



## **REQUEST FOR PROPOSALS**

**NUMBER: 9472**

**FOR**

### **OREGON LOTTERY PRODUCT ADVERTISING SERVICES**

**THIS IS A GENERAL PROCUREMENT AS DEFINED IN OAR 177-037-0000(2).  
THIS IS ALSO A LARGE PROCUREMENT AS DEFINED IN OAR 177-036-0000(16)**

**Issue Date** May 25, 2017

**Proposal Submission Deadline:** June 28, 2017

**By no later than 5:00 p.m. (PT)**

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# **SECTION 1**

## **GENERAL INFORMATION**

### **A. INTRODUCTION.**

#### **1. PURPOSE.**

The State of Oregon acting by and through the Oregon State Lottery Commission ("Lottery") is seeking Proposals from qualified firms or businesses with demonstrated expertise and experience in delivering marketing communications services that support Lottery's programs and other marketing outreach efforts ("Services"), as defined in this Request for Proposals ("RFP").

Under this RFP, Lottery will focus on its Oregon Lottery product advertising program, ("Product Advertising Program" or "Product Program") as defined in section B.2 of this RFP.

Lottery intends to Award and enter into one (1) price agreement ("Price Agreement") with the highest-ranked Proposer as a result of this RFP. Lottery anticipates that the resulting Price Agreement will have an initial term of three (3) years. Lottery may, in its sole discretion, negotiate with any successful Proposer additional one (1) year extensions to the Price Agreement, for a total contract term not to exceed five (5) years, unless deemed in Lottery's best interest as documented by Lottery.

The issuance of this RFP and any resulting Award and administration of a Price Agreement will be governed by the Oregon State Lottery Procurement Rules found in Oregon Administrative Rules Chapter 177, Division 36.

This is a Large Procurement as defined under OAR 177-036-0000(16) as well as a General Procurement as defined under OAR 177-037-0000(2).

#### **2. SOLICITATION DOCUMENTS.**

The documents comprising this RFP may be downloaded from the State of Oregon's Procurement Information Network, commonly referred to as "ORPIN." ORPIN can be accessed through the following link: <http://orpin.oregon.gov>.

### **B. BACKGROUND.**

#### **1. LOTTERY'S MISSION.**

Lottery's mission is to operate a statewide lottery with the highest standards of security and integrity to earn maximum profits for the people of Oregon, commensurate with the public good. Lottery is supporting its mission by the objectives, business requirements, pricing requirements and Proposal evaluation approach described in this RFP. The Services requested in this RFP are important to Lottery's business operations and objectives.

#### **2. PRODUCT ADVERTISING PROGRAM DESCRIPTION.**

Every year, the Lottery generates over \$1 billion in sales of its many products. The Lottery sells many different games, and is responsible for managing a diversified product portfolio. In line with Lottery's mission of maximizing revenue, Lottery's goal is to communicate the availability of different products appealing to adult Oregonians, with the goal of increasing sales and thus transferring additional revenue to the state of Oregon.

Lottery's main products are supported with marketing efforts throughout the year. The products listed below are in order of the revenue generated for the state (individually the "Product," collectively the "Products"):

1. Video Lottery<sup>SM</sup>
2. Scratch-its<sup>SM</sup>
3. Jackpot Games ( Powerball<sup>®</sup>, Mega Millions<sup>®</sup> and Oregon's Game Megabucks<sup>SM</sup>)
4. Keno
5. Raffle<sup>SM</sup>

Each Product appeals to a specific group of players, and as such, must be advertised in a unique way. While there is a great amount of cross-play amongst Lottery games, a Scratch-its core player (a player who has played a Scratch-its game within the past 12 months, and plays at least once per month) has a different set of attributes than a Keno core player (a player who has played a Keno game within the past 12 months, and plays at least once per month), and all Lottery Products present us with distinct opportunities and challenges. Making the most out of Lottery's communication efforts is paramount to allow Lottery's Products to break through the clutter and generate the highest possible revenue for the state.

Twice a year, Lottery conducts a research tracking study to better understand how Oregonians perceive Lottery games and the overall Lottery brand. Using the Spring/Summer 2016 study as a benchmark, below are a few key facts about Lottery players and their attributes:

- Just over half of all adult Oregonians play Oregon Lottery games (54%).
- Over 60% of adult Oregonians have played an Oregon Lottery game.
- 68% of Lottery's current players have played Oregon Lottery games for at least five years.
- Lottery players are 48 years old on average, equally likely to be female or male, and most likely live in the Portland (45%) or the Willamette Valley (26%) regions.
- Nearly two-thirds (62%) of Oregon adults have a positive opinion of the Oregon Lottery.

It is equally important to the Lottery that Oregonians have a positive opinion of the Lottery and that Lottery players continue to find Lottery games entertaining and relevant. Lottery also must balance the impact that Lottery games can have to a smaller percentage of the population who may develop a gambling addiction to Lottery games.

The Lottery has a Responsible Gambling Code of Practice (Exhibit C). In adhering to the Lottery code of practice, Lottery avoids marketing to vulnerable groups in the population, avoid communications that appeal specifically to vulnerable groups (especially underage players) and accurately represent the odds of winning.

When the Lottery creates advertising campaigns in support of Lottery Products, the Lottery must ensure that every piece in the campaign accurately represents the probability of winning a prize, and are not implicitly or explicitly directed at minors or disadvantaged groups.

Any advertising campaign must adhere to the Oregon Lottery Brand Guideline, (Exhibit D).

## **Video Lottery Case Study**

Starting in 2015, the Lottery advertised its highest revenue-generating Product, Video Lottery, more widely on broadcast media. As a result of these recent advertising efforts, the Lottery has successfully seen in the past two years an increase in Video Lottery playership. According to the Spring/Summer 2016 study, Video Lottery playership held steady at an all-time high of just over 14%. Survey data indicate this result reflects higher incidence of players who are new to the Lottery as well as established players who decided to try Video Lottery games.

It is important that Lottery's Product campaigns incorporate, at its core, a message that encourages responsible gambling practices by Lottery players. The Lottery's most recent Excite Your Night campaign is a prime example of the balancing act that Lottery must practice every day: to responsibly grow the player base, by encouraging players to play Video Lottery games.

The most recent Excite Your Night Video Lottery advertisements can be viewed via the following hyperlinks:

<https://www.youtube.com/watch?v=Crc7pm6By4s> (Jazz It Up)

<https://www.youtube.com/watch?v=WaQpoivffns> (Punch It Up)

[https://www.youtube.com/watch?v=30iDhIM\\_2m8](https://www.youtube.com/watch?v=30iDhIM_2m8) ( Play Responsibly)

### **3. LOTTERY'S BUSINESS OBJECTIVES.**

In issuing this RFP, Lottery seeks to contract with a qualified firm that can partner with the Lottery to help continue to fulfill its mission of maximizing revenue for the State of Oregon, commensurate with the public good. Proposers may anticipate, but are not guaranteed, that Services will be requested for the anticipated Oregon Lottery Product campaigns indicated in Exhibit B, Product Advertising Year at a Glance.

## **SECTION 2 ADVERTISING SERVICES**

### **OREGON LOTTERY PRODUCT PROGRAM SCOPE OF SERVICES.**

In the event a Price Agreement is Awarded, the successful Proposer will deliver Services that support Lottery's Product Advertising Program outlined in section 1B.2. The Services primary tasks and deliverables will include on-going Strategic Planning and Account Management Services. It is also anticipated that Lottery will request Contractor to provide Creative Development and Production Planning and Execution Services from time to time. However, Lottery does not make any guarantee or representation whatsoever concerning the volume or total value of the Creative Development, Production Planning and Execution Services that may be requested under any Price Agreement that results from this RFP, or under any "Work Order Contract" that may be entered into under a resulting Price Agreement.

#### **A. STRATEGIC PLANNING.**

During the term of the Price Agreement, the successful Proposer will work proactively with Lottery on an on-going basis to help identify strategic direction in support and in alignment with Lottery's Traditional and Video Lottery Product portfolios. This may include general strategic input, directed brainstorming and ideation, secondary research compilation, interaction with Lottery fund recipient agencies, communication plan recommendations and the like. In its strategic planning capacity, the successful Proposer will make recommendations to Lottery on how to effectively communicate to diverse audiences, with the inclusion of messages that are culturally competent to diverse groups and relevant across all generations.

The successful Proposer will assign senior staff ("Key Personnel") to perform strategic planning Services under Lottery's account. The successful Proposer will provide Lottery with a written list of all Key Personnel. Lottery's written approval of all Key Personnel is required prior to any Key Personnel performing Services under Lottery's account.

#### **B. ACCOUNT MANAGEMENT.**

The successful Proposer will also provide, during the term of the Price Agreement on-going account management Services to facilitate the day-to-day management, work flow, and Contract administration necessary to successfully perform its Services under the Price Agreement.

#### **C. CREATIVE DEVELOPMENT.**

If requested by Lottery, the successful Proposer will develop creative concepts for any combination of Lottery's multi-media Product advertisements. Creative development may include traditional advertisements for television, digital and social media, radio, print, direct mail, out-of-home, point-of-purchase, collateral materials; and any other non-traditional advertising, advertisements or marketing outreach efforts not already listed in this section (individually or collectively referred to as "Non-Traditional Advertisements") that Lottery selects to support its Product Advertising Program.

The successful Proposer may be required to interact with other Lottery contractors to extend concepts to web, digital, social media and events, as well as other advertising areas outside the Product Advertising Program.

The successful Proposer will develop creative solutions based upon a Lottery-supplied creative brief that outlines the messaging, target audience, tone, and executional considerations. The creative solutions developed by the Successful Proposer utilizing Lottery's creative brief will be finalized through an iterative process to ensure such solutions are in line with Lottery's creative direction. The successful Proposer will prepare and submit a production timeline for all deliverables

up to the final delivery of the Lottery selected and approved advertisement(s) or marketing materials to Lottery. The successful Proposer will deliver work in a variety of formats as requested by Lottery.

Proposer must be versed and have demonstrated experience in Multicultural Marketing which is the practice of marketing to one or more audiences of a specific ethnicity, typically an ethnicity outside of a country's majority culture, which is sometimes called the general market.

#### **D. PRODUCTION PLANNING AND EXECUTION.**

If requested by Lottery, the successful Proposer will produce and deliver any combination of Lottery's approved multi-media advertisements. Production planning and execution may include advertisements for television, digital and social media, radio, print, out-of-home, point-of-purchase, collateral materials, merchandising displays, promotional items, and any other advertising or marketing outreach effort that Lottery selects to support its Product Advertising Program.

As part of the production planning, the successful Proposer will prepare and submit a production timeline for all deliverables up to the final delivery of the selected and approved electronic master of each advertisement or advertising materials to Lottery.

1. For television advertisements, the successful Proposer's Services may include: negotiate, arrange, and manage aspects of and contracting for directors, producers, production services, props, talent and associated fees, licensing rights, and any other services required to produce and deliver television advertisement(s).
2. For digital and social media advertisements, the successful Proposer's Services may include: negotiate, arrange, and manage aspects of and contracting for production services, talent and associated fees, licensing rights, and any other services required to produce and deliver the digital and social media advertisement(s).
3. For radio advertisements, the successful Proposer's Services may include: negotiate, arrange, and manage aspects of and contracting for production services, talent and associated fees, licensing rights, and any other services required to produce and deliver radio advertisement(s).
4. For print, out-of-home, point-of-purchase, collateral materials, merchandising displays, promotional items, and any other advertising or marketing outreach efforts, the successful Proposer's Services may include: negotiate, arrange, and manage aspects of and contracting for photographers, illustrators, licensing rights, and any other services required to produce and deliver the advertisements. The successful Proposer's Services may also include managing the actual print or other manufacturing services and coordinating delivery as requested by Lottery.

#### **E. NO MEDIA BUYS.**

This RFP and any resulting Price Agreement do not include media planning or media buying services.

#### **F. OWNERSHIP OF CREATIVE ASSETS.**

All creative assets, including advertisements delivered to Lottery are the exclusive property of Lottery.

#### **G. MEETINGS AND PERFORMANCE REVIEW.**

1. Upon the issuance of a Work Order Contract, Lottery will provide the Successful Proposer with a creative brief. Thereafter, Lottery and the Successful Proposer will participate in a kick-off

meeting for further discussions relating to the Work to be performed under the Work Order Contract and the attendant creative brief. The Successful Proposer may be required to attend each kick-off meeting in person at Lottery's headquarters in Salem, Oregon or, if approved by Lottery in writing, via teleconference or web conference.

2. The successful Proposer must attend a mandatory in-person meeting at Lottery's main office in Salem, Oregon, six (6) months following the Effective Date of the Price Agreement, to receive its written agency report card from Lottery. The successful Proposer will be evaluated across multiple measures that will address budget, timelines, strategic insight, accuracy, and responsiveness. This performance process will be repeated a minimum of once a year under an effective Price Agreement.



## **SECTION 3 EVALUATION CRITERIA AND SCORING**

**THIS IS A MULTIPLE-TIERED EVALUATION PROCESS.**

**Although this is a Multiple-tiered evaluation process, all proposal materials required to be submitted for both the Step One and Step Two evaluations shall be submitted, on or before the Closing Date/Proposal Submission Deadline identified in Section 5.A.5 of the RFP , as one Proposal as detailed below in this RFP .**

### **A. STEP ONE: MANDATORY REQUIREMENTS. (PASS/FAIL)**

Under Step One of this multi-tiered evaluation process, Written Proposals will be evaluated for compliance with the Pass/Fail requirements set forth in this section 3.A. below. Proposals that do not pass all requirements in this section 3.A. will be rejected and eliminated from further consideration.

#### **PROPOSER INFORMATION.**

##### **1. EXECUTIVE SUMMARY. (PASS/FAIL)**

Proposer must provide a brief statement identifying the number of years in business performing the Services and why it is qualified to perform the Services

##### **2. CORPORATE PERMANENT STAFF (PASS/FAIL)**

- a. Proposer must provide a list of names of the permanent staff who will be assigned to perform the Services for Lottery. Permanent staff must not include freelancers or subcontractors. As part of this list, Proposer must include the number of years of relevant experience for each name listed.
- b. Proposer must confirm why it believes its number of permanent staff will be adequate to successfully perform the required Services throughout the term of any resulting Price Agreement.

### **B. STEP TWO: CORPORATE CAPABILITIES, EVALUATION AND SCORING.**

Under this Step Two, Proposals will be evaluated and scored based on Proposers qualifications and experience as described below in this Section 3.B.

**CREATIVE KICK-OFF MANDATORY MEETING:** All proposers who wish to be considered for this RFP must attend a mandatory meeting, held at the Oregon Lottery headquarters, when Lottery will brief the potential proposers on the creative assignment that the finalists will receive during Step Three.

During this meeting, Proposers will have the chance to ask questions and get a better understanding of Product marketing at the Lottery and the creative assignment for Step Three. Proposers are not required to start working on this assignment until they are notified as to whether or not they made it to Step Three. Further details on the final Step Three assignment will be provided at a later time.

## EVALUATION CRITERIA AND SCORING.

Unless otherwise indicated in subsequent RFP Addenda regarding particular supplemental evaluation proceedings, the members of the Evaluation Committee will use the following rating scale in connection with their scored evaluations of Proposals responding to section 3.B.1 through section 3.B.5 (“Administrative Proposals”), and any supplemental evaluations proceeding submissions. The Pricing Proposal is addressed in section 3.B.6.

Rating Scale	
Value Ceiling (% of total points to be awarded)	EXPLANATION
81-100%	OUTSTANDING - Response meets all the requirements and has demonstrated in a clear and concise manner a thorough knowledge and understanding of the subject matter and project. The Proposer provides insight into its expertise, knowledge, and understanding of the subject matter.
61-80%	VERY GOOD – Response provides useful information, while showing experience and knowledge within the category. Response demonstrates above average knowledge and ability with no apparent deficiencies noted.
41-60%	ADEQUATE- Response meets all requirements in an adequate manner. Response demonstrates an ability to comply with guidelines, parameters, and requirements with no additional information put forth by the Proposer.
21-40%	FAIR- Proposer meets minimum requirements, but does not demonstrate sufficient knowledge of the subject matter.
0-20 %	RESPONSE OF NOVALUE- An unacceptable response that does not meet the requirements set forth in the RFP. Proposer has not demonstrated knowledge of the subject matter.

The Evaluation Committee will evaluate the Administrative Proposals for completeness and compliance with the requirements of this RFP. Any Price Agreement awarded will be to the highest-scoring, responsive, responsible Proposer, as determined by Agency. Agency will determine Proposer Responsibility in accordance with OAR 177-036-0110. Evaluators will; review, score, and rank Proposals according to the scoring criteria set forth Section 3.B.1 through 3.B.6. Upon completed review and scored evaluation of these responsive Proposals, evaluators will return the scored Proposals to the Single Point of Contact, who will add the total points for each Proposer.

### Administrative Proposal Scoring (900 Possible Points)

Evaluation Criteria	
Proposer Experience/Expertise	There are 50 possible points available for section 3.B.5, Place of Business. For Purposes of Proposal Submission, each criterion under Section 3.B.1 through 3.B.4 is equally important but for purposes of scored evaluation the components have different weights. The Evaluation Committee will evaluate these four (4) sections of each Administrative Proposal and allocate 850 points across these four sections. The Evaluation Committee will give equal weight between Proposers with respect to each of these four (4) sections of Administrative Proposal.
Proposer Team/Key Personnel	
Business Approach/ Processes	
Case Study	
Place of Business	
Total Points	900

In the Administrative Proposal scored evaluation, the Evaluation Committee will assess the Proposer's general qualifications and experience as a contractor successfully providing Services in connection with advertising projects. The Evaluation Committee will also seek to determine whether the Proposer has a proven track record for delivery of quality services, and the potential to consistently deliver such services, over the life of such projects. The Evaluation Committee will also assess the efficacy of the proposed leadership and staff, and staffing plan, in the context of the requirements related to providing advertising Services on the scale represented in this RFP, and the relevant qualitative and quantitative experience of proposed Key Personnel and subject matter experts who will be responsible for Proposer's delivery of Services for the project

Considerations include without limitation whether a Proposer:

Has a company profile that reflects the Proposer's present experience, qualifications and resources to provide superior Services now; and the capacity to consistently provide such Services as required in the RFP and in a resulting contract over the life of the resulting contract.

Proposer must provide a clear and concise response to each criterion listed in this section 3.B. **It is preferable that Proposer restate the criterion, then respond below the criterion description.**

**PRODUCT PROGRAM (Overall total points possible: 1,000, which includes the total points possible for sections 3.B.5 and 3.B.6)**

Proposers must provide a written response to sections 3.B.1. through 3.B.6.

**1. PROPOSER EXPERIENCE/EXPERTISE.**

- a. Provide an assessment of its core expertise and any other services that Proposer will offer to Lottery's account and the reason why Proposer is the best fit for the work. Include a description of experience with providing consumer product advertising services.
- b. Provide number of years of business experience providing the same or similar services for product advertising and brand management accounts. List the account names and number of years of experience with each account.
- c. Provide a current client list and the percentage of total billings represented by each.
- d. Indicate whether it currently has, or in the past three (3) years, has contracted with another government entity and explain the type of services performed under the resulting contract or project work as it relates to this Product Program.
- e. Identify all new clients that have awarded a contract or project to Proposer during the past three (3) years. Identify any client relationships that have ended during the past three (3) years. The clients identified in Proposer's response to this section may be contacted by Lottery as a reference.
  - i. For new clients, list by each client name the services that were, are, or will be provided and length of each project or contract.
  - ii. For ended client relationships, list by each client name the services delivered, and length of project or contract.
  - iii. Provide Proposer's total dollar billings, excluding media buys billings, for the last two (2) calendar years and provide the percentage of billings in each of the following areas: television, digital and social media, radio, print, outdoor, direct mail, collateral, on-line and other, during that time period.
  - iv. List any industry awards or achievements received during the past three (3) years.

**2. PROJECT TEAM/KEY PERSONNEL.**

- a. Provide staff names of all full time project and Key Personnel (Key Personnel may include freelancers/subcontractors), who will be assigned to perform Services for Lottery's account along with the following information:
  - i. Job title; and
  - ii. Brief description of proposed role and responsibilities under Lottery's account.

- iii. Identify whether any Key Persons assigned to perform Services for Lottery are subcontractors/freelancers)
- b. Provide a detailed resume for each Key Personnel identified in Section 3.A.2.a above. All resumes should identify the number of years working at Proposer's business, additional years of relevant experience working at other businesses, and summarize the expertise/knowledge in the areas relevant to each Key Personnel's proposed assigned role and responsibilities on Lottery's account.

### 3. BUSINESS APPROACH/PROCESSES.

- a. Describe approach to client relationship building and account management.
- b. Describe Proposer's approach to on-boarding and understanding client products and brands.
- c. Describe Proposer's approach to remaining current on industry trends and on specific categories of advertising and how Proposer's knowledge of those current trends have enabled Proposer to better understand Proposer's client's business and advertising needs.
- d. Describe Proposer's approach to effective, day-to-day project communications between the parties.
- e. Describe Proposer's approach to ensuring a high-level of transparency for reporting, and keeping Lottery informed of all projects or campaigns, including key issues, approvals, decisions, and developments throughout the Price Agreement.

### 4. CASE STUDIES.

Proposer must provide a response of no more than three (3) single sided, 8.5" x 11" pages to the case study details described below. At a minimum, the case study should succinctly state the objective, strategies, and outcomes associated with the case study provided. Specific copies of the campaign materials must be submitted for review (TV commercials, radio commercials, print and digital materials must be provided). If Proposer provides more than the three (3) single sided 8.5" x 11" pages for its case study response, Lottery will lower the Administrative Proposal score by five (5) points. **Illustrative Case Study Samples must be provided in pdf. format via thumb drive only. ILLUSTRATIVE CASE STUDY SAMPLES PROVIDED AS HARD COPIES OR LINKS TO THE WEB WILL NOT BE ACCEPTED AND MAY DISQUALIFY POTENTIAL PROPOSERS WHO SUBMIT THEM.**

As noted in Section 1.2, the Oregon Lottery has successfully seen an increase in Video Lottery playership. According to the Spring/Summer 2016 study, Video Lottery playership held steady at an all-time high of just over 14%. Survey data indicate this result reflects higher incidence of players who are new to the Oregon Lottery as well as established players who decided to try Video Lottery games.

It is important that all of Lottery's Product campaigns incorporate, at its core, a message that encourages responsible gambling practices by our players. The Lottery's most recent Excite Your Night campaign is a prime example of the balancing act that we must practice every day: to responsibly grow our player base, by encouraging players to play our Video Lottery games.

**Case study details:**

**Describe a campaign or series of campaigns Proposer has developed and produced that measurably shifted the needle and increased sales for a particular consumer product.**

**Include a discussion of Proposer's strategy relative to the primary target audience. Include measurements of how the campaign delivered on the established key performance indicators.**

**Include examples of how the campaign communicated across multicultural and diverse audiences in a culturally-competent and effective way.**

**5. PLACE OF BUSINESS. (Total points possible for this section: 50)**

Proposer must provide its business address from which it will provide the Services, with the exception of billing services. Physical address(es) must be complete and must include the street, city, state, and zip code.

If Proposer will perform the Services from more than one business location, Proposer must clearly state which Key Personnel are located at each business location listed.

The full 50 points will be awarded to each Proposer conducting Services entirely from a business location within the state of Oregon.

No points will be awarded to any Proposer who will perform Services in part from an Oregon business location and an out-of-state business location.

No points will be awarded to Proposers who will perform all Services from an out-of-state business location.

**6. PRICING PROPOSAL. (Total points possible for this section: 100)**

**Note:** Each Work Order Contract issued under the Price Agreement will cover only one advertising campaign with a price that must not exceed \$200,000.

Lottery will add all fees and costs proposed for subsection a, to the monthly Retainer proposed for subsection b, to calculate the total proposed price. Lottery will award 100 points to the lowest total proposed price, and a portion of the 100 points possible to each higher total proposed price, calculated as follows:

$$\frac{\text{Lowest Total Proposed Price}}{\text{Proposed Price Being Scored}} \times \text{Total Points Possible (100)} = \text{Pricing Proposal Score}$$

Each Proposer's Pricing Proposal will be scored with this formula. Identical pricing will result in an identical score. For example, if two Proposers submit equal lowest total proposed prices, each of those Proposer will receive 100 points.

**a. FEES:**

Lottery conducted a Video Lottery advertising campaign within the last 12 months titled "Excite Your Night." One creative fee for the Excite Your Night campaign covered conceptual development for the television, radio and digital/social media spots, and this creative fee resulted in the three spots listed below. Lottery expects that the creative fees charged under each Work Order Contract similarly will cover all campaign media.

Television, radio and digital/social media spots for the Excite Your Night campaign each had a separate production fee. Television and radio also had out-of-pocket costs, exclusive of talent, to produce the spot. Proposer may access the Excite Your Night TV and digital spots via the following hyperlinks:

<https://www.youtube.com/watch?v=Crc7pm6By4s> (Jazz It Up)

<https://www.youtube.com/watch?v=WaQpoivffns> (Punch It Up)

[https://www.youtube.com/watch?v=30iDhIM\\_2m8](https://www.youtube.com/watch?v=30iDhIM_2m8) (Play Responsibly)

**Each Proposer must assume that Proposer is pricing the Excite Your Night campaign only. Please provide Proposer's best cost estimates (include assumptions, if desired) for all of the following. Lottery may reject all Proposals that do not contain all pricing requested.**

**i. CAMPAIGN CREATIVE FEE: \$ \_\_\_\_\_**

Inclusive of time from concept to pre-production, Proposer's time to concept, write, storyboard, script, write content, design, source director and other associated costs.

**ii. FOR TELEVISION:**

**1. Production Fee: \$ \_\_\_\_\_**

Inclusive of Proposer's time for storyboards, scouting, casting, overseeing shoot, music and edit.

**2. Production: \$ \_\_\_\_\_**

Out of pocket costs to produce the spot exclusive of talent.

**ii. FOR RADIO:**

**1. Production Fee: \$ \_\_\_\_\_**

Inclusive of Proposer's time for casting, overseeing session, music and edit.

**2. Production: \$ \_\_\_\_\_**

Out of pocket costs to produce the spot exclusive of talent.

**iii. FOR DIGITAL AND SOCIAL MEDIA:**

**Production Fee: \$ \_\_\_\_\_**

Inclusive of Proposer's time to animate, code and program and other associated production costs.

**b. MONTHLY RETAINER: \$\_\_\_\_\_ per month**

Provide a monthly fee proposal ("Retainer") to cover any costs not associated with individual projects. In other words, all hours that would not be covered by creative or production fees. The Retainer proposal should be based on the anticipated volume of work, using Lottery's Product Advertising Year-at-a-Glance as a guide (which is substantially in the form attached as Exhibit B). An incomplete response to any of the subsections listed below will result in a ten (10) point reduction from the Pricing Proposal score.

**Provide any assumptions Proposer used in the development of the Retainer including:**

- i. Is Retainer based on a predetermined number of hours or based on a defined scope of work?
- ii. Is the Retainer built on a rate card or on a blended rate?
- iii. How will the Retainer be reconciled?
- iv. Type of activity covered by Retainer (i.e. account management, strategic planning).

**1. Rate Card:**

Provide Proposer's rate card for the proposed Lottery team. Rates should be based on the anticipated volume of work, using Lottery's Product Advertising Year-at-a-Glance as a guide (found substantially in the form attached as Exhibit B).

**2. Blended Rate:**

Provide a blended rate for Lottery. Rates should be based on both the anticipated volume of work, and the level of staff that will be needed to provide necessary support.

**C. STEP THREE: FINALIST ON-SITE PRESENTATIONS. (Overall total points possible: 1,000).**

The Step Three creative assignment will be based on a creative brief provided by Lottery at the mandatory pre-Proposal conference referenced in Section 4. Proposers attending the mandatory pre-Proposal conference will have the opportunity to participate in a discussion of the creative brief with Lottery and request clarification of the Step Three creative assignment requirements.

On the date specified in section 5.A.5., Schedule, Lottery intends to identify up to three (3) finalists ("Finalists") who will be given the Step Three creative assignment to present to Lottery's evaluation team at Lottery's main office in Salem, Oregon ("Presentation"). However, if there is a natural break in the scores, Lottery may, in its sole discretion, increase or decrease the number of Proposers identified as Finalists and invited to give an on-site presentation of a Lottery-assigned creative assignment.

Finalists will also be asked to provide references from one or more of the client firms identified by Proposer in response to Section 3.B.1.e. Lottery will provide each Finalist with a written request that identifies the client firm(s) selected by Lottery to be used as reference(s). Upon receipt of Lottery's written notice, Finalists will be required to provide Lottery with contact information for each client firm identified.

The Step Three creative assignment and the means of its submission for the on-site Presentation,



the scheduling of the on-site Presentation, as well as additional information regarding the submission of references, will be outlined in a Step Three Finalist letter ("Finalist Letter") delivered to each of the Finalists. Finalist and Finalist's Key Personnel identified by Lottery must be available to attend the on-site Presentation during the time period specified in section 5.A.5., unless otherwise stated in the Finalist Letter.

Presentations will be evaluated and scored based on how well the Proposer demonstrates the competencies identified below in this section.

References will be evaluated and scored based on whether the reference supports Proposer's ability to comply with the requirements of this RFP. Lottery may use references to obtain additional information, break tie scores, and to verify any other information needed. Lottery may contact any reference (submitted or not) to verify Proposer's qualifications.

**Step Three Presentations, references and competencies will be evaluated based on the following criteria:**

1. Strategic thinking.
2. Creativity.
3. Brand fit.
4. Ability to vertically integrate across all media channels.
5. References.

For purposes of Presentations, each of these five (5) criterion is equally important but for purposes of scored evaluation each criterion will have different weights. The Evaluation Committee will evaluate these criteria and allocate 1,000 points across each of these five (5) criterion. The Evaluation Committee will give equal weight between Proposers with respect to each of these five (5) criterion.

**Note:** Proposer will retain ownership of its Presentation materials. Lottery will use Proposer's creative Presentation materials for evaluation purposes only, unless otherwise agreed upon in writing by both parties.

## **SECTION 4 EVALUATION PROCESS, PROPOSER SELECTION AND AWARD**

### **THIS IS A MULTIPLE-TIERED EVALUATION PROCESS**

#### **A. EVALUATION STEPS, SCORING, AND PROGRESSION**

##### **1. STEP ONE:**

###### **MANDATORY REQUIREMENTS (PASS / FAIL)**

Written Proposals will first be evaluated by the Procurement Analyst according to the Mandatory (Pass/Fail) requirements in section 3.A. Proposals receiving a Fail in the criteria listed in section 3.A. will be rejected and eliminated from further consideration.

Lottery will notify all Proposers of the results of the Step One evaluations in writing via email. The results of the Step One evaluation will be provided at the same time as the results of the Step Two evaluation in accordance with the schedule in Section 5.A.5 of the RFP. There will be no Protest rights at this point for Proposers eliminated from further consideration.

##### **2. STEP TWO:**

###### **CORPORATE CAPABILITIES, EVALUATION AND SCORING (Total points possible: 1,000)**

Lottery will appoint a committee of Lottery personnel ("Evaluation Committee") who will evaluate and score each Proposal successfully passing Step One.

The Evaluation Committee members will independently score each Proposal based on Proposers qualifications and experience as outlined in section 3.B. The Pricing Proposals will be scored as outlined in section 3.B.6.

The Evaluation Committee will then meet to combine individual scores, including the Pricing Proposal score(s), and will determine Proposer's final Proposal score for Step Two.

Up to three (3) highest-ranking Proposers will be considered Finalists and will be invited to progress to Step Three of the evaluation process. However, if there is a natural break in the scores, Lottery may, in its sole discretion, increase or decrease the number of Proposers identified as Finalists and invited to progress to Step Three of the evaluation process. All other Proposers will be eliminated from further consideration.

Lottery will notify all Proposers of the results of the Step Two evaluation in writing via email in accordance with the schedule in Section 5.A.5 of the RFP. In addition, Proposers advancing to the Step Three evaluation will receive via email a Finalist Letter with the information regarding the Step Three evaluation requirements, criteria, and process as identified in Section 3.C. There will be no Protest rights for Proposers eliminated at the end of the Step One and Step Two Evaluation process.

### 3. STEP THREE:

#### **ON-SITE PRESENTATIONS, EVALUATION AND SCORING** **(Total points possible: 1,000).**

Scoring from the Step Two evaluation process will not carry forward to the Step Three evaluation. Instead, Finalists advancing to the Step Three evaluation will have their references and Presentations evaluated by committee members appointed by Lottery and comprised of Lottery personnel ("Step Three Evaluation Committee").

Lottery's Step Three Evaluation Committee members will independently score each Proposer's references and Presentation based on the criteria outlined in section 3.C., above.

The Step Three Evaluation Committee will then meet to discuss and combine individual scores, and will determine the total average score for each Proposer's Presentation. Each Evaluation Committee member has sole discretion to adjust any score the member has assigned, as that member deems necessary, prior to the combining of the individual scores.

Lottery intends to Award one (1) Price Agreement to the Proposer with the highest total average Presentation score. However, Lottery reserves the right, if it is in its best interests to do so, as determined by Lottery in its sole discretion, to (i) cancel this solicitation in whole or in part at any time or (ii) reject any or all Proposals.

### **B. PROPOSER SELECTION AND NOTICE OF INTENT TO AWARD.**

#### **1. NOTICE OF INTENT TO AWARD A PRICE AGREEMENT.**

Lottery intends to Award one (1) Price Agreement to the highest-ranked Responsible Proposer as a result of Step Three scoring. After completion of the Step Three evaluation and scoring, **Lottery will issue a written "Notice of Intent to Award" to all Proposers, identifying the successful Proposer.**

#### **2. PROTEST OF AWARD.**

Proposers may protest Lottery's intent to Award a Price Agreement by submitting a written protest according to OAR 177-036-0170. Accordingly, all protests must comply with the following:

- i. be in Writing,
- ii. state all facts and arguments on which the Proposer is basing its protest in accordance with OAR 177-036-0170(3)(a) or (b),
- iii. be signed by the Proposer,
- iv. delivered to the Lottery Procurement Analyst by the means identified in Section 5.B.2 of this RFP, and
- v. received by Lottery no later than five Days after the date of issuance of the Notice of Intent to Award.

Lottery's response and any appeals to the decision issued by Lottery in response to Protest will comply with OAR 177-036-0170.

#### **3. CLARIFICATION OF PROPOSALS.**

Lottery may request clarification of any item in any Proposal if Lottery determines the request is necessary to properly evaluate a particular Proposal. Lottery will make all requests in writing via email. Proposer must provide its clarification response within twenty-four (24) hours of the time

and date of Lottery's request, unless otherwise stated in Lottery's written request for clarification. If Proposer does not provide the required information by the specified deadline, Lottery may reject the Proposal.

#### **4. REFERENCES.**

In addition to evaluating and scoring references as provided in Section 3.C. and 4.A.3 above, Lottery also reserves the right to investigate any and all references and the past performance information provided in the Proposal with respect to any other Proposer. Any such reference checks will include an inquiry into such Proposers successful performance of similar projects, compliance with specifications and contractual obligations, completion or delivery of a project on schedule, and lawful payment of employees and workers.

In addition, Lottery reserves the right to check any and all sources for information and to include sources other than the references provided in any and all Proposer's Proposal. Lottery may consider information available from any such source including government bodies and regulatory authorities in evaluating Proposers.

#### **5. RESPONSIBLE PROPOSER DETERMINATION.**

Any time prior to Award and execution of a Price Agreement, Lottery may investigate, evaluate and determine whether a Proposer is Responsible in accordance with OAR 177-036-0110 and has not been debarred by Lottery under OAR 177-036-0210. Proposers must provide all information Lottery requests for this purpose. Lottery may determine that a Proposer is not Responsible if that Proposer fails to provide the information Lottery requests. Lottery may postpone Award of a Price Agreement to complete its investigation and evaluation. If Lottery determines that a Proposer is not Responsible, Lottery will reject the Proposal.

## **SECTION 5 INSTRUCTIONS TO PROPOSERS**

### **A. GENERAL INSTRUCTIONS FOR PROPOSAL SUBMISSION.**

#### **1. DEFINITIONS.**

In addition to the terms defined in this RFP, all other capitalized terms used but not defined in this RFP are defined in OAR 177-036-0000. For purposes of this RFP, "Proposer" and "Proposers" includes a potential Proposer and potential Proposers, respectively.

#### **2. APPLICABLE LAW.**

The Oregon Constitution, Oregon Revised Statutes, and Oregon Administrative Rules establish the purpose, powers, duties, and procedural regulatory framework applicable to Lottery. Lottery is subject to the following: Article XV of the Oregon Constitution, sections 4, 4(a), 4(b) and 4(c); Oregon Revised Statutes ("ORS") chapter 461; and Oregon Administrative Rules ("OAR") Chapter 177, specifically OAR 177-036-0000 through OAR 177-036-0210 (Lottery Procurement Rules) and at OAR 177-037-0000 through OAR 177-037-0070 (Lottery Vendor Disclosure Rules). Proposer should become familiar with these administrative rules and with ORS chapter 461. Lottery Procurement Rules and Lottery Vendor Disclosure Rules are currently accessible at:

[http://arcweb.sos.state.or.us/rules/OARS\\_100/OAR\\_177/177\\_tofc.html](http://arcweb.sos.state.or.us/rules/OARS_100/OAR_177/177_tofc.html)

Oregon Revised Statutes chapter 461 is currently accessible at:

<http://landru.leg.state.or.us/ors/461.html>.

#### **3. GENERAL PROCUREMENT AND ASSOCIATED SECURITY BACKGROUND INVESTIGATIONS.**

##### **Security Investigation(s); Changes to Approved Persons.**

**This contract has been classified by Lottery as a General Procurement** as defined in OAR 177-037-0000(2). A General Procurement does not, pursuant to OAR 177-037-50(2), require a security background investigation, unless deemed necessary by the Director or the Commission. Should the Director or the Commission determine, at any time during the Term of this Contract, that a background investigation is necessary, Lottery will provide all necessary forms and fingerprint cards, as required, to the Contractor. Proposers may request copies of these forms at any time by contacting the Lottery Procurement Analyst identified in section 5.A.4.

Lottery may decline to Award the Price Agreement, terminate the Price Agreement, or both, and may prohibit Proposer's use of any Proposer employee, agents, subcontractors, or other Proposer personnel, if Lottery determines that results of a required security background investigation are unsatisfactory.

#### **4. SOLE POINT OF CONTACT.**

Proposers will direct all communications and correspondence related to this RFP to Julie Schmoyer, "Procurement Analyst," who is Lottery's designated Sole Point of Contact for all questions regarding this RFP. Proposers will not communicate or correspond with any other Lottery personnel on any matter related to this RFP.

## CONTACT INFORMATION:

Julie Schmoyer  
Oregon State Lottery  
500 Airport Road SE, Salem, OR 97301  
PO Box 12649, Salem, OR 97309-0649

Phone: 503-540-1284  
Email: [julie.schmoyer@state.or.us](mailto:julie.schmoyer@state.or.us)

## 5. SCHEDULE.

The schedule below represents a tentative schedule of events that will be followed by Lottery in conducting its evaluation and Award process. However, Lottery reserves the right to change the schedule at any time if it's in the best interests of Lottery to do so. If a specified date, such as the Closing Date, is delayed, the rest of the schedule may be adjusted by the same number of days of the delay. All changes in the schedule below shall be made by Addendum in accordance with OAR 177-036-0060.

EVENT	DATE & TIME
<b>Issue Date:</b>	May 25, 2017
<b>Mandatory Pre-Proposal Conference:</b>	June 15, 2017 9:00 a.m. – 12:00 p.m. (PT)
<b>Inquiry Submission Deadline for Questions and Requests for Changes or Clarification:</b>	June 20, 2017 by 3:00 p.m. (PT)
<b>Inquiry Response Issued:</b>	By June 22, 2017
<b>Closing/Proposal Submission Deadline:</b>	June 28, 2017 by 5:00 p.m. (PT)
<b>Step-One and Step Two Evaluation Completed &amp; Notification of Results:</b>	By July 14, 2017
<b>Step Three Finalists Notified:</b>	By July 17, 2017
<b>Step Three Finalist on-site Presentation period:</b>	August 7, 2017 – August 11, 2017
<b>Notice of Intent to Award:</b>	By August 15, 2017
<b>Award Protest Deadline:</b>	No later than five (5) Days following issuance of Intent to Award.

## 6. MANDATORY PRE-PROPOSAL CONFERENCE.

Lottery will hold a mandatory Pre-Proposal conference for this RFP 9472 at the date and time shown in section 5.A.5. of this RFP, at Lottery's headquarters, 500 Airport Road, Salem, Oregon. Attendance at the Pre-Proposal conference is required. Proposals submitted by Proposers who do not attend the mandatory Pre-Proposal conference will be rejected. Proposers may make arrangements to join the Pre-Proposal conference via telephone by contacting the Procurement Analyst identified in Section 5.A.4 by no later than Thursday, November 17, 2016.

The Pre-Proposal Conference is an opportunity for Lottery to review with potential Proposers the solicitation process, general requirements for this solicitation, and to provide an in-depth discussion of the Step Three creative assignment. Lottery may address questions posed by

potential Proposers attending the Pre-Proposal Conference that are related to the solicitation or may, in the alternative, request that Proposers' questions be submitted, in writing, following the Pre-Proposal Conference. Lottery is not bound by any information provided during the conference, and all information provided at the conference is not a part of this RFP. The RFP cannot be modified unless made in a written Addendum in accordance with OAR 177-036-0060

## **B. CHANGES, CLARIFICATION AND SOLICITATION PROTEST; ADDENDA.**

### **1. REQUESTS FOR CHANGES AND CLARIFICATION.**

Proposers may request changes to, or clarification of, this RFP by submitting a written request to the Procurement Analyst at the mailing address or email address indicated in section 5.A.4. of the RFP. This is Proposer's only opportunity to seek changes to, or clarifications of, this RFP. Requests for RFP changes or clarifications are subject to and must comply with OAR 177-036-0160. Accordingly, each request for a change or clarification to the RFP must include a statement of the requested change or clarification, including the reasons for the requested change or clarification, and all relevant information necessary to permit Lottery to make an informed decision for disposition of the request.

Requests for changes or clarifications must be received by Lottery by the deadline identified in Section 5.A.5. of the RFP

Proposers may seek judicial review of Lottery's decision to a request for change or clarification pursuant to ORS chapter 183.

### **2. AWARD PROTEST.**

Award Protests must comply with OAR 177-036-0170 as more fully set forth in Section 4.B.2 of the RFP. All such Award Protests must be submitted in writing, via email, to the Procurement Analyst at the email address indicated in section 5.A.4 of this RFP claiming that the procurement process is contrary to law or that the RFP, including the contractual terms or specifications, are unnecessarily restrictive, or are legally flawed.

### **3. TIME FOR SUBMITTING CLARIFICATION REQUEST AND PROTEST OF SOLICITATION PROCESS.**

Proposer will submit each request for RFP change or clarification and each solicitation process protest to the Procurement Analyst in a form clearly labeled "Clarification Request or Protest Regarding RFP 9472." The deadline for submission of requests for RFP change, clarification and solicitation process protests is specified in section 5.A.5 of the RFP. Lottery will address all timely submitted requests for RFP changes, clarification and solicitation process protests within a reasonable time following Lottery's receipt of the request or protest and will issue a written response to the Proposer who submitted the clarification request or protest.

### **4. ADDENDA**

Lottery will make all changes to this RFP, if any, by written Addenda according to OAR 177-036-0060.

Proposer must acknowledge receipt of each Addendum unless the Addenda issued states otherwise. To make all such required acknowledgements, Proposer must include with its Proposal response a signed copy of each Addendum issued as part of this RFP

Because this RFP is being issued through the ORPIN system, it is the Proposer's sole responsibility to check ORPIN regularly through the Proposal Submission Deadline to obtain (and to avoid missing) any issued Addenda.

## C. PROPOSAL SUBMISSION REQUIREMENTS.

1. Proposer must submit all required information, responses, and documents as requested in Sections 3.A. and 3.B of this RFP as one Proposal to the Procurement Analyst no later than the Closing Date/Proposal Submission Deadline specified in schedule in section 5.A.5 of the RFP. Proposals received after the Proposal Submission Deadline are late and will be rejected. All Proposals are firm for one hundred-eighty (180) Days from the Proposal Submission Deadline.

### **Proposers must submit their Proposals as follows:**

- a. One complete Proposal in written form, which includes the Pricing Proposal, with original ink signature of the individual authorized to legally bind Proposer, and **seven (7)** copies of the signed Proposal; and
- b. One Proposal on a thumb drive in searchable PDF format;

Submission Requirements for the Step Three evaluation will be set forth in the Finalist Letter.

## **2. PROPOSAL PACKAGING AND MAILING ADDRESS**

Proposer must submit all components of its Proposal packaged in a **SEALED package** addressed as follows:

OREGON STATE LOTTERY  
500 Airport Road SE  
Salem, OR 97301-5075  
Attention: Julie Schmoyer, Procurement Analyst  
RFP 9472 – OREGON LOTTERY BRAND ADVERTISING SERVICES

## **3. FAXED OR ELECTRONIC PROPOSALS**

Faxed or emailed Proposals are **not** permissible and will be rejected.

## **4. PROPOSAL ORGANIZATION**

Proposer should organize its Proposal so that its content corresponds to the order of the requested information and response requirements that appear in this RFP. Please cite the RFP sections to which the Proposal contents pertain or reproduce the text of the RFP requirement immediately prior to Proposers response to that requirement.

## **5. PROPRIETARY INFORMATION AND PUBLIC DISCLOSURE.**

Proposals submitted to Lottery are subject to the Oregon Public Records Law, ORS 192.410 through ORS 192.505. If a Proposer claims that particular sections of its Proposal may be exempt from public disclosure under the Oregon Public Records Law, Proposer must specifically identify those Proposal sections and the specific page numbers on which they appear. Proposer also must specify the particular exemptions from disclosure under Oregon Public Records Law upon which the exemption claim is made.

If Lottery receives a public records request for disclosure of any information Proposer claims is exempt from disclosure, Lottery will make a reasonable attempt to notify Proposer of the request prior to release.



**6. PROPOSAL MODIFICATIONS AND WITHDRAWAL.**

Proposals may be modified or withdrawn only according to OAR 177-036-0070.

**7. RECYCLABLE MATERIALS.**

Proposers are encouraged to use recyclable materials for Proposal preparation and packaging, to the maximum extent possible.

**8. COST OF PROPOSING.**

Proposers are responsible for all costs associated with submitting a Proposal in response to this RFP, EXCEPT for Finalists attending on-site Presentation under Step Three of the RFP evaluation process, the following applies:

**STIPENDS.**

Lottery will offer a stipend for Finalist's preparation costs associated with its on-site Presentation. Lottery will base the stipend amount on the speculative creative materials required for the Presentation. The stipend amount will be specified in each Finalist Letter.

**D. LOTTERY'S REVIEW OF PROPOSALS; CONTRACT AWARD.**

**1. LOTTERY'S RESERVATION OF RIGHTS.**

Lottery reserves the right, in its sole discretion to:

- a. Modify or cancel this RFP,
- b. Reject any or all Proposals if it is in the best interests of Lottery to do so.
- c. Extend the Proposal Submission Deadline,
- d. Determine whether a Response does or does not substantially comply with the requirements of this RFP, and
- e. Waive any minor informality pursuant to OAR 177-036-0100(2)(a),

**2. INDEPENDENT PREPARATION; CONFIDENTIALITY; PUBLICITY.**

Proposer shall prepare its Proposal independently from all other Proposers.

Until a Price Agreement resulting from this RFP is effective, each Proposer must ensure that no employee, agent or representative of Proposer makes available or discusses its Proposal with any elected or appointed official or officer of the State of Oregon, any member of the Oregon State Lottery Commission, or any employee, agent, or representative of Lottery, other than the Procurement Analyst, unless specifically authorized by Lottery or required to do so by law.

Proposers must not issue any press releases or make any statement to the news media pertaining to this RFP, any Proposal, any proposed Price Agreement or the Services to be provided, without Lottery's prior written approval.

**3. PRICE AGREEMENT AWARD AND NEGOTIATIONS WITH ANTICIPATED SUCCESSFUL PROPOSER.**

Lottery intends to Award a Price Agreement to the highest-ranked successful Proposer as a

result of Step Three scoring. If a Price Agreement is Awarded, Lottery will negotiate the provisions of the final Price Agreement; including the pricing, payment methodology, and overall Scope of Services with the successful Proposer. Any such final Price Agreement is subject to review and approval by the Oregon Attorney General. If Lottery and the successful Proposer are unable to successfully negotiate a final Price Agreement within 30 days, Lottery may discontinue negotiations with that Proposer and begin negotiations with the Proposer who submitted the next highest-scoring Proposal.

**4. CANCELLATION; REJECTION OF PROPOSALS.**

Pursuant to OAR 177-036-0150 Lottery reserves the right, if it is in its best interests to do so, as determined by Lottery in its sole discretion, to (i) cancel this solicitation in whole or in part at any time or (ii) reject any or all Proposals.

Neither the State nor Lottery is liable to any Proposer for any loss or expense caused by or resulting from the delay, suspension, or cancellation of the RFP, award, or rejection of any Proposal.

**5. PRICE AGREEMENT INFORMATION.**

Lottery and the successful Proposer will negotiate a Price Agreement substantially in the form attached as Exhibit A. Price Agreements are non-exclusive and do not guarantee that any Work Order Contracts will be executed under a resulting Price Agreement.

**6. WORK ORDER CONTRACTS.**

If Lottery requests Services to be provided under the Price Agreement, Lottery and the successful Proposer will execute a Work Order Contract (substantially in the form attached as Exhibit A to the RFP Exhibit A – Sample Price Agreement) for each project awarded to the successful Proposer. All Work Order Contracts will be subject to the terms and conditions of the Price Agreement. The Work Order Contract will describe, in detail, the tasks that are to be performed, the deliverables that are to be delivered, the schedule, and the costs associated with the Services.

## SECTION 6

### CHECKLIST

The following checklist is provided to assist Proposers in compiling and submitting their Proposal.

**1. RESPONSE COPIES (section 5(C)):**

- 1.1** One original Proposal in written form (including Pricing Proposal).  
(Included)
- 1.2** Seven copies of the signed Proposal. \_\_\_\_\_(Included)
- 1.3** One electronic copy of Proposal (including Pricing Proposal) on thumb drive.  
(Included) \_\_\_\_\_(Included)

**2. RESPONSE TO MANDATORY (PASS/FAIL) CRITERIA (section 3.A.) :** \_\_\_\_\_(Included)

**3. RESPONSE TO EVALUATION CRITERIA (section 3.B.) :** \_\_\_\_\_(Included)  
(Including electronic (on thumb drive in \_\_pdf\_\_format) responses when required for Illustrative Case Study samples).

**4. CHECKLIST (section 6):** \_\_\_\_\_(Included)

**5. SIGNATURE PAGE (section 7):** \_\_\_\_\_(Included)

**6. ADDENDA \_\_\_\_ THROUGH \_\_\_\_ RECEIVED & ACKNOWLEDGED, each with a signature and included with Proposal.** \_\_\_\_\_YES

## SECTION 7

### SIGNATURE PAGE

Proposer will, by its signature below, affirm that:

- a. Proposer has thoroughly read and understands the components and requirements of this RFP and agrees that Lottery is not liable for any claims or subject to any defenses asserted by Proposer based upon, resulting from, or related to, Proposer's failure to understand all requirements of this RFP;
- b. The undersigned is Proposer's authorized representative, that the information provided in the Proposal is true and accurate, and that Proposer understands that providing incorrect or incomplete information may be cause for Proposal rejection or Price Agreement or Service Order termination;
- c. Proposer is submitting the Proposal in response only to this RFP, has made no assumptions based upon either (i) verbal or written statements not contained in the RFP, or (ii) any request for proposals previously issued by Lottery;
- d. Proposer prepared the Proposal independent from all other Proposers, without collusion, fraud, or other dishonesty, or in any other manner that could in any way interfere with fair competition, except as otherwise permitted by law;
- e. Proposer agrees Lottery is not liable for any expenses Proposer incurs or has incurred in either preparing and submitting the Proposal, Price Agreement selection or Price Agreement negotiation process, if any; except for those Proposers' deemed as Presentation Finalists who will be provided a Stipend pursuant to section 3.
- f. By submitting a Proposal in response to this RFP, Proposer grants the State of Oregon a non-exclusive, perpetual, irrevocable, royalty-free, worldwide license for the rights to copy, distribute, display, prepare derivative works of, and transmit the Proposal for the purpose of conducting this procurement and to fulfill the State of Oregon's obligations under Oregon Public Records Laws.
- g. **Proposer must state if they have been a party to a contract that was terminated for default within the last five (5) years. "Termination for default" means that Proposer received notice to stop performance due to Proposer's non-performance or poor performance under the contract, the issue of performance was either (a) not litigated, or (b) litigated and determined that the Proposer was in default, and the contract actually was terminated for one (1) or more of the reasons specified in the notice.**

☐ No                      ☐ Yes (with details, use a separate page if needed):

NOTE: Responding positively that Proposer has been a party to a contract terminated for default will not automatically result in a "FAIL" for this criteria. However, if Proposer was a party to a contract terminated for default as described above, then Proposer must submit full details including the other party's name, address and phone number. Lottery will evaluate the facts and may, at its sole discretion, reject the Proposer as non-Responsible on the grounds of Proposer's past performance.

- h. A Proposer who employs or has on its governing boards, as of the submission of this Proposal, Lottery employees or former Lottery employees, must identify such persons and their current position and responsibilities within the Proposer's organization.
- i. If any change in ownership or control of Proposer is anticipated during the twelve (12) months following the Proposal Submission Deadline, Proposer will describe the circumstances of such change and indicate when the change likely will occur.

Proposer has received and duly considered all Addenda to this RFP 9472 (**specifically identify each Addendum by number and return signed Addenda with Proposal**);

**CERTIFICATIONS AND SIGNATURE:**

**ADDENDA \_\_\_\_ THROUGH \_\_\_\_ RECEIVED & ACKNOWLEDGED, each with a signature and included with Proposal.**

                     **(Check)**

**(Fill in the blanks as appropriate and check)**

Proposer is an Oregon Certified MWESB:                      Yes: \_\_\_\_\_                      No: \_\_\_\_\_

If yes, provide Oregon Certification Number(s):                      \_\_\_\_\_

\_\_\_\_\_  
Name and Title of Authorized Representative (Print)

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Contact Person

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Fax

\_\_\_\_\_  
Email

\_\_\_\_\_  
Business Name

Legal Status:

☐ Corporation

☐ Partnership

☐ Limited Liability Company

☐ Limited Liability Partnership

☐ Sole Proprietorship

☐ Limited Partnership

Year established: \_\_\_\_\_

Federal Tax Identification Number: \_\_\_\_\_ or, Social Security Number: \_\_\_\_\_

\_\_\_\_\_  
Address, Principal Place of Business

\_\_\_\_\_  
Physical address (location) from which Proposer will perform the Services. If Proposer has more than one business address, please list each current location, including street address, city, and state.