



**REQUEST FOR PROPOSAL  
RFP 2009-021 and 2009-024**

**ADDENDUM NO. 2**

To: Prospective Bidders

From: Llew F. Perry   
Cooperative Educational Services

Date: July 27, 2009

Cooperative Educational Services (CES) has received the following questions regarding RFP 2009-021 and 2009-024 by email or as otherwise noted. The following are the responses to the questions asked.

<b><u>QUESTION 1</u></b>							
<b><u>Submitted by:</u></b>	CES Noted July 21, 2009						
<b><u>Question:</u></b>	CES has realized that the product description for price items GRG-R(1-8)-FD-NH-SWR and GRG-R(1-8)-FD-NH-NSWR found within 2009-021 Exhibit 5 and 2009-024 Exhibit 5-1 through 5-4 needs to have the amount changed the word State to Federal/State and sixty thousand (\$60,000) to two thousand five hundred (\$2,500) and sixty thousand (\$60,000).						
<b><u>Background:</u></b>	None Provided						
<b><u>CES Response:</u></b>	<p><b>Change From:</b></p> <table border="1"> <tbody> <tr> <td>GRG-R1-FD-NH-SWR</td> <td>Region-1, Federal Funded Projects Normal Hours Requiring State Wage Rates</td> <td>Region-1, Normal Working Hours (Defined as 7:00 a.m. to 5:00 p.m. Mondays-Fridays. Factor. for work in normal hours when the total project cost (job order) is in excess of \$60,000, requiring state wage rates and involves Federal Funds.</td> </tr> <tr> <td>GRG-R1-FD-NH-NSWR</td> <td>Region-1, Federal Funded Projects Normal Hours Not Requiring State Wage Rates</td> <td>Region-1, Normal Working Hours (Defined as 7:00 a.m. to 5:00 p.m. Mondays-Fridays. Factor, for work in normal hours when the total project cost (job order) is less than \$60,000</td> </tr> </tbody> </table>	GRG-R1-FD-NH-SWR	Region-1, Federal Funded Projects Normal Hours Requiring State Wage Rates	Region-1, Normal Working Hours (Defined as 7:00 a.m. to 5:00 p.m. Mondays-Fridays. Factor. for work in normal hours when the total project cost (job order) is in excess of \$60,000, requiring state wage rates and involves Federal Funds.	GRG-R1-FD-NH-NSWR	Region-1, Federal Funded Projects Normal Hours Not Requiring State Wage Rates	Region-1, Normal Working Hours (Defined as 7:00 a.m. to 5:00 p.m. Mondays-Fridays. Factor, for work in normal hours when the total project cost (job order) is less than \$60,000
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			and does not require state/federal wage rates and involves Federal Funds
<b>Change To:</b>			
GRG-R1-FD-NH-SWR	Region-1, Federal Funded Projects Normal Hours Requiring Federal/State Wage Rates	Region-1, Normal Working Hours (Defined as 7:00 a.m. to 5:00 p.m. Mondays-Fridays. Factor. for work in normal hours when the total project cost (job order) is in excess of (\$2,500) and \$60,000, requiring Federal/State wage rates and involves Federal Funds.	
GRG-R1-FD-NH-NSWR	Region-1, Federal Funded Projects Normal Hours Not Requiring Federal/State Wage Rates	Region-1, Normal Working Hours (Defined as 7:00 a.m. to 5:00 p.m. Mondays-Fridays. Factor, for work in normal hours when the total project cost (job order) is less than \$2,500 and/or \$60,000 and does not require Federal/State wage rates and involves Federal Funds	

**QUESTION 2**

<b>Submitted by:</b>	Kathleen Greczylo <a href="mailto:kGreczylo@cce-inc.com">kGreczylo@cce-inc.com</a> Received July 22, 2009
<b>Question:</b>	We are submitting the following questions for clarification regarding RFP 2009-021, Job Order Contract (JOC) for General Construction (GB98) Products and Services.
<b>Item 1:</b>	Please clarify if the required bid bond of \$25,000 covers all responses to Category 1 (both Lots 1 and 2). That is, if an Offeror is responding to both lots, is it sufficient to provide one bid bond in the amount of \$25,000?
<b>Background:</b>	RFP 2009-021, Section II: Scope of Work, Item F and G, Pages 53 and 54.  F. <u>SPECIAL SOLICITATION SECURITY</u> <ol style="list-style-type: none"> <li>1. CES has determined that, for this proposal, it will require security, bid bond or other acceptable bid security in the amount of Twenty-Five Thousand Dollars (\$25,000). It must accompany the contractor's RFP response when submitted and be placed behind Tab 1.</li> <li>2. Acceptable bid security, which must be provided with the submission of the initial offer, will be an amount equal to that specified above, or an annual or one-time bid bond underwritten by a surety company licensed to issue bid bonds in New Mexico. Bid security can be provided using a form similar to the New Mexico State Procurement Department, with the principal being the prime contractor and CES being the Agency of Record.</li> </ol> <p><b>Note:</b> Prime contractor must identify its bonding capacity.</p>

	<p>Contractor will have the right to refuse work once its bonding capacity has been reached.</p> <p><b>G. BONDS</b></p> <ol style="list-style-type: none"> <li>3. Upon execution of a contract between a CES Member/Participating Entity and the prime contractor for a project with a value twenty-five thousand (\$25,000.00) or more, performance and payment bonds will be provided the Member/Participating Entity as required by New Mexico law.</li> <li>4. The prime contractor will execute a performance bond in an amount equal to one hundred percent (100%) of the price specified in the contract between the Member/Participating Entity and the prime contractor by a surety company authorized to do business in New Mexico. Performance bonds between the Member/Participating Entity and the prime contractor will be on standard forms. This bond will protect all persons supplying labor and material to the prime contractor for the performance of the work provided in the contract.</li> <li>5. The prime contractor will deliver both the performance and payment bonds to the CES Member/Participating Entity at the time the contract between the Member/Participating Entity and the prime contractor is executed and a copy will be provided to CES for its records.</li> <li>6. All suits for nonpayment or nonperformance will be filed as allowed under New Mexico law.</li> <li>7. The prime contractor will be responsible for providing CES with copies of all contracts and bonds in accordance with CES purchasing procedures.</li> </ol> <p>Performance and payment bonds for public agencies outside New Mexico must be provided by companies licensed to provide bonds for public entities in the state of the agency.</p>
<p><b><u>CES Response:</u></b></p>	<p>In response to the question, and this applies to both 2009-021 and 2009-024, a single bid bond for Twenty-Five Thousand dollars (\$25,000) may be acquired and submitted for all categories and lots covered by RFP 2009-021 and/or 2009-024. However, if more than one (1) Part 1 Technical Proposal (individual binder) is submitted, the bid bond with the original signatures shall be place behind TAB 1, with a copy of said bond placed behind TAB 1 of the other Part 1: Technical Proposal (binder(s)).</p>
<p><b><u>Item 2:</u></b></p>	<p>Please clarify if the response to the eighth question of Addendum 1 (beginning on p. 6; submitted by “Rudy V” regarding the subcontractor listing requirements for RFP 2009-024) also applies to the subcontractor listing requirements for RFP 2009-021.</p>
<p><b><u>Background:</u></b></p>	<p><b><u>Question Submitted by</u></b> Rudy V  <a href="mailto:homeproinc@gmail.com">homeproinc@gmail.com</a>                  Received: July 16, 2009</p> <p>We have some questions regarding the subcontractor listing threshold provision, 5K, of the RFP.</p> <p>If we are licensed to do a particular construction task and decide to use someone after the award are we in violation of the Subcontractors Fair Practices Act? In other words, are we correct in our interpretation of the listing threshold in that we need to list each and every sub we plan to utilize,</p>

whether we are licensed to conduct the construction task or not? And if so, we will need them to provide a subcontractors qualifications statement sheet. Furthermore, if we list a sub and do not provide the qualification sheet does that in turn make our RFP unresponsive?

**Background**

RFP 2009-024, Section I: Instruction to Offerors, Item 4: Offeror's Qualifications, Page 19

5. Subcontractors Qualifications Statement All proposals must contain answers or responses to the requested information listed below. The Offeror is to provide a separate response for each subcontractor listed to questions on **Form J-1 Subcontractors Qualifications** (page 242). Any Offeror failing to respond completely may be considered non-responsive. Please complete **Form J-1** and place it behind Tab 4. One essential part of the evaluation process is for the evaluator(s) to have current and accurate information about the Subcontractors for each Category/Lot. After the evaluation process is finished and a contract is awarded, the information may be provided to the CES Members and Participating Entities considering utilizing the Offeror's CES contract. This is your opportunity to present your company to the evaluator(s) and, if awarded, Member staff.

RFP 2009-024, Section I: Instruction to Offerors, Item F: Listing of General Terms and Conditions, Page 34

**Licenses:** The contractor will maintain in current status all federal, state and local licenses, bonds and permits required for the performance and delivery of any and all products and services offered in its response to this RFP. Any contractor using subcontractors must hold a current and appropriate contractor's license, as required by NMCID and New Mexico statutes to enter into such contracts. It is the responsibility of the contractor to ensure that any subcontractors performing under this RFP hold and maintain the appropriate licenses. The contractor will submit copies of licenses with the response to the RFP (place behind Tab 4) and submit copies of any subcontractors' licenses to CES prior to the start of any work. The contractor agrees to keep and ensure that subcontractors keep any required license, permit or bond current and in compliance with the New Mexico rules, regulations and statutes.

RFP 2009-024, Section I: Instruction to Offerors, Item F: Listing of General Terms and Conditions, Page 36.

**NMDOL Contractor Registration Requirement:** The 2004 legislative session passed HB 471 that: *"All contractors and all tiers of subcontractors bidding or performing on public works construction projects, except for street, highway, bridge, road and utility contracts, after May 19, 2004 shall be registered with the Labor and Industrial Division of the Labor Department if the amount of their bid or contract is more than \$50,000. All contractors and all tiers of subcontractors on street, highway, bridge, road and utility*

*paving projects do not have to be registered with the Labor and Industrial Division of the Labor Department prior to bidding on public work, but must be registered before performing on a public work contract in excess of \$50,000 signed after May 19, 2004.”*

Because this solicitation is for an indefinite quantity and the amount of work to be performed on individual projects is not known, CES is requiring that all Offerors be registered on or before the date of the proposal opening.

RFP 2009-024, Section I: Instruction to Offerors, Item F: Listing of General Terms and Conditions, Page 47.

**Subcontractors:** If it is necessary for the Offeror to contract with third party firms to provide various goods and services, the following will apply:

1. In awarding subcontracts, the contractor agrees that any subcontract competitively solicited by contractor will not be awarded solely upon membership, non-membership or affiliation in a union or professional association or other organized group or agency, but on competitive bid and ability to meet the specifications and comply with the requirements of the individual project.
2. CES, its Members/Participating Entities reserves the right to approve or reject any subcontractor listed in the Offeror’s project proposal.
3. Subcontractors will need to provide performance and payment bonds to prime contractor if the subcontract is greater than \$125,000.
4. The contractor will not enter into any subcontract subject to this solicitation without prior notification and approval from CES or its Member/Participating Entity. Any such subcontract shall incorporate by reference the terms and conditions of this solicitation and each individual project contract.
5. No subcontracts will be entered into with any unlicensed party. Contractor must use subcontractors openly, include such arrangements in the proposal and certify upon request that such use complies with the rules of the NMCID and the New Mexico Public Works Act and Procurement Code. No subcontracting costs can be hidden in a cost proposal to CES.
6. Subcontractor Payment: Contractor agrees to pay subcontractors in a timely manner and in accordance with the New Mexico Subcontractors Act. If contractor receives a progress payment from CES, the contractor will pay subcontractor(s) their correct proportion of the amount paid. CES will contract to provide release of liens from subcontractors within fifteen (15) days of date of payment. Failure to pay subcontractors for work faithfully performed and properly invoiced can result in the suspension or cancellation of this contract.
7. Subcontractor’s labor used must be of a standing or affiliation that will permit the work to be carried on harmoniously, without delay and will not cause any disturbance, interference or delay to the progress of the project. Subcontractor and lower-tier subcontractors will not employ anyone whose employment might be objected to by prime contractor or Member.

RFP 2009-024, Section II: Scope of Work, Item P: Special Terms and

	<p>Conditions, Page 63</p> <p>4. The listing threshold for this RFP will be Five Thousand Dollars (\$5,000). The Offeror will list all persons, businesses and contractors who the Offeror anticipates to be a subcontractor under this RFP. This information will include: (a) name, address and county of the place of business; (b) category of product and services that will be performed by each subcontractor; and (c) their NMCID license number. Pursuant to Section 13-4-38, et., N.M.S.A., 1978, if an Offeror fails to list a subcontractor in excess of the listing threshold, and they do not state that the provider is a sole source or that they will put all work that exceeds the threshold to individual bid each time, they are stipulating and stating that they are fully qualified to perform the proposed products and services themselves and that they will perform all work themselves.</p> <p>5. If after the award of an individual project's contract the Offeror subcontracts any portion of the work in excess of the listing threshold to an unlisted subcontractor, the Offeror will be guilty of violation of the Subcontractors Fair Practices Act and subject to the penalties provided therein.</p> <p>RFP 2009-024: Section II: Scope of Work, Category 1, Categorical Terms and Conditions, Page 83</p> <p>2) The CES Member/Participating Entity reserves the right to reject a proposal for any reason, including, but not limited to, the quantities or tasks selected by the contractor, schedule, inadequate documentation, unacceptable pricing for non-pre-priced tasks, selection of material, equipment or subcontractors. The CES Member/Participating Entity also reserves the right not to proceed with a job order (issue a purchase order to CES) if it is determined to be in the best interest of the Member/Participating Entity, or the proposed cost exceeds the Member's/Participating Entity's estimate. The contractor has no claim to recoup proposal expenses. The Member/Participating Entity may pursue the performance of such work by other means.</p> <p>RFP 2009-024, Section II: Scope of Work, Lot Required Responses, Page 101</p> <p>B. Through written narrative, Offeror must clearly identify the type, kind, and level of products and services it is proposing to provide Members/Participating Entities under this lot. Please respond to the following items: (Place behind Tab 5)</p> <ol style="list-style-type: none"> <li>1. For each Region you propose to serve, provide the name of the material supplier to be utilized to obtain the materials (paints, varnishes, sealants and costings) required.</li> <li>2. The various levels of products offered from each.</li> <li>3. Provide the names of the subcontractors that will be utilized to perform work not performed by your own crews.</li> </ol> <p>RFP 2009-024, Section IV: Proposal Forms, Form I: Subcontractors List for RFP 2009-024, Page 234.</p>
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If no work is to be subcontracted, write "N/R" (None Required) or "N/A" (Not Applicable) under the Subcontractor Name. The Proposer is to provide a separate form for each Category and Lot as listed in the RFP.

New Mexico Administrative Code Title I, Chapter 4, Part 8. Use of Competitive Sealed Proposals for Construction and Facility Maintenance, Services and Repairs.(9-30-05)

**CES Response:**

Respondents should take note of the following:

1. The solicitation process being utilized by CES to acquire the products and services covered by RFP 2009-024 is REQUEST FOR PROPOSAL which is governed by NMAC 1.4.8, N, 9-30-05 which is a qualification-based solicitation.
2. The solicitation is designed to establish an indefinite quantity contract that CES Members and Participating Entities within each CES procurement region may utilize to acquire various construction products and/or services that may be needed during the term of the contract. There is no individual project identified and the scope of work for each category and lot provides an all-encompassing and comprehensive description and minimum specifications for the type, level and kinds of products and services being request to allow for the greatest flexibility in order to meet individual Member's and Participating Entity's future project needs and requirements.
3. Once a CES contract is awarded, each individual project established, performed and completed under said contract stands alone as a separate contract/transaction/project between the individual CES Member/Participating Entity (Owner), the awarded CES vendor (Contractor) and CES the (Buyer).
4. When a project is requested by an individual Member/Participating Entity and the agency has engaged an awarded CES contractor to perform the work, a detailed project scope of work is established with all of its specifications, timelines and requirements. Based on the project information provided, the contractor develops a project proposal with all of the information and cost necessary to obtain, deliver, construct, finish and complete the project in accordance the project's documents.

Based on the above principles and concepts in response to questions asked:

1. If we are licensed to do a particular construction task and decide to use someone after the award are we in violation of the Subcontractors Fair Practices Act?

CES Response: Once an individual project is identified and you the contractor know the project's scope of work and it location you will at that time identify and provide to CES, Department of Labor, Member or Participating Entity a complete listing of subcontractors that will be utilized for that individual project. Once that listing has been submitted and accepted by the agencies the Subcontractors Fair Practices Act becomes enforced and that is when the listing threshold of five thousand

	<p>(\$5,000) applies.</p> <p>2. In other words, are we correct in our interpretation of the listing threshold in that we need to list each and every sub we plan to utilize, whether we are licensed to conduct the construction task or not?</p> <p>CES Response: Because this is an RFP (Request for Proposal), the prime contractor's (Respondent's/Offeror's) qualifications play a significant part in the evaluation and selection process. CES, its Members and Participating Entities need to know the types, kinds, levels and quality of construction products and services being proposed in response to this solicitation and by whom (companies, tradesmen and providers) that will be providing, constructing, installing and supporting the products and services provided for any individual project they may request. CES is asking Respondents/Offerors to list one or more subcontractors for each of the major trade areas (GA, GB, GF, GS, EE, MM, etc.)</p> <p>If a Respondent/Offeror indicates within its response that it is its intention to perform all of the work with its own crews, if given an award the Respondent/Offeror will not be allow to subcontract any work.</p> <p>3. And if so, we will need them to provide a subcontractors qualifications statement sheet?</p> <p>CES Response: Yes, subcontractors listed must provide a subcontractor's qualification statement.</p> <p>4. Furthermore, if we list a sub and do not provide the qualification sheet does that in turn make our RFP unresponsive?</p> <p>CES Response: No, the response will not be considered non-responsive. However, through the qualification evaluation, your firm's score will be impacted. (See Section III of solicitation)</p>
<p><b><u>CES Response:</u></b></p>	<p>Yes, the same principles, processes, requirements and justifications are applicable to RFP 2009-021.</p>
<p><b><u>Item 3:</u></b></p>	<p>Please clarify if the response to last question in Addendum 1 (beginning on p. 11; submitted by "Rudy V" regarding the contractor qualification form for RFP 2009-024) also applies to the contractor qualification form for RFP 2009-021.</p>
<p><b><u>Background:</u></b></p>	<p><b><u>Question Submitted by</u></b> Rudy V.  <a href="mailto:homeproinc@gmail.com">homeproinc@gmail.com</a>                  Received: July 19, 2009</p> <p>Is it acceptable to submit documents as appendices to the contractor qualifications form (e.g. organizational chart in response to questions 8 and 9)? Additionally, as we understand to submit condensed to-the-point responses, is there a page limit to the qualification questionnaire?</p> <p><b><u>Background</u></b></p> <p>RFP 2009-024, Section I: Instructions to Offerors, Item 4: Offeror's</p>

	<p>Qualifications Statement, Page 14.</p> <p><b>Offeror’s Qualifications Statement</b>                  All proposals must contain answers or responses to the requested information listed below. The Offeror is to provide responses to questions on <b>Form J Contractor Qualifications</b> (page 237). Any Offeror failing to respond completely may be considered non-responsive. Please complete <b>Form J</b> and place it behind Tab 4. One essential part of the evaluation process is for the evaluator(s) to have current and accurate information about the company being evaluated. For the evaluator(s) to know if the response being read is within the capacity and capability of the Offeror, factual information about the Offeror is vital. After the evaluation process is finished and a contract is awarded, the information may be provided to the CES Member and Participating Entity considering utilizing the Offeror’s CES contract. This is your opportunity to present your company to the evaluator(s) and, if awarded, Members’ and Participating Entities’ staff.</p> <p>RFP 2009-024, Section II: Scope of Work, Lot Required Responses (All Lots)</p> <p>The Offeror must respond to each of the items listed below by providing written narratives, documentation and other information necessary to answer the questions and demonstrate its ability to provide/perform construction products/services solicited herein. Failure to respond and comply with the items below may result in the Offeror’s response being considered non-responsive.</p> <p><b><u>CES Response:</u></b></p> <p>Yes, you may include/attach additional documents as needed. Please note that these documents need to be placed in the appropriate TABS. For example, if the document applies to Offeror’s qualifications it needs to be placed behind TAB 4.</p> <p>No, there is no page limitation, however, quality not volume is important.</p> <p>In regards to the lot required responses provide the necessary documentation and information that is required to communicate your answer to the evaluators.</p>
<p><b><u>CES Response:</u></b></p>	<p>Yes, the same principles, processes, requirements stated in RFP 2009-021 similar and applicable to the question and response referred to in Addendum 1, and noted above, do apply to RFP 2009-024.</p>
<p><b><u>Item 4:</u></b></p>	<p>Please clarify the fourth bullet point under Tab 5, appearing on p. 12. Are there any required Categorical Responses, or does this refer to the Required Lot Responses included on pp. 86–87 (Lot 1) and p. 94 (Lot 2)?</p>
<p><b><u>Background:</u></b></p>	<p>RFP 2009-021, Section 1: Instructions to Offerors, B: Proposal Submittal, 3: Contents of the Proposal, fourth bullet point under Tab 5, Page 12.</p> <ul style="list-style-type: none"> <li>• Required Categorical Responses for your category (written response to every part). A separate response for each Category and Lot that is submitted, to be marked with the Category and Lot number.</li> </ul>

	<p>RFP 2009-021, Section II: Scope of Work, R: Listing of Categories, Category 1, Categorical Terms and Conditions, Item A, Page 76.</p> <p>In its response, the Offeror must demonstrate that it has the skill, knowledge, background, experience, capacity, financial resources and other resources to provide and perform the construction products and services covered by this category.</p> <p>RFP 2009-021, Section II: Scope of Work, R: Listing of Categories, Category 1, Lot I, Lot 1: Required Responses, Page 86.</p> <p>A. The Offeror, through written narratives and documentation, must provide responses to all items found on Form J - Offeror's Qualifications. Failure to provide the information requested may result in the Offeror's response being non-responsive.</p> <p>B. The Offeror must, through written narratives and documentation, demonstrate its capacity and ability to provide and perform construction products and services solicited for by this Lot by providing five (5) examples of prior experience with public educational institutions and Participating Entities for whom you have performed work in each of the regions to which you are responding. The documentation shall include:</p> <ol style="list-style-type: none"> <li>1. Provide the general scope of work for each project.</li> <li>2. Provide the total cost of each project.</li> <li>3. Provide the institution's name, address, phone number, and contact person's name and title for each project.</li> <li>4. Provide the timeline for each project listed and provide a brief narrative of the pre-sale and follow-up consulting services offered to ensure institution's satisfaction.</li> </ol> <p>C. Provide a narrative of your company's policies, procedures and strategies to ensure quality control and response to concerns before, during and after the project. Indicate what follow-up, review and oversight process your management team has in place to ensure customer's satisfaction.</p> <p>RFP 2009-021, Section II: Scope of Work, R: Listing of Categories, Category 1, Lot 2, Lot 2: Required Responses, Page 94.</p> <p>A. The Offeror, through written narratives and documentation, must provide responses to all items found on Form J - Offeror's Qualifications. Failure to provide the information requested may result in the Offeror's response being non-responsive.</p> <p>B. The Offeror must, through written narratives and documentation, demonstrate its capacity and ability to provide and perform construction products and services solicited for by this lot by providing five (5) examples of prior experience with public educational institutions and Participating Entities for whom you have performed work in each of the regions to which you are responding. The documentation shall include:</p> <ol style="list-style-type: none"> <li>1. Provide the general scope of work for each project.</li> <li>2. Provide the total cost of each project.</li> <li>3. Provide the institution's name, address, phone number, and contact person's name and title for each project.</li> </ol>
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	<p>4. Provide the timeline for each project listed and provide a brief narrative of the pre-sale and follow-up consulting services offered to ensure institution's satisfaction.</p> <p>C. Provide a narrative of your company's policies, procedures and strategies to ensure quality control and response to concerns before, during and after the project. Indicate what follow-up, review and oversight process your management team has in place to ensure customer's satisfaction.</p> <p>RFP 2009-021, Section IV: Proposal Forms, Pages 105 through 112.</p> <p>E-1 Acceptance of Categorical and Lot Terms and Conditions (Form E-1) 112</p>
<b><u>CES Response:</u></b>	No, there are no headings called "Categorical Required Responses" and Yes, there are "Lot Required Responses" that need to be addressed and responded to. Likewise, please note that Item A, Page 76 noted above must all be addressed and complied with.
<b><u>Item 5:</u></b>	Please clarify the Tab 8 requirement on p. 12 for "Additional support pages requested in each specific category." Can CES please specify to what support pages this refers to for Category 1 of this RFP?
<b><u>Background:</u></b>	<p>RFP 2009-021, Section 1: Instructions to Offerors, B: Proposal Submittal, 3: Contents of the Proposal, Tab 8, Page 12.</p> <p>Tab 8: Additional Information Note: If the Offeror is responding to more than one category/lot, sub-tabs/electronic folders must be set up to provide the following items for each category/lot.</p> <ul style="list-style-type: none"> <li>• Additional information that you wish to include.</li> <li>• Additional support pages requested in each specific category.</li> </ul>
<b><u>CES Response:</u></b>	<p>To clarify and address your question, CES does not require a respondent to provide additional information behind TAB 8. However, what is indicated is that if the respondent wishes to include additional information and/or documentation that may not be requested as part of another section of the solicitation and the respondent wants to enhance, promote and/or communicate to the evaluation committee and/or future customers information, company characteristics and/or added value services offered that might distinguish them from other contractors, they may include it. This response applies to both RFP 2009-021 and 2009-024.</p> <p>The requirement that may have caused the question relates to if you wish to provide additional information and the respondent is responding to more than one lot under 2009-021 and/or category/lot under 2009-024, the respondent must sub-tab and identify what category/lot the information applies to by tabbing and labeling the information.</p>
<b><u>Item 6:</u></b>	Please clarify the Tab 9 requirement on p. 12 to include Form L. There does not seem to be a Form L in the RFP. Please confirm that this should instead refer to Form K (pp. 127–128).
<b><u>Background:</u></b>	<p>RFP 2009-021, Section 1: Instructions to Offerors, B: Proposal Submittal, 3: Contents of the Proposal, Tab 9, Page 12.</p> <p>Tab 9: Submission Check-Off Form</p>

	Make certain everything is included, and then sign form (page 127) <b>Form L.</b>
<b><u>CES Response:</u></b>	RFP 2009-021, Section 1: Instructions to Offerors, B: Proposal Submittal, 3: Contents of the Proposal, Tab 9, Page 12.  <b><u>Change From:</u></b>  Tab 9: Submission Check-Off Form Make certain everything is included, and then sign form (page 127) <b>Form L.</b>  <b><u>Change To:</u></b>  Tab 9: Submission Check-Off Form Make certain everything is included, and then sign form (page 127) <b>Form K.</b>
<b><u>Item 7:</u></b>	If the Offeror is responding to both Lots 1 and 2, how would CES prefer the Offeror to present material behind Tabs 8 and 10 that may be applicable to both lots? Can the Offeror indicate that the information is applicable to both lots, or does CES require that we include a sub-tab for each lot and repeat behind each sub-tab any information that is applicable to both?
<b><u>Background:</u></b>	For TAB 8 please refer to Item 5 above.  RFP 2009-021, Section 1: Instructions to Offerors, B: Proposal Submittal, 3: Contents of the Proposal, Tab 10, Page 12.  Tab 10: Literature, slicks, samples and supporting printed material.  Note: If the Offeror is responding to more than one category/lot, sub-tabs/electronic folders must be set up to provide the following items for each category/lot.
<b><u>CES Response:</u></b>	Yes, if a respondent wishes to provide information/documentation behind TAB 8 and 10 and they are responding to multiple categories/lots they will need to include a sub-tab for each.
<b><u>Item 8:</u></b>	The following text appears on p. 69, Section II, Listing of Categories: "This RFP is for two categories with two lots, the categories are divided into the following sections: ..." Please confirm that this should instead read: "This RFP is for <i>one category</i> with two lots, ..."
<b><u>Background:</u></b>	RFP 2009-021 Section II: Scope of Work, Item R: Listing of Categories, Page 69.  <b><u>LISTING OF CATEGORIES</u></b> This RFP is for two categories with two lots, the categories are divided into the following sections:
<b><u>CES Response:</u></b>	RFP 2009-021 Section II: Scope of Work, Item R: Listing of Categories, Page 69.  <b><u>Change From:</u></b>  <b><u>LISTING OF CATEGORIES</u></b> This RFP is for two categories with two lots, the categories are divided into the following sections:

	<p><b><u>Change To:</u></b></p> <p><b><u>LISTING OF CATEGORIES</u></b> This RFP is for one category with two lots, the category is divided into the following sections:</p>
<b><u>Item 9:</u></b>	On p. 118, the second page of Form I, should the RFP number on this form be changed from “RFP 2009-005” to “RFP 2009-021” before submission?
<b><u>Background:</u></b>	RFP 2009-021, Section IV: Proposal Forms, Page 118  Form I <u>Subcontractor List for RFP 2009-005</u> continued
<b><u>CES Response:</u></b>	RFP 2009-021, Section IV: Proposal Forms, Page 118  <b><u>Change From:</u></b>  Form I <u>Subcontractor List for RFP 2009-005</u> continued  <b><u>Change To:</u></b>  Form I <u>Subcontractor List for RFP 2009-021</u> continued
<b><u>Item 10:</u></b>	Regarding Section I.E.5, Subcontractors Qualifications Statement, the items on pages 18–21 do not match exactly the items on Form J-1 (pp. 124–126). Specifically, I.E.5.a on p. 18 is not included on Form J-1. Please confirm that the Offeror should follow Form J-1.
<b><u>Background:</u></b>	RFP 2009-021, Section I: Instructions to Offerors, E: Proposal Submission, Item 5: Subcontractors Qualifications Statement, Items a through I, Page 18 through 21.  RFP 2009-021, Section IV: Proposal Forms, Form J-1, Page 124 through 126.
<b><u>CES Response:</u></b>	Yes, the differences in the two sections noted CES will confirm that the Offeror should complete and respond to all items appearing on Form J-1 pages 124-126.
<b><u>Item 11:</u></b>	Regarding Item C.4 (p. 120) of Form J and Item B.2 (p. 124) of Form J-1, please confirm that the Offeror and subcontractors can fulfill this requirement by supplying their NMDOL registration number. That is, please confirm that no NMDOL registration information other than the registration number is required.
<b><u>Background:</u></b>	RFP 2009-021, Section IV: Proposal Forms, Form J: Offeror’s Qualifications, Item C: Licensing, Item 4, Page 120.  Provide all current applicable NMCID licenses and NMDOL registration information.  RFP 2009-021, Section IV: Proposal Forms, Form J-1: Subcontractor’s Qualifications, Item B: Licensing, Item 2, Page 124..  Provide all current applicable NMCID licenses and NMDOL registration information
<b><u>CES Response:</u></b>	CES is requesting actual copies of NMCID licenses and NMDOL registration be provided so that the appropriate documentation appears in the Offeror’s

	<p>response and the individual evaluators and/or agencies choosing to utilize the contract do not have go online to validate if numbers are provide only.</p> <p>In, response to the question, if an Offeror only provides numbers and actual copies will their response be deemed non-responsive? The answer is NO they will not be deemed non-responsive.</p>
<b><u>Item 12:</u></b>	<p>Please clarify the requirement of item C.2 on Form J-1 (p. 124). Is CES requiring that subcontractors include all public works projects on which the company performed in the last five years, or will CES consider limiting the number of projects to three to five?</p>
<b><u>Background:</u></b>	<p>RFP 2009-021, Section IV: Proposal Forms, Form J-1, C: Experience and Past Performance, Item 2, Page 124.</p> <p>Within the last five (5) years, has your company performed work on New Mexico public work projects? If the answer is “yes,” describe each project and your company’s role. In your description, include the following information on each project described.</p> <ul style="list-style-type: none"> <li>(a). Project name</li> <li>(b). Prime contractor</li> <li>(c). Work as subcontractor</li> <li>(d). Original bid and final sub-contract cost (include all change orders)</li> <li>(e). Original scheduled completion date, the final completion and acceptance date</li> </ul> <p>RFP 2009-024, Section IV: Proposal Forms, Form J-1, C: Experience and Past Performance, Item 2, Page 241</p> <p>Within the last five (5) years, has your company performed work on New Mexico public work projects? If the answer is “yes,” describe each project and your company’s role. In your description, include the following information on each project described.</p> <ul style="list-style-type: none"> <li>(f). Project name</li> <li>(g). Prime contractor</li> <li>(h). Work as subcontractor</li> <li>(i). Original bid and final sub-contract cost (include all change orders)</li> <li>(j). Original scheduled completion date, the final completion and acceptance date</li> </ul>
<b><u>CES Response:</u></b>	<p>RFP 2009-021, Section IV: Proposal Forms, Form J-1, C: Experience and Past Performance, Item 2, Page 124.</p> <p><b>Change From:</b></p> <p>Within the last five (5) years, has your company performed work on New Mexico public work projects? If the answer is “yes,” describe each project and your company’s role. In your description, include the following information on each project described.</p> <p><b>Change To:</b></p> <p>Has your company performed work/projects covered by the New Mexico public work act? If the answer is “yes,” provide and describe five (5) projects</p>

	<p>for each lot and region that the Offeror indicated and intends to utilize your company as a subcontractor. Projects listed should have occurred within the last five years and in your description, include the following information on each project described.</p> <p>RFP 2009-024, Section IV: Proposal Forms, Form J-1, C: Experience and Past Performance, Item 2, Page 241</p> <p><b>Change From:</b></p> <p>Within the last five (5) years, has your company performed work on New Mexico public work projects? If the answer is “yes,” describe each project and your company’s role. In your description, include the following information on each project described.</p> <p><b>Change To:</b></p> <p>Has your company performed work/projects covered by the New Mexico public work act? If the answer is “yes,” provide and describe five (5) projects for each lot and region that the Offeror indicated and intends to utilize your company as a subcontractor. Projects listed should have occurred within the last five years and in your description, include the following information on each project described.</p>
<b><u>Item 13:</u></b>	<p>For an Offeror who is bidding on multiple regions, the time and effort required to collect subcontractor responses to the detailed requirements of Form J-1 is significant. Will CES consider issuing an extension on the proposal due date to allow adequate time for a more complete response to this requirement that better reflects the Offeror’s ability to serve the regions?</p>
<b><u>Background:</u></b>	<p>On May 22 and May 31, 2009 CES sent out emails and written notice to all contractors listed within its bidder’s list regarding the eight JOC Orientation meetings relating to RFP 2009-021 and 2009-024.</p> <p>On May 31, and June 7, 2009 CES published a notice regarding eight JOC Orientation meetings relating to RFP 2009-021 and 2009-024 in the following news papers 1</p> <p>The Albuquerque Journal, Farmington Daily News, Las Cruces Sun, Roswell Daily Record, The Santa Fe New Mexican, Clovis News Journal, Silver City Sun News and Taos.</p> <p>From June 15 through June 24, 2009 CES conducted eight (8) pre-proposal through the state of New Mexico and at those meeting provided participants with documentation relating to the Offeror’s and Subcontractors qualification statement Form J and J-1.</p> <p>On June 28, and July 5, 2009 CES published notice of RFP 2009-021 and 2009-024.</p> <p>The Albuquerque Journal, Clovis News Journal, Hobbs News-Sun, Farmington Daily News, Las Cruces Sun, Roswell Daily Record, Silver City , The Santa Fe New Mexican and Taos.</p>
<b><u>CES Response:</u></b>	<p>It is CES’ determination as indicated above, that it has made reasonable</p>

	efforts to communicate and provide potential respondents adequate time to prepare their response and therefore, the request for an extension is denied.
<b><u>Item 14:</u></b>	Regarding Form K (pp. 127–128), please clarify which items specifically apply to the subhead “For Each Subcontractor Listed.”
<b><u>Background:</u></b>	RFP 2009-021, Section IV: Proposal Forms, Form K: Submission Check-Off List, 127.  <b><u>For Each Subcontractor Listed</u></b>  4.2.1. <b>Form J-1</b> – Subcontractors Qualifications Form: a point-by-point response to questions listed (pages 124-126) ( <b>PLACE BEHIND TAB 4</b> ) 4.3.2 Financial documentation, letters of financial stability and credit limit for Offeror ( <b>PLACE BEHIND TAB 4</b> ) 4.1.3 Copies of all NMCID Licenses ( <b>PLACE BEHIND TAB 4</b> ) 4.1.4 Letter from security company stating Offeror’s bonding capacity and current bonding rate(s) ( <b>PLACE BEHIND TAB 4</b> ) 4.1.5 Insurance Certificate from insurance company ( <b>PLACE BEHIND TAB 4</b> )
<b><u>CES Response:</u></b>	Those items listed above.
<b><u>Item 15:</u></b>	Please clarify items 4.3.2 and 4.1.5 (second occurrence) of Form K (p. 127). Financial documents and insurance certificates are not requested of subcontractors in Form J-1 (pp. 124–126) or elsewhere in the RFP. Please confirm that financial documents and insurance certificates are not required from subcontractors at this time.
<b><u>Background:</u></b>	RFP 2009-021, Section IV: Proposal Forms, Form K: Submission Check-Off List, 127.  <b><u>Offeror’s Qualifications</u></b>  4.1.2 Financial documentation, letters of financial stability and credit limit for Offeror ( <b>PLACE BEHIND TAB 4</b> ) 4.1.3 Copies of all NMCID Licenses ( <b>PLACE BEHIND TAB 4</b> ) 4.1.4 Letter from security company stating Offeror’s bonding capacity and current bonding rate(s) ( <b>PLACE BEHIND TAB 4</b> ) 4.1.5 Insurance Certificate from insurance company ( <b>PLACE BEHIND TAB 4</b> )  <b><u>For Each Subcontractor Listed</u></b>  4.2.1. <b>Form J-1</b> – Subcontractors Qualifications Form: a point-by-point response to questions listed (pages 124-126) ( <b>PLACE BEHIND TAB 4</b> ) 4.3.2 Financial documentation, letters of financial stability and credit limit for Offeror ( <b>PLACE BEHIND TAB 4</b> ) 4.1.3 Copies of all NMCID Licenses ( <b>PLACE BEHIND TAB 4</b> ) 4.1.4 Letter from security company stating Offeror’s bonding capacity and current bonding rate(s) ( <b>PLACE BEHIND TAB 4</b> ) 4.1.5 Insurance Certificate from insurance company ( <b>PLACE BEHIND TAB 4</b> )

<b><u>CES Response:</u></b>	<p>RFP 2009-021, Section IV: Proposal Forms, Form K: Submission Check-Off List, 127.</p> <p><b>Change From:</b></p> <p><u>For Each Subcontractor Listed</u></p> <p>4.3.2 Financial documentation, letters of financial stability and credit limit for Offeror (<b>PLACE BEHIND TAB 4</b>)</p> <p>4.1.3 Copies of all NMCID Licenses (<b>PLACE BEHIND TAB 4</b>)</p> <p>4.1.4 Letter from security company stating Offeror's bonding capacity and current bonding rate(s) (<b>PLACE BEHIND TAB 4</b>)</p> <p>4.1.5 Insurance Certificate from insurance company (<b>PLACE BEHIND TAB 4</b>)</p> <p><b>Change To:</b></p> <p><u>For Each Subcontractor Listed</u></p> <p>4.2.2 Financial documentation, letters of financial stability and credit limit for Offeror (<b>PLACE BEHIND TAB 4</b>)</p> <p>4.2.3 Copies of all NMCID Licenses (<b>PLACE BEHIND TAB 4</b>)</p> <p>4.2.4 Letter from security company stating Offeror's bonding capacity and current bonding rate(s) (<b>PLACE BEHIND TAB 4</b>)</p> <p>4.2.5 Insurance Certificate from insurance company (<b>PLACE BEHIND TAB 4</b>)</p> <p>4.1.1 through 4.1.5 relates to the Offeror's qualifications and 4.2.1 through 4.2.5 relates to subcontractors.</p>
<b><u>QUESTION 3</u></b>	
<b><u>Submitted by:</u></b>	<p>Kathleen Greczylo  <a href="mailto:kGreczylo@cce-inc.com">kGreczylo@cce-inc.com</a>  Received July 22, 2009</p>
<b><u>Question:</u></b>	<p>We have an additional question for clarification regarding RFP 2009-021, Job Order Contract (JOC) for General Construction (GB98) Products and Services.</p> <p>The requirements for the Offer Qualification Statement in Section I.E.4 (pp. 13–18) do not seem to match exactly the items on Form J (pp. 124–126). For example, please see item D.3. Can CES please clarify which set of items (those on pp. 13–18 or those on Form J) the Offeror should follow?</p>
<b><u>Background:</u></b>	<p>RFP 2009-021, Section I: Instructions to Offerors, E: Proposal Submission, Item 4, a through l, Pages 13 through 18</p> <p>RFP 2009-021, Section IV: Proposal Forms, Form J: Offeror's Qualifications, A through L, Page 119 through 123.</p>
<b><u>CES Response:</u></b>	<p><b>Change From:</b></p> <p>RFP 2009-021, Section I: Instructions to Offerors, E: Proposal Submission, Item 4, a through l, Pages 13 through 18 so</p> <p><b>Change To:</b></p>

	So that RFP 2009-021, Section I: Instructions to Offerors, E: Proposal Submission, Item 4, a through l, Pages 13 through 18, reads the same as RFP 2009-021, Section IV: Proposal Forms, Form J: Offeror's Qualifications, A through L, Page 119 through 123.
<b>QUESTION 4</b>	
<b>Submitted by:</b>	Jeff Risher W.W. Construction Received by Fax Received July 24, 2009
<b>Item 1:</b>	In regards to the W-9 form, does it go behind Tab 6 as stated on Form K or behind Tab 7 as stated on Page 12?
<b>Background:</b>	RFP 2009-0021, Section IV: Proposal Forms, Form K Submission Check-Off List, page 128.  W-9 Form (Exhibit 7 ( <b>PLACE BEHIND TAB 6</b> )).  Could not find the reference "or Tab 7 as stated on Page 12?" on page 127.
<b>CES Response:</b>	The form W-9 should be placed behind TAB 6.
<b>Item 2:</b>	Do I need separate CD-R disks for Part 1 and Part 2 or 1 disk for both with separate folders? Also does the electronic copy need scanned images of all signatures on the required forms?
<b>Background:</b>	RFP 2009-021, Section I: Instructions to Offerors, E: Proposal Submission, 2: Format of Proposal, Page 9.  a. The Offeror's proposal is to be submitted in two parts. Part One is the technical proposal and Part Two is the cost proposal. Each part of the proposal shall be submitted in a separate sealed envelope or package and shall be clearly labeled with the name, address, and date of submittal, and identify each part as: "RFP 2009-021 Part 1 - Technical Proposal" and "RFP 2009-021 Part 2 - Cost Proposal".  b. One (1) original (printed copy) of each part of the proposal will be submitted on the forms and in the format contained in the RFP. The proposal will contain all descriptive literature, specifications, samples, etc. All proposals will be submitted in three-ring binders.  g. In addition to requirements in b of this Section, the Offeror is to provide an electronic copy of the proposal part on separate CD-R or CD-RW in either or combination of the following file formats: Adobe PDF (pdf), Rich Text Format (rft), and Microsoft Word (doc) or Microsoft Excel (xls). The electronic copy must be organized and laid out in the same format as outlined in Section 3, with each tab as a different folder, Contents of the Proposal (see section 3 below).
<b>CES Response:</b>	In response to the first part of the question, "Do I need separate CD-R disks for Part 1 and Part 2 or 1 disk for both with separate folders?" Yes, respondents will need to provide two CD-R disks one for part one and one for part two. In response to the second question, "Also does the electronic copy need scanned images of all signatures on the required forms?" Yes.
<b>Item 3:</b>	Part 1 will have Tabs 1-5 and 7-10? Part 2 will only have Tab 6?
<b>Background:</b>	None Provided
<b>CES Response:</b>	Yes, Part 1 will have Tabs 1-5 and 7-10 plus all of the supporting responses,

	documentation and Part 2 will only have Tab 6 with all of the pricing and support documentation if necessary.
<b><u>Item 4:</u></b>	Do we need the signature page only of addendums or the whole addendum? Form K says signature page and Page 11 says signed copies of any addendum?
<b><u>Background:</u></b>	<p>RFP 2009-021, Section I: Instructions to Offerors, E: Proposal Submission, 3: Contents of the Proposal, Part I:: Technical Proposal, TAB 1: The Offeror, Page 11.</p> <ul style="list-style-type: none"> <li>Signed copies of any addendum issued</li> </ul> <p>RFP 2009-021, Section IV: Proposal Forms, Form K: Submission Check-Off List, 127.</p> <p>1.4 Signature Page(s) acknowledging any Addendums issued (<b>PLACE BEHIND TAB 1</b>)</p>
<b><u>CES Response:</u></b>	The intent of this item is to ensure that the respondent has received, acknowledged and its response submitted takes into consideration(s) any impact that the addendum(s) may have.

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

By dating, signing and returning this page, the offeror acknowledges receipt of this Addendum.  
**(Please place behind Tab 1 of your response)**

Date: \_\_\_\_\_

Company Name (Print): \_\_\_\_\_

Printed Name: \_\_\_\_\_

Signature: \_\_\_\_\_