

## ARTICLE 2. PROCUREMENT

### Rule 1. Procurement Procedures; General

#### 65 IAC 2-1-1 Procurement authority

Authority: IC 4-30-3-7; IC 4-30-3-9

Affected: IC 4-30-3-16; IC 4-30-8

Sec. 1. (a) The director shall have the full and complete authority to enter into all contracts on behalf of the commission for the procurement of goods and services.

(b) The director shall appoint one (1) person employed by the commission to supervise and manage the procurement of goods and services. This person shall have such authority as may be set forth in this article or as may be delegated by the director in writing.

(c) The director may designate one (1) or more persons to act as purchasing agents for the commission, and who shall act with such authority as the director shall delegate in writing with respect to each purchasing agent. (*State Lottery Commission; 65 IAC 2-1-1; emergency rule filed Jul 20, 1989, 4:10 p.m.: 12 IR 2292; emergency rule filed Sep 5, 1989, 3:20 p.m.: 13 IR 90; emergency rule filed Dec 9, 1996, 4:00 p.m.: 20 IR 962; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; readopted filed Nov 14, 2007, 3:02 p.m.: 20071212-IR-065070656RFA*)

#### 65 IAC 2-1-2 Procurement policy

Authority: IC 4-30-3-7; IC 4-30-3-9

Affected: IC 4-30-3-16; IC 4-30-8

Sec. 2. (a) In all procurement decisions, the director shall take into account the particularly sensitive nature of the lottery and shall consider the competence, quality of product, experience, and timely performance of the vendors in order to promote and ensure security, honesty, fairness, and integrity in the operation and administration of the lottery and the objective of raising net revenues for the benefit of the public purposes described in IC 4-30. The director shall also take into account the desirability of an efficient and effective procurement process and the legislative finding that the operation of a lottery is a unique activity for state government and that policies and procedures appropriate for the performance of other governmental functions are not necessarily appropriate for the operation of a lottery.

(b) All decisions made under this article are actions concerning the acquisition, leasing, or disposition of property or procurement of goods or services by contract. All such decisions by the director shall be final except as otherwise specifically set forth in this article. (*State Lottery Commission; 65 IAC 2-1-2; emergency rule filed Jul 20, 1989, 4:10 p.m.: 12 IR 2292; emergency rule filed Sep 5, 1989, 3:20 p.m.: 13 IR 90; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; readopted filed Nov 14, 2007, 3:02 p.m.: 20071212-IR-065070656RFA*)

#### 65 IAC 2-1-3 Applicability

Authority: IC 4-30-3-7; IC 4-30-3-9

Affected: IC 4-30-3-16; IC 4-30-8

Sec. 3. (a) This article applies to every expenditure of commission funds under any contract for the procurement of goods or services except for the following:

- (1) Any contract with a state agency, state official, or any other body corporate and politic of this state.
  - (2) Employment contracts with individuals.
  - (3) Contracts for investment or related financial services.
  - (4) Contracts relating to the retail sales of lottery tickets.
  - (5) Contracts for goods or services provided as part of, or related to, a lease of real property.
  - (6) Amendments, modifications, or extensions of existing contracts, unless the predominate purpose of an amendment or modification is to avoid the applicability of this article.
  - (7) Contracts for personal or professional services.
  - (8) Contracts for employee benefits and related services.
  - (9) Contracts for market studies and research related services.
  - (10) Contracts for sponsorships, promotions, and advertising placement.
- (b) In determining the applicability of this article to a specific contract, the substantial purpose of the contract shall be

controlling. This article shall not apply to the acquisition of goods or services under a contract to which this article would not otherwise apply if the acquisition of such goods or services is not the substantial purpose of the contract. *(State Lottery Commission; 65 IAC 2-1-3; emergency rule filed Jul 20, 1989, 4:10 p.m.: 12 IR 2293; emergency rule filed Sep 5, 1989, 3:20 p.m.: 13 IR 91; emergency rule filed Dec 9, 1996, 4:00 p.m.: 20 IR 962; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; emergency rule filed Jul 26, 2007, 11:03 a.m.: 20070808-IR-065070473ERA; readopted filed Nov 14, 2007, 3:02 p.m.: 20071212-IR-065070656RFA)*

**65 IAC 2-1-4 Procurement methods**

Authority: IC 4-30-3-7; IC 4-30-3-9  
Affected: IC 4-30-3-16; IC 4-30-8

Sec. 4. The director or the director's designee shall procure goods or services through use of one (1) of the following procurement methods or any combination thereof:

- (1) Invitation to bid.
- (2) Request for proposals.
- (3) Special procurement.
- (4) Small purchase.
- (5) State procurement.
- (6) Sole source procurement.
- (7) Any other method or process which is approved by the director pursuant to 65 IAC 2-4-1.
- (8) Any other method or process which is approved by the commission for a specific contract, or series of contracts, for goods or services.

*(State Lottery Commission; 65 IAC 2-1-4; emergency rule filed Jul 20, 1989, 4:10 p.m.: 12 IR 2293; emergency rule filed Dec 9, 1996, 4:00 p.m.: 20 IR 962; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; readopted filed Nov 14, 2007, 3:02 p.m.: 20071212-IR-065070656RFA; emergency rule filed Feb 11, 2011, 2:41 p.m.: 20110216-IR-065110082ERA)*

**65 IAC 2-1-5 Invitation to bid**

Authority: IC 4-30-3-7; IC 4-30-3-9  
Affected: IC 4-30-3-16; IC 4-30-8

Sec. 5. (a) The procedure in this section shall be followed in awarding contracts by invitation to bid as follows:

- (1) An invitation to bid shall be issued and must include the following:
  - (A) A description of the goods and services to be purchased, including the time and place for delivery of the goods and services.
  - (B) All contractual terms and conditions applicable to the procurement.
  - (C) A statement of the evaluation criteria to be used to determine the winning bid.
  - (D) The date and time by which bids must be submitted to the commission to be considered.

(2) Public notice shall be given in the manner required by section 12 of this rule.

(b) Bids shall be evaluated based only on the criteria set forth in the invitation to bid.

(c) Correction or withdrawal of inadvertently erroneous bids before or after award, or cancellation of awards or contracts based on such mistakes, shall be permitted at the discretion of the director. After bid opening, changes in bid prices or other provisions of bids prejudicial to the interest of the commission or fair competition shall not be permitted.

(d) If a bidder inserts contract terms or bids on items not specified in the invitation for bids, the director shall treat the additional material as a proposal for addition to the contract and may:

- (1) find the bidder to be nonresponsive;
- (2) permit the bidder to withdraw the proposed additions to the contract in order to meet the requirements and criteria set forth in the invitation for bids; or
- (3) accept any of the proposed additions to the contract that are not clearly prejudicial to fair competition.

(e) A contract shall be awarded with reasonable promptness by written notice to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bids and offers the best value to the commission as determined by the director or the director's designee.

(f) The director may utilize a two (2) step bid process by requiring that bidders initially submit unpriced offers in response to

an invitation to bid. Submission of priced bids may then be restricted to only those bidders whose offer qualified under the criteria set forth in the original invitation. *(State Lottery Commission; 65 IAC 2-1-5; emergency rule filed Jul 20, 1989, 4:10 p.m.: 12 IR 2293; emergency rule filed Nov 20, 1989, 10:05 a.m.: 13 IR 679; emergency rule filed Dec 9, 1996, 4:00 p.m.: 20 IR 962; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; readopted filed Nov 14, 2007, 3:02 p.m.: 20071212-IR-065070656RFA; emergency rule filed Feb 11, 2011, 2:41 p.m.: 20110216-IR-065110082ERA)*

**65 IAC 2-1-6 Sealed bids (two-step) (Repealed)**

Sec. 6. *(Repealed by State Lottery Commission; emergency rule filed Feb 11, 2011, 2:41 p.m.: 20110216-IR-065110082ERA)*

**65 IAC 2-1-7 Request for proposals**

Authority: IC 4-30-3-7; IC 4-30-3-9

Affected: IC 4-30-3-16; IC 4-30-8-2

Sec. 7. (a) The director may award a contract using the procedure in this section.

(b) Proposals shall be solicited through a request for proposals, which must include the following:

(1) A description of the fundamental qualities of the goods and services being sought.

(2) A statement concerning the criteria that will be used to determine the winning proposal and relative importance of price and the other evaluation factors.

(3) The date and time by which proposals must be submitted to the commission to be considered.

(c) Public notice shall be given in the manner required by section 12 of this rule.

(d) If provided in the request for proposals or determined by the director to be desirable, discussions may be conducted with responsible offerors, who submit proposals determined to be reasonably susceptible of being selected for award, for the purpose of clarification to assure full understanding of, and responsiveness to, the solicitation requirements or correcting errors or omissions in the proposal.

(e) Award shall be made to the responsible offeror whose proposal is determined in writing to be most advantageous to the state, taking into consideration price and other evaluation factors set forth in the request for proposals.

(f) Offerors determined to be reasonably susceptible of being selected for award must be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals.

(g) The only factors or criteria that may be used in the evaluation of proposals are those specified in the request for proposals. *(State Lottery Commission; 65 IAC 2-1-7; emergency rule filed Jul 20, 1989, 4:10 p.m.: 12 IR 2294; emergency rule filed Dec 9, 1996, 4:00 p.m.: 20 IR 963; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; readopted filed Nov 14, 2007, 3:02 p.m.: 20071212-IR-065070656RFA; emergency rule filed Feb 11, 2011, 2:41 p.m.: 20110216-IR-065110082ERA)*

**65 IAC 2-1-8 Special procurement**

Authority: IC 4-30-3-7; IC 4-30-3-9

Affected: IC 4-30-3-16; IC 4-30-8

Sec. 8. (a) Notwithstanding any other provision of this article, the director may make, or authorize others to make, special procurements:

(1) when there exists a threat to public health, welfare, or safety, or the integrity or operation of the lottery;

(2) when there exists a unique opportunity to obtain supplies or services at a substantial savings, including an opportunity to obtain supplies or services at reduced cost or no cost;

(3) when the market structure requires the commission to inspect and bid on the supplies to be procured;

(4) for the procurement of data processing contracts or license agreements for:

(A) software programs;

(B) hardware; or

(C) software and hardware maintenance contracts;

(5) for any services, provided that a broad announcement of the availability of the contracting opportunity is made in such a manner as is determined by the director to be reasonably calculated to be received by a substantial number of potential vendors;

(6) when the compatibility of equipment, accessories, or replacement parts is a substantial consideration in the procurement

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PROCUREMENT

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and only a limited number of sources meet the commission's reasonable requirements;

(7) when procurement of the required supplies or services under another section of this rule would seriously impair the functioning of the lottery;

(8) when a contract has been solicited for a procurement under another section of this rule and the commission has not received a reasonable, responsive offer;

(9) when the time periods for performance as determined by the director would be seriously impaired by competitive bidding, so long as at least two (2) price quotes are obtained.

(b) A special procurement must be made with such competition as is practicable under the circumstances as determined by the director.

(c) A written determination of the basis for the special procurement must be included in the contract file. *(State Lottery Commission; 65 IAC 2-1-8; emergency rule filed Jul 20, 1989, 4:10 p.m.: 12 IR 2295; emergency rule filed Sep 5, 1989, 3:20 p.m.: 13 IR 91; emergency rule filed Oct 24, 1989, 2:15 p.m.: 13 IR 408; emergency rule filed Nov 20, 1989, 10:05 a.m.: 13 IR 680; emergency rule filed Dec 9, 1996, 4:00 p.m.: 20 IR 964; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; emergency rule filed Jul 26, 2007, 11:03 a.m.: 20070808-IR-065070473ERA; readopted filed Nov 14, 2007, 3:02 p.m.: 20071212-IR-065070656RFA)*

**65 IAC 2-1-9 Small purchases**

Authority: IC 4-30-3-7; IC 4-30-3-9

Affected: IC 4-30-3-16; IC 4-30-8

Sec. 9. A contract in an amount which does not exceed three hundred thousand dollars (\$300,000) may be made under any practice or procedure as may be considered desirable by the director, provided that, when practicable, more than one (1) price quote is obtained for any procurement valued in excess of one hundred thousand dollars (\$100,000). If a series of contracts awarded under this section for a single classification of goods or services are awarded to one (1) vendor and such contracts are all awarded within a period of six (6) months or less and the total contract price on such series of contracts exceeds four hundred thousand dollars (\$400,000), then any of the contracts in such series which would cause the total contract price to be in excess of four hundred thousand dollars (\$400,000) shall not be deemed to be a small purchase qualifying under this section. *(State Lottery Commission; 65 IAC 2-1-9; emergency rule filed Jul 20, 1989, 4:10 p.m.: 12 IR 2295; emergency rule filed Sep 5, 1989, 3:20 p.m.: 13 IR 92; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; emergency rule filed Jul 26, 2007, 11:03 a.m.: 20070808-IR-065070473ERA; readopted filed Nov 14, 2007, 3:02 p.m.: 20071212-IR-065070656RFA; emergency rule filed Feb 11, 2011, 2:41 p.m.: 20110216-IR-065110082ERA)*

**65 IAC 2-1-10 State procurement**

Authority: IC 4-30-3-7; IC 4-30-3-9

Affected: IC 4-30-3-16; IC 4-30-8

Sec. 10. The director may procure any supplies or services from any vendor based on prices set by a contract between the state of Indiana and that vendor. *(State Lottery Commission; 65 IAC 2-1-10; emergency rule filed Jul 20, 1989, 4:10 p.m.: 12 IR 2295; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; readopted filed Nov 14, 2007, 3:02 p.m.: 20071212-IR-065070656RFA)*

**65 IAC 2-1-10.1 Sole source procurement**

Authority: IC 4-30-3-7; IC 4-30-3-9

Affected: IC 4-30-3-16; IC 4-30-8

Sec. 10.1. A contract may be awarded for a supply or service without competition when the director, or the director's designee, states in writing the determination that there is only one (1) known or available source for the required supply or service. A copy of such determination shall be made a part of the contract file. *(State Lottery Commission; 65 IAC 2-1-10.1; emergency rule filed Dec 9, 1996, 4:00 p.m.: 20 IR 964; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; readopted filed Nov 14, 2007, 3:02 p.m.: 20071212-IR-065070656RFA)*

**65 IAC 2-1-11 Cancellation; rejection; amendment of solicitations**

Authority: IC 4-30-3-7; IC 4-30-3-9  
Affected: IC 4-30-3-16; IC 4-30-8

Sec. 11. (a) When the director determines that it is in the best interests of the commission, any solicitation, including an invitation for a bid or proposal, may be canceled 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; emergency rule filed Jul 20, 1989, 4:10 p.m.: 12 IR 2295; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; readopted filed Nov 14, 2007, 3:02 p.m.: 20071212-IR-065070656RFA*)

**65 IAC 2-1-12 Manner of giving notice**

Authority: IC 4-30-3-7; IC 4-30-3-9  
Affected: IC 4-30-3-16; IC 4-30-8

Sec. 12. (a) Whenever public notice is required by this rule, the notice shall be given in the manner prescribed by this section.

(b) If the ultimate expenditure involved in a procurement is estimated by the director, or the director's designee, to exceed three hundred thousand dollars (\$300,000), a notice shall be published at least once.

(c) The director, or the director's designee, may provide for publication of additional notices, even if no publication is required by this subsection. Whenever publication of notice is required by this section, the notice shall be published at least in one (1) newspaper of general circulation in Marion County, Indiana. If any of the services or supplies being procured are for a specific use located outside Marion County, Indiana, the notice may also be published in one (1) or more newspapers of general circulation in the area in which the services or supplies are to be used. The director, or the director's designee, may designate additional newspapers for the publication of notice according to the nature of the procurement.

(d) The director, or the director's designee, may send notices, invitations to bid, requests to bid, requests for offers, or requests for proposals to prospective bidders or offerors known to the director, or the director's designee, to be reasonably disposed to bid on a procurement. However, failure to give notice to a particular bidder or offeror does not invalidate a procurement under this rule. (*State Lottery Commission; 65 IAC 2-1-12; emergency rule filed Jul 20, 1989, 4:10 p.m.: 12 IR 2295; emergency rule filed Dec 9, 1996, 4:00 p.m.: 20 IR 965; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; emergency rule filed Jul 26, 2007, 11:03 a.m.: 20070808-IR-065070473ERA; readopted filed Nov 14, 2007, 3:02 p.m.: 20071212-IR-065070656RFA; emergency rule filed Feb 11, 2011, 2:41 p.m.: 20110216-IR-065110082ERA*)

**65 IAC 2-1-13 Disclosure requirements for major procurements**

Authority: IC 4-30-3-7; IC 4-30-3-9  
Affected: IC 4-30

Sec. 13. (a) All offerors for a major procurement as defined in IC 4-30 shall submit the information required by IC 4-30 at the time of submission of its bid, proposal, or offer. Immediately prior to execution of a contract by a vendor, the vendor shall update the disclosures. The vendor shall be under continuous duty to correct any such information as may be later found to have been incorrect or incomplete when submitted. The vendor shall be under a duty to update and revise such disclosure only in accordance with the provisions of the vendor's contract.

(b) The director may require such additional disclosures as may be desired for the purpose of enforcing, auditing, investigating, or confirming the accuracy of the disclosures or for any proper purpose. (*State Lottery Commission; 65 IAC 2-1-13; emergency rule filed Jul 20, 1989, 4:10 p.m.: 12 IR 2296; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; readopted filed Nov 14, 2007, 3:02 p.m.: 20071212-IR-065070656RFA*)

**65 IAC 2-1-14 Contract types (Repealed)**

Sec. 14. (*Repealed by State Lottery Commission; emergency rule filed Feb 11, 2011, 2:41 p.m.: 20110216-IR-065110082ERA*)

**65 IAC 2-1-15 Contract terms**

Authority: IC 4-30-3-7; IC 4-30-3-9  
Affected: IC 4-30-3-16; IC 4-30-8

Sec. 15. No contract shall obligate the commission for a period in excess of four (4) years without the prior approval of the commission. Any contract may contain one (1) or more option periods or provisions for extensions of the contract term, provided that:

- (1) any individual option period or extension does not exceed two (2) years in duration; and
- (2) any individual option period or extension may become effective only upon the specific, affirmative exercise of the option, or the specific, affirmative agreement to the extension, by the director.

*(State Lottery Commission; 65 IAC 2-1-15; emergency rule filed Jul 20, 1989, 4:10 p.m.: 12 IR 2296; emergency rule filed Sep 5, 1989, 3:20 p.m.: 13 IR 92; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; readopted filed Nov 14, 2007, 3:02 p.m.: 20071212-IR-065070656RFA)*

**65 IAC 2-1-16 Contract clauses**

Authority: IC 4-30-3-7; IC 4-30-3-9  
Affected: IC 4-30

Sec. 16. Any contract with the commission may contain any terms and conditions and any contract clauses which are not prohibited by the Indiana state lottery statute IC 4-30, or federal law. *(State Lottery Commission; 65 IAC 2-1-16; emergency rule filed Jul 20, 1989, 4:10 p.m.: 12 IR 2297; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; readopted filed Nov 14, 2007, 3:02 p.m.: 20071212-IR-065070656RFA)*

**65 IAC 2-1-17 Public records (Repealed)**

Sec. 17. *(Repealed by State Lottery Commission; emergency rule filed Feb 11, 2011, 2:41 p.m.: 20110216-IR-065110082ERA)*

**65 IAC 2-1-18 Meaning of "vendor under contract with the commission" (Repealed)**

Sec. 18. *(Repealed by State Lottery Commission; emergency rule filed May 4, 1990, 4:35 p.m.: 13 IR 1733)*

**65 IAC 2-1-19 Meaning of "security services" (Repealed)**

Sec. 19. *(Repealed by State Lottery Commission; emergency rule filed Feb 11, 2011, 2:41 p.m.: 20110216-IR-065110082ERA)*

**65 IAC 2-1-20 Contracts to be in writing; provisions required by statute**

Authority: IC 4-30-3-7; IC 4-30-3-9  
Affected: IC 4-30

Sec. 20. (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; emergency rule filed Oct 24, 2007, 2:23 p.m.: 20071107-IR-065070732ERA; readopted filed Nov 14, 2007, 3:02 p.m.: 20071212-IR-065070656RFA)*

**65 IAC 2-1-21 Penalty for late payments**

Authority: IC 4-30-3-7; IC 4-30-3-9  
Affected: IC 4-30-3-16; IC 4-30-8

Sec. 21. (a) Any contract to which the commission is a party shall not require a late payment penalty at a rate in excess of one percent (1%) per month whenever the commission fails to make timely payment.

(b) For the purposes of this section, payment is timely if a check or payment is mailed or delivered on the date specified for the amount specified in the applicable contract documents, or if no date is specified, within thirty-five (35) days receipt of a properly completed claim or invoice. *(State Lottery Commission; 65 IAC 2-1-21; emergency rule filed Feb 11, 2011, 2:41 p.m.: 20110216-IR-065110082ERA)*

**Rule 2. Leases of Real Property**

**65 IAC 2-2-1 Authority to lease real property**

Authority: IC 4-30-3-7; IC 4-30-3-9  
Affected: IC 4-30

Sec. 1. (a) The director of the state lottery commission shall have the authority to lease all real property necessary for the efficient operation of the lottery and for the conducting of the business of the commission and the director, including, but not limited to, office space, warehouse facilities, parking facilities, and fixtures and improvements related thereto and services related to the use and occupancy of the property.

(b) The term of such a lease may not exceed four (4) years without the prior approval of the commission.

(c) The lease may contain option periods or extensions of the lease term provided that:

(1) no individual option period or extension period may be more than two (2) years in duration; and

(2) the option period or extension period becomes effective only upon the specific, affirmative exercise of the option period, or the specific, affirmative agreement to the extension, by the director.

*(State Lottery Commission; 65 IAC 2-2-1; emergency rule filed Jul 20, 1989, 4:10 p.m.: 12 IR 2297; emergency rule filed Sep 5, 1989, 3:20 p.m.: 13 IR 92; errata, 13 IR 402; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; readopted filed Nov 14, 2007, 3:02 p.m.: 20071212-IR-065070656RFA)*

**Rule 3. Contracts with State Agencies**

**65 IAC 2-3-1 Authority to contract with state agencies**

Authority: IC 4-30-3-7; IC 4-30-3-9  
Affected: IC 4-30-3-16; IC 4-30-8-9

Sec. 1. The director may contract with any state agency or official for any purpose provided that the term of such a contract does not exceed four (4) years. If the director concludes that the state agency, whether for reasons of economy, convenience, or otherwise, should supply goods or services to the commission which the agency procures for a third party other than a state employee, then such a contract must require that the agency's procurement of those goods or services be accomplished in accordance with any applicable safeguards and procedures of IC 4-13.4 and not pursuant to the agency's use of the exception set forth in IC 4-30-8-9. *(State Lottery Commission; 65 IAC 2-3-1; emergency rule filed Jul 20, 1989, 4:10 p.m.: 12 IR 2297; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; readopted filed Nov 14, 2007, 3:02 p.m.: 20071212-IR-065070656RFA)*

**Rule 4. Other Contracts**

**65 IAC 2-4-1 Consideration by director**

Authority: IC 4-30-3-7; IC 4-30-3-9  
Affected: IC 4-30

Sec. 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.
- (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; emergency rule filed Sep 5, 1989, 3:20 p.m.: 13 IR 92; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; readopted filed Nov 14, 2007, 3:02 p.m.: 20071212-IR-065070656RFA)*

**Rule 5. Procurement Claims and Appeals**

**65 IAC 2-5-1 Application (Repealed)**

Sec. 1. *(Repealed by State Lottery Commission; emergency rule filed Feb 11, 2011, 2:41 p.m.: 20110216-IR-065110082ERA)*

**65 IAC 2-5-2 Appeal of eligibility or disqualification (Repealed)**

Sec. 2. *(Repealed by State Lottery Commission; emergency rule filed Feb 11, 2011, 2:41 p.m.: 20110216-IR-065110082ERA)*

**65 IAC 2-5-3 Appeal of denial of permission to withdraw bid (Repealed)**

Sec. 3. *(Repealed by State Lottery Commission; emergency rule filed Feb 11, 2011, 2:41 p.m.: 20110216-IR-065110082ERA)*

**65 IAC 2-5-4 Appeal of decision that prospective vendor is not responsible (Repealed)**

Sec. 4. *(Repealed by State Lottery Commission; emergency rule filed Feb 11, 2011, 2:41 p.m.: 20110216-IR-065110082ERA)*

**65 IAC 2-5-5 Appeal of award or decision to award a contract (Repealed)**

Sec. 5. *(Repealed by State Lottery Commission; emergency rule filed Feb 11, 2011, 2:41 p.m.: 20110216-IR-065110082ERA)*

**65 IAC 2-5-6 Contract claims (Repealed)**

Sec. 6. *(Repealed by State Lottery Commission; emergency rule filed Feb 11, 2011, 2:41 p.m.: 20110216-IR-065110082ERA)*

**65 IAC 2-5-7 Notice of appeal (Repealed)**

Sec. 7. *(Repealed by State Lottery Commission; emergency rule filed Feb 11, 2011, 2:41 p.m.: 20110216-IR-065110082ERA)*

**65 IAC 2-5-8 Hearing procedures (Repealed)**

Sec. 8. *(Repealed by State Lottery Commission; emergency rule filed Feb 11, 2011, 2:41 p.m.: 20110216-IR-065110082ERA)*

**65 IAC 2-5-9 Hearing judge's decision (Repealed)**

Sec. 9. *(Repealed by State Lottery Commission; emergency rule filed Feb 11, 2011, 2:41 p.m.: 20110216-IR-065110082ERA)*

**65 IAC 2-5-10 Rehearing (Repealed)**

Sec. 10. *(Repealed by State Lottery Commission; emergency rule filed Feb 11, 2011, 2:41 p.m.: 20110216-IR-065110082ERA)*

**65 IAC 2-5-11 Legal action (Repealed)**

Sec. 11. *(Repealed by State Lottery Commission; emergency rule filed Feb 11, 2011, 2:41 p.m.: 20110216-IR-065110082ERA)*

**65 IAC 2-5-12 Computation of time; delivery (Repealed)**

Sec. 12. *(Repealed by State Lottery Commission; emergency rule filed Feb 11, 2011, 2:41 p.m.: 20110216-IR-065110082ERA)*

**65 IAC 2-5-13 Request for ruling (Repealed)**

Sec. 13. *(Repealed by State Lottery Commission; emergency rule filed Dec 7, 1992, 5:00 p.m.: 16 IR 1196)*

**65 IAC 2-5-13.1 Request for ruling (Repealed)**

Sec. 13.1. *(Repealed by State Lottery Commission; emergency rule filed Feb 11, 2011, 2:41 p.m.: 20110216-IR-065110082ERA)*

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