

December 31st, 2024

Requesting sealed proposals

The Sisseton Wahpeton Oyate is requesting Statements of Qualifications from Individual Attorneys and Law Firms to assist our Human Resource Department under an **annual contract** to act as an Administrative Law Judge to conduct administrative hearings and coordinate with the Department for conducting all proper grievances filed under the Personnel Policy. Sisseton Wahpeton Oyate (the “Tribe”) recently amended its policy and the amendments will take place on January 1st, 2025. The contract period will be January 20th, 2025 – December 31st, 2025 with possibility of renewal.

Background Information:

Tribal Council established an Office of Administrative Hearings (“OAH”) to implement an impartial and fair grievance process to address tribal employment grievances. Additionally, the OAH may expand to other entity employment grievances within the Tribe.

Statement of Work:

Provide an experienced attorney to be an Administrative Law Judge (“ALJ”). The nature of this engagement is to work with our Human Resource Department to coordinate, schedule and hear all employment grievances that are properly submitted to the Human Resource Department and the Office of Administrative Hearings. Employees who express dissatisfaction and request personal relief in a matter concerning disciplinary actions as defined in the respective tribal entities personnel/employment policies shall have a hearing.

The ALJ shall be paid at an hourly rate of \$175 for preparation, hearing time, researching, drafting, and other duties at stated under the Office of Administrative Hearings. The maximum allowed under this contract shall be \$25,000.00 per year. This ALJ is an independent contract position. The ALJ will not receive employment benefits from the Tribe, and the Tribe’s obligation to the ALJ is to compensate for the work performed pursuant to the terms stated in the contract between ALJ and the Tribe.

The Tribe cannot predict the number of matters or the complexity of matters that will be heard by an ALJ in a year and does not guarantee any number of hours of work. However, the ALJ shall make him/herself available to attend hearings at least once a month by video conferencing (Google Meet) that typically range from 1-2 hours as well as any preparation or legal services necessary outside of the hearings to perform the statutory and policy responsibilities. Candidate will preside over all aspects of administrative proceedings, including but not limited to hearing conduct and timely preparation and issuance of written decisions within established timeframes. Hearings will be held in accordance with strict time guidelines and will be held on a rolling basis.

Minimum Qualifications:

Candidates must be a U.S. citizen, member in good standing and preferred admission to practice law in the State of South Dakota or admitted to practice law in any other state, competent in the practice of administrative law and personnel matters. Must have been practicing law for at least 3 years, with the ability to understand, interpret, and apply the law and policy, and other rules as applicable. Must have experience interacting with parties to resolve a dispute in a professional manner. Must have a flexible schedule, government and judicial experience preferred.

Information to Include in the SOQ:

Individual attorney's and Law Firms responding to this RFQ are to provide the following in their SOQ:

1. Project Understanding
 - a. Proposed Statement of Work
2. Qualifications
 - a. Resumes
 - b. History
 - c. Employment Grievance experience.
 - d. Relevant judicial and government experience.
 - e. Demonstration of dispute resolution experience.
3. Writing Sample
 - a. Ideally, the writing sample shall be a written or proposed order with findings of facts and conclusions of law. If such a writing sample is unavailable, a writing sample that displays the submitter's legal analysis and writing skills is sufficient.

Evaluation of SOQs:

The Tribe reserves the right to evaluate SOQs received in response to this RFQ in a way that best suits the interest of the Tribe and the project's schedule. Tribe seeks to proceed with the project expeditiously and may choose to select an attorney for the project on the basis of its SOQ.

Required Documents:

SWO Business License
Completed W-9 Form
Liability Insurance

The deadline for SOQ submittals is January 15, 2025 at 4:00 pm CST. Interested Individuals or Law firms shall submit 3 copies of their SOQ to:

Contact the Procurement Office for specifications: vvallie@swo-nsn.gov

Please submit sealed proposals to: SWO Procurement Office
Attn: Vern Vallie
PO Box 509
Agency Village, SD 57262

All interested parties acknowledge that any Agreement executed and performed within the Tribe's exclusive jurisdiction is subject to the exclusive jurisdiction of the Tribal Court of Sisseton-Wahpeton Oyate of the Lake Traverse Reservation. All interested parties acknowledge that they must comply with the Sisseton-Wahpeton Oyate Ordinances: TERO Chapter 59 Requirements, Wage Rates & Compliance Plan; Business License Ordinance Chapter 53 and Tax Ordinance Chapter 67; and Chapter 75 Sex Offender Registration.