

Confederated Tribes of the Colville Reservation

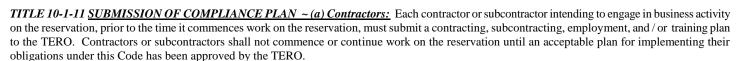
TRIBAL EMPLOYMENT RIGHTS OFFICE

Post Office Box 150 - Nespelem, Washington 99155-0150 Office: (509) 634-2716 Fax: (509) 634-2740 E-mail Address: tero@colvilletribes.com

FY 2012 ~ 10/1/2011 - 09/30/2012

~ COMPLIANCE AND UTILIZATION PLAN ~

CONTRACTORS / SUBCONTRACTORS SUPPLIES / SERVICES



PROJECT NAME / CONTRACT NUMBER:		SITE LOCATION:			
AWARDING AGENCY / CONTRACTING OFFICER: PHONE:		PRIME CONTRACT	OR:	PHON	IE:
MAILING ADDRESS (Street / P.O. Box, City, State, & Zip):		MAILING ADDRESS (Street / P.O. Box, City, State, & Zip):			
SUBCONTRACTOR:	PHONE:	COMPANY REPRESENTATIVE (Last, First, M.I): PHONE:			IE:
MAILING ADDRESS (Street / P.O. Box, City, State, & Zip	?):	Title 10 and/or Indi	an-Owned	State or Other Indu	ustrial Insurance
		Tribal Affilia	tion		
SCOPE OF WORK TO BE PERFORMED:					
assess a fee equal to <u>5%</u> of the total gross contract pri to be performed within the lands and territories of the construction or other type of contract involves subcopaying all fees, including those attributable to the su However, where good cause is shown, the Director in the contract involves.	Colville Reservation ntracting, the entity a bcontractors. The fe may authorize a cover	n. The fee shall be assessed cting as prime contractor or e shall be due in full prior t red employer to pay said fe	on the entity recommend awarding the su to commence the in installments	eiving the contract av bcontracts shall be re nt of any work unde s over the course of t	ward. Where a esponsible for the contract. he contract.
PROJECTED START DATE:	GROSS CONT \$	RACT AMOUNT:	TERO ADMII \$	NISTRATIVE FEE: (Lun	ıp Sum Payment)
This Compliance and Utilization Plan has been review Rights Office, and has thus been granted this notice document, the covered employer agrees to maintain Commission.	wed and found to be f to proceed; dated this	s Day of _		, 2009/2010. B	y signing this
x			X		
CONTRACTOR'S S	IGNATURE				Approve Disapprove
TERO Director or Compliance Of	ficer Signature		Dat		PP10.0
NOTED AMENDMENTS:					

~ KEY PERSONNEL CLEARANCE REQUEST FOR TERO APPROVAL ~

TITLE 10-1-13 HIRING:

(c) Permanent and Key Employees: All covered employers, Reservation-based employers, contractors and subcontractors shall <u>identify</u> permanent and key employees in their compliance and utilization plan.

Permanent employees whose employment is covered by this Code may continue to be employed for work on the reservation whether or not they are Indian preference eligible. A permanent employee is one who is and has been on the employer's or contractor's annual payroll for a period of at least one year continuously, or is an owner of the firm. An employee who is hired on a project-by-project basis shall not be considered a permanent employee.

A *key employee is one who is in a top supervisory position or performs a critical function such that an employer would risk likely financial damage or loss if that task were assigned to a person unknown to the employer.

Employers wishing to employ non-preference eligible key employees who are not permanent employees, or non-preference eligible permanent employees who are not key, must obtain approval in a compliance and utilization plan or through issuance of a work permit.

~ ALL T.E.R.O. APPROVED NON- INDIAN PREFERENCE EMPLOYEES, SO DESIGNATED FOR EMPLOYMENT ON THIS CONTRACT / PROJECT SHALL BE COMPELLED TO SUBMIT FOR T.E.R.O. APPROVAL PRIOR TO ANY FURTHER EMPLOYMENT ACTIVITIES BEYOND THE SCOPE OF THIS COMPLIANCE & UTILIZATION PLAN ~

*PROJECT SUPERVISOR (Last, First, M.I.):	YEARS WITH COMPANY:	TRIBAL AFFILIATION & ENROLLMENT NUMBER:
*FOREMAN (Last, First, M.I.):	YEARS WITH COMPANY:	TRIBAL AFFILIATION & ENROLLMENT NUMBER:
*OTHER KEY EMPLOYEE (Last, First, M.I.):	YEARS WITH COMPANY:	TRIBAL AFFILIATION & ENROLLMENT NUMBER:
*OTHER KEY EMPLOYEE (Last, First, M.I.):	YEARS WITH COMPANY:	TRIBAL AFFILIATION & ENROLLMENT NUMBER:

~ STAFFING AND /OR WORKFORCE REQUEST TO T.E.R.O. ~

A fifty-one percent (51%) minimum of the seasonal, temporary, or project-by-project employees must be Indian preference in origin. This is a minimum requirement criteria; should the T.E.R.O. avail to the contractor **QUALIFIED** Indian preference employees, then up to, and including, one-hundred percent (100%) of this workforce is expected to be hired.

To complete the contract commitments to the **Equal Employment Opportunity Commission** (E.E.O.C.); the following information is to be provided by your firm. Provide specific requirement(s) for the Indian preference employees to be provided by the T.E.R.O. hiring hall.

~ IF INDIAN PREFERENCE EMPLOYEE PREFERRED FOR HIRE OR RECALL; PROVIDE NAME, WAGE AND POSITION ~

OCCUPATION OR CLASSIFICATION:	NAME OR NUMBER OF TRIBAL PERSONNEL REQUESTED:	START DATE	HOURLY WAGE SCALE:	TRIBAL AFFILIATION: & ENROLLMENT NUMBER
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~ PROJECT SUBCONTRACTORS LIST SUBMITTED FOR T.E.R.O. APPROVAL ~

TITLE 10-1-11 SUBMISSION OF COMPLIANCE PLAN:

(a) Contractors:

2. Contracting and Subcontracting Plan: A required contracting and subcontracting plan shall indicate all contracts and subcontracts that will be entered into and the projected dollar amounts thereof. If the entity has already selected a contractor or subcontractor to perform any contract or subcontract work, it shall list the name of that contractor or subcontractor and indicate whether or not it is a contractor or subcontractor certified as Indian preference eligible by the TERO. If the contractor or subcontractor is not certified as Indian preference eligible, the entity shall further indicate why each certified contractor or subcontractor, if any, registered with the TERO, that was technically qualified to perform the work was not selected. The plan shall also indicate how the entity intends to comply with the contracting and subcontracting provisions of this Code when awarding all contracts and subcontracts not yet awarded at the time the plan is submitted.

TITLE 10-3-5 INDIAN PREFERENCE IN THE AWARD OF CONTRACTS AND SUBCONTRACTS:

This section should be reviewed in its entirety as it is very comprehensive in the legal definition outlining the requirements as obligated by the entity in the award process for any and all subcontracting to be performed on this project.

TITLE 10-1-24 RESPONSIBILITY FOR EVALUATING TECHNICAL QUALIFICATIONS AND REASONABLE PRICE:

- (a) **Technical Qualifications:** The Entity and its contractors and subcontractors shall have the discretion to determine technical qualifications. However, if the entity determines that there are no certified firms that are technical qualified, the TERO director may require the entity to provide to each certified firm it rejects a description, in writing, of areas in which it believes the firm is weak and steps it could take to upgrade its qualifications. If a certified firm that was disqualified on the grounds of technical qualifications believes that the disqualification was the result of an improper effort by an entity, contractor, or subcontractor, to circumvent its preference responsibilities under this Code, it may file a complaint with the TERO under the provisions of 10-1-27
- (b) Reasonable Price: An entity may use any process it so chooses for determining what constitutes a reasonable price including, but not limited to, competitive bidding (open or closed), or the establishment of a prototype cost ceiling before bidding commences. No entity may reject a certified firm and then contract with a non-certified firm at the same or higher price. Any contract modification in price that is justified is not a circumvention of this section. Any entity found to have violated this requirement by such circumvention shall be liable for treble damages for any losses suffered by a certified firm as a result of the entity's actions.

~ EACH CONTRACTOR SHALL REVIEW THE *TITLE 10 CERTIFIED* LIST IN AN EFFORT TO EFFECTIVELY ADMINISTER TO INDIAN PREFERENCE IN CONTRACTING AND SUBCONTRACTING ~

All subcontractors, are subject, and shall administer to the same Compliance & Utilization requirements as well as the Indian preference in hiring obligations as they are so recognized by the prime contractor on this Compliance & Utilization.

COMPANY NAME AND ADDRESS:		COMPANY REPRESENTATIVE: PHONE NUMBER:		FAX NUMBER:
SUBCONTRACT AMOUNT:	SCOPE OF WORK:			START DATE:
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COMPANY NAME AND ADDRESS	3:	COMPANY REPRESENTATIVE:	PHONE NUMBER:	FAX NUMBER:
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COMPANY NAME AND ADDRESS	3:	COMPANY REPRESENTATIVE:	PHONE NUMBER:	FAX NUMBER:

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~ REQUEST FOR RENTAL EQUIPMENT ~ An Indian preference policy on <u>ALL</u> rental equipment will be maintained where applicable. <u>ALL</u> Indian preference rental bids will be considered				
n independent suppliers with c	computation of these bids to equate out to an average. The TER			
REQUESTED:	CONTRACTOR / SUBCONTRACTOR:	QUANTITY:		
~ REQUEST FOR PRODUCTS OR SUPPLIES ~ An Indian preference policy on ALL products and supplies will be maintained where applicable. (Buy Indian Policy) ALL "Buy Indian Products" will be considered acceptable if the qualified supplier is within the controllable estimate. The controllable estimate shall be derived from the obtaining of three (3) random bids procured from independent suppliers with computation of these bids to equate out to an average. The TERO maintains a list of Indian-owned suppliers, vendors, manufacturing, repair and maintenance firms that shall be utilized at every opportunity by the contractor/subcontractor during the administration of this contract and all activities therein.				
PLIES REQUESTED:	CONTRACTOR / SUBCONTRACTOR	QUANTITY:		
~COMMENTS ~ This space is provided for the contractor / subcontractor to express any hand written comments or concerns regarding the Title 10, the Compliance & Utilization Plan, or any of the requirements therein. Any and all comments and concerns will be so duly noted and entered into the contract file in their entirety.				
	REQUESTED: REQUES	available is directly contingent upon funds available ~ REQUEST FOR RENTAL EQUIPMENT ~ on ALL rental equipment will be maintained where applicable. ALL Indian preference reupplier is within the controllable estimate. The controllable estimate shall be derived from the mindependent suppliers with computation of these bids to equate out to an average. The TERGEN that is available to assist you with the timely completion of your project. REQUESTED: CONTRACTOR / SUBCONTRACTOR: CONTRACTOR / SUBCONTRACTOR: POINT ALL products and suppliers will be maintained where applicable. (Buy Indian Policy) ALL the qualified supplier is within the controllable estimate. The controllable estimate shall be covered from independent suppliers with computation of these bids to equate out to an average. dors, manufacturing, repair and maintenance firms that shall be utilized at every opportunity by this contract and all activities therein. PLIES REQUESTED: COMMENTS ~ If for the contractor / subcontractor to express any hand written comments or case & Utilization Plan, or any of the requirements therein. Any and all comments		

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