



INVITATION TO BID (ITB)

**Used Tractor
Roosevelt County Road Department**

ITB No. 2018-06
Released: May 4, 2018

Proposal Submittal Due Date: May 23, 2018 at 2 p.m.

GENERAL INFORMATION

On behalf of the Board of Roosevelt County Commissioners and pursuant to and in compliance with the NM State Procurement Code, and Roosevelt County Procurement Policy, Roosevelt County hereby invites competitive sealed bids for a used tractor for the Road Department.

The Board of Roosevelt County Commissioners reserves the right to reject any and all bids, to accept the bid which in its judgment is most suitable and in the County's best interest, to be the sole interpreter of the intent of any clauses of the specifications and the sole judge as to whether an offer complies with specifications. Sealed bids will be accepted until the date specified. Opening will take place at the Roosevelt County Courthouse Administrative Office located at 109 W. First St. Portales New Mexico

IMPORTANT:

BIDS ARE DUE and must be received by the Roosevelt County Finance Department no later than, Wednesday, May 23, 2018 at 2:00 P.M. Mountain Time

**Mail or hand-deliver bids to the following address:
Roosevelt County Administration
Attn: Procurement Officer
109 W. First St.
Portales, NM 88130**

NOTE: Delivery by hand or courier is highly recommended and encouraged to help ensure bid is received prior to the dead line date and time. It is recommended delivery status be verified, if not already confirmed, prior to bid opening.

NO BIDS WILL BE ACCEPTED BY FAX OR EMAIL.

Bids must be submitted in a sealed envelope that is clearly marked.

“Bid No. 2018-06 – Do Not Open”

“Used Tractor – Road Department”

“SEALED BID” along with the BIDDER’S NAME AND ADDRESS must appear clearly on the outside sealed envelope or package of all bids.

SPECIFICATIONS

Brand Name and Series numbers used in these specifications are as a matter of reference to indicate tractor performance capabilities desired. According to procurement law, demonstrably equal equipment will be given consideration and the bidder is invited to offer such, except where it is clearly stated that such brand names and/or models are specified for the purpose of standardization. Where equipment varies from these specifications, the bidder shall clearly note these variances.

Verbiage used to describe body construction and other components are descriptive text intended to identify a level of quality desired by the County. Other engineering or construction designs which are equal in strength, quality and performance will be considered so long as they are listed and explained as set forth in General Conditions No. 2. Vendors who can meet or exceed the requirements are welcome to bid.

Cab: Must meet OSHA limits for operator sound exposure with doors and windows closed (as specified in ISO 6394:1998)

Roll Over Protection Structure (ROPS) meets the following criteria: SAE J1040 APR88, ISO 3471:1994

Make:	John Deere
Series:	8000, excluding those ending in 20s Row Crop Series, duals not required
Year:	1998-2003
Hours:	Up to 7500
Horsepower:	180HP up to 225HP
Hitch:	Category III
4WD:	Front Wheel Assist
Tires:	>75 percent
Add'l:	Front Weights Air Conditioning/Heater and Radio

Mechanic's Certification of good working order, dated within thirty (30) days of the bid date.

Delivery Date:

Must be prepared to deliver to Roosevelt County in a timely manner or make them available for inspection upon request by the County.

GENERAL CONDITIONS

1. **Bid Forms:** Bids shall be submitted only on the bid forms provided by the County. All pages included in this Invitation to Bid that are marked **Bid Form 1, 2, and 3 must be completed and returned as part of the bid document.** All bids must be completed and securely sealed prior to submitting to the purchasing office. No un-sealed, faxed or e-mailed bids are acceptable.
2. Bidders shall list on a separate sheet of paper any variations from or exceptions to the conditions and specifications of this bid. **This sheet shall be labeled "Exception(s) to Bid Conditions" and shall be included with bid.**
3. **Bids Binding Sixty (60) Days:** All bids submitted shall be binding for sixty (60) calendar days following bid opening date, unless the bidder(s), upon request of the County Manager, agrees to an extension.
3. **Payment Terms:** Payment shall be made net thirty (30) days from invoice date after receipt of goods/services unless otherwise specified on bid form or as otherwise agreed by both parties. All invoices shall be submitted directly to the Roosevelt County Finance Department at 109 W. First St., Portales, NM 88130. Contractor must have submitted a completed W9 and Campaign Contribution form on file with the County
4. **Clarifications:** If there is any clarification, problem, ambiguity or question regarding this bid, you must contact the County Manager or designee prior to the bid opening. "Clarifications" and addenda will be considered prior to the bid opening. Answers provided regarding the bid specifications or bid package **MUST** be answered by the County Manager or designee. Questions answered by any other person or County official shall be considered completely non-applicable to the legal provisions of this bid, except as specifically authorized by the County Manager.
5. **Restrictive Specifications:** It is the responsibility of the prospective bidder to review the entire Invitation to Bid (ITB) packet and to notify the purchasing department if the specifications are formulated in a manner which would unnecessarily restrict competition. Any such protest or question regarding the specifications or bidding procedures must be received in the purchasing department not less than seventy-two (72) hours prior to the time set for bid opening.
6. **In-State Preference (Bid Form 2):** Credit will be given to all resident New Mexico businesses that have been issued certification by the State of New Mexico. **To qualify for the preference, the bidder must complete and fill in the New Mexico Bidder's Preference Number, and submit a copy of the certificate with the bid.** If you have a question regarding a Resident Business (or Resident Veteran Business, Bid Form 4) Certification, or wish to be given a number, you may contact the New Mexico State Department of Taxation and Revenue at 505-827-0951. This number is valuable to have as it allows the county to consider your bid at five to ten percent less than the amount submitted, and could mean a difference in award. Please note that this number is NOT your State CRS Number (i.e. 01-503047-004).
7. **Variations:** Bidders shall list on a separate sheet of paper any variations from or exceptions to the conditions and specifications of this bid. ***This sheet shall be labeled "Exception(s) to Bid Conditions" and shall be included with bid.***

8. **Equivalency:** The County hereby reserves the right to approve as equivalent, or to reject as not being equivalent, any item the bidder proposes to furnish which contains variations from specification requirements but may comply substantially therewith. Such decisions are strictly at the discretion of the County.

9. **Non-collusion:** Bidders, by submitting a signed bid, certify that the accompanying bid or proposal is not the result of, or affected by, any unlawful act of collusion with any other person or company engaged in the same line of business or commerce, or any other fraudulent act punishable under New Mexico or United States law.

10. **Non-discrimination:** Bidders, during the performance of this contract, will not discriminate against any employee or applicant for employment because of race, color, religion, creed, political ideas, sex, national origin, age, marital status or physical or mental disability except where such is a bona fide occupational qualification reasonably necessary to the normal operation of the contractor. By signing and submitting a bid, bidder agrees to comply with this paragraph.

11. **Procurement Code:** The State of New Mexico's Procurement Code, Section 13-1-28 through Section 13-1- 199 NMSA 1978, imposes civil and criminal penalties for its violations. In addition, the New Mexico Criminal Statutes imposes felony penalties for illegal bribes, gratuities and kickbacks.

12. **Right to Reject:** Roosevelt County reserves the right to reject any bid from a bidder who previously failed to perform properly, or complete on time, contracts of similar nature, or to reject the bid of a bidder who is not in a position to perform such a contract satisfactorily. Such is at the discretion of the County.

13. **Indemnification:** The successful bidder agrees to protect, defend and save the County, its elected and appointed officials, agents, and employees, while acting within the scope of their duties as such, harmless from and against all claims, demands, causes of action of any kind or character, including the cost of defense thereof, arising in favor of the contractor's employees or third parties on account of bodily or personal injuries, death, or damage to property arising out of services performed or omissions of services or in any way resulting from the acts or omissions of the contractor and/or its agents, employees, representatives, assigns, subcontractors, except the sole negligence of the County, under this agreement.

14. **Refusal to Perform:** If a bidder to whom a bid is awarded refuses to accept the award or, fails to deliver in accordance with the contract terms and conditions, the County may, in its discretion, suspend the bidder/contractor for a period of time from entering into any contracts with Roosevelt County.

15. **Venue for Dispute:** This solicitation is governed by the laws of the State of New Mexico. By signing and submitting a bid, the parties agree that any litigation concerning this bid, request for proposal, limited solicitation, or subsequent contract or purchase order, must be brought in the Ninth Judicial District in and for Roosevelt County, State of New Mexico, and each party shall pay its own costs and attorney fees.

16. **Warranty:** The bidder warrants that items offered will conform to the specifications requested, to be fit and sufficient for the purpose manufactured, of good material and workmanship and free from defect. Items offered must be new and unused and of the latest model or manufacture, unless otherwise specified herein by the County.

17. **Compliance:** Successful bidder must, in performance of work on this project, agree to fully comply with all applicable federal, state and local laws, rules and regulations.

18. **Addenda:** It is the responsibility of the bidder to ensure that any addenda issued related to this Invitation to Bid have been received prior to submitting a bid. The County guarantees that any addenda issued will be distributed and available to every party on the Distribution List for this solicitation. The County will not accept responsibility for addenda not being obtained, and will not guarantee that addenda will be forwarded or available if the original packets were not obtained as directed.

BID OPENING

Competitive sealed bids will be publically opened **Wednesday, May 23, 2018 at 2:00 P.M. Mountain Time** at the Roosevelt County Administration office, 109 West First Street in Portales, New Mexico.

AWARD

The award may be made to the bidder providing a responsive, responsible bid which results in the lowest cost to the County. The award will be made by the Roosevelt County Commission at their regularly scheduled meeting. A potential vendor or the Supplier agrees to comply with state laws and rules pertaining to workers' compensation insurance coverage for its employee. If the vendor fails to comply with the Workers' Compensation Act and applicable rules when required to do so, the contract may be canceled effective immediately.

The awardee hereby offers to furnish and deliver the products as specified above at the prices and terms there stated, and in strict accordance with the specifications and general conditions of the Invitation to Bid, all of which are made a part of this offer. This offer must be good for at least forty-five (45) days subsequent to the bid opening date.

RECEIPT OF ITB

The Procurement Officer or his designee is the sole authority to provide the Invitation for Bid to interested companies or individuals. Bidders, who are working from an ITB obtained from any other source, may be working from an incomplete set of documents. The County assumes no responsibility for a bidder's errors, omissions, or misinterpretations resulting from a bidder's use of an incomplete ITB.

CONTRACT ADMINISTRATOR

Following the negotiating and signing of the contract, all communications concerning the contract must be directed to: Amber Hamilton, County Manager, 109 West First Street, Portales, NM 88130.

ACCEPTANCE OF BID CONTENT

The contents of this ITB and the bid will become contractual obligations, if a contract ensues. Failure of the selected consultant to accept these obligations may result in cancellation of the award.

BID CONTENTS

All bids and other material submitted become the property of the County and may be returned only at the County's option.

QUESTIONS

Questions regarding the specifications stated within the bid should be directed to Ricky Lovato, Road Superintendent at rcrd@rooseveltcountry.com. Questions regarding the bidding process should be directed to Toni Williamson, CPO at finance@rooseveltcountry.com. We strongly suggested that you email all your questions; all questions will be answered by email.

COMPLIANCE WITH LAWS AND REGULATIONS

It shall be a condition of all bids submitted that the contractors will fully and completely comply with all applicable Federal, State and Municipal laws and County regulations, resolutions, laws and orders.

COUNTY RESERVATIONS

Roosevelt County reserves the right to reject any or all bids, to waive any technicalities, to accept in whole or in part such bid or bids as may be deemed in the best interest of the County. In addition, Roosevelt County reserves the right to terminate the contract at any time with a 30-day written notice to the successful bidders.

**BID FORM 1
BIDDER'S CERTIFICATION**

The Bidder accepts all of the terms and conditions of the Invitation for Bid and Instructions to Bidders, including without limitation those dealing with the disposition of bid security and other Bidding Documents. This Bid will remain subject to acceptance for (60) days after the day of the Bid opening.

In submitting this Bid, the Bidder represents that:

1. The Bidder has familiarized himself with the nature and extent of the bidding documents, work, site, locality and all applicable conditions, laws and regulations that in any manner may affect cost, progress, performance, or furnishing of the work.
2. Bidder has given the Roosevelt County Manager written notice of any conflicts, errors, or discrepancies that he has discovered in the bidding documents, and the written resolution thereof by the County Manager is acceptable to the Bidder.
3. The bid is genuine and not made in the interest of, or behalf of, any undisclosed person, firm or corporation; the Bidder has not directly or indirectly induced or solicited any Bidder to submit false information; the Bidder has not solicited or induced any person, firm or corporation to refrain from bidding; the Bidder has not sought by collusion to obtain for himself any advantage over any other Bidder or over the County.
4. Bidder understands that acceptance and formal award of this bid, constitutes a complete and binding contract for items and services as specified.

Signature _____

Title _____

Date _____

Name of Firm Submitting Bid

**BID FORM 2
BIDDER QUOTE/CONTACT SHEET**

Make, Model, and Equipment Bid: _____

*Specifications Sheet must be included with bid documents.

Net Price to Roosevelt County: \$ _____

Note: The specifications of the used tractor must be attached and must include a description that complies with all of the specifications included on page 3 of the Invitation to Bid.

Company Submitting Bid: _____

Address: _____

Telephone: _____ **Fax:** _____

Email: _____

New Mexico Bidders Preference Number: _____

Company Contact/Designee: _____

Title: _____

Signature: _____ **Date:** _____

BID FORM 3

Campaign Contribution Disclosure Form

Pursuant to NMSA 1978, § 13-1-191.1 (2006), any person seeking to enter into a contract with any state agency or local public body for professional services, a design and build project delivery system, or the design and installation of measures the primary purpose of which is to conserve natural resources must file this form with that state agency or local public body. This form must be filed even if the contract qualifies as a small purchase or a sole source contract. The prospective contractor must disclose whether they, a family member or a representative of the prospective contractor has made a campaign contribution to an applicable public official of the state or a local public body during the two (2) years prior to the date on which the contractor submits a proposal or, in the case of a sole source or small purchase contract, the two years prior to the date the contractor signs the contract, if the aggregate total of contributions given by the prospective contractor, a family member or a representative of the prospective contractor to the public official exceeds two hundred and fifty dollars (\$250) over the two (2) year period.

Furthermore, the state agency or local public body shall void an executed contract or cancel a solicitation or proposed award for a proposed contract if: 1) a prospective contractor, a family member of the prospective contractor, or a representative of the prospective contractor gives a campaign contribution or other thing of value to an applicable public official or the applicable public official's employees during the pendency of the procurement process or 2) a prospective contractor fails to submit a fully completed disclosure statement pursuant to the law.

THIS FORM MUST BE FILED BY ANY PROSPECTIVE CONTRACTOR WHETHER OR NOT THEY, THEIR FAMILY MEMBER, OR THEIR REPRESENTATIVE HAS MADE ANY CONTRIBUTIONS SUBJECT TO DISCLOSURE.

The following definitions apply:

“Applicable public official” means a person elected to an office or a person appointed to complete a term of an elected office, who has the authority to award or influence the award of the contract for which the prospective contractor is submitting a competitive sealed proposal or who has the authority to negotiate a sole source or small purchase contract that may be awarded without submission of a sealed competitive proposal.

“Campaign Contribution” means a gift, subscription, loan, advance or deposit of money or other thing of value, including the estimated value of an in-kind contribution, that is made to or received by an applicable public official or any person authorized to raise, collect or expend contributions on that official's behalf for the purpose of electing the official to either statewide or local office. “Campaign Contribution” includes the payment of a debt incurred in an election campaign, but does not include the value of services provided without compensation or unreimbursed travel or other personal expenses of individuals who volunteer a portion or all of their time on behalf of a candidate or political committee, nor does it include the administrative or solicitation expenses of a political committee that are paid by an organization that sponsors the committee.

“Family member” means spouse, father, mother, child, father-in-law, mother-in-law, daughter-in-law or son-in-law.

“Pendency of the procurement process” means the time period commencing with the public notice of the request for proposals and ending with the award of the contract or the cancellation of the request for proposals.

“Person” means any corporation, partnership, individual, joint venture, association or any other private legal entity.

“Prospective contractor” means a person who is subject to the competitive sealed proposal process set forth in the Procurement Code or is not required to submit a competitive sealed proposal because that person qualifies for a sole source or a small purchase contract.

“Representative of a prospective contractor” means an officer or director of a corporation, a member or manager of a limited liability corporation, a partner of a partnership or a trustee of a trust of the prospective contractor.

DISCLOSURE OF CONTRIBUTIONS:

Contribution Made By: _____

Relation to Prospective Contractor: _____

Name of Applicable Public Official: _____

Date Contribution(s) Made: _____

Amount(s) of Contribution(s) _____

Nature of Contribution(s) _____

Purpose of Contribution(s) _____

(Attach extra pages if necessary)

Signature

Date

Title (position)

—OR—

NO CONTRIBUTIONS IN THE AGGREGATE TOTAL OVER TWO HUNDRED FIFTY DOLLARS (\$250) WERE MADE to an applicable public official by me, a family member or representative.

Signature

Date

Title (Position)

BID FORM 4

Resident Veterans Preference Certification

_____ (NAME OF CONTRACTOR) hereby certifies the following in regard to application of the resident veterans' preference to this procurement:

Please check one line only

_____ I declare under penalty of perjury that my business prior year revenue starting January 1 ending December 31 is less than \$1M allowing me the 10% preference discount on this solicitation. I understand that knowingly giving false or misleading information about this fact constitutes a crime.

_____ I declare under penalty of perjury that my business prior year revenue starting January 1 ending December 31 is more than \$1M but less than \$5M allowing me the 8% preference discount on this bid or proposal. I understand that knowingly giving false or misleading information about this fact constitutes a crime.

_____ I declare under penalty of perjury that my business prior year revenue starting January 1 ending December 31 is more than \$5M allowing me the 7% preference discount on this bid or proposal. I understand that knowingly giving false or misleading information about this fact constitutes a crime.

“I agree to submit a report, or reports, to the State Purchasing Division of the General Services Department declaring under penalty of perjury that during the last calendar year starting January 1 and ending on December 31, the following to be true and accurate.”

“In conjunction with this procurement and the requirements of this business' application for a Resident Veteran Business Preference/Resident Veteran Contractor Preference under Sections 13-1-21 or 13-1-22 NMSA 1978, when awarded a contract which was on the basis of having such veterans preference, I agree to report to the State Purchasing Division of the General Services Department the awarded amount involved. I will indicate in the report the award amount as a purchase from a public body or as a public works contract form a public body as the case may be.”

“I understand that knowingly giving false or misleading information on this report constitutes a crime.”

“I declare under penalty of perjury that this statement is true to the best of my knowledge. I understand that giving false or misleading statements about material fact regarding this matter constitutes a crime.”

(Signature of Business Representative)

(Date)

*Must be an authorized signatory for the Business.

The representations made in checking the boxes constitutes a material representation by the business that is subject to protest and may result in denial of an award or unaward of the procurement involved if the statements are proven to be incorrect.