

IC 5-22-10

Chapter 10. Special Purchasing Methods

IC 5-22-10-1

Purchase without soliciting bids or proposals

Sec. 1. Notwithstanding any other provision of this article, a purchasing agent may make a purchase under this chapter without soliciting bids or proposals.

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

IC 5-22-10-2

Competition

Sec. 2. A special purchase must be made with competition as is practicable under the circumstances.

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

IC 5-22-10-3

Contract files; record listing all contracts

Sec. 3. (a) A purchasing agent shall maintain the contract records for a special purchase in a separate file.

(b) A purchasing agent shall include in the contract file a written determination of the basis for:

- (1) the special purchase; and
- (2) the selection of a particular contractor.

(c) Notwithstanding any other law, a governmental body shall maintain a record listing all contracts made under this chapter for a minimum of five (5) years. The record must contain the following information:

- (1) Each contractor's name.
- (2) The amount and type of each contract.
- (3) A description of the supplies purchased under each contract.

(d) The contract records for a special purchase are subject to audit by the state board of accounts.

As added by P.L.49-1997, SEC.1. Amended by P.L.181-2015, SEC.22.

IC 5-22-10-4

Emergency conditions

Sec. 4. (a) A purchasing agent may make a special purchase when there exists, under emergency conditions, a threat to public health, welfare, or safety.

(b) The counterterrorism and security council established by IC 10-19-8-1 may make a purchase under this section to preserve security or act in an emergency as determined by the governor.

As added by P.L.49-1997, SEC.1. Amended by P.L.123-2002, SEC.9; P.L.22-2005, SEC.3.

IC 5-22-10-5

Savings to governmental body

Sec. 5. A purchasing agent may make a special purchase when there exists a unique opportunity to obtain supplies or services at a substantial savings to the governmental body.

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

IC 5-22-10-6

Auctions

Sec. 6. A purchasing agent may make a special purchase at an auction.

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

IC 5-22-10-7

Data processing contract or license agreements

Sec. 7. A purchasing agent may make a special purchase of data processing contracts or license agreements for:

- (1) software programs; or
- (2) supplies or services, when only one (1) source meets the using agency's reasonable requirements.

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

IC 5-22-10-8

Compatibility of equipment, accessories, or replacement parts

Sec. 8. A purchasing agent may make a special purchase when:

- (1) the compatibility of equipment, accessories, or replacement parts is a substantial consideration in the purchase; and
- (2) only one (1) source meets the using agency's reasonable requirements.

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

IC 5-22-10-9

Purchasing method impairs functioning of agency

Sec. 9. A purchasing agent may make a special purchase when purchase of the required supplies or services under another purchasing method under this article would seriously impair the functioning of the using agency.

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

IC 5-22-10-10

No offer received under other purchasing method

Sec. 10. A purchasing agent may make a special purchase when the purchasing agency has solicited for a purchase under another purchasing method described in this article and has not received a responsive offer.

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

IC 5-22-10-11

Evaluation of supplies or system containing supplies

Sec. 11. A purchasing agent may make a special purchase for the evaluation of supplies or a system containing supplies for any of the following reasons:

- (1) To obtain:
 - (A) functional information; or
 - (B) comparative data.
- (2) For a purpose that in the judgment of the purchasing agent may advance the long term competitive position of the governmental body.

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

IC 5-22-10-12

Governmental discount available

Sec. 12. A purchasing agent may make a special purchase when the market structure is based on price but the governmental body is able to receive a dollar or percentage discount of the established price.

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

IC 5-22-10-13

Single source for supply; award of contract

Sec. 13. Subject to sections 14 and 15, a purchasing agent may award a contract for a supply when there is only one (1) source for the supply and the purchasing agent determines in writing that there is only one (1) source for the supply.

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

IC 5-22-10-14

General Services Administration price

Sec. 14. A purchasing agent may make a purchase from a person when the purchasing agent determines in writing that:

- (1) supplies can be purchased from the person or the person's authorized representative at prices equal to or less than the prices stipulated in current federal supply service schedules established by the federal General Services Administration; and
- (2) it is advantageous to the governmental body's interest in efficiency and economy.

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

IC 5-22-10-15

Purchase from person who has contract with federal agency

Sec. 15. (a) A purchasing agent may purchase supplies if the purchase is made from a person who has a contract with a federal agency and the person's contract with the federal agency requires the person to make the supplies available to the state or political subdivisions.

(b) A purchasing agent for a political subdivision may purchase supplies if the purchase is made from a person who has a contract

with a state agency and the person's contract with the state requires the person to make the supplies or services available to political subdivisions, as provided in IC 4-13-1.6 or IC 5-22-17-9.

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

IC 5-22-10-16

Acquisition of supplies through transfer from federal government

Sec. 16. (a) A purchasing agent may acquire supplies if the purchasing agent determines that the governmental body can obtain the transfer of the supplies from the federal government under IC 4-13-1.7 at a cost less than would be obtained from purchase of the supplies by soliciting for bids or proposals.

(b) A governmental body may not make a purchase under this section if title to the property will be transferred to the governmental body before a sufficient appropriation to pay the costs of the purchase is appropriated. However, if the supplies will be transferred to the governmental body upon conditional sale or under a lease, a lease with option to purchase, or a contract for the use of the supplies, the governmental body may make the purchase under this section if there are sufficient funds appropriated to pay the consideration required for one (1) year of the agreement.

(c) A purchasing agent who purchases or leases surplus federal materials shall, at the time of the purchase or lease, or immediately thereafter, give public notice in accordance with IC 5-3-1.

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

IC 5-22-10-17

Acquisition of supplies through acceptance of gift

Sec. 17. A purchasing agent may acquire supplies by accepting a gift for the purchasing agent's governmental body.

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

IC 5-22-10-18

Special purchase of copyrighted material

Sec. 18. A purchasing agent for a state purchasing agency may make a special purchase of copyrighted materials to be used, provided, or distributed by a state agency.

As added by P.L.22-1997, SEC.10.

IC 5-22-10-19

Purchase from public utility following independent appraisal

Sec. 19. A purchasing agent may make a special purchase from a public utility if the purchase or lease price is a negotiated price that considers the results of an independent appraisal that the purchasing agency obtains and an independent appraisal that the public utility obtains.

As added by P.L.7-1998, SEC.4.

IC 5-22-10-20

Purchase of petroleum products by aviation commissioners, airport authority, or port authority

Sec. 20. (a) This section applies to the purchase of petroleum products by:

- (1) a board of aviation commissioners under IC 8-22-2;
- (2) an airport authority under IC 8-22-3; or
- (3) a port authority organized under IC 8-10-5.

(b) A purchasing agent may make a special purchase of petroleum products if the petroleum products are for resale to the general public.

As added by P.L.7-1998, SEC.5. Amended by P.L.8-2013, SEC.1.