

OWENS VALLEY CAREER DEVELOPMENT CENTER

TUNIWA NOBI FAMILY LITERACY, NÜÜMÜ YADOHA LANGUAGE PROGRAM, AFTERSCHOOL PROGRAM, TRIBAL TANF, CAREER EDUCATION, EARLY HEAD START, KERN INDIAN EDUCATION CENTER; NATIVE AMERICAN CAREER AND TECHNICAL EDUCATION PROGRAM

Request for Proposals 22-23-60

DATE: January 5, 2023

PROJECT TITLE: OVCDC 401K Plan Auditor

PROPOSAL DUE DATE: Proposals will be evaluated as received with a close date of February 17, 2023, 5:00 pm PST if sufficient qualified proposals are received. This RFP will remain open until an agreement is awarded. Email (electronic) responses are preferred.

SUBJECT/PURPOSE OF MEMO: Owens Valley Career Development Center is a Tribal Consortium located in California and organized under the Indian Self Determination Act. OVCDC receives and administers several Federal and State Grants including an Early Head Start Program Grant, California Department of Education Indian Education Grant and Tribal TANF Grants for the benefit of Tribes and communities in Inyo, Mono, Kern, Tulare, Kings and Fresno Counties. **OVCDC is currently seeking qualified CPA firms to provide a limited scope, Schedule H, Department of Labor audit on the Owens Valley Career Development Center Retirement Savings 401 (k) Plan for the year ending December 31, 2022 currently due July 31, 2023. An extension is allowable.**

All proposals will be evaluated under the following criteria:

- A. Responsiveness of proposal in clearly stating an understanding of the work to be performed; (15 Points)
- B. Qualifications/experience of person to be assigned to the project; (25 Points)
- C. Availability to provide service and ability to comply with delivery schedule, to meet deadlines and operational requirements as requested including past performance and financial stability (annual financial statements may be requested); (25 Points)
- D. Results of external quality control reviews; (10 Points)
- E. Price (including expenses); (25 Points)
- F. Preference (Preference will be implemented by award to Bids up to 10% higher in price than the lowest bid or by adding up to 10 points to base score [Based on eligibility])

This project will be funded entirely with Government Grant funds. Any contract awarded under this RFP may be renewed for up to three (3) additional annual 401K Plan audits for the periods ending December 31, 2023, December 31, 2024 and December 31, 2025 under the same terms and conditions.

All OVCDC Request for Proposals are subject to Section 7(b) of the Indian Self Determination & Education Act (25 USC 450e (b)) which provides to the greatest extent feasible, preference and opportunities be given to American Indians and American Indian owned business enterprises, 2 CFR Section 200.321 requiring OVCDC to take all necessary affirmative steps to assure minority firms, women's business enterprises and labor surplus area firms are used when possible and 45 CFR 75.327 to 75.340. All preference requires documentary proof to be provided with the proposal or preference will not be allowed. For Indian Preference to be applied: proof of enrollment in recognized tribe must be submitted with the proposal. For American Indian owned businesses to receive preference, proof of enrollment in a recognized tribe and more than 50% American Indian ownership of the business must be submitted with the proposal. Indian preference can be allowed with an affirmative statement regarding training and employment of American Indians submitted with the proposal. Preferences may be given to vendors or products that are environmentally-friendly, use recycled materials, are recycled, use energy-saving technology or other ecologically beneficial techniques. In accordance with Public Law 103-333, the "Department of Labor, Health and Human Services, and Education, and related Agencies Appropriations Act of 1995," the following provisions are applicable to this purchase: "Section 507: "Purchase of American-Made Equipment and Products-It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this ACT should be American-made.""

For all contracts awarded where all or a portion of the contract requires services to be provided within Tribal territory (specifically Bishop Paiute Tribe and Big Pine Paiute Tribe Territory), applicable **Tribal TERO (Tribal Employment Rights Ordinance)** requirements must be met by vendor(s) awarded a contract and **prior** to providing any on reservation services. Tribal TERO will require submission of a compliance plan, payment of fee of 4% of on reservation labor based on the total contract price that exceeds \$1,000.00. Please see <http://bishoptero.com/>. Other contract items including equipment, materials, travel and any other costs listed in the contract must be fully disclosed and may be subject to tribal taxes. When practical, use of Indian services is encouraged. Proposals must include this TERO fee in cost proposals.

LOCAL BUSINESS ENTERPRISE PROGRAM OVCDc encourages the utilization of businesses within its service area. To promote participation of local business enterprises in the competitive selection process, OVCDc provides incentives to local businesses.

A Local Business Enterprise is defined as follows:

Local Business Enterprise – to be considered as a local business enterprise, a firm must provide evidence the firm is located at a fixed commercial or residential address where administrative, clerical, professional or other productive work is performed relative to its commercial purpose. The firm must be located within the OVCDc's service area for a minimum of one year.

A value of three additional points will be added to the evaluation scores of Local Business Enterprises who bid on professional services contracts. In the event that the proposed services will be evaluated on a price basis only, the bids of local business enterprises will be reduced by 3%. If, after this adjustment, the local business enterprise is determined to be the most competitive bid, the actual contract amount will be the amount originally bid by the local business enterprise.

After evaluation of Best and Final Offers, the purchase will be awarded to the most responsive and responsible vendor whose offer is the most advantageous to OVCDc. The OVCDc reserves the right not to make any award. An award may be split between multiple firms. To receive preference documentary proof is required to be submitted with the proposal. For example, a copy of valid enrollment card from a federally recognized Tribe or proof of more than 51% Indian ownership in a business is required for Indian Preference.

Any agreement awarded will be required to contain the following agreement language or substantially similar language as may be negotiated:

“SOVEREIGN IMMUNITY WAIVER LIMITATIONS: Contractor acknowledges that OVCDc, including its TANF and other programs, is a tribal consortium, without authority to waive the sovereign immunity of any consortium member Tribe. Any waiver of the sovereign immunity of the consortium member Tribes can only be provided by the written consent of the consortium member Tribe's governing body. Any waiver of the sovereign immunity of OVCDc can only be provided by the written consent of the OVCDc Board of Trustees. No such waiver has been provided by the terms of this Agreement, and Contractor agrees that nothing contained in this Agreement is or shall be construed as a waiver of the sovereign immunity of OVCDc or any consortium member Tribe.”

ACTION REQUIRED: You are invited to review and respond to the Request for Proposals. For questions on this RFP please contact OVCDc:

PROPOSALS SHOULD BE SENT TO:
Owens Valley Career Development Center
Purchasing/Contracts Administrator
P.O. Box 847 (93515)
2574 Diaz Lane (93514)
Bishop, CA
E-MAIL: contracts@ovcdc.com

CONTACT FOR FURTHER INFORMATION:
Purchasing/Contracts Administrator
Telephone: 760-873-5107 Ext. 445
FAX: 760-873-3231
E-MAIL: contracts@ovcdc.com