

S&K GAMING, LLC

**Request for Proposals (RFP)
Owners Representation**

Issue Date: December 3, 2024

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1.0 Administrative/Background Information

S&K Gaming, LLC is issuing a Request For Proposals (RFP) to qualified companies for Owners Representative Services (“Owners Rep”) for the S&K Gaming’s proposed casino development project in Polson, MT. Proposers interested in responding to this RFP should have extensive experience and an established record of success acting on the owner’s behalf. Only qualified candidates should respond to this RFP. This RFP does not constitute a management contract within the meaning of the Indian Gaming Regulatory Act, 25 U.S.C. § 2711.

S&K Gaming, LLC, is a wholly owned limited liability company formed under the laws of the Confederated Salish and Kootenai Tribes of the Flathead Reservation (Tribes). S&K Gaming, LLC was established in 2006 to carry out any lawful business activity. S&K Gaming, LLC operates a diverse portfolio of businesses including Kwataqnuq Resort Casino (Polson, MT), Gray Wolf Peak Casino (Evaro, MT), and Big Arm Resort Casino (Big Arm, MT).

S&K Gaming intends to build a 35,000 sf casino in Polson, MT to move gaming operations from Kwataqnuq Resort Casino to the new development. Construction is expected to start in the Spring of 2025.

2.0 Contact Information

Questions regarding this RFP are to be directed by email only to bmiller@csktgaming.com. No phone calls and/or verbal requests/inquiries will be accepted. Copies of all questions and responses will be sent to all Proposers. Questions will be accepted until Friday, December 13, 2024 at 4pm. Individuals who solicit information about this RFP either directly or indirectly from other sources will be disqualified.

3.0 Statement of Work

The Owner’s Rep will be the principal point of contact and liaison between the Architect, the General Contractor (GC), Subcontractors, and other consultants, contractors, and vendors throughout the proposed casino development in Polson, MT. The Owner’s Rep shall advocate for the owner’s interests in quality, timely, and cost-effective construction of the consolidated casino project while maintaining professional relationships with contractors. The Owner’s Rep will be responsible for monitoring progress on all aspects of the project in every phase and ensuring the project is completed at a low cost and high degree of functionality and quality. This position will provide administrative, management, and related services as required to coordinate the work of the contractors with each other and with the activities and responsibilities of the Owner’s Rep, the Owner, and the Architect.

Examples of work include:

1. General Services

- Schedule and conduct meetings to discuss such matters as procedures, progress, issues, problems, and scheduling.
- Attend progress meetings at least every two weeks prior to construction to provide project updates.

- Attend weekly progress meetings during construction and provide progress meeting minutes and review comments provided by GC.

2. Conceptual Services

- Review conceptual/preliminary budget.
- Prepare conceptual activities and milestone schedule.
- Review Constructability and Construction Phasing issues.

3. Design-Build Development

- Coordinate with the design team.
- Assist with design cost, constructability reviews, and value engineering studies.
- Assist with obtaining building permits.
- Review/recommend Architectural/Engineering payment requests and contract modifications.
- Review and validate cost estimates at design development and construction document phases of completion.
- Review/refine project milestone schedule and prepare Master Project Schedule.

4. Contract Management

- Review/advise S&K Gaming on the preparation of construction contracts.
- As requested by S&K Gaming, develop scheduling and contract administration clauses for inclusion in the contract documents.

5. Bidding Phase

- Review/prepare bid package.
- Pre-qualification of construction subcontractors.
- Compare and analyze bids and proposals.
- Assist in construction subcontractor selection and award.

6. Inspections

- Monitor construction progress and quality on-site through day-to-day observation/inspection of work.
- Make reasonable efforts to guard against defects and deficiencies in the work of the GC and ensure that provisions of the contract documents are being fulfilled.
- Prepare inspection reports documenting observed construction activities and provide written recommendations regarding defects and deficiencies in the work.
- Provide digital photographs providing documentation of construction activities.
- Determine, in general, that the work of each contractor is being performed in accordance with the requirements of the contract documents.
- Promptly inform the Architect and S&K Gaming of work that does not conform to the requirements of the contract documents and should be rejected by the Architect or S&K Gaming.

7. General Construction Oversight & Coordination

- Review and process vendor insurance certificates, invoices, payment applications, surety bonds, sworn statements, and waivers for contract compliance.
- Monitor and enforce GC's compliance with contract and specifications.
- Coordinate contractor and vendor activities with the Architect and GC.
- Review test reports submitted by others to substantiate contract compliance and identify non-conforming issues that require follow-up and resolution.
- Recommend courses of action to S&K Gaming when requirements of any contracts are not being fulfilled.
- Identify actual and potential problems associated with the construction project and consult with the Architect and S&K Gaming.
- Maintain an awareness of safety and health requirements and notify GC of apparent violations of applicable regulations and contract provisions for the protection of the public and project personnel.
- The Owner's Rep may be requested to advise/assist in the procurement, coordination, and in implementation of Owner-supplied and Owner-installed scopes of the work i.e. furniture, fixtures, and equipment (FF&E), specialty casino systems, and other independent consultants.

8. Requests for Information (RFIs)

- Assist Architect in preparation of responses to RFI-related construction issues.
- Transmit design-related RFIs to Architect.
- Conduct meetings with the GC and other parties as needed to discuss and resolve RFIs.

9. Change Orders

- Evaluate any project changes as they arise and recommend necessary or desirable changes to the Architect and S&K Gaming, and if they are accepted, collaborate with the Architect to prepare change orders for the Architect's and contractor's signatures and S&K Gaming's authorization.
- Implement change order procedures.
- Review requests for changes.
- Assist in negotiating contractor's proposals for change orders.
- Facilitate change order tracking and facilitate issue resolution.
- Perform quantity and cost analysis as required for negotiation of change orders.
- Analyze additional compensation claims that are submitted during the construction period and prepare responses.
- Perform claims administration including coordinating and monitoring claims responses, logging claims, and tracking claim status.

10. Applications for Payment

- Develop and implement procedures in conjunction with the CFO and financial institution for the review and processing of applications for payment by GC for progress and final payments. Make recommendations and provide advice to the Architect for certification to the owner for payment.
- Review certified payroll records for compliance with State and Tribal requirements.

11. Submittals

- In collaboration with the Architect, establish and implement procedures for submittals and expediting the processing and approval of shop drawings and samples.
- Maintain logs, files, and other necessary documentation relating to submittals.
- Provide advice on submittals, coordinate them with information contained in related documents, and transmit them to the Architect for review.
- Monitor Architect's responses to submittals for timeliness and help expedite responses.

12. Reporting

- Prepare and distribute project status reports as requested.
- Prepare and distribute change order reports on a monthly basis, or as required, to provide information pertaining to proposed and executed change orders and their effect on the budget and schedule.
- Prepare and regularly update a comprehensive issue list identifying all unresolved issues, responsible parties, resolution steps and dates.
- Assist S&K Gaming in preparing documentation and reports for the Board of Directors and CSKT Tribal Council at key milestones throughout the project.

13. Schedule

- Ensure the GC procures long lead-time equipment at the proper time to avoid delays.
- Review updated construction schedules and maintain records.
- Compare work progress with the planned schedule, identify potential variances between scheduled and probable completion dates, and notify the Architect, S&K Gaming, and GC of any project slippage.
- Review the Contractor's plan to get back on schedule.
- Review the schedule for work not started or incomplete and recommend to S&K Gaming and GC adjustments in the schedule to meet their required completion date.
- Obtain monthly updates from the GC of the construction schedule incorporating actual progress, weather delays, and change order impacts.
- Negotiate time extensions due to change orders or other delays.

14. Budget

- Create, maintain, reconcile, and track the project budget and schedule with the S&K Gaming.
- Assist in monthly progress payment recommendations.
- Monitor project budget, including costs outside of the GC contract, and provide anticipated final cost report to S&K Gaming on a monthly basis showing actual costs for activities in progress and estimates for uncompleted tasks. Identify variances between actual and budgeted or estimated costs and advise whenever projected costs are anticipated to exceed budgets or estimates.
- Provide input on Value Engineer (VE) when necessary, when the anticipated cost could exceed projected budget figures to allow the project to stay within budgeted goals.

15. Project Closeout

- Develop an occupancy checklist (punch list) and schedule.
- Assist the Architect in conducting close-out inspections. Participate in Project inspection(s) for

Substantial Completion(s) and warranty inspections.

- Make written recommendations to the Architect as to the status of punch list items and when work is ready for final inspection. Assist the Architect in conducting final inspections.
- Coordinate building systems functional testing and performance verification with the GC, the Owner's Facilities Manager, and the Architect, observe each contractor's check-out of utilities, operational systems, and equipment for readiness, and assist in equipment initial start-up and testing.
- Participate in any building commissioning and provide documented confirmation that building systems function according to criteria outlined in the project documents.
- Assist in obtaining a Certificate of Occupancy, which may encompass accompanying government officials during inspections of the project, assisting in preparing and submitting proper documentation to the appropriate agencies, and assisting in final testing and other such activities.
- Assist with warranty problem resolution and other claims against any contractor(s) for defective work or performance after completion of the construction.
- Collaborate with the Architect to collect and submit the following close-out documentation to the Owner: (1) Operations and Maintenance data for equipment as required by the contract documents for the project. (2) Record drawings for the project including, among other things, any deviations from the original plans and drawings for the project made during construction. (3) Warranties and bonds for equipment put into service. (4) Keys, tools, spare parts, and maintenance materials. (5) A list of all construction contractors, vendors, and material persons of every tier providing services, equipment, and/or materials in connection with the project, with contact information. (6) All guarantees and warranties from all construction contractors as required by the contract documents for the project.

16. Other Services as Needed

- Project may require professional services procurement and oversight for, including but not limited to; anthropologist, archaeologist, biologist, environmental consultant and geologist as necessary.
- Coordinate a utility survey and deliver utility "will serves" letters as needed.

4.0 Proposal Requirements

Proposers must provide a statement of verifiable qualifications related to each of the items set forth above under SCOPE OF WORK AND SERVICES (Pre Construction, Construction, and Additional Services). As part of such a statement, Proposers should include a description of specific relevant experience as noted in the below requirements.

Submittals must include the following:

A. Cover Letter with an Overview of the Firm

- Name of the firm making the proposal.
- Mailing and overnight delivery address.
- Contact information (E-mail, Telephone, and facsimile numbers) of Proposer.
- Statement that the individual signing the proposal has the authority to commit the firm to the terms proposed.

B. Team Overview

- The submittal must identify the principals of the Proposer who will be actively involved on-site, as needed, throughout the project. The Proposal should list all team members and describe their respective qualifications and experience that would benefit the Owner. The selected Owner's Representative will be required to have a presence onsite when and where required for the duration of the project.
- A summary of the basic scope of work and services to be provided by the Owner's Representative.

C. Project Experience

The Proposer must be able to demonstrate the following minimum qualifications:

- Owner's Representative Services for at least three (3) resort projects with two (2) exceeding \$25 million in construction costs within the last 10 years. Preference will be given to specific experiences with Native American casino resorts.
- Extensive experience with related infrastructure requirements for casino projects.
- Demonstrable track record for delivering project completion on time and at or under budget.
- Track record of providing value engineering options on projects.
- Experience working with the requirements and covenants of financial institutions.

D. Pre-Qualified Consultants

Demonstrate experience in providing prequalified consultants who will provide Independent (3rd party) reviews and studies such as: Code/Plan review, Building inspection/enforcement, Materials testing, Special Inspections, Commissioning (Cx), Fire Alarm and Suppression systems, and specific gaming-related specialty systems (IT, AV, Security & Surveillance).

E. References

At least three (3) letters of recommendation for the Owner's Representative Services on projects of the described nature and scope. These must include the scope and size of the project and current contact information.

F. Licensing

- Be able to obtain and maintain a CSKT Gaming License, if required.
- General Contractor's License (for scopes of work assigned to the Owner's Representative).
- Be able to procure Tribal Gaming Regulatory License promptly, if selected as the Owner's Representative.

G. Proof of Insurance

- General Liability or Professional Liability
- Property Damage
- Automobile Liability
- Worker's Compensation

H. Litigation Statement

List and describe any litigation or arbitration claims filed by your company against any project as a

result of a contract dispute; any claim filed against your company; or termination from a project; and resolution of same.

I. Fee Proposal

- Include a description of how the Owners Rep. would propose to be compensated, including a proposed fee schedule.
- The fees for service must be included and specifically set forth for each phase of the development of the project.
- Basis of compensation for additional services.
- Description of items deemed as reimbursable expenses.
- Provide a maximum compensation value for the complete project.

J. Proof of Indian Preference

- If your business is certified by the Indian Preference Office of the Confederated Salish and Kootenai Tribes, please provide a copy of that certification.
- Indian-owned businesses will be given preference in accordance with Tribal law, but non-Indian ownership does not preclude a business from submitting a proposal or being awarded the contract.

5.0 Submission Requirements

Proposals shall be signed and all requested information must be submitted by **Wednesday, December 18, 2024, at 10am Mountain Time**. Failure to submit all requested information may result in a lower evaluation of the proposal. Proposals should be prepared simply and economically, providing a straightforward, concise description of the capabilities to satisfy the requirements of the RFP. Emphasis should be on completeness and clarity of content.

An electronically signed copy of the proposal must be submitted via email to Bryon Miller, CEO, at bmiller@csktgaming.com with the subject line of *Owners Representative Services Proposal for S&K Gaming, LLC*

ONLY THOSE RESPONSES RECEIVED BY THE PROPOSAL DEADLINE WILL BE CONSIDERED. Proposals received after the deadline will not be considered.

6.0 Evaluation and Award Criteria

Selection shall be made from applications deemed to be fully qualified and best suited on the basis of understanding the needs of S&K Gaming, LLC and the project. Interviews and negotiations may be conducted at the discretion of S&K Gaming.

S&K Gaming, LLC may cancel this RFP or reject proposals at any time before an award and is not required to furnish a statement of the reasons why a particular proposal was not deemed to be the most advantageous. S&K Gaming may waive any provision of this RFP at its sole discretion.

7.0 Notice of Intent to Submit a Proposal

Notice of Intent to Submit a Proposal for S&K Gaming, LLC. This notice is not mandatory but is strongly recommended for Proposers to submit in order to receive courtesy notification of information related to this RFP.

This notice should be submitted no later than the close of business on December 11, 2024. This form should be submitted at least one week prior to the due date of this RFP and must be sent by email to: bmiller@csktgaming.com

NOTICE OF INTENT TO SUBMIT A PROPOSAL

Owners Representative Services

I, _____, an authorized representative of the below-named company, hereby notifies S&K Gaming, LLC of the intent to submit a proposal in response to the Owners Representative Services RFP. By signing and returning this form, I stipulate that I have reviewed the RFP, and that I am interested in submitting a proposal.

Print Name:	
Title:	
Company Name:	
Mailing Address:	
Phone Number:	
Email Address:	
Date:	