

**VIDEO LOTTERY OPERATION LICENSE IN
BALTIMORE CITY
(#2012-0101)**

**RESPONSES TO WRITTEN QUESTIONS
July 15, 2011**

This List of Questions and Responses #6 (Q&A#6) is being issued to clarify certain information contained in the above named RFP. The statements and interpretations of License 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 License 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 Location Commission's responses to those questions:

58. QUESTION: Are persons who are required to complete certain license application or disclosure forms required to disclose criminal history that has been expunged, sealed, or that was handled by a juvenile court?

ANSWER: No. The license application and disclosure forms have been revised to consistently provide that a person is not required to disclose an arrest or charge for which the record has been expunged pursuant to an order of court or otherwise sealed by a court of competent jurisdiction, or that occurred when the person was under 18 years of age and that was adjudicated entirely in juvenile court. The following forms have been revised accordingly: 1001; 1002; 1004; 1005; 1006; 1007; 1020; 1022; 2001; 2002 and 2003. The undertaking of this revision revealed variations between the forms' definitional sections; the definitions have been deleted from the revised forms, and the Consolidated Definitions should be used instead. All required license application and disclosure forms, and definitions, are available at <http://slots.mdlottery.com/licensing/>.

59. QUESTION: a) Please confirm that the Initial License Fee will be fully refundable until Applicant, after being awarded the License, gives notice to the State Lottery Commission of its intention to proceed with the project.

b) Might the RFP language be amended to say: "The Location Commission shall return the deposit upon request by Applicant at any time?"

ANSWER: a) Absent an extraordinary circumstance that is totally outside the Applicant's control, as determined in the sole discretion of the Location Commission, an Applicant should be fully ready to proceed with the project upon award. The Awardee does not have the option to decide whether or not it will proceed. Section 2.11 indicates that proposals are irrevocable for a period of 365 days which means that a proposal cannot be withdrawn without forfeiting the Initial License fee. The Initial License Fee (less any amounts due for background investigation fees, etc.) will be refunded to an unsuccessful applicant in accordance with Section 2.10.1.2.

b) No. (See Section 2.10 as amended by Amendment #1 and the Answer to Question #41)

60. **QUESTION:** Would it be allowable to clean out the surrounding areas, such as the debris in the area along the waterfront and the debris trap where the storm drains open, and to clear a vision corridor, all of which would impact the Critical Area and possibly need approval of the Critical area Commission or Corps of Engineers?

ANSWER: The waterfront area is owned by Baltimore City's Department of Recreation and Parks. This area was purchased using State Program Open Space funds, and by law, must remain a green space open to the public. The entire area is in the Chesapeake Bay Critical Area, is a designated habitat protection area and a waterfowl nesting area. Any proposed clearing would require approval of the City Department of Planning and the State Critical Area Commission and would involve substantial planting and/or other mitigation. To protect the habitat area, large cleared areas along the water will not be allowed, and vegetated buffers will be required along the outfalls. Any proposed work over the water would also require a permit from the Maryland Department of the Environment and the Army Corps of Engineers. The City Department of Public Works is responsible for maintaining the debris traps in the area. An Applicant should include any plans for cleaning or environmental enhancement of the waterfront in its Proposal for review.

The site is on the Middle Branch of the Patapsco River which is Baltimore's "Green Waterfront" and subject of the Middle Branch Masterplan. Applicants should read that plan at:

<http://baltimorecity.gov/Government/AgenciesDepartments/Planning/MasterPlansMapsPublications/MiddleBranchMasterPlan.aspx>

The Greyhound bus terminal is nearby and the Gwynns Falls Trail runs between the VLT project site and the water. Linking to these alternative transportation facilities will be required by the City. In addition to regular City plans review, the project will be reviewed by the City's Urban Design and Architectural Review Panel (UDARP) and Planning Commission.

61. QUESTION: Can an estimate be provided of the cost of the Background Investigation for the Licensee or, if that is not practical, what were the costs of the Background Investigations for the current Licensees – Penn National, Ocean Enterprises and PPE/Arundel Mills?

ANSWER: The Background Investigation cost is dependent upon the structure of the Applicant that is being investigated, the complexity of that structure, where the component entities and individuals are located and any issues found during the investigation that may require additional scrutiny. The Background Investigation amount for the three current Licensees has been in the range of \$400,000 and \$500,000, but that is no guarantee of the cost of investigation of future Licensees.

62. QUESTION: Does the City hold clear title to each of the City owned VLT sites and will the title work be made available for examination by a potential applicant?

ANSWER: Yes, the City holds clear title to each of the designated VLT sites. The Awardee shall be responsible for obtaining its own title search/insurance from a title company of its choice and the City will fully cooperate with the selected title company to clarify any issues.