

REQUEST FOR PROPOSAL

Bid No.: 15-01-1314VJ

for

RIGHT OF WAY ACQUISITION:

WINDOW ROCK GOVERNMENTAL CAMPUS FIBER PROJECT

PROPOSALS ARE TO BE SUBMITTED TO:

Harold Skow, Director
Navajo Nation's Department of Information Technology
POB 5970
Window Rock, AZ 86515

SUBMISSION DUE DATE:

No later than 3PM (MST)
Tuesday, January 20, 2015

QUESTIONS MAY BE DIRECTED TO:

Harold Skow, Director
(928) 871-6002
Haroldskow@navajo-nsn.gov

I. INTRODUCTION

Navajo Nation Department of Information (NNDIT) seeks proposals to perform Right of Way Acquisition for the NNDIT Window Rock Governmental Campus Fiber Project. This Request for Proposal (RFP) solicits input from interested parties in assisting the NNDIT with legal Right of Way (ROW) Acquisition for the fiber project, as enumerated herein.

II. BACKGROUND

NNDIT Data Center is located in Window Rock, Arizona on 1 Tribal Hill Drive. NNDIT is responsible to provide Technology services to all Navajo Nation Governmental Entities. It is NNDIT's objective to create a fiber ring backhaul to provide major bandwidth capabilities at the Navajo Nation Capital in Window Rock Arizona. The proposed Right of Way shall be fifteen (15) feet wide and approximately 5,280 feet long (one mile), the fiber path shall commence from the Navajo Nation Public Safety Building to the Navajo Nation Resources Department. Exhibit "A", Fiber Path map.

III. SCOPE OF WORK

The Scope of Services for this RFP requires an understanding of "turnkey" Right of Way (ROW) Acquisition. It is anticipated that NNDIT will expand or refine that Scope of Services during the negotiation with the selected consultant, incorporating their experience, expertise and method of approach.

The selected consultant and/or consultant team shall perform the following:

Right of Way Acquisition

- A). Project management of Right of Way Acquisition Activities in regard to all applicable local and federal clearances; including all administrative duties involved in the clearing of parcels for construction. Act as a NNDIT liaison to local and federal governmental entities.
- B) Research Right of Way titles, parcel maps, and Records of Survey
- C) Locate existing effected property corners
- D) Prepare stamped Right of Way drawings, plats, and legal descriptions. Consultant must certify, by a Licensed Land Surveyors, the accuracy of survey.
- E) Process appropriate notifications to subject property owner (s)
- F) Acquire property/easement from appropriate Navajo Nation and Federal governmental entities within the project site.

- G) Provide Eminent Domain Assistance, if necessary.
- H) Maintain a complete project file.
- I) Prepare all Right of Way forms and exhibits to be submitted to the Navajo Nation in accordance to the standards as set forth in the Navajo Nation Law: Code Title Sixteen (16) Land; and Title Twenty-one (21), Public Utilities and Communications. Submissions must pass the review of the NNDIT Director.

IV. RESEARCH, DATA COLLECTION, AND MAPS ON EXISTING RIGHT OF WAY EASEMENTS:

- A. Navajo Tribal Utility Authority:
 - i. Data Network
 - ii. Natural Gas
 - iii. Power Lines
 - iv. Water, and Sewer Distribution Lines
- B. Frontier Communications Company:
 - i. Telecommunication Lines
- C. Navajo Nation Departmental Data Lines
- D. Bureau of Indian Affairs: Roads
- E. Navajo Division of Transportation: Roads

V. RESEARCH AND DATA COLLECTION ON EXISTING ENVIRONMENTAL ASSESSMENTS:

- A. Navajo Tribal Utility Authority
- B. Frontier Communications
- C. Indian Health Services
- D. Bureau of Indian Affairs
- E. Navajo Division of Transportation
- F. Navajo Division of Resources
 - i. Navajo Land Department
 - ii. Navajo Fish & Wildlife
- G. Preliminary On-site walk through and project site determination.

VI. LEGAL DESCRIPTION AND PLAT

- A. Land Surveying
- B. Topographic Surveying
- C. Mapping

VII. ENVIRONMENTAL ASSESSMENT AND CLEARANCES

- A. Archeological Clearance
- B. Biological Clearance: Fish & Wildlife
- C. Historic Preservation Clearance

VIII. FILINGS AND APPROVALS

- A. Environmental Assessment
 - i. Navajo Nation Clearance
 - ii. Bureau of Indian Affairs Clearance
- B. Right of Way Clearance Package: Adhering to the Navajo Nation Code, Title 16 and 21
 - i. Navajo Nation Resources Development Committee

IX. DELIVERABLES:

- A. Existing preliminary title reports
- B. Existing Right of Way exhibits; Utility infrastructure maps and ROW documentation from utility and telecommunication companies, in and around the proposed project site path.
- C. Legal descriptions and plats
- D. Property owner and Utility notification letters.
- E. An Environmental Assessment (EA) and Clearances through the Navajo Nation Land Department and Bureau of Indian Affairs Realty Office.
- F. Any other relevant documentation needed for project completion; resolutions and Navajo Nation Council Committee approvals.

X. TENTATIVE SCHEDULE

The tentative selection time schedule is as follows:

Solicitation of RFP	January 14 – 20, 2015
Proposals Due	January 20, 2015 (no later than 3PM)
Review Proposals and Award	January 21, 2015

XI. RIGHTS, OPTIONS AND POLICIES

- A. Successful consultant will be required to participate in negotiations and to submit such pricing, technical or other revisions to their proposals as may result from negotiations. Accordingly, each initial proposal should be submitted on the most favorable terms from an economic and technical viewpoint.
- B. The NNDIT reserves the right to decide that one proposal is more favorable than all others.
- C. The respondent must submit one (1) original and three (3) copies of the proposal to the address identified on the cover of the proposal. The original proposal will serve as the official copy and the other three copies will be retained on file.
- D. Only written responses to the RFP will be accepted.
- E. The NNDIT reserves the right to declare a proposal as non-responsive if it fails to clearly and/or completely respond to all questions and requirements of this RFP. All late submissions will be considered non-responsive and remain unopened.
- F. The NNDIT reserves the right to modify, postpone, or cancel this RFP at any time and/or reject any and all submissions without indicating any reason. No proposal documents will be returned.
- G. Responses to the RFP shall be sent in a sealed envelope and clearly marked with RFP Title/Bid# **15-01-1314VJ**, Department of Information Technology – certified mail, overnight delivery with proof of delivery, or can be hand-delivered to the name and address identified on the cover of the RFP. Only written responses will be accepted.
- H. Proposal shall be received on or before 3:00 PM (MST), on January 20, 2015. Proposal received after 3:00 PM (MST) or late will not be accepted.
- I. No Facsimiles of proposal will be accepted.
- J. The NNDIT reserves the right to terminate the consultant agreement if the proposed individual(s) is changed after selection and/or following the award of the consultant agreement.
- K. If contract negotiations are unsuccessful with the preferred consultant, NNDIT may, at its discretion, choose to negotiate with any other Consultant

- L. Those submitting a proposal warrant and covenant that no official or employee of the Navajo Nation, nor any business entity in which an official of the Navajo Nation has an interest, has been employed or retained to solicit or and in procuring the contract for this project.
- M. Including complying with Navajo Nation’s Business Opportunity Act, 5 N.N.C., Subsection 201 — 215, the Navajo Nation's Procurement Rules and Regulations, and Navajo Preference Act.

Consultants shall not discriminate on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age or sexual orientation in the performance of Navajo Nation contracts.

XII. EVALUATION AND CRITERIA:

1. A Selection Committee will review the bids received in accordance with the general criteria described herein. The selection committee may request oral presentations by respondents. Respondents should be prepared to provide any additional information the selection committee feels necessary for the fair evaluations of bids.
2. Failure of a respondent to provide any information requested in the RFP may result in disqualification of the bid. All bids must be endorsed with the signature of a responsible official having authority to bind the respondent to the execution of a contract.
3. The sole objective of the selection committee will be to select the respondent who is most responsive to the needs of the Navajo Nation and recommend the respondent(s) who best meet(s) this objective.
4. Evaluation Criteria:

Evaluation Criteria	
Priority 1 or 2 vendor a. Priority One vendor (10 pts.) b. Priority Two vendor (5 pts.) c. Non-Priority vendor (0 pts.)	10
Bid Organization a. Typed written on 8-1/2" X 11" paper b. Binding and indexing c. One original bid and 3 copies	20
Letter of Transmittal a. Provide background on company.	10
Proposed Cost a. Provide detailed cost Rights of Ways acquisition b. Provide warranty, if applicable.	60
	100



"Exhibit A"

Request for Taxpayer Identification Number and Certification

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

Print or type See Specific Instructions on page 2.	Name (as shown on your income tax return)	
	Business name/disregarded entity name, if different from above	
	Check appropriate box for federal tax classification: <input type="checkbox"/> Individual/sole proprietor <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____ <input type="checkbox"/> Other (see instructions) ▶ _____	Exemptions (see instructions): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____
	Address (number, street, and apt. or suite no.)	Requester's name and address (optional)
	City, state, and ZIP code	
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 the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Social security number									

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

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 on page 3.

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. The IRS has created a page on IRS.gov for information about Form W-9, at www.irs.gov/w9. Information about any future developments affecting Form W-9 (such as legislation enacted after we release it) will be posted on that page.

Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, payments made to you in settlement of payment card and third party network transactions, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the

withholding tax on foreign partners' share of effectively connected income, and

4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct.

Note. If you are a U.S. person and a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.

