

Issue Date: May 07 2012

Request for Quote (RFQ) for: TRIBAL COURT TRIAL ADVOCACY TRAINING PACKETS

Submission to:

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Quotes must be received no later than 4:00 PM (EDT) May 21, 2012. The quotes may be mailed, hand delivered or submitted by email. *Email submission is preferred.* All correspondence shall identify the RFQ number A12PS00975 Telephone calls are not accepted. Questions shall be submitted via email only.

RFQ Schedule:

Issuance: May 07 2012

Questions: Shall be submitted via email by 1:00 PM (EDT) May 11 2012

Answers: Released by the government by 1:00 PM (EDT) May 16 2012

Quotes due: 4:00 PM (EDT) May 21 2012

Award: Anticipated May 25 2012

REQUEST FOR QUOTE - INSTRUCTIONS

This announcement constitutes the only solicitation; Quotes are being requested and a written solicitation will not be issued. The solicitation number for this procurement is A12PS00975 and this is a Request for Quote (RFQ). This requirement is for full and open competition. The anticipated award will be a Firm Fixed Price Contract. The solicitation shall incorporate provisions and clauses that are in effect through Federal Acquisition Circular FAC 2005-50. The suggested North American Industry Classification System (NAICS) code is 541611. Solicitation number must be referenced on all quote submission pages.

Quote Submission

The quote must include the following information:

1. **Cover letter**; which includes the following information:
 - a. Federal Tax Identification Number (TIN);
 - b. Data Universal Numbering System (DUNS) Number;
 - c. Business Size (e.g., small or large);
 - d. Business Classification (e.g., Women Owned or Minority)
2. **Volume 1: Technical Quote**
3. **Volume 2: Price Quote**

Quoters shall limit their responses to 10 pages or less including tables, graphics, appendices, resumes, cover letter, and table of contents. Font size for the quote shall be minimum 11 point. Page margins shall be 1 inch, single column style, and single spaced paragraphs.

Basis of Award

The Government will make an award based upon *best-value*. **Technical factors as a whole are more important than price.** The overall technical rating will be determined through the following evaluation factors. The evaluation factors are as follows:

1. Personnel Qualifications and Experience
2. Understanding of the Requirements & Technical Approach
3. Past Performance

Evaluation Criteria

The Government will award a contract resulting from this solicitation to the responsible quoter whose quote best conforms to the solicitation and will be most advantageous to the Government, price and other factors considered. The following factors shall be used to evaluate offers: (In order of importance) (1) Past Performance as it relates to this requirement, (2) Experience of Civil and Criminal Law (3) Experience as a Tribal and Federal prosecutor (4) Juris Doctor Degree from an accredited University (5) Licensed Attorney & (6) Price

All evaluation factors other than price, when combined are significantly more important than price.

The government may award this contract based upon initial quotes received without discussions; therefore, the quoter is advised to submit their best approach.

Volume 1:

Technical Quote

The technical quote must discuss the approach in sufficient detail to clearly and concisely demonstrate that the Quoter has an understanding of all requirements specified in the Statement of Work. Quotes which merely offer to develop packets in accordance with the requirements of the Government's scope of work will not be eligible for award.

The technical quote shall not contain price information; however, resource information such as data concerning, supplies, materials, equipment, etc. must be contained in the technical quote so that the Quoter understands of the detail and complexity of the requirements may be evaluated.

Personnel Qualifications and Experience (35 points)

The personnel proposed shall have knowledge and experience in the subject areas addressed in the SOW. The quoter shall submit resumes of the proposed personnel as a part of their quote submission. Specifically, the proposed personnel should have the following:

- a. Significant experience in Civil and Criminal Law
- b. Significant experience in Tribal and Federal court prosecution
- c. Juris Doctor Degree from an accredited University
- d. Licensed Attorney

Understanding of the Requirements and Technical Approach (35 points)

The Quoter shall demonstrate a clear understanding of the SOW objectives and scope; present a logical, rational, and complete approach for accomplishing the work outlined in the SOW. The quoter's presentation illustrates a quote that is reasonable, responsive, and addresses all aspects of the technical requirements. Simple statements of compliance (i.e., "understood", "will comply") without a detailed description of how compliance will be achieved will not be considered sufficient evidence that the proposed services can technically meet the requirements of this SOW.

Past Performance (30 points)

Quoters should note that Past Performance related to the "quality" and how well a Contractor performed the services under a contract. Quoters shall submit the following information as part of their quote:

- a. A list of three (3) completed or active contracts for related or similar services. The Government will evaluate past performance on contracts that are similar in nature to the requirements of this RFQ. Contracts listed shall include those entered into with the Federal Government, agencies of state and local Governments or commercial customers. Include the following information for each contract:

1. Name of Contracting Organization;
 2. Contract Number;
 3. Contract Type;
 4. Total Contract Value;
 5. Description of Requirement;
 6. Contracting Officer's Name, Telephone Number, Facsimile Number and E-mail Address;
 7. Contracting Officer's Representative's (COR) Name, Telephone Number, Facsimile Number and E-mail Address; and
 8. Explanation/Comments Regarding Problems Encountered and Corrective Actions Taken.
- b. Each quoter will be evaluated on its performance under existing and prior contracts which are similar in nature to the requirements of this RFQ. The Government is not required to contact all references provided by the quoter. Also, references other than those identified by the quoter may be contacted by the Government to obtain additional information that will be used in the evaluation of the quoter's past performance. Information for the evaluation of past performance will be randomly requested from the list of references (see paragraph a. above) or other sources as previously stated. Performance information will be used for both responsibility determinations and as an evaluation factor to be scored. PPIRS will also be used as a source of past performance information to help with the evaluation of past performance.
- c. Quoters are further advised that thorough and complete past performance information is required. Explanations/comments regarding problems encountered and corrective actions taken shall be addressed as a part of the quote submitted in response to this solicitation. The Government will take the quoter's comments into consideration when conducting its past performance evaluation. **QUOTERS MAY NOT BE GIVEN ANOTHER OPPORTUNITY TO ADDRESS PROBLEMS ENCOUNTERED IN PAST PERFORMANCE.**

Volume 2:

Price Quote

Quoters, at a minimum, shall submit price quotes in sufficient detail for the Government to determine that the proposed price is realistic and consistent with the proposed technical approach. The price quote is to be submitted as a Firm Fixed Price quote **exclusive** of travel.

Tribal Court Trial Advocacy Training Packets:

1. Duluth, Minnesota	July 24, 25, 26	July 23, July 27	Domestic Violence
2. Durango, Colorado	Aug 14, 15 16	Aug 13, Aug 17	Domestic Violence
3. Great Falls, Montana	Sept 11, 12, 13	Sept 10, Sept 14	Sexual Assault
4. Seattle, Washington	Oct 2, 3, 4	Oct 1, Oct 5	Sexual Assault
5. Chinle, Arizona	Oct 23, 24, 25	Oct 22, Oct 26	Domestic Violence
6. Albuquerque, New Mexico	Jan 15, 16, 17	Jan 14, Jan 18	Illegal Narcotics

- a. Price will not receive a weighted score rather it will be used to determine a successful quote.
- b. In the event the submissions become equal in technical merit, price becomes more important.

**OFFICE OF TRIBAL JUSTICE SUPPORT
STATEMENT OF WORK
TRIBAL COURT TRIAL ADVOCACY TRAINING PACKETS**

1. BACKGROUND

The mission of the Office of Tribal Justice Support (TJS), a division within the Office of Justice Services (OJS) of the Department of the Interior (DOI) is to further the development, operation, and enhancement of tribal justice systems and Courts of Indian Offenses. Congress and the Federal courts have repeatedly recognized that tribal justice systems are the appropriate forum for adjudicating civil disputes and some criminal activity within Indian country. TJS is statutorily tasked to provide training and technical assistance to tribal courts. In July 2010, the United States Congress passed the Tribal Law and Order Act (TLOA). The TLOA amended several statutes, one of which is the Indian Civil Rights Act 25 U.S.C. 1301-1303 by expanding, under certain circumstances, the sentencing capabilities of tribal courts.

In an effort to ensure that justice in the tribal forums is administered fairly and with the utmost integrity, one of TJS's tasks is to provide training and technical assistance for tribal court advocacy. In August 2011, TJS organized a three-day trial skills training for tribal judges, prosecutors, and public defenders, which focused on skills needed to effectively present a case for trial. One fact pattern-or case study- was used throughout the training, in an effort to model an ideal packet presented to the prosecution by law enforcement and to provide continuity to the training. The training was staffed by Assistant United States Attorneys who practice in Indian Country, the Executive Office for U.S. Attorneys' Native American Issues Coordinator, the U.S. Department of Justice's Access to Justice Initiative, and tribal prosecutors, public defenders, and judges.

The structure of the tribal court advocacy training includes: (1) a combined training sessions for judges, defenders and prosecutors; and (2) break-out sessions designed to develop trial skills specific to the needs of the prosecution, defense or judicial branch of the court. Among other things, the training program endeavors to strengthen tribal courts in furtherance of TLOA and provide the tribal court with the opportunity to exercise jurisdiction over serious criminal cases, including felonies that potentially carry lengthy prison sentences. In order for tribal courts to take advantage of this enhanced sentencing authority, they must provide substantive and procedural safeguards, including lawyers for indigent defendants who face incarceration for more than one year and law-trained judges to preside over the cases. By providing trainings for defenders, prosecutors, judges, TJS's program aims to strengthen the skills of those who appear in tribal courts so that tribes can exercise greater sovereignty in criminal justice matters that occur on their lands.

The trainings will be scheduled around four fact patterns, as follows:

1. The prosecution illegal narcotics offenses in fulfillment of Section 241 of TLOA;
2. The prosecution of a domestic violence offense, which includes a violation of a protective order;
3. The prosecution of a sexual assault offense in which a child is the victim, and finally
4. The prosecution of a sexual assault offense in which an adult is the victim.

The contractor is expected to create 4 training packets which include a case study/prosecution packet tailored to the following: (1) a domestic violence case; (2) a sexual assault case in which a child is the victim; (3) a sexual assault case in which an adult is the victim; (4) and an illegal narcotics offense. The training packet may be modified for subsequent trainings, but will basically remain the same. The training packet will be used at the discretion of OJS. For planning purposes, a tentative calendar is included to assist the contractor in the completion of the packets.

Location	Training Dates	Travel Dates	Subject Matter
1. Duluth, Minnesota	July 24, 25, 26	July 23, July 27	Domestic Violence
2. Durango, Colorado	Aug 14, 15 16	Aug 13, Aug 17	Domestic Violence
3. Great Falls, Montana	Sept 11, 12, 13	Sept 10, Sept 14	Sexual Assault
4. Seattle, Washington	Oct 2, 3, 4	Oct 1, Oct 5	Sexual Assault
5. Chinle, Arizona	Oct 23, 24, 25	Oct 22, Oct 26	Domestic Violence
6. Albuquerque, New Mexico	Jan 15, 16, 17	Jan 14, Jan 18	Illegal Narcotics

2. OBJECTIVE

The objective of this Statement of Work (SOW) is to have the Contractor assist TJS in meeting its statutorily required training objectives. The tribal court advocacy training is essential in order for TJS to providing training and technical assistance to tribal courts. These trainings are geared to include not only combined training sessions for tribal judges, defenders and prosecutors but also separate break-out sessions developed specifically for the prosecution, judges, and defenders, to ensure each tribal court component can develop productive trial skills. An example of a possible agenda is included in the attachment A.

In order for TJS to achieve this training and technical requirement, the contractor will be required to a complete a training packet structured around fact patterns related to: (1) the prosecution of illegal narcotics offense which violates several portions of the tribal code: (2) the prosecution of a domestic violence case, in which either the victim or the suspect has violated the protective order section of the tribal code; (3) the prosecution of a sexual assault on a child in which the suspect has violated not only the sexual assault provisions of the tribal code, but also the assault provisions, and finally (4) the prosecution of a sexual assault on an adult in which the suspect has violated not only the sexual assault provisions of the tribal code, but also the assault or battery provisions of the tribal code.

The goal of the trainings is to provide specialized training on trial advocacy skills, such as issue spotting, charging documents which include knowing the tribal code, defenses identified in the tribal code, tribal court jurisdictional issues, plea agreements and factual basis, evidentiary foundations, evidentiary issues involved in a trial, opening statements for a trial, direct and cross examination, and closing arguments.

The goal is to provide a general session and then break-out sessions where the participants are provided the opportunity for one-on-one assistance in obtaining better trial skills.

3. SCOPE OF WORK

Because tribal courts often work in conjunction with the federal courts and state courts, the Bureau of Indian Affairs is soliciting a contractor who is specialized in both tribal court prosecution and federal or state court prosecution or defense work, and who has extensive practice in both courts. The contractor must have practiced in tribal court and be familiar with the issues specific to tribal court prosecution and defense. Moreover, the contractor must be knowledgeable of the particular issues which directly affect the tribal courts located throughout the United States. These requirements are essential in order to create a tribal court advocacy training packet for a case involving the fact patterns listed below.

Moreover, because there are specific issues related to tribal courts, the contractor must be knowledgeable in the following categories: (1) the legal authority required for stacking under the Indian Civil Rights Act as defined by the different United States Federal Appellate Courts; (2) the federal authority identifying the proper definition of minimum contacts needed to determine whether an individual is an Indian for tribal prosecution; and (3) the requirements under the Tribal Law and Order Act regarding the enhanced sentencing provisions. The Contractor must have previously provided trial court advocacy training to tribal court personnel in at least some of the following areas: Case Analysis, Issue Spotting, Charging Documents, Defenses, Opening Statements, Evidence, Direct Examination, Cross Examination, Objections, Closing Statements, Plea Bargaining, and Alternative Sentencing.

Specifically the fact pattern should include the following:

- A. The prosecution illegal narcotics offenses fact pattern must include at a minimum, facts relating to gang activity, firearms discharge, possession of an illegal substance, search warrants, and confidential informants;
- B. The prosecution of a domestic violence offense fact pattern must include at a minimum, a violation of a protective order, an assault that results in serious bodily injury, a victim who is native; a medical report indicating that the victim had suffered petechial around the eyes, and involvement of the victim witness specialist.
- C. The prosecution of a sexual assault (on a child) offense fact pattern must include at a minimum, a victim who is native, a medical report indicating the trauma suffered, a report from a SANE nurse, a lab report, and involvement of the victim witness specialist and finally
- D. The prosecution of a sexual assault (on an adult) offense fact pattern must include at a minimum, a victim who is native, a victim who is not awake, a medical report indicating the trauma suffered, a report from a SANE nurse, a lab report and the involvement of the victim witness specialist.

The contractor should be available for a minimum of 6 conference calls, if needed to counsel with the training staff. The training staff will include Assistant United States Attorneys who practice in Indian Country, the Executive Office for U.S. Attorneys' Native American Issues Coordinator, the U.S. Department of Justice's Access to Justice Initiative, the Federal Public Defender's Office, tribal prosecutors, tribal public defenders, and judges. In addition, comments from the BIA victim specialist will be incorporated into the fact pattern. The contractor should be available to travel to the tribal courts within the United States.

Contractor will work with TJS to create an agenda for each training session. Contractor will provide TJS with a draft version of the packet at least 3 weeks before the trial court advocacy training. Contractor will participate in a conference call with TJS and staff members to discuss the draft version. Thereafter, a disc or thumbnail version of the training packet will be provided to TJS. TJS will then send the packet out to all registered participants.

The disc or thumbnail shall include at a minimum, and with the input from TJS, police reports, advice of rights forms from tribal police department, tribal memberships, documents from narcotics lab indicating the laboratory analysis report, interviews of witnesses, a fictitious NCIC (National Crime Information Center) report on suspects, tribal criminal history of suspects in the case, evidence logs, pictures of the evidence and any other photograph which is necessary to use, either from a defense perspective or a prosecution perspective, demonstrative evidence, possible witness list, fictitious tribal criminal codes, maximum punishments authorized by the tribal code, affidavit of search warrant, dispatch transcripts, details of the case, factual basis and plea agreements for individuals charged in the complaint and information and any other information deemed pertinent by the training staff.

The contractor is expected to attend the trainings, and present, at the very minimum, the fact pattern and present the issue spotting section for each training session, as well as other substantive training sections as determined by TJS.

Contractor is expected to evaluate previous trainings and make changes to the training format as requested by TJS and staff. Contractor is expected to incorporate suggestions from the staff into the training packet.

Contractor is expected to develop a power point using a specific trial advocacy book, designated by TJS. The power point will focus on specific chapters in the book, such as opening statements, etc. See the following subject matter required for power points: Case Analysis; Issue Spotting; Charging Documents; Defenses; Opening Statements; Evidence Foundations; Direct Examination; Cross Examination; Objections; Closing Statements; Plea Bargaining; and Alternative Sentencing. TJS will determine any additional needs for the power point, with the input of the contractor. The power point shall follow the outlines in the training book designated by TJS but will be tailored to the fact pattern/case study being presented at that particular training event. The power point shall be available to the training staff, one week in advance of the training, so that the power point can be tailored to the specific issues at hand. For example, if a staff member is teaching the section on Openings, a power point should be provided to

that staff member, which includes at the very least the items discussed in the training book. The trainer should have the opportunity to amend or tailor the power point to his/her specific presentation.

Contractor is expected to provide consultation to TJS on exit interviews with the trial court advocacy participants. Contractor is expected to report findings and comments to TJS.

At the end of the contract year, TJS may add additional criminal fact patterns/case studies, such as elder abuse, or homicide. In November of each year, TJS will determine if there is a need for the following year's fact pattern subject matter/case study and dates of trainings.

TJS is responsible for providing the training staff and travel to each of the trainings. TJS is responsible for copying and sending out the training packet to the participants. TJS/OJS will be responsible for providing the conference rooms and setting up the training conference.

4. PERIOD OF PERFORMANCE

The period of performance for this effort is date of award for a base period of 1 year, with an option of 4 years beginning in June 2012.

5. CONTRACT TYPE

This contract will be awarded as a firm fixed price contract.

6. PLACE(S) OF PERFORMANCE

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|----------------------------|--------------------------------|
| 1. Duluth, Minnesota | Hotel and Conference Hotel TBA |
| 2. Durango, Colorado | Hotel and Conference Hotel TBA |
| 3. Great Falls, Montana | Hotel and Conference Hotel TBA |
| 4. Seattle, Washington | Hotel and Conference Hotel TBA |
| 5. Chinle, Arizona | Hotel and Conference Hotel TBA |
| 6. Albuquerque, New Mexico | Hotel and Conference Hotel TBA |

7. TASKS

The contractor shall perform the tasks in accordance with the SOW.

OJS Assessment:

At the end of the contract, TJS will provide contractors with an assessment of the quality of the training packets, training agendas, and consultation and reports provided to TJS.

Contractor Assessment:

At the end of the contract year, the Contractor will provide recommendations for training and technical assistance provided along with a detailed spending report of the cost of the performance of the contract.

8. DELIVERABLE SCHEDULE

In fulfillment of this effort, the Contractor shall provide the following deliverables. All deliverables shall be submitted to the COTR. Deliverables are in no particular order although some rely on acceptance of one another. Deliverable dates are tentative.

#	DELIVERABLE(S)	DUE DATE	ACCEPTANCE CRITERIA
1	Monthly Status Reports	5 th day of each calendar month	Documents shall be written in clear, understandable English that is void of grammatical, spelling and cut & paste errors. Documents shall be delivered on time to COTR via email. This shall include the draft fact patterns for all four subject matters.
2	Minimum of 6 Meeting Status Reports	Within 5 business days of meeting	Documents shall be written in clear, understandable English that is devoid of grammatical, spelling and cut & paste errors. Documents shall be delivered on time to COTR via email.
3	Tribal Court Advocacy training fact pattern packet.	Within 3 weeks of the training date specified	TJS will review the FINAL document and shall be delivered on time to COTR via email in PDF version which will be presented to specified tribe
4	Tribal Court Advocacy training packet fact pattern that has been modified pursuant to discussions with training staff.	Within 3 weeks of the training date specified	TJS will review the FINAL document and shall be delivered on time to COTR via email in PDF version which will be presented to specified tribe
5	Thumb drive/Disc	Within 3 weeks of the training date specified	TJS will review the FINAL document and shall be delivered on time to COTR. All documents must not include proprietary language restrictions on any documents sent

6	PowerPoint Presentation	Within 5 business days after presentation	TJS will review the FINAL document and shall be delivered on time to COTR
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9. STATUS REPORTS

The contractor shall document the efforts performed in the completion of each task for each comprehensive lesson session. The status report shall include, at a minimum:

Progress for the period: detailed training packet as described above, participation in training sessions, modification of the training packet, and summary of work accomplished during the reporting period and percent complete.

Activities planned for the next reporting period: planned activities, as well as the status of any/all deliverables, including planned delivery date(s) and actual and/or anticipated delivery date(s).

Problems encountered: identification of any problems, issues or delays and recommendations as to their resolution, and any corrective action that was taken to correct identified problems.

Strategy revisions: recommended changes to include any lessons learned.

10. ACCEPTANCE

Final inspection and acceptance of all work performed, reports and other deliverables will be performed at the place of delivery by the COTR. Payments shall be certified upon receipt of acceptable deliverable.

Accuracy - Work Products shall be accurate in presentation, technical content, and adherence to accepted elements of style.

Clarity - Work Products shall be clear and concise. Any/All diagrams shall be easy to understand and be relevant to the supporting narrative.

Consistency to Requirements - All work products must satisfy the requirements of this statement of work.

File Editing - All text and diagrammatic files shall be editable by the Government.

Format - Work Products shall be submitted in hard copy (where applicable) and in media mutually agreed upon prior to submission. Electronic submissions will be in format readable on a Microsoft Windows platform. Most office-related documents will be submitted in a Microsoft Office format.

Timeliness - Work Products shall be submitted on or before the due date specified in this statement of work or submitted in accordance with a later scheduled date determined by the Government.

11. PERFORMANCE REQUIREMENTS

Security Requirements

All contractors must abide by HSPD-12 requirements and have visible identification at all times while on government property.

Disclosure of Information

Information made available to the contractor by the Government for the performance or administration of this effort shall be used only for those purposes and shall not be used in any other way without the written agreement of the Contracting Officer.

The contractor agrees to assume responsibility for protecting the confidentiality of Government records, which are not public information. Each contractor or employee of the contractor to whom information may be made available or disclosed shall be notified in writing by the contractor that such information may be disclosed only for a purpose and to the extent authorized herein.

Limited Use of Data

Performance of this effort may require the contractor to access and use data and information proprietary to a Government agency or Government contractor which is of such a nature that its dissemination or use, other than in performance of this effort, would be adverse to the interests of the Government and/or others.

Contractor and/or contractor personnel shall not divulge or release data or information developed or obtained in performance of this effort, until made public by the Government, except to authorize Government personnel or upon written approval of the Contracting Officer (CO). The contractor shall not use, disclose, or reproduce proprietary data that bears a restrictive legend, other than as required in the performance of this effort. Nothing herein shall preclude the use of any data independently acquired by the contractor without such limitations or prohibit an agreement at no cost to the Government between the contractor and the data owner which provides for greater rights to the contractor.

Government Holidays

The following Government holidays are normally observed by Government personnel: New Years Day, Martin Luther King's Birthday, Presidential Inauguration Day (metropolitan DC area only), President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, Christmas Day, and any other day designated by Federal Statute, Executive Order, and/or Presidential Proclamation, or any other kind of administrative leave such as acts of God (i.e. hurricanes, snow storms, tornadoes, etc.), Presidential funerals or any other unexpected government closures.

Payment for Unauthorized Work

No payments will be made for any unauthorized supplies and/or services or for any unauthorized changes to the work specified herein. This includes any services performed by the contractor of their own volition or at the request of an individual other than a duly appointed Contracting Officer. Only a duly appointed Contracting Officer is authorized to change the specifications, terms, and conditions under this effort.

Contractor Personnel

The Contractor shall be responsible for managing and overseeing the activities of all Contractor personnel, as well as subcontractor efforts used in performance of this effort. The Contractor's management responsibilities shall include all activities necessary to ensure the accomplishment of timely and effective support, performed in accordance with the requirements contained in the statement of work. Resumes submitted for employees assigned to perform under this statement of work shall contain documented experience directly applicable to the functions to be performed. Further, these prior work experiences shall be specific and of sufficient variety and duration that the employee is able to effectively and efficiently perform the functions assigned.

End statement of work