

REQUEST FOR PROPOSAL: LEGAL SERVICES

Issue Date: May 21, 2021

Due Date: 12:00 P.M., June 21, 2021

I. Introduction

The Paiute Indian Tribe of Utah (Tribe) is seeking proposals for general and/or special Legal Counsel Services from one or more firms or individuals who can demonstrate proficient expertise in Indian Law, Tribal Governance, Economic Development, and Tribal Employment as needed.

II. Background Information

The Paiute Indian Tribe of Utah is looking for firms who can demonstrate proficiency and expertise in strategic approaches to address the various needs of the Tribe.

III. Services Required

The Paiute Indian Tribe of Utah is seeking various legal services that include, but are not limited to, the following:

1. General Legal Counsel Specializing in Tribal Governance and Sovereign Immunity

- a. Legal research and written advice and opinions as requested by the Tribal Council,
- b. Legal research and written advice and opinions as requested by the Tribal departments.
- c. Assist the Tribe with updating its Constitution.
- d. Assist the Tribe with updating its current Ordinances.
- e. Assist the Tribe with updating its Tribal Council Rules of Procedures.
- f. Assist the Tribe with revising and updating various By-laws.
- g. Assist the Tribe with Roberts Rules of Order Training(s).
- h. Provide guidance on establishing a Tribal Court.
- i. Support the Tribe in leveraging and protecting its Sovereignty.
- j. Attend meetings as requested.
- k. Research and write ordinances and resolutions as requested.
- l. Provide guidance on self-governance compacting and funding agreement negotiations.
- m. Particular expertise includes, but is not limited to, the following areas of law:
 - i. Federal Indian law, Utility (gas and electric) easements, business transactions, healthcare, housing law, economic business development, finance, federal contracts, rights of way, self-governance matters (PL 93-638 contracting/compacting), BIA annual funding negotiation, IHS annual funding negotiation, 105(I) lease negotiations with IHS and BIA, taxation and IRS matters, Tribal General Welfare Exclusion Act, trust resources, fee-to-trust, FTCA, cultural resources, fish and wildlife, and environmental issues including air and water quality standards.

2. Legal Counsel Specializing in Tribal Economic Development

- a. Provide guidance on how the Tribe can utilize its current Section 17 corporations.
 - a. Creating new business ventures.
 - b. Creating a 501(c)(3) Non-Profit entity for the Tribe.
- b. Review and provide guidance on contracts and contract negotiations.
- c. Review lease agreements.
- d. Licensing.
- e. Taxation and Tax Ordinance.
- f. TERO
- g. Business ventures on and off reservation.

3. Legal Counsel Specializing in Tribal Employment Law

- a. Legal research and written advice and opinions on Employment Law.
- b. Analyze the Tribe's current policies and procedures.
- c. Provide guidance on applicable laws and Tribal exemptions.
- d. HIPAA.
- e. General employment matters.

IV. Requirements

In order to be considered, successful firms must have a current State of Utah bar license or obtain a State of Utah bar license within 6 months of contract award to represent the Tribe in ICWA Cases, or other cases are required.

V. Fees for Legal Services

The Paiute Indian Tribe of Utah will seek the attorney(s) or firm(s) best qualified as determined by an evaluation process as highlighted in the RFP and negotiate a contract with that attorney or firm. Fees for services will be a consideration along with demonstrated qualifications.

VI. Submittal Requirements

The following information must be included in the proposal:

- a. Transmittal letter.
- b. The names, addresses, and contact persons for the attorney or firm.
- c. The scope of proposed engagement particularly in relation to the Tribe's requested expertise. Indicate whether the attorney or firm is proposing to handle all matters or only specific matters.
- d. Names and resumes of responsible partners, associates, paralegals and administrative staff who will be assigned to handle matters on this account including time-keeping policies and their billing rates and an indication of what matters if any, the attorney or firm would handle on a contingency basis. Include also a Certificate of Good Standing from the Supreme Court for all attorneys assigned to handle matters on this account.
- e. Policy and practice in estimating anticipated fees.

- f. Description of billing policies and practices addressing: invoicing, billing cycle, late payments, and costs such as copying, phone calls, travel expenses, experts, or other professional services, messenger services, legal research costs, regular and overnight mail services, etc.
- g. Treatment of taxes for goods and services provided on or off the reservation.
- h. Description of document control and management policies.
- i. Policy and practice in the handling of fee disputes.
- j. An initial assessment of potential conflicts of interest.
- k. Detailed information on prior tribal government representation experience (a plus), if any. The proposal should highlight the kind and type of matters addressed for tribal clients and the extent of services provided with respect to these matters (e.g., by the number of hours, types of activities engaged in, a description of output, etc.). The focus should be on matters in which the attorney or firm spent a significant amount of time or effort on.
- l. Capacity and capability of the firm or attorney to perform the work involved. Specifically, a list of current clients should be provided and a clear explanation of how the Tribe's workload will be balanced against existing clients. Your proposal should provide a method to assure the Tribe that critical Paiute Indian Tribe of Utah issues should be handled as a priority.
- m. Indicate any additional services you may be able to provide as the Tribe's general legal counsel in your proposal.
- n. Past record of performance of the firm or individual attorney - The proposal should include names and telephone numbers of any clients who can provide references regarding performance.

VII. Evaluation Criteria and Process

A selection committee will conduct an evaluation of qualifications and will rate each submittal based on the following criteria:

- Experience.
- Understanding of services to be provided.
- Personnel expertise.
- Experience working with Tribal governments.
- Attorney Fees.
- State of Utah Bar License (or commitment to obtain within 6 months of selection).
- Proposals that are the most advantageous to the Tribe.
- Proposals that best meet the needs of the Tribe.

VIII. Deadline for Submissions of Proposals

Each bidder must submit their proposal electronically to proposals@utahpaiutes.org with the subject line "Legal Services Proposal" no later than 12:00 P.M. (MDT), June 21, 2021.

IX. Questions

Questions regarding this request for proposal can be emailed directly to proposals@utahpaiutes.org.

X. Contract Award

It is anticipated that the contract will be awarded no later than July 2021.

XI. Miscellaneous

1. The Paiute Indian Tribe of Utah's Tribal Council reserves the right to reject any and all proposals for failure to meet the requirements contained herein, to waive any technicalities, and to select the proposal which, in the Tribal Council's sole judgment, best meets the requirements of the project.
2. The RFP creates no obligation on the part of the Tribe to award a contract or to compensate the proposer for any costs incurred during proposal presentation, response, submission, presentation, or oral interviews (if held). The Tribe reserves the right to award a contract based upon proposals received without further discussion or negotiation. Proposers should not rely on the opportunity to alter their qualifications during discussions.
3. The Tribe further reserves the right to make such investigation as it deems necessary to determine the ability of proposers to furnish the required services, and proposers shall furnish all such information for this purpose as the Tribe may request.
4. Proposers must specifically identify any portions of their submittals deemed to contain confidential or proprietary information or trade secrets. Those portions must be readily separable from the balance of the proposal. Such designations will not necessarily be conclusive, and proposers may be required to justify why the Tribal Council should not, upon written request, disclose such materials.
5. The vendor awarded the contract will be subject to the Paiute Indian Tribe of Utah's procurement policies and procedures, codes and ordinances.