

## SENATE BILL No. 439

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 4-13-16.5-10; IC 5-22-13-6; IC 16-32-2-7.

**Synopsis:** Public purchases for persons with severe disabilities. Makes certain changes to the public purchasing law governing purchases for persons with severe disabilities.

**Effective:** Upon passage.

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**Hershman**

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January 12, 2011, read first time and referred to Committee on Commerce & Economic Development.

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PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2010 Regular Session of the General Assembly.

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**SENATE BILL No. 439**



A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 4-13-16.5-10 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE UPON PASSAGE]: **Sec. 10. The provisions of this**  
4 **chapter are in addition to and do not supplant the provisions of**  
5 **IC 5-22-13 concerning purchases from qualified agencies (as**  
6 **defined in IC 5-22-13-1) for persons with severe disabilities.**

7 SECTION 2. IC 5-22-13-6 IS ADDED TO THE INDIANA CODE  
8 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE  
9 UPON PASSAGE]: **Sec. 6. (a) As used in this section, "awardee"**  
10 **means a person, other than a qualified agency, that is awarded a**  
11 **contract or purchase order under this chapter for the provision of**  
12 **supplies or services for person with severe disabilities.**

13 **(b) A contract or purchase order is void or voidable at the**  
14 **election of a qualified agency if a purchasing agent fails to comply**  
15 **with section 3 of this chapter.**

16 **(c) A purchasing agent shall give notice to each awardee that in**  
17 **the event it is subsequently determined that the purchasing agent**



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**failed to comply with section 3 of this chapter, the failure may make the contract void or voidable.**

SECTION 3. IC 16-32-2-7, AS AMENDED BY P.L.46-2007, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. The committee shall do the following:

- (1) Request from any agency of the state or any unit of local government information concerning product specification and service requirements to enable the committee to carry out the intent of this chapter. The requested information shall be furnished to the executive secretary of the committee.
- (2) Meet as often as necessary to carry out the purposes of this chapter. However, the committee shall meet at least quarterly.
- (3) Request from each participating qualified nonprofit agency for persons with severe disabilities a quarterly report that describes employment data and the volume of sales for each product or service sold under this chapter. These reports shall be made available to the Indiana department of administration.
- (4) Establish the price for all products and services provided by persons with severe disabilities and offered for sale to state agencies and units of local government under IC 5-22-13 that the committee determines are suitable for use. The price fixed must recover for the qualified nonprofit agency for persons with severe disabilities the cost of raw materials, labor, overhead, and delivery cost. The committee shall periodically revise the prices in accordance with changing cost factors and adopt necessary rules regarding specifications, time of delivery, and fair market price.
- (5) Approve and prepare a publication that lists all products and services available from any qualified nonprofit agency for persons with severe disabilities that the committee determines are suitable for procurement. The procurement list and revisions of the procurement list shall be distributed to all purchasing officers of state agencies and units of local government for purchase under IC 5-22-13.
- (6) Encourage diversity in products and services provided by qualified nonprofit agencies for persons with severe disabilities and discourage unnecessary duplication or competition between facilities.
- (7) Update the state use catalog not less than every ninety (90) days starting January 1 of each year. The web based electronic version shall be considered the catalog of record.
- (8) Provide written notice to the secretary of family and social**

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1            **services and the director of the division of disability and**  
2            **rehabilitative services if the provisions of this chapter are**  
3            **violated by a governmental body that is not a political**  
4            **subdivision.**

5            **SECTION 4. An emergency is declared for this act.**

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