

**ADDENDUM #1 for
Bid Number: 23-08-3104LE
Navajo Division of Transportation Project**

N546 & N547 – Shiprock, NM: Clearing & Grubbing for approximately 4.3 miles.

Addendum#1 is issued to extend the proposal submission date from September 5, 2023, at 2:00pm, to **October 10, 2023**, by no later than 2:00pm, Window Rock, AZ, time.

In addition, here is the new Mandatory Pre-Bid Meeting time and questions posed by firms inquiring about this RFP.

MANDATORY PRE-BID MEETING TIME: October 3, 2023, at 11:30am, MST.

Some Firms have stated that they were at the Pre-bid meeting and no one from the Owner's team was present. On Page 2 of the RFP, the following is stated: "Note: If a firm download's from the websites given above or gets a copy of the RFP from another source other than from Mr. Jackson, please contact Mr. Jackson by email so that if an addendum(s) or questions are issued/answered, your firm will receive the information." If attention was given to this statement, the Owner's Rep would have notified the Firm of the Pre-bid meeting cancellation.

1. Q. Contractor providing its own water – What are the sources available? Can we pay to place a jumper on a hydrant to fill our water truck and pay based on the meter reading? Ans. *To acquire water for the project, contact: Melvin Badonie, Navajo Nation Water Code Compliance Officer, badoniem@yahoo.com, or 505-368-1426. He will also answer any questions on hydrants and the location of water source(s).*
2. What are the work hours? Can we work on weekends? *Work hours are at sunlight and 30 minutes prior to sunset. Working weekends will be determined at the Pre-bid meeting by Michele Peterson.*
3. What type of traffic control are you expecting? In looking at the Google Earth view, these are dirt roads that service a handful of houses. We don't want to include a full flagger crew with pilot cars in the bid if it is not necessary. The RFP says to always leave one lane open ... is the road wide enough to do so? Ans. *A full flagger crew with pilot cars is not required. At times parts of the roads will require closure; when closure is required, coordinate with Michele Peterson, Shiprock Chapter Manager, when full closure is required. Her contact info for now is: mpeterson@nnchapters.org*
4. Does this work require a P&P bond? Ans. *Yes, a Performance & Payment bond is required when the work begins. Page 4 of the RFP, statement #15 & 16, state the insurance requirements for this project.*
5. The RFP states the commencement is February or March next year. Is this a hard start date, or can we mobilize immediately? What is the presumed end of contract date? Ans. *Yes, February or March of next year is a hard date. The presumed end of the contract date will be reflected on the Firm's project schedule, for example a GANTT chart. Note: the proposal(s) points will include the time a Firm requires to complete the project.*
6. Do you have a preferred progression of work? For example, start N547 prior to N546? Ans. *The progression of work, N546 or N547, is up to the Contractor.*

7. How is firewood to be stockpiled for community use? Stack where dropped or collect and move to a designated area? Ans. *Michele Peterson will answer these questions at the Pre-Bid meeting. She is also the contact person during this project activity.*
8. Where is the designated area for chipping and hauling of tree limbs per the RFP? Are we leaving chips onsite or haul out/dispose of off-site? Ans. *Off site. The haul site is no further than 1.5 miles from the project site's furthest northwest location. A map will be provided by Michele Peterson at the Pre-bid meeting.*
9. What "materials" are you requiring submittals for? Only material that we can see using is the stump killer that's applied after grinding and tree wound dressing. Ans. *Yes, the only submittal is the stump killer.*
10. What type of "rejected material" would there be that we would then have to dispose of off-site in an approved recycling facility, per the RFP? Ans. *Only materials are vegetation to the designated area and all trash to the local transfer station.*
11. How is the final sign-off obtained and by whom? Ans. *Final sign-off will be done by Shiprock Chapter Manager, Michele Peterson.*
12. In the RFP it is called out to grind stumps but in the FP-14 regulations it says that stumps 24" and under should be removed. Which are we doing? If we are removing the stumps, FP-14 also says to backfill the holes created. Is there backfill material anywhere onsite or will we have to truck it in? Ans. *Stumps will be grinded.*
13. What type of SWPPP & BMP is required? In the RFP it references the requirements in FP-14 but there are no requirements listed in FP-14. Ans. *SWPPP & BMP is not required.*

In ADDENDUM #1 to the RFP, all corrections to the RFP are in **RED FONT**.

All other RFP requirements remain in force.

 9/18/23

Don Jackson, Civil Engineer
Navajo DOT, Dept of Roads
Email: djackson@navajodot.org

Request for Proposals
Bid Number: 23-08-3104LE

The Navajo Nation Office of the Controller - Purchasing Department, and Navajo Division of Transportation - Department of Roads, are accepting qualifications and sealed bids for routes N546 & N547 - Shiprock: Clearing & Grubbing for approximately 4.3 miles.

Contacts for a bid packet are L. Etsitty, Navajo Nation Purchasing Department, www.nnooc.org, (928)871-6317; or, D. Jackson, Navajo DOT, Department of Roads, djackson@navajodot.org, (505)371-8350.

The closing date for this project is ~~September 5~~, **October 10**, 2023, at 2:00pm, Window Rock, AZ, time. Any Proposals received after the closing date will be considered non-responsive and returned to the sender. No facsimile or emailed RFPs will be accepted.

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Section 1 - Overview

1. Request for Proposal (RFP) Packet – The instructions on the proposal preparation, required documents, eligibility requirements, and evaluation criteria are provided herein.

The RFP package may be obtained from the Navajo Division of Transportation website, beginning August 10 - <http://www.navajodot.org/RFP.aspx>. The Proposal Packet can also be obtained from the Navajo Nation Purchasing Department, www.nnooc.org, or, D. Jackson, Navajo DOT, djackson@navajodot.org, (505)371-8350.

Note: If a firm download's from the websites given above or gets a copy of the RFP from another source other than from Mr. Jackson, please contact Mr. Jackson by email so that if an addendum(s) or questions are issued/answered, your firm will receive the information.

2. This maintenance project includes the following challenges:

- There is no bid item for water; the contractor is expected to incorporate this cost into the maintenance activities requiring water.

General Scope of Work (SOW) – Clearing & Grubbing for approximately 4.3 miles. The Navajo Nation is the lead agency for this project.

Note: The Contractor selected for this project is tentatively not expected to start maintenance activities until March or April of 2023. No change order(s), regardless of the NTP date, will be entertained for price increases to complete this maintenance project. The Contractor's initial bid amount is what the Owner shall consider FIRM and non-negotiable.

3. Schedule of Activities: Note, all times are Window Rock, AZ, 2023, times.

<u>Activities:</u>	<u>Due Date:</u>
i. Advertised Period	Aug 10 thru Sept 5.
ii. Mandatory pre-bid meeting at project site.	August 25, 11:30am.
iii. Deadline to Submit RFP Questions	August 31 October 5 , by 12:00pm.
iv. Final Response to Written RFP Questions	September 4 October 6 by 12:00pm.
v. RFP Submittal Deadline	September 5 October 10 by 2:00pm.
vi. Evaluation of proposals	Week of September 11 October 16
vii. Final Selection of Firm	Week of September 11 October 16 .

4. Inquiries – Questions regarding this RFP must be submitted by email to the Project Contact listed below. Written responses to written questions and any RFP amendments will be distributed by email to all parties who obtained an RFP package and have notified L. Etsitty, NN Purchasing Department, or D. Jackson, Navajo DOT. No further questions, in any form, will be answered after the ~~August 31~~ **October 5** deadline. Project Contact: D. Jackson, Engineer, Navajo Division of Transportation, Telephone: (505) 371-8350, and Email: djackson@navajodot.org.

5. Proposal Submittal Deadline – Proposals must be physically submitted to the following address by ~~September 5~~ **October 10**, no later than 2:00 PM (local Window Rock, AZ time).

Navajo Division of Transportation
Attention: Don Jackson
Navajo Transportation Complex
#16 Old Coal Mine Road
Mentmore, NM 87319

Late, facsimiled or e-mailed proposals will not be accepted. These will be returned to the firm un-rated and firms responding in such mode shall be considered non-responsive.

6. Addendum to the RFP – In the event it becomes necessary to revise any part of the RFP, Navajo DOT shall issue a written addendum on the specifics of the change and inform all concerned. **Addendums will also be made available for download from the Navajo DOT website (www.navajodot.org).** The addendum(s) does not need to be included as part of the RFP document. However, the consulting firm should acknowledge receipt and review of the addendum(s) under the Letter of Interest.

7. Rejections of Proposals – The Navajo DOT reserves the right to reject any or all proposals and to waive informalities in the proposals received whenever such a rejection or waiver is in the best interest of the Navajo nation.

8. Proprietary Information – Any restrictions on the use of data contained within any proposals must be clearly stated in the proposal. Each page that contains proprietary information must be stamped or imprinted “Proprietary”.

9. Ownership of Proposals – All materials submitted with the RFP accepted for rating shall become the property of Navajo DOT and not returned to the firm. The Navajo DOT has the right to use any or all information presented in the RFP subject to limitations outlined in Paragraph 8, above. Disqualifications or non-selection of a firm or proposal does not eliminate this right.

10. Cost Incurred – The Navajo DOT is not liable for any cost incurred by the firm prior to the issuance of a signed contract for services.

11. Contractual Obligation – The contents of the proposal may become part of the contractual obligations of the contract award. Failure of the firm to accept these obligations may result in cancellation of the award for services.

12. Evaluation Criteria – Proposals accepted for rating shall be evaluated based on the criteria and point system set forth in Part 12(a) that follows.

Part 12(a) – Rating System on Evaluation Criteria

Each proposal will be evaluated and rated as follows. Descriptions of the components are provided in Section 3 – Proposal Content and Evaluation Criteria

1. Overall professionalism and conciseness of proposal.....	15 points
2. Qualifications & Experience, of firm & project team.....	30 Points
3. Approach to Scope of Work, including FP-14 Specifications, and to include Project Understanding & Project Scheduling.	40 Points
4. Listing of Equipment for SOW; and Product Certifications as Stated in Specifications.	15 Points

Total Points	100 Points
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A Short List of qualified candidates will be determined from the 100 points. To get to the Short List, the firms must receive a minimum of 80 points.

It is the intent of Navajo DOT to rank the firms according to the responses submitted. The Navajo DOT reserves the right to conduct detailed interviews in person, of qualified/responsive firms, if warranted.

13. Standard Contract – The Navajo Nation reserves the right to incorporate contract provisions which are based on applicable requirements, such as, Navajo Nation Laws, State, and local requirements, etc. into the contract documents. This includes provisions of the Navajo Business and Procurement Act, at 12 N. N. C. § 1501 et Seq., and the Navajo Business Opportunity Act, at 5 N. N. C. § 201 et Seq.

14. Taxes – All work performed, and services provided 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.).

15. Insurance – The Navajo Nation will require the successful firm, at its sole expense, to procure and maintain adequate and sufficient insurance for all potential liability, such as, commercial general liability, automobile liability, worker’s compensation, performance & payment bonds, etc. The general contractor shall provide all bonds and insurance prior to the Notice to Proceed with Construction. For the Proposal, provide affidavit from surety indicating Contractor’s ability to provide said bonds.

16. 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.

17. Disclaimer – The Navajo Nation’s acceptance or review of any proposal shall not guarantee the execution of any contract, and the proposed contract shall be reviewed by all appropriate departments through the 2 N. N. C. § 164 review process, including the Navajo Nation Department of Justice, for administrative and legal sufficiency, prior to execution by the Navajo Nation. The Navajo Nation reserves the right to reject any proposed contract prior to execution, for improprieties in the procurement process or applicable Navajo Nation or federal laws or regulations, or the failure to submit all requested documents or information.

Section 2 – Proposal Requirements and Selection

1. Proposal Submission

A. Proposal must be submitted in a sealed envelope clearly marked:

a. **“DO NOT OPEN – Proposal for Bid #23-08-3104LE, N546 & N547 - Shiprock:**
Clearing & Grubbing for approximately 4.3 miles.

b. The name of the firm submitting the proposal shall be legibly written and shown on the outside of the sealed envelope, to include the firms address.

B. Proposal Standards: The firm shall submit one (1) original and three (3) identical copies of their Proposal packet for the evaluation committee members. Appearance of proposal is important and professionalism in proposal presentation should not be neglected. The proposal standards are as follows:

a. This RFP proposal may not exceed 15 single-sided pages (maximum 8 ½” x 11”) with a minimum of 10 pt. type.

- b. Pages that have photos, charts, and graphs will be counted towards the maximum number of pages.
 - c. The following information is not included in the 15-page limit: proposal front and back cover; cover letter on company letterhead; divider and/or tabs, as long as there is nothing on them; and maximum 1-page resumes of each team member.
 - d. RFP submittals should be plastic or metal spiral-bound only. **Please do not submit RFP in loose-leaf 3-ring binders; these will be considered non-responsive and returned to the firm un-rated.**
 - e. Submissions exceeding the 15-page limit or any resumes exceeding the 1-page limit will be considered non-responsive and will be returned to the Applicant unrated.
- C. In a separate sealed envelope clearly marked as “**BID PROPOSAL – N546 & N547 - Shiprock; Bid #23-08-3104LE**”, the firm shall provide its bid amount to complete the Scope of Work. The sealed envelope will not be opened by the Navajo DOT until after the RFP proposals have been reviewed and ranked.
2. Proposal Review Process, Receipt of proposals, will be verified on the due date specified. The Navajo DOT will screen and evaluate proposals received in accordance with the following criteria. Proposals which fail this check will be considered non-responsive and returned to the firm un-rated.
- a. Proposal is received by the required deadline date and time.
 - b. Proposal meets the proposal submission requirement set forth above, under Section 2, Part 1, (A), (B), & (C).
3. Proposal Evaluation
- a. Proposal shall be evaluated and rated in accordance with the criteria outlined in Part 12(a) - Rating System on Evaluation Criteria.
 - b. The Navajo DOT will rate the proposal based on total points awarded and all firms with a minimum score of 80 out of 100 points will be determined as responsive. The Navajo DOT reserves the right to interview these qualified firms.
4. Award of Contract
- a. The Navajo DOT will issue a Notice to Proceed to the firm upon execution of the contract. No work shall be performed by the firm until such notice is given by Navajo DOT. The Navajo DOT is not liable for any cost incurred by the firm prior to issuance of a signed contract award, for “Clearing & Grubbing for approximately 4.3 miles.”

Section 3 – Proposal Content and Evaluation Criteria

1. Qualifications and Experience of firm and project team. Proposals must specifically address and affirm the following:
- a. Letter of Interest that indicates why your firm should be selected for project N546 & N547 - Shiprock. In addition, the firm should acknowledge receipt and review of any addendum(s) issued. State that firm is capable of performing all or most aspects of the project.
 - b. Evidence of insurance and statement from bonding company that all bonds will be completed prior to Notice to Proceed with Construction.

- c. Resume of personnel that will be involved in the task of completing projects, including professional qualifications and experiences of key personnel. Include personnel of sub-consultants which will be utilized by the prime consultant.
 - d. Provide key personnel's availability for the proposed work, and roles and responsibilities. Include their knowledge of the Navajo Nation, and FP-14 Specifications with respect to Clearing & Grubbing. Project length is approximately 4.3 miles.
 - e. Organizational Chart outlining the inter-relationship and line of communication between the firm and sub-consultants.
 - f. Recent experiences in providing services comparable to the proposed SOW as listed in Section 4. Interested firms shall provide three (3) references from similar projects within the last five (5) years. List the reference's contact person's name, address, and phone number.
3. Approach to Scope of Work with respect to FP -14 Specifications.
 - a. Approach to Scope of Work - Describe your understanding of the project and approach to delivering the project SOW with respect to FP -14 Specifications, in addition to the work described in Section 4.
 - b. Include how your firm will schedule the work. Include a graphical illustration i.e., a Project Schedule such as a GANTT Chart.
 4. List of Equipment for SOW and Product Certifications, as Stated in Specifications.
 - a. List equipment to complete the Scope of Work and list Product Certifications, including meeting requirements as stated in FP-14 Specifications.

Section 4 – SCOPE OF WORK for Project N546 & N547 - Shiprock, NM: Clearing & Grubbing. Project length is approximately 4.3 miles. While only the FP-14 Specifications for the Bid Items are attached to this RFP, the entire '*Standard Specifications for Construction of Roads and Bridges on Federal Highway Projects FP-14*', applies to this project. Contractor is advised to read attached specifications which reference other specifications within FP-14.

This maintenance project includes the following challenges:

- *Note: The Contractor selected for this project is not expected to start maintenance activities until late February or March of 2023. No change order(s), regardless of the NTP date, will be entertained for price increases to complete this maintenance project. The Contractor's initial bid amount is what the Owner shall consider FIRM and non-negotiable.*
- There is no bid item for water; the contractor is expected to incorporate this cost into the maintenance activities requiring water.

FP-14 can be downloaded from the following website: <https://flh.fhwa.dot.gov/resources/specs/fp-14/fp14.pdf>.

When construction begins, coordination with Navajo DOT shall be through the Construction Manager (CM), Don Jackson (505-371-8350), djackson@navajodot.org.

Scope of Work:

1. BOPs & EOPs: Refer to attached Strip Map.
2. Water is not a bid item. The Contractor selected for this project shall include the cost of water to perform all maintenance activities to specifications in the appropriate bid item. This includes dust abatement.
3. Section 107 - LEGAL RELATIONS AND RESPONSIBILITY TO THE PUBLIC: Follow the requirements of FAR Clause 52.236-7 Permits and Responsibilities. Comply with applicable laws, ordinances, safety codes, regulations, orders, and decrees. Protect and indemnify the Government and its representatives against claim or liability arising from or based on the alleged violation of the same. Comply with permits and agreements obtained by the Government for performing the work that is included in the contract. Obtain additional permits or agreements and modifications to Government obtained permits or agreements that are required by the Contractor's methods of operation. Submit copies of permits and agreements.
4. There is a **Mandatory Pre-Bid Meeting** at the project site on August 25, 11:30am. The meeting will begin at the N546 BOP (36.795148, -108.725587). Coordinates given herewith are also shown on the attached Strip Map.
5. Mobilization - Section 151: This work consists of moving personnel, equipment, material, and incidentals to the project and performing work necessary before beginning work at the project site. This work also includes obtaining permits, insurance, and bonds.
6. Section 155 - SCHEDULES FOR CONSTRUCTION CONTRACTS. Submit construction schedule per Section 155.
 - a. Only Project Schedule required, such as a GANTT Chart.
 - b. Critical Path Method construction schedules are not allowed.
7. Section 156 – PUBLIC TRAFFIC. Controlling and protecting public traffic and dust abatement (for the work and public travel) is not a pay item.
8. Section 201. —CLEARING AND GRUBBING: This work consists of clearing and grubbing within the clearing limits ~~designated in the plans~~. Instead of plans, there will be a mandatory Pre-Bid Site visit to the project site for showing of the clearing limits.
 - a. Clearing of vegetation
 - i. Includes up to fence line on either side of the road
 - ii. Firewood to be stockpiled for community use
 - iii. Chipping and hauling of limbs to designated area
 - b. Tillage of soils
 - i. Includes stump grinding
 - ii. Includes vertical tillage of all vegetative matter
 - c. Stump Cut treatment to prevent regrowth
 - d. Selected Contractor to coordinate the leaving of salvaged firewood for tribal members with Shiprock Chapter Manager.
9. Section 635 - TEMPORARY TRAFFIC CONTROL: In addition to following Section 635, Contractor is to abide by the following.
 - a. At least one lane will always remain opened, and motorists will always have access.
 - b. The Traffic Control Plan (TCP) will be submitted to the Construction Manager for approval 10 business days prior to any work on N546 & N547. Any changes

to TCP during construction will require Contractor to submit updated plan to CM 5-days minimum for approval.

10. Submittals - In addition to submittals for Bid Items, other submittals required are the following: All submittals are considered incorporated into parts of appropriate Bid Items.
 - a. Certifications for materials, per FP-14 specifications.¹
 - b. Safety & Health Plan per FP-14 specifications.¹
 - c. Contact list of any subcontractors and key personnel.
 - d. ~~SWPPP & BMPs, per FP-14 specifications.¹~~
 - e. Project Schedule such as GANTT Chart. Note: Project Schedule is required for Proposal.
11. Water: There will be no separate bid item for water and the water permit. The cost for providing water shall be included in the respective bid items for the work to be performed.
12. The vendor will have to dispose of any rejected material at his own expense off the Government property in approved recycling facilities.
13. Explain approach for other activities required for acceptable Scope of Work and compliance with specifications.
14. State how project communication is intended to keep all parties involved in the project.
15. Materials Delivery Contractor shall follow their Temporary Traffic Control and Safety Plan throughout the construction of the project, as well as General Contractor's Temporary Traffic Control Plan.
16. Staging area is a Mobilization item.

CERTIFIED NAVAJO BUSINESS: If applicable, provide documentation that the 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.

If selected for this project, submit to Navajo DOT the following:

- **PROOF OF CERTIFICATE OF INSURANCE:** Provide proof of Certificate of Insurance.
- Taxpayer Identification: Form W-9.
- Affidavit of Non-Collusion.

Quality Assurance:

Navajo DOT will provide quality assurance to ensure that work is being performed in accordance with the Scope of Work and project specifications.

Final inspection will include Navajo DOT for acceptance of scope of work.

Compliance:

Comply with conditions stated in all compliance reports, cultural & biological. If a cultural site is discovered, immediately notify NDOT Roads Dept. Note: Navajo DOT will give copies of archeological & environmental reports to the selected Contractor.