

REQUEST FOR PROPOSALS
Confederated Salish and Kootenai Tribes (CSKT)
Economic Development Office
TRIBAL SECURED TRANSACTION STUDY AND UCC POLICY PLAN

The Confederated Salish and Kootenai Tribes' (CSKT or Tribes) Economic Development Office requests proposals from qualified consultants to complete a Tribal Secured Transaction System (TSTS) Study with a proposed Uniform Commercial Code (UCC) Policy plan.

The project period for completing the studies and plan will be from May 2022 – October 2022.

Overview: The CSKT are the governing authority for Tribal citizens on the 1.3 million acre Flathead Indian Reservation in northwest Montana. As part of the Tribes' economic recovery and revitalization plan, the CSKT will explore options to establish a TSTS, draft a proposed Uniform Commercial Code to formalize commercial lending, and create a uniform transaction process that supports tribally-owned businesses and Tribal consumers. Since the 1970s, the Confederated Salish and Kootenai Tribes have developed and managed successful lending programs for Tribal members, Tribal businesses, and Tribal corporations on the Flathead Reservation. The Economic Development Office and Tribal Legal staff will facilitate the process to expand legal infrastructure that fosters and promotes economic development on the Reservation.

Tribal Uniform Commercial Codes are statutory laws that define Tribal Secured Transaction Systems designed to protect both the lender and the consumer through formalized lending agreements. Uniform Tribal commercial laws and transaction codes help tribes effectively promote economic development by creating certainty in lending practices and protecting cultural norms.

Project deliverables include: a situational analysis of current lending transactions; examination of new lending opportunities; and assessment of the pros and cons of developing CSKT's own system, versus utilizing the State of Montana's lien filing system. Specifically, the expert consultant will conduct a CSKT Lending Review & Analysis to identify issues related to Tribal lending programs and propose statutory and judicial infrastructure to develop a secured transactions system. The consultant will collaborate with Tribal officials to complete a CSKT Tribal Secured Transactions System and draft appropriate Uniform Commercial Codes (UCC).

Scope of Work: The successful contractor will be required to complete the following workplan:

- 1) A Preliminary CSKT Lending and Secured Transactions Report
- 2) Draft Proposed UCC Options and other supporting documents
- 3) Draft Comprehensive Program Operations Plan

Specific workplan objectives are:

1) Conduct a CSKT Lending Landscape Review and Analysis

- a) Conduct a comprehensive review of CSKT lending, finance, and contract authority,

including Tribal lending programs and statutory and judicial infrastructure pertaining to both individual and corporate transactions.

b) Catalog CSKT lending policies and practices, including statutory, regulatory, and judicial/court-related authorities.

2) Review Tribal UCCs Best Practices

a) Review other tribes' secured transaction/UCC and lien filing programs to ascertain best practices in developing an effective lending policy and secured transactions for the CSKT.

b) Consult with the Montana Secretary of State regarding tribal UCC programs, forms (<https://sosmt.gov/business/lien-information/#tribal-forms>), and procedures.

c) Describe the pros and cons of developing a CSKT system versus entering into an agreement with the State of Montana to utilize their lien filing system.

d) Work with the CSKT Team to recommend options for enhancements and additions to existing CSKT legal and judicial infrastructure and organization capacity for each scenario.

3) Complete a Preliminary Tribal Lending and Secured Transactions Report

The report will provide a comprehensive review of all Tribal policies, practices, and standards relating to financial lending transactions within the jurisdiction of the CSKT. It will further examine the need to consolidate and reconcile statutory and regulatory authorities for Tribal lending transactions in both the tribal and private sector. This assessment will inform the need to formally establish a CSKT secured transaction system with Uniform Commercial Code. An alternative could be for CSKT to adopt the State of Montana's lien filing system.

4) Draft Proposed UCC Options and other supporting documents for Tribal Council review and adoption of a preferred option, along with an implementation process.

a) Conduct legal review of statutory and regulatory policies to ensure uniformity and consistency throughout the Tribal organization.

b) Identify and recommend other necessary supporting documents.

5) Develop Comprehensive Program Operations Plan

a) Depending on the preferred option, develop a digital filing system to process applications and issue lien certificates as defined in the proposed UCC.

b) Define and establish streamlined operations and program activities, program housing, key staff.

c) Create digital workflow process to maintain database, operations and oversight, as needed for the preferred option.

d) Develop additional documents as needed to create a fully functional UCC program. Any additional documents will be identified throughout the planning phase.

This SOW is contingent on CSKTs' preferred options and direction. TSTS programming and implementation will also be considered for future workplans.

Project Schedule: The TSTS with proposed UCC project period will begin in May 2022 and end on October 24, 2022.

Contract Type: The contract is based on a fixed amount, to include all expenses. This is an Indian Preference bid proposal.

Proposal Contents: The Proposal should include at a minimum:

- (1) A detailed work plan to complete items listed in the Scope of Work.
- (2) Qualifications of responsible personnel involved in the work and appropriate credentials (copies of licenses, certifications, etc.). Relevant work experience must be shown in the resume or highlighted projects. Resumes of all individuals who may be involved in subcontracting and/or working on any aspect of the project must be included.
- (3) Description of ability to complete the requested tasks.
- (4) Availability and flexibility of responder. Ability to commit to a schedule to meet the required deadline and provide a preliminary report for review by the TSTS Team, the Economic Development Office, and the Tribal Council.
- (5) Provide Liability insurance and proof that individual or firm is an independent contractor with Worker's Compensation insurance.
- (6) Description of recent experience in doing these types of projects. Please provide an example(s) of a completed TSTS project and/or Tribal UCC policy plan.
- (7) Three references with contact information for each individual involved in any aspect of the proposal.
- (8) Costs should be well-detailed, including cost per deliverable(s). Any response should be clear in terms of incidental costs as well as hourly rates, travel expenses, etc.

Proposals must be received by 5:30 p.m. on **May 22, 2022**. Mailing address: CSKT Economic Development Office, PO Box 278, Pablo, MT 59855, ATTN: Velda Shelby-Sealed Bid. Or E-mail proposal to velda.shelby@cskt.org.

Proposals will be opened and reviewed on May 24, 2022. Proposal selection will be made on May 26, 2022, and notification will occur by e-mail.

Proposal Evaluation Criteria: The proposal will be evaluated on the contents listed above. This is an Indian Preference bid. Tribal contractors who wish to receive Indian Preference must obtain certification from the Indian Preference Office as a legitimate Indian-owned business prior to bid submission. This certification must be included with your RFP response. Verification of enrollment with a Tribe does not substitute for an Indian Preference Certificate.

The selection of the successful contractor and bid award complies with the CSKT Indian Preference Ordinance 101A, as adopted. It is the sole responsibility of the contractor/bidder to obtain and provide proof of the Indian Preference certificate from the Indian Preference Office available at <https://csktribes.org/index.php/employment/indian-preference-office>. Please note:

the successful contractor is required to pay a 3% fee to the Indian Preference Office on all contracts over \$25,000.

All proposals will become the property of the CSKT Economic Development Office. The Tribes reserve the right to accept, reject, or negotiate any element of any proposal received, and the right to refuse any or all bids.

For more information contact: Velda Shelby, Director of Economic Development, phone (406) 675-2700 ext. 1163 or e-mail velda.shelby@cskt.org

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