

REQUEST FOR PROPOSALS (RFP)
WILL & ESTATE PLANNING ATTORNEY SERVICES
ISSUE DATE: May 19, 2020

■ I. SUMMARY

The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) seeks proposals that would provide Will and Estate Planning legal services (Program) directly to CTUIR members (Client). The Program is a pass-through contract administered by the CTUIR Office of Legal Counsel.

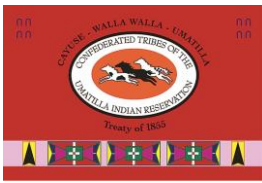
The CTUIR Comprehensive Plan Element 5.3 Land Base Restoration Objectives include encouraging tribal member land ownership and reduce fractionated land ownership. The Program goals encourage CTUIR members devise their trust properties without further fractionalization or leaving trust status through BIA probate process. The Program provides individual Clients with legal services and sealed, confidential storage of a will and estate-planning documents with the CTUIR Enrollment Office.

Services include individual Client meetings, advising and drafting estate planning for trust land and other property they may own, accessing or coordinating with federal and tribal agencies related to the completion of the will drafting, and causing the documents to be filed with the CTUIR Enrollment Office.

Bidders are encourage to provide flexible proposals. For several years, the contracted attorney conducted four, seven working day visits over a ten month time frame. The Project is averaging eight completed wills and end of life documents per visit. Proposals may propose alternative service structures, but must include on-site visits and off site availability. The goal is to complete 25 wills and estate planning packages annually. Please be prepared to provide notary and witness services within your proposal. Past advertised RFP's requested proposals for a one year contract period, currently the CTUIR is requesting proposals for a three year contract period.

INSTRUCTIONS

Proposals will be accepted until the award of the winning bidder service contract. Proposals should be submitted in PDF format vial email to LegalCounsel@ctuir.org with the suggested subject line: Wills Program Bid Proposal. First review of proposals will begin for those received via email by midnight **June 30, 2020**.



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■ II. RFP QUALIFICATIONS & SCORING

A. STATEMENT OF QUALIFICATIONS REQUIREMENTS

Step 1: Description of Bidder practice areas and services proposed, including an explanation of how these services will best meet CTUIR goals to prevent further fractionalization of allotment interests, and Tribal member goals of estate planning as described in the Scope of Work. Five or more years of experience in Indian lands or probate matters is preferred. Additional preferences are awarded for bundled legal service packages that may include a will, durable power of attorney, advanced directives and related materials. Please limit the proposal to 4 pages, which include fees, references, fitness to practice, and conflicts.

Step 2: Written proposals will be evaluated by the Office of Legal Council (OLC). Evaluations are conducted on a point system, which includes preference points for qualified Indian bidders. Points will be awarded among in accordance to §IV Evaluation Criteria. If the proposal fails to adequately demonstrate how to achieve the RFP goals, they will not be entitled to further consideration.

Step 3: OLC will conduct reference checks for the highest scoring Proposal(s). If the reference checks are positive, interview(s) may be scheduled.

Step 4: The OLC will contact the selected bidder(s).

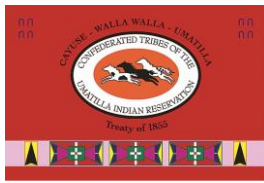
Step 5: Should the process require, contract negotiations will commence with the selected bidder.

Step 6: If negotiations with the initially selected bidder fail to produce a contract, the OLC reserves the right to enter into negotiations with one or more other bidder(s), or engage alternative options under the CTUIR's Procurement Policy, and if needed chose not to proceed with negotiations.

B. EVALUATION CRITERIA

I) PRICE: 20% (20 points possible). The CTUIR's Fiscal Management Policy (FMP), VII § 4 notes the following guidance that applies to this RFP and award determination: *To the extent possible, all Tribal Organizations shall coordinate procurement efforts to achieve the greatest economies of scale.* And FMP, VII § 5 directs that: *In the acquisition of goods and services, preference shall be afforded to businesses owned by Tribal Members or CTUIR departments and entities who have the ability to perform services and/or deliver goods at the level of quality and quantity, and within such time frames and cost as are required.* Price scoring will be determined within the following framework:

- A. Lowest Price - The lowest price, calculated per each completed will/service package. There will be no additional payments for travel or ancillary costs. (7 points).



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- B. Nixyáawii Chamber of Commerce (Chamber): Proposals must indicate a willingness to become a member of the Chamber at no further cost the CTUIR. (3 points)
- C. Malpractice Insurance – Indicate whether the practitioner(s) have malpractice insurance, or certify that they will obtain malpractice insurance. (3 points)
- D. Tribal Preference (7 points) - Certification of a tribally owned business may be satisfied through such a designation by the CTUIR TERO Program. To secure Tribal Preference, the Proposal must reflect either a current CTUIR TERO designation as an Indian Owned Business; or eligible to become certified within 30 days of notice to award of the Program Contract.

II. EXPERIENCE: 40% (40 points possible). Experience scoring is determined by:

- A. Length of time in practice (3 points).
- B. Depth of practice in (33 points):
 - Indian law experience in the unique federal relationship to tribal trust allotments(3 points);
 - estate planning or will drafting (6 points);
 - familiarity with the CTUIR Inheritance Code and IBIA interpretations of the Code (6 points)
 - federal probate of Indian lands (2 points);
 - experience in multi-jurisdictional issues (4 points);
 - experience with tribal, state, or federal government probate of estates (3 points);
 - experience with the Bureau of Indian Affairs and the Office of Special Trustee (9 points).
- C. Demonstrated competent practice applicable to this RFP (4 points);

III. SUITABILITY: 20% (20- points possible) Suitability scoring is determined by:

- A. Demonstrated cultural competence with tribal/Indian communities: Include experience, accomplishments, work or community affiliation, and advocacy for issues of justice; (7 points)
- B. Understanding of the jurisdictional basis, challenges, needs and opportunities related to tribal or Indian lands and probate: drafting wills that minimize the need for federal probate complications and competent advising clients achieve their estate planning goal; and comprehension of the jurisdiction relationship between tribal, state and federal laws in probate matters. (13 points)

IV. LEADERSHIP QUALITIES: 20% (20 points possible) Leadership scoring will be determined by:

- A. Experience working within teams with divergent community interests; (2 points)
- B. Experience in strategic planning, organizing and resource gathering; (4 points)
- C. Accomplishments that address Indian probate needs. (6 points)
- D. Willingness to mentor Indian attorney practitioners, interns and staff in estate planning and probate matters. This willingness element is intended to enhance future opportunities and experience for Indian practitioners to serve Indian Country. (8 points)