

ADDENDUM NO. 5

DATE: 3/16/2010

FROM: ROBERT J. STURTCMAN * ARCHITECT

7118 Hwy 518

Ranchos de Taos, New Mexico 87557

(575) 758-4933

TO: Prospective Bidders

RE: ADDENDUM NO.5 to the Bidding Documents for:

Exterior Wall Renovation:

ARROYO SECO COMMUNITY CENTER

Taos County: **Taos County Bid No. B-2009-16-A**

Taos, New Mexico

Project No. J090900

This Addendum forms a part of the Contract Documents and modifies the original Bidding Documents dated SEPTEMBER 2009. Acknowledge receipt of the Addendum in the space provided on the Receipt of Addendum Form. Failure to do so may subject Bidder to disqualification. This Addendum consists of _31_ sheets.

PROJECT MANUAL AND DRAWINGS:

Delete Taos County Bid Package: Bid#B-2009-16 Dated October 14, 2009.

Use NEW Taos County Bid Package: Bid#B-2009-16A Dated March 8, 2010. Bidders shall review this new package as changes have been made to the Bidding Requirements and Procedures and to subsequent Contractural Requirements. See Attached.

MANDATORY PRE-BID: 2:00 PM THURSDAY, APRIL 1ST, 2010

BID OPENING: 3:00 PM TUESDAY, APRIL 20TH, 2010.

Delete State Wage Decision: #TA-09-1356B and all related documents to this decision.

Use State Wage Decision: #TA-10-0408B and all related documents to this decision. See Attached.

END OF ADDENDUM NO.5

Legal Publication

BID # B-2009-16-A

Notice is hereby given that the County of Taos, New Mexico calls for sealed bids for:

Exterior Renovation of the Arroyo Seco Community Center

Interested parties may request a copy of the specifications from the Grants Administrator at:

Taos County Purchasing Office

OR

Phone 575-758-2454

105 Albright Street, Suite P

Fax 575-758-2454

Taos, NM 87571

E-mail anita.padilla@taoscounty.org

The bid/s must be mailed or delivered to the above address by **3:00 p.m. Tuesday, April 20, 2010**. Timely submission by mail means that the bid must actually be delivered to Taos County by 3:00 p.m., Tuesday, April 20, 2010. Bids received after 3:00 p.m. will be considered unresponsive. Bids will be opened by the Grants Administrator at the Taos County Office of Community Development on the above date and time, 106 Gusdorf Place, Taos, NM. For directions please contact Anita Padilla (575) 758-2454.

For a complete description and a copy of the plans and specifications for this project, please contact Robert J. Sturtzman, Architect at 575-758-4933 (a refundable deposit may be required, payable to the Architect).

Mandatory Pre-Bid 2:00 PM, Thursday, April 1, 2010 Arroyo Seco Community Center, 495 State Road 150, Arroyo Seco, NM 87514.

Taos County reserves the right to reject any or all bids, and waive all formalities.

By Order of the Governing Body

Taos County Commission

Anita B. Padilla, Grants Administrator

March 8, 2010

Publish

Thursday, March 18, 2010 Taos News/Rio Grande Sun

Monday thru Tuesday, March 22nd thru March 23rd 2010 Albq. Journal

P.O. # 22977 Albq. Journal

P.O. # 22978 Taos News

P.O. # 22979 Rio Grande Sun

SECTION I – GENERAL CONDITIONS

1. **Bid Proposal Form/s**: ALL ORIGINAL PAGES INCLUDED IN THIS INVITATION TO BID MUST BE COMPLETED AND RETURNED AS PART OF THE BID DOCUMENT. Bidders who submit more than one bid proposal are instructed to complete a separate form for each bid proposal. Forms may be submitted together, or individually, at the discretion of the bidder. The forms must be signed, and the package sealed, with the bid number clearly written on the outside of the envelope or package.
2. **Proposal Binding for 60 days**: Unless otherwise specified, all formal bids submitted shall be binding for sixty (60) calendar days following bid opening date, unless the bidder, upon request of the Purchasing Officer, agrees to an extension.
3. **Payment Terms**: Payment shall be made pursuant to the NM Procurement Code and Taos County Ordinance after receipt of goods/services or as per contract terms.
4. **Taxes**: Taos County is exempt from Gross Receipts Tax (GRT) for the purchase of tangible personal property. Prices shown on the bid proposal shall be exclusive of GRT. Applicable GRTs for items other than tangible personal property shall be shown as a separate amount on each billing made under the contract. A properly issued Type 9 Non-Taxable Transaction Certificate may be obtained from the County that will document the exemption from the GRT.
5. **Brand Name Specifications and Equivalency**: Taos County uses brand names in order to indicate the standard of quality, performance or other pertinent characteristics that the County will accept. The bidder is instructed to regard such names as “*or equivalent*” and is allowed to substitute the specification with another brand which meets or exceeds the specification. 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 made strictly at the discretion of the County, and the County’s decision shall be final.
6. **Clarifications**: If there is any clarification, problem, ambiguity, or question regarding this bid, the bidder shall contact the Purchasing Officer or his designee in writing prior to the bid opening. Clarifications and addendums will be prepared by the Purchasing Officer or his designee and disseminated to all potential bidders. Except as specifically authorized by the Purchasing Officer, questions answered by any other person or county official shall be considered non-applicable to the legal review of this bid.
7. **Preferences**: A five percent (5%) preference will be given to all businesses that have been issued a Resident Business Certification by the State of New Mexico. **This Certificate Number must be included on the Bid Proposal Form and a copy of the certification must be attached.** If you have a question regarding the Five Percent Resident Business Certification, or wish to apply for it, please contact the State Purchasing Office in Santa Fe at (505) 827-0474. This Certification allows the evaluation of a bid at five percent less than the amount submitted.
8. **Please note that this Resident Certification Number is NOT the firm’s State CRS Number.**

9. **Delivery**: Delivery of goods or services, if applicable, shall be FOB-Destination, and shall be specified within the Specifications of this Bid Proposal Package.
10. **Start and Completion Dates**: Substantial completion shall be achieved no later than 90 days from Owner's Notice to Proceed.
11. **Bid Irregularities and Formalities**: The Taos County Board of Commissioners reserves the right to waive immaterial irregularities and formalities.
12. **Minimum Specifications**: Specifications supplied are as minimum standards.
13. **Non-Discrimination Policy**: Contractor agrees that Contractor and Contractor's employees or agents shall comply with all federal, state, and local laws regarding equal employment opportunities, fair labor standards, and other non-discrimination and equal opportunity laws, regulations, and practices.
14. **Prevailing Wages**: For any one project with a cost of \$60,000 or more, Contractor shall complete and file with the New Mexico Department of Labor – Public Works Bureau, a Statement of Intent to Pay Prevailing Wages, which must be approved before construction can begin. Prevailing Wages will be provided in the bid packet.
15. **Public Works Registration**: For any one project with a cost of \$50,000.00 or more is subject to the Public Works Minimum Wage Act (NMSA 1978, §§ 13-4-10 through 13-4-17). The Contractor, serving as a prime Contractor or not, shall be registered with the Labor and Industrial Division of the Labor Department.
16. **Warranty**: Contractor hereby guarantees the workmanship, the product or materials provided, and/or services from the date of acceptance by the County as per bid and contract terms for a period of one year.
17. **Liquidated Damages**: In the event that Contractor fails to complete said project, or provide the receivables from the services provided, by the agreed upon completion/due date, Contractor shall pay Taos County liquidated damages of \$250.00 per each calendar day past said completion/ due date.
18. **Bid and Performance Bonds**: A bid bond or security equal to 10% of the bid price is required with the bid proposal, to protect the interests of the County. A performance and payment bond equal to 100% of the project will be required if the contract amount is \$25,000.00 or more pursuant to NMSA 1978, § 13-4-18. These bonding requirements shall be provided by a surety company authorized to do business in this state.
19. **Evaluation and Award**: The bid/s will be evaluated and presented to the Taos County Board of Commissioners, and MAY be awarded in an open meeting following the bid opening. Taos County reserves the right to accept or reject any or all bid proposals, to award the bid/s to multiple Contractors and to award the bid/s in whole or in part. Taos County also reserves the right to renew or extend this award for a multiyear term up to three (3) years if and when applicable.

20. **Construction Contract:** Following the award of this bid, the County and the bidder shall execute a Construction Contract detailing the terms and conditions, including start and end dates, payment schedule, etc., satisfactory to both parties, if and when applicable.
21. **Additional Costs:** The County shall not be responsible to pay for any costs associated with bid submission, nor for payment of any add-on, addition, or optional equipment or service that has not been authorized in writing by the County.

SECTION II - SPECIFIC CONDITIONS

1. **Evaluation Criteria:** Lowest responsible price. Taos County shall evaluate the bid proposal per item or as a lump sum, whichever is most advantageous.

2. **Required for Submission With Proposal:**

- ♦ Copy of contractor's GB-98 license;
- ♦ Copy of contractor's Property and Liability, and Worker's Compensation insurances;
- ♦ At least three references contacts;
- ♦ A Gantt chart or similar document showing the expected progress of the project at critical stages along a timeline, along with a Schedule of Values showing the value attributable to each major phase of the project;
- ♦ A Bid Bond or Security equal to 10% of the bid price;
- ♦ Subcontractors listing;
- ♦ NM Public Works Registration Certification and Number;
- ♦ Proposed payment terms;
- ♦ Campaign Contribution Disclosure Form;
- ♦ Receipt of Addendum if applicable;
- ♦ Add Alternate Listing Form

3. **Scope of Work:** Taos County seeks a contractor who has all applicable licenses and certificates to provide construction services for the renovation of the Arroyo Seco Community Center, 495 State Road 150, Arroyo Seco, NM in accordance with all plans and specifications.

4. **Specifications:** Please note: This is a brief description. For a complete description and a copy of the plans and specifications for this project, please contact Robert J. Sturtzman, Architect at 575-758-4933 (a refundable deposit may be required, payable to the Architect):

Phase One: Removal and Replacement of existing parapet wall and exterior wall and parapet wall plaster (extent as shown on the drawings: approximately 40 l.f., to be verified in field). Provide and construct with new stabilized adobe units, a new parapet wall complete with Concrete Bond Beam and Portland Cement Plaster and Stucco on exterior surfaces of same. Provide associated roof flashing and roof patching materials as necessary at roof deck/new parapet juncture for a watertight assembly.

Phase Two: (Add Alternate No.1) Removal and Replacement of existing adobe walls and parapet wall of the East and North corner walls of the existing building and associated plaster finishes, including two existing windows (extent as shown on the drawings: approximately 75 l.f., to be

verified in field). Remove existing Concrete Apron at east wall (approximately 30 l.f., to be verified in field). Provide and construct with new stabilized adobe units, new walls and associated parapet walls, including concrete bond beams. Provide and install two new casement-type windows. Provide and apply Portland Cement Plaster and Stucco at exterior surfaces and smooth finish mud plaster on interior surfaces of new walls. Provide associated roof flashing and roof patching materials as necessary at roof deck/new parapet juncture for a watertight assembly. Replace existing electrical outlets as necessary.

Before any renovation of the walls take place, there must be proper and adequate roof shoring and support and wall shoring in place. Contractor shall provide all necessary shoring of existing building structure to prevent collapse of remaining building structure and related building elements. He shall provide all safeguards and protection of all personnel and building elements as per all codes and OSHA requirements.

Contractor will be responsible for furnishing all materials not provided by Owner, labor, and removal of all debris and must ensure that the site is clean at all times.

Contractor will obtain and pay for building permits and schedule all inspections as needed. Contractor will maintain project supervision on site at all times. Contractor will provide progress reports to the Grants Administrator, Anita Padilla every 2 weeks.

All construction shall meet all minimum building code standards, as well as conform to all applicable laws and regulations, including ADA standards.

The bidder is required to signify whether the bid complies with the specifications listed above and all applicable building codes. The cost for each of these items shall include all labor, subcontractors, material, equipment, overhead, freight, taxes, etc. to cover the complete work of the items listed.

Bids must include complete information to enable the evaluators to make accurate determinations regarding the qualifications of the firm and the quality of work to be provided. Respondents are encouraged to include any other information that will highlight qualifications of the firm.

SECTION III – PROPOSAL CRITERIA

Bids must include complete information covering all of the above items to enable the evaluators to make accurate determinations regarding the qualifications of the firm.

SECTION IV - OTHER TERMS

1. **Bid Protests and Protest Bond:** A bidder who protests a bid award shall submit an official protest in writing within fifteen calendar days of notification of the award. The protest shall include the bid number and detail the reason/s for the protest, along with a \$5,000.00 (five thousand) Protest Bond. The bonding requirements shall be provided by a surety company authorized to do business in this State, or in cash, or otherwise supplied in a form satisfactory to the County. The bond will be forfeited to Taos County in the event the protestor loses the case.

2. **Appropriations:** This contract is contingent upon there being sufficient appropriations available. The County shall be the sole and final determiner of whether sufficient appropriations exist.
3. **Annual Review:** If this contract encompasses more than one fiscal year, this is subject to an annual review by the County. If any deficiencies are noted during the review process, the Contractor shall be given a specified time, as per the Notice to Cure provision below, in which to cure said deficiency (ies).
4. **Status of Contractor:** Contractor acknowledges that Contractor and its subcontractors (if applicable) is/are licensed to do the job as proposed, and is/are registered with the New Mexico Department of Labor. Contractor further acknowledges it is an independent contractor and as such, Contractor and Contractor's employees, agents or representatives shall not be considered employees or agents of the County, nor shall they be eligible to accrue leave, retirement benefits, insurance benefits, use of vehicles, or any other benefits provided to County employees.
5. **Non-Agency:** Contractor agrees not to purport to bind the County to any obligation not assumed herein by the County, unless the Contractor has express written approval and then only within the limits of that expressed authority.
6. **Confidentiality:** Any information learned, given to, or developed by Contractor in the performance of this contract shall be kept confidential and shall not be made available or otherwise released to any individual or organization without prior written approval of the County.
7. **Worker's Compensation:** Contractor acknowledges that Contractor and Contractor's employees, agents or representatives shall have no claim whatsoever to worker's compensation coverage under the County's policy. Contractor shall provide documentation of adequate coverage for its employees.
8. **Indemnification:** Contractor agrees to indemnify and hold harmless the County from any and all claims, suits, and causes of action that may arise from Contractor's performance under this contract unless specifically exempted by New Mexico law. Contractor further agrees to hold harmless the County from all personal claims for any injury or death sustained by Contractor and Contractor's employees, agents, or other representatives while engaged in the performance of this contract.
9. **Records Audit:** Contractor shall keep, maintain, and make available to the County all records, invoices, bills, etc. related to performance of this contract for a period of no less than three (3) years after the date of final payment. If federal grant funds are used to pay under this contract, Contractor shall retain all records for the period of time under which OMB Circular 102-A shall apply. Said records shall be available for inspection, audit and/or copying by the County or its authorized representatives or agent, including federal and/or state auditors.
10. **Assignment & Subcontracting:** Contractor shall not assign, transfer, or subcontract any interest in this contract or attempt to assign, transfer, or subcontract any claims for money due under this contract without the prior written approval of the County. Third-party

services, employed by the Contractor to be used in the performance of this contract, must be identified, in a written attachment to this contract, indicating: (a) what service/s the third party is to do; (b) when the service/s are to be performed; and (c) compensation being provided by Contractor.

11. **Listing of Subcontractors:** Contractor shall provide a subcontractors listing as part of the original bid packet for all projects with a threshold of \$5,000.00 or one-half of one percent of the architect's or engineer's estimate of the total project cost, not including alternates, whichever is greater. The subcontractors listing shall consist of (1) the name and the city or county of the place of business of each subcontractor under subcontract to the Contractor who will perform work or labor or render service to the Contractor in or about the construction of the public works construction project in an amount in excess of the listing threshold; and (2) the category of the work that will be done by each subcontractor. Contractor shall list only one subcontractor for each category as defined by the Contractor pursuant to NMSA 1978, § 13-4-34 (1995).
12. **Conflict of Interest:** Contractor warrants that Contractor presently has no interest or conflict of interest, and shall not acquire any interest or conflict of interest which would conflict with Contractor's performance of services under this contract.
13. **Non-Discrimination:** Contractor agrees that Contractor and Contractor's employees and agents shall comply with all federal, state and local laws regarding equal employment opportunities, fair labor standards, and other non-discrimination and equal opportunity compliance laws, regulations and practices.
14. **Required Insurances:** Contractor shall maintain liability insurance in an amount at least equal to the requirements set forth by the New Mexico Tort Claims Act, NMSA 1978, § 41-4-19 (2008), and sufficient Worker's Compensation insurance. In addition, Contractor shall provide Builder's Risk Insurance in at least the amount of the Contract Price.
15. **Authority of Agent:** The Contractor represents that the person executing documents on behalf of the Contractor has been duly authorized to do so.
16. **Applicable Law:** This contract shall be governed by the Laws of the State of New Mexico, including the New Mexico Procurement Code (NMSA 1978, § 13-1-28 et seq. (as amended) and the ordinances, resolutions, rules and regulations of the County.
17. **Contract Terms:** The terms and provisions of this Section are not all of the terms and provisions that will be included in the Construction Contract to be signed by the County and the Contractor.
18. **Severability:** In the event that a court of competent jurisdiction finds that any term or provision of this contract is void, null, or otherwise unenforceable, all other terms and provisions shall remain intact and enforceable where not otherwise inconsistent with the court's findings.

19. **Default by Contractor:** In the event that Contractor defaults on any term of provision of this contract, the County retains the sole right to determine whether to declare the contract voidable and/or Contractor agrees to pay the County the reasonable costs, including court costs and attorney's fees and direct and indirect damages incurred in the enforcement of this contract.
20. **Efforts to Cure:** If the County elects to provide the Contractor with notice to cure any deficiency or defect, the Contractor may have the time specified in the written "Notice to Cure" Authorization. Failure by the Contractor to cure said deficiency or defect, within the authorized time, shall result in an immediate termination of this contract subject to the provision above.
21. **Costs and Attorney's Fees:** In the event of any litigation involving the bid, the bid process or the breach of any term or provision of any of the bid documents, the County shall recover its reasonable costs and attorney's fees if it prevails in said litigation.
22. **Jurisdiction and Venue:** Any legal proceeding brought against the County, arising out of this contract, shall be brought before the Eighth Judicial District Court, Taos County, State of New Mexico.
23. **Illegal Acts:** Pursuant to NMSA 1978, § 13-1-191 (1984), it shall be unlawful for any Contractor to engage in bribery, offering gratuities with the intent to solicit business, or offering or accepting kickbacks of any kind. All other similar act/s of bribes, gratuities and/or kickbacks are likewise hereby prohibited.
24. **Contractor Campaign Contribution Disclosure Form:** State law requires all prospective contractors to file this form. Please submit as part of the original bid documents.

SECTION V – TAOS COUNTY BOARD OF COUNTY COMMISSIONERS

To: Taos County Purchasing Officer
105 Albright Street, Suite P
Taos, NM 87571

Date: _____

Having read the bid conditions and examined the specifications for Bid #B-2009-16-A, I/we hereby submit a bid accordingly. *Amounts shall be in both words and numbers, and includes all miscellaneous costs and taxes. In the event of a discrepancy, the amount in words shall govern.

_____. \$_____.

_____.

_____.

We understand that we must return the completed Proposal document to be considered a responsive bid.

N.M. Five Percent Resident Business Certification Number: _____

NON-DISCRIMINATION POLICY: This Company does not discriminate on the basis of color, national origin, sex, religion, age and disabled status in employment or the provision of services.

SUBMITTED BY:

Signature of Agent

Printed Name & Title of Agent

Organization Name

Mailing Address

City, State, Zip Code

Telephone #

Fax # (optional)

Federal Tax I.D. #

NM CRS # (if located in-state)

CAMPAIGN CONTRIBUTION DISCLOSURE FORM

Pursuant to Chapter 81, Laws of 2006, any prospective contractor seeking to enter into a contract with any state agency or local public body must file this form with that state agency or local public body. 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 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 year period.

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.

“Contract” means any agreement for the procurement of items of tangible personal property, services, professional services, or construction.

“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) _____

(The above fields are unlimited in size)

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)

NEW MEXICO DEPARTMENT OF WORKFORCE SOLUTIONS - PUBLIC WORKS BUREAU
QUESTIONS?? Call OR E-mail:

Patricia Barela @ (505) 841-4411 OR patricia.barela@state.nm.us or

Lori Griego @ (505) 841-4408 OR lori.griego2@state.nm.us or

Michael Fanestiel @ (505) 841-4417 OR michael.fanestiel@state.nm.us

fax (505) 841-4423

Contracting Agency/Owner	County	Decision Date	Decision No.
Taos County	Taos	03/12/10	TA-10-0408 B
		Expires for Bids	
Type of Construction: B		12/31/10	
Description of Work: Arroyo Seco/Valdez Community Center Renovation of existing community center's north exterior adobe walls to include western & eastern section			
<u>REMINDER to those preparing BID documents:</u> If bids are not opened by the above "Expires for Bids" date, a NEW wage decision may be required. If bids are NOT submitted before new wage rates go into effect, a NEW wage decision WILL be required. Call the Public Works Bureau at (505) 841-4417 to check status of new wage rates.			

NOTICES

ALL contractors **MUST** have an active registration with the Labor Enforcement Fund before bidding on any public works project. Bids from contractors who are not registered will be considered **INVALID**.

The General/Prime Contractor selected for this project **MUST** submit a completed Statement of Intent to Pay Prevailing Wages to the Contracting Agency (or it's agent) before any work is started.

Sub-contractors & 2nd/3rd Tier Contractors **MUST** also submit Statements through their General/Prime before they start work. The General/Prime is responsible for informing the Contracting Agency or it's agent whenever there is a change to the subcontractors on the project.

The Contracting Agency or it's agent **MUST** fill out and submit the Notification of Award and Subcontractor list to the Public Works Bureau and forward the remainder of this wage decision package to the General/Prime Contractor that is awarded the project contract. That contractor is also responsible for making certain that all subcontractors have copies of the wage decision and other needed forms.

The General/Prime Contractor **MUST** post the wage rate table at the job site outside the Superintendent's trailer/office in an easily accessible place.

Workers **MUST** be classified & paid according to the work they perform, regardless of qualifications.

These wage rates are good for the life of a project.

New Mexico Department of Workforce Solutions
Public Works Bureau

625 Silver Ave SW, Suite 410, Albuquerque, NM 87102

Michael Fanestiel (505) 841-4417 OR michael.fanestiel@state.nm.us
Lori Griego (505) 841-4408 OR lori.griego2@state.nm.us

Patricia Barela (505) 841-4409 OR patricia.barela@state.nm.us
fax (505) 841-4423

Wage Decision # TA-10-0408 B
NOTIFICATION OF AWARD (NOA)

Description and Location of Work: Arroyo Seco/Valdez Community Center

Renovation of existing community center's north exterior adobe walls to include western & eastern section

City of Arroyo Seco

Taos County

495 State Rd 150

REMINDER for Agency Conducting BID Process: If bids are NOT submitted before new wage rates go into effect, a NEW wage decision WILL be required.

When the Contract is awarded for this project the Wage Rate Poster and the Wage Rate Packet, excluding this NOA and Subcontractor List, must be delivered to the **GENERAL/PRIME CONTRACTOR**. The Contracting Agency or its agent must complete this form (including the next page listing all of the subcontractors including 2nd tier subcontractors) and fax or mail it to the address above. **If the project is canceled**, this form must be completed by the agency conducting the bid process. Failure to submit the NOA in a timely manner is a violation of paragraph 11.1.2.10.B (3) of the Public Works Minimum Wage Act Policy Manual.

General/Prime Contractor Company Name: _____ License#: _____

Address: _____ City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Project Contact's name: _____ E-Mail: _____

Approximate Date Work to Start: _____

Estimated Completion Date: _____

Estimated Cost of Project: _____

Bid Opening Date: _____

Note: The General/Prime Contractor MUST mail/fax in their Statement of Intent to Pay Prevailing Wages to the Contracting Agency or its agent before beginning work on the project. Each Subcontractor (and all tiers of subcontractors) **MUST** also mail/fax their Statement of Intent to Pay Prevailing Wages through the General/Prime Contractor before they start work. After work on the project is completed (**but before final payments**), subcontractors and all tiers of subcontractors must mail/fax (through the General/Prime Contractor) an Affidavit of Wages Paid.

Signature for Contracting Agency (or agent) _____

Printed Name _____

Date _____

SUBCONTRACTOR LIST

Do NOT list suppliers or professional services (such as surveyors)
INCLUDE individual subcontractor dollar amount for project

Please include **2nd & 3rd Tier** subcontractors. Make extra copies of form if necessary.

Wage Dec. # TA-10-0408 B

General Contractor:

Company Name: _____
Address: _____ City: _____ State: _____ Zip: _____
E-Mail Address: _____ License No.: _____
Phone No.: _____ Fax No.: _____ Sub _____ 2nd TIER _____ 3rd TIER _____
(To Whom) (To Whom)
Work to be performed: _____ Amount (\$): _____

Company Name: _____
Address: _____ City: _____ State: _____ Zip: _____
E-Mail Address: _____ License No.: _____
Phone No.: _____ Fax No.: _____ Sub _____ 2nd TIER _____ 3rd TIER _____
(To Whom) (To Whom)
Work to be performed: _____ Amount (\$): _____

Company Name: _____
Address: _____ City: _____ State: _____ Zip: _____
E-Mail Address: _____ License No.: _____
Phone No.: _____ Fax No.: _____ Sub _____ 2nd TIER _____ 3rd TIER _____
(To Whom) (To Whom)
Work to be performed: _____ Amount (\$): _____

Company Name: _____
Address: _____ City: _____ State: _____ Zip: _____
E-Mail Address: _____ License No.: _____
Phone No.: _____ Fax No.: _____ Sub _____ 2nd TIER _____ 3rd TIER _____
(To Whom) (To Whom)
Work to be performed: _____ Amount (\$): _____

Company Name: _____
Address: _____ City: _____ State: _____ Zip: _____
E-Mail Address: _____ License No.: _____
Phone No.: _____ Fax No.: _____ Sub _____ 2nd TIER _____ 3rd TIER _____
(To Whom) (To Whom)
Work to be performed: _____ Amount (\$): _____

Company Name: _____
Address: _____ City: _____ State: _____ Zip: _____
E-Mail Address: _____ License No.: _____
Phone No.: _____ Fax No.: _____ Sub _____ 2nd TIER _____ 3rd TIER _____
(To Whom) (To Whom)
Work to be performed: _____ Amount (\$): _____

BILL RICHARDSON
GOVERNOR



KEN ORTIZ
SECRETARY

NEIL MEONI
DEPTUY SECRETARY

STATE OF NEW MEXICO
DEPARTMENT OF WORKFORCE SOLUTIONS
Public Works Bureau
625 Silver Ave SW, Suite 410
Albuquerque, NM 87102
(505) 841-4400 / FAX (505) 841-4423

TERESA C. GOMEZ
DEPUTY SECRETARY

Dear Owner/Contracting Agency:

The enclosed wage decision packet must be used in the contract resulting from the bid opening on this project and, excluding the Notification of Award, and Subcontractor List, **MUST BE FORWARDED** to the prospective general contractor that has been awarded the bid. The general contractor must post the complete wage decision at the job site in an easily accessible place. Failure to do so may result in fines. Furthermore, each subcontractor must receive a copy of the wage decision and use these rates to pay all employees.

LABOR ENFORCEMENT FUND – STRICTLY ENFORCED

NOTE: Any general contractors must be registered with the **Labor Enforcement Fund** prior to the bidding process or the bid shall be deemed invalid. All subcontractors or tier subcontractors bidding more than \$60,000 on a Public Works contract **MUST** be registered with the Labor & Industrial Division. Visit our website at www.dws.state.nm.us, click "Public Works" for a Labor Enforcement Fund Form and other forms. **REMINDER TO THOSE PREPARING BID DOCUMENTS:** IF BIDS ARE NOT OPENED BY 12/31/10; NEW WAGE RATES MAY BE REQUIRED. IF YOU HAVE ANY QUESTIONS, PLEASE CALL 505-841-4417.

Weekly certified payrolls are required on all public works projects. All certified payrolls must be submitted to the general contractor and the owner/contracting agency. The general contractor must have copies of certified payrolls available to this office within ten days of a written request. Please do **NOT** submit any certified payrolls to our office unless our office requests them.

NM Apprenticeship and Training Fund payments are paid by each general contractor/subcontractor/tier(s) to either an approved apprenticeship program or to our office (**NMDWS, Public Works Bureau, PO Box 27428, Albuquerque, NM 87125-7428**). Payments are due for all hours in each trade a company has on the job site that has an apprenticeship contribution rate on the state wage decision. These payments are for the hours worked by both journeyman and apprentices, regardless of whether the company has apprentices or not. If the project has both Federal and State funding, the payments are still required. Only when the project has all Federal funds, is the project exempt. On Type "A" projects, where there are no contribution rates, apprenticeship payments do not apply. On projects with two types of construction, the contribution applies for the work under the type construction with contribution rates. Failure to pay Apprenticeship contributions is a violation of the Apprentice and Training Act and may result in penalties. If you have any Apprenticeship questions, please feel free to call (505) 841-4403.

BILL RICHARDSON
GOVERNOR



KEN ORTIZ
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STATE OF NEW MEXICO
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TERESA C. GOMEZ
DEPUTY SECRETARY

NOTICE TO ALL PUBLIC WORKS CONTRACTORS
PERTINENT INFORMATION IN ACCORDANCE WITH THE NM PUBLIC WORKS
MINIMUM WAGE ACT

The Public Works Bureau insures compliance of the Public Works Minimum Wage Act (13-4-11 through 13-4-17, NMSA 78). This office issues prevailing wage rates for each project for inclusion in the bid documents. After a project contract is signed, the **Notification of Award (NOA)** and **Subcontractor List** must be completed and sent to the Public Works Bureau by the Contracting Agency or its agent. The **Statement of Intent to Pay Prevailing Wages** must be completed by the contractors performing work on the project and sent through the General Contractor to the Public Works Bureau. A Statement of Intent to Pay Prevailing Wages is required from each construction contractor before they start work on a state or locally funded construction project costing a total of \$60,000 or more. Every contractor (general, sub, second tier, etc.) must pay those rates through weekly payment and payroll.

Wage rates include a base rate and a fringe rate of pay. In many cases, an additional cost to the contractor is an apprenticeship contribution rate per hour for both journeyman and apprentices. A **monthly apprenticeship contribution compliance form and check for payment** (when applicable) is required and should be sent to NMDWS, Public Works Bureau, PO Box 27428, Albuquerque, NM 87125-7428. After a contractor completes work on a project, but before his final payment, an **Affidavit of Wages Paid** must be completed and sent to the Public Works Bureau – through the General Contractor.

Each employee must receive the full base and fringe rate per hour for all hours worked in their job classification, regardless of the qualifications or license held. The only exception is for workers with a current certification in approved apprenticeship programs. The apprentice must also receive the full benefit of the fringe rate. Fringe benefits may also be paid into approved health benefit programs, pension programs, life insurance programs, company holiday and vacation programs and/or training programs that are not apprenticeship programs (i.e.: an OSHA 10 safety program). If fringe benefits are paid to a third-party account, the employee must have quarterly statements provided to them. The third way of paying fringe benefits, is to pay as a combination of cash and into approved programs. This office will sometimes ask for complete breakdowns of all payment to insure total compliance.

The minimum wage, or greater, as shown on individual wage decisions must be paid. "In addition, the contractor, subcontractor employer or any person acting as a contractor shall be liable to any affected employee for liquidated damages in the sum of one hundred dollars (\$100.00) for each calendar day on which a contractor, subcontractor, employer or any person acting as a contractor has willfully required or permitted an individual laborer or mechanic to work in violation of the provisions of the Public Works Minimum Wage Act" (13-4-14.C, NMSA 78). When questions arise about the requirements of the Act or the Public Works Minimum Wage Act Policy Manual they must be resolved as soon as possible. If you have questions, please call (505) 841-4417.

"AN EQUAL OPPORTUNITY EMPLOYER"

LABOR ENFORCEMENT FUND

(STRICTLY ENFORCED)

13-4-13.1 Public works contracts; registration of contractors and subcontractors.

- A. Except as otherwise provided in this subsection, in order to submit a bid valued at more than sixty thousand dollars (\$60,000) in order to respond to a request for proposals or to be considered for award of any portion of a public works project greater than sixty thousand dollars (\$60,000) for a public works project that is subject to the Public Works Minimum Wage Act [13-4-10 NMSA 1978], the contractor, serving as a prime contractor or not, shall be registered with the division. Bidding documents issued or released by a state agency or political subdivision of the state shall include a clear notification that each contractor, prime contractor or subcontractor is required to be registered pursuant to this subsection. The provisions of this section do not apply to vocational classes in public schools or public post-secondary educational institutions.
- B. The state or any political subdivision of the state shall not accept a bid on a public works project subject to the Public Works Minimum Wage Act from a prime contractor that does not provide proof or required registration for itself.
- C. Contractors and subcontractors may register with the division on a form provided by the division and in accordance with workforce solutions department rules. The division shall charge an annual registration fee of two hundred dollars (\$200). The division shall issue to the applicant a certificate of registration within fifteen days after receiving from the applicant the completed registration form and the registration fee.
- D. Registration fees collected by the division shall be deposited in the labor enforcement fund.

13-4-14.1 Labor enforcement fund; creation; use.

The "labor enforcement fund" is created in the state treasury. The fund shall consist of contractor and subcontractor registration fees collected by the labor and industrial division of the labor department and all investment and interest income from the fund. The fund shall be administered by the division, and money in the fund is appropriated to the division for administration and enforcement of the Public Works Minimum Wage Act [13-4-10 NMSA 1978]. Money in the fund shall not revert to the general fund at the end of a fiscal year.

13-4-14.2 Registration cancellation, revocation, suspension; injunctive relief.

The director may:

- A. cancel, revoke or suspend with conditions, including probation, the registration of any party required to be registered pursuant to the Public Works Minimum Wage Act [13-4-10 NMSA 1978] for failure to comply with the registration provisions or for good cause, subject to appeal pursuant to Section 13-4-15 NMSA 1978; and
- B. seek injunctive relief in district court for failure to comply with the registration provisions of the Public Works Minimum Wage Act.

LABOR ENFORCEMENT FUND

NEW MEXICO DEPARTMENT OF WORKFORCE SOLUTIONS

LABOR RELATIONS DIVISION

APPLICATION FOR PUBLIC WORKS

CONTRACTOR REGISTRATION

All applications must be accompanied by \$200 payable to the "LABOR ENFORCEMENT FUND"

Do Not Send Cash

Send to: Labor Enforcement Fund

PO Box 27679

Alb., NM 87125-7679

1. _____
Contractor/Subcontractor – Company Trade Name

Mailing Address City State Zip Code

Area Code / Telephone Number

E-Mail Address or Fax Number
2. _____
Printed Name of First Qualifying Party (Owner of Company)
3. Type of Business ☐ Individual/Sole Proprietor ☐ Partnership
 ☐ Corporation ☐ Other _____
4. **INCOMPLETE APPLICATIONS WILL BE RETURNED TO SENDER**

APPLICANT STATEMENT

As the responsible applicant-contractor, I understand:

- the application is subject to verification and that I agree to provide any additional documentation as requested by the Labor Relations Division director.
- failure to provide full and timely disclosure of any required information or documentation may result in the denial of this application for registration.
- that payment in the exact amount of Two Hundred Dollars USD (\$200.00) is due with this application.
- that registration is for one calendar year (365 days) from the date notice of registration is posted on the Department of Workforce Solutions website. <www.dws.state.nm.us>
- that I am submitting this application for the purpose of a legal transaction with the State of New Mexico Department of Workforce Solutions.
- that failure to send this application and payment to the address shown above will result in delayed or denied registration.
- that it is my (the contractor's) responsibility to ensure that my registration is current.

I certify, under penalty of perjury, that the information contained in this application for registration is accurate, true, and complete to the best of my knowledge.

Signature

Date

Print Name and Title

STATEMENT OF INTENT TO PAY PREVAILING WAGES

To Be Filled Before Construction Starts

Please type or print in ink. Incomplete forms will be returned without approval.

Mail or fax to: Public Works Bureau, 625 Silver Ave SW, Ste 410, Albuquerque, NM 87102

Call: (505) 841-4409 - Fax: (505) 841-4423 (Fax transmission preferred)

GENERAL CONTRACTOR INFORMATION

Company Name:



Address:

City:

State:

Zip:

Phone:

Fax:

Estimated Start Date:

State Wage Dec. #:

Project Title:

Project Physical Address:

Total Contract Amt:

Estimated Completion Date:

PRINT NAME:

SIGNATURE:

SUBCONTRACTOR:

Subcontract amount:

Start Date of Work

Company Name:

on This Project:

Address:

City:

State:

Zip:

Phone:

Fax:

PRINT NAME:

SIGNATURE:

2ND. TIER SUB

2nd Tier Contract amount

Start Date of Work

Company Name:

on This Project:

Address:

City:

State:

Zip:

Phone:

Fax:

PRINT NAME:

SIGNATURE:

I hereby certify that the above information is correct and that all workers I employ on this public works project were paid no less than the Prevailing Wage Rate(s) as determined by the Department of Workforce Solutions, Public Works Bureau for this project as identified by the State Wage Decision No. I understand that contractors who violate Prevailing Wage Laws (i.e., incorrect job classification, improper payment of prevailing wages, and/or overtime, etc.), are subject to debarment procedures and shall be required to pay any back wages due to workers. (Ref. LID Public Works Minimum Wage Act Policy Manual (11.1.2 NMAC) & Public Minimum Wage Act (13-4-11 through 13-4-18, NMSA 78)).

LID Approval of This Form

Date

NOTE: After 7/01/09, ALL tiers of contractors with contracts over \$60,000, MUST be registered with the Department of Workforce Solutions, Public Works Bureau. The registration form is available on our web page at www.dws.state.nm.us under Public Works and Additional Forms. Fill in the Labor Enforcement Fund form and mail to the post office box listed at the top of the form. Go to the same page that the form is on to check the list of Registered Contractors.

(See IMPORTANT information on back!)

Revised 1/25/10

INSTRUCTIONS FOR FILLING OUT STATEMENT OF INTENT

FOR GENERAL CONTRACTOR:

1. Fill in general contractor information and provide signature.
2. State Wage Dec. No. as listed in bid documents. (example: BE-07-0123 B)
3. Project Title - Listed in bid documents. Whatever the project is.
4. Project Physical Address - Exact location of project (job site).
5. Estimated Start & Completion Dates of project
6. General Contractor's Contract Amount - Project cost .

FOR SUBCONTRACTOR:

1. Fill in general contractor information, but general contractor signature is not needed.
2. Fill in subcontractor section as indicated and provide signature. Send to GC. Sub-contract amount – list subcontract amount.
PLEASE NOTE: A SEPARATE SIGNED FORM IS NEEDED FOR EACH CONTRACTOR.

FOR 2ND. TIER SUB:

1. Fill in general contractor information, but general contractor signature is not needed.
2. Fill in subcontractor section; subcontractor signature not needed. Send to GC.
3. Fill in 2nd. Tier sub section and provide signature.
4. 2nd Tier contract amount – list amount.

For 3rd TIER & HIGHER: Attach a copy of this completed form & list the 3rd tier contractor info under the 2nd tier contractor with a note.

Effective July 1, 2009 - ALL contractors bidding on public works contracts for \$60,000 or more MUST be registered with the Labor & Industrial Division prior to bidding the project. The registration form may be found on the DWS web page at www.dws.state.nm.us under Public Works and Forms. Print the Labor Enforcement Fund Form and mail it along with a check for \$200 to the address at the top of the form. A list of registered contractors may be reviewed on the same page as the registration form. Registration is good for one year, and after registration, contractors may bid as many contracts as they wish. Upon expiration of the registration, contractors may complete projects, but in order to bid new ones after the expiration, they must register again. NOTE: All Statements of Intent to Pay Prevailing Wages must go to the GC to submit to the Department of Workforce Solutions for approval. DWS will return approved Affidavits to the GC who should forward to the subs.

NOTE: If form is faxed, we do not need the originals, unless the fax is not legible.

AFFIDAVIT OF WAGES PAID

To Be Filled **After** Construction Is Complete

Please type or print in ink. Incomplete forms will be returned without approval.

Mail or fax to: Public Works Bureau, 625 Silver Ave SW, Ste 410, Albuquerque, NM 87102

Call (505) 841-4409 Fax: (505) 841-4423 (Fax transmission is preferred)

GENERAL CONTRACTOR INFORMATION

Company Name:



Address:

City:

State:

Zip:

Phone:

Fax:

Estimated Completion Date:

State Wage Dec. #:

Project Title:

Project Physical Address:

PRINT NAME:

SIGNATURE:

Subcontractor:

Date you completed work on

Company Name:

This project

Address:

DATE:

City:

State:

Zip:

Phone:

Fax:

PRINT NAME:

SIGNATURE:

2ND. TIER SUB: (Who is paying you? Fill in name above)

Date you completed work on

Company Name:

This project

Address:

DATE:

City:

State:

Zip:

Phone:

Fax:

PRINT NAME:

SIGNATURE:

I hereby certify that the above information is correct and that all workers I employ on this public works project were paid no less than the Prevailing Wage Rate(s) as determined by the Department of Workforce Solutions, Public Works Bureau for this project as identified by the State Wage Decision No. I understand that contractors who violate Prevailing Wage Laws (i.e., incorrect job classification, improper payment of prevailing wages, and/or overtime, etc.), are subject to debarment procedures and shall be required to pay any back wages due to workers. (Ref. LID Public Works Minimum Wage Act Policy Manual (11.1.2 NMAC) & Public Minimum Wage Act (13-4-11 through 13-4-18, NMSA 78)).

LID Approval of this Form

Date

NOTE: After 7/01/09, ALL tiers of contractors with contracts over \$60,000, MUST be registered with the Department of Workforce Solutions, Public Works Bureau. The registration form is available on our web page at www.dws.state.nm.us under Public Works and Additional Forms. Fill in the Labor Enforcement Fund form and mail to the post office box listed at the top of the form. Go to the same page that the form is on to check the list of Registered Contractors.

(See IMPORTANT information on back!)

Revised 1/25/10

INSTRUCTIONS FOR FILLING OUT AFFIDAVIT OF WAGES PAID

FOR GENERAL CONTRACTOR:

1. Fill in general contractor information and provide signature.
2. State Wage Dec. No. as listed in bid documents. (example: BE-07-0123 B)
3. Project Title - Listed in bid documents. Whatever the project is.
4. Project Physical Address - Exact location of project (job site).
5. Estimated Completion Date of Project

FOR SUBCONTRACTOR:

1. Fill in general contractor information, but general contractor signature is not needed.
2. Fill in subcontractor section as indicated and provide signature. Send to GC.
PLEASE NOTE: A SEPARATE SIGNED FORM IS
NEEDED FOR EACH CONTRACTOR

FOR 2ND. TIER SUB:

1. Fill in general contractor information, but general contractor signature is not needed.
2. Fill in subcontractor section; subcontractor signature not needed. Send to GC.
3. Fill in 2nd. Tier sub section and provide signature.
4. 2nd Tier contract amount – list amount.

For 3rd TIER & HIGHER: Attach a copy of this completed form & list the 3rd tier contractor info under the 2nd tier contractor with a note.

Effective July 1, 2009 - ALL contractors bidding on public works contracts for \$60,000 or more MUST be registered with the Labor & Industrial Division prior to bidding the project. The registration form may be found on the DWS web page at www.dws.state.nm.us under Public Works and Forms. Print the Labor Enforcement Fund Form and mail it along with a check for \$200 to the address at the top of the form. A list of registered contractors may be reviewed on the same page as the registration form. Registration is good for one year, and after registration, contractors may bid as many contracts as they want. Upon expiration of the registration, contractors may complete projects, but in order to bid new ones after the expiration, they must register again. NOTE: All Affidavits of Wages Paid must go to the GC to submit to the Department of Workforce Solutions for approval. DWS will return approved Affidavits to the GC who should forward them to the subs.

NOTE: If form is faxed, originals are not required to be sent, unless the fax is illegible.

TYPE "B" - GENERAL BUILDING

Effective January 26, 2010

Trade Classification	Base Rate	Fringe Rate	Apprenticeship	Subsistence & Incentive Rates
Asbestos Worker - Heat & Frost Insulator	27.35	10.23	\$0.20	
Boilermaker	18.40	3.78	\$0.20	
Bricklayer/Blocklayer/Stonemason	22.85	6.00	\$0.74	
Carpenter/Lather	20.86	6.25	\$0.36	
Cement Mason	17.72	7.45	\$0.34	
Electricians				
Outside Classifications				
Groundman	22.32	8.62	\$0.36	
Equipment Operator	25.14	8.62	\$0.36	
Lineman/Tech	25.73	8.62	\$0.36	
Cable Splicer	26.91	8.62	\$0.36	
Inside Classifications				
Wireman/Technician	27.80	8.06	\$0.37	Refer to Note 1
Cable Splicer	29.53	8.06	\$0.37	
Sound Classifications				
Installer	23.39	8.31	\$0.24	
Technician	24.94	8.31	\$0.24	
Soundman	27.01	8.31	\$0.24	
Elevator Constructor	33.61	14.99	\$0.24	
Elevator Constructor Helper	15.55	3.56	\$0.25	
Glazier	20.15	4.15	\$0.35	
Ironworker	25.00	10.00	\$0.53	Refer to Note 2
Painter (Brush/Roller/Spray)	16.60	3.88	\$0.36	
Paper Hanger	19.71	8.42	\$0.35	
Drywall Finisher/Taper	19.64	3.91	\$0.34	
Plasterer	18.65	7.15	\$0.35	
Plumber/Pipefitter	28.30	11.00	\$0.63	Refer to Note 3
Roofer	15.18	0.50	\$0.54	
Sheetmetal Worker	26.56	13.41	\$0.45	Refer to Note 4
Soft Floor Layer	20.74	4.40	\$0.35	
Sprinkler Fitter	24.41	11.27	\$0.28	
Tile Setter	14.80	1.20	\$0.00	
Tile Setter Helper	13.00	1.02	\$0.00	
Laborers				
Group I	15.04	4.25	\$0.27	
Group II	15.61	4.25	\$0.27	
Group III	15.91	4.25	\$0.27	
Group IV	16.01	4.25	\$0.27	
Group V	16.21	4.25	\$0.27	
Group VI	16.36	4.25	\$0.27	

TYPE "B" - GENERAL BUILDING

Effective January 26, 2010

Trade Classification	Base Rate	Fringe Rate	Apprenticeship	Subsistence & Incentive Rates
Operators				
Group I	28.03	5.16	\$0.50	
Group II	29.07	5.16	\$0.50	
Group III	29.15	5.16	\$0.50	
Group IV	29.21	5.16	\$0.50	
Group V	29.27	5.16	\$0.50	
Group VI	29.37	5.16	\$0.50	
Group VII	29.47	5.16	\$0.50	
Group VIII	30.55	5.16	\$0.50	
Truck Drivers				
Group I	20.56	5.34	\$0.55	
Group II	20.68	5.34	\$0.55	
Group III	20.76	5.34	\$0.55	
Group IV	20.88	5.34	\$0.55	
Group V	20.93	5.34	\$0.55	
Group VI	21.03	5.34	\$0.55	
Group VII	21.13	5.34	\$0.55	
Group VIII	21.27	5.34	\$0.55	
Group IX	21.42	5.34	\$0.55	

NOTE: SUBSISTENCE AND INCENTIVE RATES BY TRADE & LOCATION

#1 - Inside Electricians working at a Los Alamos County job site get \$4.10/hr. subsistence pay plus base/fringe.

#1 - Inside Electricians working at a Lea County job site get \$75.00/day subsistence pay plus base/fringe.

#2 - Ironworkers working on projects 50+ miles over the most direct regularly traveled route from Albuquerque, or the employee's home, whichever is closer, shall be paid \$5.00/hr. subsistence plus base/fringe. The "Big I" Interchange in Albuquerque, or the employee's home, respectively shall be used as basing points. The current State of New Mexico Official Highway Map shall be the reference for routes and distances. All of Santa Fe County shall be \$5.00/hr subsistence area.

#3 - Plumbers/Pipefitters working at a Los Alamos County job site get \$.80/hr. incentive pay plus base/fringe.

#4 - Sheet Metal Workers working at a Los Alamos County job site get \$2.00/hr. incentive pay plus base/fringe.

#4 - Sheet Metal Workers living 60+ miles from a San Juan County job site get \$3.00/hr. subsistence pay plus base/fringe.

#4 - Sheet Metal Workers working 90+ miles from contractors homebase & employees home get \$50.00/day subsistence pay plus base/fringe.

BILL RICHARDSON
GOVERNOR



KEN ORTIZ
SECRETARY

STATE OF NEW MEXICO
DEPARTMENT OF WORKFORCE SOLUTIONS
Public Works Bureau
625 Silver Ave SW, Suite 410
Albuquerque, NM 87102
(505) 841-4400 / FAX (505) 841-4423

TERESA C. GOMEZ
DEPUTY SECRETARY

NOTICE

Public Works Apprenticeship and Training Act

Statute 13-4D-4.B states:

“Public works construction projects, except for street, highway, bridge, road, utility or maintenance contracts with employers who elect not to participate in training, shall not be constructed unless an employer agrees to make contributions to approved apprentice and training programs in New Mexico in which the employer is a participant or to the public works apprentice and training fund administered by the public works bureau of the labor and industrial division of the labor department. Contributions shall be made in the same manner and in the same amount as apprentice and training contributions required pursuant to wage rate determinations made by the director.”

For a copy of the above-mentioned act, please contact our office at **(505) 841-4403**.

For contractors that are not participants in an approved apprenticeship program, submit Apprenticeship & Training Contribution Compliance Statement and Payment to:

NMDWS
Public Works Bureau
PO Box 27428
Albuquerque, NM 87125-7428

APPRENTICESHIP CONTRIBUTION PROGRAM

The following are easy reminders regarding this program:

1. For “B”, “C”, & “H” Projects: Whenever you have any workers on the job (even if you are not using apprentices), you are required to pay into the Apprenticeship Training Program as outlined in the Apprenticeship & Training Act. This applies to all contractors, subcontractors, 2nd tiers, etc. Your wage rates will show which jobs have apprenticeship contributions.
2. If you have apprentices on the job, they must have a journeyman working with them. The ratio must be one-to-one.
3. The Apprenticeship Contribution is not considered part of the fringe benefits. It is totally separate.
4. The Apprenticeship Compliance Statement from our office (or our website) is the only form you may use. Do NOT modify our form or generate your own.
5. As noted on the Apprenticeship Compliance Statement, these forms are due on the 15th of every month for the length of the project. If no work was done for that month, send us a copy letting us know there was no work done.
6. Submit Apprenticeship Compliance Statements with payments to: NMDWS, Public Works Bureau, PO Box 27428, Albuquerque, NM 87125-7428

*New Mexico Department of Workforce Solutions - Public Works Bureau
625 Silver Ave SW, Suite 410 - Albuquerque, NM 87102
Phone: (505) 841-4408 Fax: (505) 841-4423*



New Mexico Public Works

CHECK OUT THE
DEPARTMENT OF
WORKFORCE SOLUTIONS
WEBSITE FOR VALUABLE
INFORMATION

www.dws.state.nm.us

Click on "Public Works"

Construction

~ OR ~

Bill Richardson
Governor

Ken Ortiz
Department of Workforce
Solutions
Secretary

PHONE:

Public Works Questions:

Patricia – (505) 841-4409

Lori – (505) 841-4408

Nicolina – (505) 841 - 4403

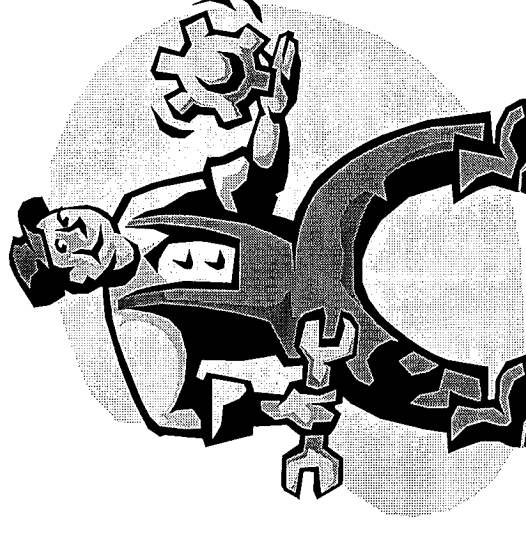
Michael - (505) 841-4417

FAX Number:

(505) 841-4423

Apprenticeship Questions:

(505) 841-4403



The NM Public Works Minimum Wage Act applies to employers and employees working on state/locally funded public works construction jobs. Information here is not an official interpretation of the Act, but this pamphlet can serve as a general guide to the law. You may find additional information and Rules & Regulations derived from the Act on the NMDWS web page at www.dws.state.nm.us

1. How does the Act apply?

The Act and the Public Works Bureau's Policy Manual govern all public works (PW) construction projects costing more than \$60,000 and funded in part or in whole by state/local funds. Wages set by LID must be paid as a minimum. Employees must be paid weekly. If the project has federal funding as well, the pay is figured by comparing the total rate in each trade from the state and federal wage decisions and paying the higher of the two.

2. What is a Wage Decision?

A wage decision is the set of wage rates for a specific public works construction project. The person putting together project bid documents requests a wage decision by submitting a request on our website that describes the scope of work. The type of work determines the type of rates issued. The four sets of rates are for:

"A" – Street, Highway, Utility and Light Engineering;

"B" – General Building;
"C" – Residential; and
"H" – Heavy Engineering.

If 80% of the project is *not* in one type of construction, two or more types of rates may be issued. A wage decision expires when new wage rates are approved – unless the bid opening takes place, or is within 10 days of taking place. When the bids are opened before the expiration, those rates are good for the life of the project.

3. When is a new Wage Decision required?

A new wage decision is required when the bids are not opened within 10 days after the approval of new wage rates. Then both a new wage decision and new rates will apply.

4. What is sent along with a Wage Decision?

Several forms are sent out with the wage decision that must be used by contractors:

a. A Notification of Award must be sent to the Public Works Bureau from the contracting agency or general contractor listing all subcontractors before work starts;

b. A Statement of Intent to Pay Prevailing Wages must be sent to the contracting agency from each contractor, subcontractor and second tier contractor before work starts;

c. An Apprenticeship Contribution Compliance Statement (for all except Type "A" projects) is due by the 15th of each month from all contractors,

subcontractors, and second tier contractors;

d. A wage rate poster must be displayed in an easily accessible place at the job site to show all employees what their minimum rates of pay are; and

e. An Affidavit of Wages Paid must be submitted to the contracting agency after a contractor finishes work but before the final payment.

5. When does overtime pay start?

Overtime pay starts after 40 hours of work in a seven-day workweek for the same employer, regardless of how many projects the employee works on.

6. How is overtime pay computed?

Overtime pay is 1.5 times the base pay with fringes added back. For example, if the base is \$12/hr. and the fringe benefit is \$2/hr., the total overtime rate is $12 \times 1.5 + 2$ or $18 + 2 = 20$.

7. How can I file a wage claim?

If you think your employer owes you more wages, you may file a wage claim at any NMDWS office, or call our Hotline at 1-888-370-0013. You should keep copies of pay stubs, a diary of when and where you worked, and the work performed.

8. What does the term "at will State" mean?

New Mexico is an "at will State" and the term means that an employer may hire and fire employees at will.

PAYROLL STATEMENT OF COMPLIANCE

Wage Decision No.:

I, _____ do hereby state:

(Name of Signatory Party)

(Title)

(1) that I pay or supervise the payment of the persons employed by: _____
(Contractor or Subcontractor)

on the _____

(Name of Project)

that during the payroll period commencing on the _____ day of _____, 20__ and ending the _____ day of _____, 20__, all persons employed on said project have been paid the full weekly wages earned, that no deductions have been or will be made either directly or indirectly to or on behalf of said _____ from the full weekly wages earned by any

(Contractor or Subcontractor)

person, other than deductions permitted by law. Anyone found in violation of the NM Public Works Minimum Wage Act [13-4-11 to 13-4-17 NMSA 1978] could be subject to penalties and debarment.

- (2) That any payrolls otherwise under this contract required to be submitted for the above period are correct and complete; that the wage rates for laborer or mechanic conform with the work he performed.
- (3) That any apprentice(s) employed in the above period are duly registered in a bona fide apprenticeship program registered with the State Apprenticeship agency recognized by the Bureau of Apprenticeship & Trng., US Dept. of Labor, or properly enrolled in a bona fide training program approved for application on public works construction projects by the appropriate state (SAC) and/or federal agency(ies) (BAT) if and as required by law & applicable federal regulation.

(4) FRINGE BENEFITS: (Please Spell Out Any/All Acronyms)

___(a) ARE PAID TO APPROVED PLAN, FUND, OR PROGRAM in addition to the basic hourly wage rates paid to each laborer or mechanic listed in the above-referenced payroll, payments of fringe benefits as listed in the contract have been or will be made to appropriate program for the benefit of such employees.

If paid to an approved plan, fund, or program, please fill out name of program w/fringe breakdown per hour below:

Name of Program Used for Fringe Benefits:

Pension =	Health/Welfare =	Holiday/Vac. =	Life Ins. =	Training* =
(If additional space is needed for more programs/fringe breakdowns, please attach a separate page.)				

FRINGE BENEFITS:

1. Pension
2. Health/Welfare
3. Holiday/Vacation
4. Life Insurance
5. Training (not Apprenticeship) *

FRINGE BREAKDOWN SAMPLE:

Fringe Benefit:	Amount:
401(K) Plan	\$8.98/hr.
Vacation	\$2.23/hr.

- ___(b) **Paid to Union Program** - If paid to a Union and fringe benefits differ from employee to employee, and/or job contract, please provide fringe breakdown for each employee and attach copy of Union contract.
- ___(c) ARE PAID IN CASH, each laborer or mechanic listed in the above-referenced payroll has been paid as indicated on the payroll, an amount not less than the sum of the applicable basic hourly wage rate plus the amount of the required fringe benefits as listed in the contract.

Section 13-1D-1 to Section 13-1D-8, NMSA 1978 provides for employers to agree to make contributions to approved apprentice & training programs in New Mexico in which the employer is a participant to the public works apprentice and training fund administered by the Public Works Bureau of the Labor & Industrial Division of the New Mexico State Department of Labor. Contributions shall be made in the same manner and in the same amount as apprentice and training contributions required pursuant to wage rate determinations made by the Labor & Industrial Division Director.

APPRENTICESHIP CONTRIBUTIONS: (Please check applicable blank)

___ Check paid to: NM Public Works Apprenticeship & Training Fund - Public Works Bureau, Labor & Industrial Div.

___ Check paid to: _____
(Name & address of approved Apprenticeship & Training Program) (Program No.)

Print Name of Certifying Official: _____ Signature of Certifying Official: _____ Title & Phone No.: _____ Date: _____

The willful falsification of any of the above statements may subject the contractor or subcontractor to civil or criminal prosecution. See Section 1001 of Title 18 and Section 231 of Title 31 of the United States Code.

Revised April/2006

