



Saint Regis Mohawk Tribe

Chief Ron LaFrance Jr.
Chief Eric Thompson
Chief Beverly Cook
Sub-Chief Michael L. Conners
Sub-Chief Cheryl Jacobs
Sub-Chief Shelley Jacobs

Tribal Council Resolution

2016 - 82

RESOLUTION OF THE SAINT REGIS MOHAWK TRIBE TO ADOPT NATIVE AMERICAN PREFERENCE POLICY

WHEREAS, the Saint Regis Mohawk Tribal Council (the "Tribal Council") is the duly recognized governing body of the Saint Regis Mohawk Tribe (the "Tribe") and is responsible for the health, safety, education and welfare of all community members; and,

WHEREAS, in TCR 2007-36 the Saint Regis Mohawk Tribal Council committed to promoting full and open competition to ensure that all vendors/bidders are dealt with fairly and impartially when soliciting for the purchase of goods (including supplies, materials, equipment, and all other tangible commodities, except real properties) and service and construction contracts; and,

WHEREAS, in TCR 2016-72 the Saint Regis Mohawk Tribal Council adopted a Native American Preference Sliding Scale for all Native American vendors, consultants and service suppliers, which excluded construction contracts; and,

WHEREAS, the Saint Regis Mohawk Tribal Council wishes to ensure there is one document to address the Native American Preference for Procurement with vendors, consultants and service suppliers and construction contracts; now therefore be it

RESOLVED, the Saint Regis Mohawk Tribal Council hereby rescinds TCR 2007-36 and TCR 2016-72 and any other prior inconsistent resolution relating to Native or Mohawk preference; and be it further

RESOLVED, the Tribe hereby adopts this Tribal Council Resolution as the Native American Preference Policy for the Saint Regis Mohawk Tribe for the procurement of goods and services and construction contracts; and be it further

RESOLVED, the Tribal Council hereby adopts Exhibit A as attached and incorporates herein the sliding scale to support a preference for all Native American vendors, consultants and service suppliers, which excludes construction contracts; and be it finally


Page 1 of 2

Helping Build A Better Tomorrow
Iakhilenawá:se' Sénha Aiolanerénhake ne Enióhrhen'ne

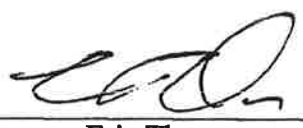
412 State Route 37
Akwesasne, New York 13655
www.srmt-nsn.gov
Phone: 518-358-2272

RESOLVED, the Tribal Council hereby adopts Exhibit B as attached and incorporates herein the policy and sliding scale to support a preference for all Native American construction companies/organizations.

THE SAINT REGIS MOHAWK TRIBAL COUNCIL



Ron LaFrance, Jr.
Tribal Chief




Eric Thompson
Tribal Chief



Beverly Cook
Tribal Chief

CERTIFICATION: This is to certify that the Saint Regis Mohawk Tribal Council pursuant to the authority vested therein duly passed the above resolution.



Betty Roundpoint, Tribal Clerk



Date

Exhibit B

NATIVE AMERICAN/ALASKA NATIVE PREFERENCE CONSTRUCTION CONTRACTING

A. GENERAL PRACTICE

It is the practice of the Saint Regis Mohawk Tribe to adopt a strong Native American/Alaska Native workforce for all construction contracts and subcontracts of the Tribe and all tribally owned and operated entities.

B. DEFINITIONS

- 1) "Director" –the individual or department, appointed by Tribal Council to ensure that this practice is implemented and complied with and certify that a particular company is a Native American/Alaska Native owned business or company.
- 2) "Tribal Lands" shall mean any lands now or hereafter within the jurisdiction of the Saint Regis Mohawk Tribe.
- 3) "Qualified business or company" shall mean a Business or Company meeting the minimum requirements for a contract or subcontract. A Qualified Business or Company shall have proper insurance coverage, including liability, workmen's compensation and other essential coverage and meet all other requirements contained in the Request for Bids. A Qualified Business also means the practical, technical, administrative and financial ability of a firm to perform or provide by itself, if permitted, through subcontracts, the services or goods specially set out in the bid or request for proposal package.
- 4) "Native American Owned business or company" shall mean an entity which is:
 - a. Fifty-one percent (51%) or more Native American/Alaska Native-owned, such that Native American/Alaska Native provide real value for their ownership interest, obtain majority voting rights regarding decisions of the entity, are entitled to and receive at least fifty-one percent (51%) of all profits, and are entitled to at least fifty-one (51%) of the assets on dissolution of the entity.
 - b. Under significant Native American/Alaska Native-owned management such that at least one Native American/Alaska Native is substantially involved in the day-to-day management of the firm as his or her primary employment.

Exhibit A

Saint Regis Mohawk Tribe

August 5th, 2016

Native American Preference Policy Sliding Scale Percentages

	Minimum	Maximum	%	Max Lowest Bid	% Applied	Preference \$	Extra Cost
Between	\$ 3,000	\$ 10,000	13.0%	\$ 10,000	13.0%	\$ 13,000	\$ 1,000.0
Between	\$ 10,001	\$ 25,000	12.0%	\$ 25,000	12.0%	\$ 30,000	\$ 3,000.0
Between	\$ 25,001	\$ 50,000	11.0%	\$ 50,000	11.0%	\$ 55,000	\$ 5,500.0
Between	\$ 50,001	\$ 100,000	10.0%	\$ 100,000	10.0%	\$ 110,000	\$ 10,000.0
Between	\$ 100,001	\$ 200,000	10.0%	\$ 200,000	10.0%	\$ 220,000	\$ 20,000.0
Between	\$ 200,001	\$ 500,000	10.0%	\$ 500,000	10.0%	\$ 550,000	\$ 50,000.0
Between	\$ 500,001	\$ 750,000	7.0%	\$ 750,000	7.0%	\$ 802,500	\$ 52,500.0
Between	\$ 750,001	\$ 1,000,000	5.0%	\$ 1,000,000	5.0%	\$ 1,050,000	\$ 50,000.0
Between	\$ 1,000,001	\$ 2,000,000	2.5%	\$ 2,000,000	2.5%	\$ 2,050,000	\$ 50,000.0
		2,000,001+	1.0%	2,000,001	1.0%	\$ 2,020,001	\$ 20,000.0

EXAMPLE: The lowest bid was a non-native with \$6,000
the native bidder must meet the 13% native preference
Meaning, the native bidder must meet or have a bid lower than \$6,780

	Minimum	Maximum	%	Lowest Bid	% Applied	Preference \$	Extra Cost
Between	\$ 3,000	\$ 10,000	13.0%	\$ 6,000.00	13%	\$ 6,780.00	\$ 780.00

EXAMPLE: The lowest bid was a non-native with \$11,500
the native bidder must meet the 12% native preference
Meaning, the native bidder must meet or have a bid lower than \$12,880

	Minimum	Maximum	%	Lowest Bid	% Applied	Preference \$	Extra Cost
Between	\$ 10,001	\$ 25,000	12.0%	\$ 11,500	12.00%	\$ 12,880	\$ 1,380

EXAMPLE: The lowest bid was a non-native with \$48,000
the native bidder must meet the 11% native preference
Meaning, the native bidder must meet or have a bid lower than \$53,280

	Minimum	Maximum	%	Lowest Bid	% Applied	Preference \$	Extra Cost
Between	\$ 25,001	\$ 50,000	11.0%	\$ 48,000.00	11.0%	\$ 53,280	\$ 5,280

- c. Employs Native American/Alaska Native in all or most positions for which qualified Native American/Alaskan Native are available, which means those Native American/Alaska Native who have applied for an available position.
- 5) "Preference" means the process of providing advantage, or limiting bidding to Certified Native American/Alaska Native business entities to provide a means by which certified, qualified firms receive contracts and that Native American/Alaska Native employees are hired, in the following order:
- 6) "Responsive bid" means at a minimum that the bid shall comply with all bid requirements stated in writing and shall be a reasonable price.

C. SOLICITATION OF BIDS

- 1) Open Solicitation. The Tribe shall solicit bids from qualified non- Native American/Alaska Native as well as qualified Native American/Alaska Native owned companies.

D. AWARD OF BIDS

- 1) The award shall be made to the qualified Native American/Alaska Native owned company with the lowest responsive bid if the bid is within the maximum total contract price established for the specific project or activity being solicited. Otherwise, the contract shall be award to the lowest qualified bid, with the preference reflected, as exhibited in Section F. (2) of this document, utilized for any Qualified Native American/Alaska Native -owned company.

E. CERTIFICATION OF ELIGIBLE NATIVE AMERICAN/ALASKA NATIVE COMPANIES

- 1) Fifty-one Percent (51%) Owned. In order to be entitled to preference under this policy as a Native American/Alaska Native firm, the firm must submit an application to the Tribe proving that the company is at least fifty-one (51) percent owned by a Native American/Alaska Native and that the management of daily operations of the applicant is controlled by a Native American/Alaska Native. In addition, for those industries requiring professional licensing (i.e., public accountancy, law, professional engineering, insurance, etc.), the Native American/Alaska Native shall hold a license in such industry and individuals employed by the applicant shall hold any requisite license in such industry.
- 2) Director Makes Determination. All decisions on whether a firm meets the requirements with respect to eligibility for certification as a Native American/Alaskan Native firm shall be made by the Director. The Director shall also

maintain an updated list of ALL certified Native American/Alaska Native firms that it will provide to all contract bidders. This list shall include the specific types of contracts that the firm is certified to bid on. Any firm not included on the list at the time a Request for Bids "RFB" is issued, cannot challenge the bid process due to failure to receive the RFB.

F. CONTRACT AWARD

1) Award shall be made under unrestricted solicitations to the lowest responsive bid from a qualified Native American/Alaska Native -owned economic enterprise or organization within the maximum total contract price established for the specific project or activity being solicited, if the bid is no more than "X" higher than the total bid price of the lowest responsive bid from any qualified bidder. The factor "X" is determined as follows:

2) When the lowest responsive bid is:

less than \$100,000	10% of that bid, or \$9,000
At least \$100,000, but less than \$200,000	9% of that bid, or \$16,000
At least \$200,000, but less than \$300,000	8% of that bid, or \$21,000
At least \$300,000, but less than \$400,000	7% of that bid, or \$24,000
At least \$400,000, but less than \$500,000	6% of that bid, or \$25,000
At least \$500,000, but less than \$1 million	5% of that bid, or \$40,000
At least \$1 million, but less than \$2 million.	4% of that bid, or \$60,000
At least \$2 million, but less than \$4 million.	3% of that bid, or \$105,000
At least \$4 million, but less than \$7 million	2% of that bid, or \$105,000
\$7 million or more...	1.5% of the lowest responsive bid, with no dollar limit

3) **Factors other than Price.** Often factors, other than pricing, may affect whether a firm is "qualified" to be awarded a contract. In these instances, the RFP (request for proposals) shall clearly identify the relative importance of price and other evaluation factors and sub-factors, including the weight given to each technical factor and sub-factor. The proposals shall be evaluated only on the criteria stated in the request for proposals