



NASSAU REGIONAL OFF-TRACK BETTING CORPORATION

REQUEST FOR PROPOSALS



**TEMPORARY FOOD, BEVERAGE AND EVENT CATERING SERVICES
FOR
THE RACE PALACE
1600 ROUND SWAMP ROAD,
PLAINVIEW**

**RFP# 2019-000100
Issue Date: March 22, 2019**

Nassau Regional Off-Track Betting Corporation
Temporary Food, Beverage and Event Catering Services Concession
Request For Proposals (RFP) #2019-000100

I. INTRODUCTION

Nassau Regional Off-Track Betting Corporation (“NROTB”) is seeking proposals (“Proposals”) from qualified individuals and entities (the “Proposer” or “Proposers”) to provide temporary food, beverage and event catering services at the facility known as the Race Palace in Plainview, NY (the “Race Palace”), which Race Palace is owned and operated by NROTB. There are no food, beverage or event catering services being provided at the Race Palace at the current time.

The specific opportunity for which the successful Proposer (the “Concessionaire” or “Licensee”) will be expected to provide service is described in more detail below, but includes standard food and beverage service to the general public and NROTB customers, and food and beverage service at VIP catered events, parties, corporate events, and to NROTB VIP customers. The service offered must be customer oriented and the food must be appealing, reasonably priced and of high quality. The Concessionaire will operate the premises pursuant to a license (the “License”) issued by NROTB.

II. SPECIFIC SERVICE OPPORTUNITY

A. Service Site: 1600 Round Swamp Road

The Race Palace is located near the Nassau-Suffolk border, at 1600 Round Swamp Road, Plainview, just south of the Long Island Expressway Exit 48. It is also easily accessible via Old Country Road, a main Nassau County thoroughfare.

Proposers will be permitted to conduct a site visit of the Race Palace prior to the Proposal Due Date (as hereinafter defined) by contacting the Authorized Contact Person (as hereinafter defined) to arrange such visit. Proposers are not required to conduct such a site visit.

The restaurant kitchen, which services the second floor Race Palace Café and the Race Palace VIP Rooms, is approximately 5,800 square feet and previously serviced the Race Palace catering facility.

B. Race Palace Café

The second-floor bar and grill at the Race Palace is operated under the name “Race Palace Café.” This location primarily services NROTB customers. The Café contains a full-service bar seating 14 people and table seating for 60 people. Waiter/waitress service for this area and the 80 customer carrels on the main betting floor is required.

C. VIP Service

NROTB has three private VIP rooms at the Race Palace, which seat a total of 84 people. NROTB will contract with the Licensee to provide complimentary food and beverage services to NROTB's VIP customers and will be billed monthly for these services (the "VIP Service").

Additionally, the Concessionaire is expected to provide exclusive catering for VIP events and parties. NROTB provides complimentary food and beverage services on Major Racing Days (i.e., Kentucky Derby, the Preakness, Belmont Stakes and Breeder's Cup) (the "NROTB Events"). On Major Race Days, the Concessionaire will also be responsible for preparing and delivering lunch to approximately 110 NROTB employees at NROTB's six simulcast facilities.

NROTB's prior food & beverage concessionaire reported that their sales at the Race Palace were (a) \$154,810.57 for 2018 (through May), \$372,604.53 for 2017 and \$397,219.67 for 2016.

D. Hours of Operation

The Race Palace current wagering operation hours are:

- Monday, Wednesday, Thursday: 11:30 AM-11:00 PM
- Tuesday: 11:30 AM-5:30 PM
- Friday & Saturday : 11:30 AM-Midnight
- Sunday: 11:30 AM-7:30 PM

The Licensee will be required to maintain minimum service hours consistent with the NROTB operation.

II. SPECIFIC PROPOSAL REQUIREMENTS AND SUBMISSION INFORMATION

A. Minimum Qualifications:

To be considered eligible to submit a Proposal in response to this RFP, Proposers (including principals) must meet the following minimum qualification:

- a. Proposers (including their principals) must have a minimum of five (5) years of previous experience providing services of similar scope and scale as those identified in this RFP.

Proposals that fail to meet this requirement may be found non-responsive and rejected.

B. RFP Schedule

- RFP Issue Date: **March 22, 2019**
- Site Visit & Tour: **Upon request but prior to Proposal Due Date**
- Proposal Due Date: **March 29, 2019 (4:30 pm EDT)**
- Award Date: **On or about April 1, 2019**

Dates indicated above are subject to change at the sole discretion of NROTB; any changes will be posted on the NROTB website at “www.nassauotb.com”.

C. Award of License

NROTB shall select a Concessionaire (if any) by means of a Notice of Award issued by NROTB. Neither the selection of a Concessionaire nor the issuance of a Notice of Award shall constitute NROTB’s acceptance of the Proposal or a binding commitment on behalf of NROTB to enter into a License with the firm, as any binding arrangement must be set forth in definitive documentation signed by both parties and shall be subject to all requisite approvals.

D. Authorized Contact Person

Interested parties are advised that the authorized contact person for this RFP (the “Authorized Contact Person”) is Arthur T. Walsh, Esq., General Counsel & Corporate Secretary. No contact with any other NROTB personnel other than the Authorized Contact Person by a Proposer is allowed until such times as an award (or awards) has (have) been made. Violation of this provision may result in immediate disqualification. Proposers must submit all Proposals and direct all responses, questions, and any other communications to the Authorized Contact Person, each of which must be in writing and include the questioner’s e-mail address.

Arthur T. Walsh, Esq.
General Counsel & Corporate Secretary
Nassau Regional Off-Track Betting Corporation
139 Liberty Avenue
Mineola, New York 11501
Fax: 516-706-6899
Email: info@nassauotb.com

E. Proposal Submission Instructions

One (1) original of the Proposal and all attachments, must be submitted to NROTB in a sealed opaque envelope no later than 4:30 pm (EDT) on the Proposal Due Date addressed to the attention of the Authorized Contact Person. No telegraphic or facsimile Proposals will be accepted. The Proposer bears all responsibility to ensure that its Proposal is submitted in a timely fashion and should anticipate potential delays in the delivery of the same.

F. RFP Clarifications and Questions

1. NROTB will not respond to any question, inquiry or assertion that is not received in writing. Questions or inquiries may be submitted either by e-mail or by facsimile transmission. Interested parties may contact the Authorized Contact Person by email to advise that a fax transmission has been sent to the below number.

2. All submitted questions, clarifications or amendments of this RFP will be responded to in writing and forwarded (via-e-mail) to each individual and/or entity who has provided NROTB with a valid e-mail address.

G. Modification or Withdrawal of a Proposal

Proposals shall be firm and not revocable for a period of fifteen (15) days unless withdrawn by the Proposer in writing before 4:30 p.m. on the Proposal Due Date.

H. Utilities, Insurance and Other Services

1. Gas service for the restaurant cooking equipment is separately metered and shall be paid by NROT. Licensee shall not utilize the restaurant cooking equipment to prepare food other than in connection with providing the services required by this RFP.

2. NROT will provide HVAC and electricity for the licensed premises at no cost to the Concessionaire.

3. All refuse and garbage generated by the Concessionaire at the Race Palace will be placed in containers provided by NROT and which shall be removed by NROT's designated refuse contractor at no cost to the Concessionaire. Licensee shall not place any refuse or garbage in the containers provided by NROT that is not generated in connection with providing the services required by this RFP.

4. The Licensee is required to procure the types of insurance coverage and minimum liability limits set forth below and in form and substance satisfactory to NROT. Required insurance coverage limits may be provided through a combination of primary and excess/umbrella liability policies.

- i. **Commercial General Liability Insurance** for claims that may arise out of ongoing and completed operations under the License. Such policy shall have a liability limit of at least \$1,000,000 each occurrence and at least \$2,000,000 general aggregate. Fire Damage (Any one Fire) \$ 50,000.
- ii. **Comprehensive Business Automobile Liability Insurance** covering liability arising out of any automobile used in connection with performance under the License. Such policy shall have a combined single limit for Bodily Injury and Property Damage of at least \$1,000,000 each accident.
- iii. **Liquor Liability Insurance** in the amount of at least \$1,000,000 per occurrence.
- iv. **Workers Compensation and Disability Benefits Insurance** In order to comply with Sections 57 and 220(8) of the Workers' Compensation Law, NROT requires annual proof of both Workers' Compensation Insurance and Disability Insurance.

Prior to the commencement of the term of the License, Licensee shall provide NROT with both an ACORD 25 Certificate of Insurance and an ACORD 855 ADDENDUM, which shall be in form and substance satisfactory to NROT in its sole discretion. Please note that ACORD forms are NOT acceptable proof of coverage with respect to workers compensation and disability insurance coverages.

5. Concessionaire will be required to clean the licensed premises, including the counters, equipment, tables, chairs and floors and additional seating areas. Concessionaire will be responsible for the daily emptying of all trash cans in the licensed premises and disposal of its garbage and trash in containers provided by NROTB. The licensed premises must be fully cleaned on a daily basis.

I. License Term

It is the intent of NROTB to award License(s) for a period commencing on the Award Date and continuing through and including November 30, 2019; provided, however, that NROTB and the Concessionaire may extend the term of the License by mutual consent.

J. Mandatory Proposal Response Requirements

All Proposals must contain the following listed items. A failure to include any mandatory items will result in the submitted proposal receiving a score of zero in that category. All Proposals responding to this RFP shall be in English and shall include all attachments and certifications. All submissions must be signed on the designated signature line by an officer or authorized agent of the Proposer. All lines should be completed, or marked as “No Answer” if no response is intended to be inserted.

1. Concession Proposal Cover Page

The concession proposal cover page can be found as **Appendix A** to this RFP. The completed cover page must be the first page of the response to this RFP. Please ensure that all items noted on that page are included in the submission in the order listed on the cover page.

2. Sample Menus

Sample menus (a la carte and catering) can be found as **Appendix B** to this RFP. The Proposer shall provide its pricing for all food and beverage items set forth on the sample menus including its “per person” pricing for catered events. Proposers are welcome to propose additional items where indicated on the sample menus, together with their proposed pricing for such additional items.

3. Prior Experience; Qualifications; Financial Soundness.

Proposers shall (a) set forth in detail their prior experience (including experience of principals) in the food and beverage industry, including any municipal experience, provide a list of locations currently serviced for potential site visits by NROTB, and provide the names and contact information for at least two (2) relevant references, (b) set forth in detail the qualifications, experience and training of personnel that will provide the services required by this RFP at the Race Palace, and (c) set forth a description of the financial stability and soundness of the Proposer including banking and accounting references (with contact information). The Proposer shall attach its response addressing the foregoing as **Appendix C**.

4. Business History Form.

A Business Story Form is attached to this RFQ as **Appendix D**. This form must be duly completed and verified by the Proposer.

5. Principal Questionnaire.

A Principal Questionnaire form is attached to this RFP as **Appendix E**. All corporate officers and any individuals who hold a ten percent (10%) or greater ownership interest in the Proposer shall complete and sign such form, verifying that the information contained therein is accurate.

6. Non-Collusive Proposal Certification.

A Non-Collusive Proposal Certification form is attached to this RFP as **Appendix F**. All Proposers must sign and complete this form.

K. General Information

1. Incurring Cost. NROTB shall not be liable for any costs incurred in the preparation and production of a Proposal in response to this RFP or for any work performed prior to the issuance of a License.

2. Basis of Award. Notwithstanding any other provision of this RFP, NROTB reserves the right to award the License to the Proposer(s) that best meets the requirements of the RFP and provides the “best value” to NROTB.

3. License Negotiations. NROTB intends to enter into license negotiations with the Proposer(s) selected by its RFP Evaluation Committee, who shall be required to enter into a written license or licenses, in form and substance satisfactory to NROTB. This RFP and the Proposal, or any part thereof, may be incorporated into and made a part of the License(s). The License(s) may contain provisions not contained herein.

4. Disclosure of proposal contents. NROTB is subject to the Freedom of Information Law, which governs the process for the public disclosure of certain records maintained by it (Public Officers Law, §§ 87 and 89). Individuals or firms that submit proposals to NROTB may request that it except all or part of such Proposals from public disclosure, pursuant to Public Officers Law Section 87(2)(d), on the grounds that the Proposal contains trade secrets, proprietary information, or that the information, if disclosed, would cause substantial injury to the competitive position of the individual or firm submitting the information. Such exception may extend to information contained in the request itself, if public disclosure would defeat the purpose for which the exception is sought. The request for an exception must be in writing at the time the Proposal is submitted and must state, in detail, the specific reasons for the requested exception. It must also specify the portions or materials for which the exception is requested. If NROTB grants the request for exception from disclosure, it shall keep such Proposal or portion thereof exempt from public disclosure. Proposers should be aware that any claimed exception is subject to review by a court of law under applicable provisions of the Public Officers Law.

5. Ownership of Information. NROTB has the exclusive ownership and unlimited rights to use disclose, or duplicate for any purpose whatsoever, all information, data designs, reports, documents, data, photographs and/or other materials produced pursuant to this RFP.

6. Examination of Records. In submitting a Proposal, each Proposer agrees that NROTB shall have access to and the right to examine directly all pertinent documents, papers and records of the Proposer as related to any license resulting from this RFP until six years after final payment has been made pursuant to any license awarded as a result of NROTB's acceptance of a Proposal.

7. Sublicensing. The Licensee will be responsible for the entire performance of the License and shall not be permitted to sublicense any part of the License or any of the rights and obligations thereunder without the prior written approval of NROTB.

8. Disclaimer. NROTB and its respective officers, directors, agents, members and employees make no representation or warranty and assume no responsibility for the accuracy of the information set forth in this RFP. Further, NROTB does not warrant nor make any representations as to the quality, content, accuracy or completeness of the information, text, graphics, links or other facet of this RFP once it has been downloaded or printed from this or any server, and hereby disclaims any liability for technical errors or difficulties of any nature that may arise in connection with the website on which this RFP is posted, or in connection with any other electronic medium utilized by respondents or potential respondents in connection with or otherwise related to the RFP.

9. Licenses and Permits. The Licensee will agree to procure, at his cost and expense, all/any permits and/or licenses necessary to fulfill and carry out all the provisions of the License, including, without limitation, the applicable liquor licenses and health department permits. NROTB shall reasonably cooperate with the Licensee in its efforts to obtain such permits and licenses. Licensee shall be required to have permits and licenses in full force and effect within five (5) days after NROTB and Licensee enter into a License. A failure to acquire or maintain such licenses and/or permits may be grounds for termination of the License

10. Gaming Commission Approval. NROTB is under the regulatory authority of the New York New York State Gaming Commission. Under Commission rules and regulations, all concession and license awards must be approved by the New York State Gaming Commission. Accordingly, the parties agree that the License is subject to and dependent upon the approval of the NYS Gaming Commission and Licensee agrees to cooperate with its independent vetting process.

11. Employees. The Concessionaire will be responsible for providing all employees required to perform the services set forth in the License and shall be responsible for all payroll and employment taxes for the same. All employees of the Concessionaire must be familiar with New York State Sanitary Code in regard to dress, food handling, etc., and shall undergo proper medical examination when, and if, required by NROTB, at any time to confirm their fitness to handle foodstuffs.

12. Compliance with Law. All State and local health and sanitary codes, standards and regulations, including sanitary standards established and issued by NROTB, shall be adhered to, at all times by the Concessionaire.

13. Other Agreements. The Licensee hereby acknowledges and understands that NROTB has entered into certain agreements for the operation of snack and soda machines in the Race Palace and the Licensee herein will be required to honor such agreements and use the products sold in such machines exclusively. In the various “exclusive rights” agreements described above, NROTB also will require that the suppliers of such products or their distributors sell such products to the Licensee herein at or below the current rate the Licensee is paying for similar products in similar quantities. In the event of a dispute it is the Licensee’s responsibility to demonstrate and confirm what price they are paying. Subject to the foregoing provisions of this Paragraph 13, the Concessionaire shall be the exclusive food and beverage concessionaire at the Race Palace during the term of the License.

14. Non-Discrimination. NROTB will only contract with a Concessionaire that does not discriminate against employees or applicants for employment because of race, color, religion, creed, ethnicity, age, gender, pregnancy, sex, sexual orientation, gender identity, national origin, citizenship, marital status, domestic violence victim status, military status, veteran status, disability, familial status, genetic information, genetic predisposition or carrier status, or other characteristic or criteria protected by applicable law.

15. Catering Hall. Proposers are advised that NROTB reserves the right to procure a vendor to operate the 1st floor banquet space as a catering facility (which may include the 1st floor bar and restaurant space) and to provide food, beverage and catering services in the Race Palace on a long-term basis (i.e., a 10-year initial term with options to renew twice for 5 year periods). It is NROTB’s intention to issue a separate Request for Proposals with respect thereto on or about April 15, 2019 and that the contract awarded pursuant to such Request for Proposals would be effective upon the expiration of the License. Proposers are encouraged to respond to such Request for Proposals upon its issuance.

L. Equipment

Licensee is responsible to supply all necessary food service equipment required to operate a full-service food, beverage and event catering operation at the Race Palace. Notwithstanding the foregoing, NROTB will provide certain equipment on site for Concessionaire’s use that is currently located at the Race Palace. NROTB makes no representation regarding the state of condition of any such equipment.

All equipment owned by NROTB and supplied for use by the Licensee, if any, shall be maintained in their present condition by the Licensee during the period of the License. All equipment is subject to inspection by NROTB, and/or assigns at will and a formal audit of list will be performed at inception and termination of the License, as well as at regular intervals during operation. At no time will it be permissible to remove equipment from the premises, with the possible exception of repair and, in this instance, only upon prior consent of the NROTB. Such items shall remain the property of NROTB and shall be returned to NROTB at the end of the term hereof or sooner.

M. Proposal Evaluation Criteria

Each Proposal shall be evaluated on various areas, which will include the following, and the award (if any) shall be based on the “best value” to NROTB:

1. Category: Background and Experience 60% Percent
 - a. Background, experience and past performance of the Proposer in running similar ventures. (20%) Percent
 - b. Recruitment, qualification, experience and training of personnel; organizational structure. (20%) Percent
 - c. Financial stability and soundness of Proposer organization. (20%) Percent
2. Category: Menu and Pricing 40% Percent
 - a. The appropriateness of the proposed menu(s) & their pricing for the Race Palace. (40%) Percent

N. NROTB Procurement Process

NROTB reserves the right to:

- Amend or withdraw this RFP at any time prior to award or not make an award under this RFP in NROTB’s sole discretion. Amendments or notices of withdrawal shall be posted on NROTB’s website at www.nassautb.com.
- Recommend for selection for contract or for negotiations a Proposal other than that with the lowest cost.
- Reject any and all Proposals received in response to this RFP, including, without limitation, any Proposals that are incomplete or non-responsive, that purport to alter any required terms or conditions of this RFP, that contain any conditions or limitations, or that contain any other irregularities.
- Make a recommendation that NROTB make no award, cancel the RFP or issue a new RFP.
- Waive or modify any information, irregularity, or inconsistency in Proposals received, if such waiver or modification is deemed to be in the best interests of NROTB.
- Contact Proposers to obtain clarifications of their Proposals, but NROTB is under no obligation to do so.
- Request modification(s) to Proposals from any or all Proposers during the review and negotiation period.
- Negotiate any aspect of any Proposals with any Proposer and negotiate with more than one Proposer at the same time.
- Award based on Proposals received without discussion of such Proposals with the Proposers. Each Proposal, therefore, should be submitted in the most favorable terms that the Proposer can offer NROTB from a price and technical standpoint. However,

NROTB reserves the right to request additional data or to have oral discussions or presentations/negotiations in support of Proposals from any and all Proposers.

- NROTB may divide and award the contract to multiple Proposers as warranted and as it deems appropriate.

APPENDIX A

Nassau Regional Off-Track Betting Corporation
Temporary Food, Beverage and Event Catering Services Concession
RFP #2019-000100

PROPOSAL COVER PAGE

Proposer's Name: : _____

Proposer's Address: _____

Phone: _____

E-Mail Address:_____

Contact Person: _____

Pursuant to the instructions in the RFP, all proposals must be assembled in the following order and contain the following:

- ___ 1. This cover Page. (**Appendix A**)
- ___ 2. Proposed Menu(s) (**Appendix B**).
- ___ 3. Prior Experience; Qualifications; Financial Soundness
(**Appendix C**) with appropriate supporting material.
- ___ 3. Business History Form (**Appendix D**) with appropriate
supporting material.
- ___ 4. Principal Questionnaire (**Appendix E**)
.
- ___ 5. Non-Collusive Proposal Certification (**Appendix F**).

APPENDIX B

Nassau Regional Off-Track Betting Corporation
Temporary Food, Beverage and Event Catering Services Concession
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SAMPLE MENUS

CATERING SAMPLE MENU

VIP Catering

Tossed Garden Salad
Penne ala Vodka
Chicken Francaise
Marinated Skirt Steak
Mango Glazed Salmon
Seasonal Vegetables
Roasted Potatoes
Dinner Rolls with Butter

\$ _____ Per person

Enhancements

Soft Drinks \$ _____ Per person

Coffee Service \$ _____ Per person

Dessert \$ _____ Per person

CAFÉ SAMPLE MENU

Concession Menu (Bar Area)

- Lobster Tacos \$ _____
- Wings; BBQ, Buffalo or Plain \$ _____
- Mac n' Cheese \$ _____
- Beef & Chicken Satay \$ _____
- Hamburger/Cheese Burger with French Fries or Salad \$ _____
- Grilled Chicken Sandwich with French Fries or Salad \$ _____
- Pulled Pork Sliders with Coleslaw \$ _____
- Grilled Chicken Caesar Salad \$ _____
- Mixed Green Salad \$ _____
- Dessert \$ _____
- Coffee \$ _____

Additional Offerings

_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

Major Race Day Employee Lunches (approximately 110 persons) (Delivery to the Six Simulcast Facilities included)

Italian Hero/Chicken Cutlet Hero w/Mozzarella and Sundried Tomato
Pasta Salad

\$ _____ per person

Bar Pricing

Beer or Wine \$ _____ to \$ _____

Mixed Drinks \$ _____ to \$ _____

APPENDIX C

Nassau Regional Off-Track Betting Corporation
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PRIOR EXPERIENCE; QUALIFICATIONS; FINANCIAL SOUNDNESS

<Must include at least two (2) relevant references>

Proposer to Attach

APPENDIX D

Nassau Regional Off-Track Betting Corporation
Temporary Food, Beverage and Event Catering Services Concession
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BUSINESS STORY FORM

Instructions: Each Proposer shall complete and submit this questionnaire and shall cause any partner or subcontractor firm to complete and submit this questionnaire. In the case of partner and subcontractor firms, the term “Proposer” shall mean and refer to such partner or subcontractor firm. This questionnaire shall be filled out by the owner of a sole proprietorship or by an authorized representative of the firm, corporation or partnership submitting the Statement. Do not leave any blank spaces. If a question does not pertain to you or your company, write “not applicable” in the space. All signatures must be original.

Personal Information Notification

The information will be used in determining the reliability and capacity of the Proposer (and any partner or subcontractor firms) to perform the work required in the Proposal. If the information is not complete, the Proposal will not be considered. The information will be maintained in the files of NROTB. This information may be disclosed pursuant to the provisions of the Freedom of Information Law.

(PROVIDE A DETAILED RESPONSE TO ALL QUESTIONS CHECKED “YES”. IF YOU NEED MORE SPACE, PHOTOCOPY THE APPROPRIATE PAGE AND ATTACH IT TO THE QUESTIONNAIRE. USE ADDITIONAL SHEETS IF NECESSARY IN ORDER TO FULLY ANSWER EACH QUESTION.)

Date:

- 1) Legal Name:
- 2) Proposer is a (check one): Sole Proprietorship Partnership Corporation
 LLC Other (Describe)

Date of Incorporation/Formation:

- 3) Federal EIN or Social Security Number:
- 4) Dun and Bradstreet number:
- 5) Address of Place of Business:

List all other business addresses used within last five years:

Mailing Address (if different than above):

6) Telephone No:

7) Does the Proposer share office space, staff, or equipment expenses with any other business?
Yes__ No__ If Yes, please provide details:

8) Does the Proposer control one or more other businesses? Yes __ No __ If Yes, please provide details:

9) Does the Proposer have one or more affiliates, and/or is it a subsidiary of, or controlled by, any other business? Yes _ No _ If Yes, provide details.

10) Has the Proposer ever had a bond or surety cancelled or forfeited, or a license with Nassau County or any other government entity terminated? Yes _ No _ if yes, state the name of bonding agency, (if a bond), date, amount of bond and reason for such cancellation or forfeiture: or details regarding the termination (if a license).

11) Has the Proposer, during the past seven years, been declared bankrupt? Yes No If Yes, state date, court jurisdiction, amount of liabilities and amount of assets

12) In the past five years, has the Proposer and/or any of its owners and/or officers and/or any affiliated business, been the subject of a criminal investigation and/or a civil anti-trust investigation by any federal, state or local prosecuting or investigative agency? And/or, in the past 5 years, have any owner and/or officer of any affiliated business been the subject of a criminal investigation and/or a civil anti-trust investigation by any federal, state or local prosecuting or investigative agency, where such investigation was related to activities performed at, for, or on behalf of an affiliated business?

Yes _ No _ If Yes, provide details for each such investigation.

13) In the past 5 years, has the Proposer and/or any of its owners and/or officers and/or any affiliated business been the subject of an investigation by any government agency, including but not limited to federal, state and local regulatory agencies? And/or, in the past 5 years, has any owner and/or officer of an affiliated business been the subject of an investigation by any

government agency, including but not limited to federal, state and local regulatory agencies, for matters pertaining to that individual's position at or relationship to an affiliated business.

Yes ___ No ___ If yes, provide details for each such investigation.

14) Has any current or former director, owner or officer or managerial employee of the Proposer had, either before or during such person's employment, or since such employment if the charges pertained to events that allegedly occurred during the time of employment by the submitting business, and allegedly related to the conduct of that business:

a) Any felony charge pending? No _ Yes _ If Yes, provide details for each such charge.

b) Any misdemeanor charge pending? No _ Yes _ If Yes, provide details for each such charge.

c) In the past 10 years, you been convicted, after trial or by plea, of any felony and/or any other crime, an element of which relates to truthfulness or the underlying facts of which related to the conduct of business? No _ Yes _ If Yes, provide details for each such conviction

d) In the past 5 years, been convicted, after trial or by plea, of a misdemeanor? No ___ Yes __. If Yes, provide details for each such conviction.

e) In the past 5 years, been found in violation of any administrative, statutory, or regulatory provisions? No ___ Yes __. If Yes, provide details for each such occurrence.

15) In the past (5) years, has this business or any of its owners or officers, or any other affiliated business had any sanction imposed as a result of judicial or administrative proceedings with [respect to any professional license held? No Yes __, If Yes, provide details for each such instance.

16) For the past (5) tax years, has the Proposer failed to file any required tax returns or failed to pay any applicable federal, state or local taxes or other assessed charges, including but not limited to water and sewer charges? No _ Yes _ If Yes, provide details for each such year. Provide a detailed response to all questions checked 'YES'. If you need more space, photocopy the appropriate page and attach it to the questionnaire.

17) A description of any civil, criminal, administrative and investigatory proceedings in any jurisdiction in which the Proposer or its subsidiaries have been involved as follows:

a. Any conviction for any criminal or disorderly persons offense;

- b. Any criminal proceeding in which the Proposer or its subsidiaries has been a party or has been named as an uninfected co-conspirator;
- c. Existing civil litigation if damages are reasonably expected to exceed \$50,000, except for claims covered by insurance;
- d. Any judgment, order consent decree or consent order entered against the Proposer pertaining to a violation or alleged violation of the Federal Antitrust, Trade Regulation or Securities Laws or similar laws of any jurisdiction; and
- e. Any judgment, order, consent decree or consent order entered against the Proposer pertaining to a violation or alleged violation of any other state or federal statute, regulation statute regulation or code which resulted in the imposition of a fine or penalty of \$50,000 or more.

Name of Governmental Agency/Organization	Address	Nature of Proceeding	Date Involved

18) Attach copies of any judgments or petitions for bankruptcy or insolvency and any relief sought under any provision of the Federal Bankruptcy Act (United States Code, Title II) or any state insolvency law (New York State Debtor and Creditor Law), and any receiver, fiscal agent, trustee or similar officer appointed for the property or business of the Proposer or any holding, intermediary or subsidiary company.

19) Provide the following information if the Proposer has had any license or certificate denied, suspended or revoked by any government agency in this State or any other jurisdiction, the nature of such license or certificate, the agency and its location, the date of such action, the reasons therefore, and the facts related thereto. The Proposer will execute waivers permitting NROTb or its duly authorized representative to obtain copies of licensing documentation and to speak with representatives of other gaming license jurisdictions.

Name of Governmental Agency/Jurisdiction	Address	License/Certificate	Date of such action	Reason/Facts for such Denial, Suspension, Action or Revocation

20) Provide the following information if the Proposer or any holding company, intermediary or subsidiary company has ever applied for a license, permit or authorization to participate in any lawful gaming operation in New York State or any other jurisdiction, the agency and its location, date of application, the nature of the license permit or authorization, number and expiration date.

Name of Governmental Agency/Jurisdiction	Address	License/Permit	Date of such action	Number & Expiration Date

21) Attach an organizational chart of the Proposer, or parent company, including position descriptions and the name of the person holding each position

22) Conflicts of Interest:

a) Please disclose:

(i) Any material financial relationships that the Proposer or any employee of the Proposer has that may create a conflict of interest or the appearance of a conflict of interest in acting as a Vendor of NROTB.

(ii) Any family relationship that any employee of the Proposer has with any NROTB employee that may create a conflict of interest or the appearance of a conflict of interest in acting as a Vendor of NROTB.

(iii) Any other matter that the Proposer believes may create a conflict of interest or the appearance of a conflict of interest in acting as a Vendor of NROTB.

b) Please describe any procedures the Proposer has, or would adopt, to assure NROTB that a conflict of interest would not exist for the Proposer in the future.

23) Client List Please Identify a complete list of any and all past and current business activities that Vendor, or Vendors' agents, consultant, principal, owner, officer or advisors had, or currently has in the gaming and pari-mutuel wagering industry.

Please provide any other information which would be appropriate and helpful in determining the Proposer's capacity and reliability to perform these services.

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BUSINESS STORY FORM

CERTIFICATION

A MATERIALLY FALSE STATEMENT WILLFULLY OR FRAUDULENTLY MADE IN CONNECTION WITH THIS QUESTIONNAIRE MAY RESULT IN RENDERING THE PROPOSER NOT RESPONSIBLE WITH RESPECT TO THE STATEMENT, THE TERMINATION OF ANY AWARD, AND, IN ADDITION, MAY SUBJECT THE PERSON MAKING THE FALSE STATEMENT TO CRIMINAL CHARGES.

I, _____, being duly sworn, state that I have read and understand all the items contained in the foregoing pages of this questionnaire and the following pages of attachments; that I supplied full and complete answers to each item therein to the best of my knowledge, information and belief; that I will notify NROTB in writing of any change in circumstances occurring after the submission of this questionnaire and before the execution of an Agreement; and that all information supplied by me is true to the best of my knowledge, information and belief. I understand that NROTB will rely on the information supplied in this questionnaire as additional inducement to enter into an Agreement with the Proposer.

Dated: _____

For: (Name of Proposer) _____

By: (Signature of Authorized Person) _____

Name and Title: _____

Sworn to before me this ____ day of _____ 2019.

Notary Public

APPENDIX E

Nassau Regional Off-Track Betting Corporation
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PRINCIPAL QUESTIONNAIRE

Instructions: Each principal of the Proposer shall complete and submit this questionnaire and shall cause the principal(s) of partner or subcontractor firm to complete and submit this questionnaire. In the case of principals of partner and subcontractor firms, the term “Proposer” shall mean and refer to such partner or subcontractor firm. If a question does not pertain to a principal, write “not applicable” in the space. All signatures must be original.

Personal Information Notification

The information will be used in determining the reliability and capacity of the Proposer (and any partner or subcontractor firms) to perform the work required in the Proposal. If the information is not complete, the Proposal will not be considered. The information will be maintained in the files of NROTB. This information may be disclosed pursuant to the provisions of the Freedom of Information Law.

(PROVIDE A DETAILED RESPONSE TO ALL QUESTIONS CHECKED “YES”. IF YOU NEED MORE SPACE, PHOTOCOPY THE APPROPRIATE PAGE AND ATTACH IT TO THE QUESTIONNAIRE. USE ADDITIONAL SHEETS IF NECESSARY IN ORDER TO FULLY ANSWER EACH QUESTION.)

1. Principal Name:

SSN:

Date of birth:

Home address:

Telephone:

Business address:

Telephone:

Other present address(es):

Telephone:

2. Positions held in Proposer and starting date of each (check all applicable)

President ___ / ___ / ___ Treasurer ___ / ___ / ___
Chairman of Board ___ / ___ / ___ Shareholder ___ / ___ / ___
Chief Exec. Officer ___ / ___ / ___ Secretary ___ / ___ / ___
Chief Financial Officer ___ / ___ / ___ Partner ___ / ___ / ___
Vice President ___ / ___ / ___ / ___ / ___
(Other)

3. Do you have an equity interest in Proposer?

NO ___ YES ___ If Yes, provide details.

4. Are there any outstanding loans, guarantees or any other form of security or lease or any other type of contribution made in whole or in part between you and the business submitting the questionnaire?

NO ___ YES ___ If Yes, provide details.

5. Within the past 3 years, have you been a principal owner or officer of any business or not-for-profit organization other than the Proposer?

NO ___ YES ___ If Yes, provide details.

6. Has any governmental entity awarded any licenses to a business or organization listed in Section 5 in the past 3 years while you were a principal owner or officer?

NO ___ YES ___ If Yes, provide details.

NOTE: An affirmative answer is required below whether the sanction arose automatically, by operation of law, or as a result of any action taken by a government agency. Provide a detailed response to all questions checked "YES". If you need more space, photocopy the appropriate page and attach it to the questionnaire.

7. In the past (5) years have you and/or any affiliated businesses or not-for-profit organizations listed in Section 5 in which you have been a principal owner or officer:

a. Been debarred by any government agency from entering into licenses with that agency? NO ___ YES ___ If Yes, provide details for each such instance.

b. Been declared in default and/or terminated for cause on any license, and/or had any license cancelled for cause? NO ___ YES ___ If Yes, provide details for each such instance.

c. Been denied the award of a license and/or the opportunity to bid on a license, including, but not limited to, failure to meet pre-qualification standards? NO __ YES __ If Yes, provide details for each such instance.

d. Been suspended by any government agency from entering into any license with it; and/or is any action pending that could formally debar or otherwise affect such business's ability to bid or propose on licenses? NO __ YES __ If Yes, provide details for each such instance.

8. Have any of the businesses or organizations listed in response to Question 5 filed a bankruptcy petition and/or been the subject of involuntary bankruptcy proceedings during the past 7 years, and/or for any portion of the last 7 year period, been in a state of bankruptcy as a result of bankruptcy proceedings initiated more than 7 years ago and/or is any such business now the subject of any pending bankruptcy proceedings, whenever initiated? If 'Yes', provide details for each such instance. (Provide a detailed response to all questions checked "YES". If you need more space, photocopy the appropriate page and attach it to the questionnaire.)

9. Are any of the following statements true with respect to you?

a) Is there any felony charge pending against you? NO _ YES _ If Yes, provide details for each such charge.

b) Is there any misdemeanor charge pending against you? NO __ YES __ If Yes, provide details for each such charge.

c) Is there any administrative charge pending against you? NO __ YES__ If Yes, provide details for each such charge.

d) In the past 10 years, have you been convicted, after trial or by plea, of any felony, or of any other crime, an element of which relates to truthfulness or the underlying facts of which related to the conduct of business? NO __ YES __ If Yes, provide details for each such conviction.

e) In the past 5 years, have you been convicted, after trial or by plea, of a misdemeanor? NO __ YES __ If Yes, provide details for each such conviction.

f) In the past 5 years, have you been found in violation of any administrative or statutory charges? NO __ YES __ If Yes, provide details for each such occurrence.

9. In addition to the information provided in response to the previous questions, in the past 5 years, have you been the subject of a criminal investigation and/or a civil antitrust investigation by any federal, state or local prosecuting or investigative agency and/or the subject of an investigation where such investigation was related to activities performed at, for, or on behalf of the submitting business entity and/or an affiliated business listed in response to Question 5? NO YES If Yes, provide details for each such investigation.

10. In addition to the information provided, in the past 5 years has any business or organization listed in response to Question 5, been the subject of a criminal investigation and/or a civil anti-trust investigation and/or any other type of investigation by any government agency, including but not limited to federal, state, and local regulatory agencies while you were a principal owner or officer? NO YES if yes; provide details for each such investigation.

11. In the past 5 years, have you or this business, or any other affiliated business listed in response to Question 5 had any sanction imposed as a result of judicial or administrative proceedings with respect to any professional license held? NO YES if yes; provide details for each such instance.

12. For the past 5 tax years, have you failed to file any required tax returns or failed to pay any applicable federal, state or local taxes or other assessed charges, including but not limited to water and sewer charges? NO YES If Yes, provide details for each such year.

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PRINCIPAL QUESTIONNAIRE

CERTIFICATION

A MATERIALLY FALSE STATEMENT WILLFULLY OR FRAUDULENTLY MADE IN CONNECTION WITH THIS QUESTIONNAIRE MAY RESULT IN RENDERING THE PROPOSER NOT RESPONSIBLE WITH RESPECT TO THE PRESENT STATEMENT OR FUTURE STATEMENTS, THE TERMINATION OF ANY AWARD MADE, AND, IN ADDITION, MAY SUBJECT THE PERSON MAKING THE FALSE STATEMENT TO CRIMINAL CHARGES.

I, _____, being duly sworn, state that I have read and understand all the items contained in the foregoing pages of this questionnaire and the following pages of attachments; that I supplied full and complete answers to each item therein to the best of my knowledge, information and belief; that I will notify NROTB in writing of any change in circumstances occurring after the submission of this questionnaire and before the execution of the license; and that all information supplied by me is true to the best of my knowledge, information and belief. I understand that NROTB will rely on the information supplied in this questionnaire as additional inducement to enter into an agreement with the submitting business entity.

Name of Proposer

Print name

Signature

Title

Date

Sworn to before me this ____ day of _____ 2019.

Notary Public

APPENDIX F

Nassau Regional Off-Track Betting Corporation
Temporary Food, Beverage and Event Catering Services Concession
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NON-COLLUSIVE PROPOSAL CERTIFICATION

By submission of this Proposal, the Proposer and each person signing on behalf of the Proposer certifies, and in the case of a joint Proposal, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of his or her knowledge and belief:

The cost estimates and other elements of this Proposal have been arrived at independently without collusion, consultation, communication, or agreement for the purpose of restricting competition, as to any matter relating to the same with any other Proposer or with any competitor; and

Unless otherwise required by law, the cost estimates and other elements of this Proposal have not been knowingly disclosed by the Proposer and will not knowingly be disclosed by the Proposer prior to award, directly or indirectly, to any other Proposer or to any competitor; and

No attempt has been made or will be made by or on behalf of the Proposer (or any of its partner or subcontractor firms) to induce any other person, partnership or corporation to submit or not to submit a Proposal for the purpose of restricting competition.

The undersigned hereby certifies his or her compliance and/or agreement with the above statements.

NAME OF PROPOSER: _____

SUBMITTED BY (signature): _____

PRINT NAME: _____

TITLE: _____

DATE: _____