

**SENECA NATION OF INDIANS
TASKFORCE FOR THE DEVELOPMENT OF
A FEDERALLY CHARTERED CREDIT UNION**

REQUEST FOR PROPOSALS

PROJECT TITLE:

Consultant to advise in the planning and development of a federally chartered credit union that will serve the interests of the Seneca People.

PROPOSALS DUE BY AND CLOSE ON:

Friday March 19, 2010, no later than 5:00 PM EST.

Complete and sealed proposal(s) must be e-mailed in time for the designee below to receive it by the RFP closing date and time. Proposal must include the following in the e-mailed subject line: SENECA CREDIT UNION TASK FORCE - RESPONSE TO RFP. Proposals must be submitted electronically as an attachment to an email to info@SenecaCFCU.com. These e-mail attachments must be submitted in Microsoft Word format. The proposals must respond to the procurement requirements. Do not respond by referring to materials presented elsewhere. The proposal must be complete and stand on its own merits. Failure to respond to any portion of the procurement documentation may result in rejection of the proposal as non-responsive. All proposals and accompanying documentation shall become the property of the Task Force and will not be returned.

Any proposals received after the indicated date and time or sent to other individuals shall be disqualified. The Task Force will not assume responsibility for any problems in the e-mail or with the transmission. The Task Force will send a confirmation of receipt of the proposal, if so requested.

Proposals will be evaluated on the following factors, including but not limited to: adherence and response to the scope of work, price, terms, history/experience, and completeness and overall responsiveness to this RFP. The Task Force also reserves the right, however, at its sole discretion to waive minor administrative irregularities.

EXPECTED TIME PERIOD FOR CONTRACT:

April 15, 2010 to October 15, 2010. The Seneca Nation of Indians Council and its duly authorized Task Force reserve the right, at their discretion, to extend the contract for up to two additional six-month periods. Funding for any consulting services under this contract and in excess of forty-nine thousand (\$49,000) as well as the extension of this contract for a term and/or services beyond those described herein is dependent upon the receipt of legislative authorization which would be granted by resolution of Council for the Seneca Nation of Indians.

ALL COMMUNICATIONS CONCERNING THIS RFP SHALL BE E-MAILED OR ADDRESSED TO:

Suzanne Smith
info@SenecaCFCU.com
716-549-8989

CONSULTANT ELIGIBILITY:

The procurement is open to those consultants that satisfy the minimum qualifications stated herein and that are available to work on the sovereign Territories of the Seneca Nation of Indians.

1. INTRODUCTION

1.1. PURPOSE AND BACKGROUND

The Seneca Nation Credit Union Task Force (hereafter "Task Force") is initiating this Request for Proposals (RFP) to solicit proposals from individuals or firms interested in participating on a project to:

- Assist and advise in the planning and chartering process of a federally chartered credit union to serve the Seneca people, communities, and related business interests
- Work with the Task Force to accomplish the development and pre-chartering needs of the credit union ("CU"), including:
 - Business Plan
 - Market Study
 - Feasibility Study
- Advise and assist Task Force and its development of a CU in terms of compliance with the Federal Credit Union Act
- Advise and assist Task Force and its development of a CU in terms of compliance with and documentation required by the National Federal Credit Union Association (NFCUA) throughout the chartering process.

1.2. OBJECTIVE

On September 17, 2009, the Seneca Free Trade Association presented a proposal to develop a fully chartered Credit Union within the territorial boundaries of the Seneca Nation and to serve the Seneca people and interests – both private and public. Thereafter, on December 12, 2009, this Task Force was created by resolution of the Seneca Nation of Indians Council and based upon a general consensus and awareness of a lack of "internal banking and lending activities" which have been found to "contribute[] to the loss of internal economic development and economic stimulation." (Quoting Council Resolution.)

This Task Force is now charged with the objectives of planning, developing, and taking actions to establish a member-owned, not-for-profit, federally chartered Credit Union. In order to accomplish this objective, the Task Force seeks the assistance of a qualified consultant to serve as an advisor of the Task Force during this pre-chartering stage. Our short and mid-term goals, as a Task Force, during this pre- and chartering stage are to:

- Research and select the type of federal credit union charter that will best serve the Seneca people and their interests
- Assist in the selection of an "Organizer" and potential "Managers" (Note – the selected Consultant may, over the course of this engagement, be asked to serve as the "Organizer" of the prospective CU in the function, role and capacity prescribed by the Federal Credit Union Act and the NCUA. Were this to occur, a separate engagement and contract would be entered into.)
- Select a minimum of seven "Subscribers"

- Pursue necessary studies and prepare necessary reports concerning the “Economic Advisability” of this proposed federal credit union, the proposed “Management’s Character and Fitness”, and draft a realistic and supportable “Business Plan” that satisfies the criteria set forth by the NCUA
- Commence the formal application process with the NCUA

Our goal is to achieve a fully functional and full service federally chartered credit union that serves the unique needs and interests of Seneca people, business interests, and entities or professionals holding valid licenses to conduct business within the Territories of the Seneca Nation of Indians. We hope to achieve this goal as soon as is reasonably practical.

1.3. MINIMUM QUALIFICATIONS

The Consultant must have a minimum of 7-years experience working within or in connection to a Federal Credit Union. A minimum of a bachelor’s degree in finance, business, or the equivalent is required. Previous experience in chartering a federal credit union is preferred as is experience in working with underserved populations based on race, gender or economies. Past experience in working with a not-for-profit organization and/or community involvement in education, training, or non-profit public initiatives are likewise preferred. Experience with Native American interests and/or projects is highly desirable. The contractor must possess excellent writing and oral skills and be comfortable in working with a diverse team of professionals and manage time completion of tasks. Additionally, the individual must be detail-oriented. The Task Force complies with the Seneca Nation of Indians Tribal Employments Rights Ordinance (TERO), which intends to increase employment for Native American workers and businesses. (A copy of TERO may be obtained from the TERO Office.)

1.4. FUNDING

Any contract award as a result of this procurement is contingent on the availability of funding. Neither this RFP nor any representation by any representative of the Nation or the Task Force creates any legal or moral obligation to request, appropriate or make available monies for the purpose of this RFP.

In the event additional funding becomes available, any contract awarded may be renegotiated to provide for additional related services.

1.5. PERIOD OF PERFORMANCE

The period of performance of any contract resulting from this RFP is tentatively scheduled to begin on or about *April 15, 2010* and to end on *October 15, 2010*. Amendments extending the period of performance, if any, shall be at the sole discretion of the Task Force and Council for the Seneca Nation of Indians in consultation with the Task Force.

The Task Force and Council for the Seneca Nation of Indians reserves the right to extend the contract for two additional six-month periods, provided all parties to the contract consent to the same and funding for any contract extension is authorized and made available.

1.6. DEFINITIONS

Definitions for the purposes of this RFP include:

Consultant – Individual or company submitting a proposal in order to attain a contract with the Task Force.

Proposal – A formal offer submitted in response to this solicitation.

Request for Proposal (RFP) – Formal procurement document in which a service or need is identified but no specific method to achieve it has been chosen. The purpose of an RFP is to

permit the consultant community to suggest various approaches to meet the need at a given price.

Seneca Nation of Indians Council (Council) – The Seneca Nation of Indians Council is the legislative arm of the Seneca Nation of Indians and the entity that makes the funding available for the procurement of services obtained through this RFP and by contract.

Task Force – The Seneca Credit Union Task Force was created by Council resolution for the purpose of developing a federally chartered credit union and as such, it is functioning as the agent of Council, in issuing this RFP.

2. GENERAL INFORMATION FOR CONSULTANTS

2.1. CONTRACTOR DELIVERABLES

The contractor(s) selected by the Task Force for this engagement will enter into an agreement with the Seneca Nation of Indians, and will work under the direction of the Task Force. Specific Statements of Work will outline the respective duties of the contractor to perform the following activities:

- Determine grant funding opportunities
- Provide recommendations and conduct preliminary briefings to the Task Force and Council as to the type of credit union and the suite of products and services the prospective Seneca Credit Union should offer
- Advise the Task Force as to the NCUA, the Federal Credit Union Act, and equivalent requirements and obligations for the pre-chartering and chartering activities, including financial and business planning, marketing, economic advisability, and other documentation and reporting required by the NCUA
- Assist in the commencement of the formal application process with the NCUA
- Conduct seminars to describe credit union benefits, successes, and promote credit union involvement and membership in the prospective Seneca Credit Union
- Other related duties as assigned by the Task Force or as their necessity becomes apparent

2.2. RFP COORDINATOR

The RFP Coordinator is the sole point of contact in the Task Force for this procurement. All communication between the Consultant and the Task Force upon receipt of this RFP shall be with the RFP Coordinator, as follows:

Contact: Suzanne Smith
Email: info@SenecaCFCU.com
Telephone: 716-549-8989

Any other communication will be considered unofficial and non-binding. Consultants are to rely on written statements issued by the Task Force and transmitted through the RFP Coordinator. Communications directed to parties other than the RFP Coordinator may result in disqualification of the Consultant.

2.3. MOST FAVORABLE TERMS

The Task Force reserves the right to make an award without further discussion of the proposal submitted. Therefore, the proposal should be submitted initially on the most favorable terms that the Consultant can propose. There will be no best and final offer procedure. The Task Force does reserve the right to contact a Consultant for clarification of its proposal during the evaluation process. Additionally, if the Consultant is selected as the apparent successful contractor, the Agency reserves the right to enter into contract negotiations with the apparent successful contractor, which may include discussion regarding the terms of the proposal. Contract negotiations may result in incorporation of some or all of the Consultant's proposal. The Consultant should be prepared to accept this RFP for incorporation into a contract resulting from this RFP.

2.4. COSTS TO PROPOSE

The Task Force will not be liable for any costs incurred by the Consultant in preparation of a proposal submitted in response to this RFP, in conduct of a presentation, or any other activities related to responding to this RFP.

2.5. NO OBLIGATION TO CONTRACT

This RFP does not obligate the Task Force, the Seneca Nation of Indians, Council, or any other related entity, to contract for services specified herein.

2.6. REJECTION OF PROPOSALS

The Task Force reserves the right at its sole discretion to reject any and all proposals received, and this reservation of right is without penalty such that the Task Force may choose not to issue a contract as a result of this RFP.

2.7. COMMITMENT OF FUNDS

The Seneca Nation of Indians' President's Office or the Council, or its delegate, are the only individuals who may legally commit to the expenditures of funds for a contract resulting from this RFP. No cost chargeable to the proposed contract may be incurred before receipt of a fully executed contract.

3. PROPOSAL CONTENTS

The three major sections of the proposal are to be submitted in the order noted below:

- 1) Signed or Certified Letter of Submittal, including signed Certifications and Assurances (Exhibit A to this RFP)
- 2) Management Proposal
- 3) Cost Proposal

Proposals must provide information in the same order as presented in this document with the same headings. This will not only be helpful to the evaluators of the proposal, but should assist the Consultant in preparing a thorough response.

Items in the section marked "mandatory" must be included as part of the proposal for the proposal to be considered responsive. Items marked "scored" are those that are awarded points as part of the evaluation conducted by the evaluation team.

3.1. LETTER OF SUBMITTAL (MANDATORY)

The Letter of Submittal and the attached Certifications and Assurances form (Exhibit A to this RFP) must be signed and dated by a person authorized to legally bind the Consultant to a contractual relationship, e.g., the President or Executive Director if a corporation, the managing partner if a partnership, or the proprietor if a sole proprietorship. Along with introductory remarks,

the Letter of Submittal is to include by attachment the following information about the Consultant and any proposed subcontractors:

- 1) Name, address, principal place of business, telephone and fax number, and as well as the e-mail address of the legal entity or individual with whom contract would be written.
- 2) Name, address, and telephone number of each principal officer (President, Vice President, Treasurer, Chairperson of the Board of Directors, etc.).
- 3) Legal status of the Consultant (sole proprietorship, partnership, corporation, etc.) and the year the entity was organized to do business as the entity now substantially exists.
- 4) Federal Employer Tax Identification number or Social Security number.
- 5) Location of the facility from which the Consultant would operate.
- 6) Identify any Seneca Nation of Indians or Seneca Gaming Corporation employees (now or in the past), who are either an owner, are employed by or on the firm's governing board as of the date of the proposal. Include their position and responsibilities within the Consultant's organization. If following a review of this information, it is determined by the Task Force that a conflict of interest exists, the Consultant may be disqualified from further consideration for the award of a contract.
- 7) Identify whether the Consultant has been certified by the Seneca Nation of Indians TERO Commission as Native owned or Seneca owned.

3.2. MANAGEMENT/ADVISING PROPOSAL

A. Project Management (SCORED/MANDATORY) 35%

1. **Project Team Structure/Internal Controls** – Provide a description of the proposed project team structure and internal controls to be used during the course of the project, including any subcontractors. Where more than one person will be involved in Consulting, provide an organizational chart of your firm indicating lines of authority for personnel involved in performance of this potential contract and relationship of the staff to other programs or functions of the firm. Include who within the firm will have prime responsibility and final authority for the work.
2. **Staff Qualifications/Experience** – Identify staff, including subcontractors, who will be assigned to the potential contract, indicating the responsibilities and qualifications of such personnel, and include the amount of time each will be assigned to the project. Provide resumes for the named staff, which include information on the individual's particular skills related to this project, education, experience, significant accomplishments and any other pertinent information. The Consultant must commit that staff identified in the proposal will actually perform the assigned work. Any staff substitution must have prior approval of the Task Force.

B. Experience of the Consultant (SCORED/MANDATORY) 35%

1. Indicate the experience of the Consultant and any subcontractors have in the following areas:
 - Credit unions (preferred)
 - Other financial service providers

- NCUA
- Chartering and/or Organizing a federally chartered credit union
- Preparing business plans in relation to credit unions and/or other financial service providers
- Presentations to small and medium sized groups
- Writing business plans, procedures and/or manuals.

2. Indicate other relevant experience that demonstrates the qualifications of the Consultant, and any subcontractors, for the performance of the potential contract.
3. If applicable, include a list of contracts the Consultant has had during the last seven years that relate to the Consultant's ability to perform the services needed under this RFP. List contact reference number, contract period of performance, contact persons, telephone numbers, and fax numbers/e-mail addresses.

C. References (SCORED/MANDATORY) 10%

List names, addresses, telephone numbers, and fax numbers/e-mail addresses of *three business references* for whom work has been accomplished and briefly describe the type of service(s) provided. The Consultant and staff proposed to provide the services must grant permission to the Task Force to contact references, and others for whom services have been provided. Do not include current Task Member staff as references. References will be contacted and scored for the top-ranking proposal(s) only.

D. Related Information (SCORED/MANDATORY) 20%

Provide a brief *outline and timeline of the proposed actions and phases* that the Consultant would recommend the Task Force pursue in order to bring a Seneca Credit Union from concept, through the chartering stage, and into full operations. For purposes of this exercise, assume the Seneca Credit Union will be chartered as a Multiple Common Bond Association that would provide a full suite of credit union services to its members, including but not limited to personal and business loans, credit cards, and certain merchant services.

E. TERO and/or OMWBE Certification (Optional)

If applicable, include proof of certification of Minority and Women-Owned Business and/or TERO if so certified.

3.3. COST PROPOSAL

The evaluation process is designed to award this procurement not necessarily to the Consultant of the least cost, but rather to the Consultant whose proposal meets the requirements of this RFP. However, Consultants are encouraged to submit proposals that are consistent with the Seneca Nation of Indians' efforts to conserve resources and to guard against the provider's delivery of an unanticipated, substantial billing for services rendered.

Identify all costs and billing practices to be charged for performing the services necessary to accomplish the objectives of the contract (do not include fees charged by and paid directly to the NCUA). Responders are encouraged to supply an hourly rate and correlate that hourly rate to the anticipated number of hours required to satisfy the brief outline and timeline of proposed actions and phases as set forth in section 3.2 D, above. The Task Force acknowledges that this estimation of costs in relation to the outline and timelines is non-binding and based upon the responder's good faith estimates.

4. EVALUATION AND CONTRACT AWARD

4.1 EVALUATION PROCEDURE

Responsive proposals will be evaluated strictly in accordance with the requirements stated in this solicitation and any addenda issued. The evaluation of proposals shall be accomplished by an evaluation team, to be designated by the Task Force, which will determine the ranking. The Task Force, at its discretion, may elect to select the top-scoring firms as finalists for an oral presentation. All proposals and accompanying documentation shall become the property of the Task Force and will not be returned; the Task Force shall give Confidential Treatment to each and every responder and shall not share the proposals with third parties outside of the evaluation process.

4.2 NOTIFICATION OF PROPOSERS

A firm that has submitted a proposal will be notified by facsimile or by e-mail of whether the firm has or has not been selected. Because time is of the essence and relative term and size of this procurement, there shall be no protest procedure made available to any Consultants who submitted a response.

EXHIBIT A

CERTIFICATIONS AND ASSURANCES

I/we make the following certifications and assurances as a required element of the proposal to which it is attached, understanding that the truthfulness of the facts affirmed here and the continuing compliance with these requirements are conditions precedent to the award and continuation of the related contract(s) if an award is made.

1. I/we declare that all answers and statements made in the proposal are true and correct.
2. The prices and/or cost data have been determined independently, without consultation, communication, or agreement with others for purpose of restricting competition. However, I/we may freely join with other persons or organizations for the purpose of presenting a single proposal.
3. The attached proposal is a firm offer for a period of 60 days following receipt, and it may be accepted by the Task Force without further negotiation (except where obviously required by lack of certainty in key terms) at any time within the 60-day period.
4. In preparing this proposal, I/we have not been assisted by any current or former employee or governmental representative of the Seneca Nation of Indians, it's Council, the President's Office, or the Seneca Gaming Corporation, whose duties relate (or did relate) to this proposal or prospective contract, and who was assisting in other than his or her official, public capacity. (Any exceptions to these assurances are described in full detail on a separate page and attached to this document.)
5. I/we understand that the Task Force will not reimburse me/use for any costs incurred in the preparation of this proposal. All proposals become the property of the Task Force, and I/we claim no proprietary right to the ideas, writings, items, or samples, unless so stated in the proposal.
6. Unless otherwise required by law, the prices and/or cost data which have been submitted have not been knowingly disclosed by the Proposer and will not knowingly be disclosed by him/her prior to opening, directly or indirectly to any other Proposer or to any competitor.
7. I/we agree that submission of the attached proposal constitutes acceptance of the solicitation contents and the general terms and conditions. If there are any exceptions to these terms or conditions, I/we have described those exceptions in detail on a page attached to this document.
8. No attempt has been made or will be made by the Proposer to induce any other person or firm to submit or not to submit a proposal for the purpose of restricting competition.
9. I/we grant the Task Force the right to contact references and others, who may have pertinent information regarding the Proposer's prior experience and ability to perform the services contemplated in this procurement.

Because this is submitted electronically, an electronic signature shall be binding upon the Proposer and his/her firm. By providing this electronic signature below, I am attesting to the accuracy of the above statements and have the permission and authorization of my firm to do so on its behalf.

Signature of Proposer

Date

Title