



November 6, 2008

Gadsden Board of Education  
PO Drawer 70  
Anthony, NM 88021

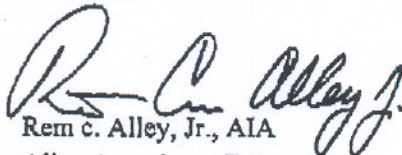
Re: Bids Received  
Gadsden High School Building and Addition -- 2008  
Gadsden Independent School District

Dear Board Members,

As shown on the enclosed Bid Tabulation sheet five (5) bids were received on the Building and Addition at Gadsden High School. Classic Industries withdrew their bid and three (3) of the four (4) remaining bidders protested possible bidder irregularities. Of these protests, the one from Gencon Corporation regarding a second tier subcontractor, Trane Corporation, which was not registered with the Department of Workforce Solutions (formerly Department of Labor) affected all bidders. This protest made all bidders non-responsive to the Specification requirements and therefore cannot be accepted. Enclosed are two emails from Pamela Wright, District Purchasing Agent, who contacted the Department of Workforce Solutions.

Alley Associates recommends rebidding the Building and Addition. Since all of the bidders and their subcontractors pricing has been exposed some changes will be made in the drawings and specifications (bid documents). The project can be resubmitted to PSFA for review, have PSFA comments incorporated, and then rebid. The process could take up to three months.

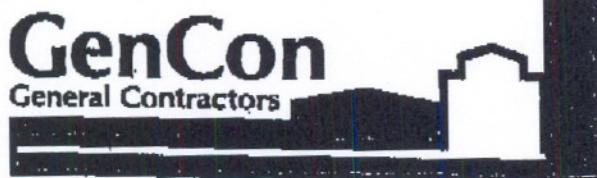
Sincerely,

  
Rem C. Alley, Jr., AIA  
Alley Associates, P.A.

ALLEY ASSOCIATES ARCHITECT PLANNERS 1691 HICKORY LOOP LAS CRUCES, NM 88005 505-523 1310 FAX 1314  
E-MAIL: RALLEY@QWEST.NET







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(505) 523-4558

October 28, 2008

Gadsden Independent School District  
Pamela S. Wright, Purchasing Agent  
4950 McNutt Road  
Sunland Park, NM 88063

Re: Gadsden High School Building & Addition – 2008

Dear Ms. Wright:

Please accept this letter as an addendum to our formal protest letter dated October 7, 2008 a copy of which is attached.

The specifications state in Section 15956. 1.5.1. "Controls are to be supplied by Trane - no substitutions". According to the State of New Mexico Department of Workforce Solutions website, American Standard dba Trane is inactive as of 7-19-2008. Although Trane is a 2<sup>nd</sup> tier subcontractor and bidders are not required to list 2<sup>nd</sup> tier subcontractors on the subcontractor listing form, they are still required to be registered and active with the New Mexico Department of Workforce Solutions. Since No Substitutions for this area of work are allowed per the specifications **ALL** bids received on this project must be deemed to be non-responsive since there can be no registered subcontractor for this area of work.

Based on these facts all bids for this project should be disregarded and the project should be placed for re-bid at a future date.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert F. Carson".

Robert F. Carson  
Secretary/Treasurer

cc: Alley Associates  
David Boyd

**Alley Associates**

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**From:** "DAVID BOYD" <DBOYD@gisd.k12.nm.us>  
**To:** "PAMELA WRIGHT" <PWRIGHT@gisd.k12.nm.us>; "BECKY ACUNA" <BACUNA@gisd.k12.nm.us>  
**Cc:** "Alley Associates" <ralley@qwestoffice.net>; "RAFAEL GALLEGOS" <RGALLEGOS@gisd.k12.nm.us>; "Steve Suggs Assoc. Supt/Finance" <ssuggs@gisd.k12.nm.us>  
**Sent:** Tuesday, November 04, 2008 4:16 PM  
**Subject:** RE: Trane

***I agree and I will place on the Nov. 13<sup>th</sup> BD MT for them to know and ask them to vote to rebid the GHS Project. The smaller projects are over budget and will rebid at a later date. Thanks David***

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**From:** PAMELA WRIGHT  
**Sent:** Tuesday, November 04, 2008 11:56 AM  
**To:** PAMELA WRIGHT; DAVID BOYD; BECKY ACUNA  
**Cc:** 'Alley Associates'; RAFAEL GALLEGOS; Steve Suggs Assoc. Supt/Finance  
**Subject:** RE: Trane

David, once you're comfortable that everyone agrees on this, I'll send out the letter to the protestors letting them know of our decision, and will also send the letters on the other bids that can't be awarded. Thanks. Pam

Pamela S. Wright, C.P.M.  
Purchasing Agent  
Gadsden Independent School District  
PH: 575 882 6244  
FAX: 575 882 6298



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**From:** PAMELA WRIGHT  
**Sent:** Tuesday, November 04, 2008 9:39 AM  
**To:** PAMELA WRIGHT; DAVID BOYD; BECKY ACUNA  
**Cc:** 'Alley Associates'; RAFAEL GALLEGOS; Steve Suggs Assoc. Supt/Finance  
**Subject:** RE: Trane

David, I've reviewed the statute that covers registration of contractors, and have spoken to Kim Kew at Workforce Solutions, who confirmed that we cannot award any bid that involves Trane, at any level, if the bid was issued during the period that their registration had lapsed. Their re-registration was effective October 21, so bids issued after that time will be okay.

Please let me know if you have any questions.

Thanks.

Pam

11/4/2008