



**RFP: C190001 – New York Lottery Video Lottery Central System**

**BIDDER ACKNOWLEDGEMENT OF ADDENDUM**

Amendment Number:        One  
Date Issued:                May 10, 2019  
Summary:                     Attached

By signing below, the bidder attests to receiving and responding to the amendment number indicated above.

FIRM NAME	
REPRESENTATIVE SIGNATURE	

**New York Lottery Video Lottery Central System  
Question and Answer Summary  
Issued: May 10, 2019**

Section 1: General

Q.1: Is signing Appendix B a binding acknowledgement of Section 1, or does the Bidder need to respond individually to each of the sub-sections?

**A.1: Upon signature of Appendix B, you are acknowledging the terms and conditions stated in the contract agreement, which includes the RFP and attachments in their entirety.**

Section 1.4 – Schedule

Q.2: When does the Gaming Commission intend to award the contract? Will the RFP be amended to include this milestone?

**A.2: If a contract is awarded as a result of this RFP process, the Commission will award the contract within a reasonable period of time after the June 5, 2019, due date for Proposals. The award is subject to the review and approval of the New York State Attorney General’s Office and the Office of the New York State Comptroller.**

Section 2 – General

Q.3: Is signing Appendix B a binding acknowledgement of Section 2, or does the Bidder need to respond individually to each of the sub-sections?

**A.3: See response to Question 1.**

Section 2.6 - ALL-INCLUSIVE

Q.4: Is it the intent of the Gaming Commission to continue the practice of purchasing ancillary hardware (i.e. SAS-N) to enable Electronic Table Games (ETGs) to the system or are these to be included in the “All-Inclusive” pricing?

**A.4: It is the intent of the Commission to include all ancillary hardware required to enable electronic table games to be included in the “All-Inclusive” pricing.**

i. If the intent is to include, could the Gaming Commission indicate the number of additional ETGs that may be added over the lifetime of the contract?

**A.i. At this time, increasing the number of electronic table games will be dependent on the State’s VLT gaming market. We are unable to forecast any change at this time.**

### Section 2.13 (D) – LIQUIDATED DAMAGES

- Q.5: Bidder would like to request changes to Section 1.13 “Liquidated Damages” item “D” Bidder to limit circumstances for awards of liquidated damages in addition to actual damages. Will the Gaming Commission consider such changes?
- A.5: **Section 1.13 is entitled “Designation of Proprietary Information (FOIL)”. Section 2.13 is entitled “Liquidated Damages”. It is presumed that Bidder intended to reference Section 2.13 “Liquidated Damages” in the query. Based on that presumption, the Commission has already specified circumstances related to awards of liquidated damages in Section 2.13. The Commission understands your question seeks revised or differing RFP language. To appropriately consider and respond, we need specific proposed language. Differing terms or language may be proposed during the Q&A process. If that is your intent, please timely provide language for our consideration.**

### Section 2.24 – MOST FAVORED NATION

- Q.6: Bidder would like Section 1.24 “Most Favored Nations” omitted. Alternatively, if that request were not an option, then Bidder would like to revise that Section to provide applicable timeframes and clarification of the goods and services that are subject to that Section. Will the Gaming Commission consider such change?
- A.6: **Section 1.24 is entitled “Change of Ownership.” Section 2.24 is entitled “Most Favored Nation.” It is presumed that Bidder intended to reference Section 2.24 “Most Favored Nation” in the query. Based on that presumption, the Commission understands your question seeks revised or differing RFP language. To appropriately consider and respond, we need specific proposed language. Differing terms or language may be proposed during the Q&A process. If that is your intent, please timely provide language for our consideration.**

### Section 2.25 – OWNERSHIP OF MATERIALS

- Q.7: Bidder would like Section 1.25 “Ownership of Materials” to be renamed “Ownership of Documentary Materials” and would like to request revisions to the terms in order to clarify intent. Will the Gaming Commission consider such changes?
- A.7 **Section 1.25 is entitled “News Releases.” Section 2.25 is entitled “Ownership of Materials.” It is presumed that Bidder intended to reference Section 2.25 “Ownership of Materials” in the query. Based on that presumption, the Gaming Commission will not rename this section. The Commission understands your question seeks revised or differing RFP language. To appropriately consider and respond, we need specific proposed language. Differing terms or language may be proposed during the Q&A process. If that is your intent, please timely provide language for our consideration.**

## Section 2.27 – TECHNOLOGY PROVISIONS

Q.8: Can this section's title be corrected to section 2.28 as indicated in the RFP's Table of Contents?

**A.8: RFP section "2.27 Technology Provisions", is hereby amended to be titled "2.28 Technology Provisions".**

## Section 2.28 (D) – OWNERSHIP AND TITLE TO CONTRACT DELIVERABLES

Q.9: Bidder would like to request changes to Section 2.28 (D) "Ownership of and Title to Contract Deliverables" to clarify intellectual property ownership and to limit the duration of the license grant. Will the Gaming Commission consider such changes?

**A.9: The Commission understands your question seeks revised or differing RFP language. To appropriately consider and respond, we need specific proposed language. Differing terms or language may be proposed during the Q&A process. If that is your intent, please timely provide language for our consideration.**

## Section 2.28 (E) – OWNERSHIP AND TITLE TO EXISTING SOFTWARE

Q.10: Bidder would like to request changes to Section 2.28 (E) "Ownership of and Title to Existing Software" to clarify intellectual property ownership and to limit the duration of the license grant. Will the Gaming Commission consider such changes?

**A10: The Commission understands your question seeks revised or differing RFP language. To appropriately consider and respond, we need specific proposed language. Differing terms or language may be proposed during the Q&A process. If that is your intent, please timely provide language for our consideration.**

Section 3:

## Section 3.5 (A-G) – General System Software Specifications

Q.11a: In bullet A, the text reads as "the central system" and references 60 days of historical data. How does this entry correlate to section 3.4.F, where it states that Tier 1 must have 4 months of data? Is the requirement for Tier 1 to retain 60 days of data or 4 months of data?

**A.11a: The RFP is hereby amended to delete Section 3.5 a.**

Q.11b: In bullet C, can this statement be amended to read: "The central system should be configured in such a manner that use of the report writer will have no operational effect on the processing capacity of the production gaming system."

**A.11b: RFP section 3.5 c is hereby amended to read as follows:**

**The central system should be configured in such a manner that use of the report writer will have no operational effect on the processing capacity of the production gaming system.**

Section 3.9 (C) – CENTRAL SYSTEM SECURITY CONTROLS

Q.12: Please confirm the objective here from an operational perspective. Specifically, is this in relation to Alert monitoring functionality?

**A.12: This language refers back to the instances as described in paragraph 3.9 B**

Section 3.17 (E) – SITE CONTROLLER FUNCTIONALITY

Q.13: For diagnostic functions such as memory checks, battery checks, and printer tests, is the Gaming Commission referring to the VLT's instead of the Central System?

**A.13: The reference is to the Central System.**

SECTION 4:

Section 4.1.2 – TECHNICAL PROPOSAL – EXPERIENCE

Q. 14a: May the Bidder use current New York State Gaming Commission personnel as references?

Q.14b: May the Bidder use past New York State Gaming Commission personnel no longer employed with the State as references?

**A14a&b: Personnel from the Commission can be used as one of the three required references. The reference may include current or prior Commission personnel.**

APPENDIX B – VIDEO LOTTERY GAMING CENTRAL SYSTEM PROVIDER CONTRACT

Section 5 (a) - FINANCIAL ARRANGEMENTS

Q.15: Bidder would like Section 5 “Financial Arrangements” item (a) to have a stated dollar amount for “Expenditures” and provide for revision of such amount upon mutual agreement. Will the Gaming Commission consider such changes?

**A15: Prior to final contract execution there will be a stated not to exceed dollar amount. Any additional changes would require an amendment of the contract.**

Section 5 (a)(i) – FINANCIAL ARRANGEMENTS

Q.16: Bidder would like to request changes to Section 5 “Financial Arrangements” item (a)(i) to clarify that payment shall be made weekly to Bidder via electronic funds transfer. Will the Gaming Commission consider such changes?

**A.16: The Commission agrees that the intent is to provide a weekly funds transfer. Section 5 a (i) of the contract agreement is hereby amended to read as follows:**

- (i) The Commission shall, each week, utilize video lottery central system reports to calculate the amount of net win and the compensation due and owing to the Contractor consistent with the schedule provided by the Contractor in its Pricing Proposal. The Contractor shall be paid weekly via electronic funds transfer. For the purposes of the provisions of New York State's State Finance Law and Article 34 of the New York State Tax Law (Lottery Law) permitting the retention of a portion of sales revenues as compensation for services, Contractor shall be considered a "licensed lottery sales agent," a "licensed lottery retailer" or a "retailer" as that term is used in Article 34 of the New York State Tax Law.

#### Section 8 – CONVERSION

Q.17: Bidder would like to request changes to Section 8 "Conversion" to add a "commercially reasonable" standard to Bidder's conversion obligations. Will the Gaming Commission consider such changes?

**A.17: The Commission does not accept this change.**

#### Section 17 – CONFIDENTIALITY AND DISCLOSURE

Q.18: Bidder would like to request changes to Section 17 "Confidentiality and Non-Disclosure" to make the language mutually beneficial for the protection of Bidder's confidential information. Will the Gaming Commission consider such changes?

**A.18: The Commission understands your question seeks revised or differing RFP language. To appropriately consider and respond, we need specific proposed language. Differing terms or language may be proposed during the Q&A process. If that is your intent, please timely provide language for our consideration.**

#### Section 19 – NOTICES

Q.19: Bidder would like the following contact information for Bidder added to Section 19 "Notices": [REDACTED] Will the Gaming Commission consider such changes?

**A.19: Upon award the Commission will update the relevant fields in Appendix B – Contract Document to reflect the specific information pertaining to the awarded contractor.**

#### Section 20 – LIABILITY AND INDEMNIFICATION

Q.20: Bidder would like to request changes to Section 20 "Liability and Indemnification" to make the language more mutually beneficial Bidder. Will the Gaming Commission consider such changes?

**A.20: The Commission understands your question seeks revised or differing RFP language. To appropriately consider and respond, we need specific proposed language. Differing terms or language may be proposed during the Q&A process. If that is your intent, please timely provide language for our consideration.**

**Section 22 – FORCE MAJEURE**

Q.21: Bidder would like to request changes to Section 22 “Force Majeure” to make the language Bidder more mutually beneficial. Will the Gaming Commission consider such changes?

**A.21: The Commission understands your question seeks revised or differing RFP language. To appropriately consider and respond, we need specific proposed language. Differing terms or language may be proposed during the Q&A process. If that is your intent, please timely provide language for our consideration.**