IC 5-22-13

Chapter 13. Purchases From Qualified Nonprofit Agencies for Persons With Severe Disabilities

IC 5-22-13-1

"Qualified agency" defined

Sec. 1. As used in this chapter, "qualified agency" refers to a nonprofit agency for persons with severe disabilities that meets all of the following conditions:

(1) The agency complies with Indiana laws governing private nonprofit organizations.

(2) The agency is certified by the Wage and Hour Division of the United States Department of Labor.

(3) The agency meets the standards adopted by the secretary of family and social services.

(4) The agency makes reports under IC 16-32-2-7.

As added by P.L.49-1997, SEC.1.

IC 5-22-13-2

Conditions for purchases; political subdivisions

Sec. 2. (a) This section applies only to a governmental body that is a political subdivision.

(b) A governmental body may purchase supplies and services without advertising or calling for bids from a qualified agency under the same conditions as supplies produced by the department of correction are purchased under IC 5-22-11.

As added by P.L.49-1997, SEC.1.

IC 5-22-13-3

Conditions for purchase; governmental bodies other than political subdivisions

Sec. 3. (a) This section applies to a governmental body not covered by section 2 of this chapter.

(b) A governmental body shall purchase supplies and services without advertising or calling for bids from a qualified agency under the same conditions as supplies produced by the department of correction are purchased under IC 5-22-11.

(c) Except as provided in subsection (d), before a purchasing agent issues a solicitation for supplies or services, the purchasing agent shall do either of the following:

(1) Obtain a written determination within seven (7) business days from:

(A) the committee; or

(B) a person designated by the committee;

that no qualified agency can provide the supplies or services.

(2) Certify that the supplies or services offered by a qualified agency cannot be obtained as required in section 5 of this chapter.

(d) If a purchasing agent issues a solicitation for a consolidated purchase of supplies or services, or both, the purchasing agent shall do either of the following:

(1) Require vendors to purchase:

(A) supplies;

(B) services; or

(C) both supplies and services;

from a catalog of a qualified agency kept by the committee.

(2) Establish scoring standards to ensure participation in the solicitation by a qualified agency.

As added by P.L.49-1997, SEC.1. Amended by P.L.46-2007, SEC.3.

IC 5-22-13-4

Apportionment of purchases

Sec. 4. A governmental body may apportion purchases of supplies and services under this chapter on an equitable basis among the interested qualified agencies.

As added by P.L.49-1997, SEC.1.

IC 5-22-13-5

Supplies and services must meet specifications; determination of fair market price

Sec. 5. (a) Supplies and services purchased under this chapter must:

(1) meet the specifications and needs of the purchasing governmental body; and

(2) be purchased at a fair market price as described under subsection (b).

(b) A fair market price under this section must cover for the qualified agency the costs of raw materials, labor, overhead, and delivery cost. In determining the fair market price, the purchasing agent shall use one (1) or more of the following:

(1) Available information from reliable market sources.

(2) A market survey from a person designated by the committee.

(3) Previous contract prices.

(4) The range of bids from the most recent solicitation, including a determination of:

(A) the median price of the bids;

(B) the average price of the bids; and

(C) any market conditions or specifications that have changed since the most recent solicitation.

As added by P.L.49-1997, SEC.1. Amended by P.L.46-2007, SEC.4.