

CONSTRUCTION BIDDING, PROCUREMENT FOR NN FISCAL RECOVERY FUNDED PROJECTS

Navajo Nation Fiscal Recovery Fund Expenditure

ALL FISCAL RECOVERY FUNDED PROJECTS ARE SUBJECT TO ALL NAVAJO NATION LAWS INCLUDING FOLLOWING PROCUREMENT LAWS

- ▶ NAVAJO NATION, TITLE 12 NNC NNC SEC. 301 to 371
- ▶ NAVAJO BUSINESS OPPORTUNITY ACT; TITLE 5 SEC. 201 TO 215: TITLE 2 SEC. 223

NAVAJO BUSINESS OPPORTUNITY ACT 5

NNC §201-216

- ▶ **ALL PROCUREMENT OVER \$50,000 MUST BE PUBLICLY ADVERTISED AND BIDDED, 5 NNC SEC. 203**

SOURCE LIST

- ▶ SOURCE LIST IS A LIST OF ALL CERTIFIED NAVAJO BUSINESSES AND OTHER INDIAN OWNED
- ▶ LIST PRODUCED BY DIVISION OF ECONOMIC DEVELOPMENT
- ▶ LIST IS PRODUCED IN ACCORDANCE WITH THE NAVAJO BUSINESS OPPORTUNITY ACT
- ▶ THE SOURCE LIST SHOWS THE PRIORITY #1 AND PRIORITY #2 BUSINESSES
- ▶ THE SOURCE LIST IS UPDATED EVERY MONTH

PRIORITY 1 OWNED BUSINESS

- ▶ **PRIORITY #1: 100% NAVAJO OWNED AND CONTROLLED BUSINESS ENTITY**
- ▶ **BUSINESS COULD BE LOCATED OUTSIDE THE NAVAJO NATION.**

PRIORITY 2 OWNED BUSINESS

- ▶ **PRIORITY #2: NAVAJO BUSINESS THAT ARE LESS THAN 100% OWNED AND CONTROLLED BUT HAS MAJORITY OF OWNERSHIP AND CONTROL**
- ▶ **PRIORITY #2: OTHER INDIANS THAT OWN AND CONTROL A MAJORITY OR ALL OF THE BUSINESS ACTIVITIES.**
- ▶ **PRIORITY #2: TRIBAL ENTERPRISES, EXCEPT NAVAJO ENGINEERING AND CONSTRUCTION AUTHORITY (NECA) IS PRIORITY 1**

CONSTRUCTION BID OPENING PROCESS

- ▶ **PRIORITY #1 OWNED BUSINESSES BIDS SHALL BE OPENED 1ST.**
- ▶ **IF PRIORITY #1 BIDDER IS BELOW THE MAXIMUM FEASIBLE COST THEN BID OPENING STOPS - (ALL BONDING AND INSURANCE SHOULD BE PROVIDED)**
- ▶ **IF PRIORITY #1 BIDDER IS ABOVE THE MAXIMUM FEASIBLE COST THEN PRIORITY #2 BIDS CAN BE OPENED.**
- ▶ **IF PRIORITY #2 BIDS ARE ABOVE THE MAXIMUM FEASIBLE COST THEN THE PROJECT HAS TO BE REBIDDED.**
- ▶ **NAVAJO NATION BUSINESS REGULATORY AND NAVAJO NATION PURCHASING DEPARTMENT MUST BE PRESENT FOR ALL BID OPENINGS TO ENSURE THE NAVAJO BUSINESS OPPORTUNITY ACT IS FOLLOWED.**

CONSTRUCTION BID OPENING PROCESS

(2)

- ▶ **NON PRIORITY OR NON-NAVAJO/INDIAN BUSINESS CAN BID ON NAVAJO NATION PROJECTS.**
- ▶ **CONTRACT LETTING ENTITY MUST UTILIZE NBOA BID OPENING PROCEDURES FIRST.**
- ▶ **IF NO QUALIFIED PRIORITY #1 OR PRIORITY #2 BIDDERS OR NO PRIORITY 1 /2 BIDS, THEN NON-NAVAJO/INDIAN BIDS CAN BE OPENED. IF NO QUALIFIED BIDS, THEN REBID.**

CONSTRUCTION CONTRACT CHANGES AND MODIFICATIONS

- ▶ ANY CHANGES, MODIFICATIONS AND EXTENSIONS TO AN ORIGINAL CONTRACT THAT RESULTS IN A CHANGE OF COST BY MORE THAN 20% SHALL BE REBIDDED.
- ▶ CHANGE ORDERS AND MODIFICATIONS UP TO 20% OF THE ORIGINAL CONTRACT PRICE IS ALLOWED
- ▶ ALL PROCUREMENTS LESS THAN \$50,000 DOES NOT REQUIRE PUBLIC ADVERTISEMENT, BUT CONTRACT LETTING ENTITY MUST UTILIZE SOURCE LISTING TO SOLICIT QUOTES/BIDS FROM PRIORITY 1 FIRMS.

CONSTRUCTION DEVELOPMENT PROCESS

- ▶ CHAPTER RESOLUTION, LAND SURVEY, GRAZING CONSENTS SIGNATURES
- ▶ ARCHAEOLOGY AND ENVIRONMENTAL ASSESSMENTS
- ▶ ARCHITECTURAL AND CIVIL DESIGNS
- ▶ OBTAIN PERMITS(WATER, SEWER, ELECTRIC, GAS, BUILDING)
- ▶ PROJECT ADVERTISED FOR BIDDING TO GENERAL CONTRACTORS