

REQUEST FOR
STATEMENT OF QUALIFICATIONS (RFQ) & PROPOSALS
FOR
PROFESSIONAL LEGAL SERVICES



Kayenta Township Commission
Office of the Town Manager
Gabriel Yazzie
P.O. Box 1490
Kayenta, Arizona 86033
gyazzie@kayentatownship-nsn.gov

Section A: Overview

Kayenta Township is a municipality located in Navajo County in northeastern Arizona. The 2010 census estimated the population of Kayenta Township at 5,189. The Township is primarily an agricultural and low-density residential community located twenty-two miles south of Monument Valley National Park and on US highway intersections of 160 and 163

A five-member commission governs the Township. Three members of the commission, Chairperson, Vice Chairperson and Secretary/Treasurer, are full time officials. Presently, the Township employs thirty full and part time employees. The Township operates a compactor station and provides full time personnel. The Township is governed by a Master Plan and several Ordinances and is made up of mostly residential and agricultural properties with limited commercial uses. Most of our legal issues revolve around municipal law as it relates to planning, zoning, ordinances and personnel.

Operation and maintenance of the sewer and water systems is contracted through the Navajo Tribal Utility Authority (N.T.U.A.). The Township has its own staff that does planning, zoning and assessing.

Section B: Process

Kayenta Township, a municipal corporation located in Navajo County in northeastern Arizona, is seeking to retain a full service legal firm to represent Kayenta Township in a variety of legal matters.

If interested, you are requested to submit a proposal for consideration. The information submitted in your proposal including experience, qualifications, and fee schedules will be reviewed to select our legal firm of record. Fees will be a factor in the selection process. However, the firm's experience, qualifications, resources, and level of proposed services will be the key factors in determining which firm will represent the Township. Please refer to the instruction sheet for more detailed information.

It is anticipated that the Township will select one firm to serve as general counsel for a minimum three-year period with option to renew. A committee comprised of the Kayenta Township Commission and Town Manager will act as the qualifications-based screening committee. The selection committee will evaluate the qualifications of the legal firms that submit proposals and develop a short list of firms to be interviewed. The committee (or those members available) will interview the short-list firms. After the interview process, the Township will designate its choice of firms and negotiate the arrangements for services with the selected firm.

Kayenta Township reserves the right to reject proposals or parts thereof. The Township also reserves the right to waive any irregularities, inconsistencies and bidding provisions or take whatever other action that is in the Township's best interest as determined by the Kayenta Township.

Section C: Scope of Services

The Township is seeking a full service law firm with strong knowledge and experience in several specific areas. The successful firm will provide legal support and render opinions on a variety of issues including:

1. General legal services - Provide legal counsel to the Township on general issues including contracts, written policies and procedures, and recommended changes. Provide legal counsel on other miscellaneous or unusual circumstances including litigation. Must be able to write and interpret ordinance language.
2. Codes, Ordinances, Planning & Zoning - Provide legal support and opinions on issues relating to a variety of land use, planning and zoning issues.
3. Personnel - Provide legal counsel and support on personnel issues or other miscellaneous matters relating to employment/ Human Resources.
4. Leased/Tax collection - Provide legal counsel and support for collection of unpaid taxes and leasing fees, including litigation if necessary.
5. Navajo Nation Tax Tribunal - Provide legal counsel for cases filed at the tribunal.
6. Police Department matters - Provide legal counsel and support for court cases, including litigation.
7. Miscellaneous – Provide legal counsel and support for supplementary legal matters. Review legal descriptions and prepare closing documents.

Section D: Requirements

1. Availability and ability to perform the work and coordinate and schedule the work with others involved on an issue.
2. Ability to communicate and work effectively with Kayenta Township, administration and staff, the Business Site Leasing Committee and Town Commissioners with respect to any issue or services required.
3. Ability to work effectively with other public agencies and legal firms.
4. Submission to Navajo Nation Bar within one (1) year after the contract has been awarded.
5. Thorough knowledge of municipal law including ordinances, zoning, planning, assessing, emergency services, sewer and water, business leasing and taxes
6. Ability to submit legal opinions, reports, and observations in writing in a timely manner to Kayenta Township.

7. Ability to attend meeting's as requested.
8. Qualifications will be considered only from firms or individuals that are well established in an appropriate field, who are financially responsible, and who have the resources and ability to provide the services in a professional and timely manner. The Township may request additional information as deemed necessary. The successful candidate must demonstrate considerable experience in Land Use Law and servicing other governmental entities.
9. The education, qualifications, experience, and training of all persons who would be assigned to provide services along with their names and titles.
10. Please provide a description of any particular area(s) of expertise you or your firm may possess that have not been included in the response provided above.
11. A statement that neither the firm nor any individuals assigned to this engagement are disbarred, suspended, or otherwise prohibited from professional practice by any federal, state, or local agency.
12. An Affirmative Action Statement (copy of form attached).
13. A completed Non-Collusion Affidavit (copy of form attached).
14. A statement that the proposer will comply with the General Terms and Conditions required by the Township and enter into the Township's standard Professional Services Contract.
15. A copy of the proposer's Navajo Business Registration Certificate.

Section E: RFP Response and Statement of Qualifications

In general, the statement should outline the manner in which the Law Firm will work with the Township to fulfill Kayenta Township's needs. The statement, at a minimum, shall address the designation and location of the bidder's primary contact (one person preferred), support staff and the associate personnel, and the overall relationship, which will be established between the legal professionals and the Township. Further, the qualifications and experience of the primary and any secondary contact should be included within the statement. The Law Firm shall identify whether they will consider an exclusive relationship with the Township i.e., the firm will not work for other individuals doing business in Kayenta Township where an interface with the Township is possible.

Firms responding to the RFQ will be expected to demonstrate the qualifications, competence and capacity of the firm seeking to provide the Township with legal services at a competitive rate. Substance of the statement will have more impact than the form or manner of the presentation. The statement should contain, *but not be limited to*, the following information:

1. Firm Profile: This may be marketing material, but must include:
 - a) Company history
 - b) Areas of expertise and firm's capabilities
 - c) Summary of related legal experience as it relates to items in Section C.
 - d) Municipal clients
 - e) Size and composition of firm
 - f) Relevant case list within the last five years
 - g) References
 - h) Knowledge Base

2. Indian Preference:
 - a) It is in the Kayenta Township Commission and Navajo Nation's best interest to support Indian businesses. Indicate the volume of work to be produced in Arizona, New Mexico and Utah by an Indian Preference firm or firms. Identify any out-of-state consultant(s) or business relationships that will be involved on the project and the extent or services to be provided by that firm or firms.
 - b) Describe your firm's or team understands of the Tribal Employment and Contracting Rights Ordinance (TECRO) 86-03, and the office of Management and Budget's Circular A-102.
 - c) If your firm or team qualifies for Indian Preference, provide information to verify this.
 - d) What is your firm's or team's experience working with and for other Indian Tribes? For projects completed during the past five years, indicate name of Tribe, location, type of project, project cost, when completed. Provide contact person, and phone number for most recent projects.

3. Resources dedicated to this contract:
 - a) Identify the lawyer responsible for providing legal services to the Township
 - b) Please include resumes for any lawyer who will support the Township, which outlines relevant professional expertise.
 - c) Identify any support staff that will be assigned to this team.
 - d) All lawyers and support staff should indicate whether they will be utilized on a full- or part-time basis.

4. Billing Information
 - a) Hourly Fees: List the hourly fees for all personnel responsible for providing legal services to the Township and how the hours accumulate (minute-by-minute, quarter hour, etc.)
 - b) Describe the firm's billing procedure
 - i. Monthly, bi-monthly or otherwise
 - ii. Level of detail
 - iii. Please include sample billing format
 - c) List the minimum charges, if any, for telephone calls, file review, copying, facsimile transmission, messenger service, etc.
 - d) Include whether your firm would consider a retainer-based contract.

5. Describe the firm's research capabilities and trial experience.

6. Describe the firm's policy on staffing for deposition, trial work and rate increases.
7. Conflict of Interest
 - a) Please identify any actual or potential conflicts of interest that may exist.
 - b) Describe how your firm would avoid any conflicts of interest between your role as Township attorney and your other clients.
 - c) List and describe any past or pending litigation in which you represented a client against Navajo Nation, Navajo County, or any township, village or city in the county or any of its officers, representatives, or agencies.

The Township intends to interview a few firms. The firms selected for an interview should send their representative attorney who will be the primary contact person for the account along with any other significant members of their legal team. Interviews are tentatively scheduled to occur in February 2021 or March 2021. The Township hopes to select a firm and negotiate a service agreement prior to the end of March 2021.

Your proposal and statement of qualification with five (5) copies should be submitted on or before Thursday, January 28, 2021 at 5:00p.m.(MST) in a sealed envelope. The proposal should be delivered to the attention of Gabriel Yazzie, Town Manager. Each proposal shall be considered binding and in effect for a period of ninety (90) days following the bid opening.

Thank you in advance for your consideration of this request. Please do not hesitate to call us should you have any questions.

Kayenta Township
P.O. Box 1490
Kayenta, Arizona 86033
Phone: 928-697-8451
Fax: 928-697-8461
Email: gyazzie@kayentatownship-nsn.gov

BASIS OF AWARD
(To be completed by Township evaluation committee)

EVALUATION FACTORS

- A. Relevance and Extent of Qualifications, Experience, Reputation and Training of Personnel to be assigned
- B. Indian Experience and Preference Certification
- C. Knowledge of the subject matter to be addressed under this engagement
- D. Relevance and Extent of Similar Engagements performed
- E. Technical Proposal contains all required information

REQUEST FOR QUALIFICATIONS CHECKLIST

THIS CHECKLIST MUST BE COMPLETED AND SUBMITTED WITH YOUR PROPOSAL:

Please initial below, indicating that your proposal includes the itemized document. A PROPOSAL SUBMITTED WITHOUT THE FOLLOWING DOCUMENTS IS CAUSE FOR REFUSAL.

INITIAL BELOW

- A. An original and five (5) signed copies of your complete proposal. _____
- B. Non-Collusion Affidavit properly notarized. _____
- C. Authorized signatures on all forms. _____
- D. Navajo Business Registration Certificate(s). _____
- E. Affirmative Action Statement. _____

Note: - - provides that neither the Township nor the Commission shall not enter into a contract for goods or services unless the other party to the contract provides a copy of its Navajo business registration certificate and the Navajo business registration certificate of any subcontractors at the time that it submits its proposal. The contracting party must also collect the Navajo Nation/ Township use tax where applicable.

THE UNDERSIGNED HEREBY ACKNOWLEDGES THE ABOVE LISTED REQUIREMENTS.

NAME OF PROPOSER:

Person, Firm or Corporation

BY: (NAME) (TITLE)

EXHIBIT A

-

MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE

Goods, Professional Services and General Service Contracts

(Mandatory Affirmative Action Language)

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex. Except with respect to affectional or sexual orientation, the contractor will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Compliance Officer setting for the provisions of this nondiscrimination clause. The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex.

The contractor or subcontractor, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to - et seq., as amended and supplemented from time to time and the

Americans with Disabilities Act. The contractor or subcontractor agrees to make good faith efforts to employ minority and women workers consistent with the applicable county employment goals established in accordance with - or a binding determination of the applicable township employment goals determined by the Navajo Nation, including without limitation , the Navajo Business Opportunity Act. -. The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State – Navajo Nation and as established by applicable Federal law and applicable Federal court decisions.

In conforming with the applicable employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex, consistent with the statutes and court decisions of the State of Arizona , Navajo Nation, and applicable Federal law and applicable Federal court decisions.

The contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

- Letter of Federal Affirmative Action Plan Approval
- Certificate of Employee Information Report
- Employee Information Report Form -

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Contract Compliance as may be requested by the Division from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Contract Compliance for conducting a compliance investigation.

NON-COLLUSION AFFIDAVIT

STATE OF ARIZONA

-

ss:

I AM _____

OF THE FIRM OF _____

UPON MY OATH, I DEPOSE AND SAY:

1. THAT I EXECUTED THE SAID PROPOSAL WITH FULL AUTHORITY SO TO DO;
2. THAT THIS PROPOSER HAS NOT, DIRECTLY OR INDIRECTLY ENTERED INTO ANY AGREEMENT, PARTICIPATED IN ANY COLLUSION, OR OTHERWISE TAKEN ANY ACTION IN RESTRAINT OF FAIR AND OPEN COMPETITION IN CONNECTION WITH THIS ENGAGEMENT;
3. THAT ALL STATEMENTS CONTAINED IN SAID PROPOSAL AND IN THIS AFFIDAVIT ARE TRUE AND CORRECT, AND MADE WITH FULL KNOWLEDGE THAT THE CITY OF LINDEN RELIES UPON THE TRUTH OF THE STATEMENTS CONTAINED IN SAID PROPOSAL AND IN THE STATEMENTS CONTAINED IN THIS AFFIDAVIT IN AWARDED THE CONTRACT FOR THE SAID ENGAGEMENT; AND
4. THAT NO PERSON OR SELLING AGENCY HAS BEEN EMPLOYED TO SOLICIT OR SECURE THIS ENGAGEMENT AGREEMENT OR UNDERSTANDING FOR A COMMISSION, PERCENTAGE, BROKERAGE OR CONTINGENT FEE, EXCEPT BONA FIDE EMPLOYEES OR BONA FIDE ESTABLISHED COMMERCIAL SELLING AGENCIES OF THE PROPOSER. (-)

SUBSCRIBED AND SWORN TO

BEFORE ME THIS DAY

OF _____, 20____.

(TYPE OR PRINT NAME OF
AFFIANT UNDER SIGNATURE)

NOTARY PUBLIC OF

MY COMMISSION EXPIRES: _____, 20____.