

**A G E N D A**  
**CITY OF AZTEC**  
**CITY COMMISSION WORKSHOP**  
**May 10, 2016**  
**201 W. Chaco, City Hall**  
**5:30 p.m.**

**5:30-6:00**

A. Youth Conservation Corps (YCC) 4 Year Plan

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**ATTENTION PERSONS WITH DISABILITIES:** The meeting room and facilities are fully accessible to persons with mobility disabilities. If you plan to attend the meeting and will need an auxiliary aid or service, please contact the City Clerk's Office at 334-7600 prior to the meeting so that arrangements can be made.

**Note:** A final agenda will be posted 24 hours prior to the meeting. Copies of the agenda may be obtained from City Hall, 201 W. Chaco, Aztec, NM 87410

# Staff Summary Report

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<b>MEETING DATE:</b>	May 10, 2016
<b>AGENDA ITEM:</b>	Workshop
<b>AGENDA TITLE:</b>	YCC Four Year Plan

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<b>ACTION REQUESTED BY:</b>	Staff
<b>ACTION REQUESTED:</b>	Discussion of YCC Four Year Plan
<b>SUMMARY BY:</b>	Edward Kotyk

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## **PROJECT DESCRIPTION / FACTS**

Since 2003, the City has participated in the Youth Conservation Corp (YCC) program and has over the years successfully implemented improvements and beautifications to different areas of the city while providing youth with a skill set.

Staff has generated a list of potential YCC projects for the next four years (FY 2017-2020). This list is based on needs identified in the Parks and Recreation Enhancement Plan recently adopted by City Commission.

Staff is providing Commission an opportunity to give suggestions or ideas for projects they believe would be an opportunity for the YCC Four Year Plan.

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<b>SUPPORT DOCUMENTS:</b>	YCC Four Year Plan (Draft)
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<b>RECOMMENDED MOTION:</b>	N/a
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# **YOUTH CONSERVATION CORP**

**4 Year Plan  
(2017-2020)**

**YCC 2017 – COMMUNITY CENTER / FAMILY CENTER / LLANO LANDSCAPING**

**FAMILY CENTER:** Involves the removal of old landscaping and installation of new redesigned landscaping.



**Project 1. Family Center Landscaping (A-F)**

Task 1:	Remove old landscaping materials.	YCC
Task 2:	Level ground surfaces.	YCC
Task 3:	Remove any bushes/plants dead or deemed unnecessary by City.	YCC
Task 4:	Plant any new bushes/plants.	YCC
Task 5:	Test all irrigation, bury lines and repair if necessary.	YCC
Task 6:	Lay weed barrier (All Zones).	YCC
Task 7:	Lay mulch (Zone A)	YCC
Task 8:	Lay cobble and/or decorative gravel (Zones B – F)	YCC

**Materials to Purchase**

Item	Qty	Unit Cost	Total Cost
Cobble	59 tons	\$25	\$1,475
Decorative Gravel	40 cu yds	\$90	\$3,600
Weed Barrier	5 rolls	\$100	\$500
<b>TOTAL</b>			<b>\$5,575</b>

**HARTMAN-LLANO LANDSCAPING:** Extend irrigation & landscaping from Hartman Park along Llano Street to Navajo Ave.

**Project 2. Hartman - Llano Landscaping**

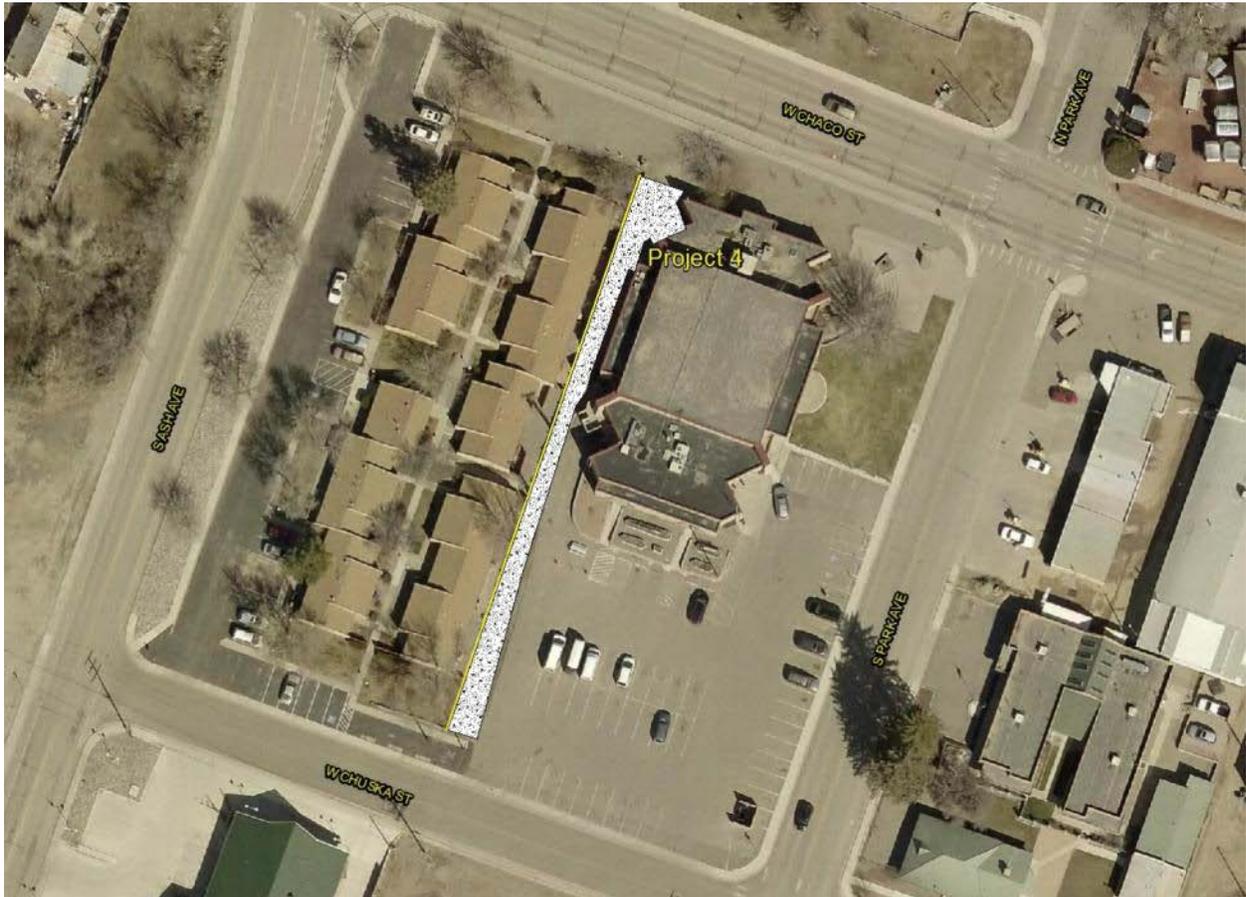
	<b>Responsible</b>
Task 1: Clear ground.	YCC
Task 2: Extend irrigation lines (for trees).	YCC
Task 3: Plant trees (4).	YCC
Task 4: Build railroad border on south side.	YCC
Task 5: Landscape with cobble/gravel.	YCC



**Materials to Purchase**

Item	Qty	Unit Cost	Total Cost
Cobble/gravel	145 tons	\$25	\$3,600
Rail Road Ties	25	\$19	\$475
Weed Barrier	6 rolls	\$100	\$600
Trees	4	\$250	\$1,000
Irrigation	1	\$5,000	\$5,000
<b>TOTAL</b>			<b>\$10,675</b>

**COMMUNITY CENTER:** Will landscape the area west and south of the community center to control drainage issues.



**Alternate 1. Community Center Landscaping**

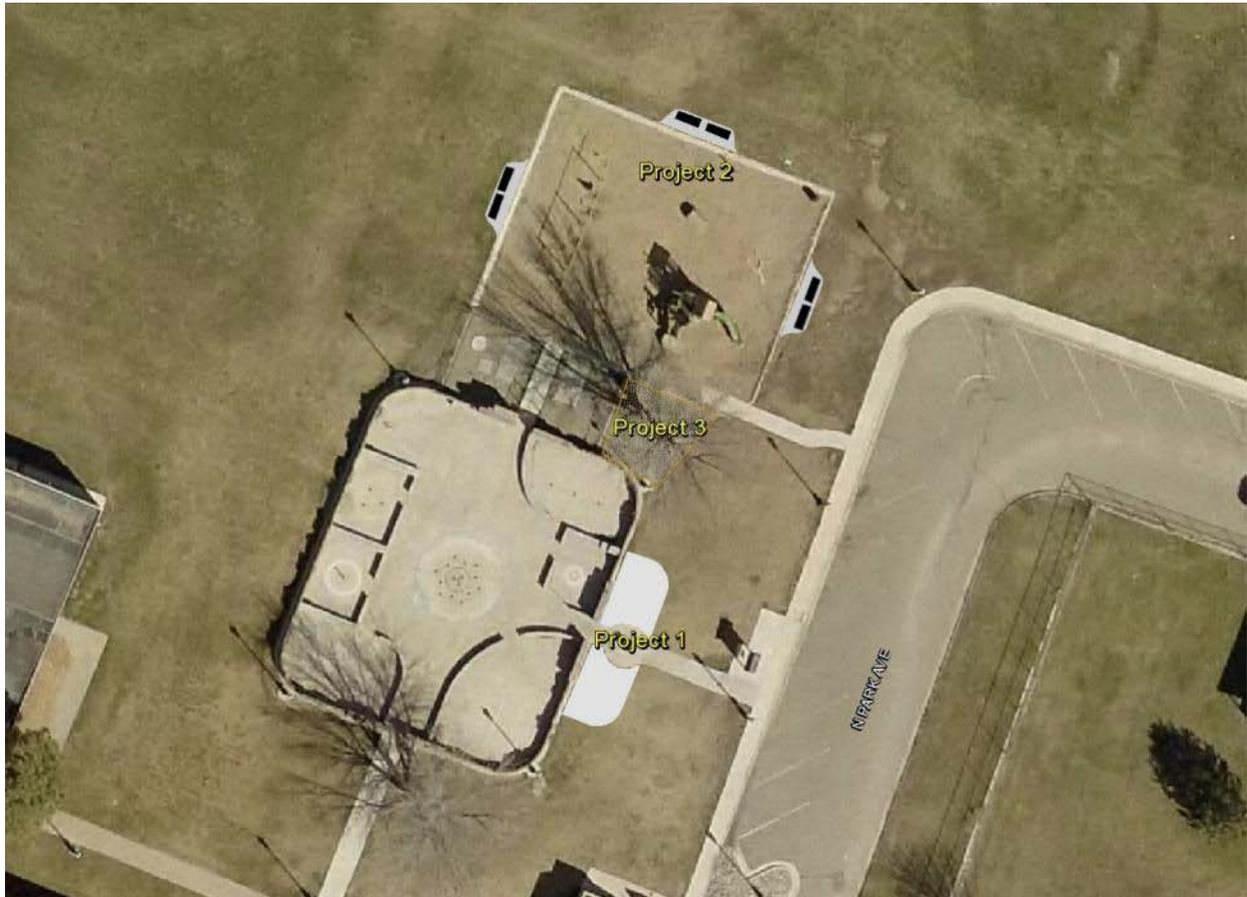
Task 1:	Clear vegetation and debris.	Responsible	YCC
Task 2:	Sculpt / shape the terrain to accommodate drainage.	YCC	YCC
Task 3:	Lay weed barrier.	YCC	YCC
Task 4:	Xeriscape with cobble and gravel.	YCC	YCC

**Materials to Purchase**

Item	Qty	Unit Cost	Total Cost
Cobble and Gravel	110 tons	\$25	\$2,750
Weed Barrier	3 rolls	\$100	\$300
<b>TOTAL</b>			<b>\$3,050</b>

## YCC 2018 – MINIMUM PARK / MEMORIAL ROSE GARDEN / RIO ANIMAS PARK

**MINIMUM PARK:** Will involve the installation of two (2) shade structures around the Water Splash Park (Project 1), three bench areas around the play ground (Project 2) and some landscaping improvements (Project 3).



### **Project 1. Shade Structures**

- Task 1: Install shade structures.
- Task 2: Concrete slabs around shade structure.

### **Responsible**

YCC  
Contractor

### **Project 2. Benches around Playground**

- Task 1: Concrete bases
- Task 2: Install benches (6)

### **Responsible**

Contractor  
YCC

### **Project 3. Landscaping**

- Task 1: Clear landscape area.
- Task 2: Lay weed barrier.
- Task 3: Lay and compact crusher fines

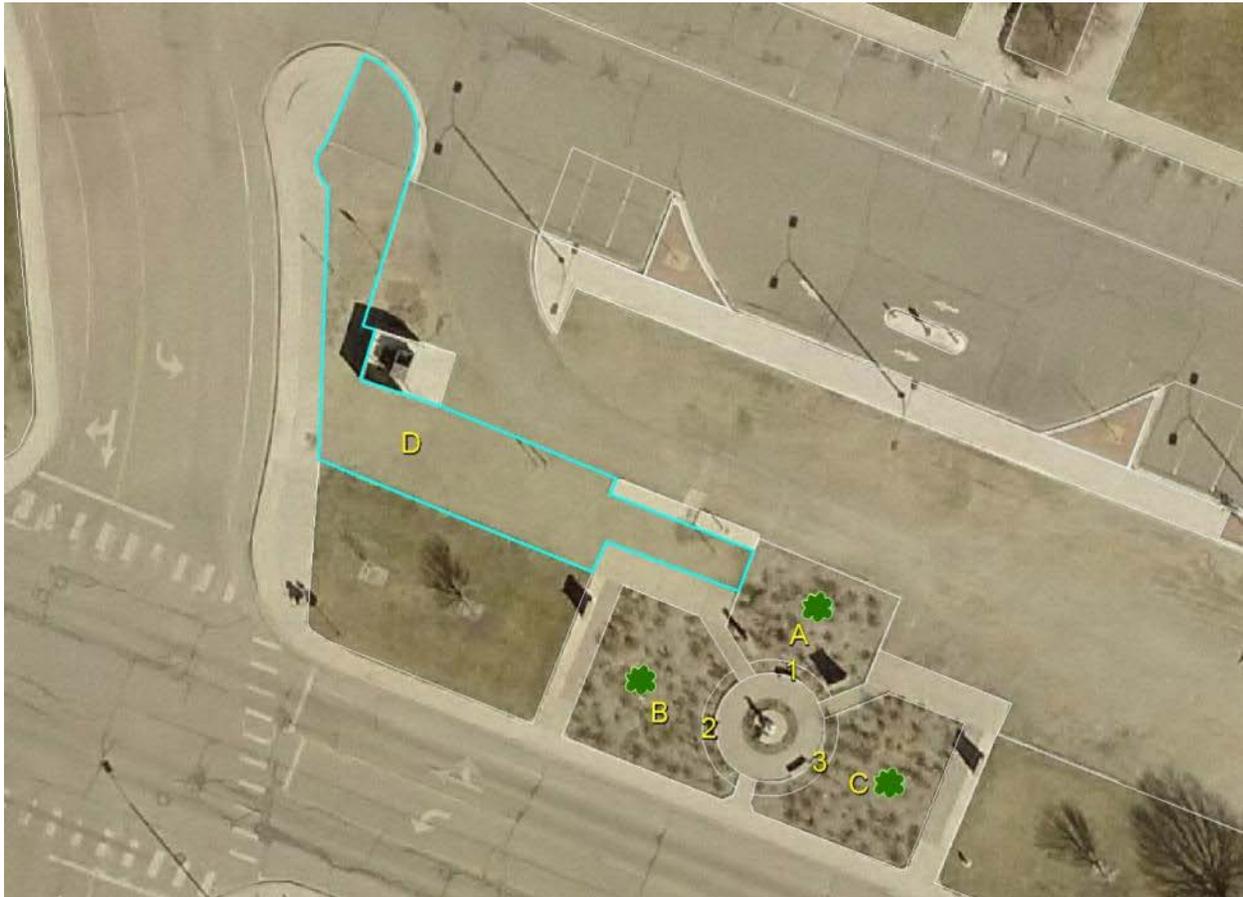
### **Responsible**

YCC  
YCC  
TCC

**Materials to Purchase**

<b>Item</b>	<b>Qty</b>	<b>Unit Cost</b>	<b>Total Cost</b>
Shade Structures	2	\$10,000	\$25,000
Concrete Pads for Shade and Benches	700 sq ft	\$8	\$5,600
Crusher Fines	7 tons	\$25	\$175
		<b>TOTAL</b>	<b>\$30,775</b>

**MEMORIAL ROSE GARDEN:** Will involve reducing the three planting zones (A-C) into planter boxes (1-3).



**Alternate 4. Redesign and Landscaping of Rose Garden**

	<b>Responsible</b>
Task 1: Clear vegetation in Zones A-C.	YCC
Task 2: Re-design irrigation system.	YCC
Task 3: Re-plant selected rose bushes within planter zones (1-3).	YCC
Task 4: Plant three new trees and mulch.	YCC
Task 5: Lay weed barrier in Zones A-C.	YCC
Task 6: Lay crusher fines in Zones A-C.	YCC
Task 7: Clear and level Zone D.	YCC
Task 8: Lay weed barrier in Zone D.	YCC
Task 9: Xeriscape Zone D (gravel and/or cobble).	YCC

**Materials to Purchase**

Item	Qty	Unit Cost	Total Cost
Crusher Fines	30 tons	\$25	\$750
Trees	3	\$500	\$1,500
Gravel/Cobble	30 tons	\$25	\$750
<b>TOTAL</b>			<b>\$3,000</b>

**RIO ANIMAS PARK:** Will include installation of three picnic tables (Project 1), construction of input/output ramp for rafting and tubing (Project 2), construction of a pavilion/ramada for large group gatherings (Project 3), and if needed improving the remote parking area (Project 4).



### **Project 5. Picnic Tables (Map 1-3)**

- Task 1: Clear vegetation.
- Task 2: Assemble picnic tables.
- Task 3: Install picnic tables into concrete footers.

### **Responsible**

YCC  
YCC  
YCC

### **Project 6. Input Ramp**

- Task 1: Clear vegetation.
- Task 2: Lay gravel along ramp.
- Task 3: Lay cobble along border of ramp.

### **Responsible**

YCC  
YCC  
YCC

### **Project 7. Parking Lot Graveling**

- Task 1: Clear vegetation.
- Task 2: Lay and spread gravel.

### **Responsible**

YCC  
YCC

### **Alternate 1. Pavilion / Ramada**

- Task 1: Clear vegetation.

### **Responsible**

YCC

Task 2:	Construct pavilion / ramada.	Contractor
Task 3:	Install picnic table, trash can, and grill.	YCC
Task 4:	Gravel area.	YCC

**Materials to Purchase**

<b>Item</b>	<b>Qty</b>	<b>Unit Cost</b>	<b>Total Cost</b>
Pavilion (including contractor install)	1	\$35,000	\$35,000
Picnic Tables	4	\$1,500	\$6,000
Trash Cans	1	\$500	\$500
Big Grill	1	\$1,000	\$1,000
Gravel (Ramp)	72 tons	\$25	\$1,800
Cobble (Ramp)	20 tons	\$22	\$440
Gravel (Pavilion/Ramada)	10 tons	\$22	\$220
Gravel (Parking Lot)	65 tons	\$25	\$1,625
		<b>TOTAL</b>	<b>\$46,585</b>

## YCC 2019 – RIVERSIDE PARK

**RIVERSIDE PARK:** Improvements will include removal and replacing old post and cable fencing (Project 1), new entrance sign and landscaping (Project 2), assembly and installation of portable bleachers (Project 3), new irrigation and grass turf (Project 4), removal of trip hazards along the sidewalk and trail improvements (Project 5), and painting of dumpster walls and bollards (Project 6).



### **Project 1. Fencing**

- |         |  |             |     |
|---------|--|-------------|-----|
| Task 1: | Remove old post and cabling (2,270 ln ft).   | Responsible | YCC |
| Task 2: | Remove rail fence near stage (300 ln ft).<br>Remove rail fence at northeast end of park (560 ln ft). | Responsible | YCC |
| Task 3: | Install new post and cabling (1,850 ln ft).  | Responsible | YCC |
| Task 4: | Install new access gate for vehicles.  | Responsible | YCC |

### **Project 2. Entrance Sign and Landscape Entrance Island**

- |         |  |             |            |
|---------|--|-------------|------------|
| Task 1: | Ground clearing.                                   | Responsible | YCC        |
| Task 2: | Concrete monument wall.                            | Responsible | Contractor |
| Task 3: | Stone masonry along base and column.               | Responsible | YCC        |
| Task 4: | Install post and cable around perimeter of island. | Responsible | YCC        |

Task 5: Lay weed barrier. YCC  
 Task 6: Cobble island. YCC

**Project 3. Portable Bleachers (Rodeo Arena & Basketball Courts)**

**Responsible**

Task 1: Assemble portable bleachers on site. YCC

**Project 4. New Irrigation and Turf**

**Responsible**

Task 1: Clear turf zones of rock, wood, and other debris. YCC  
 Task 2: Trench new irrigation lines. City Staff  
 Task 3: Install irrigation. YCC  
 Task 4: Till ground. City Staff  
 Task 5: Lay new grass sod. YCC

**Project 5. Sidewalk and Trail Improvements**

**Responsible**

Task 1: Cut and remove vegetation, weed, etc. YCC  
 Task 2: Lay mulch along trail surface. YCC  
 Task 3: Back fill along sidewalks with drop-offs (safety need). YCC

**Project 6. Painting Dumpster Walls & Bollards**

**Responsible**

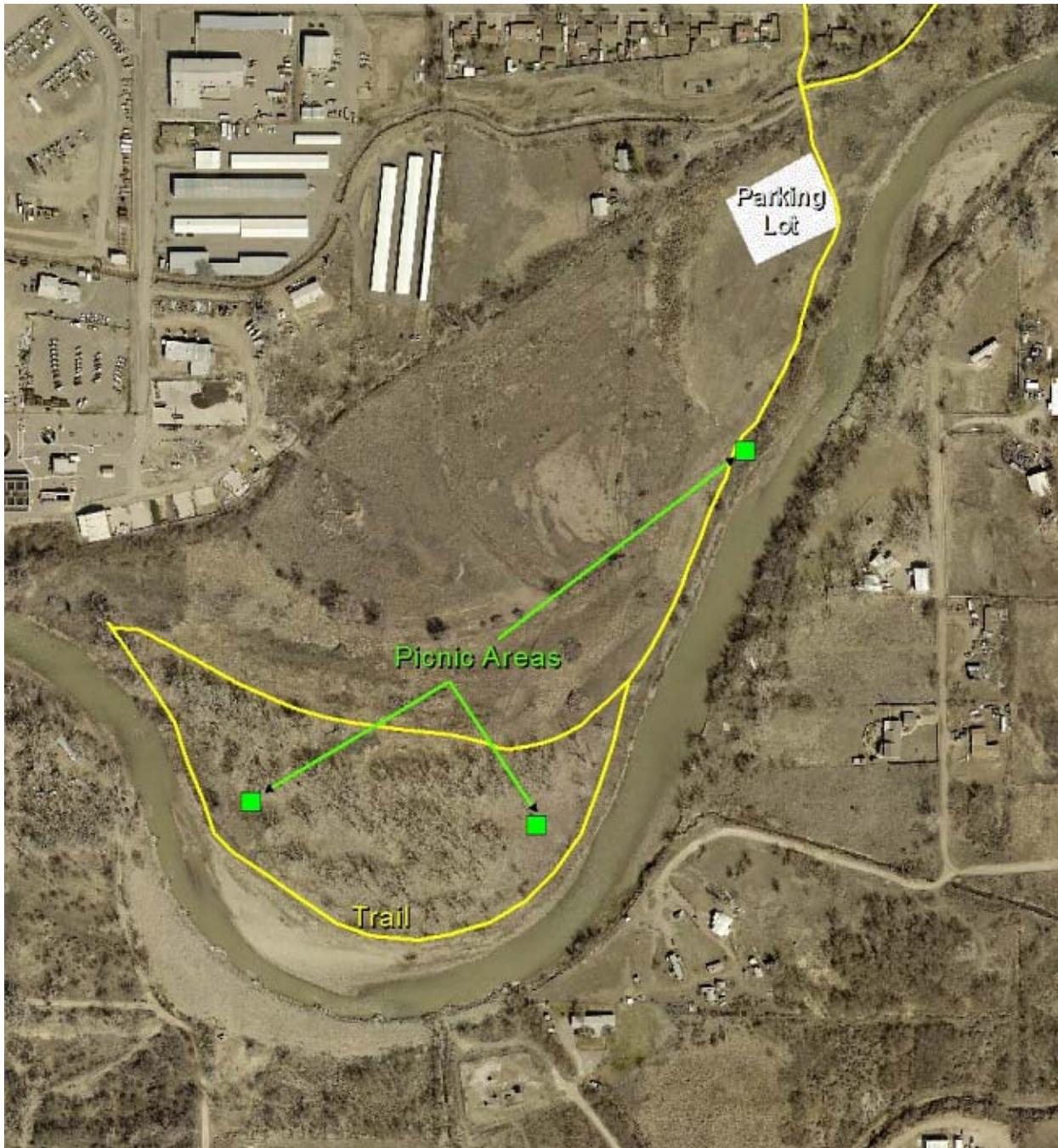
Task 1: Sand and clean bollards. YCC  
 Task 2: Paint bollards. YCC  
 Task 3: Paint Dumpster Walls YCC

**Materials to Purchase**

Item	Qty	Unit Cost	Total Cost
Post and Cabling	1850 ln ft	\$10.00	\$18,500
Monument wall (contractor)	16 ln ft	\$10,000	\$10,000
Stone masonry, concrete, paint (for monument wall)	1	\$3,000	\$3,000
Cobble (landscape island)	60 tons	\$25	\$1,500
Portable bleachers	4	\$2,000	\$8,000
Irrigation	1	\$5,000	\$5,000
Grass Turf	115,100 sq ft	\$0.35	\$40,285
Paint	5 gal	\$35	\$175
<b>TOTAL</b>			<b>\$86,460</b>

**YCC 2020 - SWIRE-TOWNSEND WILDLIFE REFUGE**

**Swire-Townsend Wildlife Refuge:** Improvements will include addition of a pedestrian loop trail, tree planting, installation of several picnic areas, development of trail between Swire-Townsend and Riverside Park, and development of a parking lot.



**Materials to Purchase**

<b>Item</b>	<b>Qty</b>	<b>Unit Cost</b>	<b>Total Cost</b>
Picnic Tables	3	\$1,500	\$4,500
Trash Cans	1	\$500	\$500
Gravel (Parking Lot)	90 tons	\$25	\$2,266
		<b>TOTAL</b>	<b>\$7,266</b>

**Cost Summary**

	<b>YCC Project Year</b>	<b>Project Cost</b>	<b>Total</b>
YCC 2017	Community Center	\$3,050	
	Family Center	\$5,575	\$19,300
	Llano Street	\$10,675	
YCC 2018	Minium Park	\$25,885	
	Memorial Rose Garden	\$3,000	\$80,470 OR
	Rio Animas Park ( exclude pavilion)	\$46,585 \$11,585	\$45,470
YCC 2019	Riverside Park (exclude turf)	\$86,460 \$46,175	\$86,460 OR \$46,175
	Swire-Townsend	\$7,266	\$7,266

**A G E N D A**  
**City of Aztec**  
**CITY COMMISSION MEETING**  
**May 10, 2016**  
**201 W. Chaco, City Hall**  
**6:00 p.m.**

**I. CALL TO ORDER**

**II. INVOCATION**

**III. PLEDGE OF ALLEGIANCE**

**IV. ROLL CALL**

**V. AGENDA APPROVAL**

**VI. CITIZEN RECOGNITION**

**VII. EMPLOYEE RECOGNITION**

**VIII. CONSENT AGENDA**

- A. Commission Workshop Meeting Minutes, April 26, 2016
- B. Commission Meeting Minutes, April 26, 2016
- C. Travel Requests
- D. Disadvantaged Business Enterprise (DBA) Program for Aztec Municipal Airport
- E. Resolution 2016-998 Surplus
- F. Senior Citizen Agreement for Use of Community Center

*Items placed on the Consent Agenda will be voted on with one motion. If any item proposed does not meet the approval of all Commissioners, a Commissioner may request that the item be heard under "Items from Consent Agenda"*

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**IX. ITEMS FROM CONSENT AGENDA**

**X. CITIZENS INPUT (3 Minutes Maximum)**

*(Citizens who wish to speak will sign up prior to the meeting – this section is for items not otherwise listed on the agenda)*

**XI. LIQUOR LICENSE HEARING**

A. Paschall Enterprises, Inc. DBA Five Fifty Brewing-New Liquor License

**XII. BUSINESS ITEMS**

- A. Final Adoption of Ordinance 2016-450 Amending Chapter 22 Section 22-513 Commercial Use of Public Property
- B. Final Adoption of Ordinance 2016-451 Amending Chapter 11, Article IX Food Catering, Food Vending and Mobile Vending Units
- C. Bid 2016-549 Sanitary Sewer Interceptor Award

**XIII. LAND USE HEARINGS**

A. 2016-036 Variance 822 Maddox Avenue

**XIV. CITY MANAGER/COMMISSIONERS/ATTORNEY REPORTS**

**XV. DEPARTMENT REPORTS**

*(When this item is announced, all Department Heads who wish to give a report will move to the podium)*

**XVI. ADJOURNMENT**

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CITY OF AZTEC  
COMMISSION WORKSHOP MINUTES  
April 26, 2016

**I. CALL TO ORDER**

Mayor Burbridge called the meeting in to order at 5:15pm at the Aztec City Commission Room City hall 201 W. Chaco, Aztec NM.

MEMBERS PRESENT: Mayor, Sally Burbridge; Mayor Pro-Tem Sipe; Commissioner, Austin Randall; Commissioner, Katee McClure

MEMBERS ABSENT: Commissioner, Sheri Rogers

OTHERS PRESENT: City Manager, Joshua Ray; City Attorney, Larry Thrower; Southwest Water Consultants President, Phil Soice City Clerk, Karla Sayler; Project Manager, Ed Kotyk

**A. Commercial Use on Public Property**

Mayor Burbridge opened the workshop for the 2015 annual water report. Phil Soice President mentioned that this will be the last report he will present. He will be retiring the end of this year or the beginning next year. Phil summarized Aztec Water Utility operations for calendar year 2015 and the state of the water utility during the first months of 2016 and the status of ongoing projects.

Phil reported on the following:

- Water Diversion
- Water Treatment
- Fiscal 2014-2015 Water Sales
- Wastewater Flows
- Water Rights
- Maximum Diversion and Consumption
- Water System Investments
- Water Utility Revenue Requirements
- Water Supply Status
- Water Projects

Phil mentioned that maximizing return flow credits or reuse of waste streams, monitoring the accuracy of water system meters, reinvesting in infrastructure, along with

acquisition of senior water rights should position the City of Aztec for continued excellent water service to its citizens.

**II. Adjournment**

Mayor Burbridge adjourned the Workshop at 5:50 pm.

\_\_\_\_\_  
Mayor, Sally Burbridge

ATTEST:

\_\_\_\_\_  
Karla Sayler, City Clerk

MINUTES PREPARED BY:

\_\_\_\_\_  
Karla Sayler, City Clerk

DRAFT

CITY OF AZTEC  
COMMISSION MEETING MINUTES  
April 26, 2016

**I. CALL TO ORDER**

Mayor Burbridge called the Meeting to order at 6:00pm at the Aztec City Commission Room, City Hall, 201 W. Chaco, Aztec, NM.

**II. INVOCATION**

The Invocation was led by Judge Carlton Gray

**III. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Electric Director Ken George

**IV. ROLL CALL**

Members Present: Mayor Sally Burbridge; Mayor Pro-Tem Sherri Sipe; Commissioner Austin Randall; Commissioner Katee McClure

Members Absent: Commissioner Sheri Rogers

Others Present: City Attorney Larry Thrower; City Manager Josh Ray; City Clerk Karla Saylor; Project Manager Ed Kotyk (see attendance sheet)

**V. AGENDA APPROVAL**

MOVED by Mayor Pro-Tem Sipe, SECONDED by Commissioner Randall to Approve the Agenda as Presented

**VI. CITIZEN RECOGNITION**

Mayor Burbridge mentioned that she attended a ceremony for Adrianna Sanders who was awarded the Pedro Del Valle Scholarship. Josh recognized Max McIntosh for volunteer of the year at San Juan College.

**VII. EMPLOYEE RECOGNITION**

Josh recognized City staff for participating in City clean up to represent Earth Day.

## **VIII. CONSENT AGENDA**

MOVED by Commissioner McClure, SECONDED by Commissioner Randall to Approve the Consent Agenda with the exception of Item E

- A. Commission Workshop Meeting Minutes, March 22, 2016
- B. Commission Meeting Minutes, March 22, 2016
- C. Travel
- D. Resolution 2016-997 Parks and Recreation Enhancement Plan 2016
- E. (PULLED)
- F. RFP #2014-233 FY16 Annual Audit Contract

## **IX. ITEMS FROM CONSENT AGENDA**

- E. Russell Planning and Engineering, Change Order #4

Josh mentioned that this is a change order for the North Main Contract to Russell Engineering. The staff summary included the original contract overview, Amendment 1, and Change Orders 1-4. Change order 4 is to change the alignment of the parking spaces next to physical therapy building.

MOVED by Mayor Pro-Tem Sipe SECONDED by Commissioner Randall to APPROVE Russell Planning & Engineering, Change Order #4 in the amount of \$12,657.00

All Voted Aye; Motion Passed 4-0

## **X. CITIZENS INPUT**

None

## **XI. BUSINESS ITEM**

None

## **XII. LAND USE HEARINGS**

None

## **XIII. CITY MANAGER/COMMISSIONERS/ATTORNEY REPORTS**

Josh mentioned he will be attending the COG meeting tomorrow in Thoreau.

Mayor Pro-Tem Sipe mentioned that she attended the NWNM Seniors meeting. She mentioned that she will be attending the MPO meeting on Thursday and will be out of town the first meeting of May.

Mayor Burbridge mentioned that she will be attending a Self Insurers' Fund meeting in San Antonio next week.

Commissioner Randall mentioned that he had a great vacation in California last week. He mentioned that he will be attending the San Juan Water Commission meeting next week.

Commissioner McClure mentioned that three businesses were open late on Main Street. She mentioned the business are working together to promote their businesses together. She mentioned that Sarah Kayner will be retiring from ECHO and she will be attending the EHCO board meeting Thursday.

#### **XIV. DEPARTMENT REPORTS**

Chief Heal mentioned that he attended his last detox board meeting at Four Winds and mentioned that they are still doing service meetings and also mentioned that the Sobering House is now open.

#### **XV. ADJOURNMENT**

Moved by Mayor Burbridge, SECONDED by Mayor Pro-Tem Sipe to adjourn the meeting at 6:36 pm.

\_\_\_\_\_  
Sally Burbridge, Mayor

ATTEST:

\_\_\_\_\_  
Karla Saylor, City Clerk

MINUTES PREPARED BY:

\_\_\_\_\_  
Karla Saylor, City Clerk

# Staff Summary Report

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<b>MEETING DATE:</b>	May 10, 2016
<b>AGENDA ITEM:</b>	VIII. CONSENT AGENDA (C)
<b>AGENDA TITLE:</b>	Travel Requests

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<b>ACTION REQUESTED BY:</b>	Administration, Police and Public Works
<b>ACTION REQUESTED:</b>	Approval of Employee/Public Official Travel Requests
<b>SUMMARY BY:</b>	Cheryl Franklin

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## **PROJECT DESCRIPTION / FACTS** (Leading Department)

- Resolution 2003-603 identifies the requirement for employee/public official travel requests to be pre-approved by the commission. All travel requests will be submitted to the commission for approval prior to the travel occurring except in unusual circumstances when the City Manager may approve as provided in resolution 2003-603.
- The attached log is sorted by dates of travel and then by department. One request for travel had already occurred and the Community Development is requesting approval for travel on the date of this meeting; however, the remaining requests are dated for future.
- If travel/training is to be reimbursed or some of the costs will be paid by another entity, those notes have been included on the log.

## **FISCAL INPUT** (Finance Department)

- All departments requesting travel have sufficient funds budgeted within their travel/training budgets

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<b>SUPPORT DOCUMENTS:</b>	Travel Log May 10, 2016
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<b>DEPARTMENT'S RECOMMENDED MOTION:</b>	Approve Employee/Public Official Travel Requests
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**EMPLOYEE/PUBLIC OFFICIAL TRAVEL REQUESTS FOR COMMISSION APPROVAL**  
**MEETING DATE: MAY 10, 2016**

Dates of Travel	Department	Purpose of Travel/Location	Over-night	Out of State	Costs	Explanation of Cost	FY16 Budget Available
04/27/16	Admin.	Council of Governments Board Meeting Thoreau, NM.	No	No	20.00 162.06	Actual Cost for Meals & Tips Actual Rate per Miles	Yes
05/11/16	Admin	NM Aviation Conference Ruidoso, NM.	Yes	No	108.00 125.00 414.87 199.68	Meal & Gratuity Allowance Registration Reimburse Rate per Miles Lodging	Yes
05/11-12/16	Police	DWI Coordinator Conference Albuquerque, NM.	Yes	No	60.00 45.00	Meal & Gratuity Allowance Estimated Cost for Fuel	Yes
05/11-12/16	Police	DWI Coordinator Conference Albuquerque, NM.	Yes	No	60.00	Meal & Gratuity Allowance (Riding w/Captain)	Yes
05/15-20/16	Public Works	Wastewater Systems I Class & Testing Espanola, NM.	Yes	No	194.40 250.00 30.00 60.00 230.95	Meal & Gratuity Allowance Registration- Class Registration- Testing Estimated Cost for Fuel Lodging (Traveling & Lodging all together)	Yes
05/15-20/16	Public Works	Wastewater Systems I Class & Testing Espanola, NM.	Yes	No	194.40 250.00 30.00	Meal & Gratuity Allowance Registration- Class Registration- Testing (Traveling & Lodging all together)	Yes
05/15-20/16	Public Works	Wastewater Systems I Class & Testing Espanola, NM.	Yes	No	194.40 250.00 30.00	Meal & Gratuity Allowance Registration- Class Registration- Testing (Traveling & Lodging all together)	Yes

# Staff Summary Report

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<b>MEETING DATE:</b>	May 10, 2016
<b>AGENDA ITEM:</b>	VIII. CONSENT (D)
<b>AGENDA TITLE:</b>	Disadvantaged Business Enterprise (DBE) Program for Aztec Municipal Airport

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<b>ACTION REQUESTED BY:</b>	Finance Department
<b>ACTION REQUESTED:</b>	Approve Disadvantaged Business Enterprise (DBE) Program Policy Statement for Aztec Municipal Airport
<b>SUMMARY BY:</b>	Kathy Lamb

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## **PROJECT DESCRIPTION / FACTS**

- Federal Aviation Administration (FAA) and NMDOT Aviation Division provide funding for the Aztec Municipal Airport.
- FAA requirements for funding through the Airport Improvement Program (AIP) include approval of a Disadvantaged Business Enterprise (DBE) Program established by the City specific to FAA funding.
- The DBE program public notice was published in Daily Times on March 31, 2016, with the full document published to the City's website on March 30, 2016 and copy available for review in the City Clerk's office. Public comments are accepted for 45 days. In addition to the publication, program consultation was conducted with agencies involved with business promotion and development in the state including San Juan College Small Business Development and the Aztec Chamber of Commerce.
- The program establishes DBE goals for the improvement projects, scheduled for the airport for three years. The terminal apron construction project DBE goal is established at 6.59% or \$29,985 (attachment 5 of the document).
- The Airport DBE program identifies multiple responsibilities of the City primarily focusing on the procurement process, similar to projects with NMDOT/FHWA and NMED/EPA funding.
- Following the close of the public comment period (May 14, 2016) and commission approval of the Policy Statement (page 1), the document will be submitted to FAA for comments. FAA comments will be reviewed, responded to or incorporated into the document. The document will then be resubmitted for approval. Depending on comments, approval could be one to two months.
- The DBE Program must be approved by FAA before the terminal apron project may go to bid.

## **PROCUREMENT / PURCHASING (if applicable)**

- N/A

**FISCAL INPUT / FINANCE DEPARTMENT (if applicable)**

- Federal funding for airport improvements is critical and requires the City abide by the requirements of the funding agency.

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**SUPPORT DOCUMENTS:** Aztec Municipal Airport Disadvantaged Business Enterprise (DBE) Program

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**DEPARTMENT'S RECOMMENDED MOTION:** Move to Approve the Disadvantaged Business Enterprise (DBE) Program Policy Statement for Aztec Municipal Airport

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# City of Aztec & Aztec Municipal Airport



Disadvantaged Business Enterprise  
(DBE) Program

Prepared for City of Aztec, New Mexico  
&  
Federal Aviation Administration

2016

**POLICY STATEMENT**

**Section 26.1, 26.23 Objectives/Policy Statement**

The City of Aztec has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26.

The City of Aztec has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the City of Aztec has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of the City of Aztec to ensure that DBEs as defined in Part 26, have an equal opportunity to receive and participate in DOT–assisted contracts. It is also our policy:

1. To ensure nondiscrimination in the award and administration of DOT – assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in DOT assisted contracts;
6. To assist the development of firms that can compete successfully in the market place outside the DBE Program.

The **Procurement Specialist** has been delegated as the DBE Liaison Officer. In that capacity, the Procurement Specialist is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the City of Aztec in its financial assistance agreements with the Department of Transportation.

The City of Aztec has disseminated this policy statement to the Mayor and all of the components of our organization. We have distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts.

Distribution will be by posting this policy on the City of Aztec’s website, including reference to the policy in DOT assisted construction bidding documents, and making the policy available to the public. We will distribute this statement to DBE and non-DBE business communities that answer a request for proposal on a DOT assisted project.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

## **SUBPART A – GENERAL REQUIREMENTS**

### **Section 26.1 Objectives**

The objectives are found in the policy statement on the first page of this program.

### **Section 26.3 Applicability**

The City of Aztec is the recipient of Federal airport funds authorized by 49 U.S.C. 47101, *et seq.*

### **Section 26.5 Definitions**

The City of Aztec will use terms in this program that have the meaning defined in Section 26.5.

### **Section 26.7 Non-discrimination Requirements**

The City of Aztec will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex, or national origin.

In administering its DBE program, the City of Aztec will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE program with respect to individuals of a particular race, color, sex, or national origin.

The contracts issued by the City of Aztec will follow the applicable procurement codes.

### **Section 26.11 Record Keeping Requirements**

We will provide data about our DBE Program to the Department as directed by DOT operating administrations.

We will report DBE participation to DOT/FAA as follows:

We will transmit to FAA annually on December 1, the "Uniform Report of DBE Awards or Commitments and Payments" form, found in Appendix B to this part. We will also report the DBE Contractor firms contact information either on the FAA DBE Contractor's Form or other similar format and will begin using the revised Uniform Report of DBE Awards or Commitments and Payments.

<http://faa.dbeconnect.com>

#### **Bidders List: 26.11(c)**

The City of Aztec will create and maintain a bidders list. The purpose of the list is to provide as accurate data as possible about the universe of DBE and non-DBE contractors and subcontractors who seek to work on our DOT-assisted contracts for use in helping to set our overall goals. The bidders list will include the name, address, DBE and non-DBE status, age of firm, and annual gross receipts of firms.

We will collect this information in the following ways:

1. Bidders providing information directly to the City for inclusion on a bidders list per NMSA 13-1-104.
2. A contract bid submission requirement that contains information on the prime and sub-contractors.

### **Section 26.13 Federal Financial Assistance Agreement**

The City of Aztec has signed the following assurances, applicable to all DOT-assisted contracts and their administration:

Assurance: 26.13(a) - Each financial assistance agreement the City of Aztec signs with a DOT operating administration (or a primary recipient) will include the following assurance:

The City of Aztec shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The City of Aztec shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT assisted contracts. The City of Aztec's DBE program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the City of Aztec of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq. ).

Contract Assurance: 26.13b

The City of Aztec will ensure that the following clause is included in each contract we sign with a contractor and each subcontract the prime contractor signs with a subcontractor:

The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the City of Aztec deems appropriate.

## **SUBPART B - ADMINISTRATIVE REQUIREMENTS**

### **Section 26.21 DBE Program Updates**

We anticipate that the City of Aztec will be a recipient of FAA grant(s) for airport planning or development totaling \$250,000 in FAA funds in a Federal fiscal year. We will continue to carry out this DBE Program until all funds from DOT financial assistance have been expended. We will provide to DOT updates representing significant changes in the program for approval.

The City of Aztec is not eligible to receive DOT financial assistance unless DOT has approved our DBE Program and we are in compliance with it and this part. We will continue to carry out our program until all funds from DOT financial assistance have been expended.

### **Section 26.23 Policy Statement**

The Policy Statement is elaborated on the first page of this DBE Program.

### **Section 26.25 DBE Liaison Officer (DBELO)**

We have designated the following individual as our DBE Liaison Officer: **Procurement Specialist**, City of Aztec Municipal Complex, 201 W. Chaco, Aztec, NM 87410, Telephone: (505) 334-7656, Fax: (505) 334-7649

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the City of Aztec complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the Aztec City Manager concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found in **Attachment 2** to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The DBELO has a staff of two, including our consulting engineer, to assist in the administration of the program. The duties and responsibilities include the following:

1. Reviews third party contracts and purchase requisitions for compliance with this program.
2. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
3. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitors results.
4. Analyzes City of Aztec' progress toward attainment and identifies ways to improve progress.
5. Participates in pre-bid meetings.
6. Advises the governing body on DBE matters and achievement.
7. Participates with the consulting engineer to determine contractor compliance with good faith efforts.
8. Acts as liaison to the Uniform Certification Process in New Mexico.
9. Participates with the consulting engineer to provide outreach to DBEs and community organizations to advise them of opportunities.
10. Will maintain copies of the New Mexico Department of Transportation (NMDOT) DBE Contractor Listing. Actual certification of the contractors will be the responsibility of the NMDOT Office of Equal Opportunity Programs.

### **Section 26.27 DBE Financial Institutions**

It is the policy of the City of Aztec to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contracts to make use of these institutions consistent with statutes.

We have made the following efforts to identify and use such institutions:

To date, two financial institutions in the State of New Mexico have been identified as being owned by socially and economically disadvantaged individuals. Those institutions are:

#### **New Mexico**

##### **Centinel Bank**

Contact: Rebecca Romero Rainey, VP  
512 Paseo del Pueblo Sur  
PO Box 818  
Taos, NM 87571  
Routing and Transit (ABA) Number: 107001261  
Phone: (575) 758-6707  
Fax: (575) 758-6708  
Email: [rmr@centinelbank.com](mailto:rmr@centinelbank.com)

#### **My Bank**

Contact: Mark Sauters, SVP  
394 Rio Communities Boulevard  
Belen, NM 87002  
Routing and Transit (ABA) Number: 107006253  
Phone: (505) 861-5269  
Fax: (505) 966-7090  
Email: [vcampbell@mybanknw.com](mailto:vcampbell@mybanknw.com)

This information was obtained from the Minority Bank Deposit Program website – [https://www.fiscal.treasury.gov/fsservices/gov/rvnColl/mnrtyBankDep/rvnColl\\_mbdp\\_participants.htm](https://www.fiscal.treasury.gov/fsservices/gov/rvnColl/mnrtyBankDep/rvnColl_mbdp_participants.htm) and the Federal Reserve 202-452-2947. Additional information on financial institutions owned and controlled by socially and economically disadvantaged individuals in the community can be found on this website. Information on the availability of such institutions can be obtained from the DBE Liaison Officer.

### **Section 26.29 Prompt Payment Mechanisms**

The City of Aztec has established, as part of its DBE Program, a contract clause to require prime contractors to pay subcontractors for satisfactory performance of their contracts no later than 30 days from receipt of each payment the City of Aztec makes to the prime contractor.

In accordance with State statute, we will ensure prompt and full payment of retainage from the prime contractor to the subcontractor within 7 days after the subcontractor's work is satisfactorily completed. We will use the following method to comply with this requirement:

Not hold retainage from prime contractors and require a contract clause obligating prime contractors to make prompt and full payment of any retainage kept by prime contractor to the subcontractor within 7 days after the subcontractor's work is satisfactorily completed. (57-28-5 NMSA 1978)

The City of Aztec will consider a subcontractor's work is satisfactorily completed when all the tasks called for in the subcontract have been accomplished and documented as required by the City of Aztec. When the City of Aztec has made an incremental acceptance of a portion of a prime contract, the work of a subcontractor covered by that acceptance is deemed to be satisfactorily completed.

The City of Aztec will provide appropriate means to enforce the requirements of this section. These means include:

We will require prime contractors to maintain records and documents of payments to DBEs for three years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of the City of Aztec or DOT. This reporting requirement also extends to any certified DBE subcontractor.

We will perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE participation.

The City of Aztec will include the following clause in each DOT-assisted prime contract:

Pursuant to 57-28-5 NMSA 1978, the prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 7 days from the receipt of each payment the prime contractor receives from City of Aztec. The prime contractor agrees further to return retainage payments to each subcontractor within 7 days after the subcontractors work is satisfactorily completed. Any delay or postponement of payment from the above referenced timeframe may occur only for good cause following written approval of the City of Aztec. This clause applies to both DBE and non-DBE subcontractors.

Other mechanisms, consistent with this part and applicable state and local law, to ensure that DBEs and other contractors are fully and promptly paid.

### **Section 26.31 Directory**

The City of Aztec uses the New Mexico Department of Transportation (NMDOT) DBE directory, maintained by the NMDOT. The directory lists the firm's name, address, phone number, date of the most recent certification, and the type of work the firm has been certified to perform as a DBE. In addition, the directory lists each type of work for which a firm is eligible to be certified by using the most specific NAICS code available to describe each type of work.

The NMDOT revises the Directory annually. The NMDOT makes the Directory available as follows:

The Directory may be found at <https://nmdot.dbesystem.com>

**Section 26.33 Over-concentration**

The City of Aztec has not identified that over-concentration exists in the types of work that DBEs perform.

**Section 26.35 Business Development Programs**

The City of Aztec has not established a business development program.

**Section 26.37 Monitoring and Enforcement Mechanisms**

The City of Aztec will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.

1. We will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.107.
2. We will consider similar action under our own legal authorities, including responsibility determinations in future contracts. Attachment 1 lists the regulation, provisions, and contract remedies available to us in the events of non-compliance with the DBE regulation by a participant in our DBE Program.
3. We will implement a monitoring and enforcement mechanism to ensure that work committed to DBEs at contract award or subsequently (i.e., as the result of modification to the contract) is actually performed by the DBEs to which the work was committed.
4. We will implement a monitoring and enforcement mechanism that will include written certification that we have reviewed contracting records and monitored work sites for this purpose. This will be accomplished by the review of contracting records, contractor payments to sub-contractors and lien releases during the contract closeout procedures.
5. We will implement a mechanism that will provide for a running tally of actual DBE attainments (e.g., payment actually made to DBE firms), including a means of comparing these attainments to commitments. In our reports of DBE participation to DOT, we will show both commitments and attainments, as required by the DOT uniform reporting form.

**Section 26.39 Fostering small business participation.**

The City of Aztec has created a Small Business element to structure contracting requirements to facilitate competition by small business concerns, taking all reasonable steps to eliminate obstacles to their participation, including unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or subcontractors.

The City of Aztec's small business program element is incorporated as Attachment 10 to this DBE Program. We will actively implement the program elements to foster small business participation, doing so is a requirement of good faith implementation of our DBE program.

**SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING**

**Section 26.43 Set-asides or Quotas**

The City of Aztec does not use quotas in any way in the administration of this DBE program.

**Section 26.45 Overall Goals**

The City of Aztec will establish an overall DBE goal covering a three-year federal fiscal year period. We will calculate three-year overall goals if we anticipate awarding FAA funded prime contract exceeding \$250,000 during any one or more of the reporting fiscal years within the three-year goal period. In accordance with Section 26.45(f) the City of Aztec will submit its Overall Three-year DBE Goal to FAA by August 1 or as soon as practicable as required by the established schedule below.

<b>Airport Type</b>	<b>Region</b>	<b>Date Due (Goal Period)</b>	<b>Next Goal Due (Goal Period)</b>
<b>Non-Primary (GAs, Relievers and State DOTs)</b>	<b>Central, Southwest, and Western-Pacific</b>	<b>August 1 2015 (2016/2017/2018)</b>	<b>August 1, 2018 (2019/2020/2021)</b>

DBE goals will be established for those fiscal years we anticipate awarding DOT-assisted prime contracts exceeding \$250,000 during the three-year period. The DBE goals will be established in accordance with the 2-step process as specified in 49 CFR Part 26.45. If the City of Aztec does not anticipate awarding more than \$250,000 in DOT-assisted prime contracts during any of the years within the three-year reporting period, we will not develop an overall goal; however this DBE Program will remain in effect and the City of Aztec will seek to fulfill the objectives outlined in 49 CFR Part 26.1.

The first step is to determine the relative availability of ready, willing, and able DBEs in the market area, “base figure”. The second step is to adjust the “base figure” percentage from Step 1 so that it reflects as accurately as possible the DBE participation the recipient would expect in the absence of discrimination based on past participation, a disparity study and/or information about barriers to entry to past competitiveness of DBEs on projects.

In establishing the overall goal, the City of Aztec will consult with minority, women’s and general contractor groups, community organizations, and other officials or organizations to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the City’s efforts to establish a level playing field for the participation of DBEs.

Following this consultation, we will publish a notice of the proposed overall goals, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at City offices for 30 days following the date of the notice, and informing the public that the City of Aztec and DOT/FAA will accept comments on the goals for 45 days from the date of the notice. Notice will be issued in general circulation media and the City of Aztec’s website. Normally, we will issue this notice by June 1 of the reporting period of the goal. The notice will include addresses to which comments may be sent and addresses (including offices and websites) where the proposal may be reviewed.

Our Overall Three-Year DBE Goal submission to DOT/FAA will include a summary of information and comments received, if any, during this public participation process and our responses.

We will begin using our overall goal on October 1 of the reporting period, unless we have received other instructions from DOT. If we establish a goal on a project basis, we will begin using our goal by the time of the first solicitation for a DOT-assisted contract for the project.

A description of the methodology to calculate the overall goal and the goal calculations can be found in **Attachment 5** to this program.

**Section 26.47 Failure to meet overall goals.**

The City of Aztec will maintain an approved DBE Program and overall DBE goal, if applicable as well as administer our DBE Program in good faith to be considered to be in compliance with this part.

1. If the City of Aztec awards and commitments shown on our Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall goal applicable to that fiscal year, we will do the following in order to be regarded by the Department as implementing your DBE Program in good faith:
  1. Analyze in detail the reasons for the difference between the overall goal and our awards and commitments in that fiscal year;
  2. Establish specific steps and milestones to correct the problems we have identified in our analysis and to enable us to meet fully your goal for the new fiscal year;
  3. The City of Aztec will retain analysis and corrective actions in records for three years and will make it available to FAA on request.

**Section 26.51(a-c) Breakout of Estimated Race-Neutral & Race-Conscious Participation**

The breakout of estimated race-neutral and race-conscious participation can be found in Attachment 5 to this program.

**Section 26.51(d-g) Contract Goals**

The City of Aztec has no control on when the DOT will have funding available for DOT assisted projects, nor the deadlines imposed by the DOT for the execution of grants. When time permits, the City of Aztec will arrange solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and by making contracts more accessible to small businesses, by means such as those provided under § 26.39.

If our approved projection under paragraph (c) of this section estimates that we can meet our entire overall goal for a given year through race-neutral means, we will implement our program without setting contract goals during that year, unless it becomes necessary in order meet our overall goal.

We will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. We need not establish a contract goal on every such contract, and the size of contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work, availability of DBEs to perform the particular type of work.)

We will express our contract goals as a percentage of the total amount of a DOT-assisted contract.

**Section 26.53 Good Faith Efforts Procedures**

Demonstration of good faith efforts (26.53(a) & (c))

The obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. Examples of good faith efforts are found in Appendix A to Part 26.

The DBELO along with the consulting engineer is responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as Responsive.

We will ensure that all information is complete and accurate and adequately documents the bidder/offers' good faith efforts before we commit to the performance of the contract by the bidder/offers.

Information to be submitted (26.53(b))

The City of Aztec treats bidder/offers' compliance with good faith efforts' requirements as a matter of responsiveness - Each solicitation for which a contract goal has been established will require all bidders/offers to submit the following information at the time of bid:

1. The names and addresses of DBE firms that will participate in the contract;
2. A description of the work that each DBE will perform;
3. The approximate dollar amount of the participation of each DBE firm participating;
4. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractors commitment and
6. If the contract goal is not met, evidence of good faith efforts.

Administrative reconsideration (26.53(d))

Within 5 business days of being informed by City of Aztec that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offers may request administrative reconsideration. Bidder/offers should make this request in writing to the following reconsideration official: **Kathy Lamb, Finance Director, City of Aztec Municipal Complex, 201 W. Chaco, Aztec, NM 87410, phone:(505) 334-7653, email: [klamb@aztecnm.gov](mailto:klamb@aztecnm.gov)**. The reconsideration official will not have played any role in the original determination that the bidder/offers did not document sufficient good faith efforts.

As part of this reconsideration, the bidder/offers will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offers will have the opportunity to meet in person with our reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do. We will send the bidder/offers a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the Department of Transportation.

The bidder/offers may use the protest provisions of NMSA 13-1-172.

Good Faith Efforts when a DBE is replaced on a contract (26.53(f))

The City of Aztec will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. We will require the prime contractor to notify the DBE Liaison Officer immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

Sub-contractor substitutions must follow the New Mexico Subcontractor Fair Practices Act (NMSA 13-4-31) et.seq The Act requires the prime contractor to obtain our prior approval of the substitute subcontractor and to provide copies of new or amended subcontracts, or documentation of good faith efforts when replacing a DBE.

If the contractor fails or refuses to comply with the subcontractor substitution requirements of the New Mexico Subcontractor Fair Practices Act (NMSA 13-4-31) et.seq, penalties per the act may be assessed.  
Sample Bid Specification:

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of the City of Aztec to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offerors, including those who qualify as a DBE. A DBE contract goal of 6.59% as determined in the goal calculation in Attachment 5 has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 (attachment 1), to meet the contract goal for DBE participation in the performance of this contract.

The bidder/offeror will be required to submit the following information: (1) the names and addresses of DBE firms that will participate in the contract; (2) a description of the work that each DBE firm will perform; (3) the approximate dollar amount of the participation of each DBE firm participating; (4) Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal; (5) Written confirmation from the DBE that it is participating in the contract as provided in the commitment made under (4); and (6) if the contract goal is not met, evidence of good faith efforts.

When a contract goal is established pursuant to the recipient's DBE program, the sample bid specification will be used to notify bidders/offerors of the requirements to make good faith efforts. The forms found in Attachment 3 will be used to collect information necessary to determine whether the bidder/offeror has satisfied these requirements. The sample specification is intended for use in both non-construction and construction contracts for which a contract goal has been established. Thus, it will be included in invitations for bid for construction, in requests for proposals for architectural/engineering and other professional services, and in other covered solicitation documents.

#### **Section 26.55 Counting DBE Participation**

We will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55. We will not count the participation of a DBE subcontract toward a contractor's final compliance with its DBE obligations on a contract until the amount being counted has actually been paid to the DBE.

### **SUBPART D – CERTIFICATION STANDARDS**

#### **Section 26.61 – 26.73 Certification Process**

The certification standards of Subpart D of Part 26 and the certification procedures of Subpart E of Part 26 determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards. The City of Aztec is a member of the New Mexico Unified Certification Program (NMUCP). The NMDOT Office of Equal Opportunity Programs is the lead for this program and determines the eligibility of firms to participate as DBEs in DOT-assisted contracts.

To be certified as a DBE in the NMUCP, a firm must meet all certification standards set forth by 49 CFR Parts 26.61 -26.73. The NMUCP will make certification decisions based on the facts. Any bidder certified by the NMDOT under these documents is presumed by the City of Aztec to be qualified for this program. The NMUCP will make certification decisions based on the facts. A DBE's certification will not be removed without prior notification from the State of New Mexico. Any decision-making or appealing of the DBE status will be referred to the NMDOT.

For information about the certification process or to apply for certification, firms should contact:

New Mexico Department of Transportation  
OEOP Bureau-DBE/NMUCP Programs

1570 Pacheco Street, Building A  
Santa Fe, New Mexico 87505  
(505) 827-1774 or Toll free at 1-800-544-0936.  
<http://dot.state.nm.us/content/nmdot/en/OEOP.html>

Our certification application forms and documentation requirements are found in Attachment 8 to this program.

## **SUBPART E – CERTIFICATION PROCEDURES**

### **Section 26.81 Unified Certification Programs**

As noted in Section 26.61 -26.73 above, the City of Aztec is a member of the New Mexico Unified Certification Program (NMUCP) administered by New Mexico Department of Transportation (NMDOT) Office of Equal Opportunity Programs. The UCP will meet all of the requirements of this section. The following is a description of the UCP:

The NMUCP is established for all USDOT recipients within the State of New Mexico. The NMUCP is detailed in Attachment 9 of this program. The purpose of the NMUCP is to comply with the requirements contained in 49 CFR Part 26, Subpart E, as amended.

The NMDOT, through its Office of Equal Opportunity Programs, is the lead and will be responsible for:

1. The certification of DBE's, the removal of DBE eligibility, and the suspension or debarment of DBEs consistent with 49 CFR Part 26, as amended,
2. Administering the requisite procedures for full cooperation with the oversight, review and monitoring activities of USDOT and its Operating Administrations (OA),
3. The maintenance of the NMUCP's DBE Directory, listing certified DBEs and
4. The implementation of USDOT directives and guidance concerning certification matters.

## **SUBPART F – COMPLIANCE AND ENFORCEMENT**

### **Section 26.109 Information, Confidentiality, Cooperation**

We will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law. As the City plans to use the NMDOT UCP, no confidential information should be in the possession of the City.

Notwithstanding any contrary provisions of state or local law, we will not release personal financial information submitted in response to the personal net worth requirement to a third party (other than DOT) without the written consent of the submitter.

The New Mexico "Inspection of Public Records Act" (14-2-1 NMSA 1978 *et. seq.* provides the process for requesting or withholding information contained public documents which include the contractor's bid submittal.

#### **Monitoring Payments to DBEs**

We will require prime contractors to maintain records and documents of payments to DBEs for three years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of the City of Aztec or DOT. This reporting requirement also extends to any certified DBE subcontractor.

We will perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE participation.

**ATTACHMENTS**

- Attachment 1 Regulations: 49 CFR Part 26 or website link
- Attachment 2 Organizational Chart
- Attachment 3 Bidder's List Collection Form
- Attachment 4 DBE Directory or link to
- Attachment 5 Overall Goal Calculations
- Attachment 6 Demonstration of Good Faith Efforts or Good Faith Effort Plan - Form 1 & 2 for
- Attachment 7 DBE Monitoring and Enforcement Mechanisms
- Attachment 8 DBE Certification Application Form
- Attachment 9 State's UCP Agreement
- Attachment 10 Small Business Element Program

# Attachment

# 1

**ATTACHMENT 1**

**Regulations:** [49 CFR Part 26](#)

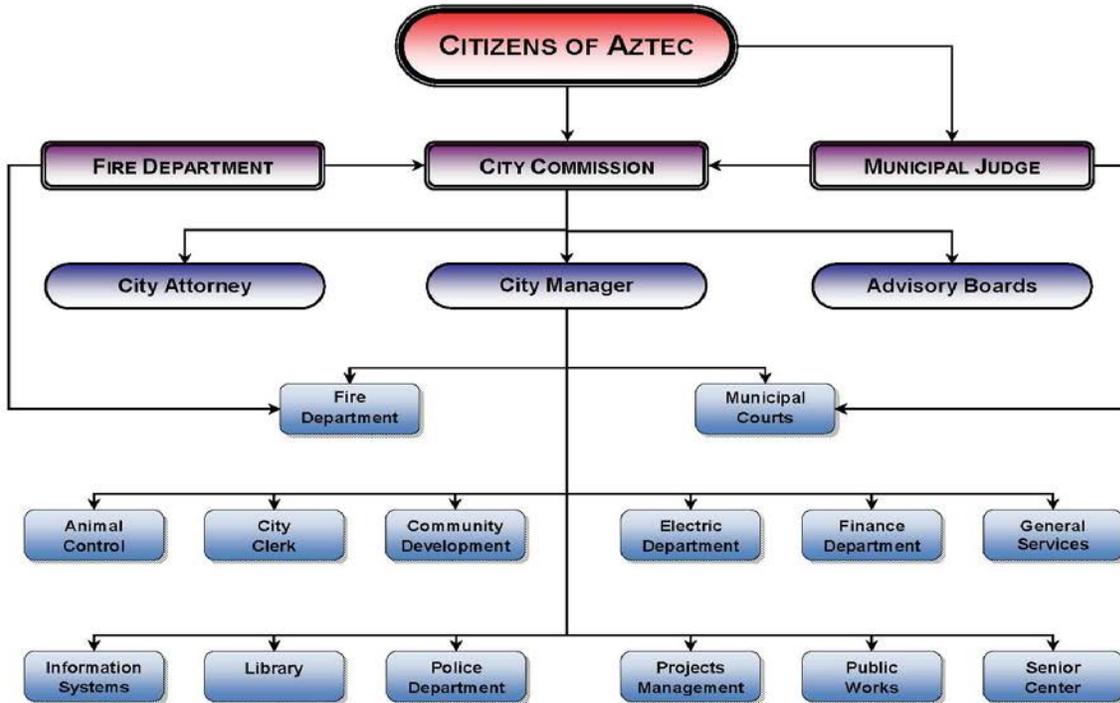
Attachment

2

ATTACHMENT 2

Organizational Chart

**City of Aztec Organizational Chart**



Attachment

3

**ATTACHMENT 3**  
Bidder's List Collection Form  
**City of Aztec**

*BIDDERS LIST OF QUOTERS FOR THE DISADVANTAGES BUSINESS ENTERPRISE PROGRAM*

In accordance with 49 CFR Part 26.11, the City of Aztec will maintain a bidders list to compile all quotes received by the Contractor during the advertising period. This bidders list will be used to determine the relative availability of DBE's.

At the time that the bid is submitted to the City of Aztec, the contractor shall list each quote received. The contractor shall also include each quoter's name, business location, telephone number, the quoter's status as a DBE or Non-DBE, the age of the firm, and the quoter's annual gross receipts.

**FAILURE TO COMPLY WITH THIS REQUIREMENT SHALL RENDER A BID NON-RESPONSIVE AND THE BID SHALL BE REJECTED.**

The term "quoter" shall include subcontractors and any suppliers of materials with whom the contractor has direct contact.

**BIDDER:** \_\_\_\_\_  
**ADDRESS:** \_\_\_\_\_  
**TELEPHONE NO.:** \_\_\_\_\_ **FAX NO.:** \_\_\_\_\_  
**E-MAIL ADDRESS:** \_\_\_\_\_  
**PROJECT:** \_\_\_\_\_

This bidders list is not the subcontractors list required by the subcontractors fair practices act (1978 NMSA 13-4-31 through 13-4-43)



# Attachment

4

**ATTACHMENT 4**

**FOLLOW LINK:**

**[New Mexico DBE directory](#)**

# Attachment

5

**ATTACHMENT 5**

Section 26.45: Project Specific Goal Methodology

**Name of Recipient:** City of Aztec

**Goal Period:** FY-2016-2017-2018      October 1, 2015 through September 30, 2018

<b>DOT-assisted contract amount:</b>	FY-2016	0
	FY-2017	<u>6.59%</u>
	FY-2018	0
<b>Total</b>		<u>6.59%</u>

**Overall Three-Year Goal:** 6.59%, to be accomplished through 6.59% RC and 0% RN

**Total dollar amount to be expended on DBE's:** \$29,985 (\$455,000 x .0659)

**Describe the Number and Type of Projects that the airport anticipates awarding:**

Projects Fiscal Year #1

1. Reconstruct Terminal Apron, Phase 1 – design - \$63,000 (under program dollar value)

Projects Fiscal Year #2

1. Reconstruct Terminal Apron, Phase 2 – construction- \$455,000

Projects Fiscal Year #3

1. Close Runway 4-22 EA – less than \$250,000

**Market Area:** The Market Area consists of the Geographical Area where the Aztec Municipal Airport is located (Geographical Area 2) and Geographical Area 1 which consists of the following counties: Sandoval, Santa Fe, Bernalillo, Los Alamos and Valencia.

The reason Geographical Area 1 is included in all of the market areas is because 46% of the total establishments in New Mexico lie in Geographical Area 1. Geographical Area 2 is included as it is the area where the airport is located and where the substantial majority of the contracting dollars are spent.

The market area includes Geographical Area and Geographical Area 1 which is representative of the area where the substantial majority of the contractors and subcontractors with which the sponsor does business are located and the area in where the sponsor spends the substantial majority of their contracting dollar.

The market area was defined by examining the following documents: DBE Directory, contractor directory, recent city bids and bidders lists. A map and breakout of the geographical areas can be seen at the end of this attachment.

**Step 1. Analysis:** Actual relative availability of ready, willing, and able DBE's

Method: Use DBE Directories <http://osdbu.dot.gov/DBEProgram/StateDOTDBESites.cfm>

Census Bureau Data <http://www.census.gov/econ/cbp/index.html>

and contractor licensing <http://public.psiexams.com/search.jsp>

The contractor license analysis is to address the “able” part of the requirement. New Mexico has specific contractor license requirements for construction on airports and many DBE contractors do not possess this license. The check for appropriate contractor’s license is in NAICS 237310 only.

Projects Fiscal Year #1

1. Reconstruct Terminal Apron, Phase 1 – design \$63,000 (under program dollar value)

Projects Fiscal Year #2

1. Reconstruct Terminal Apron, Phase 2 - construction \$455,000

NAICS	Type of Work	Total DBE's	Total All Firms
237310	Heavy Construction/Highway, Streets AP	6	47
238210	Electrical AP	2	358
484220	Dump trucking	4	60
541330	Engineering	9	312
54137	Surveying	3	45
54138/54169	Inspection/Testing	8	140
Total		32	962

Divide the total number of DBE's by the total number of All Firms = base figure for each project.

**32/962 = 3.33                      Base Figure = 3.33%**

**Step 2. Analysis:** Adjustments to Step 1 base figure.

After calculating a base figure of the relative availability of DBEs, evidence was examined to determine what adjustment (if any) was needed to the base figure in order to arrive at the overall goal.

**Fiscal Year #2**

For FY-2017, we anticipate the award of the following: Reconstruct Terminal Apron

A	B	C	D	E	F	G	H	I
Project Name	Trade	NAICS Description	NAICS	Trade (\$)	Census	Directory	DBE (%) (= G/F)	DBE (\$)
Reconstruct Apron, Phase 3 - Construction		Heavy Construction/ Highway, Streets AP	237310	\$292,500	47	6	12.77%	\$37,755.32
		Electrical AP	238210	\$22,500	358	2	0.56%	\$127.09
		Dump trucking	484220	\$22,500	60	4	6.67%	\$1,516.67
		Engineering	541330	\$45,000	312	9	2.88%	\$1,312.50
		Surveying	54137	\$22,500	45	3	6.67%	\$1,516.67
		Inspection/Testing	54138/54169	\$45,000	140	8	5.71%	\$2,600.00
<b>Total Project</b>				<b>\$455,000</b>	<b>962</b>	<b>32</b>	<b>9.85%</b>	<b>\$44,828.25</b>
<b>Total FY-2017</b>				<b>\$455,000</b>	<b>962</b>	<b>32</b>	<b>9.85%</b>	<b>\$44,828.25</b>

Projects Fiscal Year #3

1. Close Runway 4-22 EA – less than \$250,000

**Past History Participation**

Other data used to determine the adjustment to the base figure was the median of historical DBE accomplishments as follows:

FY	Total Grant \$ Amount	DBE Goals			Accomplishments			Type of work
		RC	RN	Total	RC	RN	Total	
2009	\$ 166,184							Acquire Land for Development [BLM Land Transfer Fees], Rehabilitate Runway - 08/26
2010	\$ 1,703,616	2.94		2.94	3.97		3.97	Rehabilitate Runway - 08/26
2011	\$0							None
2012	\$0							None
2013	\$0							None
2014	\$0							None
2015	\$0							None

The proposed Overall DBE Goals are as follows:

- Fiscal Year #1 – 0%
- **Fiscal Year #2 – 6.59%**
- Fiscal Year #3 - 0%

Our proposed overall three year goal will be reflected as 6.59%

To arrive at an overall goal, we added our Step 1 base figure (3.33%) with our Step 2 adjustment figure (9.85%) and then averaged the total arriving at an overall goal of 6.59%. We feel this adjusted goal figure will accurately reflect DBE participation that can be achieved for the type of project work being awarded during this three-year period.

Further, there are no applicable disparity studies for the local market area or recent legal case information available from the State of New Mexico Office of Equal Opportunity Programs to show any evidence of barriers to entry or competitiveness of DBEs in the state.

**Breakout of Estimated “Race and Gender Neutral” (RN) and “Race and Gender Conscious” (RC) Participation.**

26.51(b) (1-9)

The recipient will meet the maximum feasible portion of its overall goal by using RN means of facilitating DBE participation.

1. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitates DBE, and other small businesses, participation;
2. Providing technical assistance and other services;
3. Carrying out information and communications programs on contracting procedures and specific contract opportunities;
4. Ensuring distribution of DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors;
5. Requiring and/or encouraging prime contractors to subcontract portions of work that they might otherwise perform with their own forces

The recipient estimates that in meeting its overall goal 6.59%, it will obtain 0% from RN participation and 6.59% through RC measures.

This breakout is based on the established goals and recent construction projects at the Aztec Municipal Airport.

In looking at past participation at the Aztec Municipal Airport, the Airport does not have a history of DBE participation or over-achievement of goals to reference and expects to obtain its DBE participation through the use of DBE contract goals or a conscious effort to obtain DBE participation. Therefore, we are applying the entire goal of 6.59% to race-conscious participation.

The City of Aztec will adjust the estimated breakout of RN and RC DBE participation as needed to reflect actual DBE participation (see Section 26.51(f)) and track and report RN and RC participation separately. For reporting purposes, RN DBE participation includes, but is not necessarily limited to, the following: DBE participation through a prime contract obtained through customary competitive procurement procedures; DBE participation through a subcontract on a prime contract that does not carry a DBE goal, DBE participation on a prime contract exceeding a contract goal and DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

## PUBLIC PARTICIPATION

### **Consultation:** Section 26.45(g)(1).

We will consult with minority, women's and general contractor groups, community organizations who can share information on the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBE's and efforts to establish a level playing field for the participation of DBE's.

The City of Aztec submits its overall 3-year goal to DOT on August 1 or as soon as practicable as required.

The DBE plan was submitted to a representative from the City of Aztec Chamber of Commerce, the Small Business Development Center (SBDC) at San Juan College, and the Albuquerque Association of General Contractors. Each of these representatives were invited to participate in a conference call on April 29, 2016, however only one of the invitees participated. Kathy Lamb from the City of Aztec and a representative from the Small Business Development Center, and WHPacific, the city's airport consultant, participated in the teleconference. A public notice was posted on the City of Aztec's website as well as the Farmington Daily News and the Navajo Times informing the public that the proposed goal and its rationale are available for inspection during normal business hours at the City offices for 30 days following the date of the notice, and informing the public that the City and DOT will accept comments on the goals for 45 days from the date of the notice.

Our overall goal submission to DOT will include a summary of information and comments received during this public participation process and our responses.

- The City of Aztec will share the bidder's list with the SBDC in an effort to identify potential DBE firms and build a stronger DBE work force in the area.

**Published Notice:** Section 26.45 (g)(2). The proposed goal and rationale was advertised as available for inspection as indicated below.

The notice was published in the Farmington Daily Times and the Navajo Times.

**PUBLIC NOTICE**

The City of Aztec hereby announces its fiscal year 2016-2018 goal of 6.59% for Disadvantaged Business Enterprise (DBE) airport construction projects. The proposed goal and rationale is available for inspection between 7:00 a.m. and 6:00 p.m., Monday through Thursday at the City Clerk office at the City of Aztec Municipal Complex, 201 W Chaco, Aztec, NM 87410 or on the City website: <http://www.aztecnm.gov/> for 30 days from the date of this publication.

Comments on the DBE goal will be accepted for 45 days from the date of this publication and can be sent to the following:

Procurement Specialist  
City of Aztec Municipal Complex  
201 W. Chaco  
Aztec, NM 87410  
Or

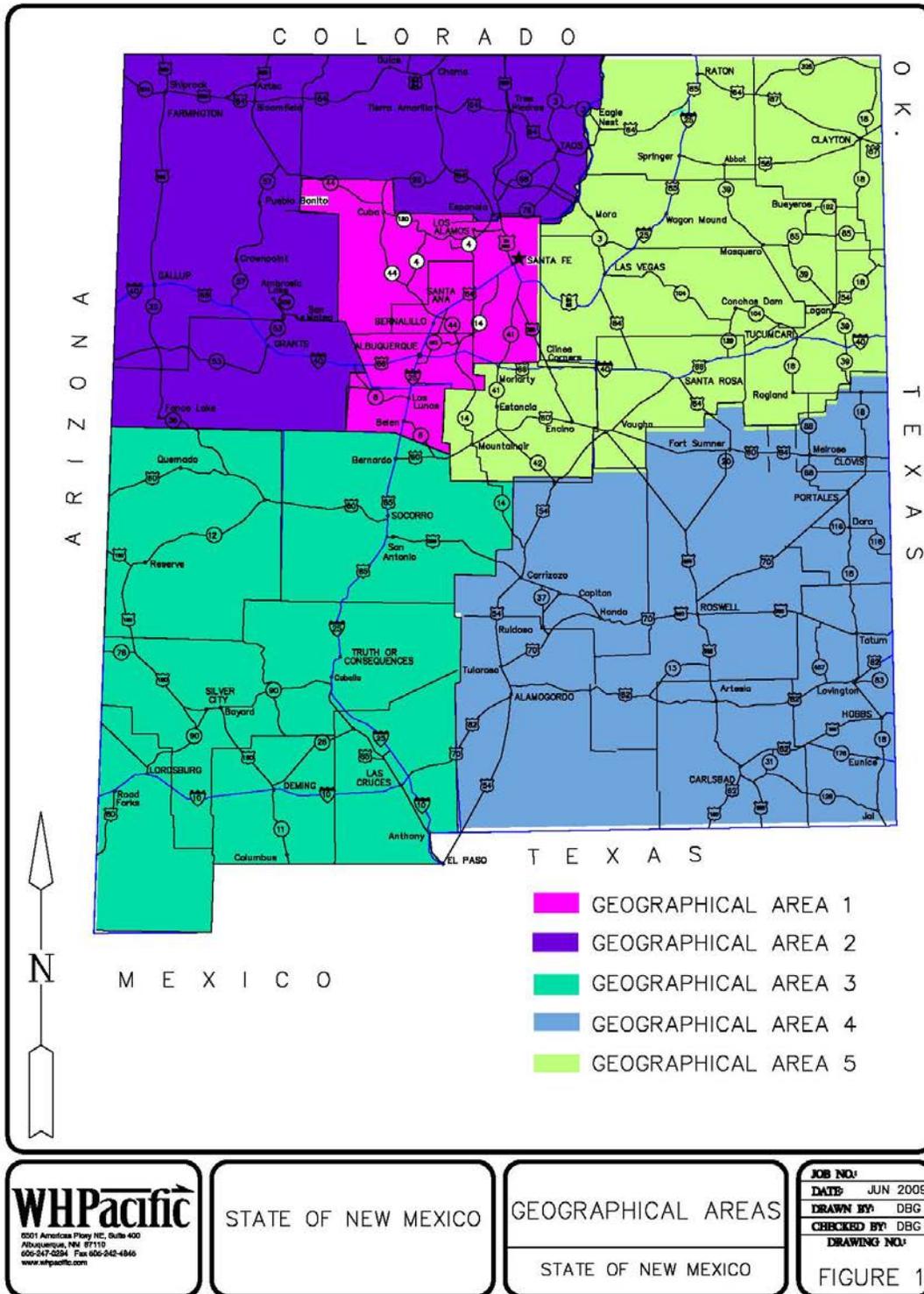
Dolores P. Leyva  
FAA - AWP-9  
Office of Civil Rights  
PO Box 92007  
Los Angeles, CA 90009-2002

**Contract Goals**

The City of Aztec will use contract goals to meet any portion of the overall goal that the recipient does not project being able to meet using RN means. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of the recipient's overall goal that is not projected to be met through the use of RN means.

The City of Aztec will establish contract goals only on those DOT assisted contracts that have subcontracting possibilities. It need not establish a contract goal on every such contract, and the size of the contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work and availability of DBE's to perform the particular type of work).

We will express our contract goals as a percentage of the total amount of a DOT assisted contract.



J:\REPORTS\0906\0906\Market Area 5-16-09.dwg, Layer1, 6/16/2009 12:05:02 PM, dbragg, ColorPLOT, White, Labin, 1:1

Attachment

6

**ATTACHMENT 6**

**Demonstration of Good Faith Efforts - Forms 1 & 2**

[Forms 1 and 2 should be provided as part of the solicitation documents.]

Reference DISADVANTAGED BUSINESS ENTERPRISE CONTRACT PROVISIONS DBE 1 through DBE-6

The undersigned bidder/offeror has satisfied the requirements of the bid specification in the following manner (please check the appropriate space):

\_\_\_\_\_ The bidder/offeror is committed to a minimum of **6.59%** DBE utilization on this contract for the base bid and all alternates.

\_\_\_\_\_ The bidder/offeror (if unable to meet the DBE goal of **6.59%** %) is committed to a minimum of \_\_\_\_\_% DBE utilization on this contract and submits with this form, documentation demonstrating good faith efforts.

\_\_\_\_\_ The bidder/offeror (if unable to meet the DBE goal of **6.59%** for the base bid and all alternates) is committed to a minimum of the percentages below for DBE utilization on this contract and submits with this form, documentation demonstrating good faith efforts.

Base bid \_\_\_\_\_ %

Additive Alternate 1 \_\_\_\_\_ %

Additive Alternate 2 \_\_\_\_\_ %

Additive Alternate 3 \_\_\_\_\_ %

Name of bidder/offeror's firm: \_\_\_\_\_

State Registration No. \_\_\_\_\_

By: \_\_\_\_\_

(Signature)

Title

**FORM 2: LETTER OF INTENT**

Name of bidder/offeror's firm: \_\_\_\_\_

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

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Name of DBE firm: \_\_\_\_\_

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

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

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

Description of work to be performed by DBE firm:

.....  
.....  
.....  
.....

The bidder/offeror is committed to utilizing the above-named DBE firm for the work described above. The estimated dollar value of this work is \$ \_\_\_\_\_.

The bidder/offeror is committed to utilizing the above-named DBE firm for the work described above. The estimated dollar value of this work is:

Base Bid: \$ \_\_\_\_\_  
Additive Alternate 1: \$ \_\_\_\_\_  
Additive Alternate 2: \$ \_\_\_\_\_  
Additive Alternate 3: \$ \_\_\_\_\_

**Affirmation**

The above-named DBE firm affirms that it will perform the portion of the contract for the estimated dollar value as stated above and that the firm is DBE certified to perform the specific trades.

By \_\_\_\_\_  
(Signature)

Date: \_\_\_\_\_

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

**If the bidder/offeror does not receive award of the prime contract, any and all representations in this Letter of Intent and Affirmation shall be null and void.**

Submit this page for each DBE subcontractor.

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Attachments

# Attachment

7

## ATTACHMENT 7

### **DBE Monitoring and Enforcement Mechanisms**

The City of Aztec has available several remedies to enforce the DBE requirements contained in its contracts, including, but not limited to, the following:

1. Breach of contract action, pursuant to the terms of the contract;
2. Breach of contract action, pursuant to the City of Aztec's and State Procurement Code
3. Suspension or debarment proceedings pursuant to the City of Aztec's and State Procurement Code

In addition, the Federal government has available several enforcement mechanisms that it may apply to firms participating in the DBE problem, including, but not limited to, the following:

1. Suspension or debarment proceedings pursuant to 49 CFR Part 26
2. Enforcement action pursuant to 49 CFR Part 31
3. Prosecution pursuant to 18 USC 1001.

# Attachment

# 8

**ATTACHMENT 8**  
**DBE Certification Application Form**



**UNIFORM CERTIFICATION APPLICATION**  
**DISADVANTAGED BUSINESS ENTERPRISE (DBE) /**  
**AIRPORT CONCESSION DISADVANTAGED BUSINESS ENTERPRISE (ACDBE)**  
**49 C.F.R. Parts 23 and 26**

***Roadmap for Applicants***

**1. Should I apply?**

You may be eligible to participate in the DBE/ACDBE program if:

- The firm is a for-profit business that performs or seeks to perform transportation related work (or a concession activity) for a recipient of Federal Transit Administration, Federal Highway Administration, or Federal Aviation Administration funds.
- The firm is at least 51% owned by a socially and economically disadvantaged individual(s) who also controls it.
- The firm's disadvantaged owners are U.S. citizens or lawfully admitted permanent residents of the U.S.
- The firm meets the Small Business Administration's size standard and does not exceed \$23.98 million in gross annual receipts for DBE (\$56.42 million for ACDBEs). (Other size standards apply for ACDBE that are banks/financial institutions, car rental companies, pay telephone firms, and automobile dealers.)

**2. How do I apply?**

First time applicants for DBE certification must complete and submit this certification application and related material to the certifying agency in your home state and participate in an on-site interview conducted by that agency. The attached document checklist can help you locate the items you need to submit to the agency with your completed application. If you fail to submit the required documents, your application may be delayed and/or denied. Firms already certified as a DBE do not have to complete this form, but may be asked by certifying agencies outside of your home state to provide a copy of your initial application form, supporting documents, and any other information you submitted to your home state to obtain certification or to any other state related to your certification.

**3. Where can I send my application?** [INSERT UCP PARTICIPATING MEMBER CONTACT INFORMATION]

**4. Who will contact me about my application and what are the eligibility standards?**

The DBE and ACDBE Programs require that all U.S. Department of Transportation (DOT) recipients of federal assistance participate in a statewide Unified Certification Program (UCP). The UCP is a one-stop certification program that eliminates the need for your firm to obtain certification from multiple certifying agencies within your state. The UCP is responsible for certifying firms and maintaining a database of certified DBEs and ACDBEs for DOT grantees, pursuant to the eligibility standards found in 49 C.F.R. Parts 23 and 26.

**5. Where can I find more information?**

U.S. DOT—<https://www.civilrights.dot.gov/> (This site provides useful links to the rules and regulations governing the DBE/ACDBE program, questions and answers, and other pertinent information)

SBA—Small Business Size Standards matched to the North American Industry Classification System (NAICS):  
<http://www.census.gov/eos/www/naics/> and <http://www.sba.gov/content/table-small-business-size-standards>.

In collecting the information requested by this form, the Department of Transportation (Department) complies with the provisions of the Federal Freedom of Information and Privacy Acts (5 U.S.C. 552 and 552a). The Privacy Act provides comprehensive protections for your personal information. This includes how information is collected, used, disclosed, stored, and discarded. Your information will not be disclosed to third parties without your consent. The information collected will be used solely to determine your firm's eligibility to participate in the Department's Disadvantaged Business Enterprise Program as defined in 49 CFR §26.5 and the Airport Concession Disadvantaged Business Enterprise Program as defined in 49 CFR §23.3. You may review DOT's complete Privacy Act Statement in the Federal Register published on April 11, 2000 (65 FR 19477).

Under 49 C.F.R. §26.107, dated February 2, 1999 and January 28, 2011, if at any time, the Department or a recipient has reason to believe that any person or firm has willfully and knowingly provided incorrect information or made false statements, the Department may initiate suspension or debarment proceedings against the person or firm under 2 CFR Parts 180 and 1200, Nonprocurement Suspension and Department, take enforcement action under 49 C.F.R. Part 31, Program Fraud and Civil Remedies, and/or refer the matter to the Department of Justice for criminal prosecution under 18 U.S.C. 1001, which prohibits false statements in Federal programs.



**INSTRUCTIONS FOR COMPLETING THE  
DISADVANTAGED BUSINESS ENTERPRISE (DBE)  
AIRPORT CONCESSIONS DISADVANTAGED BUSINESS ENTERPRISE (ACDBE)  
UNIFORM CERTIFICATION APPLICATION**

**NOTE:** All participating firms must be for-profit enterprises. If your firm is not for profit, then you do NOT qualify for the DBE/ACDBE program and should not complete this application. If you require additional space for any question in this application, please attach additional sheets or copies as needed, taking care to indicate on each attached sheet/copy the section and number of this application to which it refers.

**Section 1: CERTIFICATION INFORMATION**

**A. Basic Contact Information**

- (1) Enter the contact name and title of the person completing this application and the person who will serve as your firm's contact for this application.
- (2) Enter the legal name of your firm, as indicated in your firm's Articles of Incorporation or charter.
- (3) Enter the primary phone number of your firm.
- (4) Enter a secondary phone number, if any.
- (5) Enter your firm's fax number, if any.
- (6) Enter the contact person's email address.
- (7) Enter your firm's website addresses, if any.
- (8) Enter the street address of the firm where its offices are physically located (not a P.O. Box).
- (9) Enter the mailing address of your firm, if it is different from your firm's street address.

**B. Prior/Other Certifications and Applications**

- (10) Check the appropriate box indicating whether your firm is currently certified in the DBE/ACDBE programs, and provide the name of the certifying agency that certified your firm. List the dates of any site visits conducted by your home state and any other states or UCP members. Also provide the names of state/UCP members that conducted the review.
- (11) Indicate whether your firm or any of the persons listed has ever been denied certification as a DBE, 8(a), or Small Disadvantaged Business (SDB) firm, or state and local MBE/WBE firm. Indicate if the firm has ever been decertified from one of these programs. Indicate if the application was withdrawn or whether the firm was debarred, suspended, or otherwise had its bidding privileges denied or restricted by any state or local agency, or Federal entity. If your answer is yes, identify the name of the agency, and explain fully the nature of the action in the space provided. Indicate if you have ever appealed this decision to the Department and if so, attach a copy of USDOT's final agency decision(s).

**Section 2: GENERAL INFORMATION**

**A. Business profile:**

- (1) Give a concise description of the firm's primary activities, the product(s) or services the company provides, or type of construction. If your company offers more than one product/service, list primary product or service first (attach additional sheets if necessary). This description may be used in our UCP online directory if you are certified as a DBE.

- (2) If you know the appropriate NAICS Code for the line(s) of work you identified in your business profile, enter the codes in the space provided.
- (3) State the date on which your firm was established as stated in your firm's Articles of Incorporation or charter.
- (4) State the date each person became a firm owner.
- (5) Check the appropriate box describing the manner in which you and each other owner acquired ownership of your firm. If you checked "Other," explain in the space provided.
- (6) Check the appropriate box that indicates whether your firm is "for profit." **If you checked "No," then you do NOT qualify for the DBE/ACDBE program** and should not complete this application. All participating firms must be for-profit enterprises. If the firm is a for profit enterprise, provide the Federal Tax ID number as stated on your firm's Federal tax return.
- (7) Check the appropriate box that describes the type of legal business structure of your firm, as indicated in your firm's Articles of Incorporation or similar document. Identify all joint venture partners if applicable. If you checked "Other," briefly explain in the space provided.
- (8) Indicate in the spaces provided how many employees your firm has, specifying the number of employees who work on a full-time, part-time, and seasonal basis. Attach a list of employees, their job titles, and dates of employment, to your application.
- (9) Specify the firm's gross receipts for each of the past three years, as stated in your firm's filed Federal tax returns. You must submit complete copies of the firm's Federal tax returns for each year. If there are any affiliates or subsidiaries of the applicant firm or owners, you must provide these firms' gross receipts and submit complete copies of these firm(s) Federal tax returns. Affiliation is defined in 49 C.F.R. §26.5 and 13 C.F.R. Part 121.

**B. Relationships and Dealings with Other Businesses**

- (1) Check the appropriate box that indicates whether your firm is co-located at any of its business locations, or whether your firm shares a telephone number(s), a post office box, any office space, a yard, warehouse, other facilities, any equipment, financing, or any office staff and/or employees with any other business, organization or entity of any kind. If you answered "Yes," then specify the name of the other firm(s) and fully explain the nature of your relationship with these other businesses by identifying the business or person with whom you have any formal, informal, written, or



oral agreement. Provide an explanation of any items shared with other firms in the space provided.

- (2) Check the appropriate box indicating whether any other firm currently has or had an ownership interest in your firm at present or at any time in the past. If you checked yes, please explain.
- (3) Check the appropriate box that indicates whether at present or at any time in the past your firm:
  - (a) ever existed under different ownership, a different type of ownership, or a different name;
  - (b) existed as a subsidiary of any other firm;
  - (c) existed as a partnership in which one or more of the partners are/were other firms;
  - (d) owned any percentage of any other firm; and
  - (e) had any subsidiaries of its own.
  - (f) served as a subcontractor with another firm constituting more than 25% of your firm's receipts.

If you answered "Yes" to any of the questions in (3)(a-f), you may be asked to explain the arrangement in detail.

### Section 3: MAJORITY OWNER INFORMATION

Identify all individuals or holding companies with any ownership interest in your firm, providing the information requested below (if your firm has more than one owner, provide completed copies of this section for each owner):

#### A. Identify the majority owner of the firm holding 51% or more ownership interest

- (1) Enter the full name of the owner.
- (2) Enter his/her title or position within your firm.
- (3) Give his/her home phone number.
- (4) Enter his/her home (street) address.
- (5) Indicate this owner's gender.
- (6) Identify the owner's ethnic group membership. If you checked "Other," specify this owner's ethnic group/identity not otherwise listed.
- (7) Check the appropriate box to indicate whether this owner is a U.S. citizen or a lawfully admitted permanent resident. If this owner is neither a U.S. citizen nor a lawfully admitted permanent resident of the U.S., then this owner is NOT eligible for certification as a DBE owner.
- (8) Enter the number of years during which this owner has been an owner of your firm.
- (9) Indicate the percentage of the total ownership this person holds and the date acquired, including (if appropriate), the class of stock owned.
- (10) Indicate the dollar value of this owner's initial investment to acquire an ownership interest in your firm, broken down by cash, real estate, equipment, and/or other investment. Describe how you acquired your business and attach documentation substantiating this investment.

#### B. Additional Owner Information

- (1) Describe the familial relationship of this owner to each other owner of your firm and employees.
- (2) Indicate whether this owner performs a management or supervisory function for any other business. If you

checked "Yes," state the name of the other business and this owner's function/title held in that business.

- (3) (a) Check the appropriate box that indicates whether this owner owns or works for any other firm(s) that has any relationship with your firm. If you checked "Yes," identify the name of the other business, the nature of the business relationship, and the owner's function at the firm.
  - (b) If the owner works for any other firm, non-profit organization, or is engaged in any other activity more than 10 hours per week, please identify this activity.
- (4) (a) Provide the personal net worth of the owner applying for certification in the space provided. Complete and attach the accompanying "Personal Net Worth Statement for DBE/ACDBE Program Eligibility" with your application. Note, complete this section and accompanying statement only for each owner applying for DBE qualification (i.e., for each owner claiming to be socially and economically disadvantaged).
- (b) Check the appropriate box that indicates whether any trust has been created for the benefit of the disadvantaged owner(s). If you answered "Yes," you may be asked to provide a copy of the trust instrument.
- (5) Check the appropriate to indicate whether any of your immediate family members, managers, or employees, own, manage, or are associated with another company. Immediate family member is defined in 49 C.F.R. §26.5. If you answered "Yes," provide the name of each person, your relationship to them, the name of the company, the type of business, and whether they own or manage the company.

### Section 4: CONTROL

#### A. Identify the firm's Officers and Board of Directors

- (1) In the space provided, state the name, title, date of appointment, ethnicity, and gender of each officer.
- (2) In the space provided, state the name, title, date of appointment, ethnicity, and gender of each individual serving on your firm's Board of Directors.
- (3) Check the appropriate box to indicate whether any of your firm's officers and/or directors listed above performs a management or supervisory function for any other business. If you answered "Yes," identify each person by name, his/her title, the name of the other business in which s/he is involved, and his/her function performed in that other business.
- (4) Check the appropriate box that indicates whether any of your firm's officers and/or directors listed above own or work for any other firm(s) that has a relationship with your firm. (e.g., ownership interest, shared office space, financial investments, equipment leases, personnel sharing, etc.) If you answered "Yes," identify the name of the firm, the individual's name, and the nature of his/her business relationship with that other firm.



## **B. Duties of Owners, Officers, Directors, Managers and Key Personnel**

(1), (2) Specify the roles of the majority and minority owners, directors, officers, and managers, and key personnel who control the functions listed for the business. Submit résumés for each owner and non-owner identified below. State the name of the individual, title, race and gender and percentage ownership if any. Circle the frequency of each person's involvement as follows: "always, frequently, seldom, or never" in each area.

Indicate whether any of the persons listed in this section perform a management or supervisory function for any other business. Identify the person, business, and their title/function. Identify if any of the persons listed above own or work for any other firm(s) that has a relationship with this firm (e.g. ownership interest, shared office space, financial investment, equipment, leases, personnel sharing, etc.) If you answered "Yes," describe the nature of his/her business relationship with that other firm.

**C. Inventory:** Indicate firm inventory in these categories:

### **(1) Equipment and Vehicles**

State the make and model, and current dollar value of each piece of equipment and motor vehicle held and/or used by your firm. Indicate whether each piece is either owned or leased by your firm or owner, whether it is used as collateral, and where this item is stored.

### **(2) Office Space**

State the street address of each office space held and/or used by your firm. Indicate whether your firm or owner owns or leases the office space and the current dollar value of that property or its lease.

### **(3) Storage Space**

State the street address of each storage space held and/or used by your firm. Indicate whether your firm or owner owns or leases the storage space and the current dollar value of that property or its lease. Provide a signed lease agreement for each property.

## **D. Does your firm rely on any other firm for management functions or employee payroll?**

Check the appropriate box that indicates whether your firm relies on any other firm for management functions or for employee payroll. If you answered "Yes," you may be asked to explain the nature of that reliance and the extent to which the other firm carries out such functions.

## **E. Financial / Banking Information**

**Banking Information.** State the name, City and State of your firm's bank. In the space provided, identify the persons able to sign checks on this account. Provide bank authorization and signature cards

**Bonding Information.** State your firm's bonding limits (in dollars), specifying both the aggregate and project limits.

## **F. Sources, amounts, and purposes of money loaned to your firm, including the names of persons or firms guaranteeing the loan.**

State the name and address of each source, the name of person securing the loan, original dollar amount and the current balance of each loan, and the purpose for which each loan was made to your firm. Provide copies of signed loan agreements and security agreements

## **G. Contributions or transfers of assets to/from your firm and to/from any of its owners or another individual over the past two years:**

Indicate in the spaces provided, the type of contribution or asset that was transferred, its current dollar value, the person or firm from whom it was transferred, the person or firm to whom it was transferred, the relationship between the two persons and/or firms, and the date of the transfer.

## **H. Current licenses/permits held by any owner or employee of your firm.**

List the name of each person in your firm who holds a professional license or permit, the type of permit or license, the expiration date of the permit or license, and issuing State of the license or permit. Attach copies of licenses, license renewal forms, permits, and haul authority forms.

## **I. Largest contracts completed by your firm in the past three years, if any.**

List the name of each owner or contractor for each contract, the name and location of the projects under each contract, the type of work performed on each contract, and the dollar value of each contract.

## **J. Largest active jobs on which your firm is currently working.**

For each active job listed, state the name of the prime contractor and the project number, the location, the type of work performed, the project start date, the anticipated completion date, and the dollar value of the contract.

## **AIRPORT CONCESSION (ACDBE) APPLICANTS**

Identify the concession space, address and location at the airport, the value of the property or lease, and fees/lease payments paid to the airport. Provide information concerning any other airport concession businesses the applicant firm or any affiliate owns and/or operates, including name, location, type of concession, and start date of the concession enterprise.

## **AFFIDAVIT & SIGNATURE**

The Affidavit of Certification must accompany your application for certification. Carefully read the attached affidavit in its entirety. Fill in the required information for each blank space, and sign and date the affidavit in the presence of a Notary Public, who must then notarize the form.

Section 1: CERTIFICATION INFORMATION



A. Basic Contact Information

(1) Contact person and Title: \_\_\_\_\_ (2) Legal name of firm: \_\_\_\_\_

(3) Phone #: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ (4) Other Phone #: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ (5) Fax #: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

(6) E-mail: \_\_\_\_\_ (7) Firm Websites: \_\_\_\_\_

(8) Street address of firm (No P.O. Box): \_\_\_\_\_ City: \_\_\_\_\_ County/Parish: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

(9) Mailing address of firm (if different): \_\_\_\_\_ City: \_\_\_\_\_ County/Parish: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

B. Prior/Other Certifications and Applications

(10) Is your firm currently certified for any of the following U.S. DOT programs?

DBE  ACDBE Names of certifying agencies: \_\_\_\_\_

⊗ If you are certified in your home state as a DBE/ACDBE, you do not have to complete this application for other states. Ask your state UCP about the interstate certification process.

List the dates of any site visits conducted by your home state and any other states or UCP members:

Date \_\_\_/\_\_\_/\_\_\_ State/UCP Member: \_\_\_\_\_ Date \_\_\_/\_\_\_/\_\_\_ State/UCP Member: \_\_\_\_\_

(11) Indicate whether the firm or any persons listed in this application have ever been:

(a) Denied certification or decertified as a DBE, ACDBE, 8(a), SDB, MBE/WBE firm?  Yes  No

(b) Withdrawn an application for these programs, or debarred or suspended or otherwise had bidding privileges denied or restricted by any state or local agency, or Federal entity?  Yes  No

If yes, explain the nature of the action. (If you appealed the decision to DOT or another agency, attach a copy of the decision,

\_\_\_\_\_  
\_\_\_\_\_

Section 2: GENERAL INFORMATION

A. Business Profile: (1) Give a concise description of the firm's primary activities and the product(s) or service(s) it provides. If your company offers more than one product/service, list the primary product or service first. Please use additional paper if necessary. This description may be used in our database and the UCP online directory if you are certified as a DBE or ACDBE.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(2) Applicable NAICS Codes for this line of work include: \_\_\_\_\_

(3) This firm was established on \_\_\_/\_\_\_/\_\_\_ (4) I/We have owned this firm since: \_\_\_/\_\_\_/\_\_\_

(5) Method of acquisition (Check all that apply):

- Started new business  Bought existing business  Inherited business  Secured concession
- Merger or consolidation  Other (explain) \_\_\_\_\_





**Section 3: MAJORITY OWNER INFORMATION**

**A. Identify the majority owner of the firm holding 51% or more ownership interest.**

(1) Full Name: \_\_\_\_\_ (2) Title: \_\_\_\_\_ (3) Home Phone #: \_\_\_\_\_  
 ( ) \_\_\_\_\_ - \_\_\_\_\_

(4) Home Address (Street and Number): \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 \_\_\_\_\_ - \_\_\_\_\_

(5) Gender:  Male  Female

(6) Ethnic group membership (Check all that apply):

- Black  Hispanic
- Asian Pacific  Native American
- Subcontinent Asian
- Other (specify) \_\_\_\_\_

(7) U.S. Citizenship:

- U.S. Citizen
- Lawfully Admitted Permanent Resident

(8) Number of years as owner: \_\_\_\_\_

(9) Percentage owned: \_\_\_\_\_ %

Class of stock owned: \_\_\_\_\_

Date acquired \_\_\_\_\_

(10) Initial investment to acquire ownership interest in firm:	Type	Dollar Value
	Cash	\$ _____
	Real Estate	\$ _____
	Equipment	\$ _____
	Other	\$ _____

Describe how you acquired your business:

- Started business myself
- It was a gift from: \_\_\_\_\_
- I bought it from: \_\_\_\_\_
- I inherited it from: \_\_\_\_\_
- Other \_\_\_\_\_

(Attach documentation substantiating your investment)

**B. Additional Owner Information**

(1) Describe familial relationship to other owners and employees:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(2) Does this owner perform a management or supervisory function for any other business?  Yes  No

If Yes, identify: Name of Business: \_\_\_\_\_ Function/Title: \_\_\_\_\_

(3)(a) Does this owner own or work for any other firm(s) that has a relationship with this firm? (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.)  Yes  No

Identify the name of the business, and the nature of the relationship, and the owner's function at the firm:

\_\_\_\_\_  
\_\_\_\_\_

(b) Does this owner work for any other firm, non-profit organization, or is engaged in any other activity more than 10 hours per week? If yes, identify this activity: \_\_\_\_\_

(4)(a) What is the personal net worth of this disadvantaged owner applying for certification ? \$ \_\_\_\_\_

(b) Has any trust been created for the benefit of this disadvantaged owner(s)?  Yes  No

(If Yes, you may be asked to provide a copy of the trust instrument).

(5) Do any of your immediate family members, managers, or employees own, manage, or are associated with another company?  Yes  No If Yes, provide their name, relationship, company, type of business, and indicate whether they own or manage the company: (Please attach extra sheets, if needed): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_



Section 3: OWNER INFORMATION, Cont'd.

A. Identify all individuals, firms, or holding companies that hold LESS THAN 51% ownership interest in the firm (Attach separate sheets for each additional owner)

(1) Full Name: \_\_\_\_\_ (2) Title: \_\_\_\_\_ (3) Home Phone #: ( ) \_\_\_\_\_ - \_\_\_\_\_
(4) Home Address (Street and Number): \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ - \_\_\_\_\_

(5) Gender: [ ] Male [ ] Female
(6) Ethnic group membership (Check all that apply)
[ ] Black [ ] Hispanic
[ ] Asian Pacific [ ] Native American
[ ] Subcontinent Asian
[ ] Other (specify) \_\_\_\_\_
(7) U.S. Citizenship:
[ ] U.S. Citizen
[ ] Lawfully Admitted Permanent Resident

(8) Number of years as owner: \_\_\_\_\_
(9) Percentage owned: \_\_\_\_\_ %
Class of stock owned: \_\_\_\_\_
Date acquired \_\_\_\_\_
(10) Initial investment to acquire ownership interest in firm:
Type Dollar Value
Cash \$
Real Estate \$
Equipment \$
Other \$
Describe how you acquired your business:
[ ] Started business myself
[ ] It was a gift from: \_\_\_\_\_
[ ] I bought it from: \_\_\_\_\_
[ ] I inherited it from: \_\_\_\_\_
[ ] Other \_\_\_\_\_
(Attach documentation substantiating your investment)

B. Additional Owner Information

(1) Describe familial relationship to other owners and employees:
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

(2) Does this owner perform a management or supervisory function for any other business? [ ] Yes [ ] No
If Yes, identify: Name of Business: \_\_\_\_\_ Function/Title: \_\_\_\_\_

(3)(a) Does this owner own or work for any other firm(s) that has a relationship with this firm? (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.) [ ] Yes [ ] No
Identify the name of the business, and the nature of the relationship, and the owner's function at the firm:
\_\_\_\_\_

(b) Does this owner work for any other firm, non-profit organization, or is engaged in any other activity more than 10 hours per week? If yes, identify this activity: \_\_\_\_\_

(4)(a) What is the personal net worth of this disadvantaged owner applying for certification? \$ \_\_\_\_\_

(b) Has any trust been created for the benefit of this disadvantaged owner(s)? [ ] Yes [ ] No
(If Yes, you may be asked to provide a copy of the trust instrument).

(5) Do any of your immediate family members, managers, or employees own, manage, or are associated with another company? [ ] Yes [ ] No If Yes, provide their name, relationship, company, type of business, and indicate whether they own or manage: (Please attach extra sheets, if needed): \_\_\_\_\_



**Section 4: CONTROL**

**A. Identify your firm's Officers and Board of Directors** (If additional space is required, attach a separate sheet):

	Name	Title	Date Appointed	Ethnicity	Gender
<b>(1) Officers of the Company</b>	(a)				
	(b)				
	(c)				
	(d)				
<b>(2) Board of Directors</b>	(a)				
	(b)				
	(c)				
	(d)				

**(3) Do any of the persons listed above perform a management or supervisory function for any other business?**

Yes  No If Yes, identify for each:

Person: \_\_\_\_\_ Title: \_\_\_\_\_  
 Business: \_\_\_\_\_ Function: \_\_\_\_\_

Person: \_\_\_\_\_ Title: \_\_\_\_\_  
 Business: \_\_\_\_\_ Function: \_\_\_\_\_

**(4) Do any of the persons listed in section A above own or work for any other firm(s) that has a relationship with this firm?** (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.)

Yes  No If Yes, identify for each:

Firm Name: \_\_\_\_\_ Person: \_\_\_\_\_  
 Nature of Business Relationship: \_\_\_\_\_

**B. Duties of Owners, Officers, Directors, Managers, and Key Personnel**

1. (Identify your firm's management personnel who control your firm in the following areas (Attach separate sheets as needed).)

A = Always F = Frequently	S = Seldom N = Never	Majority Owner (51% or more)				Minority Owner (49% or less)			
		Name: _____	Title: _____	Percent Owned:		Name: _____	Title: _____	Percent Owned:	
Sets policy for company direction/scope of operations		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Bidding and estimating		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Major purchasing decisions		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Marketing and sales		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Supervises field operations		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Attend bid opening and lettings		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Perform office management (billing, accounts receivable/payable, etc.)		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Hires and fires management staff		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Hire and fire field staff or crew		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Designates profits spending or investment		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Obligates business by contract/credit		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Purchase equipment		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Signs business checks		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>

**2. Complete for all Officers, Directors, Managers, and Key Personnel who control the following functions for the firm. (Attach separate sheets as needed).**

<b>A= Always</b> <b>S = Seldom</b> <b>F = Frequently</b> <b>N = Never</b>	Officer/Director/Manager/Key Personnel				Officer/Director/Manager/ Key Personnel			
	Name: _____				Name: _____			
	Title: _____				Title: _____			
	Race and Gender: _____				Race and Gender: _____			
	Percent Owned: _____				Percent Owned: _____			
Sets policy for company direction/scope of operations	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Bidding and estimating	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Major purchasing decisions	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Marketing and sales	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Supervises field operations	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Attend bid opening and lettings	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Perform office management (billing, accounts receivable/payable, etc.)	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Hires and fires management staff	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Hire and fire field staff or crew	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Designates profits spending or investment	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Obligates business by contract/credit	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Purchase equipment	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Signs business checks	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>

Do any of the persons listed in B1 or B2 perform a management or supervisory function for any other business? If Yes, identify the person, the business, and their title/function: \_\_\_\_\_

Do any of the persons listed above own or work for any other firm(s) that has a relationship with this firm? (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.) If Yes, describe the nature of the business relationship: \_\_\_\_\_

**C. Inventory:** Indicate your firm's inventory in the following categories (Please attach additional sheets if needed):

**1. Equipment and Vehicles**

Make and Model	Current Value	Owned or Leased by Firm or Owner?	Used as collateral?	Where is item stored?
1. _____				
2. _____				
3. _____				
4. _____				
5. _____				
6. _____				
7. _____				
8. _____				
9. _____				

**2. Office Space**

Street Address	Owned or Leased by Firm or Owner?	Current Value of Property or Lease
_____		
_____		
_____		



**3. Storage Space** (Provide signed lease agreements for the properties listed)

Street Address	Owned or Leased by Firm or Owner?	Current Value of Property or Lease
----------------	--------------------------------------	------------------------------------

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**D. Does your firm rely on any other firm for management functions or employee payroll?**  Yes  No

**E. Financial/Banking Information** (Provide bank authorization and signature cards)

Name of bank: \_\_\_\_\_ City and State: \_\_\_\_\_  
The following individuals are able to sign checks on this account: \_\_\_\_\_

Name of bank: \_\_\_\_\_ City and State: \_\_\_\_\_  
The following individuals are able to sign checks on this account: \_\_\_\_\_

**Bonding Information:** If you have bonding capacity, identify the firm's bonding aggregate and project limits:  
Aggregate limit \$ \_\_\_\_\_ Project limit \$ \_\_\_\_\_

**F. Identify all sources, amounts, and purposes of money loaned to your firm including from financial institutions. Identify whether you the owner and any other person or firm loaned money to the applicant DBE/ACDBE. Include the names of any persons or firms guaranteeing the loan, if other than the listed owner.** (Provide copies of signed loan agreements and security agreements).

Name of Source	Address of Source	Name of Person Guaranteeing the Loan	Original Amount	Current Balance	Purpose of Loan
1.	_____	_____	_____	_____	_____
2.	_____	_____	_____	_____	_____
3.	_____	_____	_____	_____	_____

**G. List all contributions or transfers of assets to/from your firm and to/from any of its owners or another individual over the past two years** (Attach additional sheets if needed):

Contribution/Asset	Dollar Value	From Whom Transferred	To Whom Transferred	Relationship	Date of Transfer
1.	_____	_____	_____	_____	_____
2.	_____	_____	_____	_____	_____
3.	_____	_____	_____	_____	_____

**H. List current licenses/permits held by any owner and/or employee of your firm** (e.g. contractor, engineer, architect, etc.) (Attach additional sheets if needed):

Name of License/Permit Holder	Type of License/Permit	Expiration Date	State
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____



**I. List the three largest contracts completed by your firm in the past three years, if any:**

	<b>Name of Owner/Contractor</b>	<b>Name/Location of Project</b>	<b>Type of Work Performed</b>	<b>Dollar Value of Contract</b>
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____

**J. List the three largest active jobs on which your firm is currently working:**

	<b>Name of Prime Contractor and Project Number</b>	<b>Location of Project</b>	<b>Type of Work</b>	<b>Project Start Date</b>	<b>Anticipated Completion Date</b>	<b>Dollar Value of Contract</b>
1.	_____	_____	_____	_____	_____	_____
2.	_____	_____	_____	_____	_____	_____
3.	_____	_____	_____	_____	_____	_____

**AIRPORT CONCESSION (ACDBE) APPLICANTS ONLY MUST COMPLETE THIS SECTION**

**Identify the following information concerning the ACDBE applicant firm:**

<b><u>Concession Space</u></b>	<b><u>Address / Location at Airport</u></b>	<b><u>Value of Property or Lease</u></b>	<b><u>Fees/Lease Payments Paid to the Airport</u></b>

**Provide information concerning any other airport concession businesses the applicant firm or any affiliate owns and/or operates, including name, location, type of concession, and start date of concession**

<b><u>Name of Concession</u></b>	<b><u>Location</u></b>	<b><u>Type of Concession</u></b>	<b><u>Start Date of Concession</u></b>



## AFFIDAVIT OF CERTIFICATION

*This form must be signed and notarized for each owner upon which disadvantaged status is relied.*

**A MATERIAL OR FALSE STATEMENT OR OMISSION MADE IN CONNECTION WITH THIS APPLICATION IS SUFFICIENT CAUSE FOR DENIAL OF CERTIFICATION, REVOCATION OF A PRIOR APPROVAL, INITIATION OF SUSPENSION OR DEBARMENT PROCEEDINGS, AND MAY SUBJECT THE PERSON AND/OR ENTITY MAKING THE FALSE STATEMENT TO ANY AND ALL CIVIL AND CRIMINAL PENALTIES AVAILABLE PURSUANT TO APPLICABLE FEDERAL AND STATE LAW.**

I \_\_\_\_\_ (full name printed),  
swear or affirm under penalty of law that I am  
\_\_\_\_\_ (title) of the applicant firm  
\_\_\_\_\_ and that I  
have read and understood all of the questions in this  
application and that all of the foregoing information and  
statements submitted in this application and its attachments  
and supporting documents are true and correct to the best of  
my knowledge, and that all responses to the questions are full  
and complete, omitting no material information. The responses  
include all material information necessary to fully and  
accurately identify and explain the operations, capabilities and  
pertinent history of the named firm as well as the ownership,  
control, and affiliations thereof.

I recognize that the information submitted in this application is  
for the purpose of inducing certification approval by a  
government agency. I understand that a government agency  
may, by means it deems appropriate, determine the accuracy  
and truth of the statements in the application, and I authorize  
such agency to contact any entity named in the application, and  
the named firm's bonding companies, banking institutions,  
credit agencies, contractors, clients, and other certifying  
agencies for the purpose of verifying the information supplied  
and determining the named firm's eligibility.

I agree to submit to government audit, examination and review  
of books, records, documents and files, in whatever form they  
exist, of the named firm and its affiliates, inspection of its  
places(s) of business and equipment, and to permit interviews  
of its principals, agents, and employees. I understand that  
refusal to permit such inquiries shall be grounds for denial of  
certification.

If awarded a contract, subcontract, concession lease or  
sublease, I agree to promptly and directly provide the prime  
contractor, if any, and the Department, recipient agency, or  
federal funding agency on an ongoing basis, current, complete  
and accurate information regarding (1) work performed on the  
project; (2) payments; and (3) proposed changes, if any, to the  
foregoing arrangements.

I agree to provide written notice to the recipient agency or  
Unified Certification Program of any material change in the  
information contained in the original application within 30  
calendar days of such change (e.g., ownership changes,  
address/telephone number, personal net worth exceeding \$1.32  
million, etc.).

I acknowledge and agree that any misrepresentations in this  
application or in records pertaining to a contract or subcontract  
will be grounds for terminating any contract or subcontract  
which may be awarded; denial or revocation of certification;  
suspension and debarment; and for initiating action under  
federal and/or state law concerning false statement, fraud or  
other applicable offenses.

I certify that I am a socially and economically disadvantaged  
individual who is an owner of the above-referenced firm seeking  
certification as a Disadvantaged Business Enterprise or Airport  
Concession Disadvantaged Business Enterprise. In support of my  
application, I certify that I am a member of one or more of the  
following groups, and that I have held myself out as a member of  
the group(s): (Check all that apply):

- Female     Black American     Hispanic American
- Native American     Asian-Pacific American
- Subcontinent Asian American     Other (specify)

I certify that I am socially disadvantaged because I have been  
subjected to racial or ethnic prejudice or cultural bias, or have  
suffered the effects of discrimination, because of my identity  
as a member of one or more of the groups identified above,  
without regard to my individual qualities.

I further certify that my personal net worth does not exceed  
\$1.32 million, and that I am economically disadvantaged  
because my ability to compete in the free enterprise system has  
been impaired due to diminished capital and credit  
opportunities as compared to others in the same or similar line  
of business who are not socially and economically  
disadvantaged.

I declare under penalty of perjury that the information  
provided in this application and supporting documents is true  
and correct.

Signature \_\_\_\_\_ (Date) \_\_\_\_\_  
(DBE/ACDBE Applicant)

### NOTARY CERTIFICATE



## UNIFORM CERTIFICATION APPLICATION SUPPORTING DOCUMENTS CHECKLIST

In order to complete your application for DBE or ACDBE certification, you must attach copies of all of the following **REQUIRED** documents. A failure to supply any information requested by the UCP may result in your firm denied DBE/ACDBE certification.

### Required Documents for All Applicants

- Résumés (that include places of employment with corresponding dates), for all owners, officers, and key personnel of the applicant firm
- Personal Net Worth Statement for each socially and economically disadvantaged owners comprising 51% or more of the ownership percentage of the applicant firm.
- Personal Federal tax returns for the past 3 years, if applicable, for each disadvantaged owner
- Federal tax returns (and requests for extensions) filed by the firm and its affiliates with related schedules, for the past 3 years.
- Documented proof of contributions used to acquire ownership for each owner (e.g., both sides of cancelled checks)
- Signed loan and security agreements, and bonding forms
- List of equipment and/or vehicles owned and leased including VIN numbers, copy of titles, proof of ownership, insurance cards for each vehicle.
- Title(s), registration certificate(s), and U.S. DOT numbers for each truck owned or operated by your firm
- Licenses, license renewal forms, permits, and haul authority forms
- Descriptions of all real estate (including office/storage space, etc.) owned/leased by your firm and documented proof of ownership/signed leases
- Documented proof of any transfers of assets to/from your firm and/or to/from any of its owners over the past 2 years
- DBE/ACDBE and SBA 8(a), SDB, MBE/WBE certifications, denials, and/or decertifications, if applicable; and any U.S. DOT appeal decisions on these actions.
- Bank authorization and signatory cards
- Schedule of salaries (or other remuneration) paid to all officers, managers, owners, and/or directors of the firm
- List of all employees, job titles, and dates of employment.
- Proof of warehouse/storage facility ownership or lease arrangements

### Partnership or Joint Venture

- Original and any amended Partnership or Joint Venture Agreements

### Corporation or LLC

- Official Articles of Incorporation (signed by the state official)
- Both sides of all corporate stock certificates and your firm's stock transfer ledger
- Shareholders' Agreement(s)
- Minutes of all stockholders and board of directors meetings

- Corporate by-laws and any amendments
- Corporate bank resolution and bank signature cards
- Official Certificate of Formation and Operating Agreement with any amendments (for LLCs)

### Optional Documents to Be Provided on Request

*The UCP to which you are applying may require the submission of the following documents. If requested to provide these document, you must supply them with your application or at the on-site visit.*

- Proof of citizenship
- Insurance agreements for each truck owned or operated by your firm
- Audited financial statements (if available)
- Personal Federal Tax returns for the past 3 years, if applicable, for other disadvantaged owners of the firm.
- Trust agreements held by any owner claiming disadvantaged status
- Year-end balance sheets and income statements for the past 3 years (or life of firm, if less than three years)

### Suppliers

- List of product lines carried and list of distribution equipment owned and/or leased

NEW MEXICO DEPARTMENT OF TRANSPORTATION

DISADVANTAGED BUSINESS ENTERPRISE ANNUAL AFFIDAVIT FOR CERTIFICATION

YEAR: FY16

(October 1, 2015 – September 30, 2016)

STATE \_\_\_\_\_)

SS

COUNTY \_\_\_\_\_)

\_\_\_\_\_, \_\_\_\_\_,  
(Name of Affiant) (Residence Address of Affiant)

being first duly sworn deposes and says:

1. That he/she is an authorized representative of \_\_\_\_\_,  
(Name of DBE Firm)  
hereinafter "DBE Firm" holding the position of \_\_\_\_\_.  
(Position with DBE Firm)

2. With respect to such DBE Firm:

Owner or Owners' Name(s): \_\_\_\_\_

Address of DBE Firm: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

3. The DBE Firm's average annual gross receipts, including all DBE Owner's affiliate business annual gross receipts, do not exceed the amounts specified in 13 CFR Part 121.402 and 49 CFR Part 26.65(b).

4. The DBE Firm's annual gross receipts (and affiliate's), for the most recent reporting fiscal year are

\$ \_\_\_\_\_.

5. Attached hereto is a complete copy of the DBE Firm's most recent Federal Business Tax Return, OR Schedule "C" from Federal Personal Tax Return. If an Extension request has been filed, submit a copy in lieu of tax documents; upon filing, ensure a complete copy of the tax document(s) is provided to this office as soon as possible.

**6. Check one:**

(a) The DBE Firm's owner(s) are member(s) of a designated group identified in 49 CFR Part 26.67(a) and therefore are presumed to be socially and economically disadvantaged individuals; or

(b) The DBE Firm's owner(s) are not presumptively disadvantaged, but claim to be socially and economically disadvantaged as set forth in 49 CFR Part 26.67(d), and have submitted evidence of such social and economic disadvantage as required by 49 CFR, Appendix E.

7. Ownership of at least 51% of the DBE Firm, per 49 CFR Part 26.69(b), is held by socially and economically disadvantaged individuals.

8. The DBE Firm is an independent business as defined by 49 CFR Part 26.71(b) et seq. The socially and economically disadvantaged owners possess the power to direct or cause the direction of the management and policies of the DBE Firm and make day-to-day as well as long term decisions on matters of management, policy and operations as set forth in 49 CFR Part 26.71(d) et seq.

**9. The Personal Net Worth of each owner claiming DBE status, does not exceed \$1.32 million individually.**

10. He/she agrees to permit the audit and examination of any and all books, records or files of this business deemed necessary by the New Mexico Department of Transportation.

**11. He/she understands that any material misrepresentations shall be grounds for denial of certification, decertification and/or termination of any contracts that may be awarded to the DBE Firm, possible debarment or suspension of the DBE Firm, and/or referral to the Office of the Attorney General.**

\_\_\_\_\_  
Affiant

**NOTARY:**

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**My Commission Expires:**





Attachment

9

**ATTACHMENT 9**  
**State's UCP Agreement**

AGREEMENT

FOR

2002 FEB 19 PM 2:34

NEW MEXICO UNIFIED CERTIFICATION PROGRAM (NMUCP)

THIS AGREEMENT is made and entered into this 15<sup>TH</sup> day of FEB, 2002, by and between the undersigned, authorized representatives of the New Mexico State Highway and Transportation Department (NMSHTD), and CITY OF AZTEC, a current or future recipient of United States Department of Transportation (USDOT) funds (USDOT Recipient) from Federal Highway Administration (FHWA), Federal Aviation Administration (FAA) or Federal Transit Administration (FTA).

WHEREAS, a final rule revising the USDOT's regulations for its Disadvantaged Business Enterprise (DBE) Program was published in the *Federal Register* on February 2, 1999.

WHEREAS, these regulations contained in 49 CFR Part 26, as amended, became effective on March 4, 1999.

WHEREAS, 49 CFR Part 26, Subpart E, as amended, of the Regulation details the requirements for a Unified Certification Program (UCP) including a "one-stop shopping" certification provision intended to enable DBEs, once certified by any one recipient of USDOT funds, to participate in the programs of other recipients.

WHEREAS, all USDOT recipients within each state must sign an agreement establishing a UCP, said agreement is to be submitted by March 3, 2002, for approval by the Secretary of the USDOT, and

WHEREAS, USDOT Recipient wishes to participate in the NMUCP.

NOW THEREFORE, IT IS MUTUALLY AGREED BETWEEN THE PARTIES:

1. The New Mexico Unified Certification Program (NMUCP) is established for all USDOT Recipients within the State of New Mexico. The NMUCP is detailed in Attachment A to this Agreement. The purpose of the NMUCP is to comply with the requirements contained in 49 CFR Part 26, Subpart E, as amended.

2. NMSHTD, through its Office of Equal Opportunity Programs (OEOP), will take the lead and be responsible for:

a. The certification of DBEs, the removal of DBE eligibility, and the suspension or debarment of DBEs consistent with 49 CFR Part 26, as amended,

b. Administering the requisite procedures for full cooperation with the oversight, review and monitoring activities of USDOT and its Operating Administrations (OA),

c. The maintenance of the NMUCP's DBE Directory (electronic and hard copy), listing certified DBEs, and

d. The implementation of USDOT directives and guidance concerning certification matters.

3. USDOT Recipient agrees to:

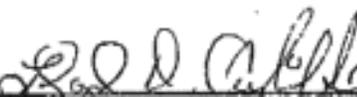
a. Be bound by the decisions or actions of the NMUCP concerning this program,

b. Use the Uniform Certification Application as published in the *Federal Register* on Tuesday, May 8<sup>th</sup> 2001 (Attachment B), and

c. Commit to ensure that the NMUCP has sufficient resources and expertise to carry out the requirements contained in 49 CFR Part 26 Subpart E, as amended.

4. Upon approval of New Mexico's Uniform Certification Program, the NMSHTD, through the OEOP, will immediately assume and consolidate all certification functions and responsibilities. The NMUCP will be operational not later than 18 months following its approval by USDOT.

USDOT RECIPIENT

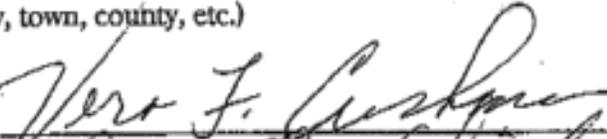
By: 

Title: PUBLIC WORKS DIRECTOR

Agency: CITY OF AZTEC

Recipient: CITY OF AZTEC  
(city, town, county, etc.)

NMSHTD

By: 

Title: OEOP, Chief

New Mexico State Highway and Transportation  
Department (NMSHTD)

Attachment

10

**ATTACHMENT 10**  
Small Business Element Program

The City of Aztec has created a Small Business element to structure contracting requirements to facilitate competition by small business concerns, taking all reasonable steps to eliminate obstacles to their participation, including unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or subcontractors.

The City of Aztec's DBE program includes this Small Business element to structure contracting requirements to facilitate competition by small business concerns within the limits of the Procurement Code of the State of New Mexico (New Mexico Statute Annotated (NMSA) 13-1-1 *et. seq.*), the City of Aztec's Procurement Code, and the Federal and State grant obligations and requirements.

The Small Business element is not a separate goal, only certified DBEs count toward the program goals. The Small Business element provides a methodology to expand the prime contracting opportunities of small businesses which, generally, include the universe of certified DBEs.

**Small Business Definition**

A Small Business for the purposes of this element is a business that meets the Small Business Administration's (SBA's) definition of a "small business" for the company's NAICS code applicable for the project.

SBA's definition and size standards (as it may be amended from time to time):

Definition:

"... a small business concern is one that is independently owned and operated, is organized for profit, and is not dominant in its field. Depending on the industry, size standard eligibility is based on the average number of employees for the preceding twelve months or on sales volume averaged over a three-year period."

Size Standard:

From the SBA, the small business size standard for construction has the following limits:  
General building and heavy construction contractors: \$33.5 million  
Special trade construction contractors: \$14 million

The complete SBA size standard by NAICS is defined in 13 CFR part 121.201.

**Program Elements**

As the New Mexico Procurement Code does not allow small business set asides, other methods must be used to promote small business participation in federally assisted projects.

The City of Aztec will take all reasonable steps to eliminate obstacles to small business participation, within the above limitations. These include unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or subcontractors.

When not a violation of the Procurement Code and as approved by the DOT funding agency, large projects will be considered for multiple prime contract awards based on discernible items of work (unbundling of contract into complete and usable project elements that can be legally bid as a separate construction contracts.) The unbundling must be complete and usable items of work which can stand independent of the other prime contract. We feel that by unbundling contracts, small businesses may have a better chance of obtaining prime contracts.

The City of Aztec will work with the NMDOT and will follow the approved plan for small business participation that they have implemented.

Contractors who may be DBE eligible will be encouraged to apply for DBE certification.

The award of contracts will be based on the procurement code and, for competitive sealed bids, will not contain a prohibition on award based on the volume of work the contractor has with the City of Aztec.

### **Verification Process**

Included in the bidding requirements will be information for the prime contractor and their proposed sub-contractors to self-report small business status and annual revenues. This will be used to track small business opportunities and awards.

Businesses that are certified by the SBA via the System for Award Management (SAM), HubZone, 8(a) Program or other programs are considered verified as small businesses. We will ask for copies of SBA certifications.

Other databases available to the City of Aztec will be used to audit businesses for small business size.

### **Record Keeping & Monitoring**

We will report RN DBE participation by small businesses as stated in the approved Disadvantaged Business Enterprise Program.

### **Implementation**

The City of Aztec will implement this plan nine months after approval.

### **Assurances**

As required by the program, we have reviewed these assurances listed in 49 CFR 26.45 along with the response of which may be addressed under the NM State Procurement Code.

1. assurance that the program is authorized under state law;
2. assurance that certified DBEs that meet the size criteria established under the program are presumptively eligible to participate in the program;
3. assurance that there are no geographic preferences or limitations imposed on any federally assisted procurement included in the program;
4. assurance that there are no limits on the number of contracts awarded to firms participating in the program but that every effort will be made to avoid creating barriers to the use of new, emerging, or untried businesses;
5. assurance that steps will be taken to encourage those small businesses that are eligible for DBE certification to become certified.
6. assurance that the program is open to small businesses regardless of their location

# Staff Summary Report

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**MEETING DATE:** May 10, 2016  
**AGENDA ITEM:** VIII. CONSENT AGENDA (E)  
**AGENDA TITLE:** Resolution 2016-998 Surplus

---

**ACTION REQUESTED BY:** Library  
**ACTION REQUESTED:** Approval  
**SUMMARY BY:** Kathy Lamb

---

## PROJECT DESCRIPTION / FACTS

- The Library, during the normal course of operations, reviews circulation of all materials. Materials which are not circulating or are out of date are pulled from the shelves and become surplus material. These items would have been purchased with city or state library funds or donated to the library. Materials pulled include a large collection of adult and youth books, several DVDs and music CDs.
- Approved library surplus items will be disposed of in a variety of ways to best serve the library and the community. Materials which may have use to Good Sam's, local pre-schools, and/or veteran's programs will be donated. Materials which may have public interest will be packaged and available for sale at the library. Other materials may be packaged and sent to book outlets at no cost to the city. The Public Surplus website has not resulted in interest library materials, although it will continue to be utilized as well.
- If the items are not sold they will be donated or disposed of according to NM Statute Section 3-54-2 and Procurement Statute 13-6-1. Disposition of obsolete, worn-out or unusable tangible personal property.

## FISCAL INPUT / FINANCE DEPARTMENT (if applicable)

- Revenues from auction to be applied to General Fund / Joint Utility Fund

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**SUPPORT DOCUMENTS:** Resolution 2016-998  
Surplus List

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**DEPARTMENT'S RECOMMENDED MOTION:** Move to Approve Resolution 2016-998 Declaring Certain Municipal Property Not Essential For Municipal Purpose and Directing It Be Sold or Disposed.

---

RESOLUTION 2016-998  
LIBRARY SURPLUS LIST

**Large Print Fiction**

The man in the gray flannel suit	Wilson, Sloane
The first lady	Weber, Carl
Very Valentine	Trigiani, Adriana
Ice blue	Stuart, Anne
The stormy petrel,	Stewart, Mary
Peony in love	See, Lisa
An unexpected suitor	Schmidt, Anna
Stolen prey	Sandford, John
Valley of silence	Roberts, Nora
Suite Francaise	Nemirovsky, Irene
Fire flight	Nance, John
Her fearful symmetry	Niffenegger, Audry
Like gold refined	Oke, Janette
Exile	Patterson, Richard North
Fall from Grace	Patterson, Richard North
Killer summer	Pearson, Ridley
Killer view	Pearson, Ridley
The pledge	Peart, Jane
The promise	Peart, Jane
Acceptable loss	Perry, Anne
At some disputed barricade	Perry, Anne
Buckingham palace game	Perry, Anne
Defend and betray	Perry, Anne
Dorchester Terrace	Perry, Anne
Excution dock	Perry, Anne
Reckless	Quick Amanda
The river knows	Quick Amanda
The third circle	Quick Amanda
The perfect poison	Quick Amanda
206 bones	Reichs, Kathy
Bones to ashes	Reichs, Kathy
Break no bones	Reichs, Kathy
The village	Shears, Sarah
Blood on the moon	Short, Luke
At first sight	Sparks, Nicholas
Scent of murder	Smith, Virginia
Nights in Rodanth	Sparks, Nicholas
Band room bash	Speare, Candice
Morning glory	Spencer, LaVyrle
Manolo!	Stall, Mike
Miss Pym disposes	Tey, Josephine

**RESOLUTION 2016-998  
LIBRARY SURPLUS LIST**

The singing sands	Tey, Josephine
Blood Bayou	Young, Karen
Picture of innocence	McGown, Jill
The real mother	Michael, Judith
Up close and personal	Michaels, Fern
Wings of healing	Morris, Alan
When all my dreams come true	Mowery, Janelle
While other people sleep	Muller, Marcia
Free fall	Mills, Kyle
The deep blue good-by	MacDonald, John D.
La's orchestra saves the world	McCall Smith, Alexander
Antony and Cleopatra	McCullough
Riding for the brand	L'Amour, Louis
While still we live	MacInnes, Helen
Spirit sickness	Mitchell, Kirk
Lonigan	L'Amour, Louis
She walks in beauty	Mitchell, Siri
A heart most worthy	Mitchell, Siri
Flesh and blood	Kellerman, Jonathan
A cold heart	Kellerman, Jonathan
Sunset	Kingsbury, Karen
The garden of Eden	Kellerman, Faye
Duma Key	King, Stephen
The poisonwood bible	Kingsolver, Barbara
Sunrise	Kingsbury, Karen
Summer	Kingsbury, Karen
Just after sunset	King, Stephen

**Audio Book Non-Fiction**

The Shawl Ozick, Cynthia	Comentary	CD BOOK
To Kill a mockingbird (an introduction to)	Comentary	CD Book
My Antonia	Comentary	CD Book
The call of the wild	Comentary	CD Book
The Thief and the dogs	Comentary	CD Book
Fahrenheit 451	Comentary	CD Book
The grapes of wrath	Comentary	CD

**RESOLUTION 2016-998  
LIBRARY SURPLUS LIST**

		Book
		CD
The Joy luck club-Amy Tan	Comentary	Book
		CD
A lesson before dying	Comentary	Book
		CD
Housekeeping	Comentary	Book
		CD
Old school	Comentary	Book
		CD
A wizard of earthsea	Comentary	Book
		CD
The Matese falcon	Comentary	Book
		CD
The great Gatsby-F. Scott Fitzgerald	Comentary	Book
		CD
The heart is a lonely hunter	Comentary	Book
		CD
Their eyes were watching God	Comentary	Book
		CD
The death of Ivan Ilyich	Comentary	Book
		CD
Full Steam Ahead	Blanchard, Ken	Book
		CD
Cut to the Chase	Levine, Stuart	Book
		CD
17 Proven Principles for Overcoming Procrastination	Koenig, Larry J.	Book
		CD
the watts towers project	Smith, Roger G.	Book
		CD
Grow younger, live longer	Chopra, Deepak	Book
		CD
Zoot Suit	Valdez, Louis	Book
	McManus,	CD
Kerplunk	Patrick	Book

**Music CDs**

Donald Harrison Nouveau swing	music cd
Everette Harp For the love	music cd
Anthem by D.D. Jackson	music cd
Richard Elliot City speak	music cd
Tom Harrell Paradise	music cd
Jimmy Greene Brand new world	music cd
Adventures in jazz	music cd
Re-creation sings America	music cd
Imagine A Flute Serenade	music cd

**RESOLUTION 2016-998  
LIBRARY SURPLUS LIST**

Lee Greenwood American Patriot	music cd
Lionel Hampton Greatest hits	music cd
My old flame Chet Baker Quartet	music cd
Sonny Clark the best of the blue note years	music cd
Jay Beckenstein eye contact	music cd
Art Blakey Jazz messengers	music cd

# CITY OF AZTEC RESOLUTION 2016-998

**A RESOLUTION DECLARING CERTAIN MUNICIPAL PROPERTY NOT ESSENTIAL FOR MUNICIPAL PURPOSE AND DIRECTING IT BE SOLD, OR IF THE PROPERTY HAS NO VALUE, DONATE THE PROPERTY TO ANY ORGANIZATION DESCRIBED IN SECTION 501(c)3 OF THE INTERNAL REVENUE CODE OF 1986 OR DISPOSED.**

**WHEREAS**, Sections 3-54-2 and 13-6-1 of NMSA, 1978 Compilation authorizes municipalities to sell personal property which is not essential for a municipal purpose or if the property has no value, donate the property to any organization described in Section 501(c)3 of the Internal Revenue Code of 1986; and

**WHEREAS**, the City of Aztec owns certain personal property which is obsolete and/or surplus and no longer needed or useful to the City; and

**WHEREAS**, the Governing Body wishes to declare this property not essential for a municipal purpose so that it can be sold or donated according to statute.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY** of the City of Aztec, New Mexico that the personal property below described which is owned by the City is surplus and not essential for a municipal purpose.

PASSED, APPROVED AND SIGNED this 10th day of May, 2016.

\_\_\_\_\_  
MAYOR SALLY BURBRIDGE

ATTEST:

\_\_\_\_\_  
CITY CLERK KARLA SAYLER

# Staff Summary Report

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**MEETING DATE:** May 10, 2016  
**AGENDA ITEM:** VIII. CONSENT AGENDA (F)  
**AGENDA TITLE:** Aztec Senior Citizens, Inc. (ASCI) Agreement

---

**ACTION REQUESTED BY:** Cindy Iacovetto

**ACTION REQUESTED:** Approval of Aztec Senior Citizens, Inc. Agreement

**SUMMARY BY:** Cindy Iacovetto

---

## PROJECT DESCRIPTION / FACTS

The current agreement was April 27<sup>th</sup>, 2010 to the 15<sup>th</sup> day of April, 2011

## SUMMARY

Request to change term of Agreement from 1 year to 4 years to coordinate with the Northwest New Mexico Seniors Agreement

This item was delayed due to loss of proactive Board members. There were also concerns from the board that the agreement wasn't a true reflection of their activities and events. Over the past several years, the Board and Director have expanded the activities which are sponsored by the Seniors. It has since been determined in fact that the agreement does provide the flexibility for the Board to schedule their activities and events.

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**SUPPORT DOCUMENTS:** 1) Senior Citizens Agreement for Use Of The Community Center

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**DEPARTMENT'S RECOMMENDED MOTION:** Move to Approve Agreement for Aztec Senior Citizens For Use Of The Community Center

---

**AZTEC SENIOR CITIZENS AGREEMENT  
FOR USE OF THE  
COMMUNITY CENTER**

In order to provide for a variety of essential services and a means for the senior citizens of the City of Aztec, New Mexico and vicinity is entered into the Lease Agreement this \_\_\_\_\_day of \_\_\_\_\_, 2010 by and between the City of Aztec (hereinafter called CITY) and the Aztec Senior Citizens, Inc. (hereinafter called SENIORS).

- A. Leased Premises – The CITY hereby leases the Aztec Community Center as provided in the agreement with the Northwest New Mexico Seniors, Inc.
- B. Programs – The Aztec Senior Citizens organize and coordinate programs and activities for the elderly in the Aztec Community. The SENIORS desire to expand their programs and activities to include community events on a monthly basis after the hours established in the agreement provided for with Northwest New Mexico Seniors, Inc. The CITY agrees to allow the SENIORS to use the Community Center for at least one community event per month. The SENIORS agree that if the Community Center can be scheduled for at least one month in advance, the SENIORS event will be cancelled. The CITY recognizes that many events sponsored by the SENIORS have become tradition, such as Fiesta Days Breakfast. These traditionally held events would not be subject to cancellation.
- C. Facility – The SENIORS agree to strictly adhere to and obey all laws and ordinances of the City of Aztec and the State of New Mexico.
- D. Laws and Regulations – The SENIORS agree to strictly adhere to and obey all laws and ordinances of the City of Aztec and the State of New Mexico.
- E. All other terms and conditions of the Agreement between the Northwest New Mexico Seniors, Inc. and the City of Aztec entered into on July 2012, will remain in full forced and effect.

This Agreement will be effective from the 10<sup>th</sup> day of May, 2016 to the 30<sup>th</sup> day of June 2020.

**CITY OF AZTEC:**

**AZTEC SENIOR CITIZENS, INC.:**

\_\_\_\_\_  
Mayor Sally Burbridge

\_\_\_\_\_  
President

**ATTEST:**

\_\_\_\_\_  
Karla Sayler, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Larry T. Thrower, City Attorney

# Staff Summary Report

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**MEETING DATE:** May 10, 2016  
**AGENDA ITEM:** XII. LIQUOR LICENSE HEARING (A)  
**AGENDA TITLE:** Five Fifty Brewing-New Liquor License

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**ACTION REQUESTED BY:** Paschall Enterprises, Inc.  
**ACTION REQUESTED:** Approval of Five Fifty Brewing-New Liquor License  
**SUMMARY BY:** Karla Sayler

---

## PROJECT DESCRIPTION / FACTS

- The City Of Aztec received the attached certified letter from the Division of Alcohol & Gaming indicating their preliminary approval for a new restaurant liquor license for Five Fifty Brewing
- Five Fifty Brewing will be located at 119 East Chuska Street, Suite B, Aztec, NM and is within 300 feet of a Church (281 ft) or School (455 ft).
- An objection letter was received by State Alcohol & Gaming Division see support documents.
- The State requires a public hearing to be held within forty-five (45) days after the City receives notice from the Alcohol and Gaming Division (notice received April 26, 2016). The Public hearing notice was published in the Farmington Daily Times on April 29 and May 6, 2016

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**SUPPORT DOCUMENTS:**

- 1) Letter from the State Office
- 2) State Liquor License Application
- 3) Letter of Objection sent to State
- 4) Map
- 5) Copy of State Statute 60-6B4

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**DEPARTMENT'S RECOMMENDED MOTION:** Move to Approve the New Liquor License for Five Fifty Brewing location will be at 119 East Chuska Street, Suite B, Aztec NM

---



New Mexico Regulation and Licensing Department  
ALCOHOL AND GAMING DIVISION

P.O. Box 25101 • Santa Fe, New Mexico 87504  
(505) 476-4875 • Fax (505) 476-4595 • [www.rld.state.nm.us/alcoholandgaming](http://www.rld.state.nm.us/alcoholandgaming)

April 20, 2016

Susana Martinez  
GOVERNOR

Robert "Mike" Unthank  
SUPERINTENDENT

Daniel Rubin, Esq.  
GENERAL COUNSEL

Mary Kay Root  
DIRECTOR

**Certified Mail No.: 9171 9690 0935 0079 1500 78**

City of Aztec  
Attn: Karla Sayer, Clerk  
201 West Chaco  
Aztec, NM 87410

**Re: Lic. No. /Appl. No.: Master License: 67047; Application No. 995056**  
**Name of Applicant: Paschall Enterprises, Inc.**  
**Doing Business As: Five Fifty Brewing**  
**Proposed Location: 119 East Chuska Street, Suite B, Aztec, New Mexico 87410**

**ATTENTION: Department or person responsible for conducting or preparing the public hearing for liquor license transfers or issuance of new liquor licenses.**

Greetings:

The Director of the Alcohol and Gaming Division has reviewed the referenced Application and granted **Preliminary Approval**; it is being forwarded to you in accordance with Section 60-6B-4 NMSA of the Liquor Control Act.

While the law states that "within forty-five (45) days after receipt of a Notice from the Alcohol and Gaming Division, the governing body shall hold a Public Hearing in the question of whether the department should approve the proposed issuance or transfer", we recognize the inherent conflict between the new 30 day notice and the existing 45 day hearing requirement. Extensions to the 45-day hearing requirement will be granted when necessary to allow for compliance with the 30 day notice. Notice of the Public Hearing required by the Liquor Control Act shall be given by the governing body by publishing a notice of the date, time, and place of the hearing twice during the 30 days prior to the hearing in a newspaper of general circulation within the territorial limits of the governing body **The first notice must be published at least thirty (30) days before the hearing. Both publications must occur before a hearing can be conducted.** The notice shall include: (A) Name and address of the Applicant/Licensee; (B) The action proposed to be taken by the Alcohol and Gaming Division; and (C) The location of the licensed premises. The governing body is required to send notice by certified mail to the Applicant of the date, time, and place of the Public Hearing. The governing body may designate a Hearing Officer to conduct the hearing. A record shall be made of the hearing.

**THE APPLICANT IS SEEKING A SMALL BREWER OFF-SITE LICENSE WITH ON PREMISE CONSUMPTION AND PATIO SERVICE. APPLICANT IS REQUESTING A WAIVER FROM THE CITY OF AZTEC AS THE PREMISE IS WITHIN 300 FEET FROM THE CHURCH**

Alcohol and Gaming Division  
(505) 476-4875

Boards and Commissions Division  
(505) 476-4600

Construction Industries Division  
(505) 476-4700

Financial Institutions Division  
(505) 476-4885

Manufactured Housing Division  
(505) 476-4770

Securities Division  
(505) 476-4580

Administrative Services Division  
(505) 476-4800

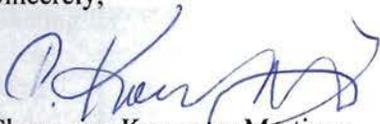
The governing body may disapprove the issuance or transfer of the license if:

- 1) The proposed location is within an area where the sale of alcoholic beverages is prohibited by the laws of New Mexico. (The governing body may disapprove if the proposed location is within 300 feet of a church or school unless the license has been located at this location prior to 1981 or unless the Applicant/Licensee has obtained a waiver from the Local Option District governing body for the proposed licensed premises).
- 2) The issuance or transfer would be in violation of a zoning or other ordinance of the governing body. The governing body may disapprove if the proposed location is not properly zoned. Because this office is in receipt of a Zoning Statement from the governing body, this is not a basis for disapproval.
- 3) The issuance would be detrimental to the public health, safety, or morals of the residents of the Local Option District. Disapproval by the governing body on public health, safety, or morals must be based on and supported by substantial evidence pertaining to the specific prospective transferee or location and a copy of the record must be submitted to the Alcohol and Gaming Division.

Within thirty (30) days after the Public Hearing, the governing body **shall** notify the Alcohol and Gaming Division as to whether the local governing body has approved or disapproved the issuance or transfer of the license by signing the enclosed original Page 1 of the Application. The original Page 1 of the Application must be returned together with the notice of publication(s). **If the governing body fails to either approve or disapprove the issuance or transfer of the license within thirty days after the Public Hearing, the Director may give Final Approval to the issuance or transfer of the license.**

If the governing body disapproves the issuance or transfer of the license, it shall notify the Alcohol and Gaming Division within thirty (30) days setting forth the reasons for the disapproval. A copy of the Minutes of the Public Hearing shall be submitted to the Alcohol and Gaming Division with the notice of disapproval (Page 1 of the Application page noting disapproval).

Sincerely,



Charmaine Koroneos-Martinez  
Hearing Officer  
NM Regulation & Licensing Dept.  
Alcohol & Gaming Division  
Phone: 505-476-4804  
Fax: 505-476-4595  
Email: [Charmaine.koroneos@state.nm.us](mailto:Charmaine.koroneos@state.nm.us)

Enclosures:

1. Original Page 1 of the Application (must be signed and returned).
2. Copy of Page 2 of the Application
3. Copy of Zoning Statement
4. Objection Letter



RECEIVED

3/14/16  
 ENTERED  
 200  
 1810978

MAR 14 2016

**LIQUOR LICENSE APPLICATION**

ALCOHOL & GAMING DIVISION

Application fee - \$200.00 Fees are non-refundable.

State Liquor License # \_\_\_\_\_ Record Owner of Existing License \_\_\_\_\_  
 Application Number 995056 Current D/B/A Name \_\_\_\_\_  
 Local option (AGD use) \_\_\_\_\_ Current Premises Address \_\_\_\_\_

Application is for: Change of Stock \_\_\_\_\_ Change of Officers/Directors \_\_\_\_\_ Transfer Ownership of Existing License \_\_\_\_\_ Transfer Ownership and Location \_\_\_\_\_ Transfer Location \_\_\_\_\_ Other  X  
 Issue New License \_\_\_\_\_ Type of License being applied for Small Brewer Off-Site Premises Application - Master #67047

Applicant is: Individual \_\_\_\_\_ Corporation  X Partnership (General or Limited) \_\_\_\_\_ Limited Liability Company \_\_\_\_\_

NAME OF APPLICANT (company or individual) ADDRESS (including city, state, zip) TELEPHONE NUMBER  
Paschall Enterprises, Inc. 7 RD 2794, Aztec, NM 87410 505-402-9300

D/B/A name to be used: Five Fifty Brewing Phone number for licensed premises: 505-402-9300

Physical location where license is to be used: 119 East Chuska St., Suite B, Aztec, NM 87410  
 (Include street number / highway number / state road, city and county, state, and zip code)

Mailing address: 7 RD 2794, Aztec, NM 87410

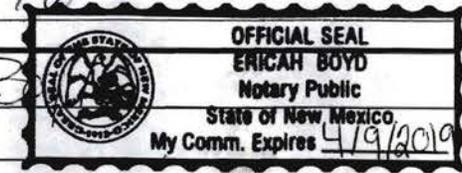
Are alcoholic beverages currently being dispensed at the proposed location? Yes \_\_\_\_\_ No  X If yes, give license number and type \_\_\_\_\_

I, (print name) Mike I. Paschall, as (title) Vice President being first duly sworn upon oath  
 deposes and says: that he/she is the applicant or is authorized by the applicant to make this application; that he/she has read the same; knows the contents therein contained are true. Applicant(s) agree(s) that  
 if any statements or representations herein are found to be false, the director may refuse to issue or renew the license or may cause the license to be revoked at any time.

You must sign and date this form in the presence of a notary public.

Signature of Applicant [Signature] Date 3-7-16

SUBSCRIBED AND SWORN TO before me this 7<sup>th</sup> day of March, 2016 by Ericah Boyd  
 Notary Public [Signature] My Commission Expires 4/9/2019



Local Governing Body of: \_\_\_\_\_ (City or County). Hearing held on \_\_\_\_\_ 20\_\_\_\_

Check one: Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ City/County Official \_\_\_\_\_ (Signature & Title)

For Alcohol and Gaming Division Use Only

Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ Director Approval \_\_\_\_\_ Date \_\_\_\_\_



**PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION**  
*SS-60-6B-10*

1. The land and building which is proposed to be the licensed premises is (check one):

Owned by Applicant \_\_\_\_\_ Leased by Applicant (attach copy of deed or lease)  Other (provide details) \_\_\_\_\_

2. If the land and building are not owned by Applicant, indicate the following:

A. Owner(s) The City of Aztec, NM municipal corporation, dba THE HUB Incubator, 201 West Chaco Street, Aztec, NM 87410

B. Date and term of lease 5/1/16 One (1) Year with renewal option

3. Premises location is zoned (example C-1) O-1 Zoning Statement Attached.

If the premises is zoned, attach zoning statement from local government giving location address and type of zone, stating whether alcoholic beverages are allowed at proposed location. If there is no zoning, attach confirmation from local government indicating there is no zoning.

4. Distance from nearest church \*(Property line of church to licensed premises—shortest distance).

Miles/feet 281 Ft. Name of church Aztec United Methodist Church Address/location of church 123 E. Chaco St., Aztec, NM 87410

5. Distance from nearest school \*(Property line of school to licensed premises—shortest distance).

Miles/feet 455 Ft. Name of school Aztec High School Address/location of school 500 E. Chaco Street, Aztec, NM 87410

6. Distance from military installation \*(Property line of military installation to licensed premises-shortest distance.)

Miles 195 Miles KAFB Name of Military Installation, circle one: Kirtland Air Force Base (Albuquerque), White Sands Missile Range (Las Cruces), Holloman Air Force Base (Alamogordo), Cannon Air Force Base (Clovis).

7. Attach, on a separate sheet, the detailed floor plan for each level (floor) where alcoholic beverages will be sold or consumed. Show exterior walls, doors, and interior walls. This will be the licensed premises. The floor plan should be no larger than 8 1/2 x 11 inches, and must include the total square footage of premises.

\*If the distance is beyond 300 feet, but less than 400 feet, a registered engineer or licensed surveyor must complete a Survey Certificate showing the exact distance.

8. Type of Operation:

Lounge \_\_\_\_\_ Restaurant \_\_\_\_\_ Package Grocery \_\_\_\_\_ Racetrack \_\_\_\_\_ Hotel \_\_\_\_\_ Other (specify) Tap Room

Return this form to the Alcohol and Gaming Division, PO Box 25101, Santa Fe, New Mexico 87505-5101.

**RECEIVED**  
 MAR 14 2016  
 ALCOHOL & GAMING DIVISION

Mayor  
Sally Burbridge

Mayor Pro-Tem  
Sherri A. Sipe



Commissioners

Roberta Locke  
Katee McClure  
Sherri Rogers

*A desirable place to live, work and play; rich in history and small town values!*

March 3, 2016

Mike Pascal  
7 RD 2794  
Aztec, NM 87410

**RE: Zoning Designation- Use Conformance  
119 E. Chuska St., Aztec NM**

Dear Mr. Pascal:

This letter serves to confirm the zoning of 119 E. Chuska Street is presently zoned O-1 Offices – Institutions. The zoning designation does not prohibit the sale or consumption of alcohol on the premises. Thus your proposal to open a new 'pub' is a permitted use at 119 E. Chuska Street. The site is situated near a school as well as a place of worship, thus will require a public hearing before our City Commission once your application is received from the State of New Mexico.

Your proposed use for the site is in conformance with the City of Aztec's recently adopted Metropolitan Redevelopment Area plan. Your new business will also support other downtown businesses. We look forward to working with you here in Aztec and wish your business success.

If you have any further questions, feel free to contact me at 505-334-7604.

Sincerely,

A handwritten signature in black ink, appearing to read "William M. Homka".

William M. Homka AICP, CFM  
Director, Community Development

Ref.: Section 26-2-52 Uses Permitted

RECEIVED

MAR 14 2016

ALCOHOL & GAMING DIVISION

Tricia & Aaron Banry  
115 South Church Ave.  
Aztec, New Mexico, 87410  
(901) 485-6702

March 25, 2016

Director  
Alcohol & Gaming Division  
PO Box 25101  
Santa Fe, NM 87504  
(505) 476-4875

Dear Director,

In regards to application #995056 filed by applicant: Paschall Enterprises Inc. for a Small Brewer License to be located at 119 East Chuska Ave. Suite B Aztec, NM 87410 a discrepancy has been found, and therefor I would like to formally file an objection to the proposed license to be issued.

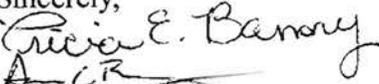
According to the San Juan County Assessors website, the location of this property 119 East Chuska Ave. is within 300 feet, (specifically 282.01 ft.) of the Aztec United Methodist Church located at 123 East Chaco St. This church was built in 1960 and currently holds meeting every Sunday at 8:45 am and 10:00 am.

In accordance with Statutes, Rules, and Constitution 60-6B-10. Locations near church or school; restrictions on licensing; which states:

“No license shall be issued by the director for the sale of alcoholic beverages at a licensed premises where alcoholic beverages were not sold prior to July 1, 1981 that is within three hundred feet of any church or school. A license may be granted for a proposed licensed premises if the owner or lessee has, prior to establishment of a church or school located within three hundred feet of the proposed licensed premises, applied for, been granted and maintained a valid building permit for the construction or renovation of the proposed licensed premises and has filed on a form prescribed by the director a notice of intention to apply for transfer of a license to the proposed licensed premises. A license may be granted for a proposed licensed premises if a person has obtained a waiver from a local option district governing body for the proposed licensed premises. For the purposes of this section, all measurements taken in order to determine the location of licensed premises in relation to churches or schools shall be the straight line distance from the property line of the licensed premises to the property line of the church or school. This provision shall not apply to any church that has been designated as an historical site by the cultural properties review committee and which does not have a regular congregation. History: Laws 1981, ch. 39, § 45; 1986, ch. 29, § 1; 1997, ch. 223, § 1.

The application for a liquor license associated with the property 119 East Chuska Ave. Suite B. should therefor be denied.

Sincerely,

  
Tricia & Aaron Banry

RECEIVED

MAR 1 2016

ALCOHOL & GAMING DIVISION



Home



Pan



Zoom In



Zoom Out



Initial View



Full Extent

I want to

Feet (ft)

Feet<sup>2</sup> (ft<sup>2</sup>)

Enable Snapping

Select Snapping Layers

Total: 282.01 ft

Total: 284.32 ft

2 IN

R0000868  
2-064-178-226-069  
HODGE INVESTMENT  
B 1401 P 411  
0.24Ac

R0000632  
2-064-178-202-085  
WELLS FARGO BANK  
B P  
0.24Ac

R0000349  
2-064-178-208-077  
PRESBYTERIAN CHU  
B 1562 P 661  
0.32Ac

R000217  
2-064-178-177-043  
PECORARO GEORGIA  
B 1489 P 374  
0.15Ac

R0002341  
2-064-178-185-069  
KENNEDY TERRY AN  
B: 1354 P: 872  
0.32Ac.

R0000894  
2-064-178-189-062  
KENNEDY TERRY J  
B 1361 P 306  
0.24Ac

R0000514  
2-064-178-171-083  
RACHEFF JOEL R A  
B 1494 P 140  
0.24Ac

R0002078  
2-064-178-175-053  
VESCOVI CARLA E  
B 1413 P: 984  
0.24Ac

R0000150  
2-064-178-235-041  
AYBOURN REALES  
B: 1508 P 490  
0.48Ac

## RECEIVED

MAR 30 2016

ALCOHOL & GAMING DIVISION





**New Mexico Regulation and Licensing Department**

**ALCOHOL AND GAMING DIVISION**

PO Box 25101 • Santa Fe, New Mexico 87504-5101  
(505) 476-4875 • Fax (505) 476-4595 • [www.rld.state.nm.us/alcoholandgaming](http://www.rld.state.nm.us/alcoholandgaming)

**PUBLIC COMMENT**

We welcome public comments, either positive or negative, regarding liquor license applications. If you feel the approval of the liquor license would endanger or adversely affect your community, please provide all issues of concern. If you are in support of issuing the liquor license, please document that below.

Establishment/Applicant Name: Paschall Enterprises Inc.

Proposed Location: 119 East Chuska Ave

In the City of: Aztec

Summarize your comment or concerns, attach addition pages if necessary:

Please See Attached

Your Name: Tricia Barry Date: 3/25/16

Your Street Address: 115 South Church Ave

City: Aztec State: NM Zip: 87410

How may we contact you?

Phone: 901-485-6702 E-mail: TriciaBarry@gmail.com

**We will respect your confidentiality.**  
**If you wish to remain anonymous, please initial here:** \_\_\_\_\_

**RECEIVED**  
MAR 30 2016

You may submit your comments or concerns on-line through the RLD website, or mail this form to Regulation & Licensing Department, PO Box 25101, Santa Fe, NM 87504-5101. **ALCOHOL & GAMING DIVISION**  
Revised 3/2016



Distances from 119 Chuska Property Line

Aztec High School  
Property

# **Staff Summary Report**

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<b>MEETING DATE:</b>	May 10, 2016
<b>AGENDA ITEM:</b>	XII. Business Item (A)
<b>AGENDA TITLE:</b>	Final Adoption of Ordinance 2016-450 Amending Section 22-513 Commercial Use of Public Property

---

<b>ACTION REQUESTED BY:</b>	Staff
<b>ACTION REQUESTED:</b>	Approve Final Adoption of Ordinance 2016-450 Amending Section 22-513 Commercial Use of Public Property.
<b>SUMMARY BY:</b>	Delain George

---

## **PROJECT DESCRIPTION / FACTS**

- Due to the increased interest in Food and Vending Trucks in the area, staff is recommending to change the use of public property to allow commercial use in city parks streets.
- By allowing commercial use of public property with reasonable controls will help diversify the local economy.
- Currently, the ordinance does not permit the use of any park, street or city facility to commercial purpose.
- In order to allow commercial use on public property Chapter 22, section 22-513 needs to be changed to permit commercial use.
- The change also includes wording that all vendors must be approved and licensed by the City before commercial use of public property is allowed.
- On April 12, 2016, Intent to Adopt Ordinance 2016-450 was approved.
- No comments have been received regarding this Ordinance since April 12, 2016.

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<b>SUPPORT DOCUMENTS:</b>	Ordinance 2016-450
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<b>DEPARTMENT'S RECOMMENDED MOTION:</b>
Move to Approve Final Adoption of Ordinance 2016-450 Amending Section 22-513 Commercial Use of Public Properties.

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**City of Aztec  
ORDINANCE 2016-450**

**An Ordinance Amending Chapter 22 Public Property,  
Section 22-513 Commercial Use of Public Properties**

**WHEREAS:** The City Commission would like to see economic diversification; and

**WHEREAS:** Allowing the commercial use of public property with reasonable controls will help diversify the local economy;

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the City of Aztec, New Mexico that Ordinance 2016-450 which amends Chapter 22 Public Property, Section 22-513 Commercial Use of Public Properties is hereby

**PASSED, APPROVED, SIGNED AND ADOPTED THIS** \_\_\_\_\_ day of \_\_\_\_\_ 2016.

By the Aztec City Commission, City of Aztec, New Mexico

\_\_\_\_\_  
Mayor Sally Burbridge

ATTEST:

\_\_\_\_\_  
Karla Sayler, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Larry T. Thrower, City Attorney

ADVERTISED DATE OF FINAL ADOPTION: \_\_\_\_\_

EFFECTIVE DATE OF ORDINANCE: \_\_\_\_\_

**Chapter 22  
PUBLIC PROPERTY**

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**ARTICLE V. IN GENERAL**

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**Sec. 22-513. Commercial Use of Public Properties.**

The use of City parks, ~~streets,~~ ~~or~~ recreational areas or the use of any city facility thereon for ~~private gain or~~ commercial purposes is ~~prohibited~~ permitted. ~~Excluded are concessionaires,~~ All vendors must be approved and licensed by the City. ~~or other organizational groups who have been approved through a Special Events agreement.~~

# Staff Summary Report

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<b>MEETING DATE:</b>	May 10, 2016
<b>AGENDA ITEM:</b>	XII. Business Item (B)
<b>AGENDA TITLE:</b>	Final Adoption of Ordinance 2016-451 Amending Chapter 11, Article IX Food Catering, Food Vending and Mobile Vending Units.

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<b>ACTION REQUESTED BY:</b>	Staff
<b>ACTION REQUESTED:</b>	Final Adoption of Ordinance 2016-451 Amending Chapter 11, Article IX Food Catering, Food Vending and Mobile Vending Units.
<b>SUMMARY BY:</b>	Delain George

---

## **PROJECT DESCRIPTION / FACTS**

- The intent to permit Commercial Use and allow food and vending trucks to operate on public property in the City of Aztec, language within Article IX needs to reflect those changes.
- The amended ordinance will allow food and other types of vending from mobile units.
- Another change is the distance from a school, church or childcare facility a vendor can sell from 500 feet to 100 feet, being consistent with the location distance of a like establishment.
- The amended ordinance will remove the requirement that a sign secured to a vending vehicle must have a sign permit and shall be limited to a size allowable by City Sign Code. Community Development is in agreement with this change.
- Section 11-9-2 states the vending application shall include make, model, license plate number, vehicle identification number. If unknown at time of application a temporary license would be granted for 60 days. Changes have been amended removing statement that a temporary license would be granted if information is unknown. By removing this statement the applicant will need to provide the information before license is issued. The information is important to identifying the authorized permitted vehicle.
- Another minor change to the ordinance is replacing health authority with New Mexico Environmental Department.
- On April 12, 2016, Intent to Adopt Ordinance 2016-450 was approved.
- No comments have been received regarding this Ordinance since April 12, 2016.

---

**SUPPORT DOCUMENTS:** Ordinance 2016-451

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### **DEPARTMENT'S RECOMMENDED MOTION:**

Move to Approve Final Adoption of Ordinance 2016-451 Amending Chapter 11, Article IX- Food Catering, Food Vending and Mobile Vending Units.

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**City of Aztec  
ORDINANCE 2016-451**

**An Ordinance Amending Chapter 11 Licenses and Business Regulations, Section 11-1-1 Definitions and Article IX Food Catering, Food Vending and Mobile Vending Service Units**

- WHEREAS:** The City Commission would like to see economic diversification; and
- WHEREAS:** Allowing the commercial use of public property with reasonable controls will help diversify the local economy; and
- WHEREAS:** Such commercial use ought to include owners of mobile food and vending units to operate on public property with the proper business license; and
- WHEREAS:** Vendors shall not operate or park a mobile food/vending unit less than 100 feet from a like establishment; and
- WHEREAS:** It is deemed acceptable and necessary to amend the City of Aztec Municipal Code to allow for food and vending units to operate on public property, so long as, the owner of the mobile vending unit obtains a business license for a mobile food/vending unit;

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the City of Aztec, New Mexico that Ordinance 2016-451 which amends Chapter 11 Licenses and Business Regulations, Section 11-1-1 Definitions and Article IX Food Catering, Food Vending and Mobile Vending Service Units

**PASSED, APPROVED, SIGNED AND ADOPTED THIS** \_\_\_\_\_ day of \_\_\_\_\_ 2016.

By the Aztec City Commission, City of Aztec, New Mexico

\_\_\_\_\_  
Mayor Sally Burbridge

ATTEST:

\_\_\_\_\_  
Karla Saylor, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Larry T. Thrower, City Attorney

ADVERTISED DATE OF FINAL ADOPTION: \_\_\_\_\_

EFFECTIVE DATE OF ORDINANCE: \_\_\_\_\_

**Chapter 11  
LICENSES AND BUSINESS REGULATIONS**

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**ARTICLE I. IN GENERAL**

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**Section 11-1-1. Definitions.**

**Mobile Food Service Unit**

Means a motor vehicle department-licensed vehicle-mounted food/~~vending~~ service establishment designed to be readily movable and which serves multiple locations on a daily basis ~~for not more than two (2) hours at each location~~ and shall not be parked closer than one hundred (100) ~~thousand (1000)~~ feet from a like establishment, unless given written permission by the establishment, ~~apart~~, except for single, temporary events or celebrations. ~~The 100 feet separation will be measured along the sidewalk or street edge.~~ Mobile Food Service Unit does not include a "Transporter" used to transport packaged food from a food facility or other approved source to the consumer.

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**ARTICLE IX. FOOD CATERING, FOOD VENDING AND MOBILE ~~FOOD SERVICE~~  
VENDING UNITS**

---

**DIVISION 1. IN GENERAL**

**Sec. 11-9-1. License Required.**

It shall be unlawful for any person, firm, organization or corporation to engage in or carry on, or to operate, or cause or permit to be operated, the business of a Mobile ~~Food Service Vending~~ Unit, Food Catering business, or Food Vending operation, upon any public street, sidewalk, alley, or any other public or private place in the City of Aztec without first having obtained a Business License from the City of Aztec, accompanied by documentation of official approval by the ~~Health authority~~ **New Mexico Environmental Department**. A license issued under this Article is not transferable from vehicle to vehicle or from person to person.

**DIVISION 2. LICENSE**

**Sec. 11-9-2 License Application.**

Except as otherwise provided herein, an application for a Business License for a Mobile Food/~~vending~~ Service Unit pursuant to the provisions of this Article shall specify or include:

1. The name, business and residence address of the applicant and the address where the mobile catering vehicle is stored during non-operating hours. If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation; the names and residence addresses of each of the officers and directors. If the applicant is a partnership, the application shall set forth the name and

residence address of each of the partners, including limited partners. If one or more of the partners is a corporation, the provisions of this Section pertaining to a corporate applicant apply.

2. A description of the Mobile Food/~~Vending~~ Service Unit, including the following data:
  - a. The make, model and type of body; the vehicle license plate number; the vehicle identification number or any other identifying number as may be required by the City of Aztec. ~~If this information is not known at the time of license application a temporary license may be issued and this requirement can be satisfied as a condition of obtaining a final and permanent license; if this information is not obtained within sixty (60) days of the date the City issues a temporary business license, the license request shall be automatically scheduled for a license revocation hearing.~~
3. A description of the food products or services the applicant intends to sell.
4. The specific location(s) and/or routes of the activity, including a detailed description and proposed site plan of where the applicant intends to place his or her Mobile Food/~~Vending~~ Service Unit, illustrating sufficient parking area and adequate ingress and egress for customer vehicles, as required by the Community Development Department.
5. The proposed hours of operation and days of operation for each location and/or route that the Mobile Food/~~Vending~~ Service Unit proposes to serve.
6. Proof of a valid and current food service permit issued by the ~~health authority~~ **New Mexico Environmental Department** or a written statement from the ~~health authority~~ **New Mexico Environmental Department** stating that a food service permit is not necessary.
7. If proposing to locate the Mobile Food/~~Vending~~ Service Unit on private property not owned by the applicant, a lease agreement or notarized statement from the landowner of record is required as proof of location approval and use.
8. If proposing to be located at one location for more than two hours, a notarized statement from a business within one hundred fifty (150) feet of the Mobile Food/~~Vending~~ Service Unit location must be provided as proof that employees of the Mobile Food/~~Vending~~ Service Unit will have access to and use of flushable restrooms (or other facilities as approved by the ~~health authority~~ **New Mexico Environmental Department**) during hours of Mobile Food/~~Vending~~ Service Unit operation.

No license for a Mobile Food/~~Vending~~ Service Unit will be issued if the required information is not provided.

Each Mobile Food/~~Vending~~ Service Unit shall require a separate license pursuant to this Article. Each license issued pursuant to this Article shall be valid for only those Locations, Routes and hours of operation that the City of Aztec approves as set forth in this Article.

### **Sec. 11-9-3 Display of Mobile Food/~~Vending~~ Service Unit License.**

Each vehicle used as a Mobile Food/~~Vending~~ Service Unit must obtain a business license and pay the applicable license fee imposed by Section 11-3-7 The business license must display on its face the vehicle identification number (VIN) and the license plate number of the Mobile

Food/Vending Service Unit that is being licensed. The business license, food/vending service permit and list of approved hours and locations must be displayed at all times in the vehicle in a prominent and conspicuous manner for view by the general public.

#### **Sec. 11-9-4 License Amendment, Renewal and Suspension.**

Business license(s) must be renewed each January 1. Business Licenses for Mobile Food/Vending Service Units renewed by the City are not final and effective unless and until the Mobile Food/Vending Service Unit Applicant has obtained and provided a copy to the City of an annual renewal of his or her food service permit from the ~~health authority~~ New Mexico Environmental Department.

Business license holders desiring to change the location(s) and/or routes of the Mobile Food/Vending Service Unit, modify the hours of operation, or add a new location(s) during the term of the annual license, shall file a new application with the City of Aztec upon a form provided by the City. Such requests shall be processed in the same manner as a new license. Mobile Food/Vending Service Units shall not implement changes and/or additions to locations and routes until the City of Aztec has issued approval of such changes/additions.

A business license for a food/vending service vendor or establishment within the City may be immediately suspended without a public hearing if the City receives written notification from the ~~health authority~~ New Mexico Environmental Department that the business poses an imminent health hazard (as defined by the New Mexico Food Act). In the event of a license suspension, the City will provide the business owner with written notification of the suspension within forty-eight (48) hours from the date of notification by the ~~health authority~~ New Mexico Environmental Department; once the license is suspended the business shall immediately cease all operations until all health violations have been addressed and the City has received written notification from the ~~health authority~~ New Mexico Environmental Department that the business has been approved to proceed with food service operations.

#### **Sec. 11-9-5 Regulating Locations.**

Every person desiring a license pursuant to this Article shall conform to the requirements set forth in this Section and any regulations and rules that the City of Aztec may adopt pursuant to this Article.

The City may issue a business license for a food/vending establishment or business only when the City finds that the following location and time requirements are met:

1. The Location shall:
  - 1) Leave unobstructed a path for pedestrian passage on any sidewalk, a space not less than four (4) feet wide.
  - 2) Satisfy all other location requirements of the City.
2. Notwithstanding the issuance of a License for a specific Location(s), such license shall be temporarily suspended if any City Department issues a permit for occupancy of the subject Location for street fairs, farmer's markets, temporary use, street or building construction, or other permitted activities. At the request of the Applicant, the City may,

but is not required to, authorize a temporary relocation of the Mobile Food/Vending Service Unit under such circumstances. Any such authorization shall be in writing and available at the Mobile Food/Vending Service Unit for review by City officials.

In the event a temporary relocation is authorized by the City, no application for a location amendment shall be required under this Article if any City Department issues a permit for occupancy of the subject Location for street fairs, farmer's markets, temporary use, or other permitted activities as long as the Mobile Food Service Unit has a current and valid food service permit from the ~~health authority~~ New Mexico Environmental Department.

### **Sec. 11-9-6. Compliance.**

All persons operating a Mobile Food/Vending Service Unit must comply with the following guidelines:

1. All vending vehicles and Mobile Service Food Units in or from which food is prepared or sold shall be constructed so that all equipment installed in any part of the vehicle shall be secured in order to prevent movement during transit and to prevent detachment in the event of a collision or overturn.
2. All Mobile Food Service Units having equipment for the preparation of food shall be inspected and approved by the San Juan County fire department annually and shall display evidence of such approval in the Mobile Food Service Unit and shall provide a copy of such approval to the City of Aztec.
3. Proper refuse containers shall be provided to patrons pursuant to Chapter 21, Sec. 21-27 and Chapter 14, Sec. 14-63 to 14-67 of the Aztec City Code.
4. A special events license must be obtained by the owner of a business hiring a Mobile Food Service Unit to be upon its premises if the cab is to be detached from the vehicle and food dispensed there from.
5. The cab must be attached to the Mobile Food/Vending Service Unit while in business on a public street or public parking lot.
6. A business establishment which does not meet the definition of Mobile Food/Vending Service Unit will not be licensed under this article.
7. Prior approval from the City of Aztec is needed to conduct any business at the Community Center or in a city park or city parking lot at a park or other recreational facility and shall be subject to such conditions and restrictions as may be deemed appropriate by the department.
8. Mobile Food/Vending Service Units shall be maintained in good repair and in good sanitary condition at all times.
9. A mobile food/vending establishment shall be equipped with an attached refuse container. The operator must hold, store, and dispose of solid and liquid waste in a refuse container that complies with ~~health authority~~ New Mexico Environmental Department, sanitation service and City Code requirements.

10. ~~No advertising, except the posting of prices, shall be permitted on any vending vehicle without an approved sign permit issued by the Community Development Department. All signs, both on-site and secured to the vehicle must be reviewed and approved by the Community Development Department and shall be limited to a size allowable by City Sign Code.~~ No on-site signs (sandwich boards, flags, arrow signs etc...) for advertising will be allowed.
11. Mobile Food/~~Vending~~ Service Units cannot exceed a length of forty (40) feet and a width of eight (8) feet, not including the cab.
12. Mobile Food/~~Vending~~ Service Units must be mobile and must be removed from the street or from the location where food is sold during those hours when not open for business.

**Sec. 11-9-7. Prohibited Conduct.**

The following acts are prohibited by food/vending vendors in the city. No person shall:

1. Notwithstanding any other provision of this Article, and with the exception of Mobile Food Service Units meeting the definition of Transporter, no Mobile Food Service Unit or Vendor shall peddle goods, wares or merchandise:
  - 1) In any zone district whose primary use is residential development;
  - 2) On property owned, leased or operated by the City of Aztec, unless the ~~peddling is associated with an event~~ location and vendor have been approved by the City;
  - 3) Within ~~five one~~ hundred (~~500~~ 100) feet of the property line of any school or childcare facility; or
  - 4) Vend within ~~five one~~ hundred (~~500-100~~) feet of any church while church is in session.
2. Vend on any street or sidewalk where vending is otherwise prohibited.
3. No Mobile Food/~~Vending~~ Service Unit or Vendor shall peddle goods, wares or merchandise before sunset or after sunrise, unless the City has approved such sales.
4. Leave any stand or motor vehicle unattended for longer than ten (10) minutes. When leaving a stand or motor vehicle unattended the stand or motor vehicle must be turned off and locked or otherwise secured.
5. Store, park, or leave any stand overnight on any street or sidewalk, or park any motor vehicle other than in a lawful parking place, in conformance with city and state parking regulations.
6. Sell food or beverages for immediate consumption unless all required permits from the ~~health authority~~ New Mexico Environmental Department have been obtained and refuse containers are available for use by patrons.

7. Leave any location without first picking up, removing and disposing of all trash or refuse within fifty (50) feet of the food/~~vending~~ service location.
8. Allow any items relating to the operation of the vending or food service business to be placed anywhere other than in, on or under the stand or motor vehicle.
9. Set up, maintain or permit the use of any sign, table, crate, carton, rack, or any other device to increase the selling or display capacity of the stand or motor vehicle, where such items have not been described in the business license application and when all additional required permits have not been obtained from the City.
10. Solicit or conduct business with persons in a motor vehicle.
11. Sell anything other than that which is permitted under the license issued.
- ~~12. Sell non-food items.~~
13. Sound or permit the sounding of any device which produces a loud and raucous noise; or use or operate any loudspeaker, public address system, radio, sound amplifier or similar device to attract the attention of the general public. This section shall not be construed to prohibit bells, chimes or unamplified musical instruments if in compliance with all other applicable provisions of the City Code including, but not limited to Sec. 12-125 (Unreasonable Noise).
14. Allow customers to block pedestrian or vehicular traffic.
15. Dispose of liquid or other waste in City storm drains, streets, gutters, anywhere on public property, or in waste bins or containers not belonging to their business.
16. Wave, flag or motion to vehicles on the street.
17. No vendor vending from a motor vehicle shall:
  - 1) Conduct business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, or create or become a public nuisance, increase traffic congestion or delay, or constitute a hazard to traffic, life or property, or an obstruction to adequate access to fire, police, emergency or sanitation vehicles.
  - 2) Stop, stand or park a vehicle upon any street or permit it to remain there except on the roadway at the curb for the purpose of vending there from.
  - 3) Stop, stand or park a vehicle upon any street for the purpose of selling, or sell on any street under any circumstances when parking, stopping or standing has been prohibited by signs or curb markings or is prohibited by statute or ordinance.
  - 4) Remain in any one place for a period longer than necessary to make a sale after having been approached or stopped for that purpose.
  - 5) Stop, stand or park a vehicle within twenty-five (25) feet of any intersection, except that vehicles vending products likely to attract children as customers shall park

curbside when stopping to make a sale as close as possible to a pedestrian crosswalk without entering the intersection or otherwise interfering with the flow of traffic.

- 6) Operate a Mobile Food/Vending Service Unit while stopped between the curb lines of any public street without the motor vehicle's hazard lights being in operation and without taking all other reasonable precautions to ensure the safety of patrons.
- 7) Allow any fluids to be discharged from a vending vehicle.
- 8) Park within one hundred (100) feet of flammable fuels.

**Sec. 11-9-8. Transitional Period.**

Each Mobile Food/Vending Service Unit transacting business within the city shall apply for and obtain a business license in compliance with this article within thirty (30) days from the effective date of this article. Any Mobile Food/Vending Service Unit having a current business license shall make new application within thirty (30) days following the effective date of this article but shall not be required to pay an additional fee to obtain the license.

# Staff Summary Report

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**MEETING DATE:** May 10, 2016  
**AGENDA ITEM:** XII. BUSINESS ITEM (C)  
**AGENDA TITLE:** Bid 2016-549 Sanitary Sewer Interceptor Award

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**ACTION REQUESTED BY:** Finance Department, Public Works  
**ACTION REQUESTED:** APPROVAL  
**SUMMARY BY:** Kathy Lamb

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## PROJECT DESCRIPTION / FACTS

- The sanitary sewer interceptor project (aka sewer outfall project) has been on the City's infrastructure improvements list for several years. Funding was secured for the project in June 2013 and the design of the project was finalized in March 2016.
- The project is the installation of approximately 5,500 LF of 24" HDPE sewer line and 2,300 LF of 18" HDPE sewer line and manholes. The existing line will be abandoned in place. The project does include the restoration of the streets which are impacted by the construction except Western Drive. Western Drive will require reconstruction and will be a separate project in 2017.
- Construction will begin on the west end of the project providing connection with the wastewater treatment plant. As construction proceeds east, sections of the new line will be activated and the old line abandon. It is anticipated construction along the irrigation ditch will occur during the winter and reduce the impact subsurface water may have on the construction.
- Project Schedule:
  - Bid Award: May 2016
  - Contract Approval: June 2016
  - Pre Construction Meeting: June 2016
  - Notice to Proceed: July 2016
  - Construction: 305 Calendar Days (May 2017)
- Wilson & Co will provide construction management on the project, Geomat will provide testing services and SME will provide cultural and environmental monitoring.

## PROCUREMENT / PURCHASING (if applicable)

- Bid 2016-549 Sanitary Sewer Interceptor Improvements was advertised on March 20, March 27 and April 3, 2016. A mandatory pre-bid meeting was conducted on March 28, 2016. Multiple addendums were issued on the project, the result of questions from bidders and suppliers. Bids were opened on May 2, 2016.

- Four bids were received and all are responsive qualified bids. Two bids (AUI, Inc. and Smithco Construction Inc.) had incorrect bid totals and were corrected as per the Instruction to Bidders included in the bid documents. The corrections did not change the bid results (Smithco remained the low bid). The bid amounts include the base bid plus the dewatering allowance of \$250,000.
  - AUI, Inc. \$5,530,034.50
  - Consolidated Constructors Inc. \$6,606,872.01
  - Smithco Construction Inc. \$3,533,970.00
  - TLC Plumbing \$3,621,686.50
- The City does not have experience with Smithco Construction Inc. (located in Caballo NM, south of Truth or Consequences). New Mexico Environmental Department (NMED) does have experience with Smithco Construction Inc on multiple projects and indicates, overall, the experience has been positive.
- NMED concurrence to award the bid is required and documents were submitted on May 4, 2016. Concurrence was received on May 4, 2016.
- Upon receipt of bonds and contract signed by Smithco Construction, Inc., the contract will be presented to commission for approval.

**FISCAL INPUT / FINANCE DEPARTMENT (if applicable)**

- Sanitary Sewer Project Commitments (includes estimated taxes):
  - Smithco Construction Inc. \$3,816,687.60
  - Wilson & Co (const management) \$ 366,401.60
  - Geomat Inc. (testing) \$ 52,785.55
  - SME (cultural & environmental) \$ 30,000.00
  - Total Project Costs \$4,265,875.15
- Available Funding
  - CWSRF\* Loan \$5,050,000.00
  - CWSRF Loan subsidy (grant) \$ 350,000.00
  - Total \$5,400,000.00

\*CWSRF: Clean Water State Revolving Fund administered by NMED for EPA.

Loan documents have been in place since 2013. A final loan agreement will be executed for the amount of funds either when the project is complete or when 100% of the loan funds are disbursed. One year following the final loan agreement, the first debt service payment will be due, estimated to be spring of 2018, and will continue for 20 years if not paid in full prior. In addition to the annual debt payment, there is a requirement to establish both a debt reserve (the

equivalent of one annual debt payment) and repair and replacement reserve (equal to 5% of the loan).

Based on the total project costs presented above:

- Annual Debt Payment: \$286,733.82
- Debt Reserve \$286,733.82 or \$47,789 annually for six yrs
- Repair & Replacement Reserve \$231,293.76 or \$38,549 annually for six yrs

As reported to the commission in June 2013 and December 2014, the debt requirements will result in adjustments to the existing sewer rate structure. The Utility Cost of Service Study will consider the debt requirements in the recommended rate structures. Proposals for the study are due May 5, 2016.

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**SUPPORT DOCUMENTS:** City Engineer Recommendation including bid tabulation  
NMED Letter of Concurrence to Award Bid

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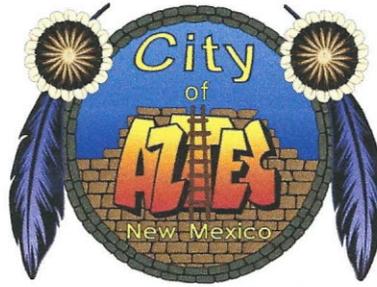
**DEPARTMENT'S RECOMMENDED MOTION:** Move to Approve the award of Bid 2016-549 to Smithco Construction, Inc. in the amount of \$3,533,970.00 plus gross receipts tax.

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*Mayor*  
Sally Burbridge

*Mayor Pro-Tem*  
Sherri A. Sipe



*Commissioners*  
Austin R. Randall  
Katee McClure  
Sheri L. Rogers

*A desirable place to live, work and play; rich in history and small town values!*

May 4, 2016

David E. Bishop, PE  
Project Manager  
NMED Construction Programs Bureau  
121 Tijeras Ave NE, Ste 1000  
Albuquerque, NM 87102-3400

RE: Aztec Sewer Interceptor

Dear Mr. Bishop;

I have reviewed the bids received in the competitive bidding process for the Aztec Sewer Interceptor Project and investigated the qualifications of the bidders. I recommend award of the contract to the low bidder, SMITHCO, in the amount of \$3,283,970.00 plus the \$250,000.00 allowance for trench dewatering bringing the overall possible total to \$3,533,970.00. I have included a certified bid tabulation for your reference.

The City of Aztec is anxious to get the project started and awaits your approval of the bid recommendation before scheduling a pre-construction meeting. Wilson Engineering will be overseeing construction of the sewer main for the City and will have full-time inspection present on the job to continually ensure correct elevations and slope of the new pipeline. SME will be managing wildlife, cultural, and wetlands observation for the City during construction.

The project will start at the Waste Water treatment Plant. We are hoping to be through the residential area on Western Drive to Station 38+00 where the pipeline starts to parallel the Eledge Ditch in October of this year when the ditch water will be turned off. Working along the ditch when the water is off will greatly ease the requirement for dewatering the trench.

Please call or email with your questions. We are looking forward to working with you and your continued cooperation on this important project for the City of Aztec.

Respectfully,

A handwritten signature in blue ink, appearing to be "W. Watson".

William L. Watson, PE  
City Engineer/DPW

cc: Chris Perea, Wilson Engineering  
Nathan Kirker, SME  
Kathy Lamb, COA Finance Director



BID 2016-949 SANITARY SEWER INTERCEPTOR IMPROVEMENTS  
 BID OPENED MAY 2, 2013, 3:00 PM  
 RECOMMENDED AWARD TO: SMITHCO CONSTRUCTION INC.



BID ITEM	SPEC NO.	ITEM DESCRIPTION	UNIT	EST. QTY.	AUI, INC. NM Lic #20617		CONSOLIDATED CONSTRUCTORS INC NM Lic #1272		SMITHCO NM Lic #56580		TLC PLUMBING NM Lic #51429	
					UNIT BID PRICE	AMOUNT	UNIT BID PRICE	AMOUNT	UNIT BID PRICE	AMOUNT	UNIT BID PRICE	AMOUNT
1	201.01	SITE CLEARING AND GRUBBING, CIP	AC	1	26,679.00	26,679.00	248,235.00	248,235.00	10,000.00	10,000.00	20,000.00	20,000.00
2	201.02	TREES, 12"-30" CIRC. R&D, CIP	LS	1	47,896.00	47,896.00	35,000.00	35,000.00	10,000.00	10,000.00	20,000.00	20,000.00
3	202.011	ROADWAY EXCAVATE & DISPOSE UNSUITABLE MATERIAL, CIP	CY	100	24.00	2,400.00	41.00	4,100.00	20.00	2,000.00	30.00	3,000.00
4	301.7.1	SUBGRADE PREPARATION, 12" @ 95% COMPACTION, CIP	SY	11,160	3.20	35,712.00	5.26	58,701.60	2.00	22,320.00	2.50	27,900.00
5	302.6.2	TYPE 1 - AGGREGATE BASE COURSE 6" THICK, CLASS I	SY	11,160	11.00	122,760.00	20.72	231,235.20	14.00	156,240.00	9.00	100,440.00
6	336.11.2.1.1	ASPHALT CONCRETE PAVEMENT, 3" THICK (1-1/2" TYPE B OVER 1-1/2" TYPE B) MACHINE LAYDOWN, CIP	SY	8,625	41.00	353,625.00	24.27	209,328.75	30.00	258,750.00	29.50	254,437.50
7	336.3.2	PRIME COAT	TON	0.5	8,971.00	4,485.50	7,670.00	3,835.00	35,000.00	17,500.00	8,000.00	4,000.00
8	343.5.1.1	ROADWAY PAVEMENT REMOVALS/DISPOSAL, SAWCUT INCLUDED, CIP	SY	10,000	7.70	77,000.00	9.53	95,300.00	4.00	40,000.00	5.00	50,000.00
9	343.5.1.3	REMOVE, DISPOSE & REPLACE EXISTING SIDEWALK & WALL AT	LS	1	14,883.00	14,883.00	27,313.00	27,313.00	10,000.00	10,000.00	2,500.00	2,500.00
10	410.6.3	CHAIN LINK FENCE, REMOVE, RESET, ( MATCH EX.) CIP	LS	1	47,797.00	47,797.00	36,790.00	36,790.00	25,000.00	25,000.00	72,000.00	72,000.00
11	450.4.7	REMOVE AND RESET TRAFFIC SIGNS W/ NEW BASE CIP	LS	1	1,388.00	1,388.00	2,275.00	2,275.00	3,500.00	3,500.00	6,000.00	6,000.00
12	701.17.1.2	TRENCH, EXCAVATION, AND BACKFILL, 0'- 8' DEPTH, PIPE NOT INCLUDED. WITH SHORING	LF	3,180	67.00	213,060.00	70.20	223,236.00	30.00	95,400.00	30.00	95,400.00
13	210005	TRENCH, EXCAVATION, AND BACKFILL, 0' - 12' DEPTH, PIPE NOT INCLUDED. WITH SHORING	LF	750	212.00	159,000.00	89.70	67,275.00	50.00	37,500.00	110.00	82,500.00
14	701.17.1.2	TRENCH, EXCAVATION, AND BACKFILL, 0' - 16' DEPTH, PIPE NOT INCLUDED. WITH SHORING	LF	2,184	188.00	410,592.00	100.10	218,618.40	70.00	152,880.00	133.00	290,472.00
15	701.17.1.2	TRENCH, EXCAVATION, AND BACKFILL, 0'- 20' DEPTH, PIPE NOT INCLUDED. WITH SHORING	LF	1,456	175.00	254,800.00	128.70	187,387.20	130.00	189,280.00	120.00	174,720.00
16	701.17.2	OVER-EXCAVATION	CY	500	37.00	18,500.00	151.45	75,725.00	150.00	75,000.00	20.00	10,000.00
17	701.17.4	EXCAVATE AND DISPOSE OF UNSUITABLE MATERIAL, CIP	CY	6,000	16.00	96,000.00	17.55	105,300.00	15.00	90,000.00	9.75	58,500.00
18	701.32	BACKFILL MATERIAL, SELECT, CIP	CY	6,000	22.00	132,000.00	40.30	241,800.00	40.00	240,000.00	26.25	157,500.00
19	801	6" PVC C900 REUSE WATERLINE, PLACE IN OPEN TRENCH, CIP	LF	6,978	26.00	181,428.00	34.88	243,392.64	25.00	174,450.00	9.50	66,291.00
20	801.22	6" AIR RELIEF ASSEMBLY, CIP	EA	9	6,581.00	59,229.00	5,785.00	52,065.00	6,500.00	58,500.00	3,500.00	31,500.00



5/4/16



**BID 2016-949 SANITARY SEWER INTERCEPTOR IMPROVEMENTS**  
**BID OPENED MAY 2, 2013, 3:00 PM**  
**RECOMMENDED AWARD TO: SMITHCO CONSTRUCTION INC.**

BID ITEM	SPEC NO.	ITEM DESCRIPTION	UNIT	EST. QTY.	AUI, INC. NM Lic #20617		CONSOLIDATED CONSTRUCTORS INC NM Lic #1272		SMITHCO NM Lic #56580		TLC PLUMBING NM Lic #51429	
					UNIT BID PRICE	AMOUNT	UNIT BID PRICE	AMOUNT	UNIT BID PRICE	AMOUNT	UNIT BID PRICE	AMOUNT
21	801	6" BLOWOFF VALVE ASSEMBLY, CIP	EA	10	5,577.00	55,770.00	6,169.00	61,690.00	5,500.00	55,000.00	3,800.00	38,000.00
22	801.3.3	6" GATE VALVE AND BOX, CIP	EA	5	1,517.00	7,585.00	1,605.50	8,027.50	2,500.00	12,500.00	1,200.00	6,000.00
23	801.3.3	RELOCATE GATE VALVE AND BOX	EA	1	983.00	983.00	1,215.00	1,215.00	3,000.00	3,000.00	1,000.00	1,000.00
24	802	ADJUST WATER SERVICE CONNECTION	LS	1	12,723.00	12,723.00	26,000.00	26,000.00	2,000.00	2,000.00	18,000.00	18,000.00
25	901/15000	12" HDPE PIPE, DR 21, PLACE IN OPEN TRENCH, CIP	LF	20	93.00	1,860.00	133.05	2,661.00	45.00	900.00	43.00	860.00
26	901/15000	18" HDPE PIPE, DR 21, PLACE IN OPEN TRENCH, CIP	LF	2,500	74.00	185,000.00	210.28	525,700.00	50.00	125,000.00	80.00	200,000.00
27	901/15000	24" HDPE PIPE, DR 21, PLACE IN OPEN TRENCH, CIP	LF	4,572	98.00	448,056.00	252.16	1,152,875.52	70.00	320,040.00	112.00	512,064.00
28	901	30" RCP IV, PLACE IN OPEN TRENCH, CIP	LF	26	88.00	2,288.00	257.00	6,682.00	500.00	13,000.00	90.00	2,340.00
29	901	CONNECT EXISTING SEWERLINE TO NEW MANHOLE	EA	6	949.00	5,694.00	5,070.00	30,420.00	2,500.00	15,000.00	950.00	5,700.00
30	901	CONNECT NEW SEWERLINE TO EXISTING MANHOLE	EA	3	3,348.00	10,044.00	6,330.00	18,990.00	7,000.00	21,000.00	3,100.00	9,300.00
31	901	REMOVE AND REPLACE FORCEMAIN, CIP	LS	1	35,027.00	35,027.00	26,130.00	26,130.00	25,000.00	25,000.00	28,000.00	28,000.00
32	901	REMOVE AND DISPOSE EXISTING SAS LINE	LS	1	3,283.00	3,283.00	101,940.00	101,940.00	500.00	500.00	2,500.00	2,500.00
33	901	REMOVE AND DISPOSE EXISTING MANHOLE (EX MH #1)	LS	1	3,846.00	3,846.00	4,290.00	4,290.00	2,000.00	2,000.00	2,400.00	2,400.00
34	901.5.2	16" PVC PIPE, DR 21, PLACE IN OPEN TRENCH, CIP	LF	80	60.00	4,800.00	171.00	13,680.00	65.00	5,200.00	93.00	7,440.00
35	901.5.2	6" PVC PIPE, DR 21, SEWER LATERAL, PLACE IN OPEN TRENCH, CIP	LF	871	33.00	28,743.00	61.20	53,305.20	25.00	21,775.00	26.00	22,646.00
36	901.63	BY-PASS PUMP NO. 1	LS	1	103,334.00	103,334.00	55,530.00	55,530.00	25,000.00	25,000.00	25,000.00	25,000.00
37	901.63	BY-PASS PUMP NO. 2	LS	1	26,606.00	26,606.00	29,000.00	29,000.00	25,000.00	25,000.00	10,000.00	10,000.00
38	901.63	BY-PASS PUMP NO. 3	LS	1	66,815.00	66,815.00	50,595.00	50,595.00	25,000.00	25,000.00	10,000.00	10,000.00
39	901.63	BY-PASS PUMP NO. 4	LS	1	30,621.00	30,621.00	50,595.00	50,595.00	25,000.00	25,000.00	10,000.00	10,000.00
40	901.63	BY-PASS PUMP NO. 5	LS	1	137,216.00	137,216.00	36,910.00	36,910.00	25,000.00	25,000.00	10,000.00	10,000.00



BID 2016-949 SANITARY SEWER INTERCEPTOR IMPROVEMENTS  
 BID OPENED MAY 2, 2013, 3:00 PM  
 RECOMMENDED AWARD TO: SMITHCO CONSTRUCTION INC.



514116

BID ITEM	SPEC NO.	ITEM DESCRIPTION	UNIT	EST. QTY.	AUI, INC. NM Lic #20617		CONSOLIDATED CONSTRUCTORS INC NM Lic #1272		SMITHCO NM Lic #56580		TLC PLUMBING NM Lic #51429	
					UNIT BID PRICE	AMOUNT	UNIT BID PRICE	AMOUNT	UNIT BID PRICE	AMOUNT	UNIT BID PRICE	AMOUNT
41	901.63	BY-PASS PUMP NO. 6	LS	1	43,498.00	43,498.00	38,740.00	38,740.00	25,000.00	25,000.00	10,000.00	10,000.00
42	901.63	BY-PASS PUMP NO. 7	LS	1	99,903.00	99,903.00	42,016.00	42,016.00	25,000.00	25,000.00	10,000.00	10,000.00
43	901.63	BY-PASS PUMP NO. 8	LS	1	21,863.00	21,863.00	42,016.00	42,016.00	25,000.00	25,000.00	10,000.00	10,000.00
44	905	4" PVC SEWER SERVICE, PLACE IN OPEN TRENCH, CIP - 601 SWIRE	LS	1	10,535.00	10,535.00	8,718.00	8,718.00	2,500.00	2,500.00	850.00	850.00
45	905	4" PVC SEWER SERVICE, PLACE IN OPEN TRENCH, CIP - 500 WESTERN	LS	1	10,623.00	10,623.00	8,808.00	8,808.00	2,500.00	2,500.00	850.00	850.00
46	905	4" PVC SEWER SERVICE, PLACE IN OPEN TRENCH, CIP - 502 WESTERN	LS	1	10,623.00	10,623.00	8,820.00	8,820.00	2,500.00	2,500.00	850.00	850.00
47	905	4" PVC SEWER SERVICE, PLACE IN OPEN TRENCH, CIP - 504 WESTERN	LS	1	10,623.00	10,623.00	8,810.00	8,810.00	2,500.00	2,500.00	850.00	850.00
48	905	4" PVC SEWER SERVICE, PLACE IN OPEN TRENCH, CIP - 506 WESTERN	LS	1	10,623.00	10,623.00	8,810.00	8,810.00	2,500.00	2,500.00	850.00	850.00
49	905	4" PVC SEWER SERVICE, PLACE IN OPEN TRENCH, CIP - 508 WESTERN	LS	1	10,623.00	10,623.00	8,810.00	8,810.00	2,500.00	2,500.00	850.00	850.00
50	905	4" PVC SEWER SERVICE, PLACE IN OPEN TRENCH, CIP - 510 WESTERN	LS	1	10,623.00	10,623.00	8,810.00	8,810.00	2,500.00	2,500.00	850.00	850.00
51	905	4" PVC SEWER SERVICE, PLACE IN OPEN TRENCH, CIP - 512 WESTERN	LS	1	10,623.00	10,623.00	8,810.00	8,810.00	2,500.00	2,500.00	850.00	850.00
52	905	4" PVC SEWER SERVICE, PLACE IN OPEN TRENCH, CIP - 514 WESTERN	LS	1	10,623.00	10,623.00	8,810.00	8,810.00	2,500.00	2,500.00	850.00	850.00
53	905	4" PVC SEWER SERVICE, PLACE IN OPEN TRENCH, CIP - 516 WESTERN	LS	1	10,611.00	10,611.00	8,810.00	8,810.00	2,500.00	2,500.00	850.00	850.00
54	905	4" PVC SEWER SERVICE, PLACE IN OPEN TRENCH CIP - 518 WESTERN	LS	1	10,617.00	10,617.00	8,810.00	8,810.00	2,500.00	2,500.00	850.00	850.00
55	905	4" PVC SEWER SERVICE, PLACE IN OPEN TRENCH CIP - 1000 W AZTEC	LS	1	11,029.00	11,029.00	8,840.00	8,840.00	2,500.00	2,500.00	850.00	850.00
56	915	24" CMP CULVERT, REMOVE AND REPLACE, TRENCH AND BACKFILL	LF	107	137.00	14,659.00	110.00	11,770.00	105.00	11,235.00	68.00	7,276.00
57	915.4	REMOVE, DISPOSE AND INSTALL NEW DROP INLET	EA	1	8,509.00	8,509.00	7,085.00	7,085.00	8,000.00	8,000.00	8,600.00	8,600.00
58	915.4	REMOVE INLET	EA	1	1,437.00	1,437.00	1,235.00	1,235.00	2,000.00	2,000.00	1,500.00	1,500.00
59	920.085	EXISTING MANHOLE, ABANDON-IN PLACE, CIP	EA	14	2,443.00	34,202.00	1,560.00	21,840.00	2,000.00	28,000.00	1,000.00	14,000.00
60	920.07	MANHOLE, 4' DIA, 0'-10' DEEP, CIP	EA	0	-	-	-	-	-	-	-	-



514116



BID 2016-949 SANITARY SEWER INTERCEPTOR IMPROVEMENTS  
 BID OPENED MAY 2, 2013, 3:00 PM  
 RECOMMENDED AWARD TO: SMITHCO CONSTRUCTION INC.

BID ITEM	SPEC NO.	ITEM DESCRIPTION	UNIT	EST. QTY.	AUI, INC. NM Lic #20617		CONSOLIDATED CONSTRUCTORS INC NM Lic #1272		SMITHCO NM Lic #56580		TLC PLUMBING NM Lic #51429	
					UNIT BID PRICE	AMOUNT	UNIT BID PRICE	AMOUNT	UNIT BID PRICE	AMOUNT	UNIT BID PRICE	AMOUNT
61	920.14	MANHOLE, 6' DIA, 0'-10' DEEP, CIP	EA	3	14,617.00	43,851.00	14,335.00	43,005.00	9,500.00	28,500.00	10,000.00	30,000.00
62	920.15	MANHOLE, 6' DIA, 0'-15' DEEP, CIP	EA	14	17,106.00	239,484.00	16,935.00	237,090.00	12,000.00	168,000.00	10,000.00	140,000.00
63	920.16	MANHOLE, 6' DIA, 0'-20' DEEP, CIP	EA	8	20,012.00	160,096.00	21,490.00	171,920.00	13,000.00	104,000.00	13,000.00	104,000.00
64	920.17	MANHOLE, 8' DIA, 0'-14' DEEP, CIP	EA	1	21,404.00	21,404.00	30,130.00	30,130.00	20,000.00	20,000.00	18,000.00	18,000.00
65	1011	SEEDING, CLASS "A", NATIVE, (DRILL SEED/STRAW MULCH) CIP	AC	20	1,814.00	36,280.00	8,260.00	165,200.00	2,000.00	40,000.00	200.00	4,000.00
66	2999	NPDES STORM WATER PERMITTING / SWPPP	LS	1	34,559.00	34,559.00	75,400.00	75,400.00	15,000.00	15,000.00	8,400.00	8,400.00
67	15030	CONSTRUCTION SURVEYING & STAKING	LS	1	76,244.00	76,244.00	63,340.00	63,340.00	55,000.00	55,000.00	32,000.00	32,000.00
68	17010	TRAFFIC CONTROL AND BARRICADING	LS	1	152,357.00	152,357.00	110,825.00	110,825.00	25,000.00	25,000.00	34,000.00	34,000.00
69	NMDOT	CONCRETE BOX CULVERT AND WINGWALLS, CIP	LS	1	109,108.00	109,108.00	182,000.00	182,000.00	75,000.00	75,000.00	115,000.00	115,000.00
70	DWG	CONNECT TO WWTP HEADWORKS, CIP	LS	1	15,882.00	15,882.00	40,950.00	40,950.00	15,000.00	15,000.00	50,000.00	50,000.00
71	MUTCD	INSTALL OBJECT MARKERS TYPE 3 W/ POSTS CIP	EA	4	1,074.00	4,296.00	325.00	1,300.00	500.00	2,000.00	650.00	2,600.00
72	STS 16000	MOBILIZATION / DEMOBILIZATION	LS	1	550,000.00	550,000.00	311,350.00	311,350.00	150,000.00	150,000.00	300,000.00	300,000.00
73	905	4" PVC SEWER SERVICE, PLACE IN OPEN TRENCH, CIP - 610 WESTERN DRIVE	LS	1	10,739.00	10,739.00	9,035.00	9,035.00	2,500.00	2,500.00	850.00	850.00
74	905	4" PVC SEWER SERVICE, PLACE IN OPEN TRENCH, CIP - 611 WESTERN DRIVE	LS	1	10,588.00	10,588.00	8,810.00	8,810.00	2,500.00	2,500.00	850.00	850.00
75		TEMPORARY DITCH CROSSING	LS	1	33,771.00	33,771.00	13,000.00	13,000.00	12,000.00	12,000.00	12,000.00	12,000.00
<b>Base Bid - Subtotal of Bid Items No. 1 through 75</b>						\$ 5,280,034.50		\$ 6,356,872.01		\$ 3,283,970.00		\$ 3,371,686.50
<b>Allowances: Dewater Trench</b>						250,000.00		250,000.00		250,000.00		250,000.00
<b>Total Bid: Base Bid plus Allowances</b>						\$ 5,530,034.50		\$ 6,606,872.01		\$ 3,533,970.00		\$ 3,621,686.50



NEW MEXICO  
ENVIRONMENT DEPARTMENT



SUSANA MARTINEZ  
Governor  
JOHN A. SANCHEZ  
Lieutenant Governor

Suite 1000  
121 Tijeras Ave NE  
Albuquerque, NM 87102-3400  
Phone (505) 222-9500 Fax (505) 222-9510  
www.env.nm.gov

RYAN FLYNN  
Cabinet Secretary  
BUTCH TONGATE  
Deputy Secretary

May 4, 2016

William L. Watson, P.E.  
City of Aztec, City Engineer/DPW  
303 S. Ash Street  
Aztec, New Mexico 87410

**RE: Recommend Concurrence of Award to Smithco Construction for the Sanitary Sewer Interceptor Line, City of Aztec, NM (CWSRF 021).**

Mr. Watson:

The New Mexico Environment Department Construction Programs Bureau (NMED-CPB) received the bid tabulation for the above referenced project on May 4, 2016, and has reviewed the City's recommendation of award and certified bid tabulation for the above referenced project.

This letter serves as NMED-CPB concurrence with the City of Aztec that Smithco Construction, Inc. is the apparent responsible low bidder to provide construction of the City of Aztec Sanitary Sewer Interceptor Line in the amount of \$3,533,970 (excludes tax). The City may proceed with awarding the construction contract to Smithco Construction, Inc.

NMED CPB requires the City submit the notice of award and the meeting minutes in which the award was made, notice of preconstruction conference date, an executed set of the contract documents for our files, including copies of the performance and payment bonds, the notice to proceed, and construction schedule. NMED CPB also requires a copy of the resume for the resident project representative. These documents can be hand-delivered to me at the preconstruction conference.

Should you have any question or comments, I can be reached at 505-222-9567 or e-mail at david.bishop@state.nm.us.

Sincerely,

David E. Bishop, P.E.  
Project Engineer

- cc: Scott Eddings, P.E. (Huitt-Zollars, 333 Rio Rancho Dr. NE, Suite 101, Rio Rancho, NM 87124)
- Jennifer Prada (NMED CPB, e-mail)
- Chris Perea, P.E. (Wilson & Company, e-mail)
- Nathan Kirker (SME, e-mail)
- Kathy Lamb (City of Aztec, e-mail)
- File

# Staff Summary Report

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**MEETING DATE:** May 10, 2016

**AGENDA ITEM:** XIII. LAND USE HEARING (A)

**AGENDA TITLE:** 2016-036 – Variance – 822 Maddox Ave

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**ACTION REQUESTED BY:** Mitchel & Shyla Solomon  
822 Maddox Ave.  
Aztec, NM 87410

**ACTION REQUESTED:** Variance to 40' front yard setback per Sec. 26-2-25 (1)

**SUMMARY BY:** William M. Homka AICP, CFM

---

## PROJECT DESCRIPTION / FACTS

### Parcel Information:

**Zoning:** A-1 Agricultural / Rural District

**Dimensions:** About 60' x 122'  
Total lot area = 7,320 sq. ft.

**Legal Description:** Maddox Subdivision Lot 15

**Area:** 0.17 acres

**Owner:** Mitchel & Shyla Solomon  
822 Maddox Ave.  
Aztec, NM 87410

**Floodplain Area:** No

**Access:** Public roadway frontage on  
822 Maddox Avenue

## SUMMARY

Notice of this application has been published in a newspaper of general circulation per variance procedures set forth in Sec. 26-504-2 (2) **Publication and Notification**. This also includes sending meeting notices via certified mail to the owners of adjoining properties and any other property situated within 100' of the property line.

Mr. and Mrs. Solomon live at 822 Maddox Avenue and are the property owners. The property is zoned A-1 Agricultural – Rural. The owners want to construct a small bathroom onto the front of the home, however as it sits now the home is set back 33' from Maddox Avenue. The front yard

setback in the A-1 zoning district is a 40' minimum. The house presently encroaches seven feet (7') into the required front yard setback.

Maddox Avenue is a residential street and is in a neighborhood of single family homes. At some point in Aztec's history the city designated the neighborhood's zoning district as A-1 Agricultural – Rural. The A-1 district was last amended in April, 2011 and some lot requirements were changed. One change requires any new parcel seeking A-1 zoning to meet a minimum size requirement of five (5) or more acres. Most likely this home was constructed before the city adopted zoning regulations.

“Existing non-conforming” is a term that refers to property that was in existence prior to the adoption of zoning regulations. More often the non-conformity is a use rather than parcel dimensions, as zoning was often applied to correct unwanted or undesirable uses in a community. As the property is transferred over time such uses slowly come into conformance. A non-conforming design requirement is less likely to disappear over time, however. This is the case here, where the existing home already encroaches into the 40' front yard setback and the 30' side yard requirements. The home measures 50' wide with the typical five foot (5') residential side yards. As it exists, the house encroaches 17' into the front yard requirement and 30' into both side yards. At only 60' in width, the lot has a zero build line down the center of the parcel due to the side yard requirement alone.

The addition is proposed for the front elevation of the house located on its right side. It will measure about 12-1/2' across the front of the façade and extend about eight feet (8') toward Maddox Avenue. This addition would not require a variance if the property were zoned R-1 because it would meet the 25' setback requirement in the single family district. This variance seeks permission to further encroach into the required front yard another eight feet (8').

If the A-1 Agricultural zoning regulations are strictly applied to this parcel then the owners will not be able to add an addition onto the front of the home, something that other single family home owners can when their home exceeds a setback of 25' enough to maintain compliance with the setback. The main façade of this home is setback 33' off Maddox Avenue, with the garage measuring 29' from the street. Even with the new addition the new addition wall will measure 25' off the street.

This application is seeking a variance pursuant to Division 5: Variance, in which the commission must find there exists a purpose and hardship, as well as the following eight (8) conditions in order to approve a variance:

- ✓ (1) That the variance will not allow a use other than a use permitted for the district;  
It is still single family residential.
- ✓ (2) That under exceptional and extraordinary circumstances having to abide by literal enforcement of the provisions of this ordinance will result in unnecessary hardship;  
Yes.
- ✓ (3) That the circumstances presented were not created by the owner of the property and are not due to or the result of general conditions in the district in which the property is located;  
Circumstances were pre-existing.

- ✓ (4) That the development or use of the property for which the variance is sought, if limited by literal enforcement of the provisions of this ordinance, cannot yield a reasonable return in service, use or income as compared to adjacent conforming property in the same district;  
Yes. It is not uncommon for contemporary single family homes to have two (2) bathrooms for homeowner convenience and enjoyment.
- ✓ (5) That the variance will not substantially or permanently injure the appropriate use of adjacent property in the same district and conforming to the designated Land Development district;  
It will not.
- ✓ (6) That the variance will not alter the essential character of the Land Development district in which the property is located within and for which the variance is sought;  
It will not.
- ✓ (7) That the variance will not weaken the general purposes of this ordinance or the regulations established for the specific district;  
It will not.
- ✓ (8) That the variance will not adversely affect the public health, safety or welfare;  
It will not.

In review of the above requirements it is clear that the variance request passes all eight (8) standards as required in order to be granted. Thus it is for these reasons the staff is recommending approval of the variance request.

#### **FINDINGS OF FACT**

1. Application 2016-036 is a variance request seeking permission for a new building addition to encroach another eight feet (8') into the 40' front yard setback required in A-1 Agricultural – Rural zoning districts;
2. The home existed prior to the adoption of the city's zoning regulations and is of single family character and not agricultural;
3. The variance request passes all eight (8) conditions that must be present in order to grant a variance to any code requirement;
4. The addition is of residential character and will not intrude into the character of the neighborhood or devalue any adjacent/nearby property;
5. It's typical for contemporary homes to have two (2) bathrooms. If we want to encourage investment into our older neighborhoods and homes, then owners should be able to make reasonable improvements, and;
6. Denial of this request would prohibit the property owners of reasonable enjoyment of their home and use of their property.

**FISCAL INPUT / FINANCE DEPARTMENT (if applicable)**

None

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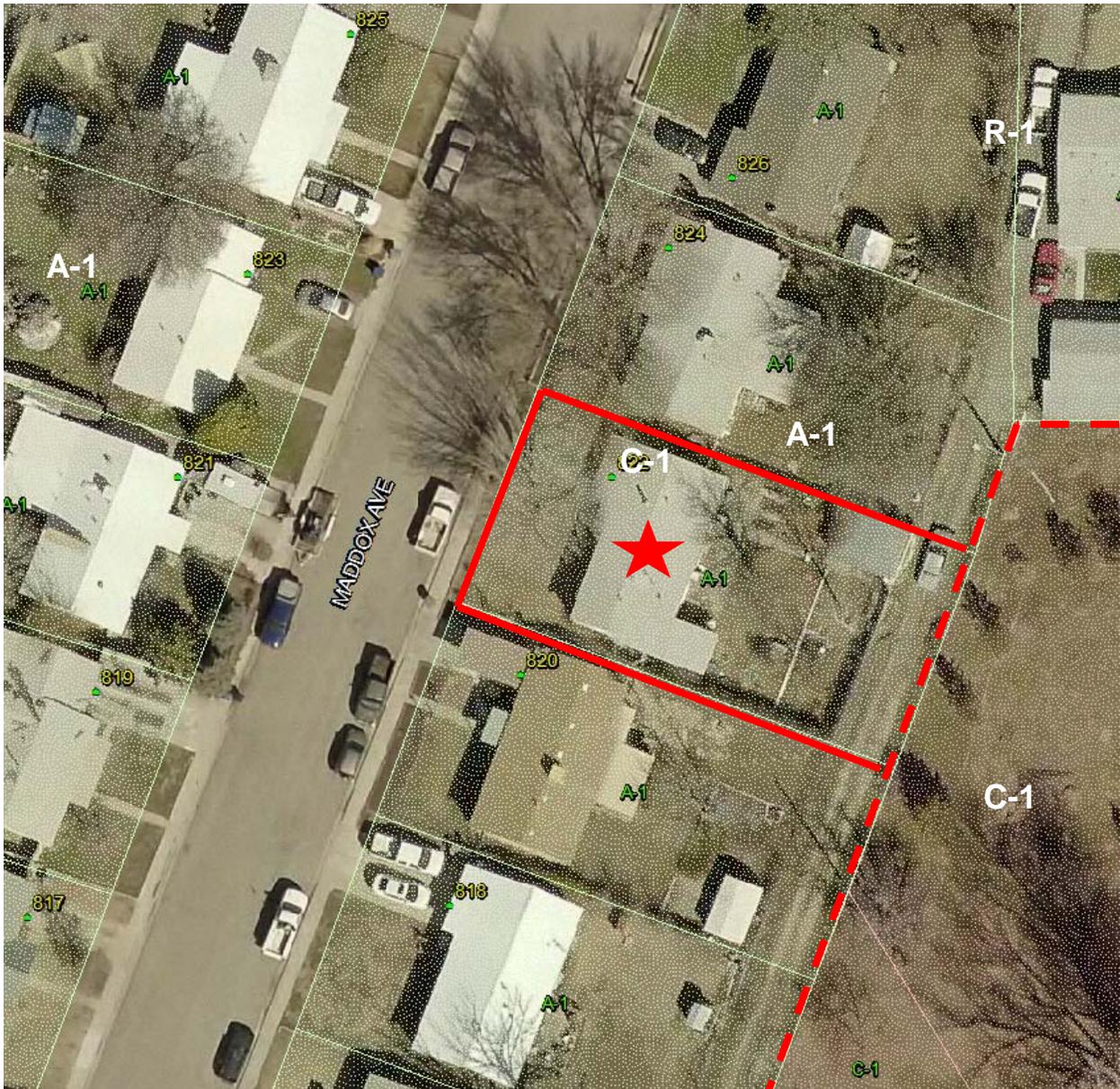
**SUPPORT DOCUMENTS:**

1. Aerial Photo and Zoning Map
2. Parcel Dimension Analysis
3. Flood Map
4. Letter from the Applicants
5. Application
6. Applicant Notification Letter
7. Adjacent Property Owner Notification Letter
8. List of Adjacent Property Owners
9. Sketch provided by Property Owner

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**DEPARTMENT'S RECOMMENDED MOTION:** Move To Approve The 2016-036, application for a Variance to the city zoning code, Section 26-2-25 (1) Setback regulations that requires a 40' front yard setback in the A-1 Agricultural – Rural zoning district, and allow an additional encroachment of eight feet (8') for the six (6) reasons listed in the Findings of Fact.

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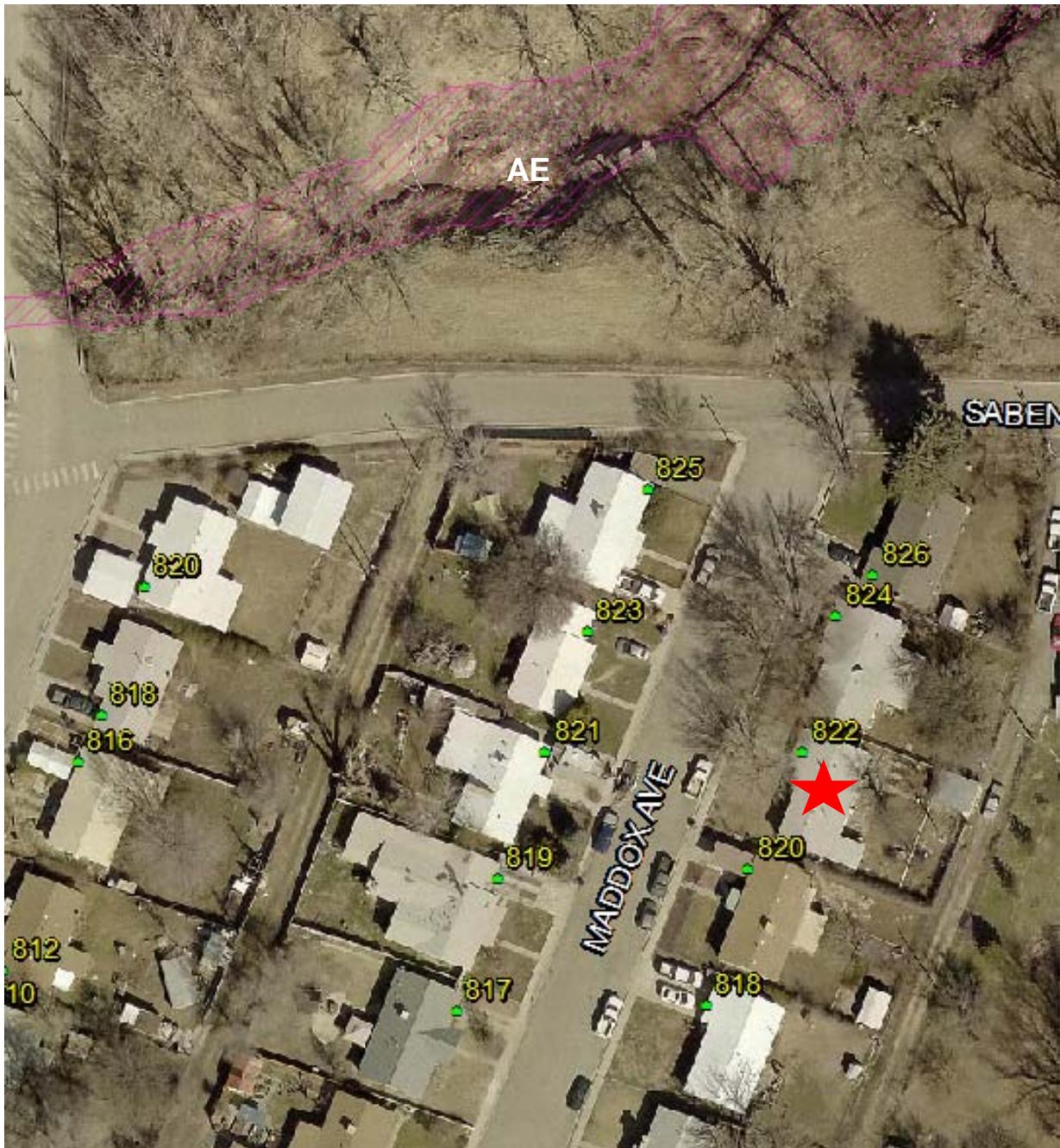
**ARIEL PHOTO & ZONING  
MAP**

**★ 822 Maddox Ave.**



**DIMENSION ANALYSIS**

**822 Maddox Ave.**



**FLOOD MAP**

**822 Maddox Ave.**



**AE Flood Zone – 1% Chance per year  
(formerly the 100 year flood zone)**

## Variance Request for 822 Maddox Ave.

We wish to add a second bathroom onto our house. The bathroom would be added to the front of the house connected to the master bedroom. It would be 8' x 12.5'. We are requesting a variance from the setback allowance that is part of our lands zoning. Our lot is .16 acers but is zoned as A-1 (agricultural). Our lot resembles more of the R-1 zone (single family residential). The difference is that the setback for A-1 is 40' from the street to front of house. R-1 setback is 25'. Our house is 33' from the street with the nearest wall at 29'. Our neighbor's houses (on both sides) are closer to the street than ours. A-1 setback for the side of house to property line is 30'. Our house sits at 5' from side of property on both sides. Clearly our house (which was built in the 50s) is already not meeting the A-1 zoning setback distances. This is why we're requesting a variance from the A-1 setbacks so we can add on the proposed bathroom.

We're asking for a variance on the front setback distance so we can add on the second bathroom which would meet the R-1 setback distance of 25' (see drawing for details). When requesting a building permit William Homka (community development director in Aztec) emailed me and said, "I apologize for not noticing my assistant was dealing with an irregular situation at the counter, such as a single family residential use on a small lot trying to meet A-1 agricultural setbacks (really designed for large parcels). So it is a good thing that you called back to inquire for additional assistance."

Adding on this bathroom will be part one in our two-step process to replace our aging and failing plumbing and sewer lines under our house. With this bathroom we will fix half the problem. If we don't have the new add on bathroom we will not have a bathroom as we re-do the piping. Not having a bathroom for a few weeks will cause problems for me and my family. Having the second bathroom will also make our house more valuable and will enhance the look of it.

Thank You

Mitchel and Shyla Solomon

822 Maddox Ave. Aztec, NM

Permit #: 2016-036

Date: 11 APR 2016



# CITY OF AZTEC

Please Circle: Variance      Zone Change      Conditional Use      Special Use

Applicant Name: Mitchel & Shyla Solomon

Applicant Address: 822 Maddox ave

Tax ID #: \_\_\_\_\_

Applicant Phone: 505-386-8399

Is Applicant Owner / Lessee / Other of Property? NO

Legal Description of the Property: (Or address if different than above) \_\_\_\_\_

Flood Zone N/A

Total Area of Property (acres): .16

Zoning District: A-1

Present Use of Property: Single Family Dwelling

Desired Use of Property: -

Reason for Requesting a Permit:

We need a variance from the setback rules of a Zone A-1 so we can add on a second bathroom.

Plan Map Available? YES NO  
(Plan map is required, failure to provide a plan map will cause a delay in the process)

[Signature]  
Applicant's Signature

4-11-16  
Date

City Commission Meeting Date: May 10, 2016

ACTION: APPROVED      DENIED

\_\_\_\_\_  
Community Development Director

\_\_\_\_\_  
Date

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## Application Permit Checklist

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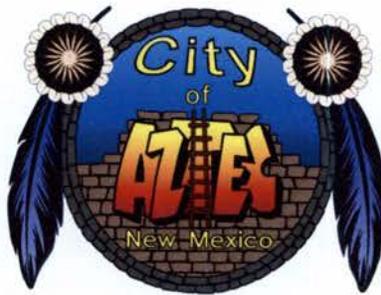
*All items must be turned into the Community Development Department 15 days prior to the City Commission Meeting.*

- Applicable Fees**
- |                    |                                     |
|--------------------|-------------------------------------|
| Administrative Fee | \$10.00                             |
| Conditional Use    | \$50.00                             |
| -Variance          | \$50.00                             |
| Special use        | \$50.00                             |
| Zone Change        | \$50.00; ea. Additional acre \$5.00 |
- A detailed site map which includes the following:**
- Property boundary, all sides
  - Street(s) adjoining property and labeled
  - Address of property and adjacent properties
  - North arrow and scale
  - All utility easements
  - All utility lines
  - Locations of all utility meters
  - Existing and/or proposed structures
  - Location of improvement
  - Setbacks for front, side and rear yards
  - Driveway location (required for new addresses)
  - Proposed parking area (if different than driveway)
  - Location of all drainages
- Ownership.**  
A document that verifies ownership or legal interest in the property (copy of abstract, title certificate, insurance, or contract).
- Legal Description.**  
Includes the legal description or physical address of the property.
- Proposed Use.**  
Statement describing the proposed use of the buildings, structures, premises, etc.

*we*

Mayor  
Sally Burbridge

Mayor Pro-Tem  
Sherri Sipe



Commissioners

Austin R. Randall  
Katee McClure  
Sheri L. Rogers

*A desirable place to live, work and play; rich in history and small town values!*

April 18, 2016

## PUBLIC NOTICE

Dear Property Owner:

The property owner at 822 Maddox has made a request to the City of Aztec Community Development Department for a variance for a;

- Aztec Land Use regulations section 26-2-5, side yard setback requirement of 40 feet to allow construction of a new bathroom in the home.

The City Commission will hear this request during a public meeting to be held on **Tuesday, May 10, 2016 at 6:00 PM located at City Hall, 201 W. Chaco, Aztec, NM**. As the surrounding property owner, you are welcome to attend the scheduled Commission meeting regarding this matter. In order to be heard you will need to go to the Commission room 10 minutes prior to the start of the meeting at 6:00 pm where you will be directed to sign in at the Clerk's table for the appropriate hearing.

The public is requested to contact Community Development via phone at 505-334-7605 or email at [whomka@aztecnm.gov](mailto:whomka@aztecnm.gov) to provide support or concerns regarding this request. The public is also invited to attend the scheduled Commission meeting regarding this matter.

Community Development will be creating a staff summary for Commission giving them more information on this property and the variance request being made. **Please look over the summary prior to the meeting so you are aware of Community Developments recommendation on this application. A staff summary will be available to the public on the City of Aztec website at this location:**

**[http://www.aztecnm.gov/agendas/ccm\\_agenda.pdf](http://www.aztecnm.gov/agendas/ccm_agenda.pdf) the Thursday prior to the meeting.** Notice of meeting cancellation/rescheduling will also be at this website, so please check the Thursday prior and day of meeting for confirmation.

If you have any further questions, please don't hesitate to call me at 505-334-7605, Monday through Thursday from 7:00 a.m. to 6:00 p.m. Thank you.

Sincerely,

A handwritten signature in black ink that reads "William Homka".

William Homka  
Director  
Community Development

Mayor  
Sally Burbridge

Mayor Pro-Tem  
Sherri Sipe



Commissioners

Austin R. Randall  
Katee McClure  
Sheri L. Rogers

*A desirable place to live, work and play; rich in history and small town values!*

April 18, 2016

Mitchel & Shyla Solomon  
822 Maddox Ave  
Aztec, NM 87410

Mr & Mrs Solomon:

As the property owner at 822 Maddox has made a request to the City of Aztec Community Development Department for a variance for a ;

- Aztec Land Use regulations section 26-2-5, side yard setback requirement of 40 feet to allow construction of a new bathroom in the home.

The City Commission will hear this request during a public meeting to be held on **Tuesday, May 10, 2016 at 6:00 PM at City Hall, located at 201 W. Chaco Street in Aztec, NM.** As the owner, you and your designated representative are required to attend the scheduled Commission meeting regarding this matter. In order to be heard you will need to go to the Commission room 10 minutes prior to the start of the meeting at 6:00 pm where you will be directed to sign in at the Clerk's table for the appropriate hearing.

The public is requested to contact Community Development via phone at 505-334-7605 or email at [whomka@aztecnm.gov](mailto:whomka@aztecnm.gov) to provide support or concerns about this request. The public is also invited to attend the scheduled Commission meeting regarding this matter.

Community Development will be creating a staff summary for Commission to provide them with additional information on this variance request. **Please look over the summary prior to the meeting so you are aware of Community Developments recommendation on this application. A staff summary will be available to the public on the City of Aztec website at this location: [http://www.aztecnm.gov/agendas/ccm\\_agenda.pdf](http://www.aztecnm.gov/agendas/ccm_agenda.pdf) the Thursday prior to the scheduled Commission meeting.** Notice of meeting cancellation/rescheduling will also be at this website, so please check the Thursday prior and day of meeting for confirmation.

If you have any further questions, please don't hesitate to call me at 505-334-7605, Monday through Thursday from 7:00 a.m. to 6:00 p.m. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'William Homka', written over a horizontal line.

William Homka  
Director  
Community Development

## 822 Maddox Avenue

R0000696

✓ Anthony Nick Fanto  
825 Maddox St  
Aztec, NM 87410

R4000206

✓ Matthew & Patricia Hamlin  
490 Sabena St  
Aztec, NM 87410

R0000526

✓ Gail Suzanne Dobey  
823 Maddox Ave  
Aztec, NM 87410

R0001549 (901 N Rio Grand Ave)

✓ Charles W and Ella A Spargo Trust  
733 Rivera  
Mulvane, KS 67110

R0000029

✓ Charles William & Deborah Althe Burtis  
821 Maddox Ave  
Aztec, NM 87410

R0001049 (523 Aztec Blvd)

✓ Charles W and Ella A Spargo Trust  
733 Rivera  
Mulvane, KS 67110

R0000134

✓ Troyetta L Hargis Et Al  
819 Maddox Ave  
Aztec, NM 87410

R0000524 (818 Maddox Ave)

✓ Vincent Davis Ditmore  
2330 Sues Way  
Anchorage AK 99516-2638

R0001136 (820 Maddox Ave)

✓ Theodor W & Ellen M Jensen Trust  
806 Apache  
Aztec, NM 87410

R0001115

✓ Mitchel and Shyla Solomon  
822 Maddox Ave  
Aztec, NM 87410

R0000625 (824 Maddox Ave)

✓ Flagstar Bank FSB  
5151 Corporate DR  
Troy MI 48098

R4008004

✓ Tala N Koonce Doucet Et Al  
826 Maddox Ave  
Aztec, NM 87410

R0001551

✓ Manuel Sandoval  
486 Sabena  
Aztec, NM 87410



