

NOTICE OF AVAILABILITY TO PURCHASE

April 14, 2015

Bids For Video Lottery Terminals

The Maryland Lottery and Gaming Control Agency (MLGCA) will receive bids for Video Lottery Terminals. Bids will be received through an online bidding service from 10:00 a.m. through 4:00 p.m. on May 12, 2015. Interested bidders are required to submit the completed Video Lottery Terminal Bid Application Form and related attachments and will receive an email invitation with instructions on how to place bids upon approval of the Video Lottery Terminal Bid Application.

These Video Lottery Terminals meet the definition of a Class III gaming device and would be considered “slot machines” in many jurisdictions. Maryland Code Ann, State Government Article, § 9-1A-01(dd) provides:

- (1) “Video lottery terminal” means any machine or other device that, on insertion of a bill, coin, token, voucher, ticket, coupon, or similar item, or on payment of any consideration:
 - (i) is available to play or simulate the play of any game of chance in which the results, including the options available to the player, are randomly determined by the machine or other device; and
 - (ii) by the element of chance, may deliver or entitle the player who operates the machine or device to receive cash, premiums, merchandise, tokens, or anything of value, whether the payout is made automatically from the device or in any other manner.
- (2) “Video lottery terminal” includes a machine or device:
 - (i) that does not directly dispense money, tokens, or anything of value to winning players; and
 - (ii) described under paragraph (1) of this subsection that uses an electronic credit system making the deposit of bills, coins, or tokens unnecessary.
- (3) “Video lottery terminal” does not include an authorized slot machine operated by an eligible organization under Title 12, Subtitle 3 of the Criminal Law Article.

The Video Lottery Terminals were purchased by the State in 2010 and 2011 for operation at Video Lottery Facilities and have been maintained under a maintenance agreement with the respective manufacturers. All Video Lottery Terminals were operational and in excellent working condition prior to their movement to a warehouse in March – April of this year for the purpose of this auction.

A pre-bid meeting will not be held. In lieu of a pre-bid meeting, potential bidders are requested to submit written questions to the Agency Point of Contact specified below. Submissions of questions are required no later than 5:00 p.m. local time on April 27, 2015. An addendum will be posted on-line, if applicable.

MLGCA will only accept bids from entities having an approved Video Lottery Terminal Bid Application on file with MLGCA. If your company is not registered as a bidder you can obtain an application from the Agency Point of Contact specified below.

Maryland Lottery and Gaming Control Agency

Larry Hogan, Governor



Montgomery Park Business Center
1800 Washington Blvd., Suite 330
Baltimore, Maryland 21230

Tel: 410-230-8800
TTY users call Maryland Relay
www.mdlottery.com

To view and/or download this solicitation package please visit the eMaryland Marketplace webpage at:
<https://emaryland.buyspeed.com/bs0/external/publicBids.sdo>

The key Dates for this project stated below are for informational and planning purposes. The MLGCA reserves the right to change any of these dates.

Event	Date
Posting of Bid Information	April 14, 2015
Questions Due No Later Than 5:00 p.m.	April 27, 2015
Application Deadline	May 5, 2015
Inspection of Devices	May 6-8, 2015
Online Bidding 10:00 a.m. - 4:00 p.m. EST	May 12, 2015
Buyer's Certificate Issued	May 13, 2015
Payment By Wire Transfer Due	May 14, 2015
Removal of Devices	May 15 – May 29, 2015

The MLGCA reserves the right to reject any and all bids and to waive any informalities or irregularities in bidding.

Agency Point of Contact

Robert W. Howells
Maryland Lottery and Gaming Control Agency
Montgomery Park Business Center
1800 Washington Boulevard, Suite 330
Baltimore, MD 21230
robert.howells@maryland.gov

This bid process is not a State procurement under State Finance and Procurement Article, Annotated Code of Maryland or its Regulations contained in COMAR Title 21.

VIDEO LOTTERY TERMINAL BID APPLICATION

The Maryland Lottery and Gaming Control Agency (MLGCA) maintains a list of pre-approved entities eligible to place bids for video lottery terminals and associated equipment. Entities interested in furnishing bid proposals to the MLGCA must complete the attached application, Federal W9 form and attach a copy of your Gambling Device Registration Confirmation Letter from the Department of Justice. Bid applications are due no later than May 5, 2015.

A company must be approved prior to receiving an invitation to place a bid. An approval/denial letter will be issued via email following review of your application. Your application will not be considered if it is not completed in full and/or the required documents are not accompanied with the application.

MLGCA retains the right to modify our pre-approval requirements, which may include rescinding or changing a bidder's approval status at any time. MLGCA does not discriminate in admissions, access treatment, or employment in its programs or activities on the basis of race, color, gender, age, national origin, religion, sexual orientation, or disability.

Your completed application can be mailed or emailed attention to the Agency Point of Contact::

Maryland Lottery and Gaming Control Agency

ATTN: Robert W. Howells

Montgomery Park Business Center

1800 Washington Boulevard, Suite 330

Baltimore MD 21230

Email: Robert.howells@maryland.gov

For additional information regarding the video lottery terminal bid process, contact Robert Howells at 410-230-8789.

MARYLAND LOTTERY AND GAMING CONTROL AGENCY
1800 Washington Boulevard, Suite 330
Baltimore, MD 21230

For MLGCA Use Only
Vendor # _____
Date _____

VIDEO LOTTERY TERMINAL BID APPLICATION

Company Information

Company Name: _____ DBA: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____

Website Address: _____

Bid Email Address: _____ Contact Name: _____

Bid Email Address: _____ Contact Name: _____

Federal ID Number: _____

General Information

Number of Years in Business (Minimum 1 Year Required): _____

Is or has your company ever been debarred or had a licensed revoked from any federal/state/county/city governments? _____

If yes, please explain:

Type of Ownership

Corporation _____ Partnership _____ Sole Proprietor _____ Limited Liability _____ Other _____

Date of Incorporation: _____ State in which Incorporated: _____

Company Officials

Name of Owner/President/CEO: _____ Title: _____

Email Address: _____ Phone: _____

Other Company Contacts

Name: _____ Title: _____

Email Address: _____ Phone: _____

Name: _____ Title: _____

Email Address: _____ Phone: _____

Signature

I, the undersigned, hereby certify that the information contained within this application is true and is a correct statement of facts.
I further certify that the undersigned shall abide by and be subject to all applicable federal, state, and local laws and relations pertaining to any subsequent contract that may be issued.

Authorized Signature

Date

Print Name

Title



Video Lottery Machine

Sales Terms and Conditions

All bidders and other participants of this auction agree that they have read and fully understand these terms and agree to be bound thereby.

Guaranty Waiver: All property is offered for sale **AS IS, WHERE IS. State of Maryland (Seller)** makes no warranty, guaranty or representation of any kind, expressed or implied, as to the merchantability or fitness for any purpose of the property offered for sale. The Buyer is not entitled to any payment for loss of profit or any other money damages special, direct, indirect, or consequential.

Description Warranty: Seller warrants to the Buyer that the property offered for sale will conform to its description. Any claim for **incorrect** description must be made prior to removal of the property. If **Seller** confirms that the property does not conform to the description, **Seller** will keep the property and refund any money paid. The liability of **State of Maryland** shall not exceed the actual purchase price of the property. Please note that upon removal of the property, **all sales are final.**

Personal and Property Risk: Persons attending during exhibition, sale or removal of goods assume all risks of damage of or loss to person and property and specifically release the **Seller** from liability therefore.

Inspection: All items offered for sale are used and may contain defects not immediately detectable. **Prior to bidding, Bidders may inspect the property on May 6 - 8 during times scheduled with the Asset Contact, Jennifer Wetherell at 410-230-8891.** The inspection location will be included in the emailed invitation to bid upon approval of the Bid Application.

Consideration of Bid: **The State of Maryland** reserves the right to reject any and all bids and to withdraw from sale any of the items listed.

Bid Application: In order to be eligible to place a bid, a completed **Bid Application** shall be submitted to the Maryland Lottery and Gaming Control Agency **no later than May 5, 2015.** A **Bid Application** approval shall be issued by email upon verification that the Bid Application is complete.

Buyer's Certificate: Successful bidders will receive a **Buyer's Certificate** by email from the **Maryland Lottery and Gaming Control Agency.**

Payment: Payment by wire transfer in full is **due within 24 hours from the date** of the Buyer's Certificate. Wire transfer information shall be included in the Buyer's Certificate. A **Payment Confirmation** shall be issued by email upon verification of receipt of payment.

IN PERSON PAYMENTS ARE NOT ALLOWED OR ACCEPTED!!



Removal: All items must be removed by **May 29, 2015**. Bid winners must make prior arrangements and submit a **Notice of Transportation** to the Asset Contact, Jennifer Wetherell, at Jennifer.Wetherell@Maryland.gov for pick-up. The Notice of Transportation shall include:

Name and address of person initiating transportation;
Method of transportation;
Name and address of carrier;
Anticipated beginning and end dates of transportation; and
Name and address of destination.

Purchases will be released only upon receipt of payment as specified in the Buyer's Certificate. Successful bidders are responsible for loading and removal of **100% of the property** awarded to them. **The asset location can be found in the Buyer's Certificate.** The Buyer will make all arrangements and perform all work necessary, including packing, loading and transportation of the property. Under no circumstances will **State of Maryland** assume responsibility for packing, loading or shipping. **Bid winners must provide a copy of the Payment Confirmation and photo identification before property will be released. If someone other than the bid winner is involved in property removal, please notify the Point of Contact. Prior to pick-up, a copy of the bid winner's photo identification must be presented, along with the photo identification of the pick-up agent.** Please refer to the item description for the contact information to arrange Property removal. **No assistance will be provided to load your items. Buyer needs to come fully prepared to leave with all of their items. There will be no split pick-ups. Items not picked up will be re-auctioned and buyer shall be deemed in Default.**

Default: Default shall include (1) failure to observe these terms and conditions; (2) failure to make good and timely payment; or (3) failure to remove all items within the specified time. Default may result in termination of the contract and suspension from participation in all future sales until the default has been cured. If the Buyer fails in the performance of their obligations, **Seller** may exercise such rights and may pursue such remedies as are provided by law. The **State of Maryland** reserves the right to reclaim and resell all items not removed by Buyer seven (7) days from the expiration of specified removal date.

Acceptance of Terms and Conditions: By submitting a bid, the bidder agrees that they have read, fully understand and accept these Terms and Conditions, and agree to pay for and remove the property, if the bid is accepted, by the dates and times specified.

State/Local Sales and/or Use Tax: Buyers shall be subject to payment of State and/or local sales and/or use tax. Buyers are responsible for contacting the appropriate tax office, completing any forms, and paying any taxes that may be imposed.