

STATE OF INDIANA
BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

RESOLUTION NO. 2020 – R – 004

**A RESOLUTION AUTHORIZING THE TOWN MANAGER TO MAKE PURCHASES
AND AWARD PUBLIC WORK CONTRACTS UP TO \$25,000.**

WHEREAS, this Town Council of Sellersburg, Indiana (“Council”) is the town legislative body of the town and the President of the town council is the town executive pursuant to Ind. Code § 36-5-2 *et seq.*; and,

WHEREAS, pursuant to Ind. Code § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of functions of the town; and,

WHEREAS, this Council desires to streamline as many processes and make as many timely repairs and improvements to infrastructure within the Town as possible; and,

WHEREAS, Ind. Code § 36-1-12 *et seq.* sets forth the laws and requirements for Public Work Projects in the state of Indiana.

WHEREAS, Ind. Code § 36-1-12-2 defines “Public Work” as:

(a) As used in this chapter, “public work” means the construction, reconstruction, alteration, or renovation of a public building, airport facility, or other structure that is paid for out of a public fund or out of a special assessment. The term includes the construction, alteration, or repair of a highway, street, alley, bridge, sewer, drain, or other improvement that is paid for out of a public fund or out of a special assessment. The term also includes any public work leased by a political subdivision under a lease containing an option to purchase.

(b) The term does not include work involved in an extension or installation of utility infrastructure described in section 1(g) of this chapter; and,

WHEREAS, Ind. Code § 36-1-12-5 sets forth the procedure for accepting quotes for projects costing less than \$50,000:

(a) This section applies whenever a public work project is estimated to cost less than fifty thousand dollars (\$50,000). Except as provided in subsection (g) for local boards of aviation commissioners and local airport authorities, if a contract is to be awarded, the board may proceed under section 4 of this chapter or under subsection (b) or (c).

(b) The board must proceed under the following provisions:

(1) The board shall invite quotes from at least three (3) persons known to deal in the class of work proposed to be done by either of the following:

(A) Mailing them a notice stating that plans and specifications are on file in a specified office. The notice must be mailed not less than seven (7) days before the time fixed for

receiving quotes. The board may not require a person to submit a quote before the meeting at which quotes are to be received. The meeting for receiving quotes must be open to the public. All quotes received shall be opened publicly and read aloud at the time and place designated and not before.

(B) Soliciting at least three (3) quotes by telephone, facsimile transmission, or electronic mail. The seven (7) day waiting period required by clause (A) does not apply to quotes solicited under this clause. A quote received under this clause shall be reported to the board during the public meeting at which the contract is considered. The name of each person submitting a quote, and the amount of each quote, shall be read aloud at the public meeting.

(2) The board shall award the contract for the public work to the lowest responsible and responsive quoter.

(3) The board may reject all quotes submitted.

(4) If the board rejects all quotes under subdivision (3), the board may negotiate and enter into agreements for the work in the open market without inviting or receiving quotes if the board establishes in writing the reasons for rejecting the quotes.

(c) The board may not proceed under subsection (b) for the resurfacing (as defined in IC 8-14-2-1) of a road, street, or bridge, unless:

(1) the weight or volume of the materials in the project is capable of accurate measurement and verification; and

(2) the specifications define the geographic points at which the project begins and ends.

(d) For the purposes of this section, if contiguous sections of a road, street, or bridge are to be resurfaced in a calendar year, all of the work shall be considered to comprise a single public work project.

(e) The board may purchase or lease supplies in the manner provided in IC 5-22 and perform the public work by means of its own workforce without awarding a public work contract.

(f) Before the board may perform any work under this section by means of its own workforce, the political subdivision or agency must have a group of employees on its staff who are capable of performing the construction, maintenance, and repair applicable to that work.
; and,

WHEREAS, this Council has determined a need to delegate and assign its authority of awarding Public Works Contracts to the Town Manager, as an agent for this Council, for only the amount of up to \$25,000 dollars, which shall be awarded in a separately held and properly noticed public meeting contingent on Town Manager following Ind. Code § 36-1-12 *et seq.* and the Indiana Open Door laws.

NOW, THEREFORE, BE IT RESOLVED, by this Town Council of Sellersburg, Indiana that Town Manager may make purchases of and award Public Works Contracts up to \$25,000.00.

This Resolution shall be in full force and effect after its adoption by the Town Council of Sellersburg, Indiana.


So Resolved this 26th day of May, 2020

“Aye”

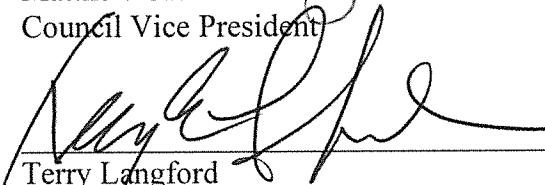
“Nay”


Brad Amos
Council President

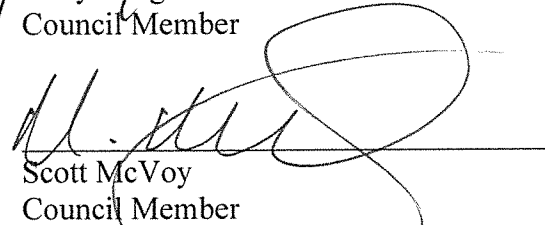
Brad Amos
Council President


Matthew Czarnecki
Council Vice President


Matthew Czarnecki
Council Vice President


Terry Langford
Council Member

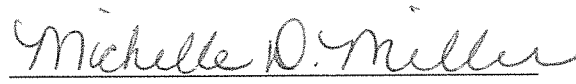
Terry Langford
Council Member

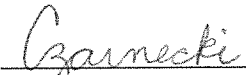

Scott McVoy
Council Member

Scott McVoy
Council Member


Randall Mobley
Council Member

Randall Mobley
Council Member


Attested by: Michelle Miller
Sellersburg Clerk-Treasurer

Motion: 
Second: 