

**REQUEST FOR PROPOSAL REBID**  
**BID #25-09-3875DB**

---

The Navajo Nation Department of Water Resources – Technical, Construction, and Operations Branch (NNDWR-TCOB) is seeking qualified contractors to provide a bid proposal for the Tohatchi Diversion Project in Tohatchi, NM.

The proposal shall include one (1) original and three (3) duplicate copies of the request for proposal. The proposer who submits the best proposal in terms of best quality and lowest cost on the specified materials will be selected. Adherence to the bid instructions is paramount, otherwise, the bid will be disqualified for non-compliance.

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

“Tohatchi Diversion Project”  
BID #25-09-3875DB – DO NOT OPEN”  
Attn: Darren Begay  
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: Darren Begay  
Administration Building #1  
Window Rock Blvd.  
P.O. Box 3150  
Window Rock, Arizona 86515  
“Tohatchi Diversion Project”  
BID #25-09-3875DB – DO NOT OPEN”

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 Todd Antonio at (928) 729 – 4145 or (505) 406-7711. Or email at [tantonio@navajo-nsn.gov](mailto:tantonio@navajo-nsn.gov)

The Navajo Nation reserves the right to reject any and all proposals not within projected budget and may elect to award not solely on the bid amount but the bidder’s qualifications. The due date for the proposal is May 22, 2026 at 5:00 P.M.

## INSTRUCTIONS TO BIDDERS AND GENERAL INFORMATION

### SCOPE OF WORK

The contractor must be able to provide an optimal design, with an engineering stamp of approval, for the demolition and reconstruction of a diversion structure in Tohatchi, NM (35.862799°N, 108.766933°W). The diversion must withstand high amounts of water flow caused by recurring seasonal rain flooding and snow melt runoff to effectively diverge into an existing channeling system to Chuska Lake, located about 3 miles downstream. Due to nearby roads and residents, the diversion must be able direct flow to prevent flooding over its embankments and into the community of Tohatchi. Existing sluice gates found downstream may need to be redesigned to ensure the prevention of sedimentation build-up, which can be observed after flooding. A site visit can be requested with NNDWR to ensure the contractor is familiar with the project site.

### SPECIFICATIONS

- Redesign of existing diverging structure – an existing hydraulic structure, that is composed of various components (diversion dam, retaining wall, irrigation gates) serves as a divergence for directing water into a channeling system, ultimately leading into Chuska Lake. A redesign for this structure is needed due to its poor performance and non-functional use to effectively direct water. Such structure should consist of: an improved concrete structure with similar dimensions to the existing, an operable modern gate that can be opened and closed base on the demands of water usage from the surrounding community, designed to handle flow from recurring seasonal flash flooding/snow runoff, designed to reduce upstream sediment build-up and downstream erosion, while maintaining its structural integrity and long-term durability. The contractor should provide a minimum one-year warranty, effective from the date of completion, in which it will provide coverage for the primary components of the new structure and ensure proper functionality.
- 30, 60, and Final Submittals – will be incorporated in the design process and documented through progressive stages; with each submittal representing a milestone of the project. Submittals should reflect advancing completeness including conceptual layouts, detailed design drawings, scheduling information, and other intents to ensure the project aligns with the needs of the community through Tohatchi's Farm Board and NNDWR. Meetings will be held with the Contractor, Red Willow Farm Board, and NNDWR to review progress, discuss design considerations, and address feedback.

### CONDITIONS GOVERNING THE INVITATIONS FOR BIDS

Must be authorized and fully certified licensed business that meets all the standards and qualifications. Since the Navajo Nation is a Sovereign government, all contracts entered shall comply with all Navajo Nation laws, rules, and regulations as well as applicable federal laws, rules, and regulations.

Instruction to offerors to visibly mark on the outside of the proposal package, if applicable, the offeror's priority status under the Navajo Nation Business Opportunity Act. It is the responsibility of the offeror to identify themselves as certified under the Navajo Nation Business Opportunity Act.

Processing of Payments – The payment procedures established by OOC – Division of Finance shall be adhered to and are to begin whenever Goods are delivered and accepted.

#### **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 judgement will be the best interest of the general public. It is the intention to award contract to the lowest responsible bidder best meeting the requirement.

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.

#### **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. Certification of Navajo Owned Business will be assured by certificate held by the Navajo 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”.

#### **EVALUATION AND CRITERIA**

Each bid must be accompanied by a letter of transmittal. Based on what is submitted, it will be graded by a bid committee. The letter of transmittal shall contain the following:

Cost will be based on the pricing of the project; this includes its competitiveness and cost-effectiveness, must reflect realistic pricing and lower cost may be favorable. Such cost proposal will need to be sealed in a separate envelope, submitted with the proposal.

Design & Build Experience evaluates the vendor’s relevant experience in similar design and construction projects; this will include quality and ability to deliver proposed design.

Scope of Work is based on how well the proposal addresses the scope of the project of its entirety; this includes the clarity, completeness, and feasibility of its approach and deliverables.

Certifications reviews the vendor’s professional and technical certifications, licenses, accreditations, certificate of insurance, W-9, NN Debarment and Suspension, etc. to verify qualifications.

Completion Date of Bid evaluates whether the submission is submitted by 5:00 P.M. on May 22, 2026.

A point criterion will be used by the bid committee in the selection process for contract award. Proposals will be evaluated to determine the best vendor. The forms (W-9 & Debarment Suspension) must be filled out completely and returned with their RFP package. If they are returned blank or not returned with the bid package, their RFP will be deemed as non-responsive. The following provides a description of each criterion found in the table below and how it will be used for evaluation of bids:

Evaluation Criteria	Points
1) Cost	25
2) Design & Build Experience	25
3) Scope of Work	20
4) Certifications	15
5) Completion Date of Bid	15

### SCHEDULE OF ACTIVITIES

Date Description	Deadline
1. Advertising Date	March 18, 2026
2. Proposal Due Date	May 22, 2026
3. Date of Bid Opening	May 27, 2026

### AVAILABILITY OF BID DOCUMENTS

Bid Proposal documents are available on the website at [www.nnooc.org](http://www.nnooc.org) and at the Navajo Nation Purchasing service located at the Administration Building #1-1<sup>st</sup> Floor, Window Rock Blvd. Window Rock, Arizona 86515 between the hours of 8:00 A.M. and 5:00 P.M. Monday through Friday. For more information, contact Todd Antonio at (928) 729 – 4145 or (505) 406-7711. Or email at [tantonio@navajo-nsn.gov](mailto:tantonio@navajo-nsn.gov).

### PROPOSAL SUBMISSION

Sealed bid proposals shall be delivered to the Navajo Nation Purchasing service located at the Administration Building #1-1<sup>st</sup> Floor, Window Rock Blvd. Window Rock, Arizona 86515 before 5:00 P.M. on May 22, 2026. Respondents who are mailing their proposals should allow sufficient time for mail delivery to ensure receipt by the time specified. **Late proposals will not be accepted.**

### WITHDRAWAL OF BID

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

**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

# Request for Taxpayer Identification Number and Certification

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

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

**Before you begin.** For guidance related to the purpose of Form W-9, see *Purpose of Form*, below.

<b>Print or type. See Specific Instructions on page 3.</b>	<b>1</b>	Name of entity/individual. An entry is required. (For a sole proprietor or disregarded entity, enter the owner's name on line 1, and enter the business/disregarded entity's name on line 2.)	
	<b>2</b>	Business name/disregarded entity name, if different from above.	
	<b>3a</b>	Check the appropriate box for federal tax classification of the entity/individual whose name is entered on line 1. Check only <b>one</b> of the following seven boxes.  <input type="checkbox"/> Individual/sole proprietor <input type="checkbox"/> C corporation <input type="checkbox"/> S corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input type="checkbox"/> LLC. Enter the tax classification (C = C corporation, S = S corporation, P = Partnership) . . . . . <b>Note:</b> Check the "LLC" box above and, in the entry space, enter the appropriate code (C, S, or P) for the tax classification of the LLC, unless it is a disregarded entity. A disregarded entity should instead check the appropriate box for the tax classification of its owner.  <input type="checkbox"/> Other (see instructions) _____	<b>4 Exemptions</b> (codes apply only to certain entities, not individuals; see instructions on page 3):  Exempt payee code (if any) _____  Exemption from Foreign Account Tax Compliance Act (FATCA) reporting code (if any) _____  <i>(Applies to accounts maintained outside the United States.)</i>
	<b>3b</b>	If on line 3a you checked "Partnership" or "Trust/estate," or checked "LLC" and entered "P" as its tax classification, and you are providing this form to a partnership, trust, or estate in which you have an ownership interest, check this box if you have any foreign partners, owners, or beneficiaries. See instructions . . . . . <input type="checkbox"/>	
	<b>5</b>	Address (number, street, and apt. or suite no.). See instructions.	Requester's name and address (optional)
	<b>6</b>	City, state, and ZIP code	
	<b>7</b>	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.

<b>Social security number</b>										
		-			-					
<b>or</b>										
<b>Employer identification number</b>										
		-								

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

## Part II Certification

Under penalties of perjury, I certify that:

1. 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
2. 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
3. I am a U.S. citizen or other U.S. person (defined below); and
4. 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.

<b>Sign Here</b>	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).

## What's New

Line 3a has been modified to clarify how a disregarded entity completes this line. An LLC that is a disregarded entity should check the appropriate box for the tax classification of its owner. Otherwise, it should check the "LLC" box and enter its appropriate tax classification.

New line 3b has been added to this form. A flow-through entity is required to complete this line to indicate that it has direct or indirect foreign partners, owners, or beneficiaries when it provides the Form W-9 to another flow-through entity in which it has an ownership interest. This change is intended to provide a flow-through entity with information regarding the status of its indirect foreign partners, owners, or beneficiaries, so that it can satisfy any applicable reporting requirements. For example, a partnership that has any indirect foreign partners may be required to complete Schedules K-2 and K-3. See the Partnership Instructions for Schedules K-2 and K-3 (Form 1065).

## Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS is giving you this form because they