

Standard Edits to State Grants Template

The Health and Hospital Corporation of Marion County is a municipal corporation and a political subdivision. IC 16-22-8-6.

The following state grant contract clauses should be removed or modified:

Clause 10(H) Telephone Solicitation - Remove

IC 5-22-1-3 makes IC 5-22-3-7 inapplicable to contracts between governmental bodies.

Clause 12(E) Improper Disclosure, Security Incident, and Breach Notification -Modify

Section 3(a) change one (1) day to five (5) days

Section 3(c) delete “all” in the sentence “all commercially reasonable efforts. Change to all “non-privileged” results of such investigation.

Section 3(d) change to “shall provide “non-privileged” details.

Section 3(e) change to “the determination of whether a Breach has occurred “under the terms of this Contract” rests solely with ...”

Section 3(f)(iv) delete “all”

Clause 12(N) - Modify to add:

Any obligation of Contractor to save and hold harmless State shall be limited in substance by statutes designed to protect and limit the exposure and liability of Contractor as a qualified health care provider and as an instrumentality of the State of Indiana including, without limitation, the Indiana Medical Malpractice Act and the Indiana Tort Claims Act and its aggregate liability limits and bar to liability for punitive damages and for acts or omissions of others.

Clause 19 Employment Option - Remove

Clause applies to private legal entities, not public entities.

Clause 24 - Indemnification - Modify to add:

Any obligation of Contractor to save and hold harmless State shall be limited in substance by statutes designed to protect and limit the exposure and liability of Contractor as a qualified health care provider and as an instrumentality of the State of Indiana including, without limitation, the Indiana Medical Malpractice Act and the Indiana Tort Claims Act and its aggregate liability limits and bar to liability for punitive damages and for acts or omissions of others.

Clause 26. Veteran’s Business Enterprises Compliance

Clause applies to private legal entities, not public entities.

Clause 28. Insurance - Remove entire clause and replace with:

Contractor will maintain a self-insured trust for worker’s compensation, professional liability, and general liability claims, with limits as required by the following statutes: Ind. Code § 34-13-3-4, Ind. Code § 34-18-14, and Ind. Code § 22-3. Such insurance will protect Contractor from claims that arise out of or result from Contractor’s performance under this Agreement, whether such performance is by Contractor, a subcontractor, anyone directly or indirectly employed by

Contractor or a subcontractor, or anyone for whose acts Contractor or a subcontractor may be responsible.

Clause 32. Minority and Women's Business Enterprises Compliance.

Clause applies to private legal entities, not public entities.

Clause 44 - Taxes - Modify

Add "and Contractor" to the taxes clause to reflect tax-exempt status.