



**OREGON  
LOTTERY™**

Together, we do good things.

## **REQUEST FOR PROPOSALS**

**NUMBER: 11362**

### **FOR OREGON LOTTERY MEDIA PLANNING AND MEDIA BUYING SERVICES**

THIS IS A GENERAL PROCUREMENT AS DEFINED IN OAR 177-037-0000(2).  
THIS IS ALSO A LARGE PROCUREMENT AS DEFINED IN OAR 177-038-0000(20).

**Issue Date** Friday, November 9, 2018

**Proposal Submission Deadline:** Wednesday, January 16, 2019

By no later than 5:00 p.m. (PT)

Lottery Procurement Analyst: Julie Schmoyer  
Oregon State Lottery  
500 Airport Road SE, Salem, OR 97301  
P: 503-540-1284  
[julie.schmoyer@state.or.us](mailto:julie.schmoyer@state.or.us)

# TABLE OF CONTENTS

## PAGE

<b>SECTION 1: GENERAL INFORMATION</b> .....	<b>3</b>
A. Introduction.	
B. Background.	
<b>SECTION 2: MEDIA SERVICES</b> .....	<b>5</b>
A. Media Planning and Consulting.	
B. Account Management.	
C. Media Buying.	
D. Ownership of Creative Assets.	
E. Meetings and Performance Review.	
<b>SECTION 3: EVALUATION CRITERIA AND SCORING</b> .....	<b>7</b>
A. Step One: Mandatory Requirements.	
B. Step Two: Corporate Capabilities, Evaluation and Scoring.	
C. Step Three: Finalist On-Site Presentations.	
<b>SECTION 4: EVALUATION PROCESS, PROPOSER SELECTION &amp; AWARD</b> .....	<b>16</b>
A. Evaluation Steps, Scoring and Progression – Steps One, Two, and Three.	
B. Proposer Selection and Notice of Intent to Award.	
<b>SECTION 5: INSTRUCTIONS TO PROPOSERS</b> .....	<b>19</b>
A. General Instructions for Proposal Submission.	
B. Changes; Clarification and Solicitation Protest; Addenda.	
C. Proposal Submission Requirements.	
D. Lottery’s Review of Proposals; Contract Award.	
<b>SECTION 6: CHECKLIST</b> .....	<b>25</b>
<b>SECTION 7: SIGNATURE PAGE</b> .....	<b>26</b>
<b>EXHIBIT A: SAMPLE PRICE AGREEMENT</b>	
• Exhibit A: Pricing Schedule.	
• Exhibit B: Lottery’s Branding and Style Guidelines.	
• Exhibit C: Sample Work Order Contract.	
o Sample Work Order Contract Exhibit A: Statement of Work.	
<b>EXHIBIT B: LOTTERY’S BRANDING AND STYLE GUIDELINES.</b>	

# SECTION 1

## GENERAL INFORMATION

### A. INTRODUCTION.

#### 1. PURPOSE.

The State of Oregon acting by and through the Oregon State Lottery Commission (“Lottery”) is seeking Proposals from qualified firms or businesses with demonstrated expertise and experience in delivering media planning and media buying services that support Lottery’s products; programs; or other marketing outreach efforts (“Media Services” or “Services”), as defined in this Request for Proposals (“RFP”).

Under this RFP, Lottery will focus on the media strategy, planning, and buying program (“Media Program”) as defined in Section 1.B.2 of this RFP.

Lottery intends to Award and enter into one (1) price agreement (“Price Agreement”) with the highest-ranked Proposer as a result of this RFP. Lottery anticipates that the resulting Price Agreement will have an initial term of three (3) years. Lottery may, in its sole discretion, negotiate with any successful Proposer additional one (1) year extensions to the Price Agreement, for a total contract term not to exceed five (5) years, unless deemed in Lottery’s best interest as documented by Lottery.

The issuance of this RFP and any resulting Award and administration of a Price Agreement will be governed by the Oregon State Lottery Procurement Rules found in Oregon Administrative Rules Chapter 177, Division 36.

This is a Large Procurement as defined under OAR 177-038-0000(20) as well as a General Procurement as defined under OAR 177-037-0000(2).

#### 2. SOLICITATION DOCUMENTS.

The documents comprising this RFP may be downloaded from the State of Oregon’s Procurement Information Network, commonly referred to as “ORPIN.” ORPIN can be accessed through the following link: <http://orpin.oregon.gov>.

### B. BACKGROUND.

#### 1. LOTTERY’S MISSION.

Lottery’s mission is to operate a statewide lottery with the highest standards of security and integrity to earn maximum profits for the people of Oregon, commensurate with the public good. Lottery is supporting its mission by the objectives, business requirements, pricing requirements and Proposal evaluation approach described in this RFP. The Services requested in this RFP are important to Lottery’s business operations and objectives.

#### 2. MEDIA PROGRAM DESCRIPTION.

Lottery promotes its brand, products, programs, beneficiaries, Responsible Gaming, and Problem Gambling with integrated media campaigns which typically include but may not be limited to digital, broadcast, print, out-of-home and point of purchase media.

Lottery Branding and Style Guidelines.

Any Services must adhere to Lottery’s “Branding and Style Guidelines,” as this document may be revised, (found substantially in the form attached as Exhibit B).

**3. LOTTERY'S BUSINESS OBJECTIVES.**

In issuing this RFP, Lottery seeks to contract with a qualified firm that can partner with the Lottery to help continue to fulfill its mission of maximizing revenue for the State of Oregon, commensurate with the public good.

## **SECTION 2 MEDIA SERVICES**

### **OREGON LOTTERY MEDIA PROGRAM SCOPE OF SERVICES.**

In the event a Price Agreement is Awarded, the successful Proposer will deliver Services that support Lottery's Media Program outlined in Section 1.B.2. The Services, primary tasks and deliverables, will include on-going "Media Planning," "Consulting," and "Account Management" Services. It is also anticipated that Lottery will request Contractor to provide "Media Buying" Services from time to time. However, Lottery does not make any guarantee or representation whatsoever concerning the volume or total value of the Media Services that may be requested under any Price Agreement that results from this RFP, or under any "Work Order Contract" that may be entered into under a resulting Price Agreement, allowing Lottery to plan and place media by other means if necessary.

Media Services may include but may not be limited to Media Planning and Media Buying for digital, broadcast, print, out-of-home, and any other non-traditional advertising, advertisements, or marketing outreach effort that Lottery selects to support its campaign.

As requested by Lottery, the successful Proposer will prepare and deliver a detailed plan that describes the media mix for each integrated campaign to Lottery for its review and approval ("Media Plan").

Media Services tasks and deliverables may include but may not be limited to:

#### **A. MEDIA PLANNING AND CONSULTING.**

During the term of the Price Agreement, the successful Proposer will work proactively with Lottery on an on-going basis to help identify strategic direction in support of Lottery's promotional efforts and in alignment with Lottery's programs or products. This may include general strategic input and consulting; developing briefing stage for clear understanding of business situation; developing objectives and strategies including target, timing, geography, budget, communication goals, and media vehicles; planning development by preparing clear and distinct options based on the delivery of objectives; planning presentations with a clear review of objectives and strategies, options, audience delivery, budget summary, and flowcharts for the selected media; and the like. In its Media Planning and Consulting capacity, the successful Proposer will make recommendations to Lottery on how to effectively reach diverse and multi-cultural audiences, and promote Lottery in a sustainable manner.

The successful Proposer will assign senior staff ("Key Personnel") to perform Media Planning Services under Lottery's account. The successful Proposer will provide Lottery with a written list of all Key Personnel. Lottery's written approval of all Key Personnel is required prior to any Key Personnel performing Services under Lottery's account.

#### **B. ACCOUNT MANAGEMENT.**

The successful Proposer will also provide, during the term of the Price Agreement, on-going Account Management Services to facilitate the day-to-day management, work flow, and Contract administration necessary to successfully perform its Services under the Price Agreement.

#### **C. MEDIA BUYING**

If requested by Lottery, the successful Proposer will provide Media Buying Services for media buy execution that may include placement of insertion orders; buy presentations including programming detail, audience delivery detail, and run schedules; stewardship including weekly monitoring of positioning, ratings and "make-goods;" evaluation of on-going media opportunities/marketplace changes; detailed monthly budget tracking and management; invoice reconciliation; and media

provider payment. Media Buying may also include obtaining “value-added” media and working with Lottery’s sponsorship properties (such as Portland Trail Blazers, Portland Timbers, etc.) on the media components of the associated sponsorship. Media Buying Services may include:

**1. MEDIA NEGOTIATIONS**

The successful Proposer will provide media buy negotiations including analysis of audience data; negotiation of rates, positioning; and added value.

**2. TRAFFIC**

The successful Proposer may also be required to provide media with traffic instructions, and work with creative agencies and/or Lottery staff to obtain physical/electronic materials and traffic to appropriate media outlets.

**3. MEDIA EVALUATION AND ANALYSIS**

The successful Proposer will be required to provide Lottery with post-buy analysis for every campaign, including quarterly analysis of all media which addresses effectiveness of the recommended media buys.

**D. OWNERSHIP OF CREATIVE ASSETS.**

All content and creative assets, including digital advertisements provided by or delivered for Lottery are the exclusive property of Lottery.

**E. MEETINGS AND PERFORMANCE REVIEW.**

1. Upon the issuance of a Work Order Contract, Lottery may provide the successful Proposer with a creative brief. Thereafter, Lottery and the successful Proposer will participate in a kick-off meeting for further discussions relating to the work to be performed under the Work Order Contract and the attendant creative brief. The successful Proposer may be required to attend each kick-off meeting in person at Lottery’s headquarters in Salem, Oregon or, if approved by Lottery in writing, via teleconference or web conference.
2. The successful Proposer must attend a mandatory in-person meeting at Lottery’s main office in Salem, Oregon, six (6) months following the Effective Date of the Price Agreement, to receive its written agency report card from Lottery. The successful Proposer will be evaluated across multiple measures that will address budget, timelines, strategic insight, accuracy, and responsiveness. This performance process will be repeated a minimum of once a year under an effective Price Agreement.

## **SECTION 3 EVALUATION CRITERIA AND SCORING**

**THIS IS A MULTIPLE-TIERED EVALUATION PROCESS.**

**Although this is a Multiple-tiered evaluation process, all proposal materials required to be submitted for both the Step One and Step Two evaluations shall be submitted, on or before the Closing Date/Proposal Submission Deadline identified in Section 5.A.5 of the RFP , as one Proposal as detailed below in this RFP .**

### **A. STEP ONE: MANDATORY REQUIREMENTS. (PASS/FAIL)**

Under Step One of this multi-tiered evaluation process, Written Proposals will be evaluated for compliance with the Pass/Fail requirements set forth in this Section 3.A. below. Proposals that do not pass all requirements in this Section 3.A. will be rejected and eliminated from further consideration.

#### **PROPOSER INFORMATION.**

##### **1. EXECUTIVE SUMMARY. (PASS/FAIL)**

Proposer must provide a brief statement identifying the number of years in business performing the Services and why it is qualified to perform the Services, including its total annual billing by media channel for calendar year 2017; and total annual billing by media channel in Oregon for calendar year 2017.

##### **2. CORPORATE PERMANENT STAFF (PASS/FAIL)**

- a. Proposer must provide a list of names of the permanent staff who will be assigned to perform the Services for Lottery. Permanent staff must not include freelancers or subcontractors. As part of this list, Proposer must include the number of years of relevant experience for each name listed.
- b. Proposer must confirm why it believes its number of permanent staff will be adequate to successfully perform the required Services throughout the term of any resulting Price Agreement.

### **B. STEP TWO: CORPORATE CAPABILITIES, EVALUATION AND SCORING.**

Under this Step Two, Proposals will be evaluated and scored based on Proposer's qualifications and experience as described below in this Section 3.B.

**VOLUNTARY PRE-PROPOSAL CONFERENCE:** All proposers who wish to be considered for this RFP may attend a voluntary conference, held at the Oregon Lottery headquarters, when Lottery will brief the potential proposers on the media planning assignment that the finalists will receive during Step Three.

During this conference, Proposers will have the chance to ask questions and get a better understanding of media marketing at the Lottery and the media planning assignment for Step Three. Proposers are not required to start working on this assignment unless they are notified as a

finalist and are advanced to Step Three. Further details on the final Step Three assignment will be provided at a later time.

**EVALUATION CRITERIA AND SCORING.**

Unless otherwise indicated in subsequent RFP Addenda regarding particular supplemental evaluation proceedings, the members of the Evaluation Committee will use the following rating scale in connection with their scored evaluations of Proposals responding to Section 3.B.1 through Section 3.B.5 (“Administrative Proposal”), and any supplemental evaluations proceeding submissions. The “Pricing Proposal” is addressed in Section 3.B.6.

<b>Rating Scale</b>	
<b>Value Ceiling (% of total points to be awarded)</b>	<b>EXPLANATION</b>
81-100%	OUTSTANDING - Response meets all the requirements and has demonstrated in a clear and concise manner a thorough knowledge and understanding of the subject matter and project. The Proposer provides insight into its expertise, knowledge, and understanding of the subject matter.
61-80%	VERY GOOD – Response provides useful information, while showing experience and knowledge within the category. Response demonstrates above average knowledge and ability with no apparent deficiencies noted.
41-60%	ADEQUATE- Response meets all requirements in an adequate manner. Response demonstrates an ability to comply with guidelines, parameters, and requirements with no additional information put forth by the Proposer.
21-40%	FAIR- Proposer meets minimum requirements but does not demonstrate sufficient knowledge of the subject matter.
0-20 %	RESPONSE OF NO VALUE- An unacceptable response that does not meet the requirements set forth in the RFP. Proposer has not demonstrated knowledge of the subject matter.

The Evaluation Committee will evaluate the Administrative Proposals for completeness and compliance with the requirements of this RFP. Any Price Agreement awarded will be to the highest-scoring, responsive, responsible Proposer, as determined by Lottery. Lottery will determine Proposer Responsibility in accordance with OAR 177-038-0180. Evaluators will; review, score, and rank Proposals according to the scoring criteria set forth in Sections 3.B.1 through 3.B.5. The Lottery Procurement Analyst will review and score the Pricing Proposal according to the scoring criteria set forth in Section 3.B.6. Upon completed review and scored evaluation of these responsive Proposals, evaluators will return the scored Proposals to the Single Point of Contact, who will add the total points for each Proposer.

### Administrative Proposal Scoring (900 Possible Points)

Evaluation Criteria	
Proposer Experience/Expertise	There are 50 possible points available for Section 3.B.5, Place of Business. For Purposes of Proposal Submission, each criterion under Section 3.B.1 through 3.B.4 is equally important but for purposes of scored evaluation the components have different weights. The Evaluation Committee will evaluate these four (4) sections of each Administrative Proposal and allocate 850 points across these four sections. The Evaluation Committee will give equal weight between Proposers with respect to each of these four (4) sections of Administrative Proposal.
Proposer Team/Key Personnel	
Business Approach/ Processes	
Case Study	
Place of Business	
Total Points	900

In the Administrative Proposal scored evaluation, the Evaluation Committee will assess the Proposer's general qualifications and experience as a contractor successfully providing Services in connection with media planning and media buying projects. The Evaluation Committee will also seek to determine whether the Proposer has a proven track record for delivery of quality services, and the potential to consistently deliver such services, over the life of such projects. The Evaluation Committee will also assess the efficacy of the proposed leadership and staff, and staffing plan, in the context of the requirements related to providing Media Services on the scale represented in this RFP, and the relevant qualitative and quantitative experience of proposed Key Personnel and subject matter experts who will be responsible for Proposer's delivery of Services for the project

Considerations include without limitation whether a Proposer:

Has a company profile that reflects the Proposer's present experience, qualifications and resources to provide superior Services now; and the capacity to consistently provide such Services as required in the RFP and in a resulting contract over the life of the resulting contract.

Proposer must provide a clear and concise response to each criterion listed in this Section 3.B. **It is preferable that Proposer restate the criterion, then respond below the criterion description.**

**MEDIA PROGRAM SERVICES (Overall total points possible: 1,000, which includes the total points possible for the Administrative Proposal, Sections 3.B.1 to 3.B.5, and Pricing Proposal, Section 3.B.6)**

Proposers must provide a written response to Sections 3.B.1. through 3.B.6.

**1. PROPOSER EXPERIENCE/EXPERTISE.**

- a. Provide an assessment of its core expertise and any other services that Proposer will offer to Lottery's account and the reason why Proposer is the best fit for the work.
- b. Provide a summary of Proposer's experience in the Oregon media market and include Proposer's regional client list.
- c. Provide a summary of Proposer's experience with sponsorship valuation and media negotiation for sponsorship media properties.
- d. Provide a current client list and the percentage of total billings represented by each.
- e. Indicate whether it currently has, or in the past three (3) years, has contracted with another government entity and explain the type of services performed under the resulting contract or project work as it relates to the Media Program Services.
- f. Identify all new clients that have awarded a contract or project to Proposer during the past three (3) years. Identify any client relationships that have ended during the past three (3) years. The clients identified in Proposer's response to this section may be contacted by Lottery as a reference.
  - i. For new clients, list by each client name the services that were, are, or will be provided and length of each project or contract.
  - ii. For ended client relationships, list by each client name the services delivered, and length of project or contract.
  - iii. Provide Proposer's total dollar media buys billings for the last two (2) calendar years and provide the percentage of billings in each of the following areas: television, digital and social media, radio, print, outdoor, direct mail, collateral, on-line and other, during that time period.
  - iv. List any industry awards or achievements received during the past three (3) years.

## **2. PROJECT TEAM/KEY PERSONNEL.**

- a.** Provide staff names of all full time project and Key Personnel (Key Personnel may include freelancers/subcontractors), who will be assigned to perform Services for Lottery’s account along with the following information:
  - i.** Job title; and
  - ii.** Brief description of proposed role and responsibilities under Lottery’s account.
  - iii.** Identify whether any Key Persons assigned to perform Services for Lottery are subcontractors/freelancers).
- b.** Provide a detailed resume for each Key Personnel identified in Section 3.A.2.a. All resumes should identify the number of years working at Proposer’s business, additional years of relevant experience working at other businesses, and summarize the expertise/knowledge in the areas relevant to each Key Personnel’s proposed assigned role and responsibilities on Lottery’s account.

## **3. BUSINESS APPROACH/PROCESSES.**

- a.** Describe approach to client relationship building and account management.
- b.** Describe Proposer’s approach to on-boarding and understanding client products, brands, and business processes.
- c.** Describe the three (3) most significant changes Proposer has seen in the media landscape, and how they have affected Proposer’s business model.
- d.** Describe Proposer’s approach to effective, day-to-day project communications between the parties.
- e.** Describe Proposer’s approach to ensuring a high-level of transparency for reporting, and keeping Lottery informed of all projects or campaigns, including key issues, approvals, decisions, and developments throughout the Price Agreement.
- f.** Provide a flow chart which illustrates the process from planning to reporting.
- g.** Provide a list of rating service or other media measurement tools Proposer subscribes to (i.e. Nielsen, etc.).

## **4. CASE STUDIES.**

Proposer must provide a case study response of no more than three (3) single sided, 8.5” x 11” pages to the case study details described below (“Case Study Response”). At a minimum, the Case Study Response should succinctly state the objective, strategies, and outcomes associated with the case study details provided. Proposer must provide specific copies of the media plan materials to support its Case Study Response. . Proposer may provide sample media plans with its response.

If Proposer provides more than the three (3) single sided 8.5” x 11” pages for its Case Study Response, Lottery will lower the Administrative Proposal score by five (5) points. **Illustrative Case Study Samples may be provided in addition to Proposer’s Case Study Response. Illustrative Case Study Samples must be provided in pdf. format via thumb drive only. ILLUSTRATIVE CASE STUDY SAMPLES PROVIDED AS HARD COPIES OR LINKS TO THE WEB WILL NOT BE ACCEPTED AND MAY DISQUALIFY POTENTIAL PROPOSERS WHO SUBMIT THEM.**

**Case study details:**

- a. Provide Proposer’s most innovative Oregon based media strategy, media plan, and media buy during the past 24 months; and describe the resulting outcome.
- b. Describe how Proposer integrates multicultural audiences into its Oregon based media planning and media buying and include examples.
- c. Describe how Proposer has stayed current with rapidly changing digital media channels and how these changes have impacted Proposer’s media planning process and ongoing media buy stewardship.

**5. PLACE OF BUSINESS. (Total points possible for this section: 50)**

Proposer must provide its business address from which it will provide the Services, with the exception of billing services. Physical address(es) must be complete and must include the street, city, state, and zip code.

If Proposer will perform the Services from more than one business location, Proposer must clearly state which Key Personnel are located at each business location listed.

The full 50 points will be awarded to each Proposer conducting Services entirely from a business location within the state of Oregon.

No points will be awarded to any Proposer who will perform Services in part from an Oregon business location and an out-of-state business location.

No points will be awarded to Proposers who will perform all Services from an out-of-state business location.

**6. PRICING PROPOSAL. (Total points possible for this section: 100)**

Lottery will add all fees and costs proposed for subsection 3.B.6.a, to the monthly Retainer proposed for subsection 3.B.6.b, to calculate the total proposed price. Lottery will award 100 points to the lowest total proposed price, and a portion of the 100 points possible to each higher total proposed price, calculated as follows:

$$\frac{\text{Lowest Total Proposed Price}}{\text{Proposed Price Being Scored}} \times \text{Total Points Possible (100)} = \text{Pricing Proposal Score}$$

Each Proposer’s Pricing Proposal will be scored with this formula. Identical pricing will result in an identical score. For example, if two Proposers submit equal lowest total proposed prices, each of those Proposer will receive 100 points.

**a. FEES:**

**Please provide Proposer’s best cost estimates (include assumptions, if desired) for all of the following. Lottery may reject all Proposals that do not contain all pricing requested.**

**PROPOSED COMMISSION PERCENTAGES:**

Provide Proposer’s proposed commission percentages for Media Services for each budget amount listed below. For each budget amount, Proposer will assume media is 40% broadcast, 40% digital, 10% print, and 10% out-of-home. In case of error in calculation of proposed commission extended dollar amount, the proposed commission percentage rate will prevail.

<b>Budget amount:</b>	<b>Proposed commission percentage rate:</b>	<b>Proposed commission extended dollar amount:</b> (= budget amount x proposed commission percentage rate)
1. \$5,000,000	%	\$5,000,000 x _____% = \$
2. \$8,000,000	%	\$8,000,000 x _____% = \$
3. \$10,000,000	%	\$10,000,000 x _____% = \$

**b. MONTHLY RETAINER: \$\_\_\_\_\_per month.**

If applicable, provide a monthly fee proposal (“Retainer”) to cover any costs for strategic media planning based on a combined media budget total amount of **\$23,000,000**, and assuming media is 40% broadcast, 40% digital, 10% print, and 10% out-of-home. In other words, all hours that would not be covered by media buying. If a Retainer is not applicable, Proposer will indicate “not applicable” in the “Monthly Retainer” space provided above. An incomplete response to any of the subsections listed below will result in a ten (10) point reduction from the Pricing Proposal score.

**1. Provide any assumptions Proposer used in the development of the monthly Retainer including:**

- i. Is Retainer based on a predetermined number of hours or based on a defined scope of work?
- ii. Is the Retainer built on a rate card or on a blended rate?
- iii. How will the Retainer be reconciled?

iv. Type of activity covered by Retainer (i.e. account management, strategic planning).

**2. Rate Card:**

Provide Proposer's rate card for its proposed Lottery team. Rates should be based on a combined media budget total amount of **\$23,000,000**, and assuming media is 40% broadcast, 40% digital, 10% print, and 10% out-of-home.

**3. Blended Rate:**

Provide a blended rate for Lottery. Rates should be based on both the anticipated volume of work described in this Section 3.B.6.b, and the level of staff that will be needed to provide necessary support.

**C. STEP THREE: FINALIST ON-SITE PRESENTATIONS. (Overall total points possible: 1,000).**

The Step Three media planning assignment will be based on an input brief provided by Lottery at the voluntary pre-Proposal conference referenced in Section 3.B ("Step Three Assignment"). Proposers attending the voluntary pre-Proposal conference will have the opportunity to participate in a discussion of the input brief with Lottery and request clarification of the Step Three Assignment requirements.

On the date specified in Section 5.A.5., Schedule, Lottery intends to identify up to three (3) finalists ("Finalists") who will be given the Step Three Assignment to present to Lottery's evaluation team at Lottery's main office in Salem, Oregon ("Presentation"). However, if there is a natural break in the scores, Lottery may, in its sole discretion, increase or decrease the number of Proposers identified as Finalists and invited to give an on-site presentation of a Lottery-assigned media planning assignment.

Finalists will also be asked to provide references from one or more of the client firms identified by Proposer in response to Section 3.B.1.f. Lottery will provide each Finalist with a written request that identifies the client firm(s) selected by Lottery to be used as reference(s). Upon receipt of Lottery's written notice, Finalists will be required to provide Lottery with contact information for each client firm identified.

The Step Three Assignment and the means of its submission for the on-site Presentation, the scheduling of the on-site Presentation, as well as additional information regarding the submission of references, will be outlined in a Step Three Finalist letter ("Finalist Letter") delivered to each of the Finalists. Finalist and Finalist's Key Personnel identified by Lottery must be available to attend the on-site Presentation during the time period specified in Section 5.A.5., unless otherwise stated in the Finalist Letter.

Presentations will be evaluated and scored based on how well the Proposer demonstrates the competencies identified below in this section.

References will be evaluated and scored based on whether the reference supports Proposer's ability to comply with the requirements of this RFP. Lottery may use references to obtain additional information, break tie scores, and to verify any other information needed. Lottery may contact any reference (submitted or not) to verify Proposer's qualifications.

**Step Three Presentations, references and competencies will be evaluated based on the following criteria:**

1. Strategic thinking.
2. Planning creativity.
3. Integration of traditional, digital, and social media channels.
4. Estimated plan, audience, delivery, and cost.
5. References.

For purposes of Presentations, each of these five (5) criterion is equally important but for purposes of scored evaluation each criterion will have different weights. The Evaluation Committee will evaluate these criteria and allocate 1,000 points across each of these five (5) criterion. The Evaluation Committee will give equal weight between Proposers with respect to each of these five (5) criterion.

**Note:** Proposer will retain ownership of its Presentation materials. Lottery will use Proposer's creative Presentation materials for evaluation purposes only, unless otherwise agreed upon in writing by both parties.

## **SECTION 4 EVALUATION PROCESS, PROPOSER SELECTION AND AWARD**

### **THIS IS A MULTIPLE-TIERED EVALUATION PROCESS**

#### **A. EVALUATION STEPS, SCORING, AND PROGRESSION**

##### **1. STEP ONE:**

###### **MANDATORY REQUIREMENTS (PASS / FAIL)**

Written Proposals will first be evaluated by the Procurement Analyst according to the Mandatory (Pass/Fail) requirements in Section 3.A. Proposals receiving a "Fail" in the criteria listed in Section 3.A. will be rejected and eliminated from further consideration.

Lottery will notify all Proposers of the results of the Step One evaluations in writing via email. The results of the Step One evaluation will be provided at the same time as the results of the Step Two evaluation in accordance with the schedule in Section 5.A.5 of the RFP. There will be no Protest rights at this point for Proposers eliminated from further consideration.

##### **2. STEP TWO:**

###### **CORPORATE CAPABILITIES, EVALUATION AND SCORING (Total points possible: 1,000)**

Lottery will appoint a committee of Lottery personnel ("Evaluation Committee") who will evaluate and score each Proposal successfully passing Step One.

The Evaluation Committee members will independently score each Proposal based on Proposers qualifications and experience as outlined in Sections 3.B.1. through 3.B.5. The Pricing Proposals will be scored as outlined in Section 3.B.6.

The Evaluation Committee will then meet to combine individual scores, including the Pricing Proposal score(s), and will determine Proposer's total average score as its final Proposal score for Step Two. Each Evaluation Committee member has sole discretion to adjust any score the member has assigned, as that member deems necessary, prior to the combining of the individual scores.

Up to three (3) highest-ranking Proposers will be considered Finalists and will be invited to progress to Step Three of the evaluation process. However, if there is a natural break in the scores, Lottery may, in its sole discretion, increase or decrease the number of Proposers identified as Finalists and invited to progress to Step Three of the evaluation process. All other Proposers will be eliminated from further consideration.

Lottery will notify all Proposers of the results of the Step Two evaluation in writing via email in accordance with the schedule in Section 5.A.5 of the RFP. In addition, Proposers advancing to the Step Three evaluation will receive via email a Finalist Letter with the information regarding the Step Three evaluation requirements, criteria, and process as identified in Section 3.C. There will be no Protest rights for Proposers eliminated at the end of the Step One and Step

Two Evaluation process.

### 3. STEP THREE:

#### **ON-SITE PRESENTATIONS, EVALUATION AND SCORING (Total points possible: 1,000).**

Scoring from the Step Two evaluation process will not carry forward to the Step Three evaluation. Instead, Finalists advancing to the Step Three evaluation will have their references and Presentations evaluated by committee members appointed by Lottery and comprised of Lottery personnel (“Step Three Evaluation Committee”).

Lottery’s Step Three Evaluation Committee members will independently score each Proposer’s references and Presentation based on the criteria outlined in Section 3.C.

The Step Three Evaluation Committee will then meet to discuss and combine individual scores and will determine the total average score for each Proposer’s Presentation. Each Evaluation Committee member has sole discretion to adjust any score the member has assigned, as that member deems necessary, prior to the combining of the individual scores.

Lottery intends to Award one (1) Price Agreement to the Proposer with the highest total average Presentation score. However, Lottery reserves the right, if it is in its best interests to do so, as determined by Lottery in its sole discretion, to (i) cancel this solicitation in whole or in part at any time or (ii) reject any or all Proposals.

### **B. PROPOSER SELECTION AND NOTICE OF INTENT TO AWARD.**

#### **1. NOTICE OF INTENT TO AWARD A PRICE AGREEMENT.**

Lottery intends to Award one (1) Price Agreement to the highest-ranked Responsible Proposer as a result of Step Three scoring. After completion of the Step Three evaluation and scoring, **Lottery will issue a written “Notice of Intent to Award” to all Proposers, identifying the successful Proposer.**

#### **2. PROTEST OF AWARD.**

Proposers may protest Lottery’s intent to Award a Price Agreement by submitting a written protest according to OAR 177-038-0220. Accordingly, all protests must comply with the following:

- i. be in Writing,
- ii. state all facts and arguments on which the Proposer is basing its protest in accordance with OAR 177-038-0220(1)(b)(A) or (B),
- iii. be signed by the Proposer,
- iv. delivered to the Lottery Procurement Analyst by the means identified in Section 5.C.2 of this RFP, and
- v. received by Lottery no later than five Days after the date of issuance of the Notice of Intent to Award.

Lottery’s response and any appeals to the decision issued by Lottery in response to Protest will

comply with OAR 177-038-0220.

**3. CLARIFICATION OF PROPOSALS.**

Lottery may request clarification of any item in any Proposal if Lottery determines the request is necessary to properly evaluate a particular Proposal. Lottery will make all requests in writing via email. Proposer must provide its clarification response within twenty-four (24) hours of the time and date of Lottery's request, unless otherwise stated in Lottery's written request for clarification. If Proposer does not provide the required information by the specified deadline, Lottery may reject the Proposal.

**4. REFERENCES.**

In addition to evaluating and scoring references as provided in Sections 3.C. and 4.A.3, Lottery also reserves the right to investigate any and all references and the past performance information provided in the Proposal with respect to any other Proposer. Any such reference checks will include an inquiry into such Proposers successful performance of similar projects, compliance with specifications and contractual obligations, completion or delivery of a project on schedule, and lawful payment of employees and workers.

In addition, Lottery reserves the right to check any and all sources for information and to include sources other than the references provided in any and all Proposer's Proposal. Lottery may consider information available from any such source including government bodies and regulatory authorities in evaluating Proposers.

**5. RESPONSIBLE PROPOSER DETERMINATION.**

Any time prior to Award and execution of a Price Agreement, Lottery may investigate, evaluate and determine whether a Proposer is Responsible in accordance with OAR 177-038-0180 and has not been suspended by Lottery under OAR 177-038-0260. Proposers must provide all information Lottery requests for this purpose. Lottery may determine that a Proposer is not Responsible if that Proposer fails to provide the information Lottery requests. Lottery may postpone Award of a Price Agreement to complete its investigation and evaluation. If Lottery determines that a Proposer is not Responsible, Lottery will reject the Proposal.

## SECTION 5 INSTRUCTIONS TO PROPOSERS

### A. GENERAL INSTRUCTIONS FOR PROPOSAL SUBMISSION.

#### 1. DEFINITIONS.

In addition to the terms defined in this RFP, all other capitalized terms used but not defined in this RFP are defined in OAR 177-038-0000. For purposes of this RFP, "Proposer" and "Proposers" includes a potential Proposer and potential Proposers, respectively.

#### 2. APPLICABLE LAW.

The Oregon Constitution, Oregon Revised Statutes, and Oregon Administrative Rules establish the purpose, powers, duties, and procedural regulatory framework applicable to Lottery. Lottery is subject to the following: Article XV of the Oregon Constitution, Sections 4, 4(a), 4(b) and 4(c); Oregon Revised Statutes ("ORS") chapter 461; and Oregon Administrative Rules ("OAR") Chapter 177, specifically OAR 177-038-0000 through OAR 177-038-0260 (Lottery Procurement Rules) and at OAR 177-037-0000 through OAR 177-037-0070 (Lottery Vendor Disclosure Rules). Proposer should become familiar with these administrative rules and with ORS chapter 461. Lottery Procurement Rules and Lottery Vendor Disclosure Rules are currently accessible at:

<https://secure.sos.state.or.us/oard/displayChapterRules.action?selectedChapter=153>

Oregon Revised Statutes chapter 461 is currently accessible at:

[https://www.oregonlegislature.gov/bills\\_laws/Pages/ORS.aspx](https://www.oregonlegislature.gov/bills_laws/Pages/ORS.aspx)

#### 3. GENERAL PROCUREMENT AND ASSOCIATED BACKGROUND INVESTIGATIONS.

##### **Security Investigation(s); Changes to Approved Persons.**

**This contract has been classified by Lottery as a General Procurement** as defined in OAR 177-037-0000(2). A General Procurement does not, pursuant to OAR 177-037-50(2), require a security background investigation, unless deemed necessary by the Director or the Commission. Should the Director or the Commission determine, at any time during the Term of this Contract, that a background investigation is necessary, Lottery will provide all necessary forms and fingerprint cards, as required, to the Contractor. Proposers may request copies of these forms at any time by contacting the Lottery Procurement Analyst identified in Section 5.A.4.

Lottery may decline to Award the Price Agreement, terminate the Price Agreement, or both, and may prohibit Proposer's use of any Proposer employee, agents, subcontractors, or other Proposer personnel, if Lottery determines that results of a required security background investigation are unsatisfactory.

#### 4. SOLE POINT OF CONTACT.

Proposers will direct all communications and correspondence related to this RFP to Julie Schmoyer, "Procurement Analyst," who is Lottery's designated Sole Point of Contact for all questions regarding this RFP. Proposers will not communicate or correspond with any other Lottery personnel on any matter related to this RFP.

**CONTACT INFORMATION:**

Julie Schmoyer  
Oregon State Lottery  
500 Airport Road SE, Salem, OR 97301  
PO Box 12649, Salem, OR 97309-0649

Phone: 503-540-1284  
Email: [julie.schmoyer@state.or.us](mailto:julie.schmoyer@state.or.us)

**5. SCHEDULE.**

The schedule below represents a tentative schedule of events that will be followed by Lottery in conducting its evaluation and Award process. However, Lottery reserves the right to change the schedule at any time if it is in the best interests of Lottery to do so. If a specified date, such as the Closing Date, is delayed, the rest of the schedule may be adjusted by the same number of days of the delay. All changes in the schedule below shall be made by Addendum in accordance with OAR 177-038-0110.

<b>EVENT</b>	<b>DATE &amp; TIME</b>
<b>Issue Date:</b>	Friday, 11/9/18
<b>Voluntary Pre-Proposal Conference:</b>	Tuesday, 12/4/18 2:00 p.m. – 4:00 p.m. (PT)
<b>Inquiry Submission Deadline for Questions and Requests for Changes or Clarification:</b>	Friday, 12/7/18 by 5:00 p.m. (PT)
<b>Inquiry Response:</b>	Anticipated by Wednesday, 12/12/18
<b>Closing/Proposal Submission Deadline:</b>	Wednesday, 1/16/19 by 5:00 p.m. (PT)
<b>Step-One and Step Two Evaluation Completed &amp; Notification of Results:</b>	Anticipated by Tuesday, 2/12/19
<b>Step Three Finalists Notified:</b>	Anticipated by Thursday, 2/14/19
<b>Step Three Finalist On-site Presentation period:</b>	Anticipated week of 3/18/19
<b>Notice of Intent to Award:</b>	Anticipated week of 3/25/19
<b>Award Protest Deadline:</b>	No later than five (5) Days following issuance of Intent to Award.

**6. VOLUNTARY PRE-PROPOSAL CONFERENCE.**

Lottery will hold a voluntary pre-Proposal conference for this RFP 11362 at the date and time shown in Section 5.A.5. of this RFP, at Lottery’s headquarters, 500 Airport Road, Salem, Oregon. Attendance at the pre-Proposal conference is not required for Proposals submitted by Proposers to be accepted. Proposers may make arrangements to join the voluntary pre-Proposal conference via telephone by contacting the Procurement Analyst identified in Section 5.A.4, via email, by no later than 12:00 p.m. on Tuesday, 12/4/18.

The pre-Proposal conference is an opportunity for Lottery to review with potential Proposers the solicitation process, general requirements for this solicitation, and to provide an in-depth

discussion of the Step Three media planning assignment. Lottery may address questions posed by potential Proposers attending the pre-Proposal conference that are related to the solicitation or may, in the alternative, request that Proposers' questions be submitted, in writing, following the pre-Proposal conference. Lottery is not bound by any information provided during the conference, and all information provided at the conference is not a part of this RFP. The RFP cannot be modified unless made in a written Addendum in accordance with OAR 177-038-0110

## **B. CHANGES, CLARIFICATION AND SOLICITATION PROTEST; ADDENDA.**

### **1. REQUESTS FOR CHANGES AND CLARIFICATION.**

Proposers may request changes to, or clarification of, this RFP by submitting a written request to the Procurement Analyst at the mailing address or email address indicated in Section 5.A.4. of the RFP. This is Proposer's only opportunity to seek changes to, or clarifications of, this RFP. Requests for RFP changes or clarifications are subject to and must comply with OAR 177-038-0120. Accordingly, each request for a change or clarification to the RFP must include a statement of the requested change or clarification, including the reasons for the requested change or clarification, and all relevant information necessary to permit Lottery to make an informed decision for disposition of the request.

Requests for changes or clarifications must be received by Lottery by the deadline identified in Section 5.A.5. of the RFP

Proposers may seek judicial review of Lottery's decision to a request for change or clarification pursuant to ORS chapter 183.

### **2. AWARD PROTEST.**

Award Protests must comply with OAR 177-038-0220 as more fully set forth in Section 4.B.2 of the RFP. All such Award Protests must be submitted in writing, via email, to the Procurement Analyst at the email address indicated in Section 5.A.4 of this RFP claiming that the procurement process is contrary to law or that the RFP, including the contractual terms or specifications, are unnecessarily restrictive, or are legally flawed.

### **3. TIME FOR SUBMITTING CLARIFICATION REQUEST AND PROTEST OF SOLICITATION PROCESS.**

Proposer will submit each request for RFP change or clarification and each solicitation process protest to the Procurement Analyst in a form clearly labeled "Clarification Request or Protest Regarding RFP 11362." The deadline for submission of requests for RFP change, clarification and solicitation process protests is specified in Section 5.A.5 of the RFP Lottery will address all timely submitted requests for RFP changes, clarification and solicitation process protests within a reasonable time following Lottery's receipt of the request or protest and will issue a written response to the Proposer who submitted the clarification request or protest.

### **4. ADDENDA**

Lottery will make all changes to this RFP, if any, by written Addenda according to OAR 177-038-0110.

Proposer must acknowledge receipt of each Addendum unless the Addenda issued states otherwise. To make all such required acknowledgements, Proposer must include with its Proposal response a signed copy of each Addendum issued as part of this RFP

Because this RFP is being issued through the ORPIN system, it is the Proposer's sole

responsibility to check ORPIN regularly through the Proposal Submission Deadline to obtain (and to avoid missing) any issued Addenda.

### **C. PROPOSAL SUBMISSION REQUIREMENTS.**

1. Proposer must submit all required information, responses, and documents as requested in Sections 3.A. and 3.B of this RFP as one Proposal to the Procurement Analyst no later than the Closing Date/Proposal Submission Deadline specified in schedule in Section 5.A.5 of the RFP. Proposals received after the Proposal Submission Deadline are late and will be rejected. All Proposals are firm for one hundred-eighty (180) Days from the Proposal Submission Deadline.

#### **Proposers must submit their Proposals as follows:**

- a. One complete Proposal in written form, which includes the Pricing Proposal, with original ink signature of the individual authorized to legally bind Proposer, and **seven (7) hard** copies of the signed original Proposal; and
- b. One electronic copy of original Proposal on a thumb drive in searchable PDF format;

Submission Requirements for the Step Three evaluation will be set forth in the Finalist Letter.

### **2. PROPOSAL PACKAGING AND MAILING ADDRESS**

Proposer must submit all components of its Proposal packaged in a **SEALED package** addressed as follows:

OREGON STATE LOTTERY  
500 Airport Road SE  
Salem, OR 97301-5075  
Attention: Julie Schmoyer, Procurement Analyst  
RFP 11362 – OREGON LOTTERY BRAND ADVERTISING SERVICES

### **3. FAXED OR ELECTRONIC PROPOSALS**

Faxed or emailed Proposals are **not** permissible and will be rejected.

### **4. PROPOSAL ORGANIZATION**

Proposer should organize its Proposal so that its content corresponds to the order of the requested information and response requirements that appear in this RFP. Please cite the RFP sections to which the Proposal contents pertain or reproduce the text of the RFP requirement immediately prior to Proposers response to that requirement.

### **5. PROPRIETARY INFORMATION AND PUBLIC DISCLOSURE.**

Proposals submitted to Lottery are subject to the Oregon Public Records Law, ORS 192.133through ORS 192.431. If a Proposer claims that particular sections of its Proposal may be exempt from public disclosure under the Oregon Public Records Law, Proposer must specifically identify those Proposal sections and the specific page numbers on which they appear. Proposer also must specify the particular exemptions from disclosure under Oregon Public Records Law upon which the exemption claim is made.

If Lottery receives a public records request for disclosure of any information Proposer claims is exempt from disclosure, Lottery will make a reasonable attempt to notify Proposer of the request prior to release.

**6. PROPOSAL MODIFICATIONS AND WITHDRAWAL.**

Proposals may be modified or withdrawn only according to OAR 177-038-0130.

**7. RECYCLABLE MATERIALS.**

Proposers are encouraged to use recyclable materials for Proposal preparation and packaging, to the maximum extent possible.

**8. COST OF PROPOSING.**

Proposers are responsible for all costs associated with submitting a Proposal in response to this RFP, EXCEPT for Finalists attending on-site Presentation under Step Three of the RFP evaluation process, the following applies:

**STIPENDS.**

Lottery will offer a stipend for Finalist's preparation costs associated with its on-site Presentation. Lottery will base the stipend amount on the speculative creative materials required for the Presentation. The stipend amount will be specified in each Finalist Letter.

**D. LOTTERY'S REVIEW OF PROPOSALS; CONTRACT AWARD.**

**1. LOTTERY'S RESERVATION OF RIGHTS.**

Lottery reserves the right, in its sole discretion to:

- a. Modify or cancel this RFP,
- b. Reject any or all Proposals if it is in the best interests of Lottery to do so.
- c. Extend the Proposal Submission Deadline,
- d. Determine whether a Response does or does not substantially comply with the requirements of this RFP, and
- e. Waive any minor informality pursuant to OAR 177-038-0170,

**2. INDEPENDENT PREPARATION; CONFIDENTIALITY; PUBLICITY.**

Proposer shall prepare its Proposal independently from all other Proposers.

Until a Price Agreement resulting from this RFP is effective, each Proposer must ensure that no employee, agent or representative of Proposer makes available or discusses its Proposal with any elected or appointed official or officer of the State of Oregon, any member of the Oregon State Lottery Commission, or any employee, agent, or representative of Lottery, other than the Procurement Analyst, unless specifically authorized by Lottery or required to do so by law.

Proposers must not issue any press releases or make any statement to the news media pertaining to this RFP, any Proposal, any proposed Price Agreement or the Services to be provided, without Lottery's prior written approval.

**3. PRICE AGREEMENT AWARD AND NEGOTIATIONS WITH ANTICIPATED SUCCESSFUL PROPOSER.**

Lottery intends to Award a Price Agreement to the highest-ranked successful Proposer as a result of Step Three scoring. If a Price Agreement is Awarded, Lottery will negotiate the provisions of the final Price Agreement; including the pricing, payment methodology, and overall Scope of Services with the successful Proposer. Any such final Price Agreement is subject to review and approval by the Oregon Attorney General. If Lottery and the successful Proposer are unable to successfully negotiate a final Price Agreement within 30 days, Lottery may discontinue negotiations with that Proposer and begin negotiations with the Proposer who submitted the next highest-scoring Proposal.

**4. CANCELLATION; REJECTION OF PROPOSALS.**

Pursuant to OAR 177-038-0110 and OAR 177-038-0160 Lottery reserves the right, if it is in its best interests to do so, as determined by Lottery in its sole discretion, to (i) cancel this solicitation in whole or in part at any time or (ii) reject any or all Proposals.

Neither the State nor Lottery is liable to any Proposer for any loss or expense caused by or resulting from the delay, suspension, or cancellation of the RFP, award, or rejection of any Proposal.

**5. PRICE AGREEMENT INFORMATION.**

Lottery and the successful Proposer will negotiate a Price Agreement substantially in the form attached as Exhibit A. Price Agreements are non-exclusive and do not guarantee that any Work Order Contracts will be executed under a resulting Price Agreement.

**6. WORK ORDER CONTRACTS.**

If Lottery requests Services to be provided under the Price Agreement, Lottery and the successful Proposer will execute a Work Order Contract (substantially in the form attached as Exhibit B to the RFP Exhibit A – Sample Price Agreement) for each project awarded to the successful Proposer. All Work Order Contracts will be subject to the terms and conditions of the Price Agreement. The Work Order Contract will describe, in detail, the tasks that are to be performed, the deliverables that are to be delivered, the schedule, and the costs associated with the Services.

## SECTION 6 CHECKLIST

The following checklist is provided to assist Proposers in compiling and submitting their Proposal.

1. **RESPONSE COPIES** (Section 5(C)):
  - 1.1 One (1) original Proposal in written form (including Pricing Proposal). \_\_\_\_\_ (Included)
  - 1.2 Seven (7) hard copies of the signed original Proposal. \_\_\_\_\_(Included)
  - 1.3 One (1) electronic copy of original Proposal (including Pricing Proposal) on thumb drive. \_\_\_\_\_(Included)
  
2. **RESPONSE TO MANDATORY (PASS/FAIL) CRITERIA** (Section 3.A.): \_\_\_\_\_(Included)
  
3. **RESPONSE TO EVALUATION CRITERIA** (Section 3.B.):  
(Including electronic responses (on thumb drive in pdf. format) when required for Illustrative Case Study samples). \_\_\_\_\_(Included)
  
4. **CHECKLIST** (Section 6): \_\_\_\_\_(Included)
  
5. **SIGNATURE PAGE** (Section 7): \_\_\_\_\_(Included)
  
6. **ADDENDA \_\_\_\_ THROUGH \_\_\_\_ RECEIVED & ACKNOWLEDGED,**  
(Include a signed copy of each addendum requiring a signature with Proposal). \_\_\_\_\_YES

## SECTION 7 SIGNATURE PAGE

Proposer will, by its signature below, affirm that:

- a. Proposer has thoroughly read and understands the components and requirements of this RFP and agrees that Lottery is not liable for any claims or subject to any defenses asserted by Proposer based upon, resulting from, or related to, Proposer's failure to understand all requirements of this RFP;
- b. The undersigned is Proposer's authorized representative, that the information provided in the Proposal is true and accurate, and that Proposer understands that providing incorrect or incomplete information may be cause for Proposal rejection or Price Agreement or Service Order termination;
- c. Proposer is submitting the Proposal in response only to this RFP, has made no assumptions based upon either (i) verbal or written statements not contained in the RFP, or (ii) any request for proposals previously issued by Lottery;
- d. Proposer prepared the Proposal independent from all other Proposers, without collusion, fraud, or other dishonesty, or in any other manner that could in any way interfere with fair competition, except as otherwise permitted by law;
- e. Proposer agrees Lottery is not liable for any expenses Proposer incurs or has incurred in either preparing and submitting the Proposal, Price Agreement selection or Price Agreement negotiation process, if any; except for those Proposers' deemed as Presentation Finalists who will be provided a Stipend pursuant to Section 5.C.8.
- f. By submitting a Proposal in response to this RFP, Proposer grants the State of Oregon a non-exclusive, perpetual, irrevocable, royalty-free, worldwide license for the rights to copy, distribute, display, prepare derivative works of, and transmit the Proposal for the purpose of conducting this procurement and to fulfill the State of Oregon's obligations under Oregon Public Records Laws.
- g. **Proposer must state if they have been a party to a contract that was terminated for default within the last five (5) years. "Termination for default" means that Proposer received notice to stop performance due to Proposer's non-performance or poor performance under the contract, the issue of performance was either (a) not litigated, or (b) litigated and determined that the Proposer was in default, and the contract actually was terminated for one (1) or more of the reasons specified in the notice.**

**No**                       **Yes (with details, use a separate page if needed):**

NOTE: Responding positively that Proposer has been a party to a contract terminated for default will not automatically result in a "FAIL" for this criteria. However, if Proposer was a party to a contract terminated for default as described above, then Proposer must submit full details including the other party's name, address and phone number. Lottery will evaluate the facts and may, at its sole discretion, reject the Proposer as non-Responsible on the grounds of Proposer's past performance.

- h. A Proposer who employs or has on its governing boards, as of the submission of this Proposal, Lottery employees or former Lottery employees, must identify such persons and their current position and responsibilities within the Proposer's organization.
- i. If any change in ownership or control of Proposer is anticipated during the twelve (12) months following the Proposal Submission Deadline, Proposer will describe the circumstances of such change and indicate when the change likely will occur.

Proposer has received and duly considered all Addenda to this RFP 11362 (**specifically identify each Addendum by number and return signed Addenda with Proposal**);

