



INVITATION TO BID

November 17, 2014

The Little Traverse Bay Bands of Odawa Indians (LTBB or Tribe), a Federally Recognized Indian Tribe, having headquarters located in Harbor Springs, Michigan, is requesting proposals law firms specializing in Native American tribes and with specific experience in the Clean Water Act and legislation, to provide legal expertise, review and recommendations of draft surface water legislation.

Included with this letter are:

- 1.) Provisions governing this ITB.

Thank you for your interest.

Sincerely,

Mandy Szocinski
Accounting

I. BIDS DUE

- A. All bids to be submitted as one (1) hard copy and one (1) full electronic copy (pdf format) and received by Mandy Szocinski in the Accounting Department by **December 15, 2014** no later than 4:00pm prevailing local time. If an electronic copy is not feasible, please submit four (4) hard copies. Proposals received after this date and time or not in the above formats, will not be considered.
- B. Bids will be accepted in the following four methods:
1. In person: Accounting Department, 7500 Odawa Circle, Harbor Springs, MI 49740
 2. By E-Mail: mszocinski@ltbbodawa-nsn.gov (Note: file size limited to 10 MB)
 3. U.S. Mail to: Little Traverse Bay Bands of Odawa Indians
Attn: Mandy Szocinski
7500 Odawa Circle
Harbor Springs, MI 49740
- C. Any questions regarding the bid process may be directed to Mandy Szocinski, at 231-242-1439.
- D. All bids will be reviewed at 7500 Odawa Circle, Harbor Springs, Michigan.

II. BACKGROUND

LTBB is the recipient of an Administrative for Native Americans (ANA) grant under the Environment Regulatory Enhancement (ERE) program to improve surface water quality protections by developing draft legislation, regulations and/or policies modeled on the needs and desires of the Tribal community. These enhancements will incorporate both scientific environmental data and traditional ecological knowledge (TEK) through a collaborative community process.

The LTBB Natural Resource Department (NRD) is the governmental department charged with promoting, honoring and respecting our traditional, spiritual and physical relationship with natural resources and the environment by managing, protecting, and sustaining them for the next seven generations. The Surface Water Quality Protection Program (SWQPP), within the NRD, specifically works to monitor, assess and protect surface water from degradation for the next seven generations. The SWQPP has and continues to collect consistent surface water quality data since the year of 2000. Using data collected through 2010, a baseline assessment was completed in 2011 that provides the Tribe with data to determine natural variability of each monitored water body. With the completion of this assessment, the next step toward protection of Reservation waters is to develop statutes and/or regulations. The Tribe currently does not have any legislation protecting all surface waters.

Year 1 of this two-year project was awarded in early October 2014. The first objective of the project is for the workgroup to develop water quality legislation using the following resources: the baseline assessment, current monitoring data, Tribal uses of surface waters, TEK, community and workgroup input, and legal expertise. Legislation will include but is not limited to at least two statutes, regulations, and/or policies for LTBB surface water resources. The second project objective is to provide information to and gather feedback from Tribal Citizens on surface water quality resources, uses and concerns. This will be accomplished through three types of media formats: online, in-person and mailings. The core project workgroup will consist of an appointed official, in-house legal counsel and environmental and water quality staff.

Although not part of this request for proposals, additional graphic and web design services are anticipated for the second year of this project. Services are subject to the availability of grant funds and at the discretion of the Tribe and the granting agency. These activities may include continuing technical assistance with: project workgroup meetings, planning and hosting community input meeting(s) and surveys, selecting specific water quality uses and standards, developing implementation plan and Treatment-Similar-to-a-State (TAS) application/EPA certification process.

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III. SCOPE

A. We seek a qualified law firm to provide legal expertise and recommendations on all drafted water quality legislation to the project workgroup on an as-needed basis over the project period. This will include attending workgroup meetings via teleconference/video conference and attendance at least one in-person meeting.

Specific tasks include:

- Attend in-person kick-off meeting with project workgroup
- Review and comment of first draft water quality protection legislation and/or regulations
- Attend monthly workgroup meetings (as requested)
- Provide technical assistance on project activities (as requested).

B. Anticipated schedule of activities;

- Kick-off meeting upon contract award (in-person preferred)
- Draft legislation review and recommendations (1-3 versions) from March-September 2015

C. Technical assistance as requested throughout the project.

D. Estimated level of effort is to be between 100-150 hours.

IV. QUALIFICATION REQUIREMENTS

A. Must not appear as listed as parties that are excluded from receiving Federal contracts, certain subcontracts, and certain Federal financial and nonfinancial assistance and benefits, pursuant to the provisions of 31 U.S.C. 6101, note, E.O. 12549, E.O. 12689, 48 CFR 9.404, and each agency's codification of the Common Rule for Nonprocurement suspension and debarment.

B. Experience working with federally recognized Native American Tribes; prefer experience with Tribes within the Environmental Protection Agency's Region 5.

C. Experience with interpretation and application of the federal Clean Water Act.

D. Capability to respond effectively and on schedule to project tasks and flexibility to adjust to workgroup needs and timelines for the project.

E. Experience with developing Tribal and/or State surface water quality laws.

F. Understanding of tribal sovereignty; prefer understanding of tribal traditions and culture of the Odawa.

A map of EPA's regions is available at <http://www2.epa.gov/aboutepa/epa-region-5>

V. PREFERENCES FOR FIRM

A. Native American Preference shall apply.

1. Citizens of the Little Traverse Bay Bands of Odawa Indians,
2. Citizens of Other Federally Recognized Tribes, as certified by the Bureau of Indian Affairs

B. Special consideration shall also be given to firms proven to be minority owned and/or classified as small business, see item 4 of "Bid Package" submittal for documentation needed.

C. Minority- or women-owned firms are encouraged to apply.

VI. INSURANCE REQUIREMENTS

The Firm must meet and agree to maintain during the term of the Contract, the following insurance coverage as required by law. All coverage shall be with insurance companies licensed and admitted to do business in the State of Michigan.

A. The Firm shall carry Worker's Compensation and Employer's Liability Insurance Coverage.

B. The Firm shall procure and maintain during the term of the contract Commercial General and/or Professional Liability Insurance on an "occurrence basis" with limits of liability of not less than \$1,000,000 per occurrence combined single limit, for Personal injury, Bodily injury and Property Damage. Coverage shall include the following extensions: 1.) Contractual Liability; 2.) Products and Completed Operations Coverage; 3.) Independent Firms Coverage; and 4.) Broad Form General Liability Extensions or equivalent.

(3)

C. If any of the above coverage expires during the term of the contract, the Firm's insurer shall deliver renewal certification and/or policies to: Little Traverse Bay Bands of Odawa Indians, Accounting Contracts Personnel, and 7500 Odawa Circle, Harbor Springs, Michigan 49740.

VII. CONTRACT AWARD

Proposals will be evaluated and scored by a Review Committee consisting of the project workgroup and Accounting Department staff. Proposal evaluations and a decision to award the project to one or more of the applicants will be based on the scoring criteria listed in Section VIII. Interviews or requests for additional information with top firms may be conducted. Native American Preference shall apply.

LTBB may make a determination that the rejection of all submittals is in the best interest of LTBB. LTBB will not pay for any information herein requested, nor is it liable for any costs incurred by the bidder. All proposals submitted are the property of LTBB and will not be returned.

VIII. PROJECT EVALUATION

Proposals will be scored and evaluated according to the table below.

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| Qualifications and experience of staff dedicated to this project | 15 |
| Prior experience working with Federally Recognized Tribes | 15 |
| Experience with the Clean Water Act | 20 |
| Experience developing state and/or tribal surface water quality laws | 20 |
| Responsiveness to tasks/flexibility | 10 |
| Total cost and hourly rate | 15 |
| Native American, minority- or women-owned law firm | 5 |
| TOTAL SCORE | 100 |

BID PACKAGE

Firms must submit a response in the form of one (1) hard copy and one (1) full electronic copy (pdf format) of your proposal. If an electronic copy is not feasible, please submit four (4) hard copies. Submittal must include the following:

- A. Proposal must provide enough information to evaluate capabilities based on the factors in Section VIII and that includes the following sections:
 - 1. Name, address, telephone number, and email of the contact person including the signature, typed name and title of the individual who is authorized to commit the firm to the proposal.
 - 2. Summary of company and services, including examples of work completed that relates to the scope of services.
 - 3. Key staff and office location that will perform the tasks for this project.
 - 4. List of References, particularly for similar projects.
 - 5. Any limitations the consultant may have with the scope of services.
 - 6. List and provide contact information for any subfirms for the project
- B. BID
 - 1. Provide an estimated cost based on scope of services that includes an hourly rate(s) for all staff involved in the project, travel costs and other fees (if applicable)



2. Work Plan – describe in detail the tasks, timeline and deliverables to complete the project as it relates to the Scope of Services. Include equipment and/or technologies to be used. Clearly indicate which tasks will be completed by subfirms (if applicable).
3. All proposals must be received by Mandy Szocinski in the Accounting Department by 4:00 pm (local time) on December 15, 2014.
4. Documentation Required for Preferences Listed in Section V—All things being equal, the following types of firms would receive special consideration, in the award of this contract:
 - Indian Owned— Indian owned is defined as, at least 51% Indian owned & controlled by person(s) of certified (federally recognized) Native American heritage; SBA or Tribal certification required.
 - Minority Owned— Minority owned is a firm that is at least 51% owned and controlled by a minority and so documented; SBA 8-a certification required.
 - Small Business— Small business for this purpose is firm doing less than \$2 million annually as verified by gross receipts, SBA certification required.
5. A copy of the Certificates of Insurance for the Contract term as noted in Section VI of this invitation.

CONTACT INFORMATION

Administrative/Contractual

Mandy Szocinski
Accounting and Contracts
(231) 242-1439
mszocinski@lbbodawa-nsn.gov

Project Contact

Christina Coger
NRD-Environmental Services
(231) 242-1571
ccoger@lbbodawa-nsn.gov