

**THE INDIANA DEPARTMENT OF TRANSPORTATION
PREQUALIFICATION COMMITTEE
MEETING PROCEDURES**
Revised as Adopted by the Committee on April 1, 2010

1. Meeting Schedule.

- a. **Scheduled Meetings.** The Committee Secretary will set meeting dates and times for a calendar year at least 30 days prior to the start of the year. The Committee will meet at all regularly scheduled meetings unless the meeting is cancelled in writing (email) by the Secretary.
- b. **Special Meetings.** The Secretary may call special meetings if issues arise that cannot reasonably wait until the next scheduled meeting.
- c. **Open Meetings.** The Committee will operate in accordance with Indiana's Open Door Law (Indiana Code 5-14-1.5). The Secretary will post and publish notices, agendas and minutes in accordance with IC 5-14-1.5-4 and IC 5-14-1.5-5.
- d. **Executive Sessions.** The Committee will not meet in executive sessions unless the meeting agenda includes discussion of records classified as confidential by state or federal statute. In accordance with the Open Door Law, the Secretary will provide notice of executive sessions, stating the subject matter by specific reference to the enumerated instance or instances for which executive sessions may be held under IC 5-14-1.5-6.1(b).
- e. **Meeting Folders.** The Secretary will distribute folders to all Committee members at least 48 hours in advance of each Committee meeting. The folders will contain all available information and documentation relevant to the meeting.
- f. **Meeting Attendance and Delegation.** Attendance at meetings by all Committee members is essential for the Committee to function. The Committee must have a quorum present to transact business. "Quorum" is defined in 105 IAC 11-1-25 as "that number of members of the prequalification committee or their designated alternates that constitutes a majority of its voting members." Members may not attend meetings remotely. Although it is impossible to anticipate every contingency, if a Committee member knows that he or she will be unable to attend an upcoming meeting, he or she must, *on a meeting-by-meeting basis*:
 - i. provide the Secretary with written notice (email) of the anticipated absence five days prior to the scheduled meeting; and
 - ii. identify in the written notice a substitute (delegate) who will attend and vote on the Committee member's behalf at the meeting.
- g. **Conflict of Interest/Recusal.** A Committee member should refrain from voting on an issue before the Committee if he or she was substantially and personally involved in the issue prior to its consideration by the Committee. It will be within the Committee member's sole discretion to

decide whether his or her involvement in an issue requires recusal. The Committee member should notify the Committee Chair and Secretary of his or her decision to recuse himself or herself as soon as possible. Members who recuse themselves from voting on an issue should not designate an alternate to vote on the issue in their place. The Committee Chair may designate an INDOT employee or employees as alternates to vote on the issue, if the Committee Chair determines member recusals will result in the lack of a quorum.

- h. **Meeting Minutes.** The Secretary will keep minutes and send minutes to Committee members for approval at the next scheduled meeting.

2. Meeting Structure.

- a. The Committee Chair opens the meeting and briefly describes the agenda.
- b. The Chair calls for a vote to approve or amend the minutes of the prior Committee meeting and any other business that requires a vote or Committee discussion.
- c. If a contractor or consultant is present, the Chair facilitates introductions of all Committee members and guests. The Chair then asks the INDOT representative to provide reasons the contractor or consultant has been called before the Committee and present INDOT's position. Neither Committee members nor the contractor or consultant should interrupt unless the interruption calls for a clarification of INDOT's presentation of the facts or position.
- d. The Chair asks the contractor or consultant if he or she understands the allegations presented by INDOT, and if so, asks the contractor or consultant to provide a response. Neither the INDOT representative nor Committee members should interrupt unless the interruption calls for a clarification of the contractor's or consultant's presentation of the facts or position.
- e. The Chair provides an opportunity for the Committee to ask questions of either party and provide appropriate comments. The Committee members should allow the contractor or consultant time to respond fully to each question or comment.
- f. At the conclusion of the Committee's questions and comments, the Chair asks the Committee if it desires to recommend an action to the Commissioner. If so, the Chair calls for a motion.
- g. Any voting Committee member may make a motion for the Committee to consider. The motion may be that the Committee:
 - i. Refrain from recommending a course of action to the Commissioner;
 - ii. Defer any Committee action, e.g. until it receives additional information it deems necessary to recommend a course of action;

- iii. Request additional information from the contractor or consultant, e.g., additional documentation, plan of action, record of corrective action, as authorized by 105 IAC 11-2-1(a);
- iv. Recommend a course of action to the Commissioner. The motion should be one that is authorized by the Prequalification Rules in 105 IAC 11 or the Consultant Prequalification Manual (Manual) and the Committee member should cite to the relevant citation when making a motion. For example:
 - 1. Motion to recommend a change in a prequalification classification or rating under 105 IAC 11-2-5 or Section I.2(a) of the Manual.;
 - 2. Motion to recommend a suspension of a certificate of qualification (include beginning and end dates) under 105 IAC 11-2-6 or Section I.2(b) of the Manual;
 - 3. Motion to recommend a withdrawal of a certificate of qualification under 105 IAC 11-2-7 or Section I.2(c) of the Manual.;
 - 4. Motion to recommend a revocation of a certificate of qualification under 105 IAC 11-2-7 or Section I.2.d of the Manual.

Committee members should review these sections of the rules and the Manual to determine what contractor or consultant action or inaction justifies a specific recommendation.

- h. Once a Committee member makes a motion, the Chair calls for a second to the motion.
 - i. A Committee member may second the motion or move to amend the original motion.
 - j. If a Committee member amends a motion, the amendment becomes the new motion and another Committee member may second or amend the amended motion.
 - k. Once a Committee member has seconded a motion, the Chair restates the motion and calls for discussion.
 - l. Once discussion is concluded the Chair calls for a vote. Each voting member of the Committee shall either vote in favor of the motion (“aye”), against the motion (“no”) or abstain from voting. A majority of the votes cast is required to adopt a motion. Abstentions do not count as votes cast.
 - m. The Chair announces the results of the vote and makes any general announcements.
 - n. The Chair calls for a motion to adjourn and a second, after which the Committee will be dismissed.
- 3. Recommendation to the Commissioner for Action**
- a. If a motion is passed that recommends action, the Chair will make a written recommendation to the Commissioner reflecting the Committee’s decision.

- b. Should the Commissioner take action, he/she will provide written notice to the contractor or consultant of the action and notify the contractor or consultant of its appeal rights. The Prequalification Engineer will provide a copy of the notice to the Committee Chair and to the Deputy Commissioner or Division Director who submitted the matter at issue.
- c. Should the Commissioner decide not to take action, the Commissioner will provide written notice of his or her decision to the contractor or consultant, the Committee Chair, and the Deputy Commissioner or Division Director who submitted the matter for consideration by the Committee.