

# SENATE BILL No. 455

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 4-13-16.5-8.5.

**Synopsis:** State contracts. Provides for a penalty if a contractor entering into a contract with a state agency fails to enter into subcontracts with minority and women's business enterprises (MWBE) if the contractor specified in the contract that the contractor would enter into MWBE contracts.

**Effective:** July 1, 2013.

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### Breaux

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January 10, 2013, read first time and referred to Committee on Commerce, Economic Development & Technology.

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First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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## SENATE BILL No. 455



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 4-13-16.5-8.5 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2013]: **Sec. 8.5. (a) As used in this section,**  
4 **"contract" refers to any of the following:**  
5 (1) **A contract for the purchase of supplies by a state agency.**  
6 (2) **A contract for the performance of services for a state**  
7 **agency.**  
8 (3) **A public works contract (as defined in IC 4-13.6-1-14).**  
9 (4) **A contract to perform professional services (as defined in**  
10 **IC 4-13.6-1-11) in connection with a public works contract.**  
11 **(b) As used in this section, "contractor" refers to a person**  
12 **awarded a contract by a state agency.**  
13 **(c) This section applies to a contractor who has entered into a**  
14 **contract with a state agency in which the contract designated that**  
15 **minority business or women's business enterprises would be used**  
16 **to furnish any supplies or perform any work under the contract**  
17 **awarded to the contractor.**



1           **(d) If a contractor fails to meet the goals and obligations set out**  
2 **in a contract described in subsection (c), the awarding state agency**  
3 **may consider the failure a breach of contract and do any of the**  
4 **following:**  
5           **(1) Cancel the contract.**  
6           **(2) Collect from the contractor all funds paid to the**  
7 **contractor under the contract.**  
8           **(3) Exercise any of the state's rights set out in the contract.**  
9           **(4) Use the failure as a basis for finding the contractor not**  
10 **responsible when awarding other contracts.**

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