

#### **IC 4-13-1.6**

Chapter 1.6. Statewide Price Contracts for Certain School Corporation Purchases of Major Equipment Items

#### **IC 4-13-1.6-1**

##### **"Contractor"**

Sec. 1. As used in this chapter, "contractor" means a person awarded a price contract.

*As added by P.L.49-1997, SEC.10.*

#### **IC 4-13-1.6-2**

##### **"Department"**

Sec. 2. As used in this chapter, "department" refers to the Indiana department of administration established by IC 4-13-1-2.

*As added by P.L.49-1997, SEC.10.*

#### **IC 4-13-1.6-3**

##### **"Major equipment item"**

Sec. 3. (a) As used in this chapter, "major equipment item" refers to any item that a school corporation considers:

- (1) a significant equipment purchase; and
- (2) reasonably likely to be purchased by several school corporations.

(b) The term does not include the following:

- (1) A textbook (as defined in IC 20-18-2-23).
- (2) A special purpose bus (as defined in IC 20-27-2-10).
- (3) A school bus (as defined in IC 20-27-2-8).

*As added by P.L.49-1997, SEC.10. Amended by P.L.1-2005, SEC.60; P.L.73-2011, SEC.1.*

#### **IC 4-13-1.6-4**

##### **"Price contract"**

Sec. 4. As used in this chapter, "price contract" refers to a contract entered into by the department under section 11 of this chapter.

*As added by P.L.49-1997, SEC.10.*

#### **IC 4-13-1.6-5**

##### **"School corporation"**

Sec. 5. As used in this chapter, "school corporation" has the meaning set forth in IC 20-18-2-16.

*As added by P.L.49-1997, SEC.10. Amended by P.L.1-2005, SEC.61.*

#### **IC 4-13-1.6-6**

##### **Report by school corporation on major equipment purchases**

Sec. 6. Before January 1 of a school year, each school corporation may report to the department the following information concerning major equipment purchases:

- (1) The school corporation's anticipated requirements for purchase of a particular major equipment item for the following school year under a price contract.

(2) Any special requirements or specifications for the major equipment item the school corporation wishes to purchase, including the special requirements or specifications for the particular major equipment item:

(A) required by law; or

(B) that an entity authorized or required by law establishes.

(3) The cost of the major equipment items that will be purchased in each of the following categories:

(A) By cash.

(B) Under a security agreement.

(4) Other information requested by the department.

*As added by P.L.49-1997, SEC.10.*

#### **IC 4-13-1.6-7**

##### **Compilation of major equipment items purchased**

Sec. 7. Before February 1 of each year, the department shall compile the number of major equipment items reported under section 6 of this chapter.

*As added by P.L.49-1997, SEC.10.*

#### **IC 4-13-1.6-8**

##### **Specifications for major equipment items**

Sec. 8. Subject to IC 5-22-5, the department shall develop specifications for the major equipment items to be purchased. In developing specifications, the department:

(1) shall consider the requirements and specifications reported by school corporations under section 6 of this chapter; and

(2) must comply with the requirements and specifications for the particular major equipment item:

(A) required by law; or

(B) that an entity authorized or required by law establishes.

*As added by P.L.49-1997, SEC.10.*

#### **IC 4-13-1.6-9**

##### **Solicitation of bids or proposals for major equipment items**

Sec. 9. If the department believes that it will be cost effective to award a price contract for a major equipment item, the department shall solicit bids or proposals for the major equipment item under IC 5-22.

*As added by P.L.49-1997, SEC.10.*

#### **IC 4-13-1.6-10**

##### **Solicitation; contents**

Sec. 10. A solicitation must include the following:

(1) Notice that a bid or proposal must include prices based both on cash sales and sales under security agreements.

(2) The provisions of the price contract required under section 13 of this chapter.

*As added by P.L.49-1997, SEC.10.*

#### **IC 4-13-1.6-11**

##### **Public purchases; award of contract**

Sec. 11. The department shall award a contract under IC 5-22.  
*As added by P.L.49-1997, SEC.10.*

#### **IC 4-13-1.6-12**

##### **Price contracts; award to more than one contractor**

Sec. 12. The department may award price contracts to more than one (1) contractor.  
*As added by P.L.49-1997, SEC.10.*

#### **IC 4-13-1.6-13**

##### **Price contracts; contents**

Sec. 13. A price contract must contain the following provisions:

- (1) The term of the price contract.
- (2) A requirement that the contractor must sell a major equipment item meeting specifications set forth in the solicitation at the price offered for the major equipment item in the contractor's bid or proposal.
- (3) A requirement that the contractor must sell to a school corporation requesting a purchase under the price contract.
- (4) Except as provided in the solicitation, a statement specifying that estimates of the number and kind of major equipment item to be purchased do not bind the state to purchase a given number or kind of major equipment item.
- (5) A statement specifying that a contractor is not required to sell under the price contract if the number of major equipment items previously purchased exceeds the number of major equipment items estimated in the solicitation for the number of major equipment items to be purchased.
- (6) A requirement that the contractor and the school corporation must enter into a separate contract for the purchase of a major equipment item.
- (7) A statement specifying that the state is not a party to a contract under subdivision (6).
- (8) If the term of the price contract is for more than one (1) year, a statement specifying what constitutes a significant variation from the number of major equipment items or kind of major equipment item to be purchased in the years following the first year of the price contract for purposes of section 14 of this chapter.

*As added by P.L.49-1997, SEC.10.*

#### **IC 4-13-1.6-14**

##### **Variations in number or kinds of major equipment items**

Sec. 14. (a) This section applies only:

- (1) if the term of the price contract is for more than one (1) year; and
  - (2) after the first year of the term of the price contract.
- (b) If the number of major equipment items or kind of major

equipment items purchased by school corporations varies significantly from those indicated in the solicitation for the price contract, the department may take any of the following actions:

- (1) Purchase any excess or different major equipment item required under a new price contract.
- (2) With the consent of the contractor, amend the contract to reflect the change in quantities or types of major equipment items to be purchased.
- (3) With the consent of the contractor, cancel the price contract and solicit for a new price contract.

*As added by P.L.49-1997, SEC.10.*

#### **IC 4-13-1.6-15**

##### **Separate contract for major equipment item purchase; consistency with price contract required**

Sec. 15. A contract entered into under section 13(6) of this chapter may not be inconsistent with the price contract.

*As added by P.L.49-1997, SEC.10.*

#### **IC 4-13-1.6-16**

##### **Price contracts; use by school corporations**

Sec. 16. The department may require a school corporation that requests to use a price contract to agree to purchase major equipment items using the price contract as indicated in the school corporation's request.

*As added by P.L.49-1997, SEC.10.*