

ARKANSAS LOTTERY COMMISSION

Responses to GTECH Questions for the ALC Instant Ticket Lottery Game Services RFP

ALC Response to Page 1 Question 1: Please refer to the Second Addendum to the ALC Instant Ticket Lottery Game Services approved on July 15, 2009, and the Arkansas Lottery Commission Major Procurement Rules.

ALC Response to Page 1 Question 2: Please refer to Section "Past Performance" in the ALC Instant Ticket Lottery Game Services approved on June 19, 2009, and the Arkansas Lottery Commission Major Procurement Rules.

ALC Response to Page 2 Question 2: The ALC has no authority to exempt any potential vendor from compliance with any requirement found in Governor's Executive Order EO-98-04. Please refer to EO-98-04 for clarification of its requirements.

ALC Response to Page 3 Question 3: Please refer to Section 1.2 "Schedule of Events" of the original Request for Proposal approved on June 19, 2009. That section references applicable dates.

ALC Response to Page 3 Question 4: Please refer to the ALC website for the original Instant Ticket Lottery Game Services Request for Proposal approved on June 19, 2009, the Addendum to the Request for Proposal approved on June 30, 2009, and the Second Addendum to the Request for Proposal approved on July 15, 2009, and the Official ALC Instant Ticket Lottery Game Services Proposal Price Sheet to be used in relation to the ALC Request for Proposal for Instant Ticket Lottery Game Services The web address is: <http://lotterycommission.arkansas.gov/index.html>

ALC Response to Page 4 Questions 1, 2, 3 and 1.1 and 1.2: Please refer to the ALC website for the original Instant Ticket Lottery Game Services Request for Proposal approved on June 19, 2009, the Addendum to the Request for Proposal approved on June 30, 2009, and the Second Addendum to the Request for Proposal approved on July 15, 2009, and the Official ALC Instant Ticket Lottery Game Services Proposal Price Sheet to be used in relation to the ALC Request for Proposal for Instant Ticket Lottery Game Services The web address is: <http://lotterycommission.arkansas.gov/index.html>

ALC Response to Page 5 Questions , 1.2.1, 1.2.2, 1.2.3, 1.2.4 and 2: Please refer to the ALC website for the original Instant Ticket Lottery Game Services Request for Proposal approved on June 19, 2009, the Addendum to the Request for Proposal approved on June 30, 2009, and the Second Addendum to the Request for Proposal approved on July 15, 2009, and the Official ALC Instant Ticket Lottery Game Services Proposal Price Sheet to be used in relation to the ALC Request for Proposal for Instant Ticket Lottery Game Services. The web address is: <http://lotterycommission.arkansas.gov/index.html>

ALC Response to Page 6 Question 5: The ALC response to this question is “yes.”

ALC Response to Page 6 Question 6: Please refer to the Second Addendum to the Instant Ticket Lottery Game Services RFP approved on July 15, 2009.

ALC Response to Page 6 Question 7: Please refer to the Second Addendum to the Instant Ticket Lottery Game Services approved on July 15, 2009.

ALC Response to Page 6 Question 8 a. and b.:

- a. The ALC response to this question is yes.”
- b. Please refer to the Second Addendum to the Instant Ticket Lottery Game Services RFP approved on July 15, 2009.

ALC Response to Page 6 Question 9: Please refer to the Arkansas Lottery Commission Rules of Practice and procedure, which can be found at the following address: http://lotterycommission.arkansas.gov/rules_and_enabling_legislation.html

ALC Response to Page 7 Question 10: The ALC response to this question is “no.”

ALC Response to Page 8 Question 11 a. and b.: The ALC response to these questions is “no.” The ALC notes that nothing contained in the original Request for Proposal approved on June 19, 2009, the Addendum to the Request for Proposal approved on June 30, 2009, and the Second Addendum to the Request for Proposal approved on July 15, 2009, shall be construed as a waiver or other limitation of its sovereign immunity as described in Ark. Code Ann. §23-115-208. Any claims or in contract or tort shall be against the ALC shall be presented in accordance with that subchapter of the Arkansas Scholarship Lottery Act.

ALC Response to Page 9 Question 12 a. and b.:

ALC Response to Sub question a. Please refer to the Second Addendum to the Instant Ticket Lottery Game Services RFP approved on July 15, 2009, specifically to the new language as follows: "The Successful Vendor grants to the ALC an **annual**, royalty-free license." (emphasis added).

ALC Response to Sub question b.

- (i) Please refer to the Second Addendum to the Instant Ticket Lottery Game Services RFP approved on July 15, 2009, specifically with regard to the following language: "The Successful Vendor agrees to grant the ALC non-exclusive intellectual property rights for online games and properties owned by the Vendor at no cost during the term of the Contract **period** of this Proposal.";
- (ii) Please refer to the ALC response to Question b(i) above;
- (iii) Please refer to the Instant Ticket Lottery Game Services RFP as amended by the Second Addendum approved on July 15, 2009, particularly to the following language: "The Successful Vendor grants to the ALC an annual, royalty-free license to use and **sublicense** the use of any and all proprietary materials owned by it . . .". (emphasis added);
- (iv) Please refer to Section 1.19 of the Instant Ticket Lottery Game Services, specifically to the following language: ". . . and the Successful Vendor irrevocably grants to the ALC the necessary rights and authority to modify such proprietary materials **and to create the derivative works in any manner the ALC deems necessary**. It is the intent of the ALC that it have control over such proprietary materials in a manner consistent with ownership thereof." (emphasis added).

ALC Response to Page 10 Question 13 a., b. and c.:

ALC Response to Sub question a. Please refer to Section 1.19 of the Instant Ticket Lottery Game Services RFP approved on June 19, 2009. With regard to that section, specifically refer to the following language: "A necessary component of such operations is for the ALC to have access to the source code, operational diagrams, and other proprietary materials so that the ALC, or contractors engaged by the ALC, if the Successful Vendor is unable or unwilling to supply upgrades, modifications, or other necessary support, can perform such functions so as not to jeopardize the operation of the Lottery. The Contract will require that the Successful Vendor deposit the source code and other

proprietary materials with an independent third party to be accessed by the ALC in the event of expiration or termination of the Contract."

ALC Response to Sub question b: Please refer to the ALC response to sub question a above;

ALC Response to Sub question c: Please refer to the Arkansas Freedom of Information Act, Ark. Code Ann. § 25-19-101 *et seq.* The ALC will abide by the laws of the State of Arkansas.

ALC Response to Page 11 Question 14: Please refer to Request for Proposal Section 4.1 "Pricing Formula" which outlines the single costs quotation.

ALC Response to Page 11 Question 15 a. and b.: These two questions ask for a legal opinion which the Arkansas Lottery Commission is not statutorily empowered to issue. Please refer to the Request for Proposal section 1.28 "Ongoing Performance Requirements."

ALC Response to Page 12 Question 16 a., b. and c.: Please refer to the Arkansas Lottery Commission Major

Procurement Rules. A copy of said rules can be found at the website address of the Arkansas Lottery Commission. The website address is as follows: <http://lotterycommission.arkansas.gov/index.html> In addition, the code section cited for Arkansas procurement Laws is not applicable to the Arkansas Lottery Commission.

ALC Response to Page 12 Question 17: The ALC responds that the term "tickets samples" refers to retailer samples that are printed and delivered with the game.

ALC Response to Page 13 Question 18: The ALC response is that omitted packs with breaks in the book numbering is allowed.

ALC Response to Page 13 Question 19: Please refer to the Second Addendum to the ALC Instant Ticket Lottery Game Services approved on July 15, 2009.

ALC Response to Page 13 Question 20: Please refer to the Second Addendum to the ALC Instant Ticket Lottery Game Services approved on July 15, 2009.

ALC Response to Page 13 Question 21: Please refer to the Arkansas Scholarship Lottery Act, code section Ark. Code Ann. §23-115-(d)(3).

ALC Response to Page 13 Question 22: The ALC will provide this information once it becomes available.

ALC Response to Page 14 Question 23: Please refer to the Second Addendum to the ALC Instant Ticket Lottery Game Services approved on July 15, 2009.

ALC Response to Page 14 Question 24 Sub questions (1) & (2): For each sub question, please refer to Section 5.4 "Disclosure of Litigation" of the original Request for Proposal approved on June 19, 2009.

ALC Response to Page 14 Question 25 (1) and (2):

ALC Response to Sub question 1.: The ALC responds that the term "new" is not used in the Request for proposal. Please refer back to Section 5.6 "Project Staff" of the Request for Proposal approved on June 19, 2009.

ALC Response to Sub question 2.: Please refer to Section 5.6 "Project Staff" of the Request for Proposal approved on June 19, 2009, wherein states that "each person's responsibilities and duties must be outlined and detailed resumes must be provided."

ALC Response to Page 15 Question 26:

ALC Response to Sub question 1: Please refer to the Arkansas Lottery Commission Major Procurement Rules and the Arkansas Scholarship Lottery Act as codified in Ark. Code Ann. §23-115-101 and §6-85-201.

ALC Response to Sub question 2: The ALC will act pursuant to the laws of the State of Arkansas, specifically the Arkansas Freedom of Information Act codified as Ark. Code Ann. §25-19-101 et seq.

ALC Response to Page 16 Question 27: Please reference Section 1.3 "Caution To Vendors" Item 5 in the original Instant Ticket Lottery Game Services Request for Proposal.

