

HOUSE BILL No. 1095

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-23-11.

Synopsis: Contracts for emergency road repairs. Authorizes the Indiana department of transportation (INDOT) commissioner to declare an emergency when a part of the state highway system has been damaged to the extent it is unusable by the traveling public or unsafe to use. (Under current law, the governor must declare such an emergency. Current law permits INDOT to award a contract for repairs by soliciting bids from at least three prequalified persons without use of the formal bidding process.) Repeals a provision that permits a contract to be awarded under such circumstances only if three bids are received and the lowest bid does not exceed the engineer's estimate to repair by more than 10%.

Effective: July 1, 2020.

Sullivan

January 7, 2020, read first time and referred to Committee on Roads and Transportation.



Second Regular Session of the 121st General Assembly (2020)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

HOUSE BILL No. 1095

A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 8-23-11-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. **(a)** Whenever a
3 bridge, culvert, roadway, or any other physical property of the state
4 highway system has been damaged to the extent that it is not usable by
5 the traveling public or is unsafe for use, and by order of the governor
6 **or the commissioner** it is determined that an emergency exists, the
7 department shall proceed with due diligence to reopen the highway to
8 traffic and make it safe for the traveling public. For this purpose, the
9 department may proceed without advertising for bids if **the**
10 **department invites**
11 **(1) three (3) or more bids are invited from persons prequalified to**
12 **perform the work required to be done and to submit a bid within**
13 **the time specified by the department for that work. Each of**
14 **the three (3) prequalified persons shall be given an equal**
15 **amount of time to prepare and submit a bid for the work.**
16 **(2) (b) The records of the department show must keep records of:**
17 **(1) the names of those persons invited to bid; and**



1 **(2) the details of bids submitted;**
2 **in accordance with the department's usual contracting procedures.**

3 **(c) The department may then award an emergency contract**
4 **under this section to the lowest responsive bidder.**

5 SECTION 2. IC 8-23-11-2 IS REPEALED [EFFECTIVE JULY 1,
6 2020]. Sec. 2: The department may proceed to award the contract to a
7 low bidder on an emergency contract even though the bid is in excess
8 of the engineer's estimate, but only if there are at least three (3) bids
9 received, and the low bid does not exceed the engineer's estimate by
10 more than ten percent (10%): If there is an operative bid below the
11 engineer's estimate, this section does not necessitate a minimum
12 number of bids to be received.

