

**VIDEO LOTTERY TERMINALS AND RELATED SERVICES
(#2009-12)**

**RESPONSES TO WRITTEN QUESTIONS
December 11, 2009**

This list of questions and responses #5 (**Q&A#5**) 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 questions 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 Lottery Commission's responses to those questions:

192. QUESTION: If a surety declines to renew a Contractor's Fidelity or Performance Bond and the Contractor fails to obtain a satisfactory replacement bond, will this be considered a default that obligates the surety?

ANSWER: No. Such a default would occur after the surety's obligation was operational, so this could not be held against the surety. The Contractor itself, however, would be subject to termination of the contract for default and liable for any damages associated with such a default.

NOTE:

Please be advised that the time period for formal response to Questions is now closed.

No additional Amendments to the RFP will be issued.

Administrative or procedural questions will still be answered.

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