

**NAVAJO NATION DEPARTMENT OF JUSTICE
REQUEST FOR PROPOSALS**

PROPOSAL DUE DATE: Friday, February 17, 2023 at 3 p.m. MDT

CONTACT PERSON: Christine Benally, ALS
Navajo Nation Department of Justice
Office of the Attorney General
(928) 871-6345

E-MAIL PROPOSALS TO: contracts@nndoj.org

- A. Scope of Work: The selected contractor(s) (attorney(s) or law firm(s)) will provide the following services to the Navajo Nation:

Under the direction of the Navajo Nation Attorney General or her designee, the Attorney(s) will provide legal and litigation services to the Navajo Nation Office of the Attorney General related primarily to Water Rights in the State of Utah. The Attorney must have a sophisticated understanding of Federal Indian Law, Indian Water Rights Law, the Navajo Nation Government and Utah Law. The Attorney must be a member in good standing of the State Bar of Utah. Assignments may include, but not limited to, representing the Navajo Nation in State of Utah administrative and court proceedings related to securing and protecting Navajo Nation water rights, drafting and negotiating Indian water rights settlements, including related legal documents and/or agreements and other related legal work as assigned.

- B. Fees: Respondent must describe in detail the hourly rate or other basis by which the Attorney(s) will bill time, and also describe the Attorney(s) timekeeping and invoicing practices.

- C. Conflicts: Respondent must affirmatively state whether the Attorney's former or current representation of clients presents any conflict of interest which might bar undertaking the responsibilities of the Scope of Work. Respondent must also describe the precise nature of any potential conflict. A conflict of interest may include whether Attorney currently represents any other tribes or private interests that may impact the Navajo Nation with respect to contracting, leasing or employment matters against the Navajo Nation and/or Navajo Nation Enterprises.

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SECTION I

TENATATIVE SCHEDULE AND CONTACT

SCHEDULE:

1. Due Date for Email Receipt of Proposals
2. Opening and review of Submittals
3. Interviews (if necessary)
4. Award Date for Contract

DEADLINES:

Friday, February 17, 2023 at
3:00 PM MT

Tuesday, February 21, 2023 at
8:00 AM MT

February 22-24, 2023

March 1, 2023
by 5:00 PM MT

Prospective Respondent may make inquiries to Christine Benally at 928-871-6205.

SECTION II

INSTRUCTIONS TO BIDDERS:

- A. PROPOSALS SUBMISSION: **Proposals must be received by email no later than 3:00 p.m. Friday, February 17, 2023.** No hard copy proposals will be accepted unless preceded by an emailed copy of proposal.
- B. LATE RECEIPT OF PROPOSALS: **Late proposals will NOT be accepted.** It is the sole responsibility of the Respondent to ensure the proposal arrives at the designated mail address indicated on the Cover Sheet prior to the date and time specified.
- C. 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.
- D. 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 the Navajo Nation Privacy Act and Access to Information Act). Each and every page of the proprietary material must be labeled or identified with the word "PROPRIETARY."
- E. RESPONSE MATERIAL OWNERSHIP: All material submitted regarding this RFP shall become the property of the Navajo Nation and will not be returned to the Respondent. Responses

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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 D above.

- F. **INCURRING COSTS:** Any costs incurred by the Respondent in the preparation, transmittal to this RFP shall be at the expense of the Respondent.
- G. **ACCEPTANCE OF PROPOSAL CONTENT:** The content of the proposal will become contractual obligations if a contract award is made. Failure of the successful bidder to accept these obligations may result in cancellation of the award and such bidder may be removed from consideration for future solicitation. The Navajo Nation Department of Justice reserves the right to pursue appropriate legal action in the above set of circumstances.
- H. **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. The Navajo Nation Department of Justice reserves the right to terminate negotiations with any individual or firm that will not agree to its standard terms and conditions.
- I. **GOVERNING LAW:** The review of this RFP will be reviewed in compliance with applicable Navajo Nation laws.
- J. **INTERVIEWS:** If necessary, the Department of Justice may schedule interviews with one or more attorneys/firms to interview after evaluation of the proposals. Interviewees will be notified by email.
- K. **SELECTION:** The Department of Justice will select one individual or firm to award an attorney contract to perform the work set forth in the Scope of Work after completion of interviews. Selected individuals will be notified by email.
- L. **EVALUATION PROCEDURES AND CRITERIA:**
 - 1. A project review team will evaluate the proposals received in accordance with the general criteria used herein. Bidders should be prepared to provide any additional information the team feels necessary to the fair evaluation of proposals.
 - 2. Failure of bidder to provide any information requested in the RFP may result in disqualification of the proposal.
 - 3. The sole objective of the review team will be to select the bidder who is most qualified and meets the needs of the Office of the Attorney General. The specifications in this RFP represent the minimum performance criteria necessary for a response. On the basis of the

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evaluation criteria established in this RFP the review team will select and recommend the bidder who best meets this objective.

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 Respondent's understanding of the program and ability to organize and perform the contract. Cost/price factors will not be numerically weighed and scored.
 5. CRITERIA: Proposals should discuss the following criteria, which will assist the Attorney General in assessing the qualifications of the bidder.
 - a. Demonstrated experience and knowledge of administrative and state court proceedings, Indian water rights negotiations, settlements and litigation, as well as, relevant federal, state and Navajo law.
 - b. Ability to work collaboratively as co-counsel with in-house legal counsel.
 - c. Ability to fulfill the identified scope of work.
 - d. Whether the Attorney has priority contractor status under the Navajo Business Opportunity Act.
 - e. The Attorney's reputation among his or her peers.
- M. 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

PROPOSAL CONTENTS:

1. Identify the name and title of the person authorized to negotiate the contract; and
2. A description of how the attorney/firm meets the qualifications to perform the Scope of Work; and
3. Identity and provide a biography and/or resume for each member of the legal team that will perform the Scope of Work; and
4. Identify the fees for each individual team members; and
5. Identify the expenses the attorney/firm will charge; and
6. Provide affirmative statement regarding conflicts as indicated on page 1 of the proposal; and
7. Complete Demographic Data Report; and
8. Proposal must be signed by the individual authorized to contractually obligate the attorney/firm.



Firm Name _____

Category	Partners	Associate Attorneys	Other Support Staff
Gender/Gender Expression			
Male			
Female			
Prefer not to answer			
Other:			
Race/Ethnicity			
Enrolled Navajo			
American Indian or Alaska Native			
Native Hawaiian/Pacific Islander			
Black/African-American			
Asian			
Latinx/Hispanic			
Caucasian			
Other:			
Age			
18-30			
31-45			
46-64			
65+			
Other Characteristics			
Veteran or Active Military			
LGBTQ+			
Reported Disability			

Does the firm have a Diversity and/or Inclusion Policy?	YES	NO	
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Comments related to any of the above:

Navajo Nation Department of Justice
Office of the Attorney General
PO Box 2010
Window Rock, Arizona 86515
(928) 871-6345