



**REQUEST FOR PROPOSAL  
LEGAL SERVICES FOR WATER LAW**

**COLORADO RIVER INDIAN TRIBES**

**JULY 11, 2022**

ISSUED BY:  
Colorado River Indian Tribes  
Tribal Council  
26600 Mohave Rd.  
Parker, AZ 85344

The Colorado River Indian Tribes (CRIT) is requesting the submission of proposals for qualified attorneys or law firms with an expertise in water law and agriculture to provide CRIT with advice, counsel, and assistance in protecting, developing, and managing its surface and ground water resources including off reservation uses within the Lower Colorado River Basin, Bureau of Indian Affairs operation of the Colorado River Irrigation Project, and Bureau of Reclamation operations of the Lower Basin.

## **I. DETAILS:**

The Colorado River Indian Tribes (CRIT) is a federally recognized Indian Tribe with almost 300,000 acres of reservation lands located in both California and Arizona. CRIT's Tribal Offices are located in Parker, AZ with several enterprises located throughout the reservation. For additional information about CRIT's history and enterprises, please visit <http://www.crit-nsn.gov/>.

The Colorado River Indian Tribes' allocation to mainstream Colorado River water is quantified by the Consolidated Decree entered in *Arizona v. California* (547 U.S. 150, 2006) as follows:

“The Colorado River Indian Reservation in annual quantities not to exceed (i) 719,248 acre-feet of diversions from the mainstream or (ii) the quantity of mainstream water necessary to supply the consumptive use required for irrigation of 107,903 acres and for the satisfaction of related uses, whichever of (i) or (ii) is less, with priority dates of March 3, 1865, for lands reserved by the Act of March 3, 1865 (13 Stat. 541, 559); November 22, 1873, for lands reserved by the Executive Order of said date; November 16, 1874, for lands reserved by the Executive Order of said date, except as later modified; May 15, 1876, for lands reserved by the Executive Order of said date; November 22, 1915, for lands reserved by the Executive Order of said date; . . . .”

The majority of the water from the Colorado River is currently used to irrigate approximately 95,000 acres of Reservation lands for agricultural purposes.

## **II. SCOPE OF SERVICES**

Legal services under the contract which shall be entered into by and between CRIT and the successful attorney/firm may include but shall not be limited to:

- 1) Advise and consult with CRIT Tribal Council, CRIT Water Resources/Irrigation Department, CRIT Environmental Protection Office, and CRIT Office of Attorney General regarding the following:
  - a) Protection, development, and management of CRIT's Colorado River water entitlement;
  - b) Drafting of ordinances and/or other policies to ensure protection and quality of both surface and groundwater on the Colorado River Indian Reservation;
  - c) Review of any other legal matters or issues regarding or affecting CRIT water rights, quality, and/or usage including but not limited to

the review and/or drafting of leases, system conservation agreements, and other documents;

- d) Research and advise as to legal or policy trends in water law;
  - e) Provide updates on any new legal precedent and/or federal, state, or local codes or regulations which may affect CRIT's water entitlements, quality, or usage;
  - f) Participate in water related organizations, councils and committees in which CRIT is a member or to which CRIT is invited to participate; and
  - g) Work with CRIT lobbyists to provide a legal review and advice on pending state and federal water legislation.
- 2) Attend and provide guidance at Tribal Council meetings when requested. Attend meetings of the Ten Tribes Partnership of the Colorado River, Five Tribes Coalition, Colorado River Water Users Association, state boards, committees, and councils when requested by CRIT Tribal Council.
- 3) Consult with Bureau of Indian Affairs, Army Corps of Engineers, Bureau of Reclamation, and other government agencies when requested by CRIT Tribal Council.
- 4) Advocate for and defend CRIT in administrative, regulatory and legal proceedings relating to water rights, quality, and usage.

### **III. REQUIRED QUALIFICATIONS**

The description of the attorney/law firm qualifications and experience submitted pursuant to this RFP shall evidence/demonstrate the attorney/law firm possesses the following:

- 1) Knowledge and specialized transactional and litigation experience in western water rights issues, with ten or more years of experience regarding tribal water rights in the Lower Colorado River Basin preferred.
- 2) Knowledge and experience of Federal Indian law and practice with Indian Nation governments.
- 3) Knowledge and experience in agriculture and irrigation operations.
- 4) Admitted, or eligible to be admitted, to practice, in good standing, with State of Arizona and/or State of California; US Supreme Court; Ninth Circuit Court of Appeals; and the Federal District Court of Arizona and/or Federal District Courts of California. Must be in good standing in all jurisdictions to which attorney/law firm is admitted.
- 5) Strong analytical and interpretive skills, as well as verbal and written communication expertise.
- 6) Proof of all necessary and/or required insurance coverage.

- 7) Demonstration of no current or past representation which was or would be adverse to or in conflict with CRIT interests, particularly relating to its established Colorado River water allocation.

#### **IV. SPECIAL CONDITIONS**

The successful attorney/law firm shall be required to comply with the following:

- 1) Enter into a professional services agreement or letter of engagement for a period of at least one (1) year. CRIT's sovereign immunity will not be waived in any agreement or engagement and the choice of forum for any disputes shall be the Tribal Court of the Colorado River Indian Tribes.
- 2) Confirm compliance with all CRIT laws, including but not limited to, the Business and Professions Code.
- 3) CRIT reserves the right to apply CRIT Tribal Member and Indian Preference in the selection of attorney/law firm.
- 4) Attorney/law firm shall maintain a policy of professional liability insurance in an amount of at least \$1,000,000.00 per occurrence.

#### **V. SUBMISSION REQUIREMENTS**

- 1) All submissions and any questions pertaining to this RFP shall be directed to:

Colorado River Indian Tribes  
Office of the Attorney General  
Attn. Rebecca A. Loudbear, Attorney General  
26600 Mohave Rd.  
Parker, AZ 85344  
[rloudbear@critdoj.com](mailto:rloudbear@critdoj.com)  
Phone: (928) 669-1271

- 2) All attorneys/law firms responding to this RFP shall provide one (1) electronic copy and twelve (12) paper copies of all required documents and their proposal to provide legal services.
- 3) Proposals must be received by 5:00 pm August 22, 2022. Proposals received after the selection of the attorney/law firm shall not be considered, though they may be retained for purposes of consideration in subsequent years at the discretion of CRIT.

- 4) Proposals shall contain general information about the attorney/law firm and specific information to demonstrate the attorney/law firm can perform the scope of services in Section II and meets the qualifications outlined in Section III including the following:
  - a. A profile section to include company name, business address, phone, fax, year established, and description of company, history, and philosophy.
  - b. Resume(s) listing experience and education.
  - c. Qualifications for key personnel that will be providing services.
  - d. Background/history for key personnel that will be providing services.
  - e. Industry experience providing services as outlined in this RFP.
  - f. Listing a brief description of completed, similar projects with at least three (3) different references and contact information for three (3) projects.
  - g. Certification as an Indian-owned business or statement of non-applicability.
  - h. Statement of cost for professional services.
  - i. Provide assurances that the attorney/law firm will be mindful of, comply with, and enforce all applicable Federal, State, and tribal statutes and ordinances.
  - j. Provide an assurance that the company will work with CRIT Tribal Council and designated staff and a description of the coordination process.
  - k. Indicate availability for an interview with Tribal Council in September 2022.
- 5) Proposals shall also contain full disclosure and detailed information regarding the rates, fees, expenses, and retainer requirements that would be charged by the attorney or law firm for providing legal services to CRIT. The length of time those fees can be guaranteed shall also be provided. Any required professional services agreement or letter of engagement terms and conditions must also be submitted with the proposal for consideration. Proposals may also contain information regarding any alternative/creative fee arrangements.
- 6) The proposal should provide specifics on proposed staffing by indicating responsible partner/attorney, as well as key members of the team, their area of expertise and anticipated role.

## **VI. SELECTION**

- 1) CRIT reserves the right to reject any and all proposals with or without cause and extend the time for submission of proposals without notice.
- 2) CRIT Tribal Council will require an in-person interview with the attorney/law firm, to take place at CRIT Tribal Offices. The purpose of the interview would be to discuss a submitted proposal to further ascertain and clarify the qualifications and ability to perform the scope of services, gather additional information, and potentially negotiate proposed rates and fees or other agreement terms. The interview will be at the expense of the attorney/law firm.
- 3) CRIT shall consider the qualifications of the attorney/law firm, reasonableness of the fees and expenses, prior representations determined to be adverse to CRIT, and any other terms required by the attorney/firm in making a selection. All determinations regarding conflict and selection of attorney/law firm shall be in the sole discretion of CRIT Tribal Council and shall be final.
- 4) There is no deadline for selection of an attorney/law firm but those not selected from this RFP process will be so notified.