

**ADDENDUM No. 1
TO
CONTRACT DOCUMENTS
FOR
LAKE VALLEY RESIDENTIAL WELLS PROJECT
THE NAVAJO NATION
DEPARTMENT OF WATER RESOURCES
ON BEHALF OF THE LAKE VALLEY CHAPTER**

Issued June 29, 2023

This is ADDENDUM No. 1 to the CONTRACT DOCUMENTS FOR THE LAKE VALLEY RESIDENTIAL WELLS PROJECT, bid package published June 2023. This ADDENDUM No. 1 consists of five (5) pages and sixteen (16) items with six (6) attachments. All interested bidders are hereby notified of the following modifications to the Contract Documents, as described in detail below.

Item 1. • Extension of Bidding Period

To provide more time for Contractors to complete their bids and due to the holiday, an additional week has been added to the bidding period, as indicated below:

- a. The deadline for questions from Bidders is now 12:00 p.m. on Friday, July 7th.
- b. Responses to questions will be provided to all plan holders by Monday, July 10th.
- c. **Bids are now due Friday July 14th, 2023 by 2 p.m.**

Item 2. • Electronic Submittal of Bid Allowed

In addition to receiving sealed paper bid submittals at the office of the Engineer as described in the advertisement for bids and Article 15 of the Instructions to Bidders, scanned copies of signed bids in electronic PDF format will also be received for evaluation.

Article 15.01.A is hereby added to the Instructions to Bidders, and reads as follows:

- A. Scanned copies of complete, signed bids in electronic PDF format may be submitted by electronic mail (e-mail) in lieu of a paper bid. Such electronic bids must be e-mailed to the Engineer at George.mihalik@soudermiller.com with cc to ryan.biehl@soudermiller.com and be received in the Engineer's e-mail inbox no later than the date and time indicated in the advertisement to bid. The subject line of the e-mail should state "**Lake Valley Residential Wells**", **Bid submitted by [Name of Bidder], [Priority [1 or 2] if applicable]**"
 - a. The scanned Bid, bid security and all other required documents shall be attached to the Bidder's e-mail submittal as a single PDF file.
 - i. The PDF filename must include the name or initials of the Bidder.
 - ii. The Engineer and Owner will treat the PDF file received as a sealed bid and will not open or otherwise review its contents until the bid opening.
 - b. Any bid received in the Engineer's e-mail inbox after the time indicated in the advertisement to bid will not be considered, regardless of when the bid was sent by the Bidder.
 - c. As with bids submitted in paper format, the Engineer strongly recommends that Bidders submit electronic Bids well advance of the bid opening in case of any unforeseen delays that could prevent receipt of the bid in time for the Bid to be considered.

- d. Bidders are also encouraged to confirm receipt of their Bid with the Engineer by email or phone. Cell phone numbers are provided below that bidders may contact in addition to the previously referenced e-mail addresses.
 - i. Project Engineers:

George Mihalik: 505-507-1306
Ryan Biehl: 505-610-9883
- e. Should a bid received electronically be the apparent low bid, the apparent low bidder shall provide their complete bid in its original paper form for review by the Engineer and Owner prior to issuance of Notice of Award.
 - i. Any bidder submitting their bid electronically shall keep their original paper bid until issuance of Notice of Award in the event that Award cannot be made to the initial apparent low bidder after full evaluation of the bid per these Instructions.

Item 3. • Virtual call-in option for bid-opening

In addition to attending the bid opening in person at the Office of the Engineer, bidders and other interested parties also have the option of attending the bid open virtually via a Zoom meeting. The Zoom log in link and details are provided below and will also be uploaded to SMA's bid web page for the project.

Join Zoom Meeting

<https://us05web.zoom.us/j/81112281279?pwd=SldVY05CK01aM2tncnpvWUE0N0FmUT09>

Meeting ID: 811 1228 1279

Passcode: EANVN9

Item 4. • Pre-Bid Meeting Sign-In Sheet/Agenda and Plan Holders list

Attached are copies of the Mandatory Pre-Bid Meeting Sign-In Sheet, the Pre-Bid Agenda and a current copy of the Plan Holders list for this project.

The pre-bid meeting Agenda is not an addendum and is not part of the Bid / Contract Documents. It is not intended to modify, update or interpret the Bid / Contract Documents in any way. In the event of any discrepancy between the Bid/Contract Documents and the Pre-bid agenda and notes, the Bid/Contract Documents shall govern.

However, other Items of this Addendum No. 1 may formalize some information covered in the pre-bid meeting and site visit that followed as modifications, updates, and/or clarifications to the Contract Documents.

Item 5. • Construction Water Available near Chapter House

It has been confirmed construction water from the Chapter can be obtained from the groundwater well-supplied water tank located across from the Lake Valley Chapter House. Assistance in coordinating with the Chapter and Navajo Nation Water Code Administration for obtaining construction water will be provided by the Engineer.

Payment of Navajo Nation Water Code Permit and Usage and related fees will be reimbursable to the Contractor.

The Engineer is also aware of other water systems in the project area of similar or less distance from the proposed well sites than the Chapter House. These include the Navajo Tribal Utility Authority (NTUA) system serving Lake Valley and neighboring White Rock Chapters, the private La Vida Mission water system, and at least one windmill driven livestock well and tank nearest Well Site #7. The Engineer has NOT coordinated with owner/operators of these supplies for construction water use, but simply notes this information to confirm there are likely backup sources available. The Engineer would also assist with coordination of use of these alternate sources if the preferred source near the Chapter House were not available. Payment to NTUA or La Vida Mission for water use from either of these sources, if utilized, would also be reimbursable to the Contractor from an allowance.

Other costs of obtaining, transporting, storing, and coordinating construction water use are NOT eligible for payment to the Contractor and are incidental to the Contractor's work.

Item 6. • Grading of Driveways by Chapter

The Chapter has indicated they will initially (one-time) grade portions of the driveways currently in poor condition to provide better access to the project sites for equipment. For the Chapter to provide this assistance, the Contractor will be responsible for the following:

- a) Contractor is to notify Engineer and Chapter in writing (email acceptable) at least 2 weeks prior to requested grading of access to a site or sites.
- b) If requested, Contractor is to pay any invoices for expenses of grading equipment operation to Chapter. Invoices paid with knowledge and concurrence from Engineer will be eligible for reimbursement to Contractor from an allowance on the bid form.

Clarification: Lake Valley Chapter does not own or operate a grader. The grader is rented from a neighboring Navajo Chapter and therefore coordination of schedule and payment for assistance with grading access routes is critical.

Item 7. • Buy American is not required

It has been confirmed that neither Buy American, nor any other domestic sourcing requirements for materials do not apply and are not required.

Item 8. • Wage Rates

It has been confirmed only Navajo Nation Office of Labor Relations Wage Rates, as provided with the bid documents, will apply for this project. Davis-Bacon wage rate requirements will NOT apply.

Item 9. • Service Entrance Conductors for House No. 2

For Home No. 2, the home's existing service entrance conductors are undersized as already indicated on sheets E-3 and E-10. During the site visit, potential bidders discussed that the service conductors likely would require replacement from the meter all the way to the local utility's transformer. As a follow up to this conversation, the Electrical Engineer for the project confirmed that replacement of conductors beyond the splice at the weatherhead above the panel was likely required, but that this would be completed by the local utility.

As such, the following clarifications are made regarding the scope of bid item 36:

- a. Bid item 36 includes replacement as per plans of service conductors at House No. 2 by the Contractor, from the service entrance to the weatherhead, CIP. This also includes coordination with the local utility company.
- b. Bid Item 36 does NOT include replacement by Contractor of the service conductors from the weatherhead to the local utility's transformer. This work would be completed by the local utility if necessary.
 - a. Bid Item 36 DOES include payment by Contractor to local utility for replacement of service conductors beyond the weatherhead, if required. Such payment would be

eligible for reimbursement to the Contractor from an appropriate allowance on the bid form.

Item 10. • Coordination and payment of surface casing for Well 1 and Well 2

During the site visit, the Engineer acknowledged that for Well sites 1 and 2, at which shallower alluvial wells may first be attempted, the surface casing required for an alluvial well may vary from that required for a deeper bedrock supplied well. A plan for transitioning from attempting an alluvial well to a bedrock-supplied well at these sites will be coordinated between the winning bidder and the Engineer prior to drilling. For Wells 1 and 2, the Contractor may be eligible for necessary additional surface casing installation and/or redrilling costs of the borehole at the applicable bid prices as agreed upon following good faith negotiations prior to the start of drilling.

Item 11. • Lake Valley Chapter is in San Juan County, NM

During the pre-bid meeting, a Chapter representative noted that the project description in the pre-bid meeting agenda incorrectly identified Lake Valley Chapter as being located in McKinley County. Lake Valley Chapter, including the project well sites, is located in San Juan County, NM.

Any reference to Lake Valley Chapter or the project sites being located in McKinley County are hereby corrected and understood to be located in San Juan County. These errors, if present in the bid documents will be corrected prior to execution of the Contract with the winning bidder.

Item 12. • Acceptable State issued Driller's Licenses

Drillers licenses issued by the States of New Mexico, Arizona, or Utah are acceptable as the proposed well sites are all located on Navajo lands. A valid driller's license number from one of these three States must be indicated on the submitted bid form.

Item 13. • Retainage

No retainage will be withheld from pay requests for work paid for with State of New Mexico funds, nor for work paid for with Federal ARPA funds.

If Navajo Nation funds are added to the project, 10% retainage will be withheld on all pay requests, but can be waived at the Owner's discretion after 50% of the project work is complete and satisfactory.

If any other funding sources are obligated to the Contract, retainage will be withheld or waived according to the requirements of those funding sources.

Item 14. • Addition of DT-3 and Scope of Basis of Bid for Item 28

Sheet DT-3 is hereby added to the Construction Drawings. Electronic copies of detail sheet DT-3 and updated cover sheet G-1 referencing the added detail are attached to this Addendum.

Sheet DT-3 provides a typical Indian Health Service detail drawing showing the layout assumed to be already installed at homes serviced by existing water storage cisterns and associated pumps. For homes with existing cisterns, unless otherwise directed by Engineer, the Contractor shall bypass the pump shown on DT-3, or by other method proposed by Contractor and accepted by Engineer. If the pump, pressure tank or other appurtenances are removed from their existing installed location, the removed equipment and materials shall be provided to the homeowner unless otherwise directed by the Engineer.

As basis of bid, the bidder may assume that six of the seven well sites have a home that utilizes an existing pump to be bypassed. Some existing pump assemblies may be within an insulated freeze prevention box on the outside wall of the home as shown in DT-3, whereas others may be under or within the home.

This work shall be incidental to bid Item 28.

Item 15. • Navajo Preference in Employment Act handout/checklist added to Appendix B

A copy of the Navajo Preference in Employment Act handout/checklist that was provided at the pre-bid meeting by Michael Armijo with the Navajo Office of Labor Relations is attached to this addendum and hereby also added to Appendix B of the contract documents.

Item 16. • Responses to Questions

The following are questions (Q) received via email, with corresponding responses (R):

No questions were received.



06/29/2023

George Mihalik, P.E.

Date

Attachments:

- Plan Holders List (1 page)
- Updated Design Drawing Sheet G-1 (1 pages)
- New Design Drawing Sheet DT-3 (1 page)
- Mandatory Pre-bid Meeting sign-in sheet (3 pages)
- Pre-Bid Meeting Agenda (14 pages)
- Navajo Preference in Employment Act handout/checklist (28 pages)

Lake Valley Residential Wells Project

Planholders List

Last updated: 6/29/2023

Name		Company	Address	City	State	Zip	Phone	Email
Construct	Connect	ConstructConnect	3825 Edwards Road	Cincinnati	OH	45209	800-364-2059	content@constructconnect.com
April	Hamilton	Dodge Data and Analytics	4300 Beltway Place Ste 150	Arlington	TX	76018	4133042008	dodge.docs@construction.com
Jane	wood	Construction Reporter	4901 McLeod	Albuquerque	NM	87109	5052439793	rebecca@constructionreporter.com
Bryan	Hughes	High Tide Technologies	435 Metroplex Dr	Nashville	TN	37211	8066410277	bryan.hughes@htt.io
Joel	Stewart	Stewart Brothers Drilling Co	PO BOX 2067	Milan	NM	87021	5052400681	joel@stewartbrothers.com
thomas	fox	E-T Drilling llc	po box 449	Montezuma Creek	UT	84534	970-560-1248	e.tdrilling01@gmail.com
Anthony	Yellow	Pillar Innovations	5736 US 64	Farmington	NM	87401	5053600211	anthonyyellow@pillarinnovations.com
Clayton	Thayer	KP Ventures Well Drilling and Pump Company LLC	4715 Old Highway 279	Camp Verde	AZ	86322	5052400833	claytont@kpvent.com
Weston	Bohannon	Coyote Drilling	P.O. Box 3467	Milan	NM	87021	505-240-1928	coyotedrilling@yahoo.com
Shana	Quick	Baker Utility Supply Corp	4320 2nd St NW	Albuquerque	NM	87107	505-884-0990	squick@bakerutility.com
Mayra	Ruiz	File Construction LLC	109 Industrial Ave NE	Albuquerque	NM	87107	505.554.1780	mayrar@fconst.com
Jaime	Cruz	File Construcion	109 Industrial Ave NE	Albuquerque	NM	87107	505-554-1780	JaimeC@fconst.com
Brandon	Garcia	PureOps	748 West Palms	Las Cruces	NM	88007	575-644-0571	brandon@pureops.com
Michael	Armijo	Navajo Labor Relations	PO Box 1943	Window Rock	AZ	86515	15052976649	michaelarmijo@navajo-nsn.gov
Kevin	Sikes	Core and Main	6135 2nd St Nw	Albuquerque	NM	87107	505-344-0223	kevin.sikes@coreandmain.com
Monica	Redhouse	NECA	PO BOX 969	Shiprock	NM	87420	5052107070	monica@navajo.net
Eric	Johnson	North America Procurement Council Inc., PBC	PO Box 40445,	Grand Junction	CO	81504	302-450-1923	sourcemanagement@napc.me
Jeff	Archuleta	Industrial Mechanical Inc.	3030 La Plata Highway	Farmington	NM	87401	5056355484	jarchuleta@imiconstruction.com

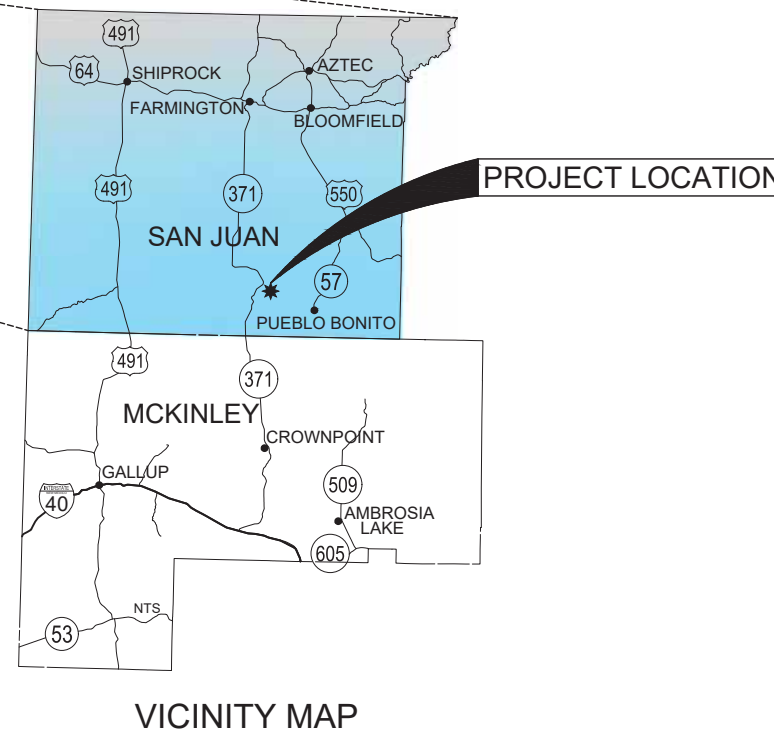
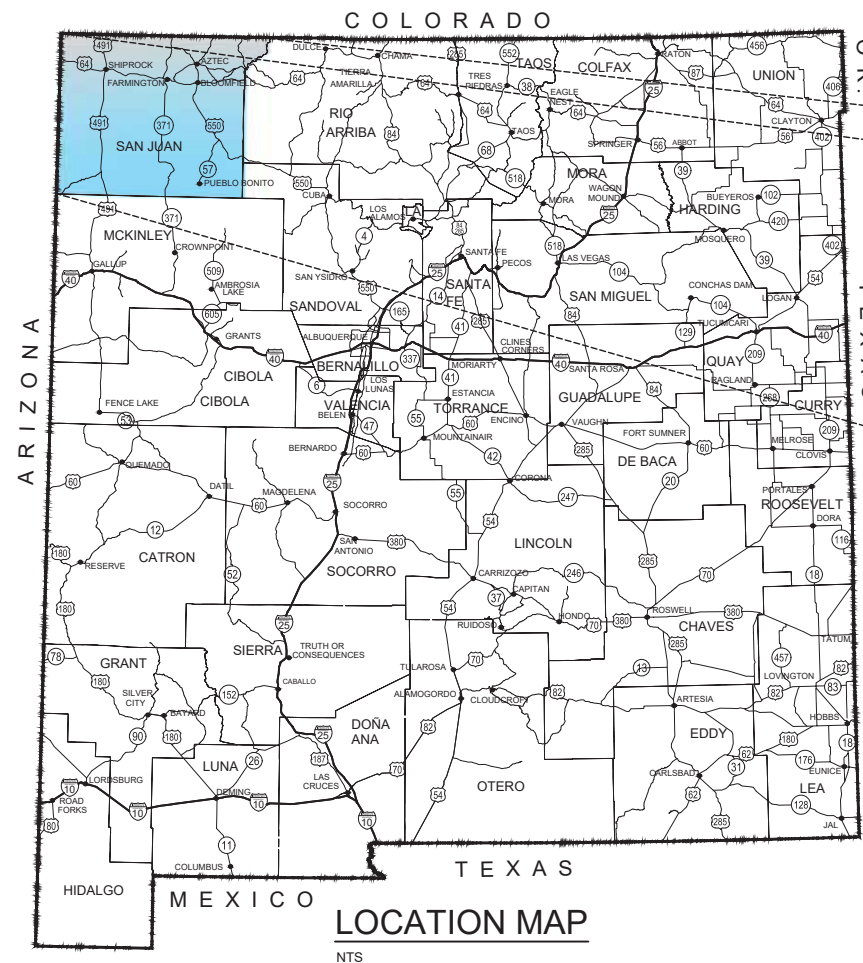
LAKE VALLEY RESIDENTIAL WELLS



LAKE VALLEY NAVAJO CHAPTER, NEW MEXICO

June 2023

PROJECT DESCRIPTION:
CONSTRUCTION OF 7 DOMESTIC
WATER WELLS AND ASSOCIATED
DOWNHOLE AND SITE PLUMBING AND
ELECTRICAL APPURTENANCES



DRAWING INDEX

G-1	COVER SHEET AND DRAWING INDEX
G-2	GENERAL NOTES AND LEGEND
G-3	PROJECT SITE MAP
C-1	INDIVIDUAL INSTALLATION DETAIL WELL 1
C-2	INDIVIDUAL INSTALLATION DETAIL WELL 2
C-3	INDIVIDUAL INSTALLATION DETAIL WELL 3
C-4	INDIVIDUAL INSTALLATION DETAIL WELL 4
C-5	INDIVIDUAL INSTALLATION DETAIL WELL 5
C-6	INDIVIDUAL INSTALLATION DETAIL WELL 6
C-7	INDIVIDUAL INSTALLATION DETAIL WELL 7
DT-1	WELL DESIGN DETAIL
DT-2	PRESSURE TANK PIT AND DETAILS
DT-3	EXAMPLE OF EXISTING CISTERN SYSTEM
E1	ELECTRICAL NOTES
E2	ELECTRICAL INSTALLATION HOME 1
E3	ELECTRICAL INSTALLATION HOME 2
E4	ELECTRICAL INSTALLATION HOME 3
E5	ELECTRICAL INSTALLATION HOME 4
E6	ELECTRICAL INSTALLATION HOME 5
E7	ELECTRICAL INSTALLATION HOME 6
E8	ELECTRICAL INSTALLATION HOME 7
E9	POWER RISER DIAGRAM AND LOAD CALCS HOME 1
E10	POWER RISER DIAGRAM AND LOAD CALCS HOME 2
E11	POWER RISER DIAGRAM AND LOAD CALCS HOME 3
E12	POWER RISER DIAGRAM AND LOAD CALCS HOME 4
E13	POWER RISER DIAGRAM AND LOAD CALCS HOME 5
E14	POWER RISER DIAGRAM AND LOAD CALCS HOME 6
E15	POWER RISER DIAGRAM AND LOAD CALCS HOME 7
E16	ELECTRICAL DETAILS

THESE DETAILED PLANS AND SPECIFICATIONS WERE PREPARED UNDER MY DIRECTION AND SUPERVISION ON BEHALF OF SOUDER, MILLER & ASSOCIATES.

George Mihalik 06/06/2023
 GEORGE MIHALIK, P.E. DATE
 PROJECT MANAGER

THE SEAL AND SIGNATURE OF THE PROFESSIONAL REGISTRANT IDENTIFIED ON THIS COVER SHEET DOES NOT SUGGEST RESPONSIBLE CHARGE FOR ALL SHEETS CONTAINED WITHIN THIS PACKAGE; PLAN SHEETS NOT SIGNED AND SEALED ARE NOT THE RESPONSIBILITY OF THE PROFESSIONAL REGISTRANT IDENTIFIED ON THIS COVER SHEET. PLEASE REFER TO PROFESSIONAL REGISTRANTS IDENTIFIED ON INDIVIDUAL PLAN SHEETS.

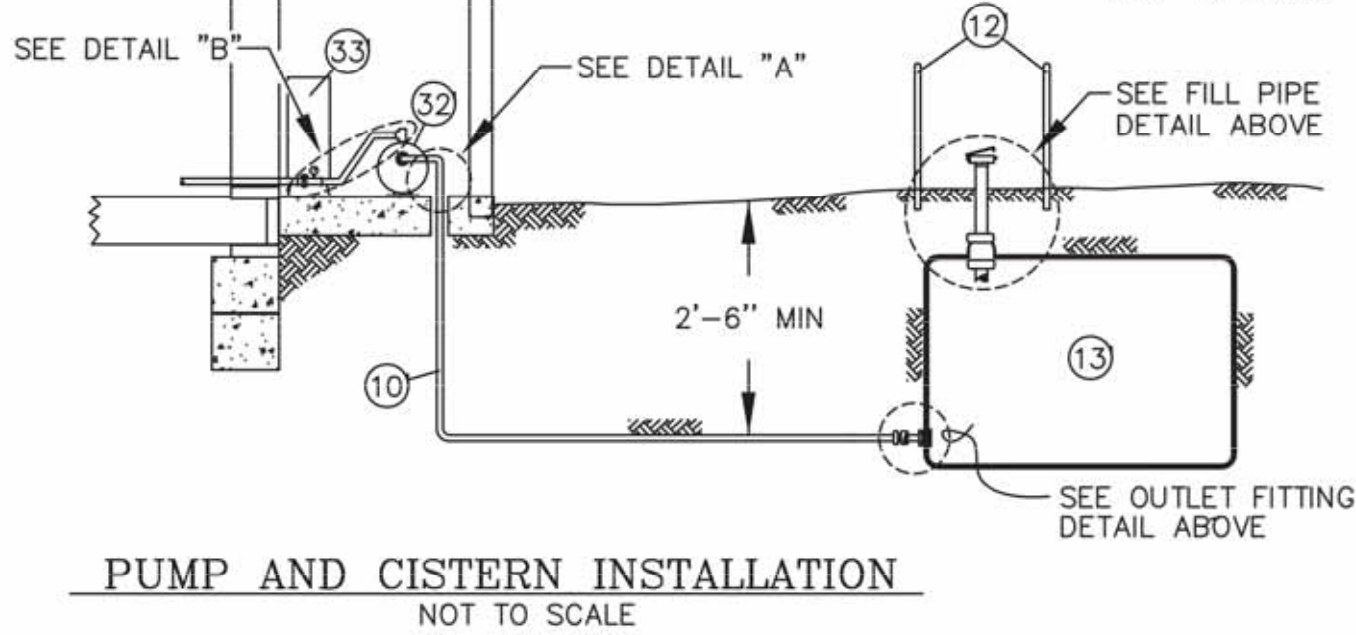
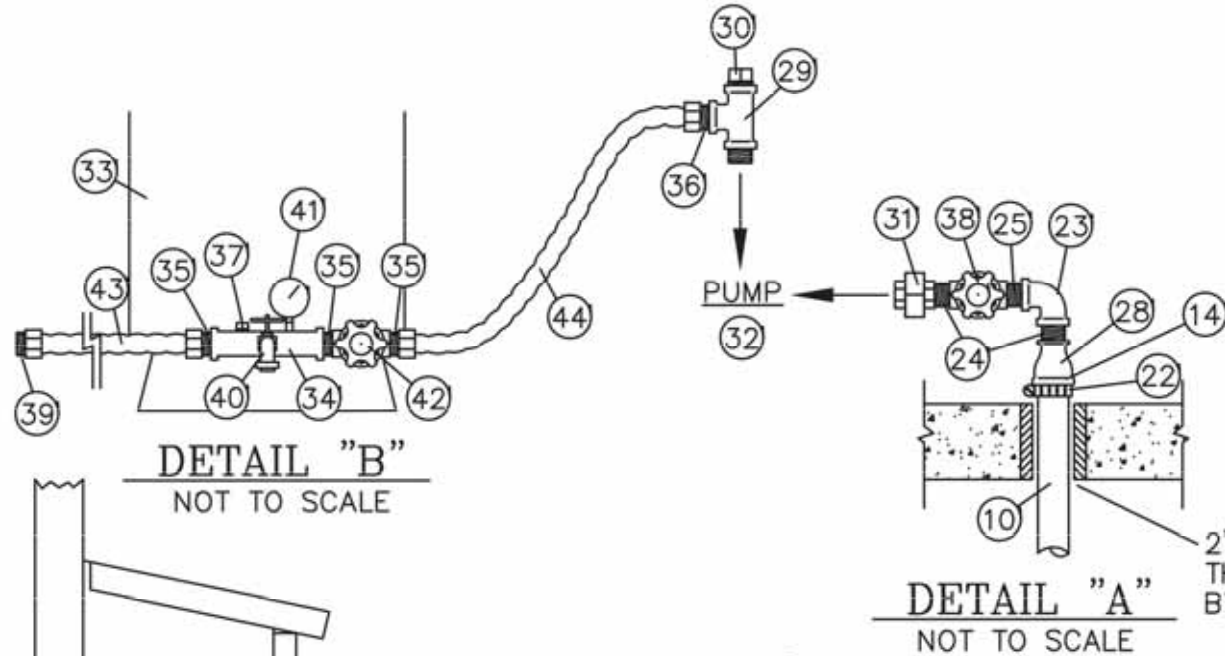
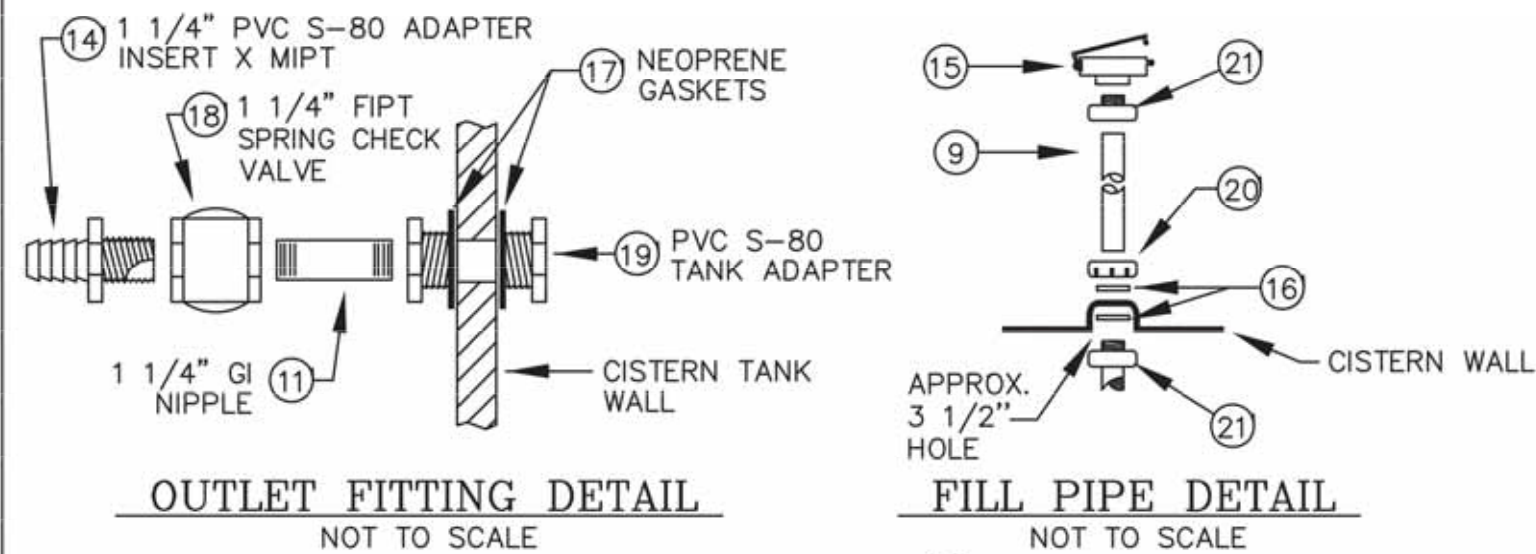
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Rev #	Date	Description	By	Chkd
1	8/29/23	SHEET DT-3 ADDED	AAV	GMM

SMA
 Engineering • Environmental
 Geomatics

SOUDER, MILLER & ASSOCIATES
 5454 Venice Avenue NE, Suite D
 Albuquerque, NM 87113
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ITEM	QUAN.	DESCRIPTION
9	4 ea	PIPE, PVC 3" SCH-40/DWV
10	1 ea	PIPE, HDPE 1-1/4"x 100' SIDR 15 100psi
11	1 ea	NIPPLE, GALV. 1-1/4"x 3" TBE
12	2 ea	T-POST 5ft GREEN
13	1 ea	CISTERN, PE 1000gal
14	2 ea	ADAPT, PVC 1-1/4" MIPTx PE INSERT
15	1 ea	CAP, 3" LOCKING-CISTERN INLET
16	2 ea	GASKET, 3" CISTERN INLET
17	2 ea	GASKET, 1-1/4" CISTERN OUTLET
18	1 ea	VALVE, BRASS SPRING CK 1-1/4" FIPT
19	1 ea	ADAPT, PVC, TANK 1-1/4" SCH-80
20	1 ea	ADAPT, PVC/DWV 3" HUBx FIPT
21	2 ea	ADAPT, PVC/DWV 3" HUBx MIPT
22	2 ea	CLAMP, HOSE S.S. 1"- 1-3/4"
23	2 ea	ELBOW 90, GALV. 1" FIPT
24	2 ea	NIPPLE, GALV. 1"x CLOSE
25	1 ea	NIPPLE, GALV. 1"x 3" TBE
26	1 ea	NIPPLE, GALV. 1"x 6" TBE
27	1 ea	NIPPLE, GALV. 1"x 10" TBE
28	1 ea	REDUCER BELL, GALV. 1-1/4" x 1"
29	1 ea	TEE, GALV. 1"
30	1 ea	PLUG, GALV. 1" MIPT
31	1 ea	UNION, GALV. 1" MIPT
32	1 ea	PUMP, JET 1-STAGE 1/2hp 110/220vac
33	1 ea	TANK, PRESSURE 20gal CONAIRE
34	1 ea	TANK TEE, BRNZ 1" w/(2)1/4" & (1)3/4" OUTLETS
35	3 ea	NIPPLE, BRASS 3/4"x CLOSE
36	1 ea	NIPPLE, BRASS ADAPT 1"x 3/4" M
37	1 ea	PLUG, BRASS 1/4" MIPT
38	1 ea	VALVE, GATE BRNZ. 1" FIPT ENDS
39	1 ea	ADAPT, BRASS 3/4" COPPER COMP.x MIPT
40	1 ea	BIBB, HOSE 3/4" MIPT
41	1 ea	GAUGE, PRESS. 1-100psi 1/4" LM
42	1 ea	VALVE, GATE BRNZ. 3/4" FIPT ENDS
43	1 ea	FLEX CONNECTOR 3/4"x 12"
44	1 ea	FLEX CONNECTOR 3/4"x 18"

- NOTES:
1. LOCATE PUMP AND PRESSURE TANK IN HOUSE OR INSULATED "DOG HOUSE".
 2. IF POSSIBLE, CISTERN TANK SHOULD BE INSTALLED HIGHER THAN PUMP.
 3. FOR A COMPLETE LIST OF MATERIALS SEE N.E.C.A. STANDARD COMPONENT #SC008710.
 4. "DOG HOUSE" CONCRETE FOUNDATION (4'X 4') #4 REBAR 12" C-C EACH WAY.

REVISION	DATE	BRIEF	BY
2.	10/24/02	ADD 1 1/4" SPRING CHECK VALVE/ADD ITEM NUMBER 42.	V.C.
1.	9/14/01	ELIMINATE 3/4" SWING CHECK VALVE	V.C.

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
PUBLIC HEALTH SERVICE
INDIAN HEALTH SERVICE
NAVAJO NATION

NAVAJO NATION,
STANDARD DRAWING NO. W-25
PUMP & CISTERNS INSTALLATION

OFFICE OF ENVIRONMENTAL HEALTH AND ENGINEERING
NAVAJO AREA OFFICE, WINDOW ROCK, ARIZONA

DRAWN BY: E.H.J.	CHECKED BY: V.C.	APPR. BY: V.C.	AUTOCAD DRAWING
DATE: 7/31/01	DATE: 8/8/01	DATE: 8/8/01	

EXAMPLE OF EXISTING CISTERNS SYSTEM

CHKD By: AAV GMM

Rev# 062923 SHEET DT-3 ADDED

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LAKE VALLEY
LAKE VALLEY NAVAJO CHAPTER
RESIDENTIAL WELLS
LAKE VALLEY, NEW MEXICO
EXAMPLE OF EXISTING CISTERNS SYSTEM

NAVAJO NATION
GEORGE W. WINKLER
NEW MEXICO
18134
Professional Engineer
6/16/23

THIS DRAWING IS INCOMPLETE AND NOT TO BE USED FOR CONSTRUCTION UNLESS IT IS STAMPED, SIGNED AND DATED

Designed: RMB Drawn: CNC Checked: GMM

Date: June 2023
Scale: Horiz: NONE Vert: N/A
Project No: 6931688
Sheet: DT-3



Lake Valley Residential Wells Project
Mandatory Pre-bid Meeting & Site Visit
Friday, June 23rd, 2023 at 10:30 am.
Lake Valley Chapter House

Sign-In Sheet

No.	Printed Name	Company	Telephone No.	Email
1	George Mihalik	Souder, Miller & Associates, Inc.	Cell: (505) 507-1306 Wk: 505-299-0942	George.mihalik@soudermiller.com
2	Ryan Biehl	Souder, Miller & Associates, Inc.	Cell: 505-610-9883	ryan.biehl@soudermiller.com
3	Bryan Yazzie	Souder, Miller & Associates, Inc.	Cell: 970-317-0960	Bryan.yazzie@soudermiller.com
4	CHAD GAINES	Stewart Brothers Drilling	505-290-6370	chad@stewartbrothers.com
5	Challen Richardson	KP Ventures	928-821-4913	challenR@kpvent.com
6	Mike Armijo	Ofc. of Navajo Labor Relations	928-877-6800	michaelarmijo@navajo-nsn.gov
7	Larry H. Montoya	Lake Valley Chapter Comm. Land Use Comm.	505-686-0642	h8363271
8	Stella M. Valdez	Lake Valley Chapter	505-406-2700	none
9	Elisa & Tom Fox	E-T water well drilling	970-560-1248	E.T.drilling@gmail.com E.T.drilling@gmail.com
10	Lucinda Duris	NW WMB	928-729-4127	lgdavis@navajo-nsn.gov
11	Anthony Yellow	Pillar Innovations	505-360-0211	anthonyyellow@pillarinnovations.com



Lake Valley Residential Wells Project
Mandatory Pre-bid Meeting & Site Visit
Friday, June 23rd, 2023 at 10:30 am.
Lake Valley Chapter House

Sign-In Sheet

No.	Printed Name	Company	Telephone No.	Email
12	Darlene Montoya	Lake Valley Member	565-835-4802	hapisangirl6@gmail.com
13	Trace Burgoon	Coyote Drilling	505 240 5239	burgoon99@gmail.com
14	Wesley Salama	Coyote Drilling	505 240 1928	Coyote & Khoo, Cor
15	Jeff Archuleta	IMU	525 635-5424	jarchuleta@iainc.com/franstric.com
16				
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19				
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22				



**Lake Valley Residential Wells Project
Mandatory Pre-bid Meeting & Site Visit
Friday, June 23rd, 2023 at 10:30 am.
Lake Valley Chapter House**

Sign-In Sheet

No.	Printed Name	Company	Telephone No.	Email
23				
24				
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Lake Valley Residential Wells Project Mandatory Pre-Bid Meeting Agenda and Discussion Items

Meeting Date – Friday June 23rd, 2023

Meeting Time – 10:30 am

Meeting Place – Lake Valley Chapter House

DISCLAIMER: *This Agenda is not an addendum and is not part of the Bid / Contract Documents. It is not intended to modify, update or interpret the Bid / Contract Documents in any way. In the event of any discrepancy between the Bid/Contract Documents and this Agenda, the Bid/Contract Documents shall govern.*

1. Introductions

- a. Owner - Navajo Nation Water Management Branch
- b. Owner - Lake Valley Chapter
- c. Regulatory Agency - Navajo Office of Labor Relations
- d. Engineer – Souder, Miller & Associates (SMA)
- e. Other: _____

2. Purpose of Meeting

- a. This mandatory Pre-Bid meeting is provided to review the project and complete a site visit of the seven well sites.
- b. Please be sure to sign in to ensure eligibility to bid.

3. Questions During the Meeting

- a. Please feel free to ask questions during the meeting, including about the documents/design.
- b. Please state your name and company when asking questions for documenting in the meeting notes.

4. Site Visit Required by Bidders After the Meeting

- a. A **mandatory** site visit/tour will follow this meeting.
 - i. Bidders may request additional site visits through the Engineer during bidding. Bidders shall not go beyond established roadways or flagged well sites and must be accompanied by either the Engineer or Owner.

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5. Brief Project Description

The project consists of construction of up to seven (7) domestic potable water supply wells, each to an estimated depth of 500 ft, including the necessary downhole and site electrical, plumbing and related appurtenances to serve water to existing homes within Lake Valley Navajo Chapter, McKinley County, NM.

The sequencing, depth and total number of wells to be drilled will be determined by the Owner, with technical input from the Engineer, and may change pending geology and water production and quality encountered at each well constructed, available budget, and other factors.

- Requests from the Contractor to adjust sequencing of drilling at different well sites can be considered and may be approved at the Owner's discretion.
- The Owner's intent is to begin drilling at Well Site #1 and #2, given the anticipated shallower depth of these two wells as described in Geology and Anticipated Conditions.

Two of the seven well sites are designed to serve two neighboring homes from a single well.

Location:

The seven well sites are located at **homesites of Lake Valley Navajo Chapter residents**. The project area is north of Chaco Wash and east of Highway NM 371, approximately 35 miles North of I-40/Crownpoint, NM.

Land Status:

Six of the well sites are located on **Indian Allotment (IA)** lands. One site, Well #4 is located on **Navajo Tribal Trust (NTT)** lands. Also note that Well #3 site is within IA land, despite being near a border with NM State land. *See Sheet G-3, Project Site Map in the Construction Drawings.*

Engineer's Estimate: Approximately \$1,000,000 total for the 7 wells and appurtenances.

6. Contract documents may be downloaded from Engineer's website

- a. **www.soudermiller.com.**
- b. Has anyone had issues accessing or downloading the documents?

7. Discussion and overview of plans and sequence of work

8. Bid Requirements

- a. Refer to Bid Documents. Please remember to complete the following, this is not an exhaustive list:
 - i. Carefully fill out **Bid Form** (double check your math)
 1. Note 6% Navajo sales tax is not to be included in bid prices.
 2. Fill out acknowledgement of any Addendum (Article 3 of the Bid Form)
 3. Fill in Well Driller's License and if applicable Contractor's License
 - a. Note a well drilling license must be provided by the Bidder.
 - b. A well driller's license from NM, UT or AZ is acceptable. This will be clarified in forthcoming Addendum No. 1.
 4. Make sure to complete the required acknowledgements to Bid (Article 8 of Bid Form).
 - ii. Make sure to provide the required **attachments to the Bid** (listed in Article 6 of Bid Form)
 1. Bid Security/Bid Bond, blank form is provided if needed.
 2. Bidder's qualifications statement, using the provided form.
 - a. Supplemental attachments are welcome but be sure to complete the provided form at a minimum.
 3. List of proposed subcontractors, using the provided form.
 4. Four Navajo Nation forms provided in Appendix A.
 5. List of equipment, using the provided form.
 - a. Note list of equipment required to be submitted with bid is listed in Article 1.7 of Technical Specifications 33 21 13.
 6. Priority 1 or 2 documentation, if applicable.

9. Submission of Bid

- a. **Bids are due Friday July 7th at 2:00 p.m. (MDT) at the office of the Engineer in Albuquerque**
Souder, Miller and Associates (SMA)
5454 Venice Ave. NE, Suite D
Albuquerque, NM 87113
- b. Double check you are including all the required attachments.
 - i. Any Bid that does not include all required documentation may be rejected.

10. Bidder Preference

- a. Preference will be given in accordance with the Navajo Nation Business Opportunities Act, N.N.C. Title 5, Chapter 2.
- b. A list of certified Priority #1 and Priority #2 businesses is available online at www.navajobusiness.com.
- c. Navajo Business Regulatory Dept. has been invited and plans to attend the bid opening.

11. Funding sources

- a. State of New Mexico
- b. Federal (including American Rescue Plan Act (ARPA))

12. Wage Decision/ Labor Laws

- a. Wages to be paid on the Project are established by Navajo Nation's Wage Decision provided in Exhibit B. Contractor must abide by Navajo Office of Labor Relations regulations.
 - i. The Owner and Engineer are verifying if Davis-Bacon wage requirements also apply. Information will be provided via addendum if wages other than those published in Exhibit B apply.
- b. **Presentation: Navajo Office of Labor Relations**
 - i. A copy of the presentation will be added to Exhibit B via Addendum No. 1.

13. Bid Schedule

- a. Work items are divided into groups, generally aligned chronologically (some exceptions) for anticipated phases of construction:
 1. Construction, development, and testing of the residential wells (7 total), drilled to approximately 500 feet deep or less (Items 1 – 12)
 2. Downhole pumping equipment, surface completion, testing & appurtenances for the wells (Items 13 – 24)
 3. Construction of home water service connections for the residential wells (items 25-31).
 4. Installation of Electrical Components (Items 32 – 36)
- b. Quantities listed are only a basis of bid for estimating total construction cost. Actual constructed quantities are expected to vary based upon site conditions encountered.

14. Contract Time & Liquidated Damages

From Issuance of Notice to Proceed:

Substantial Completion:	180 Calendar Days
Final Completion:	210 Calendar Days

Approximate anticipated Notice to Proceed: Early September 2023, assuming bids opened as scheduled July 7th, 2023 and a 2-month Contract review and approval process by Owner following Recommendation of Award. The actual timeline may vary; however, the Owner is eager to proceed with construction as soon as possible.

Liquidated Damages of \$1,000/day will be assessed for each day that the work extends beyond the agreed time.

Reasonable time extensions for justified weather or other delays outside of the Contractor's control will be considered by the Owner.

15. Project Insurance

Required insurance coverages are listed in Article 6 of the Standard General Conditions and Navajo Nation Supplemental Conditions of the Construction Contract (EJCDC C-700 NN).

16. Navajo Nation Jurisdiction

By entering into this contract, Contractor consents to Navajo Nation jurisdiction. Disputes will be resolved by arbitration under the Navajo Nation Arbitration Act. Bidders should consult with their bonding companies to ensure there are no problems with this. Refer to Article 12 of EJCDC C-700 NN.

17. Monthly Pay Requests

- a. Owner has 45 days after submission of undisputed pay request to make payment.
- b. 6% Navajo sales tax will be added to each pay request and withheld by the Navajo Nation. In other words, the Owner will pay the taxes directly to the Navajo Tax Commission on the Contractor's behalf. However, Contractor is still responsible for all required tax filings, documentation, etc.
- c. No retainage will be held on State funded work or Federal ARPA funded work.
- d. If Navajo Nation funds are added to the project, a 10% retainage will be withheld on all pay requests. The Owner may waive additional retainage after 50% of work is completed and satisfactory.
- e. Final Completion and final payment will be made contingent upon acceptance of the project by the Owner and the Engineer.

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18. Navajo Nation Modifications to Standard General Conditions

- a. The EJCDC C-700 Standard General Conditions for this contract have been modified by the Navajo Nation. All Bidders are strongly encouraged to read and familiarize themselves the EJCDC C-700 NN, Standard General Conditions and Navajo Nation Supplemental Conditions, as well as EJCDC C-800 Supplementary Conditions of the Construction Contract.

Items of Interest in Technical Specifications – This is NOT a comprehensive list of all issues.

19. Special Considerations – Section 01 00 00, Article 1.3

- A. Contractor will contact Owner's Representative a minimum of 10 days prior to mobilization to the site and coordinate work schedules with the Owner's Representative throughout the completion of the work.
- B. Contractor shall contact New Mexico One Call a minimum of 3 days prior to activity on site, for utility locations.
 1. *(FYI: SMA did complete a design one-call ticket prior to bidding but received no responses from utilities regarding known utility in the project area.)*
- C. Contractor shall confine operations to the construction site and existing access routes.
- D. Contractor is responsible for restoring the site to original or better condition at the Contractor's expense. Site restoration including temporary erosion control provisions is a prerequisite for periodic and final payment.
- E. Should nesting of a species protected under the Migratory Bird Treaty Act be identified in the construction zone, construction will be limited to a time of year outside the general migratory bird nesting season of March through August, avoided until nesting is complete, or the nest will be relocated by a properly trained and authorized expert.
- F. The allowable length of trench left open overnight is limited per Section 31 23 17 - Trenching. Contractor shall abide by all specified requirements included therein either directly or by reference.
 1. *(FYI: the max allowable trench length left overnight is 150 ft)*
- G. Contractor shall notify Engineer of any proposed grading or other improvements of existing roads desired to improve access to the project site.
- H. There may be no electric service to some sites. The Contractor is responsible for providing a suitable temporary power source adequate for running all equipment needed to perform the work. Providing this temporary power source is incidental to the work.

- I. Contractor must provide water for construction at the Contractor's expense. The Owner and Engineer will assist the Contractor to locate a water source if requested. Contractor shall obtain and abide by requirements of water use or import permits from the Navajo Nation Water Code Administration, as applicable, with assistance provided by the Engineer.
- J. Contractor shall obtain and abide by requirements of well drilling permits from the Navajo Nation Water Code Administration with assistance provided by the Engineer. Copies of the permits are required to be maintained on site by the Contractor at all times.
- K. Any Navajo Nation Water Code Administration Permit fees paid by Contractor shall be reimbursed via the allowance in the bid form.
- L. Contractor shall abide by all permit stipulations and requirements, including but not necessarily limited to BIA and Navajo Nation environmental and archaeological stipulations, utility pipeline encroachment agreements, and Navajo Nation Water Code Administration permits, regardless of whether such permits are obtained by the Owner, Engineer or Contractor.
- M. Contractor shall submit a Testing and Disinfection schedule to the Engineer for approval prior to performing the respective activities. Hydrostatic testing of the waterline, disinfection and bacteriological testing shall follow specifications outlined in 33 13 00 Disinfection of Water Distribution, AWWA C600, AWWA C605, AWWA C651 and New Mexico Standard Specifications for Public Works Construction.
- N. Prior to beginning construction activities, the Contractor must furnish full-coverage video or photo documentation of the entire construction site, per SC-2.05.B of the EJCDC C-800 Supplementary Conditions. The video or photos must include coverage of all areas and adjacent features that may potentially be impacted by the impending construction work. Contractor must submit a copy of the video or photo documentation as part of the submittal process.
- O. Contractor shall prepare record drawing information using swing ties and as-built redlines on the drawings. Refer to Article 1.49 Project Record Documents below and General Notes on the Drawings for specific requirements related to As-Built Drawings.
- P. Contractor shall coordinate with Engineer for final location of infrastructure. Contractor shall notify Engineer prior to performing the respective activities.
- Q. Contractor must always maintain a full set of Drawings and Technical Specifications at the construction site throughout the construction process. All subcontractors must possess at least all Drawings and Technical Specifications pertaining to their portion of the work while on the construction site at all times.
- R. Contractor shall be responsible for notifying residents of construction. Access to driveways must be maintained at all times.

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- S. Construction work will generally not be permitted on the following Federal-recognized holidays: New Year's Day, Martin Luther King, Jr.'s Birthday, President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, and Christmas Day. When any of the above holidays fall on a Saturday and the preceding Friday is established as a holiday for Government employees, or when any of the above holidays fall on a Sunday and the Monday following that day is established as a holiday for Government employees, no construction will be permitted on those days. However, the Owner, when in his/her opinion it is justified, may grant the Contractor permission to work on any of the above days upon advance written request by the Contractor.
- T. On occasion, with no set schedule, the Navajo Nation may call for religious observances lasting from one to several days when work is not to be completed on-site. The Contractor will be compensated for the suspension by an extension of time to the contract performance period equal to the number of suspension days due to the tribal religious holiday.
- U. Upon completion of the Work, ground surfaces will be restored to their original condition by grading.
- V. In the event the Contractor encounters items of historical importance, the Engineer and the Owner shall be notified immediately and the work in the area shall immediately cease. Activity will cease until the Owner has consulted the Resident Project Representative and informed the Contractor of any steps to be taken or told to proceed with construction.
- W. Archaeological Discovery in the Absence of Archaeological Monitoring: If the contractor discovers any historic or prehistoric cultural resources, then all work within 100 feet of the discovery will be suspended and the discovery promptly reported to the Engineer. The Navajo Nation Historic Preservation Department (for Navajo lands) will then specify what action is to be taken. If the discovery is evaluated as being significant, treatment of the discovery may be required prior to allowing the project to proceed. Further damage to significant cultural resources will not be allowed until any required treatment is completed. Activity will cease until the Engineer informs the Contractor if any steps are required to be taken prior to proceeding or told to proceed with construction.
- X. Contractor shall confine operations to the construction site. Contractor shall be responsible for obtaining permission for any activity outside of the established and approved construction areas.
- Y. Contractor shall propose and get approval from Owner of an area to store construction debris including unsuitable material from site grading and/or excavation where it will not be a nuisance. All debris shall be contained in such a manner that will prevent scattering. All debris, including trees and undergrowth, shall be disposed of properly within a properly permitted landfill. All debris shall be removed from the site prior to substantial completion. The handling, storage, and disposal of debris is incidental to the project.

- Z. Contractor shall implement the necessary site erosion control devices for inhibiting dust, wind, and air sediment movement offsite throughout construction in accordance with NPDES Best Management Practices and in accordance with the project SWPPP, if applicable.
1. (FYI: No SWPPP is required for this project.)
- AA. Site access:
1. During the pre-bid site visit, potential bidders will review the existing access route(s) to each well site.
 2. Prior to construction at each well site, the Contractor shall indicate to Engineer which route or routes available they wish to use, so that Contractor, Engineer and Owner can coordinate with homeowners and other land users on access use as needed.
 - a. Construction of new temporary or permanent access roads is not part of the project scope of work as defined in the bid form, technical specifications, and design drawings.
 - b. Contractor shall not build new access roads or routes unless such work is added to the bid form by addendum for payment at unit prices or permitted by the Owner for construction at the Contractor's expense.
 3. The Contractor may, with Owner's permission, improve the existing roads to ensure they are capable of accommodating transportation of all necessary equipment to the proposed well site(s). Roads should be maintained such that access to nearby residences is not impeded by rutting or damage to the road during periods of inclement weather.
 - a. Improvements to and maintenance of existing access routes necessary for the Contractor and Owner's Representative to access the sites are incidental to the work. Contractor shall notify Engineer or Owner's Representative onsite of any improvements to existing access roads that the Contractor desires to make.
 - b. Access to driveways and other roads along the project site access route must be maintained at all times.
 - c. Any access gates should be kept closed at all times unless otherwise directed by the Owner.
 - d. Contractor shall restore fences and gates to original condition or better. Contractor shall repair all gates and fences in a timely manner to prevent livestock ingress / egress.
 - e. The cost of this work is incidental to the project.
- BB. Upon completion of the Work, ground surfaces will be restored to their original condition and Contractor is responsible for restoring the site to original or better condition at the Contractor's expense. Site restoration including temporary erosion control provisions is a prerequisite for periodic and final payment.

20. Contractor's use of premises – Section 01 00 00, Article 1.4

- A. Contractor should attempt to complete work as much as possible during typical working hours (between 7:00 A.M. and 7:00 P.M., Monday thru Friday). Contractor will, however, be allowed to perform work onsite twenty-four (24) hours per day, seven (7) days a week if needed. Contractor shall notify the Engineer 3 days prior to work planned outside typical working hours to allow for coordination with the Homeowner.
- B. The Contractor shall make every effort to minimize noise caused by his operations. Equipment shall be equipped with silencers or mufflers designed to operate with the least possible noise.
- C. The Contractor shall restrict his operations as nearly as possible to the immediate site. Unnecessary cutting of vegetation adjacent to the site is prohibited. Every effort shall be made to minimize erosion during and after construction and the site shall be returned to its original condition, except where improvements are indicated or required.
- D. The Contractor shall take affirmative action to prevent the misuse of the natural environment, wasting of natural resources, or destruction of natural values.
- E. The Contractor shall conform to all requirements set forth in the latest edition of the New Mexico Standard Specifications for Public Works Construction with latest revision, and Occupational Safety and Health Administration Regulations for trenching, shoring and excavation, and all other activities where such regulations apply. The Contractor and all subcontractors shall conduct all activities in conformance with federal and state laws and regulations relating to occupational health and safety. Authorized inspectors shall have unobstructed access to project sites and shall not be impeded in any way from performance of their duties.

21. Water Supply Wells – Sections 33 21 13

- a. GEOLOGY AND ANTICIPATED CONDITIONS (abbreviated)
 - i. Also see: Supplemental Hydrogeological Information, Exhibit A for:
 - 1. Maps and data on existing wells in area
 - 2. Typical stratigraphic profile with formations encountered in project area.
 - ii. The upper Menefee Formation appears to be able to provide adequate water for domestic supply wells in the area. The upper Menefee may contain thin coal beds, which have the potential to supply poor quality water. Care should be taken to ensure coal beds are not included in the screened intervals of wells.

- iii. Nearby wells (19R-307, 15T-6, 15B-24) indicate well total depths between 450 and 1,400 feet, with historic static water level varying between 280 and 375 feet below ground surface. ... No production data was obtained for these wells.
 - iv. The project area is bisected by Tsaya Canyon, which is incised into the bedrock described above. The canyon floor is underlain by Naha or Tsegi Alluvium (Qnt). The well record for well 15T-565, along the Chaco Wash, indicates the alluvium is at least 68 feet thick, with depth to water of approximately 8 feet. Nearby La Vida Mission Well SJ-3805 records indicate production of at least 10 GPM.
 - v. For Well Sites #1 and #2, located within Tsaya Canyon, the Contractor will first attempt to construct alluvial supply wells with borings up to an estimated 100 feet below ground surface, and construct wells with an estimated 40 feet of screen. If the alluvial material does not contain adequate saturated thickness to support alluvial supply wells, the Contractor will bore deeper as described below for bedrock supply wells.
 - vi. SMA recommends advancing borings for bedrock supply wells at all remaining sites to estimated depths of 500 to 800 feet maximum below ground surface, targeting the upper Menefee Formation, and constructing wells with up to 100 feet of screen.
 - vii. Although not anticipated, if during the drilling or completion stage of well construction, the borehole or well starts to flow, the Contractor shall control the flow. The Contractor's costs associated with this control of flow shall be reimbursed by the Owner at the customary rates for time and materials.
- b. Borehole for the production casing shall be drilled with air-rotary methods.
 - i. Surface casing may be drilled by the method preferable to the Contractor. Provide notice to Engineer of method to be used.
 - c. Drill cuttings and water produced by development shall be disposed of onsite in areas approved by the Owner.
 - d. System Description (well construction):**
 - 1. Inspect access routes to well sites. Notify Owner of any grading or other improvements to access routes proposed to be completed by Contractor.
 - 2. Mobilize equipment and materials on-site and rig up.
 - 3. **Maintain drilling-time and daily drilling reports.**
 - a. *See specification for daily log requirements.*
 - 4. **Collect drill cuttings at 10-foot intervals, or as directed by the Engineer.**

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5. **Drill 20-inch hole to accommodate a nominal 12-inch steel conductor casing to 80 feet, or other depth, as directed by Engineer, considering evaluation of cuttings, records of other wells completed in the area, and consultation with Driller.**
6. Install an estimated 80 feet of 12-inch surface conductor casing and grout in place. Allow for pitless adapter in cementing.
7. Drill 9 7/8-inch borehole from bottom of surface casing to an estimated depth of 500 feet, or as directed by Engineer. Final well depth is to be determined by the Engineer with consultation with the Contractor based upon drilling conditions encountered.
 - a. ***FYI:** Deviation survey during drilling is NOT required, however, Engineer typically orders deviation survey with geophysics (when geophysics completed for a well).*
 - i. *Specification allows up to 2/3 inner diameter of casing per 100 ft of depth.*
 - ii. *Focus is that well must be straight and plumb enough for free installation and proper operation of pump. See article 1.6 of spec 33 21 13 for more details.*
8. **Complete geophysical logging of borehole, if determined advantageous by the Engineer.** This work shall be conducted by a sub-contractor.
 - a. ***FYI:** A bid item is included for contractor support of geophysics per well, if requested. The subcontractor geophysics cost is NOT to be included in this item, as it is eligible for reimbursement by allowance.*
9. Plug and abandon partial or full depth of borehole, per Navajo Nation requirements, if directed by the Engineer following review of drill logs, cuttings, and/or geophysics data.
10. **After reviewing geophysics data, Engineer or Engineer's representative onsite must approve final design of casing, screen and casing set depths prior to Contractor commencing installation of production casing.**
 - a. ***FYI:** For wells without geophysics, final screen and casing design still needs to be approved by Engineer prior to placement. In these cases, cuttings as well as the required detailed drillers logs may be critical for determining casing/screen design.*
11. Install approximately 400 feet (plus minimum of 2 feet stick up) of **5-inch SCH80 PVC production casing**, 100 feet of **SCH80 PVC well screen**, and end cap, as shown on the Design Drawings or as directed by the Engineer.
 - a. Install casing centralizers every 100 feet.
12. Install filter pack in the annulus from total depth to 15 to 25 feet above screen, as shown in the Design Drawings, or as directed by the Engineer. **Swab in filter pack and ensure adequate final settled depth before installing bentonite seal.**
 - a. ***Note:** Filter pack and other annular material below are to be placed by tremie pipe, see specification for further details.*
13. Install 20-foot (minimum) thick bentonite seal above the screen, as shown in the Design Drawings or as directed by the Engineer.
14. Install pea gravel from top of bentonite seal to 55 feet below ground surface.
15. Install high solids bentonite grout from 55 feet to 5 feet below ground surface.
16. Develop the well by swabbing, air-lift pumping and bailing.
17. Supply and install test pump and transducer line if directed by Engineer.

- a. **Clarification:** *Specification allows for use of a sounder or transducer. Keep in mind that collecting water level recovery data may be onerous with a sounder.*
18. Develop the well by pumping.
 - a. **Note:** *Sand production shall be measured by a centrifugal-sand-separating meter (Rossum sand sampler), or another method approved by the Engineer.*
19. Conduct pumping test (including required recovery periods), monitor equipment during tests, and record results as specified. **Pumping tests may be completed for no wells, one well or more than one well, as determined by the Engineer.**
 - a. **Note:** *Test pumping shall consist of a 300-minute step-drawdown test (three 100-minute steps), transitioning to a 12-hour constant-rate test, and associated recovery test. The number of steps and duration of steps and constant rate test may be adjusted at the discretion of the Engineer.*
 - b. *Also see Article 3.24 of well spec for required sampling/metering/discharge plumbing.*
20. Assist Engineer with water quality constituent analysis sample collection and collect initial bacteriological test sample to ensure adequate disinfection.
 - a. **Owner's Representative can assist with delivering water samples collected at end of pump test to laboratory selected by Engineer in Albuquerque.**
21. Bail accumulated sediments from well.
22. Install cap to protect well from contamination.
23. If directed by Owner, construct surface completion including installation of pitless adapter, specified well cap, and concrete well pad.
 - a. **Coordinate installation of pad around well and final height of surface completion with site electrical and plumbing work.**
24. If directed by Owner, install production pump, drop pipe, check valves, wire, and other downhole appurtenances. Disinfect the well, including all installed downhole equipment as specified.
 - i. **Note:** *Boreline, OAE, flexible drop pipe is specified.*
25. Demobilize equipment, clean-up and restore well site.
26. **Collect final sample for bacteriological testing to ensure adequate disinfection.**

27. Miscellaneous Topics:

- a. Compaction and concrete testing are not anticipated to be required for this project. However, the Engineer has the option to contract with a testing firm to perform testing. The Contractor will be responsible for paying testing invoices and then be reimbursed from the appropriate allowance. This approach is included to reduce the Contractor's incidental costs for coordination of this testing, if required.
- b. No submittals will be approved for materials needed to furnish and install downhole pumping equipment, site plumbing, electrical or appurtenances until water production

and water quality from the production well (or wells) is determined, at the Engineer’s discretion.

- c. Exhibit B provides a submittal cover sheet and submittals checklist that will be an important resource for the winning bidder and the Engineer.

28. Deadline for questions

- a. **Additional questions, comments, or requests for information must be received by SMA no later than Midnight on Wednesday, June 28th** to allow the Engineer time to provide a sufficient response to all plan-holders before the bid-opening.
 - i. Please direct any questions or comments prior to bidding to the Project Engineer, George Mihalik, via email to:
 - 1. george.mihalik@soudermiller.com
 - 2. And please cc: ryan.biehl@soudermiller.com
 - b. Responses to questions will be provided to all plan holders by Friday, June 30th

29. A copy of the sign in sheet, pre-bid meeting notes, and any addenda will be uploaded to SMA’s website. Notifications of uploads will be emailed to everyone listed in the planholders list.

30. Thank you for attending and your interest in bidding this project. Please make sure you have signed in before you leave.

31. Notes

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NAVAJO PREFERENCE IN EMPLOYMENT ACT

NPEA ORIENTATION
Check List

INITIAL

EXHIBIT

DESCRIPTION

- _____ (A) Navajo Preference in Employment Act (information)
• NPEA Requirement Letter
• Navajo Preference in Employment Act Poster
- _____ (B) Office of Navajo Labor Relations (information)
• ONLR Office w/ Staffs
- _____ (C) Start New Workers Out Right
- _____ (D) Manpower Projection Report
(Start/End Dates: _____)
- _____ (E) List of All Subcontractors
(Start/End Dates: _____)
- _____ (F) Job Description – Non-Discriminatory
- _____ (G) Newspaper and Radio Station Advertisement
• Navajo Preference Statement
• Job Services
- _____ (H) Affirmative Action Regulation
- _____ (I) Notification for use of non-Navajo
• Employer Interview Report
• Justification
- _____ (J) Conditions for Employment Expressed to Applicant – Orientation on Employer Policies
- _____ (K) Written Notification for any Employee Action
- _____ (L) Weekly Manpower Reports
- _____ (M) Weekly Certified Payroll Reports
- _____ (N) Contractors/Subcontractor's Reports
• Construction Progress Report (bi-weekly)
• Project Completion Report
- _____ (O) Wage Rates (Decision #: _____)
Submit copy of issued wage decision to ONLR

Company Name (please print)

Company Representative – Name and Title (please print)

Company Representative Signature

Project Name and Location

Revised 04/30/21 ma

OFFICE OF NAVAJO LABOR RELATIONS
NAVAJO PREFERENCE IN EMPLOYMENT ACT



PACKET INCLUDES:

Forms and Information

1. Employer Interviews Report.
2. "Start New Workers Out Right" sheet.
3. Navajo Preference in Employment Act Poster – Post at Job Site.
4. Contractor/Subcontractor's Manpower Projection Report.
5. Weekly Manpower Reports.
6. Weekly Certified Payroll Reports.
7. Project Completion Report Form.

The ONLR strongly recommends that all contractors use apprentices or trainees as well as female applicants on the project. Interested parties should call the ONLR for more information. The ONLR strongly recommends that contractors make every effort to recruit and hire Navajos (see NPEA, Section 4.A.(1.) and Section 4.B.(6.)).

Contractors found in non-compliance of the NPEA shall be notified by the ONLR. Attempts will be made to resolve disputes or discrepancies informally. If no resolution can be reached, the ONLR will take whatever administrative action(s) or remedies necessary. Should this occur, the contractor will be notified in writing. If no response is received by the specified date, the ONLR will proceed with other actions including filing an ONLR Charge.

Contractors are responsible for hiring Navajo workers. All contractors are required to advertise in the area using a radio station and newspaper including the Navajo Preference Statement in the advertisement. Contractors will advertise vacancies 7–10 days.

1. Contractor(s) or subcontractor(s) shall provide a detailed job summary or description, along with wage rates or salary, for all or any position considered "specialized" by the employer.
2. The contractor and its subcontractor(s) shall retain the right to reject any job applicants; however, if the contractor or its subcontractor(s) is unable to recruit or hire Navajo, the contractor shall have:
 - (a) the burden to justify the rejection of every Navajo applicant in each employee craft or category in which the contractor or its subcontractor(s) was unable to meet its requirements; and
 - (b) the burden of substantiating the criteria used in hiring such employee craft or category as relevant to the job being performed.

At least **two weeks prior to completion of project**, the contractor shall complete the Project Completion Report form and submit to the ONLR (the form is provided in this packet).

PLEASE CALL IF THERE ARE ANY QUESTIONS OR CONCERNS. THANK YOU.

DATE

CHRONO No.

Name, Title
Company Name
Mailing Address
City, State, Zip Code

***RE: NPEA REQUIREMENT LETTER
Project Title***

Dear Mr./Ms.:

Thank you for contacting our office regarding your upcoming project.

Enclosed is the NPEA Requirement Letter along with the NPEA Orientation Checklist.

If you have any other questions, please call our office at (928) 871-6800.

Sincerely,

Name, Title
Office of Navajo Labor Relations
DIVISION OF HUMAN RESOURCES

*cc: Window Rock ONLR
Chrono File*

ATTACHMENT

Date

CHRONO No.

Name, Title
Company Name
Mailing Address
City, State, Zip Code

RE: NPEA REQUIREMENT LETTER
Project Title

Dear Mr./Ms.:

The Office of Navajo Labor Relations (“ONLR”) monitors construction projects on the Navajo Nation to ensure all contractors and / or subcontractors comply with the Navajo Preference in Employment Act (“NPEA”). The requirements are as follows:

- A. Give preference in employment to enrolled members of the Navajo Nation:
 1. Advertise all job vacancies in at least one newspaper and radio station serving the Navajo Nation. Note: All job announcements and advertisements shall specify a Navajo employment preference statement.
- B. Establish written necessary qualifications / job descriptions for each employment position in their work force, a copy of which shall be provided to applicants or candidates at the time they express an interest in such position.
- C. Use non-discriminatory job qualifications and selection criteria in employment. Any Navajo applicant or candidate who demonstrates the necessary qualifications for an employment position:
 1. Is to be selected by the employer in the case of hiring, promotion, transfer, upgrading, recall and other employment opportunities with respect to such position;
 2. To be retained by the employer in the case of the reduction-in-force affecting such class of positions until all non-Navajos employed in that class of position are laid off; and

NPEA Requirement Letter
Page Two

3. Among of pool of applicants or candidates who are solely Navajos, the Navajo with the best qualifications is to be selected or retained.
- D. Provide a fringe benefit plan that does not discriminate against Navajos in terms of coverage due to Navajo cultural or religious traditions or beliefs.
- E. File with the ONLR a written Navajo Affirmative Action Plan (Program). An employer-sponsored cross-cultural program shall be an essential part of the affirmative action plans required by the NPEA. Such program shall primarily focus on the education of non-Navajo employees, including management and supervisory personnel, regarding the cultural and religious traditions or beliefs of Navajos, and their relationships to the development of employment policies that accommodate such traditions and beliefs.
- F. Maintain a safe and clean working environment free of prejudice, intimidation, and harassment.
- G. Not penalize, discipline, discharge, nor take any adverse action against any employee without a written notice showing just cause. This notice shall be given to the employee at the time of the adverse action.
- H. Post in a conspicuous place on its premises, a Navajo preference policy notice.
- I. For each Contractor/Subcontractor to be utilized on the project, the ONLR will require the following information:
 1. Contractor/Subcontractor Manpower Projection Report. A list of all classifications and number of workers that will be required. This shall be submitted two weeks before start of work.
 2. Job Description for each classification, listing experience, tool requirements, etc.
 3. Name of Individual who will conduct the interview and hiring.
 4. Employer Interview Report shall be submitted with the first certified payroll report.
 5. Weekly Manpower Report shall be submitted with each week's certified payroll report.

NPEA Requirement Letter
Page Three

6. Certified Payroll Report shall be submitted with each week's manpower report.
7. Navajo Affirmative Action Program shall be submitted two weeks before start of work.
8. Location of office and telephone number(s).
9. Name of Individual designated as contact person at the job site.
10. List of Key Personnel the contractor anticipates on bringing to the job site. These positions are usually the project superintendent and / or an individual with signatory authority. The contractors and / or subcontractors will be required to justify other positions not normally considered "key" personnel.
11. Job Summary and Duration of the Project.

The ONLR will provide an overview of NPEA requirements and in-depth orientation for all contractors. If you have any questions, call our office at (928) 871-6800.

Sincerely,

Name, Title
Office of Navajo Labor Relations
DIVISION OF HUMAN RESOURCES

*cc: Chrono File
Project File*

NOTICE OF THE NAVAJO PREFERENCE IN EMPLOYMENT ACT

Employers must post this notice in a conspicuous place on its premises where notices to employees and job applicants are customarily posted.

Title 15 N.N.C. Chapter 7 requires that all employers doing business within the boundaries of the Navajo Nation or engaged in any contracts with the Navajo Nation, shall give preference in employment to enrolled members of the Navajo Nation and submit an affirmative action program.

Navajo Preference in Employment Act ("NPEA") applies to:

- | | | | |
|-------------|----------------------|-------------|---------------|
| * Hiring | * Termination | * Transfers | * Recalls |
| * Promotion | * Reduction-in-force | * Training | * Recruitment |
-

NPEA requires employers doing business within the territorial jurisdiction of the Navajo Nation to:

- Provide applicant with written job descriptions.
- Provide training to enhance the skills of Navajo Employees.
- Not discipline or discharge Navajo employees without just cause and written notification.
- Provide a work place free of prejudice, intimidation and harassment.
- Pay established Prevailing Wages for construction work.
- Provide Navajo Affirmative Action Program to employ Navajos in all job classifications including supervisory and management positions.

The ONLR requires employers to receive a NPEA orientation prior to commencing work on the Navajo Nation.

If you think your rights have been violated or see other possible violations of the Navajo Preference, call or write to the Office of Navajo Labor Relations for more information.

OFFICE OF NAVAJO LABOR RELATIONS

Post Office Box 1943 * Window Rock, Arizona 86515

Phone: (928) 871-6800 * Fax: (928) 871-7088

Copy of the Navajo Preference in Employment Act are available at the above office
and at WWW.ONLR.NAVAJO-NSN.GOV

OFFICE OF NAVAJO LABOR RELATIONS



The purpose of the Office of Navajo Labor Relations is as follows:

- A. To monitor and enforce the NAVAJO PREFERENCE IN EMPLOYMENT ACT (NPEA), Title 15 NNC Chapter 7.
- B. To implement and carry out the labor policies of the Navajo Nation as established by the Navajo Nation Council.
- C. To act as administrative agency for matter relating to employment preference in hiring, recruitment, promotion, lay-off, termination, transfer and other areas of employment.
- D. To gather information from employers, employees, labor organization and governmental agencies relating to employment, compensation and working conditions.
- E. To recommend and propose policies, rules, regulations, specific Navajo Preference Plans to the Health, Education and Human Services Committee of the Navajo Nation Council.

OFFICE OF NAVAJO LABOR RELATIONS

WINDOW ROCK ONLR OFFICE
Post Office Box 1943
Window Rock, Arizona 86515
Telephone: (928) 871-6800
Fax: (928) 871-7088
Website: <http://www.onlr.navajo-nsn.gov>

OFFICE OF NAVAJO LABOR RELATIONS

ADMINISTRATION STAFF

PROGRAM MANAGER I

Ronald M. Curtis
Phone Number: (928) 871-6545
Email: rmcurtis@navajo-nsn.gov

CONSTRUCTION EMPLOYMENT ANALYST

Michael Armijo
Phone Number: (928) 871-6843
Email: michaclarmijo@navajo-nsn.gov

LABOR COMPLIANCE OFFICER

Gililand Damon
Phone Number: (928) 871-7431
Email: gililanddamon@navajo-nsn.gov

ADMINISTRATIVE ASSISTANT

Shervonna Begay, Administrative Assistant
Phone Number: (928) 871-6801
Email: sherbegay@navajo-nsn.gov

OFFICE SPECIALIST

Antoinette Nez
Phone Number: (928) 871-6800
Email: antnez@navajo-nsn.gov

LABOR COMPLIANCE OFFICER

Eugene Kirk
Phone Number: (928) 871-7429
Email: ekirk@navajo-nsn.gov

OUR MAILING ADDRESS

Post Office Box 1943
Window Rock, AZ 86515
Telephone: (928) 871-6800
Fax: (928) 871-7088
Website: <http://www.onlr.navajo-nsn.gov>

OUR PHYSICAL ADDRESS

Morgan Blvd. Bldg. #9748
Window Rock, AZ 86515

GENERAL DIRECTIONS TO OUR OFFICE

When driving to Navajo Nations President's Office you will pass the Navajo Nation Police Department, Fire Station and Administration Building One and Two. About ¼ mile you will turn west on Morgan Blvd. and you will see Education Center our office is directly across on the north side of Morgan Blvd. in a Blue Triple Wide Modular Building. You can call our office for directions at (928) 871-6800.

START NEW WORKERS OUT RIGHT



EXECUTIVE SUMMARY

The safer construction top-management, project-management and foreman give more orientation to their workers new to the job than less safe managers. Research proves that attention to new workers is a key characteristic of safe, productive management. This information shows:

WHY orientating workers increases profits

HOW to develop a new workers program tailored to your company

WHY NEW WORKERS PROGRAM INCREASES PROFITS

The facts show that construction companies which are putting their workers right to work without any orientation are spending needless dollars for accident costs, lost time, damaged materials and machinery, etc. These new workers are the ones who are having the accidents, accidents, which cost thousands in workers compensation costs.

The common construction practice of putting new workers directly on the job with no orientation is creating a very high accident rate for workers in their first few days and weeks on the job.

For most construction companies, it is their new workers – no matter how experienced they are – who are having the accidents. And these accidents are costing company profits.

Accidents to new workers can be substantially reduced by an orientation for employees new to the job. The investment of time to start a new worker out right will be repaid many times over when that worker works safely and does not have an accident.

Every accident creates many costs for your company. Insurance costs are one of the major costs. A recent study by Prof. Raymond Levitt of Stanford University, of 23 construction firms engaged in highway, heavy building, industrial and specialty trade construction found that companies with formal safety orientation programs for all new hires had an average insurance modification rates, 25% lower than their competitors who did not have any such programs. These reduced costs give a distinct advantage in the bidding process and allow for greater profits. Beyond these obvious costs yet equally important, is the fact that accidents have a very adverse impact on project morale and company reputation.

Orientation will pay off by reducing accidents. Few accidents mean more profits.

HOW TO DEVELOP YOUR COMPANY'S ORIENTATION PROGRAM

A successful company orientation program includes all new workers regardless of the number of years worked in the industry. It covers every worker new to the company, new to a particular job site or only new to a crew. This means that your new worker program needs three parts – each important.

1. Top management communication to new worker of company, commitments on safety, health, and expectations for each employee.
2. Project management orientation, including the special requirements for each project.
3. Foreman orientation to job and crew.

The worker who is new to the company is also new to the project and to the crew. Such people need the most orientation. They are unfamiliar with company policies and procedures. They are unfamiliar with job site conditions. They are unfamiliar with superintendents, foremen and fellow employees. They feel that they must prove themselves to the company, the superintendent, the foreman, and their fellow workers and to themselves.

Safety orientation, however, cannot stop with them. All employees, even those with company seniority, should receive safety orientation every time they are transferred to a new job site or crew. The particular organization and layout of the work and therefore the particular safety hazards at the job site are as unfamiliar to them as to a brand new employee. On many sites, even when there is no turnover in crews on the job, conditions change so much during the course of the job that all site employees need constant update orientation. Very productive safe superintendents stop their project workers for briefing sessions every time the work changes.

TOP MANAGEMENT'S ROLE IN ORIENTATION

Your company needs to develop two programs:

1. A New Worker Orientation-to-the-Company Program
2. A Management Training System to Insure Project and Crew Level Orientation

ESSENTIALS OF A COMPANY ORIENTATION PROGRAM

Your company program must be developed by upper management to suit the company. After a program is implemented, it needs to be reviewed and updated to guarantee that it is functioning as designed. The type of work and number of employees will govern the extent and formality of each company's program.

NEW WORKER ACTION STEPS:

Everyone new to your crew (no matter how experienced) is a new worker

1. Ask about last job.
2. Describe the new job.
3. Show worker around site; point out hazards.
4. Introduce worker to others
5. Describe your rules.
6. Give worker a test run on tools and equipment.
7. Keep an eye on the new worker during the first few days.
8. Check back to see how the worker is coming along.

Foremen and superintendents will be more willing to spend the necessary time on a new worker orientation if they are held accountable for accidents as part of their supervisory responsibilities.

START NEW WORKERS OUT RIGHT is only the first part of the SAFER program. The greatest reduction in accidents and the greatest increase in savings will result from combining orientation with the other four basic points of the safer program.

1. Account for all accidents – so foremen and supervisors know that safety is an important part of their job performance.
2. Foremen and Managers plan safety into each job so the safety is an integral part of job operations.
3. Every week a toolbox/tailgate meeting is held so that what the new worker hears and learns in orientation is constantly backed up and emphasized.
4. Reinforce safe performance so that the new workers and all the others realize that foremen, supervisors, and the companies back their interest in safety with recognition of those who do a good job on safety.

Your company's program should also include:

1. An introductory letter to each employee from the company president welcoming the new worker, emphasizing the importance of safety to the company and to the president, and describing the worker's responsibility to help maintain a safe working environment.
2. A Company Safety Practices handbook issued to each new worker, which spells out the particular rules and requirements of your company.

In addition, there are a number of additional methods which construction companies have used successfully such as audio-visual presentations (films, slides, videotapes) to be viewed by each worker covering company safety policy, new employees checklists which are read by the employee before the worker begins work and which require the employee's signature of the compliance on their employment application, short booklets describing company project information, and company procedures including workweek, absentee and pay procedures, rules on safety and other basic company policies.

THE COMPANY PLANS FOR JOB SUPERINTENDENT AND FOREMAN ORIENTATION

While a company orientation program developed from the elements just described is effective in reducing accidents and accident costs, even more effective is company program combined with a strong program on the project and crew level. The most effective orientation programs depend upon the key personnel directly in contact with the new worker. The superintendent and foreman are committed to orientating the new hire.

The job superintendent has two responsibilities for orientation. First, he must communicate a project-wide commitment to safety and a continuing awareness and involvement in safety performances as well as productivity and quality. Secondly, he must be certain that the foremen understand the importance of orientation and are trained to carry it out properly. The superintendent should also take an active interest in the new worker, ensuring that the necessary safety information has been provided and that the new worker is adjusting well to the job.

The foreman is typically the most closely involved with the new worker and thus is a critical person in the orientation process. The company should expect the foreman to spend sufficient time with the new worker to start the new worker out right. Foremen who save their company money and their crewmembers' personal and economic loss by orienting their new crewmembers have well-developed methods for starting a new worker. These methods can be taught successfully to other foremen. Stanford Construction Safety Management Safety and Health Project have developed a foreman pocket card listing the new worker action steps. This card reminds the foremen what to do.

IMPORTANT NOTICE: Contractor to Complete and return this form to ONLR PRIOR to start of work.



SAMPLE
(Use Company Letterhead)

CONTRACTOR/SUBCONTRACTOR'S MANPOWER PROJECTION REPORT

CONTRACTOR: _____ DATE: _____

PROJECT: _____ LOCATION: _____

ANTICIPATED START DATE: _____ END DATE: _____

<u>CRAFT</u>	<u>NUMBER REQUIRED</u>	<u>REMARKS</u>	<u>CRAFT</u>	<u>NUMBER REQUIRED</u>	<u>REMARKS</u>
Carpenter	_____	_____	Cement Finisher	_____	_____
Electrician	_____	_____	Boilermaker	_____	_____
Laborer	_____	_____	Bricklayer	_____	_____
Drywall Installer/ Taper	_____	_____	Equipment Operator	_____	_____
Pipefitter	_____	_____	Truck Driver	_____	_____
Plumber	_____	_____	Ironworker	_____	_____
Rofer	_____	_____	Painter	_____	_____
Insulator	_____	_____	Soft Tile Setter	_____	_____
Millwright	_____	_____	Sheet Metal Worker	_____	_____
_____	_____	_____	_____	_____	_____

(Note: any special qualifications, i.e., 125-Ton Crane Operator, Testing Requirements, Journeyman or Apprenticeship/Trainee, etc.):

Important Notice: All Contractors having subcontractors shall submit a sub-contractor listing, which shall include the name and address of each sub-contractors, telephone number and contact person.

Name: _____
(Authorized Company Representative & Title) **PRINTED**

Signature: _____

Send to: OFFICE OF NAVAJO LABOR RELATIONS
Attn: Michael Armijo, CEA
Post Office Box 1943
Window Rock, Arizona 86515

SUBCONTRACTORS LISTING

E

Information Required:

1. Name and addresses of all subcontractors. Include telephone numbers.
2. Name and title of position of company representative.
3. Brief description of what type of work the subcontractor will perform.
4. A Manpower Projection is required prior to start of work and a projected start and end date should be noted.

NOTE: A pre-construction conference is required **BEFORE** any work is started. It is the subcontractor's responsibility to contact ONLR to arrange for a separate meeting before any work begins.

JOB DESCRIPTION

F

1. Brief description or narrative picture of the job that highlights its general characteristics. The job summary should provide enough information stating the major functions and activities.
2. Avoid using ambiguous words, or those that leave themselves open to a number of possible interpretations.
3. Avoid using technical words unless you are sure they will be easily understood. If you must use them anyway, explain.
4. All employers (contractors and subcontractors) shall use non-discriminatory job qualification and selection criteria in employment.
5. Job descriptions shall contain those job-related qualifications which are essential to the performance of the basic responsibilities designated for each employment position, including any essential qualification concerning education, training and job-related experience, but excluding any qualifications relating to ability or aptitude to perform responsibilities in other employment positions. Demonstrated ability to perform essential and basic responsibilities shall be deemed satisfaction of "necessary qualifications".

NOTE: A copy of a job description shall be provided to the applicants or candidates at the time they express an interest in such position (15 NNC 604.D.).

RADIO STATIONS



KNDN RADIO STATION

1515 West Main Street
Farmington, New Mexico 87401
Telephone: (505) 325-1996
Telefax: (505) 327-2019

KTNN RADIO STATION

Post Office Box 2569
Window Rock, Arizona 86515
Telephone: (928) 871-2582
Telefax: (928) 871-3479

NEWSPAPER

DAILY TIMES

Post Office Box 450
Farmington, New Mexico 87499
Telephone: (505) 325-4545
Telefax: (505) 564-4567

NAVAJO TIMES

Post Office Box 310
Window Rock, Arizona 86515
Telephone: (928) 871-1130
Telefax: (928) 871-1159

GALLUP INDEPENDENT

Post Office Box 1210
Gallup, New Mexico 87305
Telephone: (505) 863-6811
Telefax: (505) 722-5750

NAVAJO/HOPI OBSERVER

2224 East Cedar Avenue
Flagstaff, Arizona 86004
Telephone: (928) 226-9696
Telefax: (928) 226-1115

NAVAJO PREFERENCE STATEMENT

NPEA Section 4(B). Specific Requirements for Navajo Preference

1. "All employers shall include and specify a Navajo employment preference policy statement in all job announcements and advertisements and employer policies covered by this Act".

JOB SERVICE

New Mexico Dept. of Labor

503 West Highway 66, Suite 13, 14, 16
Gallup, New Mexico 87301
(505) 863-8884/Fax: (505) 863-8995

AZ Workforce Connection

Post Office Box 3565
Window Rock, Arizona 86515
(928) 871-4131/Fax: (928) 871-4130

New Mexico Dept. of Labor

600 West Arrington Street
Farmington, New Mexico 87401
(505) 327-6126/Fax: (505) 326-6006

Dept. of Economic Security Adm.

Post Office Box 130
Tuba City, Arizona 86045
(928) 283-5201/Fax: (928) 283-4435

NPEA Section 4(B)(5): "All employers shall utilize Navajo Nation employment sources and job services for employee recruitment and referrals; provided, however, that employers do not have the foregoing obligations in the event a Navajo is selected for the employment who is a current employee of the employer."

AFFIRMATIVE ACTION REGULATIONS



I. INTRODUCTION

- A. Pursuant to the Navajo Preference in Employment Act (“NPEA”), “all employers doing business within the territorial jurisdiction of the Navajo Nation, or engaged in any contract with the Navajo Nation shall give preference in employment to Navajos. Preference in employment shall include specific Navajo affirmative action plans and timetables for all phases of employment to achieve the tribal goals of employing Navajos in all job classifications including supervisory and management positions.”

II. POLICY STATEMENT

- A. The employer’s policy statement shall indicate the Owner/Chief Executive Officer’s position on the subject matters; assign overall responsibility, reporting and monitoring procedure. Specific items to be mentioned, should include, but are not limited to:
1. Providing employment and training opportunities for Navajo workers, including supervisory and management positions.
 2. Employment decisions and personnel actions shall be based on the principles, intent and purposes of the Navajo Preference in Employment Act (“NPEA”).

III. APPOINTMENT OF A MANAGEMENT OFFICIAL TO IMPLEMENT NAVAJO AFFIRMATIVE ACTION PROGRAM

- A. A management official who has decision-making authority shall be appointed to implement and monitor the Affirmative Action Plan Program. His/Her responsibility will include, but are not limited to the following:
1. Developing Navajo Affirmative Action Plan Program, policy statement, goals and objectives, and internal and external communication procedures.
 2. Identifying and/or assisting in the identification of problem areas in Section V. D.
 3. Determining and implementing corrective solution(s) identified under Section V. D. with the assistance of line supervisors.
 4. Designing and implementing audit and reporting systems that will:
 - a. Measure effectiveness of the employer’s program.
 - b. Indicate and determine the need for remedial action(s).

- c. Determine the degree to which the employer's goal and objectives have been accomplished.
5. Serve as liaison between the employer and the Office of Navajo Labor Relations ("ONLR").

IV. ESTABLISHMENT OF GOALS AND TIMELINES

- A. The goals and timelines developed by the employers should be attainable based on analysis of the following:
 1. All positions/classifications currently held by non-Navajos,
 2. Qualifications required by the positions/classifications,
 3. Timelines for Navajo worker(s) to obtain qualifications for positions/classification(s) held by non-Navajos, and
 4. Identification of resources internally and externally to implement the plan.

V. WORKFORCE ANALYSIS

- A. The affirmative action plan should contain a workforce analysis, defined as a listing of each job title as it appears in applicable collective bargaining agreements or payroll records ranked from the lowest paid to the highest paid within each department or organizational unit including mid-management and top-management. Lines of progression for each unit or department must be identified through which employees could move upward. Where there are no formal progression lines or lines or usual promotional sequences, job titles should be listed in order of wages/salary ranges.
- B. An analysis of all positions/classifications of the employer, should be included, with explanation if Navajos are currently being under-utilized in any positions/classifications, "Under-utilization" is defined as having a fewer Navajos in any position/classification than would be expected by the availability of qualified Navajo workers.
- C. An in-depth analysis of the following shall be made:
 1. Composition of Navajo and non-Navajo employees by positions/classifications.
 2. Composition of applicant flow of Navajos and non-Navajos.
 3. Selection process including recruitment, job descriptions, interview criteria, written tests and final selection.

4. Retention, promotion, transfer, reduction in force and recall.
 5. Apprenticeship program/trainings.
 6. Company training – formal and informal.
- D. If any of the following are identified in the analysis, a plan of corrective action must be established immediately:
1. An under-utilization of Navajo employees.
 2. Vertical movement of Navajos occurs at a lesser rate than that of non-Navajos.
 3. The selection process eliminates a significantly higher percentage of Navajos than non-Navajos.
 4. Position/job descriptions are inaccurate in relation to actual duties and function.
 5. Testing and/or test forms having adverse impact at a higher rate on Navajos than non-Navajos.
 6. Non-support of the company's affirmative action policy by employees' supervisors or managers.
 7. No formal criteria established for evaluating the effectiveness of the affirmative action program.

VI. UNIONS AND LABOR ORGANIZATIONS

- A. Where employers are signatory to collective bargaining agreements, the union organizations and the employer shall file a joint employer – union affirmative action plan to the Office of Navajo Labor Relations pursuant to NPEA, Section 4.A.2.
- B. The joint employer – union affirmative action policy shall specifically include a clause that the employer and the labor organization will provide preference in employment to Navajos.
- C. When providing preference in employment to Navajos, the affirmative action policy shall require the following:
 1. The employer shall specifically request Navajo workers for work to be done on the Navajo Nation. The employer shall not accept referrals of non-Navajos for work on the Navajo Nation, so long as potentially qualified Navajos are available, through respective local union halls.

2. The labor organization shall first refer all Navajos on the labor organization's referral list (s), regardless of their relative position on those lists.
3. The labor organization shall take necessary steps to recruit additional Navajo members so as to meet manpower requests for work to be conducted on the Navajo Nation.

VII. ENFORCEMENT

- A. The designated company management official shall be responsible for compliance with the requirements of these Rules and Regulations.
- B. Employers and organizations not in compliance will be subjected to formal charges in accordance with provisions of the *Navajo Preference in Employment Act*.
- C. Failure to comply with these Rules and Regulations or failure to submit an affirmative action policy may result, in addition to formal charges, corrective action by the Office of Navajo Labor Relations, including but not limited to, compelled hiring and/or training of Navajo workers.

VIII. EFFECTIVE DATE

- A. These Regulations shall become effective 180 days from the date of approval by the Health, Education and Human Services Committee of the Navajo Nation Council.
- B. Within 90 days of the effective date, employers must have submitted an affirmative action plan to the Office of Navajo Labor Relations.

IX. AMENDMENT

- A. This regulation shall be amended from time to time as deemed necessary by the Health, Education and Human Services Committee of the Navajo Council.

**OFFICE OF NAVAJO LABOR RELATIONS
EMPLOYER INTERVIEW REPORT**



Project _____

*N = Navajo
NN = Non-Navajo

Contractor _____

Location _____

Position _____

DATE	APPLICANT	N/NN	ADDRESS/TELEPHONE	INTERVIEWER	RESULTS

CONDITION FOR EMPLOYMENT EXPRESSED TO APPLICANT

J

1. Explain or inform worker what's expected of him/her. The work rules or conducts.
2. Each employee should know what their position is; rate of pay, and given a written personnel action form.
3. Thorough orientation on company/employer policies and procedures.

WRITTEN NOTIFICATION FOR ANY EMPLOYEE ACTION

K

1. "All employers shall not penalize, discipline, discharge nor take any adverse action against any employee without just cause. A written notification to the employee citing such cause for any of the above actions is required in all cases."
(15 NNC 604.B.(8.))

SAMPLE
(Use Company Letterhead)



Date: _____

Company Name
Company Address
Company City, State, Zip Code
Telephone Number
Fax Number

RE: WEEKLY MANPOWER REPORT FOR WEEK ENDING: _____

Duration of Project: Start Date: _____

Completion Date: _____

Contract Number: _____

Project Title: _____

Project Stage of Completion (%): _____

Total Work Force (*): _____

*Justification for hiring non-Navajo employee:

Important Notice: Each Weekly
Manpower shall have a
corresponding Certified Payroll
Report attached.

Representative Name & Title (Printed)

Signature

Copy to: OFFICE OF NAVAJO LABOR RELATIONS
Attn: Michael Armijo, CEA
Post Office Box 1943
Window Rock, Arizona 86515

WEEKLY MANPOWER REPORT
 For Week Ending: _____

	NAVAJO		NON-NAVAJO	
	<u>Male</u>	<u>Female</u>	<u>Male</u>	<u>Female</u>
Project Superintendent	_____	_____	_____	_____
Project Foreman	_____	_____	_____	_____
Carpenter	_____	_____	_____	_____
Electrician	_____	_____	_____	_____
Laborer	_____	_____	_____	_____
Drywaller Installer/Taper	_____	_____	_____	_____
Plumber	_____	_____	_____	_____
Pipefitter	_____	_____	_____	_____
Truck Driver	_____	_____	_____	_____
Equipment Operator	_____	_____	_____	_____
Ironworker	_____	_____	_____	_____
Roofer	_____	_____	_____	_____
Painter	_____	_____	_____	_____
Soft Tilesetter	_____	_____	_____	_____
Insulator	_____	_____	_____	_____
Cement Mason	_____	_____	_____	_____
Apprentice	_____	_____	_____	_____
Other (Specify Craft)	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
TOTALS:	_____	_____	_____	_____

(List Only those Classifications Utilized During that Week)

**OFFICE OF NAVAJO LABOR RELATIONS
CERTIFIED PAYROLL**



NAME OF CONTRACTOR OR SUBCONTRACTOR:

ADDRESS/ TELEPHONE NO.:

WAGE DECISION NO.

(1) NAME OF EMPLOYEE	(2) NN/N	(3) WORK CLASSIFICATION	ESTR	(4) DAY AND DATE							(5) TOTAL HOURS	(6) RATE OF PAY	(7) GROSS AMOUNT EARNED	(8) DEDUCTIONS			(9) NET WAGES PAID FOR WEEK			
				S	M	T	W	T	F	S				FICA	WITH-HOLDING TAX	OTHER		TOTAL DEDUCTIONS		
				HOURS WORKED EACH DAY																
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(2) * N / Navajo or NN / non-Navajo (PLEASE INDICATE)

PAYROLL STATEMENT OF COMPLIANCE

Date _____

I, _____ (Name of signatory party) (Title) _____
do hereby state:

(1) That I pay or supervise the payment of the persons employed by _____

(Contractor or subcontractor) on the _____ (Building or work) _____

_____ that during the payroll period commencing on the _____
day of _____, 20____ and ending the _____ day of _____, 20____
all persons employed on said project have been paid the full weekly wages earned, that no rebates have
been or will be made either directly or indirectly to or on behalf of said _____

from the full _____

(Contractor or subcontractor) weekly wages earned by any person and that no deductions have been made either directly or indirectly
from the full wages earned by any person, other than permissible deductions as defined in Regulations,
Part 3 (29 CFR Subtitle A), issued by the Secretary of Labor under the Copeland Act, as amended (48
Stat. 948, 63 Stat. 108, 72 Stat 967; 75 Stat 357; 40 U.S.C. 267c), and described below:

(2) That any payrolls otherwise under this contract require to be submitted for the above period
are correct and complete; that the wage rates for laborers or mechanics contained therein are not less
than the applicable wage rates contained in any wage determination incorporated into the contract; that
the classifications set forth therein for each laborer or mechanic conform with the work he performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide
apprenticeship program registered with the State apprenticeship agency recognized by the Bureau of
Apprenticeship and Training, United States Department of Labor.

(4) That:

(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS,
OR PROGRAMS

↳ - In addition to the basic hourly wage rates paid to each laborer or mechanic
listed in the above referenced payroll, payments of fringe benefits as listed in
the contract have been or will be made to appropriate programs for the benefit
of such employees, except as noted in Section 4(c) below:

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

↳ - Each laborer or mechanic listed in the above referenced payroll has been paid,
as indicated on the payroll, an amount not less than the sum of the applicable
hourly wage rate plus the amount of the required fringe benefits as listed in the
contract, except as noted in Section 4(c) below.

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION
REMARKS	

NAME AND TITLE	SIGNATURE
THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO A CIVIL OR CRIMINAL PROSECUTION. SEE SECTION 1001 OF TITLE 18 AND SECTION 231 OF TITLE 31 OF THE UNITED STATES CODE.	

SAMPLE
(Use Company Letterhead)

N

PROJECT STATUS REPORT

Date: _____

PROJECT TITLE: _____

Duration of Project: START: _____ Completion: _____

Job Location: _____

Check Appropriate Spaces:

_____ Complete – No employees or workers on site.

_____ Near Completion, will be completed by: _____

_____ Other: _____

Additional Work Project: FROM: _____ TO: _____

Description of additional work required:

Company: _____

Representative Name: _____

Title: _____

IMPORTANT NOTICE

In the event contractor/subcontractor returns to perform additional work on this project, Office of Navajo Labor Relations must be contacted and a manpower projection report shall be submitted to ONLR before any work is to start. Form can be faxed to the Office of Navajo Labor Relations at:

Office of Navajo Labor Relations
at (928) 871-7088

NOTE: Please fill out this form within two weeks of completion of project.

Copy to: OFFICE OF NAVAJO LABOR RELATIONS
Attn: Michael Armijo, CEA
Post Office Box 1943
Window Rock, Arizona 86515

INVESTIGATION PROCESS FLOW CHART

