

**The Klamath Tribes  
Request for Qualifications  
For  
Klamath Tribal Water Attorney  
RFQI # 01-KTTC17**

**I. Introduction:**

The Klamath Tribes is a federally recognized tribe comprised of three distinct tribes (Klamath and Modoc Tribes, and Yahooskin Band of Snake Paiute) located in South Central Oregon and comprised of 5,143 members. The Klamath Tribes (hereafter the Tribes) includes Klamath Tribal Administration, Klamath Tribal Health & Family Services, Klamath Tribal Gaming Regulatory Commission, and two enterprises - Kla-Mo-Ya Casino, and the Crater Lake Junction Travel Center.

The Tribes is seeking an experienced attorney (hereafter Water Attorney) to provide professional legal advice and consulting services for the Klamath Tribes. The Tribes is accepting "Qualification Statements" from attorneys or law firms that are active members in good standing of the Oregon State Bar (or is willing to obtain admission into the Oregon State Bar at own expense) and have experience in Oregon water law and Indian Water Rights, as well as experience working with tribes on treaty rights, and natural resource protection and management areas. The Water Attorney should have proven excellent research and writing skills to assist with the coordination of active water litigation, and assume other natural resource protection issues on the federal, state, local, and tribal levels. The primary purpose is to provide legal advice and represent the Klamath Tribes on a number of critical natural resource and water-related issues ongoing in the Klamath Basin. Emphasis is placed on water and natural resource law experience, particularly as it applies to Oregon and Indian tribes. The Water Attorney must have a proven track record of successfully completing the outlined "Scope of Services" for Tribes of comparable size and complexity and will primarily work with the Klamath Tribal Council, with Klamath General Council oversight. It is preferred that the successful applicant be available for meetings at the Tribal Headquarters located in Chiloquin, Oregon as needed.

The anticipated duration of legal services is for a period not to exceed three (3) years. The contract for legal services will be reviewed at the end of each contract year or on an appropriate basis at the tribes' sole discretion. The Tribes reserves the right to terminate the relationship with 30 days written notice as will be set forth in any contract for legal services. The selection of the Water Attorney may be made after review of this RFQI and a scheduled interview. The final selection is subject to approval by The Klamath Tribes' Tribal Council. Nothing in this RFQI constitutes a waiver of the Tribes' sovereign immunity or a guarantee of employment.

All requested documents, resumes, qualifications, and references shall be provided by sealed envelope in one of the following methods: ground delivery, regular mail, or in person to The Klamath Tribes Purchasing Agent at the Klamath Tribes Administration office no later than 4 p.m. on October 10, 2017.

**II. Scope of Services:**

At minimum, the selected individual attorney or law firm will be expected to provide the following services by way of illustration and not limitation:

1. Serve as legal counsel to The Klamath Tribes in support of Tribal governmental goals and activities as they relate to Oregon Water Law, Indian water rights, and natural resource protection issues. This may include treaty rights and environmental protection, as well as related management matters.
2. Provide advice, analysis, reports, and presentations as appropriate.
3. Services will include contact, coordination, and communication with other tribal, federal, and state government agencies regarding Oregon and current tribal water law that may include adjudication,

litigation, environmental protection, jurisdictional issues, sovereignty, and associated treaty rights relevant to The Klamath Tribes.

4. Close coordination and collaboration with the Tribal Council, other tribal consultants and contractors, and tribal employees as specified. This includes an active, ongoing relationship with the Native American Rights Fund (NARF), as lead counsel, who represents The Klamath Tribes in ongoing Klamath Basin Adjudication (KBA) matters, as well as other legal service firms retained by the tribes for specific purposes.
5. Conduct legal research; draft and review correspondence, reports, resolutions, formal orders, as well as contracts and other legal documents. Recommend options, revisions or modifications, and or acceptance and approval to the Tribal Council.
6. Participate in person, or occasionally by telephone, a weekly Water Adjudication/water- related meeting with the primary purpose of updating, reporting, and sharing water-related documents and information.
7. Represent the tribes in legal matters before Tribal, Federal, State, or other courts and administrative agencies. Prepare and present cases including review of the case; determine appropriateness and completeness of information; conduct legal research; conduct direct and cross-examinations; and draft necessary legal documents.
8. Provide written reports as needed. May occasionally be requested to provide a verbal report, written report and/or presentation to the Tribal Council or General Council of The Klamath Tribes.
9. Be knowledgeable of Tribal and Federal treaty, water and natural resource law, as well as Oregon Water Law. Specific expertise in the federal and/or state Endangered Species Act, National Environmental Policy Act, Clean Water Act, Federal Power Act, National Historic Preservation Act, Reclamation Act and doctrines of Federal Indian Law are desired.

### III. **“Qualification Statement” Response Requirement:**

Interested individuals or law firms must submit a “Qualification Statement.” The submission must be responsive to the following items and may also include supplemental material that further supports the knowledge, skills and ability to provide the “Scope of Services” outlined in Section II. Failure to provide complete responses may exclude the party from further consideration. In review of the RFQI, the Tribes will take into consideration the following:

- Integrity;
- Compliance with public policy;
- Record of past performance;
- Financial and technical resources.

#### Required

1. At minimum, provide the following information in your RFQI response:
  - Five (5) years’ experience working with Indian Tribes;
  - Five (5) years’ experience providing legal services to clients;
  - Proven experience in Tribal, Federal and Oregon water law;
  - Firm or office location(s);
  - Length of time in business;
  - Structure of the firm;
  - Proof of Professional liability insurance for all attorneys working on this project; and
  - Proof that all attorneys working on this project are in good standing with the Oregon State Bar.

2. A listing of the person(s) who will be assigned to work with the Tribes. Please provide details regarding specific roles, professional experience of same, including: resumes, licenses, certifications, experience in working with Indian Tribes, etc.
3. A list of current clients (preferably Tribal clients) and scope of legal services provided for these clients.
4. Three (3) recent references (preferably water/treaty rights related) to include the following:
  - Organization name, address;
  - Contact name and title;
  - Telephone number and/or email.
5. One (1) reference (preferably Tribal) of a client from the last three (3) years that you no longer represent due to their decision to change law firms or services. Include same information as above #4 with addition of why the organization changed legal firm representation.
6. Provide work samples that demonstrate ability to meet and exceed expectations as outlined in "Scope of Services." At minimum, this must include examples of the following:
  - Legal Brief writing sample
  - Letter writing sample
  - Press release writing sample
7. Provide an explanation or example of legal services you provide that distinguishes you from others. Please limit to one page.
8. Disclose any known existing or prior business relationships with The Klamath Tribes or its employees, you may have had within the last five (5) years
9. Disclose any political contributions to The Klamath Tribes or its employees within the last five (5) years.
10. Demonstrate other factors to be in the best interest of The Klamath Tribes.
11. Statement that the law firm or individual is not disbarred or suspended from doing business with the federal government.
12. Statement the law firm or individual is not disbarred or suspended from the Oregon State Bar.
13. Availability to attend requested Water Update meetings, meetings with Tribal Council or special meetings if requested. Tribal Council prefers in person availability but a Tele-conference may be accommodated.
14. It is preferred that individual or law firm is registered with the System for Award Management (sam.gov).
15. Fee and cost requirements.

**IV. RFQI Questions and Clarifications:**

All inquiries regarding the RFQI must be submitted in writing to Jana DeGarmo, Grant and Compliance Officer for The Klamath Tribes. Written responses to such inquiries will be made available to any requesting party.

Any information given to a law firm or individual will be furnished to all prospective applicants as an addendum if such information is necessary or if the lack of such information would be prejudicial. Receipt of addendum should be acknowledged in the "Qualification Statement." It is the law firm's or individual's ultimate responsibility to ensure that they have all applicable addenda prior to submitting the "Qualification Statement."

From the date of distribution of the RFQI through the date of selection, if made, of a Water Attorney by the Tribes, the applicant or firm may not initiate or continue any verbal or written communications regarding this RFQI with any official of the Tribes unless the Tribes expressly authorize communication. If determined that there has been a compromise of the competitive process or there is otherwise deemed to be disruptive, inappropriate, or unacceptable conduct, the RFQI submitted by the law firm or individual may be disqualified from further consideration.

**V. Review of Qualification Statements and Selection Criteria**

1. Selection Procedures: The Klamath Tribes' Tribal Council utilizes this formal advertising of Request for Qualifications to award to the most highly qualified individual or firm. All timely responses to this RFQI will be considered. The Tribal Council reserves the right to reject any and all RFQI's based on documented reasons including determining any or all RFQI's to be non-responsive.
2. Method of Review: The Klamath Tribes' Tribal Council and its authorized representatives will review all RFQI's received and may contact the party to request further information. The Klamath Tribes may accept any given RFQI as submitted. The decision of the Klamath Tribes shall be final and not subject to appeal.
3. Qualification Statements will be evaluated on, but not limited to, the following criteria:
  - a. (0-55 points) Scope of Services, Qualification Statements. The RFQI must fully demonstrate ability to carry out each requirement listed in this RFQI.
    - The individual or law firm demonstrated qualifications and expertise in performing the "Scope of Services" required and as demonstrated by a review of current and historical client base, carrier relationships, work samples, references, etc.
    - The professional and ethical reputation of the individual or law firm.
    - Local representation.
    - The qualifications and experience of the staff that will be directly assigned to handle the account.
    - Any added benefits the individual or law firm indicates might further enhance the approach or services provided.
    - Past record of performance with respect to quality of work provided to comparable clientele, to include references from current and previous clients.
  - b. (0-35 points) Cost: If any, will be determined by formula method.
  - c. (0-10 points) References: A record of integrity, judgment, performance and timeliness will garner higher points.
    - Three (3) recent references of clients.
    - One (1) reference of a client from the last three (3) years that you no longer represent due to their decision to change legal services.
  - d. Indian preference: At minimum 15% of the evaluation points shall be granted to applicants who demonstrate entitlement to Indian Preference, which points shall not be available to non-Indian bidders when using Method #3 of the Klamath Tribes Procurement Policy.
  - e. In the case of duplicate proposals, the earliest postmarked envelope will be reviewed unless otherwise advised in writing by the applicant that the later RFQI is the appropriate one to review.

**100 TOTAL POINTS POSSIBLE** (without Indian Preference)

**D. Instructions for Submitting RFQI:**

Return RFQI in an envelope clearly marked according to the following instructions:

1. One original and ten (10) copies must be submitted. Alternate proposals will not be accepted.

2. Sealed RFQI can be submitted in person, through US Postal Service, or by ground delivery to:

The Klamath Tribes  
 Administration Office  
**Attention: Jackie Galbreath, Purchasing Agent**  
 P.O. Box 436  
 501 S. Chiloquin Blvd.  
 Chiloquin, OR 97624

3. RFQI by email or Fax will not be accepted.
4. On outside of sealed envelope write:  
**"RFQI # 01-KTTC17 Water Attorney"**

For any questions, please contact Jana DeGarmo, Grant and Compliance Officer, (541) 783-2219, ext. 155 or email: [jana.degarmo@klamathtribes.com](mailto:jana.degarmo@klamathtribes.com).

**E. Closing/Opening Date and Time and Method of Solicitation:**

1. RFQI's will be accepted at the address above up to **4 p.m. on 10/ 10/17**. All timely responses to this RFQI will be considered. The Klamath Tribes reserve the right to reject any and all RFQI's including those received after the closing date and time. If, at the time of the scheduled closing date, The Klamath Tribes administration is closed due to uncontrolled events or administration closures, RFQI's will be accepted until 4:00 p.m. on the next normal business day.
2. RFQI's will be opened at **10 a.m. on 10/12/17** at the Klamath Tribal Administration office, 501 S. Chiloquin Blvd., Chiloquin Oregon. If, at the time of the scheduled opening date The Klamath Tribes Administration is closed due to uncontrolled events or administration closures, RFQI's will be opened at 10 a.m. on the next normal business day.
3. This RFQI has been published by:

<input checked="" type="checkbox"/>	Publication in a Newspaper of general circulation
<input checked="" type="checkbox"/>	Direct solicitation of proposals from an adequate number of known sources
<input checked="" type="checkbox"/>	Klamathtribes.org

**F. Indian Preference:**

1. To the greatest extent feasible, preference and opportunities for training and employment shall be given to Indians, and preference in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned economic enterprises. Indian Preference is given to Indian-owned enterprises that provide proof of at least 51 percent ownership of the enterprise submitted on an Indian Enterprise Qualification Statement showing:
  - ownership, control, and interest;
  - certification by a tribe that bidder is an Indian;
  - evidence of stock ownership, structure, management, control, and financing affecting the Indian character of the enterprise;
  - evidence that the contractor has the technical, administrative, and financial capability to perform contract work of the size and type involved.

Preference and opportunities for training and employment regarding the administration of these activities shall be given to Indian and Alaskan Natives.

**G. Provisions:**

1. If required, all parties must submit with their RFQI a statement detailing their employment and training opportunities and their plan for providing preference to Indians. All contractors must observe the Klamath Tribes' Indian preference policy.
2. The Klamath Tribes shall conduct all procurement transactions in a manner that provides fair and open competition.
3. The Klamath Tribes shall provide fair and equitable treatment for all persons or firms who are in the business of supplying goods and services.
4. The Klamath Tribes wish to assure that supplies, services, and construction are procured efficiently, effectively, and at the most favorable prices available.
5. The Klamath Tribes shall take reasonable affirmative steps to assure that DBE's, WBE's and MBE's are used when possible but without infringing on Indian preference where Indian preference is applicable.
6. The Klamath Tribes shall not use federal grantor funds to do business with any entity who is disbarred in accordance with the Federal Government Disbarment list.
7. Request for Qualifications may be terminated by The Klamath Tribes at any time for cause.
8. Each party submitting a RFQI is certifying that he/she has not colluded with any other person, firm or corporation regarding securing the services being solicited.
9. No employee, officer, or agent of the Klamath Tribes may solicit or accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to subcontractors.
10. Negotiation: Provisions not addressed by this solicitation will be negotiated with the professional once a selection has been made.
11. Agreement: The selected professional will enter into an enforceable agreement that fully conforms to the contracting provisions pursuant to 2 CFR and funding grant(s). Copies of these requirements are available for review at the grantee's offices.