



Mashpee Wampanoag Tribal Gaming Authority

REQUEST FOR PROPOSAL
FOR
CONSTRUCTION MANAGEMENT

Dated October 24, 2022

Responses due by 5:00 PM ET on November 23, 2022

Tribe – Brief Overview

The Mashpee Wampanoag Tribe, also known as the People of the First Light, has inhabited present day Massachusetts and Eastern Rhode Island for more than 12,000 years. After an arduous process lasting more than three decades, the Mashpee Wampanoag was re-acknowledged as a federally recognized tribe in 2007. In 2015, the federal government declared approximately 151 acres of land in Mashpee and 170 acres of land in Taunton as the Tribe’s initial reservation, on which the Tribe can exercise its full tribal sovereignty rights. The Mashpee tribe currently has approximately 2,900 enrolled citizens.

The Mashpee Wampanoag Tribe is administered by an 11-member Tribal council that governs the Tribe on a day-to-day basis. In addition, the Tribe has formed the Mashpee Wampanoag Tribal Gaming Authority (“Gaming Authority” or “Board of Directors”), a 5-member board to oversee the development and eventual operations a proposed gaming facility to be known as the First Light Resort & Casino. “First Light” comes from the word Wampanoag or *Wopanaak*, meaning “People of the First Light.”

In its continuing efforts to build a portfolio of competitive business enterprises, the Tribe is seeking to expand its businesses that create economic development, prosperity and wealth for the Tribe, Tribal citizenry and surrounding region.

Purpose Statement

The Gaming Authority is issuing this Request for Proposal (“RFP”) to seek proposals from qualified companies (“Company”) to act as Construction Manager in connection with the construction and development of the project for the First Light Resort & Casino. All respondents are encouraged to review each section of the following document carefully and respond in a timely manner to be considered for this project.

- A. Project Name
First Light Resort & Casino
Taunton, Massachusetts (Intersection of Stevens & O'Connell Way)

- B. Owner
Mashpee Wampanoag Tribal Gaming Authority
483 Great Neck Rd South Mashpee, Massachusetts 02649

- C. Operator Representation
Genting Management Services, LLC
Edgar Choi, SVP Design and Construction
110-00 Rockaway Boulevard
Jamaica, NY 11420
718.215.2997
Edgar.Choi@rwnewyork.com

- D. Architecture
William B. Tabler Architects, LLC
611 N. Maple Ave, Suite 8, Hohokus, NJ 07423
Mark Dabbagh
212.560.6960
mdabbagh@williamtabler.com

- E. MEP
Southport Engineering
11 Bailey Avenue, Ridgefield, CT 06877
Bill Urban
203.770.8769
burban@southporteng.com

- F. Structure
DeSimone Consulting Engineers
55 Church Street, 4th Floor, New Haven, CT 06510
Mark McKay
959.200.0500
Mark.McKay@de-simone.com

- G. Civil Engineering
Kimley-Horn and Associates, Inc
404 Wyman Street, Suite 385, Waltham, MA 02451
Bill Scully
617.466.6347
Bill.scully@kimley-horn.com

H. Interior Design

Dash Design

43-40 34th Street, Long Island City, NY 11101

David Ashen

917.297.0564

dashen@dashdesign.net

I. Lighting Design

Reveal Design Group

150 West 28th St, STE 401, New York, NY 10001

Ken Ventry

212.633.4353

kventry@revealdesigngroup.com

J. Food Service

iKitchen Concepts

8300 Crystal Lane, North Richland Hills TX. 76182

David Benedict

972.814.4712

david@ikitchenconcepts.com

K. Systems Integration Consultant

Surveillance Systems Incorporated

510 Clinton Square, Rochester, NY 14604

Angel Chacon

Austin Flowers

916.899.1606

aflowers@ssicctv.com

480.229.2366

achacon@ti-llc.com

Greg Stowers

512.983.4230

gstowers@ssicctv.com

I. Project Summary / Description of Work

The First Light Resorts & Casino (the “Project”) consists of a proposed gaming facility with various site amenities, landscape improvements, new vehicular circulation, and onsite surface parking lots. Sitework development included but not limited to underground utility integration work along with connecting intersection roadwork at O’Connell Way and Stevens St.

The building is located at the southwest corner of the development area with direct access to the facility from O’Connell Way. The scope of services includes:

- Casino gaming floor
- 3-Meal restaurant
- Food court with 6 stalls and a bar
- Main lounge with a bar
- Cigar lounge with a bar
- Cigar lounge terrace
- Kitchen
- Employee dining room
- Back of House support areas
- Mezzanine floor to house offices
- Armored car enclosure

II. Request for Qualification (RFQ)

Qualified applicants will receive further details, specifications and drawings, and proposed contracts for the Project upon receipt of a fully executed Non-Disclosure Agreement (Exhibit A) and the items listed in this Section. **All items listed below in this Section II must be received by Friday, October 28, 2022.**

A. Company Overview:

1. Please provide an overview of your Company. Include the overall size, number of office and a list of active current projects.
2. Please include an organizational chart for the proposed project team. Include roles and responsibilities as well as resumes.
3. A profile of the Company’s philosophy and approach to services.
4. A summary of contributions made to Indian Country, including but not limited to, scholarships, and contributions to tribal organizations, tribal education, and other philanthropic efforts specific to tribal communities and Indian people.
5. Any material litigation over \$100,000 filed within the past three (3) years involving business your Company conducts related to services

such as those the Gaming Authority is seeking with respect to its proposed Project.

6. A description of any specific litigation history against other tribes or tribal entities.

B. Relative Project Experience:

1. Please provide relative project experience as it relates to gaming and restaurant projects as well as projects in Southeastern Massachusetts.
2. A list of projects adequate to demonstrate the Company's knowledge and experience in the applicable federal, state, and local codes, laws, and regulations related to the Project.
3. A description of your experience (if applicable) working with tribes in terms of experience, resources, cost containment, familiarity with previous tribal projects and the unique circumstances related to projects pursued on tribal lands, reasonable fee structures are expected to be a key factor in the tribe's decision process.

C. Statement of Potential Conflicts of Interest:

1. The Company must disclose any contracts, services rendered, relationships, circumstances, or interests between the Company, its consultants, or subcontractors and other clients that could pose any conflicts of interests, influence judgment, impair objectivity, or give the appearance of such conflicts. If there have been no such relationships, a statement to that effect is to be included in the proposal

D. Suspension/Debarment:

Please indicate, by answering, if your Company or any person associated therewith in the capacity of owner, partner, director, officer, or any position involving the administration of federal, state or tribal funds:

1. Is currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal, state, or tribal entity.
2. Has been suspended, debarred, voluntarily excluded, or determined ineligible by any federal, state, or tribal agency within the past 5 years.
3. Has a proposed debarment pending; or has been indicted, convicted, or had a civil judgment rendered against it or them by a court of competent jurisdiction or entered into a settlement agreement in any matter involving fraud or official misconduct (or where fraud or misconduct was alleged with respect to a settlement agreement) within the past 5 years.

Not meeting any of the above conditions will not necessarily result in being unqualified for the Project, but will be considered. For any condition noted, indicate to whom it applies, initiating agency, and dates of action. Providing false information may result in criminal prosecution or administrative sanctions, if applicable.

III. Contract Description

- A. Contract Type: AIA 133 Standard Form of Agreement Between Owner And Construction Manager as Constructor where the basis of payment is the Cost of the Work Plus a Fee with a Guaranteed Maximum Price.

IV. Drawings and General Provisions

- A. Drawings and general provisions of the Contract, include the Agreement, Other Division Zero and Division One documents applied to all section of the Specifications. The Contract Documents are complementary, and what is required by one shall be as binding as if required by all.
- B. In the event of a conflict among the Contract Documents, immediately notify the Architect for resolution.
- C. Conflicts or discrepancies among the Contract Document shall be resolved in the following order of priority:
 - 1. Amendments and revisions (change orders, work directives, and architectural supplemental instructions) of later date take precedence over those of earlier date.
 - 2. The Agreement
 - 3. Addenda of later date take precedence over those of earlier date.
 - 4. Supplementary Conditions
 - 5. General Conditions AIA A201
 - 6. Drawings and Specifications: Drawings govern Specifications for quantity and location. Specifications govern Drawings for quality and performance. In the event of ambiguity or conflict, the greater quantity and the better quality shall govern.

V. Miscellaneous

- A. Please provide a clear response in whole to this RFP.

- B. Confidentiality:

Any and all reports, Project, and/or construction documents shall become the confidential and proprietary property of Gaming Authority, and are not to be communicated, transferred, or given over to any individual, entity, or organization without the expressed written consent of the Gaming Authority or their appointed representatives. The response to the RFP should also be kept confidential.

C. Compliance:

The Company must adhere to any applicable tribal, federal, county or state applicable to the Project.

VI. Permits & Inspections

- A. The Company will be responsible for getting all necessary permits to do the work.
- B. The Company will be responsible for getting all necessary regulatory inspections.

VII. Required Proposal Information

Following the receipt of items listed in Section IV. Request for Qualification (RFQ), qualified applicants will receive further details, specifications and drawings, and proposed contracts to review in connection with its submission of the items required for the proposal submission listed in this Section.

A. Safety Record and Program:

Please provide information on your safety record and program.

B. TERO Compliance Plan:

Company must confirm understanding and compliance with 2012-ORD-001, Tribal Employment Rights Ordinance with Amendments adopted in 2014-ORD-003("TERO"), (Supplemental Exhibit A-1) and by submitting draft TERO Compliance Plan (Supplemental Exhibit A-2), see Attachment 2, and TERO Fee Application (Supplemental Exhibit A-3).

C. Minority, Women-Owned, Small Business:

If applicable, Company must demonstrate such state for consideration and include any data on minority participation.

D. Project Labor Agreement (PLA):

Awarded contractor shall adhere to a future PLA.

E. Project Team / Organizational Chart:

Include an organizational chart for the proposed project team. Include roles and responsibilities as well as resumes.

F. GCs and Fee:

Please provide an overall General Conditions (GCs) and Fee proposal and a Guaranteed Maximum Price for the Project. Please include allocation timing for all personnel as well as a rate sheet for all personnel to be charged to the project. Please include rates for general requirements and any labor to be charged to the project.

G. Cash Flow Projections:

Request to provide a construction cash flow analysis which lays out spending per month in accordance with the construction schedule.

H. Schedule and Site Logistics:

Please include a preconstruction and construction schedule indication key project milestones. Please also include site logistics plans for the various phases of construction along with a long-lead item list. Provide information on your current workload and how you would accommodate the Project.

I. List of Key Qualified Trade Partners:

Please include a list of key trade partners to be engaged for this Project.

J. Client References:

Please provide the contact information for client references from other projects. These should be relating to gaming and hospitality.

K. Insurance Requirements:

See Supplemental Exhibit B. AIA Document A133 – 2019 - Insurance and Bonds

L. Bidding Documents

Qualified RFQ applicants will be provided drawings and supplementary information.

Neither the Gaming Authority nor the architects and design team assume responsibility for errors or misinterpretations resulting from the use of incomplete bidding documents.

The bidders shall carefully study the bidding documents, shall examine the site and local conditions, and shall notify the architects of errors, inconsistencies, or ambiguities discovered and request clarification or interpretation.

Request for clarification or interpretation of the bidding documents shall be submitted by the bidders in writing to bids@rwnewyork.com at least ten (10) days prior to the date for receipt of bids.

Modifications and interpretations of the bidding documents shall be made by Addendum. Modifications and interpretations of the bidding documents made in any other manner shall not be binding, and bidders shall not rely upon them.

Written requests for substitution requests shall be received by the architects at least ten (10) days prior to the date for receipt of bids.

VIII. Evaluation Criteria

All proposals received shall be subject to evaluation by the Gaming Authority, the Gaming Authority's legal counsel and other consultants, as necessary. The following areas of consideration will be among those used in making the selection:

A. Understanding of the Tasks and Responsibilities:

This refers to the Company's understanding of the Project objectives, and the nature and scope of the work involved.

B. Company's Qualifications:

This includes the demonstrated ability of the Company to meet the terms and requirements of the RFP in a qualified and timely manner.

C. Potential Conflicts of Interest / Independence:

In order to ensure an independent Project and provide maximum credibility to the recommendations, proposals will not be accepted that could pose any conflicts of interests, influence judgment, impair objectivity, or give the appearance of such conflicts.

D. Native American Preference:

In accordance with the TERO, see Supplemental Exhibit A-1, preference in selection will be given to TERO certified, Tribally-owned companies.

E. Prior Tribal Experience:

Priority in selection will be given to Companies with past experience working with tribes.

F. Company's Methodologies

Respondent's methodology for establishing budgets and ability to maintain budgets on past projects. Methodology establishing timelines and ability to maintain timelines on past projects

G. Company's Financial Stability

Respondent's financial stability and longevity of core personnel.

H. Reference Checks:

The Gaming Authority may consider current or past performance as determined by Reference Checks.

I. Background Check:

The Gaming Authority may consider conducting a background check of the Company or principles, if found appropriate, and each respondent and its principles acknowledges and agrees to such background check and the supplying of any information requested by the Tribe to perform such background check.

IX. Other Requirements

- A. By submitting an RFP response, the proposing Construction Manager accepts the terms and conditions set forth in this RFP.
- B. All materials submitted in response to this RFP become the property of the Gaming Authority.
- C. An authorized representative of the proposing Construction Manager must sign the RFP response.
- D. The Gaming Authority is not responsible for any RFP response preparation expenses, submission costs, or any expenses incurred in negotiations.
- E. The RFP response constitutes an offer by the proposing Construction Manager that shall remain open and irrevocable for a period of 90 days from the date the RFP response is due.
- F. The Gaming Authority will not be liable for any errors in any RFP responses.

- G. The Gaming Authority reserves the right to make modifications to the RFP during the evaluation process, including the right to issue an addendum to the RFP at any time as a result of questions, change in schedule, or other matters.
- H. The Gaming Authority reserves the right to request clarification or additional information from any proposing Construction Manager.
- I. The Gaming Authority reserves the right to negotiate with any and all proposing Construction Managers at its sole discretion.
- J. The Gaming Authority, at its discretion, may invite certain proposing Construction Managers to participate in an oral interview/presentation. Each invited proposing Construction Manager should be prepared to discuss and substantiate any areas of the RFP it has submitted, its own qualifications for the services required, and any other areas of interest relative to its RFP response.
- K. The RFP requirements are intended to obtain full and accurate representation of the responsiveness and responsibility of each proposing Construction Manager that will enable the Gaming Authority to evaluate the RFP responses and award a contract for the Project. The Gaming Authority in its sole discretion will determine all matters of responsiveness and responsibility.
- L. All RFP responses shall be subject to verification by the Gaming Authority. Any RFP response that contains material information that cannot be verified or otherwise confirmed for purposes of determining responsiveness to the RFP, may result in rejection of the RFP responsibilities as well as resumes.

X. Rejection of Proposals

Issuance of this RFP does not compel the Gaming Authority to award a contract. The Gaming Authority reserves the right to reject any and all RFQ and RFP responses, wholly or in part, and to waive any technicalities, informalities, or irregularities in any RFQ or RFP response. The Gaming Authority further reserves the right to analyze RFP responses in detail and to award contracts which, in the exercise of the Gaming Authority’s sole discretion, it believes to be in the best interests of the Tribe. The Gaming Authority also reserves the right to cancel or reissue the RFP.

XI. Milestone Dates

RFP Distributed:	October 24, 2022
RFQ Response Date:	October 28, 2022
RFI Due Date:	November 4, 2022
RFI Response Date:	November 11, 2022
Proposal Due Date:	November 23, 2022

XII. Questions and Submittals

To be considered, proposals must meet all Milestone Dates.

Respondents must provide an electronic copy of their responses by emailing Board Secretary Cassie Jackson at cassie.jackson@mwtribe-nsn.gov. Please use the subject line: Construction Management RFP with a copy to Edgar.choi@rwnewyork.com. Questions be directed to Edgar Choi of Resorts World. Questions may be asked until the RFI Due Date except as provided Section VII.L

Exhibit Attached

Exhibit A – Non-Disclosure Agreement

Exhibits to be delivered following receipt of RFQ Response.

Supplemental Exhibit A-1 – TERO Tribal Employment Rights Ordinance with Amendments

Supplemental Exhibit A-2 - TERO Compliance Plan

Supplemental Exhibit A-3 - TERO Fee Application

Supplemental Exhibit B - AIA Document A133 – 2019 - Insurance and Bonds

Supplemental Exhibit C – AIA Document A133 – 2009 – Guaranteed Maximum Price Amendment

Supplemental Exhibit D – AIA Document A133 – 2019 – Standard Form of Agreement

Supplemental Exhibit E - AIA Document A201 – 2017 – General Conditions

Supplemental Exhibit F – Drawing Manifest Log (TBD)