

Questions and Answers Regarding RFP 2021-0400-4744 Gaming Consulting Services

Question: *The RFP appears to be focused on expanding tourism to the state of Alaska through expanded gaming. In terms of tourism, is the state's focus on inbound tourism from other states or countries, or is intrastate tourism also to be considered?*

Answer: Both, with primary focus on inbound tourism from other states and countries.

Question: *Aside from tourism, gaming catering to local residents can also increase jobs and economic activity. Should the consultant also be studying the impact of expanded gaming including current gaming habits and associated jobs and economic impact derived from local residents, industry, and transient workers?*

Answer: Yes.

Question: *As recognized by the state, there are many diverse forms of gaming that have the potential to be implemented through an expanded gaming framework. Does the state have an existing preference for or bias against seeing any specific form of expanded gaming implemented in the state? Is there one form or another that is of higher priority for the state?*

Answer: The preference is for the form of gaming that does the most to create jobs and increased tourism to the state.

Question: *The proposed initial contract term is scheduled to run from April through December 2021. Does the state have a specific timeframe, objective or desire to receive specific deliverables during this time period?*

Answer: Complete study, engagement, and draft legislation by August 31, 2021.

Question: *Part of the anticipated scope includes extensive engagement by the consultant with "all interested stakeholders." Recognizing that these stakeholders can potentially be numerous, diverse, and some unforeseen at the onset of the engagement, can the state provide an initial list of whom it anticipates such major stakeholders to be and what level of detail it anticipates the consultant engaging with such parties on its behalf?*

Answer: At the outset of the engagement, we anticipate providing public notice of the engagement exercise, with an invitation to participate. We anticipate that responding interested stakeholders will include:

--state and local policymakers and community representatives, particularly in the geographic areas where expanded gaming could be located

--any stakeholder group that is strongly for or against expanded gaming

--any stakeholder group that could be substantially positively or negatively impacted by expanded gaming
--any stakeholder group that wishes to participate in the expanded gaming as a permittee or operator
--current charitable gaming permittees, operators and vendors
--representatives of public safety and social services organizations

Question: *Does the state have a particular preference to see gaming regulated under a newly formed gaming commission or is it the intent or desire of the state to place regulation of expanded gaming under the authority or supervision of an existing division of the state?*

Answer: The State's preference would be to create a gaming commission to authorize and regulate expanded gaming.

Question: *Should we assume that the drafting of enabling legislation and regulations would include land-based gaming, mobile gaming and a lottery?*

Answer: The legislation could include all of those but will likely be focused on the approach to expanded gaming that will be most likely to generate the largest increase in jobs and tourism.

Question: *In the RFP, it refers mostly to legislation drafting services. However, Section 3.01 highlights in the deliverables to include "legislation and regulations." Is it desired to have both the draft legislation and the regulations in the final product? Or would the regulations be a separate potential scope after the legislation has passed to draft appropriate regulations? Would this be covered in the originally allocated budget subject to approval?*

Answer: The primary work-product sought is legislation. Proposers are welcome to submit proposals that also include a proposal to draft suitable post-enactment regulations.

Question: *Is it acceptable for a joint venture (Section 3.08) to allow for a partnership with an Alaska firm and a firm from another state to then qualify for Alaska Bidder Preference status?*

Answer: From the Alaska Bidder Preference Certification Form, "If you are submitting a bid or proposal as a JOINT VENTURE, all members of the joint venture must complete and submit this form before the deadline set for receipt of bids or proposals. "AS 36.30.990(2)(E).

Question: *We are prepared to include in our proposal a review and discussion of "interactive wagering options" but will not if that is outside the scope of your consideration in this proposal.*

Answer: Fine to include.

Question: *Deliverable 1.d requests "Evaluation of competition to expanded gaming in Alaska"... Does this deliverable strictly concern market competition or does it also include political/social opposition?*

Answer: Market competition only.

Question: *Do subcontractors located outside the State of Alaska require Alaska Business Licenses?*

Answer: Yes, per Section 3.07 Subcontractors

Question: *If an Alaska-based company bidder has not been incorporated for six months or more, but all LLC members are residents of the state and has an employee that has been resident and employed in Alaska for greater than six months, will that company qualify for the Alaska Bidder Preference?*

Answer: The proposal must be submitted under the name appearing on the Alaska business license and it is that business that must be able to answer yes to all questions in the Alaska Bidder Preference Certification form.

With regard to Section 6.12, "Alaska Bidder Preference", we understand that there is meaningful emphasis on Alaska Preference. Given that the industry under discussion is not prevalent in Alaska currently, as we develop our Scope of Work, we would like to confirm the following:

Question: *Is it correct that a firm operating from any jurisdiction outside of Alaska must be a subcontractor to a firm qualifying for Alaska Bidder Preference for the project to qualify as such?*

Answer: This is correct, however the requirements of 2 AAC 12.875 prohibit using an Alaska company just to get the preference:

(a) Unless provided for otherwise in the solicitation, to qualify as a bidder or offeror for award of a contract issued under AS 36.30, a bidder or offeror must

(1) add value in the contract by actually performing, controlling, managing, or supervising the services to be provided; or

(2) be in the business of selling and have actually sold on a regular basis the supplies that are the subject of the solicitation.

(b) If a bidder or offeror leases services or supplies or acts as a broker or agent in providing the services or supplies in order to meet the requirements of (a) of this section, the procurement officer may not accept the bidder or offeror as a qualified bidder or offeror under AS 36.30.

Question: *And if so, we would ask, does the proportion of the work handled by the qualifying firm (compared to outside firms) prejudice the scoring process otherwise?*

Answer: Per section 3.07 Subcontractors are allowed and the subcontractor's experience may be considered in determining whether the offeror meets the requirement set forth in Sec. 1.04 Prior Experience. The contract is between the State and the main contractor, not the subcontractor. The amount of work handled by the qualifying firm would not prejudice the scoring. The same requirements of 2 AAC 12.875 apply, the Alaska company must actually add value to the contract.