



## **WEBSITE DEVELOPMENT**

REQUEST FOR BID

September 5, 2017

# TABLE OF CONTENTS

## **SECTION 1 – GENERAL INFORMATION**

1.1	LOTTERY MISSION & VISION .....	1
1.2	RFB OVERVIEW .....	1
1.3	OBJECTIVES .....	1
1.4	BID PROJECTED TIMELINE .....	1
1.5	LATE BIDS .....	2
1.6	LOTTERY CONTACT INFORMATION .....	2
1.7	BID SUBMISSION .....	2

## **SECTION 2 – RESPONDENT’S INFORMATION**

2.1	CONTACT AND QUALIFICATIONS .....	3
2.2	PROPOSED TEAM .....	3

## **SECTION 3 –WEB DEVELOPMENT PROJECT DESCRIPTION**

3.1	CURRENT SITE OVERVIEW .....	4
3.2	WEBSITE AUDIENCES .....	5
3.3	CURRENT WEBSITE HOSTING .....	6
3.4	NEW WEBSITE IMPROVEMENTS .....	7
3.5	NEW WEBSITE STRUCTURE .....	9
3.6	OTHER WEBSITES WE LIKE AND WHY .....	11
3.7	MULTI-SCREEN USABILITY .....	12
3.8	COMPATIBILITY .....	12
3.9	PROJECT MANAGEMENT .....	12
3.10	DESIGNING AN EPIC WEBSITE .....	12
3.11	TESTING AND QA .....	12
3.12	TRAINING, SUPPORT AND MAINTENANCE .....	12

## **SECTION 4 – OWNERSHIP AND COMPENSATION .....** 13

## **SECTION 5 – BID EVALUATION**

6.1	INTRODUCTION .....	14
6.2	EVALUATION COMMITTEE .....	14
6.3	INFORMATION FROM OTHER SOURCES .....	14
6.4	SCORING OF BIDS .....	14

## **APPENDIX A – RESPONDENT’S CERTIFICATION FORM .....** 15

## **APPENDIX F – OTHER LEGAL STUFF .....** 16

## SECTION 1 – GENERAL BID INFORMATION

### 1.1 LOTTERY MISSION & VISION

The mission of the Idaho Lottery is to responsibly provide entertaining games with a high degree of integrity to maximize the dividend for Idaho Public Schools and the Permanent Building Fund.

The vision for the Idaho Lottery is to be the highest performing jurisdiction in North America.

### 1.2 RFB OVERVIEW

The Idaho Lottery, (hereinafter “Lottery”) is inviting responses from qualified, Web Design/Development companies to provide website development for the Idaho Lottery’s website.

The scope of this bid request is to update and improve the current functionality of the Idaho Lottery’s main website, mobile site and gamecenter website to provide an optimal experience for our customers.

### 1.3 OBJECTIVES

The Idaho Lottery’s current main website, [www.idaholottery.com](http://www.idaholottery.com) was designed and launched in 2007. The mobile site was added in 2009. The Gamecenter website was added to enhance the product pages and was launched in 2011. The goal of this epic Web Development project is to achieve the following objectives:

- 1) Create one cohesive site.
- 2) Create a responsive website that is viewable on multiple screen sizes and devices.
- 3) Update management tools and user interface of the current website to make it more effective and the Lottery more efficient (automate manual updates when possible).
- 4) Enhance the user experience and engagement through the introduction of new features.
- 5) Keep things simple, clean, and fun.
- 6) Update the look and feel of our web experience.

### 1.4 BID AND PROJECT TIMELINE

The anticipated timeline of events is as follows:

**EVENT:**

Publish Request for Bid document

**Bid Submission deadline (5:00 p.m. MT)**

Committee Recommendation to Lottery Director

Idaho Lottery Commission Approval

**DATE AND YEAR:**

September 5, 2017

September 28, 2017

October 10, 2017

October 19, 2017

Notification to Respondents	October 19, 2017
Contract negotiation	October 19 - 26, 2017
New Contract in Place	October 31, 2017
Project begins	November 1, 2017
Estimated completion date	May 1, 2018

***This timeline is subject to change at the discretion of the Lottery.***

### **1.5 LATE BIDS**

Any Bids received after 5:00 p.m. MT on September 28, 2017 will be disqualified from further consideration.

### **1.6 LOTTERY CONTACT INFORMATION:**

If you need clarification or have questions about the proposed website project, please contact:

**Sherie Moody-St.Clair**

Deputy Director of Marketing, Idaho Lottery

1199 Shoreline Lane, Suite 100

Boise, ID 83702

(208) 780-2530 or cell (208) 608-3893

[sms@lottery.idaho.gov](mailto:sms@lottery.idaho.gov)

### **1.7 BID SUBMISSION**

Please send bids to:

Idaho Lottery

Attn: Sherie Moody-St.Clair

1199 Shoreline Lane, Suite 100

Boise, ID 83702

-OR-

Electronically to:

[sms@lottery.idaho.gov](mailto:sms@lottery.idaho.gov)

Additionally, one (1) complete redacted electronic version (.pdf file) of your entire bid must be provided for public record request purposes in accordance with, and subject to, Appendix B, herein, Public Records And Requests For Confidentiality, p.17.

Failure to comply with or adequately respond to requested information in any section of the RFB may result in Bid rejection.

Determination of the winning bid, if any, will be at the sole discretion of the Idaho Lottery. The Lottery does not guarantee that any bid will be chosen.

## **SECTION 2 – RESPONDENT’S INFORMATION**

### **2.1 CONTACT AND QUALIFICATIONS**

- a. State Respondent’s name, address, telephone, e-mail, and website. Identify the key contact and disclose who within your firm will have the primary responsibility for the Lottery project.
- b. Specify the legal status of your firm (partnership, corporation) and the year your establishment was organized to do business, as it now exists.
- c. Describe your firm including size, areas of specialization, expertise, organization chart, and client base.
- d. Describe your accounting system for tracking hours worked and expenses charged to your clients. Describe how you would monitor the Lottery project.
- e. List the names, addresses, and telephone numbers of three business references for which work has been performed and describe the type of service provided. Provision of these references constitute a grant of permission for the Lottery to contact the named references.
- f. Please list any accounts you resigned from or who chose not to retain your services within the last three years, including organization name, contact persons, phone numbers, e-mail addresses, and billing size of account. Provide a brief explanation of why the account was lost or resigned. If your firm has had a contract terminated for default, please indicate as such. Termination for default shall be defined as notice to stop performance due to non-performance or sub-standard performance.

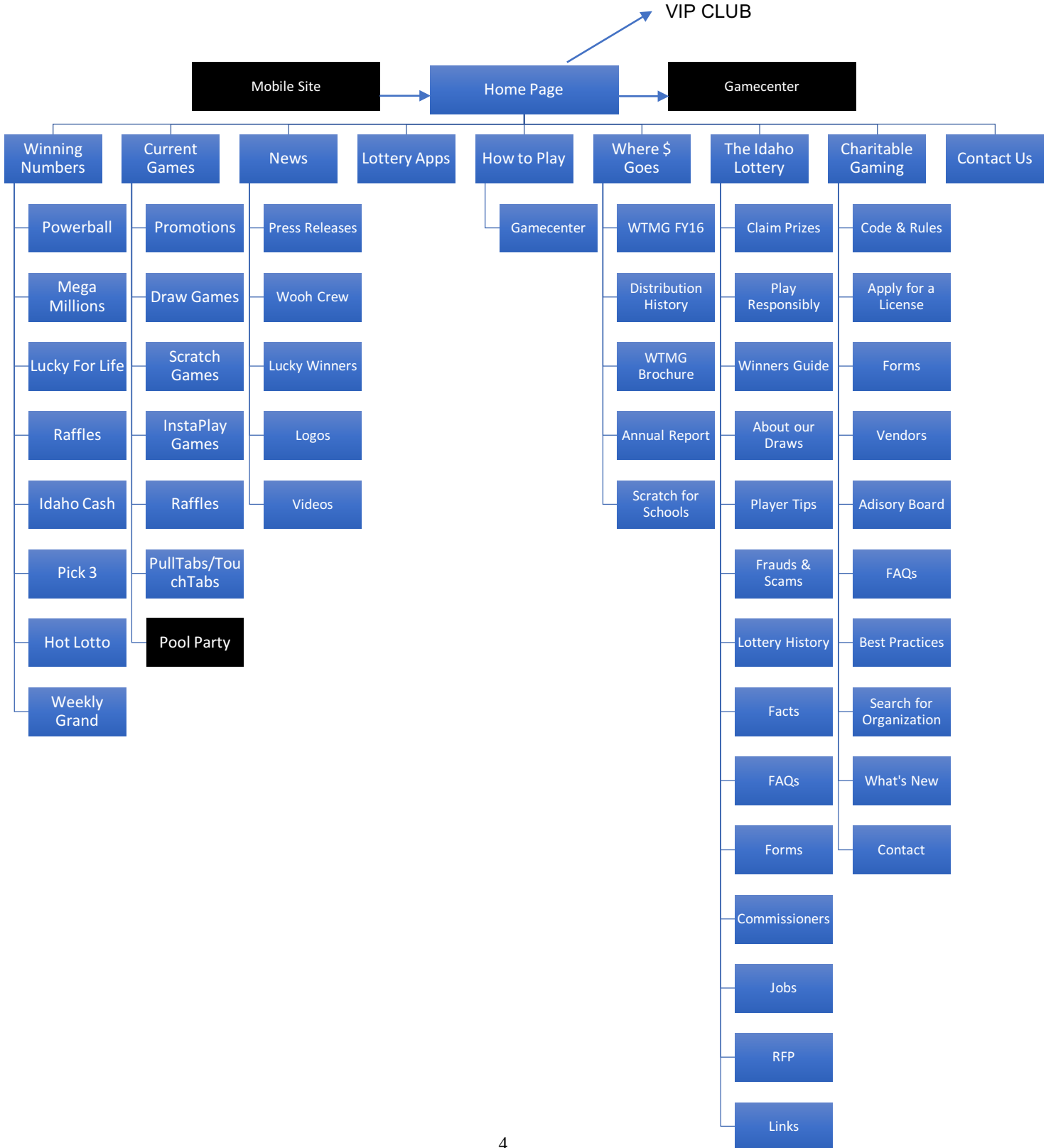
### **2.2 PROPOSED PROJECT TEAM**

Provide a description of your proposed team for this project. Indicate whether they are employees or contractors.

## SECTION 3 – WEB DEVELOPMENT PROJECT DESCRIPTION

### 3.1 CURRENT SITE OVERVIEW

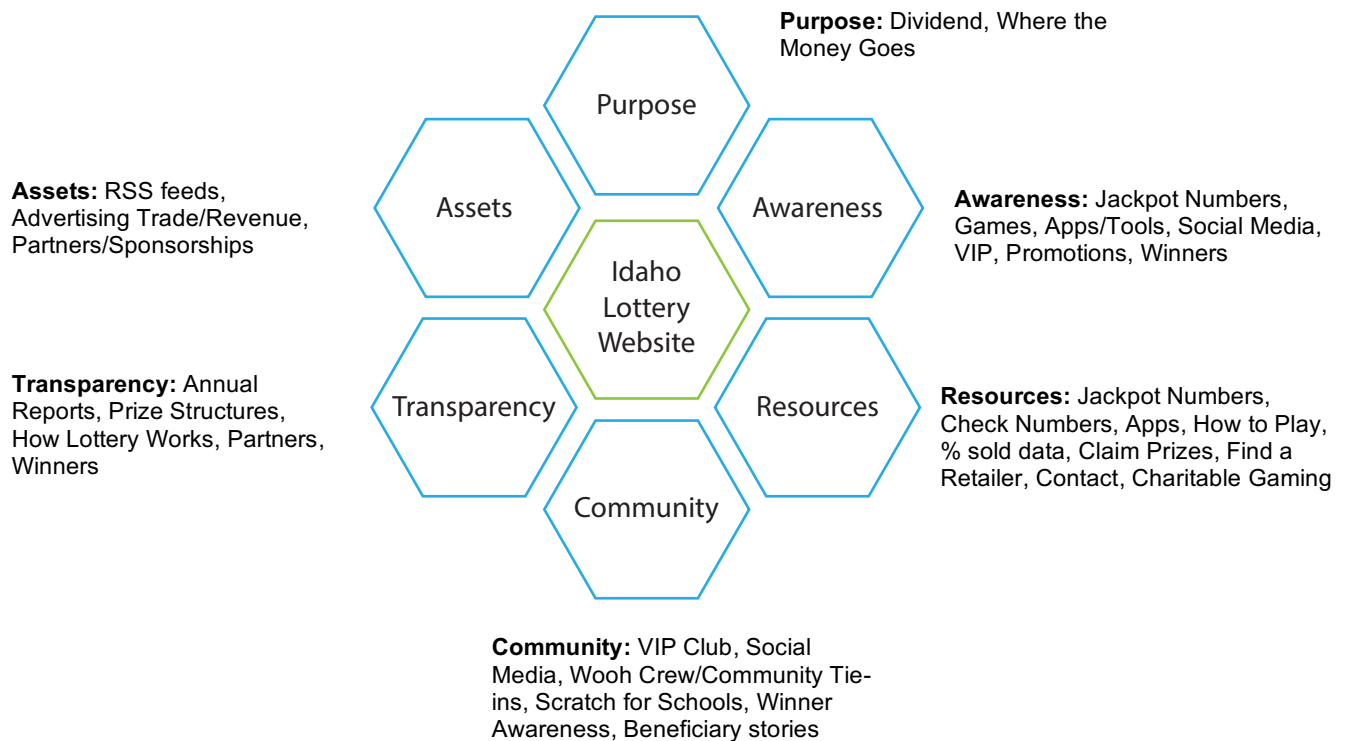
a. Current Site Map (black boxes indicate separate website):



b. Basic Components:

Our current websites have some great features, but also have room for major improvements.

Below are the basic components needed for our Lottery website:



### 3.2 WEBSITE AUDIENCES

We have identified four different audiences for our website, each utilizing it in potentially different ways. Here are the audiences in order of potential focus/size:

1) **Players:**

- Emotional – (jackpot chasers, dreamers) Need access to winning numbers, scratch themes, winning experiences, jackpot amounts
- Rational – Use the site to improve strategies for winning. Areas of importance are winning numbers, data, VIP Club, scratch percentage sold, scratch top prizes remaining
- Supporter – Philanthropic, benefits to the state and winner stories
- Loyal – VIP Club, promotions, winning experiences

2) **Potential Players:**

- Learners – Access how to play and where to buy. Winning experiences are a motivation. Need “how to claim” information.

- Rational – Use the site to improve strategies for winning. Areas of importance are winning numbers, data, VIP Club, scratch percentage sold, scratch top prizes remaining
- Supporter – Philanthropic, benefits to the State, and winner stories

**3) Retailers:**

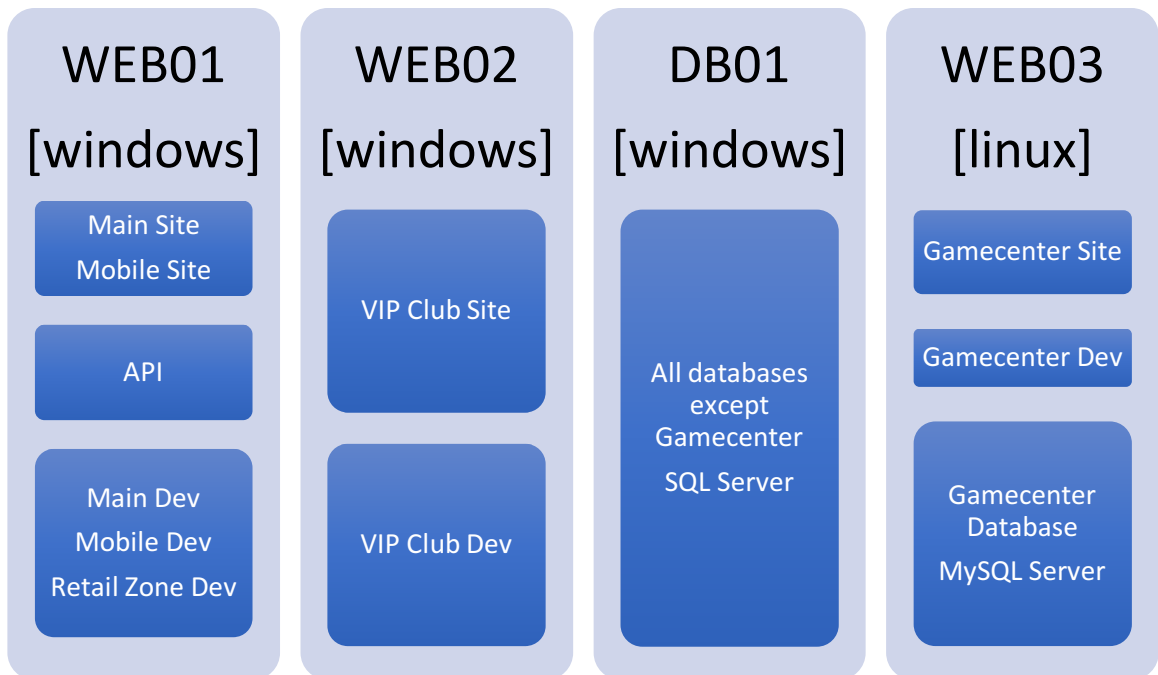
- Sales Associates/Clerks – Resource for those who sell lottery, how to play, scratch percentage sold, prizes left, jackpots
- Managers/Corporate – New games, promotion information, advertising trade

**4) Lottery Stakeholders:**

- Idaho – Benefits, facts, history, where the money goes
- Political – Transparency, where the money goes, rules, benefits
- Employees – Pride, winners, benefits and resources

**3.3 CURRENT WEBSITE HOSTING ENVIRONMENT/STRUCTURE**

Below is the Idaho Lottery’s current Server Architecture (Hosted by Liquid Web):



**Apps:**

- myPlayslip app (Intralot server)
- Check-a-ticket app (Intralot server)
- Bonus Play Cashword app (Pollard server)
- Lottery Mobile app (Pollard server)



### 3.4 NEW WEBSITE IMPROVEMENTS

#### a. User Experience:

The new Idaho Lottery website should be mobile-first, responsive, fun, and simple. We want our players to spend time on our site and have fun doing it. Since we cannot sell Lottery through the internet, having players check their numbers, enter promotions, share news articles, become a VIP Club member, and creating a Pool Party are all activities we would consider a successful use of the site.

#### b. Content Management System:

Our current CMS systems include Orchard for our VIP Club, Word Press for our Gamecenter, and a custom CMS for our main website. We do not have a CMS for our mobile site.

The new Idaho Lottery website's CMS system needs to have one system that optimizes the updating of games, promotions, content, and digital ads to multiple locations as necessary. This system must provide the capability for multiple users to manage content, data, advertising, or information on our website. The users should be assigned different permissions that allow them access to certain sections, or all the content on the website. This program should assist us to manage and maintaining workflow in a collaborative environment from a central interface.

#### Current Automated web updates:

- Benefits paid to the state – runs nightly
- adHat Ad Logger – runs every hour, 24/7
- InstaPlay winners – runs nightly, includes total number of winners, total amount of \$ paid, puts in DB. We used to display this, but not since Gamecenter. It still runs, however.
- Lucky for Life – runs every 5 minutes for 7 hours starting at 9pm on Mondays and Thursdays – double feed that automates winning numbers, winners and tiers.
- Load Retail Zone Financials for Retailers – runs at 8pm Sunday Nights.
- Mega Millions Update – runs every 15 minutes for 7.5 hours starting at 9:10 pm on Tuesdays and Fridays – triple feed that automates winning numbers, winners and tiers, jackpot.
- MUSL Update – runs every 15 minutes for 7.5 hours starting at 9:10 pm on Wednesdays and Saturdays – large group process that automates Powerball numbers, winners and prize tiers, jackpot; Hot Lotto/Lotto America numbers, winners and prize tiers, and jackpot.
- Newsletter – runs nightly to check to see if a newsletter has been created and needs to be automatically sent out.
- Pick3 – runs every day after the afternoon draw, and every evening after the evening draw. Automates winning numbers, winners and prize tiers.
- Raffle – Runs every 2 minutes during raffle season. Updates the number of tickets sold in the DB.
- RSS Email – Runs nightly at 9:15 pm, sends an email to the news groups with the day's winning numbers. Not sure if we still need this?
- Prizes Remaining – runs at 3:00 am, updates remaining scratch prizes to main site and Gamecenter.
- Retailer Finder – runs at 3:10 am, updates all retailer location information.
- Weekly Grand – runs at 8:15 pm on Wednesdays and Saturdays, automates Weekly Grand Winning Numbers and winners.
- InstaPlay Jackpots – updates every 2 minutes – site reads directly from the files / no DB automation involved, just SFTP from BOS.

- Winners feed – Updates nightly – contains the date, name of winner, game, and amount won for winners of over \$1000; contains past 30 days' worth.

**Manual updates:**

- Where the \$ Goes
- 2<sup>nd</sup> Chance Winner Name, Date, and Location
- Events
- Percentage sold for Scratch Games

**Lottery Admin updates:**

- Promotions
- Main Slider
- Ad Hat ads
- Press Releases
- Newsletters
- Winners

**Gamecenter Admin updates:**

- All games
- Percent Sold
- Banners (Main and Mobile)
- Promotions (Current and Past)
- Winners

**VIP Admin updates:**

- Promotions
- VIP sweepstakes/items
- Scratch point files
- Ads
- Winners

**Social Media Linked:**

- YouTube
- Flickr
- Blog
- Facebook
- Twitter
- Snap Chat
- Sound Cloud
- Instagram
- Pinterest

**Please include a recommendation for either a custom or commercial content management system in your bid.**

**c. Optimization and Analytics:**

Our current website structure with multiple websites and operating systems has prevented us from fully analyzing web traffic patterns and customer metrics. It is difficult to understand true traffic patterns due to the site utilizing 4 different sites/analytics accounts combined:

- Idaholottery.com
- Mobile.idaholottery.com

- Gamecenter.idaholottery.com
- VIP.idaholottery.com

The new Idaho Lottery website must allow for ease of data tracking and analysis, including, but not limited to customer path, hits, users, session times, drop offs/bounces, demographics of users, actions taken while on site (i.e. enter a 2<sup>nd</sup> chance drawing, sign up for the VIP Club, click on a specific page, perform desired action).

The new Idaho Lottery site should allow for it to evolve over time. The Idaho Lottery is an innovative, fun, and creative organization that is always pushing the edge on new and different. Our website should also be new and beaming with the latest technological advances in the web space.

### 3.5 NEW WEBSITE STRUCTURE

The high traffic areas of our website in order are:

- Draw Games:
  - Powerball
  - Winning Numbers
  - Mega Millions
  - Lucky for Life
  - Pick 3
  - Hot Lotto/Lotto America
  - Powerball/Number Check
  - Powerball/Winners
- 2<sup>nd</sup> Chance
- Enter Codes – VIP Club
- Raffle
- News
- Compare Games – Gamecenter
- Promotions
- Find a Retailer – Gamecenter

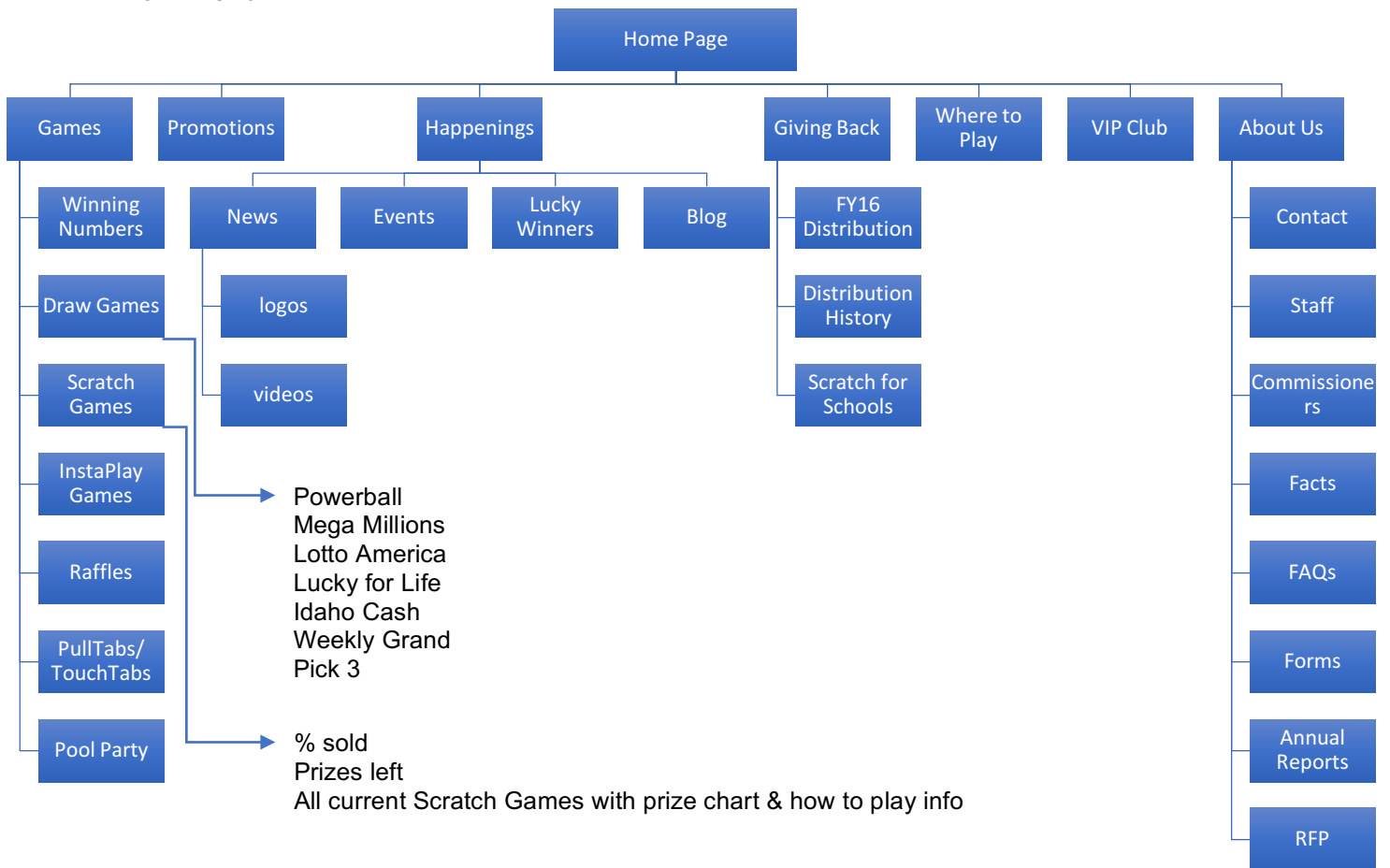
Given this information we are eliminating pages that aren't needed on the website, moving less viewed pages that are still necessary to a bottom menu. See the updated suggested site map on the following page.

#### Changes include:

- Charitable Gaming: Optimizing Charitable Gaming into a few pages. Many of the separate page items are small and could be optimized into one resource page. Move Charitable Gaming to bottom menu.

- WTMG (Where the Money Goes) Brochure: This is just a download and should be moved to the WTMG page.
- Annual Report: This needs to be moved to “The Idaho Lottery” section.
- How to Play: Each game has its own “how to play”. This can be removed.
- Lottery Apps: Links to download should be present on home page. Game apps should be included in Games section.
- Promotions: This needs to be added to the main navigation menu.
- Winning Numbers and Games: There is duplication here with games information. This needs to be consolidated. Possibly add a quick ALL Winning Numbers at a glance option.

**Main Menu:**



**Sub-Menu (on the bottom of every page):**

- Contact Us
- Mobile Apps
- Jobs
- Charitable Gaming
- Rulemaking
- Frauds & Scams
- About our Draws
- Privacy Policy
- Terms & Conditions
- Cyber Security Link

Claim Prizes  
Play Responsibly  
Apply to be a Retailer

**Other Links from main page:**

Social Media – Facebook, Twitter, Instagram, Snapchat, Pinterest, YouTube, Sound Cloud, Flickr

Based on the suggested changes and content for the Idaho Lottery website, what web development language would you use to develop our site? What are the benefits and disadvantages to using this language or method of development?

### 3.6 OTHER WEBSITES WE LIKE AND WHY

In preparing for this bid document, the Idaho Lottery spent time looking at other websites and picking out ones that had features to consider for our new website development. Please see the list below with a brief description of what we found appealing about the site.

Krispy Kreme - <https://www.krispykreme.com/>

- Visuals such as coffee to direct to drink category
- Looks fun and inviting

Fandango - <https://www.fandango.com/>

- Disappearing and hovering menu item to display new

Houzz - <https://www.houzz.com>

- The way categories were sorted in disappearing menu
- Called attention to main headers with green and bold fonts, easier to look at
- White background looks very clean

Reebok - <http://www.reebok.com/us/>

- Menu bar hidden

McDonalds - <https://www.mcdonalds.com/us/en-us.html>

- Clean with call-outs and red buttons
- Great visuals- using photos instead of a lot of words

Treefort Music Fest - <https://www.treefortmusicfest.com/>

- Moving banners

Florida Lottery - <http://www.flalottery.com/>

- Sidebar pop out of draw numbers

Tnlottery.com - <http://www.tnlottery.com/>

- More winner awareness
- All of the info you need on the front page including draw numbers, etc.

Fitbit - <https://www.fitbit.com/home>

- Blocky layout and navigation menu
- Product highlights

Chubbies - <https://www.chubbiesshorts.com/>

- Visual imagery and clean, block setup

Minnesota Lottery - <https://www.mnlottery.com/>

- Draw number layouts

Oregon Lottery - <https://www.oregonlottery.org/games/>

- Countdown to draw
- Mobile site goes right to winning numbers

### **3.7 MULTI-SCREEN USABILITY**

We want a website that is viewable on multiple screen sizes, including desktop, tablet, and mobile devices. Optimal submissions will include ideas for how to accomplish this using single site design and management tools.

### **3.8 COMPATIBILITY**

We want a website that is reasonably compatible with all browsers and devices. Please detail any limits in compatibility with your proposed web development strategy for our website.

### **3.9 PROJECT MANAGEMENT**

This is a huge and important project for the Idaho Lottery. Please describe your project management process. What is your proposed timeline for our Web Development project? How do you propose to keep the project on track?

### **3.10 DESIGNING AN EPIC WEBSITE**

Please describe your creative and strategic process for designing a new website for a client.

### **3.11 TESTING AND QA**

Please describe your testing and quality assurance methodology.

### **3.12 TRAINING, SUPPORT & MAINTENANCE**

Please describe your training provided prior to launch, and any as-needed support provided post launch. As we all know, with any new website, some maintenance is required as bugs are discovered in the live environment. Once everything is up and running, the Lottery's web development team will maintain and provide ongoing maintenance.

## **SECTION 4 - OWNERSHIP AND COMPENSATION**

Each bid must include an itemized Price Statement of the vendor's proposed compensation for undertaking and completing all phases of the Idaho Lottery Web Development Project. Please also describe any "out of scope" costs and processes as it relates to compensation.

Bidders shall anticipate that Idaho Lottery will own the source code, design and functionality for the proposed solution without additional royalty or other payments..

If the successful bidder uses proprietary or licensed software in the development of the final product, conditions of licensing rights must be detailed in the proposal and subsequent contract.

No re-licensing, replication or sharing of the finished product shall take place without the express written consent of the Idaho Lottery, and will be subject to the terms of the final contract developed between the Idaho Lottery and successful bidder.

## SECTION 5 – BID EVALUATION

### 6.1 INTRODUCTION

The Evaluation Team will evaluate each Bid that is properly submitted and will make a contract award recommendation to the Director, which then will be presented to the Idaho Lottery Commission for approval.

Bids that fail to provide specific information to adequately describe a Respondent's proposal for the web development services requested in this RFB may be deemed non-responsive and may be rejected.

Respondents must be as specific as possible in describing the details of their Bid. Respondents are forewarned that a Bid that meets requirements with the lowest price might not be selected if, in the Lottery's judgment, a higher-priced Bid offers greater overall value to the Lottery.

### 6.2 EVALUATION COMMITTEE

The Lottery will conduct a comprehensive and impartial evaluation of all responsive Bids. That evaluation will be conducted by an Evaluation Team of qualified personnel selected by the Lottery.

### 6.3 INFORMATION FROM OTHER SOURCES

The Lottery and the Evaluation Committee reserve the right to obtain information concerning a Respondent, which the Lottery or the Evaluation Committee deems pertinent to the RFB, and to consider such information in the Bid Evaluation.

### 6.4 SCORING OF BIDS

Each responsive Bid will be evaluated and scored based upon the Respondent's ability to provide the web development services described in this RFB. Major criteria and considerations will be the quality of the proposed solution, including prior design work and vision for the project, ability to perform and deliver, as well as likelihood of timely performance and price. Below is an outline of the point values assigned to each area of your Bid.

#### **Web Development Services Scoring:**

<b>Written Proposal</b>	<b>65 points</b>
<b>Price Proposal</b>	<b>35 points</b>
	<b><u>100 points</u></b>



**APPENDIX A**  
**RESPONDENT'S CERTIFICATION**

I certify that I have the authority to bind the Respondent indicated below to the specific terms and conditions imposed in the RFB and offered in the Respondent's Bid. By my signature on this document, the Respondent specifically agrees to all waivers, restrictions, and requirements of the RFB as conditions precedent to submitting this proposal. I also certify that the Respondent has not knowingly made false statements in its response to this RFB or consulted with others for the purpose of restricting the competitive solicitation process. This signed certification must be included in every submission.

RESPONDENT \_\_\_\_\_

CONTACT \_\_\_\_\_

TITLE \_\_\_\_\_

SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

I have read, and agree to the terms and conditions of this RFB.

## **APPENDIX B LEGAL STUFF**

### **SENSITIVE PROCUREMENT**

This planned acquisition for website development is a Sensitive Procurement and is subject to IDAPA 52.01.03.200.09 (Idaho Lottery Rule 200.09). As such, the selected Respondent is subject to successful completion of a financial and criminal history background check of the organization, its owners, and any staff which will be assigned to work on the website development. Any resulting contract will include requirements regarding confidentiality, insurance, intellectual property assurances and indemnification and other contractual provisions. The Idaho Lottery Commission approved the issuance of this RFB.

### **INFORMATION FROM OTHER SOURCES**

The Lottery reserves the right to obtain information from outside sources concerning the Respondent(s).

### **CONTACT WITH RESPONDENTS DURING RFB PROCESS**

During this procurement process, no interested Respondent, and no employee or agent of any interested Respondent, may initiate any unsolicited contact with Lottery employees, managers, officers, or commissioners regarding this procurement. All contact regarding this procurement should be directed through the RFB Coordinator. Any false or misleading representations made by any interested Respondent, their employees or agents, to any Lottery employee or Lottery retailer shall be grounds for disqualification. Any Respondent to this RFB currently doing business with the Lottery may continue to do so and communicate with Lottery employees, however, any communication regarding this RFB, other than through the RFB Coordinator, is prohibited.

### **PROPOSAL CLARIFICATION PROCESS**

The Lottery reserves the right to request clarification or resolve ambiguities on one or more statements made by a Respondent in its Proposal at any point during the Proposal Evaluation. All clarification will be requested in writing and will be sent to the contact person representing the Respondent. Any such communication may be made by e-mail, fax, mail, overnight courier, or hand-delivered. Respondent will be given a specific deadline to submit a response. The Respondent will make every effort to respond within the time frame indicated. If it proves unfeasible, the Lottery and the Respondent may discuss modification of the deadline. The clarification process will not allow revision or supplementation of the Respondent's offering. **Clarification is not a negotiation process.**

### **AMENDMENTS TO RFB**

The Idaho Lottery reserves the right, in its sole discretion, at any time prior to the contract award deadline to change, modify, or cancel all or part of this RFB and procurement. Any addendum(s), amendments(s),

or cancellations(s) will be posted on the Idaho Lottery's website at <http://www.idaholottery.com/RFB> and notification by the Idaho Lottery to all responding vendors will be sent via email.

## **PUBLIC RECORDS AND REQUESTS FOR CONFIDENTIALITY**

All Proposals received shall remain confidential until a notice of intent to award a contract is issued. Thereafter, the Proposals shall be deemed public records as defined in Idaho Code, Title 74, Chapter 1.

The Public Records Law contains certain exemptions. One exemption potentially applicable to parts of Bid may be for trade secrets. Trade secrets include a formula, pattern, compilation, program, computer program, device, method, technique or process that derives economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by other persons and is subject to the efforts that are reasonable under the circumstances to maintain its secrecy.

If Respondents consider any material provided in its proposal to be a trade secret, or otherwise protected from disclosure, Respondent MUST so indicate by marking as "exempt" EACH PAGE containing such information. Marking the entire Proposal as exempt is not acceptable or in accordance with the RFB or the Public Records Law and WILL NOT BE HONORED. In addition, a legend or statement on one (1) page that all or substantially all of the response is exempt from disclosure is not acceptable or in accordance with the Public Records Law and WILL NOT BE HONORED. Prices provided in the Proposal are not a trade secret.

The Lottery, to the extent allowed by law and in accordance with the RFB, will honor a designation of nondisclosure. Any questions regarding the applicability of the Public Records Law should be addressed to your own legal counsel PRIOR TO SUBMISSION of the Bid.

If a Respondent's Bid contains information that Vendor considers to be exempt, Respondent must also submit an electronic redacted copy of the Bid with all exempt information removed or blacked out. The Lottery will provide this redacted Bid to requestors under the Public Records Law.

Respondent shall indemnify and defend the Lottery and the State of Idaho against all liability, claims, damages, losses, expenses, actions, attorney fees and suits whatsoever for honoring a designation of exempt or for the Respondent's failure to designate individual documents as exempt. The Respondent's failure to designate as exempt any document or portion of a document that is released by the Lottery shall constitute a complete waiver of any and all claims for damages caused by any such release. If the Lottery receives a request for materials claimed exempt by the Respondent, the Respondent shall provide the legal defense for such claim.

## **PROPERTY OF THE LOTTERY**

Materials submitted in response to this RFB will become the property of the Lottery and will not be returned. The Idaho Lottery shall have the right to use all ideas, adaptations of ideas, and concepts contained in any Proposal received in response to the RFB subject to the intellectual property rights of the Respondent. The Lottery reserves the right to use any and all information contained in a Proposal to the extent permitted by law. Selection or rejection of the proposal will not affect this right.

## **INCURRED COSTS ASSOCIATED WITH BIDS**

The Respondent must not hold the Lottery liable for any of the costs incurred by a Respondent in preparing or submitting a Bid including, but not limited to, preparation, copying, postage, and delivery fees, and expenses associated with the oral presentations, which may be required by the RFB evaluation committee.

## **ACCEPTANCE PERIOD**

Bids shall remain valid and subject to acceptance by the Lottery for a period of 180 days from the Bid due date of September 28, 2017. Failure to adhere to this requirement may result in Proposal disqualification. Respondents will be strictly held to the terms in their Proposals. The contents of the RFB and the Proposal will become contractual obligations in the event of Contract Award.

## **DISCLOSURE PROHIBITION**

Information provided in a Bid, including Price, must be held in confidence by the Respondent and not be revealed or discussed with competitors except as required by jurisdictional law. The Bid must remain confidential while the evaluation committee reviews all of the Bids submitted in response to the RFB.

The Bids will be available for inspection according to Lottery policy and jurisdictional law after the Notice of Intent to award a Contract is announced by the Lottery. All matters set forth in a Respondent's Bid including, without limitation, technical information, required services, question responses, and creative samples may be subject to disclosure after Contract. Once again, the Lottery will base its disclosure decision on existing Idaho law.

## **DISQUALIFICATION FOR BUSINESS INCAPABILITY**

Financial and business stability of the Respondent and wherewithal to perform and support the Lottery are required. Criminal and financial background checks will be conducted prior to awarding a contract. If insufficiencies, as determined by the Lottery at its sole discretion, are found a contract will not be awarded.

If, at any time prior to signing of a written Contract, the Lottery reasonably determines that a Respondent does not possess adequate financial ability or requisite stability to carry out the obligations of the Contract, the Respondent may be disqualified from further consideration.

If, at any time after Contract execution, the Lottery reasonably determines that the successful Respondent does not possess adequate financial ability or business stability to continue to carry out the obligations of the Contract, the Contract may be terminated.

## **REJECTION/SELECTION OF PROPOSALS**

The Lottery may reject any or all Bids or any portion thereof, advertise for new Bids, arrange to receive or itself perform and obtain the services requested in the RFB, abandon the need for such requested services, or award in whole or in part a Contract deemed to be in the best interests of the Lottery.

Respondents will be held to the terms submitted in their Bids but may be required to reduce costs depending upon aspects of the proposed services that may be determined by the Lottery to be unnecessary.

The Lottery will notify in writing those Respondents who submit a Bid in response to the RFB, but who are not awarded the Contract. The acceptance of a Bid will not diminish the Lottery's right to negotiate specific contract terms, including price, with the apparent successful Respondent.

## **INDEPENDENT PRICE DETERMINATION**

By submission of a Bid, the Respondent must certify – and in the case of a joint Bid, each party thereto must certify as to its own organization – that in connection with the Bid the prices in the Bid have been arrived at independently, without consultation, communication, or contract for the purpose of restricting competition as to any matter relating to such prices with any other Respondent or with any competitor.

## **CHANGE OF OWNERSHIP/FINANCIAL CONDITION**

If a Respondent (including the parent or holding company of the Respondent) experiences a substantial change in its ownership or financial condition after its Bid has been submitted and prior to the execution of the Contract with the Successful Respondent, the Respondent must notify the Issuing Office in writing at the time the change occurs or is identified.

A “substantial change” in ownership or financial condition is defined as an event which following generally accepted accounting principles, would require a notation in the Annual Report of a publicly traded United States or Canadian corporation, or equivalent standard.

Failure to notify the Issuing Office of such a substantial change may result in the disqualification of the Respondent.

## **NEWS RELEASES**

News releases pertaining to the RFB or the services, study, data, or project to which it relates must not be made without prior written Lottery approval, and then only in accordance with explicit written instructions from the Lottery. The results of the RFB process must not be released without prior approval of the Lottery, and only then to designated persons and/or media organizations.