

**From:** [MWBE Waivers](#)  
**To:** [Relation, Stacey \(GAMING\)](#)  
**Cc:** [Franklin, Jennifer \(GAMING\)](#)  
**Subject:** Re: Taft MWBE Waiver Request Extention 02 2015  
**Date:** Friday, March 20, 2015 12:33:41 PM

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Hi Stacey,

I reviewed and agree with your assessment to grant this waiver request.

Best,

Alex

Alexandra M. Greene  
Empire State Fellow | Executive Chamber  
mwbewaivers@exec.ny.gov

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**From:** Relation, Stacey (GAMING) <Stacey.Relation@gaming.ny.gov>  
**Sent:** Monday, February 23, 2015 9:47 AM  
**To:** MWBE Waivers  
**Cc:** Franklin, Jennifer (GAMING)  
**Subject:** Taft MWBE Waiver Request Extention 02 2015

Good morning,

Please find attached a MWBE waiver request for contract C130007 for Taft, Stettinius and Hollister, LLC, for Gaming Advisory Services.

Thank you,  
Stacey



# Gaming Commission

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

Mark D. Gearan, Chair  
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Robert Williams, Executive Director  
Edmund C. Burns, General Counsel

## MWBE Waiver Request

<b>Contract No.:</b> C130007	<b>Facility (if applicable):</b> New York State Gaming Commission One Broadway Center, Schenectady, New York
<b>Project Description:</b> Gaming Advisory Services in relation to the selection of applicants to develop and operate a casino in New York State in the Southern Tier.	<b>Contract Value:</b> \$1,879,963.34
<b>Contractor:</b> Taft, Stettinius & Hollister, LLP (“Taft”)	<b>Contract Term:</b> One year renewal effective 3/21/15 – 3/20/16.
<b>Agency contact information:</b> <b>Name:</b> Stacey Relation <b>Email:</b> <a href="mailto:Stacey.relation@gaming.ny.gov">Stacey.relation@gaming.ny.gov</a> <b>Phone number:</b> 518-388-3404	

**Description: Under the initial term of the contract, 3/21/14 – 3/20/15, the contract was granted a full waiver, and 0% goal was applied to the contract for the services as described below:**

The Gaming Commission, on behalf of the future New York Gaming Facility Location Board (the “Board”), issued a RFP to solicit proposals from bidders seeking the award of a contract to provide gaming advisory services in relation to the selection of applicants to develop and operate a casino in New York State in the Southern Tier.

Chapters 174 and 175 of the Laws of 2013, known as the Upstate New York Gaming Economic Development Act of 2013 (the “Act”), sets forth, among other things, statutory requirements for casino gaming in New York State.<sup>1</sup> The Act authorizes four upstate destination gaming resorts to enhance tourism development. The Act amends the New York Racing, Pari-Mutuel Wagering and Breeding law (the “PML”) by adding a new Article 13,

<sup>1</sup> Chapter 174 of the Laws of 2013 may be found at:

<http://www.gaming.ny.gov/pdf/Chapter%20174,%20Laws%20of%202013.pdf>

Chapter 175 of the Laws of 2013 may be found at:

<http://www.gaming.ny.gov/pdf/Chapter%20175,%20Laws%20of%202013.pdf>

which became effective January 1, 2014 and which authorizes casino gaming. Article 13 provides for the Commission to award up to four gaming facility licenses within three regions of the State: Hudson Valley Catskill area, Capital Region, and Eastern Southern Tier.

Section 109-a of the PML provides, “The Commission shall establish a separate board to be known as the New York gaming facility location board to perform designated functions under article thirteen of this chapter.” Section 109-a.5(b) provides, “**The Board shall Contract with an outside vendor to provide analysis of the gaming industry and to support the Board's comprehensive review and evaluation of the applications submitted to the board for gaming facility licenses.**”

Article 13 (the “Article”) gives broad powers to the Commission to oversee and regulate casinos and empowers the Board to carry out and effectuate its duties. The duties and authority of the Board include, but are not limited to, authority to issue Requests for applications for casino licenses; assisting the Commission in prescribing the form of the application; developing criteria, in addition to those outlined in the Article, to assess which applications provide the highest and best value to the State, the zone and the region in which a gaming facility is to be located; determining a gaming facility license fee to be paid by an applicant; determining, with the assistance of the Commission, the sources and total amount of an applicant’s proposed capitalization to develop, construct, maintain and operate a proposed gaming facility license under this Article.

Consistent with the duties prescribed to the Board, the contractor chosen as a result of this RFP will be expected to work with the Commission and the Board on different elements of the casino selection process, primarily related to financial and economic aspects, as fully defined in this RFP, Part 3 – Scope of Work.

Excerpt from the RFP, available at [http://www.gaming.ny.gov/about/procurement\\_opp.inc.php](http://www.gaming.ny.gov/about/procurement_opp.inc.php)

**Reason for Request:** The award is to a firm which is not an M/WBE and who utilizes subcontractors who are also not M/WBE firms and who do not subcontracting out their work. Specifically, in response to the Gaming Commission’s RFP for gaming advisory services, Taft submitted a proposal which will include the services of three consultants, who specialize in the services being sought under the RFP, as described below.

**Christiansen Capital Advisors, LLC (“CCA”):** CCA, has been advising governments, investors, companies, including casino companies, law firms and new media concerning casino gaming, lotteries, pari-mutuel racing, Internet gambling and related leisure activities domestically and abroad since 1988. CCA will, among other services, provide technical expertise and conduct revenue feasibility studies for the casino gaming market in each region; advise the Board, based on the projected size of the potential gaming market in the zones and, along with Macomber, on setting a proportionate licensing fee and minimum capital investment for each zone.

**Houlihan Lokey Capital, Inc. (“Houlihan”):** Houlihan, a global investment banking firm and leading advisor of gaming industry financial aspects including raising capital and structuring financings, will, among other services, advise the Board on the general prospects for financing casino development projects in each zone and review and advise the Board on the financial viability and ability of each applicant for a casino license to finance the proposed casino.

**Macomber International, Inc. (“Macomber”):** Macomber, an international consulting company that provides custom development, finance/funding, operations, marketing and other services at every point of the business cycle to private and publicly owned companies, governments, and other stakeholders, will among other services, provide technical expertise to advise the Board on the projected size of the potential gaming market in the zones, together with CCA, on setting the minimum capital investment required in each of the zones and to advise the Board on the content of the RFA and evaluation instrument with respect to the applicants’ proposed development programs.

**Original Goal:** MBE   0   % WBE   0   %

**Recommended Goal:** MBE   0   % WBE   0   %

**Explanation of Good Faith Efforts:** The Gaming Commission included the 20% combined goal in the RFP in an effort to obtain such goals, if feasible. Based on the explanation above relative to the prime contractor and its collaborative work with three subcontractors, each with specialties in the casino industry, MWBE utilization under the resulting Contract is not feasible.