



Reprinted
February 8, 2019

HOUSE BILL No. 1660

DIGEST OF HB 1660 (Updated February 7, 2019 1:21 pm - DI 128)

Citations Affected: IC 5-30.

Synopsis: Design-build projects. Provides that certain public works statutes do not apply in the context of design-build public construction. Provides that a contractor that employs 10 or more employees on a design-build public works project must provide its employees access to a training program applicable to the tasks to be performed in the normal course of the employee's employment with the contractor on the public project. Provides that a tier 1 or tier 2 contractor that employs 50 or more journeymen must participate in an apprenticeship or training program that meets certain standards.

Effective: July 1, 2019.

Goodrich, VanNatter, Miller D

January 24, 2019, read first time and referred to Committee on Employment, Labor and Pensions.
February 5, 2019, reported — Do Pass.
February 7, 2019, read second time, amended, ordered engrossed.

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First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1660

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

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

- 1 SECTION 1. IC 5-30-5-3, AS ADDED BY P.L.74-2005, SECTION
2 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
3 2019]: Sec. 3. (a) A potential design-builder responding to the request
4 for qualifications under section 2 of this chapter must submit a verified
5 statement of qualifications setting forth the qualifications of the
6 potential design-builder and team members, if applicable, and provide
7 the other information required by the request for qualifications.
8 (b) The verified statement of qualifications required under this
9 section must include the following:
10 (1) A listing of all prime contractors and architectural and
11 engineering firms that participate financially as part of the team.
12 (2) A statement that:
13 (A) the design-builder or the team members have completed
14 or demonstrated the experience, competency, capability, and
15 capacity to complete projects of similar size, scope, or
16 complexity; and
17 (B) proposed key personnel have sufficient experience and

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- 1 training to competently manage and complete the design and
 2 construction of the project.
- 3 (3) A statement that the design-builder or team members have the
 4 licenses, registrations, and credentials required to design and
 5 construct the project, including information on the revocation or
 6 suspension of a license, credential, or registration.
- 7 (4) A statement that the design-builder has the capacity to obtain
 8 all required payment and performance bonding, liability
 9 insurance, and errors and omissions insurance.
- 10 (5) The experience modifier rate, the United States Occupational
 11 Safety and Health Administration total recordable case incident
 12 rate (TCIR) and days away, restricted or transferred case incident
 13 rate (DART) for the design-builder and each design build team,
 14 and the average United States Occupational Safety and Health
 15 Administration TCIR and DART rates for the industrial
 16 classification of the design-builder and each design-build team.
- 17 (6) A statement that the design-builder or the employees of the
 18 team performing construction services, including the employees
 19 of all subcontractors, ~~have completed or are enrolled in an~~
 20 ~~apprenticeship program certified by the United States Department~~
 21 ~~of Labor Bureau of Apprenticeship and Training:~~ **comply with**
 22 **IC 5-30-8-9, if applicable.**
- 23 (7) Information regarding any prior serious, repeat, willful, or
 24 criminal violation of the federal Occupational Safety and Health
 25 Act of 1970 and any equivalent violation under a state plan
 26 authorized under Section 18 of the federal act that has become a
 27 final order.
- 28 (8) Information concerning the debarment, disqualification, or
 29 removal of the design-builder or a team member from a federal,
 30 state, or local government public works project.
- 31 (9) Information concerning the bankruptcy or receivership of the
 32 design-builder or a team member.
- 33 SECTION 2. IC 5-30-8-8 IS ADDED TO THE INDIANA CODE
 34 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 35 1, 2019]: **Sec. 8. IC 5-16-13 and IC 5-16-14 do not apply to a**
 36 **contract awarded under this article.**
- 37 SECTION 3. IC 5-30-8-9 IS ADDED TO THE INDIANA CODE
 38 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 39 1, 2019]: **Sec. 9. (a) The definitions set forth in IC 5-16-13-4 apply**
 40 **throughout this section.**
- 41 **(b) This section applies after June 30, 2019, only to a contractor**
 42 **that employs ten (10) or more employees.**



1 (c) A contractor must provide access to a training program
2 applicable to the tasks to be performed in the normal course of the
3 employee's employment with the contractor.

4 (d) A contractor may comply with this section through any of
5 the following:

6 (1) An apprenticeship program.

7 (2) A program offered by Ivy Tech Community College of
8 Indiana.

9 (3) A program offered by Vincennes University.

10 (4) A program established by or for the contractor.

11 (5) A program offered by an entity sponsored by the United
12 States Department of Labor, Bureau of Apprenticeship and
13 Training.

14 (6) A program that results in the award of an industry
15 recognized portable certification.

16 (7) A program approved by the United States Department of
17 Transportation, Federal Highway Administration.

18 (8) A program approved by the Indiana department of
19 transportation.

20 (e) This subsection applies after June 30, 2019, to a tier 1 or tier
21 2 contractor that employs fifty (50) or more journeymen. The
22 contractor shall participate in an apprenticeship or training
23 program that meets the standards established by or has been
24 approved by any of the following:

25 (1) The United States Department of Labor, Bureau of
26 Apprenticeship and Training.

27 (2) The department of labor.

28 (3) The United States Department of Transportation, Federal
29 Highway Administration.

30 (4) The Indiana department of transportation.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred House Bill 1660, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1660 as introduced.)

VANNATTER

Committee Vote: Yeas 11, Nays 1

HOUSE MOTION

Mr. Speaker: I move that House Bill 1660 be amended to read as follows:

Between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-30-5-3, AS ADDED BY P.L. 74-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) A potential design-builder responding to the request for qualifications under section 2 of this chapter must submit a verified statement of qualifications setting forth the qualifications of the potential design-builder and team members, if applicable, and provide the other information required by the request for qualifications.

(b) The verified statement of qualifications required under this section must include the following:

- (1) A listing of all prime contractors and architectural and engineering firms that participate financially as part of the team.
- (2) A statement that:
 - (A) the design-builder or the team members have completed or demonstrated the experience, competency, capability, and capacity to complete projects of similar size, scope, or complexity; and
 - (B) proposed key personnel have sufficient experience and training to competently manage and complete the design and construction of the project.
- (3) A statement that the design-builder or team members have the licenses, registrations, and credentials required to design and construct the project, including information on the revocation or suspension of a license, credential, or registration.
- (4) A statement that the design-builder has the capacity to obtain

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all required payment and performance bonding, liability insurance, and errors and omissions insurance.

(5) The experience modifier rate, the United States Occupational Safety and Health Administration total recordable case incident rate (TCIR) and days away, restricted or transferred case incident rate (DART) for the design-builder and each design build team, and the average United States Occupational Safety and Health Administration TCIR and DART rates for the industrial classification of the design-builder and each design-build team.

(6) A statement that the design-builder or the employees of the team performing construction services, including the employees of all subcontractors, ~~have completed or are enrolled in an apprenticeship program certified by the United States Department of Labor Bureau of Apprenticeship and Training:~~ **comply with IC 5-30-8-9, if applicable.**

(7) Information regarding any prior serious, repeat, willful, or criminal violation of the federal Occupational Safety and Health Act of 1970 and any equivalent violation under a state plan authorized under Section 18 of the federal act that has become a final order.

(8) Information concerning the debarment, disqualification, or removal of the design-builder or a team member from a federal, state, or local government public works project.

(9) Information concerning the bankruptcy or receivership of the design-builder or a team member."

Page 1, delete lines 5 through 12, begin a new paragraph and insert:
 "SECTION 2. IC 5-30-8-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 9. (a) The definitions set forth in IC 5-16-13-4 apply throughout this section.**

(b) This section applies after June 30, 2019, only to a contractor that employs ten (10) or more employees.

(c) A contractor must provide access to a training program applicable to the tasks to be performed in the normal course of the employee's employment with the contractor.

(d) A contractor may comply with this section through any of the following:

- (1) An apprenticeship program.**
- (2) A program offered by Ivy Tech Community College of Indiana.**
- (3) A program offered by Vincennes University.**
- (4) A program established by or for the contractor.**



(5) A program offered by an entity sponsored by the United States Department of Labor, Bureau of Apprenticeship and Training.

(6) A program that results in the award of an industry recognized portable certification.

(7) A program approved by the United States Department of Transportation, Federal Highway Administration.

(8) A program approved by the Indiana department of transportation.

(e) This subsection applies after June 30, 2019, to a tier 1 or tier 2 contractor that employs fifty (50) or more journeymen. The contractor shall participate in an apprenticeship or training program that meets the standards established by or has been approved by any of the following:

(1) The United States Department of Labor, Bureau of Apprenticeship and Training.

(2) The department of labor.

(3) The United States Department of Transportation, Federal Highway Administration.

(4) The Indiana department of transportation."

Renumber all SECTIONS consecutively.

(Reference is to HB 1660 as printed February 5, 2019.)

GOODRICH

