

## **IC 5-30-7**

### **Chapter 7. Selection and Award**

#### **IC 5-30-7-1**

##### **Proposal requirements**

Sec. 1. A proposal submitted in response to a request for proposals described in IC 5-30-6 must satisfy the following:

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

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

(3) The price proposal must:

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

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

(4) The qualitative proposal must include all the deliverables required for the qualitative proposal in the request for proposals.

*As added by P.L.74-2005, SEC.1. Amended by P.L.166-2011, SEC.10.*

#### **IC 5-30-7-2**

##### **Submission of proposals to technical review committee**

Sec. 2. (a) The public agency shall submit the qualitative proposals to the technical review committee.

(b) The public agency may require clarifications from an offeror to ensure conformance of proposals with the design criteria and administrative requirements.

(c) The technical review committee may not consider a proposal until the design criteria developer provides its professional opinion that the proposal conforms with the design criteria.

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

#### **IC 5-30-7-3**

##### **Scoring of proposals**

Sec. 3. (a) The technical review committee shall review the qualitative proposals and establish a score for each qualitative proposal based on the factors, weighting, and process identified in the request for proposals.

(b) The technical review committee shall give a written comprehensive score for each qualitative proposal.

(c) A written comprehensive score for a qualitative proposal must

include the following:

- (1) An explanation of the scoring methodology adopted by the technical review committee that is sufficiently detailed to enable an independent observer to calculate the composite score for the qualitative proposal from the scores described in subdivision (2).
- (2) For each factor used in calculating the composite score of the qualitative proposal, the following:
  - (A) The unweighted score awarded by each member of the technical review committee for the factor.
  - (B) The unweighted score of the technical review committee as a whole for the factor, calculated from the individual scores described in clause (A).
  - (C) The weight for the factor, if all factors are not given equal weight in calculating the composite score for the qualitative proposal.
  - (D) The weighted score for the factor, if a weight specified under clause (C) is used to adjust the unweighted score determined under clause (B) for the factor.
- (3) The composite score for the qualitative proposal, calculated from the scores described in subdivision (2) in accordance with the scoring methodology adopted by the technical review committee.

*As added by P.L.74-2005, SEC.1. Amended by P.L.166-2011, SEC.11.*

#### **IC 5-30-7-4**

##### **Opening of price proposals; notice**

Sec. 4. The public agency shall notify all offerors of the date, time, and location of the public opening of the sealed price proposals at least seven (7) days before the opening date.

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

#### **IC 5-30-7-5**

##### **Adjusted price**

Sec. 5. The public agency shall publicly open the sealed price proposals and divide each offeror's price by the written composite score that the technical review committee has given to each qualitative proposal to obtain an adjusted price.

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

#### **IC 5-30-7-6**

##### **Basis for accepting proposal**

Sec. 6. The public agency shall accept the proposal that provides the public agency with the lowest adjusted price providing the best value to the taxpayer. The public agency is not required to accept the lowest price proposal.

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

#### **IC 5-30-7-7**

**Rejection of proposals**

Sec. 7. The public agency may reject any and all proposals, except for the purpose of evading the provisions and policies of this article. A public agency must make a rejection of proposals under this section in a written document that states the reasons for rejecting proposals.

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

**IC 5-30-7-8****Negotiation of contract terms**

Sec. 8. (a) The public agency may negotiate any contract term with the offeror selected under section 6 of this chapter, except for those terms identified in the request for proposals as nonnegotiable.

(b) If the public agency is unable to negotiate a contract with its first selection, the public agency may:

- (1) terminate negotiations with that offeror; and
- (2) negotiate with the next lowest adjusted price offeror.

A public agency shall continue in accordance with this procedure until a contract agreement is reached or the selection process is terminated.

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

**IC 5-30-7-9****Ownership of drawings, specifications, and information**

Sec. 9. (a) Unless and until a proposal is accepted, the drawings, specifications, and other information in the proposal are the property of the offeror.

(b) After a proposal is accepted, ownership of the drawings, specifications, and information in the drawings and specifications shall be determined under Indiana law and the terms of the design-build contract.

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