



CHEROKEE NATION CONSTRUCTION RESOURCES, LLC REQUEST FOR PROPOSAL

COWAN ESTATES STREET PAVING AND STORM DRAINAGE WATER IMPROVEMENTS ROLAND, OKLAHOMA BID REQUEST

Cherokee Nation Construction Resources, LLC, (CNCR), is accepting bids from interested parties for the construction of street paving and storm water improvements for an existing subdivision entitled "Cowan Estates located in Roland, Oklahoma. CNCR reserves the right to make one award, multiple awards or no award at all. The scope of work and specifications are included in this bid packet.

Interested parties are to provide a bid to furnish all labor, quality control, materials, supplies and supervision to complete the entire project. Interested bidders must follow all directions outlined in this packet including the utilization of mandatory bid response sheet to be considered fully responsive.

Preference to TERO certified firms will be provided for those bidders that provide proof of TERO certification. The successful bidder will be issued a contract to perform all work found in the bid package and the contract will incorporate the bid response.

A **MANDATORY** pre-bid meeting will be held at 1:00pm on Friday, January 23, 2015 at 10838 East Marshall Street, Suite 240, Conference Room 2.

Sealed bid responses must be labeled "CNCR COWAN ESTATES CIVIL BID RESPONSE" and are due by 3:00pm Friday, February 6th, 2015 to the attention of Jason Carlin at 10838 East Marshall Street, Suite 220, Tulsa OK 74116.

MANATORY SUBMITTAL INFORMATION: Bid submittal requirements must be followed: failure to submit all required documentation may result in bid disqualification. Each bid must be submitted on the prescribed, required form with all areas completed. If forward by mail, the envelope containing the bid and all other required completed documents must be received on or before due date listed. Envelopes must be sealed and labeled "CNCR COWAN ESTATES CIVIL BID RESPONSE" bids may be mailed or hand delivered. Both affidavits must be completed and returned with each bid submission. Front and back copies of any TERO certifications must be provided with the bid response to receive TERO preference.

BID ACCEPTANCE: Bids will be accepted from Indian and Non-Indian bidders. CNCR reserves the right to determine if a bid meets stated requirements to award a purchase order for the bid that is in the best interest of the Cherokee Nation including but not limited to the total cost and capability of the bidder. Bidders are responsible for any and all costs associated with the preparation and submission of bids. To be considered, bids must be received by the specified date and time; any bid received after stipulated date and time will be returned unopened. No bidder may withdraw their bid within 30 days after proposal due date. It is expected that work will begin within 10 days.



PERMITS, LICENSES, DEPOSITS, AND BONDS: Unless otherwise specified, Contractor shall secure all permits and licenses necessary to the performance of the Work from State and local entities, pay all fees and make all deposits pertaining thereto, and shall furnish, at Contractor's expense, all bonds required by proper authorities, and shall submit proof thereof to Owner. Owner may, at its option, require Contractor to obtain and provide to Owner a performance and/or payment bond in a form acceptable to Owner covering the obligations of Contractor under this Contract in the full amount of the estimated value of the Work. Upon Contractor's submission to Owner of the final invoice for such performance and/or payment bond, Owner shall pay to Contractor the actual cost of such performance and payment bond. Owner may, at its election, terminate this Contract if the required bond is not obtained within such time as Owner will deem reasonable (in no event later than commencement of the Work). If this Contract is terminated by Owner for such reason, neither party shall be liable to the other in any sum or in any amount by reason of such termination.

TERO: This procurement is subject to Cherokee Nation Tribal Employment Rights Office ("TERO") regulations that include a fee of ½ of 1% of total contract award and, if applicable, the completion of a TERO Labor Agreement and payment of associated fees. The successful bidder's award will be published on the Cherokee Nation's procurement website and their performance will also be measured, recorded, and reported to the Cherokee Nation. The complete Act is available by contacting the TERO OFFICE at Tahlequah 918-453-5000. TERO bidders are required to provide a copy, front and back, of their TERO certificate with return bid(s) and failure to do so will result in such bidders not receiving the TERO preferences afforded TERO bidders under the CNCR procurement and contracting policies and procedures.

BONDING: BONDING NOTICE CNCR generally requires payment and performance bonds for all construction contracts in excess of \$100,000. However, qualified TERO-certified firms are encouraged to bid, regardless of bonding capability.

DEBARMENT: By submitting a response to this Request for Proposal, the Contractor certifies to the best of their knowledge and belief that the Subcontractor, the firm, or any of its principals are not presently debarred, suspended, or proposed for debarment by any federal, state, local or tribal entity. This certification is a material representation of fact upon which reliance was placed when making award. If it is later determined the Subcontractor rendered an erroneous certification, in addition to other remedies available to CNCR, CNCR may terminate the contract resulting from this Request for Proposal for default.

CONFLICT OF INTEREST: In accordance with Cherokee Nation Law, , 28 C.N.C.A. §20 no contractors or subcontractors of any Cherokee Nation entity may contract with any business owned by a first degree relative of any elected official of the Cherokee Nation.

COMPLIANCE WITH LAW: Contractor shall strictly observe, comply with, and give all notices required by all local, municipal, state, tribal, and federal laws, ordinances, rules, directives, orders, and regulations related to the Work, including, without limitation: a) the Cherokee Nation Employment Rights Act, including all payment requirements, subcontracting requirements, and Indian preference requirements contained therein, as such Act is administered by the Tribal Employment Rights Office ("TERO") of the Cherokee Nation, and b) the Cherokee Nation Gaming Commission Rules and Regulations and Minimum Internal Control Standards.