



INVITATION FOR BID NUMBER AEPA IFB #008-D

ATHLETIC FACILITIES INDOOR & OUTDOOR TRACK AND COURT CONSTRUCTION, RENOVATION AND MAINTENANCE PRODUCTS AND SERVICES

PART C – BID FORMS

TABLE OF CONTENTS

A.	Bid Affidavit Signature Page.....	3
B.	Bid, Acceptance of Bid and Contract Award	4
C.	Questionnaire for Bidders	5
D.	Questionnaire Specific to Contractor's Qualifications	6
E.	Exceptions to Terms, Conditions and Specifications.....	11
F.	Pricing	12

Bid Submittal Organization and Check List

1. Bid Submission instructions are found in Section E of Part A of the bid documents.
2. The Part C Bid Forms shall be submitted in both printed and electronic copy. Bidders shall include an exact paper copy of the electronic submission, paper copies of items that cannot be made a part of the electronic submission, and the electronic forms in the sealed bid package. In case of discrepancies, the printed responses will prevail over electronic submissions.
3. In order to ensure that every bid receives a fair evaluation and comparison, it is required that each bid be organized in the following manner. A three-ring binder with an inside pocket and a set of dividers is required.
4. It is suggested that the bidder preparing a response check off each required item as it is completed. The same list will be used by AEPA evaluators to ascertain that the bid is complete.
5. Any submittals too large to secure in the binder must be clearly labeled with the name of the bidder.
6. One original copy of the bid shall be submitted.
7. All documents with signatures, shall have original ink signatures.
8. Electronic data must be provided on CD. Electronic media shall be clearly identified and labeled by including the vendor name, name of the bid and date. Electronic media must be placed in a protective pouch. Electronic price lists shall be in Microsoft Excel 2003 or less and shall allow for sorting on any of the fields listed below. Other documents may be submitted as Word or PDF files.

Divider	Form	Description	Signature Required	Hard Copy	Word or PDF File	Excel File
1	A	_____ Bid Affidavit Signature Page (Notarized Hard Copy)	X	X	X	
1	B	_____ Acceptance of Bid and Contract Award	X	X		
2	C	_____ Questionnaire for Bidders	X	X	X	
2	D	_____ Company Information	X	X	X	
3	E	_____ Exceptions to Terms, Conditions and Specifications	X	X	X	
4	D	_____ Questionnaire specific to Contractor's Qualifications		X	X	
4		_____ Substantiating Documentation		X	X	
5	F	_____ Unit Price Schedule for Selected Items (This will be a printout of the electronic pricing.)	X	X		X
6		_____ Published Price Sheets/ Catalogs (This will be a printout of the electronic pricing.)		X		X
7		_____ Appendix with MDS Sheets, Slicks, Model Information, etc.		X		
Left Pocket		_____ Bid Security Bond for \$25,000		X		
Left Pocket		_____ Electronic Media				

_____ Check or initial here after all questions have been answered and data provided as requested. (Omissions and errors may cause bid to be rejected.)

A. BID AFFIDAVIT SIGNATURE PAGE

AFFIDAVIT

1. The undersigned, duly authorized to represent the persons, firms and corporations joining and participating in the submission of the foregoing bid (such persons, firms and corporations hereinafter being referred to as the bidder), being duly sworn, on his/her oath, states that to the best of his/her belief and knowledge no person, firm or corporation, nor any person duly representing the same joining and participating in the submission of the foregoing bid, has directly or indirectly entered into any agreement or arrangement with any other bidders, or with any official of the **Member Agency**, or any employee thereof, or any person, firm or corporation under contract with the **Member Agency** whereby the bidder, in order to induce the acceptance of the foregoing bid by the **Member Agency**, has paid or is to pay to any other bidder or to any of the aforementioned persons anything of value whatever, and that the bidder has not, directly nor indirectly entered into any arrangement or agreement with any other bidder or bidders which tends to or does lessen or destroy free competition in the letting of the contract sought for by the foregoing bid.
2. This is to certify that the bidder, or any person on his/her behalf, has not agreed, connived, or colluded to produce a deceptive show of competition in the manner of the bidding or award of the referenced contract.
3. This is to certify that neither I, nor to the best of my knowledge, information and belief, the bidder, nor any officer, director, partner, member or associate of the bidder, nor any of its employees directly involved in obtaining contracts with the State of **Member Agency, Member Agency**, or any subdivision of the state has been convicted of false pretenses, attempted false pretenses, or conspiracy to commit false pretenses, bribery, attempted bribery or conspiracy to bribe under the laws of any state or federal government for acts or omissions after January 1, 1985.
4. This is to certify that the bidder or any person on his behalf has examined and understands the terms, conditions, scope of work and specifications, and other documents of this solicitation and that any and all exceptions have been noted in writing and have been included with the bid submittal.
5. This is to certify that if awarded a contract, the bidder will provide the equipment, commodities, and/or services to members and affiliate members of the Agency in accordance with the terms, conditions, scope of work and specifications and other documents of this solicitation in the following pages of this bid.
6. This is to certify that we have completed, reviewed, approved and have included all information that is required in Sections C, D, E, and F of these bid forms.

Authorized Representative (Please print or type)

Mailing Address

Title (Please print or type)

City, State, Zip

Signature of Authorized Representative

Date Phone Fax

Subscribed and sworn to before me this _____ day of _____

Notary Public in and for County of, State of _____

My commission expires: Signature: _____

B. ACCEPTANCE OF BID AND CONTRACT AWARD

AEPA IFB 008-D INDOOR & OUTDOOR TRACK AND COURT CONSTRUCTION

**ACCEPTANCE OF BID
and
CONTRACT AWARD**

TO BE COMPLETED BY BIDDER

In compliance with the Invitation to Bid, the undersigned warrants that I/we have examined the Instructions to Bidders, and, being familiar with all of the conditions surrounding the proposed projects, hereby offer and agree to furnish all labor, materials, and supplies incurred in compliance with all terms, conditions, specifications and amendments in the INVITATION TO BID and any written exceptions to the bid. Signature also certifies understanding and compliance with the certification requirements of the Agency Terms and Conditions and the special Terms and Conditions. The undersigned understands that his/her competence and responsibility and that of his proposed subcontractors, time of completion, as well as other factors of interest to the Agency as stated in the evaluation section will be a consideration in making the award.

Company Name _____ Date _____

Company Address _____ City _____ State _____ Zip _____

Contact Person _____ Title _____

Authorized Signature (ink only) _____ Title _____

ACCEPTANCE OF BID AND CONTRACT AWARD TO BE COMPLETED ONLY BY AGENCY

Your bid for contracting services is hereby accepted. As contractor, you are now bound to sell the materials and services listed by the attached bid based upon the solicitation, including all terms, conditions, specifications, amendments as set forth in the Invitation for Bid. As contractor you are hereby cautioned not to commence any billable work or provide any material or service under this contract until contractor receives an executed purchase order from the Agency. The parties intend this contract to constitute the final and complete agreement between the Agency and contractor, and no other agreements, oral or otherwise, regarding the subject matter of this contract, shall bind any of the parties hereto. No change or modification of this contract shall be valid unless it shall be in writing and signed by both parties to this contract. If any provision of this contract is deemed invalid or illegal by any appropriate court of law, the remainder of this contract shall not be affected thereby. The term of the agreement shall commence on award and continue until February 28, 2009 unless terminated, canceled or extended. By mutual written agreement, the contract may be extended for three additional 12-month periods ending on February 28, 2010, February 29, 2011 and February 28, 2012.

Awarding Agency: _____

Agency Executive _____

Awarded this _____ day of _____

Contract Number _____

C. QUESTIONNAIRE FOR BIDDERS

Company Name _____

Please check Yes/No answers. "Days" requested are calendar days. If room provided is inadequate indicate, "see attached" and label the attachment with the question number.

- 1. Can your company serve all AEPA states with the best service offered? **YES** **NO**
- 2. Do you currently have representatives for all AEPA states? **YES** **NO**
 - (If no, a plan and timeline for providing these services is to be attached.)
- 3. Is your pricing guaranteed for the term of the contract? **YES** **NO**
- 4. For products on your price list, is shipping/handling included in the price? **YES** **NO**
If No, estimate S/H on purchases (% of purchase price, UPS, etc.) _____
- 5. Describe your return policy. What is your restock fee, if any? (Restock fee must not exceed 15%)

Describe any exclusions or limitations applicable to your return policy. _____

- 6. Will you offer Member Agencies a quick pay discount? **YES** **NO**
 - If YES, what is the discount (indicate %/number of days)? _____
 - How many line items are you offering under this bid category? _____
- 7. If some of the line items that you sell are not covered under this bid, do you have a way to block orders for those items? **YES** **NO**
 - Delivery of stocked items is promised within _____ **days**
 - What is your average time from receipt of order to shipping stocked items? _____ **days**
 - Delivery of non-stocked items is promised within _____ **days**
- 8. Do you offer an electronic ordering system? **YES** **NO**
- 9. Do you have minimum order requirements? **YES** **NO**
If yes, please describe. _____

• Indicate the level of support you are offering in this bid. **A bid will be determined nonresponsive if this question is unanswered.**

Prices offered in this bid are:

- ____ a. The same as we offer on single school district bids.
- ____ b. The same as we offer to cooperatives and state purchasing departments.
- ____ c. Better than we offer to cooperatives or state purchasing departments.

If line b or c is checked, indicate the percent lower (on single items) than the best price offered to educational institutions, cooperatives, or state purchasing departments.

- ____ Two percent (2%) ____ Three percent (3%) ____ Four percent (4%)
- ____ Five percent (5%) ____ Six percent (6%) ____ Other _____

- 10. Additional quantity or volume discounts are identified on the pricing page **YES** **NO**

D. COMPANY INFORMATION

Note: Due to the products and services covered by this IFB, AEPA has developed Form D as a word document that will need to be completed and provided as an electronic file and printed and placed behind Tab 2.

Form D: Contractor's Qualifications (Tab 2)

Please provide your responses on this form and submit with this form any substantiating and/or requested documents with your bid.

Provide documentation and information as requested relating to the history of your company that includes its philosophy of doing business, its background, expertise, experience, past performance and ability to provide the construction products and services proposed herein. Generally, AEPA will not accept an offer from a business less than five (5) years old or which has failed to establish a proven record of business. If the offeror has recently purchased an established business or has proof of prior success in either this business or a closely related business, provide written documentation and verification. AEPA reserves the right to accept or reject newly formed companies solely based on information provided in this response and from its own investigation of the company.

1. Organization

- a. How many years has your organization been in business as a contractor?
- b. How many years has your organization been in business under its present business name?
- c. Under what other or former names has your organization operated?
- d. If your organization is a corporation, answer the following:
 - 1) Date of incorporation
 - 2) State of incorporation
 - 3) President's name
 - 4) Vice-President's name(s)
 - 5) Secretary's name
 - 6) Treasurer's name
- e. If your organization is a partnership, answer the following:
 - 1) Date of organization
 - 2) Type of partnership (if applicable)
 - 3) Name(s) of general partner(s)
- f. If your organization is individually owned, answer the following:
 - 1) Date of organization
 - 2) Name of owner
- g. If the form of your organization is other than those listed above, describe it and the name of the principals.
- h. Where are the headquarters of the company physically located? Provide address, city, state and zip code. Provide same information on any branch offices located in any of the other states. How long has your company resided at these locations? For what period of time and in what parts of the U.S. has your organization provided the services/products requested in this solicitation?
- i. In your response, provide a listing of and the qualifications of the key individuals who will be marketing, consulting, estimating, coordinating supervising and managing before, during and after-sales services, warranty, maintenance, and support services offered in

response to this solicitation. Provide the name, title, qualifications and experience in the area(s) of services that they will be providing.

j. Describe your organization's current in-house workforce, equipment and facilities available to perform under this solicitation.

2. Licensing

a. List the year in which your organization was first licensed as a contractor in any of the AEPA states?

b. List jurisdictions and trade categories in which your organization is legally qualified to do business, and indicate registration or license numbers, if applicable for each state.

c. List jurisdictions in which your organization's partnership or trade name is filed.

d. Provide copies of all current applicable state licenses and other registration information required by any of the AEPA states.

e. Has your organization or any of the qualifying parties named above ever conducted business, past or present, as a contractor under a different business name? If yes, what name(s) what state(s) and when?

3. Experience and Past Performance

a. List the categories of work that your company normally performs with its own forces.

b. Offeror must, through written documentation, demonstrate its ability to perform those services offered herein by providing prior experience with educational institutions. The documentation shall include:

1) For each product offered list one (1) previous project completed in ten (10) of the (21) twenty-one states which have been used by the owner for one or more years.

2) The general scope of work required for each project and the size and type of field installed.

3) The manufacturer's product used for each project listed.

4) The total cost of each project.

5) The institution's name, address, phone number, contact person's name and title for each project.

6) Provide the time line for each project listed and provide a brief narrative of the pre-sale and follow-up consulting services offered to ensure institution's satisfaction.

c. Provide a brief narrative of three (3) projects that you have done for educational institutions, which through your evaluation of existing conditions and your input into the design, development and installation of the final solution, resulted in a high quality, cost efficient and better facility. For each project provide a brief narrative why you feel your input was most advantages to the final outcome.

d. List all projects within the last three (3) years that your company has completed beyond the scheduled date of substantial completion and the number of days past the scheduled substantial completion date on which substantial completion was certified as indicated by owner and architect signature.

e. List all projects within the last three (3) years that your company failed to complete the project, including all punch list items identified by the owner and/or owner's representative by the date agreed to by all parties.

f. In the last five years, has your company provided any warranties on a project and not been able to fulfill to the owner's satisfaction? If yes, for each describe the issues. For each include the following information:

1) Project name

2) Owner of the project

- 3) Owner representative or contact
 - 4) Architect/Engineer (A/E)
 - 5) Date of substantial completion
 - 6) Type of warranty coverage
 - 7) Reasoning for inability to resolve, such as owner not fulfilling obligations
4. Insurance, Claims, Suits and Disputes
- a. Provide with this IFB a copy of an existing Certificate of Insurance listing the minimum and maximum coverage for liability, vehicle and property damage. AEPA is not asking you to acquire additional or special insurance for the response. AEPA needs proof that you are ensured. Before any work can commence, you must provide a certificate that names the owner as a certificate holder. Normally, this is a free service provided by an insurance company.
 - b. Provide written documentation and evidence relating to the surety company that will be providing payment and performance bonds for projects performed under this solicitation. Please address the following:
 - 1) Name, address, phone number and agent's name
 - 2) Letter from the surety company stating your firm's current bonding rate and your organization's total bonding capacity
 - 3) Has your company used this surety company for more than two (2) years? If no, please provide the names, addresses, phone numbers, contact names and dates under agreement with any other surety company used in the past three (3) years.
 - c. Are there any judgments, claims, arbitration proceedings, suits or disputes pending or outstanding against your company or its officers in any of the twenty-one AEPA states?
 - d. Has your company filed any law suits or requested arbitration with regard to construction contracts within the last three (3) years?
 - e. If the answer to items c. or d. above is yes, please provide complete details, including but not limited to:
 - 1) Name and location of project owner
 - 2) Name and location of project architect
 - 3) Name and location of project
 - 4) Nature of and amount in dispute
 - 5) Forum in which dispute was presented, that is AAA arbitration; mediation; district court (state, file name, and number)
 - 6) Manner in which dispute was resolved
 - f. For the last three (3) years list any projects where your surety has been given notice of default of your company's performance under either its performance bond or labor and material men's payment bond. For each project state the nature of the claim against your company and the outcome of each such claim.
 - g. Within the last three (3) years has any surety on any project you have worked on paid or settled work that your company had contracted to complete? If yes, give complete details.
 - h. Within the last (3) years has your company been a party in civil litigation or administrative proceedings which have alleged a violation of any of the following: environmental law or regulation; law banning workplace discrimination; law governing wages, hours, labor or employment standards; conduct of occupations; law governing professions or regulated industries; or any other law which would reflect, if convicted, a lack of business integrity or honesty? If yes, give complete details.

- i. Within the last three (3) years has your company had a tax lien filed against it by any taxing authority? If yes, provide the following: when, by what tax authority and has the lien been released? If no, describe action your company has taken with respect to the lien.
 - j. Within the last three (3) years has your company been debarred from bidding on or performing work for any public agency (federal, state or local public body) as a contractor or subcontractor? If yes, provide complete details, including actions your company has taken to prevent such debarment in the future.
 - k. Miscellaneous items
 - 1) Is the workers' compensation experience modifier for the company as reported by your insurer less than 2.0? If no, what is your reported E-Mod?
 - 2) Is the incident/injury rate for your company as reported by your insurer less than the Bureau of Labor Standards published rate for any AEPA state?
5. Financial Resources and Banking Information
- a. A major problem often facing companies awarded an AEPA contract is rapid growth, followed by cash flow difficulties. For purposes of determining a bidder's capacity and ability to perform financially, the offeror is asked to provide a financial statement, preferably audited, including your company's latest balance sheet and income statement showing the following items:
 - 1) Current assets (e.g. cash, joint venture accounts, accounts receivable, notes receivable, accrued income, deposits, materials inventory and prepaid expenses)
 - 2) Net fixed assets
 - 3) Other assets
 - 4) Current liabilities (e.g. accounts payable, notes payable, accrued expenses, provision for income taxes, advances, accrued salaries and accrued payroll taxes)
 - 5) Other liabilities (e.g. capital, capital stock, authorized and outstanding shares par values, earned surplus and retained earnings)
 - 6) Name and address of firm preparing attached financial statement, and date thereof
 - 7) Is the attached financial statement for the identical company named on page one?
 - 8) If not, explain the relationship and financial responsibility of the company whose financial statement is provided (e.g. parent-subsidiary).
 - 9) Provide written evidence or other documentation relating to your banking and/or lending institution. Include the following:
 - a) Names, addresses, phone numbers and contact names
 - b) Letters from listed financial/lending institution that indicates the amount of time your company has had a relationship with them.
 - c) Your line of credit available to you and evidence of financial stability over the past five (5) years. This letter does not need to identify a dollar amount. Instead, a credit range should be indicated, that is, "credit in the low six figures" or "a credit line exceeding five figures".
 - 10) Will it be necessary for your firm to assign payments to a financial institution in order to perform under this contract? If so, please name any financial institutions that you may use for assignments or for factoring. If you enter into any assignment agreements, will you sign a notarized power of attorney that grants the company receiving the assignment the right to endorse payments from CES? Please attach a sample assignment or factoring agreement with your bid if you intend to use these financial services. The fact that a company uses these services will not reflect on the credit stature of the AEPA vendor. Since AEPA requires a

45-day term rather than the more traditional 30 days, such payment arrangements may be necessary.

- 11) Within the last seven (7) years has your company been the subject of any voluntary or involuntary bankruptcy, insolvency or receivership proceeding? If so, please state the case name(s) and court file number of each proceeding, the nature of the proceeding, whether such proceeding is ongoing and the resolution of each completed proceeding.
6. Describe your company's policies and procedures in regards to complying with various AEPA states mandate regarding security and background checks for individuals working and/or providing services within public school buildings. Please describe or provide a sample of the type of background check that you are willing and able to perform on your providers in order to comply with this requirement.
7. Has and does your company incorporate formal quality assurance and control processes on public works projects? If yes, describe the processes with their expected results and the benefits received by the owners by implementing such a program.
8. One of AEPA agencies functions is to act as Educational Cooperative and its members are the public educational institutions in the various states. The sole purpose of AEPA is to support these agencies in their day-to-day procurement. Describe in writing, your company's ability, willingness and means to sell, deliver, provide and support the proposed products/services to AEPA agencies under the most advantageous conditions including price. Do you currently have or plan to have national, state or other contracts, which AEPA members might utilize and be in direct competition with the AEPA contract? If so, why do you wish to secure an AEPA contract and how would the AEPA contract be more advantageous to its members compared to other cooperative contracts?
9. This is an IFB and while AEPA is required to base an award strictly on the lowest price, any time a vendor charges more than another for a product or service, justification is needed. Every AEPA contract must be for the public good, not for the benefit of a vendor. However, having said that, AEPA is totally committed to two basics in the American way of business – profit and competition. Products and services offered herein must be of good sound quality, have good durability/performance life and stand up to public use. Please provide in writing, reasons why your products and services meet or exceed the minimum specifications and are worth the prices or fees you are charging. Is there “added value” received by the customer when purchasing through you rather than a competitor, or is your major benefit price alone?
10. In comparing previous projects your organization has completed, do you see any areas where your organization possesses experience, production or service facilities, personnel or other service reputation that should be considered with your ability to provide on time quality construction projects for New Mexico educational institutions? If yes, fully describe these attributes, resources and how they are utilized to benefit the owner's projects.

F. DISCOUNT & PRICE SCHEDULE

Bidder shall provide the necessary price and discount schedules to clearly identify any/all costs associated with the products and services being offered. AEPA has provided an Excel spreadsheet of Bidders to complete and submit (form F) as presented and bidders may prepare their own price schedules for products and services not covered under form F. However, all price schedules shall follow the format, and provide the information listed below. Additional pricing and/or discounts may be included.

Material/Equipment Price Schedule

Provide a material/equipment price schedule. Also see special pricing requirements below.

The preferred material/equipment price schedule will include manufacturer’s name and price list date and number, publisher’s list price, percent of discount offered to AEPA Member Agencies. The price schedule must be complete and include all material/equipment offered as part of this solicitation.

If multiple manufacturers and/or product lines are offered, provide a price schedule for each manufacturer and/or product line offered.

Services Price Schedule

Provide a price schedule for any services offered.

The preferred services price schedule will include price list date and number, your standard or list price, percent of discount offered to AEPA Member Agencies.

Warranties, Additional Services or Incidental Price Schedule

Provide a price schedule for any and all extended warranties, additional or incidental services, equipment and/or materials. The preferred additional or incidental price schedule will include price list date and number, your standard list price, percent discount offered to AEPA Member Agencies.

Shipping Charges: Shipping charges must be clearly defined and identified.

Additional Discounts: If additional discounts are given based on dollar volume, size of order, or other criteria, state your formula for arriving at these discounts:

Contracting AEPA Member Agency Admin Fee

As specified elsewhere in the solicitation documents, each AEPA Member Agency charges an admin fee for use of its contracts. The members pay the admin fee. For this contract, the fee will be collected by the contractor and rebated back to the contracting AEPA Member Agency.

Describe your plan for collecting and rebating the admin fee.

- 1. Will the fee be deducted from or added to the bidders discounted price bid?
- 2. What is the timeline for paying the admin fee (after each auction, monthly, etc.)?

Services

1. Describe how bidder proposes to market the program to potential bidders. Provide samples of marketing efforts that have worked effectively in the past.
2. Indicate the average number of “hits” per day the proposed website receives.
3. Provide samples of instructional documentation that is available to sellers and buyers. Indicate any distribution restrictions that may apply and how often the materials are updated.
4. Describe bidder’s plan to minimize the number of buyers who renege on a purchase and the tools available to seller if this occurs.
5. Describe the types of items commonly sold on the proposed website and any exclusions.
6. Describe training services available to contracting AEPA Member Agencies, sellers and buyers.
7. Describe bidder’s system of technical support. What are the hours and day’s technical support is available? Do you provide upgrade packages? Distinguish between seller and buyer support.
8. Indicate payment options accepted by bidder (e.g., Visa, MasterCard, AMEX, personal check, cashier’s check, money order, etc.).
9. Describe your web-based ordering system, capabilities, reporting and e-commerce “punch-out” capabilities and list the financial or e-commerce systems that you can punch-out.

Form F: Cost Evaluation Information (Excel Spread Sheet)

For Cost evaluation purposes AEPA has prepared an Excel spreadsheet that contains a selected number of items that will be utilized to compare and determine the respondent who is the low bidder. Please note that these are only a few items selected to do the cost evaluation these items must tie back to the offeror’s price schedules. The offeror must provide all of the necessary pricing information required herein. If the owner is not be be charged for an item then please note (No Charge) for that item. Any item left blank will be considered a NO Bid.

(End of Part C)