***Seneca Gaming Corporation***



LEGAL COUNSEL for

NYS LIQUOR LICENSING MATTERS

RFP SGC-0048-22JR

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# Introduction

Seneca Gaming Corporation (“SGC”) 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.

Through its wholly owned subsidiaries, SGC 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

SGC is seeking qualified legal counsel to provide general advice, counsel and representation on New York State liquor licensing matters, including preparation and filing of liquor license applications and amendments (renewals are currently prepared in-house, although this may change in the future), and related documentation.

# Scope of Services

Copies of all applications, including ancillary documents, attachments and exhibits would be prepared and provided to the client. Representation may also require working proactively with SGC and the New York State Liquor Authority (SLA) to resolve documentation, compliance or other issues as they arise from time-to-time.

In discharging its duties and obligations to SGC, the selected attorney/law firm will, by extension, be rendering counsel and advice to subsidiaries of SGC which own and operate its various properties and in whose name liquor licenses are issued:

* Seneca Niagara Falls Gaming Corporation, d/b/a Seneca Niagara Resort & Casino;
* Seneca Territory Gaming Corporation, d/b/a Seneca Allegany Resort & Casino;
* Seneca Erie Gaming Corporation, d/b/a/ Seneca Buffalo Creek Casino; and
* Lewiston Golf Course Corporation, d/b/a Seneca Hickory Stick Golf Course

**PLEASE NOTE:** Interested bidders will be required to tour, **at bidders’ expense (except for lodging which we will manage),** our three gaming properties and golf course in the company of our F&B directors/managers. We have large and complex hospitality operations; we believe it is essential that bidders understand the scope of our liquor license requirements before a formal bid is submitted.

**Additionally,** please note that engagements including mandatory jurisdictional provisions or arbitration are discouraged given the internal approvals and administrative delay they often trigger.

The selected attorney and/or law firm team must be members in good standing of the Bar of the State of New York and are expected to possess extensive subject matter experience and to demonstrate a high degree of effectiveness in dealing with the SLA.

# RFP Administrative Information

## Contact Information

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

**Coordinating Buye**r:

Name Jason Romine

Email [jromine@senecacasinos.com](mailto:jromine@senecacasinos.com)

## Schedule of Events

RFP issue date: 5/27/22

Intent to Bid confirmed by: 6/6/22

Availability for Walkthroughs

Confirmed by: 6/6/22

Bidder site visits: 6/13/22 to 6/17/22

Additional Bidder questions due: 6/22/22

**Bid Submission Deadline: Friday July8th, 2022 by 5:00 PM Eastern Time**

## Intent to Bid & Availability for Demonstrations

Bidders will confirm their intent to bid by the date indicated in the above schedule of events.

In addition, property walkthroughs will take place at all 4 properties (date to be determined but most likely from June 13th through June 17th). Bidders must confirm their availability to be on site during this timeframe by the date indicated in the above schedule of events. Specific schedule will be confirmed by June 8th. SGC will provide lodging at the Seneca Niagara Resort & Casino the night before the walkthrough, transportation from its Seneca Niagara Resort & Casino to its other properties and back during the day, and food and refreshments during the day. Bidders will meet with SGC’s F&B execs and tour the various places where alcoholic beverages are served.

## 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 encouraged 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 should generally conform to the following proposal format**:

**Part-1 Overview / Executive Summary**

Provide a brief description of your firm including the location of the office(s) where your liquor license attorney(s) practice, and a description of the attorney(s) practicing in the liquor license field.

**Part-2 Detailed Description of Qualifications and Competitive Differentiation**

Describe in greater detail the specific experience of the bidder (and/or its attorneys) in the area of NYS Alcoholic Beverage Control Law (“ABC Law”) and regulation, including experience working with and representing clients before the NYS Liquor Authority. The bidder should emphasize what differentiates it from other firms. To the extent the bidder has experience representing casinos or other gaming businesses, resort hotels, or Native American-owned businesses or enterprises before the SLA, this should be described.

**Part-3 Billing Rates / Fees**

The bidder should describe the proposed hourly billing rates or fees for the engagement. Proposals for flat or hybrid rates for the preparation license applications and amendments are strongly encouraged.

Initial rates / pricing are expected to remain effective for a minimum period of one (1) year from signature of the engagement letter. Subsequent increases are not expected to be more frequent than annual, with a maximum rate of increase stipulated. Government filing fees and other expenses associated with filing applications (if initially borne by the firm rather than paid directly by SGC) will be reimbursed at cost. Travel expenses, where applicable, are reimbursed in accordance with SGC’s Standard Terms & Conditions, found at <https://senecacasinos.com/media/zqdd2j1f/sgc-standard-terms-and-conditions-v-10-30-20.pdf>.

Note: Unless otherwise specifically agreed to in the engagement letter, travel time is non-compensable.

**Part 4 Appendices**

Appendix A: References

Please include a minimum of three current clients for whom the firm has provided similar services, along with contact information for each client reference. Wherever possible, include casino and casino-resort clients in these references.

Appendix B: Form of Engagement Letter

Bidders are invited to include their standard engagement letter (preferably in Word format) to form the basis of the contract should it be awarded to them.

Appendix C: Insurance

Bidders are to provide, together with their Proposal, evidence of professional liability insurance in the form of an insurance certificate indicating Seneca Gaming Corporation as certificate holder. SGC’s Risk Management Department may require additional types of insurance and/or higher levels of coverage from the successful bidder following the award of contract, including, where applicable, SGC and related entities as additional insured on certain policies with waiver of subrogation and notice of cancellation.

Appendix D: List of related entities for conflicts search.

See attached word document.

## 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.

Preference will be given to Proposals demonstrating (a) Bidder’s specific experience and capabilities particularly relevant to SGC’s business operations as well as to its status as a wholly-owned entity of the Seneca Nation; (b) Proposals providing for flat or hybrid fees for liquor license applications and amendments; and (c) Minority Bidders (see paragraph G below).

The successful Bidder(s) will be notified by email of the award of contract, conditional upon completion of SGC’s Vendor Registration Form and W-9, providing proof of insurance to the satisfaction of SGC’s Risk Management Department, and signature of an engagement letter. It is only following all of these actions that the successful Bidder will be considered to have been engaged.

Successful Bidders must complete SGC’s Vendor Registration Form and W-9. This requirement must be completed prior to signature of the engagement letter.

## General Terms

Conflicts. For purposes of addressing potential conflicts of interest, a list of SGC subsidiaries and affiliates is attached as Exhibit B.

Effect of RFP. 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 goods or services.

Confidentiality of Proposals. 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 may give preference to bidders who are Native American, minority, women-owned or small disadvantaged businesses. If your firm falls into any of these categories, please note as such on your proposal.

**The undersigned represents and warrants that all statements, information and representations prepared and submitted in response to this RFP are current, complete, true and accurate as of the date of submission:**

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: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_