

X-B-2-b

**Live! Hotel & Casino
Purchasing Practices Plan for Local and Traditionally
Disadvantaged & Diverse Businesses**

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Introduction

Live! Hotel & Casino (Live!) has developed this comprehensive diversity and local purchasing plan for the ongoing procurement of goods and services for the operations of its proposed hotel and casino. The plan is designed not only to provide equal opportunity to traditionally disadvantaged groups but also to promote the support of local businesses within the State of New York. This plan will be implemented by engaging in aggressive outreach, sourcing, and training to identify qualified local and minority, women's, and veteran owned businesses, and will provide them the opportunities to apply for contracts with us.

While the Plan refers frequently to Minority Business Enterprise ("MBE"), Women Business Enterprise ("WBE") and Veteran Business Enterprise ("VBE") companies, the inclusive diversity philosophy of Live! is intended to be more far reaching than simply the inclusion of minorities, women and veterans. We will have an equal focus on the use of local businesses from our host community as well as our neighboring communities, and throughout the State of New York.

Timely, effective and continuing outreach efforts are critical to our ongoing program and these efforts have already begun.

EXECUTIVE SUMMARY

Purpose

This Plan describes Live!'s strong commitment to ensure diversity and opportunity for local businesses in the ongoing procurement of goods and services for the facility operations. The Plan emphasizes our commitment to diversity and local purchasing as it relates to our vendors, our business partners and our community. In sum, we appreciate and respect diversity in all aspects of our business operations and we look forward to supporting and participating in the local community as we build a regional and statewide engine of economic growth.

Diversity Committee

Live! and its corporate and property management team will establish a diversity committee for the purposes of this plan's implementation. The diversity committee will include, but not be limited to, the following:

- The General Manager
- A corporate purchasing representative
- The property's purchasing officer

In addition to our internal team, we will also invite two members, on a rotating basis, to represent any of the following: local business organizations, minority business organization, veteran business organizations and/or women business organizations. Our desire is for these two members to provide independent insight and local knowledge for the following:

- Resources to identify businesses within these categories to apply for contract opportunities with Live!,
- To assist in developing remedial plans should we find ourselves falling short of the goals set forward in this document; and
- Provide expertise and guidance on how we can better assist these businesses in being able to do business with us and other casino industry members in the State.

The Applicant will work with the New York Gaming Commission to develop a final diversity plan for ongoing facility purchases that will contain measurable goals and that will meet the expectations of the Commission, area residents and the business community.

DEFINITIONS

Diversity refers to the variety of backgrounds and characteristics found in society today; thus it embraces all aspects of human similarities and differences. While we support diversity as an inclusion concept, reality compels us to focus considerable attention on addressing issues related to those individuals and groups that have historically been adversely affected. For purposes of the Plan, diversity specifically focuses on differences among people with respect to age, sex, culture, race, ethnicity religion, color, disability, national origin, ancestry, sexual orientation and veteran status.

Operations-related Procurement Program

The operations-related procurement program applies to the purchasing of the fixtures, furniture and equipment to outfit the facility and non-excluded (see definition of “exclusion” below) goods and services following the completion of construction.

Definition of Minority

A *minority* is an individual who is a member of the following ethnic groups: African American, Asian American, Hispanic American, and Native American.

Definition of Women

Women are persons who are identified or who identify as being of the female gender. Participation goals are set for all women, regardless of race or ethnicity.

Definition of Veteran

A *veteran* is anyone who has served in the United States Armed Forces and has been honorably discharged.

Definition of Minority Business Enterprise (“MBE”)

Minority business enterprise or “MBE” means a business enterprise that is owned and controlled by one or more socially or economically disadvantaged persons. Such disadvantage may arise from cultural, racial, chronic economic circumstances or background or other similar cause. Such persons include, but are not limited to, African Americans, Cape Verdeans, Western Hemisphere Hispanics, Asians, American Indians, Eskimos, and Aleuts. The term “minority owned business” shall have the same meaning as “minority business enterprise” and as defined by the certifying agencies within the State of New York.

Definition of Women Business Enterprise (“WBE”)

Women business enterprise or “WBE” means a business enterprise that is both owned and controlled, by one or more women who have invested in an ongoing business free of conversion rights. The term “women owned business” shall have the same meaning as “women business enterprise” and as defined by certifying agencies within the State of New York.

Definition of Veteran Business Enterprise (“VBE”)

Veteran business enterprise or “VBE”, a business enterprise that is both owned and controlled by 1 or more veterans who has invested in an ongoing business free of conversion rights.

Exclusion Spend

The *Exclusion Spend* is defined by the American Gaming Association’s “Diversity in Spending” as the total spend in goods and services minus:

- Where a monopoly in a particular market or industry exists;
- The good or service is government regulated; and/or
- Is not currently a biddable option for the gaming industry

The AGA’s “Diversity in Spending” document contains the full list of exclusion and inclusion spend categories and is attached to this document as “**Addendum 1**” to this Exhibit.

Definition of Vendor

A vendor is an individual or business that provides goods and services to the project but are not considered design and construction trades. These goods and services include but are not limited to, couriers, printers, waste management, office and janitorial supplies, janitorial services, food and beverage services, etc.

Definition of Local Vendor

A *local vendor* is any business located within the State of New York with preference given to businesses located within our host and surrounding communities.

Certifying Agencies

This project will recognize and accept certifications from organizations and agencies within the State of New York. Absent a certifying agencies existence within the State of New York, the project will consider federal government and/or national organizations’ certifications.

Implementation of the Plan

Supplier Selection Criteria

Suppliers will be considered based on the following criteria, as adopted from the AGA's standards for the gaming industry:

- Ability for the supplier to meet specifications and standards
- Product and service quality
- Competitive prices
- Dependable delivery
- Quality control methods and practices
- Technical abilities and leadership
- Financial reliability
- Compatibility with existing products
- Adequate facilities and resources
- Spare parts availability
- Warranty, insurance, and bonding provisions
- Proven performance and experience

In addition to our aggressive outreach and recruitment activities, we will also implement two additional policies regarding minority, women, veteran and local business opportunities with Live!:

1. Any contract put out to bid that is equal to or exceeds \$5,000 must include at least one MBE/WBE/VBE bid and at least one bid from a New York State-based vendor.
 - a. If one or both of these groups is absent from the bid process, Live! will provide, in writing, an accounting of efforts made to seek these companies for the bid opportunity to the State's gaming regulatory body and why a bid was not received from one or both of these groups.
2. MBE/WBE/VBE and local, New York State-based will be eligible to participate in our fast pay program. This program provides payment to these vendors within 7 to 10 days upon completion of services or upon delivery of goods.

A copy of the AGA's "Diversity in Spending" document is attached to this document as **Addendum 1**.

Communications Strategy

The project will use multiple avenues of communications to advertise vendor opportunities on an ongoing basis. We will use a combination of traditional paid media, earned media, social media and partner organizations to advertise vendor opportunities with the casino.

COMMITMENT

Live! is committed to developing a high performance, inclusive work environment that reflects the diversity of our community. We will strive to create a company culture where all ideas and all contributions are valued no matter how or from whom they may originate. We will actively seek out contractors and vendors from traditionally disadvantaged groups to build and supply the facility. Our commitment to making inclusiveness the foundation for our culture is driven not only from our desire to enhance our community, but also because such commitment supports a sound business strategy.