

The Settlement – Bode’wadmi Trail
Part of the NW ¼ of Section 28 Wayland Township, Allegan County, Michigan

Instructions to Bidders

The Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians, a federally recognized Indiana tribe also known as The Gun Lake Tribe, a federally recognized Indian Tribe, is requesting bids from qualified and responsible contractors for the construction of THE SETTLEMENT- BODE’WADMI TRAIL. The Tribe has received funding from the Bureau of Indian Affairs (BIA) Indian Reservation Roads (IRR) program under the American Recovery and Reinvestment Act (ARRA) for construction of a roadway and all necessary appurtenances at the Tribe’s Elders Housing Development. Contractors are to submit completed bid schedules in accordance with the approved Plans and Specifications of Holland Engineering, Inc.

Project Description

This project is for the construction of THE SETTLEMENT – BODE’WADMI TRAIL, a proposed public roadway located on 33 acres South of 128th Avenue in Wayland Township, Allegan County, Michigan. The approximate length of the roadway to be constructed is 0.20 miles. The project involves construction of 1100 lineal feet of HMA roadway, including: mass grading, retention basin construction, underground stormsewer, catchbasins, concrete sidewalks, paving, restoration, and installation of street trees.

Holland Engineering will provide one time construction staking at no charge to the contractor.

This will include one time staking of:

1. Silt Fence / construction grading limits – location only
2. Centerline of road, retention basin, and lot fills – location and grade
3. Proposed storm piping and structures – location and grade
4. Finished pavement and/or curb – location and grade
5. Concrete sidewalk – location and grade
6. Any additional staking requested by the contractor and any stakes replaced due to contractor negligence will be at the expense of the contractor.

Soil and Material Engineers, Inc. will provide all construction material testing and material compaction testing at no charge to the contractor. Any retesting required due to failure to comply with specifications will be at the expense of the contractor.

Work is to be completed according to the approved Plans and Specifications as prepared by Holland Engineering, Inc.

Contact Information

OWNER: **The Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians**
aka, The Gun Lake Tribe
1743 142nd Avenue, Suite 6
Dorr, MI 49323
ATTN: Monte Davis
PH: (616) 681-8830 FAX: (616) 681-8836
EMAIL: mrrdavis@mbpi.org

CIVIL ENGINEER: Holland Engineering, Inc.

220 Hoover Blvd, Suite 2
Holland, MI 49423
ATTN: Bruce Zeinstra
PH: (616) 392-5938 FAX: (616) 392-2116

Bond Requirements

Performance bonds with penal amounts equal to 100% of the contact amount and payment bonds with penal amounts equal to 100% of the contract amount are required, by law, when the bid exceeds \$100,000. A bid bond of 20% is required with all bids submitted. Corporate sureties offered for bonds furnished with this contract must be original documents and must appear on the list contained in the U.S. Department of Treasury Circular 570, entitled "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and Acceptable Reinsuring Companies."

Employment Plan

An Employment Plan must be submitted with bids. At a minimum, the Employment Plan should include the following; contractor shall identify Tribal Member(s) of the Gun Lake Tribe that they intend to employ, noting the identifying number of the Member(s) from the construction skills survey attached in Appendix B.

Indian Employment of Subcontractors – the Tribal Representative who will coordinate implementation of the Tribal Member Employment requirement is:

Amanda Sprague
1743 142nd Ave.
PO Box 218
Dorr, MI 49323
(616) 681-8830

Upon approval of the Employment Plan by the Tribe, the contractor will contact the Tribal Representative to implement the Plan. The contractor shall obtain a written release from the Tribal Representative in the event no Tribal Member employees are available for job openings. The contractor may then proceed to hire subject to the remaining contract provisions.

Davis Bacon Act (Wages)

All laborers and mechanics employed by the contractors in connection with this contract or subcontracts under this contract shall be paid wages at not less than those prevailing on similar construction in the locality, as determined by the U.S. Department of Labor in accordance with Davis-Bacon Act of March 3, 1931 (46 Stat. 1494), as amended. The wage table for Allegan County is attached in Appendix A. Contractor will be required to submit certified payrolls in a timely manner.

Central Contractor Registration Database

Contractors submitting bids must provide proof of valid, current registration with the Central Contractor Registration Database (www.ccr.gov). In addition, contractors submitting bids must provide proof of valid tax identification numbers.

Construction Schedule

Contractors submitting bids must include a detailed construction schedule for the project. No particular format is required. Anticipated project timeline:

- Contractor mobilization: August 2, 2010
- Mass grading completed: August 16, 2010
- Base Course asphalt completed: September 3, 2010
- Project complete: October 29, 2010

Insurance Requirements

The contractor and all subcontractors shall meet the insurance requirements of the Bureau of Indian Affairs, the Match-E-Be-Nash-She-Wish Band of Pottawatomis Indians, and Wayland Township. All contractors and subcontractors must submit certificates of liability and workers' compensation insurance prior to a contract being issued. Each insurance company of the contractor or subcontractors must hold a current Certificate of Authority issued by the Director of the State Department of Insurance authorizing it to transact the appropriate kind of insurance business in the State. To be acceptable, the policy of insurance must contain a provision committing the insurer to pay for covered acts and omissions regardless of the fact that the same acts or omissions by the Contractor or subcontractors, its agents and employees may be covered under the Federal Tort Claims Act. The insurance requirements are listed below:

- Workers' Compensation
- Owner's, landlord's and tenant's bodily injury liability insurance with limits of not less than \$1,000,000 for each person and \$500,000 for each accident.
- Property damage liability insurance with limits of not less than \$500,000 for each accident and a total limit of, \$1,000,000 for damage arising out of a bodily injuries to or death of two persons in one accident.
- Professional Liability, General Liability, and Employer's Liability insurance with limits not less than \$1,000,000.

Pre-Construction Documents

A notice to proceed will not be issued until all required pre-construction documents are provided complete and in good order to the Tribe. These documents include bonds, insurance certificates, construction schedule, executed contract, Subcontracting Plan, Employment Plan and tribal waiver if applicable, SF 14-13, and any other documents the Tribe, BIA, or Township may require prior to proceeding with construction. Once the Tribe has received and approved all of the documents, a pre-construction meeting will be scheduled and a notice to proceed will be issued to the contractor.

Construction Documents

The selected contractor will need to furnish the following documents:

1. A traffic control plan (as required).
2. A safety plan.
3. Safety reports submitted on a weekly basis.
4. Contractor will be required to submit certified payrolls in a timely manner.

Payment Procedures

Contractor will submit to the Tribe payment requests based on quantities and work completed on the project. Payments will not be made unless all relevant and required material certifications, testing reports, and certified payrolls have been received and approved by the Tribe and its engineer. Work completed must be acceptable to the Tribe,

and its engineer and sufficiently meet MDOT specifications or payment will not be processed. Upon receiving a payment request, the Tribe will review and forward the pay request to the engineer for review and approval. The payment request will then be forwarded to the BIA Regional Engineer for review and approval. Once all approvals are received, the BIA will notify the Tribe that it is authorized to process payment to the Contractor. The Tribe will then send a disbursement voucher along with the supporting documents to be processed by the Tribe's accounts payable department. Checks are cut based upon the following schedule:

50% complete

80%+/- complete (prior to asphalt wearing course, sidewalk, and street trees)

100% complete including project punch list and contractor redlines

The Tribe will require a completed and updated W-9 on file prior to processing any checks.

Change Orders

The Contractor shall not proceed with any additional work outside of the contract unless prior written approval has been received from the Tribe. Material changes, additional work, and unexpected site conditions must be documented. Change orders must be written by the contractor and approved by the Tribe and its engineer. At a minimum, change orders shall state:

1. Description of the work to be completed.
2. Unit(s) of measurement (s).
3. Unit price (s).
4. The total cost of the change.
5. The pay item number(s) assigned by the engineer.
6. The change order number.
7. Impacts to the approved project schedule.
8. Signature lines for the contractor and the Tribe.

Without written approval, the contractor is not authorized to begin any additional work. In addition, the Tribe and the BIA Regional engineer must approve in advance and in writing any change that will result in an increased cost of any pay item of 5% or more.

Request for Bids

1. An optional Pre-bid meeting will be held on Tuesday, June 29, 2010 at 2:00 PM at the Luella Collins Community Center located at 419 126th Ave, Shelbyville, MI. A site walk will be conducted with all interested parties immediately following the pre-bid meeting.
2. All questions and/or Requests for Clarification should be received, in writing, at the offices of Holland Engineering, Inc. 220 Hoover Blvd, Suite 2, Holland, MI 49423 by 2:00 PM on Monday July 12, 2010 at which time a written response will be sent to all plan holders. Verbal answers are not binding on any party.
3. Addenda may be issued during the bidding period. All addenda become part of the Contract Documents. Include resultant costs in the final bid amount. Addenda will not be issued after 3 days prior to the date the bids are due.
4. Substitute products will be considered if submitted as an attachment to the bid form. Approval to submit substitutions prior to submission of bids is not required. Submit all substitutions as Voluntary Alternates to the base bid. The submission should include sufficient information to determine acceptability of proposed substitution.
5. Prior to submitting a proposal, each applicant should familiarize themselves with all existing conditions, including the site, applicable laws, codes, rules, and plan requirements affecting the work.

Bid Submittal Requirements and Review Process

1. Bids to be considered must be received on or before July 19, 2010 at 3:00 p.m. at the administrative offices of the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians at the address below:

Hand Delivered:

Gun Lake Tribe
Administrative Office
1742 142nd Ave, Suite 7
Dorr, MI 49323

First Class Mail:

Gun Lake Tribe Roads Program
(RFP Road Construction)
PO Box 218
Dorr, MI 49323

2. Three (3) Copies of the proposal and all other required documents (insurance certificates, bid bond, employment plan, subcontracting plan, proof of DUNS # registration with CCR, Debarment Certification, and Construction Schedule) shall be submitted and all proposals shall be delivered in sealed envelopes clearly marked "RFP ROAD CONSTRUCTION" to the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians at the address above.
3. Upon receiving all responses to the Request for Bids, the Gun Lake Tribe will evaluate the bids based upon the following general criteria:
 - a. Price and Construction Schedule
 - b. Indian Owned Enterprise Preference
 - c. Qualifications and Responsibility of Bidders

After review of the bids has been completed, contractors may be requested to meet with Tribal staff for interviews.

The Tribe reserves the right to reduce the scope of services required under this bid. The Tribe also reserves the right to reject any or all bids, waive irregularities in any bid, and make the award in the best interest of the Tribe.

Bid Protests

All protests relating to this Request for Bids, the selections and/or award, must be filed in writing within five (5) business days of date on notification of non-award letter. An aggrieved offer or bidder may submit in writing a request for an informal hearing to challenge the determination of non-award. Any challenges received beyond the five (5) days shall not be considered. All challenges shall be submitted to the Director of Roads, Monte Davis 1743 142nd Ave. P.O. Box 218 Dorr, MI 49323, (616) 681-8830.

Questions regarding this request for bids should be directed to:

Monte Davis, Environmental Specialist
Gun Lake Tribe
1742 142nd Avenue, Suite 7
P.O. Box 218, Dorr, MI 49323
(616) 681-8830

Appendix A: Davis Bacon Act Wages

Appendix B: Construction Skills Survey