

Request for Proposals:

The Sisseton Wahpeton Oyate is seeking to solicit competitive proposals from qualified vendors to provide comprehensive trademark insignia services. Sisseton Wahpeton seeks a contractor with demonstrated expertise in trademark design, registration, enforcement, and brand management to develop, protect and maintain tribal insignia and associated intellectual property assets.

Sisseton-Wahpeton Oyate is a federally recognized Indian tribe with governmental authority and sovereignty. The Tribe operates various governmental programs, economic development initiatives, gaming and cultural preservation activities that require distinctive trademark services that support the Tribe's governmental functions, commercial enterprises, and cultural heritage protection. The Tribe anticipates awarding a fixed price contract with an initial term of one year.

Scope of Work:

The selected contractor shall provide comprehensive trademark insignia services including, but not limited to, the following:

- 1) Design and Development Services
 - a) Trademark Design: Create original trademark designs, logos, insignia, and visual brand elements that reflect tribal identity, cultural heritage, and governmental/commercial objectives
 - b) Brand Strategy: Develop comprehensive brand guidelines and trademark usage standards for tribal departments, enterprises, and authorized users.
 - c) Cultural Consultation: Work collaboratively with tribal leadership, cultural advisors, and designated representatives to ensure designs respect and accurately represent tribal heritage, symbols, and cultural significance.
- 2) Legal and Registration Services
 - a) Trademark Clearance: Conduct comprehensive trademark searches and clearance analyses to assess availability and registrability of proposed marks.
 - b) Federal Registration: Prepare and file trademark applications with the United States Patent and Trademark Office (USPTO), including applications under special provisions available to federally recognized tribes.

- c) Prosecution and Maintenance: Manage trademark prosecution, respond to USPTO office actions, file statements of use, renewals, and all maintenance filings required to preserve trademark rights.
- 3) Enforcement and Protection Services
 - a) Monitoring: Conduct ongoing monitoring of trademark databases, domain name registrations, and marketplace channels to identify potential infringement or unauthorized use.
 - b) Enforcement Actions: Provide procedural training for staff to prepare and send cease-and-desist letters, and coordinate with tribal legal counsel on enforcement litigation when necessary.
 - c) Opposition and Cancellation Proceedings: File and prosecute trademark oppositions and cancellation proceedings before the USPTO Trademark Trial and Appeal Board to protect tribal rights.
 - d) Anti-Counterfeiting Measures: Develop and implement anti-counterfeiting strategies, including coordination with U.S. Customs and Border Protection and online marketplace enforcement programs.
- 4) Portfolio Management Services
 - a) Trademark Portfolio Management: Maintain comprehensive records of all tribal trademark registrations, applications, common law rights, and related intellectual property assets.
 - b) Licensing Support: Assist in development of trademark licensing agreements, quality control standards, and licensing monitoring.
 - c) Reporting: Provide quarterly reports on trademark portfolio status, new filings, enforcement actions, renewal deadlines, and strategic recommendations.
- 5) Training and Education
 - a) Staff Training: Provide training sessions for tribal staff on trademark usage, brand standards, and intellectual property protection.
 - b) Policy Development: Assist in developing tribal trademark policies, procedures, and internal guidelines.
- 6) Submission Requirements
 - a) Proposal Format: Proposals shall be submitted in the following format and include the sections specified below. Proposals that do not conform to these requirements may be deemed non-responsive.
 - b) Required Proposal Components: Offerors shall submit proposals containing the following sections:
 - i) Executive Summary: A brief overview of the offeror's understanding of the project, approach to providing services, and key qualifications (maximum 3 pages).
 - ii) Technical Approach: A detailed description of the offeror's methodology for providing each category of services identified in Scope of Services, including:
 - (1) Design process and creative methodology
 - (2) Cultural consultation approach and protocols

- (3) Trademark clearance and registration procedures
- (4) Enforcement and monitoring strategies
- (5) Portfolio management systems and tools
- (6) Quality assurance measures
- (7) Project timeline and milestones
- iii) Corporate Experience and Qualifications
 - (1) Firm Background: Description of the offeror's organizational structure, years in business, areas of specialization, and relevant credentials.
 - (2) Relevant Experience: Detailed descriptions of at least three (3) comparable projects completed within the last five (5) years, preferably including experience with tribal governments, tribal enterprises, or culturally sensitive intellectual property matters. For each project, provide:
 - (a) Client name and contact information (with client permission)
 - (b) Project scope and objectives
 - (c) Services provided
 - (d) Outcomes achieved
 - (e) Challenges encountered and solutions implemented
 - (3) Tribal Experience: Description of prior work with federally recognized Indian tribes, tribal organizations, or Native American cultural institutions (if applicable).
 - (4) Special Qualifications: Any relevant certifications, professional memberships, industry recognitions, or specialized expertise.
- iv) Personnel Qualifications
 - (1) Project Team: Identification of key personnel who will be assigned to this project, including project manager, designers, trademark attorneys, and other core team members.
 - (2) Resumes: Current resumes or curricula vitae for all key personnel, including education, professional credentials, relevant experience, and specific role on this project.
 - (3) Staff Availability: Confirmation that proposed personnel are available for the duration of the contract and estimated percentage of time each individual will dedicate to this project.
 - (4) Personnel Substitution Policy: Description of the offeror's policy regarding substitution of key personnel during contract performance.
- v) Cost Proposal – shall be submitted separately from the technical proposal and shall include:
 - (1) Pricing Structure: Detailed breakdown of proposed pricing, including:
 - Hourly rates by personnel classification or service category
 - Fixed fees for specific deliverables (if applicable)
 - Retainer fee structure (if proposed)
 - Costs for trademark filing fees, search fees, and other pass-through expenses

- Travel and out-of-pocket expense reimbursement rates
- vi) Required Certifications and Representations – Offeror's shall complete and submit the following certifications:
- (1) Representations and Certifications
 - (2) Conflicts of Interest: Statement disclosing any actual or potential conflicts of interest, including representation of parties whose interests may conflict with the Tribe.
 - (3) Compliance Certification: Certification of compliance with applicable federal, state, and tribal laws and regulations.
 - (4) Small Business Status: Identification of the offeror's size and status (small business, small disadvantaged business, woman-owned small business, Native American-owned business, etc.)
- vii) Proposed Terms and Conditions – Offerors may propose modifications to the draft contract terms and conditions included in Section vii. Any proposed modifications must be clearly identified and explained. The Tribe Reserves the right to accept or reject proposed modifications.

Evaluation Process will be conducted using the following criteria:

- 1) Qualifications and Experience (30 points)
The Tribe will evaluate the offeror's relevant experience and qualifications, including:
 - Depth and breadth of relevant experience
 - Quality and relevance of past projects
 - Experience with tribal governments or culturally sensitive projects
 - Professional credentials and industry recognition
 - Organizational stability and capacity
- 2) Personnel Qualifications/Past Performance (30 points)
The Tribe will evaluate the qualifications, experience, and expertise of proposed key personnel, past performance including:
 - Education, training, and professional credentials
 - Relevant experience and specialized expertise
 - Appropriateness of proposed staffing plan
 - Availability and commitment of key personnel
 - Diversity and depth of project team
 - Cost control and budget management
 - Customer satisfaction
 - Business relations and professionalism

- 3) Cost or Price (30 points)
The Tribe will evaluate the reasonableness, realism, and competitiveness of the proposed cost. The evaluation will consider:
 - Total estimated contract cost
 - Cost realism and accuracy of assumptions
 - Reasonableness of hourly rates and fees
 - Value relative to proposed services
 - Cost control measures
- 4) Indian Preference (10 points) Required Documentation

Standard Terms and Conditions

- 1) Type of Contract - The Tribe intends to award a fixed price contract.
- 2) Contract Period – The contract will have an initial term of one (1) year beginning on with option period(s) to extend. The Tribe may exercise option periods at its sole discretion.
- 3) Tribal Sovereign Immunity – The Tribe is a federally recognized Indian tribe possessing sovereign immunity from suit. Nothing in this RFP or any resulting contract constitutes a waiver of the Tribe's sovereign immunity. Any dispute resolution procedures included in the contract do not constitute a waiver of sovereign immunity unless expressly stated.
- 4) Governing Law and Dispute Resolution – This RFP and any resulting contract shall be governed by Sisseton-Wahpeton Oyate Codes of Law. The forum for any disputes shall be resolved through the Sisseton-Wahpeton Oyate Tribal Court.
- 5) Proposal Costs – The Tribe is not liable for any costs incurred by offerors in preparing or submitting proposals or participating in the evaluation process
- 6) Right to Reject Proposals – The Tribe reserves the right to:
 - Reject any or all proposals
 - Waive minor informalities or irregularities in proposals
 - Request additional information or clarification from offerors
 - Cancel or modify this RFP at any time prior to contract award
 - Award to other than the lowest-priced offeror
- 7) Proposals Validity Period – Proposals shall remain valid and binding for ____ days from the submission deadline.
- 8) Protests – Any offeror wishing to protest the solicitation or award decision must submit a written protest to Vern Vallie within 5 days of triggering event. The protest shall state all grounds for protest and include supporting documentation. The Tribe will review and respond to protests in accordance with Tribal procurement procedures.
- 9) Contract Terms and Conditions – The following terms and conditions will be incorporated into the final contract. Offerors may propose modification in their proposals, but the Tribe reserves the right to accept or reject any proposed modifications.
- 10) Deliverables – The Contractor shall provide the following deliverables:

- a) Trademark Designs: Trademark and possible design concepts for Tribe review
 - b) Brand Guidelines: Comprehensive brand standards manual
 - c) Trademark Applications: Completed USPTO applications
 - d) Quarterly Reports: Portfolio status reports
 - e) Training Materials: Staff training curriculum and materials
- 11) Ownership of Work Product – All trademark designs, branding materials, intellectual property strategies, and other work product created by the Contractor under this contract shall be the sole and exclusive property of the Tribe. The Contractor hereby assigns to the Tribe all right, title, and interest in such work product, including all intellectual property rights.

Required Documentation:

All proposals must include:

1. Bio-sketch of academic and professional credentials, technical competence, experience and expertise.
2. Statement of qualifications, competence and capacity to perform the scope of work.
3. Copy of SWO Business License
4. Completed W-9 Form and other IRS documentation
5. Tribal Tax – 5.5%
6. Liability Insurance

Any questions regarding SWO Tribal Tax please contact the SWO Tribal Tax Office at (605) 698-3911.

All acceptable proposals received no later than September 18th, 2026 at 4:00pm CST. Submit 3 copies of the proposal. Electronic submissions shall include technical and cost proposals in separate files. All questions regarding this RFP must be submitted in writing to Vern Vallie no later than August 28th, 2026 at 4:00pm CST.

Submit proposals to:

SWO Procurement Office
Attn: Vern Vallie
PO Box 509
Agency Village, SD 57262
vvallie@swo-nsn.gov

***Any bids not turned in to the Procurement Department may be considered nonresponsive.**
Please submit project name clearly visible – RFP #0804 with Offeror Name.

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 SissetonWahpeton Oyate Ordinances: TERO Chapter 59 Requirements, Wage Rates & Compliance Plan; Business License Ordinance Chapter 53 and Tax Ordinance.