***Seneca Gaming Corporation***



Nonalcoholic Beverage Supply and Service RFP #SGC-0024-21MC

The Seneca Gaming Corporation Procurement Department is requesting bids for the above-mentioned goods and/or services

March 8, 2021

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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, through its wholly owned subsidiaries, owns and operates Seneca Niagara Resort & Casino in Niagara Falls, New York, Seneca Allegany Resort & Casino in Salamanca, New York, and Seneca Buffalo Creek Casino in Buffalo, New York.

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

# RFP Objective

Seneca Gaming Corporation (hereinafter referred to as SGC) is seeking a qualified vendor for nonalcoholic beverage supply, equipment, and service.

Nonalcoholic beverages include carbonated soft drinks and other beverage products (with the exception of dairy products, hot coffees, hot teas, hot chocolates, alcoholic beverages, and primary bottled water supply).

# RFP Administrative Information

## Contact Information

Please use the following name and email address for all correspondence with SGC concerning this RFP. Suppliers who solicit information about this RFP either directly or indirectly from other sources will be disqualified.

**Coordinating Buye**r:

Name Matthew Crvelin

Telephone (716) 501-2190

Email mcrvelin@senecacasinos.com

## Schedule of Events

RFP issue date: 3/8/21

\*Request for walkthrough due: 3/10/21

Bidder questions due: 3/19/21

Answers to questions due: 3/24/21

**Bid Submission Deadline: 4/23/21 by 5:00 PM Eastern Time**

\**Walkthrough requests must be submitted to the Buyer in writing and are subject to approval.*

## Intent to Bid

Potential Bidders must submit an email confirming their intent to bid to the Coordinating Buyer by the date and time indicated in the above schedule of events.

Submission of the intent to bid notice constitutes the Potential Bidder’s acceptance of the RFP schedule, procedures evaluation criteria and other administrative instructions of this RFP.

## Bidder Questions

Bidders must submit any questions to the Coordinating Buyer’s email address directly. *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 promptly and will send answers to Bidders as a group.

## Submission of Proposals

Proposals must be submitted in electronic form, preferably in Microsoft Word and/or Microsoft Excel formats. **Note: SGC’s email system rejects incoming messages with attachments exceeding 20 MB**. Bidders are encourage to confirm that the Coordinating Buyer received their bid, prior to the bid submission deadline (date and time) indicated in the above schedule of events.

The Coordinating Buyer must receive proposals on or before the bid submission deadline. **Proposals received after the bid submission deadline will not be considered.**

## Proposal Format

**Bidder proposals must conform to the following proposal format**:

**Part-1 Company Overview**

Section 1: Company Overview

Provide a brief description of the overall organization of your company including the location of corporate headquarters, primary industries and markets served, how long the company has been in business and what experience your company has serving multi property and Native American-owned casinos and casino resorts, if any.

Section 2: References

Include a minimum of three contracts for goods or services similar to those in the RFP’s Requirement Specifications that were awarded within the last three (3) years, along with contact information for each client reference. Wherever possible, include casino and casino-resort clients in these references.

**Part-2 RFP Proposal**

Section 1: Executive Summary

The purpose of this section is to summarize your proposal for SGC evaluators and decision makers. The summary should include, at minimum, key proposal elements, your vectors of competitive differentiation and an overview of your pricing model.

Section 2: Response to Requirements

Include complete responses to all requirements outlined in the Requirements Specification section of this RFP. Reponses are to follow the outline of the Requirements Specification herein (including companion documents, if any) and refer to each requirement being addressed. Requirements that cannot be supported in whole or in part should be identified as such.

Section 3: Bidder Supplemental Information

The purpose of this section is to afford Bidder an opportunity to present necessary information that was not requested. Use this section to indicate, for example, alternative methodology or additional functionality that may be outside the scope of the RFP but could enhance the value of services delivered or potential issues that are relevant to the RFP and your proposal.

Section 4: Product and Service Delivery

This section summarizes for your standard fulfillment processes, including delivery scheduling, response to emergency orders, disaster recovery and equipment installation, maintenance, repair and replacement plans.

**Part-3 Pricing Proposal and Quotes**

Section 1: Pricing Model and Terms

This section summarizes Bidder’s pricing model and applicable terms. Additional offers, discounts, rebates, etc. should be noted separately. Where applicable, pricing should cover the entire term of the contract indicated in the RFP, including any options to renew, where applicable.

Section 2: Market Basket Quotes

This section requires Bidders to provide hard quotes for each of the specified product and/or service to be provided. Quotes must be submitted using the respective RFP companion document identified below.

**“Companion Document – Nonalcoholic Beverage Supply and Service”**

**Part-4 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, Section VII of the RFP.

**Part-5 Appendix**

Appendix-A: Evidence of Insurance

Evidence of current insurance is to be provided to the satisfaction of SGC’s Risk Management Department. Insurance requirements vary depending upon the nature of the services and the degree of risk. Standard requirements include minimum $5 million general liability coverage (per occurrence and in the aggregate) [$10 million for construction-related contracts], $1 million automobile liability coverage, combined single limit, for all vehicles brought on-site, worker’s compensation and employer liability insurance in accordance with state law. Additional types of insurance, including, without limitation, professional liability insurance and network privacy/data security/cyber liability insurance, may be required in specific circumstances. SGC and related persons and entities will be additional insured under the general liability and automobile liability policies of insurance.

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>

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.

## 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. 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.

Substitutes. Any recommended substitutions should be attached separately. *Products may require testing before acceptance. Bidder’s pricing must include the conversion calculations if your size, pack, weight, etc. is not the same as the specified product(s).* SGC solicits Bidders’ recommendation(s) for new products and/or services leading to lower costs.

Projected Volume. Bidders are advised that the volumes or quantities indicated on the RFP are for reference purposes only and must not be taken as guaranteed or as constituting representations by SGC. Actual volume and quantities may vary depending upon the needs of the SGC departments or business units for which the goods and/services are destined and fluctuations in the business cycle.

## SGC Standard Terms and Conditions

Any purchase order or contract flowing 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 the Contract

## Agreement Term

The initial term of the contract will be three (3) years, with two (2) options to renew in favor of SGC, each one (1) year in duration (each a renewal term).

Upon expiration of the initial term and exercised renewal terms, the contract will automatically renewal on a month-to-month basis for a maximum period of six (6) months, in order to allow for coordination with a new RFP process.

## Requirements Specification

The enclosed details related to the goods and/or services in this RFP are based upon the operating department’s requirements.

*\*Please see the attachment “Companion Document – Nonalcoholic Beverage Supply and Service” for requirements and questions related to this RFP. This document must be completed and returned with your bid.*

**Beverage Usage:** Please see the Companion Document for a detailed breakdown of item usage.

|  |  |  |  |
| --- | --- | --- | --- |
| **ITEM** | **U/M** | **SGC 1yr Total**(10/1/18 - 9/30/19) | **SGC 6mo Total**(7/1/20 - 12/31/20) |
| BIB | GAL | 116,131 | 4,440 |
| JUICE | CASE | 1,830 | 324 |
| BOTTLED SODA | CASE | 11,243 | 2,091 |
| CANNED SODA | CASE | 12,069 | 8,653 |
| WATER | CASE | 2,945 | 359 |
| COLD TEAS | CASE | 1,793 | 477 |
| MISC. BOTTLED  | CASE | 1,366 | 205 |
| MISC. CANNED | CASE | 186 | 25 |

**Equipment/Vending Requirements:** Please see the Companion Document for a list of equipment requirements.

Bidder shall supply, free of charge, all equipment listed. If additional equipment is required for SGC’s current or future locations to those listed, Bidder will supply same free of charge. Bidder agrees to inspect all equipment on a monthly basis and perform preventative maintenance, repairs or replacement machines, free of charges, needed to ensure all equipment remains at all times in good working order, safe to use under normal conditions and is suitable for its intended purpose.

**Service:** Preventative maintenance is to be outlined and response times identified in your proposal.

**Delivery:** Vendors must be able to service all SGC properties as well as submit delivery frequency and lead times for all locations to include SNRC, SBCC, and SARC.

All shipments must be palletized based on the following:

* Standard 48” x 40” pallets or smaller
* Items cannot overhang the edges of the pallets
* All pallets must be shrink-wrapped
* All pallets cannot exceed 72” high – including the pallet
* Only pallets with no center support or one (1) support are acceptable
* All pallets must be loaded straight forward in trucks – no side loading
* Non-compliant shipments will be returned at the vendor’s expense

**Vendor Communication:** Please provide a proposed communication plan that addresses the following topics:

* Bi-annual meeting/review – what will this entail, data, market watch etc.
* New products/Variety change – share innovative products and suggest smart product changes where we are not achieving maximum buy/sell potential.
* Revenue generating/Savings Ideas – discuss how you will commit to helping SGC cut costs while not reducing quality.
* Equipment changes/upgrades

**Emergency Plan:** The Vendor must provide SGC, in writing, an emergency plan for shipping errors, shortages, weather related emergencies and emergency deliveries. This plan should allow for same day deliveries if emergency orders are called in before noon.

**Recall/Credit Policy:** Bidders are to provide a copy of their current policy.

* The Vendor is required to immediately contact and advise the assigned Purchasing representative of any [and forward all] national, state, or local Health Department, Food Safety and Inspection Service/USDA/FDA food borne pathogen/agent advisories, Class I and/or Class II recalls or Center for Disease Control (CDC) alerts [as they become aware of them] relating to products they (have) provide (d) for the term of the contract.

## Pricing and Payment Terms

Please provide your most competitive pricing and any additional offers.

Support funds, marketing funds, charities, donations, and rebates should all be removed from proposals so pricing reflected is the lowest unit cost available to SGC.

Freight should be included in your pricing.

## Price Escalation

Prices are fixed during the first year of the contract term. Thereafter, they may be increased on a yearly basis, once only per year, effective as of the anniversary of each contract year, by an amount equal to the lesser of (i) the percentage change over the preceding year in the Consumer Price Index – All Urban Consumers - published by the United States Department of Labor, Bureau of Labor Statistics (or in the event of discontinuance of the publication of such index, the closest available index); or (ii) three percent (3%).

## Order Management

### Electronic Order Interface

*SGC’s preference is that Electronic Data Interchange (EDI) be the primary protocol for exchanging order and pricing information. At minimum, Bidder would need to support the EDI X12 standard file exchange for price Guide (832), PO (850), PO Acknowledgement (855) and Functional Acknowledgement (997).*

### Product Identifier Cross-Reference Maintenance

*Bidder would be responsible for mapping and maintaining item cross-references between its product catalog and SGC’s item master, at no cost to SGC.*

## 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.

# Supplemental Bidder Information

## Business Continuity

For RFP’s involving strategic commodities/services, provide an overview of your disaster recovery/business continuity plan (the “Plan”). The Plan indicates how Bidder minimizes the risk of interruption to Bidder’s ability to provide the goods and/or services contemplated in this RFP in the event of specified occurrence ; Bidder’s critical supplier strategy to ensure continuity of suppliers in such event; and Bidders process or criteria for prioritizing customer demands during a crisis.

## Conformity of Proposal with SGC Requirements

Bidders represent and warrant that the goods and/or services provided in their Proposal will meet SGC’s requirements **as expressed in the Scope of Work contained in this RFP** and will be fit for the purpose expressed herein.

# 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.

## Standard Supply Agreement

Successful Bidder will be expected to sign SGC’s standard supply agreement, subject to such changes as are necessary to reflect the terms of this RFP and Successful Bidder’s bid or proposal, and such further changes as the parties, acting reasonably, may agree.

# Bid Submittal Checklist

* Company Overview
* References
* Executive Summary
* Outline of Preventative Maintenance Plan and lead times
* Vendor Communication Plan
* Emergency Plan
* Recall/Credit Policy
* Completed Companion Document spreadsheet
* Evidence of current insurance
* Complete Section VIII Bidder Certifications and Representations

# 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 #