

ADVERTISEMENT FOR BIDS
Aztec Airport Improvements 2022
Runway 8-26 Lighting and Visual Aids
Aztec, New Mexico
A.I.P. PROJECT NO. 3-35-0056-010-2022
NMDOT – Aviation Division Grant No. N19-22-03
City of Aztec Bid No. 2022-812

The City Commission of the City of Aztec, New Mexico will receive sealed bids for construction of the Aztec Airport Improvements 2022, until 3:00 p.m. (local time) July 27, 2022, at the City Hall, Commission Room, at which time bids will be publicly opened, read aloud and tabulated.

Bids can be submitted either by paper copy to the City or electronically via BHI Tracker.

Paper bids shall be addressed to:

Joni Gay
Procurement Manager
201 W. Chaco Street
Aztec, New Mexico, 87410
505-334-7656

The bids received will be considered by the City Commission at a regular meeting or at a special meeting as may be required. No bid will be received or considered if received by the Purchasing Agent after the hour of 3:00 p.m. (local time) on July 27, 2022.

A non-mandatory pre-bid conference will be held on July 12, 2022, at 10:00 a.m. at the Aztec Municipal Airport, 801 Airport Drive, Aztec, NM 87410

Electronic copies of the bidding documents are available from Bohannon Huston at: <https://bhitracker.bhinc.com/BiddingList.aspx> or clicking on “Bid Tracker” at: <https://www.bhinc.com/tracker-portal/> under Aztec Municipal Airport Runway 8-26 Lighting and Visual Aids.

Technical questions should be submitted via BHI Tracker to the engineer of record at Bohannon Huston by close of business July 19, 2022.

Each bidder shall be prepared to furnish the owner with satisfactory evidence of their competency to perform the work contemplated.

Each bidder will be required to submit with their bid, a certified check, cashier’s check or bid bond in the amount of 5% of their bid, made payable to the City of Aztec.

The City Commission agrees to carefully canvass and consider each bid submitted. In consideration thereof, no bids may be withdrawn after the scheduled closing time for receipt of bids for at least 60 calendar days.

The City Commission reserves the right to reject any or all bids, to waive technicalities and to accept the bid it deems to be in the best interest of the City to accept.

Minimum wage rates on this project shall not be less than the rates in the U.S. Department of Labor Wage Rate Decision No. NM20210035 or the New Mexico Department of Workforce Solutions, SJ-22-1421-A whichever is the higher for each trade or labor classification.

The following federal contract provisions apply to this contract and are incorporated by reference, the complete language and applicability are contained in the bid documents:

Provisions/Clauses

Access to Records and Reports

Affirmative Action Requirement

Breach of Contract

Buy American Preferences

(1) Buy American Statement

(2) Buy American – Total Facility

Civil Rights – General

Civil Rights - Title VI Assurances

(1) Notice - Solicitation

(2) Clause - Contracts

(6) List – Pertinent Authorities

Clean Air/Water Pollution Control

Contract Work Hours and Safety Standards

Copeland Anti-Kickback

Davis Bacon Requirements

Debarment and Suspension

Disadvantaged Business Enterprise

Distracted Driving

Energy Conservation Requirements

Equal Employment Opportunity

(1) EEO Contract Clause

(2) EEO Specification

Federal Fair Labor Standards Act

Lobbying Federal Employees

Prohibition of Segregated Facilities

Occupational Safety and Health Act

Recovered Materials

Rights to Inventions

Seismic Safety

Seismic Safety – Professional Service Agreements for Design

Seismic Safety – Construction Contracts

Tax Delinquency and Felony Conviction

Termination of Contract

Termination For Convenience (Construction & Equipment Contracts)

Termination For Default (Construction)

Foreign Trade Restriction

Veteran's Preference

Project Description:

The project is for the installation of a Medium Intensity Runway Lighting (MIRL) system on Runway 8-26, the installation of Precision Approach Path Indicators (PAPI) on Runways 8 and 26, the construction of the airfield lighting vault, the construction of a primary wind cone and segmented circle, and supplemental wind cones.

There is a base bid and one additive alternate.

The base bid includes construction/installation of an airfield lighting vault, the runway edge lights, primary and supplemental wind cones, segmented circle. Additive Alternate 1 includes the installation of two sets of Precision Approach Path Indicators (PAPIs).

The work requires the following licenses from New Mexico Construction Industries Division: Airfield Electrical: EE-98. Residential and commercial electrical wiring 5000 volts, nominal or less and Electrical distribution and transmission systems over 5000 volts, nominal. These licenses will be required at the time bids are opened by any contractor bidding on this work.

The procurement code, Sections 13-1-28 through 13-1-199, NMSA 1978 (as amended), imposes civil and criminal penalties for its violation. In addition, the New Mexico Criminal Statutes impose felony penalties for illegal bribes, gratuities and kickbacks.

City of Aztec, New Mexico

Published On: June 28, 2022

INSTRUCTIONS TO BIDDERS
Aztec Airport Improvements 2022
Runway 8-26 Lighting and Visual Aids
Aztec, New Mexico
AIP Project No. 3-35-0056-010-2022
NMDOT – Aviation Division Grant No. N19-22-03
City of Aztec Bid No. 2022-812
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The procedures and requirements contained within these documents do not amend or revise any federal requirements and that any conflict with federal rules, procedures or law the federal rules, procedures or law shall prevail.

LOCATION AND EXTENT OF WORK

1. The work is sponsored by the City of Aztec, New Mexico and is located at the Aztec Municipal Airport. The airport is located at 801 Airport Drive, Aztec, NM 87410.
2. The project is for the installation of a Medium Intensity Runway Lighting (MIRL) system on Runway 8-26, the installation of Precision Approach Path Indicators (PAPI) on Runways 8 and 26, the construction of the airfield lighting vault, the construction of a primary wind cone and segmented circle, and supplemental wind cones.
There is a base bid and one additive alternate.

The base bid includes construction/installation of an airfield lighting vault, the runway edge lights, primary and supplemental wind cones, segmented circle. Additive Alternate 1 includes the installation of two sets of Precision Approach Path Indicators (PAPIs).

CONDITIONS OF BID

All bids must be made on the blank form in ink on the bid forms prepared by the Sponsor as a part of these documents and must give the price on each item in numerals. Use of the Excel file included on the “Bid Tracker” section of the Bohannon Huston website (<https://www.bhinc.com/tracker-portal/>) is encouraged.

The bidder must sign the bid correctly in ink. If the bid is offered by an individual, their name, office and address must be shown. If made by a firm or partnership, the name, office and address of each member of the firm or partnership must be given; if offered by a corporation, the person signing the bid must give the name of the state under the laws which the corporation was chartered and the name, titles and business address of the president, secretary and the treasurer. Anyone signing a bid as agent must file legal evidence of their authority to do so and that the signature is binding upon the firm or corporation.

Evidence of appropriate licensing under the New Mexico Construction Industries Licensing Act for the construction shall be submitted to the Sponsor with each bid for the appropriate classification of work.

For prime contracts valued at more than \$60,000 and subcontracts valued at more than \$60,000, registration with the Labor Enforcement Fund of the New Mexico Department of Workforce Solutions by the prime contractor and subcontractors is required at the time of bidding.

Any corporation not incorporated in New Mexico must give the name and address of its agent for service for process and must have a registered agent in New Mexico at the time of the bid opening.

The Owner will evaluate bids and reserves the right to award a Contract at the owner's sole discretion. All items of work within are tied together and a bid will be required for all items on the bid schedule

CONTRACT PLANS AND SPECIFICATIONS

The owner and engineer of record have issued these documents in electronic form only. Bidders shall ensure that paper or electronic version they possess contain the complete contract plans and specifications by verification of the documents against the Table of Contents.

BID DOCUMENTS REQUIRED

Only these forms need to be submitted with the bid.

The following certifications and executed documents are required as part of a valid bid:

Bid Forms

Pages BF-2 through BF-35 contain all the forms required to be submitted with the bid:

Bid Proposal

Contractor Information

Bidders Qualification Statement

Subcontractor Listing

Certification of Bidder Regarding Registration with the Labor Enforcement Fund (prime and subcontractors meeting the \$60,000 threshold)

Subcontractor Information Form (complete for each listed subcontractor)

Bidder's List of Quotes for the Disadvantaged Business Enterprise (DBE) Program

DBE Utilization (include evidence of Good Faith Efforts if required)

Disadvantaged Business Enterprise Letter of Intent (complete for each DBE)

Equal Opportunity Clause; Compliance Reports

Contract Documents, Specifications and Drawings Certification

Buy American Certification

 Certificate of Buy American Compliance for Total Facility

Certifications by Submission of An Offer

 Certification of Offeror/Bidder Regarding Debarment

 Certification of Lower Tier Contractors Regarding Debarment

 Certification Regarding Lobbying

 Certification of Offeror/Bidder Regarding Tax Delinquency and Felony Convictions

 Trade Restriction Certification

 Davis-Bacon Requirements

Non-Collusion Affidavit

Bid Bond

Campaign Contribution Disclosure Form

Certification Regarding Debarment, Suspension, And Other Responsibility Matters

INFORMATION CONCERNING CONDITIONS

1. Bidders must satisfy themselves by personal examination of the proposed work and by such other means as they may desire with respect to all of the conditions and quantities of the work. The quantities shown in the Bid Proposal are estimates for the purpose of

bid comparisons only. Bidders are requested to visit the site and to note all conditions affecting the work.

2. Payment will be made only for the actual quantities measured, accepted and incorporated into the work.
3. Water required for construction shall be the sole responsibility of the Contractor.

BONDS

1. The successful bidder will provide the Sponsor with construction and labor and materials payment bonds each in the amount of one hundred percent (100%) of the total contract amount on the form attached hereto, Section 13-4-18, NMSA 1978 (as amended). All bonds, including any Bid Bond must be with a surety and guaranty company authorized to do business in the State of New Mexico and acceptable to the Sponsor, and shall be listed as a surety company acceptable for Federal Bonds by the U.S. Department of the Treasury as published in the Federal Register Circular 570, current Revision, and shall be able to cover construction contracts in excess of One Million Dollars (\$1,000,000). For contracts less than \$100,000, in lieu of Labor and Material Payment Bonds, a Contractor may provide a cash escrow account or a letter of credit from a New Mexico Commercial Banking Institution acceptable to the Owner and naming the Owner as payee of 100% of the contract amount, including any increases thereto.
2. Gross Receipts Tax Surety Bond. Section 7-1-55 NMSA 1978 provides that any person engaged in the construction business who does not have its principal place of business in New Mexico and enters into a prime construction contract to be performed in this state, the gross receipts taxes to be paid on which would be in excess of \$50,000, shall at the time such contract is entered into, furnish the Secretary of the New Mexico Taxation and Revenue Department or the Secretary's delegate with a surety bond, or other acceptable security, in a sum equivalent to the gross receipts to be paid under the Contract multiplied by the applicable rate of the gross receipts tax imposed by Section 7-9-4 NMSA 1978, plus the applicable rate of local gross receipts taxes, to secure payment of the tax imposed on the gross receipts from the Contract, and shall obtain a certificate from the Secretary of the New Mexico Taxation and Revenue Department or the Secretary's delegate that the requirements of this section have been met.

For this contract, with the current Gross Receipts Tax rate of 8.3125%, a bid in excess of \$ 601,503 requires the Contractor to furnish the bond and provide the certificate to the Secretary of the New Mexico Taxation and Revenue Department and City.

3. First Tier Subcontractor requirements. All first-tier subcontractors with a bid value \$125,000 or greater shall provide a payment and performance bond to the prime contractor, at the subcontractors expense in the amount of 100% of the subcontract value. The bonds shall be delivered to the prime contractor at the time the subcontract is executed. A copy of the bonds shall be attached to the prime contract between the prime contractor and the owner at the time the prime contract is executed. The bonds shall be issued by a corporate surety authorized to do business in New Mexico in accordance with the New Mexico Insurance Code, be a surety listed in the US Treasury Circular 570 and name the prime contractor as the obligee.
4. Prime contractors shall inform all subcontractors submitting a bid exceeding the threshold amount of \$125,000 of the requirement for bonds and include the bonding requirement in the body of the agreement between the prime contractor and

subcontractor and clearly state that the subcontractor is responsible for payment of the bonds and the amount required to be bonded.

TIME ALLOWED FOR SIGNING CONTRACT

The successful bidder(s) will be allowed ten (10) calendar days after the date on which the contract is awarded by the Sponsor, within which to deliver to the Sponsor the signed contract together with the required bonds.

BID GUARANTEE

1. Each bid must be accompanied by a certified check, cashier's check on any solvent bank authorized to do business in the State of New Mexico or bid bond in an amount of five percent (5%) of their maximum total bid payable to the City of Aztec, Section 13-1-146 through 148, NMSA 1978 (as amended). Sureties providing Bid Bonds must be listed as a surety acceptable for Federal Bonds by the U.S. Department of the Treasury as published in Federal Register 570, Current Revision. Failure to provide an acceptable bid guarantee will be cause for rejection of the Bid.
2. The checks or bid bonds of unsuccessful bidders, except the two apparent low bidders will be returned promptly after the acceptance by the Sponsor of the successful bid. The check or bid bond of the two apparent low bidders will be returned immediately after execution of the contract and construction bond. If the apparent low bidder should refuse to execute a contract for the performance of the work, then the amount of the certified check or bid bond shall be forfeited to the City of Aztec.

COMPARISON OF BIDS

All bids will be compared on the basis of the items and quantities listed in the bid. All unit price items will be measured in place and final payment will be based on those final measurements of work actually completed and accepted. The prices called for in the bid shall provide for full completion of the project in accordance with the plans and specifications. No additional payment will be made unless extra work is authorized by written order.

COLLUSION

No bidder shall be interested in more than one bid. Collusion among bidders or the submission of more than one bid under different names by any firm or individual shall be cause for rejection of all such bids without consideration. The enclosed Non-Collusion Affidavit, page BF-29 must be executed along with the Bid Proposal. The Bid Bond is also forfeited.

PRESENCE AT BID OPENING

Pursuant to the State of NM Procurement Code Section 13-1-107 NMSA 1978, Bidders may be represented at the opening of bids.

CONTRACT TIME AND LIQUIDATED DAMAGES

The number of days with which, or the dates by which the Work is to be completed and ready for final payment (the Contract Time) is to be in calendar days as set forth in the Bid Proposal. Provisions for liquidated damage are set forth in the General Provisions and/or Special Conditions and Bid Proposal.

Liquidated damages can be imposed based on the overall contract time and by identified work areas/General Provisions Section 80-08 Segments.

The City will issue a separate Notice to Proceed with Material Procurement and Administrative Items. Once the contractor has all material needed for the project; the City will issue a Notice to

Proceed with Construction. The contract time begins with the Notice to Proceed with Construction.

The Administrative Items include: the preparation and approval of the Stormwater Pollution Prevention Plan, the Contractor's Quality Control Plan, and the Contractor's Airfield Safety Plan Compliance Document; and the 14 day waiting period following submission of the contractor's and owner's SWPPP NOIs.

DELIVERY OF BID – EITHER IN PAPER OR ELECTRONIC FORM

A paper bid submittal shall be sealed and plainly marked "Aztec Airport Improvements 2022, Runway 8-26 Lighting and Visual Aids, AIP Project No. 3-35-0056-010-2022, NMDOT – Aviation Division Grant No. N19-22-03, City of Aztec Bid No. 2022-812", and Bid of (name and address of bidder), the time and date bids are to be received, and acknowledgment of addenda clearly indicated on the outside of the envelope. Bids may be mailed or delivered to the Procurement Manager in person. All bids must be filed prior to the time and at the place specified in the Advertisement for Bids. The City's Procurement Manager's normal hours of operation are Monday to Thursday 7:00 am to 6:00 pm. The Procurement office and City Hall are closed on Fridays and do not accept delivery of mail, UPS, FEDEX, or hand delivered material.

An electronic bid shall be submitted using the bidding portal on BHI Tracker <http://bhitracker.bhinc.com/BiddingList.aspx> or clicking on "Bid Tracker" at: <https://www.bhinc.com/tracker-portal/> under Aztec Municipal Airport Runway 8-26 Lighting and Visual Aids.

Only one bid by either paper or electronic submittal is required.

WITHDRAWAL OF BIDS

1. A bidder will be permitted to withdraw their bids unopened provided their written request for withdrawal is received prior to the time specified for opening bids.
2. The Sponsor will require time to study bids received and to obtain concurrence of the Federal Aviation Administration for award of contract. Therefore, no bids may be withdrawn after scheduled closing time for receipt of bids for 60 calendar days.

FEDERAL PARTICIPATION AND REQUIREMENTS ON NON-DISCRIMINATION

1. The attention of bidders is invited to the fact that pursuant to the provisions of the Act of Congress known as the FAA Modernization and Reform Act of 2012, the United States Government may pay a portion of the cost of this improvement. The above Act of Congress provides that the construction work and labor in each state shall be done in accordance with the laws of the State subject to the inspection and approval of the FAA and in accordance with the rules and regulations made pursuant to said Act. The construction work therefore, shall be subject to such inspection by representatives of the Federal Aviation Administration as may be deemed necessary to meet with above requirements when Federal Funds are used, but such inspection will in no sense make the Federal Government a party to this contract and will in no way interfere with the rights of either party hereunder. This project will be subject to any federal audit requirements as a result of the federal funding and all parties agree to willingly participate in said federal audits, if any.
2. Bidders will be required to comply with all requirements of the Federal Wage and Labor Standards contained in the Bidding and Contract Documents.

3. The proposed contract is under and subject to Executive Order 11246 of September 24, 1965, and to the equal opportunity clause.

The Bidder (Proposer) must supply all the information required by the bid or proposal form.

FUNDING AGENCY REQUIREMENTS

Federal Aviation Administration (FAA), New Mexico Department of Transportation (NMDOT) - Aviation Division and Local funds will be utilized to complete the work and therefore all work is subject to FAA, NMDOT Aviation Division and Local Requirements included or referenced in these Documents.

EXECUTION OF CONTRACTS

The contract documents shall be executed in seven (7) counterparts and shall be distributed as follows:

Owner (Sponsor)	2 Copies
Engineer	1 Copy
Contractor	1 Copy
Bonding Company	1 Copy (provided to Contractor for forwarding to Bonding Company)
FAA	1 Copy
NMDOT Aviation Division	1 Copy

GUARANTEE PROVISION

1. The Contractor shall guarantee under bond, all work constructed under this contract against defective materials and workmanship for a period of one (1) year following its acceptance.
2. The warranty for all light-emitting diode (LED) light fixtures, with the exception of obstruction lighting, (Advisory Circular (AC) 150/5345-43) must be warranted by the manufacturer for a minimum of four (4) years after date of installation inclusive of all electronics.

FINAL ACCEPTANCE

Acceptance of the project by the Sponsor constitutes final acceptance and establishes the beginning of the guarantee period.

PAY ITEMS

Payment for all work and materials incidental to items listed in the bid proposal shall be included in the contract price for the item to which the work applies, whether a different payment basis is included in the technical specifications or not. All unit price items will be measured in place and final payment will be based on those final measurements of work actually completed, measured, and accepted.

AWARD OF CONTRACT

One contract is anticipated from this solicitation. The solicitation has a base bid and one Additive Alternate. Bidders must bid on all items –base bid plus all alternates- in order to submit a responsive bid.

The Owner reserves the right to reject any or all bids or waive any or all technicalities and the right to disregard all non-conforming or conditional bids or counter proposals.

If a Contract(s) is awarded, it will be awarded to the lowest responsive, responsible bidder for the work shown on the Bid Proposal provided, however, that if the bid is a unit price proposal and there is a discrepancy between the amount shown as the Bid Amount and the actual total amount of the bid items determined by multiplying the unit price shown for each bid item by the estimated quantity shown for the bid Item and adding each such amount, it will be awarded to the lowest responsible Bidder on the actual total amount of the bid Items.

As a minimum, if a contract is awarded it shall include the Base Bid. Options will be evaluated and can be awarded in any order at the discretion of the Owner.

GROSS RECEIPTS TAX

New Mexico Statutes requires that the bid amount (unit prices) exclude the applicable state gross receipts tax or applicable local option tax but that the contracting agency (owner) 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. The applicable 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. Section 13-1-108, NMSA 1978 (as amended).

PROCUREMENT CODE

The procurement code, Sections 13-1-28 through 13-1- 199, NMSA 1978 (as amended), imposes civil and criminal penalties for its violation. In addition, the New Mexico Criminal Statutes impose felony penalties for illegal bribes, gratuities and kickbacks.

ADDENDA

1. Any addenda issued during the time of bidding or forming a part of the Contract Documents issued to the Bidder for the preparation of this Bid shall be covered in the Bid and shall be made a part of the contract. Receipt of each Addendum shall be acknowledged in the Bid.
2. All questions about the meaning or intent of the Contract Documents are to be directed to the Engineer. Interpretations or clarifications considered necessary by the Engineer in response to such questions will be issued by Addenda mailed or delivered to all parties recorded by the Engineer as having received the Bidding Documents. Addenda will also be posted on the Owner's web site and on the "Bid Tracker" section of the Bohannon Huston website (<https://www.bhinc.com/tracker-portal/> . Questions received after July 19, 2022, may not be answered. Only questions answered by formal written Addenda will be binding. Oral and other interpretations or clarifications will be without legal effect.
3. Addenda may also be issued to modify the Bidding Documents as deemed advisable by Owner and Engineer. Addenda shall be attached to the front cover of this contract and specifications book and shall become a part of the Contract Documents.

VARIANCE BETWEEN LANGUAGE

In the event of any variance between the language or terms used in either the Advertisement or the Instructions, the Advertisement shall control.

SUFFICIENT APPROPRIATIONS

As the project is based upon anticipated receipt of federal and state funds, all of which cannot yet be formally committed, the award of the Project is contingent upon the receipt of said funding. The City of Aztec believes, in good faith, that all funding will be forthcoming and that the construction will be conducted in an integrated period.

CONTRACTOR LICENSE

At the time of bidding, the Proposer must hold the appropriate Contractor's license or have a qualifying party who holds the appropriate Contractor's license identified in the Bidders Qualification Statement.

The General Construction Classifications contained in Title 14, Chapter 6, Part 6, paragraph 14.6.6.9 of the New Mexico Administrative Code will be used to determine the appropriate contractor's license classification required for the project based on the scope and location of the work. Failure to hold the appropriate license makes the bid non-responsive.

A proposer can submit with their bid, a letter from the Construction Industries Division of the Regulation and Licensing Department of the State of New Mexico stating the license held by the proposer is acceptable for the project. This letter must include the project name, location, and scope of work; and the licenses held by the proposer.

The Engineer of Record has determined that the work requires the following licenses:
Airfield Electrical: EE-98. Residential and commercial electrical wiring 5000 volts, nominal or less and Electrical distribution and transmission systems over 5000 volts, nominal

The City of Aztec requires the successful contractor to obtain a City business license prior to the start of work.

FEDERAL CONTRACT PROVISIONS

The following federal contract provisions are incorporated by reference, the complete language is contained in the bid documents:

Provisions/Clauses

- Access to Records and Reports
- Affirmative Action Requirement
- Breach of Contract
- Buy American Preferences
 - (1) Buy American Statement
 - (2) Buy American – Total Facility
- Civil Rights – General
- Civil Rights - Title VI Assurances
 - (1) Notice - Solicitation
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 - (6) List – Pertinent Authorities
- Clean Air/Water Pollution Control
- Contract Work Hours and Safety Standards
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- Energy Conservation Requirements
- Equal Employment Opportunity
 - (1) EEO Contract Clause
 - (2) EEO Specification
- Federal Fair Labor Standards Act
- Lobbying Federal Employees

Prohibition of Segregated Facilities
Occupational Safety and Health Act
Recovered Materials
Rights to Inventions
Seismic Safety
 Seismic Safety – Professional Service Agreements for Design
 Seismic Safety – Construction Contracts
Tax Delinquency and Felony Conviction
Termination of Contract
 Termination For Convenience (Construction & Equipment Contracts)
Termination For Default (Construction)
Foreign Trade Restriction
Veteran's Preference

