THE PAIUTE INDIAN TRIBE OF UTAH

440 North Paiute Drive • Cedar City, Utah 84721 • (435) 586-1112 • Fax (435) 867-2659

REQUEST FOR QUALIFICATIONS: LEGAL SERVICES

Issue Date:

Due Date: October 31, 2025, 12:00 P.M.,

I. Introduction

The Paiute Indian Tribe of Utah ("Tribe") is seeking requests for qualifications (RFQ) for general and/or special Legal Counsel Services from one or more firms or individuals who can demonstrate proficient expertise in Indian Law, Tribal Governance, Water Law, Economic Development, and Tribal Employment as needed.

II. Background Information

The Paiute Indian Tribe of Utah is looking for firms who can demonstrate proficiency and expertise in strategic approaches to address the various needs of the Tribe.

III. Services Required

The Paiute Indian Tribe of Utah is seeking various legal services that include, but are not limited to, the following:

1. General Legal Counsel Specializing in Tribal Governance and Sovereign Immunity

a. Legal research and written advice and opinions as requested by the Tribal Council through the Tribe's in-house counsel.
b. Legal research and written advice and opinions as requested by the Tribe's in house counsel.
c. Complete assignments as requested by the Tribe's in house counsel which may include but are not limited to:
    a. Assist the Tribe with updating its Constitution.
    b. Assist the Tribe with updating its current Ordinances.
    c. Assist the Tribe with updating its Tribal Council Rules of Procedures.
    d. Assist the Tribe with revising and updating various By-laws.
    e. Assist the Tribe with Roberts Rules of Order Training(s).
    f. Provide guidance on establishing a Tribal Court.
    g. Support the Tribe in asserting and protecting its Sovereignty.
    h. Assist in litigation as it arises.
    i. Other issues that may arise.
d. Attend meetings as requested.
e. Research and write ordinances and resolutions as requested.

f. Provide guidance on self-governance compacting and funding agreement negotiations.
g. Particular expertise includes, but is not limited to, the following areas of law:
    i. Federal Indian law, Utility (gas and electric) easements, business transactions, healthcare, housing law, economic business development, finance, federal contracts, rights of way, self-governance matters (PL 93-638 contracting/compacting), BIA annual funding negotiation, taxation and IRS matters, Tribal General Welfare Exclusion Act, trust resources, fee-to-trust, FTCA, cultural resources, fish and wildlife, and environmental issues including air and water quality standards.

2. Legal Counsel Specializing in Tribal Economic Development

a. Provide guidance on how the Tribe can utilize its current Section 17 corporations.
    a. Creating new business ventures.
    b. Creating a 501(c)(3) Non-Profit entity for the Tribe.
b. Review and provide guidance on contracts and contract negotiations.
c. Review lease agreements.
d. Licensing.
e. Taxation and Tax Ordinance.
f. TERO
g. Business ventures on and off reservation.

3. Legal Counsel Specializing in Tribal Employment Law

a. Legal research and written advice and opinions on Employment Law.
b. Analyze the Tribe's current policies and procedures.
c. Provide guidance on applicable laws and Tribal exemptions.
d. HIPAA.
e. General employment matters.

4. Legal Counsel Specializing in Tribal Health

a. Review and provide guidance on contracts and contract negotiations.
b. Assist with IHS annual funding negotiation and 105(*l*) lease negotiations with IHS
c. Assist with legal issues and tasks related to health department.
d. Other issues that may arise

IV. Requirements

In order to be considered, successful firms must have a current State of Utah bar license or obtain a State of Utah bar license within 6 months of contract award to represent the Tribe in Court as needed.

V. Fees for Legal Services

The Paiute Indian Tribe of Utah will seek the attorney(s)s or firm(s) best qualified as determined by an evaluation process as highlighted in the RFQ and negotiate a contract with that attorney or firm. Fees for services will be a consideration along with demonstrated qualifications.

VI. Submittal Requirements

The following information must be included in the submittal:

a. Transmittal letter.
b. The names, addresses, and contact persons for the attorney or firm.
c. The scope of proposed engagement particularly in relation to the Tribe's requested expertise. Indicate whether the attorney or firm is proposing to handle all matters or only specific matters.
d. Names and resumes of responsible partners, associates, paralegals and administrative staff who will be assigned to handle matters on this account including time-keeping policies and their billing rates and an indication of what matters if any, the attorney or firm would handle on a contingency basis. Include also a Certificate of Good Standing from the Supreme Court for all attorneys assigned to handle matters on this account.
e. Policy and practice in estimating anticipated fees.
f. Description of billing policies and practices addressing: invoicing, billing cycle, late payments, and costs such as copying, phone calls, travel expenses, experts, or other professional services, messenger services, legal research costs, regular and overnight mail services, etc.
g. Treatment of taxes for goods and services provided on or off the reservation.
h. Description of document control and management policies.
i. Policy and practice in the handling of fee disputes.
j. An initial assessment of potential conflicts of interest.
k. Detailed information on prior tribal government representation experience (a plus), if any. The submittal 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.). The focus should be on matters in which the attorney or firm spent a significant amount of time or effort on.
l. Capacity and capability of the firm or attorney to perform the work involved. Specifically, a list of current clients should be provided and a clear explanation of how the Tribe's workload will be balanced against existing clients. Your submittal should provide a method to assure the Tribe that critical Paiute Indian Tribe of Utah issues should be handled as a priority.
m. Indicate any additional services you may be able to provide as the Tribe's general legal counsel in your submittal.
n. The submittal should include names and telephone numbers of any clients who can provide references regarding performance.

VII. Evaluation Criteria and Process

A selection committee will conduct an evaluation of qualifications an award will be made on a competitive basis in accordance with the selection criteria contained herein. The factors for rating and the points for each factor are provided below. A maximum of 100 points may be given under Rating Factors 1 through 4. To expedite the review of your submittal and ensure that your submittal is given a thorough and complete review of all responses to each of the components of the selection criteria, keep the responses in the same order as the selection factors listed below. Only include documentation that will clearly and concisely support your response to the rating criteria.

1. **Technical Qualifications (35 Points):** Evidence of the firm or person's ability to perform the services required, as indicated by profiles of the principal(s) and staff's professional knowledge and technical competence. The extent to which your submittal describes the roles and responsibilities of your project team and that of your overall principal in charge and staff.
   (35 Points) The submittal describes the firm or person's specialized professional training and technical competence to perform the services required as indicated by a profile of the principal(s) and staffs professional knowledge and technical expertise and adequately describes the roles and responsibility of the overall proposed principal in charge and staff, including the day-to-day manager, consultants (if any), and subcontractors involved in implementing the Scope of Work.

   (18 Points) The submittal describes the firm or person's specialized professional training and technical competence to perform the services required as indicated by a profile of the principal(s) and staffs professional knowledge and technical expertise but the submittal does not adequately describe the roles and responsibility of the overall proposed principal in charge and staff.

   (0 Points) A profile of the principal(s) and staffs professional training and technical competence is not included or a profile of the principal(s) and staffs professional training and technical competence is included but is not relevant to the type of services to be performed as identified in the Scope of Work.

2. **Experience/Past Performance (35 Points):** With respect to those listed in Rating Factor 1 (A) above, experience will be judged in terms of recent, relevant and successful experience similar to that to be undertaken in the services required". In rating this factor, experience within the past 3 years will be considered recent; experience pertaining to the specific activities performed similar to those to be undertaken in the "Services Required" to be relevant. As a part of your response, provide a list of clients with whom you provided legal services, including contact names and telephone numbers.
   (35 Points) The submittal adequately demonstrates that the law firm has recent, relevant and successful experience pertaining to specific activities performed similar to those to be undertaken in the services required.

(18 Points) The submittal adequately demonstrates that the law firm has recent, relevant and successful experience pertaining to specific activities performed similar to those to be undertaken in the services required, but has not shown specific details similar to those to be undertaken in the services required.

(0 Points) The submittal does not adequately demonstrate that the law firm has recent, relevant and successful experience pertaining to specific activities performed similar to those to be undertaken in the services required. The submittal did not provide any recent client contacts for recent legal services.

3. **Rating Factor 3 - Indian Preference (10 Points)**
The work to be performed under this RFQ is subject to Section 7(b) of the Indian Self-Determination Act (25 U.S.C. 450 e (b)). Section 7(b) requires that to the greatest extent feasible: (i) preference and opportunities for training and employment shall be given to Indians, and (ii) preference in the award of contracts and subcontracts shall be given to Indian organizations or Indian-owned economic enterprises. The parties to this contract shall comply with the provisions of section 7(b) of the Indian Act. In connection with this contract the contractor shall, to the greatest extent feasible, give preference in the award of any subcontracts to Indian organizations or Indian-owned economic enterprises, and preferences and opportunities for training and employment to Indians. The contractor shall include this section 7(b) clause in every subcontract in connection with the project, and shall, at the direction of the recipient, take appropriate action pursuant to the subcontract upon a finding by the recipient that the subcontractor has violated the section 7(b) clause of the Indian Act.

Indian Organization/Indian-owned Economic Enterprise Provide evidence showing fully the extent of Indian ownership and interest included with submittal. No points will be given if preference cannot be evidenced.

Rating Factor 4 - Price (20 points): This factor addresses the total hourly cost for services identified in this RFQ. Provide an hourly cost schedule for all positions within your organization.
(20 Points) The submittals hourly rates are within 5% of the lowest responsible submittal received and the submission included a detailed hourly schedule by position.

(15 Points) The submittals hourly rates are within 10% of the lowest responsible submittal received and the submission included a detailed hourly rate schedule by position.

(10 Points) The submittals hourly rates are within 20% of the lowest responsible submittal received and the submission included a detailed hourly rate schedule by position.

(0 Points) The submittals hourly rates are 20% higher than the lowest responsible submittal received. The submission does not include a detailed hourly rate schedule by position.

VIII. Deadline for Submissions of Qualifications

Each bidder must submit their qualifications electronically to proposals@pitu.gov with the subject line "Legal Services Submittal" no later than 12:00 P.M. (MDT) on October 30,2025. Bidders are directed to send a courtesy copy of their submittal to legalcounsel@pitu.gov.

IX. Questions

Questions regarding this request for qualifications can be emailed directly to proposals@pitu.gov and legalcounsel@pitu.gov.

X. Contract Award

It is anticipated that the contract will be awarded no later than November 8, 2025.

XI. Miscellaneous

1. The Paiute Indian Tribe of Utah's Tribal Council reserves the right to reject any and all submittals for failure to meet the requirements contained herein, to waive any technicalities, and to select the submittal which, in the Tribal Council's sole judgment, best meets the requirements of the project.
2. The RFQ creates no obligation on the part of the Tribe to award a contract or to compensate the proposer for any costs incurred during proposal presentation, response, submission, presentation, or oral interviews (if held). The Tribe reserves the right to award a contract based upon submittals received without further discussion or negotiation. Proposers should not rely on the opportunity to alter their qualifications during discussions.
3. The Tribe further reserves the right to make such investigation as it deems necessary to determine the ability of proposers to furnish the required services, and proposers shall furnish all such information for this purpose as the Tribe may request.
4. Proposers must specifically identify any portions of their submittals deemed to contain confidential or proprietary information or trade secrets. Those portions must be readily separable from the balance of the submittal. Such designations will not necessarily be conclusive, and proposers may be required to justify why the Tribal Council should not, upon written request, disclose such materials.
5. The attorney or firm awarded the contract will be subject to the Paiute Indian Tribe of Utah's procurement policies and procedures, codes and ordinances.
6. All contracts or engagement letters must include the following language: "**Sovereign Immunity.** Notwithstanding any other terms or provisions of this [Agreement/letter of engagement], "Firm/Attorney" understands and agrees that the Paiute Indian Tribe of Utah Tribe, by entering into this [Agreement/letter of engagement], does not waive its sovereign immunity from suit, nor does it waive, alter, or otherwise diminish its sovereign rights, privileges, remedies, or services guaranteed by Federal, State, or Tribal law."

7. All contracts or engagement letters must not include a waiver of the Tribe's sovereign immunity.