



## REQUEST FOR PROPOSAL (RFP)

Legal Counsel Services

Issue date: April 24, 2023

### Closing Location:

Akwesasne Justice Department (AJD)  
Angus Mitchell Memorial Building  
15 Akwesasne Street  
Akwesasne, QC H0M1A0

OR

Email: Joyce King, Director @ [joyce.king@akwesasne.ca](mailto:joyce.king@akwesasne.ca)  
Akwesasne Justice Department

### Closing Date and Time:

Proposals must be received at the Akwesasne Justice Department office prior to:  
**12:00 pm (Eastern Time) May 26, 2023**

### Contact:

<p><b>Joyce King, Director</b> Akwesasne Justice Department Telephone: (613)-575-5000 ext. 2404 Email: <a href="mailto:joyce.king@akwesasne.ca">joyce.king@akwesasne.ca</a></p>	<p><b>Connie Lazore, Justice Coordinator</b> Legislative Services Telephone: (613) 575 2250 ext. 2403 Email: <a href="mailto:connie.lazore@akwesasne.ca">connie.lazore@akwesasne.ca</a></p>
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A handwritten signature in blue ink, appearing to read "Joyce King".

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# 1. INTRODUCTION

The Mohawk Council of Akwesasne, Akwesasne Justice Department (AJD), is requesting interested candidates to submit a proposal for legal services. Interested candidates must be a member of the Law Society of Ontario, Le Barreau of Quebec. The Akwesasne Justice Department has mandate to provide a comprehensive justice system, inclusive of legal services.

The successful candidate should be committed, energetic, and a team player: providing legal services to members of Akwesasne.

The successful proponent must have extensive knowledge of the legislative development, the community of Akwesasne, First Nations issues, and the Mohawk Council of Akwesasne.

# 2. BACKGROUND

The Mohawk Council of Akwesasne is a recognized Band Council under the Indian Act.<sup>1</sup> under the section 2. of the *Indian Act* (RS., 1985, c. 1-5) “band” means a body of Indians (a) for whose use and benefit in common, lands, the legal title to which is vested in Her Majesty, have been set apart before, on or after September 4, 1951.

The Mohawk Council of Akwesasne is the elected government of the three Akwesasne districts in Canada. The three districts are Kawehnoke (Cornwall Island, Ontario); Kanatakon (St. Regis, Quebec); and Tsi Snaihne (Snye, Quebec). The current Mohawk Council of Akwesasne is comprised of one Grand Chief and twelve Chiefs. The twelve chiefs represent three districts on the northern portion of Akwesasne, four chiefs from each district.

Akwesasne is the second largest First Nation in Canada and constitutes one-third of the national on-reserve population. The Mohawk Council of Akwesasne membership is approximately 12,000. Some Akwesasne people are listed on both Mohawk Council of Akwesasne and the St. Regis Mohawk Tribal Council lists. The population growth is estimated to be around 3.6% per year. Approximately 1,800 of Akwesasronen<sup>2</sup> live off reserve due to lack of housing, land constraints as well as economic and employment limitations. dedicating to preserving Akwesasne Culture.

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<sup>1</sup> INDIAN ACT (R.S. 1985, c. 1-5)

<sup>2</sup> Akwesasronen: Persons of Akwesasne

## ***Unique Location***

Akwesasne is a very intriguing community, historically, geographically, politically and culturally and is located near Cornwall Ontario.

In 1783, the Treaty of Paris, signed between the newly formed United States and Great Britain, established the international boundary between the U.S. and what is now Canada. Ignoring the claims of the Akwesasne Mohawks, the boundary cut directly through their Indigenous sovereign territory, physically dividing their lands and people.<sup>3</sup>

The Canada- U.S. international boundary bi-sects Akwesasne at the 45<sup>th</sup> parallel and the Canadian portion is further divided by the boundary between the provinces of Ontario and Quebec. These provincial boundaries meet the New York State boundary of Akwesasne.

Interestingly, this ancient community predates the existence of Canada and the United States. Akwesasne Mohawk people believe that their ancestors and predecessors have been part of this landscape since people first inhabited this region of North America.

## **Akwesasne Justice Department**

***Mission Statement:*** *The Akwesasne Justice Department strives to provide a comprehensive Justice System for the people of Akwesasne, utilizing principles of natural justice to empower the community to safeguard collective rights, primarily, and individual rights for Akwesasronon, while remaining respectful of the community's heritage and culture.*

Providing justice and maintaining order are fundamental aspects of governance. All human societies face the tasks of resolving internal disputes, reconciling conflict, maintaining peaceful relationships within the community, and regulating community member behaviour.

A First Nation governance system is not quite the opposite of western systems: as centers of healing, harmony, and restorative justice, these systems are reconciliatory processes against western centers of adversarial process and punitive outcomes. While some First Nation governance systems are punitive in nature, much emphasis is on the restoration of peace and comity; on the obligations of individuals; and interpersonal and interfamilial relations.

## **Akwesasne Justice Department**

The Akwesasne Justice Department employs the principle of natural justice to empower the community to safeguard collective rights, primarily, and individuals' rights for Akwesasronon,

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<sup>3</sup> Brimely, et al "Resurgent Justice: Rebuilding the Mohawk Justice System" Native Nations Institute for Leadership, Management, and Policy, Udall Center for Studies in Public Policy The University of Arizona, August 2007.

while remaining respectful of the community's heritage and culture. The Mohawk Council of Akwesasne designed a First Nation Justice System based on customary laws which incorporate traditional restorative principles in the three main responsibilities of government: Law-Making, Adjudication, and Enforcement. The department consists of Legislative Services developing community laws and regulations, the Community Justice Program providing assistance for court proceedings thru a Indigenous court worker, Gladue reports, Gladue aftercare, victim services, restorative justice, inmate services, and early parole, the Akwesasne Court, an inherent right court, that provides adjudication of community laws, mediation services, and court services, and the Akwesasne Representative & Advocacy Program providing services to families/children living on other First Nations and anywhere across Canada, all dedicated to preserving the Akwesasne Culture.

### 3. SCOPE OF WORK

Legal Counsel Services are under the overall direction of the AJD within the Mohawk Council of Akwesasne.

Legal Counsel is an independent consultant and are able provide legal services and representation. The Legal Counsel will offer advice and steer decisions based on sound legal advice according to legal rights and obligations; general community culture; protection of Indigenous rights and the assertion of jurisdiction and legal authorities of the operations of the Akwesasne Justice Department.

Legal Counsel files are administered through the AJD. The Director of Justice will assess which files are relevant to the Legal Counsel scope of work. File cases are reviewed by the Director, which may include legislative development management with other technicians and resource people, when needed. Legal Counsel will assist and guide the process, when required.

The successful candidate will provide legal advice and representation to the Akwesasne Justice Department and its programs on matters pertaining to its mandate, as well as to provide legal advice, legal support services, and assist the Akwesasne Justice Department in legislative development, community legal concerns, and inquires from MCA Departments.

The Legal Counsel will be selected based on the ability to provide legal services. Legal services include, but are not limited to: legislative development, Gladue report review, community services; Wills/Power of Attorney, notary public, provide training to semi-adjudicative authorities/boards/commissions/tribunals, and negotiations of the Administration of Justice.

Consideration for legal services will also be chosen based on the understanding and knowledge of the Akwesasne community, historical and cultural values. Work experience with other First Nation(s) is a desirable asset.

Legal Counsel must also be able to prioritize work; demonstrate analytical and problem-solving skills; demonstrate commitment and ability to work as a team member; and must possess excellent oral and written communication skills.

Legal Counsel should have experience in working with all facets of community members in order to meet the various needs.

## **STANDARDS AND WORK SUMMARY**

The Lawyer, in performing their duties, pursuant to a Legal Services Agreement, is acting as an independent contractor and not as an employee of Council. As such, the Lawyer is personally responsible for their own liability, errors, and omissions insurance coverage, and for maintaining their professional status as a member of the Law Society of Ontario and the Barreau of Quebec.

Without limiting the generality of the Lawyer's duties and responsibilities as legal counsel to the AJD, duties shall include:

- Provide legal advice to department staff on the interpretation and application of legislation pertaining legislative development, community issues (wills), contracts, agreements, and policies effecting the work of the staff to serve the community;
- Document all legal issues, processes, and case activities in accordance with established procedures, including reporting to clients in a timely fashion;
- Provide information, strategic advice, and counsel to AJD workers on preparation, interpretation, implementation of community laws;
- In addition, services are required to assist the Akwesasne Justice Department programs when responding to queries related to client cases and court orders in instances involving community members current court cases;
- Participate in the presentation of training programs on legal matters and procedures to Mohawk Council's authorities/boards/commissions/tribunals for semi-adjudicative processes;
- Contract reviews for Mohawk Council of Akwesasne Departments; and
- Lease review for Mohawk Council of Akwesasne Departments.

## **4. DELIVERABLES**

The Legal Counsel Services consultant will be responsible for providing expert legal advice throughout the contract and for the following deliverables (note that proponents are not limited by the deliverables and may wish to expand on them):

- Project and case management including regular meetings and status reports to keep any project on schedule and keep identified stakeholders apprised of the process;
- Activity Reports required on a monthly basis outline work activity, may be part of the monthly invoicing;
- Some orientation/training may be required with Akwesasne Justice Department and program staff and with other departments of the Mohawk Council of Akwesasne;
- Negotiation skills required to accompany Director with the Administration of Justice for the Akwesasne Court;
- Program Development of the Family Support Court Worker;
- Further development of the Akwesasne Court and revisions of regulations;
- Develop a protocol agreement with/for department/programs/agencies for legislative development, court administration, and community justice client needs;
- Assist with the implementation the Legislative Enactment Procedural Regulations, specifically the legal review; and
- Limited services to the Community; Generate Will and Testaments and Power of Attorney; (medical/financial), act as Notary Public for Certified True Copies, referral to other outside services, establishing agreements between members, and any services approved by the Director of Justice relative to the department's operations.

## 5. SUBMISSION GUIDELINES

### **LETTER OF INTEREST:**

A Letter of Interest must be provided to the Akwesasne Justice Department, Attention: Joyce King, Director.

The prospective legal counsel must declare any conflict of interest in relation to any litigation or legal subject matters or issues, whether it be in the past, present or future; or, with any potential legal challenge or litigation that would involve the Mohawk Council of Akwesasne.

## 6. COMMUNICATION AFTER ISSUANCE OF RFP AND TIMELINES

Please direct questions by email to the primary contacts for this RFP:

Joyce King ([joyce.king@akwesasne.ca](mailto:joyce.king@akwesasne.ca))

CC: Connie Lazore ([connie.lazore@akwesasne.ca](mailto:connie.lazore@akwesasne.ca))

MCA will make every effort to adhere to the following schedule:

Activity	Date
RFP issue date	April 24, 2023
Deadline for questions for clarification via email	May 1, 2023
Answers to potential consultants’ questions for clarification	May 5, 2023
Deadline to submit RFP	May 26, 2023
Selection Process	May 29, 2023
Notification of Selection	June 5, 2023
Legal Services Agreement, internal vetting process and approval	June 12 2023
Contract signed with Mohawk Council of Akwesasne	June 19, 2023

When MCA selects a successful consultant for Legal Counsel Services for the Akwesasne Justice Department, the selection committee will negotiate and attempt to enter into an agreement with the consultant. If contract terms and conditions cannot be negotiated with the selected consultant, a contract may be offered to another bidder or the RFP will be revised for further clarification and be retendered.

## 7. MANDATORY SUBMISSION REQUIREMENTS

To be eligible for consideration, the Proponent must provide the Proposal in MS Word or pdf format. It must include the following:

- Brief Cover Letter;
- Proponent Profile with full legal name, address, telephone and email contact information, description of company, evidence of proven track record;
- Narrative description of key personnel and qualifications of all individuals proposed for performing services, including the extent and nature of their roles for the services needed;
- Statement of relevant experience, description of proposed approach, including a history of the expertise in law, experience legislative development, drafting last will & testaments, and power of attorney;
- Description of work experience with First Nation(s);
- Provisions for ensuring timelines for completion and contingencies for urgent and unexpected deadlines;

- Detailed costs for services utilized, including travel per diem, other direct costs and deliverables as well as any foreseen travel and other related costs;
- Proof of Professional Liability Insurance; and
- Proof of professional status as a licensed lawyer with the ability to practice law in Ontario with the Law Society of Ontario and in Quebec with the Le Barreau of Quebec

## 8. INSTRUCTIONS TO PROPONENTS

To be eligible for consideration, the proposal must be received no later than:

**12pm (EST) on April 28, 2023**

**Via Email to:**

- Joyce King ([joyce.king@akwasasne.ca](mailto:joyce.king@akwasasne.ca))
- cc: Connie Lazore ([connie.lazore@akwasasne.ca](mailto:connie.lazore@akwasasne.ca))

**OR**

**Delivered by hand/courier to one of the following locations:**

Akwasasne Justice Department  
15 Akwasasne Street  
Akwasasne, QC  
H0M 1A0

Any consultant, whose proposal is determined to be in the most advantageous to the Mohawk Council of Akwasasne, as determined by the AJD selection committee, will be notified in writing of its selection.

MCA reserves the right to request additional information which is necessary to assure that the consultants' competence, number of qualified employees, business organization and financial resources are adequate to perform according to the contract. This may include website information, BBB, past reviews, newspaper search, Law Society of Ontario review, discussion with other MCA Departments

## 9. NEGOTIATION OF CONTRACT AND AWARD

When the Mohawk Council of Akwasasne AJD selection committee selects a successful consultant for Legal Services, the committee shall negotiate and attempt to enter into a Legal

Counsel Services Agreement with the consultant. If the agreement terms cannot be negotiated with the selected consultant, a contract may be offered to another bidder or the RFP will be revised for further clarification and be retendered.

The selected consultant will be provided with a Legal Counsel Services Agreement that will outline the final contract for services amount. The successful consultant will be required to submit invoices to the AJD Director on a monthly basis. For greater certainty, the cost of general management, non-technical supporting services and general overhead costs are deemed to be covered in the invoice and AJD will not be subjected to additional overhead or undisclosed costs.

In addition to a submission of an Electronic Fund Transfer information; all subsequent invoices must include the following information:

1. An invoice number;
2. The name of the consultant, address and telephone number; and,
3. Services rendered for the billing time frame that outlines the various activities completed.

## 10. DISCLAIMER

All information distributed in connection with this RFP is confidential and is to be used for the sole purpose of completing submissions and for no other purpose unless prior written consent has been provided by the MCA. All material and information distributed will remain the property of the MCA to be used at their discretion.

All Proponents electing not to submit a proposal will dispose of any and all confidential information in a responsible manner.

Proponents will not be compensated or reimbursed for costs incurred in preparing proposals.

The Mohawk Council of Akwesasne Justice Department reserves the right to:

- Accept or reject any or all proposals submitted if such decision is deemed to be in the best interest of MCA.
- MCA assumes no obligation, no responsibility and no liability costs incurred by the responding consultants prior to the issuance of a Legal Services Agreement.
- MCA reserves the right to negotiate a lower or different fee structure, the selection/prioritization of deliverables in line with the contract price with any consultant that is selected.
- Waive any anomalies in proposals.

- Negotiate with any or all potential consultants.
- Modify or cancel the RFP.

Proponents may withdraw their Proposal at any time prior to the Proposal closing time by submitting a written withdrawal letter to the contact persons listed.

All Proposals are irrevocable for a period of (60) business days from the closing date.

**Ownership of Proposals:** All Proposals, including attachments and any documentation, submitted to and accepted by the MCA in response to this RFP become the property of the MCA.

**Local Preference:** Preference shall be given to local Proponents where quality, service, and price are equivalent.

**Confidentiality:** The Proponent covenants and agrees that neither it nor its employees shall divulge, publish, or otherwise reveal either directly or indirectly any knowledge, information or facts disclosed to the bidder by reason of this Request for Proposal. All information furnished to the bidder by the Mohawk Council of Akwesasne (the "MCA") is confidential and shall remain the sole property of the MCA and shall be held in confidence and safekeeping by the bidder for its sole use.

