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Meeting Date: August 21, 2024

Staff Contact: Diane Agnew, Water Rights Program Manager

**TITLE: C-24-20 – Approval of Contract with CF Padilla, LLC as a result of B2024000014 SOUTHSIDE WATER RECLAMATION PLANT (SWRP) OUTFALL RESTORATION, PROJECT NO. 02973.00**

**ACTION: Recommend Approval**

**Summary:**

The Albuquerque Bernalillo County Water Utility Authority (Water Authority) issued a Request for Bids (RFB) for Construction to solicit bids from qualified vendors to provide restoration services for the Southside Water Reclamation Plant (SWRP) Outfall Project for floodplain restoration services that creates and improves up to 11 acres of floodplain habitat upstream and downstream of the existing, Water Authority SWRP outfall.

The RFB was advertised in the local newspaper and available for download on the Water Authority's eProcurement website, BidSync. Bids were opened for the above-referenced project on Tuesday, June 18, 2024, at 1:30 p.m. The bids received were reviewed and evaluated by the Water Authority and Hazen & Sawyer.

CF Padilla, LLC was the apparent low bidder for this project. Following the review and evaluation, CF Padilla, LLC's bid was deemed responsive. A summary of the bids received is attached. The Water Authority staff requests approval to proceed with award to CF Padilla, LLC

This approval is intended to delegate signature authority to the Executive Director to enter into an Agreement with the selected contractor, approve any change orders or amendments to the Agreement as necessary to complete the project and to provide restoration services for this project based on the results of the RFB, B2024000014.

**FISCAL IMPACT:**

\$ 6,750,011.84 which amount includes NM GRT.



Hazen and Sawyer  
 100 Sun Ave NE, Suite 206  
 Albuquerque, NM 87109

July 1, 2024

Rochelle Larson, PE  
 Principal Engineer – Planning & Engineering Division  
 Albuquerque Bernalillo County Water Utility Authority  
 PO Box 568  
 Albuquerque, New Mexico 87103

**Re: Southside Water Reclamation Plant Outfall Restoration Project – Recommendation of Award  
 Hazen & Sawyer Project No. 70041-006  
 ABCWUA Construction Project No. 2973.00**

**via email: [rlarson@abcwua.org](mailto:rlarson@abcwua.org)**

Dear Ms. Larson:

Hazen and Sawyer (Hazen) reviewed the bids received on June 18, 2024 for the above referenced project. The bids listed from apparent low bidder to highest, including owner directed allowances and New Mexico Gross Receipts Tax, are shown in **Table 1**.

**Table 1: Summary of Bids**

Ranking	Name of Company	Bid Amount
1	CF Padilla, LLC	\$6,750,011.84
2	Meridian Contracting, Inc.	\$7,081,858.46

CF Padilla, LLC was found to be the most responsive low bidder. The following items were used in the review and determination of the most responsible low bidder (attached for reference):

- Bid Tabulation
- Bid Package Submitted by Prime
- Reference Check


Please note that Hazen contacted the references for the projects listed on the Bid Proposal. CF Padilla has been in business since 2013, is an 8(a) Certified Small Disadvantaged Business, and currently has a Certificate of Contractor Registration from the Labor Relations Division of the New Mexico Workforce Solutions Department.

Under this proposal, 64% (i.e., \$3,967,918.00) of the work will be self-performed. The remaining work (i.e., 36%, \$2,243,870.00) will be performed by their subcontractor, Aquatic Consultants, to perform planting activities.

Based on our overall review of these items, we recommend the Albuquerque Bernalillo County Water Utility Authority award a construction contract to CF Padilla, LLC. for the **Southside Water Reclamation Plant Outfall Restoration** project. If you have any questions, or require additional information regarding this matter, please do not hesitate to contact me directly.

Sincerely,

HAZEN AND SAWYER, P.C.



Ty Smith, PE  
Project Manager & Engineer of Record  
Associate

cc: Greg Gates, Amy Ewing, Ashley Kinsey

Attachment A: Bid Tabulation

SOUTHSIDE WATER RECLAMATION PLANT OUTFALL RESTORATION PROJECT – RECOMMENDATION OF AWARD  
ATTACHMENT A: BID TABULATION



BID TABULATION  
ABCWUA BID NUMBER: B2024000014  
6/18/2024  
PROJECT NAME: SOUTHSIDE WATER RECLAMATION PLANT (SWRP) OUTFALL RESTORATION PROJECT  
COMPANY NAME: n/a  
BIDDER'S SIGNATURE: n/a

BID ITEM	SPECIFICATION	DESCRIPTION	QUANTITY	UNIT	CF PADILLA, LLC			MERIDIAN CONTRACTING INC.			ENGINEER'S ESTIMATE		
					UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST			
<b>DIVISION 01: GENERAL REQUIREMENTS</b>													
29	---	MOBILIZATION & DEMOBILIZATION	1	LS	\$ 285,000.00	\$ 285,000.00	\$ 300,000.00	\$ 300,000.00	\$ 180,000.00	\$ 180,000.00	\$ 366,500.00	\$ 366,500.00	
1	01.32.00B	FLOODPLAIN RESTORATION CONSTRUCTION SURVEY AND STAKING	1	EA	\$ 107,500.00	\$ 107,500.00	\$ 39,500.00	\$ 39,500.00	\$ 32,300.00	\$ 32,300.00	\$ 180,000.00	\$ 180,000.00	
2	01.52.00	CONSTRUCTION SIGNAGE	3	EA	\$ 3,600.00	\$ 10,800.00	\$ 1,950.00	\$ 5,850.00	\$ 2,400.00	\$ 7,200.00	\$ 7,200.00	\$ 7,200.00	
3	01.57.52	DEWATERING AND FLOW DIVERSION FOR STREAMWORK	1	LS	\$ 332,000.00	\$ 332,000.00	\$ 224,614.00	\$ 224,614.00	\$ 120,000.00	\$ 120,000.00	\$ 120,000.00	\$ 120,000.00	
4	01.78.39	PROJECT RECORD DOCUMENTS	1	LS	\$ 9,650.00	\$ 9,650.00	\$ 6,500.00	\$ 6,500.00	\$ 27,000.00	\$ 27,000.00	\$ 27,000.00	\$ 27,000.00	
<b>DIVISION 02: EXISTING CONDITIONS</b>													
5	02.41.00	CONCRETE DEBRIS & RIPRAP REMOVAL, HAULED OFF SITE	17	CY	\$ 1,353.00	\$ 23,001.00	\$ 420.00	\$ 7,140.00	\$ 86.00	\$ 1,462.00	\$ 1,462.00	\$ 1,462.00	
6	02.41.00	JETTY JACK REMOVAL	194	EA	\$ 370.00	\$ 71,780.00	\$ 520.00	\$ 100,880.00	\$ 334.00	\$ 64,796.00	\$ 64,796.00	\$ 64,796.00	
<b>DIVISION 31: EARTH WORK</b>													
7	31.00.01	EARTHWORK - EXCAVATED EARTH, HAULED OFF SITE, AND IMPORTED APPROVED FILL	14,170	CY	\$ 18.20	\$ 257,894.00	\$ 17.00	\$ 240,890.00	\$ 73.00	\$ 1,034,410.00	\$ 1,034,410.00	\$ 1,034,410.00	
8	31.10.00	CLEARING AND GRUBBING (INCLUDING TREES <12" DBH), MULCH ON-SITE	11	AC	\$ 4,500.00	\$ 49,500.00	\$ 8,400.00	\$ 92,400.00	\$ 17,700.00	\$ 194,700.00	\$ 194,700.00	\$ 194,700.00	
9	31.10.00	TREE REMOVAL - 12" TO 24" DBH	27	EA	\$ 1,111.00	\$ 29,997.00	\$ 950.00	\$ 25,650.00	\$ 2,100.00	\$ 56,700.00	\$ 56,700.00	\$ 56,700.00	
10	31.10.00	TREE REMOVAL - 24" DBH AND GREATER	38	EA	\$ 1,500.00	\$ 57,000.00	\$ 1,100.00	\$ 41,800.00	\$ 3,500.00	\$ 133,000.00	\$ 133,000.00	\$ 133,000.00	
11	31.13.21	INVASIVE PLANT SUPPRESSION	11	AC	\$ 16,000.00	\$ 176,000.00	\$ 13,000.00	\$ 143,000.00	\$ 4,400.00	\$ 48,400.00	\$ 48,400.00	\$ 48,400.00	
12	31.25.00	TREE SAVE FENCING	8,000	LF	\$ 7.80	\$ 62,400.00	\$ 12.00	\$ 96,000.00	\$ 3.00	\$ 24,000.00	\$ 24,000.00	\$ 24,000.00	
13	31.25.00	SILT FENCING	13,220	LF	\$ 3.30	\$ 43,626.00	\$ 10.00	\$ 132,200.00	\$ 5.00	\$ 66,100.00	\$ 66,100.00	\$ 66,100.00	
14	31.25.00	STABILIZED CONSTRUCTION ENTRANCE	1	EA	\$ 7,100.00	\$ 7,100.00	\$ 49,500.00	\$ 49,500.00	\$ 3,600.00	\$ 3,600.00	\$ 3,600.00	\$ 3,600.00	
15	31.25.00	TURBIDITY CURTAIN AND FISH EXCLUSION NETTING	1,910	LF	\$ 104.00	\$ 198,640.00	\$ 90.00	\$ 171,900.00	\$ 100.00	\$ 191,000.00	\$ 191,000.00	\$ 191,000.00	
<b>DIVISION 32: EXTERIOR IMPROVEMENTS</b>													
16	---	MAINTENANCE ACCESS PATHS	4,000	LF	\$ 35.00	\$ 140,000.00	\$ 20.00	\$ 80,000.00	\$ 14.00	\$ 56,000.00	\$ 56,000.00	\$ 56,000.00	
17	32.90.22	TOPSOIL FOR STREAMWORK	5250	CY	\$ 75.00	\$ 393,750.00	\$ 150.00	\$ 787,500.00	\$ 51.00	\$ 267,750.00	\$ 267,750.00	\$ 267,750.00	
18	32.91.24	LIVE PLANTINGS - PLUGS	28,500	EA	\$ 21.62	\$ 616,170.00	\$ 18.00	\$ 513,000.00	\$ 15.00	\$ 427,500.00	\$ 427,500.00	\$ 427,500.00	
19	32.91.24	CONTAINER PLANTINGS, 1-GALLON	500	EA	\$ 572.00	\$ 286,000.00	\$ 500.00	\$ 250,000.00	\$ 32.00	\$ 16,000.00	\$ 16,000.00	\$ 16,000.00	
20	32.92.30	SPECIALTY SEEDING	41,000	SY	\$ 8.60	\$ 352,600.00	\$ 20.00	\$ 820,000.00	\$ 3.00	\$ 123,000.00	\$ 123,000.00	\$ 123,000.00	
21	32.93.50	LIVE STAKES	2,100	EA	\$ 129.00	\$ 270,900.00	\$ 115.00	\$ 241,500.00	\$ 5.70	\$ 11,970.00	\$ 11,970.00	\$ 11,970.00	
22	32.93.50	LIVE POLES	1,100	EA	\$ 270.00	\$ 297,000.00	\$ 230.00	\$ 253,000.00	\$ 13.00	\$ 14,300.00	\$ 14,300.00	\$ 14,300.00	
23	32.93.52	TUBELINGS	1,300	EA	\$ 324.00	\$ 421,200.00	\$ 280.00	\$ 364,000.00	\$ 26.00	\$ 33,800.00	\$ 33,800.00	\$ 33,800.00	
<b>DIVISION 35: WATERWAY AND MARINE CONSTRUCTION</b>													
24	35.42.57	EROSION AND SEDIMENT CONTROL - COIR MAT (BIOD-70 OR APPROVED EQUAL)	12,500	SY	\$ 52.00	\$ 650,000.00	\$ 45.00	\$ 562,500.00	\$ 10.00	\$ 125,000.00	\$ 125,000.00	\$ 125,000.00	
25	---	JETTY JACK ANCHOR	4	EA	\$ 3,500.00	\$ 14,000.00	\$ 12,000.00	\$ 48,000.00	\$ 910.00	\$ 3,640.00	\$ 3,640.00	\$ 3,640.00	
26	35.42.63	SOIL ENCAPSULATED LIFT WITH BIO-D BLOCK	2,480	LF	\$ 173.00	\$ 428,040.00	\$ 160.00	\$ 396,800.00	\$ 60.00	\$ 148,800.00	\$ 148,800.00	\$ 148,800.00	
27	35.42.69	STONE TOE AND STONE KEY	3,280	TONS	\$ 167.00	\$ 548,160.00	\$ 150.00	\$ 492,000.00	\$ 150.00	\$ 492,000.00	\$ 492,000.00	\$ 492,000.00	
28	35.42.79	ROOTWAD REVEINEMENTS	370	LF	\$ 162.00	\$ 59,940.00	\$ 100.00	\$ 37,000.00	\$ 180.00	\$ 66,600.00	\$ 66,600.00	\$ 66,600.00	
<b>BASE BID</b>													
<b>OWNER ALLOWANCES, TOTAL</b>						\$ 6,000.00		\$ 60,000.00		\$ 60,000.00		\$ 60,000.00	
<b>SUBTOTAL</b>						\$ 6,271,788.00		\$ 6,580,124.00		\$ 6,580,124.00		\$ 6,580,124.00	
<b>NEW MEXICO GROSS RECEIPTS TAX (7.625%)</b>						\$ 478,223.84		\$ 501,734.46		\$ 501,734.46		\$ 501,734.46	
<b>BASE BID, GRAND TOTAL</b>						\$ 6,750,011.84		\$ 7,081,858.46		\$ 7,081,858.46		\$ 7,081,858.46	

Apparent  
Low Bidder

Attachment B: Bid Package Submitted by Prime

Job no 70041-005

## Bid Proposal Form UNIT PRICE

To the Albuquerque Bernalillo County Water Utility Authority (hereinafter called "Owner"):

1. The undersigned (hereinafter called "Bidder") in compliance with the Request for Bids for the construction of the Project, having carefully examined the RFB and the site of the proposed Work, and being familiar with all of the conditions surrounding the construction of the proposed Project including the availability of materials and labor, hereby proposes to furnish all labor, materials and supplies, and to construct the Project in accordance with the Contract resulting from this RFB, within the time set forth herein, and at the unit prices stated below plus New Mexico Gross Receipts Tax (NMGRT). These unit prices plus NMGRT are to cover all expenses incurred in performing the Work required under the Contract of which this Bid Proposal is a part. Quantities shown in this Unit Price Bid Proposal (and in Alternates, if any) are estimated and payment will be made on the basis of confirmed quantities as constructed.

All TOTAL amounts of the Base Bid (and Alternates, if any) shall be shown in both words and figures. In case of discrepancies, the Unit Price will govern.

### 2. BID PROPOSAL - Unit Prices

Bid Item #	Item ID No.	Item Description	Est. Qty	Unit	Unit Price	Amount
1	01 32 00B	FLOODPLAIN RESTORATION CONSTRUCTION SURVEY AND STAKING	1	LS	\$107,500.00	\$107,500.00
2	01 52 00	CONSTRUCTION SIGNAGE	3	EA	\$3,600.00	\$10,800.00
3	01 57 52	DEWATERING AND FLOW DIVERSION FOR STREAMWORK	1	LS	\$332,000.00	\$332,000.00
4	01 78 39	PROJECT RECORD DOCUMENTS	1	LS	\$9,650.00	\$9,650.00
5	02 41 00	CONCRETE DEBRIS & RIPRAP REMOVAL, HAULED OFF SITE	17	CY	\$1,353.00	\$23,001.00
6	02 41 00	JETTY JACK REMOVAL	194	EA	\$370.00	\$71,780.00
7	31 00 01	EARTHWORK – EXCAVATED EARTH, HAULED OFF SITE, AND IMPORTED APPROVED FILL	14,170	CY	\$18.20	\$257,894.00
8	31 10 00	CLEARING AND GRUBBING (INCLUDING TREES <12" DBH), MULCH ON-SITE	11	AC	\$4,500.00	\$49,500.00
9	31 10 00	TREE REMOVAL – 12-IN TO 24-IN DBH	27	EA	\$1,111.00	\$29,997.00
10	31 10 00	TREE REMOVAL – 24-IN DBH AND GREATER	38	EA	\$1,500.00	\$57,000.00
11	31 13 21	INVASIVE PLANT SUPPRESSION	11	AC	\$16,000.00	\$176,000.00
12	31 25 00	TREE SAVE FENCING	8,000	LF	\$7.80	\$62,400.00
13	31 25 00	SILT FENCING	13,220	LF	\$3.30	\$43,626.00
14	31 25 00	STABILIZED CONSTRUCTION ENTRANCE	1	EA	\$7,100.00	\$7,100.00
15	31 25 00	TURBIDITY CURTAIN AND FISH EXCLUSION NETTING	1,910	LF	\$104.00	\$198,640.00
16	--	MAINTENANCE ACCESS PATHS	4,000	LF	\$35.00	\$140,000.00
17	32 90 22	TOPSOIL FOR STREAMWORK	5,250	CY	\$75.00	\$393,750.00
18	32 91 24	LIVE PLANTINGS – PLUGS	28,500	EA	\$21.62	\$616,170.00
19	32 91 24	CONTAINER PLANTINGS, 1-GALLON	500	EA	\$572.00	\$286,000.00
20	32 92 30	SPECIALTY SEEDING	41,000	SY	\$8.60	\$352,600.00
21	32 93 50	LIVE STAKES	2,100	EA	\$129.00	\$270,900.00
22	32 93 50	LIVE POLES	1,100	EA	\$270.00	\$297,000.00



Bid Item #	Item ID No.	Item Description	Est. Qty	Unit	Unit Price	Amount
23	32 93 52	TUBELINGS	1,300	EA	\$324.00	\$421,200.00
24	35 42 57	EROSION AND SEDIMENT CONTROL – COIR MAT (BIO-D 70 OR APPROVED EQUAL)	12,500	SY	\$52.00	\$650,000.00
25	--	JETTY JACK ANCHOR	4	EA	\$3,500.00	\$14,000.00
26	35 42 63	SOIL ENCAPSULATED LIFT WITH BIO-D BLOCK	2,480	LF	\$179.00	\$443,920.00
27	35 42 69	STONE TOE AND STONE KEY	3,260	TONS	\$167.00	\$544,420.00
28	35 42 79	ROOTWAD REVETMENTS	370	LF	\$162.00	\$59,940.00
<b>Subtotal of Bid Items 1 – 28</b>						<b>\$5,926,788.00</b>
29	--	MOBILIZATION/DEMOBILIZATION (not to exceed 5% of above Subtotal)	1	LS	\$285,000.00	\$285,000.00

**2.1 Base Bid**

a) <b>Base Bid</b> – Subtotal of Bid Items No. 1 through 29	\$6,211,788.00
<b>b) Allowances:</b>	
Barricading	\$ 10,000.00
Security Fencing for Working Area	\$ 50,000.00
<b>Total Allowances:</b>	<b>\$ 60,000.00</b>
c) <b>Subtotal</b> – Line a) Base Bid subtotal plus Line b) Allowances:	\$6,271,788.00
d) <b>New Mexico Gross Receipts Tax (NMGRT)</b> on amount on Line c) Subtotal at <u>0.07625%</u> %:	\$478,223.84
e) <b>BASE BID TOTAL</b> – Line c) Subtotal plus Line d) NMGRT:	<b>\$6,750,011.84</b>

Six million seventh hundred fifty thousand eleven and eighty-four cents \_\_\_\_\_ Dollars  
 (Base Bid total amount written in words)

**3. MBE, WBE, LSA Percentage** 100 %

**4. RFB ADDENDA**

The Bidder acknowledges receipt of the following Addenda:

Addendum No. \_\_\_\_\_ Dated: \_\_\_\_\_ Addendum No. \_\_\_\_\_ Dated: \_\_\_\_\_

Addendum No. \_\_\_\_\_ Dated: \_\_\_\_\_ Addendum No. \_\_\_\_\_ Dated: \_\_\_\_\_

**Note:** *If this is a joint bid all parties must sign this Bid Proposal (attach separate page(s) with the form signature block below for all parties' signatures).*



This Bid Proposal is hereby respectfully submitted by:

\_\_\_\_\_  
Company Name of Bidder

\_\_\_\_\_  
Signature

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

\_\_\_\_\_  
Title

Address:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
NM Contractor's License Number

\_\_\_\_\_  
License Classification(s)

\_\_\_\_\_  
NM Resident Contractor Number

\_\_\_\_\_  
NM Resident Veteran Contractor Number

\_\_\_\_\_  
NM Department of Workforce  
Solutions Registration Number

\_\_\_\_\_  
DUNS Number

\_\_\_\_\_  
Date

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
E-Mail Address

## UNFAIR BUSINESS PRACTICES DISCLOSURE FORM

As defined in Section 2-376 of the Bernalillo County Procurement Ordinance, "Unfair Business Practices" shall mean a system or pattern of acts or practices that a relevant federal or enforcement agency has made a formal finding within the last three years to be discriminatory, deceptive, fraudulent, or abusive (or similar terms) under the New Mexico Unfair Practices Act, NMSA 1978, § 57-12-1 et seq, or an applicable federal or other state consumer protection law relating to the subject matter of the procurement) or that has violated a relevant criminal statute, as evidenced by a public enforcement order or judgment, settlement with the enforcement agency or other formal finding by the relevant enforcement agency with regulatory enforcement authority under the applicable consumer protection law, or criminal conviction.

### THE BIDDER DISCLOSES THAT:

Bidder has been found, within the last three (3) years from the date of submitting this Form, to have participated in Unfair Business Practices as defined above, as follows:

Description of Violation: \_\_\_\_\_

Date of Violation: \_\_\_\_\_

Date of Finding by Enforcement Agency or Authority: \_\_\_\_\_

Comment: \_\_\_\_\_

Description of Violation: \_\_\_\_\_

Date of Violation: \_\_\_\_\_

Date of Finding by Enforcement Agency or Authority: \_\_\_\_\_

Comment: \_\_\_\_\_

Description of Violation: \_\_\_\_\_

Date of Violation: \_\_\_\_\_

Date of Finding by Enforcement Agency or Authority: \_\_\_\_\_

Comment: \_\_\_\_\_

**Attach additional sheets for additional information about these violations or to add additional violations. Submit information for ALL violations.**

**IF NO VIOLATIONS, CHECK HERE:**

**THE BIDDER CERTIFIES THAT:**

- It will report to the Central Purchasing Office any additional Unfair Business Practices or violations by it during the term of its agreement with the Water Authority.
- It agrees that any contract with the Water Authority awarded under this RFB may be terminated as a result of its engaging in Unfair Business Practices.

\_\_\_\_\_  
Company Name of Bidder

\_\_\_\_\_  
Telephone Number

  
\_\_\_\_\_  
Signature of Bidder's Authorized Representative

\_\_\_\_\_  
FAX Number

\_\_\_\_\_  
Printed Name of Bidder's Authorized Representative

\_\_\_\_\_  
E-Mail Address

\_\_\_\_\_  
Printed Title of Bidder's Authorized Representative

\_\_\_\_\_  
Date

Address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## SFPA LISTING OF SUBCONTRACTORS

### INSTRUCTIONS

1. THIS PROJECT IS SUBJECT TO THE PROVISIONS OF THE SUBCONTRACTORS FAIR PRACTICES ACT, SECTIONS 13-4-31 ET SEQ., NMSA 1978, AT THE THRESHOLD AMOUNT (THE "THRESHOLD") STATED IN PART II OF THIS RFB, SPECIAL INSTRUCTIONS.
2. ON THE FORM PROVIDED BELOW, THE BIDDER SHALL DEFINE THE CATEGORIES OF WORK DONE BY EACH SUBCONTRACTOR IN THE BID AND SHALL LIST NO MORE THAN ONE SUBCONTRACTOR FOR EACH SUCH CATEGORY, PROVIDED, HOWEVER, THAT SUCH LISTING SHALL NOT INCLUDE SUBCONTRACTORS WHOSE WORK DOES NOT EXCEED THE THRESHOLD. SUCH LIST SHALL GIVE THE NAME AND CITY OR COUNTY OF THE PLACE OF BUSINESS OF EACH SUBCONTRACTOR UNDER SUBCONTRACT TO THE BIDDER WHO WILL PERFORM WORK OR LABOR OR RENDER SERVICE TO THE BIDDER IN AN AMOUNT EXCEEDING THE THRESHOLD.
3. THOSE SUBCONTRACTORS WHOSE WORK DOES NOT EXCEED THE THRESHOLD SHALL BE LISTED IN ACCORDANCE WITH THE REQUIREMENTS SET OUT IN SECTION 2 OF PART II, SPECIAL INSTRUCTIONS AND THE GENERAL TERMS AND CONDITIONS, REFERENCED IN PART IV OF THE RFB.
4. A BID PROPOSAL SUBMITTED BY A BIDDER WHO FAILS TO COMPLY WITH SECTION 2 ABOVE IS A NON-RESPONSIVE BID WHICH SHALL NOT BE ACCEPTED.
5. NO BIDDER WHOSE BID PROPOSAL IS ACCEPTED SHALL PERMIT ANY SUBCONTRACT TO BE VOLUNTARILY ASSIGNED OR TRANSFERRED OR ALLOW IT TO BE PERFORMED BY ANYONE OTHER THAN THE ORIGINAL SUBCONTRACTOR LISTED IN THE ORIGINAL BID WITHOUT THE WRITTEN CONSENT OF THE WATER AUTHORITY.
6. NO BIDDER WHOSE BID PROPOSAL IS ACCEPTED SHALL SUBLET OR SUBCONTRACT ANY PORTION OF THE WORK IN AN AMOUNT EXCEEDING THE THRESHOLD WHERE THE ORIGINAL BID PROPOSAL DID NOT DESIGNATE A SUBCONTRACTOR, UNLESS:
  - THE BIDDER RECEIVED NO BID FOR THAT CATEGORY – NOTE: THE BIDDER MUST DESIGNATE ON THE FORM, SFPA LISTING OF SUBCONTRACTORS, THAT "NO BID WAS RECEIVED", OR
  - THE BIDDER RECEIVED ONLY ONE BID FOR THAT CATEGORY – NOTE: THE BIDDER MUST DESIGNATE ON THE FORM, SPFA LISTING OF SUBCONTRACTORS, THAT "ONLY ONE BID WAS RECEIVED" TOGETHER WITH THE NAME OF THAT SUBCONTRACTOR. THIS DESIGNATION SHALL NOT OCCUR MORE THAN ONE TIME ON THE SPFA LISTING OF SUBCONTRACTORS, OR
  - THE WORK IS PURSUANT TO A CHANGE ORDER THAT CAUSES CHANGES OR DEVIATIONS FROM THE ORIGINAL CONTRACT.
7. IF A CONTRACTOR FAILS TO LIST A SUBCONTRACTOR IN EXCESS OF THE THRESHOLD AND HE DOES NOT STATE THAT NO BID WAS RECEIVED OR THAT ONLY ONE BID WAS RECEIVED, HE REPRESENTS THAT HE IS FULLY QUALIFIED TO PERFORM, AND THAT HE SHALL PERFORM THAT PORTION OF THE WORK HIMSELF. IF AFTER THE AWARD OF THE CONTRACT THE CONTRACTOR SUBCONTRACTS ANY PORTION OF THE WORK, EXCEPT AS PROVIDED IN THE SUBCONTRACTORS FAIR PRACTICES ACT, THE CONTRACTOR SHALL BE GUILTY OF VIOLATION OF THE SUBCONTRACTORS FAIR PRACTICES ACT AND SUBJECT TO THE PENALTIES PROVIDED IN SECTION 13-4-41 NMSA 1978.

## SFPA LISTING OF SUBCONTRACTORS

**Bidder must list all Subcontractors required to be listed for compliance with the Subcontractors Fair Practices Act.**

	NAME OF SUBCONTRACTOR	CITY OR COUNTY PLACE OF BUSINESS	CATEGORY OF WORK	PUBLIC WORKS REGISTRATION NUMBER	NM CONTRACTOR'S LICENSE NUMBER
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					

**NOTICE TO BIDDER**

The above listing must include the NAME, CITY OR COUNTY OF PLACE OF BUSINESS and CATEGORY OF WORK that will be done by each Subcontractor on the list. List only one Subcontractor for each category of work.

**FAILURE TO COMPLY WITH THESE REQUIREMENTS WILL MAKE THE BID NON-RESPONSIVE AND THE BID WILL BE REJECTED.**

[Use additional sheets if necessary.]

\_\_\_\_\_  
Company Name of Bidder

  
\_\_\_\_\_  
Signature

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

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

## CERTIFICATION REGARDING LOBBYING

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents of all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub- recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, United States Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Organization: \_\_\_\_\_

Street address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

\_\_\_\_\_  
CERTIFIED BY: (type or print)

\_\_\_\_\_  
TITLE:



\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(date)

**Disclosure of Lobbying Activities**

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352  
(See reverse for public burden disclosure)

<p><b>1. Type of Federal Action:</b>                  _____ a. contract                  _____ b. grant                  _____ c. cooperative agreement                  _____ d. loan                  _____ e. loan guarantee                  _____ f. loan insurance</p>	<p><b>2. Status of Federal Action:</b>                  _____ a. bid/offer/application                  _____ b. initial award                  _____ c. post-award</p>	<p><b>3. Report Type:</b>                  _____ a. initial filing                  _____ b. material change</p> <p><b>For material change only:</b>                  Year _____ quarter _____                  Date of last report _____</p>
<p><b>4. Name and Address of Reporting Entity:</b>                  _____ Prime    _____ Subawardee                  Tier _____, if Known:</p> <p style="text-align: center;"><b>Congressional District, if known:</b></p>	<p><b>5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:</b></p> <p style="text-align: center;"><b>Congressional District, if known:</b></p>	
<p><b>6. Federal Department/Agency:</b></p>	<p><b>7. Federal Program Name/Description:</b></p> <p>CFDA Number, if applicable: _____</p>	
<p><b>8. Federal Action Number, if known:</b></p>	<p><b>9. Award Amount, if known:</b></p> <p>\$ _____</p>	
<p><b>10. a. Name and Address of Lobbying Registrant</b>  <i>(if individual, last name, first name, MI):</i></p>	<p><b>b. Individuals Performing Services</b> <i>(including address if different from No. 10a)</i>  <i>(last name, first name, MI):</i></p>	
<p><b>11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.</b></p>	<p><b>Signature:</b> _____</p> <p><b>Print Name:</b> _____</p> <p><b>Title:</b> _____</p> <p><b>Telephone No.:</b> _____ <b>Date:</b> _____</p>	
<p><b>Federal Use Only</b></p>	<p><b>Authorized for Local Reproduction</b>  <b>Standard Form - LLL (Rev. 7-97)</b></p>	



## INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitations for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Included prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.  
  
(b) Enter the full names of the individual(s) performing services, and include full address if different from 10(a). Enter Last Name, First Name, and Middle Initial (MI).
11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

---

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503

## **BID BOND INSTRUCTIONS**

1. ALL BIDDERS SHALL FURNISH WITH THEIR BID PROPOSALS THROUGH BidSYNC, A COPY OF THE BID BOND IN THE FORM PROVIDED BELOW, WHICH BOND SHALL BE ISSUED BY A SURETY DULY AUTHORIZED TO CONDUCT BUSINESS IN THE STATE OF NEW MEXICO AND ACCEPTABLE TO THE WATER AUTHORITY, AND WHICH BOND SHALL BE IN THE AMOUNT OF FIVE PERCENT (5%) OF THE TOTAL AMOUNT OF THE BID. SUCH SURETY SHALL BE NAMED IN THE MOST CURRENT VERSION OF THE U.S. DEPARTMENT OF THE TREASURY'S LISTING OF APPROVED SURETIES, CIRCULAR 570, WHICH CAN BE FOUND AT [WWW.FISCAL.TREASURY.GOV](http://WWW.FISCAL.TREASURY.GOV). BIDDERS SHALL REQUIRE THE ATTORNEY-IN-FACT WHO EXECUTES THE REQUIRED BOND ON BEHALF OF THE SURETY TO AFFIX TO THE BOND A CERTIFIED AND CURRENT COPY OF HIS POWER OF ATTORNEY. AN ORIGINAL BID BOND MUST BE AVAILABLE TO SUBMIT TO THE WATER AUTHORITY IMMEDIATELY UPON REQUEST AFTER BID OPENING. ORIGINAL BID BOND SHOULD BE MAILED TO:

WATER AUTHORITY PURCHASING OFFICE  
ATTN: CANDIDA KELCOURSE  
POST OFFICE BOX 568,  
ALBUQUERQUE, NEW MEXICO 87103-0568

2. BID SECURITY IS SUBMITTED AS A GUARANTEE THAT THE BIDDER, IF AWARDED THE CONTRACT:

- WILL PROMPTLY EXECUTE SUCH CONTRACT IN ACCORDANCE WITH THE BID PROPOSAL AND IN THE MANNER AND FORM REQUIRED BY THE CONTRACT DOCUMENTS,
- WILL FURNISH GOOD AND SUFFICIENT BOND FOR THE FAITHFUL PERFORMANCE OF THE SAME AND FOR THE PAYMENT OF ALL LABOR AND MATERIAL, AND
- WILL FURNISH REQUIRED CERTIFICATES OF INSURANCE.

3. ORIGINAL BID SECURITIES WILL BE RETAINED UNTIL THE CONTRACT IS AWARDED OR OTHER DISPOSITION IS MADE. THE WATER AUTHORITY SHALL HAVE THE RIGHT TO RETAIN THE ORIGINAL BID SECURITIES UNTIL EITHER:

- THE CONTRACT HAS BEEN EXECUTED AND THE LABOR AND MATERIAL PAYMENT BOND, THE PERFORMANCE BOND AND ALL REQUIRED CERTIFICATES OF INSURANCE HAVE BEEN FURNISHED TO THE WATER AUTHORITY;
- THE TIME SPECIFIED IN THE BID DOCUMENTS HAS ELAPSED SO THAT BIDDER MAY WITHDRAW THE BID PROPOSAL; OR
- ALL BIDS HAVE BEEN REJECTED; WHICHEVER OCCURS FIRST.

4. SHOULD THE BIDDER REFUSE TO ENTER INTO SUCH CONTRACT OR FAIL TO FURNISH SUCH BONDS OR CERTIFICATES OF INSURANCE, THE AMOUNT OF THE BID SECURITY SHALL BE FORFEITED TO THE WATER AUTHORITY AS LIQUIDATED DAMAGES, NOT AS A PENALTY. BID PROPOSALS SUBMITTED WITHOUT THE REQUIRED BID SECURITY WILL NOT BE CONSIDERED.

5. THE PURCHASING OFFICER MAY REDUCE THE BID BOND TO ENCOURAGE PROCUREMENT FROM SMALL BUSINESSES, EXCEPT AS OTHERWISE PROVIDED BY LAW. PLEASE SUBMIT THIS REQUEST IN WRITING TO THE PURCHASING CONTACT LISTED IN THIS RFB.

## BID BOND

### KNOW ALL MEN BY THESE PRESENTS:

THAT CF Padilla, LLC, as Principal, hereinafter called the **Principal**, and Amerisure Mutual Insurance Company, a corporation duly organized and existing under and by virtue of the laws of the State of Michigan and authorized to do business in the State of New Mexico, as Surety, hereinafter called the Surety, are held and firmly bound unto the Albuquerque Bernalillo County Water Utility Authority as Obligee, hereinafter called the Owner, in the sum of **five percent (5%) of the amount bid** for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted the accompanying Bid Proposal dated June 18, 2024, for the above-referenced Project which Bid Proposal is by reference made a part hereof and is hereinafter referred to as the Bid.

NOW, THEREFORE, the condition of this obligation is such that, if the Owner shall accept the Bid of the Principal and the Principal shall enter into a Contract with the Owner in accordance with the terms of such Bid, and give such bond or bonds as may be specified in the Bid or Contract Documents with good and sufficient surety for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof or in the event of the failure of the Principal to enter into such Contract and give such bond or bonds, if the Principal shall pay to the Owner the difference not to exceed the penalty hereof between the amount specified in said Bid and such larger amount for which the Owner may in good faith contract with another party to perform the Work covered by said Bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and Sealed this 12th day of June, 2024.

ATTEST:



ATTEST: *Office Manager*

Shelby Barber  
Account Manager

CF Padilla, LLC

Principal

By: 

Title: Managing Member

Amerisure Mutual Insurance Company

Surety

By: 

Title: Thomas M. Padilla, Attorney-In-Fact



AMERISURE MUTUAL INSURANCE COMPANY  
AMERISURE INSURANCE COMPANY  
AMERISURE PARTNERS INSURANCE COMPANY

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That Amerisure Mutual Insurance Company, Amerisure Insurance Company and Amerisure Partners Insurance Company are corporations duly organized under the laws of the State of Michigan (herein collectively the "Companies"), and that the Companies do hereby make, constitute and appoint: Thomas M. Padilla

Bid Bond

CF Padilla, LLC

Albuquerque Bernalillo County Water Utility Authority

HUB International Insurance Services, Inc of its true and lawful Attorney(s)-in Fact, each in their separate capacity if more than one is named above, to sign, execute, seal and acknowledge, for and on its behalf and as its act and deed, bonds or others writings obligatory in the nature of a bond on behalf of each of said Companies, as surety, on contracts or suretyship as are or may be required or permitted by law, regulation, contract or otherwise, provided that no bond or undertaking or contract or suretyship executed under this authority shall exceed the amount of:

ONE HUNDRED MILLION (\$100,000,000.00) DOLLARS

This Power of Attorney is granted and signed by facsimile under and by the authority of the following Resolutions adopted by the Boards of Directors of Amerisure Mutual Insurance Company, Amerisure Insurance Company and Amerisure Partners Insurance Company at meetings duly called and held on February 17, 2022.

"RESOLVED, that any two of the President & Chief Executive Officer, the Chief Financial Officer & Treasurer, the Senior Vice President Surety, the Vice President Surety, or the General Counsel & Corporate Secretary be, and each or any of them hereby is authorized to execute, a Power of Attorney qualifying the attorney-in-fact named in the given Power of Attorney to execute on behalf of the Company bonds, undertakings and all contracts of surety, and that President & Chief Executive Officer, Chief Financial Officer & Treasurer or General Counsel & Corporate Secretary each or any of them hereby is authorized to attest to the execution of any such Power of Attorney and to attach therein the seal of the Company,

FURTHER RESOLVED that the signature of such officers and the seal of the Company may be affixed to any such Power of Attorney or to any certificate relating thereto electronically/digitally or by facsimile, and any such Power of Attorney or certificate bearing such electronic/digital or facsimile signatures or electronic/digital or facsimile seal shall be binding upon the Company when so affixed and in the future with regard to any bond undertaking or contract of surety to which it is attached.

FURTHER RESOLVED, that any work carried out by the attorney-in-fact pursuant to this resolution shall be valid and binding upon the Company."



By:

*Michael A. Ito*

Michael A. Ito, Senior Vice President Surety

By:

*Aaron Green*

Aaron Green, Vice President Surety



IN WITNESS WHEREOF, Amerisure Mutual Insurance Company, Amerisure Insurance Company and Amerisure Partners Insurance Company have caused their official seals to be hereunto affixed, and these presents to be signed by their authorized officers this 26th day of April, 2023.

Amerisure Mutual Insurance Company  
Amerisure Insurance Company  
Amerisure Partners Insurance Company

State of Illinois  
County of Kane

On this 26th day of April, 2023, before me, a Notary Public personally appeared Michael A. Ito, of Amerisure Mutual Insurance Company, Amerisure Insurance Company and Amerisure Partners Insurance Company and Aaron Green of Amerisure Mutual Insurance Company, Amerisure Insurance Company and Amerisure Partners Insurance Company, personally known to me, who being by me duly sworn, acknowledged that they signed the above Power of Attorney as officers of and acknowledged said instrument to be the voluntary act and deed of their respective companies.



*M. Kenny*  
M Kenny, Notary Public

I, Christopher M. Spaude, the duly elected Chief Financial Officer & Treasurer of Amerisure Mutual Insurance Company, Amerisure Insurance Company and Amerisure Partners Insurance Company, do hereby certify and attest that the above and foregoing is a true and correct copy of a Power of Attorney executed by said Companies, which remains in full force and effect

IN WITNESS WHEREOF, I have set my hand and affixed the seals of the Companies this 12th day of June, 2024.

*Christopher M. Spaude*

Christopher M. Spaude, Chief Financial Officer & Treasurer

**LIST OF ADDITIONAL SUBCONTRACTORS/SUPPLIERS**

**B2024000014 *SOUTHSIDE WATER RECLAMATION PLANT (SWRP) OUTFALL RESTORATION PROJECT*  
PROJECT NO. 2973.00**

	SUBCONTRACTOR'S/ SUPPLIER'S NAME, ADDRESS & PHONE NUMBER	OWNER'S NAME AND TITLE	NEW MEXICO CONTRACTOR'S LICENSE NO.	NM DWS NO. (If applicable)	CATEGORY OF WORK
1					
2					
3					
4					
5					
6					

\_\_\_\_\_  
Company Name of Contractor

By:   
\_\_\_\_\_  
(Signature)

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

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**BIDDER QUALIFICATION FORM**

**B2024000014 SOUTHSIDE WATER RECLAMATION PLANT (SWRP) OUTFALL RESTORATION PROJECT**

**PROJECT NO. 2973.00**

All Bidders shall complete this form providing all required information. The completed form shall be submitted to the Owner with their bid. Failure to submit the completed form may render the bid non-responsive and the bid may be rejected at the discretion of the Owner. The Bidder's attention is directed to Section 6 of the SPECIAL INSTRUCTIONS for additional requirements.

**GENERAL CONTRACTOR QUALIFICATIONS**

The General Contractor tasked with the work must be a commercial construction contractor with expertise in ecosystem restoration, earthwork and grading, dewatering, as well as the installation and maintenance of native plants. How many years of experience (minimum three (3) years required) does the General Contractor have in these key areas? \_\_\_\_\_

Provide the name of the Superintendent that has effectively managed and completed a minimum of one (1) ecosystem restoration project within the last five (5) years and must be present on the job site throughout all stages of the work.: \_\_\_\_\_

Provide a list of one (1) to three (3) projects completed within the past five years of comparable scale within a similar geographical region. A list of completed projects shall be provided by the bidder, including the project name and location, the Owner's name and contact details, a description of the restoration work undertaken for each project, the project's duration, and the total area of work involved.

**1<sup>ST</sup> Project Name:** \_\_\_\_\_

Location of Project: \_\_\_\_\_

Owner's Name: \_\_\_\_\_

Owner's Contact Information: \_\_\_\_\_

Description of Restoration Work Completed: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Project Duration: \_\_\_\_\_

Total Area of Work Completed: 100% \_\_\_\_\_

**2<sup>nd</sup> Project Name:** \_\_\_\_\_

Location of Project: \_\_\_\_\_

Owner's Name: \_\_\_\_\_

Owner's Contact Information: \_\_\_\_\_

Description of Restoration Work Completed: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Project Duration: \_\_\_\_\_

Total Area of Work Completed: 90% \_\_\_\_\_

**3<sup>rd</sup> Project Name:** New Belen Wasteway Outlet Control Structure and Peralta Main \_\_\_\_\_

Location of Project: Belen & Peralta, NM \_\_\_\_\_

Owner's Name: Middle Rio Grande Conservancy District \_\_\_\_\_

Owner's Contact Information: \_\_\_\_\_

Description of Restoration Work Completed: projected included drainage pipe in various sizes 36",  
48",60" and 72" approximately 283 LF, concrete work, including head walls, slopes, gate structure, rip-rap  
earthwork, and dewatering \_\_\_\_\_

\_\_\_\_\_

Project Duration: 120 days \_\_\_\_\_

Total Area of Work Completed: 90% \_\_\_\_\_



11



## NEW MEXICO PUBLIC REGULATION COMMISSION

### *Certificate Of Organization*

OF

CF PADILLA, LLC

4733258

The Public Regulation Commission certifies that the Articles Of Organization, duly signed and verified pursuant to the provisions of the

**Limited Liability Company Act**

**(53-19-1 To 53-19-74 NMSA 1978)**

have been received by it and are found to conform to law. Accordingly, by virtue of the authority vested in it by law, the Public Regulation Commission issues this Certificate Of Organization and attaches hereto a duplicate of the Articles Of Organization.

Dated : May 8, 2013

In testimony whereof, the Public Regulation of the State of New Mexico has caused this certificate to be signed by its Chairman and the seal of said Commission to be affixed at the city of Santa Fe.

*Nancy Starr Garcia*

\_\_\_\_\_  
Bureau Chief

*Ben Hall*

\_\_\_\_\_  
Chairman

MAY 08 2013

SUBMIT ORIGINAL AND A COPY  
TYPE OR PRINT LEGIBLY

**Limited Liability Company  
ARTICLES OF ORGANIZATION**

The undersigned, acting as organizer(s) of a limited liability company pursuant to the New Mexico Limited Liability Company Act, adopt the following Articles of Organization:

ARTICLE ONE: The name of the limited liability company is: CE PADILLA, LLC

ARTICLE TWO: The latest date upon which the company is to dissolve is: Perpetual

ARTICLE THREE:

(1) The New Mexico street address of the company's initial registered office is:  
341 Tribal Rd 10 Bosque Farms, NM 87068  
(P.O. Box is not acceptable. Provide a description of the geographical location if a street address does not exist.)

(2) The name of the initial registered agent at that address is: Clayton Padilla

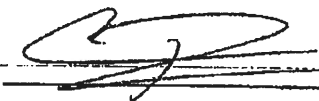
(3) The street address of the company's principal place of business, if different from its registered office is: \_\_\_\_\_

ARTICLE FOUR (check if applicable)  
 YES Management of the business and affairs of the company is vested in a manager.

ARTICLE FIVE (check if applicable)  
 YES The limited liability company is a single member limited liability company.

ARTICLE SIX: If these Articles of Organization are not to be effective upon filing with the commission, the effective date is: (if an effective date is specified here, it cannot be a date prior to the date the articles are received by the commission.) \_\_\_\_\_

Dated: 5/3/2013



Clayton Padilla

Signature of Organizer(s)

Printed Name(s)

FILED  
NMPRC  
Corporation Bureau

MAY 08 2013

STATEMENT OF ACCEPTANCE OF APPOINTMENT  
BE DESIGNATED INITIAL REGISTERED AGENT

I, Clayton Padilla,

hereby acknowledge that the undersigned individual or corporation accepts the appointment as Initial Registered Agent of  
**CF PADILLA, LLC**

the limited liability company which is named in the annexed Articles of Organization.



*(Sign on this line if the registered agent named in the Articles of Organization is an individual. If this line is signed, the two lines below do not apply and must be left blank.)*

-----

**CORPRATION ACTING AS A REGISTERED AGENT ONLY**

*(If the following lines are used, the signature line above does not apply and must be left blank.)*

*(If the registered agent is named in the Articles of Organization is a corporation, type or print the name of that corporation here.)*

By \_\_\_\_\_

*(An authorized officer of the corporation being appointed as registered agent must sign here)*

RECEIVED  
NMPRC  
Corporation Bureau

MAY 08 2013

## NEW MEXICO PUBLIC REGULATION COMMISSION

### COMMISSIONERS

DISTRICT 1 Karen L. Montoya  
DISTRICT 2 Patrick H. Lyons  
DISTRICT 3 Valerie Espinoza  
DISTRICT 4 Theresa Becenti-Aquilar  
DISTRICT 5 Ben L. Hall



1120 Paseo de Peralta  
P.O. Box 1269  
Santa Fe, NM 87504-1269  
Johnny Montoya, Chief of Staff  
CORPORATIONS BUREAU  
(505) 827-4508

**May 10, 2013**

BARBARA HOESCHEN  
4411 MCLEOD NW SUITE B  
ALBUQUERQUE NM 87109

### **RE: CF PADILLA, LLC**

NMPRC# 4733258

This Commission has approved and filed the Articles Of Organization for the above captioned organization effective May 8, 2013. The enclosed Certificate Of Organization is evidence of filing, and should become a permanent document of the organization' s record!

The referenced approval does not constitute authorization for the above referenced organization to transact any business which requires compliance with other applicable federal or state laws, including, but not limited to, state licensing requirements. It is the organization' sole responsibility to obtain such compliance with all legal requirements applicable thereto prior to engaging in the business for which it has obtained approval of the referenced document.

Your canceled check, as validated by this commission, is your receipt. If you have any questions, please contact the Charter Document Section at (505) 827-4511 for assistance.

Chartered Document Section

Melinda Quintana

PRC.CORPORATIONS@STATE.NM.US

505-827-4508

Michelle Lujan Grisham  
Governor

Clay Bailey  
Director

Linda M Trujillo  
Superintendent

## State of New Mexico

Regulation and Licensing Department

### CONSTRUCTION INDUSTRIES DIVISION

2550 Cerillos Rd.  
Santa Fe, New Mexico 87505

*This is to certify that:* **PADILLA, CF, LLC**

**PERMANENT LICENSE #378495**

*Located at:* 62A TRIBAL RD 90, ALBUQUERQUE, NM 87105

*Has complied with all the requirements of the law and is hereby licensed as a contractor, to operate under the classification(s) of:*

**GA98, GB98, GF01, GF02, GF03, GF04, GF05, GF07,**

*And to permit or contract projects singly in New Mexico of a dollar amount up to:*

**UNLIMITED**

*Given under my signature and the seal of the Construction Industries Division at Santa Fe, New Mexico on*



*Signature of Contractor*

**05/20/2013**



*Clay Bailey*

*Director*

NOTE: This Certificate is now and shall remain the property of the CONSTRUCTION INDUSTRIES DIVISION and shall be surrendered at any time upon demand. This certificate is not transferable

**STATE OF NEW MEXICO**

TAXATION AND REVENUE DEPARTMENT

**NATIVE AMERICAN RESIDENT CONTRACTOR CERTIFICATE**

Issued to: **CF PADILLA, LLC**

DBA: **CF PADILLA, LLC**

**62A TRIBAL ROAD 90 SW**

**ALBUQUERQUE, NM 87105-8000**

Expires: **01-Mar-2026**

Certificate Number:

**L0250172528**



Stephanie Schardin Clarke  
*Cabinet Secretary*

THIS CERTIFICATE IS NOT TRANSFERABLE

# *Certificate of Contractor Registration*



This is to certify that

**CF Padilla, LLC**

62A TRIBAL ROAD 90 SW

ALBUQUERQUE, NM, 87105-8088

has registered with the Department of Workforce Solutions

**Registration Date: 1/30/2023      Registration Number: 24626933902016**

**This certificate does not show the current status of the company.  
To see the current status for this company please go to the Public Works  
and Apprenticeship Application (PWAA) at  
<https://www.dws.state.nm.us/pwaa>**



## Attachment C: Reference Check

Project	Location	Project Duration	Owner	Point of Contact	Comments
Infrastructure Improvements on Bernardo WMA Wetland Complex	Bernardo WMA, Socorro Co., NM	210 days	NM Game & Fish	Ryan Darr 505-239-2770 <a href="mailto:ryan.darr@state.nm.us">ryan.darr@state.nm.us</a> --- Paul Erker 505-394-0018 <a href="mailto:Paul.Erker@dgf.nm.gov">Paul.Erker@dgf.nm.gov</a>	Hazen called and emailed. Mr. Darr replied to email correspondence, indicating that he changed positions during the project and directed Hazen to Mr. Erker. Questions were provided to Mr. Erker on 06/26/2024. Mr. Erker connected Hazen with his supervisor, Mr. Auer for responses.  Hazen held a phone call with Mr. Auer on 06/08/2024. See summary of responses attached.
Moonlight Development Phase 1	Isleta, NM	250 days	Pueblo of Isleta Housing	Randy Nez 928-551-5257 randynez@outlook.com  Not Provided	Hazen emailed and provided questions to Mr. Nez on 06/26/2024.  <i>Awaiting reply/correspondence.</i>
New Belen Wasteway Outlet Control Structure and Peralta Main	Belen & Peralta, NM	120 days	MRGCD	--- Angel Madera 505-3217-5028 <a href="mailto:amadera@mrqcd.us">amadera@mrqcd.us</a>	Contractor did not provide reference contact information. Hazen contacted Mr. Madera and Ms. Najmi for an appropriate point of contact for coordination purposes.  Received responses to questions via email on 06/28/2024, please see attached.

**Reference: Mr. Auer, NM Game and Fish**

**Project: Infrastructure Improvements on Bernardo WMA Wetland Complex**

**Date and Time: 06/28/2024 / 15.30 MST**

**Phone Call Summary**

*Summarized transcript with responses provided in red font.*

- Could you briefly describe the project undertaken by CF Padilla?  
*The project was a moist soil unit infrastructure upgrade project related to several manmade constructed wetlands that provide inundation for waterfowl habitat in the winter. Work included piping and levee infrastructure upgrades and did not include any revegetation efforts within CF Padilla's scope.*
- What is the project's current progress and timeline?  
*The project was completed in May 2023 and is out of the warranty period.*
- Can you provide the initial and final construction costs? How many change orders, if any, were requested by CF Padilla?  
*Initial: Interviewee could not recall.  
Final: approximately 6.5MUSD  
Couple of change orders: one was owner directed, whereas the other was requested by CF Padilla for schedule extension due to weather with an approximate amount of 20 to 40k.*
- Was CF Padilla the main contractor, and who was the foreman you collaborated with?  
*Yes, CF Padilla was the prime contractor and the foreman they collaborated with was Clint Autrey.*
- Were there any construction challenges, and how did CF Padilla address them?  
*The interviewee could not speak to any significant construction challenges. Those that he recalls were minor and were easily resolved via collaboration.*
- Did the project require dewatering or working in the wet, and if so, what was CF Padilla's method and effectiveness?  
*No dewatering nor working in the wet was required for construction of the project. If any flooding was encountered, it was pluvial as opposed to fluvial in nature.*
- Is the project in the warranty, maintenance, or establishment phase, and how is CF Padilla performing?  
*They were good to work with and responsive, despite being busy on other construction projects elsewhere.*
- Were regulatory agencies involved during construction, and how did CF Padilla manage these interactions?  
*There were minor interactions with USFWS due to a threatened and endangered plant species. CF Padilla was respectful to the agencies and adhered to the environmental commitments during construction.*
- What are your thoughts on CF Padilla's work quality and commitment to client service?  
*The interviewee was impressed by their work during and following construction and hopes that they continue to bid on their projects in the future.*

## Re: Request for Phone Call: CF Padilla Reference Check

Smith, Tyler <TSmith@hazenandsawyer.com>

Fri 6/28/2024 4:40 PM

To: Angel Madera Enriquez <amadera@mrgcd.us>

Cc: Yasmeen Najmi <Yasmeen@mrgcd.us>; Kinsey, Ashley <AKinsey@hazenandsawyer.com>; Larson, Rochelle L. <rlarson@abcwua.org>; Agnew, Diane <dagnev@abcwua.org>; Engineering Department <EngrDept@mrgcd.us>

Confirming receipt. Thank you, Angel.

**Ty Smith, PE**

*(pronouns: he, him, his)*

**Associate | Hazen and Sawyer**

[tsmith@hazenandsawyer.com](mailto:tsmith@hazenandsawyer.com) | [hazenandsawyer.com](http://hazenandsawyer.com)

804.521.0069

Upcoming PTO/Out of Office:

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**From:** Angel Madera Enriquez <amadera@mrgcd.us>

**Sent:** Friday, June 28, 2024 3:52 PM

**To:** Smith, Tyler <TSmith@hazenandsawyer.com>

**Cc:** Yasmeen Najmi <Yasmeen@mrgcd.us>; Kinsey, Ashley <AKinsey@hazenandsawyer.com>; Larson, Rochelle L. <rlarson@abcwua.org>; Agnew, Diane <dagnev@abcwua.org>; Engineering Department <EngrDept@mrgcd.us>

**Subject:** RE: Request for Phone Call: CF Padilla Reference Check

Hello Tyler,

Below you will find my responses (in red text) to the questions sent in the previous email.

Please let me know if you have any questions.

Thank you,

Angel Madera  
Engineer I



Middle Rio Grande Conservancy District  
1931 Second Street SW | Albuquerque, NM 87102  
505-317-5028 Office | 505-525-5341 Mobile

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**From:** Smith, Tyler <TSmith@hazenandsawyer.com>

**Sent:** Thursday, June 27, 2024 11:13 AM

**To:** Angel Madera Enriquez <amadera@mrgcd.us>

**Cc:** Yasmeen Najmi <Yasmeen@mrgcd.us>; Kinsey, Ashley <AKinsey@hazenandsawyer.com>; Larson, Rochelle L. <rlarson@abcwua.org>; Agnew, Diane <dagnew@abcwua.org>; Engineering Department <EngrDept@mrgcd.us>

**Subject:** Re: Request for Phone Call: CF Padilla Reference Check

Hey Angel -

Thanks for the quick reply. I've provided the questions that we have below. Generally speaking, these questions are intended to be open-ended and if you could elaborate further (1 to 2 sentence max) we would greatly appreciate it.

- Could you briefly describe the project undertaken by CF Padilla?

The project constructed by CF Padilla was the Socorro Main Canal Channel Lining Project Phase 1. This project was to shotcrete about 1.1 miles of the Socorro Main Canal, and complete upgrades to the existing infrastructure in the canal such as turnouts, check structures, and catwalks.

- What is the project's current progress and timeline?

This project was completed, and final closeout was on March 26<sup>th</sup>, 2024. MRGCD's construction timeframe is from November to March. CF Padilla was able to complete this project within the project schedule.

- Can you provide the initial and final construction costs? How many change orders, if any, were requested by CF Padilla?

The initial construction cost was \$5,509,075.26 and the final construction cost was \$5,114,939.40. There was only one change order requested by CF Padilla for this project.

- Was CF Padilla the main contractor, and who was the foreman you collaborated with?

CF Padilla was the main contractor for this project, and our main contact for this project was Division Manager, Clint Autrey.

- Were there any construction challenges, and how did CF Padilla address them?

During the installation of the turnout structures, there were utility lines that were not detected around the existing structures. CF Padilla was able to coordinate with the utility company and the MRGCD to repair the broken lines promptly and continue to work vigilantly.

- Did the project require dewatering or working in the wet, and if so, what was CF Padilla's method and effectiveness?

The project did not require dewatering, since the work was conducted during the irrigation off-season. During rainfall events CF Padilla used pumps to dewater areas within the channel and their method was effective as they were able to stay on schedule.

- Is the project in the warranty, maintenance, or establishment phase, and how is CF Padilla performing?

The project is currently in the warranty phase, since its completion in March of 2024.

- Were regulatory agencies involved during construction, and how did CF Padilla manage these interactions?

CF Padilla managed interactions with other regulatory agencies on a regular basis, through email, phone, and in-person.

- What are your thoughts on CF Padilla's work quality and commitment to client service?

CF Padilla was very committed to providing quality work and was always tentative to the needs of the owner keeping open communication with MRGCD and ensuring that the final product reflected the needs of MRGCD.

Thanks in advance for your insights and collaboration,

**Ty Smith, PE**

*(pronouns: he, him, his)*

Associate | Hazen and Sawyer

[tsmith@hazenandsawyer.com](mailto:tsmith@hazenandsawyer.com) | [hazenandsawyer.com](http://hazenandsawyer.com)  
804.521.0069

Upcoming PTO/Out of Office:

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**From:** Angel Madera Enriquez <[amadera@mrgcd.us](mailto:amadera@mrgcd.us)>  
**Sent:** Thursday, June 27, 2024 12:37 PM  
**To:** Smith, Tyler <[TSmith@hazenandsawyer.com](mailto:TSmith@hazenandsawyer.com)>  
**Cc:** Yasmeen Najmi <[Yasmeen@mrgcd.us](mailto:Yasmeen@mrgcd.us)>; Kinsey, Ashley <[AKinsey@hazenandsawyer.com](mailto:AKinsey@hazenandsawyer.com)>; Larson, Rochelle L. <[rlarson@abcwua.org](mailto:rlarson@abcwua.org)>; Agnew, Diane <[dagnew@abcwua.org](mailto:dagnew@abcwua.org)>; Engineering Department <[EngrDept@mrgcd.us](mailto:EngrDept@mrgcd.us)>  
**Subject:** RE: Request for Phone Call: CF Padilla Reference Check

**Caution!** *External email – think before you click*

Hello Tyler,

Alicia Lopez was the POC for those two projects but unfortunately, she no longer works at MRGCD. I have worked with CF Padilla on other projects within MRGCD facilities before, so I can be a POC and speak on their quality of work. Could you please provide me with the question through email?

Please let me know if you have any questions.

Thank you,

Angel Madera  
Engineer I



Middle Rio Grande Conservancy District  
1931 Second Street SW | Albuquerque, NM 87102  
505-317-5028 Office | 505-525-5341 Mobile

**From:** Smith, Tyler <[TSmith@hazenandsawyer.com](mailto:TSmith@hazenandsawyer.com)>  
**Sent:** Wednesday, June 26, 2024 2:59 PM  
**To:** Angel Madera Enriquez <[amadera@mrgcd.us](mailto:amadera@mrgcd.us)>  
**Cc:** Yasmeen Najmi <[Yasmeen@mrgcd.us](mailto:Yasmeen@mrgcd.us)>; Kinsey, Ashley <[AKinsey@hazenandsawyer.com](mailto:AKinsey@hazenandsawyer.com)>; Larson, Rochelle L. <[rlarson@abcwua.org](mailto:rlarson@abcwua.org)>; Agnew, Diane <[dagnew@abcwua.org](mailto:dagnew@abcwua.org)>  
**Subject:** Request for Phone Call: CF Padilla Reference Check  
**Importance:** High

Good Afternoon Mr. Madera -

We hope that this note finds you well. As you are aware, we are working with the Water Authority on the SWRP Outfall Restoration Project and received a bid from CF Padilla. In their bid package, they listed

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MRGCD as a reference for the **New Belen Wasteway Outlet Control Structure and Peralta Main** project but did not provide a primary point of contact for reference checks. Can you please point us in the right direction?

Ideally, I would like to schedule a brief phone call with the best POC associated with this project as a part of the bid evaluation due diligence process. If they are unable to be available by phone, I can also provide questions via email. We are hoping to complete all reference checks by no later than this Friday, June 28, 2024.

Thanks for your cooperation in advance!

**Ty Smith, PE**

*(pronouns: he, him, his)*

**Associate | Hazen and Sawyer**

[tsmith@hazenandsawyer.com](mailto:tsmith@hazenandsawyer.com) | [hazenandsawyer.com](http://hazenandsawyer.com)

804.521.0069

Upcoming PTO/Out of Office:



## AGREEMENT

### **B2024000014 *SOUTHSIDE WATER RECLAMATION PLANT (SWRP) OUTFALL RESTORATION PROJECT* PROJECT NO. 2973.00**

**THIS AGREEMENT** is made and entered into on the date last entered below, by and between the Albuquerque Bernalillo County Water Utility Authority, hereinafter called OWNER, and CF Padilla LLC, hereinafter called CONTRACTOR.

That Owner and Contractor for the consideration stated herein mutually agree as follows:

**1. STATEMENT OF WORK:** CONTRACTOR shall furnish all supervision, technical personnel, labor, materials, machinery, tools, equipment and services, including utility and transportation services, and perform and complete the Work for the construction of the above-referenced Project and any authorized supplemental work, all in strict accordance with the Contract Documents.

**2. CONTRACT TIME:** The Contract Time will commence on the day indicated in the Notice to Proceed, as specified in the General Terms and Conditions, and continue for a period of 285 days. Changes to the Contract Time are allowed only as provided in the General Terms and Conditions.

Liquidated damages, in the amount per day of One Thousand and 00/100 Dollars (\$1,000.00) will be assessed against the Contractor for each calendar day, or portion thereof, the Work has not achieved Substantial Completion after expiration of that portion of the Contract Time allotted for construction, including any approved extension of time granted. Further, liquidated damages, in the amount per day of One Thousand and 00/100 Dollars (\$1,000.00) will be assessed against the Contractor for each calendar day, or portion thereof, the punch list items listed as incomplete and attached to the Certificate of Substantial Completion are not completed or corrected after expiration of the time allotted for completion and correction, including any approved extension of time granted. These liquidated damages are cumulative. See the General Terms and Conditions, referenced in Part IV of this RFB, for additional information terms relating to liquidated damages.

**3. CONTRACT PRICE:** OWNER will pay CONTRACTOR for the performance of the Contract in current funds, as provided in the Contract Documents, the amount of Six Million, Seven Hundred Fifty Thousand, Eleven and 84/100 Dollars (\$6,750,011.84), which amount includes any applicable New Mexico Gross Receipts Taxes.

**4. NON-APPROPRIATION OF FUNDS:** Notwithstanding any provision in this Contract to the contrary, payments hereunder are contingent upon the Water Authority Board making the necessary appropriations. If sufficient appropriations are not made, this Contract may be terminated at the end of the Water Authority's then current fiscal year upon written notice given by OWNER to CONTRACTOR. Such event shall not constitute an event of default and all payment obligations of OWNER and all of its interest in this Contract will cease upon the date of termination. OWNER'S determination regarding appropriations shall be accepted by CONTRACTOR and shall be final.

**5. COMPLIANCE WITH LAWS:** In providing the Work outlined herein, Contractor shall comply with all applicable laws, ordinances, and codes of the federal, State, and local governments, including, but not limited to the New Mexico Human Rights Act, Title VII of the



federal Civil Rights Act of 1964, the Americans with Disabilities Act of 1990, and all federal, State and local statutes, regulations and executive orders relating to civil rights. Furthermore, this Agreement must be conducted in accordance with mandatory applicable federal laws and regulations as set forth in Exhibit A, Water Authority Federal Funding Contract Addendum.

**6. CONTRACT DOCUMENTS:** The Contract Documents consist of the following, which are as fully a part of the Contract as if attached to this Agreement or repeated herein, and have precedence in the following order:

- Modifications to the Contract Documents
- the Agreement (Along with Exhibit A, Federal Funding Contract Addendum), insurance certificates and surety bonds
- Contractor's Bid Proposal, except as provided below
- the Addenda to the Bid Documents.
- the Special Instructions (Part II of the RFB)
- the Project Technical Specifications attached as Appendix A to the Bid Documents
- the Drawings attached as Appendix B to the Bid Documents
- the Federal Funding Solicitation Addendum attached as Appendix C to the Bid Documents
- the General Terms and Conditions, as supplemented in Part II of the RFB
- the Referenced Standard Specifications (as updated and amended).
- the Instructions to Bidders (Part I of the RFB)
- additional forms and instructions in the RFB
- the Advertisement for Bids

**6.1** Construction detail drawings shall govern over scaled dimensions and over other drawings. Dimensions given on plans or which can be calculated will govern over scaled dimensions.

**6.2** Anything in the CONTRACTOR'S Bid Proposal which alters or provides a condition to the Bid Documents will not take precedence over any part of the Bid Documents unless it is specifically so provided in the Agreement, or a Modification to the Contract Documents, signed by the parties.

**6.3** All definitions and terms set forth in the General Terms and Conditions and the Procurement Ordinance are applicable to the Bid and Contract Documents.

**IN WITNESS WHEREOF**, OWNER and CONTRACTOR have executed this Agreement the day and year last entered below.

**ALBUQUERQUE BERNALILLO COUNTY  
WATER UTILITY AUTHORITY**

**CF PADILLA LLC**

Approved By:

By: \_\_\_\_\_

Title: \_\_\_\_\_

\_\_\_\_\_  
Mark S. Sanchez, Executive Director

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

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

Reviewed by:

\_\_\_\_\_  
Christopher P. Melendrez, General Counsel

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