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Commissioner, District 5

Katherine Miller
County Manager

DETERMINATION MEMORANDUM

Date: July 24, 2018

To: Proponents to RFP No. 2018-0323-CORR/IC Roof System Replacement Project, Adult Detention Facility

From: Bill Taylor, Procurement Manager, CPO 

RE: **Determination for Contract Negotiations and Award; Accepting Certain Technical Irregularities, Pursuant to NMSA 1978, 13-1-132**

Summary:

Santa Fe County Purchasing Division issued RFP No. 2018-0323-CORR/IC Roof System Replacement Project, Adult Detention Facility on May 6, 2018. Proposals were received and accepted on June 1, 2018. The responsive proposals were rated and ranked as follows:

<u>Ranking:</u>	<u>Offeror:</u>
1st	National Roofing Company, Inc.
2nd	Nations Roof Central, LLC
3rd	WRC Construction, LLC
	Empire Roofing- Deemed Non-responsive

Pursuant to *NMSA 1978, 13-1-115. Competitive sealed proposals; negotiations* the County entered into negotiations with the highest ranked Offeror, National Roofing Company, Inc. However, that firm's best and final offer was not accepted by the County and negotiations were terminated. The County then initiated negotiations with the 2nd ranked Offer, Nations Roof Central, LLC.

Issue:

Upon negotiations, it was discovered that Nations Roof Central, LLC was not registered with New Mexico Department of Workforce Solutions, which was a requirement of Section IV, Paragraph C of the RFP, which reads:

“A contractor or subcontractor who submits a bid valued at more than sixty thousand dollars (\$60,000) for a public works project that is subject to the Public Works Minimum Wage Act must be registered with the New Mexico Workforce Solutions at the time of the bid opening.”

Determination:

Due to the emergency condition of the existing roof system and the urgent nature of addressing the health, safety and property of the County and the public, it is the determination of the County Chief Procurement Officer, to waive the aforementioned requirement as a technical irregularity and proceed with negotiations for contract award with Nations Roof Central, LLC, pursuant to NMSA 1978, 13-1-132. **Irregularities in bids or proposals.** – *“The state purchasing agent or a central purchasing office may waive technical irregularities in the form of the bid or proposal of the low bidder or offeror which do not alter the price, quality or quantity of the services, construction or items of tangible personal property bid or offered.”*

This determination is contingent upon the selected Offeror providing evidence of the required registration with the New Mexico Department of Workforce Solutions and meeting all other requirements of the procurement.

Pursuant to NMSA 1978, 13-1-172 Right to protest, *“Any bidder or offeror who is aggrieved in connection with a solicitation or award of a contract may protest to the state purchasing agent or a central purchasing office. The protest shall be submitted in writing within fifteen calendar days after knowledge of the facts or occurrences giving rise to the protest.”*