

BUSINESS REGULATORY DEPARTMENT
Division of Economic Development

NAVAJO BUSINESS OPPORTUNITY ACT

5 NNC § 201-215



NAVAJO BUSINESS OPPORTUNITY ACT

► Purpose:

1. Promote the economic self-sufficiency of the Navajo Nation by granting “first opportunity” and/or preference in contracting to Navajo and/or Indian owned and operated businesses.

2. Promote competitive bidding and contracting opportunities among Navajo businesses.

3. 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...issued by public and private entities within the Navajo Nation.

4. It is not the intent of this Act to require the Navajo Nation or any other public entities or private entities to contract with non-qualified Navajo or Indian owned businesses.

NAVAJO BUSINESS OPPORTUNITY ACT

- ▶ Applies to the Navajo Nation Government including:
 - ▶ 1. All Navajo Nation Enterprises (NECA, NAPI, NNSCI, etc.)
 - ▶ 2. All Navajo Nation Chapter (Certified or Non-Certified)
 - ▶ 3. Private businesses under contact with the Navajo Nation
 - ▶ 4. All procurement activities exceeding \$50,000

NAVAJO BUSINESS OPPORTUNITY ACT

- ▶ Does not apply to the assignment of:
 - ▶ 1. Business Site Leases
 - ▶ 2. Home Site Leases
 - ▶ 3. Office Space Leases
 - ▶ 4. Shopping Center Leases
 - ▶ 5. Mineral Leases
 - ▶ 6. Private individuals procuring goods & services for their own use or benefit.

NAVAJO BUSINESS OPPORTUNITY ACT

§204.A – Preference Priorities

- ▶ 1. Priority 1. Certification shall be granted to any 100% Navajo-owned & controlled business, having its principal place of business on or off the Navajo Nation.
- ▶ 2. Priority 2. Certification shall be granted to any 51% to 99% Navajo or 51% to 100% other Indian owned & controlled business or 100% Navajo Nation owned and controlled economic enterprises having its principal place of business on or off the Navajo Nation. (NAPI, NNHE, NACE, NNSCI, etc.)
- ▶ 3. Exception - Navajo Engineering & Construction Authority. Amendment to NBOA providing NECA Priority 1 status.

NAVAJO BUSINESS OPPORTUNITY ACT

§208 - Certification

- ▶ Application - Construction Contracting
- ▶ General Contractor:
 - ▶ State Issue Licenses
 - ▶ Any State
 - ▶ Navajo Recognizes All State Issued Licenses
- ▶ Special Trades:
 - ▶ HVAC, Electrical, Mechanical
 - ▶ Any State
 - ▶ State Issued Licenses

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§207 – Certification

- ▶ Application - Professional Services & Supplier
- ▶ Professional Services:
 - ▶ Architects, Engineers, Consultants
 - ▶ State Registered
 - ▶ Any State
 - ▶ Navajo Recognizes All State Issued Licenses
- ▶ -Suppliers:

NAVAJO BUSINESS OPPORTUNITY ACT

§208 - Certification

- ▶ Application - Documentation:
- ▶ Employer Identification Number (EIN)
- ▶ Social Security Number
- ▶ List of Past Projects
 - ▶ - Past 2 Years
 - ▶ - With Navajo Nation
- ▶ Duties & Responsibilities of Owner(s)
 - ▶ - Daily Business Operation
 - ▶ - Major Business Decisions
- ▶ Certificate of Indian Blood (CIB)
 - ▶ - Copy

NAVAJO BUSINESS OPPORTUNITY ACT

§208 – Certification

- ▶ Application – Documentation
- ▶ Procurement Items:
 - ▶ - Navajo Nation Veteran Affairs (If Applicable)
 - ▶ - Office of the Controller Accounts Receivable
 - ▶ Business Site
 - ▶ Credit Services
 - ▶ Loans with Navajo Nation
- Navajo Nation Tax Commission
 - Registered with NNTC
 - Required
 - In good standing with NNTC

NAVAJO BUSINESS OPPORTUNITY ACT

§208 – Certification

- ▶ Application - Documentation
- ▶ Procurement Items:
 - ▶ - Navajo Nation Veteran Affairs (If Applicable)
 - ▶ - Office of the Controller Accounts Receivable
 - ▶ Business Site
 - ▶ Credit Services
 - ▶ Loans with Navajo Nation
- Navajo Nation Tax Commission
 - Registered with NNTC
 - Required
 - In good standing with NNTC

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§208 – Re-Certification

- ▶ Update Application:
 - ▶ - If any changes in ownership, services, etc.
 - ▶ - If more than three (3) months after expiration date
- ▶ Procurement Items:
 - ▶ - Navajo Nation Veteran Affairs (If Applicable)
 - ▶ - Office of the Controller Accounts Receivable
 - ▶ Business Site
 - ▶ Credit Services
 - ▶ Loans with Navajo Nation
- Navajo Nation Tax Commission
 - Registered with NNTC
 - Required
 - In good standing with NNTC

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§205 – Bid Opening Procedures

- ▶ Bids of Priority 1s are opened first.
- ▶ Procuring entity shall determine if P-1s are responsive & qualified
- ▶ Bids submitted by P-1s deemed non-responsive & non-qualified not considered.
- ▶ Responsive/qualified P-1 bids must be at or below “Maximum Feasible Price” (Estimate)
- ▶ Award given to lowest responsive/qualified P-1 bidder.
- ▶ If no P-1s bid responsive/qualified, P-2 bids are opened

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§205 – Bid Opening Procedures

- ▶ If no P-1s bid responsive/qualified, or no P-1 submits bids P-2 bids are opened.
- ▶ Procuring entity shall determine if P-2s are responsive & qualified.
- ▶ Bids submitted by P-2s deemed non-responsive & non-qualified not considered.
- ▶ Responsive/qualified P-2 bids must be at or below “Maximum Feasible Price” (Estimate)
- ▶ Award given to lowest responsive/qualified P-2 bidder.
- ▶ If no P-2s bid responsive/qualified, bids of non-certified entities are opened.

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