



Picayune Rancheria of the Chukchansi Indians

49260 Chapel Hill, PO Box 2226
Oakhurst, CA 93644
(559) 412-5590

**Request for Proposals (RFPs)
Legal Advisement for Planning and
Development of a Tribal Lending Entity**



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January 09, 2025

Request for Proposal

Legal Advisement for Planning and Development of a Tribal Lending Entity

General Background

The Picayune Rancheria of the Chukchansi Indians (PRCI), a federally recognized sovereign Indian tribe, seeks proposals from qualified legal counsel to advise on updating the Tribe's lending laws to ensure the Tribe's operation and regulation of lending businesses is compliant with recent case law. In addition to providing recommendations on updates to the Tribe's regulatory framework to govern the industry, the Tribe seeks advice on establishing businesses that can offer loan products to consumers. The Tribe seeks advice on establishing business policies to ensure compliance with all applicable laws set forth in more detail below. This Position is being considered to ensure the Tribe's governance of lending conduct meets strict federal requirements and to ensure the set-up of a lending entity which will operate at an efficient level and provide a positive ROI to the Tribe. The selected law firm will be required to represent the regulatory body, oversee compliance at the business level, and keep the Tribal Council informed of current events in the industry by attending conferences, congressional hearings, agency hearings, and providing status updates on court cases that may impact the Tribe's specific set up.

Project Scope

The Project will begin with an examination of the current Tribal lending space industry and review of the Tribe's lending ordinances/Documents of the PRCI Tribal government, including the various departments and programs operated by the Tribe. Project scope will include:

- Legal analysis and recommendation of the Tribe's corporate structure options
- Meet and confer with the Tribal Council as necessary
- Assembly of comprehensive Lending Space organizational chart
- Provide review and recommendation for Tribal Lending Space lenders
- Review and make recommendations on the Tribe's Lending Regulations
- Advise the Tribe on associations for Tribal Lending



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- Draft compliance policies and procedures
- Recommend updates to Tribal Consumer finance laws such as Lending Ordinance and Regulations.
- Assist with set up of regulatory system to oversee lending conduct.
- Maintain compliance on all regulatory issues.
- Establish a record system for each licensed entity of all books, accounts, agreements, monthly reports and audits to ensure compliance.
- Implement the compliance processes and procedures, review and approve all monthly compliance reports.
- Work with financial services companies licensed by the Tribe to ensure compliance with applicable tribal and federal laws.
- Request random sampling of materials from licensed companies to use in investigation to determine compliance.
- Work with business management to develop monthly compliance reports.
- Make introductions to vendors and other industry contacts to assist with efficient business setup and operations.
- Draft legal review of final structure for the lending space participation

Respondent Qualifications

The successful candidate must be able to interpret policies/procedures and have a thorough understanding of lending operations, and applicable federal laws such as The Dodd-Frank Wall Street Reform and Consumer Financial Protection Act, the Consumer Financial Protection Act, the restrictions on Unfair, Deceptive, or Abusive Acts or Practices, the Truth in Lending Act, the Fair Credit Billing Act, the Equal Credit Opportunity Act, the Fair Debt Collection Transfer Act, the Gramm-Leach-Bliley Act, the Electronic Signatures in Global and National Commerce Act, the Controlling the Assault of Non-Solicited Pornography and Marketing Act, the Military Lending Act, the Servicemembers' Civil Relief Act, the Telephone Consumer Protection Act, the Bank Secrecy Act, the Anti-Money Laundering Act, and the Telemarketing Sales Rule. Candidate must be able to demonstrate knowledge in compliance to ensure the licensed businesses remain free from abusive, corrupt, deceptive, unconscionable, unfair, and dishonest practices. Candidate must be a leader who can ensure the maintenance of public confidence and protect the public's interest. Possess excellent analytical, consultative, communication and judgment skills.



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Requirements

The successful candidate will benefit from having:

- Five to ten or more years of lending business experience
- Five to ten years or more in legal practice of establishing regulatory bodies.
- Five to ten years of compliance experience
- Ability to multi-task, prioritizes, and works within a team environment
- Capable of making introductions to industry leaders

Project Schedule

A preliminary discussion of the Tribe's Lending Space movement will be held on February 10, 2025

Requests for Information (RFI) are due on or before February 14, 2025 at 5 pm.

Proposals are due on or before February 23, 2025 at 5:00 pm. All proposals must be submitted electronically to: RFP@chukchansi-nsn.gov.

Selection of the Legal Consultant will occur on or before February 24, 2025.

Negotiation and execution of the contract is expected to be complete by March 20, 2025.

Notice to Proceed will be issued by the Tribe no later than March 25, 2025.

Required RFP Response Information

- A summary of the respondent's qualifications;
- Three professional references;
- Three examples of successful completion of similar projects;
- A list and a brief description of any planned subcontractors and suppliers;
- A description of any bankruptcies or legal claims against the responding bidder or any planned subcontractors;
- A cost proposal that includes all costs required to initiate and complete the Project;
- A detailed list of all exclusions;
- Certificates showing current legal right to practice law in California and Picayune Rancheria of the Chukchansi Indians and General Liability and Workers' Compensation



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Insurance;

- A summary of the bidder's experience working with Tribal Governments and Tribal Lending Spaces.

PRCI exercises Tribal Preference and Native American preference in contracting. Bidders are encouraged to include any information in the RFP response that would qualify the bidder for Tribal or Native American Preference.

Tribal and Native American Preference

Contract Requirements PRCI exercises Tribal Preference and Native American preference in contracting. You are encouraged to include any information in your response that would qualify you for preference. The selected individual/firm will be expected to sign a retainer letter that recognizes the sovereignty of PRCI.

1. Section 7(b) Compliance

a. The work to be performed under this contract is subject to Section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5307(b)). Section 7(b) requires that to the greatest extent feasible: (i) preference and opportunities for training and employment shall be given to Indians, and (ii) preference in the award of contracts and subcontracts shall be given to Indian organizations or Indian-owned economic enterprises.

b. The parties to this contract shall comply with the provisions of section 7(b) of the Indian Self-Determination and Education Assistance Act.

c. In connection with this contract, the contractor shall, to the greatest extent feasible, give preference in the award of any subcontracts to Indian-owned economic enterprises, and preferences and opportunities for training and employment to Indians.

d. The contractor shall include this section 7(b) clause in every subcontract in connection with the project, and shall, at the direction of the recipient, take appropriate action pursuant to the subcontract upon a finding by the Tribe or HUD that the subcontractor has violated the section 7(b) clause of the Indian Self-Determination and Education Assistance Act.

2. Lists of Contractors: PRCI maintains lists of Indian-owned entities that are available to contractors and subcontractors for use in meeting Indian preference responsibilities.

3. Preference in All Positions: Contractors and subcontractors must provide preference to the greatest extent feasible by hiring qualified Indians in all positions. Lists of the core crew.

Selection:



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The selected Contractor will be expected to sign a contract that recognizes the sovereignty of the Picayune Rancheria of the Chukchansi Indians. PRCI reserves the right to award or reject any bid, response, or proposal for any reason, to request additional information, to request a modification of any proposal, to solicit further proposals, or to determine not to pursue the Project, as may be deemed necessary or advisable in the sole direction of PRCI.

Please submit all questions, RFIs, RFPs electronically to RFP@chukchansi-nsn.gov.

Project Award

The rating factors and values to be used in the award of this contract are as follows and out of a possible 100 points:

| <i>Criteria</i> | <i>Points</i> |
|---|---------------|
| Relevant Experience: | |
| Demonstrated experience with legal development of Tribal Lending Space projects | 35 |
| Demonstrated experience in the Tribal Lending Space | 40 |
| Qualifications | 5 |
| Cost | 5 |
| Proposed Schedule | 5 |
| Native Preference | 5 |
| Tribal Preference | 5 |



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Reservation of Rights

PRCI reserves the right to award or reject any response or proposal for any reason, to request a modification of any proposal, to waive any minor informalities, to solicit further proposals, or to withdraw or cancel this RFP at any time for any reason, at the sole discretion of PRCI employees should be provided to the Tribe, if available, and preference should be given to the greatest extent feasibly by hiring qualified Indians in all positions.

Contract Requirements

Contracts awarded under this RFP shall include any clauses required by Federal statutes, executive orders, and their implementing regulations, as provided in 2 C.F.R. 200.326 and Appendix II to Part 200. These include provisions addressing the following, where applicable:

1. Administrative, contractual, and legal remedies in the event a contractor violates or breaches the contract;
2. Termination for default and termination for convenience;
3. Equal Employment Opportunity;
4. Davis-Bacon Act and Copeland "Anti-Kickback" Act;
5. Contract Work Hours and Safety Standards Act;
6. Rights to Inventions Made Under a Contract or Agreement;
7. Clean Air Act and Federal Water Pollution Control Act;
8. Debarment and Suspension;
9. Byrd Anti-Lobbying Amendment; and
10. Procurement of recovered materials.

You may schedule a Tribal Lending Space discussion to be held on February 10, 2025 between the hours of 10am and 2pm.