



## NAVAJO NATION DEPARTMENT OF JUSTICE OFFICE OF THE ATTORNEY GENERAL

ETHEL BRANCH  
Attorney General

HEATHER CLAH  
Deputy Attorney General

### March 7, 2023 REQUEST FOR PROPOSAL FOR SPECIAL COUNSEL ON HOUSING

**PROPOSAL DUE DATE:** Friday, March 17, 2023 at 5 p.m. MT

**CONTACT PERSON:** Christine Benally, ALS  
Navajo Nation Department of Justice  
Office of the Attorney General  
(928) 871-6345

**E-MAIL PROPOSALS TO:** [contracts@nndoj.org](mailto:contracts@nndoj.org)

- A. Scope of Work: The selected contractor (attorney or law firm) will provide the following services to the Office of the President and Vice President of the Navajo Nation under the direction of the Navajo Nation Attorney General or her designee:

Selected Respondent will identify legal tools that have been used to facilitate successful housing development in Indian country and will analyze the feasibility of using these tools to facilitate expedited housing development on Navajo Nation. Work may include assisting in the development of a housing development strategy for the Navajo Nation and identification of housing finance options to facilitate implementation of this strategy. The ideal Respondent will have an understanding of the housing development challenge on the Navajo Nation and experience with Navajo law and government. Assignments may include, but are not limited to, conducting legal research, drafting legal memoranda, and presenting to government officials.

- B. Fees: Respondent must describe in detail the hourly rate or other basis by which Respondent will bill time, and Respondent's timekeeping and invoicing practices.
- C. Conflicts: Respondent must affirmatively state whether their current or former representation of clients presents a conflict of interest that might bar them from undertaking the above Scope of Work. Respondent must also describe the precise nature of any potential conflict. A conflict of interest may include Respondent's current or former representation of a tribal, governmental, corporate, or individual client with an interest adverse to the Nation or any of its Enterprises. Respondent must disclose any current or previous legal work they have conducted for the Nation or its affiliates.

## **SECTION I**

### *TENATATIVE SCHEDULE AND CONTACT*

#### SCHEDULE:

1. Due Date for Email Receipt of Proposals
2. Anticipated Date for Interviews
3. Anticipated Award Date for Contract

#### DEADLINES:

Friday, March 17, 2023 at  
5:00 PM MT

Week of March 20, 2023

March 27, 2023

Prospective Respondent may make inquiries to Christine Benally at 928-871-6205.

## **SECTION II**

#### INSTRUCTIONS:

- A. PROPOSAL SUBMISSION: **Proposals must be received by email no later than 5:00 p.m. on Friday, March 17, 2023.** No hard copy proposals will be accepted unless preceded by an emailed copy of the proposal.
- B. LATE RECEIPT OF PROPOSALS: **Late proposals will NOT be accepted.** It is the sole responsibility of the Respondent to ensure the proposal arrives at the designated email address indicated on the Cover Sheet prior to the date and time specified.
- C. REJECTION OF PROPOSALS: The Navajo Nation Department of Justice reserves the right to reject any or all proposals and to waive all informalities and minor irregularities in receiving proposals.
- D. PROPRIETARY INFORMATION: Any restrictions on the use of data contained within any proposal must be clearly stated in the proposal itself. (Proprietary information submitted in response to this RFP will be handled in accordance with the Navajo Nation Privacy Act and Access to Information Act). Each and every page of proprietary material must be labeled or identified with the word "PROPRIETARY."
- E. RESPONSE MATERIAL OWNERSHIP: All material submitted regarding this RFP shall become the property of the Navajo Nation and will not be returned to the Respondent. Responses received will be retained by the Department of Justice and may be reviewed by any person after final selection has been made, subject to Paragraph D above.
- F. COSTS: Any costs incurred by the Respondent in the preparation or transmittal of their response to this RFP shall be at the expense of the Respondent.

- G. ACCEPTANCE OF PROPOSAL CONTENT: The content of the proposal will become contractual obligations if a contract award is made. Failure to accept or honor these obligations may result in cancellation of the award and Respondent may be removed from consideration for future solicitation. The Navajo Nation reserves the right to pursue appropriate legal action in the above set of circumstances.
- H. TERMS AND CONDITIONS: Respondent will be expected to agree to the Navajo Nation standard terms and conditions for outside counsel contracts. The Navajo Nation reserves the right to terminate negotiations with any individual or firm that will not agree to its standard terms and conditions.
- I. GOVERNING LAW: The review of this RFP will be reviewed in compliance with applicable Navajo Nation laws.
- J. INTERVIEWS: The Department of Justice may schedule interviews with one or more attorneys or firms to interview after evaluation of the proposals. Interviewees will be notified by email.
- K. SELECTION: The Department of Justice will select one individual or firm to award an attorney contract to for purposes of conducting the work set forth in the Scope of Work. The selected Respondent will be notified by email.
- L. EVALUATION PROCEDURES AND CRITERIA:
1. A selection team will evaluate the proposals received in accordance with the general criteria used herein. Respondents should be prepared to provide any additional information the team feels necessary to the fair evaluation of proposals.
  2. Failure of Respondent to provide any information requested in the RFP may result in disqualification of the proposal. All proposals must be endorsed with the signature of an official with the authority to bind the Respondent to the execution of a contract.
  3. The sole objective of the selection team will be to identify the Respondent who is most qualified to fulfill the Scope of Work set forth above. The specifications in this RFP represent the minimum performance criteria necessary for a response. On the basis of the evaluation criteria established in this RFP the selection team will select and recommend the Respondent who best meets this objective.
  4. Financial Factors: Proposed costs will be evaluated not only to determine if the estimate is reasonable, realistic and cost effective, but also to determine the Respondent's understanding of the Scope of Work and their ability to perform the contract. Pricing factors will not be numerically weighed and scored, but will be considered as part of the overall response.
  5. SELECTION CRITERIA: Proposals should discuss the following criteria, which will assist the Attorney General in assessing the qualifications of the Respondent. The

proposal should specifically address the degree of experience or expertise Respondent possesses in the following areas:

- a. Demonstrated experience and knowledge relating to housing development on the Navajo Nation or in Indian country generally.
- b. Demonstrated experience and knowledge of Navajo law and policy, and Navajo Nation government processes.
- c. Ability to work collaboratively with in-house legal counsel.
- d. Ability to fulfill the identified Scope of Work.
- e. Respondent's reputation among his or her peers.

M. TERM: The term of any contract negotiated as a result of a proposal submitted in response to this RFP will be set forth by the Attorney General.

### **SECTION III**

#### **PROPOSAL CONTENTS:**

1. Identification of the name and title of the person authorized to negotiate the contract;
2. A brief description of the firm and its areas of specialty, including identification of the primary office the attorney or firm will deliver services from;
3. An explanation of how Respondent meets the qualifications to perform the Scope of Work, and otherwise meets the Selection Criteria stated above;
4. Identification of and biographies and/or resumes for each member of Respondent's team that will perform the work identified in the Scope of Work;
5. Identification of the fees for each individual team member;
6. Identification of the expenses the attorney or firm will charge;
7. An affirmative statement regarding conflicts;
8. Complete Demographic Data Report; and
9. Signature by the individual authorized to contractually obligate the attorney or firm.



Firm Name \_\_\_\_\_

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**Comments related to any of the above:**

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Navajo Nation Department of Justice  
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PO Box 2010  
Window Rock, Arizona 86515  
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