

DINÉ COLLEGE



REQUEST FOR PROPOSAL FOR LEGAL SERVICES

March 2, 2023

I. INTRODUCTION

PURPOSE

The purpose of this Request for Proposal (“RFP”) is to solicit proposals for Legal Services for Diné College.

COLLEGE CONTACT PERSON

The College Contact Person for this RFP is given below. Potential Law Firms (“Law Firms” is defined to also include sole practitioners) and offices seeking clarification and materials regarding the RFP must contact the College Contact Person. Contact regarding this RFP with any College representative other than the College Contact Person may disqualify the proposer. Requests for clarification and materials shall be submitted in writing.

Dr. Perphelia Fowler
Director of Human Resources
Diné College
PO Box C07
Tsaile, Arizona 86556
Phone: (928) 724-6950 Email: pfowler@dinecollge.edu (Put “Legal Services RFP” in subject line of email)

KEY ACTION DATES

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|---|--|
| Advertisement in Navajo Times | March 2, 2023 March 9, 2023 March 16, 2023 March 23, 2023 |
| Deadline to Submit Proposal | March 31, 2023 at 5:00 p.m. MST |
| Opening of Proposal for Evaluation And Determination of Proposals as Responsive or Not Responsive | April 4, 2023 at 9:00 a.m. MST |
| Board review of Proposals Deemed Responsive | April 7, 2023 |
| Board Interviews with Potential Law Firms | April 14, 2023 |
| Board Action | May 5, 2023 |

II. GENERAL RULES AND INFORMATION GOVERNING COMPETITION

INTRODUCTION

The method used for this solicitation is an RFP. Selection of a Law Firm will be made through competitive procurement procedures, which will include factors such as qualifications, experience and fees to be charged. The following general rules and information are applicable to this RFP.

QUESTIONS REGARDING THIS RFP

Potential law firms and offices seeking clarification and materials regarding the RFP must contact the College Contact Person. Answers to the questions will be provided to all potential Law Firms without identifying the submitter.

ORAL COMMUNICATION

Any oral communication by the College Contact Person regarding this RFP is not binding and shall in no way modify the RFP or the obligations of the College, potential Law Firm, or contractor.

AMENDMENTS TO RFP

The College reserves the right to amend and modify the RFP prior to the date fixed for submission of proposals. If it is necessary to amend this RFP, the College will electronically mail formal amendments to all Law Firms who have identified themselves in writing to the College Contact Person.

SUBMISSION OF PROPOSAL

The Law Firm is solely responsible for the delivery of its proposal to the College. Proposals will not be accepted subsequent to March 31, 2023 at 5:00 p.m. MST.

IMMATERIAL DEFECT IN PROPOSAL

The College may waive any immaterial deviation or defect in a proposal. The College's waiver shall in no way modify the RFP document or excuse the Law Firm from full compliance with the RFP if awarded the contract.

TERMINATION OR CANCELLATION

The College reserves the right to terminate any contract awarded through this RFP by providing sixty (60) days written notice to the Law Firm.

NEWS RELEASES

News releases pertaining to any award resulting from this RFP may not be made without the prior written approval of the College's Contact Person.

DISPOSITION OF PROPOSALS

All materials submitted in response to this RFP become the property of the College and will become public records after the date and time for opening of the proposals.

CONFIDENTIALITY

Proposals regarding specific cases or matters and performance under the contract shall be bound by the privileges of attorney-client communication and attorney work product.

ANNUAL EVALUATION OF LAW FIRM

The selected Law Firm will be evaluated annually regarding its performance

III. INSTRUCTIONS TO LAW FIRMS SUBMITTING PROPOSALS

OVERVIEW

This is a competitive RFP conducted under the laws and regulations of the Navajo Nation. Potential contractors should carefully examine the entire RFP and be fully aware of the nature and quality of the services sought, as well as the conditions in providing such services. Potential Law Firms must fully comply with the instructions set forth below or their proposals may be rejected as non-responsive.

DESCRIPTION OF SERVICES

The Law Firm will furnish all labor, materials and equipment necessary to provide legal services to the College. Services may include advisory and litigation matters.

PROPOSAL DEVELOPMENT COST

The cost of developing a proposal is the Law Firm's responsibility and is not chargeable to the College.

TERM OF CONTRACT

The contract awarded through this RFP is expected to be effective for a three (3) year period from May 5, 2023 to May 5, 2026, with a one (1) two-year renewal option at the College's discretion.

SUBCONTRACTORS FOR LEGAL SUPPORT SERVICES

Subcontracting of services for court reporting, registered legal photocopies and other legal support services necessary for providing legal services is permitted. Subcontractors services in excess of One Thousand Dollars (\$1,000.00) to be charged to the College must be approved by the College in advance

CHANGES TO RFP

The College reserves the right to amend and modify the RFP prior to the date fixed for submission of proposals.

DEVIATION FROM CONDITIONS OF RFP

Law Firms that would like to participate in the pool but cannot meet one or more of the specifications in this RFP should still submit a proposal. The proposal should identify which item(s) cannot be met and provide an explanation.

WITHDRAWAL

A Law Firm may withdraw a proposal at any time prior to the proposal opening date by submitting a written request to the College.

PROPOSAL IRREVOCABLE FOR 30 DAYS

A proposal is an irrevocable offer valid at the date scheduled for the proposal opening and for thirty (30) days thereafter

NO AGREEMENT UNTIL SIGNED

No agreement with the College is effective until the College's Board of Regents has approved the contract and both parties have signed a contract.

NONDISCRIMINATION CLAUSE

During this performance of the contract, the contractor shall not discriminate unlawfully against any employee or applicant for employment because of race, religion, color, national origin, ancestry, physical disability, mental disability, medical conditions, marital status, age or sex.

PROPOSAL SUBMISSION

The College encourages submission of proposals by email in PDF format. Each proposal must be submitted by March 31, 2023 at 5:00 p.m. MST. Electronically submitted proposals must be submitted to the College's Contact Person via email: pfowler@dinecollege.edu (Put "submission of Legal Services RFP in subject line of email). If submitting by email, an original signed copy of the proposal must be submitted.

Hardcopy proposals must be submitted by 5:00 p.m. on March 31, 2023. If submitting by hardcopy, please provide 12 copies. Hardcopies submission sent should be sent to the following addresses:

United States Postal Service

Dr. Perphelia Fowler
Director of Human Resources
Diné College
P.O. Box C07
Tsaile, Arizona 86556
(928) 724-6950 (Phone)

Address for UPS & FED EX

Dr. Perphelia Fowler
Director of Human Resources
Diné College
1 Circle Drive
Tsaile, Arizona 86556
(928) 724-6950 (Phone)

PROPOSAL OPENING

The proposals will be opened on April 4, 2023 at 9:00 a.m. MST

PROPOSALS DISPOSITION

All submitted proposals will remain of file with the college's Human Resources office for one year from May 5, 2023, at which time the College will destroy the proposals and send notification to the Law Firms that the submitted proposal has been disposed.

IV. FORMAT FOR PROPOSAL

This section prescribes the mandatory format for the development and presentation of a proposal. Each Law Firm must adhere to these requirements and submit all of the following documents and data.

COVER LETTER

The cover letter shall briefly summarize the Law Firm's ability to perform the services specified in the RFP. The letter shall also state the Law Firm's willingness to perform the work outlined in the RFP and to enter into a formal contract with the College. The identified Principal Attorney authorized to commit the Law Firm to a contract must be signed in the letter.

TABLE OF CONTENTS

The proposal must include a table of contents with page references for the principal sections.

DESCRIPTION OF QUALIFICATIONS

Each proposal must include a general description of the Law Firm's history and qualifications. A Law Firm may also use this section to describe any enhancements or additional services not mentioned in the RFP.

SCOPE OF WORK

Law Firms are not required to offer services in every area of law but are encouraged to offer services in each area for which they are qualified. The following areas are commonly needed by the College.

- Higher Education Law
- Board Governance
- Navajo Nation Law
- Employment and Labor Relations
- Indian Law, including land leasing and conveyance
- Contract Law
- Finance Law, including New Markets and other Tax Credits
- Policy Analysis and Advisement
- General Litigation
- Government Relations

Please identify any additional areas of law for which the Law Firm is offering services. Please note that this RFP is not for counsel on workers compensation matters.

ATTORNEY AND STAFF BIOGRAPHIES

Please include short biographies of the attorneys, paralegals, legal assistants, legislative and policy advisors. For Law Firms with more than one attorney, a Principal Attorney must be identified.

AUTHORIZED TO PRACTICE

The Principal Attorney must be licensed to practice on the Navajo Nation and be licensed to practice in either state of New Mexico or Arizona.

FEES AND SERVICES

- Each proposal must include a detailed description of the proposed fee schedule.
- Each proposal should identify any and all hourly rate(s) for proposed services and/or per attorney, paralegal, legal assistants, legislative, policy advisors, and other personnel as applicable.
- Individual matters or transactions will be assigned based on the applicable College procedure. The College reserves the right to modify its procedures from time to time.

REPORTING

Each proposal should specify the Law Firm's capability and readiness to provide electronic reports in lieu of traditional mail and telephone calls.

CONFLICTS OF INTEREST

The Law Firm should identify whether any conflict of interest or known potential conflict exists regarding (1) Diné College; (2) The Navajo Nation and its political subdivisions; (3) Navajo Nation Enterprises and entities; or (4) any Higher Education Institutions.

If a conflict is identified, the Law Firm will describe how it will address the conflict of interest.

CONFIDENTIALITY, NON-DISCRIMINATION AND NON-COLLUSION

Each proposal must include the following completed and signed forms:

- Confidentiality Agreement (Attachment A)
- Certification of Nondiscrimination (Attachment B).

V. PROPOSAL EVALUATION PROCEDURES

1. All proposals opened at the Proposal Opening will be evaluated to determine if they are responsive.
2. Those proposals that are responsive will be forwarded to the College's Board of Regents.
3. The Board of Regents will evaluate the Proposal according to the evaluation matrix outlined below.
4. The College reserves the right to reject all proposals if none are considered advantageous to the College.

RESPONSIVENESS EVALUATION QUESTIONS

During the responsive evaluation process, College staff may have questions about a proposal. Each Law Firm shall make available a representative for answering specific questions on April 4, 2023.

INTERVIEW

The Board of Regents will select the Law Firms to invite for an interview.

EVALUATION FACTORS AND ITEMS

All proposals will be evaluated using these primary factors:

- (50%) Professional qualifications including but not limited to:
 - Education of firm members to be employed in service on this account.
 - Experience in each area of law offered in this proposal
 - Prior succession in area of service being offered.
- (30%) Fees and services
- (10%) Reporting
- (5%) Training and outreach
 - Firm's willingness to provide at least six hours annually of training to the appropriate College personnel.
 - Firm's commitment to extending paid or unpaid internship opportunities to the College's students.
- (5%) Navajo Nation Business Preference

ATTACHMENT A

CONFIDENTIALITY AGREEMENT

The undersigned, a duly authorized officer or _____,
(Complete legal name of firm)

does hereby represent, warrant, and agree to the following statement:

All financial, statistical, personnel, technical or other data and information relating to the College's operation which are designated confidential by the College and made available to the undersigned shall be protected by the undersigned from unauthorized use or disclosure.

Name

Title of Principal Proposer

Date

ATTACHMENT B

CERTIFICATION OF NON-DISCRIMINATION TO BE EXECUTED BY PROPOSER AND SUBMITTED WITH PROPOSAL

Proposer hereby certified in performing work or providing services for the College there shall be no discrimination in its hiring or employment practices because of age, sex, race, color ancestry, national origin, religious creed, physical or mental disability, medical condition or marital status, Proposer shall comply with applicable Navajo Nation and Federal anti-discrimination laws.

IN WITNESS WHEREOF, the undersigned has executed this Certificate of Non-Discrimination this ____ day of _____ 2023.

PROPOSER

(Type or print complete legal name of firm)

BY

Signature

Name (Print)

Title

Address

City

State

Zip