



The Commonwealth of Massachusetts

Massachusetts Gaming Commission

NOTICE OF MEETING and AGENDA April 17, 2012 Meeting

Pursuant to the Massachusetts Open Meeting Law, G.L. c. 30A, §§ 18-25, notice is hereby given of a meeting of the Massachusetts Gaming Commission. The meeting will take place:

Tuesday, April 17, 2012
2:00 p.m.
Division of Insurance
1st Floor, Meeting Room E
1000 Washington Street
Boston, Massachusetts

PUBLIC MEETING

1. Call to order
2. Administration
 - a. Search for executive director
 - b. Interim bookkeeper
 - c. HR process
 - d. Public information officer
 - e. Outside counsel and gaming consultants – status
 - f. Briefings for commissioners – OML, FOIA, State Ethics Commission, etc.
 - g. Record keeping
 - h. Commissioner areas of responsibility
3. Public Information
 - a. May 3 conference
 - b. Standard PowerPoint presentation
 - c. Contacts by interested parties
 - d. Process for providing information to host and surrounding communities
4. Racing commission
 - a. Status
 - b. Payments from Racing Stabilization Fund
5. Charitable gaming
 - a. Status
6. Development
 - a. Baseline economic data
 - b. Expanded gaming and tourism
7. Interagency relations
 - a. Internet gaming
 - b. Tribal gaming
8. Other business – reserved for matters the Chair did not reasonably anticipate at the time of posting

I certify that on this date, this Notice was posted as “Gaming Commission Meeting” at www.mass.gov/gaming/meetings, and emailed to: regs@sec.state.ma.us, melissa.andrade@state.ma.us, brian.gosselin@state.ma.us and copies were mailed, postage prepaid, to:

Secretary of State, Regulations Division
One Ashburton Place, Room 2A
Boston, MA 02108

Executive Office of Administration and Finance
The State House, Room 373
Boston, MA 02133

A handwritten signature in black ink, appearing to read "Stephen P. Crosby".

Stephen P. Crosby, Chairman

Date Posted to Website: April 12, 2012 at 2:00 p.m.

OFFICE OF THE STATE TREASURER AND RECEIVER GENERAL

HIRING POLICY

The Office of the Massachusetts State Treasurer and Receiver General (Treasury) is an equal employment opportunity employer and seeks to hire and advance the employment of qualified diverse individuals. The Treasury does not discriminate on the basis of race, color, sex, religion, national origin, age, disability, marital status, sexual orientation, and genetic information in accordance with the Civil Rights Act of 1964 and M.G.L. Chapter 151B Section 4.

Employment with the Treasury is at will unless otherwise provided in writing. Either party may terminate employment at any time for any lawful reason. Nothing herein shall adversely affect the collective bargaining agreements.

RECRUITMENT

In the case of a vacancy or position opening, each department head will make the need known to Human Resources. All vacancies will be reviewed. Human Resources may communicate position openings through internal and external postings, outreach efforts, recruitment fairs, or soliciting resumes from individuals who communicate an interest in employment with the Treasury.

Internal applicants may request consideration or be identified. External candidates may submit resumes to HR@tre.state.ma.us for consideration. When an employee receives resumes or job inquiries, that individual must forward the resumes to HR@tre.state.ma.us or direct the enquirer to submit the resume to HR@tre.state.ma.us.

The Human Resources Department will be responsible for recruitment efforts in order to identify applicants. Human Resources will identify methods and resources available to fulfill recruitment efforts subject to budgetary availability.

INTERNAL CANDIDATES

Current employees may submit their resumes to HR@tre.state.ma.us. Employees who receive job inquiries must direct employees to submit their resumes and/or cover letters to HR@tre.state.ma.us.

Upon receipt of qualified candidate resumes, department heads may select internal candidates for an interview. Internal candidates who are interviewed but do not receive an offer will be notified when the position is filled.

EXTERNAL APPLICANTS

Interested applicants must submit resumes to Human Resources for consideration. Human Resources will review resumes for minimum qualifications and submit qualified applicant resumes to department heads for review. Department heads must then select applicants for interviews and communicate this to Human Resources.

Human Resources will contact applicants directly for interviews. In some instances, applicants may meet with multiple department heads. After interviews are completed, department heads will choose the final candidate(s). The choice of a final candidate is subject to the approval of Human Resources and Chief of Staff.

REFERENCES AND RECOMMENDATIONS

Final candidates must provide at least three references. A reference check must be completed and documented prior to an offer of employment.

When an employee of the Treasury receives a recommendation for an applicant, the employee shall:

- Request that the person provide the recommendation in writing and address it to Human Resources. Recommendations may be emailed to HR@tre.state.ma.us or mailed to:

Office of the State Treasurer and Receiver General
Human Resources Department
1 Ashburton Place
12th Floor
Boston MA 02108

- Advise the person that verbal recommendations will not be considered.

OFFICE OF THE STATE TREASURER AND RECEIVER GENERAL

HIRING POLICY

Recommendations will be withheld from interviewers until applicants reach the final stage of consideration. Letters of recommendation will become a matter of public record.

OFFER AND APPLICATION

Final candidates should complete an employment application. A final candidate will receive a tentative offer of employment from Human Resources.

CORI

Upon acceptance of an offer, the candidate must complete a Criminal Offender Record Information (CORI) authorization form. The offer of employment is contingent upon the completion of a satisfactory criminal record inquiry. Where applicable, Human Resources may request a history of the applicant's driving records.

ELIGIBILITY

An applicant must also complete an Employment Eligibility Verification I-9 form and submit proper identification(s) in compliance with the Immigration Reform and Control Act to determine whether the applicant has the legal right to work in the United States.

At no time should any employee or a Human Resources member communicate a promise or guarantee of employment.

ORIENTATION

Each new employee will receive a new employee packet. Orientation will be conducted quarterly or as needed. New employees shall sign an acknowledgement form that pertinent policies have been reviewed.

FAMILY MEMBERS

Final candidates shall disclose in writing any family member who is also an employee of the Commonwealth of Massachusetts. Documentation shall be kept in a separate file in Human Resources and in the employee's personnel file.

CURRENT EMPLOYEES

The Treasury will not consider family members of current employees for employment. Family members shall include an employee's spouse, brother, sister, children, stepchildren, parents, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, aunt or uncle, first cousins, or a member of the employee's household.

EXISTING FAMILY RELATIONSHIPS

Where family members are already employed at the Treasury, all reasonable measures including the transfer of current related employees to other suitable departments will be taken to alleviate a conflict of interest.

When employees marry or become members of the same household and a conflict of interest arises, the Treasury may transfer an employee to another suitable department.

When a transfer is not possible, there should be no direct or indirect supervisory or subordinate relationship among family members.

FORMER EMPLOYEES

Former employees who ended their employment may seek re-employment with the Treasury unless the employment was terminated for violation of public policy, personnel policy, state or federal law.

EXCEPTION TO HIRING POLICY

The hiring policy may be bypassed to make an appointment pursuant to M.G.L. Chapter 10 Section 5, hire management, or to fill an urgent vacancy. In these instances, Human Resources and General Counsel must advise and consult the Chief of Staff, First Deputy Treasurer, or the Treasurer or combination thereof. When parts of the hiring policy are bypassed, provisions regarding CORI and other background checks, recommendations, family relationship, employment eligibility, or any other applicable law shall be adhered to at all times.

MASSACHUSETTS GAMING COMMISSION
Governance Task List
Outside Counsel: Anderson & Kreiger LLP
4/17/12

ACTION ITEMS	PARTNER	COMM'R
Review and Assessment of the Act	SDA	
Develop "Policy on Policies"	WLL	
Board Governance	SDA	
Public Records	SDA	
Open Meeting Law	SDA	
Press/Media	WLL	
Advisory Opinions/Web Responses	WLL	
Fiscal Policies and Controls	SDA	
Code of Ethics	SDA	
MOUs with Other State and Local Agencies	SDA	
Employment Policies	WLL	
Procurement Procedures	GAH	
State Racing Commission Transition	WLL	
Confidentiality Issues	SDA	
Internet Security Issues	SDA	
Ongoing advice re requirements and limitations of employment	WLL	
Future Procurements	GAH	
Regulations	WLL	

SDA = Stephen D. Anderson

WLL = William L. Lahey

GAH = George A. Hall



**The Commonwealth of Massachusetts
Massachusetts Gaming Commission**

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MASSACHUSETTS GAMING COMMISSION TO HOST

PUBLIC EDUCATIONAL FORUM

FORUM WILL COVER BEST PRACTICES / LESSONS LEARNED

IN GAMING ADMINISTRATION, REGULATION, AND ENFORCEMENT

April 17, 2012 – Boston, MA – Massachusetts Gaming Commission Chairman Stephen Crosby announced today that the Commission will host a daylong educational forum for the Massachusetts Gaming Commissioners and the public on best practices in gaming administration, regulation, and enforcement. The forum, which is being built around presentations and panel participation by industry leaders who have experience regulating gaming in other states, will be held on **Thursday, May 3rd from 9:00-3:30** at the **Boston Convention and Exhibition Center**.

“This is the first of what we intend will be a series of forums that we’ll host to hear from people who’ve learned valuable lessons in other jurisdictions,” said Crosby. “We thought it was very important that the public have an opportunity to share this educational experience with us. We appreciate that so many industry experts who have been at this for years and who have learned the lessons of their predecessors, have agreed to volunteer their time to share best practices and help us to avoid mistakes.”

This first forum will cover a range of topics and is intended to give the Commissioners and the public a broad overview of the scope of issues that will confront the Massachusetts Gaming Commission as it implements the expanded gaming law signed by Governor Patrick last fall. The day will begin with an overview of the state of the industry by Frank Fahrenkopf, Jr., President of the American Gaming Association. The audience will then have an opportunity to hear from New Jersey and Pennsylvania gaming regulators about the ins and outs of launching a new regulatory commission – what to expect and lessons learned.

Following a lunch break, the first afternoon session, entitled “Before the Doors Open” will give panelists an opportunity to share thoughts regarding the processes that regulators must put in place to seek casino proposals, conduct background checks, and regulate licensed operators. The last session of the day will focus on crime and compliance, including issues around coordination of enforcement by multiple state agencies.

The public is encouraged to take advantage of this opportunity to hear directly from leaders who have been engaged in casino licensing, regulation, and enforcement in New Jersey and Pennsylvania. **To attend the forum in person, log on to www.mass.gov/gaming and click on the link to RSVP.** The public may also submit questions for panelists to respond to by recording them as a comment on the *Contact* tab of the website.

The Forum will be webcast live through the Commission’s website and segments of the program will be retained for future viewing – also via mass.gov/gaming.

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The Massachusetts Gaming Commission will create a fair, open and transparent process for implementing the expanded gaming law passed by the Legislature and signed by the Governor in 2011. The Commission will strive to ensure that its decision-making and regulatory systems engender the confidence of the public and all participants, and that they provide the greatest possible economic development benefits and revenues to the people of the Commonwealth, reduce to the maximum extent possible the negative or unintended consequences of the new legislation, and allow an appropriate return on investment for gaming providers that assures the operation of casino-resorts of the highest quality. For more information about the Massachusetts Gaming Commission, visit www.mass.gov/gaming

Massachusetts Gaming Commission

**Request for Responses (RFR)
For
Ad-hoc Audit / Consulting Review Services**

RFR # MGC-2012-001

April 13, 2012

A. Background

The Massachusetts Gaming Commission ("MGC") is responsible for implementing the expanded gaming law (chapter 194 of the Acts of 2011) of the Commonwealth of Massachusetts.

State law establishing the Massachusetts Gaming Commission requires the State Racing Commission ("SRC") to cease independent functions on May 20, 2012 and to proceed under the aegis of the MGC. Among the duties that the legislation charges the MGC to do, include the transfer of responsibilities, funding and oversight of the State Racing Operations from the Department of Professional Licensure and Office of Consumer Affairs to the MGC.

B. General Requirements

MGC is exempt from state procurement requirements under 801 CMR 21.00. Nevertheless, the MGC has decided to adopt such regulations and this RFR is being issued in accordance with 801 CMR 21.00, which governs the procurement of services by state agencies. MGC reserves the right to alter the procurement process at any time and without notice.

MGC anticipates that this procurement will be a small procurement as defined in 801 CMR 21.00 (or anticipated to cost less than \$50,000). As such, MGC is only soliciting a response from at least three potential bidders. All responses must be submitted in writing in accordance with the specific terms of this RFR.

MGC makes no guarantee that a contract, or any obligation to purchase any commodities or services, will result from this RFR. Similarly, MGC will not reimburse for any costs associated with the preparation of the response to this solicitation.

C. Purpose of Procurement

Through this process, the **MGC is soliciting responses from at least three vendors**. The MGC seeks an audit or consulting firm or individual(s) with relevant experience to conduct a preliminary review (ad-hoc audit / diagnostic review) of the operations and finances of the State Racing Commission (SRC).

The SRC ensures the integrity of racing in the Commonwealth. The SRC maintains pari-mutuel racing through the enforcement of its rules and regulations. The SRC also ensures the legitimate performance of all racing animals and the accountability of pari-mutuel wagering. Effective January 1, 2010 the State Racing Commission was transferred to the Division of Professional Licensure (DPL), pursuant to Chapter 4 of the Acts of 2009.

The SRC currently regulates one thoroughbred track, Suffolk Downs; one harness track, Plainridge Racecourse; and a simulcast facility located at Raynham Park, the former greyhound track. As a result of Chapter 388 of the Acts of 2008, live racing of greyhounds ceased at the conclusion of Calendar Year 1009.

Pursuant to section 89 of Chapter 194 of the Acts of 2011 (the MGC enabling statute), the responsibilities of the DPL in the oversight of the SRC will be transferred to the MGC, and the SRC will cease to exist on May 20, 2012.

Through this RFR, MGC seeks to select one bidder to perform a general operational review at the tracks, the process for licensing as it applies to the racing operations and the monitoring of those operations, and provide recommendations for the transition of the operations described above.

D. Vendor Qualifications

The preferred vendor will have expertise and experience in audit and/or consulting, ideally in the field of horse and/or dog racing or gaming operations. The preferred vendor will also have experience in advising governmental and/or regulatory entities in Massachusetts and/or other states. The preferred vendor will have the capacity to commit personnel and resources necessary to provide high quality services in a timely and responsive manner.

E. Scope of Services

Newly appointed gaming commissioners would like to understand the "State of the State" with regards to pari-mutuel activity and the regulatory functions of the pari-mutuel industry. MGC is seeking an audit firm with familiarity and/or expertise in the racing/gaming industry to help them quickly gain an awareness of current MA racing issues in order to facilitate the successful onboarding of SRC duties to the MGC.

The purpose of the contract awarded under this solicitation is to engage a Consultant to perform an initial review of the operations and finances of the State Racing Commission, and identify areas of focus and a list of tasks that the MGC should undertake (i.e., transition recommendations), to coordinate with the Office of Consumer Affairs (OCA) and the Department of Public Licensure (DPL) for the transition and transfer of duties and oversight from these departments to the MGC.

Sources: SRC annual reports, previously published third party reports, Daily Racing Form, interviews with SRC, DPL and OCA, as well as selected interviews with some SRC employees.

Proposed Auditor / Consultant Deliverable Elements

1. Background Information: Industry size and scope
2. State Racing Commission: Functions, Work Force, Budget
3. State Racing Commission: Financial Oversight
4. State Racing Commission: Employee Climate and Commissioner Viewpoints
5. State Racing Commission: Legal issues
6. Law Enforcement Perspective: Massachusetts Racing Industry
7. Racing Associations Perspective
8. Horsemen's (Trainer, Owner) Perspective. Status of racetrack contracts.
9. Public Perception of MA Racing Industry

F. Timeline and Deliverables

The MGC anticipates a written report summarizing the "State of the State Report" including pertinent transition recommendations.

The MGC anticipates that this engagement could be completed in approximately **four weeks** from the execution of a contract.

G. Form of Response

1. Please provide a statement of qualifications and relevant experience, including resumes of key personnel. Please indicate if the bidder will be subcontracting any part of this work to another firm/individual.
2. Please provide a work plan for this engagement (addressing the elements of section E 1-9 above)
3. Please provide at least three business references.
4. Please provide a cost proposal. Indicate the amount of estimated hours as part of the cost proposal. Cost proposals should be submitted as part of this response and need not be in a separate form.

5. Please review the Commonwealth's Terms and Conditions (attached)

H. Evaluation Criteria

The following identifies the criteria by which the MGC will evaluate the bidder's response, overall organization and proposed staff for the engagement:

- Expertise and experience with similar review/audit engagements, including experience in the public and private sectors, and in fields related to gaming/racing and regulation.
- References and past performance.
- Capacity to commit personnel and resources necessary to provide high quality services in a timely and responsive manner.
- Proposed fee arrangement.
- Completion, presentation and responsiveness of bidder's response.

I. Public Records

Upon conclusion of this process, all responses and related documents submitted in response to this RFR may be considered public records and as such be subject to the Massachusetts Public Records Law, G.L. c. 66, § 10 and G.L. c. 4, § 7 subsection 26. Any statements in submitted responses that are inconsistent with these statutes will be disregarded.

Massachusetts Gaming Commission

Request for Responses (RFR)

For

**Executive Search Firm for Executive Director
of the Massachusetts Gaming Commission**

RFR # MGC-2012-002

April 17, 2012

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Section 1. Introduction/Procurement Requirements

A. Overview

Through this Request for Responses (RFR), the Massachusetts Gaming Commission (MGC) seek an executive search firm (Consultant) to recruit, screen and recommend qualified candidates to serve as Executive Director to the Massachusetts Gaming Commission

B. MGC Background

The Massachusetts Gaming Commission is responsible for the implementation of the expanded gaming law (chapter 194 of the Acts of 2011). As part of the law, the Commission will establish a regulatory framework for the solicitation, licensing and oversight of a maximum of three casino licenses and one slots parlor license.

C. Purpose of Procurement

MGC seeks an executive search firm to assist and advise the Massachusetts Gaming Commission in the hiring and appointment of the Commission's Executive Director. The five commissioners of the MGC will interview and select a new full-time Executive Director.

Through this RFR, MGC seeks to qualify one bidder to perform an executive search to recruit, screen, and recommend qualified candidates for the position of Executive Director.

D. Vendor Qualifications

The preferred vendor will have expertise and experience in performing executive recruitment and hiring searches, ideally in both the public and private sectors, and in the regulatory or gaming fields. The preferred vendor will also have experience in advising governmental entities in Massachusetts and/or other states. The preferred vendor will have the capacity to commit personnel and resources necessary to provide high quality services in a timely and responsive manner.

E. General Procurement Requirements

MGC is not subject to the regulations of public procurement for state agencies (801 CMR 21.00). However, MGC chooses to adopt those regulations and is issuing this RFR in accordance with such regulations. MGC reserves the right to alter the procurement process at any time and without notice.

801 CMR 21.00 requires a competitive procurement process, including the issuance of a RFR, for acquisitions of all commodities and services. Words used in this RFR shall have the meanings defined in 801 CMR 21.00. Unless otherwise specified in this RFR, all communications, responses, and documentation must be in English, all measurements must be provided in feet, inches, and pounds and all cost proposals or figures in U.S. currency. All responses must be submitted in accordance with the specific terms of this RFR.

1. RFR issued	April 20, 2012
2. Written inquiries from interested bidders concerning RFR due	April 27, 2012
3. Written responses from MGC to inquiries posted on Com-PASS	May 2, 2012
4. Bidders' responses due	May 11, 2012 by 3:00 p.m.
5. Evaluation Committee reviews responses and selects finalists	May 14, 2012-May 18, 2012
6. Evaluation Committee interviews finalists, if necessary	May 21, 2012-May 25, 2012
7. Anticipated contract award	May 29, 2012

Section 2. Scope of Services

- 1. The purpose of the contract awarded under this RFR is to engage a Consultant to recruit, screen and recommend qualified candidates for the position of Executive Director of the Massachusetts Gaming Commission. The MGC may request from the Consultant additional qualified candidates if the first (or subsequent) round(s) of candidates provided to them fails to meet their needs.**
- 2. Consultant must develop a project plan associated with recruiting a wide range of eligible candidates for the Executive Director position. Said project plan shall be provided to and approved by the Massachusetts Gaming Commission following the execution of a contract for services associated with this request for response, and shall include details of: how the recruitment will be managed; what media will be used to solicit candidates; and specific details on the firm's resources to post the position, advertise, produce recruitment brochure/material, vet eligible candidates for selection, coordinate full background checks, and participate in final interviews and negotiations.**
- 3. Consultant must develop a recruitment strategy within 14 calendar days following the acceptance of the project plan. Said strategy shall include the dissemination of the approved Job Description by the selected vendor to applicable and appropriate professional markets. This strategy may include contacting other states, universities and professional organizations connected to the gaming industry to learn how similar executives were recruited, and adopting those methods that are appropriate to the Massachusetts search effort. In addition, the recruitment strategy should include a position profile that describes the short and long-term objectives of the Executive Director and the salary information, as well as a description of desired professional experience and other characteristics of a successful candidate.**
- 4. Said recruitment strategy shall identify a field of candidates whose career experiences, interests, and availability closely match the position requirements and employment conditions. This identification process should include an evaluation tool(s) to assist in compiling the results of in-depth personal interviews with each potential candidate, verification of credentials, in-depth appraisal of relevant work experiences, and the Consultant's assessment of each candidate's strengths and weaknesses with respect to the position.**
- 5. Consultant must provide a list of appropriate candidates for Executive Director for interviews with a reasonable timeframe following the acceptance of the recruitment strategy by MGC. Once said list of candidates is approved, the Consultant will facilitate personal interviews of each of the candidates on this list.**
- 6. Consultant will be available during the final negotiation process to ensure a successful placement.**

7. The goal of the search process is to secure two qualified candidates for Executive Director with an offer of employment within 120 calendar days execution of the contract with the selected executive search firm.
8. Consultant will provide status reports of the Consultant's progress throughout the search process. These status reports should occur at reasonable intervals throughout the project and should be clearly identified in the project plan to be submitted in response to this RFR.
9. Certain expenses associated with this contract may be allowable costs for reimbursement consistent with the intent of this contract. Said costs may include travel and reasonable accommodation expenses of qualified candidates. Any expenses shall require prior approval of MGC.

Section 3. Response Requirements

A. General Submission Instructions

Complete responses must be submitted by the date listed in the Procurement Timetable, **Section 1.F**, no later than **3:00 p.m.**, Eastern Standard Time. Responses must be submitted by mail or hand-delivered to:

Bruce Stebbins
Massachusetts Gaming Commission
84 State Street, 7th Floor
Boston, MA 02109

The bidder must submit:

1. **one original** (clearly labeled as **“original”**) and **five hard copies** of its complete response in the following format:
 - Proposal must not be in excess of 10 pages (excluding cover letter, required forms, tables listing client references and resumes, which may be attached as exhibits).
 - Each copy should be labeled with the name of the response document it contains.
 - The sections of the response documents should be labeled to correspond with the section heads (“Business”; “Programmatic”; and “Cost”) and section numbering in the RFR.
2. **one electronic copy** of its complete response on CD or flash drive;
3. **a cover letter** that clearly states the name of the bidder organization, principal address, local (greater Boston) address (if applicable, and if different from principal address), and the name, address, e-mail, fax and telephone number of the bidder’s contact person. The letter must:
 - be signed by an individual authorized to bind the contractor;
 - clearly commit the key personnel named in the response to being available to MGC for a minimum of six months from the response due date;
 - clearly identify any significant subcontractors, their roles, and responsibilities; and
 - include a statement that the bidder’s proposal will remain in effect until the bidder withdraws its proposal or a contract resulting from this RFR is executed, whichever is later.

Unnecessary samples, attachments or other documents not specifically asked for should not be submitted.

B. Business Response

1. Required Forms

Bidders must submit as part of their Business Response the following Commonwealth-required forms. All of the referenced forms are available on the forms and terms tab for this solicitation on Comm-PASS (www.comm-pass.com).

- Standard Contract Form and Instructions
- Commonwealth Terms and Conditions
- Massachusetts Substitute W-9 form – Request for Taxpayer Identification Number and Certification
- Contractor Authorized Signatory Listing
- Executive Order 504 Contractor Certification
- Consultant Contractor Mandatory Submission Form
- Small Business Purchasing Program (SBPP) Plan
- Authorization for Electronic Funds Payment (EFT)
- Prompt Payment Discount Form (PPD)

2. Vendor History

The bidder shall provide a brief description of the firm, including its organizational structure, its scope of business, its internal organization and number of personnel dedicated to major practice areas, its corporate and ownership structure, and whether any merger or acquisition plans are pending.

Each bidder shall provide a description of its relevant experience in executive search and recruitment, particularly in the areas of public and private sector employment, as well as within the gaming and regulatory sectors, including: (a) a general description of the relevant services the firm provides to other clients, and (b) the staff at the firm dedicated to providing these services.

Each bidder shall also describe any previous assignments undertaken for any entities which might pose a potential conflict of interest.

3. Corporate References

The bidder shall provide references from at least **five** entities, at least one of which should be governmental, for which the bidder has provided services similar to the work contemplated by this RFR. The limit on each such reference is **one page**.

These references must include the following information:

- The client organization's name and address;
- The name and title, address, telephone number, and e-mail address for a contact person;
- A brief description of the services provided; and
- The start and end dates for the project.

4. Bidder's Organization and Project Staff

a. Organizational Chart with Key Personnel

The Business Response must include an organization chart for this project, incorporating any and all subcontractor relationships anticipated.

The chart must include:

- The Project Lead and any additional key personnel whom the bidder anticipates will be involved in the project; their titles and placement within the bidder's organizational hierarchy and their functional titles/responsibilities relative to this project;
- The bidder's management structure for project oversight; and
- Any parts of the project for which the bidder intends to use a subcontractor.

The chart may include a narrative describing the assumptions, limitations and constraints on which the organizational chart is based.

b. Personnel Résumés

The bidder must provide résumés for each individual proposed as key personnel for this project. The résumés should include a brief narrative describing the relevant experience of each named key personnel and how his/her particular experience relates to the proposed role on this project.

c. Attorney Status with the Massachusetts Board of Bar Overseers

The bidder must provide a printout from the Massachusetts Board of Bar Overseers (BBO) showing the status of each Massachusetts attorney proposed as key personnel for this project, if applicable. Bidders may access the BBO Attorney Look Up webpage at: <http://massbbo.org/bbolookup.php>. Then simply enter the first and last name of each attorney included in the proposal on this webpage, print out the status page and include it in the proposal.

d. Subcontracting

If the bidder plans to use a partner or subcontractor for any element of the project, the bidder must:

- Identify each such partner(s) or subcontractor(s) by corporate name, address, telephone number, and status as minority and/or woman business enterprise, if applicable;
- Briefly describe the corporation, including years in business, its organization, experience in the Commonwealth, and a synopsis of any previous experience similar to that proposed for their role in this effort; and
- State the element(s) of the project and the percentage of the total project effort for which the partner(s) or subcontractor(s) will be used, and how the bidder's and the partner's or subcontractor's performance will be coordinated with the primary vendor's over the term of the project.

5. Bidder's Financial Stability

MGC reserves the right to require the bidder or contractor, at any time during the procurement or contract term, to submit any documentation requested by MGC to demonstrate to its satisfaction that the bidder's organization is in sound financial condition. MGC may disqualify a bidder if the bidder fails upon MGC's request to submit the documents required by this section, or if the documents indicate to MGC, in its reasonable discretion, that the bidder's financial condition is unsatisfactory for the purposes of this project.

C. Programmatic Response

It is anticipated that appropriate elements of the bidder's Programmatic Response, informed by any negotiated modifications, will be incorporated into the Scope of Services for this project.

1. Time Estimate

Each financing agreement shall be produced as promptly as possible. Each bidder should provide an estimate of the amount of time it believes it would take for it to perform the general services identified in the RFR, assuming that all required information is available.

2. Description of Proposed Staffing

Each bidder should provide a description of how it proposes to staff this engagement. This proposed staffing plan, as identified in **Section 3.B.4**, should specifically address how the bidder intends to handle the likely scenario of being requested to provide resource-intensive services in a high quality and timely manner.

D. Cost Response

The bidder must include with its response an estimate of the total fee for the project, which shall not be greater than \$80,000.

Section 4. Response Evaluation Process

A. Response Review and Evaluation

1. Compliance with Submission Instructions

All responses will be reviewed by a staff member of the MGC to determine compliance with the response submission instructions described in **Section 3.A**. For those responses that comply with the response submission instructions, an Evaluation Committee (Committee; also referred to as the "Procurement Management Team" or "PMT") designated by MGC will review the Business, Programmatic and Cost Responses.

2. Evaluation Criteria

The following identifies the criteria by which MGC will evaluate the bidder's response, overall organization and proposed staff for the engagement:

- Expertise and experience with executive search and recruitment, including experience in the public and private sectors, and in fields related to gaming and regulation.
- References and past performance.
- Expertise and experience with Massachusetts, other state, or federal law relating to gaming.
- Capacity to commit personnel and resources necessary to provide high quality services in a timely and responsive manner.
- Proposed fee arrangement.
- Completion, presentation and responsiveness of bidder's response.

In addition, MGC may consider any and all relevant information about the bidder known to MGC.

3. Response Rating

The Committee will:

- (1) Evaluate Business and Programmatic Responses in accordance with the criteria described in **Section 4.A.2**;
- (2) Give a composite rating of "Excellent," "Very Good," "Good," "Fair," or "Poor/Non-Responsive" for each section evaluated;
- (3) Assign an overall rating to each bidder's proposal;
- (4) Compare the responses to one another; and
- (5) Rank the responses in order of preference.

4. Non-Qualifying Proposals

MGC reserves the right to reject a bidder's response at any time during the evaluation process if the bidder:

- Fails to demonstrate to MGC's satisfaction that it meets all RFR requirements;
- Fails to submit all required information or otherwise satisfy all response requirements in **Section 3**;
- Has any interest that may, in MGC's sole determination, conflict with performance of services for the Commonwealth or be anti-competitive; or
- Rejects or qualifies its agreement to any of the mandatory provisions of the RFR or the Commonwealth's Standard Contract Form and Commonwealth Terms and Conditions.

The Evaluation Committee may determine non-compliance with an RFR requirement is insubstantial. In such cases, the Committee may seek clarification, allow the bidder to make minor corrections, apply appropriate penalties in evaluating the response, or apply a combination of all three remedies.

5. Clarifications

The Evaluation Committee may determine some element of a bidder's response requires clarification to verify its responsiveness to the RFR or facilitate a fair comparison with competing proposals. In such cases, the Committee may seek clarification from the bidder. All bidders will be accorded fair and equal treatment with respect to any opportunity for clarification.

6. Best Value Selection and Negotiation

The Committee may recommend for selection the response that demonstrates the best value overall, including proposed alternatives, which will achieve the procurement goals of MGC. The Committee and a selected bidder may negotiate a change in any element of contract performance, cost identified in the original RFR, or the selected bidder's response, which results in lower costs, or a more cost-effective, or better value than was presented in the selected bidder's original response.

MGC reserves the right to request a best and final offer (BAFO) from any bidder.

7. Small Business Purchasing Program (SBPP) Plan

This is a small procurement targeted to small businesses participating in the Commonwealth's Small Business Purchasing Program (SBPP). The Committee intends to evaluate bid responses from and to award a contract to a SBPP-participating business(es) who submit a bid that meets or exceeds the solicitation criteria only. If determined that there is inadequate SBPP capacity, or no SBPP-participating vendors provide a responsive bid, the Committee will evaluate and award bid responses received from non-SBPP businesses. To determine eligibility and to participate in the SBPP, please review the requirements and general program information at www.mass.gov/sbpp.

B. Recommendation for Award

After the Committee completes its evaluation, comparison and ranking of all proposals, and, if applicable, oral presentation(s) and BAFO, the Committee may recommend to the Commission a bidder with which to enter into contract negotiations. The Commission's decision shall be based on the Committee's recommendation and on the best interests of the Commonwealth. MGC is under no obligation to award a contract pursuant to this RFR.

Section 5. Additional Terms and Conditions

A. Issuing Office

Massachusetts Gaming Commission
84 State Street, 7th Floor
Boston, MA 02109

B. Comm-PASS

Comm-PASS is the official system of record for all procurement information which is publicly accessible at no charge at www.comm-pass.com. Information contained in this document and in each tab of the Solicitation, including file attachments, and information contained in the related Bidders' Forum(s), are all components of the Solicitation.

Bidders are solely responsible for obtaining all information distributed for this Solicitation via Comm-PASS, by using the free Browse and Search tools offered on each record-related tab on the main navigation bar (Solicitations and Forums). Forums support bidder submission of written questions associated with a Solicitation and publication of official answers. All records on Comm-PASS are comprised of multiple tabs, or pages. For example, Solicitation records contain Summary, Rules, Issuer(s), Intent or Forms & Terms and Specifications, and Other Information tabs. Each tab contains data and/or file attachments provided by the Procurement Management Team. All are incorporated into the Solicitation.

It is each bidder's responsibility to check Comm-PASS for:

- Any addenda or modifications to this Solicitation, by monitoring the "Last Change" field on the Solicitation's Summary tab; and
- Any Bidders' Forum records related to this Solicitation (see Locating an Online Bidders' Forum for information on locating these records).

The Commonwealth accepts no responsibility and will provide no accommodation to bidders who submit a response based on an out-of-date Solicitation or on information received from a source other than Comm-PASS.

Comm-PASS SmartBid Subscription. Bidders may elect to obtain an optional SmartBid subscription which provides value-added features, including automated email notification associated with postings and modifications to Comm-PASS records. When properly configured and managed, SmartBid provides a subscriber with:

- A secure desktop within Comm-PASS for efficient record management;
- A customizable profile reflecting the subscriber's product/service areas of interest;
- A customizable listing in the publicly accessible Business Directory, an online "yellow-pages" advertisement;
- Full-cycle, automated email alert whenever any record of interest is posted or updated;
- Access to Online Response Submission, when allowed by the Issuer, to support:

- paperless bid drafting and submission to an encrypted lock-box prior to close date;
- electronic signature of OSD forms and terms; agreement to defer wet-ink signature until contract award, if any;
- withdrawal of submitted bids prior to close date; and
- online storage of submitted bids.

Every public purchasing entity within the borders of Massachusetts may post records on Comm-PASS at no charge. Comm-PASS has the potential to become the sole site for all public entities in Massachusetts. SmartBid fees are only based on and expended for costs to operate, maintain and develop the Comm-PASS system.

C. Bidder Communications

Bidders are prohibited from communicating directly with any employee or Commissioner of MGC regarding this RFR, except as specified in this RFR, and no other individual Commission employee or representative is authorized to provide any information or respond to any question or inquiry concerning this RFR. Bidders may contact the contact person for this RFR in the event this RFR is incomplete or the bidder is having trouble obtaining any required attachments electronically through Comm-PASS.

Failure to observe this provision will be grounds for disqualification.

D. Reasonable Accommodation

Bidders with disabilities or hardships that seek reasonable accommodation, which may include the receipt of RFR information in an alternative format, must communicate such requests in writing to the contact person. Requests for accommodation will be addressed on a case-by-case basis. A bidder requesting accommodation must submit a written statement which describes the bidder's disability and the requested accommodation to the contact person for the RFR. MGC reserves the right to reject unreasonable requests.

E. RFR Copies

Bidders may request a copy of the RFR, or any of its components, by going to www.comm-pass.com and searching for the solicitation number as noted on the front page of this document. Bidders may also request a copy of the RFR directly to the MGC by calling 617-979-8400, or visiting www.mass.gov/gaming.

F. RFR Inquiries

Bidders may make written inquiries concerning this RFR until no later than the date and time specified in **Section 1.F** of this RFR. Written inquiries must be sent to the address listed in **Section 5.A**, above, or by e-mail to bruce.stebbins@state.ma.us.

MGC staff will review inquiries received before the deadline and at its discretion prepare written responses to questions which MGC determines to be of general interest and that help to clarify the RFR. Any written response will be posted on Comm-PASS.

G. Amendment or Withdrawal of RFR

If MGC decides to amend or clarify any part of this RFR, any written amendment will be posted on Comm-PASS. Bidders are cautioned to check this site regularly, as this will be the sole method used for notification of changes. MGC reserves the right to amend the RFR at any time prior to the deadline for submission of responses and to terminate this procurement in whole or in part at any time before or after submission of responses.

H. Costs

Costs which are not specifically identified in the bidder's response, and accepted by MGC as part of a contract, will not be compensated under any contract awarded pursuant to this RFR. Neither the MGC nor the Commonwealth will be responsible for any costs or expenses incurred by bidders responding to this RFR.

I. Closing Date

Responses received after the response due date and time specified in **Section 1.F** of this RFR will be rejected. Individual requests for extension of the time for submitting responses will be denied. All responses become the property of the Massachusetts Gaming Commission.

J. Acceptance of Response Content

The entire contents of the bidder's response shall be binding on the bidder. The specifications and contents of a successful bidder's response may be incorporated into the contract.

K. Public Records

Upon conclusion of this process, all responses and related documents submitted in response to this RFR may be considered public records and as such be subject to the Massachusetts Public Records Law, G.L. c. 66, § 10 and G.L. c. 4, § 7 subsection 26. Any statements in submitted responses that are inconsistent with these statutes will be disregarded.

L. Response Duration

The bidder's response shall remain in effect until any contract with the bidder is executed or the bidder withdraws its proposal.

M. Confidentiality

Bidders shall demonstrate that they can comply with all state and federal laws and regulations relating to confidentiality and privacy, and security of personal information, including but not limited to G.L. c. 93H, G.L. c. 66A, and associated regulations.

N. Incorporation of RFR

This RFR and the selected bidder's response may be incorporated into any contract awarded as a result of this RFR to that bidder.

O. Option to Modify Scope of Work

MGC reserves the right, at its sole discretion and at any time after release of the RFR and during the contract term, to modify, increase, reduce or terminate any requirements under the contract, whenever MGC deems necessary or reasonable to reflect any change in policy or program goals. MGC additionally reserves the right, at its sole discretion and at any time after release of the RFR and during the contract term, to amend the contract to implement state or federal statutory or regulatory requirements, judicial orders, settlement agreements, or any state or federal initiatives or changes affecting MGC agencies. In the event of a change in the scope of work for any contract tasks or portions thereof, MGC will provide written notice to the contractor and will initiate negotiations with the contractor. MGC reserves the right to amend the contract accordingly, including payments under, or maximum obligation of the contract.

P. Debriefing

Upon notification of MGC's award decision, any non-selected bidder may make a written request for debriefing. A debriefing meeting or conference call would provide the bidder an opportunity to discuss the evaluation of its response. Debriefing meetings or conference calls shall be held at the discretion of MGC.

Q. Electronic Funds Transfer (EFT)

All bidders must agree to participate in the Commonwealth Electronic Funds Transfer (EFT) program for receiving payments. A link to the EFT application can be found on the OSD Forms page (www.mass.gov/osd). Additional information about EFT is available on the Comptroller's VendorWeb site located at: <https://massfinance.state.ma.us/VendorWeb/vendor.asp>.

Upon notification of award, contractors are required to enroll in EFT by completing and submitting the "Authorization for Electronic Funds Payment Form" to the SSST for review, approval and forwarding to the Office of the Comptroller, unless already enrolled in EFT. A link to the EFT application can be found on the Comptroller's VendorWeb site (see above link). This form, and all information contained on this form, shall not be considered a public record and shall not be subject to public disclosure through a public records request.

R. Electronic Communication/Update of Bidder's/Contractor's Contact Information

It is the responsibility of the prospective bidder and awarded contractor to keep current the email address of the bidder's contact person and prospective contract manager, if awarded a contract, and to monitor that email inbox for communications from the PMT, including requests for clarification. The PMT and the Commonwealth assume no responsibility if a prospective bidder's/awarded contractor's designated email address is not current, or if technical problems, including those with the prospective bidder's/awarded contractor's computer, network or internet service provider (ISP) cause email communications sent to/from the prospective bidder/awarded contractor and the PMT to be lost or rejected by any means including e-mail or spam filtering.

S. Restriction on the Use of the Commonwealth Seal

Bidders and contractors are not allowed to display the Commonwealth of Massachusetts Seal in their bid package or subsequent marketing materials if they are awarded a contract because use of the coat of arms and the Great Seal of the Commonwealth for advertising or commercial purposes is prohibited by law.

T. Subcontracting Policies

Prior approval of the MGC is required for any subcontracted service of the contract. Contractors are responsible for the satisfactory performance and adequate oversight of its subcontractors. Human and social service subcontractors are also required to meet the same state and federal financial and program reporting requirements and are held to the same reimbursable cost standards as contractors.