

Adopted Rejected

COMMITTEE REPORT

YES: 12
NO: 1

MR. SPEAKER:

Your Committee on Government and Regulatory Reform, to which was referred Senate Bill 533, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 5-30-1-11, AS AMENDED BY P.L.2-2007,
- 4 SECTION 112, IS AMENDED TO READ AS FOLLOWS
- 5 [EFFECTIVE JULY 1, 2011]; Sec. 11. (a) "Public agency" means:
- 6 (1) a state agency (as defined in IC 4-13-1-1);
- 7 (2) a state educational institution;
- 8 (3) a unit (as defined in IC 36-1-2-23);
- 9 (4) a body corporate and politic created by state statute; ~~or~~
- 10 (5) a school corporation (as defined in IC 20-26-2-4); ~~or~~
- 11 **(6) a conservancy district established for a purpose described**
- 12 **in IC 14-33-1-1(a)(4) or IC 14-33-1-1(a)(5).**
- 13 (b) The term does not include the Indiana department of
- 14 transportation.
- 15 SECTION 2. IC 5-30-1-12, AS ADDED BY P.L.74-2005,

1 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2011]: Sec. 12. (a) "Public project" means the process of
3 designing, constructing, reconstructing, altering, or renovating a public
4 building, an airport facility, **a sewer, a drain**, or another structure or
5 improvement that is paid for out of:

6 (1) a public fund; or

7 (2) a special assessment.

8 (b) The term includes either of the following:

9 (1) A process described in subsection (a) relating to a building or
10 structure leased by a public agency under a lease containing an
11 option to purchase.

12 (2) A public improvement to real property owned by a public
13 agency.

14 (c) The term does not include the process of designing, constructing,
15 altering, or repairing a public highway (as defined in IC 9-25-2-4).".

16 Page 2, delete lines 12 through 38, begin a new paragraph and
17 insert:

18 "SECTION 5. IC 5-30-4-3, AS ADDED BY P.L.74-2005, SECTION
19 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
20 2011]: Sec. 3. (a) The technical review committee shall do the
21 following:

22 (1) Qualify potential design-builders as provided in IC 5-30-5.

23 (2) Rate and score qualitative proposals as provided in IC 5-30-6
24 and IC 5-30-7.

25 (b) The technical review committee may interview persons
26 submitting proposals and conduct other business necessary to fulfill the
27 purposes of this article. **However, a public agency may not require**
28 **an offeror to attend more than three (3) interviews in person with**
29 **the technical review committee for a design-build contract.**

30 SECTION 6. IC 5-30-4-4, AS ADDED BY P.L.74-2005, SECTION
31 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
32 2011]: Sec. 4. (a) ~~Except for interviews of persons submitting~~
33 ~~proposals, as otherwise provided in this section,~~ meetings of ~~the~~ a
34 technical review committee ~~shall~~ **must** be open to the public and
35 subject to IC 5-14-1.5.

36 (b) **A meeting of a technical review committee convened for the**
37 **purpose of interviewing persons submitting qualifications or**
38 **proposals is not open to the public.**

1 **(c) If each member of a technical review committee for a public**
 2 **project is an employee of the public agency that is undertaking the**
 3 **public project, the technical review committee's meetings are not**
 4 **open to the public.**

5 SECTION 7. IC 5-30-5-1, AS ADDED BY P.L.74-2005, SECTION
 6 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 7 2011]: Sec. 1. **(a) Except as provided in subsection (c), when**
 8 **design-build contracting has been authorized under IC 5-30-2-2, is**
 9 **used for a public project, a public agency shall publish a notice of a**
 10 **request for qualifications under IC 5-3-1. The notice must allow at least**
 11 **thirty (30) fourteen (14) days for potential design-builders to respond**
 12 **to the request for qualifications.**

13 **(b) Subsection (c) applies to a public project for which a public**
 14 **agency uses design-build contracting if:**

- 15 **(1) the public agency is a state educational institution; or**
- 16 **(2) the public agency is not a state educational institution and**
 17 **the preliminary estimated cost of the public project does not**
 18 **exceed five million dollars (\$5,000,000).**

19 **(c) A public agency that undertakes a public project to which**
 20 **this subsection applies may publish a notice of a combined request**
 21 **for qualifications and proposals under IC 5-3-1 that includes:**

- 22 **(1) the information otherwise required by this chapter; and**
- 23 **(2) a request for proposals as otherwise provided under**
 24 **IC 5-30-6.**

25 **The notice must allow at least thirty (30) days for potential**
 26 **design-builders to respond to the combined request for**
 27 **qualifications and proposals."**

28 Page 3, line 8, delete "IC 6-1.1-20-3.1 or" and insert ":

- 29 **(1) IC 6-1.1-20-3.1 and IC 6-1.1-20-3.2; or**
- 30 **(2) IC 6-1.1-20-3.5 and IC 6-1.1-20-3.6;**

31 **as applicable."**

32 Page 3, delete line 9.

33 Page 3, delete lines 10 through 37, begin a new paragraph and
 34 insert:

35 "SECTION 9. IC 5-30-6-5.5 IS ADDED TO THE INDIANA CODE
 36 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 37 1, 2011]: **Sec. 5.5. The deliverables required for a qualitative**
 38 **proposal in a request for proposals may not exceed the following,**

1 **as considered appropriate for the type of project by the technical**
 2 **review committee for the public project:**

3 **(1) All information requested in the design criteria package.**

4 **(2) A conceptual site plan.**

5 **(3) Conceptual building, systems, and equipment plans.**

6 **(4) Conceptual elevations.**

7 **(5) A project description narrative.**

8 **(6) A project schedule.**

9 SECTION 10. IC 5-30-7-1, AS ADDED BY P.L.74-2005,
 10 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2011]: Sec. 1. A proposal submitted in response to a request
 12 for proposals described in IC 5-30-6 must satisfy the following:

13 (1) The qualitative proposal and the price proposal must be
 14 submitted simultaneously in separately sealed and identified
 15 packages. The price proposal must remain sealed until opened in
 16 public under section 5 of this chapter.

17 (2) A proposal must identify each person with whom the offeror
 18 proposes to enter into subcontracts for primary design services
 19 and primary construction services, including any subcontractors,
 20 under the design-build contract. The public agency may determine
 21 requirements under this section.

22 (3) The price proposal must:

23 (A) contain one (1) lump sum cost of all design, construction
 24 engineering, inspection, and construction costs of the proposed
 25 project; or

26 (B) establish a maximum cost of the design-build contract that
 27 will not be exceeded if the proposal is accepted without
 28 change.

29 (4) The qualitative proposal must include all ~~documents;~~
 30 ~~information, and data requested~~ **the deliverables required for**
 31 **the qualitative proposal** in the request for proposals.

32 SECTION 11. IC 5-30-7-3, AS ADDED BY P.L.74-2005,
 33 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2011]: Sec. 3. (a) The technical review committee shall
 35 review the qualitative proposals and establish a score for each
 36 qualitative proposal based on the factors, weighting, and process
 37 identified in the request for proposals.

38 (b) The technical review committee shall give a written ~~composite~~

- 1 **comprehensive** score for each qualitative proposal.
- 2 **(c) A written comprehensive score for a qualitative proposal**
- 3 **must include the following:**
- 4 **(1) An explanation of the scoring methodology adopted by the**
- 5 **technical review committee that is sufficiently detailed to**
- 6 **enable an independent observer to calculate the composite**
- 7 **score for the qualitative proposal from the scores described in**
- 8 **subdivision (2).**
- 9 **(2) For each factor used in calculating the composite score of**
- 10 **the qualitative proposal, the following:**
- 11 **(A) The unweighted score awarded by each member of the**
- 12 **technical review committee for the factor.**
- 13 **(B) The unweighted score of the technical review**
- 14 **committee as a whole for the factor, calculated from the**
- 15 **individual scores described in clause (A).**
- 16 **(C) The weight for the factor, if all factors are not given**
- 17 **equal weight in calculating the composite score for the**
- 18 **qualitative proposal.**
- 19 **(D) The weighted score for the factor, if a weight specified**
- 20 **under clause (C) is used to adjust the unweighted score**
- 21 **determined under clause (B) for the factor.**
- 22 **(3) The composite score for the qualitative proposal,**
- 23 **calculated from the scores described in subdivision (2) in**
- 24 **accordance with the scoring methodology adopted by the**
- 25 **technical review committee."**
- 26 Renumber all SECTIONS consecutively.
(Reference is to SB 533 as reprinted February 16, 2011.)

and when so amended that said bill do pass.

Representative Hinkle