

Second Regular Session of the 121st General Assembly (2020)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1095

AN ACT to amend the Indiana Code concerning transportation.

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

SECTION 1. IC 8-23-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. **(a)** Whenever a bridge, culvert, roadway, or any other physical property of the state highway system has been damaged to the extent that it is not usable by the traveling public or is unsafe for use, and by order of the governor **or the commissioner** it is determined that an emergency exists, the department shall proceed with due diligence to reopen the highway to traffic and make it safe for the traveling public. For this purpose, the department may proceed without advertising for bids if **the department invites**

~~(+)~~ three (3) or more ~~bids are invited from~~ persons prequalified to perform the work required to be done ~~and to submit a bid within the time specified by the department for that work.~~ **Each of the three (3) prequalified persons shall be given an equal amount of time to prepare and submit a bid for the work.**

~~(2)~~ **(b)** The ~~records of the department show~~ **must keep records of:**

- (1) the names of those persons invited to bid; and**
- (2) the details of bids submitted;**

in accordance with the department's usual contracting procedures.

(c) The department may then award an emergency contract under this section to the lowest responsive bidder.

SECTION 2. IC 8-23-11-2 IS REPEALED [EFFECTIVE JULY 1,

HEA 1095



2020]. Sec. 2: The department may proceed to award the contract to a low bidder on an emergency contract even though the bid is in excess of the engineer's estimate, but only if there are at least three (3) bids received, and the low bid does not exceed the engineer's estimate by more than ten percent (10%). If there is an operative bid below the engineer's estimate, this section does not necessitate a minimum number of bids to be received.

HEA 1095



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

HEA 1095

