

ARTICLE 2. CONTRACT APPROVAL

Rule 1. Definitions

10 IAC 2-1-1 Definitions

Authority: IC 4-13-2-14.3

Affected: IC 4-13-2

Sec. 1. (a) "Purchase orders" means those forms identified as purchase orders and approved by the state board of accounts, the commission on public records, the commissioner of the department of administration and the attorney general.

(b) "Quantity purchase agreement (QPA)" means those agreements authorized by 25 IAC 1.1-1-16(f) and approved by a deputy designated by the attorney general to review and approve contracts.

(c) "Quantity purchase award release (QPA release)" means that form used by the commissioner of the department of administration to make purchases against a quantity purchase agreement and approved by the state board of accounts, the commission on public records, the commissioner of the department of administration and the attorney general.

(d) "General terms and conditions" means those contract terms and conditions approved by the attorney general for usage with all invitations to bid and contracts approved by rule adopted by the attorney general.

(e) "Special terms and conditions" means those contract terms and conditions approved by the attorney general for usage in particularized invitations to bid and with particular contract types approved by a rule adopted by the attorney general.

(f) "Single contract terms and conditions" means those contract terms and conditions approved by a deputy attorney general designated by the attorney general to review and approve contracts for usage in a specific and single invitation to bid or contract and may provide for modification, alteration, addition or deletion to general terms and conditions or special terms and conditions in that particular invitation to bid. (*Office of Attorney General for the State; 10 IAC 2-1-1; filed Feb 17, 1986, 4:00 pm: 9 IR 1546; readopted filed Nov 6, 2001, 10:15 a.m.: 25 IR 897; readopted filed Nov 13, 2007, 2:13 p.m.: 20071212-IR-010070549RFA; readopted filed Nov 21, 2013, 10:06 a.m.: 20131218-IR-010130348RFA; readopted filed Nov 14, 2019, 2:10 p.m.: 20191211-IR-010190511RFA*)

Rule 2. Form Approval

10 IAC 2-2-1 Purchase order form and QPA release form approval

Authority: IC 4-13-2-14.3

Affected: IC 4-13-2; IC 4-13.6-1-13; IC 5-22-7

Sec. 1. (a) The department of administration, procurement division, may issue purchase orders or QPA releases on behalf of any state agency without submitting such purchase order forms or QPA releases individually to the office of attorney general for review and approval in the following circumstances:

(1) The purchase order or QPA release is issued pursuant to a contract or QPA that has been individually reviewed and approved by a deputy attorney general designated by the attorney general to review and approve contracts.

(2) The total amount of the purchase order is less than one hundred thousand dollars (\$100,000), and it is issued, as a result of a bidding procedure conducted in accordance with IC 5-22-7, for the purchase of supplies that are tangible personal property and the invitation to bid utilizes only general terms and conditions, special terms and conditions or single contract terms and conditions.

(3) The purchase order is issued for the purchase of supplies or services where the contract is approved by a rule adopted by the attorney general.

(b) The department of administration, public works division, may issue purchase orders on behalf of any state agency for public works projects, as defined in IC 4-13.6-1-13, without submitting such purchase order forms individually to the office of the attorney general for review and approval in the following circumstances:

(1) The purchase order is issued pursuant to a contract that has been individually reviewed and approved by a deputy attorney general designated by the attorney general to review and approve contracts.

(2) The total amount of the purchase order is less than two thousand five hundred dollars (\$2,500) and the contract is approved by a rule adopted by the attorney general.

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(c) All proposed purchase order forms and QPA release forms shall be submitted to the office of attorney general prior to usage under the provisions of subsections (a) and (b) of this section. Attorney general approval of such forms will be given in writing and filed with the commissioner of the department of administration, the state board of accounts and the commission on public records. This approval may be revoked, prospectively, upon written notice filed with the commissioner of the department of administration, the state board of accounts and the commission on public records.

(d) Purchase orders or QPA releases, in order to be issued, must include additional information not preprinted on the form including, but not limited to, the name and address of the vendor or contractor, the state agency involved, budgetary account information, a description of the goods or services, the price, and other various items. The procurement division or the public works division shall so complete these forms; however, no term in conflict with those terms shown on the invitation to bid or preprinted on the purchase order forms, or in conflict with the contract individually approved by a deputy attorney general, may be added without the written approval of a deputy attorney general designated by the attorney general to review and approve contracts.

(e) All purchase orders or QPA releases not meeting the requirements of this section must be individually submitted to the office of the attorney general for review and approval. (*Office of Attorney General for the State; 10 IAC 2-2-1; filed Feb 17, 1986, 4:00 pm: 9 IR 1546; readopted filed Nov 6, 2001, 10:15 a.m.: 25 IR 897; readopted filed Nov 13, 2007, 2:13 p.m.: 20071212-IR-010070549RFA; errata filed Oct 17, 2008, 11:10 a.m.: 20081029-IR-010080820ACA; readopted filed Nov 21, 2013, 10:06 a.m.: 20131218-IR-010130348RFA; readopted filed Nov 14, 2019, 2:10 p.m.: 20191211-IR-010190511RFA*)

10 IAC 2-2-1.5 Department of transportation purchase order form approval

Authority: IC 4-13-2-14.3

Affected: IC 8-23-2-6

Sec. 1.5. (a) The department of transportation may issue purchase orders on behalf of the agency without submitting such purchase order forms individually to the office of the attorney general for review and approval in the following circumstances:

(1) The purchase order is issued pursuant to a contract that has been individually reviewed and approved by a deputy attorney general designated by the attorney general to review and approve contracts.

(2) The total amount of the purchase order is less than one hundred thousand dollars (\$100,000), and it is issued, as a result of a bidding procedure conducted in accordance with 105 IAC 12, for the purchase of supplies that are tangible personal property and the invitation to bid utilizes only general terms and conditions, special terms and conditions, or single contract terms and conditions.

(3) The purchase order is issued for the purchase of supplies or services where the contract is approved by a rule adopted by the attorney general.

(b) All proposed purchase order forms shall be submitted to the office of the attorney general prior to usage under the provisions of subsection (a). Attorney general approval of such forms will be given in writing and filed with the commissioner of the department of transportation, the state board of accounts, and the commission on public records. This approval may be revoked, prospectively, upon written notice filed with the commissioner of the department of transportation, the state board of accounts, and the commission on public records.

(c) Purchase orders, in order to be issued, must include additional information not preprinted on the form, including, but not limited to, the name and address of the vendor or contractor, budgetary account information, a description of the goods or services, the price, and other various items. In completing these forms, no term in conflict with those terms shown on the invitation to bid or preprinted on the purchase order forms, or in conflict with the contract individually approved by a deputy attorney general, may be added without the written approval of a deputy attorney general designated by the attorney general to review and approve contracts.

(d) All purchase orders not meeting the requirements of this section must be individually submitted to the office of the attorney general for review and approval. (*Office of Attorney General for the State; 10 IAC 2-2-1.5; filed Feb 2, 1995, 3:20 p.m.: 18 IR 1454; readopted filed Nov 6, 2001, 10:15 a.m.: 25 IR 897; readopted filed Nov 13, 2007, 2:13 p.m.: 20071212-IR-010070549RFA; readopted filed Nov 21, 2013, 10:06 a.m.: 20131218-IR-010130348RFA; readopted filed Nov 14, 2019, 2:10 p.m.: 20191211-IR-010190511RFA*)

10 IAC 2-2-2 Contract terms and conditions requiring approval

Authority: IC 4-13-2-14.3

Affected: IC 4-13-2

Sec. 2. (a) General terms and conditions and special terms and conditions approved by the attorney general for usage in invitations to bid shall be filed with the department of administration and will be maintained and on file in the office of the attorney general, Room 219, State House, Indianapolis, Indiana.

(b) Single contract terms and conditions will be approved by a written instrument signed by a deputy attorney general designated by the attorney general to review and approve contracts. Single contract terms and conditions shall be included as part of the invitation to bid issued by the procurement division or the public works division, whichever issues the invitation to bid. (*Office of Attorney General for the State; 10 IAC 2-2-2; filed Feb 17, 1986, 4:00 pm: 9 IR 1547; readopted filed Nov 6, 2001, 10:15 a.m.: 25 IR 897; readopted filed Nov 13, 2007, 2:13 p.m.: 20071212-IR-010070549RFA; readopted filed Nov 21, 2013, 10:06 a.m.: 20131218-IR-010130348RFA; readopted filed Nov 14, 2019, 2:10 p.m.: 20191211-IR-010190511RFA*)

Rule 3. Contract Approval

10 IAC 2-3-1 Types of contracts requiring approval

Authority: IC 4-13-2-14.3

Affected: IC 4-13-2-20

Sec. 1. (a) The following particular types of contracts are not required to be individually submitted to the office of the attorney general for review and approval as to form and legality if the contract maximum is less than two thousand five hundred dollars (\$2,500), and a separate record is maintained of all such contracts showing the agency involved, the vendor, the dollar amount of the contract, a brief description of the contract and, if applicable, the purchase order number:

(1) Advertising and legal notice publication contracts.

(2) Travel, hotel and motel arrangements, license examination space rental, conference room rental and any other workshop oriented contracts provided that these contracts do not exceed thirty (30) days per year for each contract.

(3) Contracts for services including, but not limited to, maintenance and service agreements for equipment or premises.

(4) Rental of goods or equipment for a single period less than ninety (90) days without renewal, provided, the value of the goods or equipment which might suffer loss is established in the contract to be less than ten thousand dollars (\$10,000).

(5) Subscription agreements for books, periodicals, publications and other printed materials.

(6) Purchase of supplies with full payment to be made following delivery and acceptance. No contracts for the purchase of supplies with periodic payments to be made are hereby approved; however, this shall not prohibit partial payments from being made for partial delivery.

(7) Contracts for the construction, repair, or improvement of public buildings, or the preparation of drawings, plans, and specifications therefor, or the routine operation or maintenance of public structures, buildings, or real property.

(b) Except for temporary premises rental for travel, conference or workshop, as provided in subsection (a)(2) of this section, all premises leasing or rental agreements must be individually submitted to the office of attorney general for review and approval.

(c) Contracts for the purchase of supplies or services less than two thousand five hundred dollars (\$2,500) made by any agency pursuant to special disbursing officer authority, IC 4-13-2-20, are not required to be submitted individually to the office of attorney general for review and approval and are hereby approved if no provision thereof is in conflict with Indiana law.

(d) All contracts not meeting the requirements of this section must be individually submitted to the office of the attorney general for review and approval. (*Office of Attorney General for the State; 10 IAC 2-3-1; filed Feb 17, 1986, 4:00 pm: 9 IR 1547; readopted filed Nov 6, 2001, 10:15 a.m.: 25 IR 897; readopted filed Nov 13, 2007, 2:13 p.m.: 20071212-IR-010070549RFA; readopted filed Nov 21, 2013, 10:06 a.m.: 20131218-IR-010130348RFA; readopted filed Nov 14, 2019, 2:10 p.m.: 20191211-IR-010190511RFA*)

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