



## SEMINOLE TRIBE OF FLORIDA REQUEST FOR PROPOSAL

Solicitation No.: RFP 50-2024

Title: Immokalee Raw Water Well #4 (Phase II) (383074)

Description: The Public Works Department of the Seminole Tribe of Florida is requesting proposals from qualified contractors to provide construction services for a wellhead and site civil work to provide raw water to the Seminole Tribe of Florida's Water Treatment Plant at Immokalee.

Solicitation Release Date: May 10, 2024

Pre-Proposal Conference: May 23, 2024 @ 11:00 AM (ET) (MANDATORY)  
Immokalee Water Treatment Plant  
435 Eustis Avenue  
Immokalee, FL 34142

Deadline for Questions\*: May 30, 2024 @ 3:00 PM

Proposal Due Date: June 20, 2024 @ 3:00 PM

Contact Person(s)\*: To: [MarielaVelazquez@semtribe.com](mailto:MarielaVelazquez@semtribe.com)  
Cc: [BidSubmissions@semtribe.com](mailto:BidSubmissions@semtribe.com)  
Contact instructions are detailed in Section IV, Paragraph 4.

\*ALL QUESTIONS/INQUIRIES/COMMUNICATION MUST BE DIRECTED IN WRITING TO THE CONTACT PERSON(S).  
FAILURE TO DO SO MAY BE CAUSE FOR DISQUALIFICATION OF AN AWARD UNDER THIS SOLICITATION.

## **SECTION I – GENERAL INFORMATION**

### **1. BACKGROUND**

The Seminole Tribe of Florida (hereinafter the “Tribe” or “STOF”) is a federally recognized Indian Tribe organized pursuant to Section 16 of the Indian Reorganization Act of 1934, as amended, 25 U.S.C. §5123. There are six (6) Seminole Indian Reservations in the State of Florida in Big Cypress, Brighton, Hollywood, Immokalee, Tampa, and Fort Pierce. Tribal Headquarters are located on the Hollywood Reservation in an urban environment in the Greater Fort Lauderdale/Hollywood, Florida area. Satellite offices are located on each of the other reservations or trust land. The Tribe also maintains off-reservation offices in Naples, Fort Pierce, Hollywood, and Miami.

The Tribe provides various governmental services to its members and residents of its reservations similar to those services provided at the municipal or county level. Examples of such services include, but are not limited to, public works, recreation and elder services programs, police, fire, and EMS services. The Tribe also maintains health and dental clinics, an education program, preschools and schools, a museum, two rodeo arenas, etc. In addition to governmental services, the Tribe and the Seminole Tribe of Florida, Inc. (hereinafter “STOFI”) also are engaged in various business activities including real estate, agriculture, tourism, manufacturing, gas station/convenience stores, and sales.

The terms “Vendor” and “Contractor” are used interchangeably in this document to refer to respondents of this RFP.

### **2. ADDITIONAL ITEMS AND SERVICES**

The Tribe may require additional items or services of similar nature, but not specifically listed in this solicitation. The selected Contractor(s) agrees to provide such items or services, and shall provide the Tribe prices on such additional items or services based upon a formula or method that is the same or similar to that used in establishing the fees as a result of this solicitation. If the fees offered are not acceptable to the Tribe, and the situation cannot be resolved to the satisfaction of the Tribe, the Tribe reserves the right to procure those items or services from others.

### **3. FRAUD AND MISREPRESENTATION**

Any individual, corporation, or other entity that attempts to fulfill the requirements of this solicitation through fraud, misrepresentation, or material misstatement may be deemed non-responsible and such individual, corporation, or other entity’s qualification may be null and void.

### **4. CONFIDENTIALITY / NON-DISCLOSURE**

Contractor shall treat any information contained in this solicitation (or accumulated through other written or oral communication with the Tribe) as confidential information. Any information provided by the Tribe to Contractor in this solicitation is to be used solely to permit Contractor to reply to the solicitation and Contractor shall make no other use of the information, inclusive of

sharing the information with corporate affiliates and subsidiaries without the prior written consent of the Tribe. Contractor shall hold the information contained in this solicitation in strict confidence and the information obtained will not be disclosed to any third-party, vendor affiliate, or subsidiary, without the Tribe's prior written consent.

**5. NON-EXCLUSIVITY**

It is expressly understood that contractor selection does not grant Contractor an exclusive privilege to provide the Tribe any or all of the goods and/or services that are the subject of this solicitation. The Tribe reserves the right, as deemed in its best interest, to perform or cause to be performed the provision of the goods and/or services, or any portion thereof, herein described in any manner it sees fit, including but not limited to award to multiple contractors, and contract with other contractor(s) for the provision of goods and/or services similar or identical to those that are the subject of this solicitation.

**6. DISCLOSURE**

Contractor responding to this solicitation must disclose in detail any current or past relationships with the Tribe, Seminole Gaming, and/or STOFI and their employees.

**7. ADDENDA / REVISIONS TO SOLICITATION**

If it becomes necessary to revise or clarify any part of this solicitation, the Tribe will modify this solicitation by issuance of written addenda. All addenda will clearly be marked as such and shall become part of the solicitation documents.

All questions submitted by prospective contractors will be answered via an official addendum to ensure all prospective contractors have access to the Tribe's answers.

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## SECTION II – SCOPE OF WORK

### 1. PROJECT DETAILS

Details regarding this scope of work, including Contractor responsibilities, technical requirements, term/duration, etc., are available for Contractor’s review via *Attachment A – Scope of Work*. Contractors are expected to review this document in full to become familiar with the Scope of Work.

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## SECTION III – QUALIFICATIONS REQUIREMENTS

### 1. GENERAL QUALIFICATIONS

Proposals shall be considered only from contractors normally engaged in performing the type of work specified in this solicitation. Contractor must have adequate organizational resources, facilities, equipment, and personnel to ensure prompt and efficient service to the Tribe.

At a minimum, qualifying proposals shall demonstrate that Contractor possesses the qualifications necessary to provide high-quality services. To ensure Contractor is capable of providing an acceptable level of service to the Tribe, Contractor shall meet the following minimum qualifications:

- Be the prime contractor and will not subcontract out any work or partner with another firm unless explicitly authorized in writing by the Tribe.
  - The Tribe must approve in advance any subcontractors related to this work. Contractors must clearly disclose in their proposals any known or expected use of subcontractors. Failure to make such disclosure at the time of bid may result in rejection of the subcontractor and the resulting agreement. The TRIBE reserves the right to reject any subcontractors which, in the Tribe's sole opinion, are unfit to work on this project.
- Hold a current certified license relevant to these services, as described in *Exhibit O – Florida Department of Business and Professional Regulation - License(s), Certification(s) and/or Registration(s)*.
- Have a minimum of ten (10) years of experience in providing similar services.
- Maintain a fully equipped organization capable, technically and financially, of performing the work required, and has performed similar work in a satisfactory manner.
- Carry and maintain adequate insurance consistent with the requirements listed in *Exhibit J – Insurance Requirements and Certificate of Insurance*.
- Meet any other requirements outlined in this solicitation.

### 2. PRE-PROPOSAL CONFERENCE (MANDATORY)

A Pre-Proposal Conference has been scheduled for interested contractors to attend before the Proposal Due Date for this solicitation. **Attendance is mandatory to be eligible for award.**

Contractors may ask questions during the Pre-Proposal Conference. These questions may or may not be answered during the Pre-Proposal Conference, as decided by the Tribe. For questions which were not answered during the Pre-Proposal Conference, the answers may be shared with prospective contractors via an official addendum.

Questions outside of the Pre-Proposal Conference must be submitted to the Contact Person(s) in writing by the Deadline for Questions to receive a formal written response.

The date, time, and location of the Pre-Proposal Conference are shown on the cover page of this solicitation document.

An employee or representative of the prime contractor responding to this solicitation must attend the Pre-Proposal Conference to receive credit for attendance. Subcontractors or other individuals may not attend for the prime contractor.

At the Tribe's discretion, the Tribe may videotape and/or audiotape the Pre-Proposal Conference, whether held in-person or online. This recording may only be shared internally with the Tribe key personnel and may not be provided to prospective contractors who attended the Pre-Proposal Conference, as determined by the Tribe.

### **3. BONDING**

Performance and payment bonds shall (1) name as additional obligees: the Owner, any designee of Owner and affiliates or any construction lender(s) of the Owner, (2) be in a form and be issued by as licensed surety satisfactory to Owner, (3) be in an amount equal to 100% of their contract price as applicable, and (4) be automatically increased in the amount of any additive Change Orders and Construction Change Directives issued by Owner to Contractor.

Such bonds are not required if all work performed under this contract is solely performed by the TRIBE or public non-profit corporations serving as a government instrumentality of the TRIBE. Proof of public non-profit corporate status must be furnished to and be satisfactory to the Awarding Official. All subcontractors performing work under this contract are subject to bonding requirements. Subcontractor bonds are to be made payable to the Contractor. Corporate sureties offered for bonds furnished with this contract must be original documents and must appear on the list contained in the Department of Treasury Circular 570, entitled "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and Acceptable Reinsuring Companies."

A bid bond of 3% is required.

### **4. RESOURCE PROTECTION:**

Any suspected archeological or historical material shall be incorporated into the deliverables for this work. Upon the discovery of suspected archeological or historical material, the awarded vendor shall ensure that all work ceases in the vicinity of such material and immediately notify the Tribe's project manager.

The project area may contain habitat used by the endangered Florida panther (*Puma concolor coryi*), Audubon's crested caracara (*Polyborus plancus audubonii*), gopher tortoise (*Gopherus polyphemus*), wood stork (*Mycteria americana*), Eastern indigo snake (*Drymarchon corais couperii*) and the Florida black bear (*Ursa americanus floridanus*). Any suspected activity of un-collared panthers will be documented using GPS and reported to the Tribe. The awarded contractor shall ensure any and all of its employees, including subcontractors, use every precaution necessary to prevent disturbing and/or harassing any wildlife encountered on the Reservations. The willful killing of any animal species while working on Reservation lands is illegal and will not be tolerated. Violations will void the contract.

The awarded contractor must demonstrate sensitivity to cultural resources, particularly as it relates to Native American tribes. Past history with the Tribe will be used as a factor for selection. Preference will be given to contractors and subcontractors with a positive past history with the Tribe.

**5. PRESENTATION / INTERVIEW**

Contractor(s) who submit a response to this solicitation may be required to give a presentation or be interviewed to provide more information relevant to their submission. All costs associated with contractor's presentation will be solely the responsibility of the respective contractor. Presentations will be considered a part of contractor's response to this solicitation.

Presentation requirements will be sent directly to Contractor once the available presentation dates have been decided and an invite to schedule presentations has been distributed. A detailed script or requirements list will be subsequently developed by the Tribe and distributed to each of the contractors invited to give a presentation.

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## SECTION IV – SUBMISSION REQUIREMENTS & INSTRUCTIONS

### 1. SUBMISSION REQUIREMENTS

Contractor must include the items listed below as part of their submission to be considered for award:

- a. Attachments & Exhibits Checklist – Contractor must initial next to each attachment and exhibit listed in the two (2) tables in Section IV, Paragraph 5, to confirm Contractor’s submission includes each applicable completed form.
- b. Cover Letter & Executive Summary
  - Cover Letter, including Contractor’s name, address, phone number(s), and e-mail address, along with the signature of the Contractor’s authorized representative (no specific format required, use of your Firm’s letterhead/stationary is preferred).
  - Executive Summary, including a brief company overview (two (2) page maximum).
- c. Sample Agreement – As described below (*Attachment E*):
  - Contractors may include in their submission any proposed exceptions to the included Sample Agreement by reviewing *Attachment E– Sample Agreement* and completing in *Exhibit M – Proposed Construction Contract Exceptions*, which includes submitting the proposed revision(s) with the required written explanation or rationale for each exception or proposed modification(s).
- d. Compliance Documents – As described below:
  - A copy of contractor’s Florida Certificate of Authority or Florida Business Tax Receipt to prove authority to do business in the State of Florida. If incorporated elsewhere, similar document(s) from other state are acceptable (*Exhibit N*);
  - A copy of licenses, certificates, or registrations, as defined in this solicitation (*Exhibit O*);
  - A signed copy of contractor’s existing W-9 (*Exhibit P*).
- e. Professional Qualifications
  - Company background and structure (i.e., organizational chart, if applicable)
  - Copies of relevant licenses, certifications, registrations, references, resumes of Project Manager and Superintendent, and/or noteworthy achievements (*Exhibit N*, and *Exhibit O*)
  - Prior relevant experience for similar projects (*Exhibit H-1*)
  - Past performance with the Tribe, if applicable (*Exhibit H-2*)
  - References (*Exhibit I*)
  - Capacity and availability to complete project
  - Vendor location/proximity to service area and ability to work in general geographical area of the project and knowledge of the locality of the project
  - Sub-Contractor utilization (Tribal/minority/disadvantaged businesses preferred) (*Exhibit F*)



- Information detailing proposal, specialized experience, and technical competence in the type of work required by this solicitation, qualifications, and a description of the methodology proposed to provide the construction services required for this project.
- Responses to all questions in this solicitation

Contractor must ensure to follow the below requirements and/or instructions when submitting a response to this solicitation:

- Proposals must be e-mailed by no later than the Proposal Due Date and time stated on Page 1 of this solicitation.
- All Exhibits, Forms, and Attachments required in this solicitation shall be submitted and filled in where appropriate.
- Contractors submit documentation to demonstrate that they meet ALL requirements in this solicitation, including the submission of all applicable attachments, exhibits and/or forms.
- Required Attachments and Exhibits provided to contractor by the Tribe shall not be altered by contractor and shall only be filled-in as instructed by the Tribe, unless otherwise instructed by the Tribe. Bids which include altered files may be disqualified, as determined by the Tribe.

The contract, if awarded, shall be to the most responsible contractor whose bid conforming to the specifications is the most advantageous to the Tribe, considering prices bid, the experience, the qualifications of the contractor, and the contractors current and immediately available resources. Bid must comply with the requirements necessary to render it formal.

Failure to submit all information may result in disqualification or lower ranking due to not meeting these requirements.

## **2. PRICE**

Prices stated in proposal responses to this solicitation shall remain fixed and firm for all services to be performed for a minimum period of three hundred sixty-five (365) calendar days from the Proposal Due Date.

## **3. SUBMISSION INSTRUCTIONS**

Electronic submissions in response to this solicitation must be emailed to the Contact Person(s) listed in Section IV, Paragraph 4 by the Proposal Due Date and time detailed in this solicitation.

- The Tribe has an email size limit of 15MB per email. Larger files should be split into 15MB emails and sent separately.
- Physical correspondence, flash drives, or any other physical media shall not be accepted. Links to file sharing websites or portals will not be accepted.

The Subject Line of all emailed correspondence from CONTRACTOR to the Tribe regarding this solicitation will follow the format shown below, accordingly:

- Subject Line for questions: RFP 50-2024 – [CONTRACTOR’s Company Name] – Question
- Subject Line for submission: RFP 50-2024 – [CONTRACTOR’s Company Name] – Submission
  - If there are multiple emails for your submission, please number them sequentially in the following manner to ensure all emails are received: Submission 1 of 3, Submission 2 of 3, Submission 3 of 3, etc.

All parts, pages, figures, and tables should be numbered and labeled clearly. If submitting separate files, the File Name of each submitted attachment and exhibit must include the assigned letter; for example, *Attachment A*’s File Name must state, at a minimum, “Attachment A.” contractor may include additional information in the File Name, if needed.

Submissions must be clear, concise, organized, legible, and easy to read and navigate. Submissions not organized in the order shown above may be returned to contractor and required to be reorganized and resubmitted.

In order to fairly evaluate all responses, contractors should not include additional information other than what is asked to be provided. This includes any information related to contractor’s organization that was not specifically asked to be provided.

**4. CONTACT PERSON(S)**

Responses to this solicitation, in addition to all questions, inquiries, and communication, must be routed through:

<b>CONTACT PERSON</b>	
Name:	Mariela Velazquez
Email:	To: <a href="mailto:MarielaVelazquez@semtribe.com">MarielaVelazquez@semtribe.com</a> Cc: <a href="mailto:BidSubmissions@semtribe.com">BidSubmissions@semtribe.com</a>
Phone:	(954) 966-6300 x11372

Contractors shall not contact any other employee of the Tribe for information with respect to this solicitation. Any violation of the restriction imposed above regarding correspondence may constitute grounds for rejection of a response at any time.

**5. ATTACHMENTS & EXHIBITS**

Contractor must initial next to each Attachment and Exhibit listed in the tables below to confirm contractor reviewed all Attachments and submitted all required Exhibits.

Please note, Attachments are reference documents which require contractor’s review. Exhibits are documents which Contractor must provide or complete and sign, according to the instructions specified by the Tribe in the “Submission Instructions” below.

**5.1. ATTACHMENTS:**

<b>Attachment</b>	<b>Description</b>	<b>Submission Instructions</b>	<b>CONTRACTOR's Initials</b>
Attachment A	Plans	Review information. Initial in next cell to confirm this document has been reviewed. No further action needed.	
Attachment B	Specifications	Review information. Initial in next cell to confirm this document has been reviewed. No further action needed.	
Attachment C	Topographic Survey	Review information. Initial in next cell to confirm this document has been reviewed. No further action needed.	
Attachment D	Environmental Compliance Review	Review information. Initial in next cell to confirm this document has been reviewed. No further action needed.	
Attachment E	Sample Contract	Review information. Initial in next cell to confirm this document has been reviewed. No further action needed.	

**5.2. EXHIBITS:**

<b>Exhibit</b>	<b>Description</b>	<b>Submission Instructions</b>	<b>CONTRACTOR's Initials</b>
Exhibit A	Proposal Form	<p>Review all tabs and fill-in required information. Provide two (2) copies of this document, as described below:</p> <ul style="list-style-type: none"> <li>• A filled-in and signed version in PDF format</li> <li>• A filled-in and unsigned version in .xlsx Excel format</li> </ul>	

<b>Exhibit</b>	<b>Description</b>	<b>Submission Instructions</b>	<b>CONTRACTOR's Initials</b>
Exhibit B	Acknowledgement of Receipt of Addenda	Complete, sign, and submit.	
Exhibit C	Statement of Qualifications	Complete, sign, and submit.	
Exhibit D	Contractor Certification Regarding Debarment and Suspension	Complete, sign, and submit.	
Exhibit E	Non-Collusion Affidavit of Prime Contractor	Complete, sign, and submit.	
Exhibit F	Proposed Subcontractor List	Complete, sign, and submit. If no subcontractors are expected to be used, please note, sign, and submit.	
Exhibit G	Bonds and Certificate of Ability to Obtain Performance Bonds	Provide letter from Surety, indicating ability to obtain Payment and Performance Bonds.	
Exhibit H-1	List of Recently Completed Projects and Contract Amounts	Complete, sign, and submit.	
Exhibit H-2	List of Past Experience with the Tribe	Complete, sign, and submit. If no past experience with the TRIBE, please note, sign, and submit.	
Exhibit I	List of References	Complete, sign, and submit.	
Exhibit J	Insurance Requirements and Certificate of Insurance	To be submitted by CONTRACTOR. This file must be clearly labeled in CONTRACTOR's submission as <i>Exhibit J</i> .	
Exhibit K	Firm Certification	Complete, sign, and submit.	
Exhibit L	Drug-Free Workplace Form	Complete, sign, and submit.	
Exhibit M	Proposed Sample Contract Exceptions	Check the appropriate line, sign, and submit. If applicable, provide proposed exceptions or modifications. Proposed exceptions or modifications must be clearly tracked. A written explanation or rationale for each exception or proposed modification must be provided.	

Exhibit	Description	Submission Instructions	CONTRACTOR's Initials
Exhibit N	Certificate of Authority to do Business in the State of Florida – Occupational License  Or other state if incorporated elsewhere	To be submitted by CONTRACTOR. This file must be clearly labeled in CONTRACTOR's submission as <i>Exhibit N</i> .	
Exhibit O	Florida Department of Business and Professional Regulation - License(s), Certification(s) and/or Registration(s)	To be submitted by CONTRACTOR. This file must be clearly labeled in CONTRACTOR's submission as <i>Exhibit O</i> .	
Exhibit P	W-9 Form	To be submitted by CONTRACTOR. Fill in template provided or submit existing signed copy.	

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## **SECTION V – EVALUATION & SELECTION**

### **1. EVALUATION CRITERIA**

The Tribe will conduct a comprehensive, fair, and impartial evaluation of all proposals received in response to this solicitation.

The Tribe may select some, none, or all the respondents to provide the solicited services. The Tribe shall select the contractor(s) with the highest score(s), which meets or exceeds all of the required relevant factors, relevant experience, and quality of work at other similar projects, and price. Pricing will not be the sole criterion for selection. Prior to the final selection, contractor(s) may be required to submit additional information which the Tribe may deem necessary to further evaluate the contractor(s) responses.

Selection of a contractor will be based upon evaluation criteria identified below:

- Cover letter and submission
- Project organizational chart and resumes of project manager and superintendent
- Specialized experience and technical competence in the type of work required
- List of similar projects and references of past performance in terms of cost control, quality of work, and compliance with performance schedules
- Ability to work in general geographical area of the project and knowledge of the locality of the project
- Cost
- Acceptability under other appropriate evaluation criteria

### **2. SELECTION OF VENDOR(S)**

The contractor(s) with the best overall score will be the apparent awardee(s), pending final review and satisfaction of all requirements regarding the qualifications and documentation. The Tribe may select one (1) respondent or multiple respondents to provide the solicited services by opting to award based on the highest scored bid per category, location, service type, etc.

Contractors who have performed services for the Tribe in the past will have their past performance with the Tribe evaluated. Unsatisfactory performance with the Tribe performing similar or dissimilar services may be grounds for down-selection, disqualification, or rejection of award.

This solicitation and selection process shall in no way be deemed to create a binding contract, agreement, or offer of any kind between the Tribe and any entity. If the Tribe selects a Contractor(s) to provide the services described in this solicitation, any legal rights and obligations between the successful Contractor(s), if any, and the Tribe will come into existence only when an agreement is fully executed by the parties, and the legal rights and obligations of each party shall at that time be only those rights and obligations which are set forth in the agreement and any other documents specifically referred to in that agreement and executed by the parties.

### **3. RIGHT TO RESCIND AWARD**

The Tribe reserves the right to rescind an award or eliminate any submission should the awardee or contractor have poor or unsatisfactory performance in performing similar or dissimilar services for the Tribe in the past.

The awarded Contractor(s) will be required to enter into a formal agreement for these services after award. The Tribe reserves the right to rescind an award should the awardee be considered, in the Tribe's sole opinion, to be inflexible in its agreement negotiations.

### **4. SEMINOLE TRIBAL MEMBER VENDOR PREFERENCE**

The Tribe encourages its Members who own their own business, or who are majority owners of a business, to bid on goods and services through the competitive bidding process.

The Tribe will give preference to qualified business entities certified by the Tribe. "Qualified" shall mean, notwithstanding the above:

A Tribal Member, spouse, child, or business entity who:

- Is actively involved in the business and owns 51% or more of the business;
- Can provide goods or services at competitive prices;
- Has demonstrated skills and abilities to perform the task to be undertaken in an acceptable manner; and
- Can meet the application, bonding and licensing requirements.

Tribal Member Vendors will receive an additional ten (10) points in their score.

### **5. VENDOR APPLICATION AND REGISTRATION PROGRAM**

The Tribe is engaged in Indian tribal gaming in accordance with the Indian Gaming Regulatory Act and the regulations promulgated by the National Indian Gaming Commission, therefore, the Tribe cannot engage in significant transactions with individuals or business entities whom, due to past or continuing activities, associations, or reputation, might bring discredit to the Tribe and its gaming operations. Thus, the Tribe has adopted a program whereby it reviews significant transactions and the persons or entities involved with those transactions to assure compliance with all applicable laws and regulations relating to gaming.

If not already an approved and registered vendor with the Tribe, the highest scoring vendor(s) will be required to submit a completed and fully executed Vendor Application and Registration Form to the Tribe's Purchasing Department. The highest scoring vendor(s) shall not initiate this process until requested by the Tribe's Purchasing Department.

Upon successful completion of an investigation into the past and current activities, associations, and reputation of the applicant, the Tribe will assign a vendor number and the vendor will be added to its Master Vendor File. The Tribe may not enter into any business transactions with any vendor whose name does not appear on its Master Vendor File.

Should the highest scoring contractor be unresponsive or unable to successfully complete the vendor registration process, the Tribe reserves the right to halt the vendor registration process with the highest scoring contractor and move onto the next highest scoring contractor. Should the next highest scoring contractor be unresponsive or unable to complete the vendor registration process, the Tribe will continue to halt the vendor registration process and move onto the next highest scoring contractor until a contractor is successfully registered.

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