



# **REQUEST FOR PROPOSALS**

**FOR**

**Legal Code Review  
and  
Development of a Legal Assistance Program**

**RFP2020-003**

**DATE: July 27, 2020  
DUE: August 31, 2020**

# **Part I: Background and General Information**

## **Introduction**

The Confederated Tribes of Siletz Indians (CTSI) is a sovereign Tribal government located in Siletz, Oregon. The Siletz Tribe is proud of its contributions through employment, monetary donations, and cooperative measures to the Siletz community, Lincoln County, and the State of Oregon. In 1995, the CTSI opened the Chinook Winds Casino Resort in Lincoln City, Oregon which created employment opportunities for tribal members as well as generated millions of dollars in revenue directly to the CTSI as well as businesses in Lincoln City. The Tribe has honored its tradition of sharing within numerous communities throughout the state by distributing more than \$12 million through the Siletz Tribal Charitable Contribution Fund and other tribal resources. Chinook Winds Casino Resort (CWCR) has donated more than \$3 million in cash and fundraising items since it opened in 1995.

Today the Siletz Tribe and its Chinook Winds Casino Resort is the largest employer in Lincoln County, contributing significantly to the health, well-being and economic stability of its residents.

The Siletz Tribe has a long tradition of serving as a central player in the economic vitality of the Central Oregon Coast communities. CTSI has two major Human Resource Departments serving its multitude of entities. These include its government's administrative Human Resource Department that primarily service 250 employees who comprise the Siletz Tribe's Administrative and Program Departments including Health, Natural Resources, Planning, Housing, Education, and Social Services. In addition, the Chinook Winds Casino Resort houses a Human Resource Department which primarily services 780+ employees of the resort who comprise employment in hospitality areas in the Casino, Hotel, Golf Course and Convention Center along with administrative functions.

CTSI's main government office, housing office, health clinic and childcare, facility are located in Siletz, Oregon with area offices located in Portland, Salem and Eugene. We additionally have a Head Start facility, housing office, along with the casino resort, hotel and golf facilities, STBC, IAD, and STGC all located in Lincoln City, OR.

The Siletz Tribe is governed by a nine member Tribal Council who are elected by the members of the Tribe's General Council. The General Council is comprised of enrolled tribal members who are eighteen years of age and older. The Siletz Tribal Council sets policy and vision for tribal government and tribal enterprises and oversees the operation of Chinook Winds Casino Resort. General Managers of the Siletz Tribal Administration, Chinook Winds Casino Resort, the Siletz Gaming Commission and Internal Audit Department report directly to and are supervised by the Siletz Tribal Council.

The Siletz Tribal Court is comprised of one Chief Judge, two Appellate Judges, one District Court Judge, one Gaming Court Judge, one Community Court Judge, one full-time Court Administrator and one half-time Deputy Court Administrator. Tribal Council appoints Judges to

the Tribal Court and this branch of Government. The Tribal Court's authority includes, but is not limited to, the power to review and overturn Tribal legislative and executive actions for violations of the Tribal Constitution or of the Federal Indian Civil Rights Act of 1968. Currently the Tribal Court hears cases on family, juvenile, employment, housing, tort claims, torts, and other matters that fall within the current tribal ordinances. The Tribal Court Mission Statement is: To protect the rights of the Tribe and its members; to enforce obligations and law while maintaining the sovereignty of the Siletz Tribe as an Indian Nation.

## **Part II: Project and Stipulations**

### **Project and Scope of Services**

**The Siletz Tribal Council is seeking proposals for two related, but separate projects. (1) A review of all Tribal Ordinances, Codes, policies, and procedures. (2) An analysis of options for the development of a legal assistance program for tribal members in Tribal Court.**

**Consultants can develop proposals that address one or both of the projects below, and must clearly indicate their intentions in their proposals. The selected consultant(s) will provide the following for and on behalf of CTSI and its entities:**

1. Work with Siletz Tribal Council and designated staff to examine and evaluate all Tribal Ordinances, Codes, policies, manuals, and procedures.
  - a. CTSI is governed by a constitution. All subsequent ordinances, codes, policies, and procedures must be in accordance with the adopted Constitution. All ordinances and codes can be reviewed at : <http://www.ctsi.nsn.us/warm-springs-umpqua-tillamook-siletz-government/tribal-ordinances>.
  - b. Various ordinances, codes, policies, manuals, and procedures have been developed at different times and for different purposes. An evaluation of those documents is needed to ensure that they do not contradict or conflict with each other. Additionally, that they are well integrated and interoperable. If there are contradictions or conflicts, then suggested corrections will be developed.
  - c. Identify and draft any additional Ordinances, Codes, policies, and procedures that are necessary in order to effectively govern.
  
2. Work with Siletz Tribal Council and designated staff to identify options for the development of a legal assistance program to assist Tribal members in Tribal Court.
  - a. Identify a range of options and recommendations for what a legal assistance program could look like for CTSI.
  - b. Develop an implementation plan for the chosen recommendation.
  - c. Assist in implementing the chosen recommendation.

### **Written Deliverables:**

- 1) Legal Code Review
  - a. Written Report to the Siletz Tribal Council identifying:

- i. Ordinances, Codes, policies, manuals, and procedures that are: either absent, in violation of the Constitution, or otherwise needing revision.
    - ii. Any Ordinances, Codes, policies, manuals, and procedures that are in conflict with each other.
    - iii. Recommendation for changes to Ordinances, Codes, policies, manuals, and procedures.
    - iv. Recommendations for additional Ordinances, Codes, policies, manuals, and procedures that may be needed which are typical in a Tribal government and currently missing.
- 2) Development of a Legal Assistance Program for tribal members in Tribal Court
  - a. A final Legal Assistance Program Plan based on options chosen by the Siletz Tribal Council to include:
    - i. Identified Key Staff.
    - ii. Identified projects and substantive types and areas of legal representation that will be provided to Tribal members.
    - iii. An implementation plan and schedule.
    - iv. Projected annual budget requirements.

### **Timeline to Completion**

CTSI estimates this contract would be completed within 12 months of contract signing, barring any significant delays. If submitter believes this timeline is not appropriate, it must state so in the Proposal, and recommend an amended timeframe.

### **Proposal Tenure**

All proposals shall include a statement that the proposal shall be valid until contract award or until March 31, 2021.

### **Incurred Expenses**

CTSI shall not be responsible for any expenses incurred by Submitter in responding to this RFP. All costs incurred by Submitter in the preparation, transmittal or presentation of any proposal or material submitted in response to this RFP will be borne solely by the Submitter.

### **Cancellation of Requests for Proposals or Rejection of Proposals**

While it intends to award a successful bidder, CTSI is under no obligation to award a contract to any Submitter. Within CTSI's sole discretion, for any reason whatsoever, CTSI may cancel this RFP and may reject any proposal or other material submitted in response to this RFP.

### **Evaluation of Proposals, Negotiation**

Responses will be evaluated by an internal review committee of CTSI using the criteria listed in Parts III and IV below.

CTSI shall award the contract to the Submitter whose proposal scores highest according to the evaluation criteria identified by CTSI. Prior to selection, any corrections, modifications, and

amendments will be provided to all qualifying submitters. Proposals shall be evaluated on the criteria listed in Part III below.

### **Award Notice**

CTSI shall provide written notice of the award to all Submitters within ten (10) business days of the date of the award. CTSI reserves the right to negotiate minor modifications to the proposal with selected awardee. The award shall be contingent upon successful negotiations of a final contract between CTSI and the Submitter whose proposal is awarded by CTSI Tribal Council who has final authority to approve the award.

### **Contract Term**

The successful Submitter will enter into a mutually agreeable contract with CTSI for services to be performed. The term of the contract shall begin as soon as the contract is awarded and fully executed, and be completed as required by the contract. CTSI estimates this contract would be completed no longer than 12 months from contract signing, barring any significant hold ups. If submitter believes this timeline is not appropriate, it must state so in the Proposal, and recommend an amended timeframe. This RFP, the proposal submitted by the successful Submitter, and the fee structure of the submitted proposal, shall define the terms by which the successful Submitter shall perform the services contemplated by the RFP, and will further apply to added alternatives.

### **Contract Fee Structure**

The fee structure of the Contract will be a “**stipulated sum NTE**” (firm fixed price not to exceed) amount. This stipulated sum amount will be reflected from within the proposal submitted and may be used in the process of determining the successful submitter. Other amounts defined in the fee structure will include any and all amounts that may be in addition to the stipulated sum amount. Sufficient information will be provided in the proposal and contract to define and justify all costs associated with the stipulated sum amount as well as any other, anticipated or not anticipated, costs.

### **Proposal Confidentiality**

Except in response to inquiries from the Contact Person as part of the evaluation process, until the award is made and notice is given to all Submitters, no employee, agent, or representative of a Submitter shall make available or discuss its proposal with any officer, Board member, employee, agent or representative of CTSI other than the Contact Person.

Until the award is made and notice of award is given to all Submitters, CTSI will not disclose the contents of any proposal or discuss the contents of any proposal with any Submitter or potential Submitter, so as to make the contents of any offer available to a competing or potential Submitter.

Any information provided by the Contact person, requested in writing from the submitter, will be kept in strict confidence. No information may be shared publicly or with third party organizations not associated with Submitter without written consent of CTSI.

### **Code of Conduct**

No CTSI Council or Board member or employee of a tribal entity shall have any direct financial interest in any contract with the Submitter nor shall any contract exist between Submitter or its affiliate with Council, Board or staff that could give rise to any claim of conflict of interest. Any violation of this provision will render the contract void, unless it is approved by CTSI Board of Directors after full disclosure.

Submitter shall warrant that it has no interest, direct or indirect, which would conflict in any manner or degree with the performance of services required under this contract. In the proposal, Submitter shall disclose any pertinent information relating to conflicts or potential conflicts of interest.

### **Certification of Compliance with Equal Employment Law**

Successful Submitter will be required to comply with applicable tribal and federal laws, regulations, and executive orders relating to equal employment opportunity and affirmative action.

### **No Waiver of Sovereign Immunity**

This RFP shall not in any way be deemed to limit, diminish or abrogate in any way CTSI's sovereign immunity from suit.

### **Presentations**

CTSI reserves the right to ask qualified Submitters to attend a presentation meeting to further explain their proposal, should CTSI feel it is warranted. This may happen should there be a significant number of Submitters and a clear winner is not determined by scoring the individual proposal documents. In such case, the top three-five Submitters, as determined by the selection committee, would attend a mutually agreeable meeting time and place in order for the Submitter to further explain their proposal. CTSI will be the sole determinant of whether presentations are necessary, and whether those presentations will occur in person or by virtual platform. No proposers will be allowed to present unless all "finalists" are available to present.

## **Part III: Minimum Qualifications and Requirements**

CTSI is seeking a person(s) or firm(s) that can effectively and independently accomplish two separate, but related projects. (1) A review of all Tribal Ordinances, Codes, policies, and procedures. (2) An analysis of options for the development of a legal assistance program for tribal members in Tribal Court. Proposals can be submitted to address one or both of the projects. Submitter may provide one submittal, but must clearly delineate between the costs and scope for each project they wish to respond to.

All submitters shall, at a minimum, include the following in their proposal pursuant to this RFP:

1. Submitter must have proven experience legislative drafting experience, including the following categories:

- a. Experience working with principles of federal Indian law.
  - b. Record of successfully drafting constitutional provisions, Ordinances, Codes, manuals, policies and/or other Tribal legislation.
  - c. Experience advising tribal governments.
2. The proposal must clearly delineate between the costs and scope for each project, including requirements 3-6 below.
3. Submitter must provide Client References – List a minimum of 2 clients whose scope of work most closely reflects that mentioned in this statement of solicitation. Information shall include at a minimum: Project name and location, scope of services provided, and reference contact information, i.e. name and phone number.
4. Submitter must provide Resumes of key personnel directly involved in this engagement - This should include only those individuals who will be assigned to the CTSI, and the minimum percentage of time committed by each. This also includes resumes of attorneys to be assigned to the project and their qualifications:
  - a. Professional and educational background of each attorney.
  - b. Prior experience of the individual attorneys with respect to the required experience listed above, with particular focus on the attorney's experience in legislative drafting, federal Indian law, tribal law and tribal legislation development and/or reform.
5. Submitter must summarize its understanding of the scope of services being requested by the CTSI. Describe the Submitter's approach to cost-effectively meeting CTSI's deliverables/objectives on or before the project completion. In addition to addressing any concepts and/or deliverables identified in the Scope of Services, the project approach description should include the following:
  - a) The most critical elements of the Project that the selected team must address for a successful outcome.
  - b) Identification of deficiencies and needs and development of alternatives to the proposed tasks and deliverables.
6. A summary proposal of costs showing consulting time and any estimated ancillary costs such as travel, copies, overhead, and other costs to be borne by the Submitter in performance of this contract in its duration.
7. Submitter shall provide proof of Indian Preference should it apply to the business entity or individual who will contract for services of this RFP. Indian Preference qualifies as 51% ownership of business entity by an enrolled Native American/Tribe.

## Part IV: Evaluation Factors

CTSI shall award contract(s) to the Submitter(s) whose proposal is most advantageous to CTSI, as based on the criteria below.

Proposals meeting minimum qualifications shall be evaluated on the four criteria listed below. Each project will be scored individually, regardless of whether a proposal was submitted for one or both projects. Each proposal for each project shall be scored based on the points allotted to each criteria, 100 combined points maximum. The number of points assigned to a proposal does not necessarily determine the award of a contract; rather it establishes benchmarks to assist in the overall evaluation of the proposal.

### **Experience and Capability**

Maximum Points: 50

Submitter's skill, knowledge and experience in similar subject area consulting as outlined in this proposal. Relevant experience and qualifications of person(s) who will perform the actual work will be considered under this evaluation factor. If applicable, this rating will focus on those persons assigned to the CTSI contract, rather than the characteristics of the Submitter firm. Additional criteria that may be considered for points include but are not limited to previous work, including work performed for other Tribal organizations.

### **Proposal Format and Criteria**

Maximum Points: 10

Submitter's proposal must be professional, readable, and meet the minimum criteria as listed in Part III and Part V of this document.

### **Indian Preference**

Maximum Points: 10

CTSI welcomes proposals from all interested persons and businesses. However, in evaluating the relative merit of each proposal and ultimately awarding the contract, CTSI will give a tribal preference as follows: ten points to enrolled Siletz tribal member owned businesses, and five points to businesses owned by enrolled members of other federally recognized Indian Tribes. Tribal preference is not the only factor in the evaluation process, but it is an important one.

### **Fees**

Maximum Points: 30

As well as the "stipulated sum amount NTE", a listing of cost of services per unit provided by the Submitter will be used to evaluate the fee criteria. This may be stated in terms of a range with a maximum and minimum price for labor, materials and equipment of differing configurations.

## Part V: Proposal Format and Instructions to Submitter

Proposals submitted to CTSI must, at a minimum, contain the following information and shall be organized as follows:

### A. Letter of Transmittal

Include at least the following information:



- a. Name, address and telephone number of Submitter and/or Submitting Firm;
  - b. Identify which project(s) (Legal Code Review, Legal Assistance Program Development, or both) the Proposal addresses;
  - c. A signature of the Submitter or of any partner, officer or employee who certifies that he or she has the authority to bind the Submitter;
  - d. Date of Proposal;
  - e. A statement that the Submitter proposal is valid for ninety (90) days after the deadline for submission of proposals.
- B. Names and resumes of the key personnel including support staff to be assigned to the account: Resumes describing the qualifications of personnel to be utilized in the performance of this contract must show, at a minimum, the person's name, education, position, and total years and types of experience relevant to the performance of the contract.
- C. References: Provide names of at least two references of persons who have worked with the proposed same primary personnel.
- D. Submitter's proposal for delivering services for one or more of the programs in which services would be provided, including organization of responsibilities, work plan, approach and the availability of personnel for consultation and discussion as necessary to serve the needs of CTSI.
- E. Costs: "Fee Schedule for Professional Services and Expenses" must be included in this proposal. Rates for added alternatives and additional scope of work shall be negotiated at the same rate schedule. The fee schedule must show the cost for each project if awarded separately and what the cost would be for performing both projects together. A submitter has the opportunity to bid on one or both projects. The bid must clearly specify either way.
- F. Conflict of Interest Disclosure: Please provide a statement disclosing any current or proposed business transaction between Submitter and any CTSI member, officer, employee or their employer or other potential conflict which may give rise to a claim of conflict of interest. Submitter shall warrant that it has no interest, direct or indirect, which would conflict in any manner or degree with the performance of services required under this contract.
- G. Litigation: Please describe any material, current or pending litigation, administrative proceedings or investigations that could impact the reputation or financial viability of your firm.
- H. CTSI requires that Submitter be an Equal Opportunity Employer: Provide a statement that Submitter complies fully with all government regulations regarding nondiscriminatory employment practices and provide a copy of any written EEO, ADA or affirmative action policies presently followed by Submitter.

- I. Proof of Indian Preference, if applicable.

## **Part VI: Submission Procedures**

### **Proposal Submission**

- A. One **original** of the proposal must be received at the front desk of the CTSI Administration Building at the address below no later than **August 31, 2020 @ 4:00 p.m.** Pacific Time. Proposals shall be in envelopes marked **“CTSILLEGAL 2020”** or via **email with the subject line CTSILLEGAL 2020**. Proposals will be reviewed after the deadline established for receipt of proposals. *Proposals will not be opened publicly and will not be available for public inspection until after the award of the contract.*
  
- B. Proposal must be delivered to:  
  

**Confederated Tribes of Siletz Indians**  
**Attn: Dan McCue, CFO**  
**PO Box 549**  
**Siletz, OR 97380**  
**Email: [danielm@ctsi.nsn.us](mailto:danielm@ctsi.nsn.us)**
  
- C. Incomplete proposals shall not be considered.
  
- D. Discussion may be conducted with Submitter(s) to provide clarification before award of contract. Any and/or all proposals may be selected and/or rejected with or without such discussions.