

Commissioners:

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TEXAS LOTTERY COMMISSION

Gary Grief, *Executive Director*

Alfonso D. Royal III, *Charitable Bingo Operations Director*

December 18, 2017

Jennifer Wilson
Managing Director
206 E. 9th St., Ste 1600
Austin, TX 78701

Via email: jennifer.wilson@yr.com

TIME SENSITIVE

RE: Request for Proposals (RFP) for Advertising Services, RFP No. 362-18-0002

Dear Ms. Wilson:

The Texas Lottery Commission (TLC) requests clarification of the Proposal submitted by Y&R Austin (Y&R) as more specifically set forth below.

During the review of your proposal, the TLC noted Y&R's "Exceptions to Terms and Conditions." Before addressing the exceptions, please note most (if not all) of the provisions you excepted to are standard in TLC contracts. Further, prospective Proposers were required to seek clarification during the question-and-answer period outlined in the RFP Calendar of Events so the agency could have considered and provided responses to all prospective Proposers before the proposal submission deadline.

Pursuant to Section 2.15.3 of the RFP, the TLC is seeking clarification for each of the following before continuing the evaluation of your proposal.

1. Proposed liability cap and indirect damages disclaimer

TLC rejects the recommended changes.

2. Section 3.15 and 3.16

TLC rejects the recommended changes. These are standard provisions in TLC contracts and have been accepted and complied with by other TLC vendors and will be included in any contract resulting from this RFP.

Please confirm that Y&R **accepts and will comply** with sections 3.15 and 3.16.

P.O. Box 16630 • Austin, Texas 78761-6630

Phone (512) 344-5000 • FAX (512) 478-3682 • Bingo FAX (512) 344-5142

txlottery.org • txbingo.org

Please provide your written response to me **no later than 4 p.m. CST on Wednesday, December 20**. If you need additional time, please respond in writing before the deadline and state how much additional time is needed. The Texas Lottery will review any requests for additional time, but does not guarantee any extension will be granted. Your response may be submitted via e-mail to angela.zgarba@lottery.state.tx.us. Thank you for your immediate attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "J. Smith". The signature is written in a cursive style with a large, stylized "J" and a clear "Smith".

For Angela Zgabay-Zgarba, CTPM, CTCM
Contracts Management & Procurement Manager

Zgarba, Angela

From: Wilson, Jennifer <jennifer.wilson@yr.com>
Sent: Monday, January 8, 2018 6:39 PM
To: Zgarba, Angela; Smith, Joseph
Cc: Siegel, Jennifer; Wilson, Jennifer
Subject: RE: Advertising Services RFP 362-18-0002 TIME SENSITIVE Proposal Clarification
Attachments: Scanned from a Xerox multifunction device.pdf

Confidentiality Claimed
\$552.104/552.110

I actually just heard that we are good to approve the Terms & Conditions as you noted in your original clarification. I have received confirmation that we can accept the Terms as defined in the RFP.

I sincerely appreciate your patience and hope this secures our "pass" onto presentations. If I've missed anything please let me know.

Thank you!!!

Jennifer Wilson
Managing Director

206 East 9th Street, 16th Floor, Austin, TX 78701
T: 512-372-6606



A TOP RANKING GLOBAL
NETWORK 2012-2017
CANNES LIONS



From: Wilson, Jennifer
Sent: Monday, January 08, 2018 5:50 PM
To: 'Zgarba, Angela' <Angela.Zgarba@lottery.state.tx.us>; Smith, Joseph <Joseph.Smith@lottery.state.tx.us>
Cc: Siegel, Jennifer <jennifer.siegel@yr.com>; Wilson, Jennifer <jennifer.wilson@yr.com>
Subject: RE: Advertising Services RFP 362-18-0002 TIME SENSITIVE Proposal Clarification

Hi Angela,

Would it be possible to get until Thursday a.m.? Let me know your thoughts.

Thanks,

Jennifer Wilson
Managing Director

206 East 9th Street, 16th Floor, Austin, TX 78701

T: 512-372-6606



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CANNES LIONS



From: Zgarba, Angela [<mailto:Angela.Zgarba@lottery.state.tx.us>]

Sent: Monday, January 08, 2018 7:16 AM

To: Wilson, Jennifer <jennifer.wilson@yr.com>; Smith, Joseph <Joseph.Smith@lottery.state.tx.us>

Cc: Siegel, Jennifer <jennifer.siegel@yr.com>

Subject: RE: Advertising Services RFP 362-18-0002 TIME SENSITIVE Proposal Clarification

Good morning Jennifer,

Do you know how much additional time is needed?

Angela Zgabay-Zgarba, CTCM, CTPM

Contracts Management & Procurement Manager

Texas Lottery Commission

Ph: 512.344.5215

From: Wilson, Jennifer [<mailto:jennifer.wilson@yr.com>]

Sent: Friday, January 5, 2018 4:14 PM

To: Smith, Joseph <Joseph.Smith@lottery.state.tx.us>; Zgarba, Angela <Angela.Zgarba@lottery.state.tx.us>

Cc: Siegel, Jennifer <jennifer.siegel@yr.com>; Wilson, Jennifer <jennifer.wilson@yr.com>

Subject: RE: Advertising Services RFP 362-18-0002 TIME SENSITIVE Proposal Clarification

Hi Joseph & Angela,

Our legal team is still escalating approvals of the Ts&Cs per our exchange below. I'm told that they are still discussing and I should have an answer soon. I don't know if it's possible but if there's any way to get additional time I'd appreciate it. We will be devastated to be disqualified but I do understand that you have a process you must follow, etc.

Unless I hear otherwise I will follow up with you as soon as I have a definitive answer. Our team is so passionate about your business and the work that we submitted I am doing everything possible to close this on my side.

If you have any questions please let me know. I do appreciate your patience.

Thanks,

Jennifer Wilson

Managing Director

206 East 9th Street, 16th Floor, Austin, TX 78701

T: 512-372-6606



A TOP RANKING GLOBAL
NETWORK 2012-2017
CANNES LIONS



From: Smith, Joseph [<mailto:Joseph.Smith@lottery.state.tx.us>]
Sent: Wednesday, December 20, 2017 2:14 PM
To: Wilson, Jennifer <jennifer.wilson@yr.com>
Cc: Zgarba, Angela <Angela.Zgarba@lottery.state.tx.us>; Siegel, Jennifer <jennifer.siegel@yr.com>
Subject: RE: Advertising Services RFP 362-18-0002 TIME SENSITIVE Proposal Clarification

Ms. Wilson,

The Texas Lottery will grant the request for the extension request below. Thank you.

Joseph Smith, CTP, CTCM
Contracts Specialist
Texas Lottery Commission
Ph: 512-344-5246
Fax: 512-344-5058

From: Wilson, Jennifer [<mailto:jennifer.wilson@yr.com>]
Sent: Wednesday, December 20, 2017 1:53 PM
To: Smith, Joseph <Joseph.Smith@lottery.state.tx.us>; Zgarba, Angela <Angela.Zgarba@lottery.state.tx.us>
Cc: Wilson, Jennifer <jennifer.wilson@yr.com>; Siegel, Jennifer <jennifer.siegel@yr.com>
Subject: RE: Advertising Services RFP 362-18-0002 TIME SENSITIVE Proposal Clarification

Hi Angela & Joseph,

I'd like to request an extension on this request. I am working on the appropriate approvals but holiday schedules are proving difficult. While I am anxious to resolve this asap, to be safe would it be possible to have until Friday, Jan 5 at 4 p.m. CT?

Please let me know if this is acceptable or what extension would be possible.

Thanks,

Jennifer Wilson
Managing Director

206 East 9th Street, 16th Floor, Austin, TX 78701
T: 512-372-6606



A TOP RANKING GLOBAL
NETWORK 2012-2017
CANNES LIONS



From: Smith, Joseph [<mailto:Joseph.Smith@lottery.state.tx.us>]
Sent: Monday, December 18, 2017 3:59 PM
To: Wilson, Jennifer <jennifer.wilson@yr.com>
Cc: Zgarba, Angela <Angela.Zgarba@lottery.state.tx.us>
Subject: Advertising Services RFP 362-18-0002 TIME SENSITIVE Proposal Clarification

Ms. Wilson,

Attached you will find a **time sensitive clarification** on Y&R's proposal. Please let me know if you have any questions.
Thank you.

Joseph Smith, CTP, CTCM
Contracts Specialist
Texas Lottery Commission
Ph: 512-344-5246
Fax: 512-344-5058

Confidentiality C
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