

CITY OF LAS CRUCES
PRICE AGREEMENT
CONTRACT NO. 15-16-013
FERROUS CHLORIDE

On this 10 day of March, 2016, the City of Las Cruces (City) and Kemira Water Solutions, Inc. (CONTRACTOR) hereby enter this AGREEMENT as follows:

1. In a satisfactory and proper manner, the CONTRACTOR shall deliver product as bid in response to City's BID No. 15-16-013 attached hereto and made a part of this AGREEMENT.
2. The effective period of this AGREEMENT is from March 10, 2016 through March 9, 2017 and may be renewed annually thereafter for up to two more years subject to approved budgeted appropriations.
3. In consideration for CONTRACTOR'S satisfactory performance agreed to herein, CONTRACTOR shall be compensated based upon pricing offered in CONTRACTOR'S BID response. Invoices issued by the Contractor shall be conditioned upon payment by the City to Contractor within 30 days upon receipt of undisputed invoice.

KEMIRA WATER SOLUTIONS, INC.

By: 
Signature

Christina M. Imbrogno Customer Service Manager
Print Name and Title

CITY OF LAS CRUCES

By: 
Deb Smith
Purchasing Manager

APPROVED AS TO FORM:

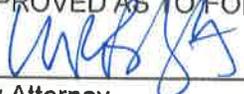

City Attorney
Requisition No. _____

Exhibit A

Rev. May 2015

INVITATION TO BID

TITLE	BID #	DUE DATE/TIME
Ferrous Chloride	15-16-013	December 8, 2015

Bid Submitted by: Kemira Water Solutions, Inc.
(Company)

BIDDING CONDITIONS

Effective April 1, 2014, faxed bids will no longer be accepted.

Unless otherwise stated in the bid document, the following conditions apply.

- 1) Bidders are advised that all bids are subject to the legal requirements as provided for in the City of Las Cruces (City) Procurement Code, Chapter 24 Las Cruces Municipal Code (LCMC), 1998 available on the City's website:
https://www.municode.com/library/nm/las_cruces/codes/code_of_ordinances?nodeId=PTIIMUCO_CH24PRCO

- | |
|--|
| <p>a) Preference will be given to bidders residing within New Mexico and/or Las Cruces, NM, in accordance with §13-1-21 & §13-4-2, NMSA, 1978, of the State of New Mexico Statutes, and Section 24-100, LCMC, 1998, of the City Procurement Code.</p> <p>b) Whenever bid specifications are for supplies or materials consisting of recycled content goods and non-recycled content goods, bids submitted for recycled content goods shall receive a 5% preference pursuant to §13-1-21, NMSA, 1978.</p> <p>c) The application of multiple preferences shall be limited to ten percent (10%).</p> <p>d) Whenever federal funds that are subject to the U.S. OMB "Common Rule" and involved in the purchase of goods/services by the City, the preferences stated within this section are not applicable.</p> |
|--|
- e) **DIRECT CONTACT WITH CITY ELECTED OFFICIALS OR CITY STAFF DURING THE BID PROCESS (from Public Notice through Award), OTHER THAN PURCHASING SECTION STAFF, WILL RENDER THE BID NON-COMPLIANT AND UNACCEPTABLE FOR AWARD.**
- f) Bidder agrees to comply with all City, State and Federal rules and regulations.
- g) Bidder is responsible for complying with criminal laws prohibiting bribes, gratuities and kickbacks.

- 2) Bids must:
- be submitted typed or in ink on **UNALTERED City bid forms** for bid to be considered.
 - be complete with required information.
 - be signed by an authorized representative.
 - be submitted in a sealed envelope, labeled with the bidder's company name, bid number and title, and due date/time.
 - be submitted separately and labeled as such when submitting more than one bid.
 - state the manufacturer BRAND/MODEL NUMBER offered on all items along with brochures and specifications.
 - include samples at no cost for evaluation purposes when required by the bid specifications or otherwise requested by the City.
 - include a request for return of samples, by the supplier, otherwise samples shall become the property of the City after 60 days. (Bidders must arrange for and absorb the cost of any sample return.)
 - be mailed or hand delivered to:

<u>MAIL:</u>	<u>HAND DELIVER:</u>
City of Las Cruces	City of Las Cruces
Purchasing Section	Purchasing Section
P.O. Box 20000	700 North Main, Room 3134
Las Cruces, NM 88004	Las Cruces, NM 88001
 - be received by the City Purchasing Section by the specified due date and time, and stamped by the Purchasing Section's official time clock. Late bids shall not be accepted.
- 3) Pricing shall:
- state the **UNIT PRICE** and **EXTENDED AMOUNT** for each item or service offered. **UNIT PRICES GOVERN ANY ERRORS IN THE EXTENSION** and shall be stated F.O.B. - Destination; Prepaid Full Freight Allowed
 - exclude any applicable taxes.
 - be effective for 45 days.
- 4) Questions:
- MUST** be submitted in writing and either emailed, hand delivered or mailed to the attention of the Bid Clerk referencing the bid number and title.

- b) will be accepted only up to one week prior to the bid due date/time.
- 5) Addenda:
 - a) Any changes or clarifications to bid requirements will be made via written addendum when required. Verbal understanding shall not be binding.
 - b) In the event an addendum is received by a bidder after a bid is submitted, the bidder must acknowledge receipt of the addendum by notice to the Bid Clerk via email or mail.
 - c) If an addendum changes a bid already submitted, a revised bid must be sent and clearly marked REVISED.
 - d) Failure to acknowledge receipt of an addendum may result in the bid being non-compliant.
- 6) The City reserves the right to:
 - a) determine responsible bidders and responsive bids.
 - b) accept and award compliant bids based on the lowest:
 - i) Individual Unit Price, or
 - ii) Grouped Unit Price, or
 - iii) Lump Sum Unit Price; whichever is deemed most beneficial to the City.
 - c) determine and waive minor technicalities in the bid form or requirements not affecting price, quality, quantity, or delivery of items or services sought.
 - d) negotiate an extension of effective price dates.
 - e) change the quantity of bid items within their effective price date.
 - f) reject any or all bids partially or wholly.
- 7) It is the City's intent to award bids within 45 days of the bid due date.
 - a) Bidders may obtain bid results by contacting the Bid Clerk at bidclerk@las-cruces.org.
 - b) The contract terms/conditions resulting from this bid solicitation may be extended by the awarded contractor to other public entities in compliance with the laws and regulations of those public entities. The City is not subject to any obligation or responsibility regarding such extension.

Receipt of Addenda Nos. 0 is hereby acknowledged. (Where none received, place '0' in this space.)

Payment Terms: Net 30 Days Bidder guarantees delivery of items within 3 days

Pricing for this bid is effective through one year (price agreements are effective for one year from date of award)

NM Tax & Revenue Department CRS # N/A

Current NM Public Regulatory Commission Registration # 2895134 (corporations only)

Current CLC Business Registration # N/A (for businesses residing with Las Cruces city limits)

NM Resident Certificate from NM Tax and Revenue Department enclosed Yes No

NM Resident Veteran Certificate from NM Tax and Revenue Department enclosed Yes No

Fed I.D. 59-3657872 (mandatory for all respondents)

In compliance with the Bid Specifications, Bidding Conditions, and Purchase Order Terms and Conditions, I, the undersigned, offer and agree to furnish any or all items upon which prices are offered at the price set opposite each item, to the City within the time specified.

I (we) further certify that this company has not been debarred, suspended, or otherwise made ineligible for participation in Federal Assistance programs under Executive Order 12549 "Debarment and Suspension" as described in the Federal Register Rules and Regulations.

COMPANY NAME & ADDRESS:

Kemira Water Solutions
4321 W. 6th St.
Lawrence, KS 66049
(800) 879-6353
 Phone (785) 842-7424
 Fax _____

Christina M. Imbrogno
Customer Service Manager

Typed or Printed Name of Authorized Representative & Title

Christina M. Imbrogno 12/3/15
Signature Date

Kwsna.bids@kemira.com
Email

BID SUBMITTAL CHECK LIST

DESCRIPTION	COMMENT
Bid Form	Ensure bid is signed by representative stated on the form and completely filled out, as applicable, and especially that all addenda are acknowledged.
Resident Preference Certificate	To qualify for a 5% Resident Contractor preference, provide certificate issued by the NM Tax and Revenue Department.
Veteran Resident Preference Certificate and Business Volume Declaration form	To receive a 7%, 8%, or 10% Veteran Preference, as applicable, submit veteran certificate issued by the NM Tax and Revenue Department and Business Volume Declaration form.
Local Preference Certificate	To receive a 5% local preference, submit a current Business Certificate issued by the City of Las Cruces Community Development Department.

**CITY OF LAS CRUCES
Ferrous Chloride**

I. Introduction

The awarded contract is for a base period of one year with the option to extend for two additional one-year terms. The City will initiate any extension requests in writing. Bid prices shall be held for one year from date of award.

The quantities listed are estimated usage only and will be ordered by the City on an "as needed" basis with no restrictions and/or quantity guarantee.

II. Bid Items

ITEM	DESCRIPTION	EST. QTY	BRAND/MFR NAME	UNIT PRICE PER DRY TON	EXTENDED PRICE
1	Ferrous Chloride	250,000 gal	<i>Kemira P14-111</i>	689.00	275,600.00 [*]

≈ about 400 dry tons

** based on 400 dry tons*

MINIMUM SPECIFICATIONS:

Ferrous Chloride 30% Solution

PROPERTY	TYPICAL
Specific Gravity	1.24 – 1.47
Ferrous Chloride (%)	32-36
Ferrous Ion (%)	13.21 – 17.18
Ferric Ion (%)	0.1
Free Acid as HCL (mg/l)	0.5
Arsenic (mg/l)	< 0.5
Barium (mg/l)	< 2.0
Cadmium (mg/l)	< 0.3
Chromium (mg/l)	45
Copper (mg/l)	35
Lead (mg/l)	1
Manganese (mg/l)	1,200
Mercury (mg/l)	<0.02
Selenium (mg/l)	< 3
Silver (mg/l)	< 1
Total Organic Carbon (mg/l)	150 – 250

1. Shall be NSF 60 certified material, certification shall be included with bid.
2. Certificate of analysis for each shipment shall be supplied upon delivery.

3. Supplier shall provide an estimated 250,000 gallons over 12 months in bulk drops as needed by the City. The City will be billed for each delivery and for actual ferrous chloride solution requested and received. Each invoice is to reference the City's purchase order number and billed in dry tons.
4. Supplier shall provide a maximum five calendar day delivery time or deliver on the date specified by the buyer if greater than five days.
5. Delivery shall be between 6 a.m. and 1 p.m. MST Monday and Friday.
6. Chemical supplier shall provide means for unloading chemical at delivery site as provision of bid. Supplier shall follow safety rules and regulations specified by OSHA Process Safety Management Program.
7. Deliveries shall be made to each of the four odor control sites at the following Las Cruces Locations:
 - 2670 S. Espina St.
 - 1751 Solano Drive
 - 2181 Hadley Avenue
 - 1001 Mars Avenue
8. All spills of Fe Cl₂ equal to or greater than 100 lbs. during delivery will be reported by supplier to The National Response Center (N.R.C.) as required in 40 CFR 302.6.
9. All spills during delivery will be properly contained, neutralized and disposed of immediately by the supplier. Contractor shall provide a copy of the spill prevention and control procedures appropriate to this situation.
10. Supplier shall weigh at certified scale in Las Cruces before and after delivery. Payment shall be based on these weights and the % ferrous chloride content on a weight per weight basis.
11. Supplier's failure to deliver the requested quantity or quality or to make timely delivery will entitle the City to cancel the supply contract and to award the contract to the next lowest bidder at the next lowest bid price or to rebid the contract.
12. Bids will be evaluated based on past performance of bidder in meeting specifications and the lowest bid price received. If the bidder has no experience with the City of Las Cruces, three comparable references should be included with the bid.
13. The contract term will be for one year from the date of award with two one-year renewable options to be exercised at the discretion of the City of Las Cruces.
14. Contract may be cancelled by either party with a minimum of thirty (30) days written notice.

LOCAL PREFERENCE NOTICE

To receive a 5% local preference, submit a current copy of the respondent's Business Certificate Issued by the City of Las Cruces Community Development Department.

NEW MEXICO RESIDENT PREFERENCE NOTICE

Pursuant to §13-1-21 & §13-4-2, NMSA, 1978, of the State of New Mexico Statutes, as amended, a respondent who submits, within its bid or proposal documents, a copy of its resident business or resident contractor certificate issued by the New Mexico Tax and Revenue Department will qualify for preference as authorized by the statutes.

Bids or proposals submitted without the certificate issued by the New Mexico Tax and Revenue Department will not qualify for this preference.

Firms seeking this 5% preference are encouraged to apply with the New Mexico Tax and Revenue Department to receive certification as a "resident business" or "resident contractor". Firms may obtain application forms by contacting the New Mexico Tax and Revenue Department at 575-524-6225 or may apply online at the following web address:

<http://www.tax.newmexico.gov/Pages/TRD-Homepage.aspx>

NEW MEXICO RESIDENT VETERAN BUSINESS NOTICE

To receive a 7%, 8% or 10% veteran preference, as applicable, submit a Resident Veteran Business certificate issued by the New Mexico Tax & Revenue Department and the Business Volume Declaration Form (attached).

Firms may obtain application forms by contacting the New Mexico Tax and Revenue Department at 575-524-6225 or may apply online at the following web address:

<http://www.tax.newmexico.gov/Pages/TRD-Homepage.aspx>

PREFERENCE FOR RECYCLED CONTENT GOODS

Whenever specifications for supplies or materials provide bidders opportunity to offer items made with recycled content good, and, when bids are received for both recycled content goods and non-recycled content goods, bids submitted for recycled content goods shall be deemed five percent (5%) lower than the bids actually submitted provided that the recycled materials content meets or exceeds the minimum content standards required by bid specifications. "Recycled content goods" means supplies and materials composed of a minimum of twenty-five percent (25%) of recycled materials or more as specified herein.

**RESIDENT VETERANS PREFERENCE
BUSINESS VOLUME DECLARATION**

_____ (CONTRACTOR) hereby certifies the following
In regard to application of the resident veterans' preference to this procurement:

Please check one box only

- I declare under penalty of perjury that my business prior year revenue starting January 1 ending December 31 is less than \$1 million allowing me the 10% preference discount on this solicitation. I understand that knowingly giving false or misleading information about this fact constitutes a crime.
- I declare under penalty of perjury that my business prior year revenue starting January 1 ending December 31 is more than \$1 million but less than \$5 million allowing me the 8% preference discount on this bid or proposal. I understand that knowingly giving false or misleading information about this fact constitutes a crime.
- I declare under penalty of perjury that my business prior year revenue starting January 1 ending December 31 is more than \$5 million allowing me the 7% preference discount on this bid or proposal. I understand that knowingly giving false or misleading information about this fact constitutes a crime.

In conjunction with this procurement and this business' qualifications for a Resident Veteran Business Preference/Resident Veteran Contractor Preference under Sections §13-1-21 or §13-1-22 NMSA 1978, when awarded a contract based upon receipt such of veterans preference, I agree to report to the State Purchasing Division of the General Services Department the awarded amount involved. I will indicate in the report the award amount as a purchase from a public body or as a public works contract from a public body as the case may be.

I declare under penalty of perjury that this statement is true to the best of my knowledge. I understand that giving false or misleading statements about material fact regarding this matter constitutes a crime.

(Signature of Business Representative)* (Date)

*Must be an authorized signatory for the Business

Not Applicable

Kemira

Water Treatment Chemicals

KEMIRA PIX-411

Ferrous Chloride Solution, 28-32%

KEMIRA PIX-411 is a coagulant in liquid form based on divalent iron (Fe²⁺). It is used primarily for Hydrogen Sulfide Control to reduce odor and corrosion, for phosphorus removal, as a micronutrient as well as in manufacturing intermediaries. KEMIRA PIX-411 is also very efficient in Struvite Control applications. KEMIRA PIX-411 can also be used to reduce Chlorite in Potable Water.

PRODUCT SPECIFICATION

Appearance	Dark Liquid
Ferrous Chloride (FeCl ₂)	30 ± 2%
Fe (II)	13.2 ± 0.9%
Specific Gravity (68°F)	Avg. 1.40

TYPICAL ANALYSIS

Free HCl	< 0.5%
pH	< 1
Fe (III)	< 0.25%
Water Insoluble Matter	< 0.1%

Certification / Approval

KEMIRA PIX-411 is NSF/ANSI Standard 60 certified for use in potable water treatment up to 300 mg/l.

Dosing

KEMIRA PIX-411 can be fed straight. No dilution or preparation is required. A diaphragm-metering pump of non-corrosive material is suitable.

Storage

Storage tanks and piping should be constructed of suitable material such as fiberglass, or cross-linked polyethylene. With this chemical it is recommended to clean the storage tank every year.

Handling / Safety

The handling of any chemical requires care. Anyone responsible for using or handling KEMIRA PIX-411 should familiarize themselves with the full safety precautions outlined in our Material Safety Data Sheet.

Delivery

Shipping Instructions : Corrosive Liquid, Acidic, Inorganic, n.o.s. 8, UN 1760, P.G. II

Kemira makes this information available as an accommodation to its customers and it is intended to be solely a guide in customer's evaluation of the products. You must test our products, to determine if they are suitable for your intended uses and applications, as well as from the health, safety and environmental standpoint. You must also instruct employees, agents, contractors, customers or any third party which may be exposed to the products about all applicable precautions. All information and technical assistance is given without warranty or guarantee and is subject to change without notice. You assume full liability and responsibility for compliance with all information and precautions, and with all laws and statutes, ordinances and regulations of any governmental authority applicable to the processing, transportation, delivery, unloading, discharge, storage, handling, sale and use of each product. Nothing herein shall be construed as a recommendation to use any product in conflict with patents covering any material or its use.

Kemira
1000 Parkwood Circle, Ste 500
Atlanta, GA 30399
USA
www.kemira.com

United States
Tel +1 800 879 6353

Canada
Tel +1 450 852 0665

Mexico
Tel +52 55 9000 4140

Kemira

Water Treatment Chemicals



The Public Health and Safety Organization

NSF Product and Service Listings

These NSF Official Listings are current as of **Friday, December 04, 2015** at 12:15 a.m. Eastern Time. Please contact NSF International to confirm the status of any Listing, report errors, or make suggestions.

Alert: NSF is concerned about fraudulent downloading and manipulation of website text. Always confirm this information by clicking on the below link for the most accurate information: <http://info.nsf.org/Certified/PwsChemicals/Listings.asp?CompanyName=kemira+water&ChemicalName=Ferrous+Chloride&>

NSF/ANSI 60 Drinking Water Treatment Chemicals - Health Effects

Kemira Water Solutions, Inc.

316 Bartow Municipal Airport

Bartow, FL 33830

United States

888-KEMIRON

863-533-5990

Visit this company's website

(<http://www.kemira.com>)

Facility : # 3 Canada

Ferrous Chloride

Trade Designation

Product Function

Max Use

KEMIRA PIX-411	Coagulation & Flocculation	300mg/L
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Facility : # 4 A USA

Ferrous Chloride

<i>Trade Designation</i>	<i>Product Function</i>	<i>Max Use</i>
KEMIRA PIX-411	Dechlorination	300mg/L
KEMIRA-PIX-401	Dechlorination	300mg/L

Facility : Distribution Center - Buckeye, AZ

Ferrous Chloride

<i>Trade Designation</i>	<i>Product Function</i>	<i>Max Use</i>
KEMIRA PIX-401	Coagulation & Flocculation	250mg/L
KEMIRA PIX-411	Coagulation & Flocculation	250mg/L

Facility : Distribution Center - Warm Springs, CA

Ferrous Chloride

<i>Trade Designation</i>	<i>Product Function</i>	<i>Max Use</i>
KEMIRA PIX-401	Coagulation & Flocculation	300mg/L
KEMIRA PIX-411	Coagulation & Flocculation	300mg/L

Facility : Fontana, CA

Ferrous Chloride

<i>Trade Designation</i>	<i>Product Function</i>	<i>Max Use</i>
KEMIRA PIX-411	Coagulation & Flocculation	300mg/L

Facility : Mojave, CA

Ferrous Chloride

<i>Trade Designation</i>	<i>Product Function</i>	<i>Max Use</i>
KEMIRA PIX-411	Coagulation & Flocculation	300mg/L

Facility : Baltimore, MD

Ferrous Chloride

<i>Trade Designation</i>	<i>Product Function</i>	<i>Max Use</i>
Ferrous Chloride	Coagulation & Flocculation	300mg/L
Ferrous Chloride All Grades	Coagulation & Flocculation	300mg/L
Ferrous Chloride Solution	Coagulation & Flocculation	300mg/L
KEMIRA PIX-411	Coagulation & Flocculation	300mg/L
Liquid Ferrous Chloride	Coagulation & Flocculation	300mg/L

Facility : Distribution Center - Euclid, OH

Ferrous Chloride

<i>Trade Designation</i>	<i>Product Function</i>	<i>Max Use</i>
KEMIRA PIX-401	Coagulation & Flocculation	300mg/L
KEMIRA PIX-411	Coagulation & Flocculation	300mg/L

Facility : Distribution Center - El Paso, TX

Ferrous Chloride

<i>Trade Designation</i>	<i>Product Function</i>	<i>Max Use</i>
KEMIRA PIX-401	Coagulation & Flocculation	300mg/L
KEMIRA PIX-411	Coagulation & Flocculation	300mg/L

Facility : Houston, TX

Ferrous Chloride

Trade Designation

KEMIRA PIX-411

Product Function

Coagulation & Flocculation

Max Use

300mg/L

Facility : Distribution Center - Salt Lake City, UT

Ferrous Chloride

Trade Designation

Kemira PIX-411

Product Function

Coagulation & Flocculation

Max Use

300mg/L

Facility : Kalama, WA

Ferrous Chloride

Trade Designation

KEMIRA PIX-401

KEMIRA PIX-411

Product Function

Coagulation & Flocculation

Coagulation & Flocculation

Max Use

300mg/L

300 mg/L

Number of matching Manufacturers is 1

Number of matching Products is 22

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