



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

REQUEST FOR PROPOSAL
BID # 23-09-3126LE ADDENDUM #1

The Navajo Nation Department of Water Resources – Technical, Construction, and Operations Branch (NNDWR-TCOB) is seeking qualified firms for design-build of the Hogback Canal Lining Rehabilitation Project in Shiprock, New Mexico. The purpose of the project is to replace/repair existing concrete canal lining.

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 past projects completed on the Navajo Nation;
3. Current Copy of License and Insurance Certification;
4. Current W-9 and Navajo Nation Certification Regarding Debarment and Suspension forms;
5. Fee Schedule in its own sealed envelope inside the bid packet clearly indicating “FEE SCHEDULE”.

The contract will be awarded to the firm with the best proposal in terms of: 1) Qualifications / Credentials; 2) Products and Services; and 3) Installation plans and schedule (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:

“HOGBACK CANAL LINING REHABILITATION PROJECT, BID # 23-09-3126LE – DO NOT OPEN”
Attn: Lorita Etsitty
ADMINISTRATION BUILDING #1 – 1ST 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
“HOGBACK CANAL LINING REHABILITATION PROJECT, BID # 23-09-3126LE – DO NOT OPEN”

Bid documents are available online at www.nnooc.org/request-for-proposals/ If there are any questions regarding this Request for Proposal call Lorita Etsitty at (928) 871-6317. Additional information including diagrams for the locations can be requested from Francis Johnson, P.E., at fjaansin@gmail.com.

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 qualification. The revised proposal due date is November 13, 2023 at 5:00p.m. MDT.

INSTRUCTIONS TO BIDDERS AND GENERAL INFORMATION

PROJECT BACKGROUND

Hogback Canal has been designated for repair of its canal lining. Most of the canal lining damage has been caused by expansive soils, characteristics of the Mancos shale prevalent in the area:

1. Most of the concrete lining has minor cracking that needs to be sealed.
2. Overall, approximately 3 to 4 miles of canal lining requires partial or full replacement.
3. Most of the problematic areas are in the section of Hogback Canal right before it enters into Shiprock. In this area, the canal is located on the side of badlands that have soils with low plasticity.
4. Excessive seepage in some areas have begun to erode the sides of the canal lining.

SCOPE OF WORK

Final Design – Bid item #1

1. Complete a typical design for replacement of concrete canal lining sections (~15' length).
2. The design will also include required safety features such as rails/guardrails and ladders at the Baker Wash Siphon location.
3. 30%, 60% & 90% final design reviews with the Navajo Nation (NN) and the Bureau of Indian Affairs (BIA) in Shiprock, N.M. Design review meetings include presentation & comments on design drawings and specifications. An updated project schedule will be provided by the Contractor at each review.
4. Stamped final design report by a licensed Professional Engineer in the State of New Mexico with drawings & specifications.
5. Perform project and budget management for the duration of the project.

Replace/Repair Concrete Lining (Off Irrigation season November – March) – Bid Item #2

1. Contractor will replace/repair existing concrete lining according to the typical final design at the proposed locations as shown on the diagrams.
2. This work includes clearing & grubbing, earthwork, herbicide application, concrete work, removal & re-establishing fence, backfill and final grading.
3. Concrete debris will be taken to a recycler and other debris will be disposed of at an approved landfill.

Clean and Inspect Baker Wash Siphon According to Final Design (Off Irrigation season November –March) – Bid Item #3

1. Clean out the 84-inch diameter concrete siphon by pumping out water and debris.
2. Inspect entire length of the concrete siphon.
3. Perform repairs as identified by the inspection.

Install Safety Features According to Final Design (Off-irrigation season November-March) – Bid Item #4

1. Concrete patching and repairs as required on the inlet & outlet of Baker Wash Siphon.
2. Furnish and install new screens at the inlet and outlet to prevent people from entering the siphon during the irrigation off-season.
3. Furnish and install safety rails at the inlet/outlet and guard rails at the bridge crossing.
4. Furnish and install safety rope/ladder on the inlet side.
5. Furnish and install other safety features identified in the final design.

All materials must be new and Made in the USA. A 2-year limited warranty is required on all materials. The Contractor is responsible for all labor, materials, equipment and freight.

The Navajo Nation is not responsible for any “Down Time” including late delivery of materials, any act of negligence on the part of the supplier and any unforeseen occurrence. These are not billable to the Navajo Nation and will not be considered for payment.

DELIVERABLES

The Contractor shall provide the Owner with electronic and hard copies of the final design report. The final design report shall incorporate the comments from the 90% design review and include:

1. Final design drawings and specifications with Professional Engineer stamp.
2. Final project construction schedule.
3. Safety Plan, Temporary Traffic Control Plan, Storm Water Pollution Prevention Plan, Quality Control Plan.
4. Standard Operating Procedures as appropriate.
5. Final As-Built drawings.

PRE-BID MEETING

A pre-bid meeting will be held on October 12, 2023 at 10 am MDT at the Shiprock Irrigation Conference Room. (See attached location map) A field visit will follow.

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 price bid.

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 contract to the bidder best 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 - “HOGBACK CANAL LINING REHABILITATION PROJECT, BID # 23-09-3126LE – 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/request-for-proposal/ and at the Navajo Nation Purchasing services located at the Administration Building #1 – 1st Floor, Window Rock Boulevard, Window Rock, Arizona 86515 between the hours of 8:00 AM and 5:00 PM Monday through Friday. For more information, contact Lorita Etsitty at (928)871-6317.

TIME AND PLACE FOR RECEIPT OF BIDS

Sealed bid proposals shall be delivered to the Navajo Nation Purchasing Services, Administration Building #1 – 1st Floor, Window Rock Boulevard, P.O. Box 3150, Window Rock, Arizona 86515 on or before 5:00 p.m. MDT. on **November 13**, 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 # 23-09-3126LE **ADDENDUM #1**

HOGBACK CANAL LINING REHABILITATION PROJECT
SHIPROCK, NAVAJO NATION, NEW MEXICO

NO.	ITEM	QUANTITY	COST	EXTENSION
1.	Complete a final design for a typical concrete lining replacement & safety features as described in the Scope of Work	Lump Sum		
2.	Replace/Repair twelve (12) existing concrete canal lining sections identified. Includes clearing & grubbing and misc. work as described in the Scope of Work.	Lump Sum		
3.	Clean and inspect Baker Wash Siphon as described in the Scope of Work	Lump Sum		
4.	Furnish and install safety features according to the final design.	Lump Sum		
	Note: The Davis-Bacon Prevailing Wages shall be used as applicable.			
			Subtotal	
			Navajo Nation Tax (6%)	
			Total	

Request for Taxpayer Identification Number and Certification

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

▶ Go to www.irs.gov/FormW9 for instructions and the latest information.

Print or type. See Specific Instructions on page 3.	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.	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):
	<input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate	Exempt payee code (if any) _____
	<input type="checkbox"/> 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.	Exemption from FATCA reporting code (if any) _____
	<input type="checkbox"/> Other (see instructions) ▶ _____	(Applies to accounts maintained outside the U.S.)
	5 Address (number, street, and apt. or suite no.) See instructions.	Requester's name and address (optional)
6 City, state, and ZIP code		
7 List account number(s) here (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											
				-			-				
or											
Employer identification number											
				-							

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 ▶
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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.

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