



**Gaming
Commission**

Gaming Contracting Opportunities

NYS MWBE Forum

October 1, 2015

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Destination Resort Casinos in Upstate New York

Destination Resort Casinos



Upstate New York Gaming and Economic Development Act of 2013

Racing, Pari-Mutuel Wagering and Breeding Law § 1346.6:

“ ... any gaming facility entering into a contract for a gaming facility capitol project shall be deemed to be a state agency, and such contract shall be **deemed to be a state contract, for purposes of article fifteen-A of the executive law and section two hundred twenty-two of the labor law.**”

Gaming Facility Location Board Report

“... the Board recognizes the importance placed upon minority and women-owned business enterprises (MWBE) business participation by the State and encourages contract opportunities for all small businesses including State certified MWBEs ... the Board recommends that the ... Commission ... condition ... licensure [to require] the Applicants to match or exceed Governor Andrew M. Cuomo’s Executive Order establishing a 30 percent goal for MWBE contracting.”

GFLB Report, p. 11.

MWBE Opportunities

Design Contractor and Sub-Contractor

Construction Contractor and Sub-Contractor

Gaming Supplier

Non-Gaming Supplier

MWBE Rules

9 NYCRR § 5311

Minority- and Women-owned Business Enterprise Requirements

- 5311.1 Purpose and scope
- 5311.2 Definitions
- 5311.3 Establishment of utilization plan; plan review
- 5311.4 Quarterly reporting
- 5311.5 Required notification
- 5311.6 Additional deficiency reporting
- 5311.7. Waiver request
- 5311.8 Failure to attain goals; penalty

Gaming Commission MWBE Rules

In general, rules require casinos to:

- Encourage maximum MWBE participation in contracting opportunities.
- Ensure licensees construct gaming facilities and operate in a manner assuring diversity.
- Ensure diversity in contracting with vendors and agents.

Gaming Commission MWBE Rules

Each casino shall:

- Submit MWBE utilization reports for Commission review.
- Include language that promotes MWBE participation in capital project solicitations & all contracts.
- Submit all capital project contracts to the Commission for review and approval.
- The Commission also may access additional records to review MWBE compliance.

Gaming Commission MWBE Rules

Compliance:

- If a facility can't meet MWBE goals, it must fully justify and detail good-faith efforts.
- Any compliance waivers must be publicized before being considered.
- Facilities may be sanctioned – from fines to license forfeiture – for failing to meet the MWBE requirements.

Licensing Requirements

MWBE certification is only part of the equation

Licensing Requirements

Work in the casino gaming industry requires a
Gaming Commission license

Licensing Requirements

Racing, Pari-Mutuel Wagering and Breeding Law § 1326:

This section governs the licensing of:

- Casino vendors
- Ancillary casino vendors
- Vendor registrants
- Temporary service providers

Licensing Requirements

Relevant Types of Applicable Licensing:

- Casino vendor: provides goods or services that directly relate to gaming activity.

Licensing Requirements

Relevant Types of Applicable Licensing:

- Ancillary casino vendor: provides goods or services that are ancillary to gaming activity.

Licensing Requirements

Relevant Types of Applicable Licensing:

- Vendor registrant: provides goods and services but is not a casino vendor or an ancillary casino vendor

Licensing Requirements

Relevant Types of Applicable Licensing:

- Temporary service provider: provides temporary services for no more than 30 days in any 12-month period.

Licensing Requirements

9 NYCRR § 5303.13. Disqualifying criteria.

Subject to notice and an opportunity for hearing, the commission shall deny a license or registration to any applicant who the commission determines is disqualified on the basis of the criteria set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1318.

Licensing Requirements

Racing, Pari-Mutuel Wagering and Breeding Law § 1318

Criteria for disqualification include, but are not limited to:

- Failing to provide information requested by the Commission regarding licensing

Licensing Requirements

Racing, Pari-Mutuel Wagering and Breeding Law § 1318

Criteria for disqualification include, but are not limited to:

- Certain crimes of the applicant or their principal employees involving corruption, embezzlement, theft, fraud or perjury; especially those that form a pattern of misconduct

Licensing Requirements

Racing, Pari-Mutuel Wagering and Breeding Law § 1318

Criteria for disqualification include, but are not limited to:

- Affiliation with individuals or associates that would not qualify for a license

Licensing Requirements

Racing, Pari-Mutuel Wagering and Breeding Law § 1318

Criteria for disqualification include, but are not limited to:

- Abusing business positions for personal gain

Licensing Requirements

Racing, Pari-Mutuel Wagering and Breeding Law § 1318

Criteria for disqualification include, but are not limited to:

- Defying any investigative body examining crimes relating to gaming, corruption or organized crime

Licensing Requirements

Racing, Pari-Mutuel Wagering and Breeding Law § 1318

Criteria for disqualification include, but are not limited to:

- Failing to fulfill child support payments, repay overpaid public assistance benefits or repay debts owed to the state

Licensing Requirements

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Starting the Process

<http://lagoresortandcasino.com/new-york-vendors>

<https://riverscasinoandresort.com/vendors/>

<http://montreign.com/vendors>

Starting the Process

Commission Licensing Forms

- Available BEFORE facility licensing decisions

Outreach Sessions

- In each region to educate interested parties in completing and submitting license application forms

