***Seneca Gaming Corporation***



Holiday Shopping Spree

RFP-SRC-0015-22LF

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

January 7, 2022

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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.SenecaGamingCorporation.com.

# RFP Objective

Seneca Gaming Corporation (hereinafter referred to as SGC) is seeking a qualified vendor to host our annual Shopping Sprees located in Niagara Falls, NY and Salamanca, NY. The events will be held in Oct/Nov. The Niagara and Allegany events will be held approximately 1-2 weeks apart. Each event will run during a 1-3-day period.

# 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 Lisa Fittante

Telephone 716-501-2345

Email lfittante@senecacasinos.com

## Schedule of Events

RFP issue date: 01/07/22

Bidder questions due: 01/14/22

**Bid Submission Deadline: 01/25/22 by 5:00 PM Eastern Time**

## 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

Bidders shall conform to the following proposal format:

**Part-1 Solution Proposal**

Section 1: Executive Summary

The purpose of this section is to familiarize SGC evaluators and decision makers with the key elements and unique features of your proposal by briefly describing what is being proposed and how the Bidder intends to comply with the Scope of Work.

Section 2: Response to Requirements

Include complete responses to all requirements outlined in the Scope of Work section of this RFP. Unless otherwise indicated, please refrain from simple yes/no responses. Reponses are to follow the outline of the Scope of Work and refer to each requirement that is 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, which may be outside the scope of the RFP but could enhance the solution or potential issues that are relevant to the RFP and your proposal.

Section 4: Delivery/Deployment

Where applicable, this section summarizes plans with respect to product/project delivery/deployment schedule, maintenance and support plans, and education and training activities.

Section 5: 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.

Section 6: References

Include a minimum of three contracts for goods or services similar to those in the RFP’s Scope of Work, which have been 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 Pricing Proposal**

The pricing proposal may be submitted as a separate attachment to the main proposal in MS EXCEL format or embedded inside an MS Word proposal document. Additional Offers/Bid Notes: discounts, rebates, marketing funds, etc. should be listed separately. Where applicable, pricing should cover the projected total cost of ownership over the entire term of the contract indicated in the RFP, including any options to renew, where applicable.

**Part-3 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-4 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 one (1) year, with two options to renew in favor of SGC, each (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.

## SGC Requirements

The event will consist of drop shipments only (please include shipping to Canada).

The product categories may consist of the following:

1. Electronics & Video Games
2. Handbags, Totes & Luggage
3. Home & Housewares
4. Tools & Do-it-Yourself
5. Sporting Goods (to include Camping, Hunting & Fishing)
6. Patio & Outdoor Living
7. Toys
8. Fashion Accessories (to include Jewelry, Watches & Sunglasses)
9. Specialty Items & Unique Experiences
10. Big Ticket Items (>$5,000)
11. Fitness
12. Beauty & Fragrance
13. Chocolates
14. Holiday Décor
15. Gift Card Selection

Shopping Spree events are held in the Events Center at each location, with a total event space of approx. 20,000 sq. ft. at Seneca Allegany Casino and 24,000 sq. ft. at Seneca Niagara Casino.

Average retail sales at the annual events (comprised of one event at Niagara and one event at Allegany) are anticipated to range between $500,000 and up to $1,000,000.

The following items must be included in your proposal submission:

1. Present a detailed program designed to:

Attract Seneca Resorts & Casinos top VIP customers with a breadth and array of compelling merchandise featuring the latest and hottest name-brand merchandise, unique & specialty products, big ticket items, and one-of-a-kind experiences.

1. The top 5+ brand and/or designer names in each category carried by or accessible to your company.
2. Your top recommendations for 10-15 items per category with a description of each item, along with the MSRP and an estimated client cost. Also, note, it is important to appeal to all spending levels, therefore having lower priced items $20+, is equally as important as the mid-level and higher-priced items.
3. Each product category typically has its own store area set up with the Events Center. Therefore, please outline the following:
   1. Required time for event setup.
   2. Staffing levels that your company will provide to assist patrons during the events. All staff members must be 21 years of age and over to participate. Please submit any estimated client costs for staffing.
   3. You will need to allow SGC to add product for cash and carry as they see fit.
4. Your process for executing drop ship orders. Please identify how long (i.e. hours, days) after an event will the drop ship orders occur? Also, discuss, in detail, your complete drop ship program including ship times, exceptions, communication, including communication to guests on status of orders and specifics regarding cross-border (Canadian) drop shipments.
5. Should an item or items sell out, what is your access to additional items for drop shipment to the patron or casino and what is the time frame?
6. Discuss your best practices and process regarding defective merchandise as well as the return of goods.
7. Provide photos of at least two to three events that have been conducted at other casino properties over the past 24 months. Affidavits and/or recommendations from other properties could also be provided if available. Examples of websites used by patrons to preview shopping spree items, if applicable. Also, add references for prior sprees.

**Vendor will need to provide the following for each Spree**:

* Website of items to shop on to the patrons at the Spree and for drop shipment – patrons can put their items in a shopping cart and pay at event.
* Vendor will need to provide a display and item card for each item with pricing. The item card will need to be redeemed electronically (ex. Barcoded, not manual).
* Provide $10,000 for holiday décor for each property. This will be taken of when invoice after the event.
* Vendor will provide samples at no cost to SGC.
* Hotel accommodations during the length of event.
* App for Guests to shop.
* SGC will provide and handle the POS systems.

## Pricing and Payment Terms

Please provide your most competitive pricing and any additional offers.

## 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

## 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 Service Agreement

Successful Bidder will be expected to sign SGC’s standard services 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.

# 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.

Bidder has reviewed and understood SGC’s Standard Terms & Conditions found at https://senecagamingcorporation.com/our-business/business-standards/.

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 #