
TITLE 65 STATE LOTTERY COMMISSION

Emergency Rule
LSA Document #15-87(E)

DIGEST

Adds [65 IAC 2-1-11.1](#), [65 IAC 2-1-20.1](#), and [65 IAC 2-4-1.1](#) concerning procurement decisions by the state lottery commission, requirements for contracts entered into by the state lottery commission, and procurement related decisions by the state lottery commission. Repeals [65 IAC 7-2-8](#) through [65 IAC 7-2-13](#), [65 IAC 7-3-8](#) through [65 IAC 7-3-13](#), [65 IAC 7-6-9](#) through [65 IAC 7-6-14](#), [65 IAC 7-7-13](#) through [65 IAC 7-7-18](#), and [65 IAC 7-10-10](#) through [65 IAC 7-10-15](#). Effective April 10, 2015.

[65 IAC 2-1-11.1](#); [65 IAC 2-1-20.1](#); [65 IAC 2-4-1.1](#); [65 IAC 7-2-8](#); [65 IAC 7-2-9](#); [65 IAC 7-2-10](#); [65 IAC 7-2-11](#); [65 IAC 7-2-12](#); [65 IAC 7-2-13](#); [65 IAC 7-3-8](#); [65 IAC 7-3-9](#); [65 IAC 7-3-10](#); [65 IAC 7-3-11](#); [65 IAC 7-3-12](#); [65 IAC 7-3-13](#); [65 IAC 7-6-9](#); [65 IAC 7-6-10](#); [65 IAC 7-6-11](#); [65 IAC 7-6-12](#); [65 IAC 7-6-13](#); [65 IAC 7-6-14](#); [65 IAC 7-7-13](#); [65 IAC 7-7-14](#); [65 IAC 7-7-15](#); [65 IAC 7-7-16](#); [65 IAC 7-7-17](#); [65 IAC 7-7-18](#); [65 IAC 7-10-10](#); [65 IAC 7-10-11](#); [65 IAC 7-10-12](#); [65 IAC 7-10-13](#); [65 IAC 7-10-14](#); [65 IAC 7-10-15](#)

SECTION 1. [65 IAC 2-1-11.1](#) IS ADDED TO READ AS FOLLOWS:

[65 IAC 2-1-11.1](#) Cancellation; rejection; amendment of solicitations

Authority: [IC 4-30-3-7](#); [IC 4-30-3-9](#); [IC 4-30-8-9](#)

Affected: [IC 4-30-3-16](#); [IC 4-30-8](#)

Sec. 11.1. (a) When the director determines that it is not in the best interests of the commission, any solicitation, including an invitation for a bid or proposal, may be cancelled or rejected in whole or in part at any time prior to the effective date of the resulting contract.

(b) The reasons for a cancellation or rejection of a solicitation must be made a part of the contract file.

(c) The director may amend any solicitation in any manner provided that notice is given in a manner reasonably calculated by the director to provide fair and equitable notice to the potential vendors.

(State Lottery Commission; [65 IAC 2-1-11.1](#); emergency rule filed Apr 10, 2015, 1:00 p.m.: [20150415-IR-065150087ERA](#))

SECTION 2. [65 IAC 2-1-20.1](#) IS ADDED TO READ AS FOLLOWS:

[65 IAC 2-1-20.1](#) Contracts to be in writing; provisions required by statute

Authority: [IC 4-30-3-7](#); [IC 4-30-3-9](#); [IC 4-30-8-9](#)

Affected: [IC 4-30-3-16](#); [IC 4-30-8](#)

Sec. 20.1. (a) Except as provided in subsection (b), a contract to which the commission is a party must be in writing.

(b) A contract is not required to be in writing if the contract is created under [65 IAC 2-1-9](#). However, the commission is required to maintain on file invoices, bills, or other writings that show the contract was performed and the amount of payment due.

(c) If a statute or rule requires a provision to be part of a contract to which the commission is a party, the provision shall be construed to be part of the contract even though:

- (1)** the contract is not in writing; or
- (2)** the contract is in writing but the provision is omitted.

(State Lottery Commission; [65 IAC 2-1-20.1](#); emergency rule filed Apr 10, 2015, 1:00 p.m.: [20150415-IR-065150087ERA](#))

SECTION 3. [65 IAC 2-4-1.1](#) IS ADDED TO READ AS FOLLOWS:

[65 IAC 2-4-1.1](#) Consideration by director

Authority: [IC 4-30-3-7](#); [IC 4-30-3-9](#); [IC 4-30-8-9](#)

Affected: [IC 4-30-3-16](#); [IC 4-30-8](#)

Sec. 1.1. The director may procure all goods and services not otherwise covered by this article in any manner in which the director deems desirable. In making such procurements, the director shall consider the following:

- (1) the efficient and effective operations of the lottery;
- (2) the sensitive nature of the lottery; and
- (3) the competence, quality of product, experience, and timely performance of the persons or entities providing such goods and services.

(State Lottery Commission; [65 IAC 2-4-1.1](#); emergency rule filed Apr 10, 2015, 1:00 p.m.: [20150415-IR-065150087ERA](#))

SECTION 4. THE FOLLOWING ARE REPEALED: [65 IAC 7-2-8](#); [65 IAC 7-2-9](#); [65 IAC 7-2-10](#); [65 IAC 7-2-11](#); [65 IAC 7-2-12](#); [65 IAC 7-2-13](#); [65 IAC 7-3-8](#); [65 IAC 7-3-9](#); [65 IAC 7-3-10](#); [65 IAC 7-3-11](#); [65 IAC 7-3-12](#); [65 IAC 7-3-13](#); [65 IAC 7-6-9](#); [65 IAC 7-6-10](#); [65 IAC 7-6-11](#); [65 IAC 7-6-12](#); [65 IAC 7-6-13](#); [65 IAC 7-6-14](#); [65 IAC 7-7-13](#); [65 IAC 7-7-14](#); [65 IAC 7-7-15](#); [65 IAC 7-7-16](#); [65 IAC 7-7-17](#); [65 IAC 7-7-18](#); [65 IAC 10-10-10](#) [*sic*, [65 IAC 7-10-10](#)]; [65 IAC 10-10-11](#) [*sic*, [65 IAC 7-10-11](#)]; [65 IAC 10-10-12](#) [*sic*, [65 IAC 7-10-12](#)]; [65 IAC 10-10-13](#) [*sic*, [65 IAC 7-10-13](#)]; [65 IAC 10-10-14](#) [*sic*, [65 IAC 7-10-14](#)]; [65 IAC 10-10-15](#) [*sic*, [65 IAC 7-10-15](#)].

LSA Document #15-87(E)

Filed with Publisher: April 10, 2015, 1:00 p.m.

Posted: 04/15/2015 by Legislative Services Agency

An [html](#) version of this document.