



RFQual.: T202209A-F – Hearing Officer Services

BIDDER ACKNOWLEDGEMENT OF AMENDMENT

Amendment Number: One
Date Issued: April 3, 2023
Summary: Questions and Answers Attached

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

FIRM NAME: _____

REPRESENTATIVE SIGNATURE: _____

**New York State Gaming Commission
Hearing Officer Services
T202209A-F
Question and Answer Summary – Amendment One
Issued: April 3, 2023**

Q.1: Are the current Hearing Officers at the Gaming Commission considered State employees or contract employees?

A.1: Appendix B – Contract, Section 7 defines the relationship as an Independent Contractor.

Q.2: If the current Hearing Officers are considered State employees, what are their lines, salary grade, bargaining unit, salary range, payroll and working titles?

A.2: N/A

Q.3: If the current Hearing Officers are contract employees, what is their pay rate? Are they paid on an hourly basis or an annual salary? What is the term of the existing contract?

A.3: Appendix B – Contract, Section 3 states the compensation, and Section 2 states the term of the Contract.

Q.4: When did the Gaming Commission last hire Hearing Officer(s)? Was the hiring for a single position or multiple positions?

A.4: The Commission issued a Request for Qualifications on June 24, 2020 for multiple positions.

Q.5: How did the Gaming Commission set the pay scale for its current Hearing Officers? What factors were examined?

A.5: The Commission researched the pay rate offered by other New York State Agencies who contract for hearing officer services.

Q.6: How many hours of work are contemplated for this position (on a weekly basis)?

A.6: Weekly hours of work are not contemplated. Hearing assignments will be episodic. Most hearings last less than one day, followed by marshaling of the record and preparation of a hearing officer report. The time devoted to those tasks would depend on the facts and circumstances of an individual hearing.

Q.7: How many Hearing Officers currently work for the Gaming Commission?

A.7: The Commission has three existing contracts for hearing officer services.

Q.8: Will the newly hired Hearing Officers pursuant to this RFQ be subject to NY Public Officers Law section 74?

A.8: Yes. Section 2.17 of the RFQ is amended to read as follows:

2.17 NEW YORK STATE PUBLIC OFFICERS LAW

Contractor agrees not to engage in any conduct that the Contractor knows would violate or would assist an employee of the Commission in violating Sections 73 and 74 of the Public Officers Law. Contractors, consultants and vendors may hire former State agency or authority employees. However, as a general rule and in accordance with New York State's Public Officers Law, former employees of a State agency or authority may neither appear nor practice before the same State agency or authority, nor receive compensation for services rendered on a matter before the State agency or authority, for a period of two years following their separation from such State agency or authority service. In addition, former State agency or authority employees are subject to a "lifetime bar" from appearing before a State agency or authority or receiving compensation for services regarding any transaction in which they personally participated, or which was under their active consideration, during their tenure with such State agency or authority.