

IC 5-30

ARTICLE 30. DESIGN-BUILD PUBLIC WORKS PROJECTS

IC 5-30-1

Chapter 1. Definitions

IC 5-30-1-1

Definitions; applicability

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.74-2005, SEC.1.

IC 5-30-1-2

"Construction services"

Sec. 2. "Construction services" means services provided under a design-build contract that are not design services.

As added by P.L.74-2005, SEC.1.

IC 5-30-1-3

"Design-build contract"

Sec. 3. "Design-build contract" means a contract between a public agency and a design-builder to furnish:

- (1) architectural, engineering, and related design services as required for a public project; and
- (2) labor, materials, and other construction services for the same public project.

As added by P.L.74-2005, SEC.1.

IC 5-30-1-4

"Design-builder"

Sec. 4. "Design-builder" means a person that furnishes the necessary design and construction services under a design-build contract, whether by itself or through contractual arrangements.

As added by P.L.74-2005, SEC.1.

IC 5-30-1-5

"Design criteria developer"

Sec. 5. "Design criteria developer" means a person registered under IC 25-4 as an architect or IC 25-31 as a professional engineer who is responsible for preparing the design criteria package for the public agency for a design-build project.

As added by P.L.74-2005, SEC.1.

IC 5-30-1-6

"Design criteria package"

Sec. 6. "Design criteria package" means a set of documents that provides sufficient information to permit an offeror to prepare a proposal in response to a public agency's request for proposals.

As added by P.L.74-2005, SEC.1.

IC 5-30-1-7**"Design services"**

Sec. 7. "Design services" means services that are:

- (1) within the scope of practice specified by IC 25-4 for architecture or IC 25-31 for professional engineering; or
- (2) performed by a registered architect or professional engineer in connection with the architect's or engineer's professional employment or practice.

As added by P.L.74-2005, SEC.1.

IC 5-30-1-8**"Offeror"**

Sec. 8. "Offeror" means a person who submits a proposal in response to a request for proposals.

As added by P.L.74-2005, SEC.1.

IC 5-30-1-9**"Person"**

Sec. 9. "Person" means an individual, a firm, a partnership, a limited liability company, a joint venture, an association, a corporation, or another legal entity.

As added by P.L.74-2005, SEC.1.

IC 5-30-1-10**"Proposal"**

Sec. 10. "Proposal" means an offer by a potential design-builder to enter into a design-build contract for a public project in response to a request for proposals.

As added by P.L.74-2005, SEC.1.

IC 5-30-1-11**"Public agency"**

Sec. 11. (a) "Public agency" means:

- (1) a state agency (as defined in IC 4-13-1-1);
- (2) a state educational institution;
- (3) a unit (as defined in IC 36-1-2-23);
- (4) a body corporate and politic created by state statute;
- (5) a school corporation (as defined in IC 20-26-2-4); or
- (6) a conservancy district established for a purpose described in IC 14-33-1-1(a)(4) or IC 14-33-1-1(a)(5).

(b) The term does not include the Indiana department of transportation.

As added by P.L.74-2005, SEC.1. Amended by P.L.246-2005, SEC.58; P.L.2-2007, SEC.112; P.L.166-2011, SEC.1.

IC 5-30-1-12**"Public project"**

Sec. 12. (a) "Public project" means the process of designing, constructing, reconstructing, altering, or renovating a public building, an airport facility, a sewer, a drain, or another structure or

improvement that is paid for out of:

- (1) a public fund; or
- (2) a special assessment.

(b) The term includes either of the following:

- (1) A process described in subsection (a) relating to a building or structure leased by a public agency under a lease containing an option to purchase.
- (2) A public improvement to real property owned by a public agency.

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

As added by P.L. 74-2005, SEC.1. Amended by P.L. 166-2011, SEC.2.

IC 5-30-1-13

"Team"

Sec. 13. "Team" means a single entity that is responsible for a public project using the design-build contracting method. The entity may include:

- (1) the design-builder; and
- (2) a person who:
 - (A) subcontracts with the design-builder;
 - (B) is a partner of the design-builder;
 - (C) enters into a joint venture with the design-builder; and
 - (D) performs work under a design-build contract.

As added by P.L. 74-2005, SEC.1.