

Non-Collusive Bidding Certification

(Required by: Section 139-D of the NY State Finance Law)

SECTION 139-D, Statement of Non-Collusion in bids to the State:

BY SUBMISSION OF THIS BID, EACH BIDDER AND EACH PERSON SIGNING ON BEHALF OF EACH BIDDER CERTIFIES, AND IN THE CASE OF JOINT BID EACH PARTY THERETO CERTIFIES AS TO ITS OWN ORGANIZATION, UNDER PENALTY OF PERJURY, THAT TO THE BEST OF HIS KNOWLEDGE AND BELIEF:

[1] The prices of this bid have been arrived at independently, without collusion, consultation, communication, or agreement, for the purposes of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;

[2] Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the Bidder and will not knowingly be disclosed by the Bidder prior to opening, directly or indirectly, to any other Bidder or to any competitor; and

[3] No attempt has been made or will be made by the Bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

A BID SHALL NOT BE CONSIDERED FOR AWARD NOR SHALL ANY

AWARD BE MADE WHERE [1], [2], [3] ABOVE HAVE NOT BEEN COMPLIED WITH; PROVIDED HOWEVER, THAT IF IN ANY CASE THE BIDDER CANNOT MAKE THE FOREGOING CERTIFICATION, THE BIDDER SHALL SO STATE AND SHALL FURNISH WITH THE BID A SIGNED STATEMENT WHICH SETS FORTH IN DETAIL THE REASONS THEREFOR.

[AFFIX ADDENDUM TO THIS PAGE IF SPACE IS REQUIRED FOR STATEMENT.]

Subscribed to under penalty of perjury under the laws of the State of New York, this 18th day of June, 2014 as the act and deed of said corporation of partnership.

Name of Authorized Representative: Thomas Osiecki

Signature: [Handwritten Signature]

Date: 6/18/14

Organization Name: Tioga Downs Racetrack, LLC

STATE OF NEW YORK

COUNTY OF Tioga

On this 18th day of June, in the year 2014 before me, the undersigned Notary Public in and for said state personally appeared

Thomas Osiecki personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s), who name(s) is(are) subscribed to the written instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

[Handwritten Signature]
Notary Public

DEBBIE A. GEROULD
Notary Public, State of New York
No. 01GE6223129
Qualified in Chemung County
Commission Expires June 7, 2018