

FOR THE TRIBAL COUNCIL EASTERN BAND OF CHEROKEE INDIANS

SCOPE OF THE RFP

This Request for Proposals contains the instructions for submitting your application. It includes a description of the services to be provided, the selection criteria, as well as other requirements for the submission to be eligible for consideration.

INTRODUCTION

The Eastern Band of Cherokee Indians Tribal Council (Legislative Branch) is seeking Requests for Proposals from qualified attorneys who can demonstrate substantial experience and expertise in providing legal and professional support in the exercise of Council's legislative authority, including but not limited to, legal documents. It is the intent of Carolina law licensed attorney Tribal Council and its research, preparation of briefing development, attendance and committee meetings and other Council.



research, and preparation of legal the Tribal Council to retain a North who can provide legal support to Committees in the areas of materials, resolution and ordinance consultation at Council meetings, meetings, and to advise Tribal

BACKGROUND

The Charter and Governing Document of the Eastern Band of Cherokee Indians (1986) authorizes and empowers the Tribal Council to adopt laws and regulations for the general government of the Tribe in section 23. The Tribal Council constitutes the legislative branch of the government of the Eastern Band of Cherokee Indians, with the authority to legislate, to conduct investigations and hearings into matters of concern to the Tribe pursuant to Cherokee Code section 117-10. The Tribal Council routinely adopts, amends and publishes tribal law in the Cherokee Code.

For many years the Tribe contracted with an outside law firm to provide legal counsel to the Tribe's Legislative and Executive Branches of Tribal Government. In 1996, the Tribe established the Office of the Attorney General as in-house counsel for the Executive Branch. At that time was also established a Legislative Counsel, which was eventually extinguished. Since then, the Office of the Attorney General has functioned and operated as the day-to-day tribal attorney, providing such legal support the Tribal Council as needed in support of Council's legislative function.

In recent years, as the growth of the **January 2014** Tribe has created increased demand on

the Office of the Attorney General, Tribal Council has determined the necessity to have its own dedicated counsel to support its purpose and function.

REQUEST FOR PROPOSAL (RFP) COORDINATION

The point of contact for this Request for Proposal (RFP) shall be:

Terri Henry, Chairwoman
Tribal Council
Eastern Band of Cherokee Indians
P.O Box 455
Cherokee, NC 28719

Phone: (828) 554-6721
Fax: (828) 497-7020
Email: terrihenry@nc-chokeee.com

RFP SCHEDULE OF EVENTS

January 27, 2014	Issue RFP	Office of the Tribal Council Chairwoman
January 27 – February 7, 2014	Meetings to visit the Qualla Boundary and address concerns, by appointment	Office of the Tribal Council Chairwoman
February 21, 2014	Proposal Submission Deadline (12:00 Noon Eastern Time)	Office of the Tribal Council Chairwoman PO Box 455, Cherokee, NC 28719 or by email
February 24 - 27, 2014	Bid Review for proposals	Office of the Tribal Council Chairwoman 86 Sequoyah Trail Cherokee, NC 28719
TBD	Notice of Award/Contract Negotiations	Office of the Tribal Council Chairwoman 86 Sequoyah Trail Cherokee, NC 28719

RFP AMENDMENT AND CANCELLATION

The Eastern Band of Cherokee Indians reserves the right to amend this RFP in writing at any time. It also reserves the right to cancel or reissue at its sole discretion. If an amendment is issued, it will be provided to all by an advertisement in the Cherokee One Feather (the Tribe's newspaper), and distribution through the Tribal Employment Rights Office (TERO.). Applicants must respond to the final

written RFP and any exhibits, attachments and amendments. If it becomes necessary to revise any part of this RFP, pertinent information will be issued to all parties who have submitted applications.

SPECIFICATIONS AND SCOPE OF WORK

The Eastern Band of Cherokee Indians is seeking a North Carolina licensed attorney who can provide the services including but not limited to the following:

- Serve as counsel for the Legislative Branch of the Eastern Band of Cherokee Indians Tribal Council.
- Draft legislation, reports, letters, memoranda and other documents including legal opinions as necessary for the Tribal Council.
- Provide advice, interpretation, and opinion on all Legislative Branch legal matters, both verbally and in written memorandum on matters raised during Legislative Session and Committee meetings.
- Participate in litigation of all matters on behalf of the Tribe through appropriate legal proceedings, representing Tribal interest in court and multiple jurisdictions as requested by the Eastern Band of Cherokee Indians Tribal Council.
- Represent the Tribal Council in declaratory judgment actions as necessary.
- Assist Tribal Council in conducting investigations and hearings into matters of concern to the Tribe pursuant to Cherokee Code section 117-10.
- Assist with codes, ordinances, lawmaking process in the development of resolutions and ordinances as enumerated in Part I of the Charter and Governing Document of the Eastern Band of Cherokee Indians, section 16 and 23 and in Part II of said Charter and Governing Document, Chapter 117, Article II through V.
- Establish and periodically review protocols and procedures on government-to-government relationships.
- Work with the federal and state governmental agencies to the extent necessitated by Tribal Council action.

THE SELECTION PROCESS

The following is a general description of the process by which the applicant will be selected:

1. **One original and four copies of the submittal must be received by the Tribe in a sealed envelope from each applicant. The original and copies shall be signed and dated by an official that is authorized or has power of attorney to bind the applicant.** Unsigned proposals or those that lack any portion of the required review criteria will not be considered.
2. **Responses to this RFP must be received by the point of contact not later than the date and time specified in the "RFP Schedule of Events."** Hand delivered submittals may be presented at **86 Sequoyah Road, Cherokee, North Carolina, by the aforementioned deadline.** Delivery to any other location of the Tribal government or its subsidiaries will not be considered delivered.
3. **Responses to this RFP must have the information listed in the submittal format section of this request for proposals.**

THIS IS NOT A CONTRACT OR AN OFFER TO CONTRACT – Contractors are cautioned that this is a request for proposals, not a request to contract, or an offer to contract, or an acceptance of any proposal or offer. The Eastern Band of Cherokee Indians reserves the unqualified right to reject any and all submittals when such rejection is deemed to be in its best interest. Additionally, only submitted written questions may be addressed in Addenda; oral questions and responses are not official and do not change the requirements of this RFP.

SUBMITTAL FORMAT – STATEMENT OF QUALIFICATIONS

THE RESPONSE TO THE RFP SHALL CONSIST OF THE FOLLOWING SECTIONS: (Proposal sections should be in the order they are listed.)

FIRM EXPERIENCE

1. Demonstrate your qualifications for this project by detailing your past experience with a legislative branch of government.
2. PROVIDE REFERENCES AS NOTED BELOW.

PRICE

Proposals must detail pricing for:

1. Price for each legal document including a package price for a will, health care power of attorney, living will and durable power of attorney.
2. estimated costs for travel and incidental expenditures
3. Total price for the proposal

CREDENTIALS

1. List of Credentials, **including professional accreditations of all personnel to be involved.**

REFERENCES

Provide all of the following information for each reference noted.

Name of Business

Type of Business

Address

Contact Person's Name

Contact Person's phone number; fax number; e-mail address.

Omission of information, without explanation, may cause the submitted proposal to be rejected or result in loss of eligibility. Omission of information here will be considered an incomplete bid. If the firm does not have references, a statement of explanation should be submitted with the proposal.

CONTRACT DEVELOPMENT

GENERAL

Upon execution of the contract, a copy of this RFP will be attached to the contract and all conditions of this RFP will become conditions of the contract unless specific terms of the RFP are modified by other terms of the contract.

FINANCIAL STABILITY

If requested, prior to contract negotiations and award, the selected firm may be required to furnish appropriate documentation to substantiate the financial stability of the firm to undertake this project. **The firm and/or its principal administrators/managers/owner(s) will be subject to a background investigation for criminal or civil violations. The Contractor will be subject to an inquiry with the North Carolina State Bar. The Contractor will be required to hold appropriate automobile, workers compensation, and \$1,000,000.00 liability insurance. The Tribe will not contract without proof of the aforementioned insurance.**

APPLICABLE LAWS AND PROCESSES

The selected entity shall be required to follow any and all applicable requirements of the Tribe, all Tribal laws, Tribal policy, and Tribal procedure and other applicable rules and regulations. These will be strictly adhered to where applicable.

As a federally recognized Indian tribe and a sovereign nation, the Tribe makes and enforces its own law and other business activity laws on tribal land. The RFP and subsequent contract will include specific Tribal sovereign immunity language. The laws governing the EBCI can be found at www.municode.com. Click on "online library", then on "North Carolina", then on "Cherokee Indians Eastern Band Code of Ordinances" to get to the Cherokee code of Ordinances.

Key laws to be aware of in making your proposal:

- Sections 16 and 23 of the Charter and Governing Document of the EBCI.
- The Cherokee Code, et. seq.
- Federal Indian Law.
- Professional ethics, rules and procedures.