

THE NAVAJO NATION GAMING ENTERPRISE a tribal gaming enterprise of THE NAVAJO NATION (Navajo Tribe of Indians of Arizona, New Mexico and Utah) REQUEST FOR QUALIFICATIONS TO SERVE AS GAMING FACILITIES OWNERS REPRESENTATIVE

CONSULTANT RFQ Issue Date: April 2, 2009 Due Date: April 16, 2009

100. PURPOSE The purpose of this Request for Qualifications ("RFQ") is to solicit proposals from qualified professional firms (the "Proposers") to establish a contract through competitive proposals for the provision of services as a Gaming Facilities Owners Representative Consultant (the "OR Consultant") to the Navajo Nation Gaming Enterprise (the "Enterprise"), a tribal gaming enterprise of The Navajo Nation (Navajo Tribe of Indians of Arizona, New Mexico and Utah) (the "Nation"). Proposers interested in responding to this RFQ should have extensive experience and an established record of success in area acting on the owners behalf for casino construction project management and the construction of tribal gaming facilities. Only qualified candidates should respond to this RFQ. This RFQ contemplates that no contract entered into with a Proposer will constitute a "management contract" within the meaning of the Indian Gaming Regulatory Act, 25

U.S.C. _ 2711. 200. OVERVIEW OF NATION'S GAMING INITIATIVE

In November 2004 the members of the Nation approved a referendum authorizing tribal gaming on reservation lands. Pursuant to gaming compacts with the States of Arizona and New Mexico, the Nation will be permitted to operate multiple gaming facilities in both Arizona and New Mexico. The Nation is evaluating the feasibility of a number of potential locations for gaming facilities. The Nation has established the Enterprise as a tribal gaming enterprise of the Nation, legally separate from the Nation itself, for the purposes of developing, constructing and financing the gaming facilities and conducting gaming operations at such facilities pursuant to the provisions of the Gaming Ordinance. Robert Winter is the CEO of the Enterprise. It is expected that the Enterprise will contract directly with contractors for the design, development, construction and equipping of the gaming facilities. It shall be the function or the OR Consultant to work directly with the Enterprise in such process. Prior experience in such a process is essential. 300. SCOPE OF PROJECTS AND SERVICES 301.

Projects A. Site #1. Twin Arrows. The site is located approximately 20 miles east of Flagstaff, Arizona on Rt. I 40. The first phase will consist of a casino/hotel resort with related infrastructure and roads at a cost of approximately \$250 million dollars. B. Site #2. Pinta Road. The site is approximately 100 miles east of the Twin Arrows site on Rt I 40 in Arizona. It will be designed as a travel center and casino with related infrastructure

and roads and at a cost of approximately \$40 million dollars. C. Site #3. Upper Fruitland. The site is located approximately 1 mile from the town of Farmington, New Mexico and will be designed as a casino/hotel with related infrastructure and roads at a cost of approximately \$75 million dollars. 302. Design and Construction The OR Consultant will provide assistance to the Enterprise in the selection of the general contractor, architect, project engineer and other firms retained to design, develop, construct and equip the gaming facilities. Such assistance by the OR Consultant will include, without limitation, preparation of requests for proposals, reviewing and evaluating proposals, and participating in any interview and selection processes. The OR Consultant will advise the Enterprise on matters related to the design of each gaming facility to maximize gaming play and attraction of gaming constituents, as well as to avoid negative competitive impacts among the Nation's multiple gaming facilities. In connection with the design of gaming facilities, the OR Consultant will, among other tasks, review and evaluate plans, specifications and other design and development materials produced by firms retained by the Enterprise in connection with the development of gaming facilities including infrastructure needs and road design. The OR Consultant will also be expected to assist the Enterprise in developing and implementing oversight processes that will help insure the quality and timeliness of the design and construction of the gaming facilities. The OR Consultant should also be prepared to assist the Enterprise in processes that will help ensure that realistic budgets and schedules are established and maintained and costs are minimized. Experience in value engineering is essential. 303. Development. The OR Consultant may be requested to provide assistance to the Enterprise in reviewing feasibility studies and other data to determine the optimum number and size of the gaming facilities and any related resort facilities and infrastructure to be developed and a timeline for such development, evaluating market dynamics and identifying customer bases, evaluating and selecting casino/resort locations, developing projections and required documentation necessary to obtain financing and other matters related to the development of the Nation's gaming and resort facilities. The Enterprise may seek to develop multiple sites and will require assistance with coordinated development of such sites. 304. Additional Services. The OR Consultant may be requested to advise and assist the Nation on other matters related to gaming facility design, development, construction and equipping process. 400. PROPOSAL PREPARATION AND SUBMISSION REQUIREMENTS 401. General Requirements. Proposers must provide a statement of verifiable qualifications related to each of the items set forth above under SCOPE OF

SERVICES (Planning Phase, Pre Construction, Construction, and Additional Services). As part of such statement Proposers should include a description of specific relevant experience. Such experience must include specific experience in tribal gaming development and OR Consultancy and oversight where consulting or development services have been provided. At least three (3) references as to OR Consultant abilities with corresponding contact information must be included. Eight (8) original, signed proposals must be submitted in an envelope or package identified as follows: "Gaming Facilities Owners Representative/Construction Consultant Proposal for The Navajo Nation Gaming Enterprise," and sent to: The Navajo Nation Gaming Enterprise, Attn: Robert T. Winter, Interim CEO, Post Office Box 1700, Church Rock, New Mexico 87311. **ONLY THOSE RESPONSES RECEIVED IN THE ENTERPRISE'S OFFICE BY THE PROPOSAL DEADLINE WILL BE CONSIDERED.** Proposals received at the Enterprise's office after 5:00 p.m. MST on April 16, 2009, will not be considered and will be returned to the Proposer unopened. Proposals may be hand delivered to the designated location. **FAXED PROPOSALS WILL NOT BE ACCEPTED.** Proposal Preparation: a. Proposals shall be signed by an authorized representative of the Proposer. All requested information must be submitted. Failure to submit all requested information may result in a lower evaluation of the proposal. b. Proposals should be prepared simply and economically, providing a straightforward, concise description of the capabilities to satisfy the requirements of the RFQ. Emphasis should be on completeness and clarity of content. c. Each copy of the proposal should be bound in a single volume where practical. All documentation should be bound in that single volume. 402. Specific Requirements. Proposals must include the following: i) Name of the firm making the proposal. ii) Name and title of individual preparing and responsible for the proposal. This person may be different from the individual signing the transmittal page. iii) Mailing and overnight delivery address. iv) Telephone and facsimile numbers of Proposer. v) E-mail address. vi) Statement that individual signing the proposal has the authority to commit the firm to the terms proposed. vii) Statement that the OR Consultant will agree to comply with the laws of the Navajo Nation during the term of the contract and will consent to the application of the Nation's laws and to jurisdiction of the Nation's courts in the settlement of any disputes under the contract. Proposals shall specifically demonstrate that Proposers have: 1. LICENSING. Existing Arizona Department of Gaming License. General Contractors License (B 1) for the State of Arizona. Navajo Gaming Regulatory License for Arizona and New Mexico preferable. 2.

INSURANCE. General Liability Property Damage Automobile Workman's Compensation 3. PROJECT EXPERIENCE OR Consultant for at least 1 Native American casino/hotel project exceeding \$100 million dollars. (New Mexico and Arizona preferred). Extensive experience with "start up" and "fast track" casino construction. Demonstrable track record for delivering project completion on time and at or under budget. Familiarity with all classes of gaming, operations and equipment. Track record of providing value engineering options on projects exceeding \$100 million dollars. 4. PRE QUALIFIED CONSULTANTS Proven experience in providing for prequalified consultants that can provide for independent studies (such as building, inspection/enforcement, elevator inspection, materials testing, surveying, EA's, geological, TIA, gaming related special systems. 5. GOVERNMENTAL and NAVAJO NATION EXPERIENCE. Arizona and New Mexico Departments of Transportation. Navajo Nation Entities with jurisdiction on the Navajo Nation Reservation. Cities and counties. Experience in the implementation of Navajo Preference in Employment Act and Navajo Business Opportunities Act. 6. REFERENCES 3 letters of recommendation as to OR Consultant abilities on projects of the described nature and scope. The OR Consultant must be able to work closely with the various Enterprise's and the Nation's agencies and authorities. OR Consultant must be on site when and where needed for an extended period of time. The Proposal must identify the principals of the Proposer who will be actively involved on site, as needed, throughout the process. The Proposal should list all team members and describe their respective qualifications and experience that would benefit the Enterprise. The Proposal must include a description of how the Proposer would propose to be compensated, including a proposed fee schedule or formula, and whether such fees are negotiable. All services performed within the boundaries of the Nation's Reservation are subject to the Nation's Sales Tax, and the Proposal should include consideration of the Nation's Sales Tax for all work performed on the Reservation. The cost and fees for service must be included and specifically set forth for each phase of development as called for in Section 401. 500. EVALUATION AND AWARD CRITERIA Selection shall be made from the Proposers deemed to be fully qualified and best suited among those submitting proposals on the basis of understanding the needs of the Enterprise, qualifications, and soundness of approach. Interviews and negotiations may be conducted at the discretion of the Enterprise. The Enterprise shall select the Proposer which, in its opinion, has made the proposal most advantageous to the Enterprise. The Enterprise may cancel this RFQ or reject proposals at any time prior to an award, and is not

required to furnish a statement of the reasons why a particular proposal was not deemed to be the most advantageous. The Enterprise may waive any provision of this RFQ in its sole discretion. The Navajo Business Opportunity Act, and the Navajo Preference in Employment Act shall apply on all work conducted within the Navajo Nation.