

POKAGON BAND OF POTAWATOMI INDIANS

REQUEST FOR PROPOSAL

HAZARD MITIGATION PLAN

**Pokagon Band of Potawatomi Indians
Police Department
58620 Sink Rd
Dowagiac, MI 49047**

INSTRUCTIONS

1. Background.

The Pokagon Band of Potawatomi Indians (“Pokagon Band”) is a sovereign, federally recognized Indian tribe. The Pokagon Band’s main administrative offices are located at its Rodgers Lake Campus near Dowagiac, Michigan. The Tribal Council is the governing body of the Pokagon Band.

The Pokagon Band’s service area consists of the Michigan counties of Allegan, Berrien, Van Buren, and Cass and the Indiana counties of La Porte, St. Joseph, Elkhart, Starke, Marshall, and Kosciusko. The Pokagon Band currently has approximately 3,358 acres of trust land and 3,282 acres of fee land (“Band Land”) in the Michigan counties of Berrien, Cass and Van Buren and in St. Joseph County, Indiana.

The Pokagon Band has multiple facilities, including within Band Land. From its facilities, the Pokagon Band operates multiple departments and programs, which provide essential governmental services to eligible persons, including to the Pokagon Band’s approximately 5,800 enrolled citizens. The Pokagon Band’s departments include the Department of Health Services, Department of Housing, Department of Facilities, Department of Education, Department of Social Services, Department of Language and Culture, Department of Human Resources, Department of Information Technology, Department of Communications, Department of Natural Resources, Department of Finance, Office of General Counsel, Tribal Court System, and Police Department.

2. Description.

Pursuant to this Request for Proposal (“RFP”), the Pokagon Band seeks proposals from qualified entities or individuals (each a “Proposer”) relating to: (1) preparing a Hazard Mitigation Plan (“HMP”) that meets the requirements of applicable law, including the Standard Mitigation Plan Requirements that apply to all tribal mitigation plans submitted to the Federal Emergency Management Agency (“FEMA”), being 44 C.F.R. Part 201; and (2) obtaining FEMA approval of the HMP. Specifically, the services to be provided by the selected Proposer (“Consultant”) shall include the following (“Services”):

- The Consultant shall meet with the Pokagon Band Emergency Manager (“Emergency Manager”), Natural Resources Director, and other Pokagon Band staff and shall tour Band Land. In connection with the tour, the Emergency

Manager will identify the Band Land that will be subject to the HMP (“Planning Area”).

- The Consultant shall review the following documents (a copy of which shall be provided by the Pokagon Band): (1) Pokagon Band Mitigation Plan; (2) Pokagon Band Emergency Operations Plan; (3) Band Land, including Planning Area, related information; (4) appropriate Michigan and Indiana County Mitigation Plans; and (5) other relevant planning and research documents identified by Emergency Manager.
- The Consultant shall assist the Pokagon Band with facilitating a minimum of two (2) public meetings to obtain input on the HMP from the various stakeholders, including, the Tribal Council, Pokagon Band staff, Pokagon Band citizens, non-Band agencies, and the non-Band community. The purpose of the public meetings includes to provide an opportunity for stakeholders to discuss their knowledge and perception of risk, and how to meet their needs as part of the process.
- The Consultant shall complete a hazard identification and risk assessment for the Planning Area, which shall provide the factual basis for activities proposed in the strategy that will reduce losses from identified hazards that could potentially impact the Planning Area. The risk assessment shall make a clear connection between the Pokagon Band’s vulnerability and the hazard mitigation actions. In completing the above, the Consultant shall consider all relevant information, including as appropriate, the above-referenced documents and stakeholder input and shall incorporate the same into the HMP, as appropriate.
- The Consultant shall develop a draft HMP, which at a minimum, shall meet all HMP content requirements under applicable law, including as set forth in 44 C.F.R. 201.7(c), relating to: (1) planning process; (2) risk assessment; (3) mitigation strategy; (4) maintenance process; and (5) assurances. The Consultant shall ensure that the HMP meets all requirements of the current FEMA Tribal Mitigation Plan Review Guide and FEMA Policy: Tribal Mitigation Plan Review Guide.
- The Consultant shall: (1) forward the draft HMP to the Emergency Manager for review and comment, and revise the draft HMP, as appropriate, in consultation with the Emergency Manager; (2) cause the draft HMP to be distributed for public comment (in a manner reasonably determined by the Emergency Manager) for at least thirty (30) days; (3) consider all public comments and revise the draft HMP, as appropriate, in consultation with the Emergency Manager; (4) submit the draft HMP to FEMA for approval, and (5) if FEMA does not approve the draft HMP, then revise the same, as required to obtain FEMA approval, in consultation with

Emergency Manager. After FEMA approves the draft HMP, it will be forwarded to the Tribal Council for approval. The Consultant may be required to present the draft HMA to Tribal Council on one or more occasions.

3. Contents.

Proposals must not exceed 30 single-sided pages, including the cover page and should be prepared on 8 ½ x 11-inch paper using at least 12-point font with 1-inch margins. Proposals must meet all requirements of this RFP. Proposals also must include a cover letter summarizing the proposal, which must certify that the signatory is legally authorized to commit the proposer to all terms and conditions of the proposal.

Proposers are discouraged from including any information in a proposal that may be considered confidential or proprietary under applicable law. If a proposal must include such information, then a proposer must specifically designate the specific portions of the proposal that are confidential or proprietary. The Pokagon Band will treat such information as confidential, but neither the Pokagon Band nor any of its officials, employees or representatives shall be responsible for any release of such information.

4. Fee.

Proposals must state all amounts to be charged in connection with completing the Services (including for each portion of the Services) along with all expenses for which the Proposer will seek reimbursement. Any discounts shall be incorporated as a reduction in the proposal price and not shown separately. The price stated on the proposal shall be the price used in determining awards. Proposers are solely responsible for all costs and expenses which are incurred in connection with preparing and submitting a proposal.

5. Identity.

Proposals must state the legal name, address and telephone of the Proposer and whether the Proposer is an individual or entity and, if the Proposer is an entity, the type of entity (corporation, limited liability company, partnership, etc.). Proposals must be signed above the typed or printed name and title of the signer, who must be authorized to bind the Proposer to the proposal.

Joint proposals will not be accepted. A proposal must identify any Services that the Proposer would seek to have performed through a subcontractor and, for each

subcontractor, shall state the information listed immediately above and in Paragraph 6 below.

6. Qualifications.

A Proposer should have (a) demonstrated knowledge and experience in working with Indian tribes; (b) demonstrated knowledge and experience in developing HMPs; (c) knowledge of applicable federal statutory and regulatory requirements for the HMP, including HMP contents and eligibility requirements for FEMA HMP grant programs.

A proposal must: (a) provide a brief description of the Proposer, including the Proposer's history, ownership, size, etc.; (b) describe the Proposer's experience in providing services substantially similar to the Services; (c) provide a summary of the proposer's key strengths and qualifications; and (d) identify and provide a brief professional biography or resume of each individual who would perform any Services.

7. Time Estimate.

A proposal must include an estimate of the time it will take to complete the Services, including each component of the Services, and must describe any anticipated assistance from Pokagon Band personnel.

8. Deadline.

Proposals must be received by the Council no later than 5:00 P.M. on April 23, 2021 ("Deadline"). Each proposer is solely responsible for ensuring that the proposal is received by the Deadline. Telephone confirmation of receipt of the proposal may be made by calling the Michael Bradley, Deputy Chief, at (269) 462-4282.

9. Submission.

Proposals must be delivered by email to Michael Bradley, Deputy Chief, at michael.bradley@pokagonband-nsn.gov. The subject of the email must be entitled: "Proposal for Hazard Mitigation Plan".

10. Review.

A public opening of proposals will not occur. The Police Department will review proposals and make a recommendation to Tribal Council.

11. Clarification.

Proposers must examine this RFP and judge all matters relating to the adequacy and accuracy of the same. Any inquiries, suggestions, or requests concerning interpretation, clarification or additional information regarding this RFP (“Request”) must be made to Michael Bradley, Deputy Chief, not less than one (1) week prior to the Deadline.

Neither the Pokagon Band nor any of its officials, employees or representatives shall be responsible for any verbal response provided in connection with a Request. The Pokagon Band reserves the right to request additional information from a Proposer and to request a presentation from a Proposer.

12. Irrevocable.

Any proposal may be withdrawn before the Deadline. Any proposal not timely withdrawn shall constitute an irrevocable offer for a period of 120 days to perform the Services, which may be accepted by the Pokagon Band through issuance of a notice of award to the selected Proposer.

Proposal modifications will be accepted only if received prior to the Deadline, in writing, properly signed by the authorized representative of the proposer. Proposal modifications shall be submitted in the same manner as a proposal but shall be clearly marked as “Modification to Proposal for Hazard Mitigation Plan”.

Any mathematical errors contained within a proposal shall be corrected by the Pokagon Band, including misplaced decimal points or discrepancies between unit prices and extended prices, etc.

13. Evaluation.

The Tribal Council will select the proposal that it determines, in its sole discretion, to be most advantageous to the Pokagon Band. The Tribal Council will determine whether a proposal meets the requirements of this RFP and may eliminate a proposal for failure to comply with one or more of the requirements of this RFP.

14. Reserved.

The Pokagon Band reserves the right to reject all proposals, to waive variances or deficiencies in any proposal, to abandon the project, or to re-solicit other proposals for the project on such terms as the Pokagon Band deems appropriate. The Pokagon Band may, at its discretion, waive any formalities or irregularities contained in a proposal or in the manner of its submittal and award a contract. This RFP does not create any obligation which is legally enforceable against the Pokagon Band or any Pokagon Band official, employee or representative.

15. Contract.

The Pokagon Band anticipates entering into a contract in connection with this RFP. This RFP is not a contract offer and any proposal submitted in response to this RFP shall not constitute a contract with the Pokagon Band. A contract between the Pokagon Band and a Proposer shall not be established until the Pokagon Band has fully reviewed all proposals, the Pokagon Band has prepared a written contract, and an authorized representative of the Pokagon Band and the selected proposer have executed the contract. If the Pokagon Band and the selected proposer are unable to finalize a contract, then the Pokagon Band may elect to accept another proposal or re-solicit additional proposals through a new RFP or other process. The selected Proposer must complete all forms required by the Pokagon Band.

16. Collusion.

Each proposer represents that the Proposer has not, directly or indirectly, divulged to, discussed or compared the proposal with any other Proposer and has not colluded in any manner whatsoever with any other Proposer in connection with this proposal.

17. Compliance.

Proposers must comply with, and proposals are subject to, all applicable laws, rules, regulations and standards in connection with the Services, including without limitation, all requirements which apply in connection with the Pokagon Band using any grant to fund the Services, whether in whole or part. By submitting a proposal, each Proposer acknowledges and agrees to all terms and conditions of this RFP.