

A RESOLUTION

23-29

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 19, 2019

To declare the existence of an emergency with respect to the need to exempt the initial procurement contract entered into in connection with the Sports Wagering Lottery Amendment Act of 2018 and the Sports Wagering Lottery Emergency Amendment Act of 2018 from the requirements of the Procurement Practices Reform Act of 2010.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Sports Wagering Procurement Practices Reform Exemption Emergency Declaration Resolution of 2019”.

Sec. 2. (a) This emergency legislation will exempt the initial procurement contract entered into in connection with the Sports Wagering Lottery Amendment Act of 2018, enacted on January 23, 2019 (D.C. Act 22-594; 66 DCR 1402), and the Sports Wagering Lottery Emergency Amendment Act of 2018, effective January 30, 2019 (D.C. Act 22-630; 66 DCR 1745), from the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*). The procurement will be subject to the requirements that the contract be approved by Council if required by section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and that the contract meet or exceed CBE requirements.

(b) In June 2018, the United States Supreme Court, in *Murphy v. National Collegiate Athletic Association*, \_\_\_ U.S. \_\_\_, 138 S. Ct. 1461, 200 L. Ed. 2d 854 (2018), overturned the prohibition under the Professional and Amateur Sports Protection Act (PASPA) of states authorizing and licensing sports gambling and of private actors sponsoring, operating, or promoting sports gambling.

(c) As a result of the Court’s decision that jurisdictions are not prohibited from legalizing and regulating sports wagering, on December 18, 2018, the Council approved the Sports Wagering Lottery Amendment Act of 2018, enacted on January 23, 2019 (D.C. Act 22-594; 66 DCR 1402), and the Sports Wagering Lottery Emergency Amendment Act of 2018, effective January 30, 2019 (D.C. Act 22-630; 66 DCR 1745).

**ENROLLED ORIGINAL**

(d) To maximize revenues for the District of Columbia, job creation, and business revenues from sports wagering, it is important that the District leverage its first mover status in the region.

(e) To capitalize on the District's first mover status, the Council has passed the Sports Wagering Procurement Practices Reform Exemption Act of 2019, passed on 2nd reading on February 19, 2019 (Enrolled version of Bill 23-25) (the "Permanent Act").

(f) Emergency legislation that corresponds to the Permanent Act is necessary because the procurement for the initial sports-betting, lottery-gaming-systems and related-services contract must be conducted in an expedited manner that is exempt from the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*), so that the Office of Lottery and Gaming expeditiously may begin preparing to regulate and operate sports wagering in the District.

(g) An extended request-for-proposals process would delay implementation of sports wagering by as many as 3 years, foregoing revenue and eliminating advantages of being an early adopter. The costs of delay include foregone economic activity and costs from shifting of the ramp-up in average wagering.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Sports Wagering Procurement Practices Reform Exemption Emergency Act of 2019 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.