

**CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, MARCH 26, 2025**

A. CALL TO ORDER:

The meeting was called to order by Mayor Rolf Hechler at 4:00 p.m., who presided and Angela A. Torres, City Clerk-Treasurer, acted as Secretary of the meeting.

B. INTRODUCTION:

1. ROLL CALL:

Upon calling the roll, the following Commissioners were reported present.

Hon. Rolf Hechler, Mayor
Hon. Amanda Forrister, Mayor Pro-Tem
Hon. Destiny Mitchell, Commissioner
Hon. Merry Jo Fahl, Commissioner
Hon. Ingo Hoeppner, Commissioner

Also Present: Gary Whitehead, City Manager
Traci Alvarez, Assistant City Manager
Jay Rubin, City Attorney
Angela A. Torres, City Clerk-Treasurer
Jocelyn Holguin, Finance Director
Luis Tavizon, Chief of Police
Jordan Javier, Procurement Officer

There being a quorum present, the Commission proceeded with the business at hand.

2. SILENT MEDITATION:

Mayor Hechler called for fifteen seconds of silent meditation. He asked that we keep the community of Las Cruces

3. PLEDGE OF ALLEGIANCE:

Mayor Hechler called for Commissioner Mitchell to lead the Pledge of Allegiance.

4. APPROVAL OF AGENDA:

Forrister moved to approve the agenda as submitted. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

C. CONSENT CALENDAR:

- 1. Purchase report of items between \$20,000 and \$60,000**

City Manager Whitehead: There are no reports for this meeting.

D. ORDINANCES/RESOLUTIONS/ZONING:

- 1. Discussion/Action: Resolution No. 36 24/25 Budget Adjustment Request.**

Jocelyn Holguin Finance Director: Reviewed Resolution No. 36 24/25 Budget Adjustment Request. (Complete copy attached hereto and made a part hereof).

Commissioner Fahl moved to approve Resolution No. 36 24/25 Budget Adjustment Request as presented. Commissioner Hoeppner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

E. ORDINANCES/RESOLUTIONS/ZONING:

- 1. Discussion/Action: 865 W. 4th Avenue Multi Animal Permit Renewal.**

City Manager Whitehead: This item came before the Planning and Zoning Commission; I'm going to let Traci give you the overview. It has come forward with the recommended approval from the Planning and Zoning Commission.

Assistant City Manager Alvarez: This is a renewal for an applicant that has 7 cats. She has all of her cats contained inside; she has a catat for them. Our code enforcement did go out and double check, everything was good, and they have received no complaints. Planning and Zoning is recommending approval of the renewal.

City Attorney Rubin: It looks from the minutes there was a public hearing on March 10th the minutes are pretty brief but I'm assuming notices are given to near by property owners and it looks like there were no opponents to what was going on at the planning and zoning level. I don't see any issues here.

City Clerk Torres: The applicant has had this for a while. Right now, according to our code we have to bring it back to you annually, but we are working on changing it so eventually it will be where code enforcement goes out and as long as everything is ok

they will sign off in it and we will issue the permit. If there are any issues, then it will come back to planning and zoning and the city commission.

Mayor Hechler: Yes, we recommend a 3-year process.

Commissioner Mitchell moved to approve 865 W. 4th Avenue Multi Animal Permit Renewal. Commissioner Hoeppner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: Appointment of Molly Hammer to serve as a member on the Planning & Zoning Commission.

City Manager Whitehead: The Planning and Zoning Commission has a vacancy they did an interview and had a lengthy discussion, and they recommended the addition of Molly Hammer to serve on the board.

City Clerk Torres: The initial appointment is for a 1-year term after the 1 year it will go to a 2-year term.

Commissioner Fahl made a motion to appoint Molly Hammer to serve as a member on the Planning & Zoning Commission for a 1 year term. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

3. Discussion/Action: Comprehensive Plan Steering Committee/Stakeholder Selection.

City Manager Whitehead: At the last meeting Traci presented our comprehensive plan is starting we have developed an updated comprehensive plan. One of the requirements of the comp plan is to have a steering committee that the information can be filtered through. We have some names. We set up a process at the last meeting by which we selected 2 commissioners to serve on that committee and we asked the remaining commissioners to give us 2 names that process is in order. I'm going to turn it over to Traci to give you the presentation on the names and again to remind you this is Traci's project she will be doing the steering of the comprehensive plan.

Assistant City Manager Alvarez: At the last meeting the commission did designate commissioner Fahl and commissioner Hoeppner as part of our steering committee and as the city manager said the rest of the commission was tasked with submitting names. Our current selection for the steering committee member will be in addition to the 2 commissioners Marianne Blaue, Mike Donlan, Becca Eza, Bill Slettom, Dick Lanford,

CITY COMMISSION MARCH 26, 2025 REGULAR MEETING MINUTES

Lisa Kent, Bruce Swingle and Jared Bartoo. Some of the information I was able to gather on the committee member Marianne from the T or C Brewery in the downtown area she is very active with in the city. Becca Eza is our director for MainStreet. Bill Slettom was the previous community development director and assistant city manager, he also worked on the last comprehensive plan I worked very close with Bill before he retired. Lisa Kent is a Planning and Zoning Board commission. Bruce Swingle was a previous county and city manager. Jared Bartoo is for Bartoo Sand and Gravel they are very active in our community. I do apologize I wasn't able to gather information in time for the meeting on Mike Donlan or Dick Lanford maybe the commissioners that recognize them can give further information.

Commissioner Fahl: As most of you know Dick Lanford is my oldest of my sons. He has a successful business with Lansford Livestock, they have a ranch in Monticello. They do a lot of work doing ranch land improvements. Lanford Livestock is the family business with his dad and his brother. Landford Excavation is his own construction company, he does a lot of work on thinning for hazardous fuel on salt cedar or in the forest. He is contracted with State Forestry Forest Service BLM on wildfire response with his heavy equipment. He and his wife Megan during the farmers market they sell beef, chicken, she makes candles. He very astute businessman, as a mom you expect me to say it but he is very smart. They just expanded their business to start doing drone mapping.

Mayor Hechler: Mike Donlan has a home here in T or C as well as Santa Fe. He is very active in the community with various projects that I have been involved with and that's why I recommended him.

Assistant City Manager Alvarez: Thank you. What we are requesting is the commission to take action and approve the selection of the Steering Committee members.

City Manager Whitehead: I just want to remind the council this is not a policy making committee, this is just a steering committee. That is why it needs to be a reflection of each of you. So, you can find those ways to that information in with multiple eyes to look at it. They will just be sharing information and then asking Traci, the staff and the engineers if they thought about certain things. I just want to be clear on the process and why we are not seeking more names. It's a reflection of the 5 of you here on this commission, no actions will be taken by them.

Commissioner Fahl: When you think about the names that are on the list, I think it's exciting that they are all very diverse. They bring a different set of skills from their own different backgrounds; it's not the same group with the same interest. With such a diverse group it's really going to bring us a lot of impact. Traci, can you email out the names of all of them to us please.

City Manager Whitehead: Traci will set the agendas and the times for the meetings. It will be her committee so she will work with them and get them the information.

Mayor Hechler moved to select Marianne Blaue, Mike Donlan, Becca Eza, Bill Slettom, Dick Lanford, Lisa Kent, Bruce Swingle and Jared Bartoo to the Comprehensive Plan Steering Committee/Stakeholder Selection. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

4. Discussion/Action: General Obligation Bond Program.

City Manager Whitehead: We have our Bond counselors and staff here to talk about the next bond. Remember the community passed a 3 million levy and we have to authorize each piece of that for 4 years we have information to bring you up to date with that. I have some presentations on the current bonds and then we will set a calendar to move forward.

Mark Valenzuela Bond Advisor: I have Nathaniel Gomez and Chris Muirhead with me. We are here to present this information to you and answer any questions you may have, so feel free to jump and ask any questions you like. I would like to take you back and discuss the General Obligation Bonds and when the city went to voters and asked for the approval from voters to sell up to \$3 million dollars of General Obligation Bonds. General Obligation Bond is a term that refers to debt paid for from property for either residential or commercial. So again, you have to go to voters and ask their approval, and you have to ask them a very specific question. Frankly, I think the community was supporting what the commission was doing at the time with major water issues. I know you have done a lot of work to improve that. The questions were tied to those projects. Originally the idea was to bring you dollars to serve as the leverage to the State Manager. It's unfortunate for others to lever up that amount of money, and you have done exactly that. I don't know exactly what the tally is, but you have brought in other funding. Constitutional issues here again, the state is very conservative. They only allow cities to have 4% of the assets within the city boundary. The City of T or C has \$122 million worth of assessed value. You multiply those times by 3 and you get what the market value of what all the properties are. I will tell you that the assessment of the property in New Mexico doesn't always keep up with the market is. While you may pay tax on a property that is valued at \$190,000. You might know personally that it's worth half a million dollars right now but again, the assessment side of it doesn't always track with what the market value is. It does take a little bit of time for that to catch up.

Chris Muirhead: To follow up on what Mark said the \$3 million has been authorized and is part of your plan that is laid out. According to the state statute you have 4 years to issue that debt if you don't issue it all by the end of 2026. That's just a parameter to keep in mind. The other thing you might think about scheduling is you need to look at what your current bond proceeds are 2023 and 2024, and where those are in terms of the projects you have going and what you have spent, because they are tax exempt. The IRS cares about fundamentally. The good news is that what you are doing is straight forward.

CITY COMMISSION MARCH 26, 2025 REGULAR MEETING MINUTES

City Manager Whitehead: When we started going down the road to understand the bond issue staff had a little misinterpretation of this particular rule with the IRS. The staff's understanding was that we needed to spend the money that we received from the first bond before we could execute and get the next bond. My logic said that doesn't seem very reasonable because I know communities are issuing these bonds and they are always working. That's when we brought the team together and we understood that it wasn't quite the case. The requirement says that when the bond is issued you have 6 months to have 5% of the bond allocated or spent, you have 3 years to have 85% allocated or spent. That allowed us to rethink what we are doing instead of trying to find projects to spend let's go back. As I was trying to assess the water projects, they kind fit into a schedule. I have a very rough draft it needs to go through our budget so I'm not quite ready to give you all a copy, but I do have some information. You issued bond number 1 in April of 23, so by September you needed to have 5% spent that would have been \$37,500, you spent \$39,500 preparing and paying for the bond so you checked that box. Bond 1 is in good order. From that bond we spent \$198,000 on water and wastewater projects, Smith Co did on Tungsten in the alley they did that extension, and the staff got that paid for. We have done some wastewater and water projects there. The challenge comes in bond 2 because we issued bond 2 January 1st of last year and technically, we have not spent any of that money yet, we have only spent that \$198,000. From bond 1 we have \$511,000 we still need to spend between water, and we really have not done any road projects. In the bond issue you said 2/3 are for water and wastewater, that is what the bond language says and 1/3 is for roads. You asked for \$1 million and \$2 million. You put out a resolution that said we really want to spend 1/3 on water and 1/3 on wastewater. We may have to put a few more dollars into water versus wastewater, but again we will absolutely need the bond language for 2/3 of the proceeds going to water or wastewater. Now we have to look forward and find some projects. Traci has done good work. We have the CBDG water meter project that's coming online we are getting ready to start. That project should be complete in the next 12 to 18 months. That requires a \$75,000 match, I have programmed, and I have obligated \$75,000 of bond 2 to be for the match on the CBDG grant. That checks the 5% box. We have a Colonias Project for the headworks of the wastewater treatment plant. I'm a little frustrated with the staff and engineering. It sounded like we were just going to do planning with that about \$400,000, the headworks repair is about 1 million dollars, it doesn't make sense to me that we are going to spend \$400,000 to design a million-dollar project. With Traci's help, we are retooling how we are going to engineer there. That project has a match of \$30,000. It has a loan component of 30. I don't think we need to borrow 30 when we have this. What we would propose there is that we take that \$61,000 and then we would be able to put that into Traci's budget with that and we can pay for the headworks and now all we have to do is figure out how we go fix the headworks project that we have and try and get it done in the next year. That would start Bond 1 and Bond 2 on a good path to spend. Then that gets us to Bond 3, and the proposal today was that we started the bond issuance today. I asked Mark and Chris if we could put that all for 6 months so that gives me really a year to find the other projects. The third project that we would put into Bond 3, we will owe \$440,000 in a match on the Colonias Grant that we have which is part of shovel ready. Remember shovel ready is very close to going to bid. We should be spending that money early next year or in the middle of next year so by putting that \$440,000 into Bond 3 we

CITY COMMISSION MARCH 26, 2025 REGULAR MEETING MINUTES

would effectively check the 5% box and actually deep into spending 85%. I have taken all those projects I have put them into perspective into the bond where we can do the match. I will tell the city right now I am confident to tell you, we have all the match obligations for all the city water projects that we have in order. Traci and I just need to sit down and look at this with finance and figure out what projects we can begin to highlight to put into these projects and get those other projects brought online, which would be a lot of our projects. To answer your question Mark, all the projects including the MSD project are \$60,413,000. We have \$60,000,000 we have spent \$9,000,000 so we have \$50,000,000 coming online in the next 4 years again we have all the match obligations covered. The big question that we will talk with finance on Monday is that we do have a debt load of about \$500,000 a year based on my assessment of those projects.

Commissioner Fahl: There are so many pieces in this. I get lost in the many pots, I know Traci has the spreadsheet but even the spreadsheet is a lot. Could you or Traci put together some kind of document that has these Bonds broken down as to what they are paying for.

City Manager Whitehead: I have one.

Commissioner Fahl: Could you share that. I don't know if the public has this but in my own mind there are too many components. I would be really helpful with all of this.

Mayor Pro-Tem Forrister: Will you have that during budget time.

City Manager Whitehead: Yes. I would like to say this is a time to give Traci a lot of kudos, you can see it's very complicated. Its 8 different grant funding programs some deal with the federal government, some deal with state government and some deal with inspectors. We are working really hard to get them lined up. Traci is getting some confidence in my ability to word it because you can say the wrong word and all it takes is a second. We are trying really hard and bringing the finance team in. We now have meetings with the finance team so that we can all understand the language that Traci has known for a long time that has been kind of coming at us. We think we have but we will really work through one the 31st that is when I am hoping to sit down with Jocelyn, we have all day we are going to finish the budget, and we can look at these and give you guys exactly where we think the next 5 years looks like for projects. We may not because there is probably some stuff that we need to plan for now that we know we might have \$4,000,000 left from bond one we might need to be a little more thoughtful now and so we may not quit getting there but I think we should be able to clean this up a little bit.

Commissioner Fahl: Can you make it as simple as possible, so we are not getting so lost.

Mayor Hechler: The citizens took a chance on this bond. They approved our request. They knew that we had needs and it's our job to deliver and it looks like we are doing that so thank you for your hard work. We need to deliver for our public so if we ever have to go back I'm sure we will get the support. I would like to not go back if we don't have to.

CITY COMMISSION MARCH 26, 2025 REGULAR MEETING MINUTES

Mayor Pro-Tem Forrister: If we do have to go back, we can say look at all the things that were done. It sounds like very soon we are going to have some eye-opening projects.

City Manager Whitehead: I appreciate it, and I would confirm that Traci has done a good job putting it in a basket I know it's complicated and confusing. Hopefully together and bringing in finance it will help. We will come back in the September the same presentation will be on the agenda for us to revisit and at that point you would make a decision.

Chris: The only thing that I would add is don't hesitate to be informative about what you have done. It is very important that they see it in real time. You see them going down the road "This improvement is because the Governor did this. Tell people this is what we are doing.

No action was taken.

5. Discussion/Action: Approval of Purchase Requisitions over \$60,000.

Jordan Javier, Procurement Officer reviewed the Purchase Requisitions over \$60,000 provided in the packet.

Mayor Pro-Tem Forrister moved to approve the Purchase Requisition over \$60,000 for the SJOA Meal Truck. Commissioner Hoepfner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

Mayor Pro-Tem Forrister moved to approve the Purchase Requisition over \$60,000 for the MSD Change Order 13 SmithCo (COR 33). Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

F. EXECUTIVE SESSION:

- 1. Limited Personnel Matters (City Manager) Pursuant to 10-15-1(H.2).**
- 2. Purchase, Acquisition, or Disposal of Real Property (612 E. 2nd) pursuant to 10-15-1(H.8).**
- 3. Purchase, Acquisition, or Disposal of Real Property (Clancy & Daniels Street) pursuant to 10-15-1(H.8).**

Mayor Pro-Tem Forrister made a motion to go into executive session at 5:00 p.m. to discuss Limited Personnel Matters (City Manager) Pursuant to 10-15-1(H.2), Purchase, Acquisition, or Disposal of Real Property (612 E. 2nd) pursuant to 10-15-1(H.8) and Purchase, Acquisition, or Disposal of Real Property (Clancy & Daniels

CITY COMMISSION MARCH 26, 2025 REGULAR MEETING MINUTES

Street) pursuant to 10-15-1(H.8). Commissioner Mitchell seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.

Mayor Hechler reconvened the meeting in open session at 5:43 p.m.

Mayor Pro-Tem Forrister certified that only matters pertaining to Limited Personnel Matters (City Manager) Pursuant to 10-15-1(H.2), Purchase, Acquisition, or Disposal of Real Property (612 E. 2nd) pursuant to 10-15-1(H.8) and Purchase, Acquisition, or Disposal of Real Property (Clancy & Daniels Street) pursuant to 10-15-1(H.8) was discussed in Executive Session and no action was taken in executive session.

G. RETURN TO REGULAR SESSION; ACTION (if any)

1. Limited Personnel Matters (City Manager) Pursuant to 10-15-1(H.2).

Commissioner Fahl made a motion to approve the City Manager goals. Commissioner Mitchell seconded the motion. Motion carried unanimously.

2. Purchase, Acquisition, or Disposal of Real Property (612 E. 2nd) pursuant to 10-15-1(H.8).

Commissioner Fahl made a motion to allow our City Manager to negotiate. Mayor Pro-Tem Forrister seconded the motion. Motion carried unanimously.

3. Purchase, Acquisition, or Disposal of Real Property (Clancy & Daniels Street) pursuant to 10-15-1(H.8).

No action was taken.

I. ADJOURNMENT:

Mayor Hechler adjourned the meeting at 5:45 p.m.

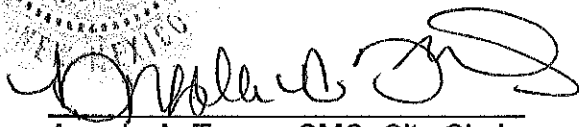
Passed and Approved this 9th day of April, 2025.

CITY COMMISSION MARCH 26, 2025 REGULAR MEETING MINUTES



Rolf Hechler, Mayor





Angela A. Torres, CMC, City Clerk

Minute Attachments



City of Truth or Consequences

AGENDA REQUEST FORM

MEETING DATE: March 26, 2025

Agenda Item #: E.5

SUBJECT: Approval of Purchase Requisitions Over \$60,000

DEPARTMENT: Finance

DATE SUBMITTED: March 20, 2025

SUBMITTED BY: Jordan Javier, CPO

WHO WILL PRESENT THE ITEM: City Manager Whitehead

Summary/Background:

Execution of Contracts; Grant Agreements; Memoranda of Understanding; Joint Powers Agreements; Settlement Agreements; Purchases (Contract and Purchases More Than \$60,000)

Recommendation:

Approval Recommended by Finance Director

Attachments:

- Listing of Purchase Requisitions \$60,000 or More
- Purchase Requisitions, Procurement Documentation

Fiscal Impact (Finance): Choose an item.

As Per Total on Listing of Purchase Requisitions

Legal Review (City Attorney): Choose an item.

[Click here to enter text](#)

Approved For Submittal By: ☒ Department Director

Reviewed by: ☒ City Clerk ☒ Finance ☒ Legal ☐ Other: [Click here to enter text.](#)

Final Approval: ☒ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. [Click here to enter text](#) Ordinance No. [Click here to enter text](#)

Continued To: [Click here to enter a date.](#) Referred To: [Click here to enter text.](#)

☐ Approved ☐ Denied ☐ Other: [Click here to enter text.](#)

File Name: CC agendas 3-26-25



City of Truth or Consequences

AGENDA REQUEST FORM

MEETING DATE: March 26, 2025

SUBJECT: MEAL TRUCK FOR SJOA

DEPARTMENT: Finance

DATE SUBMITTED: March 19, 2025

SUBMITTED BY: Jordan Javier, Chief Procurement Officer

WHO WILL PRESENT THE ITEM: Jordan Javier, Chief Procurement Officer

Summary/Background:

- The City is the Fiscal Agent for the SJOA Senior Center and they would like to purchase a meal truck.
- Purpose of the meal truck is to distribute hot and cold food to seniors residing in Sierra County.
- Statewide Price Agreement #40-00000-24-00068.
- Proposal #031725-1 for the truck is \$83,171.00
- Grants funded A23H-22062 and A24I-2021.
- Requesting purchase approval, pending NOO grant approval from Aging and Long-Term Services Department.

Recommendation:

Approval Recommended by Finance Director

Attachments:

- Letter from Chief Procurement Officer
- See Attached

[Click here to enter text](#)

Fiscal Impact (Finance): Yes

40-

The fiscal impact of this purchase will be the use of grants A23H-2062 and A24I-2021.

Legal Review (City Attorney): Choose an item

N/A

Approved For Submittal By: ☒ Department Director

Reviewed by: ☒ City Clerk ☒ Finance ☐ Legal ☐ Other: [Click here to enter text](#)

Final Approval: ☒ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. [Click here to enter text](#) Ordinance No. [Click here to enter text](#)

Continued To: [Click here to enter a date](#) Referred To: [Click here to enter text](#)

☐ Approved ☐ Denied ☐ Other: [Click here to enter text](#)

File Name: CC agendas 03/26/2025



ORIGINAL



REQUISITION

Requisition #: 94148

Date: 03/18/2025

Vendor #: 8145

ISSUED TO: CHALMERS FORD INC.
2500 RIO RANCHO BLVD SE
RIO RANCHO, NM 87124-

SHIP TO: City of Truth or Consequences
505 Sims St.
Truth or Consequences, NM 87901

ITEM	UNITS DESCRIPTION	PROJECT #	PRICE GL ACCOUNT NUMBER	AMOUNT
1	0 2025 FOR F150 1/2 TON WITH HOT/COL		0.00 304-7039-80810	31,617.00
			304-7049-80810	51,554.50

PO Description: MEAL TRUCK SJOA

Detailed Description:

WAITING ON NOO
WAITING ON DFA BAR APPROVAL
STATE PRICE AGREEMENT 40-00000-24-00068
SJOA GRANT AGREEMENT A23H-2062
SJOA GRANT AGREEMENT A24-I2021
SEE ATTACH FOR QUOTE, SPA, AND GRANTS
COMMUN DEV

Authorized By: _____

SUBTOTAL:	83,171.50
TOTAL TAX:	0.00
SHIPPING:	0.00
TOTAL	83,171.50

Rolf Hechler
Mayor

Amanda Forrister
Mayor Pro-Tem

Merry Jo Fahl
Commissioner



Destiny Mitchell
Commissioner

Ingo Hoepfner
Commissioner

Gary Whitehead
City Manager

505 Sims St.
Truth or Consequences, New Mexico 87901
P: 575-894-6673 ♦ F: 575-894-7767
www.torcnnm.org

March 19, 2025

To City Mayor, Pro-Tem and Commissioners,

RE: SJOA MEAL TRUCK STATEWIDE PRICE AGREEMENT# 40-00000-24-00068

The following reviews with the City of Truth or Consequences and the Sierra Joint Office on Aging. SJOA is requesting the City of T or C as their fiscal agent to purchase a meal truck for the Senior Center. The purpose the meal truck is to provide hot and cold food to the Senior Citizens residing in Sierra County. For purchasing, the truck and modification fall under Statewide Price Agreement #40-00000-24-00068. The price of the truck is \$83,171.50. Funding for the purchase will come from two grants A24I2021 AND A232062. Approval of the purchase is being requested pending the approval of NOO from Aging and Long-Term Service Department.

GRANTS A24I2021 AND A232062

Total Cost \$ 83,171.50

Please, review the attached documents and approve the requested procurement. Thank you.

Regards,

Jordan Javier
Chief Procurement Officer

Commission Approved: Yes ☐ No ☐ Tabled ☐



ORIGINAL

Date of Approval/ Denied/Tabled: _____

Notes: _____ PO # _____

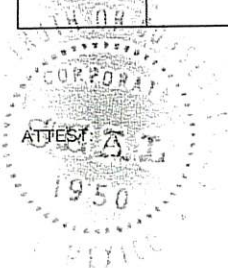
PURCHASE REQUISITION APPROVAL

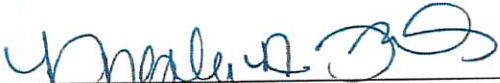
2024-25 Fiscal Year

COMMISSION MEETING 03/26/2025

Number	Vendor Name	Description	Requested By	Department	Total Amount	Procurement Type
94021	CHALMERS FORD	SJOA MEALTRUCK	Traci Alvarez	Community Development	\$ 83,171.50	SPA #40-00000-24-00068
		SEE ATTACH: QUOTE, STATE PRICE AGREEMENT, GRANTS				

\$ 83,171.50




Angela Torres, Clerk-Treasurer

3/26/25
Date


Rolf Hechler, Major

3/26/25
Date

 ORIGINAL



2500 Rio Rancho Blvd
Rio Rancho, NM 87124

RECEIVED MAR 20 2025
RECEIVED MAR 20 2025

J.P.

Proposal

QUOTE TO: SJOA
Attn: Crystal Walton

SHIPPED TO:

PROPOSAL # 031725-1
PROPOSAL DATE March 17th, 2025
MEMBER PO #.
TERMS Due on Receipt
SALES REP Diego Martinez
SHIPPED VIA Pick UP
F.O.B.
PREPAID or COLLECT

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
	Statewide Price Agreement #: 40-00000-24-00068		
1	Item #13, Pickup 1/2 Ton ICE / Single, Extended Cab. 2025 Ford F150 Regular Cab XL 4x4 Options: - 5.0L V8 Gas Engine - 10 Speed Transmission - 17" Steel Wheels - Running Boards - All Weather Mat - Backup Alarm	\$ 45,970.00	\$ 45,970.00 \$ - \$ - \$ - \$ - \$ - \$ - \$ -
1	NMSPA Discount 5%	\$ (2,298.50)	\$ (2,298.50)
	Item #27 Up-Fitting for all types of new vehicles purchased under this price agreement		
	10% Discount MSRP \$43,890.00		
1	- Delivery Concepts HOT/COLD Body	\$ 39,500.00	\$ 39,500.00
		SUBTOTAL	83,171.50
Units on order, ETA May Subject to Prior Sale			
DIRECT ALL INQUIRIES TO: Diego Martinez 505.712.3913 dmartinez@chalmersford.com		 COMMERCIAL VEHICLE CENTER	\$83,171.50 PAY THIS AMOUNT

STATE OF NEW MEXICO
DEPARTMENT OF AGING AND LONG-TERM SERVICES
FUND 89200 CAPITAL APPROPRIATION PROJECT

THIS AGREEMENT is made and entered into as of this 26th day of July, 2024, by and between the Department of Aging & Long-Term Services, hereinafter called the "Department" or abbreviation such as "ALTSD", and City of Deming, hereinafter called the "Grantee". This Agreement shall be effective as of the date it is executed by the Department.

RECITALS

WHEREAS, in the Laws of 2023, Chapter 199, Section 04, Paragraph 59, the Legislature made an appropriation to the Department, funds from which the Department is making available to the Grantee pursuant to this Agreement; and

WHEREAS, the Department is granting to Grantee, and the Grantee is accepting the grant of, funds from this appropriation, in accordance with the terms and conditions of this Agreement; and

WHEREAS, State Agency on Aging (28-4-1 to 28-4-9 NMSA 1978: successor agency, Aging and Long-Term Services Department (9-23-1 to 9-23-12 NMSA 1978) may enter into grants and contracts as appropriated by law.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and obligations contained herein, the parties hereby mutually agree as follows:

ARTICLE I. PROJECT DESCRIPTION, AMOUNT OF GRANT AND REVERSION DATE

A. The project that is the subject of this Agreement is described as follows:

A23H2062 \$31,617

APPROPRIATION REVERSION DATE: **30-JUN-2025**

Laws of 2023, Chapter 199, Section 04, Paragraph 59, thirty-one thousand six hundred seventeen dollars, \$31,617, to purchase and equip vehicles for the Ken James senior center in Truth or Consequences in Sierra county;

The Grantee's total reimbursements shall not exceed **thirty-one thousand six hundred seventeen dollars, \$31,617** (the "Appropriation Amount") minus the allocation for Art in Public Places ("AIPP")¹, if applicable, zero dollars, which equals thirty-one thousand six hundred seventeen dollars (the "Adjusted Appropriation Amount").

¹ The AIPP amount is "an amount of money equal to one percent or two hundred thousand dollars (\$200,000), whichever is less, of the amount of money appropriated for new construction or any major renovation exceeding one hundred thousand dollars (\$100,000)." Section 13-4A-4 NMSA 1978.

**STATE OF NEW MEXICO
AGING AND LONG-TERM SERVICES DEPARTMENT
FUND 89200 CAPITAL APPROPRIATION PROJECT**

THIS AGREEMENT is made and entered into as of this 20th day of February, 2025, by and between the Department Aging and Long-term Services Department, hereinafter called the "Department" or abbreviation such as "ALTSD, and City of Truth or Consequences, hereinafter called the "Grantee". This Agreement shall be effective as of the date it is executed by the Department.

RECITALS

WHEREAS, in the Laws of 2023, Chapter 66, Section 4, Paragraph 13, the Legislature made an appropriation to the Department, funds from which the Department is making available to the Grantee pursuant to this Agreement; and

WHEREAS, the Department is granting to Grantee, and the Grantee is accepting the grant of, funds from this appropriation, in accordance with the terms and conditions of this Agreement; and

WHEREAS, State Agency on Aging (28-4-1 to 28-4-9 NMSA 1978): successor agency, Aging and Long-Term Services Department (9-23-1 to 9-23-12 NMSA 1978) may enter into grants and contracts as appropriated by law.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and obligations contained herein, the parties hereby mutually agree as follows:

ARTICLE I. PROJECT DESCRIPTION, AMOUNT OF GRANT AND REVERSION DATE

A. The project that is the subject of this Agreement is described as follows:

A24I2021 Vehicles APPROPRIATION REVERSION DATE: 6/30/2026
[Laws of 2023, Chapter 66, Section 4, Paragraph 13], Sixty Thousand Eight Hundred Eighty-Three Dollars (\$60,883.00), to Purchase and equip vehicles for the Ken James Senior Center in the City of Truth or Consequences.

The Grantee's total reimbursements shall not exceed Sixty Thousand Eight Hundred Eighty-Three Dollars (\$60,883.00), minus the allocation for Art in Public Places, \$0¹, if applicable, which equals Sixty Thousand Eight hundred eighty-three dollars (\$60,883.00), (the "Adjusted Appropriation Amount").

In the event of a conflict among the Appropriation Amount, the Reversion Date, as defined herein and/or the purpose of the Project, as set forth in this Agreement, and the corresponding appropriation language in the laws cited above in this Article I(A), the language of the laws cited herein shall control.

¹ The AIPP amount is "an amount of money equal to one percent or two hundred thousand dollars (\$200,000), whichever is less of the amount of money appropriated for new construction or any major renovation exceeding one hundred thousand dollars (\$100,000)." Section 13-4A-4 NMSA 1978.



State of New Mexico
General Services Department
Purchasing Division

RECEIVED MAR 20 2025

J. J.

Statewide Price Agreement Amendment

Awarded Vendor:
13 Vendors

Number: 40-00000-24-00068

Amendment No.: One

Term: August 6, 2024 – August 5, 2025

Ship To:
All State of New Mexico agencies, commissions,
institutions, political subdivisions and local
public bodies allowed by law.

Procurement Specialist: Jessica Chavez

Telephone No.: (505) 500-9824

Email: Jessica.Chavez@gsd.nm.gov

Invoice:
As Requested at Time of Order

Title: **Automotive Vehicles**

This amendment is to be attached to the respective Price Agreement and become a part thereof.

Please see the revised items on the following pages.

Except as modified by this amendment, the provisions of the Price Agreement shall remain in full force and effect.

Accepted for the State of New Mexico

Dorothy Mendonca
Dorothy Mendonca
New Mexico State Purchasing Agent

Date: 9/20/2024

State of New Mexico
General Services Department
Purchasing Division
Statewide Price Agreement #: 40-00000-24-00068

Page-6

Awarded Vendors:

(AA) 0000132535
BJW Ventures LLC. dba Accessories Unlimited
2322 Candelaria NE
Albuquerque New Mexico 87107
Jordan Liesener
505-888-5811
Ginger@wacupfitters.com

Delivery: 2322 Candelaria NE, Albuquerque New Mexico 87107

(AB) 0000047770
Albuquerque Motor Company
9621 Coors Blvd NW
Albuquerque, NM 87114
Jason Sanchez
505-907-2483
jsanchez@melloydodge.com

Delivery: Approx 60-120 days on ordered vehicles

(AC) 0000049896
Bob Turner's Ford Country dba Power Ford
1101 Montano Rd NE
Albuquerque, NM 87107
Manuel Beltran
(505) 449-1268
mbeltran@myforddealer.com

Delivery: Albuquerque and Santa Fe

(AD) 0000045857
Clark Truck Equipment Co.
PO Box 3483
Albuquerque, Nm 87190
Kevin Stacy
505-880-8222
Kevin@cte-nm.com

Delivery: As Requested

(AE) 0000094627
Construction Truck Equipment, LLC
PO Box 16020
Albuquerque, NM 87191
David Frederick
(505) 292-8018
dfrederick747@gmail.com

Delivery: As Required

(AF) 0000051541
Don Chalmers Ford
2500 Rio Rancho Dr SE
Rio Rancho, NM 87124
Mike Michnuk
505 897-2227
mmichnuk@chalmersford.com

Delivery: 2500 Rio Rancho Dr SE Rio Rancho, NM 87124



City of Truth or Consequences

AGENDA REQUEST FORM

MEETING DATE: March 26, 2025

SUBJECT: MSD CHANGE ORDER 13 SMITHCO (COR 33)
DEPARTMENT: Finance
DATE SUBMITTED: March 19, 2025
SUBMITTED BY: Jordan Javier, Chief Procurement Officer
WHO WILL PRESENT THE ITEM: Jordan Javier, Chief Procurement Officer

Summary/Background:

- In 2022 the City issued an Invitation to Bid for the Main Street District Water System Improvements under a USDA project.
- Change Order 13 reinstates items previously removed in change orders 10, 11, and 12 and ensures the establishment of a fully operational supervisory control and data acquisition (SCADA) system.
- The cost of change order 13 will be \$44,508.92 in.
- Change orders 10, 11, and 12 were approved by USDA in 2024.
- Change Order 13 was approved by the USDA and the use of Capital Appropriation approved NMED approved

Recommendation:

Approval Recommended by Finance Director

Attachments:

- Letter from Chief Procurement Officer
 - See Attached
- [Click here to enter text](#)

Fiscal Impact (Finance): Yes

Change Order 13 will change increase cost of the project from \$382,318.58 to \$426,827.50 from the SAP Grant 24-I2460-GF and will add the Supervisory Control and Data Acquisition (SCADA) control system.

Legal Review (City Attorney): Choose an item.

N/A

Approved For Submittal By: ☒ Department Director

Reviewed by: ☒ City Clerk ☒ Finance ☐ Legal ☐ Other: [Click here to enter text](#)

Final Approval: ☒ City Manager

CITY CLERK'S USE ONLY - COMMISSION ACTION TAKEN

Resolution No. [Click here to enter text.](#) Ordinance No. [Click here to enter text.](#)

Continued To: [Click here to enter a date.](#) Referred To: [Click here to enter text.](#)

☐ Approved ☐ Denied ☐ Other: [Click here to enter text.](#)

File Name: CC agendas 03/26/2025



ORIGINAL



REQUISITION

Requisition #: 94021

Date: 02/27/2025

Vendor #: 3592

ISSUED TO: SMITHCO CONSTRUCTION INC
P.O. BOX 45
CABALLO, NM-87931

SHIP TO: City of Truth or Consequences
505 Sims St.
Truth or Consequences, NM-87901

ITEM	UNITS DESCRIPTION	PROJECT #	PRICE GL ACCOUNT NUMBER	AMOUNT
1	0 MSD CHANGE ORDER 13		0.00 380-7034-80860	426,827.50

PO Description: MSD WATERLINE PROJECT CHANGE ORDER 13

Detailed Description:

PENDING COMMISSION APPROVAL 03/26/2025
MSD USDA WATERLINE PROJECT FUNDING SHORTFALL
CHANGE ORDER 13 PROJECT WILL BE FUNDED WITH CAPITAL APPROPRIATION APPROVED FROM NMED
CHANGE ORDER 13 WILL REINSTATE PREVIOUS REMOVED ITEM IN OLDER CHANGE ORDER 10, 11,1 AND 12
SEE ATTACH FOR AWARD LETTER, GRANT AGREEMENT, SCOPE OF WORK, CHANGE ORDER 13, AND APPROVAL OF OBLIGATION OF FUNDS
COMMU DEV

Authorized By: _____

SUBTOTAL:	426,827.50
TOTAL TAX:	0.00
SHIPPING:	0.00
TOTAL	426,827.50

Rolf Hechler
Mayor

Amanda Forrister
Mayor Pro-Tem

Merry Jo Fahl
Commissioner



505 Sims St.
Truth or Consequences, New Mexico 87901
P: 575-894-6673 ♦ F: 575-894-7767
www.torcnm.org

Destiny Mitchell
Commissioner

Ingo Hoepfner
Commissioner

Gary Whitehead
City Manager

March 19, 2025

To City Mayor, Pro-Tem and Commissioners,

RE: SMITHCO PROJECT NO. 19-600-205-00 CHANGE ORDER 13

The following reviews with the City Manager, the Community Development Department, Purchasing Department, Vendors Wilson & Company and Smithco Construction. In 2022 the City of Truth or Consequences issued an invitation to bid for the Main Street District Water System Improvements. During this project Wilson & CO submitted Change Order 13 for Smithco which reinstates items previously in change orders 10, 11, and 12. Including the reinstated items, change order 13 also ensures the establishment of a fully operational Supervisory Control and Data Acquisition (SCADA) control system. With the reinstated items and SCADA system it amounts to \$44,508.92. This will change the Project from \$382,318.58 to \$426,827.50. Change Order 13 was approved from the USDA and allowed to be with Capital Appropriation on 02-24-2025 from NMED.

SAP GRANT 24-I2460-GF

Total Cost \$ 426,827.50

Please, review the attached documents and approve the requested procurement. Thank you.

Regards,


Jordan Javier
Chief Procurement Officer

Commission Approved: Yes ☐ No ☐ Tabled ☐

Date of Approval/ Denied/Tabled: _____

Notes: _____ PO # _____

 ORIGINAL

PURCHASE REQUISITION APPROVAL

2024-25 Fiscal Year

COMMISSION MEETING 03/26/2025

Number	Vendor Name	Description	Requested By	Department	Total Amount	Procurement Type
94021	SMITHCO	MSD WATERLINE PROJECT CHANGE ORDER 13	Traci Alvarez	Community Development	\$ 426,827.50	BID
		SEE ATTACH: SCOPE OF WORK ANF CHANGE ORDER 13				

\$ 426,827.50




Angela Torres, Clerk-Treasurer

3/24/25
Date


Rolf Hechler, Mayor

3/24/25
Date

 ORIGINAL



Smithco Construction, Inc.
6 King Canyon Loop
Caballo, NM 87931

P.) 575-894-6161 F.) 575-894-6012 E.) smithco@smithco.cc

Change Order Request (COR 33)

February 13, 2024

Mark Nasi
Wilson & Company Inc
4401 Masthead St NE Suite 150
Albuquerque, NM 87109
P. (505) 348-4170
Mark.nasi@wilsonco.com

RE: Truth or Consequences MSD Water System Improvements – COR 33 LE Electric Additional Costs

Dear Mark:

Smithco Construction, Inc. submits the following Change Order Request for the referenced project for the time and materials associated with electrical delays that have occurred during the course of the project.

Total amount of this Request: \$44,508.92

This change will require an **additional 0 calendar days** be added to the contract time.

Please feel free to contact me with any questions regarding this request.

Thank you,

Quaid Muncy

Truth or Consequences MSD Water System Improvements
COR #33 LE Electric Costs

Summary Sheet

Sheet	Description	EA
1	LE Electric Additional Costs	\$ 43,851.15
2		\$ -
	Extended Supplemental Costs	\$ -
	Extended Home Office Overhead	
	Performance & Payment Bonds @ 1.5%	\$ 657.77
Total Amount of this Request**		\$ 44,508.92
Total Additional Calendar Days of this Request**		0.00

*Detailed Breakdown Attached

***This request only accounts for and includes known costs and schedule impacts at this time. Smithco reserves all rights and claims to all future costs and impacts related to this change and time extension.*

		SCOPE REMOVAL BREAKDOWN PER COR			FINAL COST ASSOCIATED WITH SCOPE REMOVAL COR 13
ELECTRICAL / CONTROLS		SCOPE REMOVED COR 10	SCOPE REMOVED COR 11	SCOPE REMOVED COR 12	
10	SCADA Allowance	\$ 150,000.00			\$ (150,000.00)
62	<u>Well 1 Demolition and Installation, CIP</u>				
	62.1 Mobilization			\$ 1,200.00	\$ (1,200.00)
	62.2 Materials Delivered			\$ 2,982.36	\$ (2,982.36)
	62.3 Demolition			\$ 4,200.00	\$ (4,200.00)
	62.6 Instrumentation			\$ 1,200.00	\$ (1,200.00)
63	<u>Well 2 Demolition and Installation, CIP</u>				
	63.1 Mobilization			\$ 1,400.00	\$ (1,400.00)
	63.2 Materials Delivered			\$ 2,000.00	\$ (2,000.00)
	63.3 Demolition			\$ 7,680.00	\$ (7,680.00)
	63.6 Service Equipment Installed			\$ 200.00	\$ (200.00)
	63.7 Instrumentation			\$ 860.00	\$ (860.00)
64	<u>Well 6 Demolition and Installation, CIP</u>				
	64.1 Mobilization			\$ 2,640.00	\$ (2,640.00)
	64.2 Materials Delivered			\$ 360.00	\$ (360.00)
	64.3 Demolition			\$ 7,920.00	\$ (7,920.00)
	64.4 Instrumentation			\$ 2,550.00	\$ (2,550.00)
65	<u>Well 7 Demolition and Installation, CIP</u>				
	65.1 Mobilization			\$ 2,850.00	\$ (2,850.00)
	65.2 Materials Delivered			\$ 360.00	\$ (360.00)
	65.3 Demolition			\$ 7,920.00	\$ (7,920.00)
	65.4 Instrumentation			\$ 2,550.00	\$ (2,550.00)
67	<u>Morgan St. Demolition and Installation, CIP</u>				
	67.1 Mobilization		\$ 2,040.00		\$ (2,040.00)
	67.2 Materials Delivered		\$ 421.46		\$ (421.46)
	67.3 Demolition		\$ 3,000.00		\$ (3,000.00)
	67.6 Instrumentation		\$ 14,378.41	\$ 13,500.00	\$ (27,878.41)
68	<u>Cemetery St. Demolition and Installation, CIP</u>				
	68.1 Mobilization		\$ 3,060.00		\$ (3,060.00)
	68.2 Materials Delivered		\$ 2,672.63		\$ (2,672.63)
	68.3 Demolition		\$ 7,500.00		\$ (7,500.00)
	68.4 Underground Installed			\$ 200.00	\$ (200.00)
	68.5 Racks & Equipment Installed			\$ 220.00	\$ (220.00)
	68.6 Instrumentation		\$ 14,653.70	\$ 13,200.00	\$ (27,853.70)
69	<u>Cook St. Demolition and Installation, CIP</u>				
	69.1 Mobilization			\$ 1,500.00	\$ (1,500.00)
	69.2 Materials Delivered		\$ 32,449.80	\$ 22,750.22	\$ (55,200.02)
	69.5 Racks & Equipment Installed			\$ 900.00	\$ (900.00)
	69.7 Instrumentation			\$ 51,000.00	\$ (51,000.00)
<u>Total Cost Associated</u>		\$150,000.00	\$80,176.00	\$152,142.58	(\$382,318.58)

COR 35 - Bypass pumping /COR - 35 Cemetery Tank Site

LS \$ (44,508.92)

Total change COR 13 \$ (426,827.50)

CHANGE ORDER NO.:13

Owner:	City of Truth or Consequences	Owner's Project No.:	PO No.76940
Engineer:	Willson & Company, Inc.	Engineer's Project No.:	19-600-205-22
Contractor:	Smithco Construction, Inc.	Contractor's Project No.:	536-22
Project:	Main Street District Waterlines Replacement		
Contract Name:	Main Street District Waterlines Replacement		
Date Issued:	01/20/2025	Effective Date of Change Order: 01/20/2025	

The Contract Is modified as follows upon execution of this Change Order:
Description:

This Change Order Request is being submitted by Wilson & Company, Inc. for the Main Street District Project to reinstate items previously removed in Change Orders 10, 11, and 12. The reinstatement of these items, for which the city has agreed to provide additional funding, will encompass the completion of all electrical and control systems that were initially excluded from the project scope. This change order ensures the establishment of a fully operational Supervisory Control and Data Acquisition (SCADA) control system, delivering a comprehensive and functional solution aligned with the project's objectives. Specific line items and their associated quantities as detailed below:

	ELECTRICAL DESCRIPTION	QTY	COST ASSOCIATED
10	SCADA Allowance	LS	\$150,000.00
62	<u>Well 1 Demolition and Installation, CIP</u>		
	62.1 Mobilization	LS	\$1,200.00
	62.2 Materials Delivered	LS	\$2,982.36
	62.3 Demolition	LS	\$4,200.00
	62.6 Instrumentation	LS	\$1,200.00
63	<u>Well 2 Demolition and Installation, CIP</u>		
	63.1 Mobilization	LS	\$1,400.00
	63.2 Materials Delivered	LS	\$2,000.00
	63.3 Demolition	LS	\$7,680.00
	63.6 Service Equipment Installed	LS	\$200.00
	63.7 Instrumentation	LS	\$860.00
64	<u>Well 6 Demolition and Installation, CIP</u>		
	64.1 Mobilization	LS	\$2,640.00
	64.2 Materials Delivered	LS	\$360.00
	64.3 Demolition	LS	\$7,920.00
	64.4 Instrumentation	LS	\$2,550.00
65	<u>Well 7 Demolition and Installation, CIP</u>		
	65.1 Mobilization	LS	\$2,850.00
	65.2 Materials Delivered	LS	\$360.00
	65.3 Demolition	LS	\$7,920.00
	65.4 Instrumentation	LS	\$2,550.00
67	<u>Morgan St. Demolition and Installation, CIP</u>		
	67.1 Mobilization	LS	\$2,040.00
	67.2 Materials Delivered	LS	\$421.46
	67.3 Demolition	LS	\$3,000.00
	67.6 Instrumentation	LS	\$27,878.41

EJCDC® C-941, Change Order.

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	ELECTRICAL DESCRIPTION	QTY	COST ASSOCIATED
68	<u>Cemetery St. Demolition and Installation, CIP</u>		
	68.1 Mobilization	LS	\$3,060.00
	68.2 Materials Delivered	LS	\$2,672.63
	68.3 Demolition	LS	\$7,500.00
	68.4 Underground Installed	LS	\$200.00
	68.5 Racks & Equipment Installed	LS	\$220.00
	68.6 Instrumentation	LS	\$27,853.70
69	<u>Cook St. Demolition and Installation, CIP</u>		
	69.1 Mobilization	LS	\$1,500.00
	69.2 Materials Delivered	LS	\$55,200.02
	69.5 Racks & Equipment Installed	LS	\$900.00
	69.7 Instrumentation	LS	\$51,000.00
	<u>TOTAL COST ASSOCIATED</u>		\$382,318.58

COR 35 Bypass Pumping

Smithco Construction, Inc. submits the following Change Order Request for the referenced project for the time and materials associated with electrical delays that have occurred during the course of the project.

Total Amount of this Request: \$44,508.92

TOTAL CHANGE ORDER AMOUNT OF \$426,827.50 EXCLUDING NMGR

This change order requires an additional 90 calendar day to be added to the contract time.

AGREEMENT BETWEEN OWNER AND CONTRACTOR FOR CONSTRUCTION CONTRACT (STIPULATED PRICE)

This Agreement is by and between [ty of Truth or Consequences] ("Owner") and [Smithco Construction, Inc.] ("Contractor").

Terms used in this Agreement have the meanings stated in the General Conditions and the Supplementary Conditions.

Owner and Contractor hereby agree as follows:

ARTICLE 1—WORK

- 1.01 Contractor shall complete all Work as specified or indicated in the Contract Documents. The Work is generally described as follows:

The project is to replace 9,415 feet of waterline in the Main Street District (MSD) of the City of Truth or Consequences with 6, 8, 12 and 18-inch PVC waterline via open trench. All service connections will be replaced with new service lines, meter cans, and meters. Upgrades to the Cook Street Booster Station site to include a gas chlorination system, VFD booster pumps with electrica, meter, and chlorination injection vaults.

ARTICLE 2—THE PROJECT

- 2.01 The Project, of which the Work under the Contract Documents is a part, is generally described as follows: **Main Street District (MSD) Water System Improvements**

ARTICLE 3—ENGINEER

- 3.01 The Owner has retained **Wilson & Company, Inc., Engineers & Architects** ("Engineer") to act as Owner's representative, assume all duties and responsibilities of Engineer, and have the rights and authority assigned to Engineer in the Contract.
- 3.02 The part of the Project that pertains to the Work has been designed by **Wilson & Company, Inc., Engineers & Architects** ("Engineering").

ARTICLE 4—CONTRACT TIMES

- 4.01 *Time is of the Essence*

A. All time limits for Milestones, if any, Substantial Completion, and completion and readiness for final payment as stated in the Contract Documents are of the essence of the Contract.

- 4.02 *Contract Times: Days*

A. The Work will be substantially complete within [360] days after the date when the Contract Times commence to run as provided in Paragraph 4.01 of the General Conditions, and completed and ready for final payment in accordance with Paragraph 15.06 of the General Conditions within [30] days after the date when the Contract Times commence to run.

STATE OF NEW MEXICO
CAPITAL GRANT PROJECT
INITIAL Notice of Obligation to Reimburse Grantee # 1

DATE: 2/24/2025
TO: Grantee: Truth or Consequences, City of
Grantee Official Representative: Traci Alvarez
FROM: Department Representative: Steven Deal

SUBJECT: Notice of Obligation to Reimburse Grantee
Project Number: SAP 24-I2460-GE

As the designated representative of the Department for Grant Agreement number SAP 24-I2460-GE entered into between Grantee and the Department, I certify that the Grantee has submitted to the Department the following third party obligation executed, in writing, by the third party's authorized representative:

Vendor or Contractor:	<u>Wilson & Company-Combine 3 Projects, including Waterline on Broadway</u>
Third Party Obligation Amount:	<u>\$456,137.18</u>
Termination Date:	<u>9/20/2025</u>

Vendor or Contractor:	<u>Smithco Construction Inc-Main Street District Waterline Replacement</u>
Third Party Obligation Amount:	<u>\$426,827.50</u>
Termination Date:	<u>6/2/2025</u>

I certify that the State is issuing this Notice of Obligation to Reimburse Grantee for permissible purposes within the scope of the project description, subject to all the terms and conditions of the above referenced Grant Agreement.

Appropriation Amount (adjusted for AIPP if applicable)	<u>\$4,400,000.00</u>
The Amount of this Notice of Obligation:	<u>\$882,964.68</u>

Note: Contract amounts may exceed the total grant amount, but the invoices paid by the grant will not exceed the grant amount.

Department Rep. Approver:	<u>Erika Martinez</u>	<u>Digitally signed by Erika</u>
Title:	<u>Capital Outlay Manager</u>	<u>Martinez</u>
Signature:	<u>Erika</u>	<u>Date: 2025.02.24 11:37:07</u>
Date:	<u>2/24/2025</u>	<u>-07'00'</u>

"Reimburse" as used throughout this Notice of Obligation to Reimburse includes Department payments to the Grantee for invoices received, but not yet paid, by the Grantee from a third party contractor or vendor, if the invoices comply with the provisions of the Grant Agreement and are a valid liability of the Grantee.

NOTICE OF AWARD

Date of 08/31/2022
Owner: City of Truth or Consequences Owner's Project No.: 19-600-205-00
Engineer: Wilson & Company, Engineers and Architects, Inc. Engineer's Project No.: 19-600-205-00
Project: Main Street District (MSD) Water System Improvements
Contac Name: Main Street District (MSD) Water System Improvements
Bidder: Smithco Construction, Inc.
Bidder's 6 King Canyon Loop, Caballo, New Mexico, 87931

You are notified that the Owner has accepted your Bid dated 08/31/2022 for the above Contract and that you are the Successful Bidder and are awarded a Contract for:

The Base bid \$6,851,722.59. The owner reserves the right to add a portion of the base Additive Alternate 1 and base Alternate 2 at a later date as funding allows.

The Contract Price of the awarded Contract is \$[\$6,851,722.59]. Contract Price is subject to adjustment based on the provisions of the Contract, including but not limited to those governing changes, Unit Price Work, and Work performed on a cost-plus-fee basis, as applicable.

[5] unexecuted counterparts of the Agreement accompany this Notice of Award, and one copy of the Contract Documents accompanies this Notice of Award, or has been transmitted or made available to Bidder electronically.

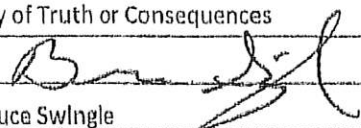
☐ Drawings will be delivered separately from the other Contract Documents.

You must comply with the following conditions precedent within 15 days of the date of receipt of this Notice of Award:

1. Deliver to Owner [5] counterparts of the Agreement, signed by Bidder (as Contractor).
2. Deliver with the signed Agreement(s) the Contract security (such as required performance and payment bonds) and insurance documentation, as specified in the Instructions to Bidders and in the General Conditions, Articles 2 and 6.
3. Other conditions precedent (if any):

Failure to comply with these conditions within the time specified will entitle Owner to consider you in default, annul this Notice of Award, and declare your Bid security forfeited.

Within 10 days after you comply with the above conditions, Owner will return to you one fully signed counterpart of the Agreement, together with any additional copies of the Contract Documents as indicated in Paragraph 2.02 of the General Conditions.

Owner: City of Truth or Consequences
By (signature): 
Name (printed): Bruce Swingle
Title: City Manager
Copy: Engineer

EJCDC® C-510, Notice of Award.

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STATE OF NEW MEXICO
ENVIRONMENT DEPARTMENT
CAPITAL APPROPRIATION PROJECT
T OR C WATER DISTRIBUTION LINE RPLC
SAP 24-12460-GF

THIS AGREEMENT between the New Mexico Environment Department hereinafter called the "Department" or NMED, and City of Truth or Consequences hereinafter called the "Grantee" becomes effective on the date signed by the NMED.

RECITALS

WHEREAS, in the Laws of 2024, Chapter 66, Section 20, Subsection 106 the Legislature made an appropriation to the Department, funds from which the Department is making available to the Grantee pursuant to this Agreement; and

WHEREAS, the Department is granting to Grantee, and the Grantee is accepting the grant of, funds from this appropriation, in accordance with the terms and conditions of this Agreement; and

WHEREAS, NMED is empowered pursuant to Section 74-1-6 B, NMSA 1978 to contract in its own name.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and obligations contained herein, the parties hereby mutually agree as follows:

ARTICLE I. PROJECT DESCRIPTION, AMOUNT OF GRANT AND REVERSION DATE

A. The project that is the subject of this Agreement is described as follows:

SAP 24-12460-GF \$4,400,000.00 APPROPRIATION REVERSION DATE: June 30, 2028

Laws of 2024, Chapter 66, Section 20, Subsection 106, Four Million Four Hundred Thousand Dollars, (\$4,400,000.00), from the General Fund to plan, design and construct water system improvements, including replacement of water distribution lines, in Truth or Consequences in Sierra county;

The Grantee's total reimbursements shall not exceed Four Million Four Hundred Thousand Dollars, \$4,400,000.00 (the "Appropriation Amount") minus the allocation for Art in Public Places ("AIPP amount")¹, if

¹ The AIPP amount is "an amount of money equal to one percent or two hundred thousand dollars (\$200,000), whichever is less, of the amount of money appropriated for new construction or any major renovation exceeding one hundred thousand dollars (\$100,000)." Section 13-4A-4 NMSA 1978.

A RESOLUTION AUTHORIZING THE ASSIGNMENT OF AUTHORIZED OFFICER(S) AND AGENT(S)
Resolution 12 24/25

Whereas, the City Commission of the City of Truth or Consequences of Sierra County of the State of New Mexico shall enter into a Grant Agreement with the State of New Mexico Environment Department, and

Whereas, the Agreement is identified as Project Number SAP 24-12460-GF

NOW THEREFORE, BE IT RESOLVED by the named applicant that:

Rolf Hechler, Mayor, or successor is authorized to sign the Grant Agreement for this project, and

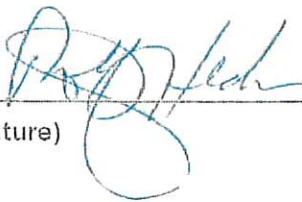
Ange Gonzales – City Manager and Traci Alavarez – Assistant City Manager, or successor is the OFFICAL REPRESENTATIVE(S) who is authorized to sign all other documents necessary to fulfill the Grant Agreement and the requirements (Project Description, Disbursements and to act as the project contact), and

Traci Alavarez, Assistant City Manager, or successor is the Capital Projects Monitoring System (CPMS) contact who is designated to update the CPMS database monthly per Article VIII. A. of the Intergovernmental Grant Agreement.

Traci Alvarez - Assistant City Manager), or successors is the CONTACT who is designated to receive Notice of Obligations (NOO'S).

PASSED, APPROVED, AND ADOPTED: August 14th, 2024

Rolf Hechler, Mayor, City of Truth or Consequences, NM



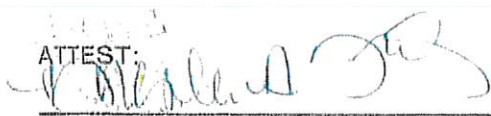
(Signature)

August 14, 2024

Date

(SEAL)

ATTEST:



(Municipal Clerk)

Department of Finance and Administration
Local Government Division
Financial Management Bureau
SCHEDULE OF BUDGET ADJUSTMENTS

For Local Government Division use only:

ENTITY NAME: City of Truth or Consequences
FISCAL YEAR: 2024-25 3/26/2025
DFA Resolution Number: 36 24/25
BAR NUMBER 11

DOCUMENT NUMBER	FUND	ACCOUNT STRING	ACCOUNT NAME	REVENUE EXPENDITURE or TRANSFER (TO or FROM)	APPROVED BUDGET	ADJUSTMENT INCREASE	ADJUSTED BUDGET	PURPOSE
1	299	299-7051-32375	AS- BFAS Grant - Medial Treatment	Revenue	\$ -	\$ 12,500	\$ 12,500	Best Friends Animal Society Grant for medical treatment for vulnerable animals
1	299	299-7051-48710	AS- BFAS Grant - Medial Treatment	Expense	\$ -	\$ 12,500	\$ 12,500	Best Friends Animal Society Grant for medical treatment for vulnerable animals
							\$ -	
2	299	299-7052-32375	PD-State Grant	Revenue	\$ -	\$ 41,476	\$ 41,476	2022-2023 Byrne State Crisis Intervention Program Grant 15PBJA-23-GG-00024-BSCI
2	299	299-7052-40110	PD-Salary & Wages	Expense	\$ -	\$ 18,000	\$ 18,000	2022-2023 Byrne State Crisis Intervention Program Grant 15PBJA-23-GG-00024-BSCI
2	299	299-7052-42310	PD-Travel	Expense	\$ -	\$ 1,000	\$ 1,000	2022-2023 Byrne State Crisis Intervention Program Grant 15PBJA-23-GG-00024-BSCI
2	299	299-7052-48599	PD-Contractual Services	Expense	\$ -	\$ 21,740	\$ 21,740	2022-2023 Byrne State Crisis Intervention Program Grant 15PBJA-23-GG-00024-BSCI
2	299	299-7052-43999	PD-Other Costs	Expense	\$ -	\$ 736	\$ 736	2022-2023 Byrne State Crisis Intervention Program Grant 15PBJA-23-GG-00024-BSCI
2	299	299-7052-39935	PD-Transfer In	Revenue	\$ -	\$ 41,476	\$ 41,476	2022-2023 Byrne State Crisis Intervention Program Grant 15PBJA-23-GG-00024-BSCI
2	101	101-1099-49930	GF-Transfer Out	Expense	\$ 1,691,470.00	\$ 41,476	\$ 1,732,946	2022-2023 Byrne State Crisis Intervention Program Grant 15PBJA-23-GG-00024-BSCI
2	101	101-1099-39935	GF-Transfer In	Revenue	\$ 1,651,823.00	\$ 41,476	\$ 1,693,299	2022-2023 Byrne State Crisis Intervention Program Grant 15PBJA-23-GG-00024-BSCI
2	299	299-7052-49930	PD-Transfer Out	Expense	\$ -	\$ 41,476	\$ 41,476	2022-2023 Byrne State Crisis Intervention Program Grant 15PBJA-23-GG-00024-BSCI
							\$ -	

ATTEST:

Angela Torres, Clerk-Treasurer

(Date)

Rolf Hechler, Mayor

(Date)