



# Gaming Commission

One Broadway Center, P.O. Box 7500, Schenectady, New York 12301-7500  
[www.gaming.ny.gov](http://www.gaming.ny.gov)

sent via electronic mail

October 18, 2021

TO: Respondents to REQUEST FOR APPLICATIONS for Mobile Sports Wagering Platform Providers

Dear Applicant,

For the purposes of this correspondence, the terms and phrases used within shall have the same meaning as such terms and phrases contained within the New York State Gaming Commission REQUEST FOR APPLICATIONS FOR Mobile Sports Wagering Platform Providers issued July 9, 2021 (the "RFA").

N.Y. Racing, Pari-Mutuel Wagering and Breeding Law ("Racing Law") Section 1367-a(4)(d) requires the Commission to award Mobile Sports Wagering Platform Providers licenses to at least two Platform Providers while ensuring no fewer than four operators offer Mobile Sports Wagering in the State, provided that "such awards shall require that both winning platform providers pay the same rate" and "any additional platform providers awarded licenses must also agree to pay the same tax rate". Such section further conditions the award of any license upon an agreement by each Applicant to "remit the highest percentage of gross gaming revenue from mobile sports wagering contained in an applicant's bid selected by the commission considered for licensure." The statute further affords all Qualified Applicants "the ability to revise its bid in any such manner in order for such bid to meet the percentage of gross gaming revenue from mobile sports wagering as required by the commission for license award".

Upon a comprehensive review and evaluation of all Applications received, the Evaluation Committee has established a Final Tax Rate Matrix according to the methodology provided in Part 7 of the RFA. Such Matrix has been included as an attachment to this letter for consideration.

Pursuant to Section 7.4 of the RFA, each Applicant has five business days from the notification date of this letter to amend their Appendix B: Pricing Matrix to conform with the Final Tax Rate Matrix. Racing Law Section 1367-a(4)(d) strictly prohibits the Commission from awarding a license to any Applicant that "does not revise its bid to meet the percentage of gross gaming revenue from mobile sports wagering required"

and therefore any such Applicant will be disqualified from further consideration for licensure. An Applicant who determines their Application already conforms to the Final Tax Rate Matrix is not required to submit an Amendment.

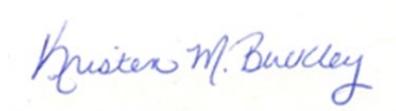
Receipt of this letter by any Applicant shall **not** be construed in any manner as a selection of the Applicant pursuant to the RFA **nor** as an offer of award. It is simply a step of the evaluation and selection process outlined in Part 7 of the RFA notifying Applicants of the Final Tax Rate Matrix determination and the opening of the window for Application amendment for the sole purpose of conforming to such Matrix.

Applicants are reminded of the Non-Collusive Bidding requirements and Public Notification/News Release restrictions contained in Sections 1.12 and 1.13 of the RFA. The disclosure of this letter or its contents, or discussion of bid amendment with parties outside your Application, may constitute a violation of these provisions and serve to disqualify your Application.

All Communications regarding this letter or the Application amendment shall be addressed in writing to the Designated Contacts identified in Section 1.7 of the RFA.

**Application amendments to conform to the Final Tax Rate Matrix must be received by the Commission no later than 5:00 P.M. on Monday, October 25, 2021.**

Thank you for your prompt attention to this correspondence.



Kristen Buckley  
Secretary

Attachment, Final Tax Rate Matrix