

## ADVERTISEMENT FOR CONSTRUCTION BIDS

CROW NATION  
Owner

C/O Crow Tribe Water Resource  
Department  
PO Box 520  
Crow Agency, MT 59022  
Address

Separate sealed bids for construction of the Delp Check Improvements, Contract C2-1 will be received by the Crow Nation at the office of the Crow Tribe Water Resource Department located in Crow Agency, Montana, until 2:00 P.M., local time on the 19th day of May, 2016, at which time they will be publicly opened and read aloud. Only Bids from Indian-certified firms will be accepted.

The submission of Bids will initially be limited to Bidders which are Indian-certified firms. If no Contract is awarded following the Bid period, the project will be re-advertised and second bid period will be open to all Contractors.

The scope of Work generally consists of improvements to Delp Check, comprised of the demolition of the existing Delp Check and Drop Structures and replacement with an Inverted Siphon equipped with a check-inlet, and placement of select laterals into pipe and associated demolition and removal of existing lateral structures, as required by the Contract Documents and General Requirements. The project is located on the Crow Reservation in Big Horn County, Montana approximately ten (10) miles south of Hardin, Montana, and is owned, operated, and maintained by the Bureau of Indian Affairs.

The construction work for the project consists generally of earthwork and steel reinforced concrete construction associated with footings, walls, and floor slabs; structure earthwork, including excavation, backfill, and compacted backfill; canal earthwork, including excavation and compacted embankment construction; dewatering activities; concrete demolition and removal associated with the existing Delp Check Structure, Delp Drop Structures, and select lateral structures; furnishing and installation of miscellaneous metal [walkways, stoplog (gate frame) guides, escape ladder, trash rack, and all other miscellaneous metal]; furnishing and installation of galvanized steel and cast iron slide gates; furnishing and installation of reinforced concrete pipe (both aggregate and soil-cement bedding); furnishing installation of PVC pressure pipe (both aggregate and soil cement bedding); furnishing and installation of inline valves and valve wells; furnishing and installation of safety float; furnishing and installation of a flap gate; furnishing and installation of corrugated metal pipe; furnishing and installation of staff gages; installation of Owner furnished safety signage; installation of Owner furnished precast concrete turnout structures; furnishing material and concrete testing services; and all other associated work. Site work to include furnishing and installation of chain link fencing; furnishing and installation of riprap; furnishing and installation of filter fabric; preparation and installation of concrete rubble for road subgrade; O&M road embankment construction; furnishing and installation of gravel surfacing; and seeding, fertilizing, and mulching.

The scope of Work under Contract C2-1 contains infrastructure vital to operation of the Crow Irrigation Project. The irrigation season on the Crow Irrigation Project begins on the 15<sup>th</sup> day of April and ends on the 1<sup>st</sup> day of October each year. Construction of all of the Work within the canal prism shall occur outside of the irrigation season, from the 1st day of October until the 15th day of April (irrigation offseason). The Contractor shall schedule construction activities around the irrigation season dates to ensure that irrigation water can be delivered during the irrigation season to all CIP Facilities, and so that all work within the canal prism is completed during the irrigation offseason as identified above. The date for Substantial Completion of Contract C2-1 is set forth in the Agreement.

All Bids must be made on the "Bid Form" included as part of these documents.

Contractor(s) and any of the Contractor's subcontractors bidding on this project must be registered with the

Montana Department of Labor and Industry (DLI) and have a current and valid Contractor Registration. Contractor(s) submitting a Bid are required to be registered with the DLI at the time of bidding and to provide proof of current and valid Contractor Registration with the DLI within each Bid. Forms for registration are available from the Department of Labor and Industry, P.O. Box 8011, 1805 Prospect, Helena, Montana 59604-8011. Information on registration can be obtained by calling (406) 444-7734. Forms for registration can also be obtained online at [mtcontractor.com](http://mtcontractor.com).

Each Bid must be accompanied by a separate envelope containing a copy of a current and valid Contractor Registration with the DLI at the time of bidding and a Bidder's Bond in a sum equal to ten percent (10%) of the full amount of the Bid, executed by the Bidder as Principal and by a Surety, conditioned that if the Principal's Bid is accepted and the Contract awarded to the Principal, the Principal, within fifteen (15) days after notice of award, shall execute a Contract in accordance with terms of the Bid and a Contractor's Bond as required by applicable law and regulations and determinations of the Crow Nation.

A pre-bid site showing will be held at 2:00 P.M. local time on the 25th day of April, 2016. Meeting for the pre-bid site showing will be at the Crow Tribe Water Resource Department located at 189 Heritage Road, Crow Agency, Montana 59022, followed by the site showing. Attendance at the pre-bid site showing is highly encouraged but is not mandatory.

Bidders are advised that the funding and/or regulatory agency for this project (in whole or in part) is the US Bureau of Reclamation (USBR). Bidders on this work will be required to comply with the Presidents Executive Order No. 11246, as amended, the Copeland "Anti-Kickback" Act, the Clean Air Act, the Federal Water Pollution Control Act, the Byrd Anti-Lobbying Amendment, the Endangered Species Act, as well as complying with other requirements. The requirements for Bidders and Contractors under these orders are explained in the Contract Documents.

#### **CROW NATION WORKFORCE PROTECTION ACT NOTICE**

Contractor(s) and any of the Contractor's subcontractors bidding on this project should be aware that they will be required to comply with the Crow Tribe Workforce Protection Act (WPA), CLB 09-01, as amended by CLB 10-04 (April 2010 Session), and the associated Tribal Employment Rights Regulations of the Crow Tribe (TERO Regulations), adopted June 2011. Copies of these documents should be reviewed by all Bidders and are available at the Crow Tribe Water Resource Department website at <http://www.ctwrd.com/>.

In accordance with Section 3.3(a)(1) of the TERO Regulations, the submission of Bids will be initially limited to Indian-certified firms. If a Bid is submitted by an Indian-certified firm that is owned by a member of the Crow Tribe, which is within two percent (2%) of the low bid, award shall be made to that firm, provided that the firm is technically qualified to perform the work at a reasonable price. Each Bid must be accompanied by a copy of Contractor(s) current and valid Indian-certified firm certification issued by the Crow Nation TERO Office.

In regard to subcontracting, per the TERO Regulations, Section 3.4(b)(1), each Bidder must submit, as part of its Bid, an Indian subcontract plan showing, for each subcontract it intends to enter into, the name of the firm, whether or not it is Indian-certified, and, if not certified, why the Contractor did not select an Indian-certified firm, and the projected subcontract price, as provided for in Section 1.5(b) of the TERO Regulations. The subcontract price information for each Bidder shall be made available to the TERO and shall be used to ensure that a contractor has not engaged in bid shopping as a means to discourage Indian-certified firms or to force them to accept a subcontract at an unreasonably low price. Failure to submit this subcontracting plan will be grounds to declare the bid nonresponsive. For information or questions, Bidders may contact the Crow Tribe TERO Office at 406-638-3834.

The Contractor who is awarded this project is responsible for a one-time payment of the TERO fee, which amounts to one and a half percent (1.5%) of the total amount of the Contract, and for registration with the TERO office. TERO work permits shall also be obtained for all individuals working on the Crow Reservation prior to

commencing work and shall be carried at all times while on the Crow Reservation.

Arrangements for the payment of these fees and all other associated TERO requirements are to be made prior to beginning work with the TRIBAL EMPLOYMENT RIGHTS OFFICE, CROW NATION, PO BOX 159, CROW AGENCY, MONTANA 59022.

Any questions regarding the above should be directed to TERO at (406) 638-3834.

All laborers and mechanics employed by the Contractor or subcontractors in performance of the construction work shall be paid wages at minimum rates as determined by the Secretary of Labor in accordance with the provisions of the Davis-Bacon Act.

The Contractor must ensure that employees and applicants for employment are not discriminated against because of their race, color, religion, sex or national origin. The Contractor(s) is required to be an Equal Opportunity Employer.

Contract Documents are on file at the offices of Crow Tribe Water Resource Department, and Bartlett & West, Inc., Billings, Montana, where they may be seen and examined between the hours of 8:00 A.M. and 5:00 P.M., local time, Monday through Friday. Address of Engineer's office is:

**BARTLETT & WEST**  
**3470 Gabel Road, Suite #1**  
**Billings, MT 59102**

**Telephone (406) 200-6920**

Digital copies of the Plans and Specifications (Contract Documents) are available at **[www.bartwest.com](http://www.bartwest.com)** or **[www.questcdn.com](http://www.questcdn.com)**. Bidding documents may be downloaded for \$50.00 by entering the Quest project number **4405987** on the project search page. There will be no refund for this deposit. Please contact QuestCDN.com at (952) 233-1632 or [info@questcdn.com](mailto:info@questcdn.com) for assistance with membership registration or questions regarding downloading of the bid package.

Optional 11" x 17" paper copies of the Drawings and Specification Books may be obtained from Bartlett & West at the above address upon receipt of a non-refundable deposit of \$100 for each set of documents obtained; checks to be payable to Bartlett & West, Inc. No refunds will be made.

The Engineer will furnish to any Bidder a copy of such Contract Documents upon request.

All Bids will be made on the basis of cash payment for such Work. The Owner reserves the right to select any combination of Base Bid and/or Alternates under which the Bids are to be compared and the Contract awarded, to reject any and all Bids, to consider other factors in selecting the Bid which is in the best interest of the Owner, and to waive any and all irregularities in any Bid. The Owner reserves the right to hold all Bids for a period of sixty (60) calendar days after the date of the Bid opening to complete financial arrangements.

The Owner is an Equal Opportunity Employer.

Pursuant to section 17.6.3.3(A) of the Crow Nation Workforce Protection Act, I hereby certify that this document complies with the requirements of the Act.

/s/ Louis Good Luck  
Director, Crow Tribal Employment Rights Office

4-5-2016  
Date

Dated this 7<sup>th</sup> day of April, 2016

/s/ Larry Blacksmith  
Director, Crow Tribe Water Resource Department