



REQUEST FOR PROPOSALS

ADDENDUM #1 - BID NO. 26-01-4005SB **COMPOUND WASTEWATER CONSTRUCTION** **FOR** **ROCK POINT CHAPTER**

PROPOSALS DUE:

~~March 20, 2026~~

EXTENDED PROPOSAL DUE DATE: APRIL 24, 2026

Submit only one (1) RFP Bid Number per proposal packet. Duplicate bid numbers in one submittal will not be accepted.

Issued by the Navajo Nation Fiscal Recovery Fund Office

On behalf of the Rock Point Chapter



ROCK POINT COMPOUND WASTEWATER CONSTRUCTION

ADDENDUM #1 - BID# 26-01-4005SB

REQUEST FOR PROPOSAL

DESCRIPTION

Navajo Nation Fiscal Recovery Fund Office (FRFO) is seeking proposals from contractors to install a Commercial Onsite Wastewater Treatment System (OWTS) for the Rock Point Chapter compound site. Service to include work to safely abandon existing septic system, analyze soil and install complete new OWTS for multiple buildings.

PROPOSAL DOCUMENTS

This Request for Proposal (RFP) accounts for a preliminary evaluation of the offeror’s qualifications, site knowledge and project timeline. The Navajo Nation reserves the right not to award a contract under this RFP and may issue a new RFP for the same services at its discretion.

Proposal documents comprise the RFP, all associated bidding forms, and any addenda issued before the deadline. The contract documents proposed for the work consists of the owner-contractor agreement, contract conditions, scope of work and all addenda issued prior to, and all modifications issued after execution of the contract.

SECURING DOCUMENTS

Contract documents will be sent via email by FRFO. No pre-proposal conference scheduled for this project.

EXAMINATION

A mandatory site visit with the Rock Point Chapter is required for all contractors submitting a proposal. Schedule visit directly with the chapter and obtain their signature on the Site Visit Acknowledgment Form (see Attachment A). Proposals submitted without this signed form will not be accepted.

Proposers must thoroughly review all project documents and inspect the site to understand all conditions before bidding, including all necessary costs in their proposal. No extra compensation will be granted for issues arising from a failure to examine the site. Submitting a proposal confirms that this required examination was completed.

SCHEDULE OF RFP ACTIVITIES

	<u>EXTENDED DEADLINE</u>
• Deadline to Submit RFP Questions	March 18, 2026 APRIL 22, 2026
• Deadline for RFP Submittal	March 20, 2026 APRIL 24, 2026
• Proposal Opening Evaluations	March 23, 2026 APRIL 27, 2026
• Final Selection & Notice of Award	March 24, 2026 APRIL 29, 2026

This RFP is issued by the Fiscal Recovery Fund Office on behalf of the Rock Point Chapter, in accordance with Navajo Nation laws and regulations. FRFO is the sole entity authorized to reproduce or distribute this RFP. By participating, the offeror agrees to maintain the confidentiality of all related materials and information, limiting access strictly to personnel on a need-to-know basis within its organization. No materials may be copied, shared, or disclosed to any external party without the prior written consent of the owner, FRFO.

DEADLINE TO SUBMIT QUESTIONS

All questions regarding this RFP must be submitted in writing to the project manager no later than **5:00 PM MST** on **~~March 18, 2026~~ EXTENDED: APRIL 22, 2026**. Written responses to all submitted questions will be added to

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the RFP on the Office of the Controller website at <https://nnooc.org/request-for-proposals-2026/>.

SUBMISSION OF PROPOSALS

Sealed bids will be received no later than **5:00 pm MST on ~~March 20, 2026~~ EXTENDED: APRIL 24, 2026**. Submittals received after this deadline will not be accepted or considered. Responses to this RFP shall be sent in a sealed envelope, including a return address, and clearly marked on the outside of the envelope in the following context:

RFP BID# 26-01-4005SB
THE NAVAJO NATION
Purchasing Services Department
Administration Building 1
2559 Tribal Hill Dr
Window Rock, AZ 86515

DO NOT OPEN
SUBMITTAL OF PROPOSAL
ROCK POINT COMPOUND WASTEWATER
CONSTRUCTION

PRIORITY NUMBER

COMPANY NAME
COMPANY ADDRESS

RFP BID#
THE NAVAJO NATION
Purchasing Services Department
Administration Building 1
2559 Tribal Hill Dr.
Window Rock, AZ 86515

DO NOT OPEN
SUBMITTAL OF PROPOSAL
PROJECT TITLE

PRIORITY NUMBER

Visibly mark on the outside of the proposal envelope the RFP Bid Number, Company Name and Navajo Nation Priority Status (PRIORITY 1 or 2), if applicable, along with the statement: "DO NOT OPEN – SUBMITTAL OF PROPOSAL, ROCK POINT COMPOUND WASTEWATER CONSTRUCTION. All proposals become the property of the Navajo Nation Fiscal Recovery Fund Office. FRFO will not return any proposals or make any copies available to anyone for any purpose other than those described in the RFP packet.

Submit only one (1) RFP Bid Number per proposal packet. Duplicate bid numbers in one submittal will not be accepted.

Cost Proposals should be **sealed separately** and identify service, including all costs associated with the completion of proposed services in this RFP. Technical Proposals should be **sealed separately** and identify industry qualifications and certificates. Submittals sent electronically or by facsimile will not be accepted. If hand delivered, make sure the RFP packet is time-stamped before you depart.

All work performed within the territorial jurisdiction of the Navajo Nation is subject to the Navajo Sales Tax of 6% (24 N.N.C Section 601 et. Seq.) and should be included in the cost proposal.

PROPOSAL OPENING INFORMATION

The bid packages will be opened by the bid evaluation team by **5:00 pm MST on ~~March 23, 2026~~ EXTENDED: APRIL 27, 2026**.

The bid evaluation team must be present at the opening and be comprised of representatives from the Navajo Business Regulatory Department (BRD) and the Office of the Controller (OOC). Proposals will be opened in accordance with the procedures of the Navajo Nation Business Opportunity Act (NNBOA) 5 N.N.C. §205 C.

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SELECTION COMMITTEE & NOTICE OF AWARD

A selection committee with at least one representative from FRFO and one from the Chapter will evaluate all proposals for responsiveness. Being deemed 'responsive' does not guarantee a contract. Final selection and award will follow the NNBOA and all applicable Navajo Nation laws.

Notifications to all bidders and a Notice of Award to the accepted proposer will be sent no later than **5:00 PM MST on ~~March 24, 2026~~ EXTENDED: APRIL 29, 2026**. The Notice of Award will confirm the project budget, timeline and scope of work.

STANDARD CONTRACT

The Navajo Nation reserves the right to include contract provisions based on applicable Navajo Nation, federal, state, and local laws and regulations in the final contract document.

AMENDED SUBMITTALS

A bidder may submit an amended proposal prior to the proposal submission deadline. The amended proposal must fully replace any previous submission and be clearly identified as such in the transmittal letter. The project manager will not collate or assemble proposal documents on behalf of the bidder.

ACCEPTANCE OF REQUIREMENTS

The submission of all proposals shall constitute the submitting party's acknowledgement and acceptance of all requirements and conditions governing this procurement.

OWNERSHIP OF DOCUMENTS

All documents and materials contained in this RFP and all submitted proposals shall be the property of the Navajo Nation and not be returned to the submitting party unless the RFP is cancelled. All such documents and materials shall be either retained or discarded by FRFO, and if kept, all proprietary information shall be treated as confidential in accordance with the Navajo Nation Privacy Act.

AUTHORITY TO INVESTIGATE

The project manager, FRFO staff, selection committee, and authorized Navajo Nation personnel may conduct reasonable investigations into any bidder to verify their qualifications and legal eligibility for a contract award. Interested parties failing to submit any information, documents, or materials requested by FRFO, in a reasonably timely manner, shall be disqualified.

OFFEROR'S RIGHT TO WITHDRAW PROPOSAL

To withdraw a proposal, the offeror must submit a written request, signed by an authorized representative, prior to the proposal submission deadline. Offerors may withdraw their proposals at any time before the deadline.

PROJECT MANAGER CONTACT

Lyle C. Begay, EIT, Civil Engineer
Fiscal Recovery Fund Office
lyle.begay@navajo-nsn.gov
928-309-5539

Mailing Address:
FRFO-Tse Bonito Suboffice
P.O. Box 2469
Window Rock, AZ 86515

Physical Address:
FRFO-Tse Bonito Suboffice
1575 State Highway 264
Tse Bonito, NM 87319

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INQUIRIES, ADDENDA

If any ambiguities in the scope of work are found, the bidder must immediately notify the FRFO project manager. Any clarifications will be issued as an addendum on the RFP website (<https://nnooc.org/request-for-proposals-2026/>). The owner and project manager are not responsible for verbal instructions. Questions submitted less than 48 hours before the proposal deadline will not be answered. Any addenda issued by the project manager during the time of proposing are to be included in the proposal and will become a part of the contract.

COSTS INCURRED

The Procuring Party shall not be liable for any costs incurred by the offeror in the preparation of a proposal or for any expenses incurred prior to the execution of a signed contract resulting from this RFP.

BID GUARANTEE

Bid Guarantee shall be required for all construction-related contracts over \$50,000 and be in an amount equal to at least ten percent (10%) of the proposal amount.

PROPOSALS

Proposals must be made upon the "PROPOSAL FORM" provided, all blank spaces filled, longhand signature, and the completed form shall be without alterations or erasures. Where a proposer is a corporation, the proposal must include the corporation's legal name, its state of incorporation and the signature of an officer authorized to bind the company to a contract.

Proposer agrees to commence work on this project on or before the date specified in the Notice-to-Proceed and to show evidence they can complete the work by **December 31, 2026**.

RANKING SHEET FOR GENERAL CONTRACTORS

For contractor proposals, proper objective criteria for the determination of responsive proposals must be listed, and all contractors who submitted proposals must be ranked accordingly. Proposals shall be opened in accordance with the Navajo Nation Procurement Act and Regulations and the Navajo Nation Business Opportunity Act (NNBOA), 5 N.N.C. § 201 et seq. The contractor selected for the contract must be at least minimally qualified (i.e. responsive proposal) and should be a Priority No. 1 or No. 2 certified firm. If no Priority 1 or Priority 2 firms have submitted a responsive proposal, then the non-Navajo firm selected must have the lowest price of all responsive proposals submitted by non-Navajo firms.

The following evaluation criteria will be used by the proposal committee in the selection process for the contract award. Proposals will be evaluated to determine the best contractor. Notice of Award – The FRFO will notify the finalist in writing of the final selection.

No.	Ranking Items	Evaluation Criteria
1	Site Visit (Pictures, Visit Confirmation Form)	20
2	Experience & Qualifications (Past performance)	20
3	Technical Methodology (Equipment, Testing, Design)	10
4	Cost Proposal (Breakdown, Travel Plan)	30
5	Licensing, Insuring & Safety (Tribal Permits, COI)	20
	Total	100

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WAIVER OR LIENS

The contractor is responsible for the payment of all labor and material costs incurred by themselves and any subcontractors on this project. The contractor shall also provide the owner with duplicate copies of waivers of lien from themselves and each subcontractor, if any. At the time of submission, the contractor must certify that the waivers cover all applicable subcontractors.

COMPLIANCE WITH LAWS AND REGULATIONS

Bidders are advised of applicable statutes and regulations concerning workers' compensation insurance and other laws affecting the proposed work. Compliance with all relevant tribal regulations, rules, and ordinances is also required.

1. Preference: In performing the work, the contractor shall comply with all applicable laws, rules, and regulations of the Navajo Nation, including without limitation, the Navajo Preference in Employment Law, 15 N.T.C., Section 601 et seq. (the "NPEA") and the Navajo Nation Business Preference Law, 5 N.T.C., Section 201, et seq. (the "NNBPL"). The terms and provisions of the NPEA and NNBPL are specially incorporated in, and become a part of, the contract and breach by the contractor of any terms and provisions of such laws shall constitute a breach of this agreement and provide grounds for the suspension or termination of the agreement or other appropriate remedy as specified in the NPEA and NNBPL.
2. Labor Standards: In accordance with the policy of the Navajo Nation to pay pre-determined rates on tribal contract construction, the determined wage scale of the contract work provides that all labor and mechanics employed by the project be paid wages at rates not less than those prevailing. A current wage is available from Navajo Nation Office of Labor.

CONTRACTOR LICENSE

If the proposed services require state or agency licensing, offeror must provide the relevant license or membership number (e.g., Professional Engineer, Architect, or Contractor). The contractor is required to maintain a valid state license throughout the project.

The owner intends for this section to protect the public by discouraging unethical practices and unqualified individuals from misrepresenting their capabilities.

ACCESS TO RECORDS

The contractor and its subcontractors shall preserve all pertinent records for at least three (3) years post-project completion. The owner, with ten (10) days' written notice, shall have the right to audit and examine such records at reasonable times.

RIGHT TO WAIVE MINOR IRREGULARITIES

The selection committee may waive minor irregularities. It can also waive mandatory requirements if all other responsive proposals fail to meet the same requirements, provided this waiver does not materially affect the procurement. The right is at the sole discretion of the selection committee.

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TERMINATION

The owner may, within 10-days of written notice to the contractor, terminate the contract documents for any of the following reasons:

1. The Contractor defaults in performance of any provisions under the contract.
2. The Contractor fails to carry out the construction in accordance with the provisions of the contract.

In such event, the owner may assume the responsibility of completing the terminated work, by contract or otherwise. The owner may take possession of such material, appliances, plant and equipment that may be on the site to finish the work. Damages, if any, are to be determined in accordance with general conditions and supplementary conditions. Final payment to the contractor for unpaid work, if any, will be made based on the submission of a final periodical estimate by the contractor. The final payment due, if any, will be subject to the documentation of the claimed work.

Should the owner fail to issue a progress payment within 30 days of the due date, for reasons other than contractor fault, the contractor reserves the right to terminate the agreement, subject to a 30-day written notice period.

INDEMNIFICATION

The selected contractor shall indemnify and hold harmless the Navajo Nation and its agents from any and all liabilities, losses, costs, damages, and claims arising from work performed or services provided under this contract. The contractor's obligation does not extend to liabilities arising from work that is determined to be performed professionally, adequately, and in accordance with applicable industry standards and all relevant laws and regulations.

INSURANCE REQUIREMENTS

The offeror shall be required to procure and maintain, during the life of the contract, adequate insurance coverage as recommended and verified by the Navajo Nation Risk Management Program (RMP). Such insurance shall be verified by a Certificate of Insurance prior to the execution of the contract and shall name the Navajo Nation as an additional insured. The offeror must include a provision for a two-day written notification to the FRFO Project Manager if a policy has been materially changed or canceled. At the time of award, the selected contractor or offeror shall furnish one copy each of Certificates of Insurance required for each copy of the agreement, which shall specifically set forth evidence of all coverage required once determined by the RFP, naming the Navajo Nation as an Insured. The Navajo Nation should require the following minimum insurance requirements:

1. Commercial General Liability coverage, ISO CG 0001 Form or equivalent with minimum limits of \$1,000,000 per occurrence, \$2,000,000 aggregate.
2. Auto Liability minimum limit of \$1,000,000 per accident and should include non-owned autos;
3. Workers' Compensation coverage with statutory benefits and Employers Liability coverage with minimum limits of \$1,000,000/\$1,000,000/\$1,000,000.
4. The Navajo Nation shall be named as additional insured for general and auto liability coverages only.

Approval of insurance: Even though a "Notice to Proceed" may have been given by the FRFO, the offeror and subcontractors shall not begin work under this contract, or solicitation, until the required insurance documents have been obtained and the proper Certificate of Insurance has been filed with FRFO. Neither approval nor failure to approve certificates, policies, or insurance by the FRFO shall relieve the contractor or subcontractors of

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full responsibility to maintain the required insurance in full force and effect.

CONFIDENTIALITY

The contents of all proposals and related materials shall be kept confidential until FRFO has issued a written Notice of Award to the selected contractor. At that time, all proposals shall be made publicly available, except for information or materials that have been identified by the submitting party as proprietary or confidential.

PERFORMANCE AND LABOR BONDS

The submitting party shall provide a Performance Bond to guarantee such party's full performance of all duties under the contract for the project. Generally, the Performance Bond must be in a dollar amount equal to one hundred percent (100%) of the final contract awarded to the selected contractor. However, a lesser bond amount of fifty percent (50%) shall be allowed if the selected contractor (in addition to providing a 50% Performance Bond amount) either (1) provides an irrevocable Letter of Credit for fifty percent (50%) of the contract amount, or (2) agrees to a retainage of fifty percent (50%) of the contract amount. The Performance Bond must be provided by a state-licensed surety or bonding company.

The submitting party shall also provide a Payment Bond to cover all its obligations and liabilities to any and all subcontractors, suppliers, laborers, and other persons or entities that will be performing work on the project or providing materials for the project. The Payment Bond must be in a dollar amount sufficient to cover all such obligations and liabilities and must be provided by a state-licensed or state-registered surety or bonding company.

Submitted proposals need not initially include the required bonds; however, such bonds must be provided prior to final contract award, and any party not providing such bonds in a timely manner may be disqualified - at FRFO's or the Navajo Nation's sole discretion; for purposes of this provision, a "timely" submission of such bonds (i.e., deadline for submission) shall be determined by FRFO.

RIGHT TO REFUSE CONTRACT

The Navajo Nation reserves its right to refuse to execute a contract for the project if the Navajo Nation Attorney General, or his/her designee, determines in writing that any of the following has occurred prior to the Navajo Nation's execution of this contract:

1. Lack of documents; the Navajo Nation has not received all required supporting documents, or other reasonably requested information;
2. Faulty procurement; a document, procedure, decision, action, or other event pertaining to the procurement of this contract, or to any related pre-procurement activities, or to the awarding of this contract, is in violation of any applicable Navajo Nation, Federal, or State laws or regulations governing said procurement; or
3. Ineligibility; the selected contractor, or any other related person or firm, is ineligible for the awarding of this contract, pursuant to applicable Navajo Nation, Federal, or State laws or regulations governing said procurement; or
4. Change to scope of work or other requirements; there has been a change to the scope of work or any other mandatory requirement, as specifically described in this RFP Package or in any addenda; in which case additional procedures under Section XIII (A) of the Navajo Nation Procurement Rules and Regulations shall be required and a contract shall not be executed until the completion of such procedures; or
5. Change to the Budget or Maximum Feasible Cost (MFC); there has been a revision (whether increase or decrease) of the Budget/MFC that was originally established for this project by FRFO prior to the initiation of the procurement process for this contract; in which case additional procedures under Section XIII (A) if the

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Navajo Nation Procurement Rules and Regulations shall be required and a contract shall not be executed until the completion of such procedures: or

6. Protest filed; a protest has been timely filed in accordance with 12 N.N.C. §360(A), unless a written determination has been made to proceed with a contract award pursuant to 12 N.N.C. §360(F); or
7. Navajo Nations interest; the Navajo Nation Attorney General, or his/her designee, determines in writing that refusal to enter this contract is in the best interest of the Navajo Nation.

SCOPE OF SERVICES

The project involves decommissioning the failed wastewater system, assessing soil conditions, and designing and installing an engineered Onsite Wastewater Treatment System (OWTS) to serve multiple commercial buildings on a chapter compound. The compound serves as an emergency shelter so it must function during disasters.

A. Site Assessment & Design

1. The Onsite Wastewater Treatment System (OWTS) will be designed for existing and planned public buildings on the chapter lot.
2. Commercial buildings with high-strength wastewater from food and vehicle service shall require grease traps, interceptors and/or arrestors for pretreatment. The traps will separate fats, oils and grease (FOG) before the wastewater enters the septic tank.
3. The OWTS plans and specifications shall be stamped by a Professional Engineer licensed in the state of Arizona, New Mexico, or Utah.
4. Contractors will be given copies of survey plats for design and planning purposes.
5. The sites will be evaluated by assessing soil type, existing & future structures, drainage, measurements and other characteristics for a proper OWTS design.
6. Contact site stakeholders, Navajo Area Indian Health Service (NAIHS) and Navajo Tribal Utility Authority (NTUA) for information.
7. Existing OWTS, buried structures and materials that are abandoned and no longer in service shall be removed or crushed-in-place to install new OWTS. Utility companies should be contacted to mark all buried lines before any excavation begins. Tanks shall be pumped before removal or crushing. Removal, crushing, pumping and disposal costs for large construction waste should be included in cost estimate.
8. Investigations may reveal that nearby centralized wastewater treatment systems can accept the chapter compound wastewater. Consultation with system owner and chapter will take place for an agreement on utilizing facilities and design expectations.
9. Soil analyses and reports will be conducted and signed by a certified plumber, technician, inspector, scientist or engineer. The same Professional Engineer can stamp the soil report as a separate document from the engineering report.
10. Visual inspection and soil strata reporting may continue during construction as an industry standard.
11. If the native soil is unsuitable, it can be removed and replaced with engineered soil or an alternative stamped OWTS design may be used.
12. Soil borings shall be done for lagoon and wetland systems to generate a comprehensive soil profile and identify subsurface concerns.
13. OWTS designs could include septic, anaerobic/aerobic treatment, mound, lagoon, wetland and others provided scientific analyses justify the system's safe operation.

B. Planning & Construction

14. Submit a complete application for and obtain a Wastewater Construction Permit from NNEPA.
15. Complete a Stormwater Pollution Prevention Plan (SWPPP) and Traffic Control Plan (TCP) and Site Safety Plan (SSP), if applicable, to appropriate entities.
16. If a staging area is needed, an agreement can be made with Chapter to store equipment at Chapter

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compound. Staging area land shall be cleaned and restored to original condition or better. Ground stabilization may be required and should be included in the cost estimate.

17. Local police or security personnel can be informed of operations and storage for courtesy patrol and construction yard protection. Chapter will be the contact lead with local police or security officer for any such arrangements.
18. Prepare the site by clearing and grading the designated area to divert stormwater runoff away from OWTS area. Ensure proper erosion control measures are in place.
19. Excavate pits and trenches for the OWTS components based on the design.
20. Sewage and effluent pipes will have a maximum angle of forty-five degrees (45°).
21. Connect an access riser to each tank manhole for safe access. All manholes shall be extended to within at least four (4) inches of the finished grade.
22. Prohibit heavy construction equipment traffic on drainfield and downslope buffer zones to prevent soil compaction. Smaller track equipment are preferred to limit system damage.
23. Drainfield may be machine excavated if compaction of trench floor and walls can be avoided.
24. If the system uses electronic components it will connect to an established electrical line.
25. Backfill the excavated areas around the system without compacting sensitive locations vital to operations.

C. Review and Closeout

26. Identify the coordinate location of the center of each septic tank of the OWTS.
27. Mark the location of the system corners with T-Posts to protect the system from heavy traffic.
28. Document Operation & Maintenance (O&M) document review with chapter.
29. Conduct final inspection and submit construction report and invoices to FRFO.

The Proposal for Bid shall indicate the delivery dates of proposed services. Please include travel rates, personal expenses and other applicable fees in the line-item budget. NNDCD expects the successful bidder to completely satisfy contract performance requirements.

SUBMITTAL REQUIREMENTS/EVALUATION

1. GUIDELINES

The following guidelines shall be adhered to by Offerors for consideration in the selection process of Bidder to perform the services for the project described. Proposals, which do not include all the listed information may be considered incomplete and non-responsive and may not be considered by the selection committee.

2. MANDATORY SUBMITTAL REQUIREMENTS

1. Site Visit Acknowledgement Form signed by Contractor and Chapter
2. Proof of General Contract Licensing
3. Navajo Nation Certification Regarding Debarment, Suspension, and Contracting Eligibility
4. Navajo Nation Certification Regarding Non-Collusion
5. Current IRS W-9, completed and executed
6. Navajo Nation Responsibility for Subcontractors
7. Navajo Nation Responsibility for Subcontractors Exhibit 1

ATTACHMENT SUMMARY

- ATTACHMENT A - Site Visit Acknowledgement Form
- ATTACHMENT B - Cost Proposal Form
- ATTACHMENT C - Navajo Nation Certification-Debarment, Suspension, Contracting Eligibility

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- ATTACHMENT D - Navajo Nation Certification Regarding Non-Collusion
- ATTACHMENT E - Current W-9 Form, signed and completed
- ATTACHMENT F - Navajo Nation Responsibility for Subcontractors
- ATTACHMENT G - Navajo Nation Responsibility for Subcontractors Exhibit 1
- ATTACHMENT H - Navajo Nation Domestic Wastewater Regulations Part II Construction Permit Provisions

ATTACHMENT A

**ROCK POINT COMPOUND WASTEWATER CONSTRUCTION
Site Visit Acknowledgement Form**

Project Location: Rock Point, AZ
Community: Rock Point Chapter

This letter serves as formal documentation confirming that a site visit was conducted at the above-referenced project location on the date indicated. The purpose of the site visit was to:

- Visually assess the existing conditions of the facility and surrounding area.
- Identify potential challenges, hazards, and access limitations.
- Collect technical information relevant to the planning and execution of the renovation project.
- Collaborate with project stakeholders to define the preliminary Scope of Work (SOW).

Following this site visit, a preliminary Scope of Work was developed and documented. This scope outlines the anticipated work items, renovation requirements, and site-specific considerations.

Organization: _____

Date: _____/_____/_____

Signature: _____

Chapter's Signature: _____

ATTACHMENT B

COST PROPOSAL FORM

TO: THE NAVAJO NATION
Herein after called "OWNER"

The undersigned, having examined the proposed contractor documents titled:

**ROCK POINT COMPOUND WASTEWATER CONSTRUCTION
BID NUMBER: 26-01-4005SB**

Being qualified and having examined the Scope of Work, hereby proposes to provide all necessary labor, materials, equipment, and services to complete the project. The cost estimate to complete the projects will be identified as "Base Proposal", for the stipulated sum in both words and figures. In case of discrepancy, the amount in words will govern.

BASE PROPOSAL: _____
_____ (\$_____).

Where additional funds are available, the listing from the scopes of work as alternate proposals should be added and presented here.

ALTERNATE PROPOSAL: _____
_____ (\$_____).

Proposers acknowledge receipt of the following Addendum(s):

Addendum No. _____ Dated _____
Addendum No. _____ Dated _____

I understand the Owner reserves the right to reject this proposal, but that this proposal shall remain open and not be withdrawn.

The undersigned agrees that if the Owner's written acceptance of this proposal arrives after the stipulated opening date, the proposal remains valid. The undersigned will return the signed Letter of Acceptance and immediately provide proof of insurance to the Owner. The date of mailing the insurance documentation constitutes the delivery date.

Notice of acceptance, or request for additional information, may be addressed to the undersigned at the address set forth below.

IMPORTANT NOTICE: If proposer or other interested person is a corporation, give legal name of corporation, state where incorporated, and names of president and secretary; of a partnership, give name of firm and names of all individuals, co-partner composing of firms; if proposer or other interested person is an individual, give first and last names in full.

Contractor is duly licensed pursuant to the act for contractor registration and with License Number # _____, in the State of _____.

NOTE: If proposer is a corporation, set forth the legal name(s) of the corporation together with the signature of the officers authorized to sign contracts on behalf of the corporation. If proposer is a partnership, set forth the name(s) of the partnership.

BUSINESS ADDRESS: _____

TELEPHONE NUMBER: _____

DATE OF PROPOSAL: _____

SIGN HERE: _____

SIGNATURE OF PROPOSER: _____

ATTACHMENT C

NAVAJO NATION CERTIFICATION

Regarding Debarment, Suspension, and Contracting Eligibility

Consultant/Project Name

Work Location

1. Applicant acknowledges, in accordance with the Navajo Nation Procurement Act, 12 N.N.C. §§ 301-80, to the best of its knowledge, Applicant, in either its present form or in any other identifiable capacity, that it has not:
 - a. been convicted in any jurisdiction for the commission of a criminal offense incident to obtaining, or attempting to obtain, a public or private contract or subcontract, or in the performance of such Contract or subcontract;
 - b. been convicted in any jurisdiction for embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which currently, seriously, and directly affects responsibility as a Navajo Nation Contractor;
 - c. been convicted in any jurisdiction under any antitrust statute arising out of the submission of offers;
 - d. violated contract provisions, such as having:
 - i. deliberately failed, without good cause, to perform in accordance with the purchase description or within the time limit provided in the contract; or
 - ii. a record of failure to perform, or of unsatisfactory performance, with the terms of one or more contracts; or
 - e. been determined to be ineligible to conduct business with the Navajo Nation under the Navajo Business Opportunity Act, 12 N.N.C. §§ 201-380;
 - f. submitted bad offers where such offers are lower than the expected price, or overstate the Applicant's qualifications; and
 - g. engaged in any other cause so serious and compelling as to affect Applicant's responsibility as a Navajo Nation Contractor, including debarment or suspension by another government.
2. Applicant certifies that the individual named below is authorized to represent Applicant for purposes of the declarations in this certification, and that all such declarations are made on behalf of Applicant and all of its owners, partners, officers, members, employees, officials, agents, or parties-in-interest;
3. Applicant acknowledges that, if the Navajo Nation determines this executed Certification is untrue or not wholly accurate, the Navajo Nation shall have grounds terminate the contract award or contract and pursue other legal remedies, at the Navajo Nation's discretion.
4. Applicant certifies that, to the best of its knowledge, 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. §§ 1501-16 and 5 N.N.C. §§ 201-380.
5. Applicant 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

Printed name individual signing on Applicant's behalf

Applicant Address

Title of individual signing on Applicant's behalf

Applicant Address

Signature of individual signing on Applicant's behalf

Applicant Address

Date

ATTACHMENT D

**NAVAJO NATION CERTIFICATION
Regarding Non-Collusion**

Consultant/Project Name

Work Location

In accordance with Navajo Nation Procurement Act, 12 N.N.C. §§ 301-80, Applicant, in either its present form or in any other identifiable capacity, certifies and acknowledges the following:

1. Applicant is submitting an offer that is genuine and not collusive or a sham to the Navajo Nation for the above-named Project;
2. Applicant is fully informed regarding the preparation and required content of its offer, including all pertinent circumstances governing submission of its offer to the Navajo Nation;
3. Applicant has in no way colluded, conspired; connived; or agreed, directly or indirectly, with any other entity, offeror, or person regarding the proposed contract for the Project, to:
 - a. submit a sham offer to the Navajo Nation, or
 - b. refrain from submitting an offer to the Navajo Nation;
4. Applicant has not in any manner, directly or indirectly, sought by agreement or collusion, or communication or conference, with any other entity, offeror, or person, to:
 - a. fix any price or fee relating to its offer or of any other entity, offeror, or person, or
 - b. fix any price, overhead, profit, reimbursement, or cost element of its offer, or that of any entity, offeror, or person;
5. Applicant has not, through any collusion, conspiracy, connivance, or unlawful written or oral agreement, secured any advantage against the Navajo Nation or against any other entity, offeror, or person interested in the proposed contract for the Project;
6. that the individual named below is authorized to represent Applicant for purposes of the declarations in this certification, and that all such declarations are made on behalf of Applicant and all of its owners, partners, officers, members, employees, officials, agents, or parties-in-interest;
7. all statements set forth herein, and in its offer submitted to the Navajo Nation, are true; and
8. that, if the Navajo Nation determines this executed Certification is untrue or not wholly accurate, the Navajo Nation shall have grounds terminate the contract award or contract and pursue other legal remedies, at the Navajo Nation's discretion.

Applicant Name

Printed name individual signing on Applicant's behalf

Applicant Address

Title of individual signing on Applicant's behalf

Applicant Address

Signature of individual signing on Applicant's behalf

Applicant Address

Date

ATTACHMENT F

**NAVAJO NATION CERTIFICATION
Responsibility for Subcontractors**

Consultant/Project Name

Work Location

In accordance with Navajo Business Opportunity Act, 5 N.N.C. §§ 201-15, Applicant, in either its present form or in any other identifiable capacity, certifies and acknowledges the following:

1. Applicant has submitted/is submitting an Offer to the Navajo Nation for the above-named Project;
2. the signatory below is authorized to represent the Applicant for purposes of the declarations set forth herein, and that all such declarations are made on behalf of said Applicant and all of its owners, partners, officers, members, employees, officials, agents, or parties-in-interest;
3. as of the date of signature below, said Applicant intends to use the subcontractors listed on the attached document, titled "Exhibit 1", for the above-named Consultant/Project;
4. none of the subcontractors so listed are debarred, suspended, or otherwise ineligible to receive a contract from the United States federal government, any state government, or the Navajo Nation;
5. none of the subcontractors are debarred, suspended, otherwise slated for debarment, ineligible and/or excluded from participation on any government contracts, including but not limited to federal, state, and tribal government contracts;
6. none of the subcontractors are, nor have they been, under criminal indictment or civilly charged by a governmental entity for fraud, forgery, falsification, theft, bribery, destruction of records, receiving stolen property, or other criminal offenses in the administration of a government contract;
7. none of the subcontractors have been terminated for cause or convenience by a governmental entity in the administration of a government contract; and
8. Applicant shall assume all legal responsibility for the work of all subcontractors on the Consultant/Project, including performing all subcontractors' duties as necessary or replacing any subcontractors as necessary in keeping with Navajo Nation laws, in order to guarantee Applicant is submitting an offer that is genuine and not collusive or a sham to the Navajo Nation.

Applicant Name

Printed name individual signing on Applicant's behalf

Applicant Address

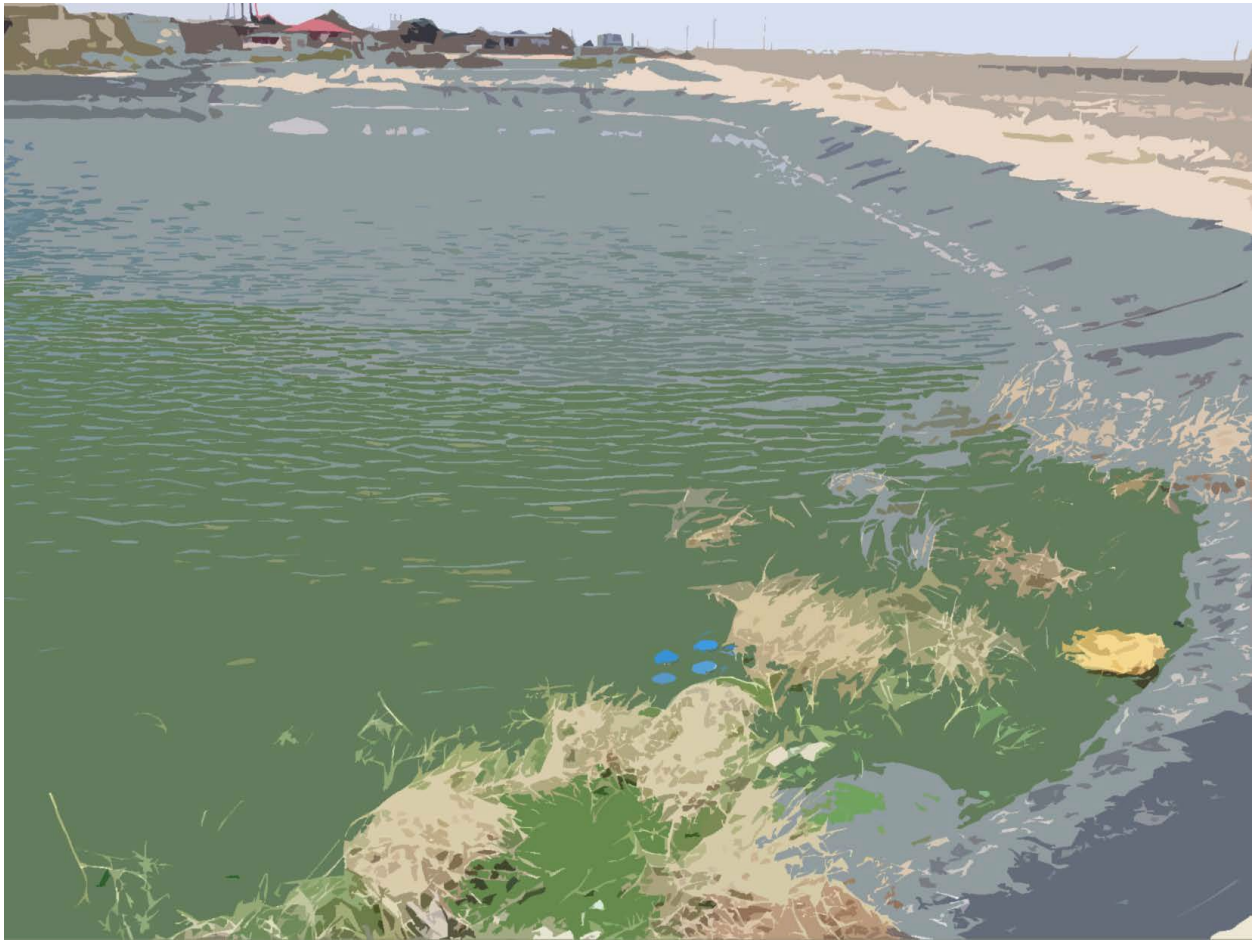
Title of individual signing on Applicant's behalf

Applicant Address

Signature of individual signing on Applicant's behalf

Applicant Address

Date



Navajo Nation Domestic Wastewater Regulations

**Domestic Wastewater Program
Navajo Nation Environmental Protection Agency
P.O. Box 339
Window Rock, AZ 86515**

**928-871-7755
www.domesticwastewater.gmail.com**

PART II
CONSTRUCTION PERMIT PROVISIONS

§ 201. General Requirements

- A. Prior to the construction or installation of a new wastewater treatment system, or a substantial modification to an existing wastewater treatment system, an application for a construction permit shall be made to, and a construction permit obtained from, the Director. The Director shall review the application, taking into consideration the Minimum Design Requirements of Part IV of these regulations, and issue a permit according to the procedures outlined in Subpart 2 of the Uniform Rules. Failure to obtain a construction permit is a violation of the NNCWA and is subject to an enforcement action by the Director pursuant to Subchapter 9 of the NNCWA and Subpart 3 of the Uniform Rules.
- B. Every sewer system shall be connected to a public sewer except when such sewer is not available or practical for use, in which case an on-site wastewater treatment system may be considered.
- C. No surface runoff shall be discharged into any portion of a wastewater treatment system. Non-domestic wastes such as chemicals or paints and other substances, including household hazardous wastes, that are detrimental to the proper functioning of a wastewater treatment system, shall not be disposed of therein.
- D. Effluent from any on-site wastewater system shall not be discharged to surface waters or upon the surface of the ground. Sewage shall not be discharged into any abandoned or unused well, or into any crevice, sinkhole, or similar opening, either natural or artificial.
- E. When a wastewater treatment system is found by the Director to create or contribute to a public health hazard, to violate any provision of the NNCWA, or to deviate significantly from the construction plans or construction and material specifications approved by the Director, the Director may order the owner or operator to take the action necessary to correct or eliminate the hazardous condition or to otherwise bring the wastewater treatment system into compliance with the NNCWA and these regulations. The necessary action may include physical upgrades to meet the Minimum Design Requirements of Part IV of these regulations, as provided in Section 401(A).
- F. Upon closing an on-site wastewater treatment system, the owner must provide written notification to the Director within thirty (30) days of closure, per Section 407(G). When a wastewater treatment facility is closed, a closure plan must be submitted to the Director, and his or her approval obtained, before any work begins in the field. Closure of a wastewater lagoon system must meet the requirements of Section 406(K).

§ 202. Construction Permit Requirements

- A. An application for a construction permit for a proposed wastewater treatment system or proposed substantial modification to a wastewater treatment system shall include, but is not limited to, the materials listed immediately below. Documents prepared with the aid of a computer shall be submitted in both printed form and electronic form such as portable document format (PDF) or other format acceptable to the Director. Any application not containing the requisite materials will be rejected. The requisite materials are:
 - 1. an application form, to be obtained from the Director and completed;
 - 2. the appropriate fee, as determined by the Director, and submitted by

certified or cashier's check or

3. money order;
 4. two (2) sets of construction plans, as required in Section 204;
 5. two (2) sets of material and construction specifications, as required in Section 205;
 6. two (2) copies of engineering reports, as required in Section 206;
 7. a copy of any recordation of a right-of-way or easement;
 8. a copy of the operation and maintenance manual, as required in Section 303(A); and
 9. a copy of any operation and maintenance agreement between the applicant and the customer for an on-site wastewater treatment system, if the ownership and maintenance responsibility for the system will be transferred to the customer after construction.
- B. The Director shall review the application package for the adequacy of the proposed design and construction of the system and shall, if necessary, mandate such changes as are required by these regulations. When the Director is satisfied that the plans and specifications are adequate for the conditions under which the proposed wastewater treatment system is to be installed and operated, a construction permit shall be issued to the owner. Construction shall not commence until the construction permit is issued by the Director.
- C. Any deviation from the plans and specifications approved by the Director that could change the hydraulic conditions and operation of the wastewater treatment system must be approved by the Director prior to making such deviation in the field. Noncompliance with this requirement is grounds for permit revocation pursuant to Uniform Rules § 204.
- D. Before a construction permit may be issued for a new wastewater treatment system, the applicant shall demonstrate to the satisfaction of the Director that it has the financial, managerial and technical capacity to comply with the NNCWA and all applicable NNEPA regulations. Moreover, the applicant must have an agreement in place with the customer for maintenance of an on-site wastewater treatment system, per an approved operation and maintenance manual, if the ownership and maintenance responsibility of the on-site wastewater treatment system will be transferred to the customer following construction.
- E. If the wastewater treatment system discharges into the waters of the Navajo Nation, a NPDES permit must be obtained. If it involves land application, a No Discharge permit must be obtained before a construction permit may be issued. If a wastewater treatment system involves septage transport, it must meet the requirements for the use and disposal of sewage sludge developed pursuant to Subchapter 4 of the NNCWA and any regulations promulgated thereunder.
- F. A construction permit shall be valid for three (3) years from the date of issuance, unless an extension is obtained through permit modification pursuant to Uniform Rules § 204.
- G. An application for an extension of time to complete construction must be submitted at least thirty (30) days prior to expiration of the construction permit. The responsible engineer must apply for the permit extension. If a permit extension is not obtained from the Director within thirty (30) days after the date of submittal of the application for the extension, all construction must terminate at the end of the permit term until further notice from the Director.

§ 203. Exemptions from the Requirement to Obtain a Construction Permit

A construction permit shall not be required for the following activities:

1. Installation of a service connection, if:
 - a. the connection is dedicated for a single customer;
 - b. the customer consists of a single-family dwelling or a single building, which may contain multiple-family dwellings, but is not a shopping mall or a multiple-building complex; and,
 - c. the sewer line serving the customer does not pass by a potential customer located between the connection and the customer to be served.
2. Operation and maintenance activities, including:
 - a. repair of a sewer line leak;
 - b. replacement of existing deteriorated pipeline with new pipeline of the same size;
 - c. routine cleaning and maintenance of a sewer system; and
 - d. replacement of equipment with equipment of the same type, size, and rated capacity.

§ 204. Construction Plans

A professional engineer licensed in Arizona, New Mexico, or Utah, and qualified in civil engineering design and construction, shall prepare construction plans as described below. Illegible, mutilated, or poorly prepared plans are not acceptable and will not be reviewed. Documents prepared with the aid of computer shall be submitted in both printed form and electronic form, such as portable document format (PDF) or other format acceptable to the Director. All construction plans shall comply with the requirements set forth in subsections (A)-(D) of this section.

- A. **Quality:** Construction drawings and maps shall be made from actual field or photogrammetric surveys and shall be drawn on sheets no larger than thirty (30) inches by forty-two (42) inches. The scale(s) used on the drawings may vary according to the space available to show clearly all the necessary data, but shall be such that the drawings are legible when photocopied onto sheets eleven (11) inches by seventeen (17) inches. The plan sheets shall be numbered sequentially with the first sheet being sheet number one and the last sheet number equal to the total number of sheets. Each sheet shall have the responsible engineer's seal and signature. The cardinal direction of north shall be shown where appropriate.
- B. **Title Sheet:** The first sheet of a set of construction plans is the title sheet. The title sheet shall contain the following information, as appropriate:
 1. name of the project;
 2. name of the utility or owner, and complete contact information;
 3. a vicinity map of sufficient size and scale to locate the project within its immediate area;
 4. a summary of the scope of the project;
 5. the name of the responsible engineer, and complete contact information; and

6. the signed certification of the responsible engineer that the plans were prepared by him or her, or under his or her direct supervision.
- C. Site Topography: A detailed topographical map of the project site shall be provided, showing the arrangement of the present or planned wastewater treatment system and both the original and final grades for the site, with a contour interval not greater than two (2) feet. Elevations shall be based on North American Vertical Datum 1988 or a more recent adjustment.
- D. Design Details: Detailed information for the various construction features of the wastewater treatment system shall be provided, including a plan view, elevations, cross-sections, and profiles. The construction plans shall include the following items as appropriate:
1. plans and profiles for all sewer lines, manholes, force mains, and lift stations in a horizontal scale of not more than one hundred (100) feet to the inch and a vertical scale of not more than ten (10) feet to the inch, with both scales clearly indicated;
 2. plans and cross-sections showing construction details and elevations of key components of the wastewater collection and conveyance system;
 3. elevation drawings of structures showing the hundred-year flood plain or the highest flood elevation if the hundred-year flood plain has not been defined;
 4. location and dimensions of the various components of the wastewater treatment system, including setback distances;
 5. location of soil exploration pit(s), boreholes, and percolation test holes;
 6. location of building sewer and water service lines;
 7. location and size of existing sewer mains;
 8. location of streams, ditches, watercourses, ponds, subsurface drains, etc. in the vicinity of the wastewater treatment system; and
 9. location of easement and/or right-of-way and identification of any physical or political boundaries within the area to be served.
- E. For an on-site wastewater treatment system, the construction plans shall include the following additional information, as appropriate:
1. lot size and dimensions;
 2. location and dimensions of driveways, roadways, parking, and other paved areas;
 3. type of dwelling, number of bedrooms, and estimated number of occupants;
 4. location, dimensions, and capacities of the essential components of the system;
 5. location, type, and depth of all existing and proposed nonpublic water supply sources within two hundred (200) feet of the proposed on-site wastewater treatment system, and of all existing or proposed public water supply sources within one thousand (1000) feet of the proposed system; and
 6. distance to the nearest public sewer, the size of that sewer, and whether it is accessible by gravity.

- F. For an absorption system, the construction plans shall include the following additional information, as appropriate:
1. plans and cross-sections showing the details and elevations of key components of the absorption system;
 2. details of the distribution pipe, including its size, length, slope, spacing, and constituent material;
 3. details of drop boxes or distribution boxes;
 4. type and dimensions (including thickness) of filter materials, and their arrangements;
 5. type and dimensions (including thickness) of the barrier separating the filter material from the backfill; and
 6. location and dimensions of the replacement area.

§ 205. Construction and Material Specifications

- A. Specifications shall be prepared for each proposed wastewater treatment system or proposed substantial modification to an existing system, which—in describing the anticipated methods of construction and the materials to be used—will supplement the construction drawings. Specifications must be clear and concise and include a detailed description of the methods of construction, quality and sizing of materials, and unit quantities, along with a detailed description of testing methods and quality control, construction supervision, and inspection procedures. A professional engineer licensed in Arizona, New Mexico, or Utah, and qualified in civil engineering shall prepare the specifications, as described below.
1. The title page of the specifications shall show the name of the project, the Navajo Nation Chapter and the county in which the project is located, and the responsible engineer's seal and signature.
 2. Construction specifications shall include, but are not limited to, the following information:
 - a. a detailed plan for maintaining the normal operations of any existing facilities during construction, with minimal interruption of service;
 - b. laying methods and conditions, including depth of cover, type of bedding, reaction blocking for sewer mains, and structural considerations and construction details for manholes;
 - c. pressure and leakage test procedures for new sewer mains, including the applicant's proposed method of determining maximum allowable leakage;
 - d. construction methods and procedures for specific treatment units, such as septic tanks, drain fields, and wastewater lagoons; and
 - e. construction methods and procedures for chemical feeding, pump, flow measurement and other devices, if applicable.
 3. Material specifications shall include, but are not limited to, the following information:
 - a. material specifications for all wastewater treatment equipment;
 - b. schedule and class of sewer main and all appurtenances, including

approval status by testing and certification organizations;

- c. make, model, horsepower, and performance curve of all pumping equipment;
- d. liner material for lined wastewater lagoons;
- e. material specifications for septic tank, appurtenances, and absorption system materials; and
- f. chemicals to be used for wastewater treatment together with usage information.

B. If a wastewater treatment system or professional engineering firm utilizes a set of standard construction and/or material specifications, such specifications may be submitted to the Director for approval. Following this approval, no construction or material specifications will be required for any future construction permit application for the same wastewater treatment system or for applications submitted by the same professional engineering firm, provided no changes are made to the standard specifications. If there are any additions, deletions, or revisions to the approved standard specifications for a particular application, the responsible engineer shall submit an addendum with the construction permit application covering only the changes, but if the changes are made to the standard specifications themselves, a complete revised copy of the standard specifications must be submitted for the Director's review and approval. Any responsible engineer who is using a set of standard construction and/or material specifications must place his or her seal and signature on the cover page for these specifications, pursuant to subsection (A)(1) of this section.

§ 206. Engineering Report

A. An engineering report containing all the information required to evaluate the safety and performance of the proposed design and construction of a new wastewater treatment system or substantial modification to an existing system shall be submitted with each application. It shall carry the seal and signature of a professional engineer licensed in Arizona, New Mexico, or Utah and qualified in civil engineering design and construction. The engineering report shall have a title sheet comparable to that of the construction plans and construction and material specifications outlined in Sections 204(B) and 205(A)(1). The report shall include, but is not limited to, the following information which, when necessary to avoid duplication, may be provided by reference to documents already being submitted with the application, pursuant to Sections 202, 204, and 205:

1. General Information:

- a. name of the project owner and/or the utility responsible for the operation and maintenance of the wastewater treatment system, and complete contact information;
- b. name of the responsible professional engineer, and complete contact information;
- c. description of the project area and its surroundings (for example, location, terrain, zoning and current use, future development potential); and
- d. approval of proposed land use and development by the appropriate authority having jurisdiction, if required.

2. General Design Data:

- a. description of the project;
 - b. number and type(s) of existing and proposed service connections;
 - c. details (estimated and justified as necessary) of average daily and peak flows;
 - d. physical, chemical, and biological characteristics of the wastewater;
 - e. assumptions underlying design parameters and analyses, and their justification;
 - f. detailed hydraulic analyses and the sizing of sewer pipes and appurtenances;
 - g. minimum and maximum flow velocities; and
 - h. pump design details.
3. Information Specific to Septic Tanks and Absorption Systems:
- a. septic tank capacity, material, dimensions, and other features, and the name and address of the manufacturer if the tank is to be commercially manufactured;
 - b. design details of service connections, sewage pumps (if any), and discharge lines, including schedule, grade, type, pipe slope, and discharge capacity;
 - c. soil condition from soil exploration pits and boreholes, including soil logs prepared in accordance with the U.S. Department of Agriculture soil classification system;
 - d. present and highest anticipated groundwater table;
 - e. flooding potential for the area in which an on-site wastewater treatment system is located;
 - f. results of percolation tests, estimation of soil absorption rate, and calculation of absorption area; and
 - g. design details of the absorption system.
4. Information Specific to Wastewater Lagoon Systems:
- a. results of geotechnical investigations, including but not limited to borehole logs, soil classification, groundwater level, permeability, percolation tests, compaction tests, and strength parameters;
 - b. estimated soil absorption rate, seepage rate, and evaporation rate, and the proposed size and arrangement of the wastewater lagoons, with explanation;
 - c. design of hydraulic and organic loading, and the operation and maintenance procedures to be followed when loading;
 - d. anticipated treatment efficiency, effect of effluent seepage into groundwater, and the physical, chemical and biological characteristics of that effluent;
 - e. embankment or dike design.

f. freeboard to be provided, with justification; and

g. liner properties and design details.

5. Information Specific to Wastewater Treatment Facilities:

a. projected maximum volume of wastewater to be treated and, for existing facilities, present operating capacity;

b. year when plant is expected to operate at its maximum capacity;

c. land available for the future expansion of the facility;

d. proposed or present treatment scheme shown in block diagram;

e. proposed or present design criteria (retention times, velocities, discharge rate, etc.);

f. quality of treated wastewater discharge;

g. for substantial modifications to an existing treatment facility, a detailed description of the effect of the proposed modification, including retention times and velocities; and

h. detailed description of any pilot testing to be performed.

f

§ 207. Notification of Commencement of Construction, and Inspections

The Director shall be notified at least seven (7) days before the beginning of construction on the site in order to timely schedule an inspection or inspections. The Director may inspect a construction site at any time to evaluate compliance with the approved construction plans and construction and material specifications pursuant to 4 N.N.C. § 1381 (NNCWA § 901(b)), and shall be given access to the site for that purpose.

§ 208. Approval of Construction

A. New wastewater treatment systems and substantial modifications to existing wastewater treatment systems shall not be placed into operation until the Director issues written approval of construction.

B. Upon completion of the permitted construction, the responsible engineer shall make arrangements with the Director for a final inspection. Prior to this inspection, the responsible engineer shall submit to the Director a letter certifying that the construction is complete in accordance with the approved plans and specifications. The letter must specifically identify the project by permit number. The following information, where applicable, shall be submitted as part of the responsible engineer's letter of certification:

1. as-built construction drawings;

2. results of lamp tests, pressure/leakage tests, and air tests conducted on sewer lines, manholes, lift stations, and septic tanks, and the results of pressure/leakage tests conducted on force mains;

3. results of field compaction tests conducted on earthwork;

4. results of liner tests;

5. a letter of acceptance from the relevant entity to be responsible for the operation and maintenance of the wastewater treatment facility; and

6. any information specified on the construction permit, or other pertinent information for the project.
- C. If the project was not completed in accordance with the approved plans and specifications, the responsible engineer shall so state in the certification letter, shall describe any deviations from the project as permitted, and shall provide an explanation for all such deviations.
- D. Issuance of a written approval of construction shall not be subject to separate permit issuance procedures under Subpart 2 of the Uniform Rules unless the Director finds in his or her sole discretion that a deviation from the project as permitted is significant enough to warrant public notice and comment.
- E. Failure to obtain written approval of construction from the Director prior to placing into operation any new wastewater treatment system or a substantial modification to a wastewater treatment system is a violation of these regulations and is subject to an enforcement action by the Director pursuant to Subchapter 9 of the NNCWA and Subpart 3 of the Uniform Rules. A public water system may not serve a customer or customers of the new or substantially modified wastewater treatment system until the Director has issued his or her written approval of construction.