

By: Flores

H.B. No. 1179

A BILL TO BE ENTITLED

AN ACT

relating to procurements by the Texas Lottery Commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 466.101, Government Code, is amended to read as follows:

Sec. 466.101. PROCUREMENT PROCEDURES. Except as otherwise provided by this subchapter, the general law governing purchasing and contracts by state agencies applies to the commission.

~~[(a) The executive director may establish procedures for the purchase or lease of facilities, goods, and services and make any purchases, leases, or contracts that are necessary for carrying out the purposes of this chapter. The procedures must, as determined feasible and appropriate by the executive director, promote competition to the maximum extent possible.~~

~~[(b) In all procurement decisions, the executive director shall take into account the particularly sensitive nature of the lottery and shall act to promote and ensure integrity, security, honesty, and fairness in the operation and administration of the lottery and the objective of producing revenues for the state treasury.~~

~~[(c) The procurement procedures adopted by the executive director must, as determined feasible and appropriate by the executive director, afford any party who is aggrieved by the terms of a solicitation or the award of a contract an opportunity to~~

1 ~~protest the executive director's action to the commission. The~~  
2 ~~protest procedures must provide for an expedient resolution of the~~  
3 ~~protest in order to avoid substantially delaying a solicitation or~~  
4 ~~contract award that is necessary for the timely implementation of a~~  
5 ~~lottery game. A protest must be in writing and be filed with the~~  
6 ~~commission not later than 72 hours after receipt of notice of the~~  
7 ~~executive director's action.~~

8 ~~[(d) A party who is aggrieved by the commission's resolution~~  
9 ~~of a protest under Subsection (c) may file an action in the district~~  
10 ~~court of Travis County. The court shall give preference to hearings~~  
11 ~~and trials of actions under this section. If the party filing the~~  
12 ~~action seeks to enjoin the implementation of a solicitation or~~  
13 ~~contract, the party shall post a bond that is payable to the state~~  
14 ~~if the party does not prevail in the appeal, and is in an amount~~  
15 ~~sufficient to compensate the state for the revenue that would be~~  
16 ~~lost due to the delay in lottery operations.~~

17 ~~[(c) The commission shall require any person seeking to~~  
18 ~~contract for goods or services relating to the implementation and~~  
19 ~~administration of this chapter to submit to competitive bidding~~  
20 ~~procedures in accordance with rules adopted by the commission. The~~  
21 ~~procedures must be for the purpose of ensuring fairness and~~  
22 ~~integrity.]~~

23 SECTION 2. Sections 466.102, 466.104, 466.105, 466.106,  
24 466.107, and 466.108, Government Code, are repealed.

25 SECTION 3. (a) The change in law made by this Act governing  
26 purchasing and contracts by the Texas Lottery Commission applies to  
27 a purchase or contract made on or after the effective date of this

1 Act, except that a contract or purchase for which the initial notice  
2 soliciting bids or proposals or other applicable expressions of  
3 interest is given before that date is governed by the law in effect  
4 when the initial notice for the contract or purchase is given, and  
5 the former law is continued in effect for that purpose.

6 (b) The change in law made by this Act does not affect a  
7 contract entered into before the effective date of this Act and does  
8 not apply to a purchase made on or after the effective date under a  
9 contract entered into before the effective date if the purchase is  
10 made during the period covered by the contract.

11 SECTION 4. This Act takes effect September 1, 2007.