

REQUEST FOR PROPOSALS

PROVIDING DESIGN/BUILD SERVICES

ALTERNATIVE HOUSING OPTIONS FOR THE REPLACEMENT HOME
PROGRAM



Housing Authority of the Cherokee Nation
P.O. Box 1007
Tahlequah, OK 74465-1007
(918) 456-5482

RFP # 2018-001-001

Request for Proposals

The Housing Authority of the Cherokee Nation (HACN) is soliciting competitive proposals for alternative housing options in the design and construction of seven (7) replacement homes to be located throughout the Cherokee Nation's tribal jurisdictional area. Later, this design may also be used for other HACN homeownership or rental programs at the discretion of the HACN.

Interested contractors may submit proposals to the Housing Authority of the Cherokee Nation, PO Box 1007, Tahlequah, OK 74465 (Attn: Carla Henson). Proposals may also be delivered in person at the Contracts Office located at 5000 S. Muskogee Avenue, Tahlequah, OK. Proposals must be in a sealed envelope that is clearly marked "Proposal for Housing Design." The deadline for submission is no later than 5:00 p.m. on Friday, October 13, 2017.

These plans should include one and two bedroom, affordable housing units of modest design that are handicap accessible or handicap adaptable. Please consider the tiny home, pole barn, and/or modular home concepts in your design.

Cherokee (Tribal) and/or Indian preference will be given only to contractors who provide proof of current certification from the Cherokee Nation Tribal Employment Rights Office (TERO) located in Tahlequah, OK. Proof of TERO certification must accompany and be included in the proposal. If no TERO vendor is available, Indian preference will be given in accordance with Section 7(b) of the Indian Self-Determination and Education Assistance Act, which requires in part that to the greatest extent feasible, preference in the award of contracts and sub-contracts shall be given to Indian Organizations and Indian Owned Economic Enterprises.

The HACN reserves the right to accept or reject any or all proposals received in response to this request, to negotiate with all qualified sources providing proposals in the competitive range, or to cancel in part or in its entirety this Request for Proposals (RFP) if, for any reason, it is in the best interest of the HACN to do so.

Any questions pertaining to this RFP should be directed to Erna Reeves, Deputy Executive Director, at (918) 456-5482 ext. 1229 or erna.reeves@hacn.org.

Section 1: Scope of Services

The Housing Authority of the Cherokee Nation seeks a contractor to propose the design and construction of seven (7) one- or two-bedroom replacement homes. The homes should be low cost, utilize the tiny home, pole barn, or modular home concept, with the potential to be pre-constructed and moved to the individual home sites as needed. In addition, the homes should be handicap accessible or easily adaptable for handicap access. The one-bedroom unit should be no less than 540 square feet; the two-bedroom should be no less than 720 square feet. The homes should be energy efficient and meet all local, state, and national building codes.

Section 2: Proposal Details

- 1) All offerors must address each of the evaluation factors, in the order listed, in Section 4 of this document.
- 2) All offerors must complete and include the following documents as part of the proposal in addition to the evaluation factors: (1) Non-Collusive Affidavit (2) HUD 5369-C, Certifications and Representations of Offerors Non-Construction.
- 3) This proposal is subject to federal, state, and tribal laws where applicable.
- 4) All costs associated with the preparation and submission of a proposal shall be paid by the offeror.
- 5) It is the intention of the HACN to make this RFP, the successful offeror's proposal, and any written correspondence a part of the contract.
- 6) The offeror understands that the minimum unit quantities indicated in this document are approximate only and are subject to increase or decrease, and agrees that all quantities of homes, whether increased or decreased, are to be provided at the price stated on the proposal form.

Section 3: Receipt and Opening of Proposals

- 1) Interested contractors may submit proposals to the Housing Authority of the Cherokee Nation, PO Box 1007, Tahlequah, OK 74465 (Attn: Carla Henson). Proposals may also be delivered in person at the Contracts Office located at 5000 S. Muskogee Avenue, Tahlequah, OK. Proposals must be in a sealed envelope that is clearly marked "Proposal for Housing Design." The deadline for submission is no later than 5:00 p.m. on Friday, October 13, 2017.
- 2) At the time of the opening of proposals, each offeror will be presumed to be thoroughly familiar with the scope of the project. The failure to do so will not relieve the offeror from their obligation to carry out provisions of the contract at the accepted proposal price.

Section 4: Evaluation Factors

- 1) Offeror's experience in related work** – provide information on similar types of design and construction jobs. Also, provide profiles of employees who will be engaged in work under the contract.
- 2) References** – include references from at least three (3) previous clients, along with their contact information.
- 3) Indian preference** – include TERO certification and 1) proof of Cherokee Tribal Membership, or 2) proof of membership with another tribe.
- 4) Concept of Design** – Contractor must provide details on design, construction, energy efficiency, and cost savings.
- 5) Pricing** – Contractor must include pricing for one or more options (1 bedroom, two bedroom, handicap accessibility, tiny home, pole barn, modular, etc.).
- 6) Completion date** – provide a timeline for completing the homes. Work should be completed within no more than 180 days after award.

Section 6: Award

Based upon the ranking criteria and final negotiation (if any), the HACN will select the contractor whose proposal, with price and other factors considered, is most advantageous to the HACN.

Section 7: Insurance Requirements: (For Successful Offeror Only)

Before performing contractual services on the behalf of the HACN, compliance with the following insurance requirements must be verified. Provide an original Certificate of Insurance naming the Housing Authority of the Cherokee Nation as a certificate holder.

Certificate should read:

Housing Authority of the Cherokee Nation
Attn. Contracts Dept.
P.O. Box 1007
Tahlequah, Oklahoma 74465

The certificate should contain the following information:

1. Type of Insurance
2. Policy number
3. Effective date
4. Expiration date
5. Limits of Liability (this amount is usually stated in thousands)
6. Ten-day cancellation clause

Required Coverage:

- a. **Worker's Compensation and Employer's Liability:**
Limits of Liability:

Bodily Injury by Accident: \$500,000 each accident
Bodily Injury by Disease: \$500,000 policy limit
Bodily Injury by Disease: \$500,000 each employee
Oklahoma Statute requires Worker's Compensation coverage for anyone with one (1) or more employees *** Exclusion Forms will not be accepted** unless approved by Contracts Manager.

b. General Liability:

Coverage:

Comprehensive (including products/completed operations)

Limits of Liability:

Bodily Injury and Property Damage Combined: \$1,000,000
(Each Occurrence)

c. Automobile Coverage:

Vehicles Covered:

All Autos

Bodily Injury and Property Damage Combined: \$300,000

Hired Autos

Non-Owned Autos

Limits of Liability:

Note: The Contractor shall either: (1) require each of his subcontractors to procure and to maintain during the life of his subcontract, Subcontractor's Public Liability and Property Damage or the type and in the same amounts as specified above, or (2) insure the activities of the subcontractors in his own policy.

Successful Offeror will also be required to provide a W-9 and Vendor Registration form provided by the HACN.

Section 5: Evaluation Factors		
1) Offeror's experience in related work	Provide information on similar types of design and construction jobs. Also, provide profiles of employees who will be engaged in work under the contract.	(maximum 25 points)
2) References	Include references from at least three (3) previous clients.	(maximum 10 points)
3) Indian preference	Include TERO certification and 1) proof of Cherokee Tribal Membership, or 2) proof of membership with another tribe. (20 points Cherokee, 15 points another tribe.)	(maximum 15 points)
4) Concept of Design	Contractor must provide details on design, construction, energy efficiency, and cost savings.	(maximum 20 points)
5) Pricing	Contractor must include pricing for one or more options (1 bedroom, two bedroom, handicap accessibility, tiny home, pole barn, modular, etc.).	(maximum 15 points)
6) Completion date	Contractor must provide a timeline for completing the homes. Work should be completed within no more than 180 days after award.	(maximum 15 points)

All offerors must complete and include the following documents as part of the proposal in addition to the evaluation factors: (1) Non-Collusive Affidavit (2) HUD 5369-C Certifications and Representations of Offerors Non-Construction. All forms are included in this RFP.

NON-COLLUSIVE AFFIDAVIT

STATE OF _____

COUNTY OF _____

_____, being duly sworn, deposed and says: that he/she is a partner or officer if the firm of _____

_____ the party making the foregoing proposal of bid, that such proposal or bid is genuine and not collusive or sham; that said bidder has not colluded, conspired, connived, or agreed, directly or indirectly with any bidder or person, to put in a sham bid or to refrain from bidding, and has not in any manner directly or indirectly, sought by agreement or collusion or communication or conference, with any person to fix the bid price of affiant or any other bidder, or to fix overhead, profit, or cost element of said bid price, or that of any other bidder, or to secure any advantage against the Housing Authority of the Cherokee Nation, or any person interested in the proposed contract; and that all statements in said proposal or bid are true.

Signed _____
(Name of bidder, if bidder is an individual)
(Name of partner, if the bidder is a partnership)
(Name of officer, if the bidder is a corporation)

Subscribed and sworn to before me this _____ day of _____, 20____.

My commission expires _____, 20_____.

Notary Public Signature: _____

Commission Number: _____

Certifications and Representations of Offerors Non-Construction Contract

U.S. Department of Housing and Urban Development Office of Public and Indian Housing

OMB Approval No: 2577-0180 (exp. 7/30/86)

Public reporting burden for this collection of information is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

This form includes clauses required by OMB's common rule on bidding/offering procedures, implemented by HUD in 24 CFR 85.38, and those requirements set forth in Executive Order 11625 for small, minority, women-owned businesses, and certifications for independent price determination, and conflict of interest. The form is required for nonconstruction contracts awarded by Housing Agencies (HAs). The form is used by bidders/offerors to certify to the HA's Contracting Officer for contract compliance. If the form were not used, HAs would be unable to enforce their contracts. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality.

1. Contingent Fee Representation and Agreement

(a) The bidder/offeror represents and certifies as part of its bid/offer that, except for full-time bona fide employees working solely for the bidder/offeror, the bidder/offeror:

- (1) [] has, [] has not employed or retained any person or company to solicit or obtain this contract; and
(2) [] has, [] has not paid or agreed to pay to any person or company employed or retained to solicit or obtain this contract any commission, percentage, brokerage, or other fee contingent upon or resulting from the award of this contract.

(b) If the answer to either (a)(1) or (a) (2) above is affirmative, the bidder/offeror shall make an immediate and full written disclosure to the PHA Contracting Officer.

(c) Any misrepresentation by the bidder/offeror shall give the PHA the right to (1) terminate the resultant contract; (2) at its discretion, to deduct from contract payments the amount of any commission, percentage, brokerage, or other contingent fee; or (3) take other remedy pursuant to the contract.

2. Small, Minority, Women-Owned Business Concern Representation

The bidder/offeror represents and certifies as part of its bid/offer that it:

- (a) [] is, [] is not a small business concern. "Small business concern," as used in this provision, means a concern, including its affiliates, that is independently owned and operated, not dominant in the field of operation in which it is bidding, and qualified as a small business under the criteria and size standards in 13 CFR 121.
(b) [] is, [] is not a women-owned small business concern. "Women-owned," as used in this provision, means a small business that is at least 51 percent owned by a woman or women who are U.S. citizens and who also control and operate the business.
(c) [] is, [] is not a minority enterprise which, pursuant to Executive Order 11625, is defined as a business which is at least 51 percent owned by one or more minority group members or, in the case of a publicly owned business, at least 51 percent of its voting stock is owned by one or more minority group members, and whose management and daily operations are controlled by one or more such individuals.

For the purpose of this definition, minority group members are: (Check the block applicable to you)

- [] Black Americans [] Asian Pacific Americans
[] Hispanic Americans [] Asian Indian Americans
[] Native Americans [] Hasidic Jewish Americans

3. Certificate of Independent Price Determination

(a) The bidder/offeror certifies that—

- (1) The prices in this bid/offer have been arrived at independently, without, for the purpose of restricting competition, any consultation, communication, or agreement with any other bidder/offeror or competitor relating to (i) those prices, (ii) the intention to submit a bid/offer, or (iii) the methods or factors used to calculate the prices offered;
(2) The prices in this bid/offer have not been and will not be knowingly disclosed by the bidder/offeror, directly or indirectly, to any other bidder/offeror or competitor before bid opening (in the case of a sealed bid solicitation) or contract award (in the case of a negotiated solicitation) unless otherwise required by law; and
(3) No attempt has been made or will be made by the bidder/offeror to induce any other concern to submit or not to submit a bid/offer for the purpose of restricting competition.

(b) Each signature on the bid/offer is considered to be a certification by the signatory that the signatory:

- (1) Is the person in the bidder/offeror's organization responsible for determining the prices being offered in this bid or proposal, and that the signatory has not participated and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above; or
(2) (i) Has been authorized, in writing, to act as agent for the following principals in certifying that those principals have not participated, and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above (insert full name of person(s) in the bidder/offeror's organization responsible for determining the prices offered in this bid or proposal, and the title of his or her position in the bidder/offeror's organization);
(ii) As an authorized agent, does certify that the principals named in subdivision (b)(2)(i) above have not participated, and will not participate, in any action contrary to subparagraphs (a)(1) through (a)(3) above; and

(iii) As an agent, has not personally participated, and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above.

(c) If the bidder/offeror deletes or modifies subparagraph (a)(2) above, the bidder/offeror must furnish with its bid/offer a signed statement setting forth in detail the circumstances of the disclosure.

4. Organizational Conflicts of Interest Certification

(a) The Contractor warrants that to the best of its knowledge and belief and except as otherwise disclosed, it does not have any organizational conflict of interest which is defined as a situation in which the nature of work under a proposed contract and a prospective contractor's organizational, financial, contractual or other interest are such that:

(i) Award of the contract may result in an unfair competitive advantage;

(ii) The Contractor's objectivity in performing the contract work may be impaired; or

(iii) That the Contractor has disclosed all relevant information and requested the HA to make a determination with respect to this Contract.

(b) The Contractor agrees that if after award he or she discovers an organizational conflict of interest with respect to this contract, he or she shall make an immediate and full disclosure in writing to the HA which shall include a description of the action which the Contractor has taken or intends to eliminate or neutralize the conflict. The HA may, however, terminate the Contract for the convenience of HA if it would be in the best interest of HA.

(c) In the event the Contractor was aware of an organizational conflict of interest before the award of this Contract and intentionally did not disclose the conflict to the HA, the HA may terminate the Contract for default.

(d) The Contractor shall require a disclosure or representation from subcontractors and consultants who may be in a position to influence the advice or assistance rendered to the HA and shall include any necessary provisions to eliminate or neutralize conflicts of interest in consultant agreements or subcontracts involving performance or work under this Contract.

5. Authorized Negotiators (RFPs only)

The offeror represents that the following persons are authorized to negotiate on its behalf with the PHA in connection with this request for proposals: (list names, titles, and telephone numbers of the authorized negotiators):

6. Conflict of Interest

In the absence of any actual or apparent conflict, the offeror, by submission of a proposal, hereby warrants that to the best of its knowledge and belief, no actual or apparent conflict of interest exists with regard to my possible performance of this procurement, as described in the clause in this solicitation titled "Organizational Conflict of Interest."

7. Offeror's Signature

The offeror hereby certifies that the information contained in these certifications and representations is accurate, complete, and current.

Signature & Date:

Typed or Printed Name:

Title:
