

IOWA TRIBE OF OKLAHOMA

**REQUEST FOR PROPOSALS
FOR THE IOWA TRIBE OF OKLAHOMA
LEGAL SERVICES - IHS COMPACT PROPOSAL DEVELOPMENT AND
NEGOTIATIONS**

REQUEST FOR PROPOSALS (RFP)

Prepared by:

Iowa Tribe of Oklahoma

September 5, 2024

REQUEST FOR PROPOSALS
LEGAL SERVICES - IHS P.L. 93-638 TITLE V COMPACT PROPOSAL DEVELOPMENT
AND NEGOTIATIONS

Proposal Due Date: October 7, 2024 at 5:00 pm CT

1.0 INTRODUCTION

The Iowa Tribe of Oklahoma (ITO) invites and welcomes proposals from licensed attorney(s)/law firms to provide legal services in connection with the development of a P.L. 93-638 compact proposal and subsequent negotiations with the Indian Health Service to execute a Title V compact for the Programs, Services, Functions and Activities (PSFAs) currently operated under a P.L. 93-638 Title I contract. Please take the time to carefully read and become familiar with the proposal requirements. All proposals submitted for consideration must be received by the time as specified above under the “Submission Deadline.”

BIDDERS SHOULD NOTE THAT ANY AND ALL WORK INTENDED TO BE SUBCONTRACTED AS PART OF THE BID SUBMITTAL MUST BE ACCOMPANIED BY BACKGROUND MATERIALS AND REFERENCES FOR PROPOSED SUBCONTRACTOR(S) – NO EXCEPTIONS.

Under Iowa Tribe of Oklahoma law, the selected respondent is required to consent to the laws of the Iowa Tribe of Oklahoma and venue of the Iowa Tribe of Oklahoma Tribal Court for any disputes arising under the contract. The application of Iowa Tribe of Oklahoma law and venue are nonnegotiable except under limited circumstances. If bidder intends to negotiate the application of the Tribe’s law and venue, bidder is required to state such intent and notify the Tribe of the reasons thereof within the response. Whether a respondent intends to negotiate such requirements will be strictly considered in the Nation’s review of the responses. Respondent is hereby notified that any waiver of the Tribe’s sovereign immunity is subject to review by the Tribal Chairman and must be approved by the Tribal Council.

2.0 PROJECT OVERVIEW

Iowa Tribe of Oklahoma (ITO) is a Federally Recognized Indian Tribe operating their PSFAs in the Perkins Family Clinic (PFC) under a P.L. 93-638 Title I Contract with Indian Health Services in Perkins, Oklahoma. ITO PFC is rooted in native values and devoted to improving the health and wellness of all people, by providing comprehensive primary and preventative health care services of the highest quality. The Tribe has successfully operated their IHS PSFAs under a Title I contract since 2007. Recently, the ITO received a Tribal Self-Governance Negotiation Cooperative Agreement to complete the development of a Title V Compact proposal that will be negotiated and executed with the Indian Health Service to begin operating under the compact with an anticipated start date of January 1, 2025.

ITO PFC currently operates out of approximately 16,100 sq. ft. facilities. ITO PFC operates a 7,500 sq. ft. expanded healthcare facility, 3,500 sq. ft. behavioral health program, 4,000 sq. ft. wellness center, and 1,100 sq. ft public health and diabetes programs. The ITO is currently undertaking a project for construction of the following buildings:

- approximately 32,000 square foot medical office building which includes
- medical outpatient (capacity for up to 5 individual practice suites)
- dental
- pharmacy (including drive through pharmacy)
- radiology
- laboratory
- behavioral health
- public health
- pediatrics
- approximately 8,000 square foot after-school childcare building
 - 6 classrooms
 - Playground
 - Kitchen
 - Indoor recreation area
 - safe room
 - outside learning lab
- associated parking facilities and utilities

3.0 PROJECT OBJECTIVE

The objective and ultimate goal for the successful bidder is to provide legal services to the ITO in order to develop a compact proposal of all the PFSAs currently operated under their Title I contract with the Indian Health Service and successfully conduct negotiations in order to execute a Title V compact. The ITO has established an IHS Self-Governance Negotiation Team comprised of the ITO Health Director, ITO Clinic Director, ITO CFO and the ITO Tribal Attorney to provide the necessary information, support and assistance to the successful bidder throughout the compact proposal development and negotiations. The successful bidder will serve as a consultant to the Tribe but not as an employee of the Tribe. The selection process will be based on the successful candidate’s qualifications to carry out the following scope and specifications.

4.0 RFP SCHEDULE OF EVENTS

The schedule of RFQ Events is as follows:

<u>Event:</u>	<u>Date:</u>
RFP Release Date	September 7, 2024
Proposal Due Date	October 7, 2024

5.0 RFP RESPONSE REQUIREMENTS

A. Project Proposal Expectations

The Iowa Tribe of Oklahoma Business Committee (ITO BC) and Executive Committee collectively known as (The Committee) shall award the contract to the proposal that best accommodates the various project requirements. The Committee reserves the right to award any contract prior to the proposal deadline stated within the “Scheduled Timeline” or prior to receipt of all proposals, award the contract to more than one Bidder, and refuse any proposal or contract without obligation to either the Iowa Tribe of Oklahoma or to any Bidder offering or submitting a proposal. Your proposal should take into account the terms and provisions set forth in this Request for Proposal, any additional information provided by the ITO in

accordance with the RFP Timeline set forth herein, and the terms and provisions of the form of the Legal Services Agreement.

B. Intent to Submit Proposal

All interested Bidders are strongly encouraged to submit a “Letter of Intent” or expression of interest via e-mail no later than 5:00 pm CT on September 18, 2024, informing ITO of their intent to submit a proposal. Only interested Bidders who submit a timely “Letter of Intent”, or expression of interest will receive copies of timely questions submitted by interested Bidders and the accompanying ITO responses.

C. Deadline to Submit Proposal

The Committee must receive all proposals no later than 5:00 pm CT on October 7, 2024, for consideration in the project proposal selection process.

D. Proposal Selection Criteria

In general, proposals must be clear, concise, and clearly follow the format stated in this RFP. Respondents must, at a minimum, including all information sought in this RFP. ITO reserves the right to reject proposals that are non-conforming in any respect. ITO also reserves the right to change the evaluation criteria or any other provision of this RFP, provided that all Respondents are notified of the change(s). Only those proposals received by the stated deadline will be considered. All proposals, submitted by the deadline, will be reviewed and evaluated based upon the information provided in the submitted proposal. In addition, consideration will be given to cost and performance projections.

This RFP does not obligate ITO to award a contract or enter into a contract for Legal Services – IHS Compact Proposal Development and Negotiation services, nor does it obligate ITO to complete the project. ITO reserves the absolute right to cancel this RFP or any other solicitation at any time if it is considered to be in the Tribe’s best interest.

Any verbal explanations or instructions or discussion of any aspect of this RFP provided to any Respondent before the award of a contract is not binding, nor does it form a contract of any kind. Respondents with questions regarding this RFP must submit them via e-mail on a timely basis as described in the “RFP Timeline” herein.

Respondents may propose additional tasks, activities, or alternative suggestions if they will substantially improve the results of the project. Any additional items must be separated and identified as such in the cost portion of the proposal.

ITO reserves the right to:

- Reject any or all proposals received in response to this RFP:
- Select, for contract negotiation, a proposal other than the one with the lowest cost.
- Waive or modify any informalities, irregularities, or inconsistencies in the proposals received and/or accept a late written modification requested by ITO if the proposal itself was submitted on time and if the modification is more favorable to the ITO.

- Negotiate with more than one Respondent at a time.
- If negotiations fail to result in an agreement, terminate negotiations and select the next most responsive proposal, prepare and release a new RFP, or take any other action the ITO deems appropriate.
- Select more than one proposal.
- Conduct or decide not to conduct interviews, in the ITO's sole discretion; and
- Cancel this RFP or any other solicitation at any time if it is considered to be in the ITO's best interest.

E. Proposal Submission Format

One unbound copy of the Proposal must be received by mail, hand delivery, e-mail (ascott@iowanation.org), or fax (405) 547-1032 by close of business on the proposal due date to:

Amy Roe, Executive Director
 Iowa Tribe of Oklahoma
 335588 E. 750 Rd.
 Perkins, OK. 74059

1. Executive Summary and Company Overview (limit 3 pages)

- Bidder's Name(s)
- Bidder's Address
- Bidder's Contact Information (and preferred method of communication)
- Legal Form of Bidder (e.g., sole proprietor, partnership, corporation) and, if applicable, jurisdiction of formation
- Date Bidder's Company Formed, if applicable
- List of equity owners of Bidder's company, if applicable
- Description of Bidder's company in terms of size, and types of service offered and clientele
- Bidder's principal officers and length of time each officer has performed in his/her field of expertise
- Bidder's Federal Employee Identification Number (FEIN)
- Detailed resume(s) for key personnel which highlight experience relevant to the required Owner's Representative services
- Evidence of tribal affiliation, if any, of all key personnel and equity owners
- Provide a general introduction to the firm- including company structure, history, and background.
- Be sure to outline any philosophies, characteristics, approaches, processes, tools, or individual (who will be assigned to the project) that may be considered as a "differentiator" as the Board considers your company for this specific engagement.
- Provide a detailed description of the firm, its services, and any specific healthcare experience/qualifications.

2. Experience Providing Legal Services for Compact Proposal Development and Subsequent Negotiations with the Indian Health Service

- Evidence of a history of extensive experience providing legal services to Tribes/Tribal Organizations in the development of a Title V Compact Proposal and subsequent negotiations with the Indian Health Service.
- Describe at least three (3) and up to five (5) specific healthcare engagements completed by your organization which demonstrate the experiment and expertise required to successfully complete the project as described herein. Projects similar in size and nature to the scope described in the RFP will be of specific interest. (One page per project, please). Please include
 - Description, brief timeline and Total Project Cost of the project
 - Similarities to the proposed project
 - Your team's role in the project
 - Specific individuals from your firm who had direct involvement
 - Reference contact information

3. Communication Skills

- Evidence of ability to work with a wide variety of people as well as excellent written and oral communication skills. The ability to communicate with the ITO BC, senior management, tribal governmental staff will be critical.
- Explain the protocols/tools that your team will use to communicate during the process-with your internal team, the blended project team and specifically the PFC and ITO- Administration on a daily/weekly, monthly basis.
- Also provide credentials for each key individual proposed for the project team (including, as applicable, team members from partnering or sub-contracting firms). Attach a resume for each person including educational background, experience, credentials, certifications and the specific proposed role for the team. Also, include relevant project experience and project references, for each individual team member.
- Provide ability and experience working with tribal nations, tribal governments and/or tribal entities and ensuring tribal customs and tribal competence is represented and respected.

4. Financial Information

- State whether Bidder or its parent company (if any) has ever filed for bankruptcy or any form of Reorganization under the Bankruptcy Code.
- State whether Bidder or its parent company (if any) has ever received any sanctions or is currently under investigation by any regulatory or governmental body.
- State whether Bidder or its parent company (if any) has ever been debarred by a tribal, state, or federal governmental agency.

5. Proposed Outcome

- Summary of timeline and work to be completed.

6. Equipment or Service

- List any accommodation, service, or space required from the ITO, along with a brief explanation.

7. Cost Proposal Summary and Breakdown

- A detailed list of any and all expected costs or expenses related to the proposed project
- Provide a monthly lump sum fee proposal in spreadsheet format (see example table below) that is broken down into sufficient detail to analyze the following: Each team member, hourly billable rate, % of time dedicated to the project broken down into the following phases: Compact Proposal Development, Compact Negotiations and Close out.
- Please be sure to explain the basis of your fee structure.
- Additional services: Please provide an hourly fee rate for three months of Project Close Out services, if required.
- Also, please define and estimate your company's reimbursable expenses for the duration of the project from/to the project site.
- Summary and explanation of any other contributing expenses to the total cost
- Brief summary of the total cost of the proposal

Phase	Fee/Phase	Duration (months)	Team Member 1	Team Member 2 (if necessary)	Team Member 3 (if necessary)
			Hourly Rate TM1	Hourly Rate TM2	Hourly Rate TM2
			% Time on Project	% Time on Project	% Time on Project
Development of Compact Proposal		1			
Compact Negotiations with IHS		1			
Close-out/Follow Up		1			
Totals		3			

8. Licensing

- Provide details of licenses for any proposed services that the bidder/contractor may plan on providing for this project

9. Insurance

- Details of any liability or other insurance provided with regard to the staff or project. The successful Respondent must obtain and provide evidence of satisfactory insurance coverage, to be determined during the contract negotiations.

10. Litigation

- List any litigation you are/were the plaintiff or defendant for the past five (5) years
- List any litigation you are/were involved with involving a tribe or tribally owned entity
- Are you or were you involved in any criminal investigation concerning embezzlement, fraud, dishonesty or other financial crimes in the past seven (7) years?

11. References

- Include a list of all Legal Services – IHS Compact Proposal Development and Negotiation Services projects in the last five (5) years and include contact information for the Tribes/Tribal Organizations(T/TOs). Bidder agrees that ITO may contact the T/TOs to verify legal services expertise and obtain information regarding Bidder's performance.

6.0 OTHER INFORMATION

- Signed Proposals – All proposals must be signed by a person authorized to sign on behalf of the Respondent and to bind the Respondent to statements made in response to this RFP.
- Irrevocability of Proposals – By submission of a clear and detailed written notice, the Respondent may amend or withdraw its proposal prior to the closing date and time. A Respondent who has withdrawn a proposal may submit a new proposal prior to the closing, provided that such proposal is done in accordance with the terms and conditions of the RFP.
- Changes to Proposal Wording – The Respondent will not change the wording of its proposal after closing, and no words or comments will be added to the proposal unless requested by the ITO for purposes of clarification or as otherwise specified in this RFP.
- Acceptance of Terms – Unless specifically excluded in writing, all the terms and conditions of this RFP are accepted by the Respondent and incorporated in its proposal.

- Respondent's Expenses – Respondents are solely responsible for their own expenses in preparing, and submitting, a proposal and for subsequent negotiations with the ITO, if any. The ITO will not be liable to any Respondent for any claims, whether for costs or damages incurred by the Respondent in preparing, and submitting, the proposal, loss of anticipated profit in connection with any final contract, or any other matter whatsoever.
- Currency – Prices quoted are to be in U.S. Dollars.
- Acceptance of Proposals – This RFP shall not be construed as an agreement to procure goods or services by the ITO. The ITO is not bound to enter into a contract with the Respondent who submits the lowest cost proposal or with any Respondent. Proposals will be assessed in light of the evaluation criteria. The ITO will be under no obligation to receive further information, whether written or oral, from any Respondent.
- Legal Services Agreement – By submission of a proposal, the Respondent agrees that, should it be identified as the preferred bidder, it is willing to enter into a written agreement with the ITO subject to successful negotiations by both parties.
- Liability for Errors – While the ITO has expended considerable efforts to provide an accurate representation of information in this RFP, the information contained herein is supplied solely as a guideline for Respondents. The information is not guaranteed or warranted to be accurate by the ITO, nor is it necessarily comprehensive or exhaustive. Nothing in this RFP is intended to relieve Respondents from forming their own opinions and conclusions with respect to the matters addressed in this RFP.
- Modification of Terms – The ITO reserves the right to modify the terms of this RFP at any time in its sole discretion. This includes the right to cancel this RFP at any time prior to entering into a Contract with the preferred bidder.
- Ownership of Proposals – All documents, including proposals submitted by Respondents in response to this RFP become the property of the ITO.
- **Confidentiality of Information – Information pertaining to the ITO obtained by the Respondent as a result of participation in this project is confidential and must not be disclosed without written authorization from the ITO. This clause shall survive this RFP process and/or the selection of the successful Bidder.**
- By submission of a proposal, the Respondent declares and stipulates that the proposal is made in good faith, without collusion or connection with any other person or entity bidding for the same work, and that it is made subject to all the terms and conditions of the RFP.
- Successful Bidder may be subject to a criminal background check.

7.0 IOWA TRIBE OF OKLAHOMA DUTIES

A. PROJECT MANAGEMENT

Goal: Improve project delivery time, control costs and ensure quality by keeping multiple, interrelated project components in sync, on time and within budget. Reduce work thru:

1. Review and be familiar with details of the Project.
2. Develop objectives, priorities, project controls and recommend a plan for preventive action.
3. Provide Project Management for:
 - ITO Self-Governance Negotiation Team
 - Contracted Lawyer/Law Firm
4. Provide information and/or support requested by ITO Self-Governance Negotiation Team and Contracted Lawyer/Law Firm in a timely manner.
5. Review all proposals/reports and coordinate addressing any deficiencies/problems identified in such reports.
6. Act as Liaison between Business Committee, Executive Committee, and other agencies/representatives coordinating on the Project.
7. Identify and anticipate problems or setbacks and recommend solutions during the project process.
8. Organize, lead and document all meetings requiring ITO involvement or representation.
9. Organize/assist with proposal review/approval process and subsequent negotiations.
10. Participate in scheduled meetings.
11. Review and process all project-related invoices.

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