CONTRACTOR/BIDDER'S INDIAN PREFERENCE STATEMENT
Section 7(b) of the Indian Self-Determination and Education Assistance Act
TO BE COMPLETED BY EACH CONTRACTOR
AND SUBCONTRACTOR FOR THE PROJECT

This attachment to KIHA's bid solicitation states the requirements of an acceptable Indian Preference statement. Indian Preference statements must be submitted by all contractors and subcontractors for KIHA projects. In this form, contractors, subcontractors and sub-subcontractors are referred to as "Bidder". A Bidder's statement will automatically become part of the Bidder's contract with KIHA, the prime contractor, or subcontractor, as applicable. Bidder's completion of an Indian Preference Statement is a representation made to KIHA and any fraud, misrepresentation, material mistake in such representation may be grounds for rejecting bids (prior to contracting) and for contract enforcement action. Noncompliance with the statement after contract award constitutes grounds for termination or other remedial action by KIHA or the contractor, as applicable.

INSTRUCTIONS

Bidder is required to affirm (check-off) all statements that apply. Any modification or disagreement with a statement or statements must be explained at the end of this form or with additional pages. Any supplemental efforts Bidder plans to use to implement Indian Preference should also be described. Failure to affirm applicable statements, or to adequately explain a failure to affirm, may render this statement non-responsive. Bidder shall promptly correct or amend any erroneous or outdated information supplied in this statement by written addendum or correction delivered to the Contracting Officer.

Part I. GENERAL STATEMENTS

1. ☐ Bidder agrees that if it determines that an individual or firm is ineligible for Indian preference, that the Bidder will notify the individual or firm in writing before awarding the subcontract, filling the employment vacancy, or providing the training sought by the individual.

2. ☐ Bidder will accept written certifications from tribes, as evidence that an individual is Indian for purposes of Section 7(b), unless there is good cause to believe that the certification is false or incorrect.

3. ☐ Bidder will take reasonable steps to ensure that subcontractors seeking to qualify for preference in contracting are in fact qualified to receive preference. Bidder may request evidence of stock ownership, structure, management, control, financing, compensation and profit sharing arrangements from an Indian-owned enterprise or organization.

4. ☐ Bidder will cooperate fully with the KIHA and any KIHA review of Indian Preference or Indian Preference dispute(s).

5. ☐ Bidder will consult KIHA in the event Bidder cannot determine, with reasonable diligence, whether a firm or individual is qualified to receive Indian Preference.

Part II. PREFERENCE IN SUBCONTRACT AWARDS

6. ☐ Bidder will comply with the following advertising requirements and provide Indian Preference in subcontracting as follows:

(A) Not less than 15 days from the execution of any subcontract, Bidder shall advertise the work for not less than 7 calendar days in the Anchorage Daily News and in at least one issue of the Kodiak Daily Mirror, stating the nature of the work involved, and stating that the subcontract is subject to Section 7(b) and that Alaska Native/American Indian bidders will receive preference;

(B) Bidder shall give a dollar preference to qualified Indian-owned subcontractors in awarding subcontracts, in an amount not less than the preference amount provided in the preference table found at Section 11 of the Instructions to Bidders;

(C) Bidder will not be required to comply with the advertising requirements of (A) and the dollar preference requirements of (B) if the subcontract is awarded to an Alaska Native/American Indian-owned firm or enterprise using sole-source or informal procurement methods;

(D) In any instance where the Bidder believes it is not feasible to provide Indian Preference in subcontracting, the Bidder shall submit a certification (supported by credible evidence) to KIHA. KIHA may accept or reject the certification;

(E) In subcontract proposals or awards where Bidder has not complied with (A)-(C), Bidder agrees to promptly and fully disclose to KIHA what, if any efforts, the Bidder has made to provide preference in the subcontract solicitation or award;

(F) Where the subcontract is not conducive to sealed bidding, Bidder shall provide a written statement to KIHA for its review and approval of how Bidder intends to apply Indian Preference in its selection of the subcontractor.

7. ☐ Bidder will go beyond the provisions of paragraph 6 as follows: _____

_____

8. ☐ Bidder will make reasonable efforts to consult lists of qualified Indian subcontractors, if available for the region where the work is to be performed.

Part III. TRAINING AND EMPLOYMENT OPPORTUNITIES FOR INDIANS

9. The total number of jobs to be created by Bidder's contract (accuracy to within 25 percent of total) (total includes **core crew** and trainee positions) is:_____

10. The number of trainee positions included in the above total is:_____

11. The number of **core crew** positions included in the total (paragraph 9) is:_____

12. ☐ Bidder will employ 100 percent Indians for all jobs created by the contract, excluding core crew, except where Bidder adequately advertises (paragraph 14 below) a position and no qualified Indian applies for or accepts the terms of employment.

13. ☐ Bidder has attached its statement of Core Crew to this statement.

14. ☐ Bidder will comply with the following advertising requirements:

    (A) Not less than 15 calendar days from the execution of the construction contract documents, advertise for not less than 7 days in the Anchorage Daily News and the Kodiak Daily Mirror, soliciting for qualified Alaska Native/American Indian workers, and list the disciplines anticipated to be required.

    (B) Not less than 15 calendar days before substantially filling any construction crews, advertise for not less than 7 days in the Anchorage Daily News and the Kodiak Daily Mirror, soliciting for qualified Alaska Native/American Indian workers.

    (C) Submit the advertisements required in (A) and (B) above to KIHA, prior to publication.

    (D) After initial publication of advertisements (A) and (B) above, make reasonable and diligent efforts to fill all new job openings with qualified Alaska Native/American Indian applicants.

15. ☐ Bidder will go above and beyond the minimum advertising requirements as follows:
    _____

    _____

16. ☐ At least 20 percent of the jobs created, excluding core crew positions, will be trainee positions.

17. ☐ Bidder will require its subcontractors (if any) to provide Bidder with a statement identical to this statement, and will take reasonable steps to monitor its subcontractors' performance and compliance with all Section 7(b) requirements of the prime contract and with the subcontractor's Indian Preference statement.

18. ☐ Bidder will send to each labor organization or representative of workers with which Bidder has a collective bargaining agreement or other contract or understanding, if any, a notice advising of the Bidder's commitments under this Section 7(b) clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment for training.

19. ☐ Bidder will communicate with the Employment Rights Office of the Alaska State Department of Labor, with respect to Bidder's obligations under Section 7(b) and Bidder's efforts to find qualified Alaska Native/American Indian workers.

20. ☐ Bidder will communicate with the TERO office, or appropriate village governing bodies where construction will take place, with respect to Bidder's obligations under Section 7(b) and Bidder's efforts to find qualified Alaska Native/American Indian workers.

21. ☐ Bidder will, in all solicitations or advertisements for employees placed on or behalf of Bidder, state that all qualified Alaska Native/American Indian applicants will receive preference under Section 7(b).

Part IV. BIDDER'S EXCEPTIONS, EXPLANATIONS AND SUPPLEMENTAL STATEMENTS

Continue comments on additional pages if needed.

Paragraph #	Exception and explanation (attach credible evidence or certifications as appropriate)
Supplemental Indian Preference efforts planned or made, if any:	

Part V. SIGNATURE AND CERTIFICATION

LEGAL NAME OF BIDDER:_____

I have read the Indian Preference requirements stated in the General Conditions of the contract for construction, as amended or supplemented; KIHA's Instructions to Bidders for Contracts, and this Statement. On behalf of the above named Bidder, which I am duly authorized to represent, I certify that this Statement is complete and accurate, to the best of my knowledge, information and belief.

_____

By:_____

_____
Title

Date:_____

END OF CONTRACTOR/BIDDER'S INDIAN PREFERENCE STATEMENT