

1 H.530

2 Introduced by Representative Sweaney of Windsor

3 Referred to Committee on

4 Date:

5 Subject: Government operations; State contracts; contracts for services;  
6 personal services contracts

7 Statement of purpose of bill as introduced: This bill proposes to clarify the  
8 categorization of contracts used in the State's contracting system.

9 An act relating to categorization of State contracts for service

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 Sec. 1. 3 V.S.A. § 311 is amended to read:

12 § 311. CLASSIFIED SERVICE DEFINED; EXCEPTIONS

13 (a) The classified service to which this chapter shall apply shall include all  
14 positions and categories of employment by the ~~state~~ State, except as otherwise  
15 provided by law, and except the following:

16 \* \* \*

17 (10) A person or persons engaged under retainer, contract as defined in  
18 section 341 of this title, or special agreement, for \$25,000.00 or more, when  
19 certified to the ~~secretary of administration~~ Secretary of Administration by the  
20 ~~attorney general~~ Attorney General that such engagement is not contrary to the

1 spirit and intent of the classification plan and merit system principles and  
2 standards provided by this chapter.

3 \* \* \*

4 Sec. 2. 3 V.S.A. § 341 is amended to read:

5 § 341. DEFINITIONS

6 As used in this chapter:

7 (1) “Agency” means any agency, board, department, commission,  
8 committee, or authority of the ~~executive branch~~ Executive Branch of ~~state~~  
9 State government.

10 (2) “Personal services contract” ~~or “contract”~~ means ~~an agreement or~~  
11 ~~combination or series of agreements, by which an entity or individual who is~~  
12 ~~not a state employee agrees with an agency to provide services~~ a contract for  
13 service, valued at \$10,000.00 \$25,000.00 or more per year, that is categorized  
14 as personal services in accordance with procedures developed by the Secretary  
15 of Administration.

16 (3) “Privatization contract” means a personal services contract ~~by which~~  
17 ~~an entity or an individual who is not a state employee agrees with an agency to~~  
18 ~~provide services, valued at \$20,000.00 or more per year, which are~~ is the same  
19 or substantially similar to and in lieu of services previously provided, in whole  
20 or in part, by permanent, classified ~~state~~ State employees, and which ~~result~~  
21 results in a reduction in force of at least one permanent, classified employee, or

1 the elimination of a vacant position of an employee covered by a collective  
2 bargaining agreement.

3 (4) “Contract for services” means an agreement or combination or series  
4 of agreements by which an entity or individual who is not a State employee  
5 agrees with an agency to provide services, including personal and professional  
6 services of an individual or of persons working for a business enterprise.

7 Sec. 3. 3 V.S.A. § 344 is amended to read:

8 § 344. CONTRACT ADMINISTRATION

9 (a) The Secretary of Administration shall maintain a database with  
10 information about contracts for services, including approved privatization  
11 contracts and approved personal services contracts. The Secretary shall also  
12 maintain a database with information about privatization contracts which are  
13 rejected because they fail to qualify under subdivision 343(2) of this title.  
14 Contracts maintained in the database shall be public record to the extent  
15 provided under 1 V.S.A. chapter 5, and shall be located at the agency of origin,  
16 including information about names of contractors, summaries of work to be  
17 performed, costs, and duration.

18 (b) The information on contracts maintained in the database shall be  
19 reported to the General Assembly in the annual workforce report required  
20 under subdivision 309(a)(19) of this title. The provisions of 2 V.S.A. § 20(d)

1 (expiration of required reports) shall not apply to the report to be made under  
2 this subsection.

3 Sec. 4. EFFECTIVE DATE

4 This act shall take effect on July 1, 2016.