



NNDOJ REVIEW CHECKLIST: CONSTRUCTION CONTRACT

Select review requested: Document Review (164/EOR)
 Contract Pre-Review (RFS)

NNDOJ INTERNAL USE
NNDOJ Intake Date: _____
NNDOJ Tracking #: _____

Selected Consultant:

Business Name

Authorized Agent Name

Authorized Agent Title

Procuring Department:

Project Sponsor:

(if different from Procuring Department)

Procuring Employee:

Name

Title

Packet Organization: Are the packet materials ordered the same as the checklist? Yes If not, reorder packet

Comments to NNDOJ:

Section 1: 164-Reviewer Documentation

- 1.1: **164 Review Signature Form**, with reviewer signatures *(Exec. Order No. 06-2023 & Guidelines § 107 (“Guidelines”))*
 - Either the 164 Review Form or the Executive Official Review Form
 - For re-submissions, include prior Document Review Form with NNDOJ legally insufficient finding
- 1.2: **OOB Memo to Reviewers/Sign-Off Sheet**, if any *(2 N.N.C. § 164; 12 N.N.C. § 360(E); Guidelines § 110)*
 - Review documentation issued by the Office of the Controller
- 1.3: **OMB Review Documentation**, if any *(2 N.N.C. § 164; 12 N.N.C. § 360(E); Guidelines § 110)*
- 1.4: **Navajo Business Opportunity Act Clearance** *(5 N.N.C. § 207(A); Procurement Rules & Regs. § IV(F) (“NNPRR”))*
 - Issued by Business Regulatory Department, a.k.a. “Blue Sheet”
- 1.5: **this Contract Review Checklist**, completed

Section 2: Navajo Nation Issued Clearances and Forms

- 2.1: **Procurement Clearances**, current as of NNDOJ submission *(12 N.N.C § 1505; Memo BRD-24-0028)*
 - 2.1.1 Office of the Controller Dated:_____ Compliant Not Compliant
 - Issued no more than thirty (30) days prior to the date of submission to NNDOJ
 - 2.1.2 Office of the Navajo Tax Commission Dated:_____ Compliant Not Compliant
 - Issued during the fiscal year quarter for the date of legal review submission to NNDOJ e.g., if submitting in Quarter 2, must be issued in Jan., Feb., or Mar. of that fiscal year
- 2.2: **Estimated Cost Form or other documentation** showing how established price *(12 N.N.C. § 331; NNPRR § II(H))*
 - Created by the Procuring Party before issuing solicitation
- 2.3: **Cultural Resource Inventory Determination Form**, if applicable *(19 N.N.C. §§ 1031-32)*
 - Issued by Heritage & Historic Preservation Department
- 2.4: **Biological Resources Compliance Form**, if applicable *(17 N.N.C. § 507; 42 U.S.C. §§ 4321-4370-11)*
 - Issued by Department of Fish and Wildlife
- 2.5: **Prevailing Wage Determination Letter** *(15 N.N.C § 607(B)(1))*
 - Issued by Office of the Navajo Labor Relations Board (ONLRB)

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Section 3: Contract

- 3.1: **Primary Contract** (12 N.N.C. § 360; NNPRR § IV(G),(I))
 - If Exhibits C-E not pending NNDOJ review, provide four (4) final, authorized agent signed copies
 - If Exhibits C-E need NNDOJ Review, submit Contract for Pre-Review (Request for Service)
- 3.2: **Exhibits to Primary Contract** (12 N.N.C § 331(D), 360; NNPRR § IV(G)(I))
 - Shall be clearly marked with exhibit letter and title—e.g., “Exhibit A-Scope of Work”—and show the page number of total number of pages on each page within the exhibit
 - 3.2.1: Exhibit __ – Scope of Work
 - Includes description/specifications of goods or services sought as detailed in the solicitation
 - 3.2.2: Exhibit __ – Project Budget/Schedule of Values
 - Includes exhaustive list of all costs, including allowed reimbursements, for each element or phase of the work, including services, labor, fees, and other per item costs
 - 3.2.3: Exhibit __ – ONLRB Established Labor Rates
 - 3.2.4: Exhibit __ – Construction Documents
 - 3.2.5: Exhibit __ – Project Manual Specifications
 - 3.2.6: Exhibit __ – _____
 - 3.2.7: Exhibit __ – _____
- 3.3: If using an **AIA model contract**, also include:
 - 3.3.1: Primary Contract Additions and Deletions Report
 - Include the AIA Certification of Document Authenticity signed by the party generating the final contract
 - 3.3.2: AIA Exhibits, including the Additions and Deletions Reports, if any
 - Include the AIA Certification of Document Authenticity signed by the party generating the final contract
 - 3.3.3: Exhibit __ – Navajo Nation Supplemental General Conditions
 - Use the version specific to the AIA contract model number and year
 - NNDOJ reviewing attorney to sign for Navajo Nation Sovereign Immunity Act limited Waiver for arbitration

Section 4: Consultant Documents

- 4.1: **Consultant’s Complete Offer**, signed by authorized agent (12 N.N.C § 311, 330; NNPRR §§ III(G)(8), IV(D)(6))
 - Examples: Bid, Proposal, Statement of Qualification, Quote
 - 4.1.1: Certification Regarding Debarment & Suspension (12 N.N.C § 366)
 - 4.1.2: **Certification Regarding Non-collusion** (12 N.N.C. § 303(B); 2 N.N.C. §§ 3741-58)
 - 4.1.3: **IRS form W-9** (Rev. March 2024)
 - 4.1.4: **NBOA Priority Certificate**, if applicable (5 N.N.C. § 205) Expiration Date: _____
 - Issued less than 1 year prior to the date of the offer opening
 - 4.1.5: **Certificate of Good Standing** (5 N.N.C. §§ 3175, 3630, 3892) Dated: _____
 - Check here if Consultant is a sole proprietor; no Certificate of Goods Standing is necessary
 - Issued less than 1 year prior to the document review packet submission to DOJ
 - 4.1.6: **Certification Regarding Subcontractors**, if Consultant is Prime Contractor (5 N.N.C. § 206(E))
 - Required if work relates to management, coordination, completion, or supervision of contract project
 - 4.1.7: **Consultant License(s)/Credential(s)/Resume(s)** for project staff (NNPRR § IV(A)(4))
 - Must be valid at contract execution and match the services, goods, or construction sought

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- 4.1.8: Joint Venture/Partnership/Teaming Agreement, if applicable
→ Used when two or more entities agree to work on the project as a single, named entity

4.2: **Insurance Documentation** (NNPRR § XIX(A))

- 4.2.1: Risk Management Program Review Letter
→ Must note the Consultant meets minimum insurance requirements

- 4.2.2: Certificate of Insurance
→ Insurance shall name the Navajo Nation as an additional insured party
Expiration Date: _____

Section 5: Funding Documents

5.1: **Budget Verification Sheets and Forms** (NNPRR § IV(H))

→ Must show verification of allowable costs, funds availability, and funds encumbrance

5.2: **Job Status Inquiry Prints** (12 N.N.C. §§ 304(B), 370)

5.3: **Funding Source Documentation** (See 12 N.N.C. §§ 304(B), 370)

→ Examples: Navajo Nation Council Resolution appropriating the funds; executed IGA, executed funding agreement

Section 6: Offer Solicitation and Selection Documents

6.1: **Notice of Contract Award** (12 N.N.C. §§ 342(H), 343(H); NNPRR § III(H), IV(E))

→ Usually a letter or email sent to the selected Contractor

6.2: **PROVIDE DOCUMENTS ONLY FOR THE PROCUREMENT METHOD USED**

6.2.A: If used **Competitive Selection Methods** Procurement (12 N.N.C. §§ 342-44, NNPRR §§ III-IV)

→ Used when the procurement selection method requires use of: Invitation for Bid, Request for Proposals, or Request for Statement of Qualifications

6.2.A.1: **Offer Opening attendance sheet** (12 N.N.C. §§ 342(F), 343(G); NNPRR §§ III(F), IV(G))

6.2.A.2: **Offer Evaluation tabulation sheet(s)** (12 N.N.C. §§ 342(G), 343(H); NNPRR §§ III(G), IV(D))

→ Include one per evaluator for every offer reviewed

6.2.A.3: **Proof of Public Notice** (12 N.N.C. § 341; NNPRR §§ III(D)(3), IV(A)(6))

→ Examples: Saved pdf of advertisement webpage; copy of newspaper or other publication advertisement

6.2.A.4: **Solicitation** (12 N.N.C. § 330-31(F))

→ Must include evaluation criteria for assessment of all Offers received

→ Include any issued corrections, amendments, or addendums

→ Examples: Invitation for Bids, Request for Proposals; Request for Statements of Qualification; direct requests for quotes from vendors

6.2.A.5: **List of Vendors Directly Notified**, if applicable (NNPRR §§ III(E)(3), IV(B)(3))

→ Name all vendors directly contacted including the date and manner of contact

6.2.B: If used **Small-Purchases** Procurement (12 N.N.C. § 345, NNPRR § VI)

→ Used when the procurement's MFP is \$50,000.00 or less

6.2.B.1: Small Purchase Solicitation Attempt documentation

PROVIDE ONE OF THE FOLLOWING:

for first attempt, copies of at least two (2) Offers received; OR

for second or later attempts, evidence of prior solicitation(s)

6.2.B.2: **Offer Evaluation** documentation (NNPRR § VI(D)(4))

→ May be informal, shall be written, and note an offer's responsiveness to the written request for quote

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6.2.B.3: **Notice and Competition** documentation (NNPRR § VI(D)(3))

Provide ONE of the following:

- request for quote sent to Vendors, including all relevant NBOA Priority vendors on Source List; OR
- proof of public notice
→ Examples: Saved pdf of the advertisement webpage, newspaper, or other publication

6.2.B.4: **Solicitation Document** (12 N.N.C. § 330-31(F))

- Must include criteria by which all Offers are to be evaluated and any issued corrections or amendments
- Example: Requests to vendor for quotes

6.2.C: If used **Emergency Purchases** Procurement (12 N.N.C. § 347; NNPRR § VIII)

- Used when seeking to procure directly from a vendor in an emergency

6.2.C.1: **Justification memo**, approved by NNDOJ and the Purchasing Manager (NNPRR § VIII(C))

6.2.C.2: **Solicitation Documentation** (12 N.N.C. § 330-31(F))

- Must include criteria by which all Offers are to be evaluated and any issued corrections or amendments
- Examples: Requests to vendors for quotes

6.2.D: If used **Direct Source** Procurement (12 N.N.C. § 348)

- Used when seeking to procure directly from one of many vendors able to provide the goods, services, or construction sought

6.2.D.1: **Justification memo**, approved by NNDOJ (12 N.N.C. § 348(C))

6.2.D.2: **Solicitation Documentation** (12 N.N.C. § 330-31(F))

- Must include criteria by which all Offers are to be evaluated and any issued corrections or amendments
- Examples: Requests to vendors for quotes

6.2.E: If used **Solo Source** Procurement (12 N.N.C. § 349)

- Used when seeking to procure directly from the only vendor able to provide the goods, services, or construction sought

6.2.E.1 **Justification memo**, approved by DOJ and the Purchasing Manager (12 N.N.C. § 349(B))

6.2.E.2: **Solicitation Documentation** (12 N.N.C. § 330-31(F))

- Must include criteria by which all Offers are to be evaluated and any issued corrections or amendments
- Examples: Requests to vendors for quotes

Section 7: Offer Security and Bonding

Required for construction procurements with an MFP greater than \$50,000.00

7.1: **Offer Security** (12 N.N.C. § 352(A)); NNPRR § IV(K)(2))

- Must be submitted with Contractor's offer and equal 10% of the offer's proposed cost
- Acceptable forms include: an annual or one-time bond underwritten by a surety; a bank certified check; or a cashier's check payable to the Navajo Nation

7.2: **Proof ability to obtain Performance & Payment Bond** (12 N.N.C. §§ 352(B); NNPRR § IV(K)(3))

- Must provide bonds no later than ten (10) days of contract execution or issuance of Notice to Proceed
- Bonds must be equal to 100% of the original contract amount