INDIANA DEPARTMENT OF TRANSPORTATION

PROCUREMENT VENDOR HANDBOOK

Table of Contents

Guidelines for Ethical Procurement Practices

Vendors and their representatives must comply with all ethical requirements applicable to individuals and entities doing business with the State of Indiana, as set forth in Indiana Code §4-2-6 et seq., the regulations adopted under that chapter, and Executive Order 04-08 (April 27, 2004).

Under 40 IAC 2-1-6(a), a purchasing professional—and the spouse or unemancipated child of a purchasing professional—may not solicit, accept, or receive, and a donor may not offer, directly or indirectly, any gift, favor, service, entertainment, food, or drink, when it can reasonably be inferred that such item is intended to influence the employee in the performance of their official duties or to secure special consideration.

Vendors unfamiliar with these ethical requirements should consult the Indiana State Ethics Commission with any questions. Additional resources and guidance are available on the Indiana State Ethics Commission website at www.in.gov/ig/.

As stewards of State taxpayers' money, INDOT's Procurement Section is entrusted by the public to uphold the highest standards of integrity. We ask our vendors to support us in maintaining these standards by avoiding any action that could create, or appear to create, a conflict of interest with our purchasing staff. It is our responsibility to strictly prohibit such conflicts, and we appreciate your partnership in helping us fulfill that obligation.

How to Become an Indiana Registered Vendor

The Indiana Department of Transportation (INDOT) Subscription Service is a free resource available to all prospective vendors interested in receiving electronic notifications of bid opportunities for products and non-professional services.

Vendors are strongly encouraged to subscribe to this service to ensure they receive timely email updates whenever bid information on INDOT's Procurement website is revised or newly posted. Subscribing helps vendors stay informed and remain competitive in upcoming procurement opportunities.

To subscribe to INDOT's email notification system, vendors may visit https://cloud.subscription.in.gov/signup?depid=546006753 to register their email address. When you reach the list of notification options, please be sure to select INDOT Procurement (for the purchase of goods and non-professional services).

If your company is interested in doing business with the Indiana Department of Administration (IDOA), you should complete the online vendor registration process by accessing the Department of Administration's Bidder Registration link at www.in.gov/idoa/2780.htm.

In addition, any company wishing to participate in the State of Indiana's procurement process is encouraged to complete the online Bidder Profile Registration at http://www.in.gov/idoa/2464.htm.

All vendors receiving an award must have completed this registration in order for a purchase order to be processed. Both Indiana-based companies and companies not classified as Indiana businesses must certify their status under the Buy Indiana section by reviewing the qualifying criteria and selecting the appropriate certification checkbox.

State and Federal Suspended Vendor Listings

To be considered for an award, vendors must not be suspended by either the Federal government through the System for Award Management (SAM) at https://www.sam.gov/SAM/ or by the State of Indiana at http://www.in.gov/idoa/2481.htm.

Out-of-State Corporations

In accordance with IC 5-22-16-4, any foreign corporation (out-of-state corporation) must obtain a *Certificate of Authority* from the Indiana Secretary of State before conducting business with the State of Indiana. Businesses that are required to register must be in good standing and maintain an active status to be considered for award.

Business Types Required to Register with the Indiana Secretary of State

- Limited Liability Partnerships
- Limited Partnerships
- Corporations
- S-Corporations
- Nonprofit Corporations
- Limited Liability Companies (LLCs)

Business Types Not Required to Register with the Secretary of State

- Sole Proprietorships
- General Partnerships
    - A general partnership may consist of two or more entities that themselves are required to file (for example, two corporations may form a partnership).

For additional information or to access registration applications, please visit the Indiana Secretary of State's Business Services website at www.in.gov/sos/business/3648.htm, or contact:

Secretary of State
Corporations Division
302 West Washington, Room E018
Indianapolis, IN 46204
(317) 232-6576

How INDOT Buys

The Indiana Department of Transportation (INDOT) follows defined procurement procedures based primarily on the estimated value of the purchase. When an INDOT location needs to acquire a good or non-professional service, they must first determine an estimated value for the item or service. This estimated value guides the selection of the appropriate procurement method to ensure compliance with State purchasing requirements and INDOT policy.

Methods of Solicitations

- Purchases less than $75,000
- Negotiated Bidding
- Quantity Purchase Award (QPA) Agreements
- Request for Information (RFI)
- Requests for Proposal (RFP)
- Special Procurements

Purchases less than $75,000

In accordance with 105 IAC 12-3-2, INDOT may use small-purchasing procedures for all requisitions not exceeding $75,000.

Under this method, the buyer solicits bids using an *Invitation for Bid (IFB)* package, which includes all required specifications. Each solicitation remains open for a length of time established in accordance with INDOT's procurement policies. Vendors may download solicitation packages from INDOT's website at http://www.in.gov/indot/2438.htm by selecting the Bid Opportunities and Bid Tabulations link.

Bids submitted under small-purchase procedures are transmitted electronically (no hard copies) to the email address listed in the solicitation file. These bids are not read publicly.

Once an award has been issued, the bid file becomes publicly accessible. Vendors who wish to review information about competing bids may contact INDOT's Procurement Section and reference the appropriate bid number.

Please note: Vendors may not always receive a notification when INDOT initiates a purchase under this procurement method. Vendors should check INDOT's website regularly rather than relying solely on email alerts.

Negotiated Bidding

Bids submitted under negotiated bidding procedures are transmitted electronically (no hard copies) to the email address listed in the solicitation file. These bids are not read publicly.

In accordance with IC 5-22-7.3, negotiated bids are opened only by employees of INDOT's Procurement Section. This procurement method allows INDOT to conduct discussions with vendors before a contract is awarded. All discussions must be conducted in a manner that ensures fair competition among all vendors.

Negotiated bid procedures will be outlined within the solicitation.

Quantity Purchase Award (QPA) Purchases

INDOT's Procurement Section may enter into a Quantity Purchase Award (QPA) agreement under which selected vendors provide an estimated quantity of goods and/or non-professional services at a contracted unit price. These unit prices remain in effect for a defined period, typically two years. Please note that QPA quantities are estimates; INDOT makes no guarantee regarding the actual volume of goods or services that may be ordered.

When an INDOT location requires an item covered under a fully executed QPA, they will complete a requisition and issue a purchase order.

QPA agreements may be renewed unilaterally, in accordance with the terms of the original contract and upon recommendation from INDOT locations. After a QPA expires, and if INDOT determines that continuing a QPA is necessary, the Procurement Section will establish a new agreement based on new bids.

Requests for Information (RFI)

INDOT may choose to gather information related to a potential RFP by issuing a Request for Information (RFI). An RFI is used solely to obtain information—such as specifications or pricing details—on new products, programs, or services. It does not commit INDOT to issuing an RFP. No contract will result from an RFI, and it must not be used to "pre-select" vendors.

Responses to an RFI remain confidential until an RFP is complete. If INDOT chooses not to issue an RFP, RFI responses become public information once the decision has been made not to proceed.

Requests for Proposal (RFP)

In accordance with IC 5-22-9, when a purchasing agent makes a written determination that the use of another procurement method is not practicable or not advantageous to the governmental body, INDOT may award a contract using the RFP process.

Through the RFP process, INDOT intends to award a contract to the responsive and responsible vendor whose proposal provides the *best value* to INDOT. Because INDOT establishes the specifications of what is being solicited, this method provides INDOT with greater control over the procurement process and helps ensure that the agency obtains the "best fit" for its needs. Since the evaluation criteria are clearly explained throughout the RFP, vendors can focus their proposals on those areas most critical to INDOT. The RFP also allows INDOT to enter into contract negotiations with the vendor or vendors submitting the best and most cost-effective proposal(s).

Proposals submitted under the RFP procedures are transmitted electronically (no hard copies) to the email address listed in the solicitation file. These bids are not read publicly.

The RFP file and all proposals remain confidential until an award is made, and a contract has been fully executed. Vendor requests to review the file may only be considered after Procurement receives a fully executed contract.

Special Procurements

In accordance with IC 5-22-10, special procurements may be used when unique circumstances arise that require standard procurement methods to be bypassed.

Such circumstances include, but are not limited to:

- Emergency conditions that pose a threat to public health, welfare, or safety.
- A unique opportunity to achieve substantial savings for the State.
- Systems compatibility requirements that justify a sole-source purchase.
- Situations in which using another procurement method would seriously impair the functioning of the agency.
- Instances where no offers were received under a standard solicitation.

To utilize a special procurement method, the situation must meet one or more of the criteria outlined in IC 5-22-10.

A written justification is required to explain why traditional procurement methods are not practicable or advantageous, and how the selected IC 5-22-10 provision applies.

Preferences

The State of Indiana is committed to making purchases that support the economy, protect the environment, and strengthen national interests. To further this commitment, certain purchasing "preferences" have been established, providing advantages to qualifying businesses and products.

Vendors are responsible for claiming any and all applicable preferences prior to the bid due date and time.

Bid Preferences

U.S. Manufactured Requirement (IC 5-22-15-21)

This statute requires the purchase of United States-manufactured products whenever possible. If a vendor claims this preference, they are certifying that the end products offered are U.S. manufactured. An item meets this requirement when the cost of its components mined, produced, or manufactured in the United States exceeds 50 percent of the total cost of all its components.

A vendor offering foreign-made products at a lower price should not receive an award if U.S.-manufactured products that meet specifications are available for purchase.

Vendors are responsible for accurately certifying that the products they offer meet the U.S.-manufactured criteria at the time of bid submission.

Steel Products Preference (IC 5-22-15-25)

Steel products are defined as items that are rolled, formed, shaped, drawn, extruded, forged, cast, fabricated, or otherwise similarly processed—or processed through a combination of two or more of these operations—using open hearth, basic oxygen, electric furnace, Bessemer, or other steel-making methods. When such steel products are used in the manufacture of supplies for a contract or in the performance of services under a contract, they must be manufactured in the United States.

This preference applies only to purchases over $10,000.

Price Preferences

A price preference allows certain qualified businesses—or businesses offering qualifying products—to compete more effectively for State purchases. When a vendor claims a price preference, a designated percentage is deducted from the price of eligible items for evaluation purposes only. This adjusted price is used solely to determine award eligibility. If a vendor receiving a price preference is awarded the contract, the State will pay the original quoted price, not the adjusted evaluation price.

Only one (1) price preference may be applied to each item, even if a vendor indicates eligibility for multiple preferences. The only exception is the Indiana Manufactured Preference, which may be claimed in addition to the Indiana Business Preference.

Vendors should select and claim the preference that provides the greatest benefit for the items or services being offered.

Recycled Preference (IC 5-22-15-16)

Indiana's Recycled Preference supports the State's commitment to purchasing recycled products whenever possible. This preference encourages vendors to offer materials with meaningful recycled content and reinforces the State's goal of promoting environmental sustainability.

To be eligible for the Recycled Preference:

- Products must contain at least 20% recycled materials,
- White copy paper must contain at least 30% post-consumer recycled content,
- Vendors must provide manufacturer certification verifying the recycled content claimed.

If recycled content is required in the item specifications, the preference cannot be claimed for that item.

The standard preference amount is 10%, although it may range from 10% to 15% as long as the exact percentage to be applied is clearly stated in the solicitation.

Indiana Business Preference (IC 5-22-15-20.5)

An *Indiana Business* is defined as any business meeting one or more of the following criteria:

1. The business's principal place of business is located in Indiana.
2. The business pays a majority of its payroll (in dollar volume) to Indiana residents.
3. The business employs Indiana residents as a majority of its total workforce.
4. The business makes significant capital investments in Indiana.
5. The business has a substantial positive economic impact on Indiana.

   Point 4 – Capital Investment:
   A company qualifies under this criterion if it can demonstrate a minimum capital investment of $5 million or more in plant and/or equipment, or annual lease payments of $2.5 million or more.

   Point 5 – Substantial Economic Impact:
   A company qualifies under this criterion if it ranks within the top 500 companies (adjusted) for one of the following categories:
   - Number of employees (DWD)
   - Unemployment taxes (DWD)
   - Payroll withholding taxes (DOR)
   - Corporate income taxes (DOR)

To verify qualification under Point 5, vendors may email: buyindianainvest@idoa.in.gov with the company name, business address, and federal tax ID.

Vendors who claim one of the Buy Indiana preferences must be certified through the Indiana Department of Administration and should appear on the Buy Indiana Certification List by the bid due date and time. Certification list is available at https://www.in.gov/idoa/2467.htm

View the Indiana Department of Administration's video on their Supplier Portal Help Center at https://www.in.gov/idoa/3258.htm to register as a Bidder, update your Bidder Registration or the Buy Indiana application process.

Price Preferences for Indiana Businesses

The following price preferences apply to supplies purchased from an Indiana business:

1. 5% preference for purchases expected to be less than $500,000.
2. 3% preference for purchases expected to be at least $500,000 but less than $1,000,000.
3. 1% preference for purchases expected to be $1,000,000 or greater.

Indiana Manufactured Preference (IC 5-22-15-20.5)

If an Indiana business offers to provide supplies that are manufactured, assembled, or produced in Indiana, and two (2) or more bids submitted are the same, the following price preference may be applied in addition to the Indiana Business Preference:

1. Three percent (3%) for a purchase expected to be less than $500,000.
2. Two percent (2%) for a purchase expected to be at least $500,000 but less than $1,000,000.
3. One percent (1%) for a purchase expected to be $1,000,000 or more.

"Indiana manufactured" is defined as a substantial amount of manufacturing, assembly, or production occurring within the State of Indiana.

To claim the Indiana Manufactured Preference, vendors must provide documentation confirming that the supplies offered meet the Indiana-manufactured criteria. This documentation must be submitted for review by the State at the time of bid.

Indiana Small Business Preference (IC 5-22-15-23)

To be eligible for the Indiana Small Business Preference, a vendor must first qualify as an Indiana business (as defined in the Indiana Business Preference section) and must also meet at least one of the following criteria:

1. A wholesale business with annual sales of $4,000,000 or less during the last fiscal year.
2. A service business with average sales of $500,000 or less for the current and preceding three fiscal years and employing no more than 25 persons.
3. A retail business or a business selling services with annual sales and receipts of $500,000 or less.
4. A manufacturing business employing no more than 100 persons.
5. A business in the sectors of Information Technology, Life Sciences, Transportation, or Logistics, employing no more than 100 persons *or* with annual sales not exceeding $5,000,000.
6. A business holding a current verification as a veteran-owned small business, as defined in IC 5-22-14-3.5(a)(1–3).

The State of Indiana offers a fifteen percent (15%) price preference to qualifying Indiana small businesses to encourage the growth and success of small companies within the State.

Business Providing Specialized Employee Services (IC 5-22-15-26)

A business that wants to claim a preference provided under this section must do all of the following:

1. State in its offer that it is claiming the preference provided under this section.
2. Provide all information required by the Indiana Department of Administration (IDOA) to demonstrate that the business qualifies as a business providing specialized employee services by the bid due date and time.
3. Submit a current, completed Affidavit of Eligibility, including an acknowledgment signature from IDOA, with the bid. The Affidavit of Eligibility must accompany the solicitation response in order for the preference claim to be considered.

Note: Providing false information will be subject to the sanctions found in IC 4-13-1-21 and IC 35-43-5-11.

Specifications

In accordance with IC 5-22-5-3, all specifications must promote the overall economy of the purchase and encourage competition in meeting the needs of the department. To ensure vendors fully understand the requirements for the goods and/or non-professional services being solicited, detailed specifications must be included in the Invitation for Bid package.

The term *specifications* refers to the technical and descriptive requirements of a product and its intended use. Well-written specifications outline the necessary requirements while fostering competition among vendors. They also define the methods for testing compliance and support making an equitable award, as required under IC 5-22-5-5.

Specifications are public records and are open for review. They promote competition and transparency by establishing the minimum requirements for the purchase. Specifications are used during bid evaluation to determine whether a bid is *responsive*. When specifications ensure both equal opportunity for vendors to bid and objective selection of the successful vendor, they serve their intended purpose.

Prospective vendors are encouraged to inform the buyer if specifications or other bidding requirements appear faulty, unnecessary, or restrictive to competition. Such inquiries should be made as early as possible so valid issues can be addressed and any necessary revisions can be issued before the bid due date and time.

To maintain fair and equal treatment of all vendors, INDOT's Procurement Section may not hear protests or grant appeals related to specifications unless the concern is submitted in writing. A written protest must be submitted at least five (5) business days prior to the bid due date and time, unless a different timeframe is specified in the Invitation for Bid.

Telephone conversations with buyers or requesting INDOT locations are considered undocumented communications and do not waive or modify solicitation requirements. Buyers will review all written inquiries and, if a change is warranted, will issue a Notice of Revision.

Ways to Keep Informed About Bid Opportunities

- Register for INDOT's free email notifications.
  Refer to the section titled *How to Become an Indiana Registered Vendor* earlier in this handbook.

- Search INDOT Bids online at: www.in.gov/indot/2438.htm

- Consult the Indianapolis Star for all *Request for Proposals* and *Negotiated Bids* only.

Electronic Bid Submission

Only electronic responses are acceptable and must be sent to the email address listed on the cover page of the solicitation package on or before the bid due date and time. LATE BIDS WILL NOT BE ACCEPTED.

Cloud-storage links, encrypted submissions, and file-sharing services will NOT be accepted. Email messages containing hyperlinks to cloud-storage or file-sharing platforms will be considered non-responsive and will not be accepted or reviewed by the Procurement Section. These services include, but are not limited to, Dropbox, Google Drive, iCloud Drive, and Microsoft OneDrive.
It is the vendor's responsibility to verify—via a written email confirmation or an email read receipt—that their submission was received by the Procurement Section before the designated due date and time. If files are large or contain numerous attachments, vendors are encouraged to add INDOTprocurement2@indot.in.gov as a trusted sender within their email system settings.

Note: The State of Indiana has imposed a maximum 25MB email attachment size limit.

Vendors should submit their responses well in advance of the deadline, as internet traffic, system processing times, INDOT's security infrastructure, and required security scanning may delay delivery. Submissions received after the due date and time—regardless of when they were sent—will be considered late.

Mistakes in Bids

A vendor may alter or withdraw their bid when submitted in writing at any time **before the bid opening**.

After the bid has opened, the vendor may only withdraw the bid **in writing** and only **before an award has been made**.

If a vendor withdraws a bid after opening, the original bid will remain part of the solicitation file and will be open to public inspection.

Evaluation

When evaluating bids—and considering any preferences claimed by the vendor—the Buyer will determine the lowest responsive and responsible vendor.

A responsive and responsible vendor is one who:
- Has conformed in all material respects to the Invitation for Bid,
- Has the capability to perform the contract requirements, and
- Demonstrates the integrity and reliability necessary to ensure good-faith performance.

If a bid does not meet the specifications, the next lowest bid is evaluated, and the process continues until the lowest responsive and responsible vendor is identified.

After evaluation and recommendation have been completed, INDOT's Procurement Section will issue a Purchase Order and/or contract. The Procurement Section reserves the right to split an award when it is determined to be in the best interest of the State.

Once an award has been made, the Invitation for Bid package becomes public information. For RFPs, once a contract is fully executed, all proposals and related solicitation documents become part of the public record unless redacted in accordance with Informal Opinion 18-INF-06, Redaction of Public Procurement Documents.

Compliance with Telephone Solicitations Act

As required by IC 5-22-3-7:

1. The Contractor and any principals of the Contractor certify that:
   (A) Except for de minimis and nonsystematic violations, the Contractor has not violated the terms of:
   • IC 24-4.7 (Telephone Solicitation of Consumers),
   • IC 24-5-12 (Telephone Solicitations), or
   • IC 24-5-14 (Regulation of Automatic Dialing Machines),
   during the previous three hundred sixty-five (365) days, even if IC 24-4.7 is preempted by federal law.
   (B) The Contractor will not violate the terms of IC 24-4.7 for the duration of the Contract, even if IC 24-4.7 is preempted by federal law.

2. The Contractor and any principals of the Contractor further certify that any affiliate or principal of the Contractor—and any agent acting on behalf of the Contractor or on behalf of an affiliate or principal—
   (A) Except for de minimis and nonsystematic violations, has not violated IC 24-4.7 in the previous 365 days, even if the statute is preempted by federal law; and
   (B) Will not violate IC 24-4.7 for the duration of the Contract, even if the statute is preempted by federal law.

To verify compliance with these statutes, vendors should contact the Office of the Indiana Attorney General:

Office of the Indiana Attorney General
Indiana Government Center South
302 W. Washington St.
Indianapolis, IN 46204
Phone: (317) 232-6201
http://www.in.gov/attorneygeneral

Direct Deposit Obligation

As of July 1, 2005, pursuant to IC 4-13-2-14.8, any individual or company that holds a contract with the State of Indiana—or submits invoices to the State for payment—must authorize, in writing, the direct deposit of all State payments via electronic funds transfer. The authorization must specify the financial institution and account number to which all payments should be credited. For forms and additional information see the Indiana State Comptroller's website at https://www.in.gov/comptroller/forms/.

Payment

All payment obligations are subject to the encumbrance of monies and shall be made in arrears in accordance with Indiana law and the State fiscal policies and procedures; and, in this regard, the vendor agrees to execute such state payment (invoice) forms not inconsistent herewith. Vendor may not submit claim forms before the non-professional services have been performed or the goods being delivered and accepted.

Payment—whether issued by check or Electronic Funds Transfer—will be made once the complete order has been received and accepted by INDOT.

Under Indiana law, the State has 35 days from receipt of a correct invoice to make payment, unless otherwise stated and agreed upon in the vendor contract. The State of Indiana is exempt from all sales tax. Tax-exempt forms are available to vendors who hold a current purchase order or contract with the State, upon request.

Executive Branch Lobbyist

Effective January 1, 2006, Indiana's executive branch lobbying rule requires all executive branch lobbyists to file an initial Executive Branch Lobbyist Registration Statement with the Indiana Department of Administration (IDOA). Lobbyists must file this registration within fifteen (15) business days from the date of initial contact with any executive branch agency.

The governing rule is found in the Indiana Administrative Code at 25 IAC 6, and additional statutory provisions—authorizing IDOA to charge certain fees and impose fines—are contained in Indiana Code 4-2-8.

What is an Executive Branch Lobbyist?

You may be an Executive Branch Lobbyist if:

- You are an individual paid at least $1,000
- To make contact with an executive branch agency,
- For the purpose of influencing the outcome of:
    - a contract
    - a lease
    - another financial arrangement, or
    - a rule

If you believe this definition may apply to you, review **25 IAC 6** to determine whether registration is required.

Lobbyist Requirements

- Lobbyists must file their initial registration statement with IDOA within fifteen (15) business days of initial contact with an executive branch agency.

- After filing the initial registration statement, lobbyists must:
    - File an annual report at the end of each year.
    - Update their registration within fifteen (15) days of any *material change* (including termination of a lobbying engagement).

- As part of the initial registration, lobbyists must verify that they have read and complied with state ethics and conflict-of-interest statutes. More information on these statutes is available at: https://www.in.gov/idoa/executive-branch-lobbying/.

Contract Administration

Contract administration ensures that both the buyer (INDOT) and the seller (the vendor) comply with all terms and conditions outlined in the contractual agreement. After an award is issued, INDOT's Procurement Section is responsible for managing all activities necessary to ensure contract compliance, including timely delivery, inspection, acceptance, payment, and proper contract closeout.

Vendor Protests

Bid Specifications

After a Request for Proposal, Invitation for Bids, or Request for Quotes has been released—but before the conclusion of the "Inquiries About the Bid" period—a vendor may submit a written letter of protest if they believe the specifications are inadequate, unduly restrictive, or ambiguous. The letter must clearly outline the specific issue(s) being protested and must be received by INDOT at least five (5) business days prior to the bid due date and time.

Post-Award Protests

After an award has been issued, a vendor may submit a written letter of protest regarding the procurement process based on any of the following grounds.

1. The award was arbitrary, capricious, or an abuse of discretion.
2. Any aspect of the procurement process was conducted contrary to constitutional, statutory, or regulatory requirements.
3. The award was made without observing a procedure required by the RFP, IFB, or RFQ.
4. A technical or mathematical error occurred during evaluation.
5. There is reason to believe that bids or proposals were not independently submitted in open competition, were collusive, or were submitted in bad faith.
6. An offeror was not provided fair and equal treatment regarding any opportunity for discussion and revision of proposals.

Letter of Protest Requirements

A valid protest must:

1. Indicate the solicitation number,
2. State, with specificity, the grounds for relief,
3. Be received within the applicable deadline,
4. Include the vendor's return address and contact information.

Letters of protest that do not meet all required elements may be rejected by written notification from INDOT.

Post-award protests must be submitted and received in writing a by INDOT within five (5) business days after the issuance of an award.

Protests and disputes must be submitted in writing to the Purchasing Administrator at the email address listed on the cover of the solicitation package

INDOT will respond in writing to all protest letters in a timely manner.

Warning

Severe sanctions may be imposed on vendors who repeatedly file frivolous protests without regard for the integrity of the procurement process. Vendors may be deemed non-responsible and may be suspended from doing business with the State of Indiana for up to three (3) years.

Vendor Performance

Contract Administration maintains official files documenting vendor performance for INDOT. With support from INDOT field locations, Contract Administration monitors how vendors perform on all INDOT contracts. Vendor performance files are reviewed periodically to identify ongoing patterns of negative performance. This quality-control process helps ensure that vendors fulfill their contractual obligations and maintain an acceptable performance status.

Vendors who demonstrate continued negative performance may, depending on the circumstances, be placed on Surveillance or Suspension:

- **Surveillance:** The vendor may continue doing business with INDOT; however, their performance will be closely monitored.
- **Suspension:** The vendor is determined to be **non-responsible** and is **not permitted** to conduct business with INDOT in any capacity. The length of the suspension is based on the facts surrounding the infraction.

When an INDOT location has a complaint about goods or non-professional services received, a written Vendor Performance Report is forwarded to INDOT's Procurement Section for review and appropriate action.

Receiving personnel are responsible for determining whether delivered goods and/or non-professional services meet contractual specifications. INDOT's Procurement Section supports INDOT locations in addressing inventory issues or non-compliance related to purchase orders and contracts. Procurement works closely with purchasing, receiving, storeroom, and warehouse personnel to ensure quality goods and services are provided to the State.

INDOT's Procurement Section maintains all Vendor Performance Reports submitted to the office. These reports are reviewed periodically to identify any continuing trends of negative performance and to ensure vendors meet their contractual obligations and maintain a satisfactory performance status.

Vendors who continue to perform negatively may be placed on surveillance or suspension, as appropriate. Vendors placed on suspension have been deemed non-responsible and are **not** permitted to conduct business with INDOT. The duration of a suspension will be determined by the specific facts of the case.

Glossary

Buyer (Purchasing Administrator) – The individual within INDOT's Procurement Section responsible for procuring specific goods and/or non-professional services for INDOT locations. This person manages solicitations, evaluates bids, ensures compliance with procurement policies, and coordinates purchasing activities on behalf of INDOT.

INDOT Procurement – Responsible for buying, purchasing, renting, leasing, or otherwise acquiring goods and non-professional services. This includes identifying requirements, soliciting sources, preparing solicitations, awarding contracts and purchase orders, and ensuring compliance with all procurement policies and procedures.

Invitation for Bid (IFB) – A formal solicitation issued by INDOT for procurements greater than $2,500 or for establishing a Quantity Purchase Award Agreement.

Non-Professional Services – Services involving labor, time, or effort not resulting in the delivery of specialized supplies, other than printed documents or incidental items necessary for performance.

Out-of-State Corporations (Foreign Corporations) – Corporations organized outside Indiana. These entities must register with the Indiana Secretary of State before entering into a contract with the State.

Quantity Purchase Award Agreements (QPAs) – Term contracts for goods and/or non-professional services, generally valid for one year, with unilateral renewal options available to INDOT.

Purchase Order (PO) – A document used by the State to authorize the purchase of goods and/or services and ensure payment to the vendor.

Request for Proposal (RFP) – A procurement method used when overall value—not just price—is the primary factor in determining award. Each RFP includes specifications, evaluation criteria, and submission requirements that must be followed.

Small Purchase – A procurement valued under $75,000, except for purchases made under a Quantity Purchase Award Agreement.

Supplies – Items of personal property including equipment, goods, and materials. The term does not include real property or any interest in real property.

Vendor –
A) Any person or entity that submits an offer to a governmental body;
B) The supplier providing goods and/or non-professional services purchased by the State.