

**Department of Municipal Development
Contract Services**

Memorandum

To: Consultant

From: Samantha A. Sanchez, Contract Specialist
Contract Services, Dept. of Municipal Development

Subject: Guidelines for Preparation of Contract Documents

Date: August 2022

As per the A/E Services agreement with the City of Albuquerque, the consultant is responsible for providing at least 7 sets of the formal Contract Documents to the successful bidder for execution. Attached are three documents which will assist you in preparing those Contract Documents:

- The first document is the Guidelines for Contract Documents. Please use this document when preparing the contract books sets before delivering them to the contractor for execution.
- The second document is a memo to give to the contractor with the 7 sets to assist him in executing the documents.
- The third document is a checklist for your use after you have received the executed documents from the contractor. Place a check by each of the items to indicate its inclusion, and write in dates in the blanks where necessary. Please submit this document to the Contract Services Division of the Department of Municipal Development (DMD) along with the 7 sets of Contract Documents.

Keep in mind that there are only 10 calendar days between the date the contractor receives the Notice of Award and the date DMD must receive the documents. It would be a good idea for the consultant to have the Contract Documents prepared by Academy Reprographics concurrently with the Recommendation of Award. The Contractor can pick up the books directly from Academy Reprographics once the Notice of Award has been issued.

If you have any questions, please do not hesitate to contact Samantha Sanchez, 768-3836, Samanthaasanchez@cabq.gov.

Guidelines for Contract Documents

- Consultant should have Academy Reprographics assemble sets of the as-bid Construction Specifications and Contract Documents (“Contract Books”). **The Notice of Award Letter specifies the quantity.** These books should be made from the bid documents, and must include the following:
 - ✓ **Addenda** – bind into the Contract Books just under the cover or title page, in descending order
 - ✓ Executed bid documents, copies of which must be obtained **from the City Clerk’s office** (and copied onto pink paper), consisting of the following:
 - ★ **Bid Proposal**
 - ◆ The total amount of the Base Bid and any accepted Alternates must match the amount stated in the Notice of Award letter (if not, the consultant must include documentation supporting the difference in the amounts; e.g., bid tabulation indicating mathematical error, copy of Pre-Award Agreement if applicable, etc.). **If the amount differs, please do not correct this directly on the bid proposal. This is a legal document and must not be altered.**
 - ◆ (paragraph 3 must indicate all Addenda issued, if any)
 - ★ **Bid Bond** accompanied by Power of Attorney
 - ★ **Certification of Bidder Regarding Affirmative Action/Equal Employment Opportunity and Nondiscrimination** (page CB-1)
 - ★ **Bidder’s Listing of Subcontractors for compliance with Subcontractors Fair Practices Act** (page SFPA-1)
 - ★ Any other forms that may be required by the Contract Documents for this particular project.
- Once the Academy Reprographics has bound in the addenda and pink pages, the consultant will then provide those seven sets of Contract Books to the Contractor for execution. Please do not rely on the Contractor to bind in the addenda and pink sheets.
- Once the Contractor has executed all sets and returned them to the Consultant, the consultant should bring them with the checklist to the Contract Services Division of the DMD in Room 7057, City/County Building, for further processing.
- After the City’s CAO has executed the contracts, the Consultant will be notified to pick up the contract books (two originals are retained by the Contract Services) for distribution at the pre-construction conference. A typical distribution would be as follows:
 - ★ City Project Manager
 - ★ Consultant
 - ★ Contractor – two sets, one to be kept at the job site at all times
 - ★ Other distribution as decided by the City Project Manager and/or consultant

Interoffice Memorandum

To: Contractor

From: Samntha A. Sanchez, Contract Specialist
Contract Services, Dept. of Municipal Development

Subject: Guidelines for Preparing Contract Documents

Date: August 2022

These guidelines are to aid the Contractor in the preparation and submission of Contract Documents for construction projects. Please deliver the contract documents to the consultant for verification, and the consultant will deliver them to the Contract Services Division of the Department of Municipal Development (DMD).

PREPARATION OF CONTRACT DOCUMENTS

Within 10 days of Contractor's receipt of the Notice of Award, Contractor shall provide no less than 7 originals of the contract documents, containing the following executed documents (Gen. Cond. §2.1.1):

AGREEMENT

- ✓ The Contractor firm name should be filled in on the first paragraph
- ✓ The Agreement should list all addenda in the space provided (if none, indicate "none")
- ✓ The amount must be written out in words and in figures and must match the amount contained in the Notice of Award letter
- ✓ No Agreement shall be valid until signed by a person **duly authorized to bind** the Contractor, and by the CAO of the City of Albuquerque (Gen. Cond. §1.4 "Agreement"). **Note: If the Contractor is a corporation and the person signing is not the President, Vice-President or Secretary/Treasurer, then corporate authorization should be included.** This could be in the form of Articles of Incorporation, Bylaws, Resolution, or letter.
- ✓ Affix the corporation's corporate seal
- ✓ Fill in Contractor's New Mexico State and Federal Tax ID numbers

PERFORMANCE BOND and LABOR & MATERIAL PAYMENT BOND

- ✓ Contractor must sign the bonds and have his signature witnessed
- ✓ Affix the corporation's corporate seal
- ✓ Bonds must be in amounts at least equal to the Contract Price
- ✓ Bonds should be dated the same date as the Agreement page, but in no event shall the Bonds predate the Agreement
- ✓ Bonds must be issued by a surety licensed to conduct business in the State of New Mexico and named in the current list of "Surety Companies Acceptable on Federal Bonds" as published in the Federal Register.
- ✓ Surety's bonding limit must not be below the contract amount
- ✓ Bonds must be accompanied by a Power of Attorney that should be dated the same as the Bonds.

CONTRACTOR'S LIST OF SUBCONTRACTORS/SUPPLIERS

- ✓ This form must include the Registration Number issued by the NM Workforce Solutions Department (formerly Department of Labor) for each subcontractor listed.
- ✓ A copy of this form should also be submitted to the City of Albuquerque Human Rights Office (see Special Provision Section 4, pages SP-4, 5)

OTHER FORMS AS REQUIRED – Other forms may be required, such as:

- ✓ DBE Bidders Lists
- ✓ Lobbying certifications

INSURANCE CERTIFICATES – The following insurance coverages are required for **all** contracts. Pay attention to the Limits of Liability and Other Requirements. **The Contract Books will not be routed for signature without the required insurance coverages.**

Unless specifically requested by the City, actual insurance policies are not required to be submitted; contractors should submit **Certificates of Insurance** or policy binders:

Type of coverage	Limits of Liability	Other Requirements	General Conditions Section
General Liability	\$2,000,000	City of Albuquerque and Architect or Engineer is additional insured	§5.2.3
Auto Liability	\$1,000,000	City of Albuquerque and Architect or Engineer is additional insured	§5.2.3
Workers Comp.	Statutory		§5.2.5
Builders Risk	Amount of Contract	City of Albuquerque is named as loss payee	§5.2.6.1

In some cases, additional parties (e.g., Burlington Northern Rules and Regulations, AMAFCA or Middle Rio Grande Conservancy District) require additional coverages. Unless set out in an Addendum, see Supplemental Special Provisions and/or Supplemental General Conditions for these requirements.

CONTRACT REVIEW CHECKLIST - Consultant

PROJECT NAME _____
CITY PROJECT NUMBER _____
CONSULTANT _____ CONTRACTOR _____
VERIFIED BY (print name) _____ DATE _____

CONTRACT-RELATED DOCUMENTS:

- ___ Advertisement for Bid signed and dated by Planning Department
- ___ Authority for signator to bind company [Not Required if signed by Pres., Vice-Pres., or Secy. Treasurer]
- ___ Addenda: #1 _____ #2 _____ #3 _____ #4 _____ #5 _____
 ___ distributed at least 2 working days before bid opening on _____

BID DOCUMENTS: (Copies of EXACT documents submitted to City Clerk. copied onto pink paper. No changes made.)

- ___ Bid Proposal (**MUST BE A COPY OF THE BID SUBMITTED TO CITY CLERK**)
- ___ Certification of Bidder AHRO Form CC-2
- ___ Pay Equity Reporting Form
- ___ Bidder's Listing of Subcontractors SFPA
- ___ Bid Bond
- ___ Power of Attorney

CONTRACT DOCUMENTS: (goldenrod pages)

- ___ Agreement (AG-1)
 - ___ lists addenda
 - ___ same amount as on Bid Proposal and Award Letter (If different, then explanation must be provided in recommendation of award.)
 - ___ Contractor's State and Federal Tax ID Numbers listed
 - ___ signed on _____
- ___ Performance Bond _____ Labor & Material Payment Bond
 - ___ signed on _____ (Date must not be before date of Award Letter)
 - ___ Surety's raised seal
 - ___ 100% of Contract Amount
 - ___ Power of Attorney dated _____ (Date must be same as bonds)
- ___ Contractor's List of Subcontractors/Suppliers AHRO Form CC-1 (CLS-1) completed and signed on _____

INSURANCE DOCUMENTS:

- | | |
|---|---|
| ___ General Liability (5.2.3) | ___ Auto (5.2.3) |
| ___ \$2,000,000 (\$10,000,000 Aviation) | ___ \$1,000,000 |
| ___ coverage expires _____ | ___ coverage expires _____ |
| ___ City & Arch./Eng are named Additional Insured | ___ City & Arch./Eng are named Additional |
| ___ Builders Risk (5.2.6.1) | ___ Workers Comp. (5.2.5) |
| ___ Amount of Contract | ___ statutory limits |
| ___ coverage expires _____ | ___ coverage expires _____ |
| ___ City is Loss Payee | |

Comments:

