

WYOMING LOTTERY CORPORATION

REQUEST FOR PROPOSAL (RFP)

NUMBER 2024-0001

FOR

GENERAL CONTRACTOR/BUILDING SERVICES

This is a sensitive procurement.

Issue Date:
Friday, July 19, 2024

Proposal Submission Deadline:
Monday, September 16, 2024, prior to 4:00PM MDT

Chief Executive Officer of the Wyoming Lottery Corporation:
Dr. Jonathon Clontz
1620 Central Ave Suite 100
Cheyenne, WY 82001
307-432-9300
jclontz@wylotterycorp.com

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SECTION 1: General Information

1. Introduction

RFP Purpose

The Wyoming Lottery acting by and through the Wyoming Lottery Corporation Board of Directors (hereinafter the "Lottery") is seeking Proposals from qualified General Contractors or businesses with demonstrated experience and expertise delivering construction remodeling services. Working under a single contract to provide design and construction services of our existing building's main floor, located at 808 West 20th Street, Cheyenne, WY, for the Lottery, as defined in this RFP ("Services").

The Lottery intends to enter into a written agreement ("Agreement" or "Price Agreement") with a successful general contractor proposer (the "Proposer"), as a result of the evaluation and scoring process set forth in Sections 4 and 5.

The Lottery anticipates any Agreement to be entered into will be for a project term of six (6) months or until the remodel is completed. The Lottery and Proposer may negotiate additional extensions to the Agreement, the total of which shall not exceed eight (8) months total, unless agreed to by the Lottery.

1.2 Background

Lottery Mission

The Lottery is committed to generating revenue for the State of Wyoming and has consistently met or exceeded its statutory requirement of 75% return to the State. This has been achieved through the responsible management and sale of entertaining lottery products. As the Lottery looks for ways to accomplish this goal, the Lottery has identified operating savings by owning a building rather than leasing. This eliminates a lease payment and provides a way for the Lottery to build equity while serving as a hedge against inflation.

The Lottery will incorporate the highest standards of security and integrity, set and achieve challenging and innovative goals, provide quality customer service and utilize a TEAM approach.

The Lottery is supporting its mission by the objectives, business requirements, pricing requirements and Proposal evaluation approach described in this RFP. The Services requested in this RFP are important to the Lottery's business operations.

SECTION 2: Product

2.1 Design-build and project budget

The Lottery is committed to maximizing revenue for the State of Wyoming, and thus is seeking to streamline the project and reduce the time required to manage the renovation project. The Lottery's expectation is that the Proposer will hire a team to include any architect/engineering/specialty sub-contractors as required and work together as a unified team to complete the project to Cheyenne Commercial Building Codes, establishing the budget for the Services as defined herein, the Lottery consulted with various professionals to assist with defining both the scope of the project and to give an estimate for the work required. It is a complex remodel as the Lottery has multiple layers of security needs and regulatory requirements.

Additionally, the Lottery has always made players a top priority. The new space must embrace a fun environment, be engaging, and be operationally efficient, as well as creating convenience and ease of access for the public. It is important that the space reflects Wyoming culture and puts money back into our community.

Lastly, the building was built in 1984 and requires certain upgrades. Energy efficiency will be realized by changing to LED lights and thermal energy saving ceiling tiles. These changes will reduce the business carbon footprint and save money monthly.

With all these components and definitive criteria set forth herein, the project budget is not to exceed Six Hundred and Fifty Thousand Dollars (\$650,000.00). Projected bids should be lowest and best.

2.2 Scope of Work

The Lottery seeks to retain the services of a highly qualified design and construction firm to provide comprehensive General Contract design build services, including but not limited to: designing and building space according to Lottery specifications, project administration, and construction services as set forth herein (the "Project").

The design-build project will include remodel of the lobby/reception area, construction and removal of walls, removal/install flooring, removal/ install ceiling grid with energy conservation tiles, hard lid in required locations, and upgrade lighting throughout the first floor. Any rebates need to be refunded to the Lottery. The proposed contract must include removal of construction debris and safety precautions for existing tenants and visitors. All required permits are to be included within the proposed contract costs.

The Lottery has not included upgrading the existing thermostat system in this contract due to budget constraints. Any proposed improvements to the thermostat system within the scope of the set budget will receive consideration.

Construction Management and communication with the Lottery Building team in a consistent manner must be addressed in the RFP, section 4.6. Weekly project updates are required and timely responses to Lottery requested information are expected.

2.3 Project Construction Schedule

The Lottery requests completed bid documents be submitted by 4:00PM, September 16, 2024, with the project construction to start on or before November 1, 2024.

To ensure an opportunity to accurately bid on the RFP, a week (August 5-11, 2024) has been set aside for Licensed General Contractors and their subcontractors to review the Scope of Work at property.

A detailed Scope of Work document will be provided at the scheduled appointment time to the General Contractor once a Non-Disclosure Agreement has been signed. Each subcontractor or vendor must be identified by the General Contractor and will be required to sign a Non-Disclosure Agreement as well.

To schedule an appointment time, please email no later than July 31, 2024, at 4:00pm:

Jessica Baldwin
jbaldwin@wylotterycorp.com

Please note appointment times are mandatory, identification will be required, and no walk-in's will be permitted. A 2-hour time will be allotted per contractor and associated subcontractors. Times will be given on a FIRST COME BASIS. Bring all the required tools and equipment to assess the scope of work during your allotted time, as none will be provided.

The Lottery projects a six (6) month or shorter construction term to ensure an occupancy timeline that meets our needs.

2.4 Insurance and Bonds

For all phases of the Project, the Proposer selected shall purchase and maintain the insurance required by the Lottery and to be set forth in the Agreement. No bond shall be required for this project. Proposer, at its sole cost, shall purchase and maintain insurance during the period that Proposer provides any Services under the Agreement, the following insurance shall be required:

Commercial General Liability - in the Proposer's name with limits of liability in the amount of at least \$1,000,000 each occurrence/\$1,000,000 general aggregate limit (other than products- completed operations)/\$1,000,000 products/completed operations aggregate Limit on a combined single limit basis for injuries to persons (including death) and damage to property.

NOTE: Proposer must provide a copy of Liability Insurance.

NOTE: Proposers must also provide a Certificate of Good Standing evidencing Proposer is a registered entity with the State of Wyoming Secretary of State's Office.

SECTION 3: Budget Projections and Invoice Terms

- 3.1** Lottery will establish and Proposer shall furnish services within the Lottery's established construction budget, not to exceed the limit as set forth herein. Prior to the execution of any work, the Proposer and Lottery shall agree on an established and projected budget for the Services.

The proposer shall perform its due diligence to maintain budget controls and set aside funds for overages in their formal bid.

Most products and design elements have been identified by the Lottery and have been included in the Scope of Work document. However, the Proposer may submit a bid with an equal or better quality/grade of the listed product for consideration.

Contractor liability waiver forms will be required for each contractor, subcontractors, and vendors prior to payment being issued.

The Lottery reserves the right to withhold payments until the work is completed. This ensures timely and completed performance of the scope of work.

SECTION 4: Evaluation and Scoring

THIS IS A MULTIPLE-TIERED EVALUATION PROCESS.

STEP ONE: MANDATORY REQUIREMENTS (PASS/FAIL)

Written Proposals will be evaluated for compliance with the following Pass/Fail requirements in Sections 4.1 through 4.4 below. **Proposals that do not pass all requirements of Sections 4.1 through 4.4 will be rejected and eliminated from further consideration.**

TECHNICAL PROPOSAL FORMAT

The proposer is requested to use the following format when preparing their proposal:

4.1 COMPANY OVERVIEW AND PROFILE (PASS/FAIL)

Proposer shall provide the following company information:

- a) Proposer's legal name, company name, physical address (location) of Proposer, principal place of business, and telephone number of individual or entity with whom the Price Agreement will be executed.
- b) Legal status of Proposer (e.g., individual, corporation, partnership, etc.) and year entity was established, if applicable.

- c) Federal tax identification number.
- d) Name and title of the individual authorized to bind Proposer by signature.
- e) If any change in ownership or control of the company is anticipated during the twelve (12) months following the Proposal Submission Deadline, Proposer shall describe the circumstances of such change and indicate when the change likely will occur.
- f) Identify the project team members and their positions within, or relationship to, the firm, and years of experience.
- g) The submitting companies should outline warranties for labor and materials.

4.2 QUALIFICATIONS

(PASS/FAIL)

The proposer shall provide a summary illustrating why it is qualified to perform the Services documented in section 2.1 and 2.2. Please include a copy of any construction/trade licenses. The proposer shall list the number of years in business and any other relative information.

4.3 TERMINATION FOR DEFAULT

(PASS/FAIL)

The proposer shall state (yes with details, or no) if it has been a party to a contract that was terminated for default within the last 5 years. "Termination for default" means that Proposer received notice to stop performance due to Proposer's non-performance or poor performance under any contract, and the issue of performance was either (a) not litigated, or (b) litigated and determined that the Proposer was in default, and the contract actually was terminated for one or more of the reasons specified in the notice.

NOTE: Responding positively that Proposer has been a party to a contract terminated for default will not automatically result in a "FAIL" for these criteria. However, if Proposer was a party to a contract terminated for default as described above, then Proposer shall submit full details including the other party's name, address and phone number. Lottery will evaluate the facts and may, at its sole discretion, reject the Proposer as non-Responsible on the grounds of Proposer's past performance.

4.4 WYOMING STATE CONNECTION

(PASS/FAIL)

State if you are a Licensed General Contractor in the State of Wyoming.

STEP TWO:

CORPORATE CAPABILITIES, EVALUATION AND SCORING

Proposers who PASS step one will be evaluated and scored based on step two. If a Proposer did not PASS step one, they are automatically disqualified and will not be scored in step two.

EVALUATION CRITERIA & SCORING (Total Overall Points Possible =200)

The proposer shall provide a clear and concise response to each criterion listed below. It is preferable that the Proposer restates the criterion, and then responds below the criterion description.

4.5 SUBCONTRACTOR/VENDORS (Total Points Possible: 30)

Please provide potential subcontractors/vendors that would be conducting work for the General Contractor within this RFP. The information required should contain the following information as noted in the example below.

| Name | Specialty | Years in Business | WY License if applicable |
|-----------------|-----------|-------------------|--------------------------|
| Lewis Architect | Architect | 10 | B-15211 |

4.6 PROJECT MANAGEMENT (Total Points Possible: 60)

- a) Provide an example that shows how your company manages a large project and subcontractors.
- b) Explain if you use a project manager or a software tool or both that tracks the progress of the project. For example, an Excel Spreadsheet. Please attach an example if you use one to communicate with your clients.
- c) The Proposer should provide an anticipated schedule, beginning with the estimated date of contract execution, to perform the work listed in the detailed Scope of Work. NOTE: This will be given to the General Contractor during their appointment at the building site.
- d) This tentative schedule should show a start date, permitting, projected subcontractor / vendor scheduling, inspections, final completion date, and any other information the submitting firm feels is appropriate.
- e) Explain how you will keep the project on time and on budget.
- f) Explain how you will provide communication and updates regarding the project on a weekly basis or more often if warranted.

4.7 EXPERIENCE

(Total Points Possible: 50)

- a) Provide an assessment of core expertise and any other buildings renovated or related work conducted by the company.
- b) Similar Experience – The submitting Proposer should list any commercial renovations or similar projects to include: description, and location. Optional details would include budget, project timeframe and if it was completed on budget and on time.
- c) Three (3) Business References that must be clients that have a current or prior service contract with your company. Please include: Name/Business, address, Contact Person, and Phone #.

4.8 BUDGET

(Total Points Possible: 60)

- a) Provide a detailed report on the cost estimation of the Services. Show a line item that sets aside funds for overages. Overage items must be approved by the Lottery and any unused monies will be retained by the Lottery.
- b) The Proposer should list the product specifications for all items required for this project, including alternates.
- c) Provide any information which may be beneficial to the project, or unique qualities/ideas that will improve the project or provide additional value.
- d) Total project not to exceed \$650,000. Lowest and best bid is encouraged.

SECTION 5: Communication and Submission of RFP

All communication regarding this RFP and for obtaining a complete RFP packet of information should be directed to:

Jessica Baldwin
1620 Central Ave. Suite 100
Cheyenne, WY 82001
jbaldwin@wylotterycorp.com

To be considered, each Proposer must submit a completed proposal bid form, certificate of liability insurance, and any additional information requested in the RFP. The proposal bid form must be signed and include a statement for the completion of the project.

Responses to this RFP will be evaluated based on a selection process consisting of:

- A review by the Lottery CEO and assigned staff, to determine if the proposal meets all criteria for consideration.
- Relevant experiences, project understanding, project requirements, strength of the proposal, and proposed fees.

5.1 Tentative Schedule for RFP

The Lottery will follow the schedule as follows:

| EVENT | DATE |
|--------------------------------------------------|-----------------------|
| RFP Issue Date: | July 19, 2024 |
| Appointment at Property Scheduled | August 5-11, 2024 |
| Written Questions Due | August 12-14, 2024 |
| Lottery Response and/or Addendum Published | August 21, 2024 |
| Proposal Submission Deadline | September 16, 2024 |
| Initial Evaluation Completed, Finalists Notified | September 18-25, 2024 |
| Notice of Intent to Award | September 30, 2024 |
| Award Protest Deadline | October 4, 2024 |
| Price Agreement Executed | October 7, 2024 |

Instructions for proposals

The Wyoming Lottery Corporation is requesting bids to provide the Services as set forth herein to:
808 W 20th Street, Cheyenne, WY 82001.

Envelopes shall be clearly marked “**Requests for Proposal – Remodel 2024-0001**” on the Outside of the envelope and proponent’s name and address shown on the upper left-hand corner of the envelope.

RFP Packet must be received prior to 4:00 pm on Wednesday, September 16, 2024, at The Wyoming Lottery Corporation,

**Attn: Jessica Baldwin,
1620 Central Ave. Suite 100,
Cheyenne, WY 82001**

Selection Process

The Lottery will consider such matters it considers appropriate in selecting the successful contractor. The Lottery reserves the right to contract with one or more vendors for the remodel project for the Lottery Building and to reject, for any reason, all bids.

SECTION 6: Terms and Conditions

- 6.1 REQUESTS FOR RFP CLARIFICATION.** Proposers may request clarification of this RFP by submitting a written request to Lottery's designated contact at the mailing address or email address indicated in Section 5.0 and by the date stated in section 5.1. This is the Proposer's only opportunity to seek clarifications of this RFP.
- Each Request for RFP clarification must include a statement of the requested clarification and all relevant information necessary to permit Lottery to make an informed response.
- 6.2 PROTEST OF SOLICITATION PROCESS.** Proposer shall submit any protest to the Lottery CEO at the mailing address or email address indicated in Section 5.0. The deadline for submission of protests is specified in Section 5.1 – Tentative Schedule. Lottery will address all timely submitted requests for protests within a reasonable time following Lottery's receipt of the protest.
- 6.3 CONDITIONS.** Proposers shall inform themselves of all the conditions under which the work is to be performed concerning the site of the work, the obstacles which may be encountered, and all other relevant matters concerning the work to be performed under this contract.
- 6.4 RESPONSIBILITY.** Proposers shall assume full responsibility for the actions of its employees or agents and shall repair or replace any damaged item or area of the Lottery properties caused by the actions of its employees or agents unless said damage occurred under circumstances beyond their reasonable control as determined by the Lottery.
- 6.5 DAMAGE.** Any damage of public or private property caused by Proposers operations shall be resolved with the Lottery within ten (10) days after damage occurs to the satisfaction of the Lottery. The contractor shall inform the Lottery of any damage caused by the Proposer's operation on the day such damage occurs. Should the damage not be rectified within the time frame agreed upon or to the satisfaction of the Lottery, the Lottery reserves the right to repair or replace that which was damaged or assess the contractor such cost as may be reasonable and related to damaged caused by the Proposer and deduct these costs from any payment due the Proposer.
- 6.6 NO ASSIGNMENT.** It is mutually understood and agreed that the Proposer shall not assign, transfer, convey, sublet, or otherwise dispose of any Agreement or its right, title, or interest therein, or its power to execute such contract, to any other person, firm, or corporation, without previous written consent of an authorized representative of the Lottery; but in no case shall consent relieve the Proposer from its obligations or change the terms of the Agreement.
- 6.7 CANCELLATION.** The Agreement may be canceled or annulled by the Lottery in whole or in part by written notice of default to the Proposer upon nonperformance or violation of Agreement terms. The Lottery reserves the right to terminate the service at any time during the term of the Agreement upon thirty (30) days written notice to the Proposer. Failure of the Proposer to deliver services within the time stipulated, unless extended in writing by the Lottery, shall constitute default.

- 6.8 CONTACT.** Proposer shall supply cell phone numbers, daytime office numbers, fax numbers, and numbers of supervisors handling the Agreement.
- 6.9 PUBLICITY.** Until a Price Agreement resulting from this RFP is effective, each Proposer shall ensure that no employee, agent or representative of Proposer makes available or discusses its Proposal with any elected or appointed official or officer of the State of Wyoming, any member of the Lottery Board of Directors, or any employee, agent, or representative of the Lottery, other than the CEO, unless specifically authorized by Lottery or required to do so by law. Proposers shall not issue any press releases or make any statement to the news media pertaining to this RFP, any Proposal, any proposed Price Agreement or the Services to be provided, without Lottery's prior written approval.
- 6.10 COST CONSTRAINTS.** The Proposer shall affirm and state that the prices quoted herein constitute total cost to the Lottery for all work involved in the respective items. This cost also includes all proposal preparation costs, insurance, royalties, transportation charges, use of all tools and equipment, superintendent, overhead expense, inspection costs, all profits and all other services and conditions necessarily involved in the work to be done in accordance with the requirements of the contract documents considered collectively.
- 6.11 PROJECT BUDGET.** Proposer shall provide a project budget proposal that identifies the following information:
- a) Expected method of payment with a not to exceed cost
 - b) All direct and indirect costs you will assess for performing the Services.
- 6.12 SIGNATURES.** Proposer shall, by its signature below, affirm that:
- a) Proposer has thoroughly read and understands the components and requirements of this RFP and agrees that Lottery is not liable for any claims or subject to any defenses asserted by Proposer based upon, resulting from, or related to, Proposer's failure to understand all requirements of this RFP.
 - b) The undersigned is Proposer's authorized representative, that the information provided in the Proposal is true and accurate, and that Proposer understands that providing incorrect or incomplete information may be cause for Proposal rejection or price agreement or Service Order termination.
 - c) The proposer has received and duly considered all information contained within this RFP.
 - d) Proposer is submitting the Proposal in response only to this RFP, has made no assumptions based upon either(i) verbal or written statements not contained in the RFP, or (ii)any request for proposals previously issued by Lottery.
 - e) Proposer prepared the Proposal independent from all other Proposers, without collusion, fraud, or other dishonesty, or in any other manner that could in any way interfere with fair competition, except as otherwise permitted by law;
 - f) Proposer agrees Lottery is not liable for any expenses Proposer incurs or has incurred in either preparing and/or submitting the Proposal, Price Agreement selection or Price Agreement negotiation process.

- g) By submitting a Proposal in response to this RFP, Proposer grants the Lottery a non- exclusive, perpetual, irrevocable, royalty-free, worldwide license for the rights to copy, distribute, display, prepare derivative works of, and transmit the Proposal for the purpose of conducting this procurement and to fulfill the Lottery’s obligations under the Wyoming Public Records Act.
- h) In addition to submitting a Proposal, the Proposer agrees upon the request of the Lottery to sign and agree to any non-disclosure or confidentiality agreement that may be requested. Additionally, Proposer further acknowledges that certain information deemed by the Lottery to be proprietary and/or confidential shall be held to strict confidence, and not disclosed to any person or party without the express written permission of the Lottery.
- i) The Proposer acknowledges and understands that unless and until Proposer is selected by the Lottery and an Agreement is executed, the Lottery shall have no obligation to the Proposer and shall have no agreement for payment of any type.

This Proposal and any and all acknowledgments, term, conditions, or other representations made and agreed to by Proposer is hereby provided on the date set forth below

Date: _____.

Projected Timeline for the completion of the project:

OWNER (Signature)

General Contractor (Signature)

(Print Name and Title)

(Print Name and Title)

SECTION 7: General Contractor/Building Services RFP Checklist

Proposal Submission Deadline: September 16, 2024

SECTION 2: Product

2.3 Project Construction Schedule

- Schedule Appointment for General and Subs at building (August 5-11, 2024)

*Need ID - No Walk-ins / Bring equipment and tools

Must be scheduled by July 31 @ 4:00 pm

Jessica Baldwin

jbaldwin@wylotterycorp.com

2.4 Insurance and Bonds

- Certificate of Good Standing (Registered Business with the State of Wyoming)

- Copy of Liability Insurance

SECTION 4: Evaluation and Scoring

4.1 COMPANY OVERVIEW AND PROFILE

- h. Proposer's legal name, company name, physical address (location) of General Contractor, principal place of business, and telephone number of individual or entity with whom the Price Agreement will be executed.
 - i. Legal status of Proposer (e.g., individual, corporation, partnership, etc.) and year entity was established, if applicable.
- j. Federal tax identification number.
- k. Name and title of the individual authorized to bind Proposer by signature.
- l. If any change in ownership or control of Contractor is anticipated during the twelve (12) months following the Proposal Submission Deadline, Proposer shall describe the circumstances of such change and indicate when the change likely will occur.
- m. Identify the project team members and their positions within, or relationship to, the firm, and years of experience.
- n. The submitting companies should outline warranties for labor and materials.

4.2 QUALIFICATIONS

- Summary illustrating qualifications to perform remodeling Services documented in section 2.1.
- Copy of any construction/trade licenses
- List the number of years in business and any other relative information

4.3 TERMINATION FOR DEFAULT

- Proposer shall state (yes with details, or no) if it has been a party to a contract that was terminated for default within the last 5 years.

4.4 WYOMING STATE CONNECTION

- State if you are a Licensed General Contractor in the state of Wyoming.

EVALUATION CRITERIA & SCORING (Total Overall Points Possible =200)

4.5 SUBCONTRACTOR/VENDORS

- Provide list of subcontractors/vendors

| Name | Specialty | Years in Business | WY License if applicable |
|-----------------|-----------|-------------------|--------------------------|
| Lewis Architect | Architect | 10 | B-15211 |

4.6 PROJECT MANAGEMENT

- f. Provide an example that shows how your company manages a large project and subcontractors.
- g. Explain if you use a project manager or a software tool or both that tracks the progress of the project. For example, Use of an Excel Spreadsheet. Please attach an example if you use one to communicate with your clients.
- h. The submitting firm should provide an anticipated schedule, beginning with the estimated date of contract execution, to perform the work listed in the detailed Scope of Work. NOTE: This will be given to the General Contractor during their appointment at the building site.

This tentative schedule should show a start date, permitting, projected subcontractor / vendor scheduling, inspections, final completion date, and any other information the submitting firm feels is appropriate.

- i. Explain how you will keep the project on time and on budget.
- j. Explain how you will provide communication and updates regarding the project on a weekly basis or more often if warranted.

4.7 EXPERIENCE

- d. Provide an assessment of core expertise and any other buildings renovated or related work conducted by the company.
- e. Similar Experience – The submitting companies should list any commercial renovations or similar projects to include: description, and location. Optional details would include budget, project timeframe and if it was completed on budget and on time.
- f. Three (3) Business References that must be clients that have a current or prior service contract with your company. Please include: Name/Business, address, Contact Person, and Phone #.

4.8 BUDGET

- e. Provide a detailed report on the cost estimation of the entire project.
- f. The submitting firms should list the product specifications for all items required for this project, including alternates.
- g. Provide any information which may be beneficial to the project, or unique qualities/ideas that will improve the project or provide additional value.
- h. Total project not to exceed \$650,000. Lowest and best bid is encouraged.

SECTION 5: Communication and Submission of RFP

- Signed proposal bid form (15 pages) and must include a statement for the completion of the project.

5.1 Tentative Schedule for RFP

| EVENT | DATE |
|--------------------------------------------------|-----------------------|
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| Notice of Intent to Award | September 30, 2024 |
| Award Protest Deadline | October 4, 2024 |
| Price Agreement Executed | October 7, 2024 |

Instructions for Bidders

The Wyoming Lottery Corporation is requesting bids to provide the remodel for a building located at: 808 W 20th St, Cheyenne, WY 82001.

Envelopes shall be clearly marked “**Requests for Proposal – Remodel 2024-0001**” on the Outside of the envelope and proponent’s name and address shown on the upper left-hand corner of the envelope.

RFP Packet must be received prior to 4:00 pm on Wednesday, September 16, 2024, at The Wyoming Lottery Corporation,

**Attn: Jessica Baldwin,
1620 Central Ave. Suite 100,
Cheyenne, WY 82001**

Thank-you!