

TEXAS TRANSPORTATION COMMISSION

ADMINISTRATION

MINUTE ORDER

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This minute order considers a donation from a non-profit entity of professional services to be provided by McKinsey and Company and to be used to reduce the cost and increase the effectiveness of the department's maintenance processes. The estimated value of the donation is up to \$2,000,000.

The department has determined that acceptance of the donation is in the best interest and welfare of the traveling public and provides a significant public benefit.

Transportation Code, §201.206, authorizes the department to accept a donation in any form, including realty, personalty, money, materials, and services, for the purpose of carrying out its functions and duties. Government Code, Chapter 575, requires the governing board of a state agency to acknowledge the acceptance of a donation valued at \$500 or more by majority vote at an open meeting, not later than the 60th day after the date the donation is accepted. It also prohibits a state agency from accepting a donation from a person who is a party to a contested case before the agency until the 30th day after the date the decision in the case becomes final.

The Texas Transportation Commission (commission) has adopted 43 TAC §§1.500-1.506, which relate to the department's acceptance of donations. Section 1.503 prohibits acceptance of a gift or donation when the donor is subject to department regulation or oversight or when the donor is interested in or likely to become interested in any contract, purchase, payment, or claim with or against the department, except as provided by that section. It also provides that the commission may approve the acceptance of a donation, notwithstanding the foregoing proscriptions in the rules, if it determines that acceptance would provide a significant public benefit and would not influence or reasonably appear to influence the department in the performance of its duties.

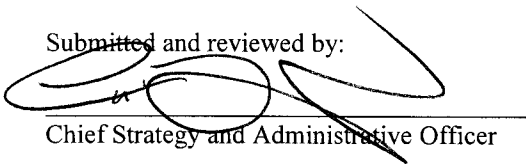
The commission finds that the donation furthers the department's responsibilities and that McKinsey and Company is not a party to a contested case before the department and has not been a party to a contested case before the department during the last 30 days. The non-profit entity will be an organization that is not a party to a contested case before the department and has not been a party to a contested case before the department during the last 30 days.

The commission also finds that the McKinsey and Company is not subject to department regulation or oversight and is not interested in any contract, purchase, payment, or claim with or against the department. McKinsey and Company may become interested in a contract with the department in the future. The non-profit entity will be an organization that is not subject to department regulation or oversight and is not interested or likely to become interested in any contract, purchase, payment, or claim with or against the department.

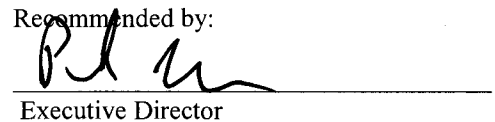
The commission finds that this donation will provide a significant public benefit and will not influence or reasonably appear to influence the department in the performance of its duties.

IT IS THEREFORE ORDERED by the commission that the donation with an estimated value of \$2,000,000 by McKinsey and Company is accepted. The executive director or the executive director's designee is authorized to execute all necessary documents under 43 TAC §1.504 to effect the acknowledgement of the donation.

Submitted and reviewed by:


Chief Strategy and Administrative Officer

Recommended by:


Executive Director

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Minute Number Date Passed