

IC 5-23

ARTICLE 23. PUBLIC-PRIVATE AGREEMENTS

IC 5-23-1

Chapter 1. Application and Construction

IC 5-23-1-1

Applicability of article

Sec. 1. This article applies to the following:

- (1) The state.
- (2) A political subdivision in a county containing a consolidated city.
- (3) A political subdivision in a county where:
 - (A) the legislative body of the political subdivision; or
 - (B) if the political subdivision does not have a legislative body, the fiscal body of the political subdivision;adopts the provisions of this article by resolution or ordinance.

As added by P.L.49-1997, SEC.34.

IC 5-23-1-2

Liberal construction and supplemental nature of powers; conflict of laws

Sec. 2. The powers conferred by this article shall be liberally construed in order to accomplish their purposes and shall be in addition and supplemental to the powers conferred by any other law. If any other law or rule is inconsistent with this article, this article is controlling as to any public-private agreement entered into under this article.

As added by P.L.49-1997, SEC.34.

IC 5-23-1-3

Public-private agreement

Sec. 3. The state or a political subdivision may enter into a public-private agreement with an operator under the terms of this article.

As added by P.L.49-1997, SEC.34.

IC 5-23-1-4

Application of prior statute to certain contracts, leases, agreements, or extensions

Sec. 4. (a) Except as provided in subsection (b), IC 36-1-14.3 (before its repeal) concerning public-private agreements does not apply to a contract, a lease, an agreement, or an extension of a contract, a lease, or an agreement entered into before May 10, 1995.

(b) This subsection applies to an agreement in the nature of a public-private agreement (as defined in IC 36-1-14.3-4 (before its repeal)) that was entered into or extended before May 10, 1995. The parties to an agreement described in this section may enter into an addendum of the agreement to be governed by IC 36-1-14.3 (before its repeal) and to apply the provisions of IC 36-1-14.3 (before its

repeal) to the agreement. If the parties enter into an addendum under this section, the addendum becomes a part of the agreement to the same extent as if the addendum had been part of the original agreement.

As added by P.L.220-2011, SEC.104.

IC 5-23-1-5

Application of IC 5-22-16.5 to award of contracts under article

Sec. 5. (a) IC 5-22-16.5 (Disqualification of Contractors Dealing with the Government of Iran) applies to the awarding of contracts, including contracts for professional services, under this article.

(b) A person may not be awarded a contract under this article if the person would be disqualified from being awarded a contract under IC 5-22-16.5.

As added by P.L.21-2012, SEC.5.