

Navajo Division  
of  
Transportation



Request for Proposals  
**REBID Number: 24-09-3463SB**  
Heavy Equipment Purchase

16 Old Coalmine Road  
Mentmore, New Mexico 87319  
(505)371-8301

# Navajo Division of Transportation Request for Proposals Equipment Purchase

## INTRODUCTION

The Navajo Division of Transportation (Navajo DOT) is interested in receiving proposals for the following equipment:

- One (1) 2024/2025 Kubota M6S-111SHDC
- One (1) Land Pride RCP2760
- One (1) Kubota LA1944 Front End Loader

Navajo DOT is not necessarily interested in obtaining the lowest price. The quality of the product, performance, delivery, maintenance, service, and other factors will be taken into consideration in the evaluation of this Request for Proposals (RFP).

Bid Packets/Bid Specifications will be available **October 10, 2024**, and available for download at [www.navajodot.org](http://www.navajodot.org) or [www.nnooc.org](http://www.nnooc.org).

Sealed proposals will be received by the Navajo DOT, until **October 24, 2024**, at 3:00 P.M. local prevailing time:

Kyron Hardy, *Acting Program Manager*  
Navajo Division of Transportation  
Navajo Transportation Complex  
16 Coalmine Road  
Mentmore, New Mexico 87319

The supplier is to supply all necessary equipment, freight, and manuals as described in this RFP.

## **Intent Summary**

The Navajo Nation encompasses the states of Arizona, New Mexico, and Utah where the Navajo DOT's Department of Airports Management is instrumental in the maintenance of several airports for emergency, medical, private, and governmental use. With the number of projects to complete, there is a lack of equipment to accomplish maintenance tasks for the five (5) airports on the Navajo Nation. To complete this objective, the Navajo DOT must make a purchase of equipment specified in this RFP. Cost information must include all expected costs.

## **Preliminary Calendar\***

- 1. RFP issued by Navajo DOT – October 10, 2024**
- 2. RFP Closing Date – October 24, 2024, 3:00 P.M. local prevailing time**
- 3. Proposed Bid Opening – October 31, 2024**

*\*Navajo DOT reserves the right to change or modify any or all the dates and times specified above, with due notice posted on the website at [www.navajodot.org](http://www.navajodot.org).*

## **RFP Coordinator**

Upon release of this RFP, all vendor communications concerning this acquisition must be directed to the RFP Coordinator listed below:

Kyron Hardy, *Acting Program Manager*  
Navajo Division of Transportation  
[khardy@navajodot.org](mailto:khardy@navajodot.org)

Unauthorized contact regarding this RFP with other Navajo DOT employees may result in disqualification. Any oral communications will be considered unofficial and non-binding on the Navajo Nation. Vendors shall rely only on written statements issued by the RFP Coordinator.

## **Vendor Questions**

All questions must be submitted in writing via e-mail to the RFP Coordinator named above. Questions pertaining to this RFP must be received by the closing date as specified in the Preliminary Calendar.

## **GENERAL CONDITIONS**

### **Proposal Response Date and Location**

The Navajo DOT must receive the vendor's proposal, in its entirety, no later than 3:00 P.M. (MDT) in Window Rock, AZ on October 24, 2024. Proposals received after the deadline will not be considered. All proposals and accompanying documentation will become the property of the Navajo Division of Transportation and **will not be returned.**

Vendors assume the risk of the chosen method of dispatch. The Navajo DOT assumes no responsibility for delays caused by any delivery service. Postmarking by the due date will not substitute for the actual proposal receipt. Late proposals will not be accepted or considered, nor will additional time be granted to any vendor. Proposals may not be delivered by facsimile transmission, other telecommunication methods, or solely by electronic means.

### **Bid Certification**

Vendors must certify in writing that all proposal terms, including prices, will remain in effect for a minimum of sixty (60) days after the RFP Closing Date, that all proposed capabilities can be demonstrated by the vendor, and that the proposed equipment is currently marketed and sold.

### **Additional Features**

Vendors may propose additional features and must be specifically identified as "additional features" if in their judgement and experience, the additional features would add value beyond current costs and buyback value.

### **Equipment Brand and Type**

All equipment proposed through this RFP must be new 2024/2025 equipment.

### **Adjustments**

The Navajo DOT reserves the right to select and exclude any equipment for the actual acquisition regardless of the proposal submitted by the vendor. The vendor will be consulted on any such adjustments to determine the adjustment will not adversely impact the purchase of the equipment. Any change in selection or exclusion will be negotiated between the Navajo DOT and the selected vendor.

### **Third-Party Vendor**

The Navajo DOT will accept proposals which include third-party equipment only if the proposing vendor agrees to act as prime contractor and guarantor of warranties and performance for all proposed equipment. Vendors must disclose the use of any third-party vendor, indicate willingness to assume prime contractor responsibility, define limitations/extent of guarantee, and be authorized to sublicense such third-party equipment.

### **Multiple and Alternate Proposal Offers**

Vendors interested in submitting more than one proposal may do so, provided each proposal stand alone and independently comply with the instructions, conditions, and specifications of this RFP. Vendors submitting multiple proposals must submit each proposal separately and in their own discrete submittal packet. Submittals including multiple proposals within one packet may be rejected at the discretion of the Navajo DOT.

### **Waiver of Minor Administrative Irregularities**

The Navajo DOT reserves the right, at its sole discretion, to waive minor administrative irregularities contained in any proposal.

### **Single Response**

Receipt of fewer than three (3) RFP responses may, at the Navajo DOT's sole discretion, be deemed a failure of competition. In such instance, the Navajo DOT may elect to cancel or re-bid the RFP.

### **Proposal Rejection**

The Navajo DOT reserves the right at its sole discretion to reject any or all proposals at any time prior to award without penalty.

### **Withdrawal of Proposals**

Vendors may withdraw a proposal that has been submitted at any time up to the RFP Closing Date. To accomplish this, a written request signed by an authorized representative of the vendor must be submitted to the Navajo DOT RFP Coordinator. The vendor may submit another proposal at any time up to the RFP Closing Date.

### **Non-Endorsement**

As a result of the selection of a vendor to supply equipment to the Navajo DOT, the Navajo Nation is neither endorsing nor suggesting that the vendor's product is the best or only solution. The vendor agrees to make no reference to the Navajo DOT in any literature, promotional material, brochures, sales presentation, or the like without first providing a factual and exact copy of the literature, promotional material, brochures, sales presentation or the like and second, receiving express written consent of the Navajo Nation, which may be withheld at the Navajo Nation's discretion without cause.

### **Response Property of the Navajo Division of Transportation**

All materials submitted in response to this request become the property of the Navajo DOT. Selection or rejection of a response does not affect this status.

### **No Obligation to Buy**

The Navajo DOT reserves the right to refrain from contracting with any vendor. The release of this RFP does not compel the Navajo Nation to purchase.

### **Cost of Preparing Proposals**

The Navajo DOT is not liable for any costs incurred by vendors prior to the award, which may include but not be limited to preparation and presentation of proposals, response to questions, and demonstrations submitted in response to this RFP.

### **Compensation**

- A. Provide comprehensive details for the specified goods and services, including the Navajo Nation sales tax of 6%. Please note that the Navajo Nation will not cover any additional taxes related to this service purchase.
- B. If applicable, define the terms related to routine and non-routine tasks, as well as fixed and variable costs, and explain how these costs are assessed.
- C. For inquiries regarding the applicability of the tax, please reach out to the Office of the Navajo Tax Commission, Compliance Department at 928-871-6681.
- D. Payments from Navajo DOT for goods and services will be issued only after delivery and acceptance of these items by authorized representatives of the Navajo DOT. This includes ensuring the equipment meets specified standards and all relevant documentation such as invoices are received.
- E. All vendors are required to have a current Internal Revenue Service (IRS) W-9 Form filed with the Navajo Nation to facilitate payment.
- F. The total cost for all listed elements shall be presented as a single line item.

### **Number of Proposal Copies Required**

Vendors shall submit one (1) original proposal along with three (3) additional copies to the Navajo DOT.

### **Errors in Proposal**

The Navajo DOT will not be liable for any errors in vendor proposals. Vendors will not be allowed to alter proposal documents after the deadline for proposal submission.

The Navajo DOT reserves the right to make corrections or amendments due to errors identified in proposals by the Navajo DOT or the vendor. This type of correction or amendment will only be allowed for such errors as typing, transposition, or any other obvious error. Vendors are liable for all errors or omissions contained in their proposals. Errors identified after submittal may also result in disqualification at the sole discretion of the Navajo DOT.

After the bid opening and reading of the proposals, the Navajo DOT will verify bids for correctness of price per unit and the total price. If a discrepancy exists between the price per unit and the total price, the price per unit will control the bid total.

### **Incorporation of RFP and Proposal in Agreement**

This RFP, including all attachments and addenda, and all promises, warranties, commitments, and representations in the successful proposal shall be binding and shall become obligations of an agreement between the successful vendor and the Navajo DOT.

### **Indemnification**

In submitting a proposal, the vendor agrees to indemnify and hold the Navajo DOT harmless of all liability, risks, costs, claims, actions, suits, demands, losses, expenses, injuries, and damages of any kind arising directly or indirectly out of, or in connection, with the Navajo Nation's handling of the RFP process, including, but not limited to, the rejection of any or all proposals.

### **Addenda**

Vendors are responsible for checking the Navajo DOT or Navajo Nation Office of the Controller website for the issuance of any addenda prior to submitting a proposal.

- Navajo DOT – [www.navajodot.org](http://www.navajodot.org)
- Navajo Nation Office of the Controller – [www.nnooc.org](http://www.nnooc.org)

### **Delivery**

The proposal shall include freight charges:

- FOB – Navajo Nation Fleet Management, Indian Route 100, Window Rock, AZ 86515

### **Award and Execution**

The Navajo DOT will select the vendor that, in its sole discretion, is the most advantageous to the Navajo Nation. The Navajo DOT reserves the right to make an award without further discussion of the proposal submitted; there may be no best and final offer procedure. Therefore, the proposal should be initially submitted on the most favorable terms the vendor can offer. The specifications may be altered by the Navajo

DOT based on the vendor's proposal and an increase or reduction of services with the vendor may be negotiated before award and execution or purchase order issuance.

### **No Waiver of Sovereign Immunity**

The Navajo Nation is a sovereign government and any contract resulting from this RFP shall not waive the sovereign immunity of the Navajo Nation unless approved by two-thirds vote of the full membership of the Navajo Nation Council.

### **Proposal Opening**

All proposals must be submitted to the Navajo DOT no later than 3:00 P.M. local prevailing time on **October 24, 2024**, and must be clearly marked: **"EQUIPMENT PURCHASE"**. **This must be marked on the OUTSIDE of shipping envelope(s).**

At the appointed time of bid opening, a bid tabulation sheet shall be prepared containing the name of each vendor, a description sufficient to identify the item(s) offered and the bid cost per unit. The bid tabulation shall be signed by an authorized Navajo Nation Buyer and a representative from Business Regulatory to ensure bids are in accordance with the Navajo Nation Business Opportunity Act and Navajo Preference Act.

Only responsive proposals will be accepted for this RFP. The Navajo Nation reserves the right to waive any informalities or irregularities in the RFP or reject any or all bids; to be the sole judge of the suitability of the product offered and to award a contract or contracts for the furnishing of one or more items of the services it deems to be in the best interest of the Navajo Nation.

### **RFP Evaluation Process**

All proposals will be reviewed to determine compliance with the requirements as specified in the RFP. Proposals will be evaluated on how well the proposal meets the needs of the Navajo Nation, as described in the vendor's response to each requirement and the evaluation criteria identified in this RFP. It is important that the responses be clear and complete so that the evaluators can adequately understand all aspects of the proposal.

### **Evaluation Committee**

The Navajo DOT will evaluate each responsive proposal using an evaluation committee. This evaluation committee will consist of Navajo DOT employees. The evaluation committee shall make a final recommendation to Navajo DOT's Division Director for final approval.

### **Selection Process**

This evaluation committee will review each proposal and may contact the vendor's customer's references and may make site visits to evaluate the vendor's lot for equipment availability.

## **PROPOSAL REQUIREMENTS**

### **Number of Proposal Copies Required**

Vendors shall submit one (1) original proposal and three (3) copies to the Navajo DOT. In the original proposal, the vendor shall also submit one (1) sealed bid price.

### **Vendors Responsibility**

When determining whether a vendor's proposal is responsive, or when evaluating a proposal, the following factors may be considered, any one of which will suffice to determine whether a vendor is responsive, or the proposal is the most advantageous to the Navajo Nation:

- Freight cost, delivery timeline, quality of service and product support
- Reputation, experience, efficiency of staff and product/equipment knowledge
- Quality and performance of equipment
- Price, model, and brand for each equipment
- Maintenance and Life expectancy of equipment
- List of additional features and warranties
- Proposal certification
- Equipment availability
- Completed Navajo Nation Debarment, Suspension, and Contracting Eligibility Form
- Completed W-9

**ALL INCOMPLETE PROPOSALS WILL NOT BE CONSIDERED**

**NAVAJO NATION CERTIFICATION**  
**Regarding Debarment, Suspension, and**  
**Contracting Eligibility**

1. Applicant entity acknowledges that to the best of its knowledge that the Applicant entity, either in its present form or in any identifiable capacity, has not, in accordance with 12 N.N.C. § 361:
  - A. Been convicted of the commission of criminal offenses incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of any such contract or subcontract;
  - B. Been convicted of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or other offenses indicating a lack of business integrity or honesty, which currently, seriously, and directly affect responsibility as a Navajo Nation contractor;
  - C. Been convicted under antitrust statutes arising out of the submission of bids or proposals;
  - D. Violated contract provisions, including:
    - i. Deliberate failure, without good cause, to perform in accordance with the contract specifications or within the time limit provided in the contract,
    - ii. A recent record of failure to perform or of unsatisfactory performance with the terms of any contract, or
    - iii. Any other cause so serious and compelling as to affect responsibility as a Navajo Nation contractor, including debarment by another governmental entity.
2. Applicant acknowledges that if the Navajo Nation determines that the executed Certification provided herein is untrue or not wholly accurate, it shall be grounds for the Navajo Nation to terminate the contract and pursue other legal remedies, at the Navajo Nation's discretion.
3. Applicant certifies to the best of its knowledge that it is eligible to do business with the

Navajo Nation, in its present form or in any other identifiable capacity, pursuant to 12 N.N.C. § 1501 and 5 N.N.C. § 301. Applicant also acknowledges that per 12 N.N.C. § 1505, it will not be eligible to contract with the Navajo Nation if deemed ineligible by the appropriate department or entity of the Navajo Nation which receives the Applicant's request for consideration for a business opportunity.

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Applicant Name  
(print)

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Name of individual signing on Applicant's behalf

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Applicant Address

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Title of individual signing on Applicant's behalf

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Applicant Address

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Signature of individual signing on Applicant's behalf

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Applicant Address

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Date

# Request for Taxpayer Identification Number and Certification

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

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

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

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

**Part I Taxpayer Identification Number (TIN)**

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

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

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

**Part II Certification**

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and, generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

<b>Sign Here</b>	Signature of U.S. person	Date
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**General Instructions**

Section references are to the Internal Revenue Code unless otherwise noted.

**Future developments.** For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9).

**What's New**

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