

REQUEST FOR PROPOSALS (RFP) CONSTRUCTION SERVICES FOR THE O'ODHAM LANGUAGE BUILDING

Tohono O'odham Community College ("TOCC" or "College") is a two-year college that primarily serves the residents of the Tohono O'odham Nation. The Tohono O'odham Community College is soliciting proposals from qualified firms/individuals for Construction Services for the New Construction of the O'odham Language Building ("Building"), a double-wall adobe building on the main campus of the tribal college. The prepared, reviewed, and approved construction documents are available upon request for bid purposes only by emailing probertson@tocc.edu.

The background, proposal requirements, and timeline are as follows:

I. PROJECT DESCRIPTION

The O'odham Language Building will be a new educational facility located in Sells, AZ. The address to the main facility where work will be performed is Highway 86, Milepost 125.5. The new facility will be approximately 6,461 square feet when completed and will include a recording studio, media room, healing room, reception area, lab, student commons area, six (6) offices, classroom, study room, tutoring room, curation room, and a kitchen. Funding for this project is being provided by the Department of Education Title III Grant.

II. SCOPE OF WORK

The submissions in response to the RFP ("the Proposal") must meet the objectives and the functional requirements of the Scope of Work. Below is a basic list of objectives that must be minimally met.

1. Construct a new 6,461 SF total, Adobe, fully fire-sprinkled, Group B (Business) occupancy facility consisting of 1 building:
 - a. 1 6,461 SF building
 - b. Includes site utility development for interconnection of the building for use and occupancy.
2. Site grading per approved construction documents
 - a. Includes a retaining wall at the perimeter of the site except for frontage.
3. Provide and implement a Temporary Erosion Control Plan throughout construction project.
4. Provide and implement a site sanitation plan to include rubbish, construction debris removal, and temporary restroom facilities throughout construction project.
5. Records shall be maintained. Construct this facility in accordance with the approved plans, to include all material schedules.
 - a. Any deviation from the approved materials, either rough or finished, shall be approved by the College, the Project Architect, or other designated entity.
 - b. Field modifications approved by the Inspector of Record shall be filed with the College.

6. The contractor shall provide all necessary testing/inspections in accordance with the current state adopted codes, and repair service laws or ordinances.
7. Comply with all rules and regulations of health, public, and/or other authorities controlling or limiting the methods and materials to be used, or the actions of those engaged in this kind of work.
8. Contractor shall comply with all tribal and federal regulations applicable to project.
9. Proof of necessary certifications is required for at least one company representative.
10. Contractor will be expected to complete services no later than 30 days after notice to proceed.

III. PROJECT CONSTRUCTION REQUIREMENTS

This project has been designed and engineered prior to the advertisement and all drawings and specifications provided outline the necessary requirements to successfully complete the project. The selected Contractor will construct the Language Center elements of sufficient detail to successfully meet the provided design, permit requirements of the Tohono O’odham Planning Department and that adequately satisfy Architect for all work. Specifications referred to herein are used to indicate the desired type, and/or construction, and/or operation. Where there is a brand name specified, it is the intention of the College to identify a suitable level of quality and performance. The brand name specified does not preclude a respondent from presenting an approved equal. The words (or equal) contained herein, however, are defined to include the need for approval for such items.

VI. PROJECT TERMS & CONDITIONS

Note: The following items constitute a general description of the terms and conditions applying to the O’odham Language Building. A more complete set of Terms and Conditions shall be included in a Contractual Agreement after the College issues a Notice of Award for this project.

- Native American Preference. Preference in the award of contracts shall be given to Indian-owned firms.
- Notice of Intent to Award. Upon receipt and review of RFP responses, and pending the selection of a qualified Contractor, the College may issue a Notice of Intent to Award and enter into negotiations with the selected Contractor to finalize terms and conditions related to the project.
- Notice of Award. The College will issue a Notice of Award after terms and conditions are finalized.

- Performance and Payment Bonds. Per the Financial Policies and Procedures of the College, the Construction Contractor will be required to provide performance and payment bonds for the project at 100% of the total contract price per bond.
- Start Date and Final Completion Date. The College will include in the Notice of Award an identified Start Date and a Final Completion Date based on the total number of calendar days required to complete the project.
- Contractual Agreement. The final contract that will be used between the College and the Construction Contractor has yet to be determined. The College utilizes a range of Agreements that may be successfully employed for this project.
- Notice to Proceed. The Construction Contractor will begin work on the project after receipt of the College's Notice to Proceed.
- Materials Submission. The Construction Contractor will be required to forward proposed material to the College for final selection.
- Project Retainage. Per the Financial Policies and Procedures of the College, The College will retain 10% of all construction contract payments as insurance of proper performance of the contract.
- Change Orders. All change orders, including time and material change orders, must be approved by the College and must be in written format. The Contractor will not be reimbursed for material purchases unless supported by College-authorized change order, signed by the Owner's Representative (as designated by the President of the College) and the Project Director.
- Commercial Labor Rates. The Construction Contractor shall be required to pay established commercial labor rates established by the Tohono O'odham Nation.
- Liquidated Damages. The College will apply liquidated damages at a rate of \$100.00 per day for work extending beyond the Final Completion Date.
- Substantial Completion. The Construction Contractor will inform the College when the Company considers the project substantially complete. The College will retain the right to ascertain whether the project is substantially complete. Should the project be considered substantially complete, the College will release applicable retainage for the project.
- Certificate of Final Completion. Upon final inspection of the renovation and construction of the project, the College will issue a Certificate of Final Completion to the Contractor.
- Warranty and Assurances. The Construction Contractor will be required to issue a letter to the College on the Contractor's official letterhead that will provide legal warranties of workmanship and material used for the O'odham Language Building.

- Tribal Employment Rights Ordinance. The Construction Contractor agrees to comply with procedures set forth in the Tribal Employment Rights Ordinance (“TERO”) of the Tohono O’odham Nation and that all Contractors and Subcontractors comply with the Tohono O’odham Tribal Employment Rights Ordinance.
- Tribal Law. The Construction Contractor recognizes and honors the applicability of the Tribal laws and ordinances developed under the authority of the Indian Self-Determination and Educational Assistance Act of 1975 (PL 93-638).
- Eligible Workers. The Construction Contractor shall ensure that all employees complete the I-9 form to certify that they are eligible for lawful employment under the Immigration and Nationality Act (8 USC 1324a) shall comply with regulations regarding certification and retention of the completed forms.

V. GENERAL INSTRUCTIONS

Proposal must contain the following components. Additional information that may prove beneficial to the College during the rating and awarding process is welcomed. (Proposers are asked to refrain from submitting proposals that cannot be easily duplicated such as those with spiral binding, photos, and fold-out or other larger than letter-sized paper.)

1. Contact name, address, telephone number, and e-mail address.
2. Detailed description of skills, experience, and ability to meet project requirements.
3. Detailed cost proposal, including a break-down of proposal budget by task and total for providing the work.
4. Detailed project timeline and deliverables.
5. Statement of acceptance, ability, and willingness to enter into a Construction Services Contract.
6. The Proposal must consist of two original copies submitted by the deadline indicated below.
7. The Proposal must contain the following appendices:
 - Résumés of subcontractors or sub-consultants.
 - List of client references including project type, dates, and description.
 - Certificate of Liability Insurance and endorsement of the College being additional insured.
 - Sample/description of relevant work experience performed by firm/staff.

VI. SELECTION & EVALUATION CRITERIA

Proposals will be evaluated to determine which best meets the needs of the College. Evaluation and selection will be based on the information submitted in the Proposal. Proposals

will be evaluated based on the offeror's specific plan to meet the objectives of the Scope of Work and of the College. Preference may be given to those Proposals detailing relevant past experience in similar projects with Tribes, Tribal Colleges, or Tribally owned organizations in the construction of Tribal or Educational facilities. **Preference may also be given to firms with experience in Adobe Construction.**

Further information may be required by the College for clarification purposes after the Proposals are submitted. After meeting the mandatory requirements, the Proposals will be evaluated on their functional, support, and cost aspects. The College reserves the right to accept or reject any or all proposals, or any part of any proposal, and to waive any defect or technicality, and to advertise for new proposals on any basis and without disclosure of reason. The failure to make such a disclosure shall not result in accrual of any right, claim, or cause of action by any unsuccessful bidder against the College. The College also reserves the right to award in whole or in part, by items, group of items, or by section where such action serves the Tribe's best interests. Complete and accurate responses to all items are necessary for the fair evaluation of proposals.

This RFP is non-restricted, but Indian Preference applies to the award of this contract in accordance with applicable regulations and policies. Successful applicants will be required to enter into a contract with the TOCC and will be independent contractors, not employees of the College. As such, they will be required to maintain necessary licensing and insurance.

TOCC retains the right to cancel the RFP process at any time if it is in the College's best interest. TOCC shall not be responsible for costs incurred by proposers for proposal preparation. This RFP does not obligate the TOCC or any applicant until a contract is signed and approved by both parties.

Submissions will be evaluated by the selection committee based on the following criteria:

1. Indian-owned Firm / Tohono O'odham preference (0 or 10 points)
2. Proof of being a Tohono O'odham preference-owned enterprise (0 or 5 points)
3. Resume of Individual Firm (0-10 points)
4. Experience / Qualifications (0-25 points)
5. Clarity of proposal / Capability of meeting pre-construction schedule (0-50 points)

Submission of proposals indicates the bidder's acceptance of the evaluation techniques and recognition that subjective judgments must be made by the Owner during the evaluation process.

VII. SUBMIT TO

All firms must submit two (2) written, bound, and sealed Qualification packets (100pages or less numbered), tabbed by Section and one (1) electronic copy in PDF format provided on a USB storage device. Deadline for submission of sealed packets must be received by no later than 3:00 p.m. on February 15, 2022, at the Tohono O'odham Community College, PO Box 3129, Highway 86, Milepost 125.5, Arts and Science Building, to Paul Robertson, President. Proposals shall be delivered in sealed envelopes and shall bear on the outside of the same the name and address of the bidder and **RFP CONSTRUCTION SERVICES FOR THE O'ODHAM LANGUAGE BUILDING.**

Proposals forwarded by U.S. Mail shall be sent priority mail to the address listed above. Proposals forwarded by a delivery service other than the U.S. Mail or hand-delivered must be delivered to the address listed above.