

Navajo Nation Division of Transportation

Request for Proposal (RFP)

Bid No. 18-09-1924VJ

The Navajo Division of Transportation (Navajo DOT) is soliciting proposals to construct "N7054(1) Maintenance Project" in Pinedale, NM. The proposed work consists of ditch, shoulder, roadbed and aggregate surface reconditioning; culvert cleaning; placement of aggregate base course and aggregate stabilization; installation of signs and delineators, and other miscellaneous work as called for in the scope of work and specifications for this 2.8 mile roadway project located in Pinedale, NM, McKinley County, Navajo Nation.

Proposals will be subject to all requirements specified in RFP No. 18-09-1924VJ. The RFP package will be available for download from the Navajo DOT website (www.navajodot.org), beginning September 13, 2018 at 10:00 AM.

NO Pre-Proposal Meeting will be held. Contractors are encouraged to conduct a field review of the project site in Pinedale, NM on their own.

Proposal and bid package must be physically submitted to the following address by September 27, 2018, no later than 4:00 PM (local Window Rock, AZ time):

Navajo Division of Transportation
Attention: Ardaniel Begay
Navajo Transportation Complex
#16 Old Coal Mine Road
Mentmore, NM 87319
(505) 371-8351

The Navajo Nation Business Opportunity Act and Navajo Preference Act shall apply to this project. Prospective bidders are encouraged to familiarize themselves with these provisions. Having preference does not guarantee the award of the project. Competitive Sealed Proposals under the Navajo Nation Business Opportunity Act shall be utilized in the selection of the Contractor. Refer to 12 N.N.C §332 Competitive Sealed Proposals.

The Navajo Nation reserves the right to waive any formalities or irregularities in the Request for Proposals and/or to reject any or all bids; to be the sole judge of the suitability of the materials offered and to award a contract for the furnishing of services it deems to be in the best interest of the Navajo Nation.

PROPOSAL SUBMITTAL



All proposals **MUST** have the Prospective Respondent's name and contact information on the outside of the Sealed Proposal and Proposal Cost (envelopes). If not included, it will be considered "Non-Responsive."

All proposals are to be submitted to:

Navajo Division of Transportation
Attention: Ardaniel Begay
Navajo Transportation Complex
#16 Old Coal Mine Road
Mentmore, NM 87319
Phone: (505) 371-8351

All proposals and bid schedule shall be sent in sealed envelope, clearly marked with the following information:

Respondent's Contact Information

RFP Bid Number: 18-09-1924VJ

Project Name: N7054(1) Maintenance Project

Contact Person: Ardaniel Begay
Navajo Division of Transportation
Work Phone: (505) 371-8351
Email: abegay@navajodot.org

Please submit one (1) original and three (3) copies of proposals.

PART I

INFORMATION ONLY – NO RESPONSE TO THIS SECTION IS REQUIRED

- A. This Request for Proposal (RFP) provides the prospective respondents with sufficient information that will enable them to prepare and submit a proposal for consideration.
- B. This RFP contains the instructions governing the proposals to be submitted and the materials to be included. These are mandatory requirements which must be met to be eligible for consideration. Failure to adhere will result in a “Non-Responsive” Status.
- C. SCHEDULE OF ACTIVITIES AND TIMELINES:

Schedule of Activities	Timelines
Pre-Proposal Meeting	Not Applicable
Prospective respondents “Inquiry Timeline.” Questions regarding this RFP must be submitted in writing, by fax or email prior to this date. No questions accepted after this date.	Thursday, September 20, 2018, by 4:00 p.m.
Written responses to written questions will be distributed in writing through an Addendum issued on this date.	Monday, September 24, 2018, by 11:00 a.m.
Due date for all proposals	Thursday, September 27, 2018, by 4:00 p.m.
Opening of proposals and evaluations by the Review Panel	Between September 28, 2018 to October 4, 2018
Selection of Contractor	Friday, October 5, 2018

- D. INQUIRIES: Questions regarding this RFP must be submitted in writing, by fax or email to the Project Contact listed below. Written questions as to the intent or clarity of this RFP can be submitted to the Project Contact until the inquiring date listed in Section C. Written responses to written questions and any RFP amendments will be distributed in writing through an Addendum issued on the date listed in Section C. No further questions, in any form, will be entertained after the date listed in Section C.

Project Contact: Ardaniel Begay, Principal Contract Analyst, Navajo Division of Transportation, Telephone: (505) 371-8351, Fax: (505) 371-8399, and Email: abegay@navajodot.org

- E. ADDENDUM OR SUPPLEMENT TO THIS REQUEST FOR PROPOSALS: In the event it becomes necessary to revise any part of this RFP, an addendum will be issued. **The addendum(s) will be available for download from the Navajo Division of Transportation (Navajo DOT) website (www.navajodot.org).** It is important that respondents check the Navajo DOT website for addendum(s). Any respondents that already submitted a proposal will be notified.

- F. PROPOSALS SUBMISSION: Proposal must be received by September 27, 2018, at 4:00 p.m. (local Window Rock, AZ time). Respondents who are mailing their proposals should allow sufficient time for mail delivery to ensure receipt by the time specified. If mailed, it is recommended that proposals be sent by certified mail to the address indicated on Page 2 of this RFP.
- G. NUMBER OF PROPOSALS TO BE SUBMITTED: In the submission of a proposal, one original and three (3) copies must be enclosed in **one sealed envelope**. A separately sealed Bid Schedule envelope should be contained within this overall proposal envelope as described in Part III, Section G. The outside of the proposal envelope should be clearly marked with: 1) Respondent's Contact information; 2) the RFP Bid Number; 3) the Project Name; and 4) the NDOT Contact Person.
- H. LATE RECEIPT OF PROPOSALS: Late proposals will not be accepted. It is the responsibility of the respondent to ensure that the proposal arrives at the Navajo DOT on or before the date/time specified.
- I. REJECTION OF PROPOSALS: The Navajo DOT reserves the right to reject any or all proposals and to waive informalities and minor irregularities in the proposals received.
- J. PROPRIETARY INFORMATION: Any restriction on the use of the information, data, contents contained within the proposals must be clearly stated in the proposal itself. Each and every page of the propriety material must be labeled or identified with the word "Proprietary." Proprietary information submitted in response to this RFP will be handled in accordance with applicable procurement regulations.
- K. PROPOSAL MATERIAL OWNERSHIP: All material submitted in reference to this RFP shall become the property of the Navajo Nation and will not be returned to the respondent. Responses received will be retained by the Navajo DOT and may be reviewed by any person(s) after the final selection has been made, subject to Section J. The Navajo DOT has the right to use any or all systems, ideas presented in this RFP, subject to limitations in Section J. Disqualification or non-selection of a respondent does not eliminate this right.
- L. INCURRING COSTS: The Navajo DOT is not liable for any cost incurred by the Respondent prior to issuance of signed contract award for services.
- M. ACCEPTANCE OF PROPOSAL CONTENT: The contents of the proposal of the successful respondent will become contractual obligation, if acquisition action ensues. Failure of the successful respondents to accept this obligation may result in cancellation of the award and such respondent may be removed from consideration for future solicitation.
- N. ACCEPTANCE TIME: The Navajo DOT, in coordination with the Navajo Nation Business Regulatory Department and the Navajo Nation Office of the Controller, intends to select the successful Respondent in the time specified in Section C, after the closing date of receipt of proposals.

- O. AWARD OF ENGINEERS JOINT CONTRACT DOCUMENTS COMMITTEE (EJCDC) CONSTRUCTION CONTRACT: Upon selection, Navajo DOT will establish a construction contract using the C-520, C-700 and Navajo Nation Supplemental General Conditions, reviewed and approved by the Navajo Nation Department of Justice in the name of the successful respondent; and the contents of the proposal submitted by the respondent will become part of the contract. See attached sample EJCDC Construction Contract Documents.
- P. TAXES: All performance under this Contract 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.).
- Q. JOINT PROPOSALS: Nothing in this RFP shall be construed to prohibit respondents from entering into a consortium for the purpose of offering a proposal in response to this RFP. Parties to a consortium will not be permitted to submit independent proposals in response to this RFP.
- R. EVALUATION PROCEDURE AND CRITERIA:
- a. Review Panel: A Review Panel, with specific related technical background, will be selected and evaluate the proposals received in accordance with general criteria used herein. The review panel may request for a meeting for purposes of proposal clarification and the respondent should be prepared to provide any additional information the Review Panel feels necessary for a fair evaluation of the proposals.
 - b. Failure of a respondent to provide any information, requested in this RFP, may result in the proposal being disqualified. All proposals must be endorsed with the signature of a responsible official having the authority to bind the respondent in the execution of a contract.
 - c. The sole objective of the review panel is to select the respondent most responsive to the needs of the Navajo Nation and the Navajo DOT. The specification in this RFP represent the minimum performance necessary for a response. On the basis of the evaluation criteria established in this RFP, the Review Panel will select and recommend the respondent who best meets the objective in the Scope of Work in Part II.
 - d. Each RFP will be evaluated and points will be awarded for each criteria item as noted. Descriptions of the components are provided in Part III - Outline of Request for Proposal.
 - Qualifications and Capability.....25 points
 - Experience with Similar Work.....25 points
 - Project Understanding and Approach.....30 points
 - Litigations, Judgments and Surety Company Claims.....10 points
 - Certified Navajo Business.....0 – 10 points

- S. RETURN PROPOSAL: The Navajo Nation and Navajo DOT has no obligation in returning any of the proposals received in response to this RFP.
- T. COMPLIANCE WITH THE NAVAJO NATION BUSINESS OPPORTUNITY ACT: Proposal will be opened and evaluated in compliance with the Navajo Nation's Business Opportunity Act, 5 N.N.C., Chapter 2, Subsection 201 – 215 and the Navajo Nation Procurement Code Rules and Regulations. Refer to 12 N.N.C §332 Competitive Sealed Proposals.
- U. COMPLIANCE WITH THE NAVAJO NATION BUSINESS OPPORTUNITY ACT SUBCONTRACTING REQUIREMENTS: The Prime Contractor shall comply with the Navajo Nation Business Opportunity Act, 5 N.N.C., Chapter 2, Subsection 201 - 215 in the purchase of materials, special trades, subcontractors, or professional services. It is the intent of this Act to grant first opportunity and contracting preference to qualified Navajo-owned or Indian-owned businesses for all contracts, subcontracts, grants and subgrants issued by public and private entities within the Navajo Nation.
- i. For further information on the Navajo Business Opportunity Act is available at: <http://www.navajobusiness.com/pdf/DngBus/BUSRegultry/Opportunity%20Act.pdf>
 - ii. For further information on the Source List- Certified Navajo Businesses is available at: http://navajobusiness.com/pdf/SourceList/Source_List.pdf

PART II

PURPOSE:

The purpose of this Request for Proposal (RFP) is to select a Contractor that will complete roadway reconditioning, culvert cleaning, aggregate base course, aggregate stabilization and miscellaneous construction for a length of 2.8 miles of roadway located in Pinedale, NM, McKinley County, Navajo Nation.

The Navajo DOT will complete the following:

- Provide construction management/oversight during construction.
- Provide independent assurance materials testing as necessary.

SCOPE OF WORK

- Project N7054(1) Maintenance Project includes: ditch, shoulder, roadbed and aggregate surface reconditioning; culvert cleaning; placement of aggregate base course and aggregate stabilization; installation of signs and delineators, and other miscellaneous work as called for in the scope of work and specifications for this project.
- All work shall be completed in accordance with the Plans, "Standard Specifications for Construction of Roads and Bridges on Federal Highway Projects FP-14" and Special Contract Requirements to FP-14 as provided.

- This project will utilize Tribal Transportation Program funding administered through the Federal Highway Administration and will need to comply with Federal Regulations and Requirements.
- See the attached EJCDC Construction Contract, Standard General Conditions, Navajo Nation Supplemental General Conditions, Special Contract Requirements, FP-14 Supplemental Specifications, Project Design Plans, Davis-Bacon Wage Determinations, Environmental Requirements & Permits and related documentation.

PROPOSAL FORMAT: Appearance of the proposal is important and professionalism in the proposal presentation should not be neglected. The proposal standards are as follows:

- The proposal shall not exceed 10 single-sided pages (maximum 8-1/2" x 11") with a minimum of 10 pt. type. If Proposer chooses to utilize 11" x 17" size sheets, this shall count as 2 pages. Submissions exceeding the 10 page limit will be considered non-responsive and will be un-rated. All pages in the proposal, including photos, charts, graphs, exhibits, letter of interest, etc. are counted toward the 10 pages. The following items do not count towards the 10 page proposal limit and shall be placed in an appendix to the proposal:
 - SF 1442 – Solicitation, Offer and Award
 - SF 24 - Bid Bond/Guarantee
 - SF 28 - Affidavit of Individual Surety
 - Affidavit of Non-Collusion
 - Proof of Certificate of Insurance
 - Statement from bonding agency
 - Statement from Insurance Carrier
 - Proof of Navajo Nation Certification
 - Acknowledgment of Addendums
- Submit one (1) original (unbound) and three (3) copies (plastic comb or wire spiral bound) of the proposal.

Part III

OUTLINE OF REQUEST FOR PROPOSAL

Prospective Respondent's interested in providing construction services shall submit a RFP that addresses the following evaluation criteria. The RFP shall be concise and fully self-contained; shall display clearly and accurately the capability, knowledge, experience and capacity of the Prospective Respondent to meet the requirements of this RFP; and must address the following specific criteria in the order and format indicated.

A. LETTER OF INTEREST:

Provide a Letter of Interest on the Prospective Respondent's company letterhead identifying the Prime Proposer and their subcontractors. Briefly summarize the Team's background and any distinguishing qualities or capabilities that uniquely qualify the Team for this project. This letter is to be signed by the president, executive director or owner of the company/organization with authority

to bind the Prospective Respondent contractually. In addition, Respondent should acknowledge receipt and review of the addendum(s).

B. QUALIFICATIONS AND CAPABILITY:

- a. Provide a graphic organizational structure chart, clearly describing who the Prime Contractor and individuals are, as well as the roles and responsible individuals of proposed subcontractors if any. Clarify who has decision-making authority.
 - Please reference Special Contract Requirement Clause NN-236-1, Performance of Work by the Contractor in Exhibit C of Contract Book, as to the percent of the total dollar amount of work to be performed by the Prime Contractor under the contract.
- b. Describe how your management structure will facilitate completion of all construction work. Identify how this will result in an integrated and cohesive team for managing the project. Describe your commitment to ensure the work will be performed by the experienced personnel listed in this proposal.
- c. List the key individuals to be assigned to the project together with the job descriptions, qualifications, certifications, experience and length of time with company. Provide supporting resumes and one reference for each position listed below:
 - Project Manager
 - Construction Manager / Superintendent
 - Quality Control Supervisor
 - Key Sub-contractors used for construction services. Key Subcontractors can be defined as ones completing any major work categories (aggregate stabilization, traffic control, etc.) or total costs for their services add up to at least 5% of the total bid amount.
- d. Describe specifically the procedures the Prime Proposer and each of the Team members will employ to ensure that the project and the Owner are thoroughly supported from the earliest planning stages of construction through the completion of the warranty period. Describe the current workload and availability of staff to handle the project, for the Prime Proposer and each of the Team members.
- e. Document that each individual and/or firm that is proposing to perform material testing, general contracting and construction, and sub-contracting services, is properly licensed or registered to perform such services in the State of New Mexico. Material testing consultants must be sufficiently covered by Professional Liability Insurance and contractors must be fully bonded and insured. Provide proof of your company's Certificate of Insurance and other insurances related to this project.
- f. Provide information regarding the financial capability of the Proposed Responder to successfully undertake projects of this type. Provide statements from bonding agencies and insurance carriers. The following bonds are required for the project:
 - Bid Bond/Guarantee. Contractor shall provide to the Navajo Nation a Bid Bond/Guarantee as required by Special Contract Requirement Clause NN-228-1

Bid Guarantee. The amount of the bid guarantee shall be ten (10) percent of the bid price per 12 N.N.C. §341 Bid Security.

- Performance Bond. The successful Contractor shall provide to the Navajo Nation a Performance Bond as required in Article 11.1 of the Navajo Nation Supplemental General Conditions, Exhibit B of Contract Book, as attached under the EJCDC Construction Contract Documents. For the Proposal, provide affidavit from surety indicating Contractor's ability to provide said bond.
 - Payment Bond. The successful Contractor shall provide to the Navajo Nation a Payment Bond as required in Article 11.2 of the Navajo Nation Supplemental General Conditions, Exhibit B, as attached under the EJCDC Construction Contract Documents. For the Proposal, provide affidavit from surety indicating Contractor's ability to provide said bond.
 - Lesser Bond amounts. Contractor shall refer to Article 11.3 of the Navajo Nation Supplemental General Conditions, Exhibit B of Contract Book, as attached under the EJCDC Construction Contract Documents for requirements regarding Lesser Bond amounts.
 - Bonding documentation required. The Navajo Nation's Representative must receive written documentation of all required bonds prior to the issuance of a Notice to Proceed for the Project, and Contractor shall not commence any work or services under this Contract until such documentation is received by the Navajo Nation.
- g. Prime Contractor shall submit a Subcontracting Plan that complies with the Navajo Nation Business Opportunity Act listing the following:
- Subcontractors and suppliers to be used by the Prime Contractor;
 - Procedures used in selecting subcontractors and suppliers; and
 - Subcontracts or lease agreements for equipment to be used in performance of the contract.
 - For further information on the Navajo Business Opportunity Act is available at: <http://www.navajobusiness.com/pdf/DngBus/BusRegultry/Opportunity%20Act.pdf>
 - For further information on the Source List- Certified Navajo Businesses is available at: http://navajobusiness.com/pdf/SourceList/Source_List.pdf

C. EXPERIENCE WITH SIMILAR WORK:

Prospective Respondent shall demonstrate experience and quality of service rendered on road construction projects with similar scope, size and characteristics, especially if completed on the Navajo Nation, other Indian Reservations and rural communities. List and describe in detail at least two (2) completed projects which establish the Prospective Respondent and Team members' experience with relevant transportation projects of similar size and scope completed in the last ten years. Provide the following information for each completed project:

- Project Name and Location
- Project Owner's Name and Address; Contact Name, Email Address, and Telephone Number
- Project Scope of Work Performed
- Original Contract Award / Final Contract Award

- Project Begin Date / Original Project End Date / Final Project End Date
- Number of Contract Modification(s), descriptions, and disposition.

Navajo DOT may contact references for performance appraisal of Prospective Respondent. Failure to provide examples of related projects may result in disqualification or considered as “non-responsive.”

D. PROJECT UNDERSTANDING AND APPROACH:

Describe your understanding of the project and approach for delivering construction services for the project. Discuss the major issues your team has identified on this project and your proposed approach to address these issues.

The Owner seeks the best solutions to accelerate construction and deliver the project under budget while enhancing value and quality. Describe in detail the proposed innovations your team recommends.

Construction Management – Describe your approach to deliver this project including the following sub-factors:

- Costs – Describe your cost modeling process for the overall project including your strategy relating to a “no change order” philosophy to eliminate cost growth during construction.
- Schedule – Provide a proposed construction schedule/work plan using a Gantt chart, or other methods, to demonstrate when each major task or phase of construction will be completed for this project.

Equipment - Provide a list of equipment needed to complete the project.

Describe your familiarity of constructing projects on the Navajo Nation. Emphasis is placed on the Respondent’s ability to demonstrate sensitivity to Navajo cultural values, and the ability to work with the Navajo Nation government and its constituents at the local Chapter.

E. LITIGATIONS, JUDGMENTS & SURETY COMPANY CLAIMS:

Have any members of the Team been involved in any litigation with a project owner, municipality or other public agency in the last ten (10) years? If so, explain the circumstances, resolution, and current status.

Have primary members of the Team (i.e. Prime Respondent, Engineer, or Contractor) been involved in any construction-related litigation with any project owners in the last ten (10) years? If so, explain the circumstances, resolution, and current status.

Has a surety company finished a project of or paid a claim relative to any constructor identified in the RFP within the last ten (10) years? If so, explain the circumstances, resolution, and current status.

F. CERTIFIED NAVAJO BUSINESS:

Provide proof that business is currently certified by the Navajo Nation - Business Regulatory Department and prioritized under Navajo Nation Council Resolution CAP-37-02 and also under the Section 204 (A) (1) and (2) of the revised Navajo Nation Business Opportunity Act.

G. BID SCHEDULE / PROPOSAL COST:

In **a separate sealed envelope clearly marked** as “BID SCHEDULE – RFP #18-09-1924VJ N7054(1) Maintenance Project”, and with Respondent’s information. The sealed envelope should be included in the overall proposal envelope, but will not be opened by the Review Team until after the proposals have been reviewed and ranked.

End of RFP.

Attachments

- 1) Bid Schedule
- 2) Addendum Acknowledgement

Other Documents

- 1) Contract Book – The Contract Book can be obtained from the Navajo Division of Transportation website below during the Request for Proposal process.

<http://www.navajodot.org/RFP.aspx>



**BID SCHEDULE
NAVAJO NATION DIVISION OF TRANSPORTATION**

PROJECT: N7054(1) Maintenance Project

Date: September 11, 2018

LENGTH: 2.8 miles

ITEM	DESCRIPTION	Quantity	Units	Unit Bid Price	Total Price
15101-0000	Mobilization	All Required	Lump Sum	\$	\$
15301-0000	Contractor Quality Control	All Required	Lump Sum	\$	\$
20304-1000	Removal of Structures and Obstructions	All Required	Lump Sum	\$	\$
30101-2000	Aggregate Base, Grading D	3,800	t	\$	\$
30110-0000	Aggregate Surface Course	1,830	t	\$	\$
30301-6000	Roadway Reconditioning	2.80	Mile	\$	\$
31103-2000	Stabilized Aggregate Surface Course, In-Place Aggregate	220	t	\$	\$
60704-0000	Cleaning Culverts in Place	13	Each	\$	\$
63304-0100	Signs, Steel Panels, Type 3 Sheeting	20	sq ft	\$	\$
63305-0400	Posts steel, 50mm x 50 mm	60	In ft	\$	\$
63309-0700	Delineators, Type A	13	Each	\$	\$
63501-0000	Temporary Traffic Control	All Required	Lump Sum	\$	\$
Subtotal:				\$	
Navajo Nation Tax (6%):				\$	
Total Bid Price:				\$	

The quantities listed for each item is estimated and the Unit Price is applicable to each as given in the Bid Schedule above. The final pay quantity measurements shall be rounded to the significant figures given in this bid schedule for the final pay estimate. Payment for work performed on Items furnished will be made in accordance with Sub-Section 109.05, Scope of Payment of FP-14. **The Unit Bid Price must include all overhead, profit, and bonding.**

Addendum Acknowledgement

Addendum:

In submitting this Bid, Respondent represents that: *Respondent has examined and carefully studied the RFP and attachments, and any data and reference items identified in the RFP documents, and hereby acknowledges receipt of the following Addenda:*

Addendum No:

Addendum Date:

Respondent's Acknowledgement Signature:

Name and Title

Company Name

Signature