



Bois Forte Band of Chippewa

5344 Lakeshore Drive
Nett Lake, MN 55772
www.boisforte.com

**Request for Proposals (RFP) for General
Architectural and Engineering Services**

ISSUE DATE: June 15, 2022

DUE DATE: July 15, 2022, at 4:30 p.m.

SUBMIT TO: Bois Forte Band of Chippewa
Attn: David Morrison Sr.
Secretary/Treasurer
5344 Lakeshore Drive
Nett Lake, MN 55772
Email: david.morrison@boisforte-nsn.gov
Cc: djohnson@boisforte-nsn.gov

1. Overview of Need

The objective of the Request for Proposal is to solicit bids from licensed Architectural & Engineering Firms (“The Firm”) to submit proposals to the Bois Forte Band of Chippewa (the “Band”) to provide Architectural & Engineering (“A&E”) services on various construction projects that the Band intends to pursue in the near future. Specifically, through this RFP, the Band intends to procure an A&E Firm through December 31, 2024, to provide services on various construction projects it may pursue.

2. Background Information on the Bois Forte Band

The Bois Forte Band of Chippewa is a federally recognized tribe situated in northern Minnesota. The Band's governing body is comprised of a five-member Council. The Band delivers government services to over 3,600 enrolled members who are located on-reservation, across the United States, and abroad. The Band provides government services through a variety of departments, including Bois Forte Health Clinic, Human Services, Police Department, DNR, Tribal Court System, Realty, Housing, Enrollment, Public Works, IT services, Accounting, Education and Human Resources. As the owner and operator of the Boys and Girls Club, Fortune Bay Resort Casino, the Y-Store, and the Nett Lake C-Store, the Band is one of the largest employers within its region. You can learn more about the Band by visiting our website at: <http://www.boisforte.com/>.

3. RFP Overview

In response to the COVID-19 pandemic, Congress adopted multiple pieces of legislation that provided direct funding to tribes to assist in efforts to respond to the pandemic and mitigate the negative economic impacts of the pandemic. Additionally, Congress's passage of the Bipartisan Infrastructure Law in 2021 provided additional sources of funding for tribes to pursue infrastructure projects. These sources of additional funding, coupled with the existing funding opportunities available to tribes, has resulted in an influx of federal dollars available for tribal construction projects.

To ensure that the Band is equipped to timely respond to funding opportunities and efficiently pursue its desired projects, the Band seeks to procure an A&E Firm for A&E services in accordance with procurement methods under the Band's Procurement Policy, which is consistent with federal procurement regulations set forth in the Uniform Guidance.

To ensure that project-specific needs are met, the Band anticipates entering into a separate contract for each project for which the Firm will provide A&E services. For each contract, the Band expects that the Firm will

- prepare all pre-construction design work necessary to support the project, as well as any accompanying supporting documents and exhibits to support the Band's application for grants to fund the project; and
- provide final construction designs, bidding assistance, and construction management services.

The Band will utilize qualifications-based selection procedures for selecting the Firm. This means that Firms' qualifications will be evaluated based on the criteria outlined in this RFP, and the most qualified Firm will be selected subject to negotiation of fair and reasonable compensation.

4. Proposed Projects

While the Band's projects are not finalized at this time, the Band is considering several development projects to improve the delivery of its government services on the Bois Forte Reservation. For example, the Band is in need of a new facility to house its Department of Natural Resources staff, including Realty, Conservation Enforcement, Water Quality, and Nett Lake Wild Rice. The Band is also considering but not limited to, DNR. clinic expansion, roof redesign and replacement at Forestry, Elder Housing Units, apartment complex, Transit Facility, Maintenance Facility/Food Shelf in Vermilion and, teaching lodge/ceremonial round house.

The Band is seeking an A&E Firm that has experience working with tribal governments and the ability to design a broad range of government buildings that reflect the Band's unique needs.

5. Project Phases Scope of Work

For each construction project for which the Band needs the A&E Firm's services, the Band expects that the Firm will provide the following services:

- Schematic Design Phase Services.
 - Conduct a preliminary evaluation of the Band's program, schedule, budget for the cost of the work, project site, the proposed procurement and delivery method, and other initial information to ascertain the requirements of the project.
 - Prepare and present, for the Band's approval, a preliminary design illustrating the scale and relationship of the project components.
 - Prepare schematic design documents for the Band's approval, which shall consist of drawings and other documents including a site plan, if appropriate, and preliminary building plans, sections and elevations; and may include some combination of study models, perspective sketches, or digital representations.

- Design Development Phase Services.
 - Prepare for the Band's approval design development documents, which shall illustrate and describe the development of the approved schematic design documents and shall consist of drawings and other documents including plans, sections, elevations, typical construction details, and diagrammatic layouts of building systems to fix and describe the size and character of the project as to architectural, structural, mechanical and electrical systems, and other appropriate elements.

- Construction Documents Phase Services.
 - Prepare for the Band's approval construction documents, which shall illustrate and describe the further development of the approved design development documents and shall consist of drawings and specifications setting forth in detail the quality

levels and performance criteria of materials and systems and other requirements for the construction of the work.

- Procurement Phase Services.
 - Assist the Band in the development and preparation of (1) procurement information that describes the time, place, and conditions of bidding, including bidding or proposal forms; (2) the form of agreement between the Band and contractor; and (3) the Conditions of the Contract for Construction (General, Supplementary and other Conditions).
 - Assist the Band in establishing a list of prospective contractors.
 - Following the Band's approval of the construction documents, assist the Band in (1) obtaining either competitive bids or negotiated proposals; (2) confirming responsiveness of bids or proposals; (3) determining the successful bid or proposal, if any; and (4) awarding and preparing contracts for construction.

- Construction Phase Services.
 - Construction Administration:
 - Prepare for and attend the preconstruction meeting.
 - Provide consultation and advice to the Band during construction and be available to meet with the Band staff, the Contractor, and other parties throughout the construction phase of the project to discuss/resolve construction issues, construction progress, and to coordinate the work as needed.
 - Check detailed construction, shop and erection drawings submitted by the Contractor for compliance with the design concept and design intent.
 - Conduct all applicable Davis Bacon Wage Confirmation interviews and provide reports to the Band.
 - Prepare supplementary sketches required to clarify/resolve any field construction problems that may arise due to actual field conditions encountered.
 - Attend final review of the completed construction with representatives from the Band staff, the Contractor, and other concerned parties as needed, and prepare a letter to address any deficiencies, corrective actions required, etc.
 - Prepare record (i.e. "as-built") drawings based on construction information.
 - Print and distribute construction record drawings as required for distribution to the Band staff as required. Record drawings shall be furnished both in "hard" copy drawings and electronic.
 - Construction Observation: Provide periodic construction observation of the construction work in progress based on the Contractor's construction schedule.
 - Monitor materials used in the construction for compliance with project specifications.
 - Monitor quality of construction and verify compliance with project specifications.

- Prepare site visit observation reports covering observations made of the work in progress, delays to construction, unusual events, etc.
- Review and approve monthly Payment Requisitions from the Contractor to confirm quantities of work completed and certify payment requisitions for payment by the Band.
- Interpret the contract plans and specifications and check the construction activities for compliance with the intent of the design.
- Attend meetings as required for coordination among officials from the Band staff and the Contractor or any federal and local agencies (as required).
- Confirm Substantial Completion of the project and prepare Certificate of Substantial Completion. Prepare a Punch List of outstanding items of work to be completed after Substantial Completion in order to achieve final completion of the construction work.
- Maintain project record (“as-built”) information for the development of final record drawings and final project report.
- Other Requirements During Construction.
 - Review and certify contractor payment applications
 - If required by any funding sources, perform payroll compliance assistance and “Buy American” compliance assistance including:
 - Collect and check weekly certified payroll reports from the Contractor and all subcontractors on the project.
 - Collect weekly signed Statement of Compliance (wages) from Contractor and Subcontractors.
 - Verify hours worked and rates paid for the Contractor and all subcontractors on the project.
 - Maintain a file of weekly certified payroll reports.
 - Submit a copy of the weekly certified payroll reports to the Band.
 - Conduct at least two (2) (minimum) wage rate interviews to confirm/verify wage rates.
 - Document “Buy American” provisions.
 - Maintain documentation and records for all equipment and products purchased in accordance with the “Buy American” provisions. Required documentation includes: (1) U.S.-made components; (2) National waivers; (3) project-specific waivers; and (4) “De Minimis” components.
 - Prepare monthly report of project completion status.

The scope of specific services needed may vary from project to project.

6. Proposal Requirements

Interested Firms shall submit a technical proposal that includes the following components:

- The technical proposal prepared in response to this RFP shall contain at a minimum the following information:

- The name, address, phone and email addresses contact information of the firm submitting the RFP and identification of a parent company, if any;
- The name, office location, qualifications (brief bio), and experience of the individual who would be designated as the lead manager as well as any other team members, partners or sub-contractors contributing to the projects.
- Brief statement of qualifications together with appropriate supplemental information demonstrating qualifications of the Architect, Engineer and other key personnel identified to undertake the projects. Please indicate the number of years the firm and whether the key personnel have been involved in business or projects requiring a similar set of skills and expertise.
- Proposals must address why the Firm is uniquely qualified to complete the services, and must specifically address:
 - The total number of years the Firm has worked with Tribal Governments;
 - A summary of projects completed for Tribal Governments;
- A list of at least two relevant references.
- A specific description of the support that must be provided by the Band in order for the Firm to successfully and expeditiously carry out the work described above.
- Name of any professional memberships such as the American Consulting Engineers Council (ACEC), American Society of Civil Engineers (ASCE), National Society of Professional Engineers (NSPE), and/or the American Institute of Architects (AIA).
- The Firm must demonstrate the ability to work with green design principals, “Net-Zero” ready buildings, and cutting-edge technologies.
- Any other information relevant to demonstrating qualifications to perform the work contemplated by the RFP.
- In addition to providing the Technical Proposal, the Firm shall certify in its response to the best of its knowledge and belief, that it and its principals/employees:
 - Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by and Federal, State, Local or Tribal department or agency.
 - Have not within a five-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, Local or Tribal) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.
 - Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, Local or Tribal).

- Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal State, Local or Tribal) terminated for cause or default.

7. Native Preference (if applicable) – This RFP is not restricted to companies owned by Native persons. However, preference will be given to Native and Alaska Native consultant/contractors (“Native Consultant/Contractor”) that submit responses that are substantially equal to responses submitted by a non-Native consultant/contractor. Native Consultant/ Contractor or “Indian-Owned Economic Enterprise” means any Indian-owned commercial, industrial, or business concern established or organized for the purpose of profit, provided that such Indian ownership shall constitute not less than 51 percent of the enterprise, and that ownership shall encompass active operation and control of the enterprise on a continuing basis for the duration of the project. A consultant/contractor claiming Native Preference may be required to submit evidence demonstrating qualification for that preference.

8. Selection Criteria

The evaluations will be based on the content of the proposals. The proposals will be ranked based on the following factors (weighting of each factor listed in parentheses):

- Assessment of the experience working with Tribal Governments (30 %);
- Assessment of ability to provide A&E services for a broad range of tribal government needs (25%)
- Assessment of the proposed project team and/or firm for qualifications, experience with similar projects, appropriate resources allocated to the project, references (30%);
- Native preference (15%).

9. Submission Details

Proposals may be submitted by mail, by facsimile, or by email. The Band may deem a proposal that fails to address content that is applicable to the company as non-responsive and ineligible for consideration.

- Due date: July 15, 2022, by 4:30 p.m., Central Time.
- Submit to: Bois Forte Band of Chippewa
Attn: David Morrison Sr.
Secretary/Treasurer
5344 Lake Shore Drive
Nett Lake, MN 55710
Email: david.morrison@boisforte-nsn.gov
[Cc: djohnson@boisforte-nsn.gov](mailto:djohnson@boisforte-nsn.gov)
Fax: 218-757-3312

10. Inquiries

Questions about this RFP may be directed via email to Kim Greiner, Chief Financial Officer, Bois Forte Tribal Government, at kgreiner@boisforte-nsn.gov. In the subject line for the inquiry, please insert “RFP – General A&E Services”.

11. General Terms, Limitations, Reservation of Rights

The following terms, limitations, and reservation of rights apply to this RFP:

- The selected Firm will be required to comply with all applicable requirements set forth in the Bois Forte Band of Chippewa TERO Ordinance, including the required TERO Fee (4% of the total contract amount). A copy of the Band’s TERO Ordinance is attached hereto as Exhibit A.
- Interviews with top ranked Firms may be held to clarify and review proposal and qualifications only.
- The Band reserves the right to review any proposal in full or in part and to accept or reject any or all proposals.
- If necessary, contract negotiations related to the timeline may proceed following selection of the successful proposal. The A/E awarded contract will not be eligible for large modifications to the scope of work or negotiations of cost.
- The Band reserves the right to select the successful firm on the basis of proposals received, without seeking further information for clarification from The Firm.
- Any award granted pursuant to this RFP shall be subject to the terms and conditions of a written contract between the Band and the contractor/consultant selected.
- The Band reserves the right to:
 - Modify or otherwise alter any or all requirements herein. If the Band modifies, consultant/contractor’s will be given an equal opportunity to modify their proposals as identified in writing by the Band.
 - Reject any proposals received for whatever reason.
 - Terminate this RFP at any time, without cause or reason.
- The Band shall not be responsible for any expenses incurred by the applicant to prepare or deliver a response to this RFP, or to attend a virtual pre-award conference with the Band.
- The Band’s determination on whether to make this award will be based solely on the Band’s best interests as understood by the Band.
- Prior to any award and upon the Band’s request, the apparent successful proposer must provide the information required of any consultant/contractor who does business with the Band, including the consultant/contractor’s legal name, address, federal fax identification number, and evidence of insurance policies that meet minimum insurance specifications for the award.
- The consultant/contractor must disclose to the Band the use and identity of all subcontractors it uses in carrying out the requirements herein. The Band reserves the right to approve all subcontractors chosen (in its sole discretion). The consultant/contractor

shall be solely responsible for the satisfactory performance of and compensation to all subcontractors.

- The laws and procedures of the Band shall govern all rights and duties under any contract that may result from the RFP.
- In the event of bankruptcy or receivership of any consultant/contractor, the applicable contract is null and void, and is terminated without further notice.
- This RFP shall not be construed as a waiver of the Band's sovereign immunity.