

CITY CLERK'S OFFICE

DATE 7/15/13 TIME 9:02a

SERVED BY Randall Kuppenbrock

**AMENDED AGENDA**  
**Add VI (A)(1)**

RECEIVED BY [Signature]

**REGULAR MEETING**

**SANTA FE SOLID WASTE MANAGEMENT AGENCY  
JOINT POWERS BOARD**

**JULY 18, 2013**

**12:00 P.M.**

**LEGAL CONFERENCE ROOM**

**SANTA FE COUNTY ADMINISTRATION BUILDING**

**102 GRANT AVENUE**

**SANTA FE, NM**

**I. Call to Order**

**II. Roll Call**

**III. Approval of Agenda**

**IV. Approval of Minutes for Regular Meeting - June 27, 2013**

**V. Matters from the Public**

**VI. Matters from the Executive Director**

(A) Request for Approval to Award Bid No. 13/38/B to the Low Bidder, MCT Industries, Inc. of Albuquerque, NM, for a Half Round End Dump Trailer - Quarter Frame in the Amount of \$40,575.00.

(1) Approval of Budget Increase from 5502.100700 (Equipment Replacement Reserve) to 52504.570500 (Equipment and Machinery) in the Amount of \$40,575.00.

(B) Discussion with Possible Action Regarding the Support of the City of Santa Fe's Single-Use Carryout Bags Ordinance.

(C) Update on the Permit Application for the Caja del Rio Landfill Permit Renewal and Modification.

(D) Discussion and Possible Action on Additional Special Waste Categories as Part of the Caja del Rio Landfill Permit Renewal and Modification.

**VII. Matters from Staff**

**VIII. Matters from the Board**

**IX. Next Meeting Date: Thursday, August 15, 2013**

**X. Adjournment**

Anyone needing further information or requiring special needs for the disabled should contact Sally Padilla at (505) 424-1850, extension 150.

**AGENDA**

CITY CLERK'S OFFICE

DATE 7/11/13 TIME 7:57a

APPROVED BY Randall Kippenbrock

RECEIVED BY 

**REGULAR MEETING**

**SANTA FE SOLID WASTE MANAGEMENT AGENCY  
JOINT POWERS BOARD**

**JULY 18, 2013**

**12:00 P.M.**

**LEGAL CONFERENCE ROOM  
SANTA FE COUNTY ADMINISTRATION BUILDING  
102 GRANT AVENUE  
SANTA FE, NM**

- I. Call to Order**
- II. Roll Call**
- III. Approval of Agenda**
- IV. Approval of Minutes for Regular Meeting - June 27, 2013**
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- VI. Matters from the Executive Director**
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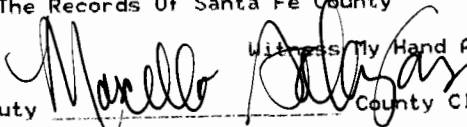
SUMMARY INDEX  
SOLID WASTE MANAGEMENT AGENCY  
JOINT POWERS BOARD MEETING  
July 18, 2013

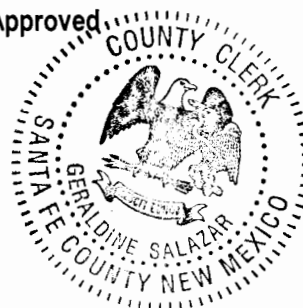
<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
CALL TO ORDER & ROLL CALL	* Quorum	1
[ *At the time the meeting was called to order there was not a quorum, and the Chair moved to Item VI(C). There was a quorum when Commissioner Mayfield joined the meeting telephonically, and the Chair returned to the regular agenda.]		
<u>MATTERS FROM THE EXECUTIVE DIRECTOR</u>		
UPDATE ON THE PERMIT APPLICATION FOR THE CAJA DEL RIO LANDFILL PERMIT RENEWAL AND MODIFICATION	Information/discussion	2-3
APPROVAL OF THE AMENDED AGENDA	Approved	3
APPROVAL OF THE MINUTES FOR REGULAR MEETING – JUNE 27, 2013	Approved	3
MATTERS FROM THE PUBLIC	None	3
<u>MATTERS FROM THE EXECUTIVE DIRECTOR</u>		
REQUEST FOR APPROVAL TO AWARD BID NO. 13/38/B TO THE LOW BIDDER, MCT INDUSTRIES, INC., OF ALBUQUERQUE, NM, FOR A HALF ROUND END DUMP TRAILER – QUARTER FRAME IN THE AMOUNT OF \$40,575.00	Approved [amended]	3-5
APPROVAL OF BUDGET INCREASE FROM 5502.100700 (EQUIPMENT REPLACEMENT RESERVE) TO 525004.570500 (EQUIPMENT AND MACHINERY) IN THE AMOUNT OF \$40,575.00	Approved	3-5
DISCUSSION WITH POSSIBLE ACTION REGARDING THE SUPPORT OF THE CITY OF SANTA FE'S SINGLE-USE CARRYOUT BAGS ORDINANCE	Approved	5-7

COUNTY OF SANTA FE       )  
STATE OF NEW MEXICO    ) ss

SOLID WASTE MINUTES  
PAGES: 14

I Hereby Certify That This Instrument Was Filed for  
Record On The 23RD Day Of September, 2013 at 04:06:48 PM  
And Was Duly Recorded as Instrument # 1718791  
Of The Records Of Santa Fe County

Deputy  Witness My Hand And Seal Of Office  
Geraldine Salazar  
County Clerk, Santa Fe, NM



SFC CLERK RECORDED 09/23/2013

**ITEM****ACTION****PAGE**

DISCUSSION AND POSSIBLE ACTION ON  
ADDITIONAL SPECIAL WASTE CATEGORIES  
AS PART OF THE CAJA DEL RIO LANDFILL  
PERMIT RENEWAL AND MODIFICATION

Postponed to 08/15/13

7-11

MATTERS FROM STAFF

Information/discussion

11

MATTERS FROM THE BOARD

Information/discussion

11-12

NEXT MEETING DATE:  
Thursday, August 15, 2013

12

ADJOURNMENT

12

SPC CLERK RECORDED 08/23/2013

**SOLID WASTE MANAGEMENT AGENCY  
JOINT POWERS BOARD MEETING  
Legal Conference Room  
Santa Fe County Courthouse  
July 18, 2013**

2013/07/18 14:42  
RECORDED  
CLEAN  
213

**I. CALL TO ORDER**

A meeting of the City and County of Santa Fe Solid Waste Management Agency Joint Powers Board (SWMA) was called to order by Councilor Peter N. Ives, Chair, on Thursday, July 18, 2013, at approximately 12:00 noon, in the Legal Conference Room Santa Fe County Courthouse, 102 Grant Avenue, Santa Fe, New Mexico.

**II. ROLL CALL**

**MEMBERS PRESENT:**

Councilor Peter N. Ives, Chair  
Councilor Bill Dimas  
Commissioner Daniel Mayfield – telephonically  
Councilor Christopher M. Rivera

**MEMBERS EXCUSED:**

Commissioner Miguel Chavez, Vice-Chair  
Commissioner Kathy Holian

**STAFF PRESENT:**

Randall Kippenbrock, Executive Director – SWMA  
Angelica Salazar, SWMA  
Justin Miller, Legal Counsel  
Elizabeth Martin [for Melessia Helberg, Stenographer]

At the time the meeting was called to order, there was not a quorum of the membership in attendance. Chair Ives moved to Item VI(C), for presentation purposes only. Commissioner Mayfield joined the meeting telephonically toward the end of the presentation, and there was a quorum of the membership in attendance for conducting official business. Following the establishment of a quorum, and the completion of Item VI(C), Chair Ives returned to the regular agenda.

## VI. MATTERS FROM THE EXECUTIVE DIRECTOR

### (C) UPDATE ON THE PERMIT APPLICATION FOR THE CAJA DEL RIO LANDFILL PERMIT RENEWAL AND MODIFICATION.

Mr. Kippenbrock presented information regarding this matter from his Memorandum of July 15, 2013, with attachments, to the SFSWMA Joint Powers Board, which is incorporated herewith to these minutes as Exhibit "3."

A copy of a *Table*, indicating the items involved in the permit application and the percentage of completion of that it, distributed by Kelly Collins, CDM Smith, is incorporated herewith to these minutes as Exhibit "4."

Mr. Kippenbrock spoke briefly about the permit application then called on Kelly Collins and Greg Larson of CDM Smith to give the update.

Kelly Collins presented information from Exhibit "3." Please see Exhibit "3" for specifics of this presentation.

Ms. Collins handed out a table from the permit application that lists everything that is due for completion and how far along they are in completing that item. Ms. Collins reviewed the table. Please see Exhibit "4" for specifics of this presentation.

Ms. Collins pointed out that the notice of filing shows 0% complete. That is because it 0% complete until the filing is done. On the 3<sup>rd</sup> item up from the bottom, the dashes are disclosure forms to be done by Mr. Kippenbrock. She said those are submitted separately because they are not public information. The few that show 70% complete have to do with special waste. She said they are awaiting decisions from this body about which special wastes this body wants to include in the application.

*The Board commented and asked questions as follows:*

- Chair Ives asked, regarding the 50 to 60 years reassessment of landfill life, when we hit being full is that based on a steady flow in.

Mr. Larson said it is based on tonnage. He said the 60 years is based on the current rate with a 1% annual increase.

- Chair Ives said then if we were able to increase recycling and other activities it still would take that volume, so we would talk about a longer life.

Ms. Collins said yes.

- Chair Ives thanked Mr. Kippenbrock and staff for their hard work.

*Commissioner Mayfield joined the meeting telephonically*

Chair Ives advised Commissioner Mayfield that we have covered item VI(C), and he will now return to the regular agenda, beginning with Item III.

### **III. APPROVAL OF THE AMENDED AGENDA**

**MOTION:** Councilor Rivera moved, seconded by Councilor Dimas, to approve the Amended Agenda as presented.

**VOTE:** The motion was approved unanimously on a voice vote.

### **IV. APPROVAL OF THE MINUTES FOR REGULAR MEETING – JUNE 27, 2013**

**MOTION:** Councilor Dimas moved, seconded by Councilor Dimas, to approve the minutes of the regular meeting of June 27, 2013, as presented.

**VOTE:** The motion was approved unanimously on a voice vote.

### **V. MATTERS FROM THE PUBLIC**

There were no matters from the public.

### **VI. MATTERS FROM THE EXECUTIVE DIRECTOR**

- (A) REQUEST FOR APPROVAL TO AWARD BID NO. 13/38/B TO THE LOW BIDDER, MCT INDUSTRIES, INC., OF ALBUQUERQUE, NM, FOR A HALF ROUND END DUMP TRAILER – QUARTER FRAME IN THE AMOUNT OF \$40,575.00

- (1) APPROVAL OF BUDGET INCREASE FROM 5502.100700 (EQUIPMENT REPLACEMENT RESERVE) TO 525004.570500 (EQUIPMENT AND MACHINERY) IN THE AMOUNT OF \$40,575.00.

Mr. Kippenbrock presented information regarding this matter from his Memorandum of July 15, 2013, with attachments, to the SFSWMA Joint Powers Board, which is incorporated herewith to these minutes as Exhibit "1." Please see Exhibit "1" for specifics of this presentation.

Councilor Rivera asked the reason only one bid was received – do we know why other companies did not bid and if there are other companies who would have met the specifications of the bid.

Mr. Kippenbrock said the call for bids was published for a month before it was closed. He said he does not know if there are other companies who could meet the specifics of the bid. He said the specifications were general but were specific in terms of need.

Councilor Rivera said he believes we should reach out to others to see why they did not bid. He suggested perhaps we can do something different in the future to get more bids and a better price.

Mr. Kippenbrock said he would contact look into the process for future bids.

Councilor Dimas asked if the trailer in the bid is a special trailer.

Mr. Kippenbrock said it is a standard rock trailer but the axle stays on ground to make it more safe, noting it is round and sealed.

Councilor Dimas asked if that description indicates that it is specialized.

Mr. Kippenbrock said no, it is fairly common.

**MOTION:** Councilor Dimas moved, seconded by Councilor Rivera, to approve the Bid Award No. 13/38/B, to MCT Industries, Inc., of Albuquerque, New Mexico, for a half round end dump trailer – quarter frame, in the amount of \$40,575.00, as presented by staff.

**VOTE:** The motion, as amended, was approved unanimously on a voice vote.



**MOTION:** Councilor Rivera moved, seconded by Councilor Dimas, to approve the budget increase from 5502.100700 (Equipment Replacement Reserve) to 52504.570500 (Equipment and Machinery) in the amount of \$40,575.00, as presented by staff.

**VOTE:** The motion was approved unanimously on a voice vote.

**(B) DISCUSSION WITH POSSIBLE ACTION REGARDING THE SUPPORT OF THE CITY OF SANTA FE'S SINGLE-USE CARRYOUT BAGS ORDINANCE.**

Mr. Kippenbrock presented information regarding this matter from his Memorandum of July 15, 2013, with attachments, to the SFSWMA Joint Powers Board, which is incorporated herewith to these minutes as Exhibit "2." Please see Exhibit "2" for specifics of this presentation.

Mr. Kippenbrock asked if the Board would like to support this. He said this policy would help his agency by having fewer plastic bags blowing around the landfill.

Chair Ives said Councilor Rivera is one of the original sponsors of this bill. He said the bill was approved in other committees. He appreciated Commissioner Dominguez' comments at the Finance Committee that he has driven next to open fields where the cactus were wearing plastic bags.

Commissioner Mayfield said he is having audio issues and could not hear the presentation well.

Chair Ives re-stated the purpose of the ordinance and explained that there still will be plastic bags at the grocery stores for the purpose of bagging meat and produce to prevent leakage.

Commissioner Mayfield said, "Fair enough." He asked if low income families will be charged for the paper bags.

Chair Ives stated the fee is waived in certain circumstances, which is addressed on page 5 of the Ordinance, "*..any person with a voucher or electronic benefit card issued under Women, Infants and Children Program (WIC), the Emergency Food Assistance Program (TEFAP), Temporary Assistance to Needy Families Program (TANF), or the federal Supplemental Nutrition Assistance Program (SNAP, also known as basic food stamps).*"

Ms. Merrill explained that the Ordinance is designed to eliminate plastic bags so people will use paper bags, and under certain circumstances people will get those free.

Commissioner Mayfield asked if there still will be paper bags in department stores .

Chair Ives said small paper bags still will be available at the department stores.

Commissioner Mayfield said, in department stores, clothing sometimes is placed in plastic hanging bags. What happens to those plastic bags under this Ordinance.

Ms. Merrill said department stores will not have plastic bags.

Commissioner Mayfield said he appreciates and respect this Ordinance but you are talking about pretty large bags that would be needed at department stores. He said in shopping for toys at Christmas you need the large bags for toys and large purchases. He asked if this was taken into consideration.

Councilor Rivera answered said, "Yes, we did." He said the committee has been working on this Ordinance for over a year. They looked at all of this and spoke to retail and grocery stores. Although there is some concern, he said there is overwhelming support for this. He said communities, including Austin, have banned plastic bags. He said, "There was initial push back but then people did get into the groove. I hope that answered your question."

Commissioner Mayfield said he totally supports this ban for grocery stores. He said he doesn't want to oppose Councilor Rivera's proposal. He said, "However, I am concerned about larger bags for big purchases. I don't know how people are going to get toys [to the car] at Christmas."

Councilor Rivera said there is a one-year review built into the Ordinance, to see how it is working and if adjustments need to be made.

Commissioner Mayfield said when you are walking around the mall with paper bags or reusable bags, going from Gap to Dillard's, for example, how are you going to manage all those bags. He asked if there are larger paper bags.

Ms. Merrill said there are a lot of solutions such as combining items and people getting creative, commenting that is up to the retailer, noting the retailer does not have to charge the fee for the bags. He said they can purchase larger bags and absorb the fee. She said a lot of the bigger cities are doing this.

Chair Ives said when they talk about what constitutes a reusable bag, it is a bag with handles. He said the stores could manufacture a larger bag meeting the definition in the ordinance.

Ms. Merrill said when she was in Long Beach California, they had recently passed the ban, and she was amazed at how Target and the shoppers dealt with it and supported it. She said

Target has gotten clever in sending people out with large items by attaching a handle to the bag.

Commissioner Mayfield said he supports this, but he doesn't see how this would work in a mall when you are shopping and walking around with lots of bags, and asked Ms. Merrill to provide him with more information in this regard.

Kim Kelly, a member of the City Business & Quality of Life Committee, who worked on this issue, said more than eight million people are living with this kind of ordinance. She said in Austin, Texas, they do not allow paper bags. She said people have adapted, and at first there are challenges but people work through them.

Chair Ives said he bought a large basket at the farmers market that holds 2 grocery bags of stuff, commenting that it works well.

Chair Ives there is a six-month phase-in for the Ordinance. He said he is sure everyone will be happy to provide feedback to the Council, noting they will be assessing the Ordinance as it moves forward.

Commissioner Mayfield the County has mandated that the public put weeds in plastic bags, and now we asking for no plastic bags. He said, hopefully, you all will support me when I bring that up. He reiterated, "I just don't know how the public is going to move around the mall."

Chair Ives said that is a perfectly fair statement.

**MOTION:** Councilor Rivera moved, seconded by Councilor Dimas, to support the City of Santa Fe's Single-Use Carryout Bags Ordinance, as presented by staff.

**VOTE:** The motion was approved on a voice vote with Chair Ives, Councilor Rivera and Councilor Dimas, no one voting against, and Commissioner Mayfield abstaining. **Explaining his vote:** Commissioner Mayfield said, "I am going to abstain until I have more information."

(D) DISCUSSION AND POSSIBLE ACTION ON ADDITIONAL SPECIAL WASTE CATEGORIES AS PART OF THE CAJA DEL RIO LANDFILL PERMIT RENEWAL AND MODIFICATION.

Mr. Kippenbrock presented information regarding this matter from his Memorandum of July 15, 2013, to the SFSWMA Joint Powers Board, which is incorporated herewith to these minutes as Exhibit "5."

Commissioner Mayfield asked if a special permit is required from the Environment Department to accept special waste.

Mr. Kippenbrock said yes, we have to include them in the permit application and request permitting for each category.

Commissioner Mayfield asked if there would be an extra cost for this.

Mr. Kippenbrock said a disposal plan has to be written for each category, noting there is a \$1,000 fee for each, which would be \$6,000.

Commissioner Mayfield asked if this amount is in the budget.

Mr. Kippenbrock said that the cost for the additional permits is in addition, and will be brought before this Board for its approval.

Commissioner Mayfield asked Mr. Kippenbrock if he has fees in mind for these services.

Mr. Kippenbrock said no. He said, currently, our Ordinance does not indicate a special fee. He said the fees will be associated with the regular fees which currently are in place.

Commissioner Mayfield asked if we are looking at significant amounts.

Chair Ives said we don't know what the flow will be, so to some degree, we are taking a chance that there will be enough of this kind of waste coming in to cover the costs. He thinks we have greater flexibility in accepting more types of waste recognizing, that there is some waste we do not want to get into such as medical and asbestos. He said this is an attempt to be as responsive as possible to meet the needs of the community and still have flexibility.

Commissioner Mayfield asked if the permit fees are due annually for special waste.

Mr. Kippenbrock said this is a one time application fee only.

Commissioner Mayfield said then once we pay this application fee, "we are done."

Commissioner Ives said we are done for 20 years. He said we have to reapply every 20 years.

Commissioner Mayfield asked Mr. Kippenbrock if he has been approached by anyone who wants this special waste accepted.

Mr. Kippenbrock said no.

Mr. Mayfield said he has asked Mr. Kippenbrock time and again to approach Los Alamos and Rio Arriba counties, and invite them to make presentations to our Board regarding bringing their solid waste to SWMA. He said, "I am perplexed. Now he brings up taking in more waste. I am wondering why he cannot afford me the consideration of bringing two other counties to the table in order to accept their waste at our landfill."

Chair Ives said I would say that I am happy to have that as a specific agenda item at our next meeting, commenting it would give us time to figure out the economics such a proposal.

Commissioner Mayfield said, "I guess that is fair but I have been asking for this for a while now."

Ms Collins said, in regard to the special waste categories, the Environment Department is very interested in having landfills permitted for as much as possible "so it does not have to be transferred."

Chair Ives asked Mr. Kippenbrock if he had any thoughts about this.

Mr. Kippenbrock said he will re -engage with the two entities to see if they can come down for our August meeting. He said he was hoping to tie this to our assessments, not only for these two counties, but for San Miguel County as well.

Commissioner Mayfield said he shares the concerns of others, in terms of what our life would be if we accept this other waste. He said, in fairness, we can have this presentation at the next meeting, but "I will say again that I want to have these counties present. I ask for my other two colleagues to be present as well before moving ahead."

Chair Ives said we will get this item on the next agenda and invite those counties.

Mr. Kippenbrock said that this discussion has been part of what the working group has been considering. He said we can get an update at the next meeting.

**MOTION:** Commissioner Mayfield moved, seconded by Councilor Dimas, to postpone this item to the next meeting of the Board on August 15, 2013.

**DISCUSSION:** Chair Ives asked when do we anticipate filing the permit application.

Ms Kelly said 60 days from now. She said they will be making a presentation at the September

Board meeting, unless they do not receive a decision from this body regarding special waste.

Councilor Rivera asked are there any special requirements if we accept special waste. He asked if that waste will go into its own special area, and if that would cause any transportation issues.

Mr. Kippenbrock said industrial solid waste has no additional handling requirements.

Councilor Rivera asked if it would affect the life of the facility.

Mr. Kippenbrock said it would affect it minimally, maybe 100 tons a year. He said we don't know the numbers. He said, for example, car washes generate maybe 9 tons a year, noting that is a minimal amount. He said sludge is number one, and the five are very minimal, commenting this would allow us to serve the businesses.

Commissioner Mayfield asked where the sludge is going now.

Chair Ives said sludge is part of our current permit, and it is not one of the five new categories.

Commissioner Mayfield asked if a special permit is needed for paint disposal.

Chair Ives said the paint doesn't go into the landfill, noting that is household hazardous waste.

Mr. Kippenbrock said we encourage people to take paint to the transfer station for special disposal along with household chemicals.

Commissioner Mayfield said so we are okay in handling that waste right now.

Mr. Kippenbrock said yes, noting household hazardous waste is exempt, and we encourage people to properly dispose of that waste.

**VOTE:** The motion was approved unanimously on a voice vote.

*Councilor Dimas departed the meeting and there was no longer a quorum in attendance*

Chair Ives thanked the staff for the update on the permit. He said staff will email Ms. Collins' handout to Commissioner Mayfield.

Mr. Kippenbrock said the comment and review draft of the application is circulating among the professional staff at this time. He said the intent is to take action on special waste at the August meeting, which will the application to be finalized to meet 2015 renewal date.

Commissioner Mayfield said he doesn't have a problem in supporting this proposal, and asked staff to please email the handout the other two County Commissioners as well.

## **VII. MATTERS FROM STAFF**

Commissioner Mayfield asked Ms Kelly to contact him with regard to further information he would like regarding this item.

Commissioner Mayfield asked Ms. Merrill to contact him regarding the ban on plastic bags for department stores, noting he wants more information in this regard.

Ms. Merrill said she would do so

## **VIII. MATTERS FROM THE BOARD**

Councilor Rivera said he had the opportunity to ride with the City recycling crews. He thanked Ms. Merrill and Mr. Gabaldon for the tour. He noted that there are huge piles of glass and broken down equipment at BuRRT.

Mr. Kippenbrock said they are waiting for parts. He said he will come up with plan to process the glass in a more timely manner.

Councilor Rivera asked staff to set up a visit to the new Albuquerque recycling center, which is brand new and state of the art.

Mr. Kippenbrock said he will do so.

Chair Ives said he thinks this is a great idea.

Ms Merrill asked how soon would you like for her to arrange the tour.

Councilor Rivera asked that it be arranged for mid-August or late August, and Ms Merrill said she will get that done.

Councilor Rivera noted that we don't have a quorum. He said he understands that both bodies can have alternate members who can attend if one of us can't attend, and we need to remember that.

Chair Ives said anytime we know we are going to be absent, we need to get notice to the alternate(s).

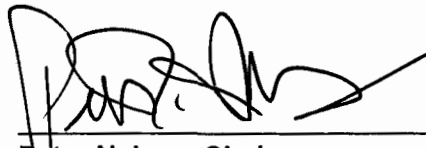
Commissioner Mayfield said he did call to say he would be absent today, and did give the name of his alternate for this meeting.

IX. NEXT MEETING DATE: Thursday, August 15, 2013.

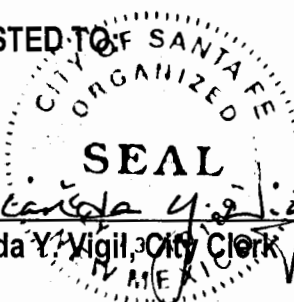
X. ADJOURNMENT

The meeting was adjourned at 1:45pm

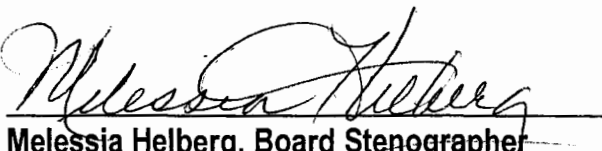
APPROVED BY:

  
Peter N. Ives, Chair

ATTESTED TO:

  
Yolanda Y. Vigil, City Clerk

SUBMITTED BY:

  
Melessia Helberg, Board Stenographer



# MEMORANDUM

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**To:** SFSWMA Joint Powers Board Members  
**From:** Randall Kippenbrock, P.E., Executive Director (RLK)  
**Date:** July 15, 2013  
**Subject:** Request for Approval to Award Bid No. 13/38/B to the Low Bidder, MCT Industries, Inc. of Albuquerque, NM, for a Half Round End Dump Trailer - Quarter Frame in the Amount of \$40,575.00.

## BACKGROUND AND SUMMARY:

One June 5, 2013, the Agency issued Request for Bid No. 13/38/B to purchase a half round end dump trailer – quarter frame for various applications at the Buckman Road Recycling and Transfer Station (BuRRT). One bid was received on June 28, 2013 from MCT Industries, Inc. of Albuquerque, NM.

MCT Industries offered a bid in the amount of \$40,575.00. The bid met the minimum specifications defined in the bid packet and includes a Rock Master Model HDR-32 end dump trailer, one year warranty covering all materials, workmanship and defects, and training for up to 10 workers. MCT Industries has an end dump trailer available in its inventory and offered to deliver it immediately after the notice to proceed.

The end dump trailer will be used to transport various materials at BuRRT including, but not limited to, C&D debris, rock, glass cullet, and wood waste.

Funding is available from 5502.100700 (Equipment Replacement Reserve).

## ACTION REQUESTED:

The Agency recommends the award of Bid 13/28/B to the low bidder, MCT Industries, Inc. of Albuquerque, NM for a half round end dump trailer - quarter frame in the amount of \$40,575.00.

The Agency also requests approval of a budget increase from 5502.100700 (Equipment Replacement Reserve) to 52504.570500 (Equipment and Machinery) in the amount of \$40,575.00.

Attachments: 1) Budget Adjustment Request  
2) Request for Bid No. 13/38/B – Half Round End Dump Trailer - Quarter Frame  
3) MCT Industries Bid

M:\Memo\Memo.071513.1.docx

**ATTACHMENT**

Budget Adjustment Request

# City of Santa Fe, New Mexico

## BUDGET ADJUSTMENT REQUEST (BAR)

# \_\_\_\_\_

DEPARTMENT / DIVISION / SECTION / UNIT NAME SANTA FE SOLID WASTE MANAGEMENT AGENCY				DATE	
ITEM DESCRIPTION	BU / LINE ITEM	(Finance Dept Use Only) SUBLEDGER / DR / SUBSIDIARY (CR)		INCREASE	DECREASE
Equipment Replacement Fund	52502.700150	5500	DR	40,575	
Operating Fund	51500.600150	5502	(CR)	40,575	
Equipment and Machinery	52504.570500			40,575	
<b>JUSTIFICATION:</b> (use additional page if needed) --Attach supporting documentation/memo				<b>TOTAL</b>	\$ 121,725 \$ -

Transfer from SFSWMA Equipment Replacement Fund (5502) to SFSWMA Operating Fund (5500) to purchase

Half Round End Dump Trailer. Approved at JPB Meeting of July 18, 2013

City Council Approval City Council Approval Required <input type="checkbox"/>		Budget Officer _____ Date _____	
City Council Approval Date _____		Finance Director _____ Date _____	
Agenda Item #: _____		City Manager _____ Date _____	
Angelica G. Salazar _____ Date _____	Randall Kippenbrock, P.E. Exec Director _____ Date _____	3	

**ATTACHMENT**

Request for Bid No. 13/38/B - Half Round End Dump Trailer - Quarter Frame

**CITY OF SANTA FE**

**for**

**SANTA FE SOLID WASTE MANAGEMENT AGENCY**

**“REQUEST FOR BIDS”**

**HALF ROUND END DUMP TRAILER - QUARTER FRAME**

**RFB No. ‘13/38/B**

**BID DUE:**

**June 28, 2013**

**2:00 P.M.**

**PURCHASING OFFICE**

**CITY OF SANTA FE**

**2651 SIRINGO ROAD - BUILDING “H”**

**SANTA FE, NEW MEXICO 87505**

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## ADVERTISEMENT FOR BIDS

RFB No. '13/38/B

Competitive sealed bids will be received by the Santa Fe Solid Waste Management Agency and will be delivered to City of Santa Fe, Purchasing Office, 2651 Siringo Road, Bldg. "H", Santa Fe, New Mexico 87505 until 2:00 p.m. local prevailing time on Friday, June 28, 2013. Any bid received after this deadline will not be considered. This RFB is for the purpose of procuring:

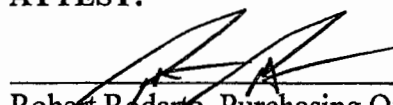
### HALF ROUND END DUMP TRAILER - QUARTER FRAME

The Bidder's attention is directed to the fact that all applicable Federal Laws, State Laws, Municipal Ordinances, and the rules and regulations of all authorities having jurisdiction over said item shall apply to the bid throughout, and they will be deemed to be included in the bid document the same as though herein written out in full.

The Santa Fe Solid Waste Management Agency (Agency) is an Equal Opportunity Employer and all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation or national origin. The successful Bidder will be required to conform to the Equal Opportunity Employment regulations.

Bids may be held for sixty (60) days subject to action by the Agency. The Agency reserves the right to reject any or all bids in part or in whole. Bid packets are available by contacting: Shirley Rodriguez, City of Santa Fe, Purchasing Office, 2651 Siringo Road, Building "H", Santa Fe, New Mexico 87505. Telephone number is (505) 955-5711. Questions related to this bid can be directed to Randall Kippenbrock, P.E., Santa Fe Solid Waste Management Agency, 149 Wildlife Way, Santa Fe, NM 87506. Telephone number is (505) 424-1850, ext. 100. The RFB is also available at <http://www.santafenm.gov/bids.aspx>.

ATTEST:

  
\_\_\_\_\_  
Robert Rodarte, Purchasing Officer

Received by the Santa Fe New Mexican on: 5/30/13

To be published on: 6/5/13

Received by the Albuquerque Journal on: 5/30/13

To be published on: 6/5/13



## **BID SCHEDULE**

### **RFB No. '13/38/B**

This section of the RFB contains the bid schedule for the procurement, describes the major procurement events and the conditions governing the procurement. The dates of the major procurement events considered by the Agency and Joint Powers Board are tentative and subject to change without notice.

EVENT	DATE
1. Advertisement	June 5, 2013
2. Issuance of RFB:	June 5, 2013
3. Receipt of Bids:	June 28, 2013 at 2:00 p.m. Local Prevailing Time City of Santa Fe Purchasing Office 2651 Siringo Road, Bldg. "H" Santa Fe, New Mexico 87505
4. Recommendation of Award to Joint Powers Board:	July 18, 2013

## **INFORMATION TO BIDDERS**

### **1. RECEIPT AND OPENING OF BIDS**

The Santa Fe Solid Waste Management Agency (herein called "Agency"), invites bids on the forms attached hereto, all blanks of which must be appropriately filled in. Bids will be received by the City of Santa Fe Purchasing Office until **2:00 p.m. local prevailing time on Friday, June 28, 2013**. At this time the City of Santa Fe Purchasing Officer will publicly open and read bid(s) aloud.

Two complete sets of bid shall be submitted in a sealed envelope or container and addressed to the City of Santa Fe, Purchasing Office, 2651 Siringo Road, Bldg. "H", Santa Fe, New Mexico 87505. No late bids will be accepted whether hand delivered, mailed or special delivery. Do not rely on "overnight delivery" without including some lead-time, as late-delivered packages will be determined to be non-responsive, no matter whose fault it was. It is recommended that extra days be included in the anticipated delivery date to ensure delivery is timely. The Purchasing Office is closed 12:00 p.m. to 1:00 p.m. The outside of the sealed envelope or container should clearly indicate the following information:

**RFB No.: '13/38/B**

**Title of the Bid: Half Round End Dump Trailer – Quarter Frame**

**Name and address of the Bidder:**

The Agency may consider any informal bids not prepared and submitted in accordance with the provisions hereof and may waive any informalities or reject any and all bids. Any bid received after the time and date specified shall not be considered. No Bidder may withdraw a bid within 60 days after the actual date of the opening thereof.

### **2. PREPARATION OF BID**

All blank spaces for bid prices must be filled in, hand or type written. If the bid is forwarded by mail, the sealed envelope containing the bid must be enclosed in another envelope addressed as specified in the bid form. No alternate bids will be considered unless pre-approved (5) five days prior to the bid opening date by the Purchasing Officer.

### **3. BID SECURITY**

None required.

### **4. LIQUIDATED DAMAGES FOR FAILURE TO ENTER INTO CONTRACT**

Liquidated damages are not applicable to this bid.

## **5. ADDENDA AND INTERPRETATIONS**

No oral interpretations of the meaning of the specifications or other pre-bid documents will be binding. Oral communications are permitted in order to make an assessment of the need for an addendum. Any questions concerning the bid must be addressed prior to the bid opening date.

Every request for such interpretations should be in writing addressed to, City of Santa Fe Purchasing Officer, 2651 Siringo Road, Bldg. "H", Santa Fe, New Mexico, 87505 and to be given consideration must be received at least five (5) days prior to the date set for the receiving of proposals.

Any and all such interpretations and any supplemental instruction will be in the form of written addenda to the RFB, which if issued, will be sent by facsimile, e-mail, or hand delivered to all prospective Bidders who are known by the Agency to have received a complete RFB not later than three days prior to the date fixed for the opening of the bids. Failure of any Bidder to receive any such addenda or interpretations shall not relieve Bidder from any obligation under their bid as submitted. All addenda so issued shall become part of the contract documents.

Copies of addenda may be obtained from the City of Santa Fe, Purchasing Office, 2651 Siringo Road, Building "H", Santa Fe, New Mexico 87505.

The Agency reserves the right not to comply with these time frames mentioned above if an addendum is required to extend the bid deadline or withdraw the RFB due to significant justification(s) that are in the best interest of the Agency.

## **6. POWER OF ATTORNEY**

Attorneys-in-fact who sign bid bonds or contract bonds must file with each bond a certified and effectively dated copy of their power of attorney.

## **7. LAWS AND REGULATIONS**

The Bidder's attention is directed to the fact that all applicable Federal Laws, State Laws, Municipal Ordinances, and the rules and regulations of all authorities having jurisdiction over said item shall apply to the bid throughout, and they will be deemed to be included in the bid document the same as though herein written out in full. In particular, Bidder is notified that the New Mexico Procurement Code, NMSA 1978, Sections 13-1-28 through 13-1-199 imposes civil misdemeanor criminal penalties for its violation. In addition, the New Mexico criminal statutes impose penalties for bribes, gratuities and kick-backs.

## **8. COLLUSION**

No Bidder shall submit more than one bid in response to the RFB. Collusion among Bidders or the submission of more than one bid under different names by any vendors or individual shall be cause for rejection of all bids in questions without consideration.

## **9. METHOD OF AWARD**

The award of the purchase agreement will be made to that Bidder who meets or exceeds all specifications and provides the lowest total bid amount. However, delivery date, availability of stock, and complete analysis and comparison of specification details along with past experience of the Agency with similar or related units, will be weighed in making a final decision of award.

No important deviation from the terms of this specification is acceptable. It is understood and agreed that the Agency reserves the right to reject any and all bids, as authorized by law, and to award to other than the lowest Bidder at its discretion, provided that it is in the best interest of the Agency, if the City of Santa Fe's Purchasing Manual and pertinent State Statutes are thereby served.

## **10. IDENTICAL BIDS**

If two or more identical bids are received, the Purchasing Officer will apply the process described in Section 13-1-110 NMSA 1978 of the New Mexico Procurement Code.

## **11. PROTESTS AND RESOLUTIONS PROCEDURES**

Any Bidder who is aggrieved in connection with the RFB process may protest to the Purchasing Officer. The protest must be in writing and submitted within fifteen (15) calendar days after knowledge of the facts or occurrences giving rise to the protest, but may not be filed later than seven (7) days after the Joint Powers Board approves award of the contract. Requirements regarding protests and resolution of protests are available upon request from the Purchasing Office.

## **12. PUBLIC INFORMATION**

All portions of the bid submittals will become public information. Proprietary information may be marked confidential, however, the City Purchasing Officer will make the final determination as to whether the portion of the bid is legitimately confidential information. Sections to be confidential should be clearly marked as such and readily separable from rest of the bid. In no case will a request for the entire bid to be confidential be considered.

## **13. BRAND NAMES**

All brand names specified in this bid are not meant to be restrictive, but to be used as descriptive or equal specification. Bidder should include enough information with the bid submitted so this determination can be made. The determination of the Purchasing Officer will make the final determination as to whether the portion of the bid is legitimately confidential information. Sections to be confidential should be clearly marked as such and readily separable from rest of the bid. In no case will a request for the entire bid to be confidential be considered.

#### **14. TAX EXEMPT**

The Agency is tax exempt for state gross receipts taxes for the procurement of tangible personal property, but not for labor or services. A tax exempt certificate will be issued upon written request to the Purchasing Office.

#### **15. PREFERENCES IN PROCUREMENT**

**New Mexico In-State Preference:** To receive a resident business preference pursuant to Section 13-1-21 NMSA 1978 a business shall submit with its a copy of a valid resident business certificate issued by the NM Department of Taxation and Revenue.

If a Bidder submits with its proposal a copy of a valid and current in-state resident business certificate, 5% of the total weight of all evaluation factors used in the evaluation of proposals may be awarded.

Certification by the NM Department of Taxation and Revenue for the resident business takes into consideration such activities as the business or contractor's payment of property taxes or rent in the state.

OR

**New Mexico Resident Veteran Business Preference:** New Mexico law, Section 13-1-22 NMSA 1978, provides a preference in the award of a public works contract for a "resident veteran business". Certification by the NM Department of Taxation and Revenue for the resident veteran business requires the Bidder to provide evidence of annual revenue and other evidence of veteran status.

A Bidder who wants the veteran business preference to be applied to its proposal is required to submit with its proposal the certification from the NM Department of Taxation and Revenue and the sworn affidavit attached hereto as Appendix C.

If a Bidder submits with its proposal a copy of a valid and current veteran resident business certificate, 7%, 8%, or 10% of the total weight of all the evaluation factors used in the evaluation of proposal may be awarded.

The resident business preference is not cumulative with the resident veteran business preference.

## DEFINITIONS AND TERMS

1. **Addendum:** a written or graphic instrument issued prior to the opening of Bids, which clarifies, corrects, or changes the Request for Bids. Plural: addenda.
2. **Agency:** means the Santa Fe Solid Waste Management Agency.
3. **Bidder:** means the companies or firms submitting a bid in response to this Request for Bids.
4. **BuRRT:** means the Buckman Road Recycling and Transfer Station.
5. **City:** means the City of Santa Fe.
6. **Contractor:** means the successful Bidder who enters into a binding contract.
7. **Determination:** means the written documentation of a decision of the purchasing officer including findings of fact required to support a decision. A determination becomes part of the procurement file to which it pertains (Section 13-1-52 NMSA 1978).
8. **Joint Powers Board (JPB):** means the governing body for the Santa Fe Solid Waste Management Agency that operates the Caja del Rio Landfill and the Buckman Road Recycling and Transfer Station.
9. **Landfill:** means the Caja del Rio Landfill.
10. **Purchase Order:** means a fully executed purchase document issued by the City of Santa Fe that specifies the items and services to be provided by the Contractor.
11. **Purchasing Office:** means the City of Santa Fe Purchasing Office.
12. **Purchasing Officer:** means the City of Santa Fe Purchasing Officer.
13. **Request for Bids:** or "RFB" means all documents, including those attached or incorporated by reference, used for soliciting bids (Section 13-1-102 NMSA 1978).
14. **Responsible Bidder:** means a bidder who submits a responsive bid and who has furnished, when required, information and data to prove that the bidder's financial resources, production or service facilities, personnel, service reputation and experience are adequate to make satisfactory delivery of the services, construction or items of tangible personal property described in the request for bids (Section 13-1-82 NMSA 1978).

15. **Responsive Bid:** means a bid that conforms in all material respects to the requirements set forth in the request for bids. Material respects of a bid include, but are not limited to, price, quality, quantity or delivery requirements (Section 13-1-84 NMSA 1978).
16. The terms **must, shall, will, is required, or are required,** identify a mandatory item or factor that will result in the rejection of the bidder's proposal.
17. The terms **can, may, should, preferably, or prefers** identify a desirable or discretionary item or factor.

## **SPECIAL CONDITIONS**

### **1. GENERAL**

When the City Purchasing Officer issues a purchase order document in response to the Contractor's bid, a binding contract is created.

### **2. ASSIGNMENT**

Neither the order, nor any interest therein, nor claim under, shall be assigned or transferred by the Contractor, except as expressly authorized in writing by the City Purchasing Officer's Office. No such consent shall relieve the Contractor from its obligations and liabilities under this order.

### **3. VARIATION IN SCOPE OF WORK**

No increase in the scope of work of services or equipment after award will be accepted, unless means were provided for within the contract documents. Decreases in the scope of work of services or equipment can be made upon request by the Agency or if such variation has been caused by documented conditions beyond the Contractor's control, and then only to the extent, as specified elsewhere in the contract documents.

### **4. DISCOUNTS**

Any applicable discounts should be included in computing the bid submitted. Every effort will be made to process payments within 30 days of satisfactory receipt of goods or services. The Agency shall be the final determination of satisfactory receipt of goods or services.

### **5. TAXES**

The price shall include all taxes applicable. The Agency is exempt from gross receipts tax on tangible personal property. A tax exempt certificate will be issued upon written request.

### **6. INVOICING**

- (A) The Contractor's invoice shall be submitted in duplicate and shall contain the following information: invoice number and date, description of the supplies or services, quantities, unit prices and extended totals. Separate invoices shall be submitted for each and every complete order.
- (B) Invoice must be submitted to **Santa Fe Solid Waste Management Agency, 149 Wildlife Way, Santa Fe, NM 87506** and not the City of Santa Fe.



## **7. METHOD OF PAYMENT**

Every effort will be made to process payments within 30 days of receipt of a detailed invoice and proof of delivery and acceptance of the products hereby contracted or as otherwise specified in the compensation portion of the contract documents.

## **8. DEFAULT**

The Agency reserves the right to cancel all or any part of this order without cost to the Agency if the Contractor fails to meet the provisions for this order, and except as otherwise provided herein, to hold the Contractor liable for any excess costs associated with the Contractor's default. The Contractor shall not be liable for any excess costs if failure to perform is due to causes beyond the control and shall not be the fault of negligence of the Contractor and these causes have been made known to the Agency in written form within five working days of the Contractor becoming aware of a cause which may create any delay. Such causes include, but are not limited to, acts of God or the public enemy, acts of the State or of the Federal Government, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, unusually severe weather and defaults of sub-contractors due to any of the above unless the Agency shall determine that the suppliers or services to be furnished by the sub-contractor are obtainable from other sources in sufficient time to permit the Contractor to meet the required delivery schedule. The rights and remedies of the Agency are not limited to those provided for in this paragraph and are in addition to any other rights provided for by law.

## **9. NON-DISCRIMINATION**

By signing this Agency bid or proposal, the Contractor agrees to comply with the Presidential Executive Order No. 11246 as amended.

## **10. NON-COLLUSION**

In signing this bid or proposal, the Contractor certifies he/she has not, either directly or indirectly, entered into action in restraint of full competition in connection with this bid or proposal submittal to the Agency.

## **11. WARRANTY**

Warranty shall be included for material and workmanship as specified in the bid specifications. Warranty shall begin when the Agency accepts satisfactory delivery of equipment from the Bidder. The warranty contract shall be solely with the Bidder and the Bidder shall be responsible for ensuring all warranty work is satisfactorily completed on any component of the machine. All details of the warranty shall be included with the bid. Bidder shall respond to all requests for warranty repair within three (3) hours of notification by the Agency.

## **12. TRAINING**

Training shall include the operation, maintenance, and safety of the equipment for up to 10 people.

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**SPECIFICATIONS**  
**RFB No. '13/38/B**

**HALF ROUND END DUMP TRAILER - QUARTER FRAME**

The Santa Fe Solid Waste Management Agency is requesting bids for a Half Round End Dump Trailer – Quarter Frame to be utilized at the Caja del Rio Landfill (Landfill) and Buckman Road Recycling and Transfer Station (BuRRT) for various applications such as rock, glass cullet, C&D debris, and wood waste.

Base bid shall include one year warranty covering all materials, workmanship and defects.

Base bid must include training and operation, maintenance, and safety for up to 10 people.

Bidder is required to indicate either “meets or exceeds specifications” or “does not meet specifications” by placing a check in the appropriate “YES” or “NO” column. Failure to indicate either “YES” or “NO” will be evaluated as “does not meet specifications”.

**HALF ROUND END DUMP TRAILER - QUARTER FRAME**

**CONSTRUCTION**

- |           |                                                                                         |
|-----------|-----------------------------------------------------------------------------------------|
| Y___ N___ | Body of ¼” Hardox AR 450 abrasion resistant steel.                                      |
| Y___ N___ | Tail gate and bulk head of 3/16” Hardox AR 450 abrasion resistant steel.                |
| Y___ N___ | Top rail of 3½” x 5½” x ¾” 80,000 psi roll formed steel.                                |
| Y___ N___ | Longitudinal frame of 8” x 8” x ¼” high strength steel.                                 |
| Y___ N___ | Body braces of ¼” internally stiffened high strength steel.                             |
| Y___ N___ | Heavy duty outboard mounted draft arms of 5” x 3” x ¼” steel tube with drop legs.       |
| Y___ N___ | Front and rear ladders.                                                                 |
| Y___ N___ | Front and rear bolted on fenders.                                                       |
| Y___ N___ | 8” 5-stage inverted trunion mount hoist.                                                |
| Y___ N___ | Air operated high-lift tail gate with integrated mud flaps and “over the center locks”. |
| Y___ N___ | ICC and DOT approved fully sealed wiring and lighting.                                  |
| Y___ N___ | One color white urethane enamel over primed surface.                                    |

### SUSPENSION AND AXLES

- Y\_\_\_ N\_\_\_ 50,000 lb single point 3-leaf spring suspension.
- Y\_\_\_ N\_\_\_ 2 x 25,000 lb 5/8" wall axles.
- Y\_\_\_ N\_\_\_ 7" outboard cast iron drum brakes.
- Y\_\_\_ N\_\_\_ 24.5 x 8.25, 10 hole hub-piloted steel disc rims.
- Y\_\_\_ N\_\_\_ 11 x 24.5 radial tires.

### ACCESSORIES

- Y\_\_\_ N\_\_\_ Electric operated "flip" style tarp system.
- Y\_\_\_ N\_\_\_ Vendor to complete wiring and hydraulic connections only, no switches, on one (1) semi-tractor provided by the Agency.
- Y\_\_\_ N\_\_\_ Drop leg, non-load bearing landing gear.
- Y\_\_\_ N\_\_\_ Back-up alarm.
- Y\_\_\_ N\_\_\_ Bolt-on shock mounted fenders with rubber mud flaps.
- Y\_\_\_ N\_\_\_ Tail light guards.
- Y\_\_\_ N\_\_\_ DOT and OSHA general industry required labels, signs, postings for rock, glass cullet, C&D debris, and wood waste, if applicable.
- Y\_\_\_ N\_\_\_ Maintenance and parts manual.

### CAPACITY AND DIMENSIONS

- Y\_\_\_ N\_\_\_ Overall height not to exceed 108".
- Y\_\_\_ N\_\_\_ Dump body length of 32'.
- Y\_\_\_ N\_\_\_ Payload capacity of 26.5 cubic yards.
- Y\_\_\_ N\_\_\_ 48" sides.

**SANTA FE SOLID WASTE MANAGEMENT AGENCY**

**BID SUBMITTAL FORM**

**RFB No. '13/38/B**

**EXCEPTIONS TO SPECIFICATIONS**

Bidder is required to return **two (2) complete copies** of these specifications, completely furnishing all information requested. All requested information, data, literature, drawings, etc. must be included with the bid submitted.

Bidder must check one of the following:

- a.     ☐       All specifications, terms and conditions are met.
- b.     ☐       Exceptions have been taken and noted on attached sheet (s).

All variations and/or exceptions to the specifications must be documented, referencing applicable paragraph (s) and explained in detail. Attach as many pages as necessary. If no exceptions are taken, it will be assumed that the bid meets all specifications and terms and conditions as stated in this complete bid package. Failure to list exceptions may disqualify bid. Delivery of non-conforming goods is at the expense of the Bidder and/or other penalties.

All other specifications not detailed herein shall be as listed in the manufacturer's printed literature for the current standard model. Manufacturer's printed literature and specifications sheets shall be submitted with the bid.

Exceptions will not necessarily eliminate the bid. Agency staff shall determine acceptance or non-acceptance of exceptions. Unless otherwise noted and approved, it is assumed that delivery of the unit shall be as stated.

Signed submission of this bid represents that the Bidder has accepted all terms, conditions and requirements of the bid unless a written exception is made and, if awarded, the bid will represent the agreement between the parties. Additionally, by signing this bid, the Bidder warrants that there was no collusion of any kind in submission of this bid.

**WARRANTIES**

Warranty required for material and workmanship for minimum of one year unless specified otherwise in these specifications. Warranties shall begin when the Agency accepts satisfactory delivery of equipment from the Bidder. The warranty contract shall be solely with the Bidder and the Bidder shall be responsible for ensuring all warranty work is satisfactorily completed on any component of the unit. All details of warranties shall be included with the bid.

State name, address and phone number of nearest authorized maintenance representative:

---

---

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## DELIVERY

Bids shall include all costs of delivery to the Santa Fe Solid Waste Management Agency, Caja del Rio Landfill, 149 Wildlife Way, Santa Fe, New Mexico 87506. Machine shall be completely operational and ready for use.

Date of delivery after notice to proceed:

\_\_\_\_\_ calendar days.

Bidder shall include descriptive material such as plans, drawings, photographs, diagrams, illustrations, written descriptions and manufacturer's literature with specifications with the bid. Additional information or details may be required after the bid opening. Bids may be disqualified if such information is not adequate to make a reasonably informed decision as to qualify, design, capabilities, etc.

## ADDITIONAL SUBMITTAL REQUIREMENTS

Bidder must complete and submit with their bid the Campaign Contribution Disclosure Form (Appendix A).

Bidder shall include Resident Veterans Preference Certification (Appendix B), if applicable.

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**BID SHEET**

**RFB No. '13/38/B**

**TOTAL BID AMOUNT:** \_\_\_\_\_

The Santa Fe Solid Waste Management Agency reserves the right to alter quantities based on availability of budget. If this will alter the bid amount, the Bidder must note the percent increase for lesser quantities.

**BIDDER'S INFORMATION**

\_\_\_\_\_  
Firm

\_\_\_\_\_  
Address

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

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

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Fax Number

\_\_\_\_\_  
Date

**TWO COMPLETE COPIES OF THE BID SUBMITTAL IS REQUIRED**

**APPENDIX A**

**Campaign Contribution Disclosure Form**



## CAMPAIGN CONTRIBUTION DISCLOSURE FORM

Pursuant to NMSA 1978, § 13-1-191.1 (2006), any person seeking to enter into a contract with any state agency or local public body for professional services, a design and build project delivery system, or the design and installation of measures the primary purpose of which is to conserve natural resources must file this form with that state agency or local public body. This form must be filed even if the contract qualifies as a small purchase or a sole source contract. The prospective contractor must disclose whether they, a family member or a representative of the prospective contractor has made a campaign contribution to an applicable public official of the state or a local public body during the two years prior to the date on which the contractor submits a proposal or, in the case of a sole source or small purchase contract, the two years prior to the date the contractor signs the contract, if the aggregate total of contributions given by the prospective contractor, a family member or a representative of the prospective contractor to the public official exceeds two hundred and fifty dollars (\$250) over the two year period.

Furthermore, the state agency or local public body shall void an executed contract or cancel a solicitation or proposed award for a proposed contract if: 1) a prospective contractor, a family member of the prospective contractor, or a representative of the prospective contractor gives a campaign contribution or other thing of value to an applicable public official or the applicable public official's employees during the pendency of the procurement process or 2) a prospective contractor fails to submit a fully completed disclosure statement pursuant to the law.

THIS FORM MUST BE FILED BY ANY PROSPECTIVE CONTRACTOR WHETHER OR NOT THEY, THEIR FAMILY MEMBER, OR THEIR REPRESENTATIVE HAS MADE ANY CONTRIBUTIONS SUBJECT TO DISCLOSURE.

The following definitions apply:

**"Applicable public official"** means a person elected to an office or a person appointed to complete a term of an elected office, who has the authority to award or influence the award of the contract for which the prospective contractor is submitting a competitive sealed proposal or who has the authority to negotiate a sole source or small purchase contract that may be awarded without submission of a sealed competitive proposal.

**"Campaign Contribution"** means a gift, subscription, loan, advance or deposit of money or other thing of value, including the estimated value of an in-kind contribution, that is made to or received by an applicable public official or any person authorized to raise, collect or expend contributions on that official's behalf for the purpose of electing the official to either statewide or local office. "Campaign Contribution" includes the payment of a debt incurred in an election campaign, but does not include the value of services provided without compensation or unreimbursed travel or other personal expenses of individuals who volunteer a portion or all of their time on behalf of a candidate or political committee, nor does it include the administrative or solicitation expenses of a political committee that are paid by an organization that sponsors the committee.

**"Family member"** means spouse, father, mother, child, father-in-law, mother-in-law, daughter-in-law or son-in-law.

**"Pendency of the procurement process"** means the time period commencing with the public notice of the request for proposals and ending with the award of the contract or the cancellation of the request for proposals.

**"Person"** means any corporation, partnership, individual, joint venture, association or any other private legal entity.

**"Prospective contractor"** means a person who is subject to the competitive sealed proposal process set forth in the Procurement Code or is not required to submit a competitive sealed proposal because that person qualifies for a sole source or a small purchase contract.

**"Representative of a prospective contractor"** means an officer or director of a corporation, a member or manager of a limited liability corporation, a partner of a partnership or a trustee of a trust of the prospective contractor.

**Names of Applicable Public Official:** Board Members of the Santa Fe Solid Waste Management Agency's Joint Powers Board - Santa Fe Councilors Bill Dimas, Peter Ives, and Chris Rivera; Santa Fe County Commissioners Miguel Chavez, Kathy Holian, and Daniel "Danny" Mayfield.

DISCLOSURE OF CONTRIBUTIONS:

Contribution Made By: \_\_\_\_\_

Relation to Prospective Contractor: \_\_\_\_\_

Name of Applicable Public Official: \_\_\_\_\_

Date Contribution(s) Made: \_\_\_\_\_

Amount(s) of Contribution(s) \_\_\_\_\_

Nature of Contribution(s) \_\_\_\_\_

Purpose of Contribution(s) \_\_\_\_\_

(Attach extra pages if necessary)

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Title (position)

--OR--

**NO CONTRIBUTIONS IN THE AGGREGATE TOTAL OVER TWO HUNDRED FIFTY DOLLARS (\$250) WERE MADE** to an applicable public official by me, a family member or representative.

\_\_\_\_\_  
Signature Date

\_\_\_\_\_

## **APPENDIX B**

### **Resident Veterans Preference Certification**

## RESIDENT VETERANS PREFERENCE CERTIFICATION

\_\_\_\_\_(NAME OF CONTRACTOR) hereby certifies the following in regard to application of the resident veterans' preference to this procurement.

**Please check one box only:**

☐ I declare under penalty of perjury that my business prior year revenue starting January 1 ending December 31 is less than \$1M allowing me the 10% preference discount on this solicitation. I understand that knowingly giving false or misleading information about this fact constitutes a crime.

☐ I declare under penalty of perjury that my business prior year revenue starting January 1 ending December 31 is more than \$1M but less than \$5M allowing me the 8% preference discount on this solicitation. I understand that knowingly giving false or misleading information about this fact constitutes a crime.

☐ I declare under penalty of perjury that my business prior year revenue starting January 1 ending December 31 is more than \$5M allowing me the 7% preference discount on this solicitation. I understand that knowingly giving false or misleading information about this fact constitutes a crime.

I agree to submit a report or reports to the State Purchasing Division of the General Services Department declaring under penalty of perjury that during the last calendar year starting January 1 and ending on December 31, the following to be true and accurate:

In conjunction with this procurement and the requirements of this business application for a Resident Veteran Business Preference/Resident Veteran Contractor Preference under Sections 13-1-21 or 13-1-22 NMSA 1978, which awarded a contract which was on the basis of having such veterans preference, I agree to report to the State Purchasing Division of the General Services Department the awarded amount involved. I will indicate in the report the award amount as a purchase from a public body or as a public works contract from a public body as the case may be.

I understand that knowingly giving false or misleading information on this report constitutes a crime.

I declare under penalty of perjury that this statement is true to the best of my knowledge. I understand that giving false or misleading statements about material fact regarding this matter constitutes a crime.

\_\_\_\_\_  
(Signature of Business Representative)\*

\_\_\_\_\_  
(Date)

\*Must be an authorized signatory of the Business.

The representation made by checking the above boxes constitutes a material representation by the business. If the statements are proven to be incorrect, this may result in denial of an award or un-award of the procurement.

SIGNED AND SEALED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:

\_\_\_\_\_

**ATTACHMENT**  
MCT Industries Bid

**SANTA FE SOLID WASTE MANAGEMENT AGENCY**

**BID SUBMITTAL FORM**

**RFB No. '13/38/B**

**EXCEPTIONS TO SPECIFICATIONS**

Bidder is required to return **two (2) complete copies** of these specifications, completely furnishing all information requested. All requested information, data, literature, drawings, etc. must be included with the bid submitted.

Bidder must check one of the following:

- a.     ☒     All specifications, terms and conditions are met.
- b.     ☐     Exceptions have been taken and noted on attached sheet (s).

All variations and/or exceptions to the specifications must be documented, referencing applicable paragraph (s) and explained in detail. Attach as many pages as necessary. If no exceptions are taken, it will be assumed that the bid meets all specifications and terms and conditions as stated in this complete bid package. Failure to list exceptions may disqualify bid. Delivery of non-conforming goods is at the expense of the Bidder and/or other penalties.

All other specifications not detailed herein shall be as listed in the manufacturer's printed literature for the current standard model. Manufacturer's printed literature and specifications sheets shall be submitted with the bid.

Exceptions will not necessarily eliminate the bid. Agency staff shall determine acceptance or non-acceptance of exceptions. Unless otherwise noted and approved, it is assumed that delivery of the unit shall be as stated.

Signed submission of this bid represents that the Bidder has accepted all terms, conditions and requirements of the bid unless a written exception is made and, if awarded, the bid will represent the agreement between the parties. Additionally, by signing this bid, the Bidder warrants that there was no collusion of any kind in submission of this bid.

**WARRANTIES**

Warranty required for material and workmanship for minimum of one year unless specified otherwise in these specifications. Warranties shall begin when the Agency accepts satisfactory delivery of equipment from the Bidder. The warranty contract shall be solely with the Bidder and the Bidder shall be responsible for ensuring all warranty work is satisfactorily completed on any component of the unit. All details of warranties shall be included with the bid.

State name, address and phone number of nearest authorized maintenance representative:

MCT Industries, Inc.

(505) 345-8651

7451 Pan American Freeway NE

Albuquerque, NM 87109

## DELIVERY

Bids shall include all costs of delivery to the Santa Fe Solid Waste Management Agency, Caja del Rio Landfill, 149 Wildlife Way, Santa Fe, New Mexico 87506. Machine shall be completely operational and ready for use.

Date of delivery after notice to proceed:

Immediately calendar days.

Bidder shall include descriptive material such as plans, drawings, photographs, diagrams, illustrations, written descriptions and manufacturer's literature with specifications with the bid. Additional information or details may be required after the bid opening. Bids may be disqualified if such information is not adequate to make a reasonably informed decision as to qualify, design, capabilities, etc.

## ADDITIONAL SUBMITTAL REQUIREMENTS

Bidder must complete and submit with their bid the Campaign Contribution Disclosure Form (Appendix A).

Bidder shall include Resident Veterans Preference Certification (Appendix B), if applicable.

(This Space Left Blank Intentionally)



**BID SHEET**

**RFB No. '13/38/B**

**TOTAL BID AMOUNT:** \$40,575.00

The Santa Fe Solid Waste Management Agency reserves the right to alter quantities based on availability of budget. If this will alter the bid amount, the Bidder must note the percent increase for lesser quantities.

**BIDDER'S INFORMATION**

MCT Industries, Inc.  
Firm

7451 Pan American Freeway NE, Albuquerque, NM 87109  
Address

*Fermin Maes*  
Authorized Signature

Fermin Maes  
Print Name

Sales Manager  
Title

mctind.service@mct-ind.com  
E-Mail Address

(505) 345-8651  
Phone Number

(505) 345-2597  
Fax Number

June 17, 2013  
Date

**TWO COMPLETE COPIES OF THE BID SUBMITTAL IS REQUIRED**

**APPENDIX A**

**Campaign Contribution Disclosure Form**

## CAMPAIGN CONTRIBUTION DISCLOSURE FORM

Pursuant to NMSA 1978, § 13-1-191.1 (2006), any person seeking to enter into a contract with any state agency or local public body for professional services, a design and build project delivery system, or the design and installation of measures the primary purpose of which is to conserve natural resources must file this form with that state agency or local public body. This form must be filed even if the contract qualifies as a small purchase or a sole source contract. The prospective contractor must disclose whether they, a family member or a representative of the prospective contractor has made a campaign contribution to an applicable public official of the state or a local public body during the two years prior to the date on which the contractor submits a proposal or, in the case of a sole source or small purchase contract, the two years prior to the date the contractor signs the contract, if the aggregate total of contributions given by the prospective contractor, a family member or a representative of the prospective contractor to the public official exceeds two hundred and fifty dollars (\$250) over the two year period.

Furthermore, the state agency or local public body shall void an executed contract or cancel a solicitation or proposed award for a proposed contract if: 1) a prospective contractor, a family member of the prospective contractor, or a representative of the prospective contractor gives a campaign contribution or other thing of value to an applicable public official or the applicable public official's employees during the pendency of the procurement process or 2) a prospective contractor fails to submit a fully completed disclosure statement pursuant to the law.

THIS FORM MUST BE FILED BY ANY PROSPECTIVE CONTRACTOR WHETHER OR NOT THEY, THEIR FAMILY MEMBER, OR THEIR REPRESENTATIVE HAS MADE ANY CONTRIBUTIONS SUBJECT TO DISCLOSURE.

The following definitions apply:

**"Applicable public official"** means a person elected to an office or a person appointed to complete a term of an elected office, who has the authority to award or influence the award of the contract for which the prospective contractor is submitting a competitive sealed proposal or who has the authority to negotiate a sole source or small purchase contract that may be awarded without submission of a sealed competitive proposal.

**"Campaign Contribution"** means a gift, subscription, loan, advance or deposit of money or other thing of value, including the estimated value of an in-kind contribution, that is made to or received by an applicable public official or any person authorized to raise, collect or expend contributions on that official's behalf for the purpose of electing the official to either statewide or local office. "Campaign Contribution" includes the payment of a debt incurred in an election campaign, but does not include the value of services provided without compensation or unreimbursed travel or other personal expenses of individuals who volunteer a portion or all of their time on behalf of a candidate or political committee, nor does it include the administrative or solicitation expenses of a political committee that are paid by an organization that sponsors the committee.

**"Family member"** means spouse, father, mother, child, father-in-law, mother-in-law, daughter-in-law or son-in-law.

**"Pendency of the procurement process"** means the time period commencing with the public notice of the request for proposals and ending with the award of the contract or the cancellation of the request for proposals.

**"Person"** means any corporation, partnership, individual, joint venture, association or any other private legal entity.

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**"Representative of a prospective contractor"** means an officer or director of a corporation, a member or manager of a limited liability corporation, a partner of a partnership or a trustee of a trust of the prospective contractor.

**Names of Applicable Public Official:** Board Members of the Santa Fe Solid Waste Management Agency's Joint Powers Board - Santa Fe Councilors Bill Dimas, Peter Ives, and Chris Rivera; Santa Fe County Commissioners Miguel Chavez, Kathy Holian, and Daniel "Danny" Mayfield.

DISCLOSURE OF CONTRIBUTIONS:

Contribution Made By: \_\_\_\_\_

Relation to Prospective Contractor: \_\_\_\_\_

Name of Applicable Public Official: \_\_\_\_\_

Date Contribution(s) Made: \_\_\_\_\_

Amount(s) of Contribution(s) \_\_\_\_\_

Nature of Contribution(s) \_\_\_\_\_

Purpose of Contribution(s) \_\_\_\_\_

(Attach extra pages if necessary)

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Title (position)

--OR--

**NO CONTRIBUTIONS IN THE AGGREGATE TOTAL OVER TWO HUNDRED FIFTY DOLLARS (\$250) WERE MADE** to an applicable public official by me, a family member or representative.

Fermin Maes  
Signature

June 17, 2013  
Date

Fermin Maes

## **APPENDIX B**

### **Resident Veterans Preference Certification**

## RESIDENT VETERANS PREFERENCE CERTIFICATION

N/A (NAME OF CONTRACTOR) hereby certifies the following in regard to application of the resident veterans' preference to this procurement.

**Please check one box only:**

- ☐ I declare under penalty of perjury that my business prior year revenue starting January 1 ending December 31 is less than \$1M allowing me the 10% preference discount on this solicitation. I understand that knowingly giving false or misleading information about this fact constitutes a crime.
- ☐ I declare under penalty of perjury that my business prior year revenue starting January 1 ending December 31 is more than \$1M but less than \$5M allowing me the 8% preference discount on this solicitation. I understand that knowingly giving false or misleading information about this fact constitutes a crime.
- ☐ I declare under penalty of perjury that my business prior year revenue starting January 1 ending December 31 is more than \$5M allowing me the 7% preference discount on this solicitation. I understand that knowingly giving false or misleading information about this fact constitutes a crime.

I agree to submit a report or reports to the State Purchasing Division of the General Services Department declaring under penalty of perjury that during the last calendar year starting January 1 and ending on December 31, the following to be true and accurate:

In conjunction with this procurement and the requirements of this business application for a Resident Veteran Business Preference/Resident Veteran Contractor Preference under Sections 13-1-21 or 13-1-22 NMSA 1978, which awarded a contract which was on the basis of having such veterans preference, I agree to report to the State Purchasing Division of the General Services Department the awarded amount involved. I will indicate in the report the award amount as a purchase from a public body or as a public works contract from a public body as the case may be.

I understand that knowingly giving false or misleading information on this report constitutes a crime.

I declare under penalty of perjury that this statement is true to the best of my knowledge. I understand that giving false or misleading statements about material fact regarding this matter constitutes a crime.

\_\_\_\_\_  
(Signature of Business Representative)\*

\_\_\_\_\_  
(Date)

\*Must be an authorized signatory of the Business.

The representation made by checking the above boxes constitutes a material representation by the business. If the statements are proven to be incorrect, this may result in denial of an award or un-award of the procurement.

SIGNED AND SEALED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:

\_\_\_\_\_

N/A

# STATE OF NEW MEXICO

TAXATION AND REVENUE DEPARTMENT

## RESIDENT BUSINESS CERTIFICATE


Issued to: MCT INDUSTRIES INC

DBA: MCT INDUSTRIES INC  
7451 PAN AM E FWY NE  
ALBUQUERQUE, NM 87109-4645

Expires: **15-Feb-2016**

Certificate Number:

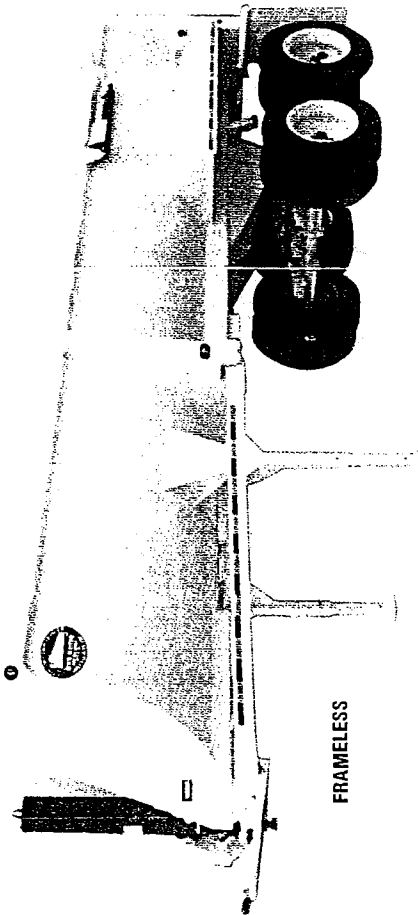
**L1858682176**

  
Demesja Padilla, CPA, Cabinet Secretary

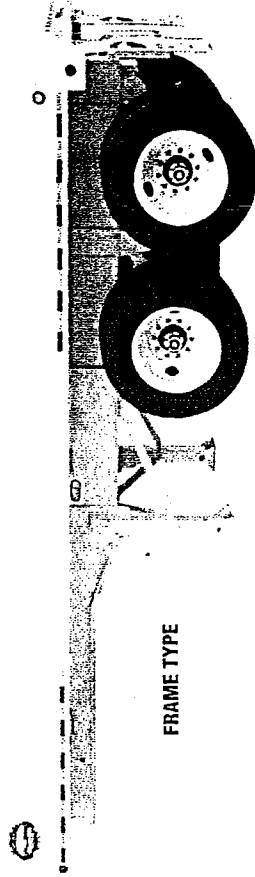
THIS CERTIFICATE IS NOT TRANSFERABLE



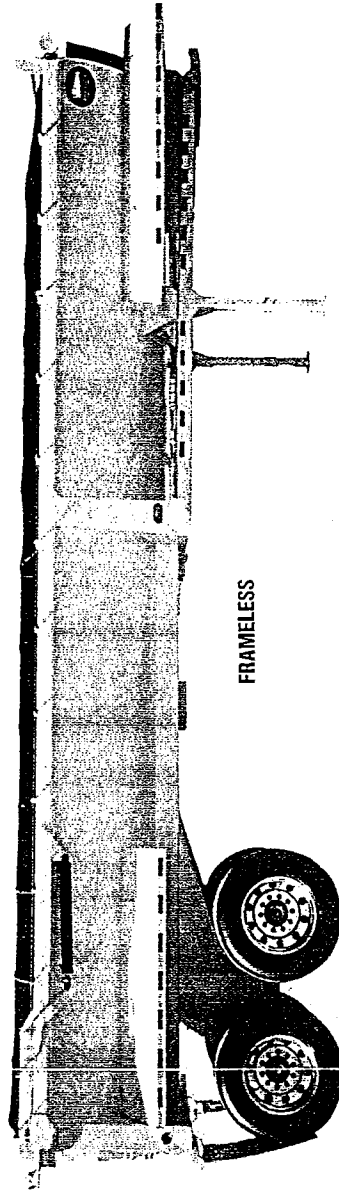
# ROCKMASTER



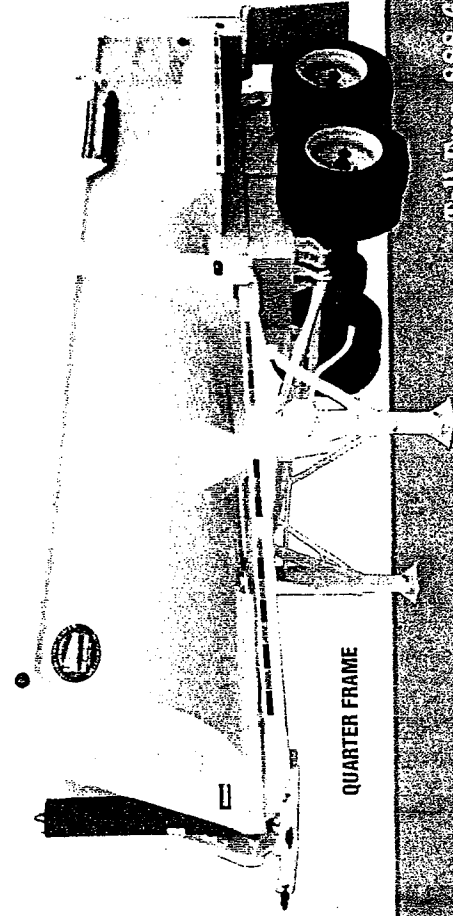
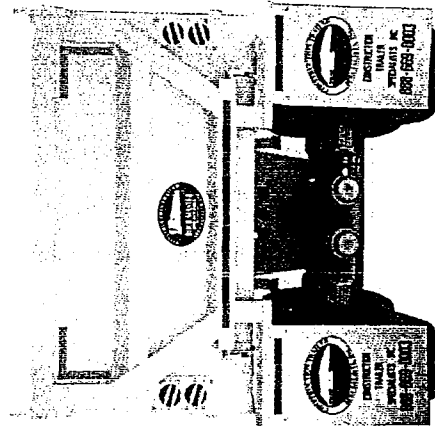
FRAMELESS



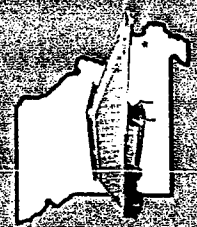
FRAME TYPE



FRAMELESS



QUARTER FRAME



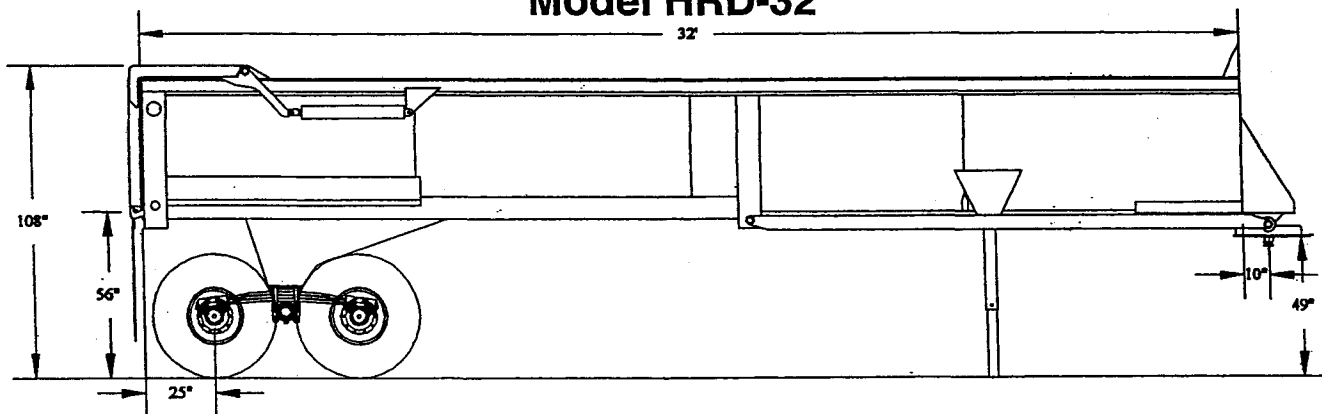
**CONSTRUCTION  
TRAILER  
SPECIALISTS, INC.**

2535 Rose Parkway • Sikeston, MO 63801  
Website: [www.constructiontrailer specialists.com](http://www.constructiontrailer specialists.com)

Toll Free 888-669-0003  
Office 573-481-0941  
Fax 573-481-0953  
E-mail: [trailers@sbm.net](mailto:trailers@sbm.net)

# ROCK MASTER

## Model HRD-32



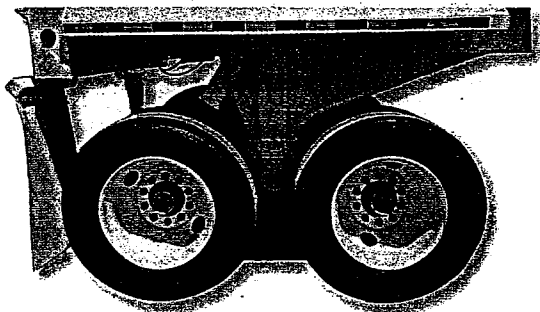
### CONSTRUCTION:

<i>Body:</i>	1/4" Hardox 450 Steel (175 Ksi, 450 Brinell Hardness)
<i>Nose &amp; Gate:</i>	3/16" Hardox 450 Steel (175 Ksi, 450 Brinell Hardness)
<i>Top Rail:</i>	3 1/2" x 5 1/2" x 3/4" 80,000 Psi Roll Formed
<i>Longitudinal:</i>	8" x 8" x 1/4" High strength steel
<i>Body Braces:</i>	1/4" High strength steel internally stiffened
<i>Draft Arms:</i>	5" x 3" x 1/4" Steel tube with drop legs
<i>Hoist:</i>	8" 5 Stage inverted trunnion mount manufactured by Custom Hoists
<i>Fenders:</i>	Rear bolted on
<i>Ladders:</i>	Front and rear

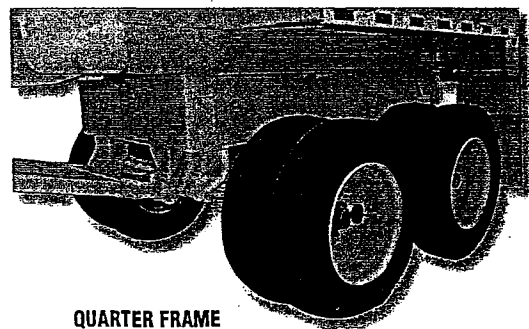
**MCT INDUSTRIES, INC.**  
7451 Pan American Fwy. NE  
Albuquerque, NM 87109  
(505) 345-8651

**ELECTRICAL:** ICC and DOT approved Grote Ultra Blue Seal lighting system

**TAILGATE:** Air operated high lift gives 87" of clearance. Bracing consists of 5 3/4" x 3 3/4" x 3/16" high strength steel. Mud flaps integrated - "over the center" locks



**SINGLE POINT**



**QUARTER FRAME**

### SUSPENSION, AXLES, TIRES AND WHEELS:

<i>Suspension:</i>	Hutchens H-900 50,000 lb. single point. This keeps all 8 tires on the ground
<i>Axles:</i>	Meritor 25,000 lb, outboard drums, 5/8" wall
<i>Rims:</i>	Eight 24.5 x 8.25 10 hole steel disc.
<i>Tires:</i>	Eight 11 R 24.5 Radials

**FINISH:** Trailer is sandblasted, primed, and then painted with Carboline white paint. Grote reflective is applied per DOT regulations

**OPTIONS:**

- Quarter frame
- Tri-axle quarter frame
- Cramaro Tarp Systems
- Cramaro Slide & Go or Cramaro Flip & Go, electric or manual operation
- Other Tarp Systems available
- Air ride quarter frame
- Aluminum Wheels
- Front Fenders

**CONSTRUCTION TRAILER SPECIALISTS, INC**

**WARRANTY**

**AND**

**OWNER ASSISTANCE INFORMATION**

WARRANTY MESSAGE

We at Construction Trailer Specialists, Inc. are committed to your satisfaction with our product. Your dealer would also like for you to be completely satisfied. It is for this reason that we encourage you to return to your dealer for all your service needs.

If you need assistance we suggest you contact your dealer first. Your dealer is best equipped to provide your service needs. If you have questions or concerns, consult a member of dealer management first. If a solution or resolution is not reached you should contact Construction Trailer Specialists, Inc. at the following:

Construction Trailer Specialists, Inc

2535 Rose Parkway

Sikeston, MO 63801

Phone: 573-481-0941

Fax: 573-481-0953

Toll Free: 888-669-0003

**IMPORTANT**

This booklet contains information about the trailers warranty coverage. It also explains owner assistance information. Keep this booklet with your trailer and make it available to a Construction Trailer Specialists, Inc. dealer if warranty work is needed. Please be sure to keep this booklet with the trailer when you sell it so future owners will have the information.

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

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

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

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

Vehicle Identification Number (VIN): \_\_\_\_\_

Date Trailer First Delivered or Put Into Service: \_\_\_\_/\_\_\_\_/\_\_\_\_

## WARRANTY DETAILS

Construction Trailer Specialists, Inc. warrants every new trailer manufactured by our company for a period of twelve (12) months from the date of delivery to the original owner. Construction Trailer Specialists, Inc. warrants every new trailer to be free from defects in workmanship and material. This warranty covers all Construction Trailer Specialists, Inc. trailers sold in the United States, Canada, and Mexico.

Construction Trailer Specialists, Inc. is obligated under this warranty to repair or replace free of charge, any part or component that is proven to be defective within the constraints of the warranty period. Repairs will be performed at our dealer's place of business or at our manufacturing facility, depending on the required repairs or replacement. If repairs are to exceed \$3000.00 the trailer may have to be brought to our manufacturing plant for repairs. Purchaser is responsible for the freight cost of returning the trailer to the plant. Construction Trailer Specialists, Inc. is to be notified immediately of any defects before work is begun. Construction Trailer specialists, Inc. will not be responsible, monetarily or otherwise, for repairs made without our consent.

Most component parts (axles, wheels, suspensions, light kits, etc.) have individual warranties from their respective manufacturers. Construction Trailer Specialists, Inc. will manage all warranties on component parts through their respective manufacturers for you under the terms of their warranty policies. Tires are warranted by their manufacturer and are not warranted by Construction Trailer Specialists, Inc.

This warranty does not cover: (1) Tire damage or wear, (2) Damage due to accident, theft, misuse, fire, collision, freezing, vandalism, riot, explosion, objects striking the vehicle, or operated in excess of rated capacities. (3) Trailers that have been modified, altered, or repaired in any manner that was not authorized in writing by Construction Trailer Specialists, Inc. (4) Trailers that are second hand or used. (5) Maintenance items such as, but not limited to: brake pads, filters, fluids, etc. except when problem caused due to a defect in workmanship or materials. Construction Trailer Specialists, Inc. is not responsible, and shall be held harmless for any consequential damages to include: loss of profits, rentals, or other related losses.

If you have any questions concerning this warranty contact your dealer or Construction Trailer Specialists, Inc. at 888-669-0003

# MEMORANDUM

---

**To:** SFSWMA Joint Powers Board Members  
**From:** Randall Kippenbrock, P.E., Executive Director (RLK)  
**Date:** July 15, 2013  
**Subject:** Discussion with Possible Action Regarding the Support of the City of Santa Fe's Single-Use Carryout Bags Ordinance.

## BACKGROUND AND SUMMARY:

In order to revive the implementation of Resolution 2008-49, Disposable Bag Use Reduction, the Grocery Bag Task Force was formed in May 2012 as a working group of the City of Santa Fe's Business and Quality of Life Committee (CBQL). As part of the City's efforts on environmental policy, the attached proposed ordinance was drafted.

The task force believed that plastic bags posed a quality of life issue in Santa Fe because plastic bags created a litter problem that had negative implications for tourism, wildlife and aesthetics. The task force conducted research on reusable bag initiatives in other cities around the country to be used as a model in Santa Fe to solve the litter problem. The task force reviewed initiatives in Austin, TX; Alameda County, CA; Los Angeles, CA; Seattle, WA; Tucson, AZ; Washington, DC and several other cities.

In August 2012, after reviewing initiatives in other cities, the task force created a proposed ordinance. The CBQL held a public hearing in October 2012 to solicit public comments from the community and stake holders on the proposed ordinance. The task force also met with grocery and retail store businesses, the Santa Fe Sustainable Commission, the Santa Fe Chamber of Commerce, and the Green Chamber of Commerce. The task force then drafted the Single-Use Carryout Bag Ordinance modeled after the Seattle ordinance, which contains provisions based on feedback from the public and stake holder meetings.

The ordinance was introduced by Councilor Rebecca Wurzbarger and is co-sponsored by Mayor David Coss and Councilor Christopher Rivera. On May 11, 2013, the CBQL recommended that the City of Santa Fe Governing Body adopt the Single-Use Carryout Bag Ordinance. The proposed ordinance is scheduled to be heard and reviewed by the following City's committees:

Public Utilities Committee - July 3, 2013	PASSED UNANIMOUSLY
Finance Committee - July 15, 2013	-
City Council - Request to Publish - July 31, 2013	-
City Council - Public Hearing - August 27, 2013	-

## ACTION REQUESTED:

The Agency staff recommends support of the City's Single-Use Carryout Bag Ordinance that will be publicly acknowledged. The matter is before the Board for discussion.

1 CITY OF SANTA FE, NEW MEXICO

2 BILL NO. 2013-\_\_\_\_

3 INTRODUCED BY:

4  
5 Councilor Rebecca Wurzbarger

6 Mayor David Coss

7 Councilor Chris Rivera

8  
9  
10 AN ORDINANCE

11 RELATING TO CHAPTER 21 SFCC 1987 ENVIRONMENTAL SERVICES;  
12 ESTABLISHING A NEW ARTICLE 21-8 SFCC 1987 TO BAN THE DISTRIBUTION OF  
13 SINGLE-USE PLASTIC CARRY-OUT BAGS AND ESTABLISH A FEE FOR PAPER  
14 CARRY OUT GROCERY BAGS TO BE IMPOSED BY RETAIL ESTABLISHMENTS.

15  
16 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

17 Section 1. Article 21-8 SFCC 1987 (being Ord. #1996-46, as amended) is amended  
18 to read:

19 21-8 ~~[COLLECTION OF RATES AND CHARGES]~~ SINGLE-USE CARRYOUT BAGS.

20 Section 2. A new Section 21-8.1 SFCC 1987 is ordained to read:

21 21-8.1 [NEW MATERIAL] Legislative Findings.

22 The governing body of the city of Santa Fe finds that:

23 A. Most plastic carry-out bags do not biodegrade and instead persist in the environment  
24 for hundreds of years, slowly breaking down through abrasion, tearing and photo degradation into  
25 toxic plastic bits that contaminate soil and water while entering the food web when animals



1 inadvertently ingest these materials.

2 B. It is the city's desire to conserve resources, reduce waste, litter, pollution and protect  
3 the public health and welfare.

4 C. The litter problem resulting from single use plastic bags is becoming increasingly  
5 difficult to manage and has costly negative implications for tourism, wildlife and aesthetics.

6 D. Even though single use paper grocery bags are made from renewable resources and  
7 are less of a litter problem than single use plastic carry out bags, they require more resources to  
8 manufacture, transport and recycle or dispose of than single use plastic carry out bags.

9 E. The Single-Use Bag Ordinance will eliminate the use of single-use plastic carryout  
10 bags by all retail establishments within the jurisdiction of the city of Santa Fe, place a fee on single-  
11 use paper grocery bags, and encourage the use of reusable bags.

12 **Section 3. A new Section 21-8.2 SFCC 1987 is ordained to read:**

13 **21-8.2 [NEW MATERIAL] Short Title; Purpose.**

14 A. Article 21-8 SFCC 1987 shall be cited as the "Single-Use Bag Ordinance."

15 B. The production and disposal of single-use bags causes significant environmental  
16 impacts including contamination of the environment, the death of animals through ingestion and  
17 entanglement and widespread litter. The purpose of this Ordinance is to protect, conserve and  
18 enhance the City's unique natural beauty and irreplaceable natural resources through the reduction of  
19 single-use carryout bags by encouraging the use of reusable bags.

20 **Section 4. A new Section 21-8.3 SFCC 1987 is ordained to read:**

21 **21-8.3 [NEW MATERIAL] Definitions. As used in Article 21-8 SFCC 1987:**

22 *Single-use plastic carryout bag* means any carryout bag made from plastic or any material  
23 except paper marketed or labeled as "biodegradable" or "compostable" that is neither intended nor  
24 suitable for continuous reuse as a carryout bag or that is less than 2.25 mils thick.

25 *Paper grocery bag* means a paper carryout bag that has a manufacturer's stated capacity of

1 one-eighth barrel (typical grocery store bag - 882 cubic inches) or larger.

2 *Retail establishment* means any retail business including, without limitation, clothing,  
3 household goods, or personal items of any kind that sells directly to a customer. Examples include but  
4 are not limited to department stores, clothing stores, jewelry stores, grocery stores, pharmacies, home  
5 improvement stores, liquor stores, convenience stores, gas stations, and farmers markets. For  
6 purposes of this Ordinance, food banks, public eating establishments defined as restaurants, take-out  
7 food establishments, or any other business that receives 90% or more of its revenue from the sale of  
8 food which is prepared on the premises, to be eaten on or off its premises are not defined as retail  
9 establishments.

10 *Reusable bag* means a bag with handles that is specifically designed and manufactured for  
11 multiple reuse and is either:

- 12 A. Made of cloth or other machine washable fabric;
- 13 B. Made of durable plastic that is at least 2.25 mils thick; or
- 14 C. Other durable material suitable for reuse.

15 **Section 5. A new Section 21-8.4 SFCC 1987 is ordained to read:**

16 **21-8.4 [NEW MATERIAL] Applicability.**

17 A. A retail establishment shall not provide a single-use plastic carry-out bag to any  
18 customer.

19 B. Retail establishments shall collect a paper grocery bag charge of not less than ten-  
20 cents for each paper grocery bag provided to customers, except that retail establishments shall not  
21 collect a paper grocery bag charge from any person with a voucher or electronic benefits card issued  
22 under Women, Infants and Children Program(WIC), the Emergency Food Assistance Program  
23 (TEFAP), Temporary Assistance to Needy Families Program (TANF) , or the federal Supplemental  
24 Nutrition Assistance Program (SNAP, also known as Basic Food Stamps). It shall be a violation of  
25 this Ordinance for any retail establishment to pay or otherwise reimburse a customer for any portion

1 of the paper grocery bag charge;

2 C. All retail establishments shall indicate on the customer transaction receipt the number  
3 of recyclable paper carryout grocery bags provided and the total amount of the pass-through charge.

4 D. A retail establishment may provide a paper bag to customers which are smaller than a  
5 paper grocery bag as defined by Section 21-8.3.

6 E. To further promote the use of reusable shopping bags and reduce the quantity of  
7 single-use carryout bags entering the city's waste stream, retail establishments are encouraged to  
8 make reusable carryout bags free or for sale at the checkout and/or provide boxes for use at the  
9 checkout free of charge. The environmental services division is authorized to provide reusable  
10 carryout bags for the public at low cost or free-of-charge, targeting such programs to reach low-  
11 income households to the greatest degree possible.

12 **Section 6. A new Section 21-8.5 SFCC 1987 is ordained to read:**

13 **21-8.5 [NEW MATERIAL] Effective Dates.**

14 A. The Single-Use Bag Ordinance shall become effective six (6) months after the city  
15 council approves the ordinance for all retail establishments.

16 B. The environmental services division shall conduct an educational campaign in both  
17 English and Spanish on this ordinance

18 C. The environmental services divisions shall conduct a sample survey of some retail  
19 establishments impacted by this Ordinance to provide feedback about the financial impact to each  
20 establishment.

21 D. In a public meeting no later than 12 months after the effective date of this Ordinance,  
22 the sustainable Santa Fe commission shall review and evaluate the survey results reported by the  
23 environmental services division to assess the impacts to businesses of the Single-Use Bag Ordinance.  
24 Additionally, the environmental services division shall provide to the sustainable Santa Fe  
25 commission a report that contains the following:

1 (1) An estimation of the financial impact to retail establishments of  
2 implementing this Ordinance; and

3 (2) An estimation of the effectiveness of this Ordinance compared to other  
4 jurisdictions' efforts to reduce use of single-use carryout bags.

5 E. The evaluation by the sustainable Santa Fe commission shall be presented in a report  
6 to the city council with recommendations for any changes in the ban, pass-through charges, or other  
7 provisions that are needed to improve effectiveness. The report to the city council shall be submitted  
8 no later than one year after the approved date of this Ordinance.

9 **Section 7. A new Section 21-8.6 SFCC 1987 is ordained to read:**

10 **21-8.6 [NEW MATERIAL] Enforcement; Violations and Penalty.**

11 A. The city manager shall assign primary responsibility for enforcement of Article 21-8  
12 SFCC 1987 and that department/division assigned shall be authorized to promulgate regulations and  
13 to take any and all other actions reasonable and necessary to enforce this Ordinance, including, but  
14 not limited to, investigating violations, issuing fines and entering the premises of any store during  
15 business hours.

16 B. If the assigned department/division director determines that a violation of Article 21-  
17 8 has occurred, a written warning notice shall be issued to the operator of a store that a violation has  
18 occurred and the potential penalties that will apply for future violations.

19 C. Any store that violates or fails to comply with any of the requirements of Article 21-  
20 8, after a written warning notice is issued for that violation shall be guilty of an infraction.

21 D. If a store has subsequent violations of Article 21-8 that are similar in kind to the  
22 violation addressed in a written warning notice, the following fine shall be imposed and shall be  
23 payable by the operator of the store: a fine not to exceed one hundred dollars (\$100.00) for the first  
24 violation, after the written warning notice is given.

25 E. A fine shall be imposed for each day a violation occurs or is allowed to continue.

1 F. All fines collected pursuant to Article 21-8 shall be deposited in the enforcement  
2 department/divisions' services fund to assist the department/division with its costs of implementing  
3 and enforcing the requirements of this Article.

4 **Section 8. A new Section 21-8.7 SFCC 1987 is ordained to read:**

5 **21-8.7 Appeals.**

6 A. Within thirty (30) days of the date of a notice of violation of this Ordinance or a  
7 notice of a fine due under this Ordinance, a store may file an appeal with the enforcing department  
8 director setting forth the reasons for the appeal.

9 B. A hearing officer appointed by the city manager shall conduct a formal hearing  
10 within thirty (30) days of the receipt of the appeal by the public utilities director. The public utilities  
11 department director shall give written notice by certified mail to the appellant at least ten (10) days  
12 prior to the hearing.

13 C. The hearing officer shall make a decision on the basis of the preponderance of  
14 evidence presented at the hearing. The hearing officer shall affirm or reverse the decision of the  
15 enforcement department director. The hearing officer shall render a decision within thirty (30) days  
16 after the date of the hearing and shall forward the decision to the public utilities department director  
17 and the appellant.

18 D. A filing fee in the amount of fifty dollars (\$50.00) shall be paid if the hearing officer  
19 does not find in favor of the appellant.

20 E. An appellant may appeal the decision of the hearing officer to the first judicial  
21 district court pursuant to 1-074 NMRA.

22 **Section 9. A new Section 21-8.9 SFCC 1987 is ordained to read:**

23 **21-8.8 [NEW MATERIAL] Severability.**

24 If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held  
25 to be invalid by a decision of any court of competent jurisdiction, that decision will not affect the

1 validity of the remaining portions of the ordinance. The city council hereby declares that it would  
2 have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not  
3 declared invalid or unconstitutional without regard to whether any portion of this ordinance would be  
4 subsequently declared invalid.

5 **Section 10. A new Section 21-8.10 SFCC 1987 is ordained to read:**

6 **21-8.9 [NEW MATERIAL] No Conflict with Federal or State Law.**

7 Nothing in this ordinance is intended to create any requirement, power or duty that is in  
8 conflict with any federal or state law.

9 APPROVED AS TO FORM:

10  
11 \_\_\_\_\_  
12 GENO ZAMORA, CITY ATTORNEY  
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22 *M/Melissa/Bills 2013/Single Use Bag Ordinance\_052813*

# MEMORANDUM

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**To:** SFSWMA Joint Powers Board Members  
**From:** Randall Kippenbrock, P.E., Executive Director (RLV)  
**Date:** July 15, 2013  
**Subject:** Update on the Permit Application for the Caja del Rio Landfill Permit Renewal and Modification.

Agency staff and CDM Smith will present an update of the permit application for the Caja del Rio Landfill permit renewal and modification.

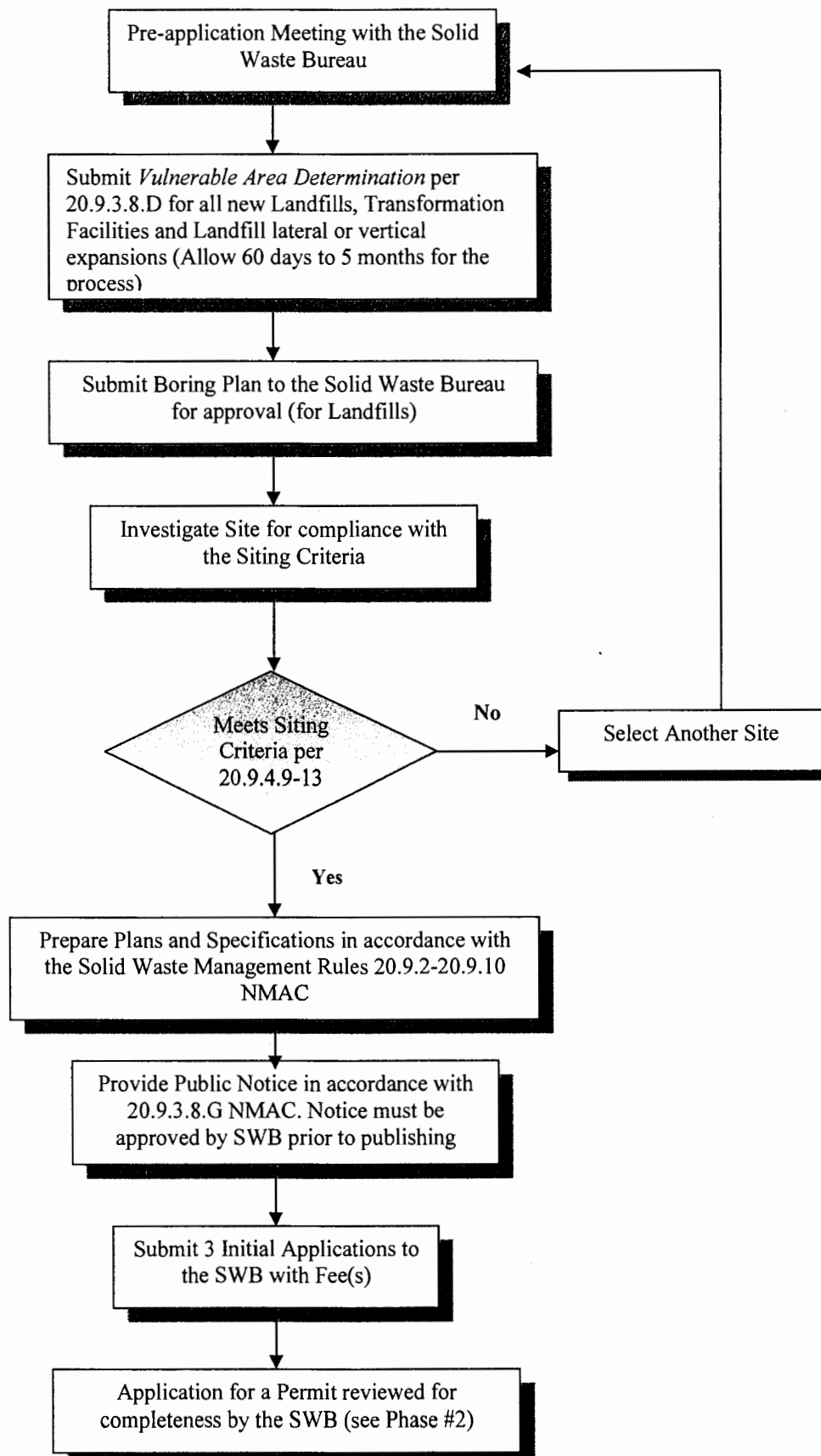
At the meeting, CDM Smith will provide a handout of the permit application's Table of Contents with a percent completed for each item.

Attached are process flow charts and a timeline review for a solid waste facility permit application in accordance with 20.9.2 – 20.9.10 NMAC.

Attachment: Process Flow Charts and Timeline Review for a Solid Waste Facility Permit Application.

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## Solid Waste Facility Permit Application Process in accordance with 20.9.2-20.9.10 NMAC





# SOLID WASTE FACILITY PERMIT APPLICATION REVIEW PROCESS in accordance with 20.9.2- 20.9.10 NMAC

Application (or additional information) received by the Solid Waste Bureau (SWB)  
SWB Support Staff: (within 1 day) Log in the Application (or additional information) and the Fee Check; Date stamp the Application (or additional information) and the Fee Check; Copy of check to applicant; Copy placed in the Administrative Record; Deliver Fee Check to Financial Officer; Deliver the application (or additional information) to Permit Section Program Manager

Permit Section Program Manager: (within 1 day) Assign Lead Reviewer; Request assignment of Office of General Counsel (OGC) Staff to be made within 30 days; Deliver Application (or additional information) to Lead Reviewer

Lead Reviewer: (within 2 weeks) Request appropriate engineering staff to review specific engineering issues from the Application (or 1<sup>st</sup> additional information); Request assignment of SWB Staff to review specific issues from the app. (or 1<sup>st</sup> add'l. info.) (e.g., HELP, Financial Assurance, Enforcement Compliance, etc.); Review (within 120 days) all other portions of the app. (or 1<sup>st</sup> add'l. info.)

SWB Staff: (within 45 days)  
If assigned, review respective assigned specific issues and submit comments to Lead Reviewer

Engineer Staff: (within 45 days)  
If assigned, review specific engineering issues and submit comments to Lead Reviewer

**2<sup>nd</sup> Review**  
(1<sup>st</sup> add'l. info. Submittal - 90 day review time)  
Lead Reviewer: (within 1 day)  
Deliver copy of Application to OGC Staff

Completeness  
Determination

No

Yes\*

OGC Staff: (within 45 days) Review application for administrative completeness and submit comments to Lead Reviewer

Yes

Completeness  
Determination

No

**3<sup>rd</sup> Review**  
(2<sup>nd</sup> additional information submittal)

Lead Reviewer: (within 1 day)  
Deliver copy of additional information to SWB, Engineer, and OGC Staff

SWB, Engineer, and OGC Staff: (within 30 days) Review additional information and submit comments to Lead Reviewer

Completeness  
Determination

No

Yes

Lead Reviewer: (within 1 day) Deliver Application to Hearing Clerk to begin Hearing Process

Yes

No

1<sup>st</sup> RAI submittal  
from the Applicant  
received within 120  
days of receipt, 2<sup>nd</sup>  
RAI received  
within 90 days of  
receipt

Lead Reviewer: Prepare 1<sup>st</sup> and 2<sup>nd</sup>  
Request for Additional Information  
(RAI) - Two RAIs only  
within 120 days of receipt of  
application (and/or 90 days of receipt of  
2nd additional information submittal)

**Solid Waste Facility Permit Application Review Timeline Per 20.9.2 - 20.9.10 NMAC**  
(see Phase #2 Flowchart)

Parties	Completion Days	Tasks	Total Days
Applicant & SWB		Pre-Application Meeting	
Vulnerable area assessment	~15-90*	Prescribed meetings if determined	15-90
Applicant		Submit Application with fee	
SWB	120	Initial review (including arranging the following: engineering issues, groundwater issues, HELP, special wastes issues, etc.) [send 1 <sup>st</sup> request for additional information (RAI)]	210
Applicant	120	Respond to 1 <sup>st</sup> RAI	330
SWB	90	2 <sup>nd</sup> review (including addressing initial response and <u>review by Office of General Counsel</u> ) [send Final RAI]	420
Applicant	90	Respond to Final RAI	510
SWB	30	3 <sup>rd</sup> Review [Administratively Deny or Deem Complete in accordance with 20.9.3.17 NMAC]	525
Applicant	14	Submit 6 final copies of the application and an updated property owner list to the Dept.( per 20.9.37.C)	539
SWB	15* days from Deemed Complete date	Public Notice of Hearing (including drafting, <u>Spanish translation</u> , newspaper advertisements, certified mailing, and posting of the Notice of Hearing)	540
SWB, Applicant & others	~30* days	Public Hearing (including Testimony and Administrative Record Index)	570
SWB & Applicant & others	20*	Findings of Fact & Conclusions of Law submitted to Hearing Officer	590
Hearing Officer	30*	<u>Hearing Officer's Report submitted to the Secretary</u>	620
Secretary	20*	<u>Final Order (has maximum of 180 days from deemed complete date to)</u>	640
	<i>*fixed</i>	<i>{blue lettering indicates the completion days are not set by the Rule or regulations} {<u>underscoring indicates tasks not in direct control of the SWB</u>}</i>	

Volume	Content	Percent Complete
I	20.9.2 General Requirements	80
I	20.9.3 Permits and Registrations	95
I	20.9.4 Siting and Design Criteria	90
I	20.9.5 Operating Requirements	97
I	20.9.6 Closure and Post-Closure	95
I	20.9.7 Operator Certification	100
I	20.9.8 Special Waste Requirements	70
I	20.9.9 Groundwater Monitoring	10
I	20.9.10 Financial Assurance	90
II	Operations Plan (MSW and C&D)	80
II	Contingency Plan	100
II	Alternative Waste Handling and Disposal Plan	100
II	Special Waste - Disposal Management Plans	70
II	Regulated Hazardous or Unauthorized Special Waste Screening Plan and Personnel Training Program	95
II	Closure and Post-Closure Plan	90
II	Alternative Daily Cover (ADC) Requirements	100
III	Groundwater Monitoring and System Plan	100
III	Methane Monitoring Plan	100
III	Leachate Management Plan	100
III	Landfill Gas Management	100
IV	Site Plan and Engineering Drawings	90
IV	Stormwater Management Plan	100
IV	HELP Modeling Results	95
IV	Permit Level Design Calculations	90
IV	Materials Compatibility	100
IV	Construction Quality Assurance Plan (CQAP) – Liner and Cover Construction	98
V	Vicinity Map	100
V	Survey Plat and Legal Description	100
V	Approval for Landfill Use	100
V	Airport Location Map and FAA Notification	90
V	Wind Rose	100
V	Current FEMA Floodplain Map	100
V	Public and Private Wells Map	60
V	Mines, Mills and Quarries Map	100
V	USGS Map and Area Map with Existing Utilities and Structures	100
V	Quaternary Faults and Seismic Zone Maps	100
V	Annual Report Form Example	100
V	Required Operation Records	70
V	Archeological Information	100
V	Threatened and Endangered Species and Critical Habitat Evaluation	90
V	Existing Traffic Impact Analysis and Site Access Evaluation	90
V	Geotechnical Reports (1994, 2006 and 2013)	100
V	Area Geology and Hydrology	100
V	Notice of Filing of Application	0
V	Vulnerable Area Determination	100
V	Community Meetings Summary	100
V	Financial Assurance – Closure and Post-Closure Costs	100
V	Disclosure Forms	-
V	Wetlands Map	100
V	Compliance History and Environmental Monitoring	100

*Exhibit "4"*

# MEMORANDUM

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**To:** SFSWMA Joint Powers Board Members  
**From:** Randall Kippenbrock, P.E., Executive Director *RLK*  
**Date:** July 15, 2013  
**Subject:** Discussion and Possible Action on Additional Special Waste Categories as Part of the Caja del Rio Landfill Permit Renewal and Modification.

## BACKGROUND AND SUMMARY:

Pursuant to 20.9.2.7 NMAC, special waste is a solid waste that has unique handling, transportation, and/or disposal requirements to assure protection of the environment and the public health, welfare and safety. There are 10 special waste categories and are listed below:

1. Infectious Waste
2. Regulated Asbestos Waste
3. Offal - packing house and killing plant
4. TFCH (treated formerly characteristic hazardous wastes)
5. Ash (except ash produced by law enforcement, household pharmaceutical waste, and structural fire damages)
6. Industrial Solid Waste
7. Spill of a Chemical Substance or Commercial Product
8. PCS - Petroleum Contaminated Soils
9. Sludge
10. Not Otherwise Specified (e.g., vehicle wash sump waste)

Attached is a current listing of landfills in New Mexico that are permitted to accept special wastes. The Caja del Rio Landfill is permitted to accept petroleum contaminated soils and sludge. On December 13, 2012, the Board approved the Not Otherwise Specified special waste category to be contained in the landfill permit application for renewal and modification.

There are five additional special waste categories that should be considered for acceptance at the Caja del Rio Landfill: offal, TFCH, spill of a chemical substance or commercial product, ash, and industrial solid waste. Agency staff predicts the quantity for each category will be small, as the number of businesses in Santa Fe County that can potentially generate these wastes is minimal. By including these special waste categories in the permit application, it will allow the businesses to dispose of these special wastes at the landfill rather than transporting them to another permitted facility.

Currently, no landfills in New Mexico accept infectious waste. Agency staff does not recommend accepting this.

For regulated asbestos waste, it requires a separate excavation area that complies with all OSHA regulations and standards. Furthermore, additional training on the handling and disposal of regulated asbestos is required for workers. Agency staff does not recommend accepting this.

**ACTION REQUESTED:**

The Agency staff recommends the Board approve the five additional special waste categories to be included in the landfill permit application: offal, TFCH, spill of a chemical substance or commercial product, ash, and industrial solid waste. The matter is before the Board for discussion.

Attachment: Special Waste Landfill in New Mexico

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# SPECIAL WA \_ \_ \_ LANDFILLS IN NEW MEXICO

[illegible]