



**REQUEST FOR PROPOSAL
RFP 2010-001**

ADDENDUM NO. 5

To: Prospective Bidders

From: John N. Tortelli
Cooperative Educational Services

Date: January 22, 2010

CES has received the following questions regarding RFP 2010-001 either by mail, e-mail, or fax. Please accept the following as responses to the questions submitted.

Submitted by: M. Gavin Beckner
Comark Building Systems

Question 1:

As per Lot 2, Terms and Conditions, line 9 (page 87 of 218) the terminology of 'all-steel frame'; is it the intention of the RFP for the Offeror to propose a non-combustible structure? If not, please elaborate on the specific materials and structural systems requested for 'all-steel frame'

Background:

Category 1, Lot 2, Terms and Conditions, item 9 on page 87.

9. Classroom buildings offered must be designed for high public use and have a 30-year lifecycle. They will feature a 30-year roof guarantee, all-steel frame and stucco or steel siding, fully welded gutters and downspouts, 10-year exterior paint guarantee, steel exterior doors with ADA compliant locks and handles, 2 x 6 walls, R-19 wall and R-30 roof insulation, dual-pane insulated glass, vinyl tackable wall surface, a wall stanchion system for shelving and cabinets, top-of-the-line marker boards, state-of-the-art energy efficient HVAC and carpeting.

Response 1:

CES is requesting that any modular or relocatable buildings that are proposed have all-steel frames that are engineered to the building application and specifications. The all-steel frames need to be designed and certified by an engineer that is licensed to work in the State of New Mexico and meet or exceed the design requirements for the type of building construction offered according to International Building Code 2006 Chapter 6. Also meet or exceed the requirements for group or use and occupancy including mixed occupancy according to International Building Code 2006 Chapter 3 and occupant load according to International Building Code 2006 Chapter 10.

Question 2:

As per Lot 1 and 2, Terms and Conditions, line 16 (pages 72 and 88 of 218 respectively), the Offeror is to expressly warrant to CES and its members a 5-yr warranty. Is the intent of this warranty to be an all encompassing labor and material warranty covering all materials and equipment provided with the buildings from time of final acceptance? Would it be possible to receive a fragment of the warranty requirements section of the proposed contract that will be awarded to successful bidders to better understand the 5-yr warranty requirements?

Background:

Section 1, F. Listing of General Terms and Conditions, Warranty/Quality Guarantee, page 46.

Warranty/Quality Guarantee: The Offeror warrants that all equipment, supplies, materials and services delivered under this solicitation conforms to the specifications of this solicitation and/or the specifications as defined in individual projects performed under this solicitation. The manufacturer has the primary responsibility to honor a manufacturer's warranty. The Offeror must agree to assist the Member/Participating Entity in reaching a solution regarding a dispute with the manufacturer over a warranty's terms and comply with the following:

1. Contractor warrants that any equipment or material supplied to CES or its Members/Participating Entities will conform to all requirements of the contract and all representations of contractor and will be fit for all purposes and uses required and defined in each individual project. All work performed, equipment and materials must carry a minimum 12-month manufacturer's/contractor's warranty that includes parts, labor and reimbursable expenses.
2. Unless modified elsewhere in this solicitation, contractor warrants that for one (1) year after acceptance of the individual project, the work performed, equipment and/or materials provided to the Member/Participating Entity will be:
 - a. Of a quality to pass without objection in the industry or trade normally associated with them;
 - b. Fit for the intended purpose(s) for which they are being purchased and/or being used;
 - c. Of even kind, quantity and quality within each unit and among all units, in the variations permitted by the contract;
 - d. Adequately contained, packaged and marked as the contract may require; and
 - e. Conform to the written promises or affirmations of fact made by contractor.
3. Any extended manufacturer's warranty that is obtained to meet the 12-month requirement will be passed to the Member/Participating Entity without exception. CES reserves the right to cancel the contract if contractor charges the Member/Participating Entity for any product and/or services received at no cost under a warranty.

Category 1, Lot 1, Terms and Conditions, line 16, pages 72.

16. All materials and equipment incorporated into any project covered by this lot will be new and, where not specified, of the most suitable grade of their respective kinds for their intended use, and all workmanship will be in accordance with best construction practices acceptable and subject to the inspection and acceptance of the CES Member or its representative. The Offeror expressly warrants to CES and its Members that all materials, labor and equipment furnished are without faults and defects and are in conformance with requirements of this lot. If within five (5) years of the date of acceptance of the project by the CES Member, or such time period as may be prescribed by the Member, or by the terms of any special warranty set forth in an individual contract with a Member, any work is found to be defective or not in accordance with this lot, the Offeror will correct it promptly after receipt of notice from the Member.

Category 1, Lot 2, Terms and Conditions, line 16, pages 88

16. All materials and equipment incorporated into any project covered by this lot will be new and, where not specified, of the most suitable grade of their respective kinds for their intended use, and all workmanship will be in accordance with best construction practices acceptable and subject to the inspection and acceptance of the CES Member or its representative. The Offeror expressly warrants to CES and its Members that all materials, labor and equipment furnished are without faults and defects and are in conformance with requirements of this Lot. If within

five (5) years of the date of acceptance of the project by the CES Member, or such time period as may be prescribed by the Member, or by the terms of any special warranty set forth in an individual contract with a Member, any work that is found to be defective or not in accordance with this lot, the Offeror will correct it promptly after receipt of notice from the Member.

Response 2:

Yes, it is the intent of this warranty to be an all-encompassing labor and materials warranty covering all materials and equipment provided with the buildings from time of final acceptance. Also it is the intent of this warranty to encompass all utilities and site work performed as part of a contract with a CES member. This warranty does not void any manufacturer's warranties that extend past the 5 years which may include but are not limited to plumbing and plumbing fixtures, HVAC systems, flooring materials and coverings, cabinets and counters tops, windows, etc. Since this is a Request for Proposal (RFP) the offeror is encourage to provide maintenance service plans and extended warranties for our members.

Question 3:

Lot 1 and Lot 2, Terms and Conditions, line 21 (page 73 and 88 of 218 respectively)

- a. The specifications of this section are a little unclear. Would it be safe to say that these specifications best describe a retrofitted, shipping container to be used as a portable/relocatable office?
- b. We are unclear as how to propose the 'large... top -of- the- line' modular office. Should this be treated as a separate, individual proposal submitted with the mandatory items or should this be included with the mandatory proposal documents with pricing to be added to Form D?

Background:

Category 1, Lot 1, Terms and Conditions, line 21, pages 72 to 73.

21. The following items are intended to provide the Offeror with minimum specifications and guidelines for product lines offered.
 - a. Portable offices should feature doors, windows, lighting, outlets, phone jacks, air conditioning, tile flooring, drywall, and insulated walls and ceiling; be available in sizes from 8' x 10' up to 8' x 40'; be an all-steel design with optional security bars available for windows; sit on the ground, making wheels, steps, skirting and tie downs unnecessary. Provide a complete set of specifications for units offered to meet these general descriptions and price each component on the appropriate pricing pages.
 - b. Propose the largest modular or prefabricated unit Offeror can install on school property. In this unit, put best materials and quality feature. Assume it will be installed in the Albuquerque area and will need an energy efficient heating and cooling system. This is a top-of-the-line unit and cost is no object. Describe the unit and itemize the major cost units. Assume the property is ready to receive the unit. Price it as a cash sale and as a lease purchase. The unit you describe will be used for evaluation purposes; no award decision will be based on this description. However, evaluators will get an insight into your company through this description. And, if a school happens to need such a building, it will be ready to order!

Category 1, Lot 2, Terms and Conditions, line 21, pages 88.

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 - a. Portable offices should feature doors, windows, lighting, outlets, phone jacks, air conditioning, tile flooring, drywall, and insulated walls and ceiling; be available in sizes from 8' x 10' up to 8' x 40'; be an all-steel design, with optional security bars available for windows; and sit on the ground, making wheels, steps, skirting and tie downs unnecessary. Provide a complete set of specifications for units offered to meet these general descriptions and price each component on the appropriate pricing pages.

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Response 3:

In response to question a, these specification are consistent with a retrofitted, shipping container to be used as a portable/relocatable office.

In response to question b, the ‘large... top –of- the- line’ modular office’. This is for evaluation purposes only to show the quality of materials and workmanship that your organization is capable of providing to CES members and should be included in your TAB 5 response. If you elect to provide this as an option, you need to list it and the cost associated with it in your Form D response for the corresponding category and lot.

Other Changes to the RFP:

Category 1, Lot 2, Terms and Conditions, line 1 on page 85.

Reads:

Through written documentation, the Offeror must demonstrate that it has a proven record of business operations and of providing factory-built wood structure portable and relocateable buildings for educational use. Generally, any offeror that has not been in the business of providing portable/relocateable buildings to educational institutions in the Southwestern United States for at least five (5) years will not be accepted. (Exception: The Offeror has recently purchased an established business or has proof of prior success in the same or closely related business. If the manufacturer you now represent has been recently purchased or acquired, provide a history of the transaction.)

Change to:

Should read: Through written documentation, the Offeror must demonstrate that it has a proven record of business operations and of providing factory-built metal structure portable and relocateable buildings for educational use. Generally, any offeror that has not been in the business of providing portable/relocateable buildings to educational institutions in the Southwestern United States for at least five (5) years will not be accepted. (Exception: The Offeror has recently purchased an established business or has proof of prior success in the same or closely related business. If the manufacturer you now represent has been recently purchased or acquired, provide a history of the transaction.)

Note: The change was from factory-built wood structures to factory –built metal structures.

If you have any questions regarding this Addendum, please contact my office at 505-344-5470.

By dating, signing, and returning this page, the Offeror acknowledges receipt of Addendum No.5
(Please place behind Tab 1 of your response).

Date: _____ Company Name (Print): _____

Printed Name: _____ Signature: _____