

## **IC 5-16-10**

### **Chapter 10. Employment of Construction Managers in Public Construction Projects**

#### **IC 5-16-10-1**

##### **Definitions**

Sec. 1. As used in this chapter, the following terms have the following meanings:

(1) "Affiliate" means a parent, descendant, spouse, spouse of a descendant, brother, sister, spouse of a brother or sister, employee, director, officer, partner, limited liability company manager or member, joint venturer, a corporation subject to common control with the architect, engineer or construction manager, a shareholder or corporation who controls the architect, engineer or construction manager, or a corporation controlled by the architect, engineer, or construction manager.

(2) "Architect" means the person registered under IC 25-4-1.

(3) "Construction manager" means a person designated as a construction manager by contract who provides professional management services, which contribute to the control of time and the cost and quality of a public construction project, and who performs those services concurrent with architectural and engineering services rendered during the design and construction phases of a construction project.

(4) "Engineer" means the person registered under IC 25-31-1.

(5) "Person" means a natural person, a partnership, a limited liability company, or a corporation.

(6) "Public construction project" means the construction, remodeling, rehabilitation, or repair of any building or other facility of a unit of local government, whether the building or facility is owned by the unit or leased by the unit with an option to purchase under IC 36-1-10 or any other law. However, "public construction project" does not mean highway or bridge construction.

(7) "Unit of local government" includes any county, city, town, township, and any other political subdivision, commission, or agency created under law. However, the term does not include a school corporation or lessor corporation qualifying under IC 20-47-2 or IC 20-47-3.

*As added by Acts 1981, P.L.60, SEC.1. Amended by Acts 1982, P.L.41, SEC.1; P.L.8-1993, SEC.67; P.L.25-1995, SEC.10; P.L.2-2006, SEC.31.*

#### **IC 5-16-10-2**

##### **Limitations on employment of construction managers; contracts with construction managers prohibited**

Sec. 2. (a) A unit of local government may not employ the architect or engineer who provided design services on a public

construction project or his affiliate, to be the construction manager on the project he designed.

(b) A unit of local government may not let a general contract, or any separate trade contract, to perform work on a public construction project to the construction manager of the project.

*As added by Acts 1981, P.L.60, SEC.1.*

### **IC 5-16-10-3**

#### **Performance of services constituting practice of architecture and engineering**

Sec. 3. The limitations expressed in section 2 of this chapter should not be interpreted to permit any person who is not a registered architect under IC 25-4-1 or a registered engineer under IC 25-31-1 to do any act which constitutes the practice of architecture or engineering nor to prevent any unit of local government from employing any person who is a registered architect under IC 25-4-1 or a registered engineer under IC 25-31-1 to perform services which constitute the practice of architecture or engineering.

*As added by Acts 1981, P.L.60, SEC.1.*