IC 4-12-13

Chapter 13. Review of Certain Contracts for Services

IC 4-12-13-1

State agency

Sec. 1. As used in this chapter, "state agency" has the meaning set forth in IC 4-13-1-1(b).

As added by P.L.234-2007, SEC.224.

IC 4-12-13-2

Public hearings; review by budget committee

Sec. 2. (a) This section applies only to a contract or an agreement:

(1) that is first entered into by:

(A) a state agency; and

(B) a private contractor or private vendor;

after June 30, 2007;

(2) in which the initial term of the contract or agreement plus the term of any possible renewal or extension periods is at least four (4) years;

(3) under which the amount to be paid by the state agency during the initial term of the contract or agreement plus the term of any possible renewal or extension periods:

(A) is at least ten million dollars ($10,000,000); or

(B) is estimated by the state agency to be at least ten million dollars ($10,000,000); and

(4) under which the private contractor or private vendor will provide services that before the effective date of the contract or agreement are provided directly by the employees of the state agency.

(b) In addition to any other requirements that must be satisfied, a state agency may not enter into a contract or an agreement described in subsection (a) unless the following requirements are satisfied:

(1) At least thirty (30) days before entering into the contract or agreement, the state agency must conduct at least one (1) public hearing on the contract or agreement. The state agency must allow public comments and testimony at the public hearing. The public hearing must be held in compliance with IC 5-14-1.5.

(2) Either of the following occurs:

(A) At least thirty (30) days before the state agency enters into the contract or agreement, the budget committee makes a recommendation to the budget agency concerning the contract or agreement.

(B) The budget committee does not make a recommendation concerning the contract or agreement within thirty (30) days after the chairman of the budget committee is requested by the budget agency to make a recommendation.

As added by P.L.234-2007, SEC.224.

IC 4-12-13-3

Performance of contracted services by public employees

Sec. 3. (a) In addition to any other requirements that must be satisfied, a state agency may have the employees of the state agency directly provide services that are provided by a private contractor or private vendor under a contract or an agreement described in section 2(a) of this chapter only if the following requirements are satisfied:

(1) At least thirty (30) days before the employees of the state agency begin directly providing the services, the state agency must conduct at least one (1) public hearing concerning the provision of the services by the employees of the state agency. The state agency must allow public comments and testimony at the public hearing. The public hearing must be held in compliance with IC 5-14-1.5.

(2) Either of the following occurs:

(A) At least thirty (30) days before employees of the state agency begin directly providing services, the budget committee makes a recommendation to the budget agency concerning the provision of the services by the employees of the state agency.

(B) The budget committee does not make a recommendation concerning the provision of the services by the employees of the state agency within thirty (30) days after the chairman of the budget committee is requested by the budget agency to make a recommendation.

(b) A state agency is not required to comply with the requirements of subsection (a) if the director or other administrative head of the state agency declares that an emergency exists that requires the employees of the state agency to directly provide the services that were provided by a private contractor or private vendor.

As added by P.L.234-2007, SEC.224.