

REQUEST FOR PROPOSALS

INTELLECTUAL PROPERTY SPECIAL COUNSEL

for the

MORONGO BAND OF MISSION INDIANS

The Morongo Band of Mission Indians, a federally recognized Indian tribe ("Tribe"), is issuing this Request for Proposals ("RFP") in order to solicit competitive proposals for legal services related to intellectual property law (primarily trademark) issues affecting the Tribe. The contract term for the contemplated service will be month-to-month, with the Tribe reserving the right to discontinue use of the service upon thirty (30) days' notice.

Three (3) printed copies of the proposal should be submitted no later than 5:00pm, Friday November 9, 2018. Proposals should be addressed to the Morongo Legal Department, 12700 Pumarra Road, Banning, CA 92220. In addition to the printed copies, an electronic copy on a flash drive or delivered via email also should be submitted. Email submissions may be sent to legal@morongo-nsn.gov.

Scope of Work

The Tribe intends to enter into a non-exclusive contractual relationship with a law firm (which could be a sole practitioner) to provide legal counsel to the Tribe related to intellectual property ("IP") law issues, including but not limited to the following:

- a. Advise and consult on IP-related legal law issues that may affect the Tribe. Although this primarily will consist of trademark related issues, it may also involve trade secrets, copyrights and/or patents.
- b. Apply for and maintain trademark registrations for various trademarks currently used by the Tribe and future trademarks or trade names that the Tribe may seek to use, and conduct appropriate trademark and trade name searches as needed.
- c. Attend Tribal Council and General Membership meetings as necessary to provide advice on and discuss matters relating to IP-related issues that may affect the Tribe.
- d. Assist the Tribe in resolving, to the greatest extent possible to the benefit of the Tribe, trademark and other IP-related issues affecting the Tribe.
- e. Represent the Tribe in IP-related court and administrative proceedings, if any arise, including not only matters related to trademark infringement but also matters relating to protecting the Tribe's trade secrets and other confidential information.
- f. Advise and assist the Tribe in obtaining domain names for websites that the Tribe may operate in the future, and advise and assist in protecting the Tribe's existing domain names from infringement.

Required Qualifications

The following qualifications are required:

1. Experience and expertise in laws and matters relating to IP, including but not limited to trademark and trade secret issues and related litigation.
2. Experience and expertise in trademark searches and registering trademarks with the United States Patent and Trademark Office (“USPTO”).
3. Experience and expertise in court proceedings, at both the trial and appellate level, involving trademark and other IP-related matters.
4. Experience and expertise in trademark, patent and copyright transfers and licensing.
5. Although experience and expertise in patent searches and obtaining patents from the USPTO is desirable, it is not an absolute requirement.

Proposal Requirements

The proposal should include each of the following, as labeled and in the following order:

1. Description of the Firm. A brief description of the firm, including the number of attorneys in the firm and their respective areas of expertise.
 - a. The resume of each attorney in the firm who is anticipated to provide services to the Tribe must be included.
 - b. Contact information for the attorney who is anticipated to be in charge of the firm’s representation of the Tribe must be included.
 - c. At least three (3) references should be listed, which should include clients for whom the firm has provided services demonstrating the firm’s experience and expertise in the categories listed above under the heading “Required Qualifications.”
 - d. A statement concerning the extent, if any, of the firm’s experience in representing Indian tribes.
 - e. A description of the liability insurance, including professional liability insurance, maintained by the firm, including policy limits.
2. Experience and Expertise. A description of the firm’s experience and expertise with respect to each of categories 1-5 set forth above under the heading “Required Qualifications.” Although a comprehensive list of all experience in each category need not be included, at least one and preferably more than one example of experience in each category must be included with sufficient detail to enable the reviewer(s) to ascertain the level of the firm’s experience in that category.
3. Fee and Rate Schedule. This should list the hourly rate by description/type of service (including separate rates for travel time, if any) and by person, as well as a list of costs that are chargeable by the firm. If the firm has separate billing rates for governmental and private entities, the proposal should state whether the governmental or non-governmental rates would be applicable to work performed for the Tribe.
4. Conflict of Interest Statement. A statement that the firm has no currently known conflict of interest that would limit the firm’s scope of representation of the Tribe in any IP-related matter.

5. **Statement of Offer.** The proposal must be signed by an individual authorized to bind the firm, and must contain a statement that the proposal is a firm offer that may be accepted at any time within ninety (90) days after the deadline for receipt of proposals.

Terms and Conditions

Any proposal submitted to the Tribe shall be deemed to be submitted in accordance with the following terms and conditions:

1. **Costs.** Any cost incurred by a law firm in preparing and/or submitting a proposal shall be borne solely by the firm.
2. **Amendment.** Any proposal may be amended or superseded by a subsequent submission provided it is received by the deadline for submission of proposals.
3. **Withdrawal.** A law firm may withdraw its proposal at any time prior to the deadline for submission of proposals by providing written notice of its intent to withdraw. Such written notice may be provided by email to legal@morongo-nsn.gov.
4. **Non-Disclosure.** The Tribe will keep all proposals confidential and will not disclose or make available to any other tribe or entity a firm's proposal. The successful applicant's fee agreement will become effective upon approval by the Morongo Tribal Council, but in order for the representation to continue for more than one year it will have to be approved by a vote of the entire voting membership of the Tribe within one year after the agreement is approved by the Tribal Council. As part of the voting process, a copy of the fee agreement (but not the proposal) is required to be provided to each voting member of the Tribe. The successful applicant also may be asked to assist in preparing a PowerPoint Presentation to be viewed at a General Membership meeting for the purpose of discussing whether Tribal Members should vote to approve continuation of the fee agreement beyond one year.
5. **No Obligation.** By issuing this RFP, the Tribe is not obligating itself to enter into any contract or to hire a law firm to provide IP-related legal services to the Tribe.
6. **Cancellation; Rejection of Proposal(s).** This RFP may be canceled at any time, with or without advance notice, and any and all proposals received may be rejected.
7. **Inquiries.** Any inquiry regarding this RFP should be addressed to the Morongo In-House General Counsel at the address set forth above or by email (legal@morongo-nsn.gov).