

**Request for Proposal**

**23-01**

**STATE LOTTERY COMMISSION OF INDIANA**

**Solicitation For:**

**Consultant Services/Statistical Analysis of Utilization**

**Response Due Date: JANUARY 11, 2023 by 3:00pm EST**

Chuck Taylor, Director of Legal Affairs & Compliance

Hoosier Lottery

1302 North Meridian St., Suite 100

Indianapolis, Indiana 46202

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## SECTION ONE

**GENERAL INFORMATION AND REQUESTED PRODUCTS/SERVICES**

#### INTRODUCTION

In accordance with Indiana statute, including, IC 4-30-3 and 65 IAC 2-1-7, this Request for Proposal (RFP) is being posted by the State Lottery Commission of Indiana (“Hoosier Lottery” or “Lottery”). Hoosier Lottery seeks professional services by a qualified organization to conduct a statistical analysis of utilization study of Hoosier Lottery contracts with retailers and vendors to ascertain the availability of Minority Business Enterprises (MBEs) and Women Business Enterprises (WBEs) as prime contractors and subcontractors, in accordance with IC 4-30-1-2. Hoosier Lottery expenditures to be studied are the specifically defined areas of construction, professional services, other services, and supplies.

The service performed in this RFP must fulfill the following objectives for the Hoosier Lottery:

* Establish the primary basis for determining the extent the Hoosier Lottery’s expenditures should be subject to a MBE and/or WBE remedial program.
* Establish a basis by which the Hoosier Lottery will renew or originate new goals that govern the participation of MBEs and WBEs in procurement processes authorized by law.
* Evaluate the need for the development of programs to enhance the Hoosier Lottery’s current MBE/WBE program and establish such recommendations.
* Address and recommend resolution for the concerns expressed by the U.S. Supreme Court in the *City of Richmond v. J.A. Croson.* 488 U.S. 469 (1989).

It is the intent of Hoosier Lottery to solicit responses to this RFP in accordance with the statement of work, proposal preparation section, and specifications contained in this document. This RFP is being posted to the Hoosier Lottery website ([https://hoosierlottery.com](https://hoosierlottery.com/)) for downloading. A nominal fee may be charged for providing hard copies. Neither this RFP nor any response (proposal) submitted hereto are to be construed as a legal offer.

#### DEFINITIONS AND ABBREVIATIONS

Following are explanations of terms and abbreviations appearing throughout this RFP. Other special terms may be used in the RFP, but they are more localized and defined where they appear, rather than in the following list.

IAC Indiana Administrative Code

IC Indiana Code

Commission State Lottery Commission of Indiana

Full Time Equivalent The Hoosier Lottery defines FTE as a measurement of an employee's

(FTE) productivity when executing the scope of work in this RFP for a specific project or contract. An FTE of 1 would mean that there is one worker fully engaged on a project. If there are two employees each spending 1/2 of their working time on a project that would also equal 1 FTE

Implementation The successful implementation of consultant services for Hoosier Lottery as specified in the contract resulting from this RFP

Installation The delivery and physical setup of products or services requested in this RFP MBE Minority Business Enterprise

Products Tangible goods or manufactured items as specified in this RFP Program Minority and Women Business Enterprises Program

Proposal A bid, proposal, quote, or other response to a solicitation.

Respondent A person who submits a bid, proposal, quote, or other response to a solicitation.

Services Work to be performed as specified in this RFP

Hoosier Lottery The State Lottery Commission of Indiana

Study The statistical analysis of utilization, frequently referred as, the disparity study Total Bid Amount The amount that the respondent proposes on Attachment D that represents

their total, all-inclusive price

Vendor Any successful Respondent selected as a result of the procurement process to deliver the products or services requested by this RFP

WBE Woman Business Enterprise

#### PURPOSE OF THE RFP

The Hoosier Lottery’s mandate is to ensure the equitable participation of minorities and women in all phases of the lottery, including instant game and on-line retailers and vendors. The Hoosier Lottery actively works to cultivate an environment that provides contracting opportunities for minorities and women across the State of Indiana.

The Hoosier Lottery will rely on the Statistical Analysis of Utilization Study (Study) to establish annual goals for participation of MBE/WBEs to ascertain a “compelling interest” as set forth by *Richmond v. Croson*, 488 U.S. 469 (1989). The Study will include data from July 1, 2017 through June 30, 2022 on both contracts and subcontracts, as well as the availability and utilization of MBEs and WBEs in the State of Indiana.

The Study will report on the utilization of MBEs and WBEs, in accordance with Indiana statute IC 4-30-1-2.

#### SUMMARY SCOPE OF WORK

The Study aims to statistically analyze to what extent MBEs and WBEs are used in lottery contracts. The chosen vendor will assess the utilization of MBEs and WBEs that are qualified and ready, willing, and able to do business with the Hoosier Lottery in the relevant market areas when compared to their availability as prime contractors and subcontractors in the specifically defined areas of construction, professional services, other services, and supplies from July 1, 2017 through June 30, 2022. The recommendations of the Study will be used by the Commission to set the MBE/WBE goals in accordance with the IC 4-30-1-2(5).

As detailed in Attachment H, the chosen vendor will evaluate the effectiveness and relevance of the data to examine the documented and legally defensible analysis for maintaining or updating the existing programs, policies and practices utilized by the Hoosier Lottery. The chosen vendor will conduct a statistical analysis of Indiana certified MBEs and WBEs to determine the rate of utilization of MBEs and WBEs in Hoosier Lottery contracts and this analysis of utilization will be based, mainly, on total dollars spent through contract payments to MBEs and WBEs. The analysis should be based on reliable data and may also include anecdotal and/or complaint-based evidence. A more detailed scope of services for HOOSIER LOTTERY can be found in **Attachment H**.

Hoosier Lottery is accepting proposals from qualified firms, partnerships, or corporations having expertise in the service area(s) of this RFP. It is the intent of Hoosier Lottery to contract with a vendor that provides cost effective, professional, efficient, empirically sound and legally defensive analysis.

The chosen vendor shall provide the HOOSIER LOTTERY with current legal guidance relative to not only new legislation, policies, and procedures to meet any constitutional mandates, but also the programmatic needs of the Hoosier Lottery and recommend modifications and adjustments, if necessary. The chosen vendor shall provide specific and relevant remedies to address any identified underutilization and reduce or eliminate any barriers that adversely affect the contract participation of MBE/WBE firms, should they exist.

### When completing Minority and Women’s Business Enterprises Participation Plan Form (Attachment A) and the Indiana Economic Impact Form (Attachment C) please use the total bid amount from the Cost Proposal (Attachment D).

#### RFP OUTLINE

The outline of this RFP document is described below:

|  |  |
| --- | --- |
| **Section** | **Description** |
| Section 1 – General Information and Requested Products or Services | This section provides an overview of the RFP, general timelines for the process, and a summary of the products/services being solicited by the Hoosier Lottery via this RFP |
| Section 2 – Proposal Preparation Instruction | This section provides instructions on the format and content of the RFP including a Letter of Transmittal, Business Proposal, Technical Proposal, and a Cost Proposal |
| Section 3 – Proposal Evaluation Criteria | This sections discusses the evaluation criteria to be used to evaluate respondents’ proposals |
| Attachment A | M/WBE Participation Plan Form |
| Attachment B | Sample Contract |
| Attachment C | Indiana Economic Impact Form |
| Attachment D | Cost Proposal Template |
| Attachment E | Business Proposal Template |
| Attachment F | Technical Proposal Template |
| Attachment G | Q&A Template |
| Attachment H | Hoosier Lottery Scope of Services |

#### PRE-PROPOSAL CONFERENCE

DELETED

#### QUESTION/INQUIRY PROCESS

All questions/inquiries regarding this RFP must be submitted in writing by the deadline of **3:00**

**p.m. Eastern Time** on **December 12, 2022.** Questions/Inquiries may be submitted in Attachment G, Q&A Template, via email to ctaylor@hoosierlottery.in.gov and must be received by the time and date indicated above.

Following the question/inquiry due date, Hoosier Lottery personnel will compile a list of the questions/inquiries submitted by all Respondents. The responses will be posted to the Hoosier Lottery website according to the RFP timetable established in Section 1.21. The question/inquiry and answer link will become active after responses to all questions have been compiled. Only answers posted on the Hoosier Lottery website will be considered official and valid by the Hoosier Lottery. No Respondent shall rely upon, take any action, or make any decision based upon any verbal communication with any Hoosier Lottery employee.

Inquiries are not to be directed to any staff member of the Hoosier Lottery. Such action may disqualify Respondent from further consideration for a contract resulting from this RFP.

If it becomes necessary to revise any part of this RFP, or if additional information is necessary for a clearer interpretation of provisions of this RFP prior to the due date for proposals, an addendum will be posted on the Hoosier Lottery website. If such addenda issuance is necessary, the Hoosier Lottery may extend the due date and time of proposals to accommodate such additional information requirements, if required.

#### DUE DATE FOR PROPOSALS

All proposals must be received at the address below by the Hoosier Lottery no later than **3:00**

**p.m. Eastern Time** on **January 11, 2022**. Each Respondent must submit **one original hard-copy** (marked “Original”) and **one original CD-ROM or USB drive (marked "Original") and three (3)** complete copies of the proposal, including the Transmittal Letter and other related documentation as required in this RFP. The **original** CD-ROM/USB drive will be considered the official response in evaluating responses for scoring and protest resolution. **The respondent's proposal response on this CD/USB drive may be posted on the Hoosier Lottery website, if recommended for selection.** Each copy of the proposal must follow the format indicated in Section Two of this document. Unnecessarily elaborate brochures or other presentations, beyond those necessary to present a complete and effective proposal, are not desired. All proposals must be addressed to:

Chuck Taylor, Director of Legal Affairs

Hoosier Lottery

1302 North Meridian Street, Suite 100

Indianapolis, IN 46202

**If you ship or mail solicitation responses:**

It is the responsibility of the Respondent to make sure that solicitation responses are received by the Hoosier Lottery’s reception desk on or before the designated time and date. Late submissions will not be accepted. The Hoosier Lottery’s clock is the official time for all solicitation submissions.

Regardless of delivery method, all proposal packages must be **sealed** and clearly marked with the RFP number, due date, and time due. Hoosier Lottery will not accept any unsealed bids. Any proposal received by the Hoosier Lottery after the due date and time will not be considered. Any late proposals will be returned, unopened, to the Respondent upon request. All rejected proposals not claimed within 30 days of the proposal due date will be destroyed.

No more than one proposal per Respondent may be submitted.

The Hoosier Lottery accepts no obligations for costs incurred by Respondents in anticipation of being awarded a contract.

#### MODIFICATION OR WITHDRAWAL OF OFFERS

Modifications to responses to this RFP may only be made in the manner and format consistent with the submittal of the original response, acceptable to Hoosier Lottery and clearly identified as a modification.

The Respondent’s authorized representative may withdraw the proposal, in person, prior to the due date. Proper documentation and identification will be required before the Hoosier Lottery will release the withdrawn proposal. The authorized representative will be required to sign a receipt for the withdrawn proposal.

Modification to, or withdrawal of, a proposal received by the Hoosier Lottery after the exact hour and date specified for receipt of proposals will not be considered.

#### PRICING

Pricing on this RFP must be firm and remain open for a period of not less than 180 days from the proposal due date. Any attempt to manipulate the format of the document, attach caveats to pricing, or submit pricing that deviates from the current format will put your proposal at risk.

Please refer to the Cost Proposal sub-section under Section 2 for a detailed discussion of the proposal pricing format and requirements.

#### PROPOSAL CLARIFICATIONS AND DISCUSSIONS, AND CONTRACT DISCUSSIONS

The Hoosier Lottery reserves the right to request clarifications on proposals submitted to the Hoosier Lottery. The Hoosier Lottery also reserves the right to conduct proposal discussions, either oral or written, with Respondents. Discussions could include request for additional information, request for cost or technical proposal revision, etc. Additionally, in conducting discussions, the Hoosier Lottery may use information derived from proposals submitted by competing respondents only if the identity of the respondent providing the information is not disclosed to others. The Hoosier Lottery will provide equivalent information to all respondents which have been chosen for discussions. Discussions, along with negotiations with responsible respondents may be conducted for any appropriate purpose.

The Hoosier Lottery will schedule all discussions. Any information gathered through oral discussions must be confirmed in writing.

A sample contract is provided in Attachment B. Any requested changes to the sample contract must be submitted with your response (See Section 2.3.5 for details). The Hoosier Lottery reserves the right to reject any of these requested changes. It is the Hoosier Lottery’s expectation that any material elements of the contract will be substantially finalized prior to contract award.

#### BEST AND FINAL OFFER

The Hoosier Lottery may request best and final offers from those Respondents determined by the Hoosier Lottery to be reasonably viable for contract award. However, the Hoosier Lottery reserves the right to award a contract on the basis of initial proposals received. Therefore, each proposal should contain the Respondent’s best terms from a price and technical standpoint.

Following evaluation of the best and final offers, the Hoosier Lottery may select for final contract negotiations/execution the offers that are most advantageous to the Hoosier Lottery, considering cost and the evaluation criteria in this RFP.

#### TYPE AND TERM OF CONTRACT

The Hoosier Lottery intends to sign a contract with one or more Respondent(s) to fulfill the requirements in this RFP.

The term of the contract shall be for a period of 1 (one) year from the date of contract execution. There may be 1 (one), one-year renewal for a total of two (2) years at the Hoosier Lottery’s option.

#### CONFIDENTIAL INFORMATION

Respondents are advised that materials contained in proposals are subject to the Access to Public Records Act (APRA), IC 5-14-3 *et seq*., and, after the contract award, the entire RFP file may be posted on the HOOSIER LOTTERY website and may be viewed and copied by any member of the public, including news agencies and competitors. The responses are deemed to be “public records” unless a specific provision of IC 5-14-3 protests it from disclosure. Respondents claiming a statutory exception to the APRA **must indicate so in the Transmittal Letter** which specific provision applies to which specific part of the response. Confidential Information must also be clearly marked in a separate folder on any included CD-ROM. Please note citing “Confidential” on an entire section is not sufficient. The Public Access Counselor (PAC) provides guidance on APRA. Respondents are encouraged to read guidance from the PAC on this topic as this is the guidance HOOSIER LOTTERY follows:

* [18-INF-06; Redaction of Public Procurement Documents Informal Inquiry](https://www.in.gov/pac/informal/files/18-INF-06.pdf)

If the Respondent does not identify the statutory exception, the Hoosier Lottery will not consider the submission confidential. The Hoosier Lottery also reserves the right to seek the opinion of the PAC for guidance if the Hoosier Lottery has doubts the cited exception is applicable.

#### TAXES

Proposals should not include any tax from which the Hoosier Lottery is exempt.

#### SECRETARY OF STATE REGISTRATION

If awarded the contract, the Respondent will be required to register, and be in good standing, with the Secretary of State. The registration requirement is applicable to all limited liability partnerships, limited partnerships, corporations, S-corporations, nonprofit corporations and limited liability companies. Information concerning registration with the Secretary of State may be obtained by contacting:

Secretary of State of Indiana Corporation Division

402 West Washington Street, E018 Indianapolis, IN 46204

(317) 232-6576

[www.in.gov/sos](http://www.in.gov/sos)

#### COMPLIANCE CERTIFICATION

Responses to this RFP serve as a representation that it has no current or outstanding criminal, civil, or enforcement actions initiated by the State of Indiana, and it agrees that it will immediately notify the Hoosier Lottery of any such actions. The Respondent also certifies that neither it nor its principals are presently in arrears in payment of its taxes, permit fees or other statutory, regulatory or judicially required payments to the State of Indiana. The Respondent agrees that the Hoosier Lottery may confirm, at any time, that no such liabilities exist, and, if such liabilities are discovered, that Hoosier Lottery may bar the Respondent from contracting with the Hoosier Lottery, cancel existing contracts, withhold payments to setoff such obligations, and withhold further payments or purchases until the entity is current in its payments on its liability to the State of Indiana and has submitted proof of such payment to the Hoosier Lottery.

#### EQUAL OPPORTUNITY COMMITMENT

Pursuant to IC 4-13-16.5 and IC 4-30-1-2, it has been determined that there is a reasonable expectation of minority and woman owned business enterprises subcontracting opportunities on a contract awarded under this RFP. Therefore, a contract goal of 10% for Minority Business Enterprises and 10% for Woman Business Enterprises have been established.

Failure to address these requirements may impact the evaluation of your proposal.

#### MINORITY & WOMEN'S BUSINESS ENTERPRISES RFP SUBCONTRACTOR COMMITMENT (MWBE)

The respondent is expected to submit with its proposal a Minority & Women’s Business Enterprises RFP Subcontractor Commitment Form. The Form must show that there are, participating in the proposed contract, Minority Business Enterprises (MBE) and Women Business Enterprises (WBE).

If participation is met through use of vendors who supply products and/or services directly to the Respondent, the Respondent must provide a description of products and/or services provided that are directly related to this proposal and the cost of direct supplies for this proposal. Respondents must complete the Subcontractor Commitment Form in its entirety. The amount entered in “**TOTAL BID AMOUNT**” should match the amount entered in the **Attachment D**, Cost Proposal Template.

Failure to meet these goals may affect the evaluation of your Proposal. The Hoosier Lottery reserves the right to verify all information included on the MWBE Subcontractor Commitment Form.

**Prime Contractors must ensure that the proposed subcontractors meet the following criteria:**

* Each firm may only serve as one classification – MBE or WBE
* A Prime Contractor who is an MBE or WBE must meet subcontractor goals by using other listed certified firms. Certified Prime Contractors cannot count their own workforce or companies to meet this requirement.
* Must serve a Valuable Scope Contribution (VSC). The firm must serve a value- added purpose on the engagement, as confirmed by the Hoosier Lottery.
* Must be used to provide the goods or services specific to the contract

## MINORITY & WOMEN’S BUSINESS ENTERPRISES RFP SUBCONTRACTOR LETTER OF COMMITMENT (MWBE)

A signed letter(s), on company letterhead, from the MBE and/or WBE must accompany the MWBE Subcontractor Commitment Form. Each letter shall state and will serve as acknowledgement from the MBE and/or WBE of its subcontract amount, a description of products and/or services to be provided on this project, and approximate date the subcontractor will perform work on this contract. The MBE and/or WBE subcontractor amount and subcontractor percentage is only based on the initial term of the contract, unless the products and/or services are needed beyond the initial term. Any products and/or services desired after the initial term will require separate negotiations between the prime contractor and subcontractor. The Hoosier Lottery may deny evaluation points if the letter(s) is not attached, not on company letterhead, not signed and/or does not reference and match the subcontract amount, subcontract amount as a percentage of the

“**TOTAL BID AMOUNT”** and the anticipated period that the Subcontractor will perform work for this solicitation.

## MINORITY & WOMEN’S BUSINESS COMPLIANCE (MWBE)

If awarded the contract with MWBE subcontractor participation, the Respondent is will be required to report payments made to MWBE subcontractors under the Contract on a monthly basis.

Further, a copy of each subcontractor agreement must be submitted to HOOSIER LOTTERY within thirty (30) days of the effective date of this Contract. The contracts may be emailed to ctaylor@hoosierlottery.in.gov or mailed to Hoosier Lottery Legal 1302 North Meridian Street, Suite 100 Indianapolis IN 46202. Failure to provide a copy of any subcontractor agreement or failure to meet these commitments could be considered a material breach of this Contract.

Any changes to this information during the term of the contract must be approved by Hoosier Lottery.

#### AMERICANS WITH DISABILITIES ACT

The Respondent specifically agrees to comply with the provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq*. and 47 U.S.C. 225).

#### SUMMARY OF MILESTONES

The following timeline is only an illustration of the RFP process. The dates associated with each step are not to be considered binding. Due to the unpredictable nature of the evaluation period, these dates are commonly subject to change. At the conclusion of the evaluation process, all Respondents will be informed of the evaluation team’s findings.

# Key RFP Dates

|  |  |
| --- | --- |
| **Activity** | **Date** |
| Issue of RFP | November 28, 2022 |
| Deadline to Submit Written Questions | December 12, 2022 by 3:00 PM EST |
| Response to Written Questions/RFP Amendments | December 19, 2022 |
| Submission of Proposals | January 11, 2023 by 3:00 PM EST  |
| ***The dates for the following activities are target dates only. These activities may be completed earlier or later than the date shown.*** |
| Proposal Evaluation | January 11 – February 9, 2023 |
| Proposal Discussions/Clarifications (if necessary) | February 9 – March 10, 2023 |
| Best and Final Offers (if necessary) | March 10 – March 20, 2023 |
| RFP Award Recommendation | March 29, 2023 |

####

#### CONFLICT OF INTEREST

Any person, firm or entity that assisted with and/or participated in the preparation of this RFP document is prohibited from submitting a proposal to this specific RFP. For the purposes of this RFP “person” means a Hoosier Lottery officer, employee, appointee, or any individual or entity working with or advising the Hoosier Lottery or involved in the preparation of this RFP proposal. This prohibition would also apply to an entity who hires, within a one-year period prior to the publication of this RFP, a person that assisted with and/or participated in the preparation of this RFP.

#### GENERAL

## SECTION TWO

**PROPOSAL PREPARATION INSTRUCTIONS**

To facilitate the timely evaluation of proposals, a standard format for proposal submission has been developed and is described in this section. All Respondents are required to format their proposals in a manner consistent with the guidelines described below:

* Each item must be addressed in the Respondent’s proposal.
* The Transmittal Letter must be in the form of a letter. The business and technical proposals must be organized under the specific section titles as listed below.
* The electronic copies of the proposal submitted via CD-ROM/USB drive should be organized to mirror the sections below and the attachments.
* Each item, i.e. Transmittal Letter, Business Proposal, Technical Proposal, Cost Proposal, etc., must be separate standalone electronic files on the CD-ROM/USB drive. Please do not submit your proposal as one large file.
* Whenever possible, please submit all attachments in their original format.
* Confidential Information must be clearly marked in a separate folder/file on any included CD-ROM/USB drive.

#### TRANSMITTAL LETTER

The Transmittal Letter must address the following topics except those specifically identified as “optional.”

* + 1. Agreement with Requirement listed in Section 1

The Respondent must explicitly acknowledge understanding of the general information presented in Section 1 and agreement with any requirements/conditions listed in Section 1.

* + 1. Summary of Ability and Desire to Supply the Required Products or Services

The Transmittal Letter must briefly summarize the Respondent’s ability to supply the requested products and/or services that meet the requirements defined in Section 2.4 of this RFP. The letter must also contain a statement indicating the Respondent’s willingness to provide the requested products and/or services subject to the terms and conditions set forth in the RFP including, but not limited to, the Hoosier Lottery’s mandatory contract clauses.

* + 1. Signature of Authorized Representative

A person authorized to commit the Respondent to its representations and who can certify that the information offered in the proposal meets all general conditions including the information requested in Section 2.3.4, must sign the Transmittal Letter. **In the Transmittal Letter, please indicate the principal contact for the proposal along with an address, telephone and fax number as well as an e-**

### mail address, if that contact is different than the individual authorized for signature.

* + 1. Respondent Notification

Unless otherwise indicated in the Transmittal Letter, Respondents will be notified via e-mail.

It is the Respondent’s obligation to notify the Hoosier Lottery of any changes in any address that may have occurred since the origination of this solicitation. The Hoosier Lottery will not be held responsible for incorrect vendor/contractor addresses.

* + 1. Confidential Information

Respondents are advised that materials contained in proposals are subject to the Access to Public Records Act (APRA), IC 5-14-3 et seq. (see section 1.14).

Provide the following information:

* + - * List all documents, or sections of documents, for which statutory exemption to the APRA is being claimed;
			* Specify which statutory exception of APRA applies for each document, or section of the document;
			* Provide a description explaining the manner in which the statutory exception to the APRA applies for each document or section of the document.
			* Provide a separate redacted (for public release) version of the document.
		1. Other Information

This item is optional. Any other information the Respondent may wish to briefly summarize will be acceptable.

#### BUSINESS PROPOSAL

The Business Proposal must address the following topics except those specifically identified as “optional.” **The Business Proposal Template is Attachment E.**

* + 1. General (optional)

This section of the business proposal may be used to introduce or summarize any information the Respondent deems relevant or important to the Hoosier Lottery’s successful acquisition of the products and/or services requested in this RFP.

* + 1. Respondent’s Company Structure

The legal form of the Respondent’s business organization, the State in which formed (accompanied by a certificate of authority), the types of business ventures in which

the organization is involved, and a chart of the organization are to be included in this section. If the organization includes more than one product division, the division responsible for the development and marketing of the requested products and/or services in the United States must be described in more detail than other components of the organization.

* + 1. Company Financial Information

This section must include documents to demonstrate the Respondent’s financial stability. Examples of acceptable documents include: most recent Dunn & Bradstreet Business Report (preferred) or audited financial statements for the two (2) most recently completed fiscal years. If neither of these can be provided, explain why and include an income statement and balance sheet, for each of the two most recently completed fiscal years.

If the documents being provided by the Respondent are those of a parent or holding company, additional information should be provided for the entity/organization directly responding to this RFP. That additional information should explain the business relationship between the entities and demonstrate the financial stability of the entity/organization which is directly responding to this RFP.

* + 1. Integrity of Company Structure and Financial Reporting

This section must include a statement indicating that the CEO and/or CFO, of the responding entity/organization, has taken personal responsibility for the thoroughness and correctness of any/all financial information supplied with this proposal.

* + 1. Contract Terms/Clauses

A sample contract that the Hoosier Lottery expects to execute with the successful Respondent(s) is provided in **Attachment B**. This contract contains both mandatory and non-mandatory clauses. Mandatory clauses are listed below and are non- negotiable. Other clauses are highly desirable. It is the Hoosier Lottery’s expectation that the final contract will be substantially similar to the sample contract provided in **Attachment B**.

In your Transmittal Letter please indicate acceptance of these mandatory contract terms (see section 2.2.2). In this section please review the rest of the contract and indicate your acceptance of the non-mandatory contract clauses. If a non-mandatory clause is not acceptable as worded, suggest specific alternative wording to address issues raised by the specific clause. If you require additional contract terms please include them in this section. To reiterate it’s the Hoosier Lottery’s strong desire to not deviate

from the contract provided in the attachment and as such the Hoosier Lottery reserves the right to reject any and all of these requested changes.

The mandatory contract terms are as follows:

* + - * Duties of Contractor, Rate of Pay, and Term of Contract
			* Authority to Bind Contractor
			* Compliance with Laws
			* Drug-Free Workplace Provision and Certification
			* Employment Eligibility
			* Governing Laws
			* Indemnification
			* Non-Discrimination Clause
			* Ownership of Documents and Materials
			* Payments
			* Penalties/Interest/Attorney’s Fees
			* Termination for Convenience
			* Non-Collusion and Acceptance

Any or all portions of this RFP and any or all portions of the Respondents response may be incorporated as part of the final contract

* + 1. References

The Respondent must include a list of at least 3 (three) clients for whom the Respondent has provided products and/or services that are the same or similar to those products and/or services requested in this RFP. This should include a full scope of work performed, contact name, telephone number including area code and email address for each listed reference. Information provided should include the name, address, and telephone number of the client facility and the name, title, and phone/fax numbers of a person who may be contacted for further information.

* + 1. Registration to do Business Secretary of State

If awarded the contract, the Respondent will be required to be registered, and be in good standing, with the Secretary of State. The registration requirement is applicable to all limited liability partnerships, limited partnerships, corporations, S-corporations, nonprofit corporations and limited liability companies. The Respondent must indicate the status of registration, if applicable, in this section of the proposal.

* + 1. Authorizing Document

Respondent personnel signing the Transmittal Letter of the proposal must be legally authorized by the organization to commit the organization contractually. This section shall contain proof of such authority. A copy of corporate bylaws or a corporate resolution adopted by the board of directors indicating this authority will fulfill this requirement.

* + 1. Subcontractors

The Respondent is responsible for the performance of any obligations that may result from this RFP and shall not be relieved by the non-performance of any subcontractor. Any Respondent’s proposal must identify all subcontractors and describe the contractual relationship between the Respondent and each subcontractor. Either a copy of the executed subcontract or a letter of agreement over the official signature of the firms involved must accompany each proposal.

Any subcontracts entered into by the Respondent must be in compliance with all Indiana statutes and will be subject to the provisions thereof. For each portion of the proposed products or services to be provided by a subcontractor, the technical proposal must include the identification of the functions to be provided by the subcontractor and the subcontractor’s related qualifications and experience.

The combined qualifications and experience of the Respondent and any or all subcontractors will be considered in the Hoosier Lottery’s evaluation. The Respondent must furnish information to the Hoosier Lottery as to the amount of the subcontract, the qualifications of the subcontractor for guaranteeing performance, and any other data that may be required by the Hoosier Lottery. All subcontracts held by the Respondent must be made available upon request for inspection and examination by appropriate Hoosier Lottery officials, and such relationships must meet with the approval of the Hoosier Lottery.

The Respondent must list any subcontractor’s name, address and the State in which formed that are proposed to be used in providing the required products or services. The subcontractor’s responsibilities under the proposal, anticipated dollar amount for subcontract, the subcontractor’s form of organization, and an indication from the subcontractor of a willingness to carry out these responsibilities are to be included for each subcontractor. This assurance in no way relieves the Respondent of any responsibilities in responding to this RFP or in completing the commitments documented in the proposal. The Respondent must indicate which, if any, subcontractors qualify as a Minority or Women Owned Business.

* + 1. General Information

Each Respondent must enter your company’s general information including contact information.

* + 1. Experience Serving Lottery or Gaming Clients

Each Respondent is asked to please provide a brief description of your company’s experience in serving Lottery or Gaming related accounts.

* + 1. Experience Serving Similar Clients

Each Respondent is asked to please describe your company’s experience in serving clients of a similar size to the Hoosier Lottery that also had a similar scope. Please provide specific clients and detailed examples.

* + 1. Indiana Preferences

Pursuant to IC 5-22-15-7, Respondent may claim only one (1) preference. For the purposes of this RFP, this limitation to claiming one (1) preference applies to Respondent’s ability to claim eligibility for Buy Indiana points. **Respondent must clearly indicate which preference(s) they intend to claim. Additionally, the**

### Respondent’s Buy Indiana status must be finalized when the RFP response is submitted to the Hoosier Lottery.

#### TECHNICAL PROPOSAL

The Technical Proposal must be divided into the sections as described below. Every point made in each section must be addressed in the order given. The same outline numbers must be used in the response. RFP language should not be repeated within the response. Where appropriate, supporting documentation may be referenced by a page and paragraph number. However, when this is done, the body of the technical proposal must contain a meaningful summary of the referenced material. The referenced document must be included as an appendix to the technical proposal with referenced sections clearly marked. If there are multiple references or multiple documents, these must be listed and organized for ease of use by the Hoosier Lottery. **The Technical Proposal Template is Attachment F.**

### Account Management & Reporting

1. Please describe in detail your company’s proposed account management team structure including names and contact information where possible, and services each individual or group will perform.
2. What is your company’s standard process for problem resolution including standard response times? What is the escalation process if the standard resolution process cannot resolve an issue?
3. What are the standard reports that your company provides to your customers? Please provide a list of your company's standard reports, including examples, as an attachment to your RFP response. Please note which are available online.
4. Please detail your company’s customized and ad hoc reporting capabilities including how long the Hoosier Lottery will wait to receive new requests for information.

### Statistical Analysis of Utilization Study

1. What is your company's standard process for performing the Study?
2. There is evidence that utilization of limited data sources can lead to underrepresentation of MBEs/WBEs in the final data set. Explain what sources you will utilize as your primary data source for gathering utilization data for MBEs and WBEs.
3. Explain how your company will analyze actual payments to adequately reflect Hoosier Lottery spend levels with MBE/WBE firms as primary and subcontractors on Hoosier Lottery contracts.
4. Explain the methodology in detail your company is proposing to complete the Study analysis. Explain how or why your methodology is appropriate to goals of the RFP and superior to other accepted methods.
5. Explain how your company will differentiate the utilization of the MBE/WBE companies that have both designation that of an MBE and a WBE. Explain where and how these companies will be counted when making recommendations on the MBE/WBE goal setting.
6. The assessment and evaluation should discuss how the data from this Study and any other studies previously completed by the respondent distinguishes between MBEs and WBEs as prime contractors and subcontractors. Please describe how your company achieves this.
7. The Vendor shall determine and evaluate the availability of MBE and WBE firms in the Hoosier Lottery’s entire geographic area for the types of procurement/contracting opportunities and activities. Please describe how your company will accomplish this.
8. Please explain how your company will assess the extent of availability of MBEs as prime contractors and subcontractors in the procurement of professional services, construction and goods and supplies, by focusing on both overall MBE availability, as well as individual ethnic groups so that data is compiled and a disparity analysis is performed for each of the specific ethnic groups.
9. Explain how your company will investigate and describe prevailing practices in the public and private sectors that could lead to an underutilization of MBEs and WBEs. If an underutilization is found to exist, document these findings from statistical analysis, survey, anecdotal, complaint-based and such other relevant and appropriate evidence. The findings need to reflect the extent to which the current utilization of MBEs and WBEs is reflecting past discrimination (within the date range being analyzed in this Study) (active and/or passive) on the part of the Hoosier Lottery.
10. Detail your company’s process for examining, describing, and analyzing the effect of race and gender neutral strategies, measures and programs used by the Hoosier Lottery.
11. Provide and explain the methodology of the formula and/or algorithm and how the MBE/WBE goals will be calculated and recommended. \

### Review/Evaluation

1. Please describe how your company will review and evaluate contracting and procurement policies and procedures of the Hoosier Lottery.
2. Explain how your company will review and evaluate information systems used by the Hoosier Lottery and provide professional recommendations as to how to improve the systems so that they provide data that allows the Hoosier Lottery to monitor the progress toward and/or support the updating of the MBE/WBE goals.
3. Explain how your company will evaluate the utilization of the M/WBE companies that are qualified for both an MBE and a WBE.
4. Please provide recommendations for incentives to achieve utilization goals. Please describe any experience your company has in evaluating these incentives and/or how the incentives will be accomplished by the Hoosier Lottery.
5. Please describe how your company will provide the Hoosier Lottery with summary findings and key decision points during the process to assure that the requirements of the Study are being met. The purpose of key findings and progress reports is to ensure that the Hoosier Lottery receives timely information of any consequential conclusions or problem areas that may need to be addressed, including any adjustment to the scope of work that may be necessary.

### Expected Products

1. Please detail how your company will provide a monthly progress report. The vendor shall, on a monthly basis, provide HOOSIER LOTTERY with a written report of the progress it has made toward completing its work plan. HOOSIER LOTTERY may require supporting documentation to verify progress.
2. The Hoosier Lottery expects a formal written report of evaluation and studies prepared consistently with the terms of this Scope of Services, including specific findings and recommendations. The vendor shall produce a formal written report of its evaluation and studies covering all tasks in Attachment H. Please describe how your company will accomplish this.
3. The Hoosier Lottery expects that the vendor will retain all the raw data collected, until otherwise instructed by the Hoosier Lottery, in the event that the Hoosier Lottery would later require an additional analysis of the data should its program be challenged. The vendor shall submit all raw and analyzed data to HOOSIER LOTTERY used in this study upon request. Please describe how your company will house the information.
4. The Hoosier Lottery expects to have the actual formula and goal recommendations in three areas: construction, professional services, and other services, and supplies. Describe the methodology of how the MBE/WBE goals will be calculated and recommended.
5. The Hoosier Lottery expects a detailed timeline and the methodology of the Study.

#### COST PROPOSAL

### The Cost Proposal Template is Attachment D.

The Cost Proposal must be submitted in the original format. Any attempt to manipulate the format of the Cost Proposal document, attach caveats to pricing, or submit pricing that deviates from the current format will put your proposal at risk.

### Cost Proposal Narrative

The Respondent should provide a brief narrative (not longer than two pages) in support of each Cost Proposal item. The narrative should be focused on clarifying how the proposed prices correspond directly to the Respondent's Technical Proposal. For example, evaluators will expect detailed explanation of *Maintenance and Support* to correspond to *Maintenance and Support items* if described in the Technical Proposal. **Please compose and return this document in a Microsoft Word format.**

### Cost Assumptions, Conditions and Constraints

The respondent should list and describe as part of its Cost Proposal any special cost assumptions, conditions, and/or constraints relative to, or which impact, the prices presented on the Cost Schedules. It is of particular importance to describe any assumptions made by the respondent in the development of the respondent's Technical Proposal that have a material impact on price. It is in the best interest of the respondent to make explicit the assumptions, conditions, and/or constraints that underlie the values presented on the Cost Schedules. Assumptions, conditions or constraints that conflict with the RFP requirements are not acceptable. **Please compose and return this document in a Microsoft Word format.**

#### INDIANA ECONOMIC IMPACT

All companies desiring to do business with Hoosier Lottery must complete an “Indiana Economic Impact” form (**Attachment C**). The collection and recognition of the information collected with the Indiana Economic Impact form places a strong emphasis on the economic impact a project will have on Indiana and its residents regardless of where a business is located. The collection of this information does not restrict any company or firm from doing business with the Hoosier Lottery. The amount entered in Line 16 “Total amount of this proposal, bid, or current contract” should match the amount entered in the **Attachment D**, Cost Proposal Template.

#### INDIANA COMPANY PREFERENCES

### Respondent must clearly indicate which preference(s) they intend to claim in the Business Proposal, Attachment E, section 2.3.13 (Respondent will only be evaluated on the criteria selected/cited from IC 5-22-15-20.5).

Respondents must also fully complete the Indiana Economic Impact form (**Attachment C**) and include it with their proposal response.

### Defining an Indiana Business:

“Indiana business” refers to any of the following:

1. A business whose principal place of business is located in Indiana.
2. A business that pays a majority of its payroll (in dollar volume) to residents of Indiana.
3. A business that employs Indiana residents as a majority of its employees.
4. A business that makes significant capital investments in Indiana.
5. A business that has a substantial positive economic impact on Indiana.

### Substantial Capital Investment:

Any company that can demonstrate a minimum capital investment in Indiana of $5 million or more in plant and/or equipment or annual lease payments in Indiana of $2.5 million or more shall qualify as an Indiana business under I.C.5-22-15-20.5 (b)(4).

### Substantial Indiana Economic Impact:

Any company that is in the top 500 companies (adjusted) for one of the following categories: number of employees (DWD), unemployment taxes (DWD), payroll withholding taxes (DOR), or Corporate Income Taxes (DOR); it shall qualify as an Indiana business under I.C. 5-22-15-20.5 (b)(5).

## SECTION THREE PROPOSAL EVALUATION

#### PROPOSAL EVALUATION PROCEDURE

The Hoosier Lottery has selected a group of personnel to act as a proposal evaluation team. Subgroups of this team, consisting of one or more team members, will be responsible for evaluating proposals with regard to compliance with RFP requirements. All evaluation personnel will use the evaluation criteria Stated in Section 3.2. The Executive Director of HOOSIER LOTTERY or their designee will, in the exercise of their sole discretion, determine which proposals offer the best means of servicing the interests of the Hoosier Lottery. The exercise of this discretion will be final.

The procedure for evaluating the proposals against the evaluation criteria will be as follows:

* + 1. Each proposal will be evaluated for adherence to requirements on a pass/fail basis. Proposals that are incomplete or otherwise do not conform to proposal submission requirements may be eliminated from consideration.
		2. Each proposal will be evaluated on the basis of the categories included in Section

3.2. A point score has been established for each category.

* + 1. If technical proposals are close to equal, greater weight may be given to price.
		2. Based on the results of this evaluation, the qualifying proposal determined to be the most advantageous to the Hoosier Lottery, taking into account all of the evaluation factors, may be selected by HOOSIER LOTTERY for further action, such as contract negotiations. If, however, HOOSIER LOTTERY decides that no proposal is sufficiently advantageous to the Hoosier Lottery, the Hoosier Lottery may take whatever further action is deemed necessary to fulfill its needs. If, for any reason, a proposal is selected and it is not possible to consummate a contract with the Respondent, HOOSIER LOTTERY may begin contract preparation with the next qualified Respondent or determine that no such alternate proposal exists.

#### EVALUATION CRITERIA

Proposals will be evaluated based upon the proven ability of the Respondent to satisfy the requirements of the RFP in a cost-effective manner. Each of the evaluation criteria categories is described below with a brief explanation of the basis for evaluation in that category. The points associated with each category are indicated following the category name (total maximum points = 102). For further information, please reference Section 3.2.3 below. If any one or more of the listed criteria on which the responses to this RFP will be evaluated are found to be inconsistent or incompatible with applicable federal laws, regulations or policies, the specific criterion or criteria will be disregarded and the responses will be evaluated and scored without taking into account such criterion or criteria.

# Summary of Evaluation Criteria:

|  |  |
| --- | --- |
| **Criteria** | **Points** |
| 1. Adherence to Mandatory Requirements | Pass/Fail |
| 2. Management Assessment/Quality (Business and Technical Proposal) | **50 available points** |
| 3. Cost (Cost Proposal) | **25 available points** |
| 4. Indiana Economic Impact | 5 |
| 5. Buy Indiana | 5 |
| 6. Minority Business Enterprise Subcontractor Commitment | 5 ( 1 bonus point is available, see Section 3.2.6) |
| 7. Women Business Enterprise Subcontractor Commitment | 5 ( 1 bonus point is available, see Section 3.2.6) |
| **Total** | **100 (102 if bonus awarded)** |

All proposals will be evaluated using the following approach. Step 1

In this step proposals will be evaluated only against Criteria 1 to ensure that they adhere to Mandatory Requirements. Any proposals not meeting the Mandatory Requirements will be disqualified.

Step 2

The proposals that meet the Mandatory Requirements will then be scored based on Criteria 2 and 3 ONLY. This scoring will have a maximum possible score of 75 points. All proposals will be ranked on the basis of their combined scores for Criteria 2 and 3 ONLY. This ranking will be used to create a “short list”. Any proposal not making the “short list” will not be considered for any further evaluation.

Step 2 may include one or more rounds of proposal discussions, oral presentations, clarifications, demonstrations, etc. focused on cost and other proposal elements. Step 2 may include a second “short list”.

Step 3

The short-listed proposals will then be evaluated based on all the entire evaluation criteria outlined in the table above.

If the Hoosier Lottery conducts additional rounds of discussions and a “Best and Final Offer” (BAFO) round which lead to changes in either the technical or cost proposal for the short listed Respondents, their scores will be recomputed.

The section below describes the different evaluation criteria.

* + 1. Adherence to Requirements – Pass/Fail

Respondents passing this category move to Phase 2 and proposal is evaluated for Management Assessment/Quality and Price.

### The following 2 categories cannot exceed 75 points.

* + 1. Management Assessment/Quality

**50** available points

* + 1. Price

**25** available points

Cost scores will then be normalized to one another, based on the lowest cost proposal evaluated. The lowest cost proposal receives a total of 25 points. The normalization formula is as follows:

* + - * *Respondent’s Cost Score = (Lowest Cost Proposal / Total Cost of Proposal) X 25*
		1. Indiana Economic Impact (5 points)

See Section 2.6 for additional information.

The total number of full time equivalent (FTE – please see Section 1.2 for a definition of FTE’s) Indiana resident employees for the Respondent’s proposal, to execute the scope of work proposed in this RFP, (prime contractor and subcontractors) will be used to evaluate the Respondent’s Indiana Economic Impact. Points will be awarded based on a graduated scale. The Respondent with the most Indiana FTEs will be awarded 5 points. Points will then be awarded to the remaining Respondents proportionately. Please see **Attachment C**, Indiana Economic Impact Form, for more detailed instructions.

* + 1. Buy Indiana Initiative – 5 points

Respondents qualifying as an Indiana Company as defined in Section 2.7 will receive 5 points in this category.

* + 1. Minority (5 points) & Women's Business (5 points) Subcontractor Commitment - (10 points).

The following formula will be used to determine points to be awarded based on the

MBE and WBE goals listed in Section 1.19 of this RFP. Scoring is conducted based on an assigned 10-point, plus possible 2 bonus-points, scale (MBE: Possible 5 points

+ 1 bonus point, WBE: Possible 5 points + 1 bonus Point). Points are assigned for respective MBE participation and WBE participation based upon the BAFO meeting or exceeding the established goals.

If the respondent’s commitment percentage is less than the established MBE or WBE goal, the maximum points achieved will be awarded according to the following schedule:

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| % | 1% | 2% | 3% | 4% | 5% | 6% | 7% | 8% |
| Pts. | .625 | 1.25 | 1.875 | 2.5 | 3.125 | 3.75 | 4.375 | 5.0 |

*NOTE: Fractional percentages will be rounded up or down to the nearest whole percentage. (e.g. 7.49% will be rounded down to 7% = 4.375 pts., 7.50% will be rounded up to 8% = 5.00 pts.)*

If the respondent’s commitment percentage is rounded down to 0% for MBE or WBE participation the respondent will receive 0 points.

If the respondent’s commitment percentage is 0% for MBE or WBE participation, a deduction of 1 point will be discounted on the respective MBE or WBE score.

The respondent with the greatest applicable VSC participation which exceeds the Stated goal for the respective MBE or WBE category will be awarded 6 points (5 points plus 1 bonus point). In cases where there is a tie for the greatest applicable VSC participation and both firms exceed the goal for the respective MBE/WBE category both firms will receive 6 points.

The Executive Director of HOOSIER LOTTERY or their designee will, in the exercise of their sole discretion, determine which proposal(s) offer the best means of servicing the interests of the Hoosier Lottery. The exercise of this discretion will be final.