

# PUBLIC PURCHASING GUIDE

**aim**

Accelerate Indiana  
Municipalities

The **Public Purchasing Guide** provides a general guide to Indiana's public procurement laws – specifically those statutes governing the purchase of goods and services. The Guide is intended to provide Aim members with a basic understanding of the procedures surrounding purchasing.

## TABLE OF CONTENTS

<b>Disclaimer</b> .....	Page 2
<b>Introduction</b> .....	Page 2
<b>Public Purchasing</b> [IC 5-22-1 et seq] .....	Page 2
Application of Purchasing Requirements [IC 5-22-1] .....	Page 2
Definitions Applicable to Public Purchasing [IC 5-22-2] .....	Page 3
General Provisions Applicable to All Purchases [IC 5-22-3] .....	Page 4
Specifications for Purchasing [IC 5-22-5] .....	Page 4
Purchasing Organizations [IC 5-22-4] .....	Page 5
Purchase of Services [IC 5-22-6] .....	Page 5
<b>Methods for Purchasing Supplies</b> [IC 5-22-7 through IC 5-22-10] .....	Page 5
Exceptions to General Requirements for Purchasing [IC 5-22-11 through IC 5-22-14] .....	Page 6
Purchasing Preferences [IC 5-22-15] .....	Page 7
Product Preferences .....	Page 7
Price Preferences .....	Page 8
Prohibited Purchases [IC 5-22-15-24] .....	Page 8
<b>Other Purchasing Procedures</b> .....	Page 8
Requests for Proposals [IC 5-22-9] .....	Page 8
Special Purchasing Methods [IC 5-22-10] .....	Page 9
Cooperative Purchasing [IC 36-1-7-1] .....	Page 10
Reverse Online Auction [IC 5-22-7.5] .....	Page 10
Collection and Disposal of Solid Waste [IC 36-9-30] .....	Page 10
Miscellaneous General Requirements for Public Purchasing .....	Page 10
<b>Cases</b> .....	Page 11
Cases Interpreting Public Purchasing Statutes .....	Page 11
Cases Interpreting Provisions of Public Works Statutes Similar to Provisions in Public Purchasing Statutes .....	Page 11
<b>Appendices</b> .....	Page 12
Appendix A: "Rule" Making Authority Under IC 5-22 .....	Page 13
Appendix B: Sample Ordinances Creating and Designating Purchasing Agency and Agents .....	Page 14
Appendix C: Form of Purchasing Rules or Policies That May Only Be Adopted By the Common Council or Town Council (Or Another "Governmental Body") .....	Page 15
Appendix D: Form of Purchasing Policies That May Be Adopted By The Purchasing Agency .....	Page 17
Appendix E: Forms and Checklists .....	Page 19
Index of Specifications .....	Page 19
Register of Proposals .....	Page 20
Special Purchase Contract File .....	Page 21
Checklist for Invitation for Bids .....	Page 22
Non-Collusion Affirmation .....	Page 23
Form for Offer or Proposal .....	Page 24
Bid Record for Invitation for Bids .....	Page 25

# Disclaimer

These materials are intended for general information purposes only and do not constitute legal advice. The materials should not be used or relied upon as a substitute for a review of applicable statutes, regulations, rulings, and court decisions. The reader should consult legal counsel to determine how laws apply to specific situations. These materials were prepared in July 2021, and, consequently, will not reflect changes in law after that date.

# Introduction

The purpose of this publication is to provide a general guide to Indiana’s public procurement laws - specifically - those statutes governing the purchase of goods and services. It is intended to provide readers with a basic understanding of the procedures surrounding purchasing. It is not intended to be an exhaustive review of applicable statutes and case law and should not replace consultation with local counsel as to how the law will apply to any specific situation.

This publication is intended for use by Indiana’s cities and towns, and to special purpose entities such as park districts, redevelopment districts, and storm water districts established by individual municipalities. It is not intended for use by counties, townships, school corporations, or other political subdivisions, although much of the information provided is applicable to those governmental entities. The State of Indiana is governed by some of these provisions, but also has specific legislation in some situations. There are also purchasing statutes outside of IC 5-22-1 that apply to municipalities, and many of them will be addressed. This publication will address the procedures for public purchases of every dollar amount, from large to small.

# Public Purchasing [IC 5-22-1 et seq]

## Application of Purchasing Requirements [IC 5-22-1]

The statutes governing public purchasing apply to every expenditure of public funds by a governmental body, except for the following entities and activities.

<b>Exempt Entities</b>
A body corporate and politic established by the Indiana General Assembly. (NOTE: they must comply with purchasing preferences)
Local hospital authority under IC 5-1-4
Municipality owned utility under IC 8-1-11.1 or IC 8-1.5
County hospitals (IC 16-22-1 through 16-22-5, Health & Hospital Corporation of Marion County (16-22-8) and municipal hospitals (16-23-1)
Certain library boards (IC 36-12-3-16(b))
Local housing authority (IC 36-7-18)
Tax exempt Indiana nonprofit corporations leasing and operating a city market owned by a political subdivision
Person paying for a purchase or lease with funds other than public funds
Person entered into a public-private agreement under IC 5-23
Municipality operating municipal facilities used for the collection, treatment, purification, and disposal in a sanitary manner of liquid and solid waste, sewage, night soil, and industrial waste

<b>Exempt Activities</b>
Contract between governmental bodies, other than a contract authorized under the statute.
Public works project
Collective bargaining agreement between a governmental body and its employees
Employment relationship between a governmental body and its employees

Exempt Activities
Investment of public funds
Contract for social services
Contract with a body corporate and politic
Certain contracts for solid waste collection or disposal

## Definitions Applicable to Public Purchasing [IC 5-22-2]

The public purchasing statutes employ a number of defined terms with which municipal officials should become familiar. Some of these terms have ordinary, commonly understood meanings, while other terms have meanings specific to the purchasing statutes. Whenever the word is used it has all of the meanings noted in the definition.

<b>Purchase</b>	<p><b>Purchase</b> includes buy, procure, rent, lease, or otherwise acquire. The term includes:</p> <ul style="list-style-type: none"> <li>• A description of requirements (specifications, delivery terms, etc.);*</li> <li>• Solicitation or selection of sources from which purchase will be made;</li> <li>• Preparation and award of the purchase contract;</li> <li>• All phases of contract administration; and</li> <li>• All functions that pertain to purchasing (whatever that means).</li> </ul> <p>*This would include a trade-in or warranty work requirements.</p>
<b>Solicitation</b>	<p><b>Solicitation</b> means the procedure by which a governmental body invites persons to submit an offer to enter into a contract with the governmental body for the purchase or sale of supplies by the governmental body. It includes an invitation for bids, a request for proposals, and a request for quotes</p>
<b>Offer</b>	<p><b>Offer</b> means a response to a solicitation. It includes a bid, proposal, and quote.</p>
<b>Governmental Body</b>	<p><b>Governmental body</b> means an agency, a board, a branch, a bureau, a commission, a council, a department, an institution, an office, or another establishment of a political subdivision.</p> <ul style="list-style-type: none"> <li>• While a city or a town is a political subdivision, so is a redevelopment district, park district, stormwater district, and waterworks district.</li> <li>• For instance, a governmental body may be the council, the board of works or the utility services board for the city or town itself.</li> <li>• A governmental body may be the redevelopment commission, the park board, or the stormwater board.</li> </ul>
<b>Purchasing Agency</b>	<p><b>Purchasing agency</b> is a governmental body that is authorized to enter into contracts by the purchasing statutes, by "rules" adopted by the governmental body, or another law.</p> <ul style="list-style-type: none"> <li>• The purchasing agency for the municipality itself could be the board of works, the utility services board, or the council. A municipality could decide to have all of them serve as separate purchasing agencies.</li> <li>• The purchasing agency could be the department of redevelopment, the parks department, etc.</li> </ul>
<b>Purchasing Agent</b>	<p><b>Purchasing agent</b> is a person authorized by a purchasing agency to act as an agent for the purchasing agency in the administration of the duties of the purchasing agency.</p>
<b>Rule</b>	<p><b>Rule</b> refers to an order, an ordinance, a resolution, or another procedure by which the governmental body is authorized by law to adopt a policy that has the force and effect of law.</p> <ul style="list-style-type: none"> <li>• For the city or town, a "rule" will generally be an ordinance.</li> <li>• For a redevelopment district, park district, or other special purpose entity, a "rule" will generally be a resolution.</li> </ul>
<b>Policy</b>	<p><b>Policy</b> means a written statement of purchasing procedures or purposes that does not have the force and effect of law, whether it is adopted by a governmental body or a purchasing agency.</p>
<b>Responsive</b>	<p><b>Responsive bidder/quoter/offeror</b> is a person who has submitted a bid, quote or offer conforming in all material respects to the specifications.</p>

<b>Responsible</b>	<b>Responsible bidder/quoter/offeror</b> is a person who is capable of performing the requirements fully and who has the integrity and reliability that will assure good faith performance of the contract.
<b>Services</b>	<b>Services</b> means the furnishing of labor, time, or effort by a person, not involving the delivery of specific supplies other than printed documents or other items that are merely incidental to the required performance.
<b>Supplies</b>	<b>Supplies</b> means any property. The term includes equipment, goods, and materials. The term does not include an interest in real property

## General Provisions Applicable to All Purchases [IC 5-22-3]

- All parties must act in good faith.
- Governmental body may comply with the terms and conditions of a gift if noncompliance with those terms and conditions would invalidate the gift.
- Governmental body may adopt rules and policies which may supplement but may not be inconsistent with IC 5-22.
- Purchasing agency of a governmental body may establish written policies and procedures which may supplement IC 5-22 or rules adopted by the governmental body but may not be inconsistent with IC 5-22 or rules adopted by a governmental body.
- Requirements that notices or other materials be sent by mail may be sent by electronic means if
  - o a rule adopted by the governmental body;
  - o a policy adopted by a purchasing agency; or
  - o a solicitation;
 contains information concerning the use of electronic means and the electronic means is at least as secure as mail and is otherwise consistent with the statute.
- A governmental body may accept offers by facsimile or means of electronic communication if the purchase solicitation includes information on electronic submission of offers and the facsimile machine, electronic mail or other electronic means has a security feature that provides the contents of the offer the same degree of protection as an offer not submitted by electronic means.
- An offeror has no property interest in a purchase contract until the contract is awarded and is completely executed.
- An offer made by a trust must list each beneficiary and each settler empowered to revoke or modify the trust.
- A governing body may not award or renew a contract for the purchase of supplies or services with a person who is on the Indiana Department of Administration's list of persons engaged in investment activities in Iran unless the mayor or town council president makes a written finding that the governmental body would be unable to obtain the supplies or services for which the solicitation is made unless a contract is awarded to the person.

## Specifications for Purchasing [IC 5-22-5]

- A governing body may adopt rules or establish policies for the preparation, maintenance, and content of specifications for purchases.
- The purchasing agent shall prepare, issue, revise, maintain, and monitor the use of specifications. An indexed file of specifications shall be maintained.
- Specifications must promote overall economy for the purposes intended and encourage competition in satisfying the governmental body's needs.
- If the development of specifications by the governmental body is not feasible, the purchasing agent may issue a public request for specifications if:
  - o the purchasing agent gives written notice that it is not feasible; and
  - o the executive of the governmental body approves the issuance of the request for specifications.
- The request for specifications must be published two times, at least one week apart, with the second publication at least seven days before the response to the request for proposal is due, in accordance with IC 5-3-1.
- The request must include:
  - o the factors or criteria that will be used to evaluate the proposed specifications;
  - o the relative importance of evaluation factors; and
  - o whether discussions may be conducted with persons proposing specifications to clarify the specification requirements.

- If provided for in the request for specifications, the purchasing agent may discuss proposed specs with those who submitted proposals. All persons submitting proposals must be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposed specifications.

### Purchasing Organizations [IC 5-22-4]

- The “purchasing agency” for a political subdivision is the governmental body, board, or department designated by law or by rule of the governmental body [IC 5-22-4-5(a)].
- The individuals designated by the purchasing agency are the “purchasing agents” for the governmental body [IC 5-22-4-5(b)].
- A purchasing agency may have more than one purchasing agent [IC 5-22-4-6].
- A governmental body may enter into an agreement with other governmental bodies under the Interlocal Cooperation Act (IC 36-1-7) to establish a cooperative purchasing organization. [IC 5-22-4-7]

### Purchase of Services [IC 5-22-6]

- The purchasing agency of a governmental body may purchase services using any procedure the governmental body or the purchasing agency of the governmental body considers appropriate.
- A governmental body may adopt rules governing the purchase of services for the governmental body.
- The purchasing agency of a governmental body may establish policies regarding the purchase of services for the governmental body.

## Methods for Purchasing Supplies [IC 5-22-7 through IC 5-22-10]

All purchases of supplies must be bid unless another method or procedure is available. Purchases may not be artificially divided so as to constitute a small purchase [IC 5-22-8-1]. The following table outlines the general process for each price category.

<b>Purchases &lt; \$50,000</b>	<b>No quote or bid process required [IC 5-22-8]</b> If the small purchase rules or policies have been adopted by the governmental body or the purchasing agency, the purchasing agent may make a purchase of less than \$50,000 without requesting bids or quotes. If the municipality has not adopted small purchase rules or policies, purchasing agent must issue invitation for bids.
<b>Purchases Between \$50,000 - \$150,000</b>	<b>Quotes process required [IC 5-22-8]</b> Purchasing agent may purchase supplies by inviting quotes from at least three persons known to deal in the lines or classes of supplies to be purchased. Invitations to quote shall be mailed at least seven days before time fixed for receiving quotes. If a satisfactory quote is received, purchasing agent shall award a contract to the lowest responsive and responsible quoter. All quotes may be rejected. If no quotes are received from a responsible and responsive quoter, the purchasing agent may purchase supplies using the methods outlined for “special purchases”.
<b>Purchases &gt; \$150,000</b>	<b>Sealed Competitive bid process [IC 5-22-7]</b> For purchases greater than \$150,000, the sealed competitive bid process includes: Invitation for bids that includes purchase description, all contractual terms and conditions, state of evaluation criteria, time and place for opening bids, financial proof requirements, and a statement on conditions under which a bid may be cancelled or rejected in whole or in part. Invitation to bid must comply with public notice requirements of IC 5-3-1. Notice must be published twice, published at least one week apart, with the second notice published at least seven days prior to deadline for receiving bids. Bids must be opened publicly, in the presence of one or more witnesses. A contract must be awarded with reasonable promptness by written notice to the lowest responsible and responsive bidder. Bids may not be changed substantively after they have been submitted (in price or other provisions). The purchasing agency must maintain the name of each bidder and the bid amount and such other information required by state law or local rules for public inspection after the award.

## Exceptions to General Requirements for Purchasing [IC 5-22-11 through IC 5-22-14]

The Indiana Code provides that purchases by a governmental body from certain entities are exempt from the general requirements of IC 5-22. These exceptions include the following entities.

### **Department of Correction [IC 5-22-11]**

A governmental body shall purchase from the department of correction supplies and services produced or manufactured by the department, as listed in the department's printed catalog unless:

- the supplies and services cannot be furnished in a timely manner;
- the supplies and services do not meet the specifications and needs of the purchasing governmental body; or
- cannot be purchased at a fair market price.

### **Purchase of Rehabilitation Center Products [IC 5-22-12]**

A governmental body shall purchase articles produced by the rehabilitation center and listed in its catalogue, unless:

- similar articles are produced by the governmental body;
- do not meet the specifications and needs of the governmental body;
- are not offered at a fair market price; or
- the governmental body receives a written statement from the bureau that it cannot furnish the article.

### **Nonprofit Agencies for Persons With Severe Disabilities [IC 5-22-13]**

A governmental body may purchase from qualified nonprofit agencies for persons with severe disabilities supplies and services produced or manufactured by the agency without advertising for bids.

### **Small Business Set Aside [IC 5-22-14]**

A governmental body may establish a small business set aside program to set aside a portion of its purchases for bidders/quoters/offers that are small businesses. A small business is independently owned and operated, not dominant in its field of operation and satisfies the criteria for a small business or a veteran owned small business concern in the rules adopted by the governmental body.

A governmental body must adopt rules to create a small business set aside program. The rules must include criteria to determine whether a bidder or an offeror is a small business. In establishing criteria, the rules may use any standards established for determination of small business status that are used by an agency of the federal government. A governmental body may also receive assistance from the Indiana economic development corporation to establish criteria or to implement the rules.

The rules adopted by a governmental body may consider the number of employees employed by an offeror and the dollar volume of the offeror's business. The rules must provide that when computing the size of an offeror, the annual sales, and receipts of the offeror and all of its affiliates must be included.

The rules must include the following basic criteria:

- A wholesaler is eligible if sales are less than \$4 million annually
- A retail business is eligible if annual sales and receipts are less than \$500,000
- A manufacturing business eligible if fewer than 100 employees

The governmental body must adopt rules to identify specific supplies to be purchased from a small business. The governmental body must have a reasonable expectation that offers will be received from at least two small businesses capable of furnishing the desired supplies at a fair and reasonable price.

A small business set-aside designation must be made before the solicitation is issued and the public notice for the purchase must indicate that the purchase is a small business set-aside. If a purchase is designated as a small purchase set-aside, the solicitation must be limited to small businesses. A contract must be awarded to the lowest responsible and responsive offerer among the small businesses.



## Purchasing Preferences [IC 5-22-15]

The Indiana Code outlines certain price preferences that shall be given to certain offerors. Offerors (persons submitting a proposal or being considered for a purchasing contract) are allowed to claim **only one** preference and must indicate in the offer what supply item in the offer is a preferred supply.

A purchasing agent shall award a contract to the offeror whose total adjusted offer is lower than the total adjusted offer of each other offeror, as long as it meets the other requirements set forth in the Indiana Code as the “best bidder” or “most responsible and responsive bid.” A governmental body may adopt rules to implement price preferences.

## Product Preferences

### Steel Manufactured in the United States [IC 5-22-15-25]

A solicitation must require that if any steel products are used in:

- the manufacture of the supplies required under the contract; or
- supplies used in the performance of the services under the contract by the contractor or a subcontractor of the contractor;

the steel products must be manufactured in the United States, unless the head of the purchasing agency makes a written determination that:

- the cost of the contract requiring the use of steel manufactured in the U.S. would be more than 115% of the cost of the contract otherwise; and
- failing to require the use of steel manufactured in the U.S. would not in any way:
  - o harm the business of a facility that manufactures steel products in Indiana; or
  - o result in the reduction of employment or wages and benefits of employees of a facility that manufactures steel products in Indiana.

If the purchase is less than \$10,000 and made under the small purchase policies established by the purchasing agency or under rules adopted by the governmental body, the purchase of supplies containing steel manufactured in the U.S.

The purchasing agency must inform offerors in the solicitation of this requirement.

### Purchases of Biobased Products [IC 5-22-5-9]

Biobased products are commercial or industrial goods (other than food or feed) determined by the U.S. Department of Agriculture (USDA) to be composed in whole or in significant part of biological products, forestry materials, or renewable domestic agricultural materials, including plant, animal, or marine materials.

A governmental body shall, whenever possible, purchase products specified as “biobased products” by the USDA if:

- bioproducts are available at the time of purchase;
- it is economically feasible; and
- the purchase is not inappropriate because of federal regulations or scientific purposes.

### Coal Mined in Indiana [IC 5-22-15-22]

Whenever a purchasing agent purchases coal for use as fuel, the purchasing agent shall give an absolute preference to coal mined in Indiana unless federal law requires the use of low sulfur coal in the circumstances for which the coal is purchased.

### Supplies Manufactured in the United States [IC 5-22-15-21]

A governmental body shall adopt rules to promote the purchase of supplies manufactured in the United States.

Rules must provide that supplies manufactured in the United States shall be specified and purchased unless the governmental body determines that any of the following apply:

- The supplies are not manufactured in the United States in reasonably available quantities;
- The price of the supplies manufactured in the United States exceeds by an unreasonable amount the price of available and comparable supplies manufactured outside the United States;
- The quality of the supplies is substantially less than the quality of comparably priced available supplies manufactured outside the United States; or
- The purchase of supplies manufactured in the United States is not in the public interest.



## High Calcium Food [IC 5-22-15-24]

High calcium foods and beverages are preferred supplies. A purchasing agent shall give a preference to foods and beverages that contain a higher level of calcium than products of the same type and quality and are equal in price to or lower in price than products of the same type and quality.

## Price Preferences

<b>Supplies that Contain Recycled or Post-consumer Materials</b> [IC 5-22-15-16]	Price preference set by either 1) governmental body rule, 2) purchasing agency policy, or 3) solicitation.	Price preference must be between 10 - 15%.
<b>Soy Diesel / Bio Diesel</b> [IC 5-22-15-19]	Applies to a purchase of fuel of which at least twenty percent (20%) by volume is soy diesel/bio diesel.	Price preference is 10%.
<b>Indiana Businesses</b> [IC 5-22-15-20]	A governmental body may adopt a rule under IC 5-22-15-20 giving preference to an Indiana business if another state gives a preference	The rule determines the method by which the preference is computed.
<b>Indiana Small Business</b> [IC 5-22-14-1]	Indiana small business, as defined in IC 5-22-14-1	Price preference is 15%.
<b>Local Businesses</b>	Local Indiana business is defined in IC 5-22-15-20.9.	5% for a purchase less than \$50,000; 3% for a purchase of at least \$50,000, but less than \$100,000; and, 1% for a purchase at least \$100,000.
<b>Indiana Agriculture</b> [IC 5-22-15-23.5]	Governmental body can adopt a rule giving preference to agricultural products that are grown, produced, or processed in Indiana.	Price preference is up to 10%.

## Prohibited Purchases [IC 5-22-15-24.2]

A governmental body may not award a contract for the purchase of supplies to if the supplies were made in a country other than the U.S. if the supplies were made using forced labor.

## Other Purchasing Procedures

In some instances, the Indiana Code allows for another method for purchasing, such as:

- **Requests for Proposals:** Applies to purchases, which the governmental body has deemed not advantageous and not practicable for competitive sealed bidding (see IC 5-22-9).
- **Special Purchasing Methods:** Allows for purchase without RFP or competitive bidding in certain circumstances usually after consultation with and perhaps an opinion from the municipal attorney (IC 5-22-10).
- **Cooperative Purchasing:** Allows more than one governmental body to purchase services / supplies jointly or on behalf of another (see IC 36-1-7-12).
- **Online Reverse Auctions:** Allows for use of Internet site for issuance of an invitation to bid and to receive bids (IC 5-22-7.5).

## Requests for Proposals [IC 5-22-9]

A purchasing agent may award a contract through a request for proposals procedure instead of competitive bidding, subject to the policies of the purchasing agency.

The process includes:

- The RFP must be published two times, one week apart with the second publication at least seven days prior to the date fixed for receiving proposals.
- The RFP must include the following: factors or criteria to be used in evaluating proposals, statement concerning the relative importance of price and the other evaluation factors, proof requirements, and a statement on whether discussions may be conducted with responsible offerors.
- Proposals must be opened to avoid disclosure of contents to competing offerors during the process of negotiation.

- The purchase contract shall be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the governmental body. Note: The purchase may be awarded to more than one offeror, as long as it was outlined as a possibility in the RFP.
- Offerors must be accorded fair and equal treatment with opportunities for discussions and revisions of proposals.

The purchasing agent shall prepare and maintain a register of proposals that must be open for public inspection after contract award.

The governmental body may provide by rule or policy that competitive bidding is not advantageous or practicable for specified supplies and therefore that the RFP process is the preferred method for that type of supply.

## Special Purchasing Methods [IC 5-22-10]

A purchasing agent may award a contract under Special Purchasing without soliciting bids or proposals in the following circumstances:

1. **Emergency conditions** (When there exists, under emergency conditions, a threat to public health, welfare, or safety.)
2. **Savings to governmental body** (When there exists a unique opportunity to obtain supplies or services at a substantial savings to the governmental body.)
3. **At auction**
4. **Data processing contract or license agreements** (For software programs or supplies or services, when only one source meets the using agency's reasonable requirements.)
5. **Compatibility of equipment, accessories, or replacement parts**
6. **Purchasing method impairs functioning of agency** (If another purchasing method would seriously impair the functioning of the using agency.)
7. **No offer received under other purchasing method** (When the agency has solicited for a purchase under another purchasing method described in this article and has not received a responsive offer.)
8. **Evaluation of supplies or system containing supplies** (To obtain functional information or comparative data for a purpose that in the judgment of the purchasing agent may advance the long-term competitive position of the governmental body.)
9. **Governmental discount available**
10. **Single source for supply; award of contract**
11. **General Services Administration price** (Given in writing that supplies can be purchased at prices equal to or less than the prices stipulated in current federal supply service schedules established by the federal General Services Administration, and it is advantageous to the governmental body's interest in efficiency and economy.)
12. **Purchase from person who has contract with federal agency** (If person's contract with the federal agency requires the person to make the supplies available to the state or political subdivisions, or a person who has a contract with a state agency and the person's contract with the state requires the person to make the supplies or services available to political subdivisions.)
13. **Acquisition of supplies through transfer from federal government** (If supplies can be transferred at a cost less than would be obtained otherwise.)
14. **Acquisition of supplies through acceptance of gift**
15. **Special purchase of copyrighted material**
16. **Purchase from public utility following independent appraisal**
17. **Purchase of petroleum products by aviation commissioners, airport authority, and port authority.** (Only applicable for board of aviation commissioners or an airport authority.) [IC 5-22-10-20]

All contracts for special purchases shall be maintained by the purchasing agent in a separate file that is kept for 5 years and the special purchases are subject to audit by the State Board of Accounts. The file must contain each of the contractor's name, the amount and type of each contract, the description of the supplies purchased under each contract and the written basis for both the purchase and the contractor selected. A special purchase must be made with competition as is practicable under the circumstances.

## Cooperative Purchasing [IC 36-1-7-12]

Indiana statute allows collaborative purchasing, including:

- No notice by publication or posting is required for purchasing contracts between or among Indiana governmental entities

- Whenever a contract provides for one Indiana governmental entity to make a purchase for another, compliance by the one with the applicable statutes governing public bids constitutes compliance by the other.
- A governmental entity may make a purchase from any other governmental entity or under another governmental entity's referenced written contract if there is compliance with state purchasing law by the original purchasing unit.
- Two or more governmental entities may procure together or with a nonprofit entity if the requirements of the public purchasing statutes are met.

### Reverse Online Auction [IC 5-22-7.5]

A reverse auction may be used for the purchase of supplies by using an Internet site to issue an invitation for bids and receive bids. A purchasing agency and a bidder must comply with all other requirements of the purchasing statute when participating in a reverse auction.

Before conducting a reverse auction, the purchasing agency must adopt written policies that comply with rules adopted by the Indiana Department of Administration (IDOA) under IC 4-13-17-4.

A purchasing agency must use an Internet purchasing site to issue an invitation for bids and to receive bids. An **Internet purchasing site** is an open and interactive electronic environment that is designed to facilitate the purchase of supplies by means of the Internet. Contact the Aim office for examples of written policies and further information.

### Collection and Disposal of Solid Waste [IC 36-9-30]

A municipality may contract with persons for the collection or disposal of solid waste.

A municipality may contract with any business or institution for the collection and disposal of industrial, commercial, or institutional solid waste.

All fees collected by the municipality shall be deposited for the administration, operation, and maintenance of solid waste collection and disposal.

If a contract for solid waste collection or disposal will yield a gross revenue to a contractor (other than a governmental entity) of at least \$25,000 during the time it is in effect, then the municipality must comply with IC 36-1-12-4 in awarding the contract.

The municipality shall require the bidder to submit a financial statement, a statement of experience, the bidder's proposed plan or plans for performing the contract, and the equipment that the bidder has available for the performance of the contract. The statement shall be submitted on forms prescribed by the state board of accounts.

### Miscellaneous General Requirements for Public Purchasing

Certain requirements apply to the purchases of supplies and services:

- A contract for the purchase of supplies may not be for a term of more than four years, although it may be renewed.
- Specifications are required for every purchase, regardless of cost.
- Purchases may not be "artificially" divided to avoid the applicable purchasing thresholds.
- Each purchase must be accompanied by a purchase order.
- The municipality must have a sufficient appropriation or fund balance before issuing a purchase order or executing a contract for a purchase.
- Contract generally must be awarded to the lowest "responsible" and "responsive" bidder/quoter/offeree.
- Lowest bid/quote/offer must be rejected if bidder/quoter/offeree is not responsive or responsible.
- All written public contracts for "public services" with a contractor (includes purchasing) must include a provision requiring the contractor to use E-Verify and a contain a signed affidavit by the contractor affirming that the contractor does not knowingly employ an "unauthorized alien."
- A public servant (employee or appointed official) or his/her dependent who knowingly or intentionally: (1) has a pecuniary interest in; or (2) derives a profit from; a contract or purchase connected with an action by the governmental entity served by the public servant commits conflict of interest, a Level 6 felony unless all of the contracts and purchases for the 12 months before the date of the contract or purchase was \$250 or less or the public servant is eligible to file a Uniform Conflict Of Interest Disclosure Statement form and properly files it before the final action on the contract or purchase.

- A relative (spouse, parent, stepparent, child, adopted child, stepchild, brother, sister, half-brother, half-sister, stepbrother, stepsister, niece, nephew, aunt, uncle, daughter-in-law and son-in-law) of the Mayor or city or town council member or the relative's business entity [wholly or partially owned] may enter into or renew a contract with the municipality for purchasing of goods or services only after disclosure which must be in writing, describe contract and relationship, be affirmed under penalties of perjury, be submitted to and accepted by the legislative body in a public meeting before final action on the contract and be filed in 15 days with State Board of Accounts and clerk of circuit court and the agency acting on behalf of municipality must certify in a statement that the contract was the lowest or give reasons why the relative or relative's business was selected, and file a Uniform Conflict of Interest Statement if necessary.

## Cases

### Cases Interpreting Public Purchasing Statutes

- Appeal of Associated Sign & Post, Inc.*, 485 N.E.2d 917 (Ind. App. 1985)  
*Cristiani v. Clark County Solid Waste Management Dist.*, 675 N.E.2d 715 (Ind. App. 1996)  
*Dunnuck v. State*, 644 N.E.2d 1275 (Ind. App. 1994)  
*Shook Heavy and Environmental Const. Group, a Div. of Shook, Inc.*, 632 N.E.2d 355 (Ind. 1994)  
*Brownsburg Community School Corp. v. Natare Corp.*, 824 N.E.2d 336 (Ind. 2005)  
*Trans-Care, Inc. v. Board of Com'rs of County of Vermillion*, 831 N.E.2d 1255 (Ind. App. 2005)  
*City of Fort Wayne v. Pierce Mfg., Inc.*, 853 N.E.2d 508 (Ind. App. 2006)  
*Harmony Health Plan of Indiana, Inc. v. Indiana Dept. of Admin.*, 864 N.E.2d 1083 (Ind. App. 2007)  
*Hamrick's Diesel Service & Trailer Repair, LLC v. City of Evansville*, 935 N.E.2d 764 (Ind. App. 2010)  
*Midwest Psychological Center, Inc. v. Indiana Dept. of Admin.*, 959 N.E.2d 896 (Ind. App. 2011)  
*Sanitary District of City of Hammond v. Town of Griffith, et al.*, 39 N.E.3d 400 (Ind. App. 2015)

### Cases Interpreting Provisions of Public Works Statutes Similar to Provisions in Public Purchasing Statutes

- Moran v. State*, 477 N.E.2d 100 (Ind. App. 1985)  
*Bowen Engineering Corp. v. W.P.M. Inc.*, 557 N.E.2d 1358 (Ind. App. 1990)  
*White River Conservancy Dist. v. Commonwealth Engineers, Inc.*, 575 N.E.2d 1011 (Ind. App. 1991)  
*Irwin R. Evens & Son, Inc. v. Board of Indianapolis Airport Authority*, 584 N.E.2d 576 (Ind. App. 1992)  
*Brademas v. St. Joseph County Com'rs*, 621 N.E.2d 1133 (Ind. App. 1993)  
*Koester Contracting, Inc. v. Board of Com'rs of Warrick County*, 619 N.E.2d 587 (Ind. App. 1993)  
*Schindler Elevator Corp. v. Metropolitan Development Com'n*, 641 N.E.2d 653 (Ind. App. 1994)  
*Brooks v. Gariup Const. Co., Inc.*, 722 N.E.2d 834 (Ind. App. 1999)  
*Mid-States General & Mechanical Contracting Corp. v. Town of Goodland*, 811 N.E.2d 425 (Ind. App. 2004)  
*All-Star Const. and Excavating, Inc. v. Board of Public Works*, 640 N.E.2d 369 (Ind. 1994)  
*Bigley v. MSD of Wayne Township Schools*, 823 N.E.2d 278 (Ind. App. 2004)  
*Gariup Const. Co., Inc. v. Carras-Szany-Kuhn & Associates, P.C.*, 945 N.E.2d 227 (Ind. App. 2011)  
*Clark County Drainage Bd. v. Isgrigg*, 963 N.E.2d 9 (Ind. App. 2012)  
*City of Fort Wayne v. Consolidated Elec. Distributors, Inc.*, 998 N.E.2d 733 (Ind. App. 2013)  
*Alva Elec., Inc. v. Evansville-Vanderburgh School Corp.*, 7 N.E.3d 263 (Ind. 2014)

## APPENDICES

Appendix A .....	Page 13
"Rule" Making Authority Under IC 5-22 .....	
Appendix B .....	Page 14
Sample Ordinances Creating and Designating Purchasing Agency and Agents .....	
Appendix C .....	Page 15
Form of Purchasing Rules or Policies That May Only Be Adopted By the Common Council or Town Council (Or Another "Governmental Body") .....	
Appendix D .....	Page 17
Form of Purchasing Policies That May Be Adopted Either By The Governmental Body Or By The Purchasing Agency .....	
Appendix E.....	Page 19
Forms and Checklists .....	
Index of Specifications .....	Page 19
Register of Proposals .....	Page 20
Special Purchase Contract File.....	Page 21
Checklist for Invitation for Bids.....	Page 22
Non-collusion affirmation.....	Page 23
Form for offer or proposal .....	Page 24
Bid record for invitation for bids.....	Page 25

## Appendix A: “Rule” Making Authority Under IC 5-22

When a rule is **required**:

IC 5-22-15-21 — A governmental body shall adopt rules to promote the purchase of supplies manufactured in the United States.

When a rule **may be promulgated**:

IC 5-22-3-3 — A governmental body may adopt rules to regulate purchases of the governmental body.

IC 5-22-3-4 — A governmental body may adopt rules to allow the use of electronic means in the purchasing process.

IC 5-22-5-1 — A governmental body may adopt rules for the preparation, maintenance, and content of specifications.

IC 5-22-6-2 — A governmental body may adopt rules governing the purchase of services. (This rule should be promulgated.)

IC 5-22-7-10 — A governmental body may adopt rules to allow for the (i) correction or withdrawal of inadvertently erroneous bids before or after an award; or (ii) cancellation of awards or contracts based on an inadvertent mistake.

IC 5-22-8-2 — A governmental body may adopt rules relating to purchases under \$50,000 (small purchases).

IC 5-22-9-6 — A governmental body using the request for proposal process may adopt rules regarding the opportunity for discussions with offerors.

IC 5-22-9-8 — A governmental body may adopt rules regarding a request for proposal process.

IC 5-22-14-3 — A governmental body may adopt rules governing small business set-aside purchases.

IC 5-22-15-15 — A governmental body may adopt rules governing the purchasing preferences as outlined in the statute.

IC 5-22-18-4 — A governmental body may adopt rules for the protection of documents submitted to the governmental body in response to a solicitation.

IC 5-22-20-1 — A governmental body may adopt rules permitting or requiring (i) the inclusion of clauses providing for adjustments in prices or time of performance; (ii) the inclusion of contract provisions dealing with the unilateral right of the governmental body to order changes in the work within the scope of the contract and temporary stopping of the work or delaying performance; (iii) the inclusion of contract provisions dealing with variations occurring between estimated quantities of work in a contract and actual quantities.

# Appendix B: Sample Ordinances Creating and Designating Purchasing Agency and Agents

## **Ordinance Creating Independent City Purchasing Agency**

- Section 1. The City of \_\_\_\_\_ Purchasing Agency (the “ City Agency”) is established as the purchasing agency for the City.
- Section 2. The City Purchasing Agency shall all the powers and duties authorized under IC 5-22, as may be supplemented from time to time by ordinances adopted by the Common Council and policies adopted by the Purchasing Agency.
- Section 3. The City Purchasing Agency shall act as the purchasing agency for every agency, board, office, branch, bureau, commission, council, department, or other establishment of the City.
- Section 4. The City Purchasing Agency may designate as purchasing agents:
- (a) Clerk-Treasurer; and
  - (b) the City street superintendent [engineer]; and
  - (c) any employee designated in writing.

## **Ordinance Designating Town Council as Purchasing Agency; Designating Several Purchasing Agents**

- Section 1. The Town Council hereby determines that it is the purchasing agency for the Town.
- Section 2. The Town Council hereby designates the following persons to serve as purchasing agents for the Town:
- (a) the Clerk-Treasurer;
  - (b) the Town Manager; and
  - (d) such Town employees as are designated from time to time, in writing.
- Section 3. This Ordinance is effective upon passage and signing by the presiding officer.



# Appendix C: Form of Purchasing Rules or Policies That May Only Be Adopted By the Common Council or Town Council (Or Another “Governmental Body”)

SECTION 1. The following are the purchasing rules for [City] [Town] of [County], Indiana:

## Protection of Offers; Status of Documents as Public Records

1. Protection of Offers Prior to Opening. The purchasing agent shall retain all offers received in a secure location prior to the date and time at which offers will be opened in order to prevent disclosure of the contents prior to the opening of the offers.
2. Unobstructed Evaluation of Offers. After offers have been opened, the purchasing agent shall be responsible for maintaining the offers in such a manner as to permit evaluation of the offers by the persons responsible for evaluating the offers.
3. Public Records Status of Bids. Bids submitted in response to an invitation for bids must be available for public inspection and copying after the time of the bid opening.
4. Register of Proposals. The purchasing agent shall prepare a register of proposals for each request for proposals issued which shall contain information concerning the proposals available for public inspection and copying. Proposals may not be disclosed.

## Discussions With Offerors Responding to a Request for Proposals

The purchasing agent may conduct discussions with, and best and final offers may be obtained from responsible offerors who submit proposals determined to be reasonably susceptible of being selected for a contract award.

## Delay of Opening of Offers

When the Council makes a written determination that it is in the [city] [town]’s best interests, offers may be opened after the time stated in the solicitation. The date, time and place of the rescheduled opening must be announced at the time and place of the originally scheduled opening.

## Evidence of Financial Responsibility

1. Purchases Less Than \$50,000. The purchasing agent may not require evidence of financial responsibility when the estimated cost of a purchase is less than \$50,000.
2. Purchases Between \$50,000 and \$150,000. The solicitation may include a requirement that an offeror provide evidence of financial responsibility. If evidence of financial responsibility is required, the solicitation must indicate the kind of evidence that will be acceptable. If a bond or certified check is required, it may not exceed ten percent (10%) of the estimated cost of the purchase.
3. Purchases Over \$150,000. The solicitation shall include a requirement that an offeror provide evidence of financial responsibility and must indicate the kind of evidence that will be acceptable. If a bond or certified check is required, it may not exceed ten percent (10%) of the estimated cost of the purchase.
4. Small Business Set-Asides. The purchasing agent may determine that no evidence of financial responsibility shall be required for a small business set-aside purchase.

## Use of RFP for Purchases of Designated Types of Supplies

The [City] [Town] determines that:

- A) It is either not practicable or not advantageous to purchase certain types of supplies by sealed competitive bidding; and
- B) Receiving proposals is the preferred method for purchasing the following types of supplies:  
*[insert list of supplies designated for RFP purchase]*

## Modification and Termination of Contracts

1. Price Adjustments. The purchasing agent may include provisions to permit price adjustments in a purchase contract. The following provisions for price adjustments may be included:
  - A) Price adjustments must be computed by agreement on a fixed price adjustment before the beginning of the pertinent performance or as soon after the beginning of performance as possible;
  - B) Price adjustments must be computed by unit prices specified in the contract or subsequently agreed upon;
  - C) Price adjustments must be computed by costs attributable to the events or situations under such clauses with adjustment of profit or fee, all as specified in the contract or subsequently agreed

- upon;
  - D) Price adjustments must be computed in such other manner as the contracting parties may mutually agree upon; or
  - E) In the absence of agreement by the parties, price adjustments must be computed by a unilateral determination by the governmental body of the costs attributable to the events or situations under such clauses with adjustment of profit or fee, all as computed by the governmental body in accordance with applicable rules adopted by the governmental body.
2. Adjustments in Time of Performance. The purchasing agent may include provisions in a purchase contract concerning adjustments for time of performance under the contract.
  3. Unilateral Rights of [City] [Town]. The purchasing agent may include in a purchase contract provisions dealing with the unilateral right of the [City] [Town] to order changes in the work within the scope of the contract or to order temporary work stoppage or delays in time of performance.
  4. Quantity Variations. The purchasing agent may include in a purchase contract provisions dealing with variations between the estimated quantities of work in a contract and the actual quantity delivered.

### **Purchase of Services**

The [City] [Town] determines that each agency, and department may purchase services in whatever manner the purchaser determines to be reasonable.

The purchasing agency may not require any agency, department or to purchase services in any particular manner.

### **Small Business Set-Aside Purchases**

The [City] [Town] hereby determines to establish criteria for determining qualifications as a small business and to identify specific supplies for small business set-aside purchases.

1. Qualifications. A business qualifies as a small business if it qualifies as a small business under standards established by the Indiana Department of Commerce.
2. Businesses that are not small businesses:
  - A) A wholesale business, if its average annual sales for its most recently completed fiscal year exceeds \$4 million;
  - B) A construction business, if its average annual receipts for the preceding three fiscal years exceeds \$4 million;
  - C) A retail business or business selling services if its annual sales and receipts exceed \$500,000; and
  - D) A manufacturing business if it employs more than 100 persons.
3. Specific Supplies Eligible for Small Business Set-Aside  
*[insert list of specific supplies eligible for small business set-aside]*

### **Indiana Business Preference**

1. Qualification. An offeror is an Indiana business if it: *[insert criteria to be use, such as owned or operated, principal place of business operations, state where incorporated, etc.]*.
2. The following states have business preferences that are unfavorable to Indiana businesses because: *[identify states that have business preferences unfavorable and explain why]*.
3. The Indiana business preference shall be applied as follows: *[insert method to calculate Indiana business preference]*.

### **Purchase of Supplies Manufactured in the United States**

Supplies manufactured in the United States shall be specified for all [City] [Town] purchases and shall be purchased unless the [City] [Town] determines that:

- A) The supplies are not manufactured in the United States in reasonably available quantities;
- B) The prices of the supplies manufactured in the United States exceeds by an unreasonable amount the price of available and comparable supplies manufactured elsewhere;
- C) The quality of the supplies manufactured in the United States is substantially less than the quality of comparably priced available supplies manufactured elsewhere; or
- D) The purchase of supplies manufactured in the United States is not in the public interest.

# Appendix D: Form of Purchasing Policies That May Be Adopted By The Purchasing Agency

## PURCHASING POLICIES OF THE [CITY] [TOWN] OF, INDIANA

### Publication of Notices

1. **Invitation for Bids.** All notices of invitation for bids shall be published in accordance with IC 5-3-1 in the \_\_\_\_\_ and the \_\_\_\_\_. *(Insert name of newspaper if only one newspaper is published in the municipality; otherwise, identify two newspapers. If no newspaper is published in the municipality, publish in one newspaper published in the county and post the notice at the municipal building.)*

The purchasing agent shall schedule the publication of notice to provide a reasonable amount of time for preparation and submission of bids. The notice will be published two times, at least one week apart. The second publication must occur at least seven (7) days prior to the date the bids will be opened.

2. **Request for Proposals.** All notices of request for proposals shall be published in accordance with IC 5-3-1 in the \_\_\_\_\_ and the \_\_\_\_\_. *(Insert name of newspaper if only one newspaper is published in the municipality; otherwise, identify two newspapers. If no newspaper is published in the municipality, publish in one newspaper published in the county and post the notice at the municipal building.)*

The purchasing agent shall schedule the publication of notice to provide a reasonable amount of time for preparation and submission of proposals. The notice will be published two times, at least one week apart. The second publication must occur at least seven (7) days prior to the date the proposals will be opened.

3. **Request for Specifications.** All notices of request for specifications shall be published in accordance with IC 5-3-1 in the \_\_\_\_\_ and the \_\_\_\_\_. *(Insert name of newspaper if only one newspaper is published in the municipality; otherwise, identify two newspapers. If no newspaper is published in the municipality, publish in one newspaper published in the county and post the notice at the municipal building.)*

The purchasing agent shall schedule the publication of notice to provide a reasonable amount of time for preparation and submission of proposals. The notice will be published two times, at least one week apart. The second publication must occur at least seven (7) days prior to the date the proposals will be opened.

4. **Electronic Notices.** Whenever a notice or other material, including specifications, an invitation for bids, request for proposals or request for specifications, is sent by mail, the purchasing agent may also send the notice or other material by electronic means, provided that the transmission of the information is at least as efficient as mailing the information.

### Receiving Offers

1. **Opening of Offers.** Bids received in response to an invitation for bids must be opened publicly in the presence of at least one or more witnesses at the time and place designated in the invitation for bids.

Proposals received in response to a request for proposals must be opened so as to avoid disclosure of the contents to competing offerors during the process of negotiation.

Proposals received in response to a request for specifications may be opened as specified in the request for specifications.

2. **Electronic Receipt of Offers.** The purchasing agency may receive electronic offers in response to an invitation to bid, request for proposals or request for specifications.

An electronic offer may only receive an electronic offer if:

- A) The solicitation includes the procedure for the electronic transmission of the offer; and
- B) The purchasing agency receives the offer on a fax machine or other system with a security feature that protects the contents of an electronic offer with the same degree of protection as provided to an offer not transmitted electronically.

3. **Correction and Withdrawal of Bids.** An offeror may correct inadvertent errors in a bid up to the time at which bids will be opened by supplementing the erroneous bid and submitting a revised bid. A bidder may not supplement an inadvertently erroneous bid after the time at which the bids were opened.

v

A bidder may withdraw a bid containing inadvertent errors up to the time at which bids will be opened and for a period of not more than 24 hours after the time at which the bids were opened.

4. **Cancellation of Solicitation.** When the purchasing agent makes a written determination that it is in the county's best interests, the purchasing agent may cancel a solicitation or reject all offers, provided that the solicitation included information concerning the procedure for cancellation.

### **Small Purchases**

The purchasing agent may purchase supplies with an estimated cost of less than \$50,000 on the open market without inviting or receiving quotes.



## Register of Proposals

Date: \_\_\_\_\_

Supplies: \_\_\_\_\_

Attach a copy of the request for proposals and a list of all persons to whom copies of the request for proposals were given.

*Please Type or Print Legibly*

Name of Offeror	Address	Amount of Offer

### Successful Proposal:

Name of Offeror: \_\_\_\_\_

Amount of Offeror: \_\_\_\_\_

## Special Purchase Contract File

Contract Number	Contractor Name	Contract Amount	Type of Contract	Description of Supplies	Basis for Special Purchase?	Basis of Selection of Contractor?
					Y__ N__	Y__ N__
					Y__ N__	Y__ N__
					Y__ N__	Y__ N__
					Y__ N__	Y__ N__
					Y__ N__	Y__ N__
					Y__ N__	Y__ N__
					Y__ N__	Y__ N__
					Y__ N__	Y__ N__
					Y__ N__	Y__ N__
					Y__ N__	Y__ N__
					Y__ N__	Y__ N__
					Y__ N__	Y__ N__
					Y__ N__	Y__ N__
					Y__ N__	Y__ N__
					Y__ N__	Y__ N__



## Checklist for Invitation for Bids

Type of Supply: \_\_\_\_\_

Requesting Agency: \_\_\_\_\_

\_\_\_\_\_ Purchase Description

\_\_\_\_\_ Evaluation Criteria to Be Used (Circle Selections)

Inspection

Testing Quality

Workmanship

Delivery

\_\_\_\_\_ Requirements imposed on Trusts

\_\_\_\_\_ Applicable Contract Terms and Conditions

\_\_\_\_\_ Time and Place for Opening Bid

\_\_\_\_\_ Evidence of Financial Responsibility Required? (Circle Selection)

Certified Check

Bid Bond

Other \_\_\_\_\_ (specify)

\_\_\_\_\_ Performance Bond Required?

\_\_\_\_\_ Statement of Conditions under Which Invitation May Be Canceled

\_\_\_\_\_ Statement of Conditions under Which Bid May Be Rejected in Whole or in Part

\_\_\_\_\_ Notice of Invitation for Bids Published

First Date of Publication \_\_\_\_\_

Second Date of Publication \_\_\_\_\_

\_\_\_\_\_ Form of Non-Collusion Affidavit

## Non-Collusion Affirmation

STATE OF INDIANA )  
 ) SS:  
\_\_\_\_\_ COUNTY )

The undersigned offeror or agent, duly swears, under penalties for perjury, that he has not, nor has any other member, representative, or agent of the firm, company, corporation or partnership represented by him, entered into any combination, collusion or agreement with any person relative to the price to be offered by any person nor to prevent any person from making an offer nor to induce anyone to refrain from making an offer and that this offer is made without reference to any other offer.

---

Offeror (Firm)

---

Signature of Offeror or Agent

## Form for Offer or Proposal

*Please print or type.*

Date: \_\_\_\_\_

1. Governmental Unit: \_\_\_\_\_
2. County: \_\_\_\_\_
3. Offeror (Firm): \_\_\_\_\_
4. Address: \_\_\_\_\_
5. City/State: \_\_\_\_\_
6. Telephone Number: \_\_\_\_\_
7. Agent of Offeror (*if applicable*): \_\_\_\_\_

Pursuant to notices given, the undersigned offers to \_\_\_\_\_ (Governmental Unit) in accordance with the following attachment(s) which specify the class or item number or description, quantity, unit price and total amount.

The contract will be awarded by in accordance with specifications. Offeror promises that it has not offered nor received a less price than the price stated in its offer/proposal for the supplies included in its offer/proposal. Offeror further agrees that it will not withdraw its offer/proposal from the office in which it is filed. A certified check or bond shall be filed with each offer/proposal if required, and liability for breach shall be enforceable upon evidence of financial responsibility.

\_\_\_\_\_  
Signature of Offeror or Agent

## Bid Record for Invitation for Bids

Date of Bid Opening: \_\_\_\_\_

Supplies Requested: \_\_\_\_\_

Requesting Agency: \_\_\_\_\_

*Please Type or Print Legibly*

Name	Address	Bid Amount	Other Information