



**IN THE TRIBAL COURT FOR THE PUEBLO OF SANTA ANA
COUNTY OF SANDOVAL
STATE OF NEW MEXICO**

REQUEST FOR PROPOSAL

FOR

**PUEBLO OF SANTA ANA
SUBMISSION DEADLINE**

AT WHICH TIME PROPOSALS WILL BE OPENED IS

April 5, 2023

12:00 PM

ADDRESS ALL PROPOSALS TO:

DANNY JOSEPH, COURT ADMINISTRATOR

PUEBLO OF SANTA ANA

02 DOVE ROAD

SANTA ANA PUEBLO, NM 87004

GENERAL INFORMATION AND SUMMARY

CONTACT PERSON:

Please direct all questions in writing to:

Danny Joseph, Court Administrator

02 Dove Road

Santa Ana Pueblo, NM 87004

danny.joseph@santaana-nsn.gov

(505) 771-6735 office phone

PURPOSE OF REQUEST:

The Pueblo of Santa Ana desires to appoint an attorney who will be the Prosecutor for the Pueblo of Santa Ana Courts in the State of New Mexico. The successful candidate must have at least five (5) years of experience as a prosecutor. Knowledge and understanding of Federal Indian Law and the laws of the Pueblo of Santa Ana are preferred.

PERIOD OF CONTRACT:

From the date of appointment until September 30, 2025.

CONTRACT FORM:

The successful proposer shall be required to execute the Pueblo of Santa Ana form contract, which includes the indemnification, insurance, termination, and licensing provisions as set forth in this RFP. It is also agreed and understood that the acceptance of the final payment by Contractor shall be considered a release in full of all claims against the Pueblo arising out of, or by reason of, the work done, and the materials furnished under this Contract.

DETAILED REQUIRMENTS OF THE REQUEST FOR PROPOSAL FOR PROSECUTOR SERVICES SCOPE OF SERVICES

Any person or firms interested in providing professional services to the Pueblo of Santa Ana:

1. Appointment of Prosecutor. The Pueblo of Santa Ana Prosecutor shall be appointed by the Governor of the Pueblo of Santa Ana, after collaboration with the Court Judge, Court Administrator, one individual from the Finance Department, the Compliance Manager or designee, and the Community Developer or designee. The Appointee shall serve from the date of appointment until September 30, 2025. The Prosecutor shall be an attorney licensed in the State of New Mexico or other state bar, subject to regulation pursuant to the state Rules of Professional Conduct and shall have no less than five (5) years of experience as a prosecutor. The Prosecutor shall execute a written contract with the Pueblo of Santa Ana. The Santa Ana Prosecutor shall receive such compensation as shall be agreed upon in the contract which shall be in total no more than shall be no more than one hundred fifty-six thousand dollars (\$156,000.00), at a rate of \$75.00 per hour for no more than 40 hours per week.

2. Duties. The Santa Ana Pueblo Prosecutor shall provide professional services described in this paragraph.

- a. Provide legal representation services, including but not limited to fact investigations, interviews of clients and potential witnesses, legal research, preparation and filing of pleadings and motions, negotiations with the appearance at all court proceedings, and appropriate sentencing advocacy to:
 - i. Represent the Pueblo of Santa Ana as the plaintiff who is charging in the Pueblo of Santa Ana Tribal Contemporary Court with any criminal offense, motor vehicle offense, and penalty assessment cases;
 - ii. Represent tribal government prosecution in appeals from Tribal Contemporary Court to the Santa Ana Tribal Court of Appeals, and ensure

that a legal record of proceedings is created at all Contemporary and Appellate Court proceedings;

- iii. Work in cooperation with the Santa Ana Police Department, Conservancy Police Department, and the Governors, to provide legal advice regarding criminal justice issues, when requested;
- iv. Receive, review and screen complaints to determine whether formal criminal proceedings should be initiated;
- v. Review cases for arraignments, pre-trial conferences, or probation violation hearings by reviewing reports, complaints, probable cause statements, and plea offers for legal sufficiency; Also, prepare amendments or allegations, review defendant's prior criminal histories, contact victims, and gather input for possible plea offers;
- vi. Interview clients, gather evidence, and analyze pertinent information in civil, criminal, and other cases to formulate and prepare for legal action;
- vii. Conduct research, interview police officers and other witnesses and handle other details in preparation for trial;
- viii. Attend arraignments and pre-trial conferences and negotiate plea agreements with attorneys and defendants;
- ix. Utilize a plea-bargaining process that will protect the interests of both the pueblo and the victims of crime to ensure a balanced criminal justice system;
- x. Litigate bench and jury trials;
- xi. Representation of Santa Ana Social Services in proceedings brought under the Pueblo of Santa Ana Children's Code;
- xii. Maintain contact with the public and community service providers; work with juvenile and social service agencies to assist in the prevention and intervention of juvenile delinquency and child abuse or neglect;
- xiii. Representation of Santa Ana Social Services in orders to show cause before the Tribal Contemporary Court or Children's Court;

- xiv. Initiate motions and pleadings and represent the Pueblo in probation violation and other probation review hearings;
- xv. Conduct research, write documents, file legal documents in the appropriate Pueblo of Santa Ana courts, and present oral arguments in court;
- xvi. Review judgment and sentencing orders, perform research and write legal briefs; prepare and file charges with the tribal court; ensure proper service of summons;
- xvii. Keep abreast of new laws, cases and legal challenges that may affect pending or future case prosecution and advise tribal police of challenges;
- xviii. Cooperate with tribal, state, and federal officials in prevention and adjudication of criminal cases while upholding tribal sovereignty;
- xix. Maintain professional knowledge by conducting research, attending seminars educational workshops, classes and conferences; conferring with representatives of contracting agencies and related organizations as directed by the Pueblo of Santa Ana;
- xx. Collaborate with code, law, policy, and procedure development teams on the Pueblo of Santa Ana, including the Healing to Wellness Court creation and implementation;
- xxi. Participate in Multi-Disciplinary Team meetings and Healing to Wellness Court team meetings and hearings, and other projects as directed by the Governor of the Pueblo of Tribal Court Contemporary Judge; and
- xxii. Any cases taken to appeal to the Pueblo of Santa Ana Tribal Court of Appeals.
- xxiii. Perform other duties as assigned.

- b. Spend a minimum of thirty-two (32) hours up to a maximum of forty (40) hours per week providing the Services. Contractor shall be available to appear in open court on the premises of the Pueblo at least four (4) days per week, and in addition to such time spent in open court shall be available to be present in the office of the Prosecutor at the for the same four (4) days per week if needed unless adjusted by the Pueblo.

APPLICANT'S/PROPOSER'S RESPONSIBILITY IN RESPONDING TO THE PUEBLO OF SANTA ANA'S REQUEST FOR PROPOSALS FOR PROFESSIONAL SERVICES.

1. Must be licensed to practice law in the State of New Mexico, or other United States jurisdiction subject to Rules of Professional Conduct.
2. Must have been eligible to appear before all state and federal courts for a period of no less than five (5) years preceding appointment.
3. Must have at least five (5) years of experience as a prosecutor.
4. Must demonstrate familiarity and understanding of New Mexico State Law, Federal Indian Law, and the law of the Pueblo of Santa Ana.
5. Provide a proposed cost of the service(s) or activities, including the hourly rate of individuals who will perform the services or activities. The proposed cost should include:
 - a. Meetings;
 - b. Site visits and expenses;
 - c. Expenses for travel or other expenses excluded from the hourly rate;
 - d. Additional services defined beyond the scope of regular services.
6. Insurance. The applicant/proposer, as a member of a profession which is subject to suit for professional malpractice, shall provide documentation that insurance of at least one-hundred thousand dollars per claim and three-hundred thousand dollars in the aggregate for professional liability/malpractice coverage with limits as to liability acceptable to the Pueblo of Santa Ana.
7. Three (3) references.

BASIS FOR AWARD CONTRACT/AGREEMENT FOR PROFESSIONAL SERVICES

The Pueblo of Santa Ana shall award all professional service contracts or agreements based on qualification, merit, and cost competitiveness. Selection criteria will include:

1. Qualifications of the individual or firms who will perform the service or activity;
2. Experience and references;
3. Ability to perform the service or activity in a timely fashion, including staffing and the staff's familiarity of the service or activity;
4. Cost Competitiveness;
5. The Pueblo of Santa Ana reserves the right to conduct an interview or interviews with the prospective professional to discuss the scope of the professional services as outlined in the applicant's/proposer's proposal.
6. All awards are subject to availability of funds.
7. The Pueblo reserves the right to reject all applicants and to re-issue an RFP.
8. The Pueblo may waive minor and immaterial defects in the response to this RFP.