



March 1, 2010

Board of Education
Gadsden Independent School District
PO Drawer 70
Anthony, NM 88021

Re: Bids received for Revised Drainage Improvements at 3 Schools
Bid Lot #1 – Improvements at Santa Teresa High School (STHS)
Bid Lot #2 – Improvements at Santa Teresa Elementary School (STES)
Bid Lot #3 and Alternate #1 – Improvements at Desert Trail Elementary Schools (DTES)

Dear Board Members;

Five bids were received for the Drainage Improvements at 3 Schools. The enclosed bid tabulation sheet (attachment A) has the results of the bids which had a wide variation in the prices for DTES while the bids for STHS and STES were reasonably close. After reviewing the bids and contract documents, I spoke with one contractor who then wrote Steven Suggs, District Purchasing Agent, the enclosed letter (attachment B) clarifying their DTES bid. This contractor and one other were obviously confused as to how to bid this work and Steven Suggs, decided with my concurrence that it was best to rebid the work at DTES and proceed with the selection of a contractor for the other two schools.

ESA Construction submitted the low bid of \$266,000.00 for Bid Lots #1 and #2, a bid below the project budget. This firm is licensed as a GB-98 contractor which “may not bid and contract as the prime contractor of any entire project if the major portion of the work to be performed, based on dollar amount is covered by the scope of any GA or GF classification.”* Smith and Aguirre Construction’s letter (attachment “C”) has protested ESA’s bid stating that it does not meet the major portion requirement of the licensing act. ESA has responded by letter (attachment D) and met with Steven Suggs and I to review their bid which lists 37% of the work is by a GF-4 licensed subcontractor. The GF-4 work is not a major portion of the contract and after this meeting Steven Suggs decided that ESA is a qualified bidder.

Alley Associates recommends acceptance of ESA’s proposal for bid lot #1 and #2 and awarding them a contract. If you have any questions or require additional information please contact me at (575)523-1310.

Sincerely,

Rembert C. Alley Jr., AIA
Alley Associates, P.C.

*Construction Industries Licensing Classification and Scopes- Attachment “E”



ALLEY ASSOCIATES
ARCHITECT-PLANNERS

BID TABULATION

1691 HICKORY LOOP, STE. A
LAS CRUCES, NEW MEXICO
88005
Phone (575) 523-1310
Fax (575) 523-1314
General E-Mail
ralley@aksarchitecture.com

PROJECT: GAD2007-02

Revised Drainage Improvements @ 3 Schools

BID DATE: FEBRUARY 9, 2010

BID TIME: 2:00 PM

CONTRACTOR:	Bid Lot #1 (Santa Teresa H/S)	Bid Lot #2 (Santa Teresa E/S)	Bid Lot #3* (Desert Trails E/S)	Alternate #1* (Desert Trails E/S)	Total Bid Lots #1 and #2:	Total Bid Lots #1, #2, and #3	Total Bid Lots #1, #2, and Alternate #1
Bowen	\$198,400.00	\$133,200.00	\$299,700.00	<-\$91,500.00>	\$331,600.00	\$631,300.00	\$539,800.00
ESA Construction	\$167,000.00	\$99,000.00	\$40,000.00	\$104,000.00	\$266,000.00	\$306,000.00	\$370,000.00
Highland Enterprises	\$198,450.00	\$92,000.00	\$182,600.00	\$56,000.00	\$290,450.00	\$473,050.00	\$346,450.00
Renegade Construction	\$165,826.35	\$137,968.01	\$198,502.18	\$101,077.02	\$303,794.36	\$502,296.54	\$404,871.38
Smith & Aguirre	\$209,300.00	\$115,000.00	\$125,000.00	\$66,500.00	\$324,300.00	\$449,300.00	\$390,800.00
JAR Construction	No Bid						
Morrow Enterprises	No Bid						
Ray Ward & Sons	No Bid						
Spartan Construction	No Bid						

*Owner can accept either Bid Lot #3 or Alternate #1.

Esa Construction, Inc.

120 Paragon Lane, Suite 103
El Paso, Texas 79912
(915) 845-4577 ♦ (915) 845-5786 fax

February 12, 2010

Steven Suggs, Purchasing Agent
Gadsden Administration Complex
4950 McNutt Rd.
Sunland Park, NM 88063

RE: Revised Drainage Improvements at Three Schools
Project No: 09-10-10

Mr. Suggs,

In preparation of our quotation for this project, I read section 002000 5A of the specifications literally. It states bid lot three shall include "all work at Desert Trails Elementary School not noted as alternate #1. Paragraph 6 of the same section states:

- A. All work at the Desert Trails Elementary noted in Alternate #1.
- B. Native soil for swails 1 and 2.
- C. Concrete for swale 3.
- D. All work shown for pond on sheet 1.7.
- E. Stem wall at swale 1.
- F. Down spout rundowns on plan sheet C-1.3.
- G. All grading shown or required.

If you assume that these sections of the instructions to bidders are correct, that leaves the concrete swales 1 and 3 in bid lot 3.

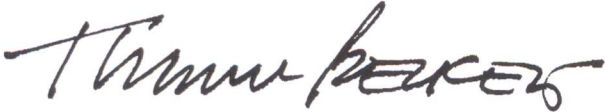
The conflict is that in another section of the same section of the specifications states " the Owner can select either bid lot #3 or alternate #1".

After conversations with the three low concrete subcontractors after the Architect's interpretation conveyed to me on 2/10/2010, they have all withdrawn or raised their bids. I did not contact the balance of the concrete bidders.

The three low concrete subcontractors are: FC Construction, RNJ Concrete and Concrete Inc. The other concrete bidders were Las Cruces Concrete, Expert Construction and New Beginnings.

In light of the fact that I, three concrete contractors and my earthwork contractor did not read it as the Architect has interpreted it, I can only assume that the documents were unclear and could be read in different fashions.

I suggest that you re-bid this project as one lump sum since the complete project is under your budget. If not, please advise or your intended method of award so that I may review my quotation and verify that we can comply.

A handwritten signature in black ink, appearing to read "Thomas W. Preckett". The signature is written in a cursive, somewhat stylized font.

Thomas W. Preckett

cc: AUCY & ASSOCIATES.



February 17, 2010

Gadsden Independent School District
Office of the Purchasing Agent
Gadsden Administration
4950 McNutt Road
Sunland Park, NM 88063

RE: Revised – Drainage Improvements at Three Schools - 2009

Dear Sirs,

Smith & Aguirre Construction Company, Inc. hereby protests the award of the above referenced project to ESA Construction Company. ESA Construction Company holds a GB-98 license. A GB-98 contractor may not bid and contract as the prime contractor of an entire project if the major portion of the work to be performed, based on dollar amount, is covered by the scope of and GA or GF classification. The above referenced project requires a GF-4 classification for Drainage or flood control systems. Smith & Aguirre Construction Company, Inc. does hold the required GF-98 license.

Please advise us how you intend to proceed from here.

Sincerely,

A handwritten signature in black ink, appearing to read "Lyndon Fruit", written over a horizontal line.

Lyndon Fruit
Vice-President of Operations

CC: Alley Associates Architects, P.A.

Esa Construction, Inc.

120 Paragon Lane, Suite 103
El Paso, Texas 79912
(915) 845-4577 • (915) 845-5786 fax

February 18, 2010

Steven Suggs, Purchasing Agent
Gadsden Administration Complex
4950 McNutt Rd.
Sunland Park, NM 88063

RE: Revised Drainage Improvements at Three Schools
Project No: 09-10-10

Mr. Suggs,

I understand from Alley & Associates that a formal protest has been filed on the bid for this project. They have indicated the protest was filed because we do not possess a GF-4 license.

Section 14.6.6.9 A (2) of the NMAC states, "A GB98 contractor may not bid and contract as the prime contractor of an entire project if the major portion of the work to be performed, based on dollar amount, is covered by the scope of any GA or GF classification."

Section 14.6.6.9 B (3) (D) GF-4..."Construct, erect, install, repair and alter drainage or floor control systems. May dig, excavate, fill, prepare embankments for such purposes, place pre-cast components, concrete reinforcement, and perform other work incidental to these projects."

We received quotes for those portions of the work from properly licensed subcontractors in the amount of \$71,454.00. That comes to a total of 27% of our bid for bid lots 1 and 2 in the amount of ~~\$266,000.00~~.

If you read that GF-4 should include non pre-cast structures you would apply the bid received for those structures in the amount of \$25,871.00. The total of this with the above is \$97,325.00, for a total of 37% of our bid.

The balance of the dollar value of the project is non GF-4 work. Either way, it is considerably less than the 50% threshold.

The protest as filed is flawed and does not apply in accordance with the regulations.



Thomas W. Preckett

Cc: Alley & Associates
Encl.

~~14.0.0 NMAC~~

**TITLE 14
CHAPTER 6
PART 6** **HOUSING AND CONSTRUCTION
CONSTRUCTION INDUSTRIES LICENSING
CLASSIFICATIONS AND SCOPES**

14.6.6.1 **ISSUING AGENCY:** The Construction Industries Division (CID) of the Regulation and Licensing Department.
[14.6.6.1 NMAC - Rp, 14.6.6.1 NMAC, 2-1-06]

14.6.6.2 **SCOPE:** This rule applies to any person who engages in contracting, as that term is defined in Section 60-13-3 of the act within the state of New Mexico.
[14.6.6.2 NMAC - Rp, 14.6.6.2 NMAC, 2-1-06]

14.6.6.3 **STATUTORY AUTHORITY:** NMSA 1978, Sections 60-13-9 A., B. and K.
[14.6.6.3 NMAC - Rp, 14.6.6.3 NMAC, 2-1-06]

14.6.6.4 **DURATION:** Permanent.
[14.6.6.4 NMAC - Rp, 14.6.6.4 NMAC, 2-1-06]

14.6.6.5 **EFFECTIVE DATE:** February 1, 2006, unless a later date is cited at the end of a section.
[14.6.6.5 NMAC - Rp, 14.6.6.5 NMAC, 2-1-06]

14.6.6.6 **OBJECTIVE:** The objective of 14.6.6 NMAC is to set forth the classifications of licenses and certificates issued by CID.
[14.6.6.6 NMAC - Rp, 14.6.6.6 NMAC, 2-1-06]

14.6.6.7 **DEFINITIONS:**
[14.6.6.7 NMAC - Rp, 14.6.6.7 NMAC, 2-1-06]
[See Sections 60-13-2 and 3 of the act.]

14.6.6.8 **GENERAL INFORMATION.**

A. Any license issued pursuant to the act and Title 14 NMAC authorizes contracting in the activities covered by the classification(s) of the issued license only. Work performed outside that scope constitutes a violation of the act and these rules and constitutes grounds for disciplinary action.

B. A validly licensed person may bid and contract as the prime contractor of a project only if the major portion of the work, based on dollar amount, is authorized by the classification of the prime contractor's license. Any work outside the scope of the prime contractor's license classification(s) must be subcontracted. This provision is subject to the exception set forth in Subsection A of 14.6.6.9 NMAC, below.

C. Any work subcontracted by a prime contractor must be performed by an entity that is validly licensed in the classification(s) of the work that is to be subcontracted.

D. Any license issued in a classification that is subsequently discontinued, shall be renewed under that classification until the license becomes invalid. When a license issued in a discontinued classification becomes invalid, the entity that held that license will be required to apply for a new license in the appropriate classification in effect at the time of the application in order to be validly licensed to engage in contracting in the state of New Mexico. Such an applicant will be required to satisfy all requirements for licensure as provided in the act and Title 14 NMAC.

[14.6.6.8 NMAC - Rp, 14.6.6.8 NMAC, 2-1-06]

14.6.6.9 **GENERAL CONSTRUCTION CLASSIFICATIONS.**

A. General information.

(1) A GB-98 contractor may bid and contract as the prime contractor of a project that involves work authorized by the GB-98 license classification, regardless of the percentage of work in the mechanical/plumbing and/or electrical trades. The work outside the scope of the prime contractor's license classification(s) must be subcontracted to an entity validly licensed in the appropriate classification(s).

(2) A GB-98 contractor may not bid and contract as the prime contractor of an entire project if the major portion of the work to be performed, based on dollar amount, is covered by the scope of any GA or GF classification.

B. Classifications.

(1) **GA Asphalt, bitumen and concrete construction:** Applies to surfaces used by vehicular traffic, not airborne craft.

(a) **GA-1. Streets, roads and highways, including tunnels, parking lots, alleys, seal coat and surfacing.** Requires two years experience. Clear, align, fill, compress, compact, build up or remove earth and do all work necessary to prepare, within the assigned rights-of-way, the land to accept a street, road, highway, including tunnels, parking lots, alleys or driveways, including curbs, gutters, public sidewalks and land fencing. Place and finish concrete and/or

bituminous materials and apply sealcoat.

(b) **GA-2. Maintenance and repair.** Requires two years experience. Fix, maintain, repair, patch, mend, cover, fill or replace materials of like substances to that being repaired on streets, roads, highways, parking lots, driveways and alleys. Apply seal coat to driveways and parking lots. Install rumble strips.

(c) **GA-3. Curbs, gutters and culverts.** Requires two years experience. Form, place and finish concrete curbs, gutters, culverts, public sidewalks and bituminous ridge curbs for the deflection of water.

(d) **GA-4. Striping.** Requires two years' experience. Paint directional stripes on paved roads, streets, highways, alleys and parking lots. Install auto parking bumpers or stops and highway lane markers/reflectors.

(e) **GA-5. Highway signs and guard rails.** Requires two years experience. Erect and stabilize signs and guard rails along public highways, streets, roads and alleys, which are used for the direction and safety of vehicular traffic. Electrical signs must be installed by a properly licensed electrical contractor.

(f) **GA-98. Asphalt, bitumen and concrete construction.** Requires licensure in classifications GA-1 through GA-5, and covers all work authorized in those classifications.

(2) **Residential and commercial building.**

(a) **GB-2. Residential.** Requires two years experience. Erect, alter, repair or demolish homes, residences and apartment houses accommodating not in excess of four (4) family units, Groups R-1 and R-3, as those groups are defined in 14.7.3 NMAC. May also bid and contract for items included in Group U, as defined in 14.7.3 NMAC, when incidental to these structures. Includes all work described by the GS specialty classifications, provided the work is limited to residential construction as defined under this provision.

(b) **GB-98. General building.** Requires four years experience. Erect, alter, repair or demolish residential and commercial buildings, and certain structures, excluding those structures covered by the EE, GA, GF or MM classifications. Includes all work described by the GB-2 and GS specialty classifications.

(3) **Fixed works.** Authorized to construct, alter or repair fixed works facilities; provided, however, that work in any trade or craft that is authorized by any one, or a combination of, the mechanical, electrical, general building or LP Gas classifications must be performed by an entity validly licensed in the appropriate classification. Except as may be expressly provided in a specific classification description, fixed works classifications may not construct buildings that are primarily for the use and occupancy of the general public, but may bid and contract for such buildings when they are incidental to a fixed works project, pursuant to Subsection B of 14.6.6.8 NMAC, above.

(a) **GF-1. Airports.** Requires two years experience. Construct, alter and repair airports, including marking, excavating, grading, fencing, surfacing and subsurfacing (dirt or bitumen and concrete), compacting and other work on surfaces to be used for aircraft traffic, landing, take-off and taxi.

(b) **GF-2. Bridges.** Requires two years experience. Erect, construct, alter, repair or demolish any bridge, overpass or underpass, culvert and ramp, generally used for vehicular traffic.

(c) **GF-3. Canals, reservoirs, irrigation systems.** Requires two years experience. Construct, erect, alter, repair, or demolish canals, reservoirs and/or irrigation systems, including pivot irrigation systems. May excavate, ditch, fill, compact and place pre-cast components, waterproof membranes and liners, concrete reinforcement, abutments and buttresses in connection therewith. May install tanks, pumps, pipe lines and substations incidental to the project.

(d) **GF-4. Drainage or flood control systems.** Requires two years experience. Construct, erect, install, repair and alter drainage or flood control systems. May dig, excavate, fill, prepare embankments for such purposes, place pre-cast components, concrete reinforcement and perform all other work incidental to these projects. May install storm sewers, including trenching, boring, shoring, backfilling, compacting, and paving.

(e) **GF-5. Recreation areas.** Requires two years experience. Construct, prepare, clear, repair or alter facilities for use as recreation areas, including but not limited to golf courses, tennis courts, playgrounds, outdoor athletic facilities, miniature golf courses, pitch-and-putt golf courses. May prepare the area by excavation, fill, including foundations, retaining walls, sprinkler systems, rest benches, shade and rain shelters. Also includes public campgrounds and parks, including toilet facilities and lean-tos.

(f) **GF-6. Railroad and tunnel construction.** Requires two years experience. Construct railroad lines, including clearing, filling, shaping, compacting, placing rip-rap, stabilizing, setting roadbeds, ties, tie plates, rails, rail connectors, frogs, switch plates, switches, and all appurtenances necessary for an operational railroad line, including bridges, culverts, tunnels, retaining walls, dikes, fences, gates, tool sheds and landing or parking platforms for equipment. Includes welding operations necessary for rail construction.

(g) **GF-7. Tanks and towers.** Requires two years experience. Fabricate and install tanks for the storage of solids or liquids, above or below ground, and towers such as radio and microwave towers, including all necessary site-work, excavation and the construction of concrete pads and foundations, cutting, welding, placement of structural members, engineered structural support systems for elevated tanks, and engineered or prefabricated towers. Includes the repair, cleaning, and placement of liners in tanks, and incidental fencing and buildings.

(h) **GF-8. Transmission lines, tanks and substations (non-electrical).** Requires two years experience. Build, construct and place lines for the transmission or conveyance of petroleum and other fluid substances, including the application of protective coatings, trenching, boring, shoring, backfilling, compacting, paving and surfacing necessary and incidental to the completion of the installation of such facilities. Includes incidental buildings, tanks, and substations required for the project.

(i) **GF-9. Utility lines (sewage, natural gas and underground telephone cables).** Requires two years experience. Construct, install, alter or repair utility lines for the transmission of sewage, natural gas and water, including excavating, grading, trenching, boring, shoring, backfilling, compacting, paving and surfacing. Construct, alter, or repair treatment plants and facilities incidental thereto. Install direct burial telephone or data cable and vaults as directed by the telephone utility. May not perform installation of electrical raceways, splicing, termination, installation of load pots, overhead cabling work, or other activities considered under the scope of the ES-7, EL-1 or EE-98 electrical classifications.

(j) **GF-98. Construct, alter or repair fixed works facilities.** Requires four years experience. Requires licensure in classifications GF-1 through GF-9 and covers all work described in these classifications.

(4) **Specialty classifications.** General construction includes numerous specialties. Therefore, CID has established the GS classification series to enable entities that perform this kind of work to be licensed in their respective areas of expertise. The most common of these specialties are described below.

(a) **GS-1 Acoustical and/or insulation, urethane foam.** Requires two years experience. Install any insulating material, including urethane foam and approved waterproof membranes and coatings, in or on buildings, structures and on piping for the purpose of energy conservation, temperature and sound control, and fireproofing. Does not include the installation of urethane roof systems.

(b) **GS-2 Awnings and canopies.** Requires two years experience. Construct, erect and install awnings and canopies, attached to buildings and structures or free standing, including, but not limited to carports and service station canopies, and including necessary excavation and foundation work. All electrical work shall be performed by a properly licensed electrical contractor.

(c) **GS-3 Tile, marble and terrazzo.** Requires two years experience. Install tile, marble, granite, cultured stone, and terrazzo, including preparing surfaces and placing material, with or without adhesives, mortar, or sealants.

(d) **GS-4. Concrete, cement, walkways and driveways.** Requires two years experience. Mix, pour, place, and finish concrete, including all necessary preparatory work including excavation, form work, and placing of reinforcement materials. May not perform this work in street construction.

(e) **GS-5 Demolition.** Requires two years experience. Demolish all or any portion of a building and certain structures, including such demolition to portions of buildings and structures as to permit additions and alterations to the remaining portions of the building and structure.

(f) **GS-6 Door installation.** Requires two years experience. Install doors in buildings and structures, including the necessary installation of material embracing essential and acceptable door framing, and install hardware necessary to connecting, closing and locking of such doors.

(g) **GS-7. Drywall installation and texture.** Requires two years experience. Install gypsum wallboard, gypsum sheathing, taping, bedding and coating the surfaces of the wallboard and sheathing with gypsum joint systems, tape and drywall mud, or a combination of other materials to create a permanent surface of coating. Includes texturing of walls and ceilings.

(h) **GS-8. Earthmoving, excavating and ditching.** Requires two years experience. Perform earthwork, using hand or power tools, machines that use air, fluids, or other material under pressure, or heavy equipment, in such a manner that cutting, filling, excavating, grading, trenching, backfilling, boring and any similar excavating activity can be executed. Includes the use of explosives for such purposes and may be subject to certain restrictions.

(i) **GS-9. Elevators, escalators, conveyors and related machinery (non-electrical).** Requires two years experience. Erect, install or repair elevators, escalators and related machinery, including sheave beams, sheaves, cable and wire rope, guides, cab, counterweights, doors, including sidewalk elevators, automatic and manual controls, signal systems and all other devices, apparatus, machinery and equipment (including fabrication on job site) essential to the safe and efficient installation and operation of electrical, hydraulic and manually operated elevators, escalators and conveyors.

(j) **GS-10 Fencing.** Requires two years experience. Install fencing including cutting, shaping, fabricating and installing barbed wire, wood or metal fencing, masonry brick or block fence walls, including incidental concrete work and hardware necessary to connecting, closing and locking of gates. May not erect retaining walls.

(k) **GS-11 Fixtures, cabinets and millwork.** Requires two years experience. Install cabinets and countertops, fixtures that are permanently attached to floors, walls, and ceilings, and perform finish carpentry work, excluding installation of doors and windows.

(l) **GS-12 Floor covering, seamless floors and wood floors and finish.** Requires two years experience. Install flooring including the work necessary to bring surfaces to a condition where acceptable finished floors can be installed with the use of composition materials and fabrics and such other materials as are by custom and usage accepted in the building and construction industry as floor covering, excluding tile. Install, finish and repair wood floors and flooring, including the scraping, sanding, filling, staining, shellacking and waxing of such wood floors and flooring. This authorization does not include the installation of carpeting.

(m) **GS-13. Framing.** Requires two years experience. Cut, join and install wood, and wood and metal products for the framing of a structure or building, including bearing and non-bearing walls, rafters, headers, trusses, joists, studs, door and window rough frames, and roof decks, including repair to any of the above.

(n) **GS-14 Glazing, windows, weather stripping, storm door and window installation.** Requires two years experience. Fabricate and install windows in buildings and structures, including the necessary installation of material embracing essential and acceptable window framing, and the installation of hardware necessary to connecting, closing and

locking of such windows. Cut, assemble and install all makes and kinds of glass work, and execute the glazing of frames, panels, sash and doors. Fabricate and install storm doors and windows. Install weather stripping and caulking.

(o) **GS-15 Caissons, piers and pile driving.** Requires two years experience. Install piers, caissons and pilings through the use of pile driving equipment and machinery, including necessary excavation, grading and clearing for site preparation for pile driving activities. Cut, weld, join and fabricate caissons or piles. Install all necessary concrete and reinforcing steel within the caissons to create a structural member.

(p) **GS-16. Masonry.** Requires two years experience. Install or erect brick and other baked clay products, rough cut and dressed stone, artificial stone and pre-cast blocks, structural glass brick or block adobe, laid at random or in courses, with or without mortar, to form masonry walls, including retaining walls, and flatwork including brick and flagstone installed on concrete or sand. Does not include the application of the tile to existing surfaces or the execution, fabrication and erecting of poured cement and concrete, except as a foundation for a wall or surface for flagstone installation.

(q) **GS-17 Ornamental iron and welding.** Requires two years experience. Install sheet, rolled and cast, brass, bronze, copper, cast iron, wrought iron, stainless steel or any other metal for the architectural treatment and ornamental decoration of buildings and structures, including all necessary welding. Does not include the work of a GS-29 miscellaneous sheet metal contractor as provided in these classifications. Welding performed at a welding or fabricating establishment, and not installed by employees of the welding establishment, is considered manufacturing and does not require a contractor's license.

(r) **GS-18 Painting and decorating.** Requires two years experience. Apply wallpaper, paints, pigments, oils, turpentine, japans, driers, thinners, varnishes, shellacs, stains, fillers, waxes and any other vehicles that may be mixed, used and applied to the surfaces of buildings, tanks, structures, monuments and appurtenances thereto. Includes the preparation of surfaces to bring them to a condition such that acceptable work can be executed thereon. Includes the painting portions of the GA-4, striping classification.

(s) **GS-21. Roofing.** Requires two years experience. Install, alter or repair roof systems on existing roof decks to create a weatherproof and waterproof protective membrane, with or without insulation, using asphalt, pitch, tar, sealants, felt, shakes, shingles, roof tile, slate, urethane or any other approved materials, including the preparatory work necessary to bring such surfaces to a condition where roofing can be installed, sealed or repaired. Includes cutting, shaping, fabricating, and installing of sheet metal such as cornices, flashing, gutters, leaders, rainwater downspouts, pans, prefabricated chimneys, at or near roof lines, metal flues, or doing any part of any combination thereof, which relate to and are incidental to the principal contracting business of installing roofing.

(t) **GS-22 Sandblasting.** Requires two years experience. Clean or remove paint or other coatings from buildings or structures, by hand or mechanical devices using sand, air, water and other forms of mixed abrasives.

(u) **GS-23 Sign construction (non-electrical).** Requires two years experience. Fabricate, install and erect signs of wood, steel, plastic or any material, or any combination of materials, which are to be embedded in the earth, in concrete or other base material, or attached to buildings or structures using anchors, attached cables, bars or similar devices and appurtenances. Electrified signs may be installed by contractors holding ES-1 without being classified hereunder.

(v) **GS-24. Structural steel erection.** Requires two years experience. Fabricate and erect structural steel shapes and plates, of any profile, perimeter or cross-section that may be used as structural members for buildings and structures, including riveting and welding.

(w) **GS-25. Swimming pools (non-mechanical/electrical).** Requires two years experience. Construct and repair swimming pools including excavation, installation of reinforcing steel or mesh, application of concrete and special coatings. May not perform any trade or craft which is authorized by any mechanical, electrical or LP Gas classification.

(x) **GS-26 Vaults and depositories.** Requires two years experience. Install safes, vaults and depositories of any size, shape or form, fabricated with wood, steel, concrete or any other material including the preparation of those areas and specific sections of buildings and structures to house such safes, vaults, depositories. Includes constructing, erecting, or installing buildings or vaults to be used for interring deceased persons.

(y) **GS-28 Gunite.** Requires two years experience. Install gunite in areas which include, but are not limited to, swimming pools, canals, reservoirs, bank stabilization and open ditch irrigation systems including the application of steel or wire mesh reinforcement.

(z) **GS-30. Plastering, stucco and lathing.** Requires two years experience. Prepare wall and ceiling surfaces, interior or exterior, with wood, metal lath, wallboard or other properly prepared surfaces which will accept and hold a mixture of sand, plaster (including gypsum plaster), lime and water, or sand and cement with water or any combination of materials to create a permanent surface coating. These coatings may be applied manually or mechanically on surfaces which will support such coating. May install steel stud systems (non-structural), channel iron work and affix lath or any other materials or products, prepared or manufactured to provide a base for such coatings.

(aa) **GS-31 Siding.** Requires two years experience. Apply siding consisting of slate, gypsum, wood, plastics or other products, including the application of furred up networks on which the siding can be installed. May not install or paint doors or windows.

(bb) **GS-32 Miscellaneous sheet metal.** Requires two years experience. Fabricate and install sheet metal (galvanized iron) such as cornices, flashing, gutters, leaders, rainwater downspouts, pans, prefabricated chimneys, hoods, skylights and metal flues. May not install HVAC duct systems, vents, grease hoods, or other appurtenances that are authorized by any mechanical classification.

(cc) **GS-34 Concrete coring, drilling and slab sawing.** Requires two years experience. Coring, boring, drilling, cutting, and sawing concrete, including the removal or demolition of the material. Does not include the installation of wiring or plumbing in such bored, drilled, cut or sawed concrete.

(5) **GS-29 specialties.** The GS-29 classification is a sub-category of the specialty classification. It is a miscellaneous classification that is used to identify uncommon specialties on a case-by-case basis. Requires two years experience.

[14.6.6.9 NMAC - Rp, 14.6.6.8, 14.6.6.10, & 14.6.6.11 NMAC, 2-1-06]

14.6.6.10 ELECTRICAL CLASSIFICATIONS.

A. General information.

(1) A journeyman certificate of competence in the appropriate trade classification for the work to be performed is required of all individuals performing electrical wiring; provided however, that an apprentice, as defined in Section 60-13-2 of the act, may work under the direct supervision of a validly certified journeyman, as defined in Section 60-13-2 of the act, who is employed by a validly licensed person, as defined in Section 60-13-2 of the act, or a holder of a valid annual permit. Journeyman certifications shall be issued such that the certificates parallel the electrical license classification numbers and scopes.

(2) **Conduit installation:** All conduit installations within, or on, buildings shall be performed by a contractor holding a EE-98 license, except where ER-1 licensees and journeymen are installing conduit that is incidental to residential wiring. Specialty electrical license holders (ES-1, 2, 3, and 7) shall not install conduit within, or on, buildings.

(3) **Electrical contracting defined:** The definition of contracting is set forth in Section 60-13-3 of the act, and nothing in this rule shall be construed to conflict with that definition. However, for the purposes of clarity in this rule, contracting is understood to include installations, alterations, repairs, servicing and maintenance involving electrical work.

(4) **Electrical customer-owned distribution systems** are subject to all adopted codes, standards, and regulations. Customer-owned distribution systems include all (non-utility owned or operated) overhead or underground primary or secondary voltage electrical power line construction, installation, alteration, repairs, and maintenance.

B. License classifications.

(1) Residential and commercial.

(a) **EE-98. Residential and commercial electrical.** Requires four years experience. Covers all electrical work, including work identified in less comprehensive electrical classifications, premises wiring systems 600 volts, nominal, or less, underground distribution raceway systems regardless of voltage, and wiring systems and terminations 600 volts, nominal, or less, with the exception of additional work identified under the EL-1 classification. May bid and contract as the prime contractor of an entire project provided the electrical contractor's portion of the contract, based on dollar amount, is the major portion of the contract.

(b) **ER-1. Residential electrical wiring.** Requires two years experience. One- and two-family dwelling units and multi-family dwellings when all such units are all on the ground floor with no occupancies above or below, as set forth in 14.10.4 NMAC. May not install wiring for commercial use, such as motels, hotels and similar occupancies. May not contract for more than four (4) dwelling units in any single building or structure.

(c) **EL-1. Electrical distribution systems, including transmission lines.** Requires four years experience. Overhead or underground electrical distribution and transmission lines and associated towers, tower foundations and other supporting structures, trenching and ductwork and sub-stations and terminal facilities. Interior wiring of buildings housing any of the above equipment requires an EE-98 license.

(2) Specialty licenses.

(a) **ES-1. Electrical signs and outline lighting.** Requires two years experience. Electrical signs and outline lighting, including electrical wiring to connect signs installed where a "sign circuit" has been provided within ten (10) feet, and concrete for the foundation of poles, and build structures for the support of such signs. Outline lighting is an arrangement of incandescent lamps or gaseous tubes to outline and call attention to certain features such as the shape of a building or the decoration of a window and may or may not contribute to the general illumination of an area.

(b) **ES-2. Cathodic protection and lightning protection systems.** Requires two years experience. Electrically activated systems to prevent galvanic damage to metallic pipelines or structures, usually underground and electrical work involved in the equipment for connection rectifier systems. Also includes lightning protection systems. May not install the service riser, main service or service grounding.

(c) **ES-3. Low voltage special systems (under 50 volts).** Requires two years experience. Public address or other sound, voice communication systems normally involving low energy signal circuits. Also, electrical burglar and fire alarm systems, computer data systems, one and two family and multifamily dwelling telephone systems and cable TV systems normally involving coaxial cable for the purpose of transmitting R.F. signals and other intelligence by wire and cable. Includes other low voltage specialty systems such as, but not limited to, door and gate operated control circuits, and temperature control circuits. An installer of TVROs (dishes) is not required to have a contractor's license when the installation is in a single-family dwelling and does not require the use of 120 volts for tracking.

(d) **ES-7. Telephone communication systems.** Requires two years experience. In-plant and out-plant telephone systems, telephone interconnections in public or privately owned buildings, computer data

systems and underground cables or aerial supporting structures, trenching, duct work, terminal facilities, repeaters, including the installation of instruments at their terminating locations. Interior wiring of a building housing any of the above equipment requires an EE-98 classification. **Note:** Refer to GF-9 classification for additional underground telephone cable installations. The GF-9 classification does not include electrical raceway installation.

C. Journeyman classifications.

- (1) **EE-98J. Journeyman residential and commercial electrical.** Requires four years experience.
- (2) **ER-1J. Journeyman residential wiring.** Requires two years experience.
- (3) **EL-1J. Journeyman electrical distribution systems, including transmission lines.** Requires four years experience.
- (4) **ES-1J. Journeyman electrical signs and outline lighting.** Requires two years experience.
- (5) **ES-2J. Journeyman cathodic protection and lightning protection systems.** Requires two years experience.
- (6) **ES-3J. Journeyman sound, intercommunication, electrical alarm systems, and systems 50 volts and under.** Requires two years experience.
- (7) **ES-7J. Journeyman telephone communication systems and telephone interconnect systems.** Requires two years experience.

[14.6.6.10 NMAC - Rp, 14.6.6.12 NMAC, 2-1-06]

14.6.6.11 MECHANICAL AND PLUMBING CLASSIFICATIONS.

A. General information.

(1) A journeyman certificate of competence in the appropriate trade classification for the work to be performed is required of all individuals performing mechanical and plumbing work; provided however, that an apprentice, as that term is defined in Section 60-13-2 of the act, may work under the direct supervision of a validly certified journeyman, as that term is defined in Section 60-13-2 of the act, who is employed by a validly licensed person, as that term is defined in Section 60-13-2 of the act, or a holder of a valid annual permit. Journeyman certifications shall be issued such that the certificates parallel the mechanical and plumbing license classification numbers and scopes.

(2) The definition of contracting is set forth in Section 60-13-3 of the act and nothing in this rule shall be construed to conflict with that definition. However, for the purpose of clarity in this rule, contracting is understood to include installations, alterations, repairs, servicing and maintenance involving plumbing and/or mechanical work.

(3) The definitions of plumbing, fixtures and gas fitting as set forth in Section 60-13-32 of the act should be referenced when reading these classifications.

B. License classifications.

(1) Residential and commercial.

(a) **MM-1. Plumbing.** Requires four years experience. Install, alter, repair and service plumbing fixtures, and piping, including pneumatic or electric controls and control wiring not greater than 24 volts, concrete supports, and excavating, trenching and backfilling. Includes hot water heating systems not exceeding 30 p.s.i. or 400,00 b.t.u./hour input; piping for fuel, oil and gasoline and for solar energy systems; septic tanks, manholes and sewer lines; irrigation sprinkler systems; swimming pools and spas ;. Does not include installation of natural gas fired appliances or natural gas piping.

(b) **MM-2. Natural gas fitting.** Requires four years experience. Install, alter, repair and service natural gas piping and fittings and incidental controls and control wiring, pneumatic control systems, excavating, trenching and backfilling. Includes installation of hot water systems exceeding 30 p.s.i. or 400,000 b.t.u./hour input; steam and hot water boilers; and warm air heating systems such as chimney connections, flues, refractories, burners, fittings valves, thermal insulation, accessories and incidental piping; warm air appliances and other listed gas appliances. May not install LP Gas systems.

(c) **MM-3. Heating, ventilation & air conditioning (HVAC).** Requires four years experience. Install, alter, repair and service HVAC air handling and refrigeration equipment and piping, including fans, coils, condensing units, self-contained packaged air conditioning and/or heating units, evaporative cooling units, solar energy systems, ductwork and pneumatic tube systems. May connect water to existing valved outlets, and install controls, and control wiring not to exceed 24 volts. May bid and contract for structural alterations, painting, electrical wiring and other work incidental to this scope of work, provided such work is performed by a properly licensed contractor.

(d) **MM-4. Heating, cooling and process piping.** Requires four years experience. Install, alter, repair and service hydronic heating, cooling and process piping for steam hot water systems of any temperature pressure range, chilled water systems, condensing water systems and process piping systems. Includes pressure vessels, heat exchangers, boilers, refrigeration water chillers, cooling towers, fuel oil tanks and fuel oil piping, and pneumatic or electric controls and control wiring not to exceed 24 volts. Install high pressure and process piping solar energy systems of any temperature or any pressure conveying gas or fluids other than potable water, and pneumatic tube systems.

(e) **MM-98 Mechanical.** Requires four years experience. Requires licensure in classifications MM-1 through MM-4 and covers all work described in these classifications, as well as work described in the MS-3, MS-6, MS-12 and MS-14.

(2) Specialty classifications:

(a) **MS-3 Septic tanks & sewer.** Requires two years experience. Install, alter, repair or service septic tanks and systems, manholes and sewer lines, starting at a point five (5) feet beyond the outside wall of a building and ending at a connection to a public or private utility. May excavate, trench, backfill and grade as necessary, and install or repair plug-in type electrical control panels, controls and control wiring not to exceed 24 volts.

(b) **MS-6. Lawn sprinklers.** Requires two years experience. Install, alter, repair or service sprinkler systems which are connected to a potable water supply. May excavate and backfill as necessary and install or repair plug-in type electrical control panels, controls and control wiring not to exceed 24 volts.

(c) **MS-12. Fire protection sprinkler systems.** Requires four years experience. Install alter, repair or service fire protection systems using water, including any pressure or storage tanks required, controls and control wiring up to 24 volts. May excavate and backfill and install piping from structure to off-premise water supply adjacent to property involving a fire protection system. May bid or contract for structural alterations, painting, electrical wiring, etc., incidental to the system installation, provided such work is performed by a properly licensed contractor.

(d) **MS-14. Dry chemical fire protection.** Requires four years experience. Install, alter, repair or service fire protection systems using gas or chemical, including CO clean agent. Includes pressurized storage tanks, valves, temperature sensing devices and other incidental control wiring up to 24 volts. May install solenoid or shut-off valve devices in these systems. May bid or contract for structural alterations, painting, electrical wiring, etc., incidental to the system installation, provided such work is performed by a properly licensed contractor.

C. **Journeyman classifications.** Requires two years experience.

(1) **JP. Journeyman plumber.**

(2) **JPF. Journeyman pipe fitter.**

(3) **JG. Journeyman natural gas fitter.**

(4) **JPG. Journeyman plumber and natural gas fitter.**

(5) **JR. Journeyman refrigeration.** Must demonstrate compliance with EPA Recovery requirements before certificate may be issued.

(6) **JS. Journeyman sprinkler.**

(7) **JSM. Journeyman sheet metal.**

(8) **JW. Journeyman welder.** Must obtain either a JP or JG or JPG or JSM certification and show ASME Section 9 certification. Is not required to test separately for this certificate of competence.

(9) **JMG. Journeyman Medical Gas Installer.** Must obtain either JP, JG, JPG or JPF certification and show approved medical gas certification as referenced in Title 14, Chapter 9, Part 5.

(10) **BO1. Journeyman boiler operator. Low pressure only.**

(11) **BO2. Journeyman boiler operator. Low and high pressure.**

(12) **MS-12J. Journeyman fire protection sprinkler systems.** Requires four years experience.

(13) **MS-14J. Journeyman dry chemical fire protection.** Requires four years experience.

[14.6.6.11 NMAC - Rp, 14.6.6.14 NMAC, 2-1-06; A, 12-31-09]

History of 14.6.6 NMAC:

Pre-NMAC History:

Material in this part was derived from that previously filed with the commission of public records - state records center and archives as:

CIC 70-2, General Construction Classifications, filed 11-25-70;

CIC 72-4, General Construction Classifications, filed 02-16-72;

CIC 76-2, Rules And Regulations, filed 05-05-76;

CID 78-2, Rules And Regulations, filed 12-05-78;

CID 79-1, Rules And Regulations, filed 06-06-79;

CID 82-1, Construction Industries Rules And Regulations, filed 04-14-82;

CID 85-1, Construction Industries Rules And Regulations, filed 02-04-85;

CID 90-1, Construction Industries Rules And Regulations, filed 05-31-90.

History of Repealed Material:

14 NMAC 5.6, Housing and Construction - Construction Industries General Provisions - Classifications and Scopes (filed 09-02-97), repealed effective 12-1-00.

14.5.6 NMAC, Housing and Construction - Construction Industries General Provisions - Classifications and Scopes (filed 10-16-2000), repealed 7-1-04.

14.6.6 NMAC, Housing and Construction - Construction Industries Licensing - Classifications and Scopes (filed 5-27-04), repealed 2-1-06.

Other History:

That portion of CID 90-1, Construction Industries Rules And Regulations, filed 05-31-90 - renumbered, reformatted and amended to 14 NMAC 5.6, Housing and Construction - Construction Industries General Provisions - Classifications And Scopes, effective 09-14-96.

14 NMAC 5.6, Housing and Construction - Construction Industries General Provisions - Classifications And Scopes (filed 09-03-96) replaced by 14 NMAC 5.6, Housing and Construction - Construction Industries General Provisions - Classifications and Scopes, effective 09-23-97.

14 NMAC 5.6, Housing and Construction - Construction Industries General Provisions - Classifications and Scopes, filed 09-02-97 replaced by 14.5.6 NMAC, Housing and Construction - Construction Industries General Provisions - Classifications and Scopes, effective 12-1-00.

14.5.6 NMAC, Housing and Construction - Construction Industries General Provisions - Classifications and Scopes (filed 10-16-2000), replaced by 14.6.6 NMAC, Housing and Construction - Construction Industries Licensing - Classifications and Scopes, effective 7-1-04.

14.6.6 NMAC, Housing and Construction - Construction Industries Licensing - Classifications and Scopes (filed 5-27-04), replaced by 14.6.6 NMAC, Housing and Construction - Construction Industries Licensing - Classifications and Scopes, effective 2-1-06.