



CREATIVE SERVICES

REQUEST FOR PROPOSAL

March 19, 2021

RFP ID01-21

TABLE OF CONTENTS

SECTION 1 – GENERAL INFORMATION

1.1	LOTTERY MISSION & VISION	1
1.2	RFP OVERVIEW	1
1.3	RFP OBJECTIVES	1
1.4	PROJECTED TIMELINE	1
1.5	ISSUING OFFICE	2
1.6	RFP COORDINATOR	2
1.7	LATE PROPOSALS	2
1.8	RFP CLARIFICATION QUESTIONS	2
1.9	RESPONSIVE PROPOSAL SUBMISSION CRITERIA	3

SECTION 2 – RESPONDENT’S INFORMATION

2.1	CONTACT AND LEGAL DATA	4
2.2	RESPONDENT’S QUALIFICATIONS	4
2.3	ACCOUNT PERSONNEL	5
2.4	ROUTINE EXPENDITURES	5

SECTION 3 –CREATIVE SERVICES

3.1	CREATIVE STRATEGY	6
3.2	CREATIVE DEVELOPMENT	6
3.3	PRODUCTION PLANNING & EXECUTION	6
3.4	CREATIVE WORKLOAD	7
3.5	CREATIVE SAMPLES	7
3.6	CREATIVE ASSIGNMENT	8
3.7	BILINGUAL SERVICES	8

SECTION 4 – MEETINGS WITH FINALISTS

4.1	MEETING REQUESTS	9
4.2	CREATIVE ASSIGNMENT	9
4.3	PRESENTATION SCHEDULE	9
4.4	PURPOSE CREATIVE PRESENTATIONS	9

SECTION 5 – PROPOSAL EVALUATION

5.1	INTRODUCTION	10
5.2	EVALUATION COMMITTEE	10
5.3	INFORMATION FROM OTHER SOURCES	10
5.4	EVALUATION STEPS	10
5.5	SCORING OF PROPOSALS	11

SECTION 6 – PRICING

6.1	LETTER OF TRANSMITTAL AND PRICE PROPOSALS FORMAT	12
6.2	PRICING REQUIREMENTS	12

APPENDIX A	– RESPONDENT’S CERTIFICATION FORM	13
-------------------	--	-----------

APPENDIX B	– PRICING CHART	14
-------------------	------------------------	-----------

APPENDIX C	– CREATIVE ASSIGNMENT	15
-------------------	------------------------------	-----------

APPENDIX D	– MARKETING CALENDAR	16
-------------------	-----------------------------	-----------

APPENDIX E	– MATERIALS NEEDED EXAMPLE	17
-------------------	-----------------------------------	-----------

APPENDIX F	– OTHER LEGAL STUFF	18
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SECTION 1 – GENERAL 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 Buildings.

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

1.2 RFP OVERVIEW

The Idaho Lottery, (hereinafter “Lottery”) is inviting responses from qualified, marketing/advertising agencies to provide Creative Services including creative and marketing strategy, development of creative, production and delivery of final creative elements to appropriate channel and/or media services agency.

Qualified Respondents meeting the requirements and specifications contained in the RFP shall take into consideration all associated costs of providing the services requested in this RFP and offered in their Proposal. Any additional costs incurred by the Respondents will be the responsibility of the Respondent and not be the responsibility of the Lottery.

The successful Respondent(s) must ensure that they are fully capable of providing the services requested no later than July 1, 2021, the anticipated start date for the resulting Contract.

1.3 OBJECTIVES

The Idaho Lottery is issuing this RFP to meet the following objectives:

- 1) Responsibly maximize net revenue from Lottery sales for the benefit of Idaho Public Schools and Buildings as outlined in Idaho Code §67-7403.
- 2) Conduct marketing related programs in such a manner as to promote the positive image and integrity of the Lottery. *[Idaho Code §67-7401. Purpose - ...The lottery commission and the director of the lottery shall be responsible for operating the lottery at the least public expense and the smallest staffing possible, commensurate with all other policies stated in this chapter. Additionally, all advertising by the lottery shall be conducted in a manner consistent with the dignity of the state and the sensibilities of its citizens.]*

1.4 PROJECTED TIMELINE

The anticipated timeline of events is as follows:

<u>EVENT:</u>	<u>DATE AND YEAR:</u>
Publish RFP	March 19, 2021
Questions may be submitted, Answers posted on web	March 19 – April 19, 2021
Proposals Submission deadline (5:00 p.m. MST)	April 30, 2021
Creative Presentations	May 3 – 12, 2021
Committee Recommendation to Lottery Director	May 14, 2021
Recommendation to Idaho Lottery Commission	May 20, 2021
Notification to Respondents	May 21, 2021
Contract negotiation	May 20 – June 11, 2021
New Contract in Place	July 1, 2021

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

1.5 ISSUING OFFICE

This RFP is issued through the Idaho Lottery. The RFP Coordinator is the sole point of contact for this procurement. Any other communication that isn't directed to the RFP Coordinator will be considered unofficial and non-binding on the Lottery. The RFP Coordinator shall be solely responsible for clarification, amendment, modification or withdrawal of specifications, requirements, terms and conditions of the RFP.

1.6 RFP COORDINATOR

The RFP Coordinator is:

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

1.7 LATE PROPOSALS

Any Proposals received after 5:00 p.m. MST on April 30, 2021 will be disqualified from further consideration.

1.8 RFP CLARIFICATION QUESTIONS

Questions relevant to the RFP must be emailed to sms@lottery.idaho.gov. All inquiries should be written in generic terms and contain no pricing information. All written questions and the Idaho Lottery's answers to the questions submitted will be posted on the Idaho Lottery's website at

www.idaholottery.com/pages/RFP. Although every attempt will be made to respond to questions within 24 hours, the Idaho Lottery may have up to three business days to respond.

1.9 RESPONSIVE PROPOSAL SUBMISSION CRITERIA

Each Respondent must submit one (1) Proposal only for the Creative Services RFP. Please keep your response precise and to a minimum, no more than 30 pages. Five (5) copies of your Proposal and creative work samples are required.

Additionally, two (2) electronic versions (.pdf file) must be supplied. The first complete electronic version (.pdf file) of your entire proposal is for Idaho Lottery records only. The second electronic version must be a complete electronic version with any trade secret or proprietary materials marked, redacted and ready for public request. The Idaho Lottery will not be responsible for the breach of Trade Secret or Proprietary materials left in your electronic version supplied.

Your pricing proposal and worksheet should be submitted in a separate sealed envelope and provided separately from your proposal. Only one (1) copy of your pricing proposal and worksheet is required.

Creative samples including, but not limited to, television, radio, and social media samples should be submitted on a jump drive. Please supply five (5) jump drives, one for each copy of your proposal.

Failure to comply with or adequately respond to requested information in any section of the RFP may result in Proposal rejection. The Idaho Lottery will confirm receipt of all Proposals via e-mail provided on the enclosure.

SECTION 2 – RESPONDENT’S INFORMATION

2.1 CONTACT AND LEGAL DATA

- a. State Respondent’s name, address, telephone, e-mail and website.
- b. Provide the names, addresses and telephone numbers of the principal officers as well as any owner that has more than 5% interest in your company.
- c. Specify the legal status of your firm (partnership, corporation) and the year your establishment was organized to do business, as it now exists.
- d. State the location of the facility from which you would service the Idaho Lottery account.

2.2 RESPONDENTS QUALIFICATIONS

- a. Describe your firm including size, areas of specialization, expertise, and client base.
- b. Please provide appropriate bank credit references.
- c. List your firm’s six largest accounts and describe the work you do with each and how long you have been working with each one. Please indicate how many hours per month you spend on these accounts.
- d. Please list any new accounts acquired within the last three years, including organization name, contact persons, phone numbers, and e-mail addresses. Provide a brief explanation of why you were chosen for these accounts.
- e. 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.

2.3 ACCOUNT PERSONNEL

a. Provide a description of your proposed team for Creative Services. Please provide a current organizational chart by job title. Indicate whether team members are employees or contractors. Please provide the following for each team member:

- Name & title
- Educational background
- Work Experience
- Significant accomplishments
- Length of service with your firm

Identify the responsibilities those team members would have when working on the Idaho Lottery account and a list of the other accounts these members would be working on with percentage of time estimates provided for each account. If you make changes to the proposed account services team after responding to this RFP, please provide written notification of the changes to the Idaho Lottery RFP contact person listed in Section 1.6.

2.4 ROUTINE EXPENDITURES

The successful Respondent must pay for all charges incidental to the routine conduct of business, including, but not limited to:

- Postal charges
- Overnight deliveries
- Carrier/delivery charges
- Telephone calls
- Facsimile charges
- Copying (color and black/white)
- Storyboard creation
- Costs associated with attending media Production and Editing sessions

The successful Respondent shall pay for all travel related expenses incurred by their staff.

SECTION 3 - CREATIVE SERVICES

3.1 CREATIVE STRATEGY

The successful Respondent shall be required to delineate the creative positioning/strategic development process and rationale. Provide input for marketing and advertising planning. Provide a Creative Director to develop creative approaches to find new ways to grow sales through advertising and implementation of marketing strategies. Follow and participate in the development of concepts from ideation, through production and to completion to ensure proper implementation. Describe your creative strategy process and why you'd be the best agency for collaborating with our Marketing Department to achieve our goals.

3.2 CREATIVE DEVELOPMENT

The successful Respondent will be responsible for the creation of Idaho Lottery multi-media advertising. The successful Respondent shall design, develop and produce advertisements and marketing materials for media, promotions, and marketing efforts including, but not limited to, radio, television, and social videos/animation as needed. The successful Respondent will be required to develop multi-media campaigns in support of the games, promotions or brand initiatives identified in the Idaho Lottery Marketing Plan, or as requested by the Idaho Lottery.

The successful Respondent shall present creative solutions for all proposed advertising campaigns. Creative briefs, storyboards, scripts, ads, and all other creative concepts must be approved by the Idaho Lottery prior to implementation. The cost of storyboards and/or creative presentation materials will be the responsibility of the successful Respondent. A minimum of (3) creative alternatives per campaign is required, unless otherwise approved by the Idaho Lottery.

The successful Respondent and the Idaho Lottery will meet weekly, or more, as needed to review, plan, and approve all creative concepts. Please describe your preferred meeting structure and venue. Since timing will be extremely important so that all elements will be cohesive, how will you ensure timelines are met?

The successful Respondent will work with the Idaho Lottery to occasionally assist in headline and creative copy needs. Please give three (3) examples of stellar copy or headlines and why they worked so well.

The Idaho Lottery will produce outdoor, POS materials, digital, social and other elements that must also work seamlessly with the Respondent's campaign elements. Please describe how you will ensure a wholistic approach to campaigns.

All creative concepts, materials developed, or produced for the use of Idaho Lottery advertising will become the property of the Idaho Lottery.

3.3 PRODUCTION PLANNING AND EXECUTION

The successful Respondent shall produce and deliver advertising or marketing materials for media including, but not limited to, radio, television, and social videos.

The successful Respondent shall submit production estimates for television, radio, or miscellaneous production to the Idaho Lottery for approval prior to production and/or development. Estimates must be submitted at least two days prior to production and/or development to allow the Lottery ample time for the approval/decision making process.

Agency representative(s) are expected to attend all aspects of the production process and that pricing must be included in your overall bid for creative services. The Idaho Lottery will only pay outside actual production costs to the selected production company based upon estimates provided. Although advertising and promotional contracts are exempt from formal state competitive procurement procedures, the Respondent shall still ensure adequate competition for production work. Production sub-contractors will be subject to Idaho Lottery approval.

Describe your production planning and execution strategy. Provide samples as necessary.

3.4 CREATIVE WORKLOAD

The Idaho Lottery has a significant amount of ongoing creative initiatives and innovative ideas. Please include pricing that covers all costs to service such a client. Our calendar usually includes a creative campaign deployed once per month or every six (6) weeks. ***See Appendix D for FY21-22 Advertising Calendar. This calendar is for example only and is subject to change. Also included as Appendix E is a sample "Materials Needed" list from our Media Services agency.***

3.5 CREATIVE SAMPLES

Submit your top three (3) examples each of radio, outdoor, out-of-home, television, social media videos and digital advertisements your firm has produced within the past three years. All items offered must have been created by your firm and must include reference to any production subcontractors who were used.

Describe your experience with programs to generate sales of consumer retail products. Provide an example and give the objectives, strategies, creative approach (provide sample), media mix, and results against those objectives. Describe all important elements that you had to assess in your

creative development and execution as well as media selection, such as key situational facts, target audience, advertising objective, creative positioning, campaign execution, and evaluation of campaign results. Define which members of your creative staff worked on the creative samples provided, if they are still at your organization, and if they will be working on the Idaho Lottery account.

Describe the process your company goes through in developing creative and what role the Idaho Lottery would play in this process.

3.6 CREATIVE ASSIGNMENT

Respondents will be asked to present creative during the meeting for a new upcoming Scratch campaign. This assignment is outlined in the Creative Overview Sheet provided in the Appendix.

3.7 BILINGUAL SERVICES

The successful Respondent must have the ability to create and produce Spanish advertisements for radio, and television. Respondents must indicate in the response to this RFP any past Spanish advertising you have created and in what medium they were used. Translation services fees shall be the responsibility of the successful Respondent. Please list the translation services/person you would use for the Idaho Lottery.

SECTION 4 – CREATIVE ASSIGNMENT & MEETINGS WITH FINALISTS

4.1 CREATIVE PRESENTATION REQUESTS

Respondents will be invited to present their Creative Assignment to the evaluation committee and must be available for such presentations on dates set forth in Section 1.4. Presentations will be requested and held at the discretion of the Idaho Lottery and may be waived by the Idaho Lottery evaluation committee. A Respondent's refusal to honor a request for a creative presentation meeting shall disqualify the respondent.

4.2 CREATIVE ASSIGNMENT

Respondents will be asked during the meeting to present creative for a new upcoming Scratch campaign. This assignment is outlined in the Creative Overview Sheet provided in the Appendix.

4.3 CREATIVE PRESENTATION MEETING SCHEDULE

The Idaho Lottery will schedule a time for each presentation. Presentations are preliminarily planned to take place May 3 – 12, 2021. Meetings with Respondents will be a maximum of 2 hours and may be held at the Lottery. If possible, persons who would be assigned to work on the Lottery account should be present.

4.4 PURPOSE OF CREATIVE PRESENTATIONS

The evaluation committee will use the meetings for the following:

- 1) Meet prospective account teams, creative personnel and/or owners and get a feel for company objectives and collaboration strategies.
- 2) To pose situational questions related to this RFP.
- 3) To evaluate creative skills, processes, and solutions as it relates to the Creative Assignment.

The Idaho Lottery reserves the right to change format and content of the meetings based on content of written proposals.

SECTION 5 – PROPOSAL EVALUATION

5.1 INTRODUCTION

The RFP Evaluation Team will evaluate all responsive Proposals. The goal of the Evaluation Team is to select the Proposal that offers the best value in terms of price, performance, services, and creativity. The Evaluation Team will evaluate each Proposal that is properly submitted and will make a contract award recommendation to the Director, which then be presented to the Idaho Lottery Commission for approval.

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

Respondents must be as specific as possible in describing the details of their Proposals. Respondents are forewarned that a Proposal that meets requirements with the lowest price might not be selected if, in the Lottery's judgment, a higher-priced Proposal offers greater overall value to the Lottery. The closer Proposals are in general merit, the more important price becomes a factor in the final contract award decision(s).

5.2 EVALUATION COMMITTEE

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

5.3 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 RFP, and to consider such information in the Proposal Evaluation.

5.4 EVALUATION STEPS

The Proposal Evaluation process and Contract Award will consist of the following steps:

- Phase 1: Proposal Submission Requirements Review
- Phase 2: Proposal Distribution to Evaluation Committee
- Phase 3: Respondent's Proposal Evaluation
 - Step 1: Preliminary Review by Individual Team Members
 - Step 2: Committee Review
 - Step 3: Written Proposal Evaluation
 - Step 4: Notification of Creative Presentations

- Phase 4: Creative Presentations by Finalists
- Phase 5: Pricing Proposal Evaluation
- Phase 6: Final Decision on Contract(s) Award Recommendations
- Phase 7: Approval by Lottery Director & Idaho Lottery Commission
- Notification of Successful Respondent and Contract(s) Negotiation
- Contract Award

5.5 SCORING OF PROPOSALS

Each responsive Proposal will be evaluated and scored based upon the Respondent's ability to provide the marketing and/or advertising products and services described in this RFP. Below is an outline of the point values assigned to each area of your proposal.

Creative Services Scoring:

Written Proposal	30 points
Price Proposal	20 points
<u>Creative Presentations</u>	<u>50 points</u>
	<u>100 points</u>

SECTION 6 - PRICING

6.1 LETTER OF TRANSMITTAL AND PRICE PROPOSALS FORMAT

The Price Proposal must include a submittal letter signed by an individual authorized to obligate the Vendor to the prices quoted. Those prices must be valid for at least 180 days from the Proposal submission date.

All prices are to be expressed in U.S. dollars. Vendors must submit their Price Proposal in a separate sealed envelope, which must accompany their entire Proposal package. The proposed pricing must include all required services as outlined in this RFP.

6.2 PRICING REQUIREMENTS

The Idaho Lottery currently pays an annual fixed fee with a yearly increase based on percentage of net sales. Pricing submitted may be a combination of options. For instance, you may bid a flat fee with a percentage of net sales bonus, less the flat fee at the end of the year. You may also consider an increase in the fee if the contract is extended. Keep in mind this contract has perpetual one year extension options so the pricing must be reflective of those terms. For purposes of this RFP, "net sales" means total sales of all Draw Game tickets and Scratch™ tickets, less returns. PullTab/TouchTab ticket sales, free replays as prizes, promotional free tickets and cancelled transactions shall not be considered part of net sales. Idaho Lottery's net sales for calendar year 2020 were \$256.8 million. By submitting a bid, you acknowledge your willingness to work within these guidelines.

The Respondent is to submit a pricing proposal for Creative Services, as set forth in Sections 3, 4 & 5 of this RFP.

Respondents must complete the Pricing Worksheet (Appendix B) and submit in a sealed envelope with their proposals.

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 RFP and offered in the Respondent's proposal. By my signature on this document, the Respondent specifically agrees to all waivers, restrictions, and requirements of the RFP as conditions precedent to submitting this proposal. I also certify that the Respondent has not knowingly made false statements in its response to this RFP or consulted with others for the purpose of restricting the competitive solicitation process.

RESPONDENT _____

CONTACT _____

TITLE _____

SIGNATURE _____

DATE _____

___ I have read and agree to the terms and conditions of this RFP and the General Contract Terms for the resulting Contract. (Both the "Terms and Conditions" document and the "General Contract Terms for the resulting Contract" document can be downloaded at www.idaholottery.com/RFP)

APPENDIX B

PRICING CHART

Please fill out this form and submit in a sealed envelope. This should be included in the back of your proposal. Pricing proposals can be creative and include a combination of any options below. For example, your price could be a flat fee per month, or it could be a flat fee per month with a percentage of sales bonus at the end of the year (\$12,000/mo. + 0.01% of net sales bonus at end of year). In addition, one could bid a straight percentage of sales at 0.05% or \$150,000, to be paid in monthly installments. If necessary, for purposes of evaluating/comparing between fixed price bids and percentage of net sales bids, percentage of net sales bids will be evaluated based on the \$300 million net sales estimate for Fiscal Year 2021.

Respondent's Name: _____

Creative Services Bid:

Indicate your proposed price for providing Creative Services below. Please fill in the appropriate option. Provide a price/percentage only if you wish to give the Lottery that choice. You may use a combination of options for your price proposal (see example provided above).

Option 1: Fixed Price Bid amount \$_____ per year

Option 2: Percentage of net sales amount _____ %

Option 3: Hourly cost \$ _____

Option 4: _____% increase per year if contract is extended

Option 5: Option _____ + end of year bonus of _____% of sales

Option 6: Option _____ + Option _____ + Option _____

Other (please explain):

APPENDIX C

CREATIVE ASSIGNMENT

Your assignment is to develop creative for the following Lottery campaign. Be prepared to pitch your ideas at the upcoming meeting.

Campaign Dates:

August 20 – October 20

Campaign Overview:

The Idaho Lottery is launching a family of Multiplier games for the remainder of FY21 Q1. Games within the family will be a \$1, \$2, \$5, and \$10. The uniqueness about these games is that there are loaded with tons of prizes. That means more people will win a substantial amount of money instead of just two people winning a large sum. This family provides a variety of price points so that it can complement both our new customer acquisition strategies as well as our revenue/dividend growth strategies. This game will be promoted from mid-August – mid-October when Raffle begins. It will be complimented by Do Good messaging, Secondary draw messaging, and Jackpot Alert advertising.

Game Objectives:

- Achieve an index of 120 (average index is 100)
- Boost traffic at retail outlets and events (including fairs)

Frenzy Family of Games Info:

- \$1 \$100 Frenzy - \$100 Top Prize
- \$2 \$200 Frenzy - \$200 Top Prize
- \$5 \$500 Frenzy - \$500 Top Prize
- \$10 \$1,000 Frenzy - \$1,000 Top Prize

Target Market:

- age 25 - 54
- Fast Funsters, Impulsive Opportunists
- 50% male, 50% female

Attitude:

- Fun & entertaining
- humorous
- human

Proposed Media:

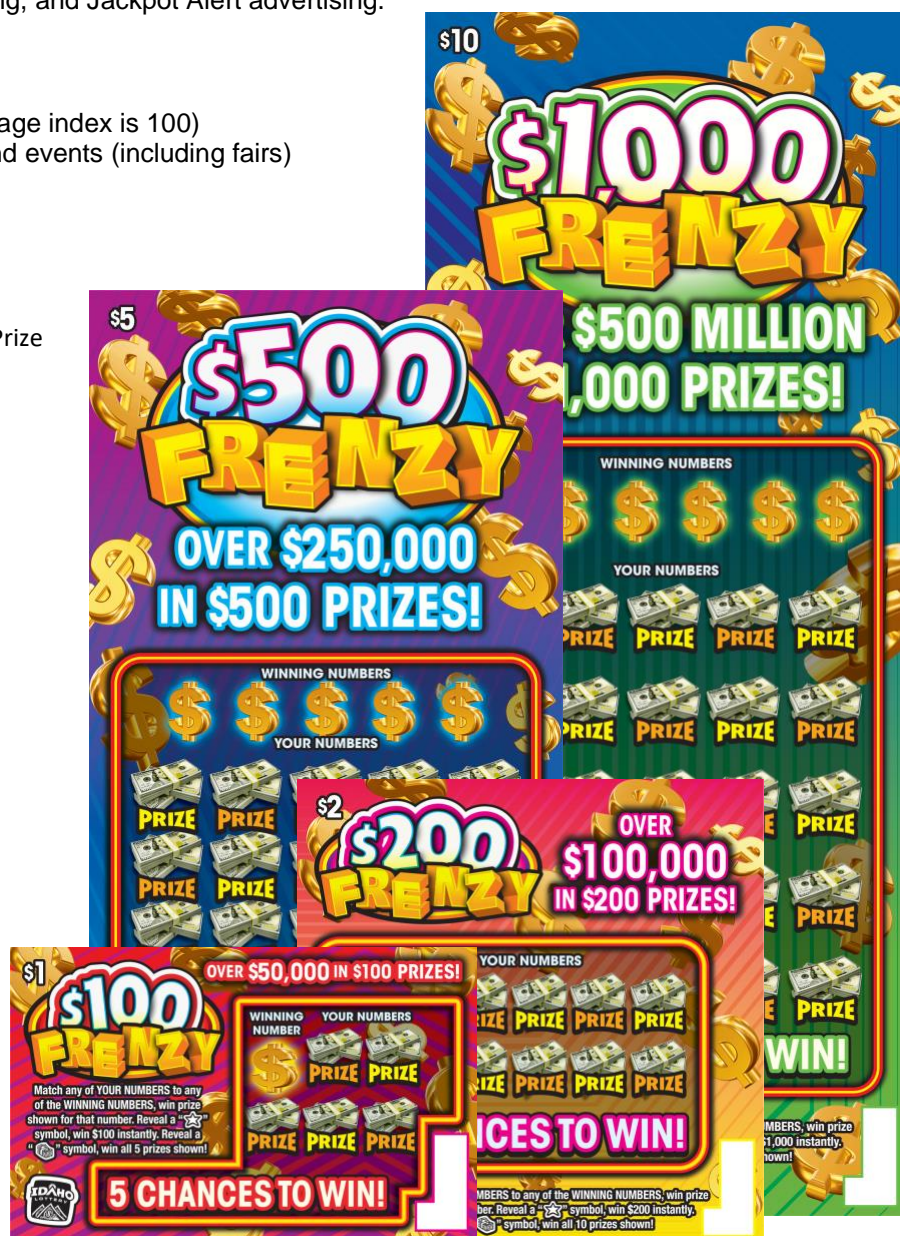
- POS
- Digital Web Ads
- Pandora Ad
- :30 & :15 TV spot
- :30 radio spot
- Outdoor Billboards/Digital Boards
- In-store monitor ad

Must haves:

- Lottery logo
- Benefiting Idaho Public Schools and Buildings
- Play Wise.
- URL - www.idaholottery.com

Restrictions:

- Use of kids
- Promoting irresponsible play
- Alcoholic Beverages



APPENDIX D

Idaho Lottery ADVERTISING CALENDAR FY21 - FY22

- Draw Games Advertising
- Scratch Games Advertising
- InstaPlay Advertising
- Benefits Advertising

		FY21											
		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June
MARKETING CAMPAIGNS:													
IDAHO PARKS		Idaho Parks											
MULTIPLIER MADNESS				Multiplier Madness									
FALL RAFFLE						\$1,000,000 Raffle							
HOLIDAY SCRATCH GAMES						Holiday Scratch							
VALENTINE'S DAY GAMES								Lottery Love					
WEEKLY GRAND/2 BY 2											2by2 Promo		
FROGGER									Frogger				
SUMMER OF SILVERADO													Silverado
SECONDARY DRAW MESSAGING								Pick 4		Weekly Grand & 2 by 2		Idaho Cash	
DO GOOD		7/16	8/20	9/17	10/15	11/19	12/17	1/21	2/18	3/18	4/15	5/20	6/17

		FY22											
		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June
MARKETING CAMPAIGNS:													
SUMMER OF SILVERADO		Silverado											
BEAT THE HEAT FAMILY				Money Madness									
THANKS A BILLION		Billion											
LUCKY FOR LIFE - July 19 - Aug 22		LFL Daily											
FALL RAFFLE						\$1,000,000 Raffle							
HOLIDAY SCRATCH GAMES						Holiday Scratch							
WILD BALL - PICK GAMES								Wild Ball					
CABELA'S									Cabela's				
SPRING FRENZY FAMILY										Spring Frenzy Family			
WILD BBQ BUCKS - Double R													BBQ
SECONDARY DRAW MESSAGING		Lucky for Life		Powerball				Pick Games		Idaho Cash		Lotto America	
DO GOOD													

APPENDIX E

Materials Needed List Example

Idaho Lottery Materials Needed from Creative Agency			
Television and Video		Sizes and Format	Deadline
TV - Send to Stations	:15 Spot		
TV - Send to Stations	:30 Spot		
TV - Send to Stations	:15 Spot		
TV - Send to Stations	:30 Spot		
Send above to Following Stations : KTVB, KBOI, KIVI, KNIN, KMVT, KSAW, KTFT, KPVI, KLEW, Comcast			
Social Advertising	Animated Video (:02-:30)	.mov or MPF or GIF; 720p resolution, 2.3 GB max, 16:9, IG 60 sec max time	
Social Advertising	Animated Video (:02-:30)	1080x1080, .mov or MPF or GIF; 720p resolution	
Social Advertising	Animated Video (:02-:30)	1080x1920, .mov or MPF or GIF; 720p resolution	
PAD Spot	Animated Video (:02-:30)	No audio, MP4, 1080x1920 px (vertical), 30fps, 9:16, CBR - 3.5 mbps, must end with 5 black frames	
Dreamtouch	Animated Video (:02-:30)	No audio, MP4, 960x720, 30fps, 4:3, CBR - 1.5 mbps, must end with 5 black frames	
Radio		Sizes and Format	Deadline
Radio - Send to Media Agency	:30 Radio		

APPENDIX F

LEGAL STUFF

GOVERNING LAW

The Lottery is statutorily exempt from Idaho State purchasing laws and regulations (section 67-7451, Idaho Code). Despite this exemption, it is the Lottery's policy to conduct its contracting affairs generally in accordance with state competitive bidding principles, reserving the right to use alternative contracting and procurement practices that take into account market realities. The Idaho Lottery Commission approved the issuance of this RFP.

INFORMATION FROM OTHER SOURCES

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

CONTACT WITH RESPONDENTS DURING RFP 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 RFP 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 RFP currently doing business with the Lottery may continue to do so and communicate with Lottery employees, however, any communication regarding this RFP, other than through the RFP 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 RFP

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 RFP and procurement. Any addendum(s), amendments(s), or cancellations(s) will be posted on the Idaho Lottery's website at <http://www.idaholottery.com/RFP> 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 Proposals 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 RFP 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 RFP, 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 Proposal.

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

The Respondent must be able to defend the confidentiality of its information through the judicial process and shall indemnify, defend and hold the Lottery harmless against any action, liability, claims, damages, losses, expenses, attorney fees and suits brought against the Lottery as a result of the Lottery's honoring a Respondent's identification and marking of what Respondent considers exempt information. If any information is marked as trade secret or proprietary in the Proposal, that information will not be available until the affected Respondent has been given an opportunity to seek a court injunction against the requested disclosure. 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.

PROPERTY OF THE LOTTERY

Materials submitted in response to this RFP 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 RFP 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 PROPOSALS

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

ACCEPTANCE PERIOD

Proposals shall remain valid and subject to acceptance by the Lottery for a period of 180 days from the Proposal due date of April 30, 2021. 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 RFP and the Proposal will become contractual obligations in the event of Contract Award.

DISCLOSURE PROHIBITION

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

The Proposals 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 Proposal 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 Proposals or any portion thereof, advertise for new Proposals, arrange to receive or itself perform and obtain the services requested in the RFP, 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 Proposals 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 Proposal in response to the RFP, but who are not awarded the Contract. The acceptance of a Proposal 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 Proposal, the Respondent must certify – and in the case of a joint Proposal, each party thereto must certify as to its own organization – that in connection with the Proposal the prices in the Proposal 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 Proposal 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 RFP 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 RFP process must not be released without prior approval of the Lottery, and only then to designated persons and/or media organizations.