

REQUEST FOR SEALED BIDS

RFSB for Sequoyah Heights Community Center, Tahlequah, Oklahoma



Solicitation 2024-001-038

Bids Due: April 30, 2024 @ 10:00 A.M.

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

Housing Authority of the Cherokee Nation SEALED BID REQUEST

The Housing Authority of the Cherokee Nation is seeking sealed bids from qualified General Contractors for the construction of Sequoyah Heights Community Center, located at 23126 S. GA TA NA HI Trail, Tahlequah, Oklahoma 74464. This project will include the following:

- Construction of new community center with public meeting space, commercial kitchen, and storm shelter. Total square footage 2,400 feet.
- Construction of maintenance shed adjacent to the community center. Total square footage 416 feet.
- Installation of community park space
- Construction of hammerhead turn-around at the end of the housing addition.
- Construction of sidewalks and curbing throughout the addition.

Qualified and interested parties are to provide a bid to furnish all labor, quality control, materials supplies and supervision to complete the entire project. This project has already been permitted through the City of Tahlequah; individual trade permits may still be required. Work will be completed according to the Architect supplied Project Manual, scope of work, plans and specifications.

Please refer to the Construction Documents and Project Manual for more information about the project's full scope and details.

Please specify days to complete. Work should begin within one week of notification following the Notice to Proceed. \$1,000.00 per day will be charged for liquidated damages to the contractor for each working day of extension over the contract end date. Contract extensions will only be allowed under extenuating circumstances. A bid bond or cashier's check equal to one (1%) of total bid must be included with the bid submittal.

The contract award will be subject to the availability of funds. A fully executed contract and purchase order will be issued to the responsible Contractor who provides the lowest, most responsive bid in accordance with the HACN Procurement Policy. The purchase order will act as the Notice to Proceed. Price and payment procedures will be addressed as outlined in the Architect supplied project manual, Section 012000.

SEALED BID SUBMITTAL INFORMATION: The deadline for bids is April 30, 2024, at 10:00 A.M.

A public bid opening will not be held.

BID MUST BE RECEIVED ON OR BEFORE THE DEADLINE TO BE CONSIDERED. BID MUST BE CLEARLY MARKED "SEALED BID, DO NOT OPEN, RFSB # 2024-001-038."

For this project, Wage Rates OK20240067 is applicable and included in the bid packet. Any state or Tribal law requiring the payment of wage rates that exceed the corresponding Federal rate is inapplicable and shall not be enforced.

INDIAN PREFERENCE:

Indian preference will be given only to contractors who provide proof of current certification from the Cherokee Nation Tribal Employments Rights Office (TERO) located in Tahlequah, OK. Proof of TERO certification must be included with the bid. This bid is subject to Section 7 (b) of the Indian Self- Determination and Education Assistance Act (25 U.S.C. 405 e), which requires in part, that to the greatest extent feasible, preference in the award of the contracts and subcontracts shall be given to Indian Organizations and Indian Owned Economic Enterprises. Cherokee Nation TERO Office requirements apply, including fee of ½ of 1% of contract award. The successful contractor must complete the TERO Labor Agreement and pay all applicable fees, including \$25 per day for every non-Indian employee working on this project in accordance with Legislative Act 01-14. Please contact TERO at 918-453-5334 with any questions. The successful bidder must have all fees and paperwork submitted to TERO for a contract to be considered fully executed.

Please see the information enclosed from the TERO Office.

Information for Bidders

Bid Documents

The Housing Authority of the Cherokee Nation (hereinafter "HACN") invites bids on the attached bid form. All sections of the form must be completed.

Interested bidders must submit, at a minimum, the following completed bid sheets and attachments in the sealed bid packet to be considered fully responsive/responsible bidders: Preparation Outline (must be completed and all sections returned); Mandatory Bid Response Sheet, Non-Collusive Affidavit, Previous Work History Form; TERO Certification (if applicable, to be provided by bidder); Statement on Providing Cherokee (Tribal) and Indian Preference in Employment & Training Opportunities; Statement on Providing Cherokee (Tribal) and Indian Preference in Subcontracting; and the required Bid Bond or Cashier's Check.

Bids prepared and submitted in accordance with these provisions may be considered informal; HACN may waive any informalities (immaterial variations) or reject any and all bids. Any bid may be withdrawn prior to the scheduled bid opening or authorized postponement. Any sealed bid received from a bidder who does not attend the mandatory pre-bid conference or who submits their bid after the specified deadline will not be considered the bid and will be returned unopened.

Qualifications of Bidder

The HACN may make such investigations as deemed necessary to determine the ability of the bidder to perform the work, and the bidder shall furnish to the HACN all such information and data for this purpose as the HACN may request. The HACN reserves the right to reject any bid if the evidence submitted by, or investigation of, such bidder fails to satisfy the HACN that the

bidder is properly qualified to carry out the obligations of the contract and to complete the work. Conditional bids will not be accepted.

Bidders shall list prior work experience on other construction jobs and furnish references on the Previous Work History Form.

Debarment, Suspension, proposed Debarment and other Responsibility Matters:

No Contracts/Purchase Orders shall be awarded to debarred, suspended, or ineligible contractors, under Executive Order 12549 (Debarment and Suspension). Contractors may be suspended, debarred, or determined ineligible by HUD regulations (24 CFR Part 24) or by other Federal agencies (e.g., Department of Labor, for violations of Labor Regulations) when necessary to protect the Housing Authority of the Cherokee Nation in its business dealings. The HACN may suspend or debar a contractor under state, local or tribal laws as applicable.

The responding party certifies to the best of its knowledge and belief that the person, the firm, or any of its principals are not presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any Federal agency or Indian Tribe. The bidder will also certify they have not, within a three-year period preceding this Request for Bid:

- Been convicted of or had a civil judgment rendered against them for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, Local or Tribal) contract or subcontract; violation of Federal or State anti-trust statutes relating to the submission of offers; or commissions of embezzlement, theft, forgery, bribery, falsifications or destruction of records, making false statements, and are not presently indicted for, or otherwise criminally or civilly charged by governmental entity with, commission of any of the offenses enumerated in this provision, or
- Had one or more contracts terminated for default by a Federal, State, Local or Tribal agency.

The responding party shall provide immediate written notice to the HACN if, at any time prior to contract award, the person learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

Subcontracts:

The successful bidder is specifically advised that any person, firm, or other party to whom it is proposed to award a subcontract under this contract must be approved by the HACN, and the TERO office must be consulted prior to any subcontractor being on site to ensure all appropriate forms, paperwork and approvals are in place. The successful bidder will be required to complete the Request for Acceptance of Subcontractor at the time of the contract signing if a subcontractor is to be utilized. All sums due to any suppliers or subcontractors must be paid and Lien Waivers submitted to HACN prior to any draw being released to Contractor.

Insurance Requirements: (For Successful Bidder Only)

Before performing contractual services on 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.

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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:

1. 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 require state filed approval/authorization from the Workers Comp Administration.
2. General Liability:
Coverage:
Comprehensive (including products/completed operations)
Limits of Liability:
Bodily Injury and Property Damage Combined: \$1,000,000
(Each Occurrence)
3. 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) during the life of his subcontract, require each of his subcontractors to procure and to maintain Subcontractor's Public Liability and Property Damage Coverage or the same types of coverage in the same amounts as specified above, or (2) insure the activities of this subcontractors in his own policy.

Interpretation of the Bid Documents

Every request for interpretation of the meaning of the plans, specifications, or other bid documents must be submitted in written format to the Housing Authority of the Cherokee Nation. Requests may be e-mailed to baylee.scott@hacn.org **No interpretation of the meaning of the plans, specifications, or other bid documents will be made to any bidder orally.**

To be given consideration, interpretation request must be received by **April 22, 2024 at 5:00 p.m.**

Any and all such interpretations and any supplemental instruction will be in the form of written addenda to the specifications which, if issued, will be posted with bid announcement on the CHEROKEE NATION PROCUREMENT WEBSITE, www.cherokeebids.org under HACN Procurements. Clarifications for this bid shall be posted by **April 25, 2024, at 5:00 p.m.**

Last Request for Substitution Due: Monday, April 22, 2024 at 5:00 PM

Failure of any bidder to receive any such addendum or interpretation shall not relieve the bidder from any obligation under his bid as submitted. All addenda become part of the contract documents.

The failure or omission of any bidder to examine any form, instrument or document shall in no way relieve any bidder from any obligation in respect of his bid.

Site Inspections

At the time of the bid submittal, each bidder will be presumed to have:

- Inspected the sites.
- Familiarized themselves with any existing conditions.
- Read and became thoroughly familiar with the plans and contract documents (including all addenda).
- HACN request for bid shall supersede any contradicting statements/directives in the architectural provided project manual. David Linch, Construction Administrator, will be responsible for confirming information in the field with the awarded contractor.

Bidders may visit the job site to acquaint themselves with the exact nature of work to be performed. David Linch, Construction Administrator, may be reached at (918) 316-1349 to schedule a site visit.

Bonding Requirements

Minimum requirement for bonding and insurance shall be as follows:

A bid bond equal to one percent (1%) of the grand total bid amount. A “bid bond” is one executed in connection with a bid offer to guarantee the contractor will enter into a contract if given the award. **The only documents accepted will be an actual bid bond or cashier’s check.**

Acceptable methods to provide performance and payment and assurance may include:

- (A) Deposit with the HACN a cash escrow (Retainage) of not less than 20 percent of the total contract price, subject to reduction during the warranty period, commensurate with potential risk; or
- (B) Letter of credit for 25 percent of the total contract price, unconditionally payable upon demand of the recipient, subject to reduction during any warranty period commensurate with potential risk; or
- (C) Letter of credit for 10 percent of the total contract price unconditionally payable upon demand of the recipient, subject to reduction during any warranty period commensurate with potential risk, and compliance with the procedures for monitoring of disbursements by the contractor.

NOTE: The payment and performance and maintenance bonds will only be required of the successful Contractor but must be in full effect before any work is done. The bonds must not be prior to the Contract date. If the Contractor is a partnership, all partners must execute the bonds, or if agreed by the HACN and Contractor, the retainage can be held in lieu of the Maintenance Bond.

Corporate sureties offered for bonds furnished with contracts performed for the HACN must appear on the list contained in the Department of the Treasury Circular 570, “Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and Acceptable Reinsuring Companies.”

The HACN reserves the right to reject any and all bids in connection with this RFSB. At the execution of a contract, or at the rejection of all bids, the HACN will return any bid guarantee(s) submitted.

PREPARATION OUTLINE

The following information must be submitted and signed as indicated with sealed bid. All information must be submitted for any bid to be considered responsive and responsible.

- a. Preparation Outline (this form, must be signed and dated)
- b. Mandatory Bid Response Form
- c. TERO Certification (Bidder to provide if applicable)
- d. Non-Collusive Affidavit
- e. Previous Work History Form
- f. Statement on providing Cherokee (Tribal) and Indian Preference in Employment and Training Opportunities
- g. Statement on providing Cherokee (Tribal) and Indian Preference in the award of Subcontracts
- h. Contractors Drug Free Workplace Statement or Agreement to follow HACN Drug Free Workplace statement
- i. Bid Bond – 1% of Grand Total amount as noted on the Mandatory Bid Response Sheet

SPECIAL INSTRUCTIONS

**** Be advised that all responsive proposals will be evaluated as outlined in this solicitation packet.**

Authorized Signature

Title

Company Name

Date

MANDATORY BID RESPONSE FORM

The General Contractor, as Bidder, agrees to perform all work as shown and called for in the Architects supplied project manual, scope of work, plans and specifications for the Housing Authority of the Cherokee Nation.

The Bidder agrees to furnish all necessary labor, quality control, licenses, material, equipment, tools, supplies, permits, insurance, and supervision to complete the entire project and the perform all work required:

Construction of new community center with public meeting space, commercial kitchen, and storm shelter. Total square footage 2,400 feet. \$ _____

Construction of maintenance shed adjacent to the community center. Total square footage 416 feet. \$ _____

Installation of community park space \$ _____

Construction of hammerhead turn-around at the end of the housing addition \$ _____

Construction of sidewalks and curbing throughout the addition. \$ _____

Estimated number of days for completion _____

TOTAL AMOUNT OF BID \$ _____

Submission of my bid is confirmation that I have reviewed the job, fully understand the Architect supplied project manual, scope of work, plans and specifications and will complete the job within the timeframe designated (180 Working Days) after the issuance of the Purchase Order.

NOTE TO BIDDERS REGARDING (CHEROKEE) TRIBAL OR INDIAN PREFERENCE: (Check One)

TERO Certified Contractor: _____ Yes _____ No
(Proof of Certification must accompany all bids, Front & Back of TERO Certificate)

SUBMITTED:

Company Name

Company Address

Print Name and Title

Authorized Signature

Contact Number

E-Mail Address

Date

NON-COLLUSIVE AFFIDAVIT

State of _____

County of _____

_____ being first duly sworn, deposed and says,

that he/she is a partner or officer of the firm of _____,
the party making and foregoing proposal or 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: _____
(Bidder, if the bid is an individual;
Partner, if the bid is a partnership;
Officer, if the bid is a corporation)

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

My commission expires _____, 20____.

Notary Public Signature

Commission Number

**Statement on Providing Cherokee (Tribal) and Indian Preference
In Employment and Training Opportunities**

The Housing Authority of the Cherokee Nation has determined that all bidders for this solicitation shall, to the greatest extent feasible, comply with Cherokee (Tribal) and Indian Preferences in providing training and employment opportunities.

Detail your employment and training opportunities and plans to provide preference to Indians in implementing the contract:

Provide the number or percentage of Indians anticipated to be employed and trained.

If less than 100% Indian for new hires explain why:

Provide a list of all core crew members (owners, supervisors, key positions):

Describe the methods that will be used to train Indian employees:

Comparable statements from all subcontracts must be submitted.

Company Name

Signature

Date

Statement on Providing Cherokee (Tribal) or Indian Preference In the Award of Subcontracts

The Housing Authority of the Cherokee Nation has determined that all bidders under this solicitation shall, to the greatest extent feasible, comply with Cherokee (Tribal) and Indian Preference in the awarding of all subcontracts under the contract.

Awards of subcontracts shall be made to the qualified Indian Enterprise or organization with the lowest responsive bid if that bid is no more than "X" higher than the total bid price of the lowest responsive bid from any qualified bidder. In accordance with paragraph V of the HACN Procurement Policy, for any solicitation of a purchase exceeding \$150,000 that is based on price **and** other factors, Indian preference will be given based on the following criteria:

When the lowest responsive bid is:	X = THE LESSER OF:
At least \$150,000 but less than \$200,000	4.5% of that bid or \$8,000
At least \$200,000 but less than \$300,000	4% of that bid or \$10,500
At least \$300,000 but less than \$400,000	3.5% of that bid or \$12,000
At least \$400,000 but less than \$500,000	3% of that bid or \$15,000
At least \$500,000 but less than \$1,000,000	2.5% of that bid or \$20,000
At least \$1,000,000 but less than \$2,000,000	2% of that bid or \$30,000
At least \$2,000,000 but less than \$4,000,000	1.5% of that bid or \$40,000
At least \$4,000,000 but less than \$7,000,000	1% of that bid or \$52,500
\$7,000,000 or more	.75% if that bid or \$75,000

If no responsive proposal by a qualified Indian-Owned economic enterprise or organization is within the stated range of the total price of the lowest responsive proposal from any qualified enterprise, award shall be made to the bidder with the lowest price.

All bidders must submit with their proposal documentation of the bids or quotations received in subcontracts awarded to a non-Indian enterprise or a non-Indian organization. Failure by the bidder to provide such information shall render the proposal non-responsive and the bidder ineligible for award.

Detail your plans to provide Cherokee (Tribal) Indian Preference in the award of subcontracts:

Company Name

Signature

Date

Required Documents or Items for Successful bidder only:

- a. Labor Information Form (to be provided by HACN)
- b. W-9 Form (to be provided by HACN)
- c. New Contractors must complete a Vendor Registration form (provided by HACN)
- d. Signed Contract (contract will be drafted and provided by HACN)
- e. Core Crew Listing, Proof of CDIB or Tribal Membership cards (if Applicable, Licenses for trade. Ex. HVAC, Plumbing, Roofing, Electrical, Pest, (pre-treat)
- f. Request for Acceptance of Sub-Contractors, Subcontract Agreement and all applicable licenses, insurances and Core Crew list
- g. Insurance Certificates (General Liability, Auto, & Workers Comp) Builders Risk in the amount of the project
- h. Drug Free and Tobacco Free Workplace Certification
- i. Payment, Performance, and Maintenance Bonds

Closing documents required for final draw:

- a. Final Davis- Bacon payrolls
- b. Lien releases for all subcontractors and suppliers
- c. Certificate of Release from General Contractor
- d. Required HUD forms

Drug Free and Tobacco Free Workplace:

- a) Any contractor performing work for the HACN agrees to publish a statement notifying all employees, subcontractors, and other workers that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the Contractor's workplace and specifying the actions that will be taken against violators of such prohibition.
- b) The HACN will consider lack of enforcement or lax enforcement of the statement by the Contractor a default of the contract.
- c) The Contractor further agrees to provide all persons engaged in performance of the contract with a copy of the statement.
- d) A copy of the Contractor's Drug Free Workplace Statement shall be included with any bid submitted or the Contractor will be deemed to accept and agree to use the statement provided by the HACN.
- e) The Contractor understands and recognizes that all HACN buildings, whether leased or owned, and the grounds surrounding those facilities are considered by the HACN to be a tobacco free workplace. The Contractor will ensure all employees, subcontractors, and other workers abide by this policy.

Please mark one and sign:

I have my own (Contractor's) Drug/Tobacco Free Policy/Statement: _____

(Attach your policy/statement and sign and date bottom)

I agree to the HACN's Drug/Tobacco Free Policy/Statement: _____

Signature

Date