***Seneca Gaming Corporation***



SNRC Parking Lot

Request for Proposal

RFP SNRC-0051-24JN

Confidential

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# Introduction

Seneca Gaming Corporation is a wholly owned, tribally chartered corporation of the Seneca Nation of Indians (the “Nation”) which operates all of the Nation’s Class III gaming operations in Western New York.

Seneca Gaming Corporation (SGC) owns and operates Seneca Niagara Resort & Casino (“SNRC”) in Niagara Falls, New York, Seneca Allegany Resort & Casino (“SARC”) in Salamanca, New York, Seneca Buffalo Creek Casino (“SBCC”) in Buffalo, New York, and Seneca Hickory Stick Golf Course (“SHSG”) in Lewiston, New York.

For additional information, please visit our website at [www.Senecacasinos.com](http://www.Senecacasinos.com).

# RFP Objective

Seneca Gaming Corporation (“SGC”) is seeking a qualified vendor to repave the parking lot at SNRC as specified.

# Scope of Services:

Please see the following documents attached:

**RFP SNRC-0051-24JN SNRC Parking Lot - Exhibit A**

**RFP SNRC-0051-24JN SNRC Parking Lot - Exhibit B**

# RFP Administrative Information:

## Contact Information

Name Joe Nichols, Director of Procurement

Telephone 716-501-2158

Email jnichols@senecacasinos.com

## Schedule of Events

RFP issue date: 04/15/2024

Intent to bid due by: 04/19/2024

Mandatory meeting & site tour: 04/24/2024

Bidder questions due: 04/25/2024

**Bid Submission Deadline: 05/03/2024 by 5:00 PM ET**

## Intent to Bid and Mandatory Meeting & Site Tour

Bidders must confirm their intent to bid and availability for the Mandatory Meeting & Site Tour by Friday, April 19th.

Mandatory Meeting & Site Tour will be held with all bidders on Wednesday, April 24th at 10:00am ET. Bidders will meet at SNRC outside The Bear’s Den. Please limit the number of attendees per bidder to a maximum of two (2).

We anticipate the meeting & site tour to take about 1 hours; but may be longer depending on level of discussion & engagement with the bidders.

## Bidder Questions

Bidders must submit any questions to the email address listed above. *No telephone questions will be accepted or considered*.

Questions must reference the specific RFP paragraph number and page and quote the passage being questioned. SGC will respond to questions and will send answers to all bidders by the date indicated above in schedule of events.

## Submission of Proposals

Proposals must be submitted in electronic form, preferably in one Adobe PDF document (Technical Proposal) and one Microsoft Excel document (RFP SNRC-0016-24JN Architectural\_Engineering Services - Exhibit A). **Note: SGC’s email system rejects incoming messages with attachments exceeding 20 MB**.

Proposals must be received before the bid submission deadline. **Proposals received after the bid submission deadline will not be considered.**

## Proposal Format

Send RFP response with all requested information answered in the format provided, along with any supporting attachments, electronically via email as stated in (above) Section E. Submission of Proposals.

Bidders must complete the attached excel workbook **RFP SNRC-0051-24JN SNRC Parking Lot - Exhibit A**

In addition, the following documents must be sent with your RFP response:

**1. Bidder Representations and Certifications**

A corporate officer or person who is authorized to represent Bidder must complete, sign, and date the Bidder Certifications and Representations shown on the last page of this RFP document, Section VI.

**2. Appendix-A: Evidence of Insurance**

Evidence of current insurance is to be provided to the satisfaction of SGC’s Risk Management Department. The following are the minimum insurance requirements for the services requested in this RFP:

(a) General Liability insurance with coverage in an amount not less than five million dollars ($5,000,000.00) per occurrence and five million dollars ($5,000,000.00) aggregate;

(b) For all vehicles employed by your company while on SGC premises, Automobile Liability insurance each with a single limit of at least one million dollars ($1,000,000.00) for injury to one or more persons, resulting from one accident and one million dollars ($1,000,000.00) for property damage resulting from one accident; or

(c) Umbrella Liability to bring the General and Automobile Liability to required limits;

(d) Professional Liability insurance with a limit not less than five million dollars ($5,000,000.00);

(e) Workers Compensation and Employer’s Liability insurance in accordance with applicable law with waiver of subrogation; and

(f) SGC shall be an additional insured on the general and automobile liability policies of insurance with thirty (30) day notice of cancellation or amendment and waiver of subrogation in favor of SGC.

Coverage to be Primary – Non-Contributory on all policies.

**Additional Insured language:**

Seneca Gaming Corporation and their parent, Subsidiaries, Directors, Officers, Agents, representatives and Employees are named as Additional Insures on the General Liability and Automobile Liability policies. A waiver of subrogation applies on all policies, including Employer’s Liability, in favor of Seneca Gaming Corporation.

Seneca Gaming Corporation to be named as Certificate Holder:

Seneca Gaming Corporation

310 Fourth Street

Niagara Falls, NY 14303

Certificates evidencing such coverage shall be provided prior to commencement of work and renewal certificates shall be provided upon availability.

SGC’s Risk Management Department has discretion to increase, decrease, or dispense with insurance in appropriate cases. They may, in addition to or instead of insurance, require signature of a Waiver, Indemnification and Hold Harmless form by any individuals who will be present on SGC property.

For additional details, see section 22 of SGC’s Standard Terms & Conditions at <https://senecacasinos.com/media/zqdd2j1f/sgc-standard-terms-and-conditions-v-10-30-20.pdf>

**3. Appendix-B: Standard Agreements**

Bidders are invited to include their standard form of agreement (preferably in Word format) to form the basis of the contract should it be awarded to them. However, SGC reserves the right to utilize its own standard form of agreement.

## Conditions

Under no circumstances will responses be made available to other organizations, either wholly or in part, without Vendor’s prior written permission.

By participating in this RFP:

* Bidder agrees that you will not directly contact any SGC employee without prior written approval from SGC. Failure to do so may revoke your invitation to participate in this RFP.
* Bidder agrees to keep confidential all information related to this RFP. Any sharing of this information without express permission will exclude Vendor from consideration. This RFP and all supporting attachments and related communications may not be duplicated or distributed in any form to any other company without prior written permission.

Bidder agrees that all information provided in their RFP response is valid for a minimum of 90 days from the response date.

All costs incurred by the bidder for participating in this evaluation will be the responsibility of the bidder. SGC will not reimburse any bidder costs or expenses.

All responses to the RFP become the property of SGC.

## Proposal Evaluation/Vendor Selection

Proposals will be evaluated to determine their completeness and compliance with the mandatory requirements and qualifications specified throughout this document. Failure to comply with one or more of these requirements may result in the proposal being rejected as non-responsive. SGC reserves the right to waive deviations it deems non-material and/or to reject any and all Proposals in its sole discretion.

The successful Bidder(s) will be notified by email of the award of contract, conditional upon appropriate licensure through SGC’s regulatory authority, the Seneca Gaming Authority (“SGA”), providing proof of insurance to the satisfaction of SGC’s Risk Management Department, and signature of a contract and/or issue of a Purchase Order. It is only following all of these actions that the successful Bidder will be considered a Vendor of SGC.

Successful Bidders must complete SGC’s Vendor Registration Form and W-9 (or equivalent for non-U.S. persons/entities). If required, they must also complete and submit to the SGA the requisite vendor license application. They are also responsible for payment of SGA processing or vendor license fees plus the Seneca Nation of Indians Business License fee as detailed in paragraph VI. I. below. Fees range from $750 to $2,500 depending upon the nature of the services. These requirements must be completed and, if applicable, the requisite SGA vendor license issued, prior to signature of the contract. Vendor licenses and fees must be renewed every two years. SGA may also, in an appropriate case, require the licensure of individual employees who perform certain services that are or may be closely associated with SGC’s casino operation. As SGA retains the discretion to make this type of determination on a case-by-case basis, SGC is unable at the RFP point in the bidding process to state definitively whether such licensure will be required in any particular case.

## General Bidder Information

This RFP does not commit SGC to award a contract, to pay any costs incurred in the preparation of the RFP, nor to procure or contract for services or supplies.

It is the policy of SGC that all Proposals are to be held unopened and confidential until after the closing date and time. At the bid opening, Proposals will be opened by the contact Coordinating Buyer and are reviewed by a compliance representative.

Bid Validity. Bidder’s bid submission must remain valid for a minimum of ninety (90) days from the bid closing date.

Minority Bidders:SGC gives priority to Bidders who are Native American, minority, women-owned or small disadvantaged businesses. If your company falls into any of these categories or has contracted with such businesses for the purpose of the proposal, please note as such on your proposal.

Alternative Proposals*(if applicable)*are accepted based on the following conditions: SGC will consider alternative proposals from Bidders provided they have submitted a response based on the original requirements. The alternative Proposal will be submitted separate and apart from the basic Proposal. It is assumed that the materials included in the alternative Proposal meet all of the qualifications of the original Proposal.

## SGC Standard Terms and Conditions

Any purchase order or contract resulting from this RFP (in the absence of language to the contrary in the contract) is subject to the terms and conditions hereof as well as to Seneca Gaming Corporation’s Standard Terms and Conditions which are available on the following website: <https://senecacasinos.com/media/zqdd2j1f/sgc-standard-terms-and-conditions-v-10-30-20.pdf>.

Reference to, or inclusion of, the Bidder’s preprinted terms and conditions with Bidder’s Proposal will not be considered as an exception to SGC Terms and Conditions.

# Provisions Applicable to Contract:

## Requirements Specification and Scope of Work

Please see the following documents attached:

**RFP SNRC-0051-24JN SNRC Parking Lot - Exhibit A**

**RFP SNRC-0051-24JN SNRC Parking Lot - Exhibit B**

## Tax Exempt Status

Seneca Gaming Corporation is a governmental instrumentality of the Seneca Nation of Indians all of whose operations (except for its golf course) are on sovereign Seneca Territory. SGC will provide a New York State tax exemption certificate issued in the name of the Seneca Nation of Indians, as applicable.

## Payment Terms

SGC standard payment terms are Net 30 days after delivery of goods and/or services and receipt of a correct invoice. Bidder is encouraged to indicate any additional early payment/ discount terms in its Proposal. It is the policy of SGC not to provide deposits unless significant discounts or special circumstances apply.

# Vendor Requirements

## Proposal

Successful Bidders should expect that their response to the RFP and any accompanying supporting materials will be incorporated into any contract signed with SGC.

## Tribal Employment Rights Office (TERO) Ordinance

The Seneca Gaming Corporation and its subsidiaries comply with the Seneca Nation of Indians TERO Ordinance, which may require a TERO Compliance Plan to be submitted to the TERO Office prior to completing any work on-site. Contact the Seneca Nation of Indians TERO Compliance Office at 716-532-4900 ext. 5413 or Route 438 Irving, NY 14081. The intent of the TERO Ordinance is to increase employment for Native American workers and businesses. A copy of the TERO Ordinance may be obtained from the TERO Office. SGC is not responsible for providing notice or information to Awarded Vendors concerning TERO matters; rather, it is the Awarded Vendors’ sole responsibility to contact the TERO Compliance Office to ensure compliance, when applicable. Where applicable the TERO office will assess a fee equal to 5% of the contract price. The TERO fee, where applicable, should be shown as a separate line item in the pricing proposal.

## Seneca Nation Business Registration Fee (SNIBRF)

## Vendor must pay the SNIBRF of $750 directly to the Seneca Gaming Authority once total payment to the vendor exceeds $10,000. Failure to pay the fee when required may result in termination of further business with Seneca Gaming Corporation.

# Bidder Certifications and Representations

Bidder is a reputable company fully qualified and regularly engaged in providing products and/or services necessary to meet the terms, conditions and requirements of the RFP.

Bidder is aware of, is fully informed about, and is in full compliance with all applicable federal, state and local laws, rules, regulations and ordinances.

Bidder understands the requirements and specifications set forth in this RFP and affirms that no compensation has been received for participation in the preparation of the specifications for this RFP.

1. Bidder has reviewed and understood SGC’s Standard Terms & Conditions found at <https://senecacasinos.com/media/zqdd2j1f/sgc-standard-terms-and-conditions-v-10-30-20.pdf>

Bidder represents and warrants that all goods and services quoted in response to this RFP will meet or exceed the safety standards established and promulgated under the Federal Occupational Safety and Health Law (Public Law 91-596) and its regulations in effect or proposed as of the date of this solicitation.

All statements, information and representations prepared and submitted in response to this RFP are current, complete, true and accurate. Bidder acknowledges that SGC will rely on such statements, information and representations in selecting the Awarded Vendor. If selected by SGC as the Awarded Vendor, Bidder will notify SGC immediately of any material change in any matters with regard to which Bidder has made a statement or representation or provided information.

**I, the undersigned, hereby certify that I am authorized to sign as a representative for the Bidder listed below:**

Legal Name of Bidder: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

DBA (if applicable): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Telephone: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Fax: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

E-Mail: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Website: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Representative’s Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Representative’s Printed Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Representative’s Printed Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ NAICS code # \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_