

SENATE BILL No. 170

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-1-12-4.

Synopsis: Local public work project bidding. Provides additional considerations that a local public works board may consider in determining the lowest responsible and responsive bidder for a public work project costing at least \$300,000.

Effective: July 1, 2026.

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January 5, 2026, read first time and referred to Committee on Pensions and Labor.



Second Regular Session of the 124th General Assembly (2026)

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 2025 Regular Session of the General Assembly.

SENATE BILL No. 170

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

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

- 1 SECTION 1. IC 36-1-12-4, AS AMENDED BY P.L.86-2025,
- 2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2026]: Sec. 4. (a) This section applies whenever the cost of a
- 4 public work project will be at least three hundred thousand dollars
- 5 (\$300,000).
- 6 (b) The board must comply with the following procedure:
- 7 (1) The board shall prepare general plans and specifications
- 8 describing the kind of public work required, but shall avoid
- 9 specifications which might unduly limit competition. If the
- 10 project involves the resurfacing (as defined by IC 8-14-2-1) of a
- 11 road, street, or bridge, the specifications must show how the
- 12 weight or volume of the materials will be accurately measured
- 13 and verified.
- 14 (2) The board shall file the plans and specifications in a place
- 15 reasonably accessible to the public, which shall be specified in the
- 16 notice required by subdivision (3).
- 17 (3) Upon the filing of the plans and specifications, the board shall



publish notice in accordance with IC 5-3-1 calling for sealed proposals for the public work needed. If the board receives electronic bids as set forth in subsection (d), the board shall also provide electronic access to the notice of the bid solicitation through the computer gateway administered under IC 4-13.1-2-2(a)(6) by the office of technology.

(4) The notice must specify the place where the plans and specifications are on file and the date fixed for receiving bids.

(5) The period of time between the date of the first publication and the date of receiving bids shall be governed by the size of the contemplated project in the discretion of the board. The period of time between the date of the first publication and receiving bids may not be more than:

(A) six (6) weeks if the estimated cost of the public works project is less than twenty-five million dollars (\$25,000,000); and

(B) ten (10) weeks if the estimated cost of the public works project is at least twenty-five million dollars (\$25,000,000).

(6) The board shall require the bidder to submit a financial statement, a statement of experience, a proposed plan or plans for performing the public work, and the equipment that the bidder has available for the performance of the public work. The statement shall be submitted on forms prescribed by the state board of accounts.

(7) The board may not require a bidder to submit a bid before the meeting at which bids are to be received. The meeting for receiving bids must be open to the public. All bids received shall be opened publicly and read aloud at the time and place designated and not before. Notwithstanding any other law, bids may be opened after the time designated if both of the following apply:

(A) The board makes a written determination that it is in the best interest of the board to delay the opening.

(B) The day, time, and place of the rescheduled opening are announced at the day, time, and place of the originally scheduled opening.

(8) Except as provided in subsection (c), the board shall **do one (1) of the following:**

(A) Award the contract for public work or improvements to the lowest responsible and responsive bidder. **or A board may give consideration to the factors set forth in subsection (f) in determining the lowest responsible and responsive**



- 1 **bidder.**
2 (B) Reject all bids submitted.
3 (9) If the board awards the contract to a bidder other than the
4 lowest bidder, the board must state in the minutes or memoranda,
5 at the time the award is made, the factors used to determine which
6 bidder is the lowest responsible and responsive bidder and to
7 justify the award. The board shall keep a copy of the minutes or
8 memoranda available for public inspection.
9 (10) In determining whether a bidder is responsive, the board may
10 consider the following factors:
11 (A) Whether the bidder has submitted a bid or quote that
12 conforms in all material respects to the specifications.
13 (B) Whether the bidder has submitted a bid that complies
14 specifically with the invitation to bid and the instructions to
15 bidders.
16 (C) Whether the bidder has complied with all applicable
17 statutes, ordinances, resolutions, or rules pertaining to the
18 award of a public contract.
19 (11) In determining whether a bidder is a responsible bidder, the
20 board may consider the following factors:
21 (A) The ability and capacity of the bidder to perform the work.
22 (B) The integrity, character, and reputation of the bidder.
23 (C) The competence and experience of the bidder.
24 (12) The board shall require the bidder to submit an affidavit:
25 (A) that the bidder has not entered into a combination or
26 agreement:
27 (i) relative to the price to be bid by a person;
28 (ii) to prevent a person from bidding; or
29 (iii) to induce a person to refrain from bidding; and
30 (B) that the bidder's bid is made without reference to any other
31 bid.
32 (c) Notwithstanding subsection (b)(8), a county may award sand,
33 gravel, asphalt paving materials, or crushed stone contracts to more
34 than one (1) responsible and responsive bidder if the specifications
35 allow for bids to be based upon service to specific geographic areas and
36 the contracts are awarded by geographic area. The geographic areas do
37 not need to be described in the specifications.
38 (d) Notwithstanding subsection (b), a board may receive electronic
39 bids for the public work if:
40 (1) the solicitation for bids indicates the procedure for
41 transmitting the electronic bid to the board; and
42 (2) the board receives the bid on a facsimile machine or system



with a security feature that protects the content of an electronic bid with the same degree of protection as the content of a bid that is not transmitted by a facsimile machine.

(e) A board may select a vendor to provide an electronic platform to accommodate the electronic bidding process.

(f) This subsection only applies to a bidder that a board determines to be responsible and responsive. As used in this subsection, "Indiana resident" means an individual whose primary residence is located within Indiana for at least twelve (12) consecutive months before the commencement of project work. In determining the lowest responsible and responsive bidder under subsection (b)(8), the board may give additional consideration to a bidder that meets all of the following requirements:

(1) The bid submitted by the bidder is not more than five percent (5%) greater than the lowest bid submitted by a bidder that the board determines to be responsible and responsive, but does not meet the additional requirements set forth in this subsection.

(2) The board determines that awarding the contract to the bidder is in the best interest of the project and the community.

(3) The bidder commits to employing Indiana residents for at least sixty percent (60%) of the total workforce on the project.

(4) The bidder demonstrates all of the following:

(A) Participation in a registered apprenticeship program recognized by the United States Department of Labor that is applicable to the work being performed.

(B) Use of a workforce whose:

(i) work eligibility status has been verified in accordance with IC 22-5-1.7; and

(ii) E-Verify case verification numbers have been provided to the project owner.

(C) Maintenance of a policy prohibiting the use of independent contractors on the project, ensuring all workers are:

(i) properly classified as employees; and

(ii) covered by appropriate insurance and tax withholdings.

(D) Submission of certified payroll reports to the project owner verifying compliance with all applicable wage and labor standards.

