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# STATE OF INDIANA

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DEPARTMENT OF LOCAL GOVERNMENT FINANCE



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**TO:** County Assessors, Auditors, & Commissioners

**FROM:** Wesley R. Bennett, Commissioner

**RE:** Update to Form Contracts for Assessment Services and Software

**DATE:** October 30, 2019

The Department of Local Government Finance (“Department”) would like to notify county assessors that the Department has updated its form contracts for assessment services and software. These contracts are now posted to the [Department’s website](#).

On June 17, 2019, the Department released a memorandum describing legislative changes to various local government matters, specifically House Enrolled Act 1427-2019 (“HEA 1427”). HEA 1427 makes the following changes, effective July 1, 2019:

1. It removes the requirement that a contract entered into by and between a professional appraiser, software provider, computer service provider, or equipment provider and a county include the Department as a party to the Contract.
2. It requires that a county that enters into a contract pursuant to IC 6-1.1-4-18.5 shall upload the contract to the Indiana Gateway for Local Government Units website (“Gateway”) no later than thirty (30) days after execution of the contract.
3. It requires that a county that enters into a contract pursuant to IC 6-1.1-31.5-2 shall upload the contract to Gateway no later than three (3) days after execution of the contract.
4. A contract may not take effect until the contract is uploaded onto Gateway.

Hence, the Department has made changes to the form contracts in light of HEA 1427. Additional changes to the form contracts include, minor edits to content and formatting, and alterations to boilerplate as requested by vendors and accepted by the Department. The form contracts remain official state forms with form numbers assigned by the Indiana Archives and Records Administration (“IARA”).

As before, the form contracts are fillable PDFs. The Department will only accept the fillable PDF state form versions of these contracts; the Department will NOT accept altered, reproduced, or retyped contracts. Counties and contractors shall use the prescribed form contracts. The

Department will not entertain claims by a contractor or county that its retyped contract is an exact duplicate of the state form.

Before the Department can review a contract, the contract must first be signed by the contractor, assessor, and county commissioners. For a software contract specific to tax & billing services, the auditor may sign in place of the assessor. It is not necessary to cross out “Assessor:” that is hard-coded on the signature page and write “Auditor:”, etc., in its place. The county shall have the contract, the Work Plan, and any other documentation related to the contract uploaded onto the Gateway Contract Upload “File Transmission” application. A [user guide](#) is available for the Contract Upload “File Transmission” application, and instructions for uploading the local government contract files under the “File Transmission” section. The county is required to upload the contract no later than 3 days after the date the contract is executed. The county assessor will be granted submission rights for the Gateway Contract Upload “File Transmission” application. The assessor may delegate his or her authority to enter contract information to staff and advisors. Submission rights will not be granted to vendors.

Please note that per HEA 1427, the Department is no longer a signatory to any assessment or software contract that will be entered into on or after July 1, 2019. Therefore, any original of a contract signed by the county and vendor submitted to the Department for signature will be returned without comment.

The Department emphasizes that it must review county contracts for assessment services and for software that is certified by the Department.

Also, counties must ensure that they comply with all bidding requirements under state and local law, including IC 5-22. Counties should confer with their attorneys and, as needed, the State Board of Accounts, for guidance. Be aware that the form assessment services and software contracts contain the following provisions, respectively: “The County has advertised for bids as required by IC 6-1.1-4-18.5(b) and has fulfilled all other statutory conditions precedent to the employment of a technical advisor[;]” “The County and the Contractor have complied with IC 5-22 in obtaining bids, proposals, or a special procurement, and the purchase of the Contractor’s software, services, and/or equipment is in compliance with Indiana law[.]” If the Department receives a contract signed by the contractor, assessor, and commissioners, the county and contractor are representing to the Department that all applicable bidding obligations have been fulfilled.

In general, counties should seek guidance from their attorneys throughout the contracting process.

Contracts can potentially be amended, but the Department must review any amendment. An amendment cannot be used to perpetually extend a contract or add work unrelated to the underlying contract (i.e., amending a new construction contract to include cyclical reassessment work).

### **Contact Information**

Questions about this memorandum may be sent to Deputy General Counsel David Marusarz at (317) 233-6770 or [dmarusarz@dlgf.in.gov](mailto:dmarusarz@dlgf.in.gov).