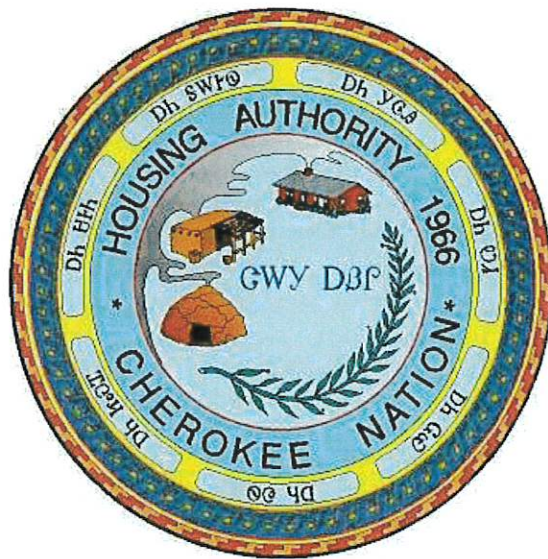


REQUEST FOR SEALED BIDS

INSTALLATION OF A FIRE HYDRANT
2871 HWY OK-167
CATOOSA, OK



Bid Solicitation: # 2023-001-033

Bids Due: June 30, 2023, at 9:55 A.M.

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

Request for Sealed Bids Detailed Announcement

GENERAL:

The Housing Authority of the Cherokee Nation is seeking sealed bids from qualified contractors for the installation of a new public 3-way fire hydrant and 6" gate valve in a valve box. Please refer to the plans for information on erosion control, stabilization, general notes, excavation notification, site accessibility, and waterline notes. A materials list and the waterline profile are included in the drawings. Please note that the fire hydrant will be furnished by the Housing Authority of the Cherokee Nation.

Interested parties are to provide bids to furnish all necessary labor, quality control, licenses, material, equipment, tools, supplies, permits, insurance and supervision to complete the entire project and to perform the work required thereof within the time specified after receipt of "Notice to Proceed". The entire project must be fully completed within 14 consecutive calendar days or \$500.00 per working day will be charged to the contractor for each day that work continues beyond the contract end date. Contract extensions will only be allowed under extenuating circumstances. A bid bond or cashier's check equal to five (5%) of total bid must be included with the bid submittal.

Bid will be awarded to the lowest, most responsive/responsible bidder. Contract award will be subject to the availability of funds.

HACN reserves the right to reject any and all bids. HACN reserves the right to determine if a bid meets stated requirements, and to award a contract that is in the best interest of the HACN, considering but not limited to the total cost of the contract and the capability, work history, and current workload of the bidder. Bidders are responsible for all costs associated with the preparation and submission of bids. No bidder may withdraw their bid within 30 days after closing date.

BID PACKET:

All bid documents relating to this announcement may be found on the Cherokee Nation Procurement Website, www.cherokeebids.org.

Bids will be accepted from Cherokee (Tribal) Indian and Non-Indian bidders who have downloaded a bid packet. Interested parties should visit the job site and acquaint themselves with the exact nature of work to be performed. The contact for this project is David Linch, Construction Administrator, at (918) 316-1349.

The deadline for submitting bids is Friday, June 30, 2023, at 9:55 A.M. and bids may be hand carried to the bid opening, which will be held at the HACN Administrative Conference Room, located at 1500 Hensley Drive, Tahlequah, OK. Bids may also be emailed to erna.reeves@hacn.org before the deadline. A public bid opening will immediately follow at 10:00 a.m. if adequate bids are received for the project. **BIDS MUST BE RECEIVED ON OR BEFORE THE DEADLINE TO BE CONSIDERED. BIDS MUST BE CLEARLY MARKED "SEALED BID, DO NOT OPEN, CATOOSA FIRE HYDRANT"**. Late bids will not be accepted and will be returned unopened.

For this project, *Wage Rate OK20230081* 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:

Non-Indian Contractors are eligible to bid on all projects.

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 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.

TERO information included in the packet, for any questions please contact them directly. It is presumed that you understand their requirements by submitting your bid.

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 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.

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 must be certified through the State of Oklahoma **

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.

4. Builders Risk:
Builders Risk in the amount of the project is required for all development construction contracts and shall be supplied by the contractor. The Builders Risk Policy must be in effect for the entire term of the contract, including any approved extensions.

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

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 Housing Authority of the Cherokee Nation. Requests may be e-mailed to erna.reeves@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 Tuesday, June 27, 2023, at 2:00 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. Interpretations for this bid shall be posted by Thursday, June 29, 2023, at 2:00 p.m.

No additional interpretations will be addressed once HACN's response is posted on the CN procurement website.

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 opening of bids, each bidder will be presumed to have:

- Inspected the site
- Familiarized themselves with any existing conditions
- Read and became thoroughly familiar with the plans and contract documents (including all addenda).

Bonding Requirements

Required and acceptable methods of bonding:

(A). All bidders must submit with their packet a bid guarantee equivalent to five percent (5%) of the bid price. The "bid guarantee" shall consist of a firm commitment such as a bid bond, certified check, letter of credit, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of his bid, execute such contractual documents as may be required within the time specified. Bid guarantees are returned to the bidders as soon as practicable after bid opening.

(B). The successful bidder shall provide a letter of credit, certified check, or performance and payment bond for ten percent (10%) of the total contract price, unconditionally payable upon demand of the HACN, subject to reduction during any warranty period commensurate with potential risk and compliance with the procedures for monitoring of disbursements by the contract.

- The HACN will require a 1% maintenance bond upon successful completion of the contract, at which time the performance and payment bond will be released. The maintenance bond will be held for the one-year warranty period, then released upon concurrence of the Construction Manager and Contract Manager that all work is complete.

(C). For contractors unable to provide binding methods listed in paragraph (B) of this section, the HACN may withhold a retainage of 20% from any payments owed the contractor. Upon successful completion of the contract, 19% of the contract amount will be returned to the contractor and HACN shall retain 1% of the contract amount until the end of the warranty period. The 1% maintenance bond will be released upon the concurrence of the Construction Manager and Contract Manager that all work is complete.

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.

- _____ Preparation Outline (this form, must be signed and dated)
- _____ Mandatory Bid Response Form
- _____ TERO Certification (Bidder to provide if applicable)
- _____ Non-Collusive Affidavit
- _____ Previous Work History Form
- _____ Statement on providing Cherokee (Tribal) and Indian Preference in Employment and Training Opportunities
- _____ Statement on providing Cherokee (Tribal) and Indian Preference in the award of Subcontracts
- _____ Contractors Drug Free Workplace Statement or Agreement to follow HACN Drug-Free Workplace Statement
- _____ Bid Bond – 5% 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

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