

# VIDEO LOTTERY OPERATION LICENSES (#2009-0101)

## RESPONSE TO WRITTEN QUESTION January 22, 2009

This list of questions and responses #3 (Q&A#3) is being issued to clarify certain information contained in the above named request for proposal (RFP). The statements and interpretations of License requirements, which are stated in the following question are not binding on the State, unless the State expressly amends the RFP. Nothing in the State's response to this question 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 License does or does not require. Some questions may be edited for brevity and clarity, and duplicate questions may have been combined or eliminated.

The following is a question submitted pursuant to the RFP and the Location Commission's response to the question:

**82. QUESTION:** If an applicant is selected by the State but cannot reach agreement with Baltimore City on the City's RFP, does the applicant definitely and automatically get its money back?

**ANSWER:** The VLT Law requires the Video Lottery Facilities at the Baltimore City and Rocky Gap State Park locations to be located on City or State-owned land, respectively. Applicants for either of these locations shall be required to enter into a lease or other agreement with Baltimore City or the Department of Natural Resources ("DNR"), respectively, in order to receive an operation license.

In order to implement these provisions of the law, the RFP requires an Applicant for these locations to submit a document expressing the Applicant's intent to negotiate with Baltimore City or DNR on February 2, and a signed lease or other agreement verifying that both parties have entered into an agreement for the Facility site by April 15. The lease or other agreement may be contingent upon award of the license. It is possible and desirable that there be more than one Applicant with a lease or other agreement for each of the Baltimore City and DNR locations.

The Initial License Fee must be paid on February 2. The Commission may not award a license to an Applicant that does not have a signed lease or other agreement with Baltimore City or DNR. Therefore, an Applicant that is unable to negotiate such a lease or other agreement by April 15 shall receive a full refund of the Initial License Fee.

Fees associated with background investigations shall not be refunded and, per Section 3.10.2 of the RFP, any unpaid fees shall be deducted from the Initial License Fee before it is refunded.

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