AMENDMENT # 1

DATE: January 5, 2010

TO: All Bidders of Record

FROM: Gil Rivera, Buyer

SUBJECT: Amendment #1 to P-279 “ESCO Provider”

This amendment becomes part of the Contract Documents and modifies the original bidding documents as noted below:

1. CLARIFICATION: Due to additional vendor interest in this Request for Proposals, CNM will hold a 2nd MANDATORY Pre-Proposal Meeting. This meeting will be held Friday, January 15, 2010 at 9:00AM at the below address. Vendors that attended the first MANDATORY Pre-Proposal Meeting that was held on December 11, 2009 are not required to attend this second MANDATORY Pre-Proposal meeting.

    CNM Main Campus
    901 Buena Vista Drive SE
    Albuquerque, NM 87106
    Building I Main Lobby

    NOTE: Only those responses received from vendors that have attended one of the two MANDATORY Pre-Proposal meetings will be considered for award.

2. CLARIFICATION: The due date and time has been changed to accommodate the 2nd Mandatory Pre-Proposal meeting.

    WAS: 3PM MST, Friday, January 15, 2010

    IS NOW: On or before 3PM MST, Friday, January 29, 2010

    NOTE: Late submissions will be returned unopened

3. QUESTION: What actual payback is requested?

   ANSWER: Vendor to advise what can be provided.
4. **QUESTION:** Will there be a formal site walk?

**ANSWER:** No, the campuses are open. It takes approximately two (2) days to perform a walk through. CNM will assign staff for vendors to contact during regular hours. Please contact Mr. Larry Meyer at 505-224-4574 if further assistance is needed.

5. **QUESTION:** Will the audit or work for this project interrupt any ongoing construction projects?

**ANSWER:** No. All on-going projects will continue without interruption.

6. **QUESTION:** What are the responsibilities of the awarded ESCO?

**ANSWER:** To perform the audit and install the monitoring and control system (Phases I, II, and III of the RFP). The awarded ESCO will NOT perform construction of any suggested improvement project resulting from the audit. CNM will issue a separate Request for Bids on these types of projects.

7. **QUESTION:** Can the awarded ESCO who provides the audit offer bids on future projects?

**ANSWER:** Insofar as there is no conflict with New Mexico Statutes Annotated (NMSA) 10-13-16. Prohibited Bidding, or other applicable laws.

NMSA 10-13-16. Prohibited Bidding

No state agency or political subdivision of the state shall accept a bid or proposal from a person who directly participated in the preparation of specifications, qualifications or evaluation criteria on which the specific competitive bid or proposal was based. A person accepting a bid or proposal on behalf of a state agency or political subdivision of this state shall exercise due diligence to ensure compliance with this section.

8. **QUESTION:** Which vendor’s energy management systems, if any, are currently in place?

**ANSWER:** Four (4) existing energy management systems are currently in place at CNM with limited use. These systems are manufactured by Johnson Controls Metasys, Allerton, Signal, and Automated Logic. They do not provide energy management at all CNM facilities. NOTE: Any replacement system offered by Vendors in response to Phase III of the RFP should be a non-proprietary system.

9. **QUESTION:** To what extent do vendors state costs of Projects on the Audit report?

**ANSWER:** CNM wants probable costs. For example, if the plan is to replace boilers, then CNM will hire an Engineer to make an actual design plan and compare this against the cost from the ESCO audit. Vendors should suggest non-proprietary solutions to ensure maximum practicable competition per NMSA 13-1-164.

13-1-164. Specifications; maximum practicable competition.

All specifications shall be drafted so as to ensure maximum practicable competition and fulfill the requirements of state agencies and local public bodies. In preparing specifications, if, in the opinion of the state purchasing agent or central purchasing office, a proposed component is of a nature that would restrict the number of responsible bidders or responsible offerors and thereby limit competition, if practicable, the state purchasing agent or central purchasing office shall draft the specifications without the component and procure the component by issuing a separate invitation for bids or request for proposals or by entering into a sole source procurement.

All other specifications, terms and conditions remain unchanged. Bidders are required to acknowledge receipt of this Amendment in the space provided in Section E.

NOTE: Any verbal responses offered by CNM to vendor questions are non-binding. If vendors have any further questions or need further clarification, please contact the buyer in writing by email (preferred) or fax. Buyer shall respond to vendor or issue an amendment to the Request for Proposals as appropriate.