

## ADMINISTRATION OF THE BID DEPOSITORY SYSTEM

### RESPONSIBILITY OF:

#### (a) BID DEPOSITORY SYSTEM OFFICE

- (1) Record registration information and supply to all bidders requesting same.
- (2) Supply contractors with necessary bid forms and envelopes.
- (3) Furnish tabulation to all bidders participating.
- (4) Counsel with Bid Depository Board of Directors regarding complaints and improvements to service.
- (5) Billing of contractors for Bid Depository fees on awarded jobs.

#### (b) DEPOSITORY

- (1) Receive bids in accordance with Rules and Procedures.
- (2) Distribute bids to general contractors.
- (3) Create recaps as per the timeline of apparent low general contractors' announcement
- (4) Retain copies of bids addressed to Bid Depository for one (1) year after bid date.

#### (c) CONTRACTORS

- (1) Register promptly your intent to bid.
- (2) Deliver bids to Bid Depository Office or website on time and in accordance with Rules and Procedures.
- (3) Talk with Bid Depository System office about any irregularities on any given job. Make written report where necessary.
- (4) If an error has occurred on a bid by a subcontractor withdraw bid as outlined in rules and procedures.
- (5) Pay fees for awarded jobs promptly.

**NEW MEXICO SUB CONTRACTORS  
BID DEPOSITORY SYSTEM, INC.**

**RULES AND PROCEDURES**

(As Amended February 26, 2021)

ARTICLE I

PARTIES AND PARTICIPANTS

The Bid Depository System is open for use by any contractor who is lawfully doing business and is properly licensed as required by the Construction Industries Division of New Mexico.

ARTICLE II

TERRITORY

The territory covered by these Rules and Procedures is the State of New Mexico.

ARTICLE III

ADMINISTRATION

(A) The Bid Depository System shall be administered by the Board of Directors. To be effective, any elimination from, additions or amendments to, or modifications of the rules hereinafter stated may be reduced to writing and presented at a Board of Directors meeting. Any change must be by majority vote of the Board of Directors.

ARTICLE IV

EXECUTIVE DIRECTOR & REGISTRAR

(A) An Executive Director of the Bid Depository System shall be selected by the Board of Directors. The Executive Director may select a Registrar to assist them.

(B) The Executive Director shall not be a contractor at the time they act as Executive Director, and shall not be a person whose position is such as to make their duties hereunder, or under any other employment or office which they may hold, which they may be unable to remain neutral and objective.

(C) The Executive Director, in that capacity, shall have no power or authority to act for any individual user or for any group of same or all the users except such as is expressly stated herein.

## ARTICLE V

### THE DEPOSITORY

(A) The Bid Depository shall be located at 4901 Chappell Drive N.E., Albuquerque, New Mexico 87107 for all bids.

## ARTICLE VI

### OBLIGATIONS AND FEES

(A) All participants (users) agree to abide by the rules of the Bid Depository System as herein stated and to exercise good faith in carrying out the express purposes and program of the Bid Depository System.

(B) Any sub-contractor obtaining a contract on a job that has bid through the Bid Depository shall pay the Bid Depository System a fee, based on the contract value. The said fee shall be due and payable to the Bid Depository System upon billing.

(C) In the event a general contractor submits a subcontractors bid and the subcontractor receives the contract, the invoice will be submitted to the general contractor.

(D) In the event of litigation to collect a delinquent fee, the delinquent contractor shall pay all attorney fees, costs of suit, and other expenses reasonably incurred in connection with such litigation. If a subcontractor refuses to pay an invoice past 90 days the subcontractor may not be allowed to submit a bid though the New Mexico Bid Depository until such invoice(s) is/are paid.

## ARTICLE VII

### RULES OF OPERATION

(A) Bids covered by these rules shall include any proposal when all the following conditions exist:

- (1) Plans and specifications are issued on the job.
- (2) Awarding authority has formally or otherwise indicated a desire or intention that there be competitive bidding, and a specified time has been established for receiving bids.
- (3) Job is bid in such a manner that subcontractor bids are not publicly opened.
- (4) The Executive Director has given notice that bids will be accepted, on the particular job, through the Bid Depository. Said notice will define the time bids are due in the Depository. Whenever practical, the time designated by the Director for the bids to be due in the Bid Depository will be **three hours** prior to the bid opening time as specified by the awarding authority.

(B) For the purpose of these rules, an awarding authority shall include any person, firm, or corporation requiring any sub contract work shall include a general contractor who is bidding on a complete project.

(C) All bids submitted through the Bid Depository shall be actually delivered to the Depository, either online delivery, as outlined under “HOW TO BID JOBS THROUGH THE DEPOSITORY or in person, by an authorized representative.

(D) Any bid deposited online may be revised up to the lock box time; bids being submitted in persons to the Bid Depository box may be changed in person by a duly authorized representative of the bidder by directing the staff of the Bid Depository to change the online number and signing a written statement to that effect.

**(E) Once the bid has closed, any bid deposited with the Depository may be revoked, but not changed, by the submitter of the bid, up until one (1) hour before bid opening time as set by awarding authority, provided said submitter notifies each firm or person to whom they submitted the bid and the Bid Depository System office that said bid is being withdrawn from competition. The proper procedure for such withdrawal follows:**

If a bid needs to be withdrawn, the contractors must:

- (1) Notify orally **and** in writing (facsimile machine **or** email acceptable), each general contractor and/or other from whom they wishes to withdraw their bid.
- (2) Notify orally **and** in writing (facsimile machine **or** email acceptable), the Bid Depository System office of the withdrawal.

NOTE: Written evidence of withdrawal is necessary for the protection of all parties concerned.

In order to be eligible to receive bids through the Depository, any general contractor who has accepted bid(s), in categories covered by these rules, from bidders not using the Depository, must enter the bids as proxy bids to themselves on the New Mexico Bid Depository online bidding service.

(F) All bids shall comply with the conditions and bid forms as supplied by the Registrar. Any contractor who alters the scope form in any way will be non-compliant with the rules and procedures of the New Mexico Sub Contractors Bid Depository. It is the responsibility of the sub contractor to confirm the submitted bid form is the most current form and all revisions by the Bid Depository office is current. If this does not occur, it could possibly result in being non-compliant with the rules and procedures.

(G) It is understood and agreed by all parties utilizing this system, or in any manner participating therein, that no officer, employee, agent or Board Member, including the Bid Depository itself, shall be responsible or liable in any manner for any loss or damage so long as such parties act in good faith in administering the System. In addition all claims against such parties of whatever nature are hereby waived by all parties, except for those which may arise as a proximate result of willful acts in violation of these Rules and Procedures.