**REQUEST FOR PROPOSALS (RFP)**

**RANDOM NUMBER GENERATOR (“RNG”) SYSTEM FOR MLGCA**

**#2022-15**

**RESPONSES TO WRITTEN QUESTIONS (Q&A #2)**

**June 12, 2022**

This list of questions and responses #2 (Q&A#2) is being issued to clarify certain information contained in the above named Request for Proposals (RFP). The statements and interpretations of Contract requirements, which are stated in the following responses are not binding on the State, unless the State expressly amends the RFP. Nothing in the State’s responses to these questions is to be construed as agreement to or acceptance by the State of any statement or interpretation on the part of the entity asking the question as to what the Contract does or does not require. Some questions have been edited for brevity and clarity, and duplicate questions may have been combined or eliminated.

The following are questions submitted pursuant to the RFP and the State Lottery and Gaming Control Agency’s (“MLGCA”) responses to those questions:

**4. QUESTION:** You request that all proposed solutions should be auditable. Could you please clarify the concept of audit that is required? Does it refer to the mere existence of logging and verification of all processes or do you refer to the possibility of proving the integrity of the draws through non-repudiation?

**ANSWER:** **The MLGCA needs to be able to perform audits to assure that systems and software have not been compromised, the results of live drawings were not rejected by staff, and that results of live and test drawings reflect randomness.**

**5. QUESTION:** . Considering that the deadline to submit questions is June 14th and it may take you some time to answer those questions, bidders will only have a couple of days to properly accommodate eventual clarifications. Furthermore, there seems to be enough time to shift the deadline for proposal submission without compromising the Go Live Date. Would you be willing to postpone the submission deadline for a week?

**ANSWER: The “Proposal Due (Closing) Date and Time” shall be extended until June 28, 2022 at 2:00 p.m. Local Time. (See Amendment #1 to the RFP)**

**6. QUESTION:** There are several requirements that seem disproportional considering the jurisprudence of similar RFPs for digital draw systems and the expected value of the contract. Moreover, these requirements willl increase the costs of the solutions proposed by bidders. In particular, would you be willing to consider reducing the amount of the Errors and Omission Liability to $1,000,000 for annual aggregate?

**ANSWER:** **The Errors and Omissions/Professional Liability Insurance is required to protect the State and the requirement specified in RFP Section 3.6.1 B. shall remain unchanged. The State understands that this cost will be included in the Offeror's total price to be paid by the State, along with other overhead expenses.**

**7. QUESTION:** There are some materials requested here that we do not usually disclose, and we want to be assured they will be kept strictly confidential and only seen by the members evaluating our proposal. Are there any parts of the submission that cannot be marked confidential?

**ANSWER:** **No, an Offeror may identify any information in its Proposal that it considers confidential and/or proprietary commercial information or trade secrets. In accordance with RFP Section 4.8, the Offeror should give specific attention to the clear identification of those portions of its Proposal that it considers confidential and/or proprietary commercial information or trade secrets, and provide justification why such materials, upon request, should not be disclosed by the State under the Public Information Act, Md. Code Ann., General Provisions Article, Title 4 (See also RFP Section 5.3.2.B “Claim of Confidentiality”). Proposals shall be open to public inspection only after Contract award, to the extent permitted by the PIA. Upon request for this information from a third party, the Procurement Officer is required to make an independent determination whether the information must be disclosed.**

**8. QUESTION:** Will the evaluation committee have outside experts with well-documented knowledge in RNG? If not, will you seek references from 3rd party experts?

**ANSWER: In accordance with RFP Section 6.1, Evaluation of Proposals will be performed in accordance with COMAR 21.05.03 by a Committee established for that purpose and which will be appointed by the Director. The MLGCA reserves the right to utilize the services of individuals outside of the established Evaluation Committee for advice and assistance, as deemed appropriate.**

**9. QUESTION:** . The Offeror would like to submit alternative acceptable securities to the required bonds. In particular, we intend to submit one of the following: a bank certified check, bank cashier's check, bank treasurer's check. How should we hand-in such a security?

**ANSWER: In accordance with RFP Section 4.38.5, the items stated would be acceptable forms of security. They should be included within the Offeror’s Technical Proposal, or, the Offeror may contact the Procurement Officer to arrange for other delivery of such items.**

**10. QUESTION:** You request five financial institutions as references. Our option has always been to work with a limited number of financial partners. Would you consider reducing the number of references to three?

**ANSWER: An Offeror should provide financial references that can attest to the Offeror’s credit worthiness. If the Offeror is unable to provide five references, the Offoror should so state in its Proposal along with an explanation of why it cannot provide five references as requested. The adequacy of the references provided will be evaluated as part of the evaluation process.**