

SLOT MACHINE LICENSEE AFFIRMATION

AND NOW, this ____ day of _____, 2020, I,

[NAME AND TITLE], do hereby present to the Pennsylvania Gaming Control Board (“PGCB” or “Board”) this Affirmation, and state 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 under the Pennsylvania Race Horse Development and Gaming Act of 2004.
3. Pursuant to Act 42 of 2017 authorizing the creation of Category 4 Slot Machine licenses, as modified by Act 23 of 2020, and the policies promulgated by the Board regarding same, [LICENSEE] has submitted a sealed bid for a Category 4 Slot Machine license simultaneously with the submission of this Affirmation.
4. At least one week prior to the scheduled September 2, 2020 auction (by August 26, 2020), [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 at the auction, provides the following center point for its Category 4 location:
 - a. Latitude: _____
 - b. Longitude: _____
 - c. Municipality: _____
 - d. County: _____
6. [LICENSEE] certifies that its designated Category 4 location is in compliance with the provisions of Act 42 of 2017, as modified by Act 23 of 2020, based upon [METHOD OF DETERMINATION OF COMPLIANCE].
7. [LICENSEE] certifies that its Category 4 licensed facility will not be within forty (40) linear miles of any other Category 1, Category 2, or Category 3 licensed facility, another Category 4 facility site, or the center point of another Category 4 location if a facility site within that location has not yet been selected.
8. The Category 4 licensed facility of [LICENSEE] 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.

9. The Category 4 licensed facility of **[LICENSEE]** will not be located in a municipality of the Commonwealth that has opted to prohibit such facility.
10. The Category 4 location selected by **[LICENSEE]** is not located within any portion of the areas described in Paragraph 7, above.
11. The Category 4 licensed facility built by **[LICENSEE]** will be sited within the boundaries of the Category 4 location identified above.
12. 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.
13. **[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 big 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.
14. **[LICENSEE]** understands and acknowledges that if not declared the winning bidder at the auction, the Board will not announce **[LICENSEE's]** losing bid amount or proposed Category 4 location.
15. **[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).

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The undersigned hereby states that the facts above set forth are true and correct to the best of my knowledge, information and belief. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Date: _____

By: _____
Signature

Printed Name and Title