




REQUEST FOR BID
RFB 2007-019

ADDENDUM NO. 4

To: Prospective Bidders

From: Llew F. Perry 
Director of Procurement
Cooperative Educational Services (CES)

Date: July 9, 2007

CES received the following questions regarding RFB 2007-019 by e-mail. Please accept the following as responses to the question submitted.

Submitted by: Jeff Popenoe
The Playwell Group
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Received Friday, July 06, 2007 2:38 PM

Question 1:

Which New Mexico law require a contractor's license at the time of bid and how does this pertain to CES? Should not the end user require proof of license and insurance when purchasing installation from a CES vendor? This would be true in any other case outside this contract. There are at least 5 reputable playground equipment suppliers in New Mexico but it seems you are not willing to be flexible enough so that they may obtain the new license for playground equipment installation in time for this valuable RFP. Why is that?

Background:

Regulation and Licensing Department and the Construction and Industries Division statutory authority provided under NMSA 1978 (1989 replacement pamphlet) Section 60-13-9.k and 60-13-9.f.

NMCID Title 14, Chapter 1, Part 1. Scope 2.1 and related items
NMCID Title 14, Chapter 5, Part 2. Permits
NMCID Title 14, Chapter 5, Part 6. Classification and scopes
NMCID Title 14, Chapter 6, Part 3. Contractor Licensing

New Mexico Public Purchasing and Property (Procurement Code) NMSA 1978, Chapter 13, Pamphlet 29.

13-1-29 Rules and Construction Purposes
13-1-40 Definition of Construction.
13-1-44 Definition of Cooperative Procurement
13-1-135 Cooperative Purchasing Authorized
13-4-1 Public Works Contracts
13-4-2 Resident Contractor
13-4-21 Public Contracts with nonresident persons

CES Response:

In response to “Which New Mexico law require a contractor’s license at the time of bid and how does this pertain to CES?” CES’s procurement program operates under NMSA 13-1-44 and NMSA 13-1-135. Since CES conducts its solicitations and executes awarded contracts on behalf of its members which are local public bodies, CES must also adhere to NMDFA, NMCID and NMDOL rules and regulations. Additionally, even if it is not a specific citation in state law, CES has the right to make this a condition of the bid.

In response to “Should not the end user require proof of license and insurance when purchasing installation from a CES vendor?” When CES members utilized contracts derived by CES solicitations it is CES’ responsibility (13-1-135) as the procurement office and the entity issuing, receiving, evaluating, and awarding each CES solicitation and then managing the awarded contract, to ensure the respondents being awarded a contract meet and comply with all of the states requirements. (refer to 13-4-2)

In response to “This would be true in any other case outside this contract. There are at least 5 reputable playground equipment suppliers in New Mexico but it seems you are not willing to be flexible enough so that they may obtain the new license for playground equipment installation in time for this valuable RFP.” If the five reputable playground equipment suppliers in New Mexico are responding to solicitations that require installation (construction) services as defined by NMSA 13-1-40 and by the NMCID regulation noted above then they must hold the appropriate NMCID license or they should have been considered non-responsive. It should be

also noted that it is the responsibility of each individual procurement office to make this determination for their agency.

In response to “Why is that?” Because CES is governed by its members and it is their requirement and expectations of CES and its staff to follow and comply with any federal, state and local requirements. Also, it should be noted that the CES procurement program is only one of the procurement option available to its members. Other options include utilizing SPD contracts, GSA contracts, other existing contracts and to issue their own solicitation.

Additionally please note that this solicitation is a request for bid (RFB) not request for proposal (RFP). There are substantially different criteria for developing specifications, evaluations and issuing award between an RFB and an RFP. CES has selected the RFB process because of the potential for construction.

If you have any questions regarding this Addendum, please contact my office.

By dating, signing, and returning this page, the offeror acknowledges receipt of Addendum No.4 (Please place behind Tab 1 of your response).

Date: _____

Company Name (Print): _____

Printed Name: _____

Signature: _____