



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

Amendment No. **ONE**

Date: **August 31, 2023**

To: **All Potential Bidders**

From:

*Valerie Paulk*

Date: 8/31/2023

Dorothy Mendonca

New Mexico State Purchasing Agent

× **This Agreement was signed on behalf of the State Purchasing Agent**

Re: Invitation to Bid Number: **40-52100-23-06111**

Department: **ENERGY MINERALS & NATURAL RES. DEPT.**

Title: **CONSTRUCTION SERVICES FOR ABANDONED MINE LANDS - STATEWIDE**

Opening date: **September 14, 2023**

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

The electronic bid submission hyperlink address was incorrect in the initial Invitation to Bid. The correct hyperlink address is as follows:

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

**2. Below are Questions and Answers:**

Several questions were submitted at the Pre-Bid Meeting pertaining to this Invitation to Bid, below are those questions and the answers to those questions:

1. **Question:** If crew members are traveling from outside the state of New Mexico (i.e. California or Wyoming), do New Mexico per diem rates apply?

**Answer:** As the NM AML Program follows EMNRD policy for per diem, all contractors shall bill per diem according to Department of Finance & Administration (DFA) current fiscal year per diem rates (<https://shorturl.at/cfPT7>, \$157 for overnight travel and \$20-59 for Return Travel). This per diem rate includes both lodging and meals.

2. **Question:** Rental stores may charge a company for repainting or scratches rentals once the rental period is completed. Will AML cover these costs under since a contractor is unable to add rental markup?

**Answer:** If something charged directly through the rental company, it can be passed through the rental cost.

3. **Question:** Is bonding a pass-through cost as well?

**Answer:** Yes, the bond will be pass-through at cost with no markup.

4. **Question:** As several projects will have federal funding, will these have certified payroll requirements?

**Answer:** Yes. Every invoice submitted by a contractor will need certified payroll for both company employees as well as subcontractors.

5. **Question:** Is administrative cost a line item under the ITB?

**Answer:** Yes, administrative person is listed, so labor can be charged for administrative tasks such as preparing bonding, and payroll records. Any administrative labor as part of the contract can be charged under this item.

6. **Question:** If the contractor license is pending, will we still be allowed to bid?

**Answer:** A contractor can bid, however, they will not be assigned any task order work until the licensure is in place. This will not lead to a disqualification with bid submission. Sam.gov status will also be confirmed prior to issuing a task order.

7. **Question:** Please clarify about mobilization and equipment costs.

**Answer:** Mobilization shall be captured through the Light Equipment Transport and Heavy Equipment Transport unit bid items. Staff travel may also be compensated through mileage and per diem charges. Staff labor for permits, preparation of health and safety plans, coordination, etc. may also be captured through labor unit bid items.

8. **Question:** Can you clarify if there is a set percentage mobilization cannot exceed?

**Answer:** Yes, mobilization cannot exceed 10% of the total project cost.

9. **Question:** Can you please provide appendix B, C, D, E in Word formats to help streamline the process of editing/completing?

**Answer:** Yes, we will provide those and also provide the bid tables in Excel format on the EMNRD website.

10. **Question:** Is there a restriction on how often AML would like to receive invoices? (i.e. monthly, weekly, semi-monthly)?

**Answer:** There are no restrictions on invoicing. Typically, contractors submit invoices monthly. No billing can be done in advance.

11. **Question:** Is there a disadvantage to naming subcontractors?

**Answer:** No, please list subcontractors that you work regularly and are a part of your team. The AML Program will scrutinize the subcontractor's fees very closely and not approve them if they are not competitive.

12. **Question:** How many contractors will be selected?

**Answer:** All contractors who provide a bid will be listed on the ITB results table. This is not a lowest bid contract. However, if submitted prices are exorbitant compared to others, it is unlikely our program will utilize that contractor. However, we will utilize a range of contractors and prices.

13. **Question:** Are multiple contractors bidding for a single task order?

**Answer:** We don't foresee our program contacting multiple companies for bids. The AML Program can request quotes from any contractor on the list and will reach out to the companies most qualified for the task order scope of work and who can prioritize AML work. We are not expecting competition between contractors. If the AML

Program finds a contractor to charge significantly more than their peers, they might be called upon them less as times goes on.

14. **Question:** Is there a total value associated with the annual work? Is there an average task order value?

**Answer:** Most projects will range from \$2,000-\$300,000. Occasionally, projects in the range of \$500K to \$2,000,000 will occur.

15. **Question:** In the bid it mentioned possible negative consequences if you don't perform the work on the task orders issues. Once we receive the task order, what is the mechanism in place if we are not able to perform that task order?

**Answer:** This mainly refers to a contractor not being able to walk away from a project once a task agreement is in place. However, we will not be issuing task orders to unwilling participants.

16. **Question:** What do you anticipate the number of task orders issued annually?

**Answer:** This will vary. The AML Program's available funds and needs will fluctuate from year to year. Contractors may not be available when the work is needed. If there are many contractors listed under this agreement, there may be some that won't be approached with a task order. We cannot guarantee values or task orders as it is dependent on Program needs.

17. **Question:** Can we add an additional man/support onto bid items if additional field support is needed?

**Answer:** Yes, you can add that as a blank bid item. If you needed to hire a subcontractor, contractors must follow subcontractor requirements.

18. **Question:** I know the documents say refer to the state website for wages and use the higher of NM State Wages and Davis Bacon wages. My question is, is what state wages are we to use (i.e., Type A/B or heavy etc.)?

**Answer:** Most construction projects receive an "A" designation from the Dept. of Workforce Solutions however there is no guarantee this will always be the case. The final decision is up to Dept. of Workforce Solutions.

19. **Question:** For the equipment listing can we provide our own list in place of the contract equipment list and having to transcribe the equipment onto a new list?

**Answer:** For bidding purposes, potential bidders should utilize the set equipment list. Many of the equipment items also state "or equivalent" to provide bidding flexibility. If you would like to add additional equipment not on the list, please utilize rows 140-145 (Group ID F1-F6).

20. **Question:** I know we cannot markup rental equipment however, can we add fuel costs to the rental equipment? Also, will pick up and delivery transport be added to the mobilization line item for specific task orders?

**Answer:** For rental equipment, fuel costs would be considered a pass-through cost. Regarding rental mobilization, typically the cost of delivery and pickup of rental equipment is normally detailed in the rental agreement. These costs should be included those costs under the rental line item. If a contractor picks up and drops off the rental, these mobilization transport costs would be based on either light or heavy equipment mileage rates.

21. **Question:** For item C2, what is considered a support truck? C1 has a pickup so we are looking for clarification.

**Answer:** Support trucks typically are a secondary vehicle brought on site for construction support services. C1 is a standard pickup truck, however some projects may require additional vehicles on site to bring extra crew members, gear and/or supplies.

22. **Question:** For item C3, What is considered a support trailer? Is there any guidelines on trailer size, trailer rating? Dual/single axle? Flat or dump? Please clarify.

**Answer:** Similar to C2, support trailer is a trailer brought on site to assist with projects. This can include a trailer to haul water and/or additional gear. We do not have any guidelines on trailer sizes.

23. **Question:** For item C6, can we get clarification on job support trailer complete with tools? Is this supposed to be hand/power tools for earthwork? Or is this to be tools for equipment?

**Answer:** This can include power/hand tools and or additional tools for equipment. The purpose of this bid item is to provide flexibility so contractors can bring additional tools on site with a trailer to assist with construction needs. Some larger projects may require many hand/power tools for a larger crew, and other projects may be very small and not require a support trailer.

**If you have already submitted an electronic 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 do not acknowledge this amendment. Click the link to get started:**

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

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

Procurement Specialist: **James Ortega** Phone: **(505)-795-2516** Email: **James.Ortega@gsd.nm.gov**

**JO**

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**Electronic Record and Signature Disclosure:**

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James Ortega

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Valerie Paulk

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Signed of Behalf of State Purchasing Agent

New Mexico General Services

Signing Group: 35000 - State Purchasing Agent

Security Level: Email, Account Authentication  
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Envelope Sent	Hashed/Encrypted	8/31/2023 1:42:20 PM
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