

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Government Operations to which was referred House Bill
3 No. 530 entitled “An act relating to categorization of State contracts for
4 service” respectfully reports that it has considered the same and recommends
5 that the bill be amended by striking out all after the enacting clause and
6 inserting in lieu thereof the following:

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

8 § 311. CLASSIFIED SERVICE DEFINED; EXCEPTIONS

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

12 * * *

13 (10) A person or persons engaged under retainer, contract for services as
14 defined in section 341 of this title, or special agreement, ~~when certified to the~~
15 ~~secretary of administration by the attorney general that such engagement is not~~
16 ~~contrary to the spirit and intent of the classification plan and merit system~~
17 ~~principles and standards provided by this chapter.~~

18 * * *

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

20 § 341. DEFINITIONS

21 As used in this chapter:

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

4 (2) “Personal services contract” ~~or “contract”~~ means ~~an agreement or~~
5 ~~combination or series of agreements, by which an entity or individual who is~~
6 ~~not a state employee agrees with an agency to provide services, valued at~~
7 ~~\$10,000.00 or more per year~~ a contract for services that is categorized as
8 personal services in accordance with procedures developed by the Secretary of
9 Administration.

10 (3) “Privatization contract” means a ~~personal services contract by which~~
11 ~~an entity or an individual who is not a state employee agrees with an agency to~~
12 ~~provide services, for services~~ valued at ~~\$20,000.00~~ \$25,000.00 or more per
13 year, which ~~are~~ is the same or substantially similar to and in lieu of services
14 previously provided, in whole or in part, by permanent, classified ~~state~~ State
15 employees, and which ~~result~~ results in a reduction in force of at least one
16 permanent, classified employee, or the elimination of a vacant position of an
17 employee covered by a collective bargaining agreement.

18 (4) “Contract for services” means an agreement or combination or series
19 of agreements by which an entity or individual agrees with an agency to
20 provide services as an independent contractor, rather than as an employee.

21

1 Sec. 3. 3 V.S.A. § 342 is amended to read:

2 § 342. CONTRACTING STANDARDS; ~~PERSONAL SERVICES~~

3 CONTRACTS FOR SERVICES

4 Each contract for services valued at \$25,000.00 or more per year shall
5 require certification by the Office of the Attorney General to the Secretary of
6 Administration that such contract for services is not contrary to the spirit and
7 intent of the classification plan and merit system and standards of this title. A
8 ~~personal services~~ contract for services is contrary to the spirit and intent of the
9 classification plan and merit system and standards of this title, and shall not be
10 certified by the Office of the Attorney General under subdivision 311(a)(10) of
11 this title as provided in this subsection, unless the provisions of subdivisions
12 (1), (2) and (3) of this subsection are met, or one or more of the exceptions
13 described in subdivision (4) of this subsection apply.

14 * * *

15 Sec. 4. 3 V.S.A. § 344 is amended to read:

16 § 344. CONTRACT ADMINISTRATION

17 (a) The Secretary of Administration shall maintain a database with
18 information about contracts for services, including approved privatization
19 contracts and approved personal services contracts. The Secretary shall also
20 maintain a database with information about privatization contracts which are
21 rejected because they fail to qualify under subdivision 343(2) of this title.

1 Contracts maintained in the database shall be public record to the extent
2 provided under 1 V.S.A. chapter 5, and shall be located at the agency of origin,
3 including information about names of contractors, summaries of work to be
4 performed, costs, and duration.

5 (b) The information on contracts maintained in the database shall be
6 reported to the General Assembly in the annual workforce report required
7 under subdivision 309(a)(19) of this title. The provisions of 2 V.S.A. § 20(d)
8 (expiration of required reports) shall not apply to the report to be made under
9 this subsection.

10 Sec. 5. EFFECTIVE DATE

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

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14 (Committee vote: _____)

15

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Representative _____

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FOR THE COMMITTEE