

Cherokee Nation

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REQUEST FOR BIDS

**40-FOOT WORK & STORE SHIPPING CONTAINER OFFICE
FOR CHEROKEE NATION EMERGENCY MANAGEMENT**



Bid Due Date: March 6, 2023

CHEROKEE NATION

P.O. Box 948
Tahlequah, OK 74465
(918) 453-5000

CHEROKEE NATION
BID REQUEST
40-Foot Work & Store Shipping Container Office

The Cherokee Nation is accepting bids from interested parties for a 40-foot work & store shipping container office for the Cherokee Nation Emergency Management. Interested parties are to provide a bid to furnish product equal to or better than the specifications provided. Interested bidders must follow all directions outlined in this bid packet including the utilization of mandatory bid response sheet to be considered fully responsive.

The lowest most responsive, responsible bid will be the determining factor in awarding this bid taking Indian Preference in accordance with Cherokee Nation Acquisition Management Policy and Procedures. The successful bidder will be issued a purchase order incorporating the bid response.

Bids are due March 6, 2023 by 5:00 p.m.

MANDATORY SUBMITTAL INFORMATION: Bid submittal requirements must be followed. Each bid must be submitted on the prescribed, required form with all areas completed. Bids may be faxed to the attention of Pam Jumper at (918) 458-4493 or (918) 458-7695 or e-mailed to pam-jumper@cherokee.org. It is the bidder's responsibility to ensure delivery of bid by **March 6, 2023 by 5:00 p.m.** Any bids received after the designated date and time will be ineligible for award.

Bid Acceptance: Bids will be accepted from Indian and Non-Indian bidders. Cherokee Nation reserves the right to reject any and all bids. Cherokee Nation reserves the right to determine if a bid meets stated requirements, and 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.

TERO Certification: Indian preference will be given only to bidders who provide proof of current certification from the Cherokee Nation Tribal Employments Office (TERO) located in Tahlequah, Oklahoma, telephone number (918) 453-5000. Proof of TERO certification must accompany and be included in bid submittal.

Conflict of Interest and Restrictions: If any contractor, contractor's employee, subcontractor, or any individual working on the proposed contract may have a possible conflict of interest that may affect the objectivity, analysis, and/or performance of the contract, it shall be declared in writing and submitted to Cherokee Acquisition Management (Attn: Pam Jumper) no later than on or before **March 6, 2023 by 5:00 p.m.** The NATION will determine in writing if the conflict is significant and material and if so, may eliminate the contractor from submitting a proposal.

Verbal Instructions: Interested parties shall not initiate or execute any negotiation, decision, or action arising from any verbal discussion with any Cherokee Nation employee. Only written communications from the designated Contact Person at Cherokee Nation may be considered a duly authorized expression on behalf of the NATION regarding this RFP. Additionally, only written communications from interested parties are recognized as duly authorized expressions on behalf of the vendor. The same instructions shall apply to any subsequent award and agreement communications.

Qualifications of Bidder: The NATION 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 NATION all such information and data for this purpose as the NATION may request. The NATION reserves the right to reject any bid if the evidence submitted by, or investigation of, such bidder fails to satisfy the NATION such bidder is properly qualified to carry out the obligations of the contract and to complete the work contemplated therein. Conditional bids will not be accepted.

Method of Award – Lowest Bid That Contains Lowest Most Responsive/Reasonable Offer From Qualified Bidder: After consideration of price and other factors, the purchase order will be awarded to the bidder whose bid is determined to be the lowest most responsive/reasonable offer taking Indian Preference into consideration and in the best interest of the Nation to accept. Award shall be to the lowest, most responsive/reasonable bid in accordance with Cherokee Nation Acquisition Management Policy and Procedures. Indian/TERO Preference will be given only to bidders who provide proof of current TERO certification from the Cherokee Nation Tribal Employments Office (TERO) in accordance with current Cherokee Nation Policy. Proof of TERO certification must accompany and be included in bid submittal.

Debarment, Suspension, Proposed Debarment, and Other Responsibility Matters: 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 Proposal, 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 antitrust 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 a governmental entity with, commission of any of the offenses enumerated in this provision. The responding party certifies they have not, within a three-year period preceding this Request for Proposal, 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 Cherokee Nation 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.

General Information: Cherokee Nation reserves the right to waive any informalities or to reject any and all bids. Award of purchase order will be to the lowest most responsible responsive bidder and will be subject to availability of funds. All sums due to any suppliers utilized by successful bidders must be paid or will be paid within ten (10) days of receipt of any money received from the Cherokee Nation under any purchase order. Indian preference will be given to Contractors certified as an Indian-Owned firm by the Cherokee Nation Tribal Employment Rights Office (T.E.R.O.). Proof of certification must accompany all bids. No bidder may withdraw their bid within thirty (30) days after bid opening date.

A prospective contractor seeking to receive Indian Preference under this contract must be certified as an Indian-owned firm by the Cherokee Nation Tribal Employment Rights Office (TERO) and submit proof of that certification with their bid.

Drug Free Workplace and Tobacco Free Workplace: Any Contractor performing work for the Cherokee Nation 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. The NATION will consider lack of enforcement or lax enforcement of the statement by Contractor a default of the contract. The Contractor further agrees to provide all persons engaged in performance of the contract with a copy of the statement. A copy of bidder's Drug Free Workplace statement shall be included with the proposal or else the successful bidder will be deemed to accept and agree to use the statement provided by NATION. The Contractor understands and recognizes that all Cherokee Nation buildings, whether leased or owned, and the grounds surrounding those facilities are considered by the Nation to be a tobacco free workplace. The Contractor will ensure all employees, subcontractors, and other workers will abide by this policy.

Contractor's Insurance Requirements: Before performing contractual services on the behalf of or for the Cherokee Nation, compliance with the following insurance requirements must be verified:

** Provide an original Certificate of insurance naming the Cherokee Nation as a certificate holder and additional insured with respect to general liability, automobile liability, and builders risk policies, as their interest may appear with respect to the operations defined in this bid packet. The certificate shall reflect that coverage has been placed with an AM Best Rated Carrier of at least A IX and will contain the following information for each required coverage:

- 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) Thirty day notice of cancellation, except ten-day cancellation clause will apply for nonpayment of premium.

**** Required Coverages:**

1) **Worker's Compensation and Employer's Liability:**

Limits of Liability:

Bodily Injury by Accident: \$100,000 each accident

Bodily Injury by Disease: \$500,000 policy limit

Bodily Injury by Disease: \$100,000 each employee

Oklahoma Statute requires Worker's Compensation coverage for anyone with one (1) or more employees. Contractor's worker's compensation policy shall include a waiver of subrogation in favor of Cherokee Nation of Oklahoma.

2) **General Liability:**

Coverages:

Commercial (including products/completed operations) with specific reference made to coverage for lead abatement (as this is usually excluded under standard commercial general liability policies). In addition to the additional insured endorsement, the commercial general liability policy shall also include a waiver of subrogation in favor of Cherokee Nation of Oklahoma.

Limits of Liability:

Bodily Injury and Property Damage Combined: \$1,000,000
(each occurrence)

3) **Automobile Coverage:**

Vehicles Covered:

All Autos

Hired Autos

Non-owned Autos

Limits of Liability:

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

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 for the type and in the same amounts as specified above, or (2) insure the activities of this subcontractors in his own policy. Each subcontractor policy must also name Cherokee Nation as an additional insured with respect to general liability and auto liability.

MANDATORY BID RESPONSE SHEET
40-Foot Work & Store Shipping Container Office

<u>Product Description</u>	<u>QTY</u>	<u>UNIT COST</u>	<u>TOTAL</u>
40-foot work & store Office Container	<u>1 ea.</u>	_____	_____
SHIPPING COST		\$ _____	
GRAND TOTAL BID		\$ _____	

LEAD TIME ARO: _____

ALL SPECIFICATIONS ARE FULLY MET: _____ **YES** _____ **NO**

PRODUCT SPECIFICATIONS INCLUDED: _____ **YES** _____ **NO**

Cherokee Nation will consider bids for product equal to or better. If not bidding exact product, complete details and specifications for product must be submitted with bid.

NOTE TO BIDDERS REGARDING INDIAN PREFERENCE:

TERO Certified Contractor: _____ Yes _____ No
 (Proof of certification must accompany all bids)

SUBMITTED:

Company Name

Company Address

Authorized Signature

Print Name & Title

Phone/Fax Numbers

Product Specifications and Requirements
Provided by: Cherokee Nation Emergency Management

The Cherokee Nation Emergency Management is seeking bids for a 40-foot work & store shipping container office. The desired information follows, including a make/model; the Nation will accept **EQUAL TO OR BETTER THAN SPEC'S PROVIDED.**

Cherokee Nation Emergency Management is seeking bids for the following 40-Foot Work and Store Shipping Container Office:

SPECS

- Built-in one 40-foot standard, one trip (close to new) container
- Exterior paint
- ¼ inch painted wood paneling over wood framing and batt insulation in office area
- Three 3-foot by 3-foot windows
- One 3-foot wide exterior personnel door
- Operable cargo doors
- Original marine-grade plywood or bamboo floors
- 125A capacity panel with 60A exterior disconnect
- Four standard 4-foot LED light fixtures
- Six duplex 110V outlets in office area
- One duplex 110V outlet in storage area
- One data pass through
- One 15K PTAC unit

Delivery To:
Cherokee Nation Emergency Management
22114 S Bald Hill Rd, Tahlequah OK, 74464

Delivery to property within 120 days of bid award.