



**The Navajo Nation** **DR. BUU NYGREN** *PRESIDENT*  
**Yideeskáadi Nitsáhákees** **RICHELLE MONTOYA** *VICE PRESIDENT*

**REQUEST FOR PROPOSAL**  
**BID# 23-06-3052LE**

The Navajo Nation Department of Water Resources – Technical, Construction, and Operations Branch (NNDWR-TCOB) is seeking qualified contractors to replace the Fruitland Diversion structure and construct a fish entrainment structure for an irrigation project located in Fruitland, New Mexico.

The proposal shall include one (1) original and three (3) duplicate copies of the following:

1. A narrative outlining the project approach, qualifications, current workload and capability;
2. A list of projects completed on the Navajo Nation;
3. A list of three references and phone numbers from recent clients;
4. Copy of License and Insurance Certifications;
5. W-9 and Navajo Nation Certification Regarding Debarment and Suspension forms;
6. Fee Schedule in its own sealed envelope inside the bid packet. Clearly indicate “FEE SCHEDULE” on the sealed envelope.

The contract will be awarded to the proposer who submits the best proposal in terms of: 1) Products and Services; 2) Experience; 3) Credentials; 4) Project Budget; and 5) Installation Plans and Schedules (i.e., construction approach narrative). Adherence to the bid instructions is paramount, otherwise, Navajo Nation Business Regulatory Department will disqualify the bid for non-compliance.

Proposals shall be delivered, in person, in a sealed envelope to:

“FRUITLAND DIVERSION CONSTRUCTION  
BID# 23-06-3052LE – DO NOT OPEN”  
Attn: Lorita Etsitty  
ADMINISTRATION BUILDING #1 – 1<sup>ST</sup> FLOOR  
Window Rock Blvd  
Window Rock, Arizona 86515

or mailed to:

Navajo Nation Office of the Controller  
Purchasing Department  
Attn: Lorita Etsitty  
Administration Building #1  
Window Rock Blvd  
P.O. Box 3150  
Window Rock, Arizona 86515  
“FRUITLAND DIVERSION CONSTRUCTION  
BID# 23-06-3052LE – DO NOT OPEN”

Drawings and Specifications can be requested from Mr. Francis Johnson, P.E., at [fjaansin@gmail.com](mailto:fjaansin@gmail.com). Bid documents and supplemental information regarding the project is available online at [www.nnooc.org](http://www.nnooc.org) link: Purchasing. If there are any questions regarding this Request for Proposal call Lorita Etsitty at (928) 871-6317 or Francis Johnson at (505) 368-1018.

The Navajo Nation reserves the right to reject any and all proposals and may elect to award the contract not solely on the bid amount but the bidder’s qualifications. The proposal due date is July 28, 2023 at 5:00p.m. MDT.

## **INSTRUCTIONS TO BIDDERS AND GENERAL INFORMATION**

### **BACKGROUND**

The Fruitland Diversion diverts irrigation water from the San Juan River into the Fruitland Canal. The Fruitland Canal is approximately 22 miles long and serves 3,335 acres located in Upper Fruitland, Nenahnezad and San Juan Chapters. The Fruitland Diversion is a quarry rock dam with a headworks structure on the San Juan River. The quarry rock dam is about 160 feet wide and is constructed of 2-6 foot diameter boulders across the river. The headworks structure contains a headwall with three 4-feet by 4-feet orifices with slide gates. Downstream of the head gates is a confining area with three square orifices that discharge into the Fruitland Canal. The headworks structure also consists of a sluiceway with two sluice gates.

The current diversion is not stable. High flow events in the San Juan River displace the quarry rock downstream resulting in the inability of the dam to provide sufficient head to allow full diversion capacity. The current head gates have failed and require replacement. There is currently no log boom in front of the head gates so they often become plugged with debris and restricts flow.

### **SCOPE OF WORK**

The project completely replaces the diversion structure with a permanent multi-use diversion structure. It also replaces the dam across the San Juan River. A fish entrainment weir is also installed downstream of the diversion in the Fruitland Canal. All required materials, supplies and labor are furnished by the Contractor for the project.

The complete scope of work is described in the attached Specifications and Drawings including:

1. Demolition – Demolish and remove the existing concrete diversion structure in its entirety as well as the concrete structure and pedestrian bridge at the existing wasteway approximately one mile downstream in the Fruitland Canal. This includes site clearing/grubbing and disposing of the concrete through recycling and/or at an approved landfill. All other debris will be disposed of at an approved landfill by the Contractor.
2. Installation – All work pertaining to loading, unloading, mechanical work, civil work, electrical work, concrete work, welding, excavation, backfill, compaction and final grading are the responsibility of the Contractor. The installation will meet or exceed minimum design standards as described in the Drawings and Specifications. Installation includes: 1) Headworks - Install a new concrete diversion structure according to the final design. This includes the headwall and sluiceway. All required gates, trash screen, safety features and piping for power requirements will be installed. 2) Diversion Dam - A new grouted boulder dam structure will be constructed according to the final design. This includes sheet pile cutoff wall, fish passage and a boat passage chute. 3) Fish Entrainment Weir - A new fish entrainment weir will be constructed downstream in the Fruitland Canal according to the final design. This includes the concrete structure, gates, spillway and pedestrian bridge. 4) Building - A new building to house equipment and power requirements will be installed. This includes piping for power requirements to the diversion structure, wiring, power pole and fencing.
3. Permit Requirements – The Contractor will coordinate with the NNDWR to ensure all required permits, necessary clearances, easement, traffic control plan, safety plan, storm water pollution prevention plan, Clean Water Act Section 402 permit, etc. as needed to execute the project are obtained prior to construction.
4. Project Management – The Contractor shall perform project and budget management for the duration of the project and attend project meetings as needed. Weekly progress reports shall be submitted to the NNDWR describing the work completed, schedule with critical path and percentage of work completed. The weekly certified payroll reports adhering to the Davis-Bacon prevailing wages will be submitted by the Contractor to the Owner within 7 calendar days for review and certification by the NNDWR.

The Navajo Nation will issue a Notice to Proceed to the Contractor once all contract documents are approved.

### **SPECIFICATIONS**

The construction of the diversion/dam and fish weir will be according to the Drawings and Specifications. The Drawings and Specifications can be requested from Mr. Francis Johnson, P.E., NNDWR at [fjaansin@gmail.com](mailto:fjaansin@gmail.com).

## PRE-BID MEETING

There will be a pre-bid meeting on June 23, 2023 at 10:00 am MDT. The pre-bid meeting will be at the Bureau of Indian Affairs conference room at 304 N Auburn Ave, Suite B, Farmington, NM 87401 as shown on the attached location map. A field visit to the project site will follow for those interested.

## AWARD OF BID— REJECTION OF BID

The NNDWR reserves the right to accept bids all or in part. At the time of acceptance, the NNDWR also reserves the right to increase or decrease quantities of any item at the same bid price.

The NNDWR reserves the right to reject any or all bids or to accept any bid that in its judgment will be in the best interest of the general public. It is the intention to award the contract to the best qualified bidder meeting the requirements.

## PREFERENCE OF NAVAJO AND INDIAN-OWNED BUSINESSES

Preference of Navajo and Indian-owned businesses will be given under the Navajo Nation Business Opportunity Act, 5 NNC §201 et. seq., and the Navajo Nation Procurement Act, 12 NNC §303. Evaluation points will be awarded to Navajo and minority respondents. Certification of Navajo Owned Business will be assured by certificate held by the Navajo Nation Business Regulatory Department.

## NAVAJO NATION SALES TAXES

All work performed within the territorial jurisdiction of the Navajo Nation is subject to the six percent (6%) Navajo Sales TAX. 24 N.N.C. § 601 et. seq. The Navajo Nation shall withhold from each payment to the "CONTRACTOR" 6% of the total invoice amount associated with work performed within the Navajo Nation. This amount reflects the Navajo Sales Tax due on such invoice amount. This 6% shall be transferred to the Office of the Navajo Tax Commission as a payment of the tax on behalf of the "CONTRACTOR".

## BID INSTRUCTIONS

Submit one (1) original Proposal and **three (3) duplicate copies**. Mark original as "ORIGINAL" and should contain signatures where a signature is required. Submit proposals in a sealed envelope, marked "FRUITLAND DIVERSION CONSTRUCTION, BID# 23-06-3052LE – DO NOT OPEN".

The name and address of the bidding firm should be shown in the upper left-hand corner of the envelope. Each submittal must be signed in the firm or corporate name and must bear the longhand signature of a principal duly authorized to make contracts for the bidding party. The bidder's name must be fully stated. Where submittals are signed by an agent of the bidder, evidence of his/her authority to act as the bidder's agent shall accompany the proposal.

## AVAILABILITY OF BID DOCUMENTS

Bid Proposal documents are available on the web site at [www.nnooc.org](http://www.nnooc.org) and at the Navajo Nation Purchasing services located at the Administration Building #1 – 1<sup>st</sup> Floor, Window Rock Boulevard, Window Rock, Arizona 86515 between the hours of 8:00 AM and 5:00 PM MDT Monday through Friday. For more information, contact Lorita Etsitty at (928)871-6317. The Drawings and Specifications can be obtained as discussed under the Specifications section.

## TIME AND PLACE FOR RECEIPT OF BIDS

Sealed bid proposals shall be delivered to the Navajo Nation Purchasing Services, Administration Building #1 – 1<sup>st</sup> Floor, Window Rock Boulevard, P.O. Box 3150, Window Rock, Arizona 86515 on or before 5:00 p.m. MDT on July 28, 2023.

## WITHDRAWAL OF BID

No bid proposal shall be withdrawn for a period of 60 calendar days after the opening of bids without the consent of the owner.

## DEVIATIONS

All specifications listed are intended to be preferred design and performance. Where deviations from the specification are necessary, bidder will render equivalent reliability or performance. If there is insufficient room for detailing deviation, please indicate "see deviation" and attach, clearly indicating the bullet number on any such attachments. Failure to detail all such deviations will provide a basis for rejections of the entire proposal. Substantial deviations will not be considered.

# SCHEDULE OF FEES

BID# 23-06-3052LE

FRUITLAND DIVERSION CONSTRUCTION – DIVERSION / DAM  
FRUITLAND, NAVAJO NATION, NEW MEXICO

**NOTE: The current Davis-Bacon Prevailing Wages shall be used for all labor.**

NO.	ITEM	QUANTITY	COST	EXTENSION
1.	Mobilization & Demobilization	Lump Sum		
2.	Construction Administration including staking, surveying, quality control & testing, traffic control and safety program.	Lump Sum		
3.	Site Clearing and Demolition to include clearing & grubbing, debris removal, removal of existing fence, existing diversion structure removal, existing earthen & rock dam removal.	Lump Sum		
4.	Water Management including dewatering and coffer dams	Lump Sum		
5.	Furnish and construct all work associated with the diversion structure, trash enclosure and retaining walls including excavation, backfill, water structures, concrete work, radial & slide gates, trash rack, and safety railing per the Drawings and Specifications.	Lump Sum		
6.	Furnish and construct grouted riprap dam including excavation for dam & backfill (river & overbank), grouted riprap, boulders for fish passage, steel sheet pile and conduits for fish antennas per the Drawings and Specifications	Lump Sum		
7.	Site work including chain link fence/gate, subgrade prep, aggregate base course, concrete paving and striping for parking area per the Drawings and Specifications	Lump Sum		
8.	Furnish and install the pre-manufactured building including all electrical work, mechanical work, utility trenching/backfill/compaction and other miscellaneous work associated with the building per the Drawings and Specifications.	Lump Sum		
9.	Navajo Nation (Owner) Contingency (for use by Owner as required for unforeseen circumstances)	Lump Sum	\$100,000.00	\$100,000.00
<b>Subtotal</b>				
<b>Navajo Nation Tax (6%)</b>				
<b>Total</b>				

# SCHEDULE OF FEES

BID# 23-06-3052LE

FRUITLAND DIVERSION CONSTRUCTION – FISH WEIR  
FRUITLAND, NAVAJO NATION, NEW MEXICO

**NOTE: The currently available Davis-Bacon Prevailing Wages shall be used for all labor.**

NO.	ITEM	QUANTITY	COST	EXTENSION
1.	Mobilization & Demobilization	Lump Sum		
2.	Construction Administration including construction staking, surveying, quality control & testing, traffic control and safety program.	Lump Sum		
3.	Site Clearing and Demolition including clearing & grubbing, removal of existing turnout & radial gate, removal of existing weir in canal, removal of existing pedestrian bridge, removal of existing concrete lining and other incidental removals.	Lump Sum		
4.	Furnish and install irrigation system including dual leaf vertical gate and slide gates with power actuator per the Drawings and Specifications.	Lump Sum		
5.	Site Work and Fish Return including excavation, compacted fill, grouted riprap, concrete channel, subgrade prep, aggregate base course, fish antennas, chain link fence/gate and erosion control per the Drawings and Specifications.	Lump Sum		
6.	Furnish and install all structural work including excavation, structural fill, concrete, retaining walls, steel grating, pedestrian railing and concrete lining for the upstream gate walls, turnout structure, pedestrian bridge, weir wall, fish sluice/weir overflow channel, and control building (includes foundation slab) per the Drawings and Specifications.	Lump Sum		
7.	Furnish and install control building (includes foundation slab), ventilation and all associated mechanical and electrical work per the Drawings and Specifications.	Lump Sum		
8.	Navajo Nation (Owner) Contingency (for use by Owner as required for unforeseen circumstances)	Lump Sum	\$50,000.00	\$50,000.00
<b>Subtotal</b>				
<b>Navajo Nation Tax (6%)</b>				
<b>Total</b>				

NO.	PROJECT	AMOUNT
1.	<b>FRUITLAND DIVERSION - DIVERSION / DAM</b>	
2.	<b>FRUITLAND DIVERSION - FISH WEIR</b>	
<b>GRAND TOTAL</b>		

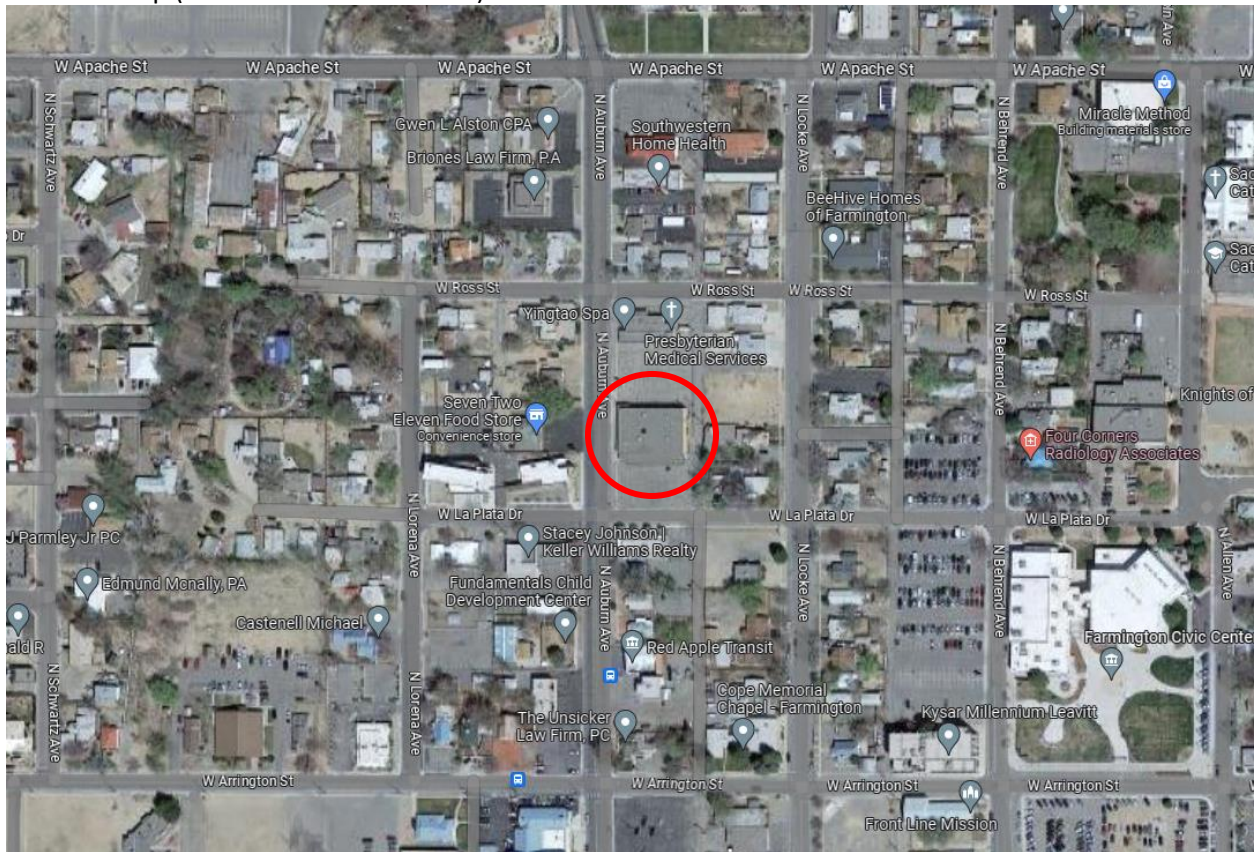


BIA NIIP Office Building – 304 N Auburn Ave, Suite B, Farmington, NM 87401

Vicinity Map – Farmington, New Mexico



Location Map (Across from 7-2-11 store)



# Request for Taxpayer Identification Number and Certification

**Give Form to the requester. Do not send to the IRS.**

▶ Go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9) for instructions and the latest information.

**1** Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.

**2** Business name/disregarded entity name, if different from above

**3** Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only **one** of the following seven boxes.

Individual/sole proprietor or single-member LLC

Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ \_\_\_\_\_

**Note:** Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is **not** disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.

Other (see instructions) ▶ \_\_\_\_\_

C Corporation

S Corporation

Partnership

Trust/estate

**4** Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):

Exempt payee code (if any) \_\_\_\_\_

Exemption from FATCA reporting code (if any) \_\_\_\_\_

*(Applies to accounts maintained outside the U.S.)*

**5** Address (number, street, and apt. or suite no.) See instructions.

**6** City, state, and ZIP code

**7** List account number(s) here (optional)

Requester's name and address (optional)

## Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

**Note:** If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

**Social security number**

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**or**

**Employer identification number**

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## Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

**Sign Here**      Signature of U.S. person ▶ \_\_\_\_\_      Date ▶ \_\_\_\_\_

## General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

**Future developments.** For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9).

### Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

*If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.*



**NAVAJO NATION CERTIFICATION**  
**Regarding Debarment, Suspension, and**  
**Contracting Eligibility**

1. Applicant entity acknowledges that to the best of its knowledge that the Applicant entity, either in its present form or in any identifiable capacity, has not, in accordance with 12 N.N.C. § 361:
  - A. Been convicted of the commission of criminal offenses incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of any such contract or subcontract;
  - B. Been convicted of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or other offenses indicating a lack of business integrity or honesty, which currently, seriously, and directly affect responsibility as a Navajo Nation contractor;
  - C. Been convicted under antitrust statutes arising out of the submission of bids or proposals;
  - D. Violated contract provisions, including:
    - i. Deliberate failure, without good cause, to perform in accordance with the contract specifications or within the time limit provided in the contract,
    - ii. A recent record of failure to perform or of unsatisfactory performance with the terms of any contract, or
    - iii. Any other cause so serious and compelling as to affect responsibility as a Navajo Nation contractor, including debarment by another governmental entity.
2. Applicant acknowledges that if the Navajo Nation determines that the executed Certification provided herein is untrue or not wholly accurate, it shall be grounds for the Navajo Nation to terminate the contract and pursue other legal remedies, at the Navajo Nation's discretion.
3. Applicant certifies to the best of its knowledge that it is eligible to do business with the

Navajo Nation, in its present form or in any other identifiable capacity, pursuant to 12 N.N.C. § 1501 and 5 N.N.C. § 301. Applicant also acknowledges that per 12 N.N.C. § 1505, it will not be eligible to contract with the Navajo Nation if deemed ineligible by the appropriate department or entity of the Navajo Nation which receives the Applicant's request for consideration for a business opportunity.

\_\_\_\_\_  
Applicant Name

\_\_\_\_\_  
Name of individual signing on Applicant's behalf (print)

\_\_\_\_\_  
Applicant Address

\_\_\_\_\_  
Title of individual signing on Applicant's behalf

\_\_\_\_\_  
Applicant Address

\_\_\_\_\_  
Signature of individual signing on Applicant's behalf

\_\_\_\_\_  
Applicant Address

\_\_\_\_\_  
Date