

**The Klamath Tribes
Request for Qualifications
Klamath Tribal Administration Attorney
RFQI #1804ADM-1TribalAttorney**

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 5,381 members. The Klamath Tribes (hereafter the Tribes) includes Klamath Tribal Administration, Klamath Tribal Health & Family Services, Klamath Tribal Gaming Regulatory Commission, and three enterprises - Kla-Mo-Ya Casino, Crater Lake Junction Travel Center and the Sleep Inn Hotel.

The Tribes is seeking an experienced attorney or firm 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 30 days after contract is signed and ratified by Tribal Council) and have experience in Indian law, as well as experience working with tribes on treaty rights; sovereign immunity; government to government relationships; federal and state grant requirements; human resource matters; policies; financial matters; housing matters; natural resources; cultural resources; ICWA, child welfare and domestic violence matters; land and fee-to-trust matters; and contract matters. The Tribal Attorney should have excellent research and writing skills to assist with the coordination of Administration and program matters that come about on the federal, state, local, and tribal levels. The primary purpose is to provide legal advice and recommend corrective action on matters to protect the Tribes, Departments and Programs. Emphasis is placed on Oregon, Federal and Indian law experience, particularly as it applies to Indian tribes. The Tribal Attorney must have a proven track record of successfully completing the outlined "Scope of Services" for tribes of comparable size and complexity. The selected party will work primarily with the Administration General Manager and Department Directors, and on occasion with Program Managers. Most work can be requested and relayed via emails and telephone, but there may be one or two on-site meetings per year.

The anticipated duration of legal services will be 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 Tribal 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 January 8, 2019.

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 Administration in support of Departments funded under Federal, State, Tribal and local grants.
2. Provide advice, analysis, reports, and presentations as appropriate.

3. Legal Services can include contact, coordination, and communication with other tribal, federal, and state government agencies regarding Housing matters; Indian Child welfare; land acquisition and fee to trust; natural resources; cultural resources; environmental protection; jurisdictional issues policies and procedures, human resource, sovereignty, and associated treaty rights relevant to The Klamath Tribes.
4. Close coordination and collaboration with the General Manager, Administrative Officer, other tribal consultants/contractors, funding agencies, and tribal employees as specified.
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 of the Administration General Manager
6. Participate in teleconferences, or in person for meetings requested by the Administration General Manager.
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 for example, but not limited to: landlord tenant cases, ICWA cases, background checks policies, and cultural cases.
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 laws, 2 CFR in regards to procurement and contracting practices and laws as they pertain to Federal and State funding.

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 and they should be addressed in the RFQI:

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

Required

1. At minimum, provide the following information in the 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 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 job; 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 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
 - Memorandum
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 on availability to attend meetings requested by the Administration General Manager.
13. Statement if individual or law firm is or is not registered with the System for Award Management (sam.gov). If registered, give cage code.
14. Statement on how the individual or law firm bills and rates that apply, including but not limited to hourly rates, telephone, copies, travel, per diem, mileage.

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 ultimate responsibility of the submitter to ensure that all applicable addenda is received prior to submitting the "Qualification Statement."

From the date of distribution of the RFQI through the date of selection, if made, of a Tribal Attorney by the Tribes, the submitter 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 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' and its authorized representatives will review all RFQI's received on time and can 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: Will be determined by formula method, if possible.
 - 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 by submitting an Indian Enterprise Qualification Statement.
 - 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 five (5) 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 # 1804ADM-1TribalAttorney" and your name or company name.

For any questions, please contact Jana DeGarmo, Grant and Compliance Officer, (541) 783-2219, ext. 155 or email: 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 01/08/2019**. 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 administrative 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 01/10/2018** 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 administrative closures, RFQI's will be opened at 10 a.m. on the next normal business day.
3. This RFQI has been published by:

	Publication in a Newspaper of general circulation
X	Direct solicitation of proposals from an adequate number of known sources
X	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.