

REQUEST FOR PROPOSAL
BID [#26-07-4226SB]

The Navajo Nation Department of Water Resources – Technical, Construction, and Operations Branch (NNDWR-TCOB) is seeking qualified contractors to provide a bid proposal for the Tohatchi Diversion Project in Tohatchi, NM.

The proposal shall include one (1) original and three (3) duplicate copies of the request for proposal. The proposer who submits the best proposal in terms of best quality and lowest cost on the specified materials will be selected. Adherence to the bid instructions is paramount, otherwise, the bid will be disqualified for non-compliance.

Proposals shall be delivered, in person, or in a sealed envelope to:

“Rehabilitation of Tohatchi Diversion Dam”
BID #26-07-4226SB – DO NOT OPEN”
Attn: Sharon Belone
ADMINISTRATION BUILDING #1-1st FLOOR
Window Rock Blvd.
Window Rock, Arizona 86515

Or mailed to:

Navajo Nation Office of the Controller
Purchasing Department
Attn: Sharon Belone
Administration Building #1
Window Rock Blvd.
P.O. Box 3150
Window Rock, Arizona 86515
“Rehabilitation of Tohatchi Diversion Dam”
BID #26-07-4226SB – DO NOT OPEN”

Bid documents and supplemental information regarding the project is available online at www.nnooc.org link: Purchasing. If there are any questions regarding this Request for Proposal call Todd Antonio at (928) 729 – 4145 or (505) 406-7711. Or email at tantonio@navajo-nsn.gov

The Navajo Nation reserves the right to reject any and all proposals not within projected budget and may elect to award not solely on the bid amount but the bidder’s qualifications. The due date for the proposal is November 20, 2026 at 5:00 P.M.

INSTRUCTIONS TO BIDDERS AND GENERAL INFORMATION

SCOPE OF WORK

The contractor must be able to rehabilitate an existing diversion structure, located in Tohatchi, NM (35.862799°N, 108.766933°W), in which it fails to divert seasonal runoff into a channeling system to Chuska Lake, located about 3 miles downstream. Such structure will require new operating gates to capture an adequate amount of water flow during times of flooding. Other incorporations would include a sediment capturing system to prevent reoccurring buildup at the entrances of the structure, a concrete lined channel and to provide a maintenance plan to ensure full capability performance. The contractor will prepare an as-built report that includes as-built drawings, necessary records of construction and possible testing, and pictures. This report shall be stamped and submitted to NNDWR. The following are the specifications and needed actions of this project.

SPECIFICATIONS

- New installations of water gates will be required. Two main gates are to be a priority: a larger gate that is used to control the main entrance of the diversion dam and a smaller gate that is used as a gateway/divergence for directing water into the 3-mile channel to Chuska Lake; both operating as an open-close function. Such existing gates are non-visible due to sand build up from their entrances but are visible from their exits. Obtaining existing dimensions, determining type of gate, will be completed by the contractor. Such new gate(s) shall be reviewed with NNDWR and Red Willow Farm Board (RWFB) to ensure manual functionality and gate is fitted correctly to the existing diversion structure. The contractor will complete installation and provide a minimum one-year warranty for water gates such that if any defects are identified by RWFB or NNDWR in the gate components, frame, excessive leakage, or functionality, the contractor will repair or replace parts and ensure gates continue to be operable.
- Cleaning and earth removal of different sections of the diversion dam and both channel's upstream/downstream will occur, if needed, depending on the sizing of the sediment capturing system and existing sediment. About 100 ft from the entrances of the diversion dam will be suitable for cleaning of obstruct boulders, sediment, vegetation and with a removal depth of 3 to 4 feet, to match the upstream bed elevation to the gate entrances. Such earth work will need to follow the existing surrounding terrain of the bed's upstream at a slight grade to its entrances to the diversion dam. Other specifics and recommendations shall be reported by the contractor. The contractor will need to obtain all necessary permits (e.g. 401, 404 from Navajo Nation Environmental Protection Agency) to comply with Navajo Nation's policies and procedures for these excavation services.
- Incorporating a sediment capturing system upstream shall be a solution to prevent sediment build up within the diversion dam and channel to Chuska Lake, causing heavy maintenance issues. Such system will be determined by the contractor and from the existing conditions of the upstream. System will be placed upstream from the diversion dam. Capturing system will need to be economical, easy maintenance, and is durable to withstand large amounts of water during seasonal flooding. Such capturing system will be reviewed with NNDWR and RWFB to ensure system meets the needs of the existing conditions. The contractor will need to provide a minimum of one-year warranty for the

system and its major components, such that if any defect(s) is identified by RWFB or NNDWR, it will be replaced.

- A reinforced concrete linen channel will be included to ensure left over sediment is able to flow out of the diversion dam to help avoid potential build up. This linen shall be placed at the exit channel that goes directly into Chuska Lake. The run length of this concrete linen shall not exceed the length of the retaining that is adjacent to the channel. The purpose of the concrete linen is to provide additional protection of seepage that may lessen the retaining wall's structural integrity. The contractor will give recommendations on the run length and needed amount of concrete to ensure continuation of flow and debris. The contractor will need to provide a minimum of one-year warranty for the concrete linen channel such that if any excessive cracking or deterioration are identified by RWFB or NNDWR, the contractor will provide needed repair services. Drainage pipes will not be included in this project's scope.
- Maintenance plan will need to be provided by the contractor to ensure new capturing system is maintained correctly to allow longer life usage. This would include all necessary cleaning plans of the sediment capturing system and of the different components within the diversion dam (e.g. water gates, concrete linen channel); needed maintenance for the water gates to avoid difficulty in opening and closing, and needed cleaning of surrounding vegetation and possible debris and sediment within concrete channel. The contractor will educate RWFB about operations, functionality, and maintenance training. This will provide knowledge and procedures to the farm board directly on safety, proper inspection and performing maintenance routines of the diversion dam.
- Minimum of one-year warranty will be included in the scope and will warrant all main components mentioned in this RFP. The warranty will cover and ensure any anticipated defects, failures, deterioration, or deficiencies that result from defective material and inadequate installation of the completed work to perform as specified. The warranty period shall begin when all major components are completed and final acceptance date of the completed project by NNDWR and shall remain in effect for a minimum of one-year. Warranty coverage shall include, but not be limited to, both water gates, sediment capturing system, concrete linen channel and associated components.
- Future design and cost estimate of a new diversion dam and its entirety including a Professional Engineer's stamp. NNDWR plans to redesign and reconstruct the Tohatchi Diversion Dam. Such estimate will provide insights of the needed improvements and funding for this project. This will include construction plans and an estimation. The reconstruction of this future design of the diversion dam will not be in this scope, however, provided plans and cost estimate for future plans is requested.
- 30, 60, and Final Submittals will be incorporated in the construction process and documented through progressive stages; with each submittal representing a milestone of the project. Submittals should reflect advancing completeness including conceptual layouts, necessary detailed design drawings, scheduling information, and other intents to ensure the project aligns with the needs of the community through RWFB and NNDWR.

Meetings will be held with the Contractor, RWFB, and NNDWR to review progress, discuss design considerations, and address feedback.

CONDITIONS GOVERNING THE INVITATIONS FOR BIDS

Must be authorized and fully certified licensed business that meets all the standards and qualifications. Since the Navajo Nation is a Sovereign government, all contracts entered shall comply with all Navajo Nation laws, rules, and regulations as well as applicable federal laws, rules, and regulations.

Instruction to offerors to visibly mark on the outside of the proposal package, if applicable, the offeror's priority status under the Navajo Nation Business Opportunity Act. It is the responsibility of the offeror to identify themselves as certified under the Navajo Nation Business Opportunity Act.

Processing of Payments – The payment procedures established by OOC – Division of Finance shall be adhered to and are to begin whenever Goods are delivered and accepted.

AWARD OF BID – REJECTION OF BID

The NNDWR reserves the right to accept bids all or in part. At the time of acceptance, the NNDWR also reserves the right to increase or decrease quantities of any item at the same price bid.

The NNDWR reserves the right to reject any or all bids or to accept any bid that in its judgement will be the best interest of the general public. It is the intention to award contract to the lowest responsible bidder best meeting the requirement.

The Navajo Nation is not responsible for any "Down Time" including late delivery of materials, any act of negligence on the part of the supplier and any unforeseen occurrence. These are not billable to the Navajo Nation and will not be considered for payment.

PREFERENCE OF NAVAJO AND INDIAN-OWNED BUSINESSES

Preference of Navajo and Indian-owned businesses will be given under the Navajo Nation Business Opportunity Act, 5 NNC §201 et. Seq., and the Navajo Nation Procurement Act 12 NNC §303. Certification of Navajo Owned Business will be assured by certificate held by the Navajo Business Regulatory Department.

NAVAJO NATION SALES TAXES

All work performed within the territorial jurisdiction of the Navajo Nation is subject to the six percent (6%) Navajo Sales TAX. 24 N.N.C. §601 et. Seq. The Navajo Nation shall withhold from each payment to the "CONTRACTOR" 6% of the total invoice amount associated with work performed within the Navajo Nation. This amount reflects the Navajo Sales Tax due on such invoice amount. This 6% shall be transferred to the Office of the Navajo Tax Commission as a payment of the tax on behalf of the "CONTRACTOR".

EVALUATION AND CRITERIA

Each bid must be accompanied by a letter of transmittal. Based on what is submitted, it will be graded by a bid committee. The letter of transmittal shall contain the following:

Cost will be based on the pricing of the project; this includes its competitiveness and cost-effectiveness, must reflect realistic pricing and lower cost may be favorable. Such cost proposal will need to be sealed in a separate envelope, submitted with the proposal.

Design & Build Experience evaluates the vendor's relevant experience in similar design and construction projects; this will include quality and ability to deliver proposed design.

Scope of Work is based on how well the proposal addresses the scope of the project of its entirety; this includes the clarity, completeness, and feasibility of its approach and deliverables.

Certifications reviews the vendor's professional and technical certifications, licenses, accreditations, certificate of insurance, W-9, NN Debarment and Suspension, etc. to verify qualifications.

Completion Date of Bid evaluates whether the submission is submitted by 5:00 P.M. on May 22, 2026.

A point criterion will be used by the bid committee in the selection process for contract award. Proposals will be evaluated to determine the best vendor. The forms (W-9 & Debarment Suspension) must be filled out completely and returned with their RFP package. If they are returned blank or not returned with the bid package, their RFP will be deemed as non-responsive. The following provides a description of each criterion found in the table below and how it will be used for evaluation of bids:

Evaluation Criteria	Points
1) Cost	25
2) Design & Build Experience	25
3) Scope of Work	20
4) Certifications	15
5) Completion Date of Bid	15

SCHEDULE OF ACTIVITIES

Date Description	Deadline
1. Advertising Date	September 16, 2026
2. Proposal Due Date	November 20, 2026

AVAILABILITY OF BID DOCUMENTS

Bid Proposal documents are available on the website at www.nnooc.org and at the Navajo Nation Purchasing service located at the Administration Building #1-1st Floor, Window Rock Blvd. Window Rock, Arizona 86515 between the hours of 8:00 A.M. and 5:00 P.M. Monday through Friday. For more information, contact Todd Antonio at (928) 729 – 4145 or (505) 406-7711. Or email at tantonio@navajo-nsn.gov.

PROPOSAL SUBMISSION

Sealed bid proposals shall be delivered to the Navajo Nation Purchasing service located at the Administration Building #1-1st Floor, Window Rock Blvd. Window Rock, Arizona 86515 before 5:00 P.M. on November 20, 2026. Respondents who are mailing their proposals should allow sufficient time for mail delivery to ensure receipt by the time specified. **Late proposals will not be accepted.**

WITHDRAWAL OF BID

No bid proposal shall be withdrawn for a period of 60 calendar days after the opening of bid without the consent of the owner.

NAVAJO NATION CERTIFICATION
Regarding Debarment, Suspension, and
Contracting Eligibility

1. Applicant entity acknowledges that to the best of its knowledge that the Applicant entity, either in its present form or in any identifiable capacity, has not, in accordance with 12 N.N.C. § 361:
 - A. Been convicted of the commission of criminal offenses incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of any such contract or subcontract;
 - B. Been convicted of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or other offenses indicating a lack of business integrity or honesty, which currently, seriously, and directly affect responsibility as a Navajo Nation contractor;
 - C. Been convicted under antitrust statutes arising out of the submission of bids or proposals;
 - D. Violated contract provisions, including:
 - i. Deliberate failure, without good cause, to perform in accordance with the contract specifications or within the time limit provided in the contract,
 - ii. A recent record of failure to perform or of unsatisfactory performance with the terms of any contract, or
 - iii. Any other cause so serious and compelling as to affect responsibility as a Navajo Nation contractor, including debarment by another governmental entity.
2. Applicant acknowledges that if the Navajo Nation determines that the executed Certification provided herein is untrue or not wholly accurate, it shall be grounds for the Navajo Nation to terminate the contract and pursue other legal remedies, at the Navajo Nation's discretion.
3. Applicant certifies to the best of its knowledge that it is eligible to do business with the

Navajo Nation, in its present form or in any other identifiable capacity, pursuant to 12 N.N.C. § 1501 and 5 N.N.C. § 301. Applicant also acknowledges that per 12 N.N.C. § 1505, it will not be eligible to contract with the Navajo Nation if deemed ineligible by the appropriate department or entity of the Navajo Nation which receives the Applicant's request for consideration for a business opportunity.

Applicant Name

Name of individual signing on Applicant's behalf (print)

Applicant Address

Title of individual signing on Applicant's behalf

Applicant Address

Signature of individual signing on Applicant's behalf

Applicant Address

Date

**Request for Taxpayer
Identification Number and Certification**

Go to www.irs.gov/FormW9 for instructions and the latest information.

**Give form to the
requester. Do not
send to the IRS.**

Before you begin. For guidance related to the purpose of Form W-9, see *Purpose of Form*, below.

Print or type.
See Specific Instructions on page 3.

1 Name of entity/individual. An entry is required. (For a sole proprietor or disregarded entity, enter the owner's name on line 1, and enter the business/disregarded entity's name on line 2.)	
2 Business name/disregarded entity name, if different from above.	
3a Check the appropriate box for federal tax classification of the entity/individual whose name is entered on line 1. Check only one of the following seven boxes. ☐ Individual/sole proprietor ☐ C corporation ☐ S corporation ☐ Partnership ☐ Trust/estate ☐ LLC. Enter the tax classification (C = C corporation, S = S corporation, P = Partnership) Note: Check the "LLC" box above and, in the entry space, enter the appropriate code (C, S, or P) for the tax classification of the LLC, unless it is a disregarded entity. A disregarded entity should instead check the appropriate box for the tax classification of its owner. ☐ Other (see instructions) _____	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from Foreign Account Tax Compliance Act (FATCA) reporting code (if any) _____ (Applies to accounts maintained outside the United States.)
3b If on line 3a you checked "Partnership" or "Trust/estate," or checked "LLC" and entered "P" as its tax classification, and you are providing this form to a partnership, trust, or estate in which you have an ownership interest, check this box if you have any foreign partners, owners, or beneficiaries. See instructions ☐	
5 Address (number, street, and apt. or suite no.). See instructions.	Requester's name and address (optional)
6 City, state, and ZIP code	
7 List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. See also *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number	
or	
Employer identification number	

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and, generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here	Signature of U.S. person	Date
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General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

What's New

Line 3a has been modified to clarify how a disregarded entity completes this line. An LLC that is a disregarded entity should check the appropriate box for the tax classification of its owner. Otherwise, it should check the "LLC" box and enter its appropriate tax classification.

New line 3b has been added to this form. A flow-through entity is required to complete this line to indicate that it has direct or indirect foreign partners, owners, or beneficiaries when it provides the Form W-9 to another flow-through entity in which it has an ownership interest. This change is intended to provide a flow-through entity with information regarding the status of its indirect foreign partners, owners, or beneficiaries, so that it can satisfy any applicable reporting requirements. For example, a partnership that has any indirect foreign partners may be required to complete Schedules K-2 and K-3. See the Partnership Instructions for Schedules K-2 and K-3 (Form 1065).

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS is giving you this form because they