

## **IC 5-23-5**

### **Chapter 5. Selection of Contractor by Request for Proposals**

#### **IC 5-23-5-1**

##### **Public-private agreement; request for proposals required**

Sec. 1. Any public-private agreement contemplated by this chapter must require the governmental body to request proposals under this chapter before entering into the public-private agreement.

*As added by P.L.49-1997, SEC.34.*

#### **IC 5-23-5-2**

##### **Request for proposals; contents**

Sec. 2. Proposals for public-private agreements shall be solicited through a request for proposals, which must include the following:

- (1) The factors or criteria that will be used in evaluating the proposals.
- (2) A statement concerning the relative importance of price and the other evaluation factors.
- (3) A statement concerning whether the proposal must be accompanied by a certified check or other evidence of financial responsibility.
- (4) A statement concerning whether discussions may be conducted with the offerors for the purpose of clarification to assure full understanding of and responsiveness to the solicitation requirements.

*As added by P.L.49-1997, SEC.34.*

#### **IC 5-23-5-3**

##### **Request for proposals; notice**

Sec. 3. Notice of the request for proposals shall be given by publication in accordance with IC 5-3-1.

*As added by P.L.49-1997, SEC.34.*

#### **IC 5-23-5-4**

##### **Discussions regarding solicitation requirements**

Sec. 4. As provided in the request for proposals, discussions may be conducted with the offerors for the purpose of clarification to assure full understanding of and responsiveness to the solicitation requirements.

*As added by P.L.49-1997, SEC.34.*

#### **IC 5-23-5-5**

##### **Fair and equal treatment of offerors**

Sec. 5. Eligible offerors must be accorded fair and equal treatment with respect to any opportunity for discussion and revisions of proposals.

*As added by P.L.49-1997, SEC.34.*

#### **IC 5-23-5-6**

##### **Disclosure of contents of proposals**

Sec. 6. The governmental body may refuse to disclose the contents of proposals during discussions with eligible offerors.  
*As added by P.L.49-1997, SEC.34.*

#### **IC 5-23-5-7**

##### **Negotiation for best and final offers**

Sec. 7. The governmental body shall negotiate the best and final offers of responsible offerors who submit proposals that are determined to be reasonably susceptible of being selected for a public-private agreement.

*As added by P.L.49-1997, SEC.34.*

#### **IC 5-23-5-8**

##### **Options upon receipt of best and final offer**

Sec. 8. After the best and final offers from responsible offerors have been negotiated under section 7 of this chapter, the governmental body shall either make a recommendation to the board to award the public-private agreement to an offeror or offerors or shall terminate the request for proposal process.

*As added by P.L.49-1997, SEC.34.*

#### **IC 5-23-5-9**

##### **Public hearing on recommendation to award public-private agreement; notice**

Sec. 9. If a recommendation to award the public-private agreement is made to the board, the board shall schedule a public hearing on the recommendation and publish notice of the hearing one (1) time in accordance with IC 5-3-1 at least seven (7) days before the hearing. The notice shall include the following:

- (1) The date, time, and place of the hearing.
- (2) The subject matter of the hearing.
- (3) A description of the public-private agreement to be awarded.
- (4) The recommendation that has been made to award the public-private agreement to an identified offeror or offerors.
- (5) The address and telephone number of the board.
- (6) A statement indicating that the proposals and an explanation of the basis upon which the recommendation is being made are available for public inspection and copying at the principal office of the board during regular business hours.

*As added by P.L.49-1997, SEC.34.*

#### **IC 5-23-5-10**

##### **Proposals and explanation of recommendation; inspection and copying**

Sec. 10. (a) The proposals and a written explanation of the basis upon which the recommendation is being made shall be delivered to the board and made available for inspection and copying in accordance with IC 5-14-3 at least seven (7) days before the hearing scheduled under section 9 of this chapter.

(b) At the hearing, the board shall allow the public to be heard on

the recommendation.  
*As added by P.L.49-1997, SEC.34.*

#### **IC 5-23-5-11**

##### **Response to request for proposals**

Sec. 11. After the procedures required in this chapter have been completed, the board shall make a determination as to the most appropriate response to the request for proposals and may award the public-private agreement to the successful offeror or offerors.

*As added by P.L.49-1997, SEC.34.*

#### **IC 5-23-5-12**

##### **Termination of request for proposal process**

Sec. 12. If the request for proposal process is terminated under section 8 of this chapter, all proposals may, at the option of the governmental body, be returned to the offerors, and the governmental body may refuse to disclose the contents of the offers.

*As added by P.L.49-1997, SEC.34.*