

REQUEST FOR PROPOSALS
WATER LAW SPECIAL COUNSEL
for the
MORONGO BAND OF MISSION INDIANS

Background Information

The Morongo Band of Mission Indians (“Tribe”) is issuing this Request for Proposals (“RFP”) in order to solicit competitive sealed proposals for legal services related to water issues affecting the Tribe. Because California law governs certain of the water issues affecting the Tribe, only applicants who are licensed members in good standing of the California State Bar will be considered. The contract term for the contemplated service will be month-to-month, with the Tribe reserving the right to discontinue use of the service upon thirty (30) days’ notice.

Eight (8) copies of the proposal should be submitted no later than 5:00pm, Friday August 10, 2018. Proposals should be addressed to the Morongo Legal Department, 12700 Pumarra Road, Banning, CA 92220.

Scope of Work

The Tribe intends to enter into a non-exclusive contractual relationship with a law firm (which could be a sole practitioner) to provide legal counsel to the Tribe related to water issues, including but not limited to the following:

- a. Advise and consult on water issues that may affect the Tribe.
- b. Attend Tribal Council and General Membership meetings as necessary to provide advice on and discuss matters relating to water issues that may affect the Tribe.
- c. Assist the Tribe in resolving, to the greatest extent possible to the benefit of the Tribe, water issues affecting the Tribe.
- d. Represent the Tribe in water-related court and administrative proceedings.
- e. Assist the Tribe in formulating, developing and implementing policies and plans concerning water, and the use of water, on the Morongo Indian Reservation or on fee lands owned by the Tribe.

Required Qualifications

The following qualifications are required:

1. Experience and expertise in laws and matters relating to surface water, including but not limited to state-issued water licenses and permits, pre-1914 appropriative water rights, riparian water rights, federal reserved and *Winters* water rights.
2. Experience and expertise in laws and matters related to groundwater, including but not limited to experience in litigation relating to groundwater adjudication and in the development of AB 3030 plans.

3. Experience and expertise in matters before the California State Water Resources Control Board, including but not limited to water right reporting and compliance and Petitions for Change, and related administrative proceedings.
4. Experience and expertise in federal and state court proceedings, at both the trial and appellate level, involving water law matters.
5. Experience and expertise in surface water and groundwater transfers.
6. Experience and expertise in working with State and federal agency staff and policy makers on matters related to water, including but not limited to the development of regulations and/or amendment of regulations.
7. Experience and expertise in working with State and federal legislators and staff on matters related to legislation concerning water law.
8. No conflict of interest that would limit the firm's scope of representation of the Tribe in matters related to water involving any of the following: Cabazon Water District; City of Banning; City of Beaumont; Beaumont Cherry Valley Water District, Yucaipa Valley Water District; South Mesa Mutual Water Company; Banning Heights Mutual Water Company; San Geronio Pass Water Agency; Mission Springs Water District; Metropolitan Water District; Desert Water Agency; Coachella Valley Water District; Los Angeles Department of Water and Power.

Proposal Requirements

The proposal should include each of the following, as labeled and in the following order:

1. Description of the Firm. A brief description of the firm, including the number of attorneys in the firm and their respective areas of expertise.
 - a. The resume of each attorney in the firm who is anticipated to provide services to the Tribe must be included.
 - b. Contact information for the attorney who is anticipated to be in charge of the firm's representation of the Tribe must be included.
 - c. At least three (3) references should be listed, which should include clients for whom the firm has provided services demonstrating the firm's experience and expertise in the categories listed above under the heading "Required Qualifications."
 - d. A statement concerning the extent, if any, of the firm's experience in representing Indian tribes.
 - e. A description of the liability insurance, including professional liability insurance, maintained by the firm, including policy limits.
2. Experience and Expertise. A description of the firm's experience and expertise with respect to each of categories 1-7 set forth above under the heading "Required Qualifications." Although a comprehensive list of all experience in each category need not be included, at least one and preferably more than one example of experience in each category must be included with sufficient detail to enable the reviewer(s) to ascertain the level of the firm's experience in that category.
3. Fee and Rate Schedule. This should list the hourly rate by description/type of service (including separate rates for travel time, if any) and by person, as well as a list of costs

that are chargeable by the firm. If the firm has separate billing rates for governmental and private entities, the proposal should state whether the governmental or non-governmental rates would be applicable to work performed for the Tribe.

4. **Conflict of Interest Statement.** A statement that the firm has no conflict of interest that would limit the firm's scope of representation of the Tribe in any water-related matter involving any one or more of the entities listed in item 8 listed above under the heading "Required Qualifications."
5. **Statement of Offer.** The proposal must be signed by an individual authorized to bind the firm, and must contain a statement that the proposal is a firm offer that may be accepted at any time within ninety (90) days after the deadline for receipt of proposals.

Terms and Conditions

Any proposal submitted to the Tribe shall be deemed to be submitted in accordance with the following terms and conditions:

1. **Costs.** Any cost incurred by a law firm in preparing and/or submitting a proposal shall be borne solely by the firm.
2. **Amendment.** Any proposal may be amended or superseded by a subsequent submission provided it is received by the deadline for submission of proposals.
3. **Withdrawal.** A law firm may withdraw its proposal at any time prior to the deadline for submission of proposals by providing written notice of its intent to withdraw. Such written notice may be provided by email to legal@morongo-nsn.gov.
4. **Non-Disclosure.** The Tribe will keep all proposals confidential and will not disclose or make available to any other tribe or entity a firm's proposal. The successful applicant's fee agreement will have to be approved by a vote of the entire voting membership of the Tribe within one year after the agreement is approved by the Tribal Council, and as part of the voting process a copy of the fee agreement (but not the proposal itself) will be provided to each voting member of the Tribe.
5. **No Obligation.** By issuing this RFP, the Tribe is not obligating itself to enter into any contract or to hire a law firm to provide water-related legal services to the Tribe.
6. **Cancellation; Rejection of Proposal(s).** This RFP may be canceled at any time, with or without advance notice, and any and all proposals received may be rejected.
7. **Inquiries.** Any inquiry regarding this RFP should be addressed to the Morongo Tribal Attorney at the address set forth above or by email (legal@morongo-nsn.gov).