

REQUEST FOR PROPOSALS (RFP)  
WILL & ESTATE PLANNING ATTORNEY SERVICES  
ISSUE DATE: July 30, 2018

■ I. COVER PAGE

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**OUTLINE: SECTIONS I-IV**

- I. Cover Page
- II. Request for Proposals
- III. Evaluation Process
- IV. Evaluation Criteria

The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) seeks proposals that would provide Will and Estate Planning legal services (Program) directly to CTUIR members (Client). The Program is a pass-through contract administered by the CTUIR Office of Legal Counsel.

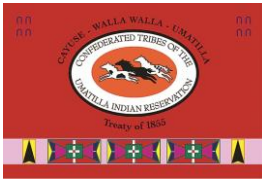
The CTUIR Comprehensive Plan Element 5.3 Land Base Restoration Objectives include encouraging tribal member land ownership and reduce fractionated land ownership. The goals of this Program are to encourage that trust property be devised to CTUIR members without further fractionalization or leaving trust status through BIA probate process. The Program provides individual Clients with legal services that result in completion and confidential filing of a will and estate-planning documents with the CTUIR Enrollment Office.

Services include meeting with individual Clients, advising and drafting estate planning to address Client trust land and other property they may own, visiting the Client to complete this work, accessing or coordinating with federal and tribal agencies related to the completion of the will drafting, and causing the documents to be filed with the CTUIR Enrollment Office.

Bidders are encouraged to provide flexible proposals. The CTUIR advertised an RFP in 2017. Proposals were received and a selection was made. Currently the CTUIR contracted attorney conducted five, seven working day visits over a ten month time frame. The project is averaging eight completed wills and end of life documents per visit. Proposals may propose alternative service structures, but must include on-site visits and off site availability. The goal is to complete 25 wills and estate planning packages annually. Please be prepared to provide notary and witness services within your proposal.

**INSTRUCTIONS**

Proposals may be submitted either in electronic form security protected PDF format in an email with the subject line: Sealed Bid Proposal – Wills Program, or submit 4 proposal copies in a sealed envelope and clearly marked "Sealed Bid Proposal-Wills Program. Proposals will be accepted until the award of the winning bidder service contract. First review of proposals will begin for those received via email by midnight, or postmarked by, **August 17<sup>th</sup>, 2018** to either:



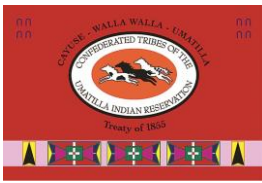
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Mailing & Physical Address:

CTUIR / Finance  
Becky Burke, Procurement  
46411 Timíne Way  
Pendleton, OR 97801

Or

Email Address: [BeckyBurke@ctuir.org](mailto:BeckyBurke@ctuir.org)



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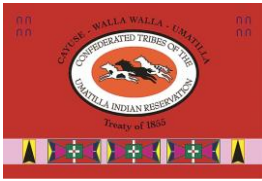
■ **II. RFP QUALIFICATIONS**

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**CHECKLIST FOR RFP**

**STATEMENT OF QUALIFICATIONS REQUIREMENTS**

- ☐ **PROPOSALS:** Description of Bidder practice areas and services proposed, including an explanation of how these services will best meet CTUIR goals to prevent further fractionalization of allotment interests, and Tribal member goals of estate planning as described in the Scope of Work. Five or more years of experience in Indian lands or probate matters is preferred. Additional preferences are awarded for bundled legal service packages that may include a will, durable power of attorney, advanced directives and related materials. Sections I – IV of the selection criteria indicate the scoring weight that will be used to evaluate the proposals. Please limit the proposal to 4 pages, which include fees, references, fitness to practice, and conflicts.
- ☐ **FEES:** Within the proposal, fees or the fee structure shall be clearly discernible.
- ☐ **REFERENCES:** A list of references regarding reputation and qualifications of the attorney (s) performing services. One page, with a limit of 5 references.
- ☐ **FITNESS TO PRACTICE:** Disclosure of any pending litigation or judgments rendered against the attorney in any matter relating to professional activities of the practice including any pending complaints lodged before any Bar Association or Court concerning the suitability of an attorney for practice (i.e.: bar complaints).
- ☐ **CONFLICTS:** Disclosure of any representation for matters in which the CTUIR or its political subdivisions or enterprises were the client or party to such a matter.
- ☐ **INSURANCE:** Attorney or the firm awarded the contract shall be obligated to carry their own malpractice insurance.



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### III. EVALUATION PROCESS

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#### EVALUATION PROCESS

Step 1: Written proposals will be reviewed for compliance with RFP requirements. Those that comply will go to Step 2.

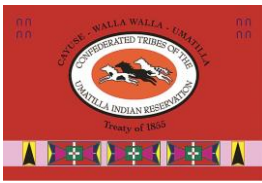
Step 2: Written proposals will be evaluated by the Office of Legal Council (OLC). Evaluations are conducted on a point system, which includes preference points for qualified Indian bidders. Points will be awarded among in accordance to §IV Evaluation Criteria. If the proposal fails to adequately demonstrate how to achieve the RFP goals, they will not be entitled to further consideration.

Step 3: OLC will conduct reference checks for the highest scoring Proposal(s). If the reference checks are positive, interview(s) may be scheduled.

Step 4: The OLC will contact the selected bidder(s).

Step 5: Should the process require, contract negotiations will commence with the selected bidder.

Step 6: If negotiations with the initially selected bidder fail to produce a contract, the OLC reserves the right to enter into negotiations with one or more other bidder(s), or engage alternative options under the CTUIR's Procurement Policy, and if needed chose not to proceed with negotiations.



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## IV. EVALUATION CRITERIA

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**I) PRICE: 20%** (20 points possible) - The CTUIR's Fiscal Management Policy notes the following guidance that applies to this RFP and award determination:

*4. General Policy on Efficient Use of Resources*

*To the extent possible, all Tribal Organizations shall coordinate procurement efforts to achieve the greatest economies of scale. Fiscal Management Policy VII § 4.*

*5. Tribal Preference*

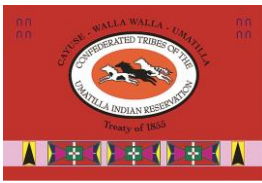
*In the acquisition of goods and services, preference shall be afforded to businesses owned by Tribal Members or CTUIR departments and entities who have the ability to perform services and/or deliver goods at the level of quality and quantity, and within such time frames and cost as are required. Fiscal Management Policy VII § 5.*

Price scoring will be determined within the following framework:

- A. Lowest Price - The lowest price, calculated per each completed will/service package. There will be no additional payments for travel or ancillary costs. (7 points).
- B. Nixyáawii Chamber of Commerce (Chamber): Proposals must indicate a willingness to become a member of the Chamber at no further cost the CTUIR. (3 points)
- C. Malpractice Insurance – Proposals must indicate whether the practitioner(s) have malpractice insurance, or certify that they will obtain malpractice insurance as a condition of an awarded Program contract. (3 points)
- D. Tribal Preference (7 points) - Certification of a tribally owned business may be satisfied through such a designation by the CTUIR TERO Program. To secure Tribal Preference, the Proposal must reflect either :
  - 1. A current CTUIR TERO designation as an Indian Owned Business; or
  - 2. Eligible to become certified as an Indian Owned business, within 30 days of notice of intent to award of the Program Contract.

**II. EXPERIENCE: 40%** (40 points possible) Experience scoring will be determined within the following framework:

- A. Length of time in practice (3 points).
- B. Depth of practice in (33 points):
  - Indian law experience for matters relating to the unique federal relationship to tribal trust and allotment lands and interests(3 points);
  - estate planning or will drafting (6 points);
  - familiarity with the CTUIR Inheritance Code, and related IBIA interpretations of the CTUIR Code (6 points)



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- federal probate of Indian lands (2 points);
  - experience in multi-jurisdictional issues (4 points);
  - experience with tribal, state, or federal government probate of estates (3 points);
  - experience with the Bureau of Indian Affairs and the Office of Special Trustee (9 points).
- C. Demonstrated competent practice applicable to this RFP (4 points);

**III. SUITABILITY: 20%** (20- points possible) Suitability scoring will be determined within the following framework:

- A. Demonstrated cultural competence with tribal/Indian communities: Include experience, accomplishments, work or community affiliation, and advocacy for issues of justice; (7 points)
- B. Understanding of the jurisdictional basis, challenges, needs and opportunities related to tribal or Indian lands and probate: in relation to serving drafting wills that minimize the need for federal probate complications and competent advising clients achieve their estate planning goal; and comprehension of the jurisdiction relationship between tribal, state and federal laws in probate matters. (13 points)

**IV. LEADERSHIP QUALITIES: 20%** (20 points possible) Leadership scoring will be determined within the following framework:

- A. Experience working within or teams; organizations, divergent community interests, or stakeholder/ large groups; (2 points)
- B. Experience in strategic planning, organizing and resource gathering; (4 points)
- C. Accomplishments that address Indian probate needs. (6 points)
- D. Willingness to mentor Indian attorney practitioners, interns and staff in estate planning and probate matters. This willingness element is intended to enhance future opportunities and experience for Indian practitioners to serve Indian Country. (8 points)