

## **INDOT Business Rules for Team Responses to Requests for Proposals for Professional Services.**

(These rules apply only to engineering, architect and survey firms.)

- I. Definition of Joint Venture: For purposes of these business rules, a joint venture is a business undertaking by two or more companies engaged in a single defined project with an express agreement to share profits and losses and project control.
- II. Definition of Professional Services: Professional Services are services as defined in Ind. Code 8-23-2-12.5 (“engineering, architectural or surveying services”).

### **I. Submission of a Letter of Interest as a Joint Venture**

INDOT will allow Joint Ventures to submit a Letter of Interest (LOI) in response to a Request for Proposals (RFP) for Professional Services subject to the conditions listed below. These conditions do not apply to services that are not Professional Services as defined above.

#### A. The proposed Joint Venture (JV) must:

- Register with INDOT no less than one week prior to submitting an LOI by supplying the following documents to [contractsrfp@indot.in.gov](mailto:contractsrfp@indot.in.gov).
  - a written explanation and enumeration of the benefits accruing to the State of Indiana as a consequence of using the JV structure as a delivery vehicle in its proposal
  - a JV agreement signed by both the authorized signatory for the JV and the authorized signatories for all members
  - the name and contact information for a designated single point of contact for the JV
  - an attestation signed by both the authorized signatory for the JV and the authorized signatories for all members attesting that:
    - the JV consists only of members that are each prequalified with the State of Indiana (for information about prequalifying with INDOT please see <http://www.in.gov/indot/6813.htm>)
    - the JV will not allow any of its members to compete individually as a lead firm with the JV on the same RFP Item that is the subject of the submission of the LOI
- Within a maximum of sixty (60) days of the JV’s selection (or such time period as such may be approved by INDOT), it must submit a statement to INDOT, signed by all members of the JV, documenting the following:
  - A commitment to establish a federal tax ID in the name of the JV

- A commitment to obtain a State of Indiana Business Registration Number (BRN) in the name of the JV
  - A commitment to establish a bank account in the name of the JV
  - A commitment to carrying liability insurance in the name of the JV and each member
  - that the JV has made all necessary filings in its own name to do business with the State of Indiana (please note that Indiana does not register the following entities: joint ventures, general partnerships)
  - that the JV is an entity capable of holding property, contracting with the State of Indiana and that each member is an entity capable of being sued in its own name
  - that the JV is not a limited liability entity such as an LLC or a limited partnership
- B. INDOT, as part of its qualification–based selection process, will consider the JV’s score for past performance to be the average of the scores of each member with existing data
- C. Should a JV be identified as one of the top-ranked respondents, INDOT will:
- evaluate and combine the capacities of each member firm to determine if the JV has adequate capacity to be selected
  - evaluate the accumulated DEF factor adjustment of each member and apply the highest member’s adjustment amount to the JV team scores
- D. Should INDOT select the JV for contract negotiations:
- the JV and each member must be a party to and sign the INDOT consultant agreement and the subconsultant acknowledgment form.
  - INDOT will assign a negative 5 point DEF adjustment to each member firm to be applied toward future contracting opportunities with INDOT
- E. To the extent permitted by IC 8-23-2-12.5, each member of the JV shall assume liability for, or indemnify the State of Indiana for any and all damages incurred as a result of the fault of each member.

## **II. Submission of an LOI by a Lead Consultant with other firms as subconsultants**

Lead Consultants may submit an LOI identifying other firms as its subconsultants with the conditions listed below.

A. The LOI must:

- designate a Project Manager who is employed by the Lead Consultant and holds a current Indiana license as may be required

- confirm that that the Lead Consultant performs the largest share of work, regardless of the number of sub-consultants
- confirm that the Lead Consultant and all sub-consultants are each pre-qualified with INDOT, if applicable
- To the extent permitted by IC 8-23-2-12, the Lead Consultant and each subconsultant shall assume liability for, or indemnify the State of Indiana for any and all damages incurred as a result of the fault of each member.

B. INDOT will evaluate the capacity and past performance of the Lead Consultant and may evaluate the capacity and/or the past performance of each subconsultant.

C. Should INDOT select the firm for contract negotiations, the Lead Consultant must agree to the following conditions:

- INDOT will manage the project only through the Lead Consultant.
- The Lead Consultant is responsible for the work of all sub-consultants on the project
- INDOT will evaluate the Lead Consultant during and after the performance of the contract based upon work quality and project management
- INDOT will evaluate each sub-consultant during and after the performance of the contract based upon work quality