

REQUEST FOR PROPOSAL

Legal Services

NISQUALLY RED WIND CASINO



INQUIRES AND PROPOSALS SHOULD BE DIRECTED TO:

Name: Melody Jerenz

Title: Compliance Director

Entity: Nisqually Red Wind Casino

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Request for Proposals

For: Legal Services for Nisqually Red Wind Casino and Medicine Creek Enterprise Corporation

Date Issued: October 11, 2024

Submission Deadline: Friday, November 1, 2024, 4:00pm PST

I. Summary and background

Nisqually Red Wind Casino, a Tribal casino resort, located 45 minutes south of Seattle, was founded in 1995 and is focused on being the South Sound leader in Tribal Gaming.

Currently we are accepting proposals for a legal firm to represent the interests of both the Nisqually Red Wind Casino (NRWC) and Medicine Creek Enterprise Corporation (MCEC).

As the NRWC/MCEC representation, firms responding to this RFP may not currently be representing any other Tribal Gaming Operation or Tribal Enterprise Corporation within 50 miles of Nisqually Indian Tribe.

The purpose of this Request for Proposal (RFP) is to solicit proposals from various qualified and experienced firms, conduct a fair and extensive evaluation based on the criteria listed herein, and select the candidate who best represents the direction of the NRWC and MCEC.

II. Conflict of interest

Firms submitting a proposal for legal services should be sensitive to potential conflicts of interests. All known potential conflicts must be disclosed in any proposal for legal services. The selected firm must maintain distinct and separate representation between both NRWC and MCEC to avoid any potential conflict of interest.

III. Proposal submission and selection

This Request for Proposal represents the requirements for an open and competitive process. Proposals will be accepted until 11/01/2024, 4:00pm PST. Any proposals received after this date and time will be returned to the sender. All proposals must be signed by an official agent or representative of the firm submitting the proposal.

All costs must be itemized to include an explanation of all fees and costs.

Contract terms and conditions will be negotiated upon selection of the winning bidder for this RFP. All contractual terms and conditions will be subject to legal review and will include scope, budget, schedule, and other necessary items pertaining to the project.

The RFP may be responded to in any written format you feel appropriate, however, please be sure all information detailed in this request are included for consideration.

All costs incurred in the preparation of a proposal responding to this RFP will be the responsibility of the firm and will not be reimbursed by Nisqually Red Wind Casino.



IV. Scope of Work

NRWC and MCEC require broad and varied legal services in a number of practice areas and will accept proposals that including, but not limited to the following:

1. Federal Indian law and policy;
2. Nisqually Tribal ordinances, titles, articles, bylaws, etc.;
3. Complex business/commercial transactions and financing;
4. ISDEAA self-governance compacting and contracting (PL 93-638, etc.);
5. Complex civil (non-personal injury) litigation and contractual arbitration;
6. Government taxation and IRS concerns; and
7. Various federal laws and programs including employment law, PCI DSS, AML/BSA, OSHA, ADA, etc.

Key responsibilities of the selected firm will include, but are not limited to:

1. Provide legal counsel and representation to Tribal enterprises in corporate and business law matters;
2. Advise on the formation, management, and governance of Tribal corporations and business entities, including drafting and reviewing bylaws, operating agreements, contracts, and other legal documents;
3. Assist in the development of economic ventures, joint ventures, and partnerships involving Tribal enterprises, ensuring compliance with Tribal, federal, and state laws;
4. Advise clients on matters related to Tribal sovereignty, treaty rights, federal recognition, and the intersection of federal, state, and Tribal laws;
5. Collaborate with Tribal leadership, government officials, Tribal legal counsel, and business leaders to address corporate legal issues and advance Tribal economic development initiatives;
6. Review, advise, and respond/draft responses for subpoenas, lawsuits, insurance claims, etc.;
7. Incident review and recommendations regarding various potential legal issues affecting NRWC, MCEC, and their staff; and
8. Stay current on developments in federal Indian law, corporate law, Notice of Proposed Rulemakings, and other relevant legal areas to ensure comprehensive legal representation.

The delivery of legal services in any particular practice area may require:

1. Legal research and written advice and opinions as requested;
2. Researching and writing policies, procedures, and resolutions as requested;
3. Negotiation and transactional document development;
4. Representation in court or administrative proceedings.

V. Request for Proposal and Project Timeline

Response to this RFP are due no later than 11/01/2024, 4:00pm PST.

Evaluation of all received proposals will be conducted from 11/04/2024 until 11/08/2024. Candidates will be selected from the pool of respondents and will receive an invitation to a panel discussion for introductions and presentation of their proposal. From these panel discussions, finalists will be determined and invited to a second meeting with the MCEC Corporate Board.

The selection decision for the winning bidder and notifications to bidders who were not selected will be made no later than one week following the final meeting. Updates will be communicated through this process.

Contract negotiation will commence immediately following notification to the winning proposal.



VI. Fees

Proposals should describe in detail the hourly rate or other basis by which the firm will bill time as well as the firm's timekeeping and invoicing practices.

VII. Bidder Qualifications

Bidders should provide the following items as part of their proposal for consideration:

- Names, addresses, and contact persons for the firm;
- Names and resumes of responsible partners, associates, and other key staff who will be assigned to handle matters under this RFP. Include a Certificate of Good Standing from the Washington State Courts or other relevant jurisdiction for each attorney proposed to handle matters under this RFP.
- Scope of proposed engagement in relation to the practice areas and responsibilities noted in Section IV of this RFP.
- Policy and practice in estimating anticipated fees.
- Description of billing policies and practices addressing fees, invoicing, billing cycle, and costs for reimbursement, etc.
- An initial assessment of potential conflicts of interest.
- Detailed information on prior Tribal government or enterprise representation experience.
- Proposal should include the type of matters addressed for Tribal clients and the extent of services provided with respect to these matters including number of hours, types of activities engaged in, description of output, etc.
- Description of practices that will ensure separate oversight including files, communication channels, and confidentiality protocols for both NRWC and MCEC.
- Capacity and capability of the firm or attorney to perform the work involved.
- Indicate any additional services that may be provided.
- At least three references who can speak to actual performance related to matters or practice areas.

Each bidder must submit an electronic version of their proposal to the email located on the front page of this proposal. In addition to electronic copies, bidders may also choose to deliver physical copies to the to the following address:

Attention: Melody Jerenz
12819 Yelm Hwy SE
Olympia, WA 98503

VIII. Proposal Evaluation Criteria

Nisqually Red Wind Casino will evaluate all proposals based upon factors described in this RFP. To ensure consideration for this Request for Proposal, your proposal should be complete and include all the following criteria:

- Overall proposal suitability: Proposal must meet the scope and needs included herein and be presented in a clear and organized manner.



NRWC Request For Proposal

- Organizational and planning experience: Bidders will be evaluated on their experience, approach, and strategy as it pertains to the needs of NRWC and MCEC.
- Previous work: Bidders will be evaluated on previous work experience and references.
- Value and cost: Bidders will be evaluated on the cost of their services based on the work to be performed in accordance with the scope of this RFP.
- Technical expertise and experience: Bidders will be evaluated on descriptions and documentation of staff technical expertise and experience.
- Location and service: Bidders will be evaluated on their ability to maintain clear and fast communication including proximity to Nisqually Red Wind Casino and the size/skill of the team.

Nisqually Red Wind Casino reserves the right to reject any and all proposals received in response to this RFP.