



**RFP: C202110 – New York Lottery Strategic Marketing Services Partner**

**BIDDER ACKNOWLEDGEMENT OF AMENDMENT**

Amendment Number: Two

Date Issued: April 18, 2022

Summary:

1. Section 3.2.A.3.b. of the RFP is hereby amended to read as follows (edited text is in red):

- b. A description of the experience of the Bidder that would be considered relevant to the successful accomplishment of the scope of work required herein and whether any of that experience included the Bidder as a prime contractor or subcontractor. The Bidder must also provide the name of the entity(ies) in the counterpart prime and subcontractor roles, if applicable. The description must include how the Bidder meets the Minimum Qualifications as outlined in Section 1.3., ~~including experience with integrated digital projects; development, oversight and maintenance of technical solutions to support digital efforts; digital project management and managing multiple vendor partners; and experience implementing real-time apps.~~

1. Questions and Answers are attached.

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

BIDDER NAME: \_\_\_\_\_

REPRESENTATIVE SIGNATURE: \_\_\_\_\_

**New York Lottery Strategic Marketing Services Partner  
Question and Answer Summary – Amendment Two  
Issued: April 18, 2022**

Q.1: Section 1.1: "...annual budget for strategic marketing services during the term of the Contract is estimated to be approximately \$72,500,000..." Do you have a table to show how the annual budget is currently appropriated to each defined segment – agency fees, research, creative service, production service, media planning/buy, etc. – either in whole dollars or by percentage?

**A.1:**

Segment	%
Agency Fees	14.4%
Research	0.4%
Production	15.7%
Media	69.5%

Q.2: Section 2.3.O – PUBLIC SERVICE ANNOUNCEMENTS: Is the primary goal for this effort to promote responsible play, or to raise awareness of the billions in dollars returned to support education within the State of New York?

**A.2: Responsible gaming is the primary focus of the PSA efforts.**

Q.3: Section 2.3.O – PUBLIC SERVICE ANNOUNCEMENTS: Have there been other opportunities to promote topical assistance provided by the NYL, such as the "Vax & Scratch" initiative?

**A.3: Yes.**

Q.4: Section 2.3.O – PUBLIC SERVICE ANNOUNCEMENTS: Would the successful bidder have access to an existing Public Relations agency to work with on these efforts, or would this be in tandem with the Public Information Office department?

**A.4: The New York State Gaming Commission's Office of Communications will lead the coordination of PSA efforts.**

Q.5: Section 2.3.S & 2.3.T – SEO/SEM and SOCIAL MEDIA: How are the roles of the Strategic Digital Marketing Partner and the Strategic Marketing Services Partner shared in these categories? Per answer 319 of RFP C202103 – *"Digital channels are Digital Marketing, Social Media, Website, Mobile Apps, Email Marketing. As one of the Commission's strategic partners, the Successful Bidder will have the ability to impact all of the digital channels."*

**A.5: The Strategic Marketing Services Partner is expected to develop messaging and creative for all assets, including digital messaging (website, apps, email marketing, social media). The Strategic Marketing Services Partner will be responsible for digital media buys for SEO/SEM and placing digital ads. The Strategic Marketing Services Partner will work with the Strategic Digital Partner on campaigns to ensure consistency**

**of messaging across the Lottery ecosystem (media and owned assets), as well as necessary analytics needs.**

Q.6: Section 2.3.V – SPONSORSHIP AND EXPERIENTIAL MARKETING PROGRAMS: Do you have a list of sponsors that you currently partner with and would like to continue to support moving forward? Sports teams? State agencies?

**A.6: A sample list of current sponsorship includes the following: Buffalo Bills, MSG, Brooklyn Nets, YES Network, New York Islanders, Barclays Center, Buffalo Sabres, New York Mets, New York Yankees, Live Nation, Bleacher Report, MVP Arena, New York State Fair, and Erie County Fair. Sponsorships and experiential opportunities and programs are continually evaluated based on recommendations by the Strategic Marketing Partner as described in the RFP.**

Q.7: Section 5.6 – JOINT PROPOSALS: What are the Commission expectations from joint bidders (non-primary bidder\_ as it relates to requirements for:

- i. Section 3.2.2 – Financial Viability / Financial Statements
  - ii. Preparing all forms in 8.1 Appendices A – M
  - iii. Maintaining Insurance Requirements in Appendix N
  - iv. Securing Bond Requirements in Appendix O
    - a. If the successful bidder is a joint partner response, would the Performance Bond requirement be divided by individual agency responsibility?
- i. A.7: The primary Bidder will be the responsible party and shall complete all required documents. Expected submissions from non-primary Bidders are outlined in the RFP, including, but not limited to, the following: The Financial Viability / Financial Statements: See Section 3.2.A.**
- ii. Appendices A – M: clarifying those documents required based on monetary value of services and/or products during the contract term:**
- 1. Appendix E - Vendor Responsibility Questionnaire (Section 7.3): Required from non-primary Bidder whose services and/or products are valued over \$100,000 for the term of the Contract.**
  - 2. Appendix G - ST-220 Certification (Section 7.6): Required from non-primary Bidder whose services and/or products are valued over \$300,000 for the term of the Contract.**
- iii. Appendix K - Vendor Assurance of No Conflict of Interest or Detrimental Effect: Required by non-primary Bidders. Please refer to Appendix N, paragraph #8.**
- iv. Bonds are the responsibility of the primary Bidder.**

Q.8: Section 2.3.C: Please confirm neither a name nor a resume is required at the time of the proposal submission for the Communications Manager.

**A.8: Confirmed.**

Q.9: Section 2.3.C: Please confirm how many total years of experience the Group Account Director is required to have versus the Account Director, where the requirement is 15 years.

**A.9: An answer to Question 9 will be provided by the Commission with Answers to Round 2 Questions.**

Q.10: Section 2.3.E: Can the dedicated Lottery-related financial management support position be any of the positions (or portions of any of the positions) of the staff plan, or is this required to be an entirely separate resource?

**A.10: Any one of the positions of the staff plan that is 100% dedicated to the account may be designated to serve as the individual responsible for financial management support, who shall be the primary point of contact for financial management support as described in the RFP.**

Q.11: Section 2.3.F.6: This section mentions invoices for multi-jurisdictional marketing services and multi-jurisdictional lottery memberships. Please clarify what this would include.

**A.11: Presuming the Question intended to cite to Section 2.3.E.6, invoicing would include, but not be limited to, pass-through invoices for marketing with multi-jurisdictional partners such as Powerball, Mega Millions and Cash4Life and potential lottery membership fees with organizations such as the North American Association of State and Provincial Lotteries.**

Q.12: Section 2.3.H: Please confirm that the dedicated Project Manager described in this Section is the same dedicated Project Manager specified in the AMT.

**A.12: Confirmed.**

Q.13: Section 2.3.AA: This provision requires Bidders to provide professional legal trademark and copyright services wholly unrelated to the marketing services being solicited under this RFP. This requirement therefore appears misplaced and does not appear consistent with prior Commission procurement practices for similar marketing services or similar professional legal services. Will the Commission consider amending the RFP to remove this section and obtaining those professional legal trademark and copyright services through an existing or new legal services contract?

**A.13: No. Trademark and copyright services relate to the other marketing services being provided under the scope of this RFP. The Successful Bidder will be working with the Commission's Division of Lottery to best use and promote Lottery brands, which could be threatened and damaged if a third party is pirating or otherwise using a Lottery brand that is protected from use by others, and if the Successful Bidder does not assist the Commission to protect its Lottery-related brands in accordance with trademark and copyright requirements**

Q.14: Section 2.3.AA: Because this section asks Bidders to provide professional legal services entirely unrelated to the marketing services under this RFP, it appears inconsistent with the requirement in State Finance Law Section 163(1)(e) that the solicitation be designed "to enhance competition," and related guidance from the Comptroller indicating that solicitation requirements "should avoid being unduly restrictive." Will the Commission consider amending the RFP to remove this provision to enhance competition in accordance with State Finance Law and Comptroller guidance? If the Commission will not remove this requirement, New York State Procurement Guidelines state that if a requirement in the solicitation "results in reduced competition, the agency may need to justify the requirement." Can the Commission please

explain why the inclusion of this provision is justified, and related to the other requirements of this RFP, considering its impact in reducing competition?

**A.14: No. The requirement in 2.3AA is not in violation of State Finance Law § 163(1)(e), as any opportunity offered to potential Bidders to provide services has the ability to enhance competition among such Bidders to provide services desired by the entity issuing the RFP.**

Q.15: Section 2.3.AA and Appendix P: In-house legal departments are retained to represent the relevant company and are not able to provide legal advice to third parties, including clients, due to conflict-of-interest rules and legal ethics obligations. Section 2.3.AA asks the Bidder to provide legal services directly to the Commission, and Appendix P contemplates an attorney and paralegal as Bidder staff. Given that in-house legal counsel for the Bidder would not be able to provide legal representation to the Commission, particularly on work unrelated to the Bidder, how does the Commission anticipate that the requirements of Section 2.3.AA would be serviced or staffed by the Successful Bidder.

**A.15: As noted in 2.3.AA(8), the Successful Bidder would not, itself, be providing the services outlined, but would be procuring third-party provider services on behalf of the Commission, contingent on the Commission's approval. Any resulting contract for payment would be entered into between the Successful Bidder and the third-party provider, with the services provided to the Commission, as the client. Appendix P remains intact to allow Bidders to include legal staffing for any other reason (e.g., vendor contract review), if desired. If a Bidder does not contemplate utilizing legal staff, that Bidder should respond "N/A" for those staffing categories.**

Q.16: Section 2.3.AA: Considering the State Finance Law Section 163(2)(b) requirement of a "clear statement of product specifications, requirements or work to be performed," can the Gaming Commission provide detail regarding the nature, type, scope or duration of the currently anticipated professional legal trademark and copyright services, particularly as they relate to trademarks and copyrights developed by the Commission and third parties entirely unconnected to Bidder services under this RFP? How many trademarks and copyrights does the Commission typically search, file, monitor, protect, and defend each year?

**A.16: The Commission holds approximately 12 federal and/or state trademarks related to New York Lottery branding. Services needed to monitor and maintain trademarks can vary based on renewals, and new opportunities for branding and enforcement. The Commission has not, to date, been a party to intellectual property litigation, but may determine to do so if infringements arise.**

Q.17: Section 2.3.AA: Unlike for trademarks, there is not a complete database for copyrights, and it is not standard to search and monitor copyrights, or to register them. Does the Commission currently search, monitor, or register any copyrights? If not, can the provisions of this section be limited to trademarks?

**A.17: No. The Commission may seek to enforce copyrights if infringements arise.**

Q.18: Section 2.3.AA: This provision requires the Bidder to take on legal obligations for trademarks and copyrights created by the Commission and third parties wholly unrelated to the

Bidder's work. How will the Bidder know what trademarks and copyrights the Commission, and its other vendors are creating that need to be searched and serviced? The Contract additionally makes the Bidder responsible to indemnify for the acts or omissions of the Commission. If the Commission fails to notify the Bidder of a trademark it or its vendor is creating and there is a trademark dispute because the Bidder was unaware the trademark existed and did not search it, is the intent of the Commission to make the Bidder legally responsible for the claim though it is not involved in creating the legal issue? If so, what is the rationale for making the Bidder legally responsible for trademarks and copyrights if did not create and had no knowledge of?

**A.18: The Commission will provide the Successful Bidder with a list of its current registered trademarks and copyrights upon full execution of the Contract resulting from the RFP. The Successful Bidder will not be held responsible if the Commission fails to provide the Successful Bidder with this list or any new registered trademarks and copyrights that the Successful Bidder has not otherwise been involved in creating, searching, or servicing.**

Q.19: Section 2.3.AA: This provision requires the Bidder to be responsible for trademarks and copyrights created by the Commission and other vendors unrelated to the Bidder. How are those trademarks and copyrights currently being serviced? What is the Commission's reason for seeking to transfer all the legal work for these third party or Commission-created materials to an advertising agency not involved in the work?

**A.19: The Commission currently uses third-party services related to these services and contracts directly with legal providers. The change in process is intended to improve efficiency of trademark and copyright enforcement operations.**

Q.20: Section 2.3.AA.8: Will the Commission provide a detailed listing of all "obligations for services that were commenced by or on behalf of the Commission prior to the issuance of the Contract, including, but not limited to, outside legal services" that the Successful Bidder will be required to assume, as well as all entities or individuals currently performing those services?

**A.20: Yes, this information will be provided to the Successful Bidder.**

Q.21: Section 3.2.A.2.A: Please confirm that the financial statements, as well as the consolidated financial statements of the parent company, can be simply linked via web URL to sufficiently answer this requirement.

**A.21: No, the financial statements must be provided in PDF format. Please limit email attachments to 25mb or less. (Multiple email submissions may be utilized to submit larger attachments in appropriately-sized parts).**

Q. 22: Section 3.2.A.2.A: Due to being part of a public company and confidentiality concerns, we do not provide individual agency financial statements. Would the Commission accept consolidated, publicly available financial statements of the Bidder's parent company in lieu of the financial statements of the Bidder's operating division? Also, would the Lottery be amenable to a link to the publicly available financial statements in lieu of embedding in the financial statements (100+ pages) into the proposal response?

**A.22: Pursuant to Section 3.2.A.2.a, the financial statements of the Bidder, as well as the consolidated financial statements of the parent company, shall be submitted. If the Bidder is not a subsidiary of a parent company, but merely a division of/within a company, the company (and not the internal division) would be the Bidder. See Section 3.2.A.2.b regarding a subsidiary's additional obligations if it is relying on a parent company's financial resources. Any financial statements submitted in response to this RFP must be provided in PDF format with the Bidder's submission and be searchable electronically.**

Q.23: Section 3.2.A.3.A: Please provide instruction on how you would like this video included in the proposal. Would a link out to a password protected video platform, e.g., Vimeo or YouTube, work? Or would you like for the video to be embedded within the .doc?

**A.23: If the responsive video file is less than 25MB, email the video file to [officer.contracting@gaming.ny.gov](mailto:officer.contracting@gaming.ny.gov) by the Strategic Marketing Partner RFP deadline. If the responsive video file submission exceeds 25MB, provide a link in your proposal to a password-protected YouTube page and submit an unused thumb drive (with storage capacity to download and save the video file) with the responsive video file to the New York State Gaming Commission, Attn: Contract Unit, 4<sup>th</sup> Floor, One Broadway Center, Schenectady, NY 12305 for receipt by the Strategic Marketing Partner RFP deadline.**

Q.24: Section 3.2.A.3.B: Please confirm that you are looking for “experience with integrated digital projects; development, oversight and maintenance of technical solutions to support digital efforts; digital project management and managing multiple vendor partners; and experience implementing real-time apps.”

**A.24: Section 3.2.A.3.b. of the RFP is amended in the Summary above. This requirement has been removed.**

Q.25: Section 3.2.A.3.C: For the last sentence, “If the experience is provided by a teaming partner or a subcontractor that will provide a major part of the products and services, then experience and contact information of that entity must be included,” please clarify if you are seeking contact information of the subcontractor and/or the client information that the case study is written about.

**A.25: Client contact information must be provided for the Commission to verify qualifying experience of a teaming partner or a subcontractor as it relates to each case study, if applicable.**

Q.26: Section 3.2.A.3.D: Please provide instruction on how you would like this video included in the proposal. Would a link out to a password protected video platform, e.g., Vimeo or YouTube, work? Or would you like for the video to be embedded within the .doc?

**A.26: See answer to Q.23.**

Q.27: Section 5.23:

- a. Would the Commission be willing to provide a notice and cure period for any alleged default?
- b. Also, what “other infractions” are addressed by this section that are not covered in the contract?

**A.27:**

**a. The Commission provides a 30-day period to cure, at minimum.**

**b. “Other infractions” encompasses any other instance, action, or inaction that constitutes an infraction, other than a specific breach or nonperformance of a contract.**

Q.28: Section 5.27: It is customary for an indemnity to be for a party’s own action/inaction, not for the other party’s action or inaction. Can Section 5.27.F.1 be removed? Or, if not, what is the rationale for making the Bidder responsible for the Commission’s or State’s own actions?

**A:28: An answer to Question 28 will be provided by the Commission with Answers to Round 2 Questions.**

Q.29: Section 6.10: The terms of a large government contract will not be the same as for a subcontract for specific services. Can we clarify that by removing “functionally identical to” to make it possible to engage with third party subcontractors based on the nature of their services, while still maintaining terms consistent with the RFP?

**A.29: RFP Section 6.10 is hereby amended to read as follows:**

**All subcontracts shall be in writing and shall contain provisions that are functionally identical to, and consistent with, the provisions of the Contract including, but not limited to, the body of the Contract, Appendix A, Standard Clauses for NYS Contracts, and the RFP. Unless waived in writing by the Commission, all subcontracts between the Successful Bidder and subcontractors shall expressly name the State, through the Commission, as the sole intended third-party beneficiary of such subcontract. The Commission reserves the right to review and approve or reject any subcontract, as well as any amendment to said subcontract(s). Such right shall not make the Commission or the State a party to any subcontract, or create any right, claim, or interest to the subcontractor or proposed subcontractor as against the Commission.**

Q.30: Section 6.10: Please confirm that any subcontractors do not need to complete Appendix K, Vendor Assurance of No Conflict of Interest or Detrimental Effect, as part of the proposal submission.

**A.30: Confirmed.**

Q.31: Section 6.10: If at any time during performance under the Contract, total compensation to a subcontractor exceeds or is expected to exceed \$100,000, that subcontractor shall be required to submit and certify a New York State Vendor Responsibility Questionnaire, as found in Appendix E. Can you please confirm that only the Bidder is required to complete the New York State Vendor Responsibility Questionnaire as part of the RFP submission and **not** any of the proposed subcontractors?

**A.31: Confirmed.**

Q.32: Section 6.13: This section states that IP licensing fees will be applied as set forth in Section 6.7 of the RFP, but Section 6.7 only addresses Bidder fees and non-billable expenses. We understand that these licensing fees will be a third-party cost/expense that will be paid by the Commission. Is that the intent?

**A.32: Yes, new licensing fees incurred after Commission approval will be paid by the Commission.**

Q.33: Section 6.15.A: The materials being provided in connection with the RFP will be provided solely for internal use and any third-party rights will not, therefore, be cleared. Can you clarify what is meant by “unintentional use”? If the Commission uses unfinished or unlicensed materials without consent, the Bidder should not be responsible for any resultant claims.

**A.33: Section 6.15.A is amended and reworded to read as follows:**

**A.** Any and all materials submitted with a Proposal shall not be returned and will be maintained by the Commission as part of the procurement record. It is not the intent of the Commission to use materials submitted with a Proposal for anything other than supporting documentation. However, the Commission will not be held liable for, and will not make any payment based on or related to, the Commission’s current or subsequent ideas, concepts, materials, designs, and/or products, or those of its vendors, that may separately resemble or appear similar to materials submitted with a Proposal.

Q.34: Section 6.15.B: Can the Commission clarify in this section that the Commission will reimburse the Bidder for payments and commissions for union talent as a third-party expense by the Commission?

**A.34: Commission-approved expenses will be reimbursed to the Successful Bidder. See RFP Section 2.3.E.6, Invoicing and Payment.**

Q.35: Appendix B, Section 3: Given that the Successful Bidder will in some circumstances be required to pay subcontractors on an expedited schedule or in advance of the provision of services, can language be added that addresses advance payment terms for expenses, as is already contemplated in Section 2.3.E.6 of the RFP?

**A.35: The first and second paragraphs of Section 2.3.E.6. are amended as follows:**

For production and media services, the Successful Bidder shall ultimately pay invoices of subcontractors and of third-party providers of such services, as approved by the Commission. The Successful Bidder shall present estimates (which must include a breakout of any proposed pre-billing up to fifty percent (50%) of the total estimate) and invoices from subcontractors and from third-party providers to the Commission, for review and potential approval. Upon the Commission’s written approval of an applicable estimate, up to fifty percent (50%) of the total estimated costs for services may be invoiced to the Commission by the Successful Bidder. Thereafter, Successful Bidder shall issue invoices to the Commission for the remaining costs at least thirty (30) days before payment is due to subcontractors and to third-party providers for services rendered, to ensure that the Successful Bidder receives payment from the

Commission prior to the Successful Bidder's deadlines for payment to subcontractors and to third-party providers for such services. All such invoices are subject to adjustment (up or down) prior to final billing. Final billing for actual costs incurred shall not exceed 100% of the original estimated project cost unless approved by the Commission in advance of the Successful Bidder incurring such costs.

The Commission may require the Successful Bidder to pre-bill the Commission for goods and services provided by subcontractors and third-party vendors up to one hundred percent (100%) of the Commission-approved estimated costs. The Successful Bidder shall invoice the Commission upon Commission's written approval of the applicable estimate. The Successful Bidder shall reconcile third-party vendor invoicing for services rendered to the Commission approved estimate and provide to the Commission monthly reconciliation reports until all services have been rendered and paid by the Successful Bidder to third-party vendors for such services. The Successful Bidder shall provide to the Commission a final reconciliation report upon completion of invoicing and services rendered for each Commission-approved estimate. Final billing for actual costs shall not exceed 100% of the estimated project cost unless approved by the Commission in advance of the Successful Bidder incurring such costs.

Q.36: Appendix I, MWBE, Section II(C) and Appendix I-3: Can you confirm whether the allocations in Section II(C) are the correct ones or whether the "all other projects" allocation in Appendix I-3 is correct?

**A.36: The MWBE goal established under this RFP is 30% total (proposed 20% MBE and 10% WBE).**

**If the selected MWBE vendor(s) falls into one of the categories below, credit for MWBE utilization is calculated as follows:**

- **Supplier-vendor that is authorized by a manufacturer as a supplier of the item. The calculation for this type of service is 60% of total contract value.**
- **Broker-vendor that fills requests by ordering, purchasing, or receiving supplies from a third-party supplier rather than out of its own existing inventory. Where a broker-vendor does not provide a substantial service other than acting as an intermediary, only the broker-vendor's fee or mark-up for the intermediary service will count toward MWBE utilization credit.**

Q.37: Appendix I, MWBE Section IV(B-C), and SDVOB Section II(H): The specific firms listed in the MWBE and SDVOB utilization plans may change over the course of the Contract. Therefore, can the Commission clarify that such changes to firms will not put the Bidder in "material breach of the terms of the Contract" so long as the MWBE/SDVOB Contract goals are met?

**A.37: Correct, if the utilization goals are met in accordance with the Commission-approved utilization plan. It is anticipated, however, that the utilization plan will be executed as presented. If the Successful Bidder desires an amendment, the amended**

**plan will require review and approval by the Commission prior to changes being implemented.**

Q.38: Appendix I: Are the MWBE and SDVOB goals measured on an annual basis or quarterly? Please confirm what would qualify the Bidder as being deficient in a calendar year.

**A.38: MWBE and SDVOB goals are calculated in accordance with the state fiscal year beginning April 1<sup>st</sup> thru March 31<sup>st</sup>. It is anticipated that the goals will be met quarterly (on average) in compliance with the Commission-approved utilization plan, ultimately reaching the full fiscal year goal percentage in the final quarter.**

**As noted in paragraph V. of Appendix I, a Bidder would be considered deficient if upon review of the MWBE Utilization Plan, quarterly MWBE Contractor Compliance Reports described in Section VI of Appendix I, or any other relevant information, the Commission determines that the Contractor is failing or refusing to comply with the MWBE Contract Goals, and no waiver has been issued regarding such non-compliance.**

Q.39: Appendix I, SDVOB Section V: What is the damages calculation? This provision and the statute seem to suggest the damages will be set out in the Contract, but they are not included.

**A.39: In accordance with 9 NYCRR § 252.2(s), damages shall be calculated based on the actual cost incurred by the State agency related to the State agency's expenses for personnel, supplies and overhead related to establishing, monitoring, and reviewing certified service-disabled veteran-owned business enterprise programmatic goals.**

Q.40: Appendix P: Is the Bidder permitted to add additional labor categories and Job Titles by Department to this table to build the staff plan as we see fit? For example, there are only two account service positions as part of this staff plan (both in the AMT). If yes, are we able to recreate this table with additional rows.

**A.40: Bidders may add job titles under existing categories in Attachment 2, Pricing Proposal Form, and Appendix P, Year One Estimated Level of Effort. Bidders who wish to add titles to Attachment 2 or Appendix P may do so using the revised documents provided with this Amendment. Bidders may use the original documents included with the RFP if they do not have any additions.**

Q.41: Appendix P: Can you please provide the number of years of experience, job description, or other attributes to help define each of the roles listed in Appendix P?

**A.41: No. As set forth in Section 3.2A.3., the Bidder must demonstrate in its Proposal that its organization is of sufficient size and has the qualifications and experience required to perform the requested services defined in the RFP.**

Q.42: Appendix P: Is the Bidder able to add additional Job Titles to this table based on how they see staffing this contract? If yes, is the Bidder able to recreate this table with the added job titles?

**A.42: See Answer to Q.40.**

Q.43: Attachment 2: Is the Bidder able to add additional Job Titles to this table based on how they see staffing this contract? If yes, is the Bidder able to recreate this table with the added job titles?

**A.43: See Answer to Q.40.**

Q.44: Attachment 2: We are unclear of the definition of “Hourly Labor Rates” included in Attachment 2. It is unclear if the Hourly Labor Rates should be “Direct Labor” only (e.g., Direct Salaries and benefits) and exclude all “Indirect Costs?” Additionally, where should the agency include “Profit,” as that does not seem to be included in the definitions of Direct Labor, Standard Rates or Indirect Costs included in Section 3.3.1 and 3.3.2 of the RFP?

**A.44: It is up to the Bidder to determine what factors should be considered in calculating its Hourly Rates and Indirect Cost percentage to provide the requested services defined in the RFP and to earn profit.**

Q.45: Attachment 2: It is not clear how we should calculate the “Average Labor Rate.” Typically, average rates by department are weighted to more accurately reflect how the business is staffed (e.g., Senior positions typically have smaller dedication % vs. less senior roles which is why a weighted average would more accurately calculate the “Average Labor Rate.”) Additionally, we would like to clarify the calculation of the “Summary of Average Rates.” Is this intended to be a straight average of all departments included in the attachment? Any clarifications in this area would be helpful.

**A.45: Average Labor Rates in the Pricing Proposal should not be weighted by the Bidder. As noted in Attachment 2, Pricing Proposal, Labor Rates will be scored by utilizing the sum of the average labor rate for each functional area.**

Q.46: Attachment 2b: Page 157 of the RFP titled “Attachments” references 4 attachments. Attachment 2a Pricing Proposal Form and Attachment 2b Rate Card are not identified as such in the RFP. “The Pricing Proposal” is included as Attachment 2. However, there does not seem to be an Attachment 2b Rate Card. Please clarify or provide.

**A.46: The Attachments label page is amended to relabel the “Pricing Proposal Form” as “Attachment 2” and to remove “Attachment 2b – Rate Card”.**

Q.47: How many agencies will you select to meet with?

**A.47: All responsive and responsible Bidders will be invited to provide an oral presentation.**

Q.48: Is the incumbent agency in the pitch?

**A.48: The Commission is not privy to this information prior to its receipt of proposals.**

Q.49: Is there a preference for Minority or Women owned companies?

**A.49: Appendix I – EEO, MWBE AND SDVOB PROGRAMS establishes goals for Minority, Women and SDVOB Owned companies.**

Q.50: What do you look for in your ideal agency?

**A.50: See RFP Sections 2.1, 2.2, and 2.3.**

Q.51: Is there a preference for an agency incorporated in NY State?

**A.51: No.**

Q.52: How many participating agencies are in state versus out of state?

**A.52 The Commission is not privy to this information prior to its receipt of proposals.**

Q.53: How necessary is it that the agency has worked on a government account?

**A.53: Government experience is not indicated in Section 1.3 Minimum Qualifications. Any government experience will be evaluated as part of the Technical Scoring. See RFP Sections 3.2.A.3. Experience, and 4.5 Evaluation and Selection Criteria.**

Q.54: Do you anticipate weekly in person status meetings or would some of them be on video/call?

**A.54: We expect to use a combination of in person and videoconference/telephone calls for meetings, as determined by the Commission.**

Q.55: Will agency be responsible for all printing of materials, meaning finding and working with the printers directly?

**A.55: Yes, in accordance with relevant bidding procedures.**

Q.56: Does a NY State Brand Guidelines currently exist or will this be a new document that will need to be developed?

**A.56: There are current New York Lottery brand guidelines.**

Q.57: How much of the budget is allocated to PSAs?

**A.57: For the current fiscal year, approximately 0.23% of the overall budget is being used to produce PSAs.**

Q.58: Will the agency be working with the specific retailers, or will there be a liaison to the key accounts?

**A.58: The Successful Bidder will not work directly with specific retailers (sales agents). If the need arises to involve sales agents in the Successful Bidder's work, the Commission's Division of Lottery staff will act as the liaison between the Successful Bidder and retailers.**

Q.59: Do you require certain levels of security and compliance policy?

**A.59: The Commission requires clarification of this question. Security and compliance requirements are outlined in the RFP.**

Q.60: How much of the budget is allocated to digital versus traditional media?

**A.60: The media budget allocated to the Strategic Marketing Partner contract is not divided between media types. Allocation of media spend will be decided between the Commission and the Successful Bidder based on the Successful Bidder's strategic recommendations.**

Q.61: Can you describe your internal team that the agency will be working with (roles and responsibilities)?

**A.61: It is anticipated that Commission staff in the following Division of Lottery titles will interface with the Successful Bidder: Director of Lottery, Director of Marketing & Sales, Advertising Director, Advertising Supervisor, Digital Director, Research and Program Development Specialist, Retail Operations Manager, Corporate Accounts Manager, and Lottery Marketing Specialist. Roles and responsibilities for these titles will be discussed with the Successful Bidder.**

Q.62: How many FTEs does the current agency have on the account?

**A.62: Staffing changes by fiscal year depending on each fiscal year marketing plan. The Commission is seeking staffing recommendations from Bidders. See Exhibit A - Year One - Fiscal Year Marketing Plan.**

Q.63: Do you have an agency for web development? Or is that something we should plan on including?

**A.63: There is a Strategic Digital Partner for web development.**

Q.64: When determining in-store POS, is there a tiered strategy for retailers based on volume and locations?

**A.64: There is not a tiered strategy for in-store POS currently. Bidders should elaborate on in-store POS strategy capabilities.**

Q.65: How frequently do you change your brand campaign? What is the catalyst for change?

**A.65: There is no set timeframe for brand changes. The catalyst for strategic direction changes would likely be based on performance or research.**

Q.66: What are the biggest challenges right now with the performance of the NY state lottery? Specifically, over the past 18 months.

**A.66: Economic uncertainty, providing timely information to New York Lottery retailers, and growing the retail and consumer base.**

Q.67: What are the most important areas in the next 12 months for NY state to improve upon with this program?

**A.67: Responsible maximization of aid to education contributions, development of innovative and relevant lottery games, expansion of the player base and attraction of new customers (age 18+), sustained relevance among New York's diverse demographics (18+), cultivation of relationships with New York Lottery players and retailers, optimization of New York Lottery distribution channel performance, and adherence to responsible gaming standards.**

Q.68: Will marketing activities and campaigns be solely for the NY Lottery Masterbrand, or will it also include the 6 New York draw games, 3 multi-state games, 35-50 instant scratch off games?

**A.68: The Commission is seeking marketing solutions and recommendations for the Lottery from the Successful Bidder. Specific efforts will be identified through the development of the Strategic and Fiscal Year Marketing Plans.**

Q.69: Are there any key marketing tentpole moments throughout the year that we should be aware of (i.e., always launching a campaign during a certain month of the year)?

**A.69: There are new Scratch-off games launched on a monthly basis, and a number of important marketing windows throughout the year, including high-jackpot advertising which cannot be predicted. See Exhibit A – Year One-Fiscal Year Marketing Plan for current strategic planning on this topic.**

Q.70: How have regulatory changes over the years impacted your communication strategy?

**A.70: Regulatory requirements have positively impacted responsible gaming messaging. This important element of Commission messaging is included in Division of Lottery fiscal year marketing plans.**

Q.71: Is visual identity evolution a part of this engagement?

**A.71: Visual identity evolution can be a part of this engagement.**

Q.72: Is there any marketing work inside the gaming category (or outside the category) that you find inspiring, and why?

**A.72: This will be discussed with the Successful Bidder.**

Q.73: You mention that you have existing research to be analyze – can you elaborate on the types of research that has been conducted already?

**A.73: Research projects to gain consumer and retailer insights and to track marketing performance are ongoing throughout the year. Existing research will be discussed with the Successful Bidder.**

Q.74: Which current or future segments do you see as driving the most growth for the Lottery brand?

**A.74: Consumer segment information will be provided to the Successful Bidder as part of the planning process.**

Q.75: Can you provide an existing event, sponsorship, or sports marketing partnerships we should be aware of and remain active? (For example: New York Islanders Drop Presented by NY Lottery, etc.) Can you share a summary of these partnerships?

**A.75: See answer to Q.6. Partnership details will be provided to the Successful Bidder.**

Q.76: Can you share any key lessons learned and insights from previous sponsorship or experiential marketing efforts that we should know about?

**A.76: These topics will be discussed with the Successful Bidder.**

Q.77: What KPI's are you tracking for your sponsorship and experiential marketing partnerships? Where do you hope to grow/expand?

**A.77: These topics will be discussed with the Successful Bidder. The Commission is seeking sponsorship and experiential marketing solutions and recommendations for the Lottery from the Successful Bidder. Specific efforts will be identified through the development of the Strategic and Fiscal Year Marketing Plans.**

Q.78: Can you share examples of previous promotions (media-driven, contests, or on-site local events) that you feel were "best in class?"

**A.78: The Commission's Division of Lottery has had many successful promotions over the years and is looking for a strategic marketing partner who can strengthen the New York Lottery's potential to engage consumers. Specific prior promotions will be discussed with the Successful Bidder.**

Q.79: What is your assessment of your level of knowledge of the target audience? Have wants, needs, expectations and pain points been defined for each segment or persona?

**A.79: This topic will be discussed with the Successful Bidder.**

Q.80: Has the current user journey(s) been defined and documented?

**A.80: No.**

Q.81: For recruitment purposes, is there an existing customer pool or database that our recruiters can utilize to recruit from?

**A.81: The Commission requires clarification of this question.**

Q.82: For recruitment purposes, are there any legal restrictions that we should be aware of in regard to incentivizing (either through payment or gifts) participants in research studies?

**A.82: The Commission requires clarification of this question.**

Q.83: On p. 18 of the RFP, can you confirm that the Competitive Bidding Purchasing Requirement is not required for any Media buys?

**A.83: Confirmed.**

Q.84: On p. 25 of the RFP, do you have “defined audiences” already established? If so, can you provide your current audience segments? How do you currently adjust defined audiences over time based on insights driven by actual performance?

**A.84: The reference to “defined audiences” on p. 25 refers to the target audience for the campaign being placed as part of the media strategy. Consumer segments will be discussed with the Successful Bidder. Audiences are adjusted based on research.**

Q.85: Please confirm that the mention of digital assets (“i.e., websites, digital signs, mobile applications”) is to create the content for the digital properties, and not to create the digital property, meaning the design and development of a website or mobile app is out of the scope.

**A.85: Confirmed. Content and messaging for any medium may be required, but digital development is out of scope for this RFP.**

Q.86: We do not outsource some types of production services, such as production design and motion design. While we are based in the state of New York, some of our inhouse production services work remotely, outside of the state of New York. Would using our remote production design and motion design resources be considered production work conducted outside of the state of New York?

**A.86: The Commission requires clarification of this question.**

Q.87: For “retailer point-of-sale, displays and in-store marketing materials,” do you require us to oversee and provide QC for print production? Do you have existing print vendor(s) that you want to keep working with?

**A.87: Yes, QC for print production should be provided. Print jobs are generally subject to the Competitive Bidding Purchasing Requirement (Section 2.3.F).**

Q.88: Can you provide an example of previous “lottery events?” Do you have existing event production partners, or would we be responsible for sourcing and managing the event production partners?

**A.88: An example of a previous “lottery event” would be the Lottery’s exhibit at the New York State Fair. The Successful Bidder may be responsible for design, sourcing and managing event production partners, depending on the scope of the event.**

Q.89: Submitting in video format is a compelling and exciting ask. We’re curious about the rationale for choosing this format.

**A.89: This format provides Bidders with another opportunity to provide detail to demonstrate the relevance of qualifications and experience to this RFP.**

Q.90: What was the actual Commission's budget for Strategic Marketing Services for Calendar year 2021?

**A.90: The Commission's Division of Lottery comprehensive marketing budget for Fiscal Year 2021-2022 budget was \$92,000,000.**

Q.91: Schedule of Events: Will the Commission extend the submission date?

**A.91: Yes. See revised Schedule of Events, as posted with Amendment One.**

Q.92: Section 1.2: Would the Commission provide access to (or a reel of) its advertising campaigns and PSAs for the past 5 years?

**A.92: No. Samples of recent New York Lottery advertising and PSAs can be found here: <https://www.youtube.com/user/NewYorkLottery/videos>.**

Q.93: Section 1.2: As strategic marketing services are included in several current NY Lottery contracts; how will responsibilities differ from those recently awarded on the contract for digital services and marketing services provided by your existing partners?

**A.93: The Commission bifurcated digital services from the support provided by the Commission's advertising agency. The Strategic Digital Marketing partner will focus solely on digital marketing solutions rather than as a secondary function of the advertising program. The Strategic Marketing Partner will be a proactive strategic partner to the Commission in the development, evolution and execution of New York Lottery marketing programs, focusing on maximizing sales, innovative solutions, player engagement, responsible gaming, retail optimization and drive to retail efforts.**

Q.94: Section 1.2: What of the following list or otherwise, is included in the annual budget? And will the Commission provide annual spending for the following by year for the past five years:

- a. Monthly Agency Fee (Direct Labor costs)
- b. Production including talent, site rentals, props, editing, sound, music, licensing fees, etc.
- c. Media buy by media type broken out by brand, instant, draw including PSAs
- d. Social media and Interactive
- e. Virtual sets and graphics
- f. Sponsorship and experiential marketing
- g. Print materials
  - i. In-store point of sale
  - ii. Retailer communications
  - iii. Retailer recruitment
  - iv. Sales materials
- h. Permanent point of sale materials and types produced (e.g., neon signs, play centers, metal signs, etc.)
- i. Promotion – materials, and execution
  - i. Consumer – materials, and incentives that come from the Marketing Services budget

- ii. Retailer – materials, and incentives that come from the Marketing Services budget
- iii. Promotional incentive costs that come out of the Marketing Services budget
- j. Events – types of events
- k. Research
- l. Staffing – would the Commission please provide current rates or current blended rate for staffing for each of the following areas:
  - i. Strategy
  - ii. Research
  - iii. Creative
  - iv. Production
  - v. Product Management & Traffic Services
  - vi. Finance
  - vii. Broadcast Production Services
  - viii. Media Services
  - ix. Talent Management & Payment Services
  - x. Proofreading and Editorial Services

**A.94:**

- a. The specific monthly agency fee is based on a percentage markup of labor costs, which has been deemed proprietary. See the table below titled “Spending by Year for Most Recent Five Fiscal Years” for annual expenditures.
- b. FY21-22, advertising production: \$8,501,561
- c. FY21-22, media by topic:
  - Draw Games: \$9,238,610
  - Scratch-Off Games: \$27,900,000
  - “Brand”: \$8,700,000
  - PSAs: \$0
- d. The Commission requires clarification of this question.
- e. FY21-22: \$60,000
- f. FY21-22: \$6,419,253
- g. FY21-22 print by category:
  - In-store POS & Retailer Communication: \$650,000 (could not break out data separately)
  - Retailer Recruitment: \$0
  - Sales Materials: More information needed as to what constitutes printed sales materials outside of the three topics above
- h. FY21-22 (permanent POS in total): \$2,000,000 (includes dispensers, signs, play centers, playslip holders, etc.)
- i. FY21-22 Promotions
  - Consumer: all consumer costs are already in campaign, sponsorship or event numbers elsewhere in this list
  - Retailer: \$202,500
  - Incentives from advertising budget: \$0
- j. FY21-22 Events: \$100,000 (from this advertising budget)
- k. FY21-22 Research: \$342,000
- l. This information has been deemed proprietary.

**Spending by year for most recent five fiscal years:**

Advertising & Promotions Spending by Fiscal Year	FY17-18	FY18-19	FY19-20	FY20-21	FY21-22 (thru 3/15)
<b>ADVERTISING EXPENSE</b>					
Campaigns	\$ 57,930,550	\$ 56,936,148	\$ 49,663,881	\$ 24,386,648	\$ 42,086,527
Digital Marketing (Website, Mobile Apps, Social, Engagement)	\$ 3,643,400	\$ 4,374,897	\$ 3,559,011	\$ 3,548,800	\$ 3,992,382
Retail Advertising & Support	\$ 5,317,411	\$ 4,184,107	\$ 2,316,687	\$ 341,802	\$ 1,635,485
Annual Initiatives	\$ 10,186,373	\$ 11,024,559	\$ 16,721,555	\$ 10,018,337	\$ 18,409,465
Agency Fees	\$ 12,536,628	\$ 12,623,982	\$ 12,556,179	\$ 11,932,785	\$ 11,907,937
<b>Total Advertising Expense</b>	<b>\$ 89,614,362</b>	<b>\$ 89,143,693</b>	<b>\$ 84,817,312</b>	<b>\$ 50,228,374</b>	<b>\$ 78,031,796</b>

Note - Sales and expenses are reported on a cash basis. Actual advertising or promotion expenditures may not correlate to the times of the advertising/promotion run date.

**Q.95: Section 1.2:** Would the Commission please provide current percentage for indirect costs (percentage of indirect labor costs)?

**A.95: This information has been deemed proprietary.**

**Q.96: Section 2.2.E: Statement:** "Meetings may include the Commission's Lottery marketing, sales, product, security, and operations staff and third-party vendors to collaborate and share knowledge that will enrich the Successful Bidder's output..." Will the successful bidder be responsible for developing, managing, and coordinating any sales team meetings? If so, how many per year, and please describe the scope of the successful bidder's involvement.

**A.96: The Successful Bidder will not be responsible for developing, managing and coordinating any Division of Lottery sales team meetings, but may be asked to contribute content or present information at quarterly or annual meetings.**

**Q.97: Section 3.2.C.24: Requirement:** Describe how the Bidder will lead sponsorship and experiential marketing programs to support the Commission's business goals and objectives. Identify the Bidder's resources and staffing structure to support these functions. Please provide the current staffing structure to support sponsorship and experiential marketing programs. Please provide the sponsorship and experiential marketing program past calendar and examples of past programs.

**A.97: For a list of current sponsorship partners, refer to the Answer to Q.6. The Successful Bidder will assist in selecting, developing, negotiating, and contracting for promotional events, sponsorships, sports marketing and other state and local experiential programs to achieve the Commission's business and marketing goals and objectives. See RFP Section 2.3.V. The Successful Bidder will work directly with Commission authorized partners to develop third-party contracts which will be between the Successful Bidder and partner on behalf of the Commission. The current advertising agency does not have a dedicated FTE staffing structure to support sponsorships and experiential marketing programs. The Commission's Division of Lottery current staffing structure to support these programs include Director of Marketing & Sales, Advertising Director, Advertising Supervisor, Digital Director, Senior Lottery Marketing Specialists, and Marketing Specialists. Strategic direction will dictate future staffing structures internally and externally. Examples will be provided to the Successful Bidder.**

**Fiscal Year April 1, 2021- March 31, 2022 sponsorship and experiential marketing program calendar:**

<b>Partner</b>	<b>Month Start</b>	<b>Month End</b>
YES Network	April	March
New York Mets	April	November
New York Yankees	April	November
Live Nation	April	March
Bleacher Report	April	March
MVP Arena	August	April
NYS Fair	August	September
Erie County Fair	August	August
Buffalo Bills	September	January
MSG	October	April
Brooklyn Nets	October	April
New York Islanders	October	April
Barclays Center	October	April
Buffalo Sabres	October	April

Q.98: Section 3.2.C.25: Requirement: Explain the Bidder's capabilities to support promotion management. Please provide the current staffing structure, including full-time and contractors, to support promotion programs. Please provide the past promotion calendar and examples of past programs.

**A.98: See RFP Section 2.3.W. Bidder capabilities should support these requirements. The current advertising agency does not have a dedicated FTE staffing structure to support promotions. The Commission's Division of Lottery current staffing structure to support promotions include Director of Marketing & Sales, Advertising Director, Advertising Supervisor, Digital Director, Senior Lottery Marketing Specialists, and Marketing Specialists. Strategic direction will dictate future staffing structures. Examples will be provided to the Successful Bidder.**

**Fiscal Year 2021-2022 promotion calendar:**

<b>Promotion</b>	<b>Start Date</b>	<b>End Date</b>
The New York Lottery Mets Bullpen Jackpot Promotion	3/29/21	9/5/21
Collect 'N Win	4/1/21	5/31/21
New York Lottery \$1,000,000 PREMIERE	4/6/21	1/3/22
The Mystery of the Missing Ticket	5/14/21	5/18/21
NYL \$5,000,000 Mega Multiplier Vax & Scratch	5/24/21	5/28/21
NYL \$5,000,000 Mega Multiplier Vax & Scratch	5/31/21	6/4/21
Collect 'N Win	6/1/21	7/31/21
NYL \$5,000,000 Mega Multiplier Vax & Scratch	6/7/21	6/11/21
NYL \$5,000,000 Mega Multiplier Vax & Scratch	6/11/21	6/17/21
Collect 'N Win	8/1/21	9/30/21
New York Lottery – Erie County Fair Quick Draw Pint Glass	8/11/21	8/22/21
New York Lottery – Erie County Fair Rain Poncho Promotion	8/11/21	8/22/21
New York Lottery – Erie County Fair Grab Bag Promotion	8/11/21	8/22/21

New York Lottery – Erie County Fair Spin the Wheel Promotion	8/11/21	8/22/21
New York Lottery Take 5 – Erie County Fair 2021	8/11/21	8/22/21
New York Lottery Powerball 3X – Erie County Fair 2021	8/11/21	8/22/21
Collect 'N Win New Year's Rockin' Eve	8/20/21	10/4/21
New York Lottery – New York State Fair Quick Draw Pint Glass Promotion	8/20/21	9/6/21
New York Lottery – New York State Fair Rain Poncho Promotion	8/20/21	9/6/21
New York Lottery – New York State Fair Grab Bag Promotion	8/20/21	9/6/21
New York Lottery – New York State Fair Spin the Wheel/Prize Drop Promotion	8/20/21	9/6/21
New York Lottery Powerball 3X Promotion – New York State Fair 2021	8/20/21	9/6/21
New York Lottery Take 5 – New York State Fair 2021	8/20/21	9/6/21
Take 5 - Twice Daily Campaign 2021 Promotion	9/1/21	9/30/21
Collect 'N Win BACON!	9/7/21	10/31/21
Bacon! Sales Agent Incentive Program 2021	9/7/21	10/31/21
BACON! Wake Up and Smell the Prizes	9/27/21	10/30/21
Buffalo Bills Prize Pack Sack	9/27/21	1/31/22
Collect 'N Win	10/1/21	11/30/21
Sabres Seat Upgrade Promo 2021-22	10/25/21	4/29/22
Collect 'N Win	11/1/21	12/31/21
Holiday CNW Promotion 2021	11/2/21	1/4/22
Holiday Sales Agent Incentive	11/2/21	1/2/22
Holiday Light Showdown	11/10/21	12/16/21
Brooklyn Nets Money Shot Shooting Contest	11/30/21	4/8/22
Collect 'N Win	1/1/22	2/28/22
Collect 'N Win	3/1/22	4/30/22
CNW Take 5 (Second Chance)	1/1/22	2/28/22
CNW X-Series	1/4/22	4/4/22

Q.99: Section 7.1.5: Requirement: Bidders are required to obtain bonds as specified in Appendix O, Bond Requirements. Will the Commission accept standard industry bond forms for the proposal, litigation, and performance bonds?

**A.99:** As long as the bonds comply with the requirements in Appendix O, Bond Requirements, the Commission does not have a preferred format.

Q.100: Appendix P and Attachment 2: Neither Appendix P (Year 1 Estimated Level of Effort) nor Attachment 2 (Pricing Proposal Standard Hourly Rates by Job Title for Contract Years 1-5 and Indirect Costs Markup) identify positions related to the management, coordination, and execution of these programs. Are these services currently outsourced or is the Bidder responsible for modifying these forms based on their projected staffing levels?

**A.100:** See Answer to Q.40.

Q.101: Section 2.3(a)(1): Can we conduct further research in partnership with the Commission, if we identify some learning opportunities during the Strategy Sessions?

**A.101:** Yes.

Q.102: Section 2.3(a)(2): We understand from prior years there was a potential for a performance bonus for the contractor upon achieving defined KPIs – would the Commission be open to reinstating?

**A.102: No.**

Q.103: Section 2.3(a)(2)(a): What are the specific KPIs methodologies towards goals metrics (e.g., SOV queries, benchmarking approach)? How do your goals compare to year over year?

**A.103: The Commission’s Division of Lottery business and marketing objectives and strategic direction drive KPI methodologies which are a collaborative effort between the Commission and Successful Bidder. Sales and aid to education projections are established annually. See link: [https://edit.nylottery.ny.gov/sites/default/files/2021-08/annualReport\\_2021.pdf](https://edit.nylottery.ny.gov/sites/default/files/2021-08/annualReport_2021.pdf) for year-over-year Lottery sales and aid to education performance.**

Q.104: Section 2.3(i): The RFP states “the Successful Bidder shall propose, outsource to a third-party, and analyze research as needed”. Can the Commission please clarify what Research, if any, should be executed by the staff/FTEs to be included in Appendix P and what should be executed by third parties?

**A.104: The RFP requires one dedicated FTE to support research and analytics. The Commission is seeking the Bidder’s recommended approach to supporting research and analysis beyond the dedicated position. Strategic direction will dictate future research needs. See Exhibit A, Year One – Fiscal Year Marketing Plan for first contract year strategy which includes expected research, analysis, and reporting.**

Q.105: Section 2.3(j)(5): Would the community manager(s) be able to liaise with an internal customer care team or partner dedicated to vetting social complaints?

**A.105: Yes.**

Q.106: Section 2.3(k): Is there a time limit or other format restrictions on the creative reel and samples of creative work to be submitted?

**A.106: 20 Minutes. MP4 or MOV. See Section 3.2.A.3.a.**

Q.107: Section 2.3(r): What areas would you like to improve about your current media strategy?

**A.107: The Division of Lottery continually strives to improve the media strategy.**

Q.108: Section 2.3(r): What is your media planning cycle? Annual, weekly, monthly, quarterly?

**A.108: Currently, a broad annual plan is initially laid out with media strategies and tactics planned on a campaign basis. This is not a set process and can be adjusted based on Successful Bidder recommendations.**

Q.109: Section 2.3(r): Can you help quantify the number of campaigns or promotions run for each game/product?

**A.109: Using FY 21-22 as an example, the Division of Lottery ran five Scratch-off game campaigns and three draw game campaigns. Each had additional second chance promotions as part of the effort. See Answer to Q.98 for FY 21-22 promotion calendar. Strategic direction will determine the number and frequency of future campaigns and promotions.**

Q.110: Section 2.3(r): Are there existing sponsorships we should be aware of? Are there sponsorship categories you focus on (sports, arts, entertainment)?

**A.110: See Answer to Q.6.**

Q.111: Section 2.3(r): Can you share any insight into product (games) engagement by geography?

**A.111: Sales data on game play by geography will be shared with the Successful Bidder.**

Q.112: Section 2.3(t): Can you provide a list of all current handles, if any?

**A.112: Handles are specific to each draw. The Commission cannot provide “current” handles.**

Q.113: Section 2.3(t): Do you have a current technology stack for social (publishing, dashboards, content management, etc.) (e.g., Sprinklr, Hootsuite, Tweet Deck, Tableau, etc.)?

**A.113: Yes, Social Bakers.**

Q.114: Section 2.3(t): What’s the current “social” structure, both internally and with Agency Partners?

**A.114: The Commission requires clarification of this question.**

Q.115: Section 2.3(t): Do you have any current Brand Persona, Tone of Voice, Content Strategy playbooks, and if so, how often do you expect to revisit them?

**A.115: Brand standards and guidelines will be provided to the Successful Bidder. Visit [nylottery.ny.gov](http://nylottery.ny.gov) to see current content.**

Q.116: Section 2.3(t)(2): Where does the most current engagement come from (platform and geography)?

**A.116: The Division of Lottery sees the most engagement come from New Yorkers through second-chance platforms.**

Q.117: Section 2.3(u): How do you account for competitive social media spend when building SSOV (Social Share of Voice) targets?

**A.117: This topic will be discussed with the Successful Bidder and future decisions will be made based on strategic direction.**

Q.118: Section 2.3(dd): The RFP states “the hourly rate to be paid for the Successful Bidder while in travel status will be 50% of the hourly rate provided in the Pricing Proposal”. Can the Commission please clarify that this rate is for any staff who are not already included in the Agency Fee as defined in Part Three – Proposal, Section 3.3, Paragraph A?

**A.118: 50% of the Hourly Rates provided in the Successful Bidder’s Attachment 2 will be paid to any staff that are in Commission-authorized travel status. The Successful Bidder shall note travel status by job title and hours worked while in travel status in the Monthly Contractor Staffing Report. See RFP Section 2.3.E.1.**

Q.119: Section 3.2.(3)(b): The RFP requests experience with “integrated digital projects; development, oversight and maintenance of technical solutions to support digital efforts; digital project management and managing multiple vendor partners; an experience implementing real-time apps.” Is this the correct experience to demonstrate, or was this meant to be updated from the Digital RFP from last year?

**A.119: Please see Answer to Q.24.**

Q.120: Section 3.2(c)(13): What are the challenges you are facing with your current creative work? Is there anything you would like to see done differently?

**A.120: The Commission’s Division of Lottery has had many successful creative executions over the years. The Division of Lottery continually seeks to strengthen the New York Lottery’s potential to engage consumers through strategically-aligned creative work.**

Q.121: Section 3.2(c)(16): How do you see us working with the digital AOR in this process?

**A.121: There will be a degree of teamwork and high level of collaboration expected between the two strategic partners to ensure that all work corresponds to the Division of Lottery’s business and marketing goals and its objectives and intended strategy.**

Q.122: Section 5.4(b)(12): The RFP states – “Response to specifications and in the order provided for in this **Part Five – General Requirements for Proposals**, including technical documentation as appendices.” Should this instead be “Part Three – Proposal”?

**A.122:**

Section 5.4.B.12 is hereby amended as follows:

Response to specifications and in the order provided for in this **Part Three – Proposal**, including technical documentation as appendices.

Q.123: Page 159: The list of Attachment indicates that there is an Attachment 2a (Pricing Proposal Form) and an Attachment 2b (Rate Card). The actual attachment is labeled Attachment 2). Please clarify if there is more than one part to Attachment 2.

**A.123: See Answer to Q.46.**

Q.124: Attachment 2: Please clarify whether the hourly labor rate should *include* or *exclude* the indirect labor cost that is to be indicated at the bottom of the form.

**A.124: The hourly labor rate should exclude the indirect labor cost that is to be provided at the bottom of the form.**

###