

Kiowa Tribe
Request for Quote
Healthcare and Pharmacy Business Legal Consultant



RFQ – KT-25-010-EX

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HEALTHCARE AND PHARMACY BUSINESS LEGAL CONSULTANT

Attorney-Led Operationalization Advisory for the Planning Department

REQUEST

The Kiowa Tribe of Oklahoma is requesting proposals from qualified attorneys to serve as specialized 638 healthcare legal consultant, operational advisor, and business consultant to the Planning Department in support of the Tribe's healthcare and pharmacy business. This is a specialized, project-based engagement and is separate from and in addition to the Tribe's general legal counsel. The selected attorney will work as an extension of the Executive Director's team within the Planning Department to ensure the business is operationalized correctly from day one, and that the revenue generated by the business, flows back to the Tribe as unrestricted (unencumbered) revenue to the greatest extent possible.

This engagement requires deep, direct experience standing up tribal 638 healthcare clinics and pharmacies. The Tribe is not seeking an IHS consultant, a management consultant, or a firm offering post-launch advisory services. The selected attorney must have stood up multiple successful 638 healthcare clinics and pharmacies for federally recognized tribes and must carry the specialized legal expertise required to support the Tribe through funding agreement negotiations, tribal health governance, and the transition of the business from the governmental side of the Tribe into the Tribe's for-profit business arm.

Proposals must be submitted to Chenoa Barhydt, Executive Director of Planning & Economic Development, via email at cbarhydt@kiowatribe.org no later than **5:00 PM Central Time on Tuesday, May 12, 2026**. The Tribe expects to make a selection decision by May 13, 2026.

BACKGROUND

The Kiowa Tribe of Oklahoma is a federally recognized Indian tribe located in Carnegie, Oklahoma, organized under the Indian Reorganization Act of 1934 and operating under the Kiowa Tribe's Revised Constitution and Bylaws. The Tribal government consists of a Tribal Chairman, Vice Chairwoman, and four (4) Executive Directors overseeing Planning & Economic Development, Health & Human Services, Tribal Operations, and Education.

The Planning Department is leading the operationalization of the healthcare and pharmacy business on behalf of the Tribe, in coordination with Health and Human Services, Tribal Operations, Education, and the Office of Legal Counsel. The selected attorney will report to the Executive Director of Planning & Economic Development and work alongside the executive team throughout the stand-up.

SCOPE OF WORK

The selected attorney will serve as legal counsel and operationalization advisor to the Planning Department across the following areas. The attorney is expected to provide written legal deliverables, strategic recommendations, and lead specialized legal and operational workstreams where the Tribe does not have internal capacity. The Kiowa Tribe retains full authority over all strategic and operational decisions. The attorney's role is advisory.

1. Business Structure and Unrestricted Revenue Flow

Provide guidance on structuring the Tribe's healthcare and pharmacy business to maximize revenue flow back to the Tribe and generate unrestricted (unencumbered) revenue. Advise on whether a Section 17 corporation, a chartered tribal business entity, or another structure is most appropriate for the transition from governmental operation to the Tribe's for-profit business arm. Advise on the use of ancillary service entities where appropriate.

2. IHS Compact and Funding Agreement

The Tribe's 638 compact is already underway. The Annual Funding Agreement has not yet been negotiated. The selected attorney will review the Tribe's draft funding agreement and related instruments, identify issues and opportunities, and prepare the Tribe for IHS funding negotiations. Advise on amendments to existing instruments and on a 25 CFR 900.8 modification proposal if needed. The Kiowa Tribe leads all IHS negotiations directly.

3. 105(l) Facility Lease

The Tribe's 105(l) facility lease has been completed and is pending a resolution for final authorization. The selected attorney will be briefed on the completed lease, provide a review as part of their initial engagement, and advise on the resolution and any remaining steps to finalize the 105(l) reimbursement relationship with IHS.

4. Vendor and Service Provider Agreements

Review existing and proposed service provider, management services, and vendor agreements related to the healthcare and pharmacy business. Provide written recommendations, suggested amendments, and guardrails for the Tribe's current and future engagements. Provide a template advisory support services agreement the Tribe may use going forward.

5. Pre-Award Invoice and Start-Up Cost Review

Review pre-award invoices and projected first-year start-up costs and provide a written assessment of whether the costs are reasonable, allowable under IHS reimbursement standards, and consistent with start-up costs at comparable tribal clinics and pharmacies. Flag any items that may be inflated, unusual, or likely to raise concern with IHS.

6. TERO Process:

TITLE II: EMPLOYMENT RIGHTS FEE

Section 2-201: Employment Rights Fee

An employment rights fee is established as follows:

(a) Every Entity or department, including tribal gaming, with a construction and or professional services contract in the amount of \$1,000 or more shall pay to the Commission a "TERO Fee" of three percent of the total amount of the contract. For good cause is shown, the TERO Director may authorize an Entity or department, with a valid contract to pay said fee in installments over the course of the contract.

(b) Notwithstanding any other provision of this Ordinance, and except where expressly exempted by Ordinance, an entity awarded a Contract by the Tribe Professional Service or Construction, or any Entity owned by the Tribe, shall as a condition of doing business with the Tribe or an Entity it owns, grant its consent to deduct the amount of the TERO Fee from the total amount due the contractor under the Contract.

7. Pharmacy Authority and Compliance

Advise on the legal and operational mechanisms to ensure the Tribe retains full authority over pharmacy operations and pharmaceutical sales. Advise on pharmacy setup to avoid overpayment exposure from the state or other entities, and on 340B program participation and compliance.

8. Board Governance

Advise on best practices for standing up the board for the healthcare and pharmacy business, including composition, roles, fiduciary responsibilities, and conflict of interest rules. Provide written recommendations on board structure and vendor representation on the board.

9. Federal Law and Government-to-Government Engagement

Advise on the Indian Self-Determination and Education Assistance Act (ISDEAA), the Indian Health Care Improvement Act (IHCA), the use of Medicaid and Medicare funds under federal law, grant funding, and 105(l) lease funds. Advise on interactions and government-to-government consultations with IHS, CMS, and relevant state agencies.

10. Tribal Health Governance and Infrastructure

Provide a draft Tribal Healthcare Ordinance. Advise on organizational structure for the Tribal Health Department. Assist in developing a PFSA (Program, Function, Service, Activity) scope of services strategy, a care transition plan to ensure continuity of services to Tribal members, a tribal data sovereignty policy, AAAHC accreditation planning, NPI number setup, and a Community Needs Analysis plan.

11. Legislative and Community Engagement

Advise on engagement strategies and best practices from other tribal clinics, including how to build and maintain Tribal Legislature and citizen support throughout the stand-up and operational phases.

REQUIRED QUALIFICATIONS

This engagement is for an attorney, not a non-attorney consultant. Non-attorney consulting firms, management consulting firms, and IHS advisory firms are not responsive to this solicitation and should not submit. To be considered responsive, proposers must demonstrate all of the following:

1. Active law license in good standing in at least one U.S. jurisdiction, with no disciplinary action by any regulatory or licensing agency in the past five years. If disciplinary action exists, full disclosure is required.
2. Multiple years of direct, hands-on experience as legal counsel standing up successful 638 healthcare clinics and pharmacies for federally recognized tribes. Experience must include leading operational stand-up, not solely litigation, post-launch advisory, or general IHS consulting.
3. A minimum of three (3) references from tribes where the proposer served as lead attorney on the launch of a tribal healthcare and/or pharmacy business.
4. Demonstrated experience drafting and negotiating 638 Compacts, Contracts, Annual Funding Agreements, 105(I) lease structures, and tribal healthcare ordinances.
5. Demonstrated legal experience advising tribes on for-profit business structures (Section 17 corporations, chartered tribal entities, or similar) specifically designed to generate unrestricted revenue.
6. Working knowledge of ISDEAA, IHClA, Medicaid, Medicare, and 340B pharmacy program requirements.
7. Capacity to begin work within two weeks of contract execution and to meet the pre-award and award timelines set by IHS.

PROPOSAL PREPARATION

In order to expedite the review process, your proposal must include the following information:

8. Contact information. Name of proposer's firm, address, telephone and fax numbers, name of lead attorney, email, and date of submission.
9. Engagement letter. A summary stating the proposer's understanding of the scope of work, proposed approach, and expected time commitment through the pre-award period and initial operational stand-up.
10. Firm background. Location of office(s), number of attorneys on staff, and the range of legal services provided. State whether the firm or lead attorney has been disciplined by

any regulatory or licensing agency in the past five years, and if so, detail the circumstances and sanctions.

11. Qualifications and experience. Describe experience directly relevant to the scope of work, including all tribes for which the proposer has served as lead attorney on the stand-up of a 638 healthcare clinic and/or pharmacy in the last five years. For each engagement, specify the proposer's role, key deliverables, and the outcome.
12. References. Include a minimum of five (5) references from tribes or tribal enterprises served by the proposer in the last five years. For each reference, include the tribe's name, the key contact (Executive Director, CEO, CFO, Chairman, or equivalent), contact information (email and phone), the services performed, and the time period of the engagement.
13. Project organization and management. Expected timeline for the scope of work, proposed staffing, and identification of the lead attorney who will be the Tribe's primary point of contact.
14. Cost proposal. The Tribe is requesting a detailed cost proposal that includes hourly rates for all attorneys and personnel expected to work on the engagement, a not-to-exceed monthly retainer if proposed, and a list of any assumptions the fee is based on. Proposers must state whether payment can be structured as contingent on the Tribe's receipt of IHS pre-award or award funding.
15. Rate justification. Provide a written justification for proposed rates as they relate specifically to tribal 638 healthcare legal counsel, including comparable rates in the market for similar specialized engagements.

EVALUATION CRITERIA

Proposals will be evaluated by the Tribal Executive Team based on the following criteria and point ranges. The Tribe reserves the right, per its Procurement Policy, to use qualifications-based selection for specialized professional services.

Qualifications and Experience of Firm: 0-40

- Multi-year, direct experience as lead attorney standing up successful 638 clinics and pharmacies
- Quality and number of tribal references (minimum five required)
- Legal expertise in for-profit tribal business structures and unrestricted revenue flow

Responsiveness and Understanding of Scope: 0-25

- Demonstrated understanding of the work to be performed
- Reasonableness of proposed timeline and approach
- Ability to meet the pre-award and award timelines set by IHS

Cost and Payment Structure: 0-20

- Reasonableness of rates for specialized 638 healthcare legal counsel
- Willingness to structure payment as contingent on IHS pre-award/award funding

- Transparency of cost assumptions

Indian Preference:

0-15

- Per Kiowa Tribe Procurement Policy Section 3.2, preference is given to Indian-owned economic enterprises and Indian organizations

TOTAL POINTS:

0-100

In order to be within the competitive range, a proposal must receive at least 70% of the available ranking points.

CONTRACT TERMS AND CONDITIONS

The selected attorney will execute a professional services contract with the Kiowa Tribe, signed by David Sullivan, Chairman. The contract will include, at minimum, the following terms:

- Payment structure contingent on the Tribe's receipt of IHS pre-award or award funding, where feasible.
- Indemnification, insurance requirements, and sovereign immunity protections consistent with the Kiowa Tribe's standard contract terms.
- Termination for convenience and termination for cause provisions.
- Indian preference provisions consistent with 24 CFR 1000.52 and the Kiowa Tribe Procurement Policy.
- The Kiowa Tribe retains full authority over all operational and strategic decisions. The attorney's role is advisory.

SUBMISSION REQUIREMENTS

Proposals must be submitted electronically in PDF format to **cbarhydt@kiowatribe.org** no later than **5:00 PM Central Time on Tuesday, May 12, 2026**.

Late proposals will not be considered. The Kiowa Tribe reserves the right to reject any or all proposals, to waive minor irregularities, and to negotiate with the selected proposer. The Tribe further reserves the right to cancel this solicitation at any time prior to contract award consistent with Section 4 of the Kiowa Tribe Procurement Policy.

QUESTIONS

All questions regarding this RFQ must be submitted in writing to Chenoa Barhydt, Executive Director of Planning & Economic Development, at **cbarhydt@kiowatribe.org**. Responses to questions that affect the substance of the RFQ will be shared with all proposers who have expressed interest.

BID PROTESTS AND APPEALS

Any actual or prospective proposer may protest the solicitation or award of the contract for serious violations of the principles of the Kiowa Tribe Procurement Policy. Protests must be submitted in writing to the Contracting Officer (Executive Director) per Section 6 of the Kiowa Tribe Procurement Policy. Protests against the award of a contract must be received within five (5) calendar days after contract award.