



REQUEST FOR PROPOSAL (RFP)

PROFESSIONAL SERVICES

The Office of Economic Policy is seeking bids for the development of a Cultural Heritage Tourism Feasibility Study and Business Plan for the Lummi Nation

Advertisement Date: November 29, 2021

Proposals due: January 7, 2021, no later than 4:00 p.m. PST

The Office of Economic Policy is seeking a qualified independent consulting firm for the purposes of conducting a Cultural Heritage Tourism Feasibility Study and Business Plan for the Lummi Nation. We are looking for a partner who is experienced with evaluating destination marketing, planning, and conducting feasibility studies and business plans related to Tourism. The ideal firm will be knowledgeable about the travel and tourism industry and influence attribution best practices.

This RFP is issued in response to a recent grant award from the Bureau of Indian Affairs - Office of Indian Energy and Economic Development (BIA IEED), Tribal Tourism Grant Program (TTGP), who aims to support tribal economic development and fulfill the mission of the [NATIVE Act](#) by providing funding to conduct a [feasibility study](#) to help make informed decisions about potential tourism projects and a business plan for a completed tourism feasibility study. Both the feasibility study and business plan are part of the Lummi Indian Business Council's tourism-development strategy.

The Tribes in Washington State are stewards of a diverse array of natural and cultural resources that offer untapped possibilities for tourism. However, they remain hidden gems despite the many recreational opportunities available, such as nature and outdoor activities, including hunting and fishing, rich cultural and sporting events, canoe journeys, water festivals, fairs, art, golf, casinos, and gaming.

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1. Project Description

A. Summary of the Project

The Lummi Indian Business Council, Office of Economic Policy, is seeking a qualified independent consulting firm for the purposes of conducting a Cultural Heritage Tourism Feasibility Study and Business Plan for the Lummi Nation. We are looking for a partner who is experienced with evaluating destination marketing, planning, and conducting a feasibility study and business plan related to Tourism. The ideal firm will be knowledgeable about the travel industry and influence attribution best practices. This RFP is issued in response to a recent grant award from the BIA IEED Tribal Tourism Grant Program (TTGP). The study and plan are part of the Lummi Indian Business Council's tourism-development strategy.

LIBC will consider proposals from single vendors or from multiple vendors working as a team, though a prime contractor is highly desired in the case of the latter. The ideal vendor will have excellent technical and analytic depth, must be highly effective communicators, particularly in translating technical concepts to non-technical audiences. LIBC prefers firms with experience working with tribal governments.

Beyond developing a Cultural Heritage Tourism Feasibility Study and Business Plan, is to help identify new opportunities for partnerships and collaborations that can spur additional businesses, programs, and economic growth. Expanding tourism includes engaging local stakeholders, identifying sites to support the long-term preservation and maintenance of those sites, unlocking a range of opportunities for residents, including better job prospects, access to education, and cultural resources.

B. Scope of Work

Following is a list of desired services. The Office of Economic Policy will consider input from Proposer as to other suggested services to be included in the Feasibility Study Scope of Work. These services should be listed as *optional* and *additional* in the submission with associated costs clearly delineated separately in the budget.

Feasibility Study - Feasibility studies are used by the LIBC government as economic development decision making tools and can be used to access funding opportunities. Some state and federal grants require feasibility studies, and most lenders and investors prefer to review a feasibility study before providing capital.

The goal in conducting this feasibility study is to understand what the potential is for Cultural Heritage Tourism at the Lummi Nation and to gauge the level of support for this project in our community. The feasibility study report should address the following:

Market Demand Analysis

- Analyze economic and demographic characteristics. Include current and future growth market trends.
- Identify sites to support the long-term preservation and maintenance of those sites
- Review competitive facilities within the region to determine available market share and identify other major tourism projects in the area that might compete for the same
- Determine what will improve market position
- Provide three case studies of successful projects in the western part of Washington State
- Conduct Primary Market Research for an event facility as a stand-alone and identify potential users of the facility

Economic Feasibility Study

- Financial Projection – operating revenue and expense, including operations and maintenance, models of operation and ownership of similar facilities, and debt service
- Identify financing constraints and opportunities in current market
- Project economic impact - Determination of the amount of money that can be reasonably made

Competitive Analysis

- Recommendations – determine what facility could be supported
- Recommendations on the best potential sites for the facility which shall include analysis of location factors consistent with existing zoning plans and cohesion with existing of planned adjacent uses.
- Determine cost of project

Community Engagement & Facilitation

- Create, facilitate, and communicate with the Lummi Community
- Help organize and facilitate three (3) Stakeholder Community Meetings that includes public input on establishing community goals for a Cultural Heritage Tourism Plan.
- Complete outreach and information gathering from local organizations and community members
- Present the findings to the Office of Economic Policy, the Oversight Committee, and the Council

Business Plan - The business plan will build capacity so that the Lummi Nation can better facilitate, guide, and support the economic success of the Lummi Nation’s Tourism Industry and contribute to the quality of life for Lummi enrolled residents.

Project Focus

- Identify the current situation of tourist and travel activities and places on the Lummi Indian Reservation.
- Define local Tourism needs and goals for the Lummi Indian Reservation.
- Inventory existing Tourist related assets within the community.
- Assess the demand for Cultural Heritage Tourism at Lummi
- Developing Tourism Experiences & Attractions
- Support for Enterprise Readiness
- Governance - Tribal Leadership Engagement - Roles and responsibilities of Council Members, staff, and others
- Promoting the Region as a Destination
- Conduct needs assessment interviews within local community and affected stakeholder groups; government, public safety, schools, health care, casino and businesses.
- Include a gap analysis defining the additional tourism activities necessary to meet the identified goals.
- Include an assessment of procedures, policies, rules, and ordinances that impact or influence tourism.

Financial Commitment and Budget

- Develop a budget for the plan aligned to significant project plan milestones, costs and tasks.
 - ✓ Submit Pro Forma Income Statement and Expenses.
 - ✓ Income Statement

- ✓ Balance Sheet
- ✓ Cash Flow
- Identify potential sources of funding for tourism
- Include letters of commitment from any stakeholders.
- Include cost estimates, operating models, and business models.

Identify Key Documents/Existing Efforts

- What are the historic sites?
- What is the vision for this historic site?
- What are the overall, major recommendations on how to achieve the vision?
- Describe the existing Cultural Heritage Tourism services, and how can it be improved.
- Is there local or regional economic development plans in which tourism could play a role? (If so, provide a list of these documents)
- Are there any on-going community projects focusing on Tourism
- Identify key data to track
- Identify metrics needed to track the information
- Identify reporting methods and the project schedule.
- Target audience

Identify potential Community Anchor Institutions and Businesses

- Provide a list of potential community anchor institutions that could benefit from tourism.
- Provide a list of businesses that could benefit from tourism
- Including the level of improvements needed by businesses to become and/or remain competitive and/or expand markets.

Economic Impact

- Identify economic benefits due to the expansion of services. Estimate the cost of construction for each phase. What permitting, construction and right-of-way is needed?
- What will be the impact to local businesses and job creation?
- What is the benefit of the Lummi Nation owning its own Museum or Cultural Center? Estimate the cost.
- Marketing – who is our target audience? How does that audience search for information? How can we promote to various stakeholders? What is the most effective use of media outlets?
- Sales – which organizations can earn income? Admission fees? Gift Shop sales? Special Events? Rentals?
- Service – what are the recommended hours and days of operation?
- Education – Can schools visit? Who teaches educational programming? Who implements (docents, teachers, staff)?
- Collaboration – Who will be partners and collaborators? Who can cross promote?

Development of a Management/Marketing Plan

- Define (or refine) the Cultural Heritage Tourism Business Plan.
- Evaluate how the project would benefit the community.
- Evaluate how this project would benefit education access (for all ages).
- Identify and define the unserved or underserved community
- Project the revenues and expenses of the proposed project
- Identify potential funding opportunities
- Identify loan re-payment models and potential fee structures needed to pay back those loans.

- Create financial models that consider varying operational expenses and revenue streams to determine the Return on Investment (ROI) for capital outlay, in addition to likelihood of operational sustainability and potential to reinvest profit into growth.

C. Term and Budget of Project

The Contract awarded under this RFP is for an amount not to exceed \$75,000.

Compensation is non-negotiable and will be invoiced per the schedule below.

- \$75,000 set contract total
- The salary will be paid every month, according to the LIBC Accounting Department's A/P schedule, based on the amount of hours worked per month and reported. Contractor will report what was worked on for the 1-month duration to assure work is being conducted and submit an invoice to the Office of Economic Policy. Contractor will be paid the following Friday after the work month for that time is performed and reported.
- A mileage rate (GSA per diem rate) for use of a personal automobile in performance of approved authorized services. Prior approval is required.
- A regular work location will not be provided by the LIBC.
- All reasonable expenses shall be reimbursed assuming same have been authorized prior to being incurred and with the provision of appropriate receipts. Receipts are required for reimbursement of materials and supplies, equipment rentals, travel, and incidentals.

D. Community Description

Adopted by the Lummi Indian Business Council via LIBC Resolution 2021-137, on November 23, 2021, to accept the funds from the Bureau of Indian Affairs, Office of Energy and Economic Development (BIA IEED), Tribal Tourism Grant Program (TTGP), in the amount of \$75,000, to conduct and develop a *Cultural Heritage Tourism Feasibility Study & Business Plan*.

2. Proposer and Proposal Requirements

A. Developing Proposal

Interested consultants shall prepare and submit Proposal in accordance with the requirements stated within this RFP. Adherence to these requirements will ensure a fair and objective analysis of submitted Proposals. Proposal should provide a clear, concise description of the Proposer's capabilities to satisfy the requirements of this RFP. Emphasis should be placed on completeness, brevity, and clarity of content. Failure to comply with or complete any part of the RFP may result in rejection of the Proposal.

B. Eligible Proposers

The Office of Economic Policy is requesting Proposals to select a qualified consultant, which may be individuals or organizations, to demonstrate their experience and qualifications in performing work directly related to the services required by responding to this Request for Proposal (RFP).

It is generally recommended that a study should be conducted by a "qualified" professional or consultant with no financial or personal stake in the outcome of the study.

"Qualified" means that the professional or consultant has enough subject matter expertise about the proposed project, has academic or professional licenses or credentials relevant to the proposed project, and/or has experience conducting similar studies.

If a study recommends that a tribe not pursue a particular project, the tribe can save itself from wasting funds on a project that was destined to fail.

If a study recommends that a tribe move forward on a project proposal, that information can be used to persuade lenders and investors to provide financial backing for it. A tribe can also use findings from a feasibility study as the basis for successful application for a federal, state, or private grant.

In either case, a feasibility study's recommendations are intended to help tribes make informed decisions. As sovereign nations, tribes can always choose to accept or reject the suggestions.

C. Minimum Qualifications

Qualities sought in the successful Proposer for the Feasibility Study and Business Plan include demonstrating skills and experience in the following:

1. Strong understanding of current trends in the Cultural Heritage Tourism industry
2. Economic, Market and Financial Analysis
3. Previous work with Tribal governments on tourism development and economic development
4. Possess a valid Driver's License and ability to operate a motor vehicle
5. Pass a Criminal Background check
6. Acquire all required insurance coverage

D. Proposal Format

Proposals shall be typewritten, with a standard body text font (e.g., Calibri, Times New Roman, Garamond) of at least 12-point. Proposal shall be preferably double-sided and stapled once or bound in the upper left-hand corner. The materials contain post-consumer recycled content and are readily recyclable. Do not use materials that cannot be readily recycled, such as PVC binders, spiral bindings, and plastic or glossy covers or dividers. One page is one side of a single 8 ½" x 11" sheet.

E. Proposal Content Specifications

The Proposal should be organized to include the following information in the following order:

1. A signed cover letter stating the consultant/firm Proposer's desire to make an offer responsive to the RFP.
2. Consultant/firm name, address, and specialty of the consultant/firm. Include the same for any sub-consultants included in the Proposal and provide a contact person for each one.
3. Names and descriptions of relative experience of each individual who will be assigned to this Proposal; resumes showing relevant experience are preferred.
4. Three (3) references for each individual or firm listed in the Proposal, including name, email address, and telephone number for one direct contact person for each reference.
5. A work plan explaining how the Proposer intends to address all the tasks listed in the Scope of Work. Proposers are encouraged to suggest modifications or additions to the Scope of Work. Proposers are encouraged to suggest modifications or additions to the Scope of Work, but the Proposal should at least address all the tasks defined in the Scope of Work. Specific items to consider addressing include:
 - (a) The Proposer's understanding of the goals and objectives of the RFP and requested tasks and activities based on existing information; and
 - (b) discuss the approach the Proposer will use to perform the tasks and activities identified in the Scope of Work.

6. Cost estimate for completing the Scope of Work, include billable rates, also known as “Consultant’s Rate Schedule” for any consultant proposed to work on the Project, along with any additional charges that might be incurred. Suggested additions or modifications to the Scope of Work should be budgeted separately as adds or deducts.
7. Listing of any exceptions to the LIBC Professional Services Agreement. *Please review the Professional Services Agreement, paying special attention to the insurance requirements.*
8. Additionally, the Proposal should include at least three (3) samples of tourism focused papers that were provided by the Proposer or members of the consultant team, along with a note of explanation about each sample product.

3. Proposal Submission

A. Proposal Due Date and Submission Requirements

Interested Proposers shall submit two (2) printed copies of their written Proposals addressed to the Office of Economic Policy, Attn: Teresa Taylor, Project Manager, 2665 Kwina Rd, Bellingham, WA 98226; and one (1) digital electronic-filed version emailed to both SeanL@lummi-nsn.gov and TeresaT@lummi-nsn.gov. Plainly marked “RFP – Cultural Heritage Tourism – Lummi Nation”; and include the name and address of Proposer. **Proposals are due no later than 4:00PM PST on Friday, January 7, 2021.** Proposals received after that time will not be considered.

MANDATORY PRE-PROPOSAL CONFERENCE/TELECONFERENCE: A mandatory pre-proposal teleconference will be held at 11:00 a.m. PST, December 15, 2021. Proposals will only be accepted from those who attend this conference.

B. RFP Questions or Change Requests

A prospective Proposer may ask questions and/or request a change to any provision, specification, or contract term contained in the RFP documents by submitting a written request to either Sean Lawrence, Director, or Teresa Taylor, Project Manager.

All inquiries for information should be directed to:

Sean Lawrence | Ph: 360-312-2158 | Email: SeanL@lummi-nsn.gov

Teresa Taylor | Ph: 360-312-2454 | Email: TeresaT@lummi-nsn.gov

MANDATORY PRE-PROPOSAL CONFERENCE/TELECONFERENCE: A mandatory pre-proposal conference/teleconference will be held at 11:00 a.m. PST, December 15, 2021. Proposals will only be accepted from those who attend this conference.

4. Proposal Evaluation and Selection

A. Selection Review Committee

All written proposals received by the Office of Economic Policy by the deadline will be reviewed by a Selection Review Committee. The Selection Review Committee will be comprised of Office of Economic Policy Staff and a Council member. One or more finalists may be invited to an interview after the written proposals have been reviewed. Each committee member will independently evaluate each Proposal in accordance with the criteria stated in the Proposal Requirements section of this RFP.

At any point during the evaluation process, the Office of Economic Policy is permitted to seek clarification of any Proposal. The Office of Economic Policy retains the right to accept any or no Proposal that is deemed to best fit the needs of the Lummi Nation’s Tourism program.

B. Written Evaluation

Based on his or her evaluation, each member of the Selection Review Committee will score each Proposal according to the following scoring criteria. Each member will rank, in descending order, each Proposal by total score.

Written Proposal Evaluation Criteria and Scoring

<u>Criteria</u>	<u>Maximum Score</u>
Proposal Quality & Approach	25 points
<ul style="list-style-type: none"> ✓ Describe the appropriate process needed to evaluate the project sites, plan solutions, and ensure the developed plan meets the needs of all stakeholders ✓ Describe the appropriate process needed to evaluate various approaches to management models, financing models and economic impacts. ✓ Describe the appropriate approach process needed to manage multiple policies and permitting processes. ✓ Estimate timeline to complete the project 	
Qualifications & Experience/Demonstrated Results	50 points
<ul style="list-style-type: none"> ✓ Describe similar projects completed by your team, and/or segments of your team, in the last 5 years, demonstrating thorough knowledge of the work items listed above ✓ List various recent projects of similar scale that display the range of solutions your firm or team has selected along with explanations of why that solution was employed. ✓ Demonstrate your team’s knowledge and experience working with tribal governments ✓ Demonstrate your team’s experience coordinating input from multiple project stake holders to identify a solution to serve all interested parties. 	
Value of Services Provided for Cost	25 points
<ul style="list-style-type: none"> ✓ List references that would attest to the expertise of the company and the assigned personnel. ✓ Provide a price bid to complete the project. ✓ Strategy’s fit with the LIBC values and operations 	
<hr/>	
Total Maximum Score	100 points

*Pursuant to the LIBC Contracting Policies and Tribal Preference Policy, firms that can demonstrate they are 51% or more Tribally owned/operated, can receive an additional **10 points**.

In addition to the above weighted scoring criteria, feedback from provided references will also be considered and may be determinative in the selection process.

C. Explanation of Evaluation Criteria

Following are additional details on the Proposal evaluation criteria:

- Proposal Quality: Quality and creativity of the Proposal and points addressed in the Scope of Work, and the likelihood of achieving program objectives.

- Proposer’s Experience/Demonstrated Results: Proposal team’s experience and success with developing creative tourism-promotion and destination-marketing plans for other communities
- Qualifications of Personnel: Prior professional experiences and work-products of consultant team members and how relevant to this Project.
- Value of Services Provide for Cost: The maximum services provided in relation to the fee charged and the value of the overall Project; the budget is reasonable and appropriate.

D. Interview Evaluation

Interviews will be scheduled with Selected Proposer the week of **January 20, 2022** to permit further evaluation and to allow the Office of Economic Policy to inquire further into the Proposer’s experience on similar projects, willingness to work closely with the LIBC staff, a thorough understanding of the various aspects of the project, ability to maintain a tight schedule and complete the project on time, within budget and other pertinent matters.

If determined to be necessary or desirable by the Office of Economic Policy, finalists from the written evaluation may be invited to participate in an additional interview evaluation process. The number of finalists will be determined by the Selection Review Committee. The interview evaluation process will provide an opportunity for Proposers to make a presentation to clarify their Proposal and for the Selection Review Committee to ask additional questions related to the Proposal and the Scope of Work. The Office of Economic Policy will notify finalists of the interview evaluation time and location and allow for a reasonable period of time for finalists to prepare presentations.

After the interviews, each member of the Selection Review Committee will re-evaluate and re-score each finalist interviewed according to the Evaluation Criteria. Each member will rank, in descending order, each interview by total score. The Office of Economic Policy reserves the right to perform additional investigations of any Proposer, including communication with former clients, and references, and other means as the Office of Economic Policy deems appropriate, and may reject any Proposal upon finding a record of Proposer’s substandard workmanship.

E. Successful Proposer Determination

The Proposer with the highest overall ranking, as determined by the Selection Review Committee, shall be identified as the Successful Proposer.

The Selection Review Committee shall determine the final ranking of Proposers, and the Committee’s decision is final. Upon determination of the Successful Proposer and performance and additional investigations, the Office of Economic Policy will issue a Notice of Intent to Award letter notifying all Proposers of the Office of Economic Policy’s selection of a Successful Proposer and protest procedures.

The Office of Economic Policy reserves the right to negotiate a final contract that is in the best interest of the Lummi Indian Business Council. The Office of Economic Policy will only negotiate those provisions of the Cultural Heritage Tourism Contract that were noted as Exceptions in the Proposal. The Office of Economic Policy will attempt to reach a final agreement with the Successful Proposer. The Office of Economic Policy may, in its sole discretion, terminate negotiations and reject the Proposal in the even agreement cannot be reached. The Office of Economic Policy may then attempt to reach final agreement with the next highest ranked Proposer, and so on with the remaining Proposers, until an agreement is reached. In the alternative, the Office of Economic Policy may at any time elect to reject all Proposals and begin the RFP process over.

After the Office of Economic Policy has reached final agreement with the Proposer, the Selection Review Committee will make a recommendation to the Lummi Indian Business Council. The Lummi Indian Business Council will then make the final contract award decision.

F. Award Protest

A Proposer believing to have been adversely affected or aggrieved by the selection of the Successful Proposer may submit a protest to the Office of Economic Policy. The protest must be in writing and submitted to the Office of Economic Policy, 2665 Kwina Rd, Bellingham, WA, 98226 and via email to SeanL@lummi-nsn.gov and TeresaT@lummi-nsn.gov

Award protests shall include “RFP Award Protest – CHT” in the subject line or written on the front of the envelope. **The written protest must be received by the Office of Economic Policy no later than 4:00 p.m. PST on January 28, 2022.** The protest should demonstrate that all higher ranked Proposers failed to meet the requirements of the RFP or are not qualified to perform the services described in the RFP. Protests received after the submittal deadline will not be considered.

No contract associated with the RFP will be awarded until any protests have been resolved. The Office of Economic Policy will evaluate and resolve all awards protests submitted before the deadline within a reasonable time following receipt of the protest. The Office of Economic Policy will promptly issue a written decision on the protest to the Proposer who submitted the protest. If the Office of Economic Policy’s written decision on the protest results in a change to the RFP, the Office of Economic Policy shall cancel the Notice of Intent to Award, revise the RFP documents accordingly, and solicit for new Proposals. The City’s decision regarding the protest is final and concludes the administrative appeals process.

5. RFP Schedule

The following is the anticipated timeline of this RFP for receiving and evaluating Proposals and awarding a professional services agreement contract to the most qualified firm or individual. This schedule is subject to change as additional time is needed.

Advertise Request for Proposal (RFP)	November 29, 2021
Mandatory Pre-Conference	December 15, 2021 11:00 am
RFP Question or Change-Request Deadline	December 15, 2021
RFP Addenda Issuance Deadline (if needed)	December 17, 2021
Proposals Due	January 7, 2022 – 4:00 p.m. PST
Evaluation of Proposals Complete	January 21, 2022
Notice of Intent to Award	January 22, 2022
Award Protest Deadline	January 28, 2022 – 4:00 p.m. PST
Council Award	February 2022 – TBD

6. General RFP and Proposal Information

A. RFP Documents

Request for Proposal (RFP) documents may be obtained at the Office of Economic Policy, located at 2665 Kwina Road, Bellingham, WA 98226, or may be obtained electronically on the LIBC website at www.lummi-nsn.gov under Economic Development. The Office of Economic Policy shall not be held responsible for the delivery of the documents.

B. Project Manager: Tribal Contact

The Program Manager, Office of Economic Policy, is the sole RFP point of contact for all questions, concerns, and protests. The Project Manager for this Project is:

Teresa Taylor
Project Manager, Office of Economic Policy
360-312-2454
TeresaT@lummi-nsn.gov

Access to the Project Manager for telephone calls, emails, or other communication will be unrestricted during the RFP preparation period up until 4:00 p.m. PST on December 15, 2021. During this time Proposers are encouraged to ask as many questions as needed to prepare a viable Proposal. Questions submitted after 4:00 p.m. PST on December 15, 2021, will not be addressed.

For the sake of fairness and to avoid the appearance of undue influence, Proposers are *not* to contact any LIBC staff, or elected official, other than the Project Manager concerning this RFP. Contact with any other staff or elected official concerning this RFP will be grounds for disqualification.

Proposers are hereby notified that verbal communication may not be relied upon as official communication concerning this RFP. Only answers to those questions responded to by the Project Manager in writing via email or by addendum may be relied upon.

C. Changes to the RFP Solicitation by Addenda

The Office of Economic Policy reserves the right to make changes to the RFP by written addendum by December 15, 2021, which shall be published on the LIBC website www.lummi-nsn.gov and under the Economic Development page, Tourism section [\(insert link here\)](#).

Prospective Proposers who have contacted the Project Manager and received confirmation of their interest in the RFP by email will be notified of changes to the RFP solicitation by addenda or the provision of answers to questions.

All addenda shall have the same binding effect as though contained in the main body of the RFP and Scope of Work.

No addenda will be issued later than December 15, 2021, except by addendum, if necessary, postponing the date for receipt of Proposals or withdrawing the RFP altogether.

Each Proposer is responsible for obtaining all addenda prior to submitting a Proposal and shall acknowledge in the Proposal receipt of each addendum as part of the Proposal. Failure to acknowledge receipt of all addenda as part of the Proposal may result in rejection of the Proposal.

D. Confidentiality

The consultant will be required to sign a confidentiality agreement. In the course that the consultant is awarded the contract and completes the contract, the consultant can name the Lummi Indian Business Council as their client but will not disclose any information or data the consultant had access to while under contract with the Lummi Nation.

E. Cancellation

The Office of Economic Policy reserves the right to cancel this RFP or the contract award at any time before execution of the contract by both parties, if cancellation is deemed to be in the best interest of the LIBC. In no event shall the Office of Economic Policy have any liability for the cancellation of a contract award.

F. Late Proposal

All Proposals that are not received by the proposal due date and time will not be considered and will be unopened. Delays due to mail and/or delivery handling, including but not limited to delays within the LIBC's internal distribution systems do not excuse the Proposer's responsibility for submitting the Proposal to the correct location by the proposal due date.

G. Disputes

In case of any doubt of differences of opinion as to the items or services to be furnished hereunder, or the interpretation of the provisions of the RFP, the decision of the Office of Economic Policy shall be final and binding upon all parties.

H. Proposer Certifications

By the act of submitting a Proposal in response to this RFP, the Proposer certifies that:

1. Proposer has carefully examined all RFP documents, including Appendix A – Cultural Heritage Tourism Feasibility Study and Business Plan – Professional Service Agreement, all addenda, and all other attachments, fully understands the RFP intent, is able to perform all tasks as described in the Scope of Work of this RFP, and the Proposal is made in accordance therewith. Except as otherwise noted as part of the Proposal, Proposer certifies that Proposer is ready, willing, and able to comply with all terms of the attached Tourism Consultant Contract.
2. Proposer is familiar with the local conditions under which the work will be performed.
3. The Proposal is based upon the requirements described in the RFP, without exception, unless clearly stated in the response.
4. Proposer accepts all of the terms of the Office of Economic Policy's Tourism Consultant Contract and warrants that Proposer will fully meet all of the insurance requirements contained therein. If Proposer wishes to amend or modify any terms of the Tourism Consultant Contract, such amendment or modification must be stated in particular in the Proposal. Proposed changes to the draft Tourism Consultant Contract not stated at the time of Proposal submission will not be considered. Changes stated will be considered but may not be agreed upon by the Office of Economic Policy for contract award. If the Office of Economic Policy does not agree with such noted changes, Proposer may withdraw the proposed change, or the entire Proposal and the Office of Economic Policy may elect to award the contract to the next highest ranked Proposer.

5. Proposer certifies, and in the case of sole proprietorship, partnership, or corporation, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of the Proposer's knowledge and belief, no elected official, employee, or person whose salary is payable in whole or part by the Office of Economic Policy, has a direct or indirect financial interest in the Proposal, or in the services to which it relates, or in any of the profits thereof, other than as fully described in the Proposer's response to this solicitation.
6. Proposer has examined all parts of the RFP, including all requirements and contract terms and conditions thereof, and if its Proposal is accepted, the Proposer shall accept the contract documents thereto, unless substantive changes are made in same without the approval of the Proposer.
7. Proposer, in an individual, is of lawful age; is the only one interested in this Proposal; and no person, firm, or corporation, other than that named, has any interest in the Proposal, or in the proposed contract.
8. Proposer has quality experience providing the types of services and duties as described within the Scope of Work of this RFP.
9. Proposer shall also certify Proposer's state of residence.

I. Proposal Liability

Proposers responding to this RFP do so solely at their expense, and the Office of Economic Policy is not responsible for any Proposer expenses associated with the RFP. By proposing, Proposers agree that doing so is at their own risk and the Office of Economic Policy shall have no liability related thereto. Finalists invited to participate in interview evaluations are responsible for scheduling and paying for their own travel arrangements. The Office of Economic Policy is not liable for any cost incurred by a Proposer in protesting any portion of the RFP documents or at the Office of Economic Policy's selection decision.

J. Requests for Clarification, additional research, and revisions

The Office of Economic Policy reserves the right to obtain clarification of any portion of a Proposal or to obtain additional information necessary to properly evaluate a particular Proposal. Failure of a Proposer to timely respond to such a request for additional information or clarification may result in a finding that the Proposer is non-responsive and consequent rejection of the Proposal.

The Office of Economic Policy may obtain information from any legal source for clarification of any Proposal. The Office of Economic Policy need not inform the Proposer of any intent to perform additional research in this respect or of any information thereby received.

The Office of Economic Policy may perform, at its sole option, investigations of any Proposer. Information may include, but shall not necessarily be limited to, current litigation and contracting references. All such documents, if requested by the Office of Economic Policy, become part of the public record, and may be disclosed accordingly.

The Office of Economic Policy reserves the right to request revisions of any Proposal after the date and time due and before award for the purpose of obtaining best and final offers.

K. Rejection of Proposal

The Office of Economic Policy reserves the right to reject any or all irregularities or omissions in Proposals submitted in response to this RFP to the extent it is determined to be in the best interest of the LIBC to do so. Furthermore, the Office of Economic Policy reserves the right to reject any or all

Proposals or portions thereof submitted in response to this RFP. Proposals may be rejected for one or more of the following reasons, including but not limited to:

1. Failure of the Proposer to adhere to one or more of the provisions established in the RFP
2. Failure of the Proposer to submit a Proposal in the format specified herein
3. Failure of the Proposer to submit a Proposal within the time requirements established herein.
4. Failure of the Proposer to adhere to ethical and professional standards before, during, or following the Proposal process.

The Office of Economic Policy may reject any Proposal not in compliance with all prescribed public procurement procedures and requirements, and may reject for good cause any of all Proposals upon a finding by the Office of Economic Policy that it is in the public interest to do so.

L. Requirements

The Office of Economic Policy intends to select a consultant in accordance with the Lummi Codes of Law, and LIBC Policies and Procedures. Selection of a consultant under this process is not a guarantee of a contract award, nor is the award of a contract for any portion of the Work a guarantee of award of a contract for any subsequent work. All work is subject to budgetary and funding constraints of the LIBC.

The selected consultant shall comply with all federal, state, and local laws, regulations, executive orders, and ordinances applicable to the work under this contract, including, without limitation, the provisions of:

- [LIBC Resolution #1996-93](#) – LIBC policy states that any person who owes a debt or accounts receivable to the Lummi Indian Nation, or any of its entities shall be disqualified from accepting any terms of employment with, or appointment to any position with the Tribe or any of its entities, until satisfactory arrangements have been made, in writing, to either pay the full amount owed, or to pay a reasonable amount on periodic basis in installments. The Lummi Funding Development Department will not accept a proposal if the consultant has an unresolved or outstanding debt to the Lummi Nation.
- [LIBC Resolution #2004-147](#) – Affirmation of LIBC Policy Prohibiting Full-Time LIBC Employees from serving as Independent Contractors to the LIBC and its subordinate entities. A consultant will not qualify to submit a solicitation if the individual is an employee of the Lummi Indian Business Council or any of its subordinate entities. Furthermore, while on contract the consultant shall not accept any employment within the Lummi Indian Business Council or its subordinate entities during the duration of the contract.
- [LIBC Resolution #2016-093](#) - LIBC Procurement Policy
- [LIBC Resolution #2021-137](#) – Authorization to accept a Grant through the Bureau of Indian Affairs – Tribal Tourism Grant Program (CFDA#15.133) for development of a Lummi Cultural Heritage Tourism Project Feasibility Study and Business Plan.

Appendix A – Professional Service Contract

(see attached)