

MAY 30, 2007  
ADDENDA NUMBER: 1  
BID NUMBER: RFB2007-190-WR

**TITLE: RAPID PROCUREMENT TO PROVIDE AND INSTALL EPOXY FLOOR COVERINGS**

THIS ADDENDUM IS BEING ISSUED TO INCLUDE THE FOLLOWING CHANGES TO THE ORIGINAL RFB REQUIREMENTS:

1. THE BID OPENING HAS BEEN EXTENDED TO **06/04/07 @ 1:30 PM (MST)**.
2. **HIGHLY RECOMMENDED SITE INSPECTIONS** ARE BEING OFFERED AT THE FOLLOWING DATES , TIMES AND LOCATIONS FOR ANY INTERESTED CONTRACTOR WHO DID NOT ATTEND THE MANDATORY SITE INSPECTIONS HELD ON 05/29/07 FOR BOTH ITEMS (1 & 2) :

**ITEM 1** – FLEET MANAGEMENT SHOP LOCATED AT 5501 PINO RD. NE ,  
BLDG. G  
AVAILABLE TIMES: 7:00 AM THROUGH 12:00 PM 05/31/07  
7:00 AM THROUGH 3:30 PM 06/01/07

**NOTE:** PLEASE CALL BENNIE MAESTAS @(505)857-8013 TO SCHEDULE A TIME FOR AN INSPECTION DURING THESE HOURS.

**ITEM 2** – VSA ARTS OF NM FACILITY LOCATED AT 4904 4<sup>TH</sup> STREET NW  
AVAILABLE TIMES: 9:00 AM THROUGH 4:00 PM 05/31/07  
12:00 PM THROUGH 4:00 PM 06/01/07

**NOTE:** PLEASE CALL TIRZAH DECARIA AT EITHER (505)345-2872 EXT #11 OR (505)449-7108 TO SCHEDULE A TIME FOR AN INSPECTION DURING THESE HOURS.

ALL CONTRACTORS WHO ATTENDED THE PREVIOUSLY HELD INSPECTIONS ON 05/29/07 ARE NOT REQUIRED TO COMPLETE A "HIGHLY RECOMMENDED SITE INSPECTION" AT EITHER LOCATION FOR EITHER ITEM 1 OR 2. ALL CONTRACTORS SUBMITTING A BID RESPONSE (FOR EITHER ITEM ) AND NOT ATTENDING EITHER A MANDATORY OR HIGHLY RECOMMENDED SITE INSPECTION IS REQUIRED TO COMPLETE (AND SUBMIT WITH THEIR BID RESPONSE) THE ATTACHED "VENDOR WAIVER FORM".

3. THE FOLLOWING BID SPECIFICATION CHANGES ARE TO BE INCLUDED AS A PART OF THE REQUIREMENTS FOR EACH ITEM:

ITEM 1 :

A. THE SELECTED CONTRACTOR IS REQUIRED TO PROVIDE A COMPLETELY LEVEL SHOP FLOOR SURFACE WITH COMPLETION OF THE EPOXY COAT FINISH INSTALLATION. WAVES OR LOW-LEVEL SPOTS WILL NOT BE ACCEPTED BY THE CITY.

B. THE CITY REQUIRES A FULL WARRANTY (INCLUDING LABOR AND MATERIALS) FOR A THIRTY-SIX (36) MONTH PERIOD FROM THE DATE OF ACCEPTANCE BY THE CITY.

INCLUDE A PRICE FOR AN **OPTIONAL** SIXTY (60) MONTH OPTIONAL WARRANTY (INCLUDING LABOR AND MATERIALS) IN THE SPACE PROVIDE BELOW:

**OPTIONAL** 60 MONTH FULL WARRANTY PRICES\$\_\_\_\_\_

THIS **OPTIONAL** WARRANTY PRICE WILL NOT BE USED IN THE TABULATION AND AWARD OF THE REQUIREMENTS OF ITEM 1. YOU MUST INCLUDE THE OPTIONAL PRICE WITH YOUR BID RESPONSE IN ORDER FOR IT TO BE CONSIDERED RESPONSIVE.

ITEM 1 CONTINUED:

C. THE VENDOR IS REQUIRED TO COMPLETE (AND PROVIDE AN INVOICE) THE REQUIREMENTS FOR ITEM 1 ON OR BEFORE **JUNE 30, 2007**.

D. REPLACEMENT OF YELLOW LINES WHICH DEFINE THE SHOP WALKWAY AND THE SEPARATION OF THE WORK BAYS MUST BE INCLUDED WITH YOUR BID PRICE.

ITEM 2:

A. THE SELECTED CONTRACTOR IS REQUIRED TO PROVIDE A COMPLETELY LEVEL FACILITY FLOOR SURFACE WITH COMPLETION OF THE INSTALLATION OF THE DECORATIVE STAIN AND CONCRETE SEALER. WAVES OR LOW-LEVEL SPOTS WILL NOT BE ACCEPTED BY THE CITY.

B. THE CITY REQUIRES A FULL WARRANTY (INCLUDING LABOR AND MATERIALS) FOR A THIRTY-SIX (36) MONTH PERIOD FROM THE DATE OF ACCEPTANCE BY THE CITY.

INCLUDE A PRICE FOR AN **OPTIONAL** SIXTY (60) MONTH FULL WARRANTY (INCLUDING LABOR AND MATERIALS) IN THE SPACE PROVIDE BELOW:

**OPTIONAL** 60 MONTH FULL WARRANTY PRICE\$\_\_\_\_\_

THIS **OPTIONAL** WARRANTY PRICE WILL NOT BE USED IN THE TABULATION AND AWARD OF THE REQUIREMENTS OF ITEM 2. YOU MUST INCLUDE THE OPTIONAL PRICE WITH YOUR BID RESPONSE IN ORDER FOR IT TO BE CONSIDERED RESPONSIVE.

C. THE CITY REQUIRES AN **OPTIONAL** PRICE FOR THE SELECTED CONTRACTOR TO PROVIDE A SAMPLE FROM A 36" X36" AREA WHICH REQUIRES REMOVAL OF THE PRESENT EPOXY COATING AND GRINDING DOWN THROUGH THE SURFACE UNTIL THE CONCRETE IS COMPLETELY CLEAN AND EXPOSED. UPON COMPLETION OF THE GRINDING PROCESS, THE CONTRACTOR WILL THEN PROVIDE A COVER WITH A POLYMER MODIFIED TOPPING COMPOUND AND STAIN.

**OPTIONAL** SAMPLE PRICE\$\_\_\_\_\_

UPON THE CITY'S COMPLETION OF A REVIEW OF THIS **OPTIONAL** SAMPLE TEST(TO DETERMINE IF STAINING IS A FEASIBLE OPTION) THE CITY RESERVES THE OPTION TO EITHER MAKE AN AWARD TO THE SELECTED CONTRACTOR FOR THE REQUIREMENTS LISTED IN ITEM 2 OR TO CANCEL ITEM 2 FROM THE BID IN IT'S ENTIRETY. THE CITY (AT IT'S OPTION) MAY RELEASE A REBID OF ITEM 2 WITH REVISED SPECIFICATIONS IN THE EVENT THAT ITEM 2 IS CANCELLED.

THIS **OPTIONAL SAMPLE** PRICE WILL NOT BE USED IN THE TABULATION AND AWARD OF THE REQUIREMENTS OF ITEM 2. YOU MUST INCLUDE THE OPTIONAL PRICE WITH YOUR BID RESPONSE IN ORDER FOR IT TO BE CONSIDERED RESPONSIVE. THE CITY WILL PROVIDE PAYMENT TO THE SELECTED CONTRACTOR FOR THE OPTIONAL SAMPLE TEST WHETHER OR NOT THE BID FOR ITEM 2 REQUIREMENTS IS ACCEPTED.

C. THE VENDOR IS REQUIRED TO COMPLETE (AND PROVIDE AN INVOICE) THE TOTAL FOR ITEM 2 ON OR BEFORE JUNE 30, 2007.

4.THE ATTACHED NM WAGE DECISION # BE-07-0674 B IS TO BE INCLUDED WITH RFB REQUIREMENT LISTED IN THE LAST PARAGRAPH OF "ADDITIONAL REQUIREMENTS FOR RFB2007-190-WR. PAGE 8. THE WAGE DECISION WOULD BE APPLICABLE FOR EITHER ITEM IN THE EVENT THE TOTAL BID PRICE EXCEEDS \$60,000.00.

YOU MUST RETURN A COPY OF THIS SIGNED ACKNOWLEDGEMENT WITH YOUR BID RESPONSE. FAILURE TO DO SO WILL CAUSE YOUR BID TO BE CONSIDERED NON-RESPONSIVE.

---

\_\_\_\_\_ ACKNOWLEDGED AND RETURNED: WITH BID: \_\_\_\_\_ BY LETTER: : \_\_\_\_\_ \_\_\_\_\_

---

\_\_\_\_\_  
SIGNATURE

PRINTED NAME

TITLE

COMPANY

**RFB2007-190-WR (ITEM 1)**

**VENDOR WAIVER  
FOR HIGHLY RECOMMENDED ON-SITE INSPECTIONS**

In lieu of HIGHLY RECOMMENDED ON-SITE INSPECTION(S), I hereby waive my right to conduct HIGHLY RECOMMENDED ON-SITE INSPECTION(S), however, I fully understand and realize that failure to conduct RECOMMENDED ON-SITE INSPECTION shall not constitute relief from any responsibility for estimating properly the difficulty or cost related to successfully performing the required work. I further understand that I will be responsible for any excess costs resulting from failure to estimate accurately and failure to conduct HIGHLY RECOMMENDED ON-SITE INSPECTION may result in the rejection of my offer.

_____	_____
Print or Typed Name	Signature (Date)
_____	_____
Title	Name of Company

Failure to return this form, completed and signed (if applicable) with your Bid Response may cause your Bid to be non-responsive.

**RFB2007-190-WR (ITEM 2)**

**VENDOR WAIVER  
FOR HIGHLY RECOMMENDED ON-SITE INSPECTIONS**

In lieu of HIGHLY RECOMMENDED ON-SITE INSPECTION(S), I hereby waive my right to conduct HIGHLY RECOMMENDED ON-SITE INSPECTION(S), however, I fully understand and realize that failure to conduct RECOMMENDED ON-SITE INSPECTION shall not constitute relief from any responsibility for estimating properly the difficulty or cost related to successfully performing the required work. I further understand that I will be responsible for any excess costs resulting from failure to estimate accurately and failure to conduct HIGHLY RECOMMENDED ON-SITE INSPECTION may result in the rejection of my offer.

_____	_____
Print or Typed Name	Signature (Date)
_____	_____
Title	Name of Company

Failure to return this form, completed and signed (if applicable) with your Bid Response may cause your Bid to be non-responsive.



BILL RICHARDSON  
GOVERNOR

**New Mexico Department of Labor  
Labor and Industrial Division**

501 Mountain Road NE  
Albuquerque, New Mexico 87102

Phone: (505) 222-4669

FAX: (505) 222-4780

BETTY SPARROW DORIS  
SECRETARY

JAMES L. MORAN  
DIRECTOR

**NOTICE TO ALL PUBLIC WORKS CONTRACTORS**  
PERTINENT INFORMATION IN ACCORDANCE WITH THE NM PUBLIC  
WORKS MINIMUM WAGE ACT

The Labor and Industrial Division insures compliance of the Public Works Minimum Wage Act (13-4-11 through 13-4-17, NMSA 78). This office issues prevailing wage rates for each project for inclusion in the bid documents. After a project contract is signed, the **Notification of Award (NOA)** and the **Statement of Intent to Pay Prevailing Wages** must be completed and sent back together to this office by the General Contractor. The NOA must also include the list of Subcontractors. A Statement of Intent to Pay Prevailing Wages is required from each construction contractor before they start work on a state or locally funded construction project costing a total of \$60,000 or more. Every contractor (general, sub, second tier, etc.) must pay those rates through weekly payment and payroll.

Wage rates include a base rate and a fringe rate of pay. In many cases, an additional cost to the contractor is an apprenticeship contribution rate per hour for both journeyman and apprentices. A **monthly apprenticeship contribution compliance form and check for payment** (when applicable) is required and should be sent to NMDOL, Public Works Bureau, PO Box 27428, Albuquerque, NM 87125-7428. After a contractor completes work on a project, but before his final payment, an **Affidavit of Wages Paid** must be completed and sent to this office – through the General Contractor.

Each employee must receive the full base and fringe rate per hour for all hours worked in their job classification, regardless of the qualifications or license held. The only exception is for workers with a current certification in approved apprenticeship programs. The apprentice must also receive the full benefit of the fringe rate. It may also be paid into approved health benefit programs, pension programs, life insurance programs, company holiday and vacation programs and/or training programs that are not apprenticeship programs (*i.e.*: an OSHA 10 safety program). Fringe benefits are to be paid to a third-party account and the employee must have access to and quarterly statements are to be provided to the employee. The third way of paying fringe benefits is to pay as a combination of cash into approved programs. This office will sometimes ask for complete breakdowns of all payment to insure total compliance.

The minimum wage as shown on individual wage decisions must be paid. "In addition, the contractor, subcontractor employer or any person acting as a contractor shall be liable to any affected employee for liquidated damages in the sum of one hundred dollars (\$100.00) for each calendar day on which a contractor, subcontractor, employer or any person acting as a contractor has willfully required or permitted an individual laborer or mechanic to work in violation of the provisions of the Public Works Minimum Wage Act" (13-4-14.C, NMSA 78). When questions arise about the requirements of the Act or the Public Works Minimum Wage Act Policy Manual they must be resolved as soon as possible. If you have questions, please call (505) 222-4669.



BILL RICHARDSON  
GOVERNOR

**New Mexico Department of Labor  
Labor and Industrial Division**

501 Mountain Road NE  
Albuquerque, New Mexico 87102  
Phone: (505) 222-4669  
FAX: (505) 222-4780

BETTY SPARROW DORIS  
SECRETARY

JAMES L. MORAN  
DIRECTOR

Dear Owner/Contracting Agency:

The enclosed wage decision packet must be used in the contract resulting from the bid opening on this project and **MUST BE FORWARDED** to the prospective general contractor that has been awarded the bid. The general contractor must post the complete wage decision at the job site in an easily accessible place. Failure to do so may result in fines. Furthermore, each subcontractor must receive a copy of the wage decision and use these rates to pay all employees.

**LABOR ENFORCEMENT FUND – STRICTLY ENFORCED**

**NOTE:** Any general contractors must be registered with the **Labor Enforcement Fund** prior to the bidding process or the bid shall be deemed invalid. All subcontractors or tier subcontractors bidding more than \$50,000 on a Public Works contract **MUST** be registered with the Labor & Industrial Division. Visit our website at [www.dol.state.nm.us](http://www.dol.state.nm.us), click "Public Works" for a Labor Enforcement Fund Form and other forms. **REMINDER TO THOSE PREPARING BID DOCUMENTS:** IF BIDS ARE NOT OPENED BY 12/31/07; NEW WAGE RATES MAY BE REQUIRED. IF YOU HAVE ANY QUESTIONS, PLEASE CALL 505-222-4669.

**Weekly certified payrolls** are required on all public works projects. All certified payrolls must be submitted to the general contractor and/or the owner/contracting agency, if required. The general contractor must have copies of certified payrolls available to this office within ten days of a written request. Please do **NOT** submit any certified payrolls to our office unless our office requests them.

**NM Apprenticeship and Training Fund payments** are paid by each general contractor/subcontractor/tier(s) to either an approved apprenticeship program or to our office (**NMDOL, Public Works Bureau, PO Box 27428, Albuquerque, NM 87125-7428**). Payments are due for all hours in each trade a company has on the job site that has an apprenticeship contribution rate on the state wage decision. These payments are for the hours worked by both journeyman and apprentices, regardless of whether the company has apprentices or not. If the project has both Federal and State funding, the payments are required. Only when the project has all Federal funds, is the project exempt. On Type "A" projects, where there are no contribution rates, apprenticeship payments do not apply. On projects with two types of construction, the contribution does apply for the work under the type construction with contribution rates. Failure to pay Apprenticeship contributions is a violation of the Apprentice and Training Act and may result in penalties.

If you have any questions, please feel free to call (505) 222-4669.

## NEW MEXICO DEPARTMENT OF LABOR - PUBLIC WORKS BUREAU

**QUESTIONS?? Call OR E-mail:** Diana Tanner @ (505) 222-4669 OR [diana.tanner@state.nm.us](mailto:diana.tanner@state.nm.us)  
 Camille Vigil @ (505) 222-4782 OR [camille.vigil@state.nm.us](mailto:camille.vigil@state.nm.us) Michael Fanestiel @ (505) 222-4783 OR [michael.fanestiel@state.nm.us](mailto:michael.fanestiel@state.nm.us)  
 Mary Sanchez @ (505) 222-4784 OR [mary.sanchez@state.nm.us](mailto:mary.sanchez@state.nm.us) Nicolina Rushalko @ (505) 222-4785 OR [nicolinat.rushalko@state.nm.us](mailto:nicolinat.rushalko@state.nm.us)

Contracting Agency/Owner	County	Decision Date	Decision No.
COA Purchasing Division for Various Departments	Bernalillo	05/29/07	BE-07-0674 B
Type of Construction: B		Expires for Bids 12/31/07	
<p><b>Description of Work: Rapid Procurement for Epoxy Flooring</b>                      Provide and install various epoxy flooring for two city facilities (the Fleet Shop at 5501 Pino NE, and VSA Arts of NM at 4904 4<sup>th</sup> Street NW).</p> <p><b>REMINDER to those preparing BID documents:</b> If bids are not opened by 12/31/07, a <b>NEW</b> wage decision may be required. Call the Public Works Bureau at (505) 222-4669 to check status of new wage rates.</p>			

### NOTICES

**ALL** contractors **MUST** have an active registration with the Labor Enforcement Fund before bidding on any public works project. Bids from contractors who are not registered will be considered **INVALID**.

The General/Prime Contractor selected for this project **MUST** submit a completed Notification of Award (NOA) & Statement of Intent to Pay Prevailing Wages before any work is started.

Sub-contractors & 2<sup>nd</sup>/3<sup>rd</sup> Tier Contractors **MUST** also submit Statements through their General/Prime before they start work. The General/Prime is responsible for listing all sub-contractors with the NOA or anytime the list changes.

The office that conducts the bid process **MUST** forward this entire wage decision package to the General/Prime Contractor that is awarded the project contract. That contractor is also responsible for making certain that all subcontractors have copies of the wage decision and other needed forms.

The General/Prime Contractor **MUST** post the wage rate table at the job site outside the Superintendent's trailer/office in an easily accessible place.

Workers **MUST** be classified & paid according to the work they perform, regardless of qualifications.

These wage rates are good for the life of a project that has a bid opening date before **December 31, 2007**.

## TYPE "B" - GENERAL BUILDING

*Effective May 11, 2007*

Trade Classification	Base Rate	Fringe Rate	Apprenticeship	Subsistence & Incentive Rates
Asbestos Worker - Heat & Frost Insulator	24.92	8.43	\$0.20	
Boilermaker	18.40	3.78	\$0.20	
Bricklayer/Blocklayer/Stonemason	20.36	5.65	\$0.64	
Carpenter/Lather	20.86	6.25	\$0.35	
Cement Mason	17.72	6.75	\$0.20	
<b>Electricians</b>				
<b>Outside Classifications</b>				
Groundman	21.14	8.29	\$0.25	
Equipment Operator	23.96	8.29	\$0.25	
Lineman/Tech	24.55	8.29	\$0.25	
Cable Splicer	25.73	8.29	\$0.25	
<b>Inside Classifications</b>				
Wireman/Technician	25.75	8.57	\$0.25	
Cable Splicer	27.48	8.57	\$0.25	Refer to Note 1
<b>Sound Classifications</b>				
Installer	24.11	8.57	\$0.25	
Technician	25.66	8.57	\$0.25	
Soundman	27.73	8.57	\$0.25	
Elevator Constructor	28.30	12.96	\$0.55	
Elevator Constructor Helper	16.03	0.36	\$0.09	
Glazier	20.15	4.28	\$0.35	
Ironworker	20.65	8.70	\$0.53	Refer to Note 2
Painter (Brush/Roller/Spray)	16.10	1.79	\$0.35	
Paper Hanger	20.32	1.15	\$0.00	
Drywall Finisher/Taper	19.64	4.03	\$0.35	
Plasterer	17.65	5.11	\$0.26	
Plumber/Pipefitter	25.64	8.97	\$0.31	
Roofer	13.24	0.50	\$0.00	Refer to Note 3
Sheetmetal Worker	24.13	11.49	\$0.54	Refer to Note 4
Soft Floor Layer	18.43	4.68	\$0.30	
Sprinkler Fitter	24.25	12.35	\$0.15	
Tile Setter	14.30	1.02	\$0.00	
Tile Setter Helper	13.00	1.02	\$0.00	
<b>Laborers</b>				
Group I	12.90	4.10	\$0.25	
Group II	13.47	4.10	\$0.25	
Group III	13.77	4.10	\$0.25	
Group IV	13.87	4.10	\$0.25	
Group V	14.07	4.10	\$0.25	
Group VI	14.22	4.10	\$0.25	

## TYPE "B" - GENERAL BUILDING

*Effective May 11, 2007*

Trade Classification	Base Rate	Fringe Rate	Apprenticeship	Subsistence & Incentive Rates
<b>Operators</b>				
Group I	19.98	4.70	\$0.35	
Group II	21.02	4.70	\$0.35	
Group III	21.10	4.70	\$0.35	
Group IV	21.16	4.70	\$0.35	
Group V	21.22	4.70	\$0.35	
Group VI	21.32	4.70	\$0.35	
Group VII	21.42	4.70	\$0.35	
Group VIII	22.50	4.70	\$0.35	
<b>Truck Drivers</b>				
Group I	15.33	5.00	\$0.35	
Group II	15.45	5.00	\$0.35	
Group III	15.53	5.00	\$0.35	
Group IV	15.65	5.00	\$0.35	
Group V	15.70	5.00	\$0.35	
Group VI	15.80	5.00	\$0.35	
Group VII	15.90	5.00	\$0.35	
Group VIII	16.04	5.00	\$0.35	
Group IX	16.19	5.00	\$0.35	

**NOTE: SUBSISTENCE AND INCENTIVE RATES BY TRADE & LOCATION**

#1 - Inside Electricians working at a Los Alamos County job site get \$3.78/hr. subsistence pay plus base/fringe.

#2 - Ironworkers working on projects 50+ miles over the most direct regularly traveled route from Albuquerque, or the employee's home, whichever is closer, shall be paid \$5.00/hr. subsistence plus base/fringe. The "Big I" Interchange in Albuquerque, or the employee's home, respectively shall be used as basing points. The current State of New Mexico Official Highway Map shall be the reference for routes and distances. All of Santa Fe County shall be a non-subsistence area.

#3 - Plumbers/Pipefitters working at a Los Alamos County job site get \$.80/hr. incentive pay plus base/fringe.

#4 - Sheet Metal Workers working at a Los Alamos County job site get \$2.00/hr. incentive pay plus base/fringe.

#4 - Sheet Metal Workers living 60+ miles from a San Juan County job site get \$3.00/hr. subsistence pay plus base/fringe.

**LABORER CLASSIFICATION GROUPS  
TYPE "B" & "C" CONSTRUCTION  
PAGE 1**

**GROUP I:**

Watchmen.

**GROUP II - (Unskilled):**

Building & Common Laborers; Carpenter Tenders; Concrete Workers; Stakedrivers; Concrete Buggy Operator (hand); Flagmen; Soil Sample Tester.

**GROUP III - (Semi-skilled):**

Air & Power Tool Operator (not a carpenter's tool); Asbestos Remover; Asphalt Heaterman; Asphalt Jointman; Ashp. Raker; Batching Plant Scaleman; Chain Sawman; Concrete Touch-Up Man; Concrete Sawman - Coring Machine; Curbing Machine Asph. Or Cement; Cutting Torchman; Metal Form Setter-Road; Grade Setter; Guniting Reboundmen; Rod & Chainmen; Concrete Power Buggy Operator; Powderman or Blaster Helper; Sandblaster (Pot Men); Nozzlemen; Scaler; Vibratorman (hand-type); Vibratory Compactor (hand-type); Wagon Core & Diamond Drillers' Tenders (outside); Window Washers; Fog Machine Operator; Nurseryman-Gardener; Multi-Plate Setter; Concrete Burner; Cement Mason Tenders; Hodcarriers; Mortar Mixers; Plaster Spreader Operator; Plaster Tenders; Guniting Nozzleman; Pipelayer; Pumpcrete Nozzleman; Manhole Builder; Roadway Hardware Worker.

**GROUP IV:**

Wagon, Core, Diamond Drillers.

**GROUP V - (Miscellaneous):**

Landscaper; Traffic Control Technician; Laboratory Technician

**GROUP VI:**

Powderman and Blasters.

**EQUIPMENT OPERATOR CLASSIFICATION GROUPS**  
**PAGE 2**

**GROUP I:**

Fireman; Oiler; Helpers; Mechanic, Welder, Grease Truck; Screedman; Scale Operator (such as Bin-a-Batch); Rubber Tire Farm-type Tractor; Tractors (under 50 HP w/o attachments); Brakeman; Concrete Paving Curing Machine (bridge-type).

**GROUP II:**

Rollers; Sheepsfoot or Pneumatic Self-Propelled w/o dozer; Concrete Conveyor; Service Truck Operator (head oiler); Air Compressor (300 CFM & over); Pumps (6" & over); Screening Plants; Concrete Mixers (under 1 cy); Concrete Saw or Grinder-Span Type; Hoists (1 drum); Air Tugger; Elevating Belt-type Loaders; Fork-lift; Lumber Stacker; Tractor-Farm type (under 50 HP w/attachments); Motorman & Industrial Locomotive Operator; Winch Trucks; Front End Loader (under 2 cy); Power Plants which generate over 15 KW; Welding Machines.

**GROUP III:**

Bituminous Distributors; Boilers, Retort & Hot Oil Heaters; Concrete Mixers (1 cy & over); Concrete Paver (single drum); Drilling Equipment; Motor Graders (rough); Shaft & Tunnel Equipment; Refrigeration, Slusher, Jumbo Form; Trenching Machine (all types); Pumpcrete & Guniting Machine; Slipform Paver; Mechanic Bull-floats; Concrete Slab Spreading Machine; Concrete Slab Finish Machine; Asphalt Plants; Bitum. Finish Machine; Crushing Plants.

**GROUP IV:**

Front End Loader (2 – 10 cy); Rollers Steel Wheeled (all types); Bulldozers; Scrapers (motor or towed); Elevating Graders; Concrete Batching Plants; Self-propelled Rollers, (equipped w/ dozer); Twin-Bowl Scrapers & Quad 8 or 9 Pushers; Three Bowl Scrapers; Tractor (farm-type) w/hydraulic Backhoes.

**GROUP V:**

Concrete Paver (double drum); Cat Cranes; Hysters; Side & Swingboom Cats; Hoist (2 drum); Auto Fine Grader.

**GROUP VI:**

Mucking Machine (all types); Motor Grader-Finish.

**EQUIPMENT OPERATOR CLASSIFICATION GROUPS**  
**PAGE 3**

**GROUP VII:**

Hydraulic Cranes (with less than 50' of boom - 20 tons & under); Steam Engineers; Loader (Front-end & over 10 cy); Concrete Pump (snorkel type); Mechanic Welder.

**GROUP VIII:**

All Shovel Type Equip.; Cranes; Draglines; Backhoes; Derricks; Guy & Stiff Leg; Pipemobile (#2 Oper.); Piledriver; Hydraulic Cranes (20 tons & over); Mine Hoist (belt loader CMI type); Cranes, Draglines (w/ booms & jib over 150'); Shovel (wheel type); Boring Machine (tunnel or shaft mmole); Pipemobile.

**TRUCK DRIVER CLASSIFICATION GROUPS**

**GROUP I:**

Pick-up ¾ ton & under; Service Station; Lubrication; Light Tire Repair or Washer; Swamper or Riding Helper; Teamster 2 or 4 up; Ambulance Driver.

**GROUP II:**

Bus or Taxi Driver; Dump or Batch Truck (under 8 cy WLC); Flatbed (bobtail) 2 ton & under; Mechanic & Welder Helper; Forklift (under 5 ton MRC).

**GROUP III:**

Dump Trucks (includes all highway & off-highway, 8 - 16 cy WLC); Water, Fuel or Oil Trucks (less than 3,000 gals.); Flatbed (bobtail) over 2 tons.

**GROUP IV:**

Distributor Driver; Heavy Tire Repair; Lumber Carrier Driver; Young Buggy or Similar Equipment; Transit Mix or Agitator 2 or 3 Axle Bobtail Equipment; Scissor Truck; Bulk Cement Bobtail 2 or 3 Axles; Semi-Trailer Driver (flatbed or van single axle); Forklift (5 ton & over MRC); Field Equipment Serviceman.

**GROUP V:**

Dumpster & Dumpcrete Driver; Water, Fuel or Oil Truck (3,000 - 6,000 gals.); Lowboy, Light Equipment Driver; Euclid-type Tank Wagon (under 6,000 gals.).

# **LABOR ENFORCEMENT FUND**

***(STRICTLY ENFORCED)***

## **13-4-13.1 Public works contracts; registration of contractors and subcontractors.**

- A. Except as otherwise provided in this subsection, in order to submit a bid valued at more than fifty thousand dollars (\$50,000) in order to respond to a request for proposals or to be considered for award of any portion of a public works project greater than fifty thousand dollars (\$50,000) for a public works project that is subject to the Public Works Minimum Wage Act [13-4-10 NMSA 1978], the contractor, serving as a prime contractor or not, shall be registered with the labor and industrial division of the labor department. Bidding documents issued or released by a state agency or political subdivision of the state shall include a clear notification that each contractor, prime contractor or subcontractor is required to be registered pursuant to this subsection. The provisions of this section do not apply to vocational classes in public schools or public post-secondary educational institutions.
- B. The state or any political subdivision of the state shall not accept a bid on a public works project subject to the Public Works Minimum Wage Act from a prime contractor that does not provide proof or required registration for itself.
- C. Contractors and subcontractors may register with the division on a form provided by the division and in accordance with labor department rules. The division shall charge an annual registration fee of two hundred dollars (\$200). The division shall issue to the applicant a certificate of registration within fifteen days after receiving from the applicant the completed registration form and the registration fee.
- D. Registration fees collected by the division shall be deposited in the labor enforcement fund.

## **13-4-14.1 Labor enforcement fund; creation; use.**

The "labor enforcement fund" is created in the state treasury. The fund shall consist of contractor and subcontractor registration fees collected by the labor and industrial division of the labor department and all investment and interest income from the fund. The fund shall be administered by the division and money in the fund is appropriated to the division for administration and enforcement of the Public Works Minimum Wage Act [13-4-10 NMSA 1978]. Money in the fund shall not revert to the general fund at the end of a fiscal year.

## **13-4-14.2 Registration cancellation, revocation, suspension; injunctive relief.**

The director of the labor and industrial division of the labor department may:

- A. cancel, revoke or suspend with conditions, including probation, the registration of any party required to be registered pursuant to the Public Works Minimum Wage Act [13-4-10 NMSA 1978] for failure to comply with the registration provisions or for good cause, subject to appeal pursuant to Section 13-4-15 NMSA 1978; and
- B. seek injunctive relief in district court for failure to comply with the registration provisions of the Public Works Minimum Wage Act.



BILL RICHARDSON  
GOVERNOR

**New Mexico Department of Labor  
Labor and Industrial Division**

501 Mountain Road NE  
Albuquerque, New Mexico 87102

Phone: (505) 222-4669

FAX: (505) 222-4780

BETTY SPARROW DORIS  
SECRETARY

JAMES L. MORAN  
DIRECTOR

## **NOTICE**

### **Public Works Apprenticeship and Training Act**

Statute 13-4D-4.B states:

“Public works construction projects, except for street, highway, bridge, road, utility or maintenance contracts with employers who elect not to participate in training, shall not be constructed unless an employer agrees to make contributions to approved apprentice and training programs in New Mexico in which the employer is a participant or to the public works apprentice and training fund administered by the public works bureau of the labor and industrial division of the labor department. Contributions shall be made in the same manner and in the same amount as apprentice and training contributions required pursuant to wage rate determinations made by the director.”

For a copy of the above-mentioned act, please contact our office at **(505) 222-4669**.

Submit Apprenticeship & Training Contribution Compliance Statement and Payment to:

**NMDOL  
Public Works Bureau  
PO Box 27428  
Albuquerque, NM 87125-7428**

# ***APPRENTICESHIP CONTRIBUTION PROGRAM***

The following are easy reminders regarding this program:

1. For “B”, “C”, & “H” Projects: Whenever you have any workers on the job (even if you are not using apprentices), you are required to pay into the Apprenticeship Training Program as outlined in the Apprenticeship & Training Act. This applies to all contractors, subcontractors, 2<sup>nd</sup> tiers, etc. Your wage rates will show which jobs have apprenticeship contributions.
2. If you have apprentices on the job, they must have a journeyman working with them. The ratio must be one-to-one.
3. The Apprenticeship Contribution is not considered part of the fringe benefits. It is totally separate.
4. The Apprenticeship Compliance Statement from our office (or our website) is the only form you may use. Do NOT modify our form or generate your own.
5. As noted on the Apprenticeship Compliance Statement, these forms are due on the 15<sup>th</sup> of every month for the length of the project. If no work was done for that month, send us a copy letting us know there was no work done.
6. Submit Apprenticeship Compliance Statements with payments to: NMDOL, Public Works Bureau, PO Box 27428, Albuquerque, NM 87125-7428

*New Mexico Department of Labor - Public Works Bureau  
501 Mountain Road NE - Albuquerque, NM 87102  
Phone: (505) 222-4669 Fax: (505) 222-4780*

(Payment is not required for Type "A" Projects – Street, Highway, Utility & Light Engineering)

**Apprenticeship & Training Contribution Compliance Statement**

For the Month of: \_\_\_\_\_, 20\_\_\_\_

(Circle One)

Contractor / Sub / 2<sup>nd</sup>. Tier Sub: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone \_\_\_\_\_

Project Name: \_\_\_\_\_ State Wage Dec.No. \_\_\_\_\_

**(DO NOT submit payments on 100% federally-funded projects)**

(SAMPLE ENTRY) Classification(s)	Week Ending	Week Ending	Week Ending	Week Ending	Week Ending	Total Hours	Appr. Rate per Hour	Total Classif. Contr.Amt
LABORER	8/4	8/11	8/18	8/25	8/31	41	.20	8.20
Classification(s)	Week Ending	Week Ending	Week Ending	Week Ending	Week Ending	Total Hours	Appr. Rate per Hour	Total Classif. Contr.Amt

PLEASE CHECK APPROPRIATE BLANK:

\_\_\_\_ Paid to: PUBLIC WORKS APPRENTICESHIP & TRAINING FUND (Mail to P.O. BOX)

Check No. \_\_\_\_\_ Check Amt: \_\_\_\_\_

Payroll Clerk's (PRINT)

Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Phone: \_\_\_\_\_

Forms due by 15<sup>th</sup> of each month on every public works project that has apprenticeship contribution on the wage decision. In accordance with the NM Apprenticeship & Training Act, payment is due for each journey person, even if your company has no apprentices.

**(WE WILL NOT ACCEPT CREDITS WHEN PAYMENT IS OVER PAID)**

*Each wage decision needs a separate compliance statement, but only one check is needed for all statements.*

(When paying to an approved program, complete section below & mail this form along with a copy of the check to the following address: Public Works Bureau, 501 Mountain Rd., NE, Albuquerque, NM 87102

\_\_\_\_ Paid to: Name of Approved NM Apprenticeship Program

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Apprenticeship Program No.: \_\_\_\_\_

(If in doubt, call 222-4672)

Print Name of Certifying Official: \_\_\_\_\_ Phone: \_\_\_\_\_

Signature of Certifying Official: \_\_\_\_\_ Date: \_\_\_\_\_



**CHECK OUT THE  
DEPARTMENT OF LABOR  
WEBSITE FOR VALUABLE  
INFORMATION**

**[www.dol.state.nm.us](http://www.dol.state.nm.us)**

Click on "Public Works"

~ OR ~

**Bill Richardson  
Governor**

**Betty Sparrow Doris  
Department of Labor  
Secretary**

**James L. Moran  
Labor and Industrial  
Division Director**

**PHONE:**

**Public Works Questions:**

- Diana - (505) 222-4669
- Carmille - (505) 222-4782
- Michael - (505) 222-4783

**FAX Number:**

(505) 222-4780

**Apprenticeship Questions:**

(505) 222-4674

**New Mexico  
Public  
Works**

**Construction**



The NM Public Works Minimum Wage Act applies to employers and employees working on state/locally funded public works construction jobs. Information here is not an official interpretation of the Act, but this pamphlet can serve as a general guide to the law. You may find additional information and Rules & Regulations derived from the Act on the DOL web page at [www.dol.state.nm.us](http://www.dol.state.nm.us)

### 1. How does the Act apply?

The Act and the Labor and Industrial Division's (LID) Policy Manual govern all public works (PW) construction projects costing \$60,000 or more and funded in part or in whole by state/local funds. Wages set by LID must be paid as a minimum. Employees must be paid weekly. If the project has federal funding as well, the pay is figured by comparing the total rate in each trade from the state and federal wage decisions and paying the higher of the two.

### 2. What is a Wage Decision?

A wage decision is the set of wage rates for a specific public works construction project. The person putting together project bid documents requests a wage decision by submitting a request that describes the scope of work. The type of work determines the type of rates issued. The four sets of rates are for:

- "A" – Street, Highway, Utility and Light Engineering;
- "B" – General Building;
- "C" – Residential; and
- "H" – Heavy Engineering.

If 80% of the project is *not* in one type of construction, two types of rates may be issued. A wage decision expires 120 days after the issue date – unless the bid opening takes place. When the bids are opened before the expiration, those rates are good for the life of the project.

### 3. When is a new Wage Decision required?

A new wage decision is required when the bids are not opened before the expiration date on the original wage decision. If the project does not change significantly and the project is re-bid, an extension of the original expiration may be made. When bid dates are early in the calendar year, extensions may not be made since new rates go into effect. Then both a new wage decision and new rates may apply.

### 4. What is sent along with a Wage Decision?

Several forms are sent out with the wage decision that must be used by contractors:

- a. A Notification of Award is due from the contracting agency or general contractor listing all subcontractors before work starts;
- b. A Statement of Intent to Pay Prevailing Wages is due from each contractor, subcontractor and second tier contractor before work starts;

c. An Apprenticeship Contribution Compliance Statement (for all except Type "A" projects) is due by the 15<sup>th</sup> of each month from all contractors, subcontractors, and second tier contractors;

d. A wage rate poster must be displayed in an easily accessible place at the job site to show all employees what their minimum rates of pay are; and

e. An Affidavit of Wages Paid must be submitted after a contractor finishes work but before the final payment.

### 5. When does overtime pay start?

Overtime pay starts after 40 hours of work in a seven-day workweek for the same employer, regardless of how many projects the employee works on.

### 6. How is overtime pay computed?

Overtime pay is 1.5 times the base pay with fringes added back. For example, if the base is \$12/hr. and the fringe benefit is \$2/hr., the total overtime rate is  $12 \times 1.5 + 2$  or  $18 + 2 = 20$ .

### 7. How can I file a wage claim?

If you think your employer owes you more wages, you may file a wage claim at any DOL office. You should keep copies of pay stubs, a diary of when and where you worked, and the work performed.

### 8. What does the term "at will State" mean?

New Mexico is an "at will State" and the term means that an employer may hire and fire employees at will.

