



## REQUEST FOR PROPOSAL (RFP)

### Legal Counsel Services

Issue date: October 1, 2025

#### Closing Location:

Akwesasne Representative and Advocacy Program (ARAP)  
Akwesasne Justice Department  
45 Johnson Road  
Akwesasne, QC H0M 1A0

#### Closing Date and Time:

Proposals must be received at the ARAP offices prior to:  
**12:00 pm (Eastern Time) October 29<sup>th</sup>, 2025**

#### Contact:

<b>Cactus Cook Sunday, Director</b>	<b>Kimberley Ransom-Herne, Program Manager</b>
Akwesasne Justice Department	Akwesasne Representative & Advocacy
Telephone: (613)-575-5000	Telephone: 613-577-5652 or 613 575 5000
Email: <a href="mailto:cactus.sunday@akwesasne.ca">cactus.sunday@akwesasne.ca</a>	ext. 1351
	Email: <a href="mailto:kim.herne@akwesasne.ca">kim.herne@akwesasne.ca</a>

# TABLE OF CONTENTS

1. Introduction .....	2
2. Background.....	2
3. Scope of Work .....	4
4. Deliverables .....	6
6. Communication after issuance of RFP and Timelines .....	7
7. Mandatory Submission Requirements .....	7
8. Instructions to Proponents .....	8
9. Negotiation of contract and award.....	9
10. Disclaimer .....	9

# 1. INTRODUCTION

*On February 1, 2018, the Canadian Human Rights Tribunal (2018 CHRT 4) ordered Canada to fully reimburse Band Representative Services for Ontario Region First Nations, Tribal Councils or First Nations Child and Family Services agencies based on actual needs and on the same basis as the practice for funding maintenance costs<sup>1</sup>.*

The Mohawk Council of Akwesasne, Akwesasne Representative and Advocacy Program, is requesting interested candidates to submit a proposal for legal services in the jurisdiction of Quebec. Interested candidates must be a member of the Barreau du Quebec, provide legal advice, legal support services, and assist the Akwesasne Representative and Advocacy Program (ARAP) in court proceedings involving child protection cases and issues.

ARAP is the band representative for the Mohawk Council of Akwesasne in child protection issues and the repatriation of the children who are Status Indians or who are eligible to receive Indian Status with the Mohawks of Akwesasne in accordance with Indigenous Services Canada.

The successful candidate will be committed, energetic and a team player: providing legal services and court representation to the ARAP and its staff on matters pertaining to its Band Representation mandate with the intent to advocate for the rights of children and the repatriation of the children who are members of Akwesasne.

The successful proponent must have extensive knowledge of the Quebec *Youth Protection Act*, with an emphasis on Chapter V.1 of the same act; and, knowledge *An Act Respecting First Nations, Inuit and Metis Children, Youth and Families* formerly known as Bill C-92.

## 2. BACKGROUND

The Mohawk Council of Akwesasne is a recognized Band Council under the Indian Act.<sup>2</sup> under the section 2. of the *Indian Act* (R.S., 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 (Snyc, 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.

---

<sup>1</sup> Indigenous Services Canada Ontario Region Guide (Draft) for reimbursement of 2019-2020 First Nations Child and Family Services (FNCFS) Band Representative Services Actual Costs Resulting from the Canadian Human Rights Tribunal Orders dated January 26, 2016, April 26 2016, September 14 2016 and February 1 2018.

<sup>2</sup> INDIAN ACT (R.S. 1985, c. 1-5)

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 Akwesasronon<sup>3</sup> live off reserve due to lack of housing, land constraints as well as economic and employment limitations.

### ***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>4</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.

---

<sup>3</sup> Akwesasronon: Persons of Akwesasne

<sup>4</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.

## **Akwesasne Representative and Advocacy Program (ARAP)**

The Akwesasne Representative and Advocacy program is designed to represent the Mohawk Council of Akwesasne in matters related to child(ren) (or eligible children) from the community who has been apprehended; is being adopted; is subject to alternative dispute resolution; or, is in care but is being transferred to a different home. The ARAP will work on a child-centred principled approach in the care and repatriation of children to reduce and mitigate children who are in care.

ARAP represents the Mohawk Council of Akwesasne in off-reserve child protection issues. ARAP will advocate for children rights who have Indian Status or are eligible to receive Indian Status under the Mohawks of Akwesasne. Alternative dispute resolutions mechanisms will be established based on a culturally appropriate forum.

ARAP will be involved in court proceedings involving children who have Indian Status under the Mohawks of Akwesasne or who may be eligible to receive Indian Status under the Mohawks of Akwesasne. For the most part, the cases involve children and their families living off reserve. Once the program is fully established, some files will involve children who live on reserve.

## **3. SCOPE OF WORK**

Legal Counsel Services are under the overall direction of the Akwesasne Representative and Advocacy Program, Akwesasne Justice Department within the Mohawk Council of Akwesasne.

Legal Counsel is an independent consultant and are able provide legal services and representation in child protection court proceedings. As an advocate for Council, 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 in child protection cases.

Legal Counsel files are administered through the Akwesasne Representative and Advocacy Program (ARAP). The ARAP Program Manager will assess which files are relevant to the Legal Counsel scope of work. File cases are reviewed by the ARAP Program Manager, which may include case management with other technicians and resource people, when needed. Legal Counsel will assist and guide the court process.

The successful candidate will provide legal advice and representation to the ARAP and its staff on matters pertaining to its Band Representation mandate and with the intention to repatriate children who are members of Akwesasne and are involved, or who may become involved, in a child protection matter.

The Legal Counsel will be selected based ability to provide legal services. Legal services include, but are not limited to: case preparation; presentation and litigation techniques in child protection

cases; drafting agreements; experience in family court proceedings; knowledge of the Quebec *Youth Protection Act*, with an emphasis on Chapter V.1 of the same act; and, knowledge *An Act Respecting First Nations, Inuit and Metis Children, Youth and Families* formerly known as Bill C-92.

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 be experienced in court proceedings and family matters.

In addition, the Legal services consultant should also submit contingency plans for immediate legal service needs (in the case of emergency apprehensions and/or last-minute notification of a court case). If we require immediate assistance, legal counsel services must be available who can assume responsibility of legal representation if the main legal counsel is not available.

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 representing any Children's Aid Society, children or parents in Child, Youth and Family Services Act proceeding.

## **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 Barreau du Quebec.

Without limiting the generality of the Lawyer's duties and responsibilities as legal counsel to the Akwesasne Representative and Advocacy Program, duties shall include:

Provide legal advice to agency staff on the interpretation and application of legislation pertaining to child welfare, family law, and related or ancillary matters.

Prepare cases for presentation in court by coordinating the gathering of all information and evidence, drafting pleadings, preparing affidavits for ARAP workers' testimony, briefs, and other documents for filing with the court, preparing witnesses. Negotiate settlement agreements.

Represent the Akwesasne Representative and Advocacy Program in appeals brought by others and the Director of Youth Protection from orders under the *Youth Protection Act*, at all levels of court as required.

Represent the ARAP on applications for disclosure of ARAP records in criminal or civil proceedings, in expunction hearings under the Child Abuse Register, and in hearings before the Child and Family Services Review Board.

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 ARAP workers on case preparations, required evidence and court procedures.

Notify the Program Manager when the ARAP workers are required to attend Court or prepare Court documents.

In addition, services are required to assist the ARAP program when responding to queries related to child protection cases and court orders in instances involving various child protection proceedings across Canada, when named in a proceeding.

Participate in the presentation of training programs on legal matters and procedures for ARAP staff, and/or presentations to various groups in the community interested in child welfare law.

Some legal assistance may be required to assist and review a draft Akwesasne Childs Rights Law when being developed in accordance with *An Act Respecting First Nations, Inuit, and Metis Children, Youth, and Families*, for the Mohawks of Akwesasne.

## 4. DELIVERABLES

The Legal Counsel Services consultant will be responsible for providing expert legal advice throughout the process 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 the project on schedule and keep identified stakeholders apprised of the process;
- Litigation services in child protection proceedings
- Some orientation/training may be required with ARAP staff and with other agencies on the process and components of a child-centered principled approach;
- Negotiation skills in family related issues in child protection matters;
- Needs Assessment/Environmental Scan – reviewing existing plans and documents pertinent to identified needs;
- Develop a protocol agreement with agencies for a child-centered principled approach;
- Develop and/or review agreements with other services needed by the ARAP;
- Generate Customary Care agreements (short term and long term) for ARAP.

## 5. SUBMISSION GUIDELINES

### **LETTER OF INTEREST:**

A Letter of Interest must be provided to the Akwesasne Justice Department, Attention: Cactus Cook Sunday, Director.

The prospective lawyer 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:

Cactus Cook Sunday ([cactus.sunday@akwesasne.ca](mailto:cactus.sunday@akwesasne.ca))

CC: Kimberley Ransom-Herne ([kim.herne@akwesasne.ca](mailto:kim.herne@akwesasne.ca))

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

Activity	Date
RFP issue date	October 1, 2025
Deadline for questions for clarification via email	October 8, 2025
Answers to potential consultants' questions for clarification	October 15, 2025
Deadline to submit RFP	October 29, 2025
Selection Process	October 31, 2025
Notification of Selection	November 5, 2025
Legal Services Agreement, internal vetting process and approval	November 26, 2025
Contract signed	December 3, 2025

When MCA selects a successful consultant for Legal Counsel Services for the Akwesasne Representative and Advocacy Program, 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 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 with Children's Aid Society, children or parents in Child, Youth and Family Services Act court proceedings.

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 foreseeable travel and other related costs.

Proof of Professional Liability Insurance coverage for at least Two Million Dollars (\$2,000,000).

Proof of professional status as a licensed lawyer with the ability to practice law in Quebec with the Barreau du Quebec.

## 8. INSTRUCTIONS TO PROPONENTS

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

**12pm (EST) on [date]**

**Via Email to:**

- Cactus Cook Sunday ([cactus.sunday@akwesasne.ca](mailto:cactus.sunday@akwesasne.ca))
- cc: Kimberley Ransom-Herne ([kim.herne@akwesasne.ca](mailto:kim.herne@akwesasne.ca))

**OR**

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

Akwesasne Representative and Advocacy Program  
Akwesasne Justice Department  
45 Johnson Road  
Akwesasne, QC  
H0M 1A0

Akwesasne Representative and Advocacy Program  
Akwesasne Justice Department, Akwesasne Court offices  
101 Tewaseteni Road

Akwesasne, ON  
K6H 0G5

Any consultant, whose proposal is determined to be in the most advantageous to the Mohawk Council of Akwesasne, as determined by the ARAP 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

## 9. NEGOTIATION OF CONTRACT AND AWARD

When the MCA 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 Akwesasne Representative and Advocacy Program Manager 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 Akwesasne Representative and Advocacy Program 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 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 is 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.

**Dispute Resolution:** In the event of a dispute arising between the MCA and the Proponent as to their respective rights and obligations under the Agreement, both parties agree to resolve the dispute by:

Frank and open negotiations whereby both parties use their best efforts to resolve the dispute by mutual agreement including the most Senior Management of both parties.

If, after 30 calendar days, the dispute is not resolved, both parties agree to appoint a mediator to resolve the dispute. All costs to be split equally.

If, after the mediation process is complete and the dispute is not resolved, the parties shall proceed to arbitration.

**Indemnification:** The Proponent shall indemnify and save harmless the MCA, its agents, employees and elected officials from and against any and all liability whatsoever for losses, liens, charges, claims, demands, payments, suits, actions, recoveries, and judgments including legal fees and expenses of every nature and description brought or recovered against either the MCA, its agents and employees, or the consultant by reason of an act, error or omission of the Consultant, its agents employees or licensees in providing the services, including, without limiting the generality of the foregoing, loss or damage to property, injury to or the death of any persons, alleged copyright, patent or other intellectual property rights infringement or interference, defective design or damage to the environment.

**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.