IC 5-22-9

Chapter 9. Request for Proposals

IC 5-22-9-1

Use of request for proposals

Sec. 1. Subject to the policies of the purchasing agency, a purchasing agent may award a contract using the procedure provided by this chapter.

As added by P.L.49-1997, SEC.1. Amended by P.L.160-2006, SEC.8; P.L.195-2007, SEC.4.

IC 5-22-9-2

Request for proposals; contents

Sec. 2. The purchasing agent shall solicit proposals 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, which may be imposed in accordance with rules of the governmental body.

(4) A statement concerning whether discussions may be conducted with responsible offerors, who submit proposals determined to be reasonably susceptible of being selected for award.

As added by P.L.49-1997, SEC.1.

IC 5-22-9-3

Public notice of request for proposals

Sec. 3. (a) The purchasing agency shall give public notice of the request for proposals in the manner required by IC 5-3-1.

(b) The purchasing agency for a state agency shall also provide electronic access to the notice through the computer gateway administered by the office of technology.

(c) The purchasing agency for a political subdivision may also provide electronic access to the notice through the electronic gateway administered by the office of technology.

As added by P.L.49-1997, SEC.1. Amended by P.L.251-1999, SEC.6; P.L.31-2002, SEC.4; P.L.177-2005, SEC.23.

IC 5-22-9-4

Opening of proposals

Sec. 4. Proposals must be opened so as to avoid disclosure of contents to competing offerors during the process of negotiation.

As added by P.L.49-1997, SEC.1.

IC 5-22-9-5

Register of proposals; contents

Sec. 5. (a) A register of proposals must be:

(1) prepared; and

(2) open for public inspection after contract award.

(b) The register of proposals must contain the following:

(1) A copy of the request for proposals.

(2) A list of all persons to whom copies of the request for proposals were given.

(3) A list of all proposals received, which must include all of the following:

(A) The names and addresses of all offerors.

(B) The dollar amount of each offer.

(C) The name of the successful offeror and the dollar amount of that offeror's offer.

(4) The basis on which the award was made.

(5) The entire contents of the contract file except for proprietary information included with an offer, such as trade secrets, manufacturing processes, and financial information that was not required to be made available for public inspection by the terms of the request for proposals.

As added by P.L.49-1997, SEC.1.

IC 5-22-9-6

Responsible offerors; discussions; final offers

Sec. 6. As provided in the request for proposals or under the rules or policies of the governmental body, discussions may be conducted with, and best and final offers obtained from, responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award.

As added by P.L.49-1997, SEC.1.

IC 5-22-9-7

Award

Sec. 7. (a) Award shall be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the governmental body, taking into consideration price and the other evaluation factors set forth in the request for proposals.

(b) If provided in the request for proposals, award may be made to more than one (1) offeror whose proposals are determined in writing to be advantageous to the governmental body, taking into consideration price and other evaluation factors set forth in the request for proposals.

As added by P.L.49-1997, SEC.1.

IC 5-22-9-8

Rules; policies

Sec. 8. The governmental body may provide by rule or policy that:

(1) it is either not practicable or not advantageous to the governmental body to purchase specified types of supplies by competitive sealed bidding; and

(2) receiving proposals is the preferred method for purchase of that type of supply.

As added by P.L.49-1997, SEC.1.

IC 5-22-9-9

Fair and equal treatment of offerors

Sec. 9. (a) Offerors must be accorded fair and equal treatment with respect to any opportunity for discussion and revisions of proposals.

(b) In conducting discussions with an offeror, information derived from proposals submitted by competing offerors may be used in discussion only if the identity of the offeror providing the information is not disclosed to others. The purchasing agency must provide equivalent information to all offerors with which the purchasing agency chooses to have discussions.

As added by P.L.49-1997, SEC.1. Amended by P.L.160-2006, SEC.9; P.L.195-2007, SEC.5.

IC 5-22-9-10

Evaluation; factors and criteria

Sec. 10. The only factors or criteria that may be used in the evaluation of proposals are those specified in the request for proposals.

As added by P.L.49-1997, SEC.1.