



**Addendum One to RFP #1051: Certified Public Accounting for the Observation and Certification of Lottery Drawings, Ball Weight Certifications, Ball Set Destruction, and Other Engagements**

**Date Issued:** April 17, 2026

**Summary:** This Addendum One to RFP #1051 is being issued to revise an attachment to the RFP, and to answer questions received by the deadline stated in the Schedule of Events.

**Revisions:**

This RFP #1051 is amended to include the following revisions as indicated by deleted language being ~~stricken~~, and amended language inserted in **bold, red, underlined, font**.

**R.1: The Excel document, Attachment 2a – Pricing Proposal, has been updated and is attached to this Addendum 1.**

**Questions and Answers:**

Q1.	<p><b>RFP Reference: Section 2.1 Scope of Work</b>  <b>A. Observation and Certification of Lottery Drawings</b></p> <p>RFP Section 2.1.A states, “Payment will be made based on the hourly rates in the resulting Contract, regardless of the number of games observed and the location of the drawings.” (page 12)</p> <p>If the Gaming Commission makes changes to the drawing schedule that also increases the number of hours outlined in the RFP (Midday 12:30pm-3pm and Evening 6:30pm-11pm + 3:00-4:00pm for the Second Chance and Promotional Draws), please confirm that the Successful Bidder may invoice the Gaming Commission for the additional work hours incurred at the hourly rates accepted as part of this contract in accordance with the “Other Engagements” section of the RFP.</p>
A1.	<p><b>As defined in the RFP, the process for “Other Engagements” is for projects outside of the scope of daily draws. The Gaming Commission currently has no plans to change the draw schedule. In the event of major scheduling changes, the Successful Bidder would receive advanced notice from the Commission with adequate time to plan for such changes.</b></p>
Q2.	<p><b>RFP Reference: Section 2.1 Scope of Work</b>  <b>A. Observation and Certification of Lottery Drawings:</b>  <b>Second Chance and Promotional Draws</b></p> <p>RFP Section 2.1.A states, “The current drawings schedule is as follows (all times referenced herein are Eastern Time (ET)): Either: 12:00-1:00 p.m., 3:00-4:00 p.m., or 8:15-9:15 p.m. (on non-Lotto drawing evenings only).” (page 12)</p> <p>Would the Commission consider consolidating the timing of Second Chance and Promotional Draws so that they occur during periods when Auditors are already present; thereby not incurring additional billable hours to the Commission?</p>
A2.	<p><b>The Commission has determined these additional hours are necessary to facilitate the schedule for Second Chance and Promotional Draws. It is unlikely that these additional hours would occur concurrently within the same week.</b></p>
Q3.	<p><b>RFP Reference: Section 2.1 Scope of Work</b>  <b>D. Other Engagements</b></p> <p>What are examples of “Other Engagements” per Section 2.1.D of the RFP? Are any “Other Engagements” anticipated under the contract?</p>
A3.	<p><b>“Other Engagements” would best be defined as work outside of the standard draw schedule. A recent example is the <i>Million Dollar Raffle</i> draw conducted in October 2025, a one-time drawing coinciding with the anniversary of the Erie Canal. The Commission does not currently have any “Other Engagements” planned.</b></p>
Q4.	<p><b>RFP Reference: Section 3.5 Project Management and Staffing Item 1.</b></p>

	<p>RFP Section 3.5 states, “For all staff identified, provide resumes, including specific examples of similar engagements, and evidence of certifications and licenses (e.g., CPA, CFA) of each, as applicable, and location where each will work.” (page 20)</p> <p>Can the Gaming Commission please confirm that if student interns are utilized as Auditors, it is not expected that they would have evidence of certifications or licenses in their resumes?</p>
A4.	<b>Evidence of certifications and licenses is only applicable to those staff who possess such certifications and/or licenses.</b>
Q5.	<p><b>RFP Reference: Section 3.5 Project Management and Staffing Item 3.</b></p> <p>To support continuity and minimize turnover as described in the RFP, would the Gaming Commission allow the inclusion of one intern enrolled as a second-year undergraduate student, provided all other staffing and supervision requirements are met?</p>
A5.	<b>The Commission would prefer interns to be at least in their third year of undergraduate studies.</b>
Q6.	<p><b>RFP Reference: Section 4.5 Evaluation and Selection Criteria</b></p> <p><b>A. Technical Proposal Evaluation</b></p> <p>RFP Section 4.5.A states, “Bidders that are New York State-certified Minority and Women Owned Business or a New York State-certified Service-Disable Veteran-Owned Business, will receive an additional five (5) points for such status.</p> <p>a. The Bidder is a New York State-Certified Minority-Owned Business; or  b. The Bidder is a New York State-Certified Women-Owned Business; or  c. The Bidder is a New York State-Certified Service-Disabled Veteran-Owned Business; or  Note: Although a Bidder may meet more than one criterion, credit is to be awarded for only one category, not multiple categories.”</p> <p>Can the Commission clarify that only prime bidders that are certified as stated above, may earn these five points? If a prime bidder subcontracts to an MWBE firm or multiple firms, may any of the five points be awarded to that prime bidder?</p>
A6.	<b>Points are assigned based upon Prime Bidder status.</b>
Q7.	<p><b>RFP Reference: Section 4.7 Notice of Award</b></p> <p>Given the proposal due date of May 1, 2026, and the contract start date of June 1, 2026, can the Commission confirm when it expects to send the Contract award notification letter to the Successful Bidder?</p>
A7.	<b>The Commission will send a Tentative Notification of Award letter upon completion of the internal Evaluation process. The Award will not be final until approval by the New York State Office of the State Comptroller.</b>
Q8.	<p><b>RFP Reference: Section 5.4 Proposal Content and Submission</b></p> <p><b>B. Proposal Format</b></p> <p><b>Volume II – Pricing Proposal</b></p>

	<p>RFP Section 5.4.B states, “The Pricing Proposals shall be prepared as directed using the Pricing Proposal: Observation and Certification of Lottery Drawings, Ball Weight Certifications, Ball Set Destruction and Other Engagements, Attachment 2a.” (page 28)</p> <p>Please confirm whether Bidders may submit the Price Proposal within a Word document that includes a cover and Transmittal Letter, along with Attachment 2a, or whether Bidders may only submit Excel Attachment 2a.</p>
A8.	<p><b>Bidders may submit the Pricing Proposal within a Word document that includes a cover and Transmittal letter, along with the Excel Attachment 2a. Any pricing proposals submitted without the Excel document required in §5.4 will not be considered.</b></p>
Q9.	<p><b>RFP Reference: Section 5.23 State’s Reserved Authority</b></p> <p><b>K. negotiate with the Successful Bidder within the scope of the RFP in the best interests of the State</b></p> <p>Upon review of the Request for Proposal (RFP) No. # 1051, titled Certified Public Accounting for the Observation and Certification of Lottery Drawings, Ball Weight Certifications, Ball Set Destruction, and Other Engagements, issued by the New York State Gaming Commission (“Commission”) on March 24, 2026, we noted that it does not include a limitation of liability (LOL) provision.</p> <p>We request your consideration of a Limitation of Liability (LOL) provision. Large firms or partnerships are particularly disadvantaged by not having a LOL provision and therefore there are unintended consequences of limiting competition based on size or corporate structure. LOL provisions are common in the industry, and the effectiveness and enforceability of such a provision has been noted many times in New York legal decisions. The basic principle of a LOL is to cap a contractor’s liability commensurate with the fees to be paid. The clause allows the parties to equitably assess the risks relevant to the particular project, and its inclusion is beneficial to the State as well as to businesses, both large and small. First, a LOL allows a business to evaluate risk and potentially take on more risk than normal because there is some contractual relief available. Second, when an appropriate LOL is negotiated, the State maintains a level of comfort with respect to potential liability that may exist relative to the project. Third, inclusion of a LOL helps promote competition as the pool of offerors will likely increase when potential liability is capped proportional to the project. Thus, the use of a LOL helps protect the State’s interests in obtaining a “best value” while encouraging greater participation by small and large businesses to share in the project’s associated risks. Based on the foregoing, we respectfully request your consideration of a Limitation of Liability provision. This could be accomplished in a couple of ways: Option 1: Issue an addendum to the RFP prior to the Q&amp;A that includes a LOL provision. Option 2: the Commission considers waiting to take a position on the acceptability of an LOL until the evaluation of proposals in response to RFP No. 1051 and allow the parties to propose subject to such a provision if they so choose. By doing so, the State will have the opportunity to weigh a vendor’s requested LOL in connection with the benefits of the vendor’s proposal as well as the risks associated with the vendor’s business structure and capitalization. Further, by weighing acceptability of a LOL as part of the evaluation process, the State may obtain greater competition, which furthers “best value procurement goals.” If Option 2 is considered an addendum should be issued prior to the Q&amp;A with the appropriate updates to the RFP. Thank you for considering this request. We believe consideration of LOL is in the best interest of the Commission to encourage participation from</p>

	<p>firms that might otherwise not propose in the absence of LOL and to promote a “best value” outcome for this important procurement.</p>
A9.	<p><b>No limitation of liability will be added.</b></p>
Q 10.	<p><b>RFP Reference: Section 5.23 State’s Reserved Authority</b>  <b>K. negotiate with the Successful Bidder within the scope of the RFP in the best interests of the State</b></p> <p>Dependent on the Commission’s consideration of a Limitation of Liability (LOL) provision, would the Commission consider using the following language from an RFP issued by the NYS Department of Civil Service? The document is entitled “Appendix B – New York State Department of Civil Service February 2025 Standard Clauses for All Departments” – this was in addition to the “Appendix A - Standard Clauses for New York State Contracts, ver. Sep. 2024.”</p> <p>For all other claims against the Contractor where liability is not otherwise set forth in the Contract as being “without limitation” or not subject to the limitation of liability provisions, and regardless of the basis on which the claim is made, Contractor’s liability under the Contract for direct damages shall be limited to the greater of the following: (i) \$500,000 (Five Hundred Thousand Dollars); or (ii) two (2) times the amounts paid to the Contractor for Project Services under the Contract during the twelve (12) months of the Contract term which precedes the giving of notice of the claim by the State. For this purpose, amounts paid shall include, but not be limited to, payments made electronically, by check, by offset, or by the application of credits from the Contractor to the State. Unless otherwise specifically enumerated herein, neither party shall be liable for any incidental, punitive, consequential, indirect or special damages of any kind which may result directly or indirectly from the performance of this Contract, including, without limitation, damages resulting from loss of use or loss of profit by the State, the Contractor, or by others, however caused and regardless of the theory of liability even if such party has been informed of the possibility of such damages.</p>
A 10.	<p><b>No limitation of liability will be added.</b></p>
Q 11.	<p><b>RFP Reference: Section 5.23 State’s Reserved Authority</b>  <b>K. negotiate with the Successful Bidder within the scope of the RFP in the best interests of the State</b></p> <p>Dependent on the Commission’s consideration of a Limitation of Liability (LOL) provision, would the Commission consider using the following language from a recently executed contract with NYS Office of the State Comptroller?</p> <p>“Notwithstanding anything to the contrary in Contract C0011119, the parties agree that, with respect to the services described in this Engagement Letter, except as otherwise set forth as being without monetary limitation in the indemnification paragraph in Section XVI of the Agreement, the limit of liability shall be as follows: Contractor liability for any damages arising out of, or related to the Agreement, whether in contract, tort or otherwise, shall in no case exceed: (i) an amount equal to two (2) times the amount paid to the Contractor for work performed under this Agreement, or (ii) one million dollars (\$1,000,000), whichever is greater. The provisions of this paragraph shall apply regardless of the form of action, damage, claim, liability, cost, expense, or loss asserted, whether in contract, statute, rule, regulation or tort</p>

	(including but not limited to negligence) or otherwise, and shall survive contract expiration or termination.”
A 11.	<b>No limitation of liability will be added.</b>
Q 12.	<p><b>RFP Reference: Section 6.7 Compensation, Invoicing and Payment</b>  <b>A. Observation and Certification of Lottery Drawings, Ball Weight Certifications, Ball Set Destruction and Other Engagements</b></p> <p>“Except as provided below in Section 6.7(C), the Successful Bidder will not be compensated for direct unbillable expenses, such as travel and other out-of-pocket expenses that are required in the regular course of business.” (page 39)</p> <p>Auditors are expected to be onsite at the Commission Headquarters in Schenectady, NY 365 days/year regardless of weather conditions. In extreme weather conditions, Auditors may incur expenses for travel or lodging that are not part of the regular course of business. In these circumstances, would the Gaming Commission reimburse the Successful Bidder for these out-of-pocket expenses following the same guidelines when requested to travel to a location other than the Commission Headquarters as specified in the RFP on page 40 in section 6.7(A)(2)?</p>
A 12.	<b>Working in extreme weather conditions are a regular course of business for New York State units deemed “Essential”, which includes the Commission’s Lottery Drawings Unit. Therefore, we do not consider extreme weather or other disruptors (pandemics, states of emergency, etc.) outside of the regular course of business.</b>
Q 13.	<p><b>RFP Reference: Section 7.6 Requirements and Procedures for Equal Employment and Business Participation Opportunities for Minority Group Members and New York State Certified Minority/Women-Owned Businesses</b></p> <p>Pursuant to Section 7.6 of the RFP, the MWBE goal established under this solicitation is 15% (7.5% MBE and 7.5% WBE). May the Successful Bidder fulfill the overall MWBE goal of 15% using only a WBE or an MBE?</p>
A 13.	<b>The Goal is to distribute work to both MBE and WBE vendors. The distribution may vary depending upon availability of MWBEs in the field of work.</b>
Q 14.	<p><b>RFP Reference: Section 3.8 Pricing</b></p> <p>The “Attachment 2a – Pricing Proposal Studio Drawing Observations” Excel document provided by the Commission contains the following language in the instructions:  <i>“The hourly rate provided for each year must match the Pricing Proposal - <b>Other Engagements - Attachment 2b and</b> may not change... <b>Attachment 2c - Level of Effort</b> is included for reference and provides historical annual averages by staffing level.”</i></p> <p>Section 3.8 of the RFP states that the Pricing Proposal includes only Attachment 2a - “Observation and Certification of Lottery Drawings, Ball Weight Certifications, Ball Set Destruction and Other Engagements”, and that “Attachment 2b – Level of Effort Used Currently to Perform Services” is provided as a sample to assist the Bidder with its preparation of the Pricing Proposal. There is no reference to an Attachment 2c in RFP #1051.</p>

	Can the Commission please clarify if the language in the “Attachment 2a – Pricing Proposal Studio Drawing Observations” Excel document is a typo and that it should reference Attachments 2a and 2b instead for the current RFP #1051?
A 14.	<b>The Excel document, Attachment 2A – Pricing Proposal, has been revised to remove reference to “Other Engagements – Attachment 2b” and has updated the reference to “Attachment 2c – Level of Effort” to “2b”. Please see R1 to this Addendum 1.</b>
Q 15.	<p><b>RFP Reference: Section 8.1 Appendices Appendix O General Conditions Section B. Specific Coverages and Limits Item 2 Professional Errors and Omissions</b></p> <p>The RFP, Appendix O, <i>Insurer Qualifications and Insurance Requirements, General Conditions, (B) Specific Coverages and Limits, (2) Errors and Omissions</i>, states in part that “Professional Errors and Omissions. The Contractor shall procure and maintain during, and for a period of one year after completion of, this Contract, Professional Errors and Omissions Insurance in the amount of \$100,000,000 issued to and covering damage for liability imposed on the Contractor by this Contract ...”</p> <p>Is the Commission open to negotiating this provision?</p>
A 15.	<b>This was a typographical error. The Commission requires \$5,000,000 in Errors and Omissions Insurance.</b>
Q 16.	<p><b>RFP Reference: Section 8.1 Appendices Appendix O General Conditions Section B. Specific Coverages and Limits Item 2 Professional Errors and Omissions</b></p> <p>Appendix O, Section (B)(2) specifies Professional Errors and Omissions Insurance in the amount of \$100,000,000, which is 100 times greater than the current contract. For context, can the Commission confirm whether this reflects a change in risk allocation or scope from prior solicitations, or whether this amount is intended to reflect standard coverage expectations for this procurement?</p>
A 16.	<b>This was a typographical error. The Commission requires \$5,000,000 in Errors and Omissions Insurance. The increase over the prior contract considers rising costs and expanded scope from prior solicitations.</b>