any inconsistent terms and govern all interpretations of contract documentation. In addition, criminal laws prohibit bribes, gratuities and kickbacks.

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12. Lea County's policy on requests for copies of bid / proposal information is as follows:

    a) Terms and Specifications are available at no charge to vendors who will be responding directly to bids or proposals.

    b) Submit a written request detailing what information you would like to receive.

    Lea County
    Finance Dept.
    100 North Main, Suite 11
    Lovington, NM 88260

13. According to state procurement regulations, any protest of the award must be submitted in writing within fifteen (15) days of written notice of award to:

    Finance Director
    Lea County Courthouse
    100 N. Main, Suite 11
    Lovington, NM 88260

14. It is expressly agreed and understood that the Contractor is not authorized to act as an agent of the County or to enter into any contract on behalf of the County. It is also acknowledged that the Contractor, its agents and employees, by virtue of award of this bid, are not entitled to any fringe benefits available to the employees of Lea County.

15. The Contractor will save and hold the County harmless from all suits, actions, claims, losses and expenses, including attorney's fees brought on account of any injuries or damages sustained by any employee or person, including wrongful death, or damage to property as a result of any negligence, misconduct or omission by the Contractor or employee or agent thereof connected in any way with Contractor's performance under this Contract.

SPECIFICATIONS AND CONTRACTUAL TERMS
LEA COUNTY, NEW MEXICO

FIVE (5) NON-POTABLE WATER STORAGE TANKS
KNOWLES AND MONUMENT FIRE STATIONS
BID #03 - (20-21)
DUE DATE: OCTOBER 27, 2020 – 3:00 P.M. (LOCAL TIME)

SCOPE OF WORK

Lea County desires to purchase five (5) NON-POTABLE WATER STORAGE TANKS. Bid award is required to be to the lowest bid that meets or exceeds the following Specifications:

Knowles and Monument Fire Stations

Non-Potable Water Storage Tanks

Tank Requirements:

- Dimensions: 16' height x 15' 6" diameter
- Quantity: 5 tanks
- Material: Fiberglass
- Size: ≥ 20,000 gallons
- External Coating: UV Inhibiting Paint
- Internal Coating: Protective Coating Lining Resin
- Color: Tan (or equivalent)
- Pressure: Atmospheric
- Vent: 2" Minimum with bird screen
- Fill Line: 2" or greater
- Overflow: 3" or greater
- Manway: 24" diameter
- Walkway Clips: 2
- Thief Hatch: 1
- Gaskets: Neoprene or Buna
- Lugs: 4 x Anchor, 4 x Lift
- Outlets: 2x6" outlets on opposite sides (one near base, one 8" from base)

  2x2" outlets parallel at top and bottom for future water level

SPECIFICATIONS AND CONTRACTUAL TERMS
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FREIGHT: **2 tanks** to be delivered to Monument Fire Station, 10600 W. NM Highway 322 Monument, NM 88265
3 tanks to be delivered to Knowles Fire Station, 515 E. Pinson, Hobbs, NM 88242

Freight to include charges associated with delivery and drop off to this location, (high pole, chase, boom truck, route survey if applicable)

Specify load quantity and amount of tanks per load

AWARD: Award must be to the lowest bid that meets or exceeds our specifications.

Any/all bid questions must be in writing and addressed to: Kelli Ferguson, Procurement Officer, kferguson@leacounty.net FAX: 575-396-5684

QUESTIONS: ALL questions must be submitted in writing to the above contact information. Answers to questions will be addressed via an Addendum to all vendors on our mailing list & will immediately be posted under "Procurement" on Lea County's website – www.leacounty.net

Price: Bid price will include:
1) All specifications listed above
2) Warranty
3) Freight/delivery

The Terms and Conditions are incorporated herein by reference.

End of specifications.

BID FORM
LEA COUNTY, NEW MEXICO

FIVE (5) NON-POTABLE WATER STORAGE TANKS
KNOWLES AND MONUMENT FIRE STATIONS
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****All forms in this packet must be completed and returned with your sealed bid, including:**

_____Yes
- Campaign Contribution
- Related Party Disclosure
- Debarment Certification
- Non-Collusion Affidavit
- Resident / Veteran's Preference Certification

COMPANY NAME _____

Do Not leave any blank spaces – either enter "N/A" or "0".

	PRICE
FIVE (5) NON-POTABLE WATER STORAGE TANKS ***As specified in this bid***	$_____
YEAR / MAKE / MODEL:	
DELIVERY DATE :	
Cost of Delivery -2 tanks to Monument Fire Station **Cost of Delivery -3 tanks to Knowles Fire Station**	+_____ +_____
TOTAL	$
Warranty Information -- List info here or attach a copy to this Bid Form.	
Included in price? One PARTS / OPERATOR / SERVICE BOOK(S)	_____Yes

If bid tendered does not meet specifications, all exceptions or variations are set forth on the following page.

I have read and understand the Terms and Conditions and Specifications and Contractual Terms. I agree to comply with such and warrant that the products or services offered are as represented in this Bid Form.

Signature	Name (Typed/Printed)
Company	Position
Mailing Address	Telephone Number / FAX Number
City, State, Zip	Fed. Tax ID # / Social Security #
	E-mail Address

State of _____))ss.
County of _____)

_____(name), being duly sworn, deposes and says that he/she

is _____(title) of _____(company) and all fore-

going questions and all statements herein contained are true and correct.

Subscribed and sworn to before me this _____ day of _____, 20_____.

_____
Notary Public

My commission expires:

_____

OPTIONS, EXCEPTIONS, OR VARIATIONS:

Please state each and every option, exception, or variation to the specifications (if any) for the products or services offered. *If bid deviates significantly from the specifications, please provide further documentation showing that bid is capable of meeting the performance requirements shown in the specifications.* **Please sign below and return with your offer.**

1) THERE ***ARE*** OPTIONS, EXCEPTIONS OR VARIATIONS _____
Signature

--OR--

2) THERE ***ARE NO*** OPTIONS, ETC. LISTED. This Invitation to Bid, meets or exceeds all Specifications, Terms and Conditions as described in said Invitation to Bid without exceptions. Bids not meeting all Specifications, Terms and Conditions will be rejected and all costs will be borne by the seller.

_____
Signature

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.

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

Board Of County Commissioners: Rebecca Long, Dean Jackson, Jonathan Sena, Don Jones, Gary Eidson; Assessor Sharla Kennedy; Clerk Keith Manes; Probate Judge Sandra Goad; Treasurer Susan Marinovich; Sheriff Corey Helton.

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)

_____ _____
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)

Related Party Disclosure Form

1. Are you indebted to or have a receivable from any member of the Board of County Commissioners; elected county officials, administration officials, department heads, and key management supervisors with the County of Lea?

Yes_____ No _____

_____

_____

2. Are you , or any officer of your company related to any member of the Board of County Commissioners; elected county officials, administration officials, department heads, key management supervisors of the County of Lea and have you had any of the following transactions since January 1, 2008, to which Lea County was, is to be, a party?

	Yes	No
Sales, Purchase or leasing of property ?	___	___
Receiving, furnishing of goods, services or facilities?	___	___
Commissions or royalty payments	___	___

_____

_____

3. Does any member of the Board of County Commissioners; elected county officials, administration officials, department heads, key management supervisors with the County of Lea, have any financial interest in your company whether a sole proprietorship, partnership, or corporation of any kind that currently conducts business with the County of Lea?

Yes_____ No _____

_____

4. At any time from January 2008 through the present, did you, your company, or any officer of your company have an interest in or signature authority over a bank account for the benefit of a member of the Board of County Commissioners; elected county officials, administration officials, department heads, key management supervisors with the County of Lea?

Yes_____ No _____

_____

_____

5. Are you negotiating to employ or do you currently employ any employee, officer or family member of an employee or officer of County of Lea?

Yes_____ No _____

_____

The answers to the foregoing questions are correctly stated to the best of my knowledge and belief.

Signature of Owner or Company President:_____**Date**_____

(Print Name and Title): _____

Certification Regarding
Debarment, Suspension, and Other Responsibility Matters

Offeror certifies to the best of its knowledge and belief that it and its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

2. Have not within a three year period preceding this proposal been convicted of, had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State Antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

3. Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any offenses; and

4. Have not within a three-year period preceding this application/proposal had one or more public transaction (Federal, State, or local) terminated for cause or default.

I understand that a false statement on this certification may be ground for rejection of this proposal or termination of the award. Under 18USC Sec. 1001, a false statement may result in a fine of up to $10,000 or imprisonment for up to 5 years, or both.

Signature of Authorized Representative Date

Typed Name & Title of Authorized Representative

NON-COLLUSION AFFIDAVIT

STATE OF_____)

County OF_____)

_____(name) being first duly sworn, deposes and says

that he/she is (title) _____

of (organization)_____

who submits herewith to the County of Lea, a proposal:

That all statements of fact in such proposal are true:

That said proposal was not made in the interest of or on behalf of any undisclosed person, partnership, company, association, organization or corporation;

That said bidder has not, directly or indirectly by agreement, communication or conference with anyone attempted to induce action prejudicial to the interest of the County of Lea, or of any bidder of anyone else interested in the proposed contract; and further,

That prior to the public opening and reading of proposal, said bidder:

1. Did not directly or indirectly, induce or solicit anyone else to submit a false or sham proposal
2. Did not directly or indirectly collude, conspire, connive or agree with anyone else that said bidder or anyone else would submit a false or sham proposal, or that anyone should refrain from bidding or withdraw his proposals;
3. Did not in any manner, directly or indirectly, seek by agreement, communication or conference with anyone to raise or fix the proposal price of said bidder or of anyone else, or to raise or fix any overhead, profit or cost element of their proposal price, or of that of anyone else;
4. Did not directly or indirectly, submit his proposed price or any breakdown thereof, or the contest thereof, or divulge information or data relative thereto, to any corporation, partnership, company, association organization, bid depository or to any member or agent thereof, or to any individual of group of individuals, except that County of Lea, or to any person or persons who have a partnership or other financial interests with said bidder in his business.

By:_____

Title_____

SUBSCRIBED and sworn to before me this_____day of_____, 20_____.

Notary Public:_____
My Commission Expires:

LEA COUNTY RESIDENT/VETERANS PREFERENCE CERTIFICATION FORM

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

Please check one box only:

Resident Veteran Business:

☐ I declare under penalty of perjury that my business annual gross revenues did not exceed three million dollars ($3,000,000) in the preceding tax year. I also declare that my business or myself has not benefited from this preference for more than ten consecutive years.

Resident Business:

☐ 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 1978, 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:_____

_____ _____

(Signature of Business Representative)* (Date)

*Must be an authorized signatory for the Business.

*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 copy of a valid New Mexico Resident Business or New Mexico Veteran's Resident Business Certificate must be provided in order to receive preference.**