

# REQUEST FOR QUALIFICATIONS TRIBAL PUBLIC DEFENDER SERVICES

ISSUE DATE: APRIL 12, 2021

## I. COVER PAGE

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### INTRODUCTION

The Quinault Indian Nation is soliciting proposals for contracted services from law firms or independent attorneys interested in providing public defender services. It is anticipated that the delivery of services under the contract will begin on July 1, 2021. Services will be delivered to persons appointed a public defender by the Quinault Tribal Court (QTC) for criminal or truancy proceedings, and to represent parents or children who are engaged in Minor in Need of Care (MINOC) actions in QTC. The contract will be awarded for a period of time up to three years.

### INSTRUCTIONS

All bid proposals must be submitted by certified mail or by a commercial delivery service that provides proof of the date of posting the package for delivery. Proposals submitted by this method shall be contained in a sealed envelope and clearly marked "Sealed Bid Proposal-Public Defender Services." Proposals may also be submitted by email to the person listed below. If submitted by email, the proposal shall be submitted in a security-protected PDF format. A proposal shall be received by no later than 11:59 PM, **Friday, May 14, 2021**, and submitted to:

Lori Bruner  
Quinault Indian Nation  
Office of Attorney General  
PO Box 613  
Taholah, WA 98587  
[lbruner@quinault.org](mailto:lbruner@quinault.org)



## II. SCOPE OF WORK

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### ESSENTIAL DUTIES AND RESPONSIBILITIES

The Public Defender represents tribal members and non-member Indians who are charged with the commission of offenses within the exterior boundaries of the Quinault Indian Reservation and other lands over which the Quinault Indian Nation holds jurisdiction. The Public Defender also represents parents or children who are engaged in MINOC and/or guardianship actions in QTC. There were two-hundred four (204) new criminal filings in the QTC last year. Because the Nation has adopted the Tribal Law and Order Act (Pub. L. No. 111-211, 124 Stat. 2258), it is expected that there will be approximately sixty (60) felony filings a year. There will be approximately two hundred (200) probation violation appointments, and about sixty (60) juvenile offender or truancy appointments. It is anticipated that there will be an annual case load of about forty (40) active MINOC appointments.

The Public Defender will be expected to perform the tasks and meet the standards listed below:

1. Review reports, complaints and citations issued or filed by the Tribal Prosecutor, Presenting Officer, Public Safety Officers, Probation Officer or other authorized Officer of the QTC.
2. Perform investigations through interviews, legal research, reviewing reports and evidence.
3. Represent clients by advising them as to their legal and civil rights and representing the client at hearings and trials.
4. File legal motions, briefs, memorandums of authority and other documentation as necessary.
5. Negotiate and confer with other counsel, professionals and interested parties to determine the appropriate legal course of action on behalf of clients.
6. Assist and advise clients to access appropriate services and to comply with court orders as necessary.
7. Perform trial preparation, including introducing and examining witnesses, experts and exhibits.
8. Prepare for and participate in sentence and dependency review proceedings.



9. Prepare and present appeals of cases when, in the Attorney's opinion, an appeal is in the interest of justice.
10. Maintain a high level of professionalism and high ethical standards at all times and maintain strict confidentiality.
11. Abide by the disciplinary rules and other requirements of the bar associations of which the attorney is a member, as well as any disciplinary rules adopted by the Nation to govern attorney practice on the Reservation.
12. Comply with tribal laws and administrative policies.
13. Demonstrate tact, respect, and diplomacy in working relationships.

### III. REQUEST FOR QUALIFICATIONS

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#### MINIMUM QUALIFICATIONS

**In order to be considered, a proposal shall include the following elements:**

1. All attorneys who will deliver legal services pursuant to the contract must have graduated from an ABA accredited law school with a Juris Doctorate degree and be in good standing with the Washington State Bar Association.
2. A description of the attorney's: (a) experience in criminal prosecution or defense representation, including as a public defender; (b) experience in family law representation, including but not limited to, Indian Child Welfare and/or MINOC cases; (c) courtroom experience, including the conduct of jury and bench trials and motion practice [including qualifications under Standard 14 of Washington Court Rule CrR 3.1 Standards for Indigent Defense; (d) plan for responding in a timely manner to clients and to the Court's schedule; (e) experience in multijurisdictional issues; and (f) experience practicing before the courts of any federally-recognized Indian tribe or nation.
3. A list of references regarding the reputation and qualifications of the attorney (s) who will perform the public defender duties.
4. The applicable fees or fee structure to be charged.
5. A disclosure regarding any judgments or decisions, pending complaints, or ongoing disciplinary actions against the attorney before the Washington State Bar Association



or any other bar of any state or territory of the United States or any tribal or Indian Nation bar.

6. A disclosure of representation in any matter in which the Quinault Nation or any of its political subdivisions or enterprises was/is the attorney's client or a party to such matter.

**Indian Preference:** Indian Preference applies to all contract procurement with the QIN. The determination of who is an Indian Contractor is made by the Tribal Employment Rights Office according to Quinault Tribal Code, Title 97. Indian Contractors must provide certification from the Tribal Employment Rights Office in order to be considered eligible for Indian Preference.

## IV. EVALUATION PROCESS

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Step 1: Each proposal will be reviewed to determine whether it meets the Minimal Requirements. Only those proposals that address all of the Minimal Requirements will be reviewed under Step 2.

Step 2: Written proposals will be reviewed and evaluated by the Quinault Office of Attorney General. Points will be awarded among the criteria listed in Section V, Evaluation Criteria.

Step 3: The Nation will conduct reference checks for the highest scoring Proposal(s). If the reference checks are positive, interview(s) will be scheduled.

Step 4: The winning candidate will be notified.

Step 5: Contract negotiations will commence with the selected candidate. A copy of the form of contract is attached hereto as Exhibit A.

Step 6: If negotiations with the initially selected candidate fail to produce a contract, the Nation reserves the right to enter into negotiations with one or more other candidate(s), or engage alternative options under the Nation's Procurement Policy, including to republish the RFQ.

## V. EVALUATION CRITERIA

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Responders shall be assessed using the following criteria for selection:



**1. PRICE: 20%**

Up to twenty (20) points will be awarded based on the proposed rates in relation to the number of hours of service to be provided.

*If the lowest bid or price by an Indian Contractor is within the cost differential in the table below, when compared with the lowest bid or price by a non-Indian Contractor, then the Indian Contractor shall have the opportunity to match the overall lowest bid or price:*

*PROCUREMENT VALUE COST DIFFERENTIAL*

*\$5,000.00 OR LESS – 15%*  
*\$5,001.00 OR MORE – 10%*

**2. EXPERIENCE: 30%**

**Up to thirty (30) points will be awarded based on the following factors:**

- A. Length of time in practice (a minimum of five years relevant experience is preferred);
- B. Depth of practice in:
  - criminal law as a defender or prosecutor;
  - family law, as a prosecutor or defender or guardian *ad litem*;
  - courtroom experience, including in the conduct of jury and bench trials, and in motion practice;
  - experience with tribal, state, or federal governments;
  - experience in multi-jurisdictional issues; and
  - practicing before the courts of any federally-recognized Indian tribe.

**3. SUITABILITY: 30%**

**Up to thirty (30) points will be awarded based on the following factors:**

- A. Demonstrated cultural competence with tribal/Indian communities, including experience and accomplishments in advocacy for issues of tribal nation justice and an understanding of the unique challenges facing tribal communities with respect to the justice system; and
- B. Understanding of the jurisdictional basis, challenges, needs and opportunities of tribal courts in relation to serving as the legal representative of members of a sovereign nation before adjudicative forums; comprehension of the distinct but often overlapping jurisdiction between tribal, state and federal forums.



#### 4. LEADERSHIP QUALITIES: 20%

Up to twenty (20) points will be awarded based on experience working within organizations and communities with divergent interests and competing stakeholders, and experience working with multidisciplinary teams.

## VI. TERMS AND CONDITIONS

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- A. Quinault Tribal Court admission requirements must be met before the successful candidate will be permitted to practice in court. The successful candidate will be required to become a member of Quinault Tribal Bar and to procure a Quinault Business License. Copies of the Bar and Business License applications are attached hereto as Exhibits B and C, and Title 30, Rules of the Quinault Tribal Court, is attached hereto as Exhibit D.
- B. The Nation reserves the right to reject any and all submittals, and to waive minor irregularities in any proposal.
- C. The Nation reserves the right to request clarification of information submitted, and to request additional information from the proposer.
- D. The Nation reserves the right to award any contract to the next most qualified candidate, if the successful candidate does not execute a contract within five (5) days after the award of the proposal.
- E. Public Defender services by the chosen candidate will commence on a date to be agreed upon by the parties, but no later than sixty (60) days upon execution of the contract for services.
- F. The contract resulting from acceptance of a proposal by the Nation shall be in a form supplied or approved by the Nation, and shall reflect the specifications in this RFQ. The negotiation and execution of such contract will be deemed by the parties to have occurred within the Quinault Indian Reservation and any interpretation shall be in accordance with the laws of the Quinault Indian Nation. The Nation reserves the right to reject any proposed agreement or contract that does not conform to the specifications contained in the RFQ, and which is not approved by the Office of Attorney General.
- G. The Nation shall not be responsible for any costs incurred by the successful candidate in preparing, submitting, or presenting its response to the RFQ.



H. Payment by the Nation for the services will only be made after the services have been performed. Payment shall be made on a monthly basis, fourteen (14) days after the Nation's accounting office receives the Contractor's invoice.

I. Indemnification. The successful candidate shall indemnify, defend, and hold the Nation, its elected officials and employees, agents and volunteers harmless from any and all claims, losses or liability, including all costs and attorneys' fees, arising out of that person's performance of obligations pursuant to the Contract, including claims arising by reason of accident, injury, or death caused to persons or property of any kind occurring by the fault or negligence of the person chosen, his/her/their associates, agents, and employees. To the extent that any of the damages referenced by this paragraph are caused by or resulting from the concurrent negligence of the Nation, its agents or employees, this obligation to indemnify, defend, and hold harmless is valid and enforceable only to the extent of the negligence of the person chosen, its officers, associates, agents and employees.

J. Standards for Public Defense Services. The successful candidate shall comply with the standards for public defense services as may be adopted by the Nation. In the absence of any standards adopted specifically by the Nation, the standards adopted by the Washington State Bar Association shall govern. Because the Nation has implemented the Tribal Law and Order Act, some defendants may be charged with felonies. Therefore, the Public Defender shall comply with both CrRLJ 3.1 Stds - Standards for Indigent Defense (misdemeanors and gross misdemeanors) and CrR 3.1 Stds - Standards for Indigent Defense (felonies).

