

**EXAMPLES  
PROPOSED AMENDMENTS OF THE  
NAVAJO NATION PROCUREMENT ACT**

**IN GENERAL**

1. 301: Purposes, Rules of Construction:

- A modern purpose (i.e. online bidding/opening).
- Ethical responsibilities of Procuring Parties.

2. 303. Application of this Act:

- Non-application needs to be more clear and what services/goods are exempt.

3. 311: Retention of Procurement Records

- All the records need to be combined such as, but not limited to the following: record retention (minimum of 3 years after the end of the single annual audit) and list of debarred and suspended individual and entities.

**PROCUREMENT**

4. Section 333: Small Purchase Procurement

- Increase to \$100,000 from \$50,000.

5. Section 337 and 338:

- Address bad and tied offers.
- Address how to adjust offers

**CONSTRUCTION**

6. Section 340: Responsibility for selection of methods of construction contracting management

- Outline the various types of construction methods (i.e. design-bid-build, design-build and construction manager at risk) and once those are outlines, those terms should be defined.

7. Section 342: Contract performance and payment bonds

- This provision is a one size fit all. It is recommended that these services are categorize based on the type of projects. The types of projects could be based on industry standard.

8. Section 346: Architect-Engineer and Land Surveying Services:

- This section needs to be amended to reflect industry standard.

<b>OTHER</b>
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9. Section 354: Multi-term contracts:

- Reflect that this does not include phase contracts.
- Need a definition of “fiscal year.”

10. Section 360 and 362: Authority to resolve protested solicitation and awards and Authority to debar or suspend.

- Recommend that the protest should only go to the Procuring Party, not Purchasing Department.
- Amend to reflect that OOC maintain the list of debarred and suspended individual or entities
- Amend to reflect that individual or entities are not allowed or disqualified from submitting offers/proposal and that the Procuring Party is required to review this listing before the review of offers/proposal and award of contracts.