

Request For Proposal (RFP)
CODE/ORDINANCE DEVELOPMENT
Klamath Tribes' Tribal Court
RFP # KTJ2023-1COD

The Klamath Tribes, located in Southwest Oregon, is seeking Requests for Proposals from interested individuals, legal service providers, agencies, or law firms to develop new Tribal ordinances, revise current ordinances, develop self-help packets, and develop local rules for the Klamath Tribal Judiciary

General Information

The Klamath Tribes("Tribes") is a federally recognized Indian Nation located within the boundaries of Klamath County in the state of Oregon. The Tribes consists of approximately 5,813 Tribal members. The Tribal government provides a wide variety of government services including health, law enforcement, conservation, education, family services, Tribal Court, Indian Child Welfare, land management, cultural, roads, maintenance, historic preservation, and elderly services. In addition, the Tribes operates a gaming facility, a travel center, and a hotel.

The Tribes currently has a Tribal Court and has adopted several ordinances that govern cases that come before the Court. The Court does not currently exercise criminal jurisdiction.

A. Desired Scope of Services

To build capacity of the Court, the Tribes is seeking proposals from interested individuals, legal service providers, agencies, or law firms to develop new Tribal ordinances and revise current ordinances.

The process of developing new ordinances will require working with the Chief Judge, the Judicial Director, Tribal Court Clerk, and various Tribal committees, departments, executive officers, and Tribal Council. Tribal law requires General Council approval of Tribal Codes. The Tribe has set a target date of August 2023 for implementation of the new or revised ordinances, rules, and self-help packets.

Scope of Work:

Described below are the technical requirements for the professional service to be procured, including the minimum essential characteristics and standards which it must meet to satisfy its intended use.

1. This RFP is directed at professionals who qualify to write an Ordinance framework into which various types of criminal provisions or chapters can be inserted that complement and is consistent with the Klamath Tribes Criminal Code draft.
 - a. Review and finalization of Klamath Tribes Criminal Code;
 - b. Review of Elder and Vulnerable Adult Protection Ordinance and any required modifications to make it consistent with Klamath Tribes Criminal Code.
 - c. Crafting/reviewing/finalizing specific criminal ordinances, provisions, or chapters to address:

- (i) Child abuse/neglect offenses
 - (ii) Violent crime offenses
 - (iii) Harassment offenses
 - (iv) Human trafficking offenses
 - (v) Identity theft
 - (vi) Financial exploitation
 - (vii) Bullying
 - (viii) Hate crimes
 - (ix) Cybercrimes
2. The professional must either have a Juris Doctorate from an ABA accredited law school or be a professional that has successfully written tribal codes/ordinances for federally-recognized Indian tribes.
 3. The professional must meet the timelines desired and provide drafts throughout the project. The professional must be knowledgeable in Indian law, and specific knowledge of juvenile law is preferred; preference is also given to an individual possessing a working knowledge of the Klamath Tribes laws, codes, and procedures.
 4. The professional must be available to meet with the judicial panel in person and by conference call. The professional may be asked to present or answer questions for the Klamath Tribes Tribal Council and Klamath Tribes General Council. The professional must be able to meet deadlines and interpret Tribal laws and codes to effectively draft a Draft Uniform Rules of Juvenile Procedure. The professional must have final draft completed for submission by August, 2023.
 5. The proposal must include a five to seven (5-7) page writing sample of a recent tribal code provision or procedure that has been drafted; the sample may be redacted of sensitive identifying information, if necessary.
 6. Compensation is as follows: Contractor will bill at the rate of \$250.00 per hour for all services performed. The total yearly amount not to exceed amount is \$25,000.00.
 7. Projected start date as soon as the RFP is reviewed and a consultant is under contract.

B. Required Qualifications:

1. Must have three years of experience in the practice of Indian Law, including experience drafting tribal codes/ordinances or a professional with three (3) years' experience drafting tribal codes/ordinances.
2. Juris Doctorate from an ABA accredited law school, or a professional with three (3) years' experience in drafting tribal codes/ordinances for tribal governments.
3. Provide resume and satisfactory documentation that substantiates the requisite three (3) years' experience.

4. Provide references for the last two 2 relevant jobs completed.
5. Provide Duns number, EIN, or TIN or SSN, Business license or State Registry number.
6. Must not be disbarred or suspended from doing business with the federal government and it is preferred the party is registered in sam.gov.
7. If applicable, must not have ever been disciplined by any bar association nor have ever been disbarred from any bar association.
8. Certification of Professional Liability Insurance or adequate substitute.

C. Evaluation Factors and Scoring:

1. Selection Procedures: The Klamath Tribes' Administration utilizes this formal advertising of Request for Proposals (RFP) to award to the most highly rated proposal, subject to negotiation of fair and equitable compensation. All timely responses to this RFP will be considered. Klamath Tribes' Administration and Tribal Court reserves the right to reject all proposals based on documented reasons including determining any or all proposals to be non-responsive.
2. Method of Review: The Klamath Tribes' Administration and its authorized representatives will review all proposals received and may contact the party to request further information. The Klamath Tribes' Administration may accept any given RFP as submitted or may negotiate with the party to establish terms most advantageous to the Tribes. The decision of the Klamath Tribes' administration and Tribal Court shall be final and not subject to appeal.
3. Method of Scoring: All proposals received on time will be evaluated and scored as follows:
 - a. (0-25 points) Scope of Work and Qualifications. The RFP must demonstrate ability to carry out each requirement listed in this RFP and specifically Sections A above.
 - b. (0-30 points) Required Qualifications: The RFP must demonstrate the proposer's qualification in accordance with Section B.
 - c. (0-10 points) Cost: Cost will be determined by formula method, if possible
 - d. (0-10 points) References: A record of integrity, judgment, performance, and timeliness in the execution of previous jobs will garner higher points.
 - e. (0-30) Writing Sample: The writing sample must demonstrate the writer's ability to draft and interpret laws with consistency to produce a comprehensive, well-written document.

- f. Indian preference: A minimum 15% of the evaluation points shall be granted to proposals that demonstrate entitlement to Indian Preference, which points shall not be available to non-Indian parties when using Method #3 of the Klamath Tribes Procurement Policy.
- g. In the case of duplicate proposals, the earliest postmarked envelope will be awarded unless otherwise advised in writing by the applicant that the later proposal is the appropriate one to review.

100 TOTAL POINTS POSSIBLE (without Indian Preference)

D. Instructions for Submitting Proposals:

Return one unbound single-sided proposal in a sealed envelope that is clearly marked according to the instructions below. **Alternate, faxed or emailed proposals will not be accepted.**

1. Sealed proposal can be submitted in three ways: 1) in person at 501 S. Chiloquin Blvd; 2) through US Postal Service; and 3) by ground delivery to 501 S. Chiloquin Blvd; all attention to:

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

2. On outside of sealed envelope write:
“RFP # KTJ2023-1COD and your name”
3. Proposals will not be accepted by email or fax.
4. For any questions on the proposal and requirements, please contact Danita Herrera at (541)783-3020, ext. 263, or email danita.herrera@klamathtribalcourts.com.

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

1. Proposals will be accepted at the address above up to **4: p.m. on April 18, 2023**. All timely responses to this RFP will be considered. The Klamath Tribes reserve the right to reject all proposals including those proposals received after the closing date and time. If at the time of the scheduled proposal closing date, Klamath Tribes Administration is closed due to uncontrolled events or administration closures, proposals will be accepted until 3:00 p.m. on the next normal business day.
2. The Grant and Contract Compliance Officer will assign a review panel to open and review all timely qualifications statements by email and Zoom starting the week of April 19, 2023. This process may take up to two weeks to complete and all responders will be notified by email after the selection has been made.
3. This RFP 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 party 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.
2. Preference and opportunities for training and employment in connection with the administration of these activities shall be given to Indian and Alaskan Natives.

G. Provisions:

1. If required, all parties must submit with their proposals 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 MBEs 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 Proposals may be terminated by The Klamath Tribes' Administration at any time for cause.
8. Each party submitting a proposal 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 Part 200 Subpart F. Copies of these requirements are available for review at the grantee's offices.

RFP Mailing List (For internal use only)

Provide list of names/firms solicited

Per Policy and adequate number of parties should be solicited which is generally a minimum of the three (3).

Solicit to Name/Address/Telephone/Email	Method of Solicitation	Date