



**State of New Mexico  
General Services Department  
Purchasing Division  
(505) 827-0472**

Amendment No. **Three**

Date: **April 4, 2023**

To: **Potential Bidders**

From: *Valerie Paulk*  
New Mexico State Purchasing Agent  
X This is signed on behalf of the State Purchasing Agent

Date: 4/4/2023

Re: Invitation to Bid: **30-52100-23-06101**

Department: **Energy, Minerals and Natural Resources Department**

Title: **Boston Hill Safeguard Project**

Opening date: **April 10, 2023**

**This Amendment is issued to reflect the following:**

- **Extend Bid opening date from: April 5, 2023  
to: April 10, 2023**
- **See Attached Mandatory Pre-Bid Sign In Sheet**
- **See attached Amendment No. Three, which contains changes to the Specifications and Bid Forms, for more detail.**

**A Bidder must acknowledge receipt of this Amendment. Electronic bidding – If you have already submitted a bid, you will need to acknowledge this amendment by resubmitting your bid. Your bid has changed from 'submitted' to 'in progress' and will not be accepted if you don't acknowledge this amendment. Click the link to get started:**

**<https://bids.sciquest.com/apps/Router/PublicEvent?CustomerOrg=StateOfNewMexico>**

**All other items, terms and conditions shall remain the same.**

Procurement Specialist: **Michael Saavedra** Phone: **(505) 372-8489**

Email: **Michael.Saavedra@gsd.nm.gov**

## MANDATORY PRE-BID CONFERENCE

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ABANDONED MINE LAND PROGRAM, NEW MEXICO MINING AND MINERALS DIVISION

PROJECT: Boston Hill Mine Safeguard Project - Phase I EMNRD-MMD-2023-01DATE: March 14, 2023TIME: 9:00 A.M.LOCATION: Silver City, NM

## Company Name &amp; Address

Runyan Construction 12 truck Bypass Rd Silver City NM	Contact Person: Tyson Runyan Telephone: 575 574 8522 Email: runyan@runyaninc.com
File Construction LLC 505 - 554 5956 mayrar@fcornt.com	Contact Person: Jaime Cruz Telephone: 505 414 4383 Email: jaimec@fcornt.com
MINEGATES 1240 W CONGAR LANE PRESCOTT, AZ 86303	Contact Person: Tom GILLELAND Telephone: 520 343. 9271 Email: TOM @ MINEGATES.COM
Southwest Concrete & Paving 1955 Hilltop Rd Silver City NM 88061	Contact Person: Tony Madran Telephone: 575 - 538 - 1839 Email: tmedran@diopave.com
Trevor Ames 124 Wild Rose Lane Whitefish MT 59937	Contact Person: Trevor Ames Telephone: 720-450-0748 Email: trevor.a@gsi.us
Fernando Davila Mirador Enterprises El Paso Tx. 79925	Contact Person: Fernando D Telephone: 818-477-7263 Email: FdAvila@miradorenterprises.com
Rob Schowitz Trails + OpenSpace Silver City, NM	Contact Person: Rob Schowitz Telephone: 575-570-1100 Email: rschowitz52@gmail.com
Corey Greenhill AZ Drilling & Blasting Tempe AZ	Contact Person: Pete Tramontanas Telephone: 480 216 5382 Email: ptramontanas@fosterinc.com

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April 3, 2023

TO: STATE PURCHASING DIVISION, ALL PROSPECTIVE BIDDERS  
AND PLAN ROOMS

PROJECT: **BOSTON HILL MINE SAFEGUARD PROJECT – PHASE I  
EMNRD-MMD-2023-01  
INVITATION FOR BID NO. 30-52100-23-06101  
Bid Opening: Monday, April 10, 2:00 P.M.**

SUBJECT: **AMENDMENT NO. THREE**

FROM: STEVEN NEEDLES, P.E.  
PROJECT ENGINEER  
ABANDONED MINE LAND PROGRAM  
MINING AND MINERALS DIVISION

This amendment consists of nine pages.

## **SPECIFICATIONS**

### **DIVISION 0**

#### **Section 00100 – INSTRUCTION TO BIDDERS**

Page 8.

The existing paragraph regarding contract time for project completion is deleted in its entirety and replaced with the following:

“The Contract Time for project completion shall be no later than two hundred forty (240) calendar days, including all Sundays, holidays, and non-workdays, after the Contractor receives a Notice to Proceed via USPS mail.”

#### **Section 00300 – BID FORMS**

Page 18.

Bid Item 7a, Hydroseeding and Hydromulching, is deleted in its entirety.

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## **DIVISION 1 – GENERAL REQUIREMENTS**

### **Section 01600 – MATERIALS AND EQUIPMENT**

Page 1-17.

A new section is added below the existing paragraph:

“All bid items are to be NEW and of most current production, unless otherwise specified. As required by Section 70914 of the Bipartisan Infrastructure Law (also known as the Infrastructure Investment and Jobs Act), P.L. 117-58, on or after May 14, 2022, none of the funds under a federal award that are part of Federal financial assistance program for infrastructure may be obligated for a project unless all of the iron, steel, manufactured products, and construction materials used in the project are produced in the United States, unless subject to an approved waiver. The requirements of this section must be included in all subawards, including all contracts and purchase orders for work or products under this program. Review Notice: Buy America Domestic Procurement Preference below for additional information.

#### **“NOTICE: Buy America Domestic Procurement Preference**

“As required by Section 70914 of the Bipartisan Infrastructure Law (also known as the Infrastructure Investment and Jobs Act), P.L. 117-58, on or after May 14, 2022, none of the funds under a federal award that are part of federal financial assistance program for infrastructure may be obligated for a project unless all of the iron, steel, manufactured products, and construction materials used in the project are produced in the United States, unless subject to an approved waiver. The requirements of this section must be included in all subawards, including all contracts and purchase orders for work or products under this program.

“Recipients of an award of federal financial assistance are hereby notified that none of the funds provided under this award may be used for a project for infrastructure unless:

1. all iron and steel used in the project are produced in the United States--this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;
2. all manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining

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the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and

3. all construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States.

“The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project, but are not an integral part of the structure or permanently affixed to the infrastructure project.

“For further information on the Buy America preference, please visit [www.doi.gov/grants/BuyAmerica](http://www.doi.gov/grants/BuyAmerica). Additional information can also be found at the White House Made in America Office website:

[www.whitehouse.gov/omb/management/made-in-america/](http://www.whitehouse.gov/omb/management/made-in-america/).

### **“Waivers**

‘When necessary, recipients may apply for, and the Department of the Interior (DOI) may grant, a waiver from these requirements, subject to review by the Made in America Office. The DOI may waive the application of the domestic content procurement preference in any case in which it is determined that one of the below circumstances applies:

1. Non-availability Waiver: the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality;
2. Unreasonable Cost Waiver: the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent; or
3. Public Interest Waiver: applying the domestic content procurement preference would be inconsistent with the public interest.

There may be instances where an award qualifies, in whole or in part, for an existing DOI general applicability waiver as described at: [www.doi.gov/grants/BuyAmerica/GeneralApplicabilityWaivers](http://www.doi.gov/grants/BuyAmerica/GeneralApplicabilityWaivers). If the specific financial assistance agreement, infrastructure project, or non-domestic materials meets the criteria of an existing general applicability waiver within the limitations defined within the waiver, the recipient is not required to request a separate waiver for non-domestic materials.

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“If a general applicability waiver does not already apply, and a recipient believes that one of the above circumstances applies to an award, a request to waive the application of the domestic content procurement preference may be submitted to the financial assistance awarding officer in writing. Waiver requests shall include the below information. The waiver shall not include any Privacy Act information, sensitive data, or proprietary information within their waiver request. Waiver requests will be posted to [www.doi.gov/grants/buyamerica](http://www.doi.gov/grants/buyamerica) and are subject to public comment periods of no less than 15 days. Waiver requests will also be reviewed by the Made in America Office.

1. Type of waiver requested (non-availability, unreasonable cost, or public interest).
2. Requesting entity and Unique Entity Identifier (UEI) submitting the request.
3. Department of Interior Bureau or Office who issued the award.
4. Federal financial assistance listing name and number (reference block 2 on DOI Notice of Award)
5. Financial assistance title of project (reference block 8 on DOI Notice of Award).
6. Federal Award Identification Number (FAIN).
7. Federal funding amount (reference block 11.m. on DO Notice of Award).
8. Total cost of Infrastructure expenditures (includes federal and non-federal funds to the extent known).
9. Infrastructure project description(s) and location(s) (to the extent known).
10. List of iron or steel item(s), manufactured goods, and construction material(s) the recipient seeks to waive from Buy America requirements. Include the name, cost, countries of origin (if known), and relevant PSC or NAICS code for each.

“Approved waivers will be posted at [www.doi.gov/grants/BuyAmerica/ApprovedWaivers](http://www.doi.gov/grants/BuyAmerica/ApprovedWaivers); recipients requesting a waiver will be notified of their waiver request determination by an awarding officer.

“Questions pertaining to waivers should be directed to the financial assistance awarding officer.

### **“Definitions**

‘Construction materials’ includes an article, material, or supply that is or consists primarily of:

- non-ferrous metals;
- plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables);
- glass (including optic glass);

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- lumber; or
- drywall.

'Construction Materials' does not include cement and cementitious materials, aggregates such as stone, sand, or gravel, or aggregate binding agents or additives.

'Domestic content procurement preference' means all iron and steel used in the project are produced in the United States; the manufactured products used in the project are produced in the United States; or the construction materials used in the project are produced in the United States.

'Infrastructure' includes, at a minimum, the structures, facilities, and equipment for, in the United States, roads, highways, and bridges; public transportation; dams, ports, harbors, and other maritime facilities; intercity passenger and freight railroads; freight and intermodal facilities; airports; water systems, including drinking water and wastewater systems; electrical transmission facilities and systems; utilities; broadband infrastructure; and buildings and real property. Infrastructure includes facilities that generate, transport, and distribute energy.

"Project" means the construction, alteration, maintenance, or repair of infrastructure in the United States.

## **DIVISION 2 – SITEWORK**

### **Section 02933 – SEEDING**

Page 2-10.

The existing Table 1, Seed Mix is deleted in its entirety and replaced with the following:

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**“Table I – SEED MIX  
 Boston Hill Mine Safeguard Project – Phase I**

<b>Class</b>	<b>Plant Species (Common Name/Scientific Name)</b>	<b>Pure Live Seed (pounds per acre)</b>
Graminoid	Sideoats grama ( <i>Bouteloua curipendula</i> )	4.00
	Blue grama ( <i>Bouteloua gracilis</i> )	6.00
	Indian ricegrass ( <i>Achnatherum hymenoides</i> )	3.00
Forb	Prairie coneflower ( <i>Ratibida columnifera</i> )	1.5
	Desert globemallow ( <i>Sphaeralcea ambigua</i> )	1.25
Shrub	Apache plume ( <i>Fallugia paradoxa</i> )	0.50

**DIVISION 3 – CONCRETE AND GROUT**

Page 3-1.

The first paragraph is deleted in its entirety and replaced with the following:

“This work shall consist of column foundation supports for metal grate adit and stope closures; waste rock and mortar surrounds for egress closures; and concrete and grouted anchor supports for horizontal and vertical metal grate closure, as indicated on the drawings. Unless otherwise specified all grouting shall be done with non-shrink grout. This work includes any excavation for base of bulkheads and furnishing and installation of forms.”

**DIVISION 5 – METALS**

**Section 05010 – METAL MATERIALS**

Page 5-1.

The specification for “Shapes, Plates, and Bars”, is deleted in its entirety and replaced with the following:

“ASTM A36 (mild steel)”



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Page 5-1.

The specification for “Structural Tubing”, is deleted in its entirety and replaced with the following:

“ASTM A36 (mild steel)”

Page 5-1.

The specification for “Grating”, is deleted in its entirety and replaced with the following:

“ASTM A36 (mild steel)”

Page 5-1.

The specification regarding bat closures is deleted in its entirety and replaced with the following:

“Bat closures shall be fabricated from mild steel as specified above.”

#### **Section 05030 – METAL FINISHES**

Page 5-1.

Section 05030 is deleted in its entirety.

#### **Section 05031 – SHOP COATINGS**

Page 5-2 through page 5-3.

Section 05031 is deleted in its entirety.

#### **Section 05500 – METAL FABRICATIONS**

Page 5-3.

The second paragraph in this section is deleted in its entirety and replaced with the following:

“Non-corrosion resistant structural steel members shall be cleaned and prepared.”

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## **Section 05501 – FIELD ERECTION**

Page 5-3.

The fifth paragraph of this section is deleted in its entirety.

Page 5-3.

The existing sixth paragraph is deleted in its entirety and replaced with the following:

“All steel shall be kept as clean and free as possible from mud, grease, oil, paint, concrete or mortar splatter, and other foreign substances to minimize on-the-job cleaning. Paint or crayon identification marks shall be made in locations not visible on the finished structure; otherwise, these marks must be removed from the visible surfaces during the final cleaning operation. Objectionable substances on steel, especially on highly visible exterior surfaces and including mill scale on the surfaces visible from the mine opening, shall be removed by solvents, high-speed power brushing, scraping, sand or grit blast cleaning, or other suitable methods. Surfaces of welds shall be given special treatment by scraping and wire brushing as necessary to remove all slag and weld spatter. Tools that produce excessive roughness shall not be used.”

Page 5-4.

The existing eighth paragraph is deleted in its entirety.

Page 5-4.

The existing ninth paragraph is deleted in its entirety and replaced with the following:

“All joints shall be welded unless otherwise indicated. Steel fabrications shall be welded to eliminate surfaces on which moisture accumulation can occur and joints shall be tight to so that moisture cannot enter between plies of material. All joints in steel, including fillet welds, shall be continuously welded to avoid moisture and corrosion traps such as crevices.”

## **Section 05531 – FABRICATION**

Page 5-5.

The existing second paragraph is deleted in its entirety and replaced with the following:

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Unless otherwise noted on the drawings, grating shall be of the welded or pressure locked steel type with bearing bars at 13/16 inches on center and cross bars spaced at 4 inches on center. Bearing bars shall be at least 3/16 inch thick. Bearing bar depth shall be as noted on the drawings. All grating shall be full depth banded, and bands shall be 3/16 inch thick. Bands shall be welded to first, last, and every fourth intermediate bar.”

### **Section 05532 – INSTALLATION**

Page 5-5.

The third paragraph is deleted in its entirety and replaced with the following:

“Steel frames shall not be painted but shall be cleaned as specified above for all steel.”

### **DRAWINGS**

See Sheet 9 – Waste Rock and Mortar Closure Detail.

In the Waste Rock and Mortar Closure Summary Table at the bottom right of the sheet, for Feature LT-16, the Opening Height is changed to “12 feet”, and the Wall Volume is changed to “216 cubic feet (cf)”. For Feature LT-17, the Opening Height is changed to “12 feet”, and the Wall Volume is changed to “252 cf”.

- - END OF AMENDMENT - - -

NOTE: All bidders are required to acknowledge receipt of this amendment in the space provided on the Bid Forms.

**Certificate Of Completion**

Envelope Id: 9155554B2C1A4C23A0214384572CB9B4	Status: Completed
Subject: Complete with DocuSign: 30-35000-23-06101 B003	
Source Envelope:	
Document Pages: 11	Signatures: 1
Certificate Pages: 5	Initials: 2
AutoNav: Enabled	Envelope Originator:
Envelopeld Stamping: Enabled	Vanessa LeBlanc
Time Zone: (UTC-07:00) Mountain Time (US & Canada)	1100 S Saint Francis Dr
	Santa Fe, NM 87502
	Vanessa.LeBlanc@gsd.nm.gov
	IP Address: 164.64.62.10

**Record Tracking**

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**Signer Events**

Signature	Timestamp
Raelynn Lujan	Sent: 4/4/2023 10:37:53 AM
Raelynn.Lujan@gsd.nm.gov	Viewed: 4/4/2023 10:47:33 AM
New Mexico General Services	Signed: 4/4/2023 10:47:38 AM
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vanessa.leblanc@gsd.nm.gov	<i>VL</i>	Viewed: 4/4/2023 10:48:31 AM
New Mexico General Services		Signed: 4/4/2023 10:48:35 AM
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Signature Adoption: Pre-selected Style		
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Valerie Paulk		Sent: 4/4/2023 10:48:36 AM
valerie.paulk@gsd.nm.gov	<i>Valerie Paulk</i>	Viewed: 4/4/2023 10:51:10 AM
Signed of Behalf of State Purchasing Agent		Signed: 4/4/2023 10:51:16 AM
New Mexico General Services		
Signing Group: 35000 - State Purchasing Agent	Signature Adoption: Pre-selected Style	
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Envelope Sent	Hashed/Encrypted	4/4/2023 10:37:53 AM
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<b>Payment Events</b>	<b>Status</b>	<b>Timestamps</b>
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<b>Electronic Record and Signature Disclosure</b>
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## **ELECTRONIC RECORD AND SIGNATURE DISCLOSURE**

### **A. ELECTRONIC RECORD AND SIGNATURE DISCLOSURE (ERSD)**

From time to time, New Mexico General Services Department (GSD), on behalf of the State of New Mexico (SONM), may be required by law to provide you with certain written notices or disclosures. Stated below are the terms and conditions for GSD's providing you such notices and disclosures electronically through the DocuSign system. Please read this information carefully. If you are able to access this information electronically and agree to **this Electronic Record and Signature Disclosure (ERSD)**, please confirm your agreement by selecting the check-box next to "I agree to use electronic records and signatures" before clicking "CONTINUE" within the DocuSign system.

## **B. Obtaining paper copies**

At any time up to twenty (20) calendar days following your use of DocuSign to electronically sign a document, you may request a paper copy of any record provided or made available electronically to you by GSD. You will have the ability to download and print documents SONM sends you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a twenty (20) calendar day period after such documents are first sent to you. Following the twenty (20) day period, if you want GSD to send you paper copies of any such documents from GSD's office, you will be charged a \$1.00 per-page fee plus postage. You may request delivery of such paper copies from GSD by following the procedure stated in Section H, below.

## **C. Withdrawing your consent**

If you decide to receive notices and disclosures from GSD electronically, you may at any time change your mind and inform GSD you want to receive required notices and disclosures only in paper format. The procedure concerning how you may inform GSD of your decision to receive future notices and disclosures in paper format as well as withdraw your consent to receive notices and disclosures electronically is stated in Section D, immediately below.

## **D. Consequences of changing your mind**

If you elect to receive required notices and disclosures only in paper format, it will slow the speed with which GSD will be able to complete certain steps in specific transactions and deliver paper copies to you. GSD will need: (1) to send the required notices or disclosures to you in paper format; and (2) wait until GSD receives your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from SONM or to electronically sign documents generated and sent to you from SONM.

## **E. All notices and disclosures will be sent to you electronically**

Unless you inform GSD otherwise according to these procedures, GSD will electronically provide you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements and other documents that are required to be provided or made available to you during the course of your electronic signature relationship with SONM. To reduce the possibility of inadvertent non-receipt, GSD prefers to provide all required notices and disclosures by the same method and to the same email or physical address that you furnish to GSD. Thus, you may receive the disclosures and notices electronically or in paper form. If you do not agree with this procedure, please inform GSD according to the procedures stated in Section I, below. Please also refer to Section D, immediately above, which states the consequences resulting from your declination of electronic delivery of notices and disclosures.

## **F. How to contact GSD:**

You may inform General Services Department (GSD) of any changes you select regarding State Purchasing Division's (SPD) electronic communications with you, to request paper copies of certain information from SPD, and to withdraw your prior consent to receive notices and disclosures electronically by emailing your request(s) to SPD at: [GSD.SPInfo@state.nm.us](mailto:GSD.SPInfo@state.nm.us)

## **G. To advise SPD of your new email address**

To inform SPD of a change in the email address to which SPD sends you notices and disclosures electronically, you must send an email to SPD at [GSD.SPInfo@state.nm.us](mailto:GSD.SPInfo@state.nm.us) and in the body of such request you must include your previous and new email addresses.

## **H. To request paper copies from SPD**

To request delivery of paper copies of electronic notices and disclosures that DocuSign and/or SPD have previously provided to you, you must send an email to SPD at [GSD.SPInfo@state.nm.us](mailto:GSD.SPInfo@state.nm.us) and in the body of your email request state your email address, full name, mailing address, and telephone number. SPD will charge you a \$1.00 per page copy fee plus postage.

## **I. To withdraw your consent with SPD**

To inform SPD that you no longer wish to receive notices and disclosures in electronic format you may:

(1) Decline to sign a document from within a signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may:

(2) Send SPD an email to [GSD.SPInfo@state.nm.us](mailto:GSD.SPInfo@state.nm.us) and in the body of your request state your email address, full name, mailing address, and telephone number.

## **J. Required hardware and software**

The minimum system requirements for using the DocuSign system may change over time. The current DocuSign system requirements may be found at:

<https://support.docusign.com/guides/signer-guide-signing-system-requirements>

## **K. Acknowledging your access and consent to receive and sign documents electronically**

To confirm that you are able to electronically access the information contained in this Electronic Record and Signature Disclosure (ERSD), please confirm that you have: (1) read this ERSD, and either: (2) you are able to print on paper or electronically save this ERSD for your future reference and access; or (3) you are able to email this ERSD to an email address where you will be able to print this ERSD on paper and/or save this ERSD for your future reference and access. Further, if you consent to receiving notices and disclosures from DocuSign and/or SPD exclusively in electronic format, then select the check-box next to “I agree to use electronic records and signatures,” before you click “CONTINUE” within the DocuSign system.

By selecting the check-box next to “I agree to use electronic records and signatures,” you confirm that:

- You have read this Electronic Record and Signature Disclosure (ERSD); and
- You can print this ERSD on paper, or you can save and/ or send this ERSD to a location where you can print this ERSD, for your future reference and access; and
- Until or unless you notify SPD as stated in this ERSD, you consent to exclusively receive through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by SPD during the course of your electronic signature relationship with SPD.