

DESIGNATION OF DESIGN-BUILD CONTRACTOR FOR THE I-65 SOUTHEAST INDIANA PROJECT

WHEREAS, the I-65 Southeast Indiana Project (the "Project") involves added travel lanes and pavement replacement for both the northbound and southbound I-65 mainline lanes and shoulders, and bridge widening and/or rehabilitation to accommodate added travel lanes and extend the service life of said bridges, beginning just north of US 50 and ending just south of SR 58, as well as pavement resurfacing for both the northbound and southbound I-65 mainline lanes and shoulders beginning just north of SR 58 and ending just south of SR 46; and

WHEREAS, the Indiana Department of Transportation ("Department") has proceeded under Indiana Code 8-15.7 (the "Act"), to seek proposals from one or more private sector entities to design and build the Project pursuant to a public private agreement; and

WHEREAS, the Act sets forth certain procedural requirements pursuant to which (i) the Department may seek such proposals, make a determination of a private sector entity to design and build the Project, and (ii) the Governor of the State of Indiana (the "Governor") may designate a private sector entity to design and build the Project under a public private agreement ("PPA Procedures"); and

WHEREAS, the Department invited private sector entities to submit a statement of qualifications ("SOQ"), to design and build the Project pursuant to a request for qualifications issued on June 9, 2016 ("RFQ"), providing notice of such RFQ by publication and as otherwise required in accordance with the Act and the PPA Procedures; and

WHEREAS, three teams submitted SOQs and based on the evaluation of the information provided in each of the SOQs, all three teams, E & B Paving, Inc., Milestone Contractors, L.P., Rieth-Riley Construction Company, Inc. ("Proposers") were selected to continue with the proposal process under the Act, each being a responsible offeror within the meaning of the Act; and

WHEREAS, the Department issued a request for proposals dated December 28, 2016, including instructions to proposers, technical provisions and a draft public private partnership agreement (collectively, the "RFP") to the Proposers to invite them to present a proposal to design and build the Project pursuant to a public-private agreement under the Act, providing notice of such RFP by publication and as otherwise required in accordance with the Act and the PPA Procedures; and

WHEREAS, on April 27, 2017, all of the Proposers submitted offers to the Department in response to the RFP ("Proposer Offers"); and

WHEREAS, on May 22, 2017, the Department preliminarily selected the Proposed Offer (the "Selected Offer") submitted by E & B Paving, Inc. (the "Selected Offeror") based on the criteria set forth in the RFP and the Act; and

WHEREAS, on June 7, 2017, and June 8, 2017, the Department held public hearings, giving notice by publication and as otherwise required under the Act, for the purpose of inviting public comments on the preliminary selection by the Department of the Selected Offeror and the terms of the public private agreement (the "Public-Private Agreement") between the

Department and the private entity to be designated by the Governor as the "operator" within the meaning of the Act (the "Design-Build Contractor") to provide for the design and construction of the Project; and

WHEREAS, the Department has determined that the Selected Offeror shall be designated as the Design-Build Contractor under the Public-Private Agreement to provide for the design and construction of the Project; and

WHEREAS, the Department submitted its determination to the Governor and the State Budget Committee and the State Budget Committee reviewed such determination on June 13, 2017; and

WHEREAS, the Governor now desires to accept such determination of the Department and designate the Selected Offeror as the Design-Build Contractor under the Public-Private Agreement to provide for the design and construction of the Project.

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NOW THEREFORE, the Governor of the State of Indiana hereby (i) accepts the determination of the Department, and (ii) designates the Selected Offeror as the Design-Build Contractor under the Public-Private Agreement to provide for the design and construction of the Project.

GOVERNOR OF THE STATE OF INDIANA

By: Eric Holcomb
Eric Holcomb, Governor

Date: 6.22.17