



September 12, 2016
REQUEST FOR PROPOSAL
TO PROVIDE LAW ENFORCEMENT-RELATED LEGAL SERVICES
TO THE NAVAJO NATION

PROPOSAL DUE DATE: Thursday, September 15, 2016 at 5:00PM MT

CONTACT PERSON: Regina Holyan, Principal Attorney
Human Services and Government Unit
Navajo Nation Department of Justice
(928) 871-6216
rholyan@nndoj.org

E-MAIL PROPOSALS TO: rholyan@nndoj.org
lkee@nndoj.org

A. Scope of Work.

The selected Respondent will provide the Navajo Nation advice and recommendations on how to develop a nationally accredited uniform Use of Force Policy for the Navajo Division of Public Safety (NDPS) and its law enforcement departments and officers. NDPS is looking to revise its current policies to reflect modern police practices with respect to use of force. These revisions will, among other things, incorporate current case law and include law enforcement training specifically related to use of force situations, including officer-involved shootings.

The Navajo Nation Department of Justice will be accepting proposals for this service postmarked by 5:00 PM MT on Thursday, September 15, 2016. **NO LATE PROPOSALS WILL BE ACCEPTED.**

B. Fees. Describe in detail the hourly rate or other basis by which you will bill the time of attorneys and paralegals assigned to this scope of work, and your timekeeping and invoicing practices. If you intend to engage outside consultants or co-counsel, provide comparable information regarding fees and expenses.

C. Conflicts. Your firm should make an affirmative statement as to whether your former or current representation of clients presents any conflict of interest which might bar you from

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undertaking the responsibilities of these services, and the precise nature of any potential conflict. A conflict of interest may include, but not limited to whether you or your firm currently represents any other tribes, governmental, or private interests that may impact the Navajo Nation with respect to contracting, leasing or employment matters against the Navajo Nation and/or the NDPS.

SECTION I

SCHEDULE OF ACTIVITIES AND CONTACT

SCHEDULE

DEADLINES

1. Due Date for Proposals

Thursday, September 15
at 5:00 PM MT

2. Award Date for Contract

Monday, September 19
by 12:00 NOON MT

Prospective Respondents may make inquiries to up to Wednesday, September 14, 2016 at 5:00 PM MT. Any inquiries concerning this RFP or to obtain clarification of requirements will be answered up until that time.

Late proposals will NOT be accepted. It is the sole responsibility of the Respondent to ensure the proposal arrives via e-mail to rholyan@nndoj.org and lkee@nndoj.org prior to the date and time specified above.

SECTION II

QUALIFICATIONS

Respondents shall identify all relevant qualifications to provide Law Enforcement-Related Legal Services. The proposal should specifically address the degree of experience or expertise the Respondent possesses in the following areas:

- Knowledge of Federal Law, including U.S. Supreme Court Case Law, relating to Use of Force Policies and/or common police practices.
- Knowledge of State Laws relating to Use of Force Policies and/or common police practices.
- A general or full understanding of Tribal Police Organizations.

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- General knowledge or understanding of Use of Force Policies and Standards issued by or through a nationally accredited Law Enforcement Association of Chiefs of Police, or of Federal, State, or Tribal Law Enforcement.
- Knowledge of law enforcement training relevant to firearms, physical force, impact weapons, and taser deployment.

SECTION III

INSTRUCTIONS TO BIDDERS

- A. **REJECTION OF PROPOSALS:** The Navajo Nation Department of Justice reserves the right to reject any or all proposals and to waive all informalities and minor irregularities in receiving proposals.
- B. **PROPRIETARY INFORMATION:** Any restrictions on the use of data contained within any proposals must be clearly stated in the proposal itself. (Proprietary information submitted in response to this RFP will be handled in accordance with Navajo Privacy Act). Each and every page of the proprietary material must be labeled or identified with the word "PROPRIETARY."
- C. **RESPONSE MATERIAL OWNERSHIP:** All material submitted regarding this RFP shall become property of the Navajo Nation and will not be returned to the Respondent. Responses received will be retained by the Department of Justice and may be reviewed by any person after final selection has been made, subject to Paragraph B above.
- D. **COSTS INCURRED:** There is no express or implied obligation for the Navajo Nation to reimburse Respondents for any expenses incurred in preparing responses to this RFP and the Navajo Nation will not reimburse Respondents for these expenses, nor will the Nation pay any subsequent costs associated with the provision of any additional information or presentation, including costs incurred to interview with the selection team, or to otherwise procure a contract for these services.
- E. **ACCEPTANCE OF PROPOSAL CONTENT:** The content of the proposal will become contractual obligations if a contract award is made. Failure of the successful Respondent to accept these obligations may result in cancellation of the award and such Respondent may be removed from consideration for future Navajo Nation solicitations. The Navajo Nation Department of Justice reserves the right to pursue appropriate legal action in the above set of circumstances.
- F. **TERMS AND CONDITIONS:** Respondent will be expected to agree to the Navajo Nation Department of Justice's standard terms and conditions for outside counsel contracts.

- G. **GOVERNING LAW:** The review of this RFP will be conducted in compliance with applicable Navajo Nation laws.
- H. **SELECTION:** The Department of Justice and NDPS will select one or more firms to award an attorney contract to perform the work set forth in the Scope of Work. Selected firms will be notified by email.
- I. **EVALUATION PROCEDURES AND CRITERIA:**
1. A selection team will evaluate the proposals received in accordance with the general criteria used herein. Respondents should be prepared to provide any additional information the team feels necessary to the fair evaluation of proposals.
 2. Failure of Respondent to provide any information requested in the RFP may result in disqualification of the proposal. All proposals must be endorsed with the signature of an official with the authority to bind the Respondent to the execution of a contract.
 3. The sole objective of the selection team will be to identify the Respondent most qualified to fulfill the Scope of Work set forth herein, and that meets the Qualifications set forth above. The specifications in this RFP represent the minimum performance criteria necessary for a response.
 4. Financial Factors: Proposed costs will be evaluated not only to determine if the estimate is reasonable, realistic and cost effective, but also to determine the offeror's understanding of the scope of work and ability to organize and perform the contract. Cost/price factors will not be numerically weighed and scored, but will be considered as part of the overall response.
- J. **RETURN OF DOCUMENTS:** The Navajo Nation has no obligation to return any proposals received in response to this RFP.
- K. **TERM:** The term of any contract negotiated as a result of a proposal submitted in response to this RFP will be set forth by the Attorney General.

SECTION III

A. PROPOSAL CONTENTS

1. Identification of the name and title of the person authorized to negotiate the contract on behalf of the firm; and
2. A brief description of the firm and its areas of specialty, including identification of the primary office the firm will deliver services from; and

3. A description of how the firm meets the qualifications to perform the work described in the Scope of Work set forth herein; and
4. Certification as to the firm's level of expertise with respect to Federal Indian law and Navajo law; and
5. Identification of and biographies and/or resumes of the legal team that will conduct the work described in the Scope of Work; and
6. Identification of fees associated with individual team members; and
7. Identification of expenses the firm will charge; and
8. Signature by the individual authorized to contractually obligate the firm.

B. INSTRUCTIONS TO THE RESPONDENT

Any proposal that does not adhere to this format and that does not address each requirement, the scope of work, and the required qualifications set forth in this RFP may be deemed non-responsive and the proposal may be rejected on that basis.