

**AFFIDAVIT**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2018, I,

[NAME AND TITLE], do hereby present to the Pennsylvania Gaming Control Board (“PGCB” or “Board”) this Affidavit, and in support thereof, I do solemnly swear and affirm the following:

1. I am an authorized representative of [LICENSEE], having a principal business address of [ADDRESS].
2. [LICENSEE] currently possesses a [CATEGORY 1/2/3] Slot Machine license and Table Game Certificate under the Pennsylvania Race Horse Development and Gaming Act, 4 PA.C.S. §§1101 et seq.
3. Pursuant to 4 PA.C.S. §1305.1 authorizing the creation of Category 4 Slot Machine licenses and the policies promulgated by the Board regarding distribution of the same, [LICENSEE] has submitted a sealed bid for a Category 4 Slot Machine license simultaneously with the submission of this Affidavit at an Initial Auction or Subsequent Auction as defined by 4 Pa.C.S. § 1103 (Definitions).
4. At least one week prior to the scheduled Initial Auction or Subsequent Auction at which the aforementioned bid was submitted, [LICENSEE] submitted to the Board’s Bureau of Licensing a bond or letter of credit payable to the Commonwealth of Pennsylvania in the amount of \$7,500,000.00.
5. [LICENSEE], if declared the winning bidder in the Initial Auction or Subsequent Auction at which the aforementioned bid was submitted, provides the following center point location for its Category 4 location, see 4 Pa.C.S. § 1103 (Definitions), within the area of which the Category 4 licensed facility shall be sited:
  - a. Latitude: \_\_\_\_\_
  - b. Longitude: \_\_\_\_\_
  - c. Municipality: \_\_\_\_\_
  - d. County: \_\_\_\_\_
6. [LICENSEE] certifies that its designated Category 4 location is in compliance with the provisions of 4 Pa.C.S. § 1305.1(B)(2).
7. [LICENSEE] certifies that its Category 4 licensed facility will not be within twenty-five (25) linear miles of any other Category 1, Category 2, or Category 3 licensed facility, subject to the exception of a Category 4 licensed facility being permitted within twenty-five (25) linear miles of a winning bidder’s own Category 1, 2 or 3 licensed facility.
8. [LICENSEE] certifies that its Category 4 licensed facility will not be located (a) in a county currently hosting a Category 3 licensed facility and/or (b) a county of the sixth

class which is contiguous to a county that hosts a Category 2 licensed facility. 4 Pa.C.S. § 1305.1(B)(6) and (7).

9. **[LICENSEE]** certifies that its Category 4 licensed facility will not be located in a municipality of the Commonwealth that has opted to prohibit such facility pursuant to 4 Pa.C.S. § 1305.1(A.1).
10. **[LICENSEE]** certifies that its Category 4 location is not located within any portion of a previous winning bidder's Category 4 location. 4 Pa.C.S. § 1305.1(B)(3).
11. Prior to issuance of the Category 4 Slot Machine license, if applicable, **[LICENSEE]** will waive any exemptions, deductions, abatements, or credits created under the Keystone Opportunity Zone and related programs. 4 Pa.C.S. § 1305.1(B)(4) and (5).
12. **[LICENSEE]** in the development and submission of the aforementioned bid, has not engaged in any conduct that could be deemed by the Board or any other authority to be bid-rigging or collusion, including but not limited to the following:
  - a. sharing of information or the agreement between two or more potential bidders regarding bid strategy, bid amounts, or proposed Category 4 locations, whether directly or indirectly, including through third parties, with the intent to or having the potential to suppress the winning bid amounts or frustrate competitive bidding;
  - b. engaging in complementary bidding designed to create an appearance of competition without actual competition between bidders;
  - c. agreeing to divide customer or market areas between bidders or potential bidders;
  - d. agreement by either party to payment or compensation in any form by a winning bidder to other actual bidders or potential bidders in connection with any actual bid or refusal to bid at an auction held by the Board;
  - e. any other conduct that violates applicable Federal and/or State laws regarding consumer protection and/or Antitrust.
13. **[LICENSEE]** understands and acknowledges that if not declared the winning bidder at the Initial Auction or Subsequent Auction at which the aforementioned bid was submitted, the Board will not announce **[LICENSEE's]** losing bid amount, and **[LICENSEE]** is prohibited from disclosing the amount of the losing bid and the location identified in the losing bidder's affidavit/location envelope, either directly or indirectly, to any other bidder or potential bidder in subsequent auctions to be held by the Board; said prohibition on disclosure is designed to avoid potential bid rigging or collusion in future auctions.
14. **[LICENSEE]** further understands and acknowledges that any information obtained by the Board of conduct that could be deemed bid-rigging or collusion, or independent Board suspicion thereof, shall be referred to Federal and/or State law enforcement, pursuant to 4 Pa.C.S. § 1305.2(C)(2).

WHEREFORE, the undersigned hereby swears and affirms that the above and foregoing representations are true and correct to the best of my information, knowledge, and belief. By signing this Affidavit, the undersigned hereby understands and acknowledges that the above and foregoing representations are subject to the penalties of 18 Pa.C.S. § 4902 (Perjury) and § 4903 (False Swearing).

Date: \_\_\_\_\_

By: \_\_\_\_\_

Signature

\_\_\_\_\_  
Printed Name and Title

State of \_\_\_\_\_ :

County of \_\_\_\_\_ :

Signed or attested before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2018 by \_\_\_\_\_.

\_\_\_\_\_  
Signature of notarial officer

Stamp

Title of office

My commission expires: