

West’s Annotated Indiana Code

Title 5. State and Local Administration

Article 16. Public Works

Chapter 13. Requirements for Contractors on Public Works Projects

IC **5-16-13-3**

5-16-13-3 “Contractor”

Effective: July 1, 2015

[Currentness](#)

Sec. 3. As used in this chapter, “contractor” refers generally to a contractor in any contractor tier.

Credits

As added by [P.L.252-2015, SEC.12](#), eff. July 1, 2015.

I.C. **5-16-13-3**, IN ST **5-16-13-3**

The statutes and Constitution are current with all legislation of the 2020 Second Regular Session of the 121st General Assembly effective through June 30, 2020.

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IC 5-16-13-4

5-16-13-4 “Contractor tier”

Effective: July 1, 2015

[Currentness](#)

Sec. 4. As used in this chapter, “contractor tier” refers collectively to the following classes of contractors on a public works project:

- (1) “Tier 1 contractor” includes each person that has a contract with the public agency to perform some part of the work on, supply some of the materials for, or supply a service for, a public works project. A person included in this tier is also known as a “prime contractor” or a “general contractor”.

- (2) “Tier 2 contractor” includes each person that has a contract with a tier 1 contractor to perform some part of the work on, supply some of the materials for, or supply a service for, a public works project. A person included in this tier is also known as a “subcontractor”.

- (3) “Tier 3 contractor” includes each person that has a contract with a tier 2 contractor to perform some part of the work on, supply some of the materials for, or supply a service for, a public works project. A person included in this tier is also known as a “sub-subcontractor”.

- (4) “Lower tier contractor” includes each person that has a contract with a tier 3 contractor or lower tier contractor to perform some part of the work on, supply some of the materials for, or supply a service for, a public works project. A person included in this tier is also known as a “lower tier subcontractor”.

Credits

As added by [P.L.252-2015, SEC.12](#), eff. July 1, 2015.

I.C. 5-16-13-4, IN ST 5-16-13-4

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West's Annotated Indiana Code

Title 5. State and Local Administration

Article 16. Public Works

Chapter 13. Requirements for Contractors on Public Works Projects

IC 5-16-13-10

5-16-13-10 Contractor duties and qualifications; all tiers

Effective: July 1, 2015

[Currentness](#)

Sec. 10. (a) This section applies to each contractor in any contractor tier of a public works project.

(b) A contractor must maintain general liability insurance in at least the following amounts:

(1) For each occurrence limit, one million dollars (\$1,000,000).

(2) For the general aggregate limit, two million dollars (\$2,000,000).

(c) This subsection applies to a public works contract awarded after June 30, 2016. A contractor must be qualified under either of the following before doing any work on a public works project:

(1) IC 4-13.6-4.

(2) IC 8-23-10.

Credits

As added by [P.L.252-2015, SEC.12](#), eff. July 1, 2015. Amended by [P.L.213-2015, SEC.66](#), eff. July 1, 2015.

I.C. 5-16-13-10, IN ST 5-16-13-10

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Chapter 10. Qualifications of Bidders for Contracts

IC 8-23-10-0.1

8-23-10-0.1 Application of certain P.L.92-2004 amendments

Effective: July 1, 2011

[Currentness](#)

Sec. 0.1. The amendments made to [section 4](#) of this chapter by P.L.92-2004 apply only to subcontracts entered into after June 30, 2004.

Credits

As added by [P.L.220-2011](#), [SEC.207](#).

I.C. 8-23-10-0.1, IN ST 8-23-10-0.1

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IC 8-23-10-0.5

8-23-10-0.5 Qualification of contractor to do work on a public works project; conditions

Effective: April 20, 2017

[Currentness](#)

Sec. 0.5. (a) The definitions in IC 5-16-13 apply to this section.

(b) For purposes of [IC 5-16-13-10\(c\)](#) and this section, a contractor must be qualified under this chapter before doing any work on a public works project that is the construction, improvement, alteration, repair, or maintenance of a highway, street, or road (as defined by [IC 8-23-1-23](#)) or alley.

(c) Notwithstanding the applicability date specified in [IC 5-16-13-10\(c\)](#) and subject to subsection (d), the requirement that a contractor must be qualified under this chapter before doing any work on a public works project applies to a public works contract awarded after December 31, 2016.

(d) This subsection applies to a public works project awarded after December 31, 2016, by a local unit. A contractor in any contractor tier is not required to be qualified under this chapter before doing any work on a public works project awarded by a local unit whenever:

(1) the total amount of the contract awarded to the contractor for work on the public works project is less than three hundred thousand dollars (\$300,000); and

(2) the local unit complies with IC 36-1-12 in awarding the contract for the public works project.

Credits

As added by [P.L.144-2016, SEC.3](#), eff. March 23, 2016. Amended by [P.L.85-2017, SEC.39](#), eff. April 20, 2017.

I.C. 8-23-10-0.5, IN ST 8-23-10-0.5

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Title 8. Utilities and Transportation
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Chapter 10. Qualifications of Bidders for Contracts

IC 8-23-10-1

8-23-10-1 Qualified bidders required

Effective: March 23, 2016

[Currentness](#)

Sec. 1. It is unlawful to award a contract to any person other than a bidder previously qualified in compliance with this chapter, except for the award of a contract for a public works project by a local unit whenever [section 0.5\(d\)](#) of this chapter applies.

Credits

As added by [P.L.18-1990, SEC.219](#), eff. March 13, 1990. Amended by [P.L.144-2016, SEC.4](#), eff. March 23, 2016.

[Notes of Decisions \(3\)](#)

I.C. 8-23-10-1, IN ST 8-23-10-1

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Chapter 10. Qualifications of Bidders for Contracts

IC 8-23-10-2

8-23-10-2 Qualification applications; investigation; certificates of qualification; revocation of certificates

Effective: July 1, 2019

[Currentness](#)

Sec. 2. (a) A bidder desiring to submit to the department a bid for the performance of a contract the department proposes to let must apply to the department for qualification and must use for that purpose the forms prescribed and furnished by the department. All applications must be verified by the applicant.

(b) The department shall act within thirty (30) days upon an application for qualification. Upon the receipt of an application for qualification, the department shall examine and may investigate the application and shall determine whether the applicant is competent and responsible and possesses the financial resources that satisfy this chapter.

(c) If the applicant is found to possess the qualifications prescribed by this chapter and by the rules adopted by the department, the department shall issue a certificate of qualification, which shall be valid for the period of twenty-four (24) months, or a shorter period of time that the department prescribes, unless revoked by the department for cause. The certificate of qualification must contain a statement fixing the aggregate amount of uncompleted work that the applicant will be permitted to have at any time under a contract with the department and may also, in the discretion of the department, contain a statement limiting a bidder to the submission of bids upon a certain class or classes of work. Subject to any restrictions as to amount or class of work, the certificate of qualification authorizes its holder to bid on all work on which bids are taken by the department during the period of time specified.

(d) A certificate of qualification may be revoked by the department only after notice to the qualified bidder and an opportunity to be heard. The notice must be in writing and must state the grounds of the proposed revocation.

Credits

As added by [P.L.18-1990, SEC.219](#), eff. March 13, 1990. Amended by [P.L.14-2019, SEC.2](#), eff. July 1, 2019.

I.C. 8-23-10-2, IN ST 8-23-10-2

The statutes and Constitution are current with all legislation of the 2020 Second Regular Session of the 121st General Assembly effective through June 30, 2020.

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IC 8-23-10-2.5

8-23-10-2.5 List of contractors that hold a certificate of qualification; public inspection requirement

Effective: July 1, 2016

[Currentness](#)

Sec. 2.5. The department shall make available for public inspection during regular office hours and on the Internet a list of the contractors holding a valid certificate of qualification issued by the department under this chapter.

Credits

As added by [P.L.144-2016, SEC.5](#), eff. July 1, 2016.

I.C. 8-23-10-2.5, IN ST 8-23-10-2.5

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IC 8-23-10-3

8-23-10-3 Certificates of qualification; financial statements;
rules; administration; confidential financial information

Effective: July 1, 2019

[Currentness](#)

Sec. 3. (a) A bidder may not be given a certificate of qualification unless the bidder's financial statement and the investigation made by the department show that the bidder possesses net current assets sufficient in the judgment of the department to render it probable that the bidder can satisfactorily execute contracts and meet obligations incurred. All applications for qualification must expressly authorize the department to obtain all information considered pertinent with respect to the financial worth and assets and liabilities of the applicant from banks or other financial institutions, surety companies, dealers in material, equipment, or supplies, or other persons having business transactions with an applicant and must expressly authorize all financial institutions or other persons to furnish information requested by the department.

(b) The department shall adopt rules under IC 4-22-2, including emergency rules adopted in the manner provided under [IC 4-22-2-37.1](#), that establish the requirements for financial statements furnished to the department by potential applicants for the purpose of determining an applicant's eligibility and financial capacity under this chapter.

(c) This chapter shall be administered without reference to the residence of applicants, and its provisions and the rules of the department adopted under this chapter apply equally to residents and nonresidents of Indiana. This chapter does not apply to the purchase of material, equipment, and supplies or to the construction and maintenance of buildings.

(d) Notwithstanding [IC 5-14-3-4\(a\)\(5\)](#), a financial statement submitted to the department under this chapter is considered confidential financial information for the purposes of IC 5-14-3.

Credits

As added by [P.L.18-1990, SEC.219](#), eff. March 13, 1990. Amended by [P.L.111-1993, SEC.1](#); [P.L.119-1995, SEC.1](#); [P.L.14-2019, SEC.3](#), eff. July 1, 2019.

[Notes of Decisions \(3\)](#)

I.C. 8-23-10-3, IN ST 8-23-10-3

The statutes and Constitution are current with all legislation of the 2020 Second Regular Session of the 121st General Assembly effective through June 30, 2020.

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Chapter 10. Qualifications of Bidders for Contracts

IC 8-23-10-4

8-23-10-4 Subcontractors; qualification

Currentness

Sec. 4. It is unlawful for a successful bidder to enter into a subcontract with any other person involving the performance of any part of any work upon which the bidder may be engaged for the department in an amount in excess of three hundred thousand dollars (\$300,000) unless the subcontractor has been properly qualified under the terms of this chapter for the work sublet to the subcontractor. However, the department may reduce this amount based on the subcontractor's performance with the department and others. The prequalification requirements of this section do not apply to the following:

- (1) Professional services.

- (2) Hauling materials or supplies to or from a job site.

Credits

As added by [P.L.18-1990, SEC.219](#), eff. March 13, 1990. Amended by [P.L.92-2004, SEC.1](#).

I.C. 8-23-10-4, IN ST 8-23-10-4

The statutes and Constitution are current with all legislation of the 2020 Second Regular Session of the 121st General Assembly effective through June 30, 2020.

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IC 8-23-10-5

8-23-10-5 Notice of action on application; re-application

Currentness

Sec. 5. (a) All applicants for qualification shall be promptly notified by the department of its final action on their applications. An applicant aggrieved by the decision of the department may, within ten (10) days after receiving notification of the decision, request in writing a reconsideration of the application by the department, and may submit additional evidence bearing on qualifications. The department shall again consider the matter and may either adhere to or modify its previous decision. The department shall act upon any request for reconsideration within fifteen (15) days after the filing of the request and shall notify the applicant of the action taken.

(b) An applicant who has been refused qualification, or who is dissatisfied with the department's decision as to the aggregate amount of uncompleted work to be permitted under contract at any one time, or with any limitation as to the class or classes of work on which the bidder is authorized to bid, may at any time after the expiration of ninety (90) days from the date of the department's decision on the last application file a new application for qualification. The new application shall be promptly considered and acted upon by the department.

Credits

As added by [P.L.18-1990](#), [SEC.219](#), eff. March 13, 1990.

I.C. 8-23-10-5, IN ST 8-23-10-5

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IC 8-23-10-6

8-23-10-6 Unqualified bidders; rejection of bids

Currentness

Sec. 6. The department may not consider a bid filed with it by a person who has not been qualified under this chapter. Bids from unqualified bidders discovered by the department before the reading of the bids shall be returned without being read. If the department finds subsequent to the opening of bids that facts exist that would disqualify the lowest bidder, or that the bidder is not competent and responsible, the department shall reject the bid despite the fact of prior qualification of the bidder. It is unlawful to award a contract to a bidder not qualified to bid at the time fixed for receiving bids.

Credits

As added by [P.L.18-1990, SEC.219](#), eff. March 13, 1990.

I.C. 8-23-10-6, IN ST 8-23-10-6

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IC 8-23-10-7

8-23-10-7 Revenue department; access to names of bidders,
contractors, and subcontractors; bidders on tax warrant list

Currentness

Sec. 7. (a) The department may allow the department of state revenue access to the name of each person who is either:

- (1) bidding on a contract to be awarded under this chapter; or
- (2) a contractor or a subcontractor under this chapter.

(b) If the department is notified by the department of state revenue that a bidder is on the most recent tax warrant list, the department may not award a contract to that bidder until:

- (1) the bidder provides to the department a statement from the department of state revenue that the bidder's delinquent tax liability has been satisfied; or
- (2) the department receives a notice from the commissioner of the department of state revenue under [IC 6-8.1-8-2\(k\)](#).

(c) The department of state revenue may notify:

- (1) the department; and
- (2) the auditor of state;

that a contractor or subcontractor under this chapter is on the most recent tax warrant list, including the amount that the person owes in delinquent taxes. The auditor of state shall deduct from the contractor's or subcontractor's payment the amount owed in delinquent taxes. The auditor of state shall remit this amount to the department of state revenue and pay the remaining balance to the contractor or subcontractor.

Credits

As added by [P.L.18-1990, SEC.219](#), eff. March 13, 1990.

I.C. 8-23-10-7, IN ST 8-23-10-7

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IC 8-23-10-8

8-23-10-8 False statements; penalty

[Currentness](#)

Sec. 8. It is a Class C infraction for an applicant for qualification to knowingly make a false statement with respect to the applicant's financial worth in an application for qualification, financial statement, or other written instrument filed by the applicant with the department under this chapter or rules adopted under this chapter. A person who violates this section is disqualified from submitting bids on contracts advertised for letting by the department for a period of two (2) years following the date of conviction.

Credits

As added by [P.L.18-1990, SEC.219](#), eff. March 13, 1990.

[Notes of Decisions \(1\)](#)

I.C. 8-23-10-8, IN ST 8-23-10-8

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Indiana Administrative Code
Title 105. Indiana Department of Transportation
Article 11. Prequalification of Contractors and Bidding
Rule 1. Definitions

105 IAC 11-1-1

105 IAC 11-1-1 Applicability

Currentness

Authority: [IC 8-23-2-6](#)

Affected: [IC 8-23-10](#)

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

Credits

(Indiana Department of Transportation; 105 IAC 11-1-1; filed Jul 25, 1991, 3:30 p.m.: 14 IR 2182; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA)

Current with amendments received through the Indiana Weekly Collection, June 10, 2020.

105 IAC 11-1-1, 105 IN ADC 11-1-1

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Indiana Administrative Code
Title 105. Indiana Department of Transportation
Article 11. Prequalification of Contractors and Bidding
Rule 1. Definitions

105 IAC 11-1-2

105 IAC 11-1-2 “Advertisement” defined

Currentness

Authority: [IC 8-23-2-6](#)

Affected: [IC 8-23-10](#)

Sec. 2. “Advertisement” means the public announcement, as required by law, inviting bids for work to be performed or materials to be furnished. The department may elect to use electronic or other means to disseminate the public announcement.

Credits

(Indiana Department of Transportation; 105 IAC 11-1-2; filed Jul 25, 1991, 3:30 p.m.: 14 IR 2182; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; filed May 23, 2007, 2:58 p.m.: 20070620-IR-105070036FRA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA)

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105 IAC 11-1-2, 105 IN ADC 11-1-2

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Indiana Administrative Code
Title 105. Indiana Department of Transportation
Article 11. Prequalification of Contractors and Bidding
Rule 1. Definitions

105 IAC 11-1-3

105 IAC 11-1-3 “Applicant” defined

Currentness

Authority: [IC 8-23-2-6](#)

Affected: IC 8-23-10

Sec. 3. “Applicant” means the contractor or the subcontractor who has filed an application with the department.

Credits

(Indiana Department of Transportation; 105 IAC 11-1-3; filed Jul 25, 1991, 3:30 p.m.: 14 IR 2182; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA)

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105 IAC 11-1-3, 105 IN ADC 11-1-3

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Indiana Administrative Code
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Rule 1. Definitions

105 IAC 11-1-4

105 IAC 11-1-4 “Application” defined

Currentness

Authority: [IC 8-23-2-6](#)

Affected: [IC 8-23-10](#)

Sec. 4. “Application” means the statement filed with the department.

Credits

(Indiana Department of Transportation; 105 IAC 11-1-4; filed Jul 25, 1991, 3:30 p.m.: 14 IR 2182; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA)

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105 IAC 11-1-4, 105 IN ADC 11-1-4

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Indiana Administrative Code
Title 105. Indiana Department of Transportation
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Rule 1. Definitions

105 IAC 11-1-5

105 IAC 11-1-5 “Award” defined

Currentness

Authority: [IC 8-23-2-6](#)

Affected: [IC 8-23-10](#)

Sec. 5. “Award” means the acceptance by the department of a bid and authorization by the commissioner to enter into a contract.

Credits

(Indiana Department of Transportation; 105 IAC 11-1-5; filed Jul 25, 1991, 3:30 p.m.: 14 IR 2182; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA)

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105 IAC 11-1-5, 105 IN ADC 11-1-5

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Indiana Administrative Code
Title 105. Indiana Department of Transportation
Article 11. Prequalification of Contractors and Bidding
Rule 1. Definitions

105 IAC 11-1-6

105 IAC 11-1-6 “Bid bond” defined

Currentness

Authority: [IC 8-23-2-6](#)

Affected: [IC 8-23-10](#)

Sec. 6. “Bid bond” means the approved form of security furnished with a bid to guarantee that the bidder will enter into the contract if the bidder is awarded the contract.

Credits

(Indiana Department of Transportation; 105 IAC 11-1-6; filed Jul 25, 1991, 3:30 p.m.: 14 IR 2182; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; filed May 23, 2007, 2:58 p.m.: 20070620-IR-105070036FRA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA)

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105 IAC 11-1-6, 105 IN ADC 11-1-6

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Indiana Administrative Code
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Rule 1. Definitions

105 IAC 11-1-7

105 IAC 11-1-7 “Bidder” defined

Currentness

Authority: IC 8-23-2-6

Affected: IC 8-23-10

Sec. 7. “Bidder” means an individual, partnership, firm, corporation, or combination of same submitting a bid for the advertised work.

Credits

(Indiana Department of Transportation; 105 IAC 11-1-7; filed Jul 25, 1991, 3:30 p.m.: 14 IR 2182; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA)

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105 IAC 11-1-7, 105 IN ADC 11-1-7

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Indiana Administrative Code
Title 105. Indiana Department of Transportation
Article 11. Prequalification of Contractors and Bidding
Rule 1. Definitions

105 IAC 11-1-8

105 IAC 11-1-8 “Certificate of qualification” defined

Currentness

Authority: [IC 8-23-2-6](#)

Affected: [IC 8-23-10](#)

Sec. 8. “Certificate of qualification” means the official document issued by the department which authorizes a contractor to bid on department contracts.

Credits

(Indiana Department of Transportation; 105 IAC 11-1-8; filed Jul 25, 1991, 3:30 p.m.: 14 IR 2182; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA)

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105 IAC 11-1-8, 105 IN ADC 11-1-8

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Rule 1. Definitions

105 IAC 11-1-9

105 IAC 11-1-9 “Commissioner” defined

Currentness

Authority: [IC 8-23-2-6](#)

Affected: [IC 8-23-10](#)

Sec. 9. “Commissioner” means the chief executive and chief administrative officer of the department who is responsible for administering the department. As used in this article, the designation “commissioner” means the commissioner, the commissioner's designee, or alternate.

Credits

(Indiana Department of Transportation; 105 IAC 11-1-9; filed Jul 25, 1991, 3:30 p.m.: 14 IR 2182; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA)

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105 IAC 11-1-9, 105 IN ADC 11-1-9

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105 IAC 11-1-10

105 IAC 11-1-10 "Contract" defined

Currentness

Authority: [IC 8-23-2-6](#)

Affected: [IC 8-23-10](#)

Sec. 10. (a) "Contract" means the signed agreement between the department and the contractor setting forth the obligations of the parties thereto including, but not limited to, the following:

- (1) Performance of the work.
- (2) Furnishing labor and materials.
- (3) The basis of payment.

(b) The contract may include, but is not limited to, the following:

- (1) Proposal bid.
- (2) Schedule of pay items.
- (3) Contract form.
- (4) Bid bond.
- (5) Performance bond.
- (6) Specifications.
- (7) Supplemental specifications.

(8) Special provisions.

(9) Additional special provisions.

(10) Information to bidders.

(11) Instructions to bidders.

(12) General and detailed plans.

(13) Notice to proceed.

(14) Any change orders and agreements that are required to complete the construction of the work in an acceptable manner (including authorized extensions thereof) all of which constitute one (1) instrument.

Credits

(Indiana Department of Transportation; 105 IAC 11-1-10; filed Jul 25, 1991, 3:30 p.m.: 14 IR 2182; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; filed May 23, 2007, 2:58 p.m.: 20070620-IR-105070036FRA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA)

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105 IAC 11-1-11

105 IAC 11-1-11 “Contractor” defined

Currentness

Authority: IC 8-23-2-6

Affected: IC 8-23-10

Sec. 11. “Contractor” means the individual, partnership, firm, corporation, or combination of same contracting with or desiring to contract with the department for performance of prescribed work.

Credits

(Indiana Department of Transportation; 105 IAC 11-1-11; filed Jul 25, 1991, 3:30 p.m.: 14 IR 2183; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA)

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105 IAC 11-1-11, 105 IN ADC 11-1-11

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105 IAC 11-1-12

105 IAC 11-1-12 “Date of receipt” defined

Currentness

Authority: IC 8-23-2-6

Affected: IC 8-23-10

Sec. 12. “Date of receipt” means the date the document is file stamped by the prequalification engineer. Electronic documents or files are deemed received when placed in the electronic address, designated by the department.

Credits

(Indiana Department of Transportation; 105 IAC 11-1-12; filed Jul 25, 1991, 3:30 p.m.: 14 IR 2183; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; filed May 23, 2007, 2:58 p.m.: 20070620-IR-105070036FRA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA)

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105 IAC 11-1-12, 105 IN ADC 11-1-12

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105 IAC 11-1-13

105 IAC 11-1-13 "Department" defined

Currentness

Authority: IC 8-23-2-6

Affected: IC 8-23-10

Sec. 13. "Department" means the Indiana department of transportation as constituted under the laws of Indiana for the administration of highway work. As used in this article, "department" means the Indiana department of transportation acting directly or through its authorized representative.

Credits

(Indiana Department of Transportation; 105 IAC 11-1-13; filed Jul 25, 1991, 3:30 p.m.: 14 IR 2183; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA)

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105 IAC 11-1-13.3

105 IAC 11-1-13.3 “Designated electronic medium” defined

Currentness

Authority: [IC 8-23-2-6](#)

Affected: [IC 8-23-10](#)

Sec. 13.3. “Designated electronic medium” means the public or private entity designated by the department for the posting of plans, special provisions, or other contract-specific requirements and for the posting, assurance of security and authenticity, and submission of binding bids to perform department contracts.

Credits

(Indiana Department of Transportation; 105 IAC 11-1-13.3; filed May 23, 2007, 2:58 p.m.: 20070620-IR-105070036FRA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA)

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105 IAC 11-1-13.3, 105 IN ADC 11-1-13.3

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105 IAC 11-1-14

105 IAC 11-1-14 "Document" defined

Currentness

Authority: [IC 8-23-2-6](#)

Affected: [IC 8-23-10](#)

Sec. 14. "Document" includes, without limitation:

- (1) writings;
- (2) drawings;
- (3) graphs;
- (4) charts;
- (5) photographs;
- (6) phono-records;
- (7) electronic files; and
- (8) other data compilations;

intended to convey information.

Credits

(Indiana Department of Transportation; 105 IAC 11-1-14; filed Jul 25, 1991, 3:30 p.m.: 14 IR 2183; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; filed May 23, 2007, 2:58 p.m.: 20070620-IR-105070036FRA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA)

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105 IAC 11-1-14, 105 IN ADC 11-1-14

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105 IAC 11-1-15

105 IAC 11-1-15 “Engineer's estimate” defined

Currentness

Authority: IC 8-23-2-6

Affected: IC 8-23-10

Sec. 15. “Engineer's estimate” means the department's estimated cost to construct the work covered by the contract.

Credits

(Indiana Department of Transportation; 105 IAC 11-1-15; filed Jul 25, 1991, 3:30 p.m.: 14 IR 2183; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA)

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105 IAC 11-1-16

105 IAC 11-1-16 "Notice to contractors" defined

Currentness

Authority: IC 8-23-2-6

Affected: IC 8-23-10

Sec. 16. "Notice to contractors" means the bulletin in a format determined by the department that is distributed by the department inviting bids for work to be performed, listing the:

- (1) type of work;
- (2) location;
- (3) qualification requirements; and
- (4) cost of the bidding documents.

Credits

(Indiana Department of Transportation; 105 IAC 11-1-16; filed Jul 25, 1991, 3:30 p.m.: 14 IR 2183; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; filed May 23, 2007, 2:58 p.m.: 20070620-IR-105070036FRA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA)

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105 IAC 11-1-17

105 IAC 11-1-17 "Notice to proceed" defined

Currentness

Authority: IC 8-23-2-6

Affected: IC 8-23-10

Sec. 17. "Notice to proceed" refers to the written notice to the contractor to proceed with the contract work including, when applicable, the date of beginning of contract time.

Credits

(Indiana Department of Transportation; 105 IAC 11-1-17; filed Jul 25, 1991, 3:30 p.m.: 14 IR 2183; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA)

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105 IAC 11-1-17, 105 IN ADC 11-1-17

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105 IAC 11-1-18

105 IAC 11-1-18 "Performance bond" defined

Currentness

Authority: IC 8-23-2-6

Affected: IC 8-23-10

Sec. 18. "Performance bond" means the approved form of security, furnished and executed by the bidder and its surety or sureties, guaranteeing complete execution of the contract in accordance with all applicable plans, specifications, and supplemental agreements pertaining thereto and for the payment of all legal debts pertaining to the construction of the project. The performance bond will be in effect upon the proper execution of the contract.

Credits

(Indiana Department of Transportation; 105 IAC 11-1-18; filed Jul 25, 1991, 3:30 p.m.: 14 IR 2183; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; filed May 23, 2007, 2:58 p.m.: 20070620-IR-105070036FRA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA)

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105 IAC 11-1-19

105 IAC 11-1-19 "Plans" defined

Currentness

Authority: IC 8-23-2-6

Affected: IC 8-23-10

Sec. 19. "Plans" includes the approved plans, profiles, typical cross sections, working drawings, and supplemental drawings (or exact reproductions or electronic files thereof) that show the:

- (1) location;
- (2) character;
- (3) dimensions; and
- (4) details;

of the work to be done.

Credits

(Indiana Department of Transportation; 105 IAC 11-1-19; filed Jul 25, 1991, 3:30 p.m.: 14 IR 2184; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; filed May 23, 2007, 2:58 p.m.: 20070620-IR-105070036FRA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA)

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105 IAC 11-1-19, 105 IN ADC 11-1-19

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105 IAC 11-1-20

105 IAC 11-1-20 "Prequalification committee" defined

Currentness

Authority: IC 8-23-2-6

Affected: IC 8-23-10

Sec. 20. "Prequalification committee" means the committee appointed by the commissioner to:

- (1) verify and monitor a contractor's compliance with contractual requirements;
- (2) issue, modify, or deny certificates of qualification;
- (3) evaluate contractors; and
- (4) establish the policies and procedures under which a contractor may be qualified or disqualified.

Credits

(Indiana Department of Transportation; 105 IAC 11-1-20; filed Jul 25, 1991, 3:30 p.m.: 14 IR 2184; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; filed May 23, 2007, 2:58 p.m.: 20070620-IR-105070036FRA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA)

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105 IAC 11-1-20, 105 IN ADC 11-1-20

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105 IAC 11-1-21

105 IAC 11-1-21 "Prequalification engineer" defined

Currentness

Authority: [IC 8-23-2-6](#)

Affected: [IC 8-23-10](#)

Sec. 21. "Prequalification engineer" refers to the administrative officer responsible for the administration of the qualification of contractors. The designation "prequalification engineer" means the prequalification engineer, the prequalification engineer's designee, or alternate.

Credits

(Indiana Department of Transportation; 105 IAC 11-1-21; filed Jul 25, 1991, 3:30 p.m.: 14 IR 2184; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA)

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105 IAC 11-1-21, 105 IN ADC 11-1-21

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105 IAC 11-1-22

105 IAC 11-1-22 "Prequalification files" defined

Currentness

Authority: IC 8-23-2-6

Affected: IC 8-23-10

Sec. 22. "Prequalification files" means the files, singularly and in aggregate, of the prequalification engineer and prequalification committee which contain information relating to the qualification of a contractor.

Credits

(Indiana Department of Transportation; 105 IAC 11-1-22; filed Jul 25, 1991, 3:30 p.m.: 14 IR 2184; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA)

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105 IAC 11-1-23

105 IAC 11-1-23 “Project” defined

Currentness

Authority: IC 8-23-2-6

Affected: IC 8-23-10

Sec. 23. “Project” means a specific section of the highway where work is to be performed under the contract.

Credits

(Indiana Department of Transportation; 105 IAC 11-1-23; filed Jul 25, 1991, 3:30 p.m.: 14 IR 2184; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA)

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105 IAC 11-1-23, 105 IN ADC 11-1-23

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105 IAC 11-1-24

105 IAC 11-1-24 "Proposal bid" defined

Currentness

Authority: IC 8-23-2-6

Affected: IC 8-23-10

Sec. 24. "Proposal bid" means the offer of a bidder, in a format prescribed by the department, to perform the work and to furnish the labor and materials at the prices quoted.

Credits

(Indiana Department of Transportation; 105 IAC 11-1-24; filed Jul 25, 1991, 3:30 p.m.: 14 IR 2184; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; filed May 23, 2007, 2:58 p.m.: 20070620-IR-105070036FRA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA)

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105 IAC 11-1-24.3

105 IAC 11-1-24.3 “Proposal form” defined

Currentness

Authority: [IC 8-23-2-6](#)

Affected: [IC 8-23-10](#)

Sec. 24.3. “Proposal form” means the form issued by the department through which the bidder submits its proposal bid.

Credits

(Indiana Department of Transportation; 105 IAC 11-1-24.3; filed May 23, 2007, 2:58 p.m.: 20070620-IR-105070036FRA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA)

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105 IAC 11-1-25

105 IAC 11-1-25 "Quorum" defined

Currentness

Authority: IC 8-23-2-6

Affected: IC 8-23-10

Sec. 25. "Quorum" means that number of members of the prequalification committee or their designated alternates that constitutes a majority of its voting members. For this purpose, the chairman is not considered a voting member.

Credits

(Indiana Department of Transportation; 105 IAC 11-1-25; filed Jul 25, 1991, 3:30 p.m.: 14 IR 2184; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA)

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105 IAC 11-1-25.5

105 IAC 11-1-25.5 “Signed” defined

Currentness

Authority: IC 8-23-2-6

Affected: IC 8-23-10

Sec. 25.5. “Signed” means properly endorsed, either through written or electronic means.

Credits

(Indiana Department of Transportation; 105 IAC 11-1-25.5; filed May 23, 2007, 2:58 p.m.: 20070620-IR-105070036FRA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA)

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105 IAC 11-1-25.5, 105 IN ADC 11-1-25.5

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105 IAC 11-1-26

105 IAC 11-1-26 "Special provisions" defined

Currentness

Authority: IC 8-23-2-6

Affected: IC 8-23-10

Sec. 26. "Special provisions" refers to additions and revisions to the standard and supplemental specifications covering conditions peculiar to an individual project.

Credits

(Indiana Department of Transportation; 105 IAC 11-1-26; filed Jul 25, 1991, 3:30 p.m.: 14 IR 2184; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA)

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105 IAC 11-1-27

105 IAC 11-1-27 “Specifications” defined

Currentness

Authority: IC 8-23-2-6

Affected: IC 8-23-10

Sec. 27. “Specifications” refers to all directions, provisions, and requirements pertaining to performance of the work.

Credits

(Indiana Department of Transportation; 105 IAC 11-1-27; filed Jul 25, 1991, 3:30 p.m.: 14 IR 2184; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA)

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105 IAC 11-1-28

105 IAC 11-1-28 "Standard specifications" defined

Currentness

Authority: IC 8-23-2-6

Affected: IC 8-23-10

Sec. 28. "Standard specifications" means the compilation of standard specifications and general provisions:

- (1) adopted by the department; and
- (2) published by compact disk, the department's Internet site, or other media.

Credits

(Indiana Department of Transportation; 105 IAC 11-1-28; filed Jul 25, 1991, 3:30 p.m.: 14 IR 2184; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; filed May 23, 2007, 2:58 p.m.: 20070620-IR-105070036FRA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA)

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105 IAC 11-1-29

105 IAC 11-1-29 "Statement" defined

Currentness

Authority: IC 8-23-2-6

Affected: IC 8-23-10

Sec. 29. "Statement" means the form titled "Contractors Statement of Experience and Financial Condition".

Credits

(Indiana Department of Transportation; 105 IAC 11-1-29; filed Jul 25, 1991, 3:30 p.m.: 14 IR 2184; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA)

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105 IAC 11-1-29, 105 IN ADC 11-1-29

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Indiana Administrative Code
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Rule 1. Definitions

105 IAC 11-1-30

105 IAC 11-1-30 "Subcontractor" defined

Currentness

Authority: IC 8-23-2-6

Affected: IC 8-23-10

Sec. 30. "Subcontractor" means an individual, partnership, firm, corporation, or combination of same to whom the contractor sublets part of the contract.

Credits

(Indiana Department of Transportation; 105 IAC 11-1-30; filed Jul 25, 1991, 3:30 p.m.: 14 IR 2185; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA)

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Indiana Administrative Code
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Rule 1. Definitions

105 IAC 11-1-31

105 IAC 11-1-31 "Supplemental specifications" defined

Currentness

Authority: IC 8-23-2-6

Affected: IC 8-23-10

Sec. 31. "Supplemental specifications" refers to additions and revisions to the standard specifications that are adopted subsequent to issuance of the standard specifications.

Credits

(Indiana Department of Transportation; 105 IAC 11-1-31; filed Jul 25, 1991, 3:30 p.m.: 14 IR 2185; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; filed May 23, 2007, 2:58 p.m.: 20070620-IR-105070036FRA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA)

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Rule 1. Definitions

105 IAC 11-1-32

105 IAC 11-1-32 "Surety" defined

Currentness

Authority: IC 8-23-2-6

Affected: IC 8-23-10

Sec. 32. "Surety" means the corporate body bound with and for the contractor for the full and complete performance of the contract and for the payment of all debts pertaining to the work. When applied to the bid bond, it refers to the corporate body which engages to be responsible for the execution of the contract by the bidder, within the specified time.

Credits

(Indiana Department of Transportation; 105 IAC 11-1-32; filed Jul 25, 1991, 3:30 p.m.: 14 IR 2185; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA)

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105 IAC 11-1-32, 105 IN ADC 11-1-32

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Indiana Administrative Code
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Rule 1. Definitions

105 IAC 11-1-33

105 IAC 11-1-33 “Unearned work” defined

Currentness

Authority: [IC 8-23-2-6](#)

Affected: [IC 8-23-10](#)

Sec. 33. “Unearned work” means the total dollar value of work contracted for but not performed. The value of items purchased and delivered, but not installed, is considered unearned work. For a specific department contract, the value of unearned work shall be based upon the original amount bid, plus the value of items added by approved change orders, minus items deleted by approved change orders, minus the most recent progress estimate submitted by the department's project engineer/supervisor, minus this person's determination of items performed subsequent to the progress estimate but prior to the point in time for which unearned work is calculated.

Credits

(Indiana Department of Transportation; 105 IAC 11-1-33; filed Jul 25, 1991, 3:30 p.m.: 14 IR 2185; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA)

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Indiana Administrative Code
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Rule 2. Requirements for Prequalification of Contractors

105 IAC 11-2-1

105 IAC 11-2-1 General requirements

Currentness

Authority: IC 8-23-2-6

Affected: IC 8-23-10

Sec. 1. (a) A contractor desiring to offer bids for the performance of contracts for the construction or maintenance of highways and bridges and appurtenances thereto must first be prequalified by the department and shall file a verified statement of experience and financial condition using the forms furnished by the department. The statement must include a complete report of the financial ability, adequacy of plant and equipment, organization, and experience of the applicant. The submission of a statement by the applicant is deemed authorization by the applicant for the prequalification committee to obtain all information which is deemed pertinent with respect to the applicant's financial worth, assets and liabilities, organization, personnel, construction experience, prosecution of work on previous contracts, condition and adequacy of equipment, and its attitude toward department regulations and the general public. A new statement is required at least once each year unless specifically requested at more frequent intervals.

(b) The commissioner or prequalification engineer may, at any time during which a certificate of qualification is in effect, demand a new statement. If the contractor does not furnish a new statement within sixty (60) days of the date of the request, the certificate of qualification held by the contractor may be considered forfeited and the contractor may not be permitted to bid on contracts of the department until a new statement has been received and acted upon by the department.

(c) Complete answers to all interrogatories and the furnishing of all information as indicated by column headings, footnotes, or otherwise throughout the statement are an essential part of compliance with this article. Failure to provide complete and true information is grounds for rejection of the application for prequalification and provides grounds for immediate disqualification.

(d) The department will act on an application within thirty (30) days of its receipt. Statements will be considered in the order received as promptly as circumstances permit, except statements from new applicants who desire to bid on projects advertised must be received no later than twenty-one (21) calendar days prior to the bid opening date to receive consideration for that bid opening. A statement from a contractor for prequalification renewal must be received at least fifteen (15) calendar days prior to the bid opening date to receive consideration for that bid opening. A contractor who meets the time frames required by this subsection may submit bids contingent upon the results of its prequalification application.

(e) No bidder shall be given a certificate of qualification unless the review of its statement shows that it possesses net current assets sufficient in the judgment of the commissioner to render it probable that it can satisfactorily execute its contracts and meet its obligations.

(f) An applicant must possess the qualifications prescribed and be determined to be a competent and responsible bidder as verified by the inquiries and investigations of the department to qualify for a certificate of qualification. The areas considered for qualification of the contractor include, but are not limited to, the following:

- (1) Organization.
- (2) Personnel.
- (3) Construction experience.
- (4) Prosecution of work on previous contracts.
- (5) Condition and adequacy of equipment.
- (6) Financial condition and quality of financial information.
- (7) The contractor's attitude toward department rules and the general public.

An applicant will not be considered as competent and responsible if found to be of a character that would otherwise subject it to suspension, revocation, or disqualification.

(g) The prequalification committee shall make a recommendation to the commissioner regarding what action shall be taken. The commissioner may, in the exercise of the commissioner's sole discretion, accept or reject the recommendation of the prequalification committee. The commissioner shall promptly send the contractor written notice of the decision. The certificate of qualification becomes effective after all avenues of appeal under section 9 of this rule are exhausted. Should such decision involve the addition of a classification or the increase of a rating to a certificate of qualification, the certificate of qualification shall become effective on the date the commissioner signs it and shall be in effect during administrative appeal under section 9 of this rule.

(h) For the purpose of determining competency and responsibility, the prequalification committee or the prequalification engineer may send evaluation forms either to those with whom the contractor has had present or previous business relationships or persons and entities who have utilized the past or present services of the contractor's employees. The responses received as a result of such inquiries are to be considered confidential for all purposes including, but not limited to, libel and slander. The responses received shall not be available under any circumstances to the contractor.

(i) No certificate of qualification will be valid for more than twelve (12) months, nor will its expiration date under any circumstance be subsequent to sixteen (16) months after the date of the statement upon which it is based. The certificate period will not be extended. The applicant will be notified if no certificate of qualification is issued.

(j) If, at any time during the valid period of a certificate of qualification, the latest statement on record with the department ceases to fairly and substantially represent the financial position or the construction equipment of the contractor to whom the certificate was issued, it shall be the responsibility of that contractor to so notify the prequalification engineer and to refrain from further bidding on contracts of the department until its qualification has been confirmed or revised. Failure to give such notice will constitute a violation of this article.

(k) A contractor shall not employ any scheme or device to evade this article or the effect of actions taken by the prequalification committee. Action taken by the prequalification committee for an entity controlled by certain owners or officers may be extended to other entities controlled by those same owners or officers, if the prequalification committee determines the extension is necessary to prevent a circumvention of this article.


(l) The department reserves the right to require a personal interview with any contractor when considering qualifications as a part of its investigation procedure.

Credits

(Indiana Department of Transportation; 105 IAC 11-2-1; filed Jul 25, 1991, 3:30 p.m.: 14 IR 2185; filed Jun 14, 1993, 5:30 p.m.: 16 IR 2538; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA)

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105 IAC 11-2-1, 105 IN ADC 11-2-1

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Rule 2. Requirements for Prequalification of Contractors

105 IAC 11-2-2

105 IAC 11-2-2 Preparation and filing

Currentness

Authority: [IC 8-23-2-6](#)

Affected: [IC 8-23-10-2](#); [IC 8-23-10-3](#)

Sec. 2. (a) The contractor must submit the original statement for prequalification to the prequalification engineer. This statement must be complete, clearly legible, and in ink or typed.

(b) If the date of the statement is more than six (6) months old when submitted, the prequalification engineer may request a new statement.

(c) An unaudited statement more than six (6) months old will not be considered for qualification.

(d) The financial statement furnished by an applicant for qualification of more than one million dollars (\$1,000,000) must be prepared and attested as audited by an independent:

(1) certified public accountant registered and in good standing in any state; or

(2) public accountant registered and in good standing in Indiana.

(e) The financial statement furnished by an applicant for qualification of more than two hundred thousand dollars (\$200,000) but not more than one million dollars (\$1,000,000) must be prepared and attested as reviewed by an independent:

(1) certified public accountant registered and in good standing in any state; or

(2) public accountant registered and in good standing in Indiana.

(f) A qualification of two hundred thousand dollars (\$200,000) or less may be granted if the statement furnished by the applicant is certified as correct by an officer of the company.

(g) The accountant shall make an independent verification of assets and liabilities in accordance with generally accepted auditing standards. The accountant's execution of the certificate of audit will constitute certification that an audit in accordance with such standards has actually been performed and reported.

(h) In the event of physical dispersal of construction equipment or of subsequent use or sale of construction materials, the accountant may accept a signed statement of the contractor as evidence of possession of equipment or of materials inventory as of the date of the statement, but this shall not relieve the accountant of the usual responsibilities as to the following:

(1) Title.

(2) Proper and consistent depreciation.

(3) Liens or encumbrances.

(4) Reasonable pricing.

(i) Full and complete information, especially:

(1) the age, date of purchase, and cost when purchased; and

(2) the date if rebuilt;

must be provided for all major items of equipment. The nomenclature used must describe kind, manufacturer, type, capacity, etc., with additional details if necessary. All major items of useful equipment should be listed even though fully depreciated, but no obsolete or useless equipment is to be included.

(j) Contractors controlled by the same owners or officers desiring prequalification must use statements of a common date.

(k) The assets of a contractor shall be identified to support only one (1) prequalification at any time. If contractors controlled by the same owners or officers submit unaudited statements for prequalification, only one (1) of the entities may be prequalified unless the department is able to verify that assets and experience were not duplicated as a mechanism to artificially increase prequalification ratings.

(l) The statement of a corporation must be accompanied by a certified copy of the minutes covering the election of current officers and the current authorization of individuals designated to execute contracts binding the corporation. The current list of individuals authorized to execute contracts binding the corporation may be either a portion of the original articles of incorporation or some subsequent official action of the stockholders or the board of directors. If officers or authorization of

individuals designated to execute contracts binding the corporation are changed in any manner, the contractor shall immediately notify and furnish the prequalification engineer with certified copies of appropriate documents.

(m) The initial statement of a foreign corporation must be accompanied either by valid evidence that it is registered and in good standing with the Indiana secretary of state or by a letter stating that, should it become the successful bidder on a department contract, authorization will be secured within fifteen (15) days after the bid opening.

Credits


(Indiana Department of Transportation; 105 IAC 11-2-2; filed Jul 25, 1991, 3:30 p.m.: 14 IR 2187; filed Aug 23, 1994, 11:00 a.m.: 18 IR 7; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA)

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105 IAC 11-2-3

105 IAC 11-2-3 Classification and capacity rating

Currentness

Authority: [IC 8-23-2-6](#)

Affected: [IC 8-23-10-2](#); [IC 8-23-10-4](#)

Sec. 3. (a) A contractor may be classified for one (1) or more types of work and will be rated in accordance with its financial ability, adequacy of plant and equipment, organization, prior experience, record of construction, and other pertinent and material facts which may affect its classification. The contractor will be assigned a classification which will limit the type and quantity of uncompleted work it has under contract at any one (1) time as principal or subcontractor regardless of the location of the work or with whom it is contracted.

(b) A contractor will be assigned an aggregate amount that is to be considered the largest dollar amount of uncompleted work it shall have under contract at any one (1) time, either as principal or subcontractor, or both, regardless of its location and with whom it is contracted, with the following exception: If the aggregate amount is less than three hundred thousand dollars (\$300,000), the aggregate amount is to be considered the largest dollar amount of uncompleted work a contractor shall have under contract at any one (1) time as a principal, regardless of its location and with whom it is contracted. The largest dollar amount of uncompleted work the contractor shall have under contract at any one (1) time, as principal and subcontractor, regardless of its location and with whom it is contracted, shall not exceed three hundred thousand dollars (\$300,000).

(c) The contractor's maximum aggregate rating as determined from the statement will be the sum of the following rating components:

(1) Net current assets multiplied by ten (10).

(2) Construction equipment assets (net book value) multiplied by eight (8), but not to exceed one and one-half (1 ½) times subdivision (1).

(3) Net fixed and other assets multiplied by two (2), but not to exceed twenty-five percent (25%) of subdivision (1) plus subdivision (2).

(d) Accepted net current assets will be determined from the statement submitted and will be construed as to include only those net current assets which are readily convertible into working capital. Receivables from nongovernmental agencies over one (1) year old will be deducted for prequalification purposes.

(e) Notes due within one (1) year from the financial statement date will be considered a current liability. Notes due after twelve (12) months and within twenty-four (24) months will be considered a fixed liability and deducted from net fixed assets, and the excess, if any, will be deducted from the book value of the equipment. If this is insufficient, the excess will be deducted from the net current assets. Notes due after twenty-four (24) months will not be deducted for prequalification purposes.

(f) If the applicant has guaranteed loans of any person or any entity, or has used assets as security for these loans, or has made other guarantees or commitments of activities of any person or any entity, the department may reduce or adjust the applicant's net current assets if in the judgment of the department the guaranteed loans, other guarantees, or commitments are significant when considered with the applicant's statement.

(g) Notes and accounts receivable from affiliated business firms will not be allowed as assets unless there is attached an audited financial statement showing the debtor has sufficient liquidity to discharge the debt, except an unaudited statement, certified as correct by the debtor, will be accepted if an unaudited statement is submitted for qualification. Notes and accounts receivable from partners of a partnership, or officers and stockholders of a corporation, may not be allowed as assets unless there is attached an audited financial statement.

(h) The book value and the market value for stocks and bonds are to be listed. Stocks and bonds will not be considered as working capital unless market value, determined or verified by the accountant, is given. Allowance for stocks and bonds is made for whichever is the lesser of the book or market value except that for stocks or bonds listed on the New York Stock Exchange, American Stock Exchange, or over-the-counter on the National Association of Securities Dealers Automated Quotations (NASDAQ) list, the market value will be used. Stocks of affiliates or subsidiaries which are qualified with the department will not be considered as assets.

(i) The value of useful construction equipment may be the book value listed or may be determined by the application of uniform depreciation schedules. No rating credit will be given for equipment which cannot be satisfactorily identified as to kind, type, and capacity or for which the essential information as to cost and age is not supplied.

(j) "Fixed and other assets" means those assets which have a collateral value but are not readily or normally converted into cash or not directly pertinent to the operation or financing of construction contracts. Construction equipment value in excess of the rating limitation of subsection (c)(2) will be considered as part of fixed assets.

(k) A contractor will first be given a tentative factor of one hundred percent (100%) in its aggregate and respective classified ratings. Each of these tentative factors may be reduced wholly or in part for the contractor's deficiencies in the following areas as determined from a summary of reports from field engineers, other investigations or an interview with the contractor, or both. The areas considered for qualification of the contractor include the following:

- (1) Organization.

- (2) Personnel.
 - (3) Construction experience.
 - (4) Prosecution of work on previous contracts.
 - (5) Quality of workmanship on contracts.
 - (6) Condition and adequacy of equipment.
 - (7) The contractor's attitude toward department rules, the general public, and equal employment opportunity requirements.
- (l) An “unlimited” qualification may be granted if a contractor's maximum aggregate rating exceeds one hundred million dollars (\$100,000,000).
- (m) A contractor which has not performed work of any character under the firm name in its application and does not have, among its active staff, personnel of approved experience is not entitled to be rated for any work in excess of two hundred thousand dollars (\$200,000). An experience and performance factor reduction of not less than thirty percent (30%) will be made in the case of any organization which has not had previous experience on comparable work.

Credits

(Indiana Department of Transportation; 105 IAC 11-2-3; filed Jul 25, 1991, 3:30 p.m.: 14 IR 2187; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA)

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105 IAC 11-2-4

105 IAC 11-2-4 Prequalification committee

Currentness

Authority: [IC 8-23-2-6](#)

Affected: [IC 8-23-10](#)

Sec. 4. (a) There is hereby created a prequalification committee.

(b) The commissioner shall appoint the members of the prequalification committee and designate one (1) of them as chairman. The chairman shall preside at meetings, but the chairman is not entitled to vote unless the vote of the members of the prequalification committee is tied. In event of a tie vote, the chairman shall cast the deciding vote. The prequalification engineer will serve as secretary of the prequalification committee, but the secretary is not entitled to vote. Each member may designate in writing to the secretary an alternate member.

(c) The prequalification committee shall meet monthly and as called by the chairman. The prequalification committee must have a quorum present in order to transact business. A majority of the votes cast is required to adopt a motion. Abstentions shall not count as votes cast. The secretary is required to take minutes, including date, place, and time of meeting, the names of all present or absent, and to record all motions made and the votes cast thereon. The secretary of the prequalification committee is responsible for the keeping of minutes and for sending and posting annual notices and notices of emergency meetings.

(d) The prequalification committee may meet in executive session to consider matters of initial application for prequalification, renewal, suspension, change of classification or rating, revocation, appeal, or other matters pursuant to [IC 5-14-1.5-6\(b\)](#). During the executive session, the prequalification committee is entitled to consider confidential information.

(e) The prequalification committee shall have jurisdiction over all recommendations under this article. The prequalification committee may act either on referrals to the prequalification committee or on its own initiative.

(f) The prequalification committee may investigate, request documents, and interview witnesses and other persons or entities with information deemed relevant.

(g) The prequalification committee may recommend a course of action to the commissioner. The commissioner may accept or reject the recommendation of the prequalification committee. In the event that an initial certificate of qualification is issued, a certificate of qualification issued is reissued, a change is made in a classification or rating of a contractor's certificate of

qualification, a contractor's issued certificate of qualification is suspended, or a contractor's issued certificate of qualification is revoked, the commissioner shall notify the contractor in writing. All actions of the commissioner under this article are considered to be effective after all avenues of appeal under section 9 of this rule are exhausted. If the action involves the addition of a classification or the increase of a rating to a certificate of qualification, the certificate will become effective on the date the commissioner signs it and will be in effect during the administrative appeal under section 9 of this rule.

Credits

(Indiana Department of Transportation; 105 IAC 11-2-4; filed Jul 25, 1991, 3:30 p.m.: 14 IR 2189; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA)

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105 IAC 11-2-5

105 IAC 11-2-5 Change in certificate of qualification

Currentness

Authority: IC 8-23-2-6

Affected: IC 8-23-10

Sec. 5. (a) The prequalification committee may recommend to the commissioner a change in the certificate of qualification issued to a contractor based upon the receipt of additional information. Notification of a change in a certificate of qualification will be made in writing and will become effective after all avenues of appeal under section 9 of this rule are exhausted. If the action involves the addition of a classification or the increase of a rating to a certificate of qualification, the certificate will become effective on the date the commissioner signs it and will be in effect during the administrative appeal under section 9 of this rule.

(b) A request from the contractor for a change in its qualification status must be in writing and received not less than fifteen (15) days prior to the bid opening date. An applicant who has been refused qualification, or who is dissatisfied with the department's decision as to the aggregate amount of uncompleted work to be permitted under contract at any one (1) time, or with any limitation as to the class or classes of work on which the bidder is authorized to bid, may at any time after the expiration of ninety (90) days from the date of the department's previous decision request a change in or file a new application for qualification.

Credits

(Indiana Department of Transportation; 105 IAC 11-2-5; filed Jul 25, 1991, 3:30 p.m.: 14 IR 2189; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA)

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105 IAC 11-2-5, 105 IN ADC 11-2-5

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105 IAC 11-2-6

105 IAC 11-2-6 Suspension of certificate of qualification

Currentness

Authority: IC 8-23-2-6

Affected: IC 8-23-10-2

Sec. 6. (a) The prequalification committee may recommend to the commissioner the suspension of the contractor's certificate of qualification if the contractor's work is unsatisfactory, if it is apparent the contractor will be unable to complete its contracts on time, or if the contractor has failed to adequately document a current or previous contract.

(b) Notification of the suspension shall be made in writing, and the suspension will become effective after all avenues of appeal under section 9 of this rule are exhausted. The suspension will be lifted when the contractor has taken corrective action to the personal satisfaction of the commissioner.

Credits

(Indiana Department of Transportation; 105 IAC 11-2-6; filed Jul 25, 1991, 3:30 p.m.: 14 IR 2190; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA)

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105 IAC 11-2-7

105 IAC 11-2-7 Withdrawal of certificate of qualification

Currentness

Authority: IC 8-23-2-6

Affected: IC 8-23-10-2

Sec. 7. A certificate of qualification may be withdrawn if it has been administratively determined by the prequalification committee that the firm or corporation is no longer active or in existence. Notification of the withdrawal shall be made in writing and will become effective after all avenues of appeal under section 9 of this rule are exhausted.

Credits

(Indiana Department of Transportation; 105 IAC 11-2-7; filed Jul 25, 1991, 3:30 p.m.: 14 IR 2190; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA)

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105 IAC 11-2-8

105 IAC 11-2-8 Revocation of certificate of qualification

Currentness

Authority: IC 8-23-2-6

Affected: IC 8-23-10-2; IC 8-23-10-8

Sec. 8. (a) A certificate of qualification may be revoked if it is administratively determined by the prequalification committee that the contractor or subcontractor has done any of the following:

(1) Failed to timely pay, or satisfactorily settle, any bills due to labor and material on former or existing contracts.

(2) Is found to be in violation of either a state or federal law or regulation or the rules of a state or federal:

(A) department;

(B) board;

(C) bureau;

(D) agency; or

(E) commission.

(3) Defaulted on a contract.

(4) Failed to enter into a department contract.

(5) Falsified any document required by:

(A) the department;

(B) the state board of accounts; or

(C) any agency of the state of Indiana.

For the purpose of this section, “falsify” means an intentional act of omission or commission.

(6) Was convicted of a bidding crime resulting from a jury or bench trial, entered into a plea of guilty or nolo contendere, made a public admission, made a presentation as an unindicted co-conspirator, or gave testimony, which is protected by a grant of immunity, in any jurisdiction.

(7) Failed to perform any part or portion of an existing or previous contract.

(8) Failed to submit in a timely manner:

(A) information;

(B) documented explanations; or

(C) evidence;

required in the contract documents or proposal form.

(9) Has been debarred by a federal agency.

(10) Failed to comply with any and all proposal form requirements concerning disadvantaged business enterprise (DBE) and women business enterprise (WBE) goals.

(11) Had knowledge that a subcontractor further subcontracted its work.

(12) Offered or gave a gift with a market value of ten dollars (\$10) or more, to a unit, officer, or employee of the department, or repetitively offered or gave gifts of a value of ten dollars (\$10) or less to a unit, officer, or employee of the department.

(b) Notification of such pending action shall be made in writing, setting forth the grounds for the proposed certificate revocation. The revocation will become effective after all avenues of appeal under section 9 of this rule are exhausted. The period of disqualification will not exceed two (2) years.

Credits

(Indiana Department of Transportation; 105 IAC 11-2-8; filed Jul 25, 1991, 3:30 p.m.: 14 IR 2190; filed Jun 25, 1992, 5:00 p.m.: 15 IR 2452; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; filed May 23, 2007, 2:58 p.m.: 20070620-IR-105070036FRA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA)

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105 IAC 11-2-9

105 IAC 11-2-9 Appeals procedure

Currentness

Authority: IC 8-23-2-6

Affected: IC 4-21.5; IC 8-23-10

Sec. 9. (a) A contractor aggrieved by the decision of the department in regard to the contractor's qualification, suspension, withdrawal, revocation, or change in either classification or rating may make a written request for consideration to the prequalification engineer, with a copy to the commissioner, within fifteen (15) days after receiving such notification.

(b) The contractor may follow the procedure outlined in STEP ONE and STEP TWO, or the contractor may elect for a hearing as set forth in STEP TWO. The contractor shall, in its letter, specify which relief it is requesting. If the contractor fails to make an election in its letter, it will be presumed that the contractor has elected to follow and be bound by the procedural steps and cutoff procedures set forth in STEP ONE and STEP TWO, in that order as follows:

STEP ONE: The request must include written justification bearing on its qualification. In addition, the contractor may request a personal interview. The prequalification committee will consider the written request by certified mail or personal service within fifteen (15) days after its receipt. The prequalification committee may request additional information, a personal interview with the contractor, or both. The prequalification committee will make a recommendation to the commissioner who shall notify the contractor in writing of the decision. The decision becomes effective after all avenues of appeal under STEP TWO are exhausted. It will be presumed that in the event the contractor has made no election as to a personal interview that the contractor has elected not to request a personal interview.

STEP TWO: If the contractor is dissatisfied with the STEP ONE decision, the contractor may make a written request by certified mail or personal service within fifteen (15) days of receipt of the STEP ONE decision for an adjudication hearing in accordance with IC 4-21.5. This request must be sent to the prequalification engineer with a copy to the commissioner. Upon receipt of the notice, the commissioner will serve the contractor with written notice of the date, place, and time of the hearing and written notice of the appointment of an administrative law judge.

(c) The hearing will be held within thirty (30) days of the receipt of the request, unless otherwise ordered by the administrative law judge.

(d) At the hearing, the contractor will bear the burden of proof when the action of the commissioner is under sections 1 through 2 of this rule. At the hearing, the contractor shall bear the burden of proof when the action of the commissioner is under either section 3 or 5 of this rule, unless the action involves the reduction of an unexpired certificate of qualification. At the hearing,

the department shall bear the burden of proof when the action of the commissioner is under either sections 6 through 8 of this rule or section 11 of this rule.

(e) If the contractor fails to follow subsection (b) within the specified time frames, the contractor will be deemed to have accepted the decision of the department as final and deemed to have waived any right to further administrative appeal.

Credits

(Indiana Department of Transportation; 105 IAC 11-2-9; filed Jul 25, 1991, 3:30 p.m.: 14 IR 2190; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA)

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105 IAC 11-2-10

105 IAC 11-2-10 Subcontractors

Currentness

Authority: IC 8-23-2-6

Affected: IC 8-23-10-4

Sec. 10. (a) It is unlawful for a successful bidder to enter into a subcontract with any other person involving the performance of any part of any work upon which the bidder may be engaged for the department in an amount in excess of one hundred thousand dollars (\$100,000) unless the subcontractor has been properly qualified for the work sublet to it.

(b) The prequalification requirements of this section do not apply to:

- (1) professional services; or
- (2) hauling material or supplies to or from a job site.

(c) All subcontracts must be approved by the department prior to work being performed by the subcontractor.

(d) The department may request disclosure of a subcontractor's board of directors, shareholders, officers, and principal individuals or employees prior to subcontract approval. Failure to disclose such information may result in denial of subcontract approval.

(e) A contractor that is not prequalified may be prohibited from performing subcontract work or limited in the dollar value thereof if the contractor has been found in violation of a rule that would subject a contractor to suspension, revocation, or reduction of its certificate of qualification.

(f) A contractor whose certificate of qualification is revoked or suspended will not be approved to perform work as a subcontractor on a department contract.

(g) A subcontractor that does not have a valid certificate of qualification will be limited to a total of three hundred thousand dollars (\$300,000) in unearned work under contract on any given date with any owner, contractor, or other party.

Credits

(Indiana Department of Transportation; 105 IAC 11-2-10; filed Jul 25, 1991, 3:30 p.m.: 14 IR 2191; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA)

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105 IAC 11-2-11

105 IAC 11-2-11 False statements

Currentness

Authority: IC 8-23-2-6

Affected: IC 8-23-10-8

Sec. 11. An applicant who is convicted of knowingly making a false statement with respect to the applicant's financial worth in an application for qualification, financial statement, or other written instrument filed by the applicant with the department under this rule is not entitled to submit bids for a period of two (2) years following the date of conviction.

Credits

(Indiana Department of Transportation; 105 IAC 11-2-11; filed Jul 25, 1991, 3:30 p.m.: 14 IR 2192; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA)

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105 IAC 11-2-12

105 IAC 11-2-12 Gifts

Currentness

Authority: [IC 8-23-2-6](#)

Affected: [IC 8-23-10-2](#)

Sec. 12. A contractor shall not offer or give a gift, including, but not limited to, money, goods, services, meals, and entertainment, to any unit, officer, or employee of the department if such gift has a fair market value of ten dollars (\$10) or more. Repetitive offering or giving gifts of a value of ten dollars (\$10) or less is also prohibited. "Unit" means any district, division, section, or other group of department employees. Exceptions to this provision must be approved in writing by the department's commissioner.

Credits

(Indiana Department of Transportation; 105 IAC 11-2-12; filed Jun 25, 1992, 5:00 p.m.: 15 IR 2452; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA)

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