



REQUEST FOR PROPOSALS (RFP) for LEGAL SERVICES

to

THE PUEBLO OF LAGUNA

Closing date September 30, 2020

Engagement from January 1, 2021 through December 31, 2023

I. **Background and overview**

The Pueblo of Laguna, a federally-recognized Native American tribal government (“Pueblo”), located in west central New Mexico, is currently represented by a combination of an In-House Legal team and outside special legal counsel performing legal services. The Pueblo seeks proposals from one or more firms (large or small) or individual practitioners who can demonstrate proficiency in any area of needed legal expertise as stated in this RFP.

The purpose of this request is to identify a panel of pre-qualified firms and individual practitioners with demonstrable expertise that will be eligible to represent the Pueblo for a **period of three (3) years** in particular legal matters as may arise from time-to-time. Being on the Pueblo’s pre-qualified list will permit the Pueblo to assign legal counsel matters or projects without additional procurement process.

This request for proposals is developed pursuant to Pueblo of Laguna Fiscal Management Policies. This solicitation does not modify existing retainer agreements. However, any firm, including those currently providing legal services to the Pueblo, must submit a proposal if wishing to continue to be pre-qualified to provide compensated legal services for the Pueblo in the future. Respondents may submit a proposal to provide legal services in one or multiple practice areas, but may **only submit one (1) proposal** under this RFP.

II. **Approach**

The Pueblo of Laguna reserves the right to choose one or more firm(s) or individual(s) for special counsel legal services.

III. **Types of Legal Service Sought**

- a. The Pueblo requires broad and varied legal services in a number of practice areas and will accept proposals including but not limited to the following:
 1. Federal Indian law and policy;
 2. Complex business/commercial transactions and financing;
 3. ISDEAA self-governance compacting and contracting (PL 93-638, etc.);
 4. Natural resource enhancement/development/conservation;
 5. Complex civil (non-personal injury) litigation and contractual arbitration;
 6. Utilities and energy production (telecommunications, renewables, etc.);
 7. Local government taxation and IRS matters;
 8. Water rights (litigation, settlement, and implementation); and
 9. Environmental issues (including air and water quality regulation).

- b. The delivery of legal services in any particular practice area may require:
 1. Legal research and written advice and opinions as requested;
 2. Attendance at Pueblo Staff Officer and/or Council meetings as requested;
 3. Researching and writing laws, policies, procedures, and resolutions;
 4. Negotiation and transactional document development; and
 5. Representation in court or administrative proceedings.

IV. Conflict of Interest

Attorneys or firms submitting a proposal for legal services should be sensitive to potential conflicts of interests. All known potential conflicts must be disclosed in any proposal for legal services.

V. Evaluation

Pursuant to Pueblo law, the Pueblo will select and negotiate a contract with the attorney(s) or firm(s) best qualified as determined by Pueblo Administration and approved by Pueblo Council. Preference in contracting shall be afforded to law firms owned by Pueblo members or other Native Americans, except those that have demonstrated poor performance, in accordance with Pueblo Fiscal Management Policies, Part VII, Section 5. Fees for service will be a consideration relative to demonstrated qualifications. The Pueblo Council reserves sovereign discretion in selection and approval of contractual relations for legal services.

VI. Proposal Content

- a. The following information must be included in the proposal:
 1. Transmittal letter.
 2. The names, addresses, and contact persons for the attorney or firm;
 3. Scope of proposed engagement particularly in relation to the Pueblo's requested expertise in Section III indicating the matters or practice areas covered by the proposal.
 4. Names and resumes of responsible partners, associates, and other key staff who will be assigned to handle matters under the proposal, and an indication of matters, if any, the attorney or firm would handle on a contingency basis. Include a Certificate of Good Standing from the New Mexico Supreme Court or other relevant jurisdiction for each attorney proposed to handle matters under the proposal.
 5. Policy and practice in estimating anticipated fees.
 6. Description of billing policies and practices addressing: fees, invoicing, billing cycle, and costs for reimbursement, etc.
 7. Treatment of taxes for goods and services provided on or off the reservation.
 8. Description of document control and management policies.
 9. Policy and practice in the handling of fee disputes.
 10. An initial assessment of potential conflicts of interest.

11. Detailed information on prior tribal government representation experience, if any. Proposal should highlight the kind and type of matters addressed for tribal clients and the extent of services provided with respect to these matters (e.g., by the number of hours, types of activities engaged in, a description of output, etc.). Focus should be on matters in which the attorney or firm spent a significant amount of time or effort.
 12. Capacity and capability of the firm or attorney to perform the work involved. A representative list of clients may be provided.
 13. Indicate any additional services that may be provided under the proposal.
- b. Past record of performance of the firm or individual attorney - The proposal should include names and contact information of **three (3) or more clients** who can speak to actual performance related to matters or practice areas proposed.

VII. Evaluation

The responsible respondent(s) whose proposal(s) is or are the most advantageous to the Pueblo of Laguna (in the Pueblo's sole discretion) will be selected to perform the services after a successful contract negotiation. A review committee will analyze each proposal and may conduct interviews to determine which respondent(s) can best meet the needs of the Pueblo.

VIII. Questions

Questions regarding this RFP, or any related issue may be addressed to James Burson, Government Affairs Director at P.O. Box 194, Laguna, NM 87026, 505-552-6654, 505-270-5211 cell; jburson@pol-nsn.gov.

IX. RFP Submission Deadline

Submit responsive proposals by 11:59pm on Wednesday, **September 30, 2020**, as a PDF document attached to an email with subject line "**RFP – Legal Services**" transmitted to James Burson, Government Affairs Director, at jburson@pol-nsn.gov.

X. Contract Award

It is anticipated that a contract will be awarded in December 2020, which will be effective for a period of three (3) years, beginning January 1, 2021.