



September 4, 2026

Southern Ute Indian Tribe
Construction & Project Management

RE: Addendum #2 to the Request for Proposal for CM/GC Services for the Southern Ute Animal Control Building Replacement

Answers to Questions Received:

Q1: Can the contract include a limited waiver of sovereign immunity allowing for enforcement of orders, judgments, or awards in New Mexico or Colorado state courts?

A: Limited waivers of immunity are possible; however, proposers should understand that such waivers are not preferred by the Tribe, require Tribal Council review and approval, are not guaranteed, can significantly delay the contracting process, may be amended as compared to the request, or may be denied. Issues such as these are matters that go to the very heart of tribal sovereignty and are of great importance to the Tribe.

If any proposer believes the limited waiver of immunity to be a prerequisite to bidding on this or future projects, please ensure that is communicated to the Department. Finally, if the primary concern is whether contracted parties will be paid, the Department would note that the Tribe has an AAA credit rating and likely won't jeopardize that rating by not paying the amounts legally due under the contract.

Q2: Please advise if a full time superintendent and project manager will be required on this work and priced into general conditions?

A: The contractor shall ensure that all construction work is adequately covered and overseen by qualified supervisory staff. SUIT expects the CM/GC to advise on schedule and recommend adequate qualified coverage for the complete duration proposed.

Q3: Will this site be occupied and open for business while construction is taking place? If so, please elaborate on what level of access/occupancy will be required.

A: It is the Tribe's intent to fully relocate the staff, off site, during construction. The existing building shall



be demolished, not relocated. However, proposers should understand the logistics associated with relocating staff off site, to be in progress and subject to change. Finalization of these coordination efforts is a priority and will be communicated once complete.

Q4: Please outline SWPPP requirements for this project.

A: The site is more than 1 acre in area therefore, the selected contractor must comply with the SUIT Environmental Programs Department (EPD) Stormwater Pollution Prevention Guidelines, provided as an exhibit to the RFP. **All proposers shall assume an Environmental Protection Agency (EPA) SWPPP permit will be required, in addition to SUIT EPD, for fee purposes.** Please note SUIT EPD Stormwater Pollution document requirements are very similar to the EPA SWPPP document requirements but doesn't require a permit.

Q5: Please confirm estimated TERO fee will be 4% of overall contract in lieu of 4% of subcontracted labor.

A: Proposers shall assume TERO fees will be 4% of the full overall construction contract.

Attachments to this Addendum:

There are no attachments to this Addendum.

END OF ADDENDUM #2