

## **DESIGNATION OF DESIGN-BUILD CONTRACTOR FOR THE SHERMAN MINTON CORRIDOR PROJECT AND APPROVAL OF PUBLIC-PRIVATE AGREEMENT**

WHEREAS, the Sherman Minton Corridor Project, in Floyd County, Indiana and Jefferson County, Kentucky, consists of the extensive rehabilitation of the I-64 Sherman Minton Bridge, which crosses over the Ohio River, and additional bridges, approaches, and local paving work in the immediate vicinity of the river crossing (the "Project"); and

WHEREAS, the Indiana Finance Authority ("the Authority"), with the cooperation of the Indiana Department of Transportation ("INDOT") has proceeded under Indiana Code 8-15.5 (the "Act"), to seek proposals from one or more private sector partners 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 Authority may seek such proposals and make a determination of a private sector partner to design and build the Project; and (ii) the Governor of the State of Indiana (the "Governor") may designate a private-sector partner to design and build the Project under a public-private agreement ("PPA Procedures"); and

WHEREAS, the Authority invited private-sector partners to submit a statement of qualifications ("SOQ") to design and build the Project pursuant to a request for qualifications issued on October 25, 2019 ("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 (collectively, the "Proposers") which included Kokosing Construction Company, Inc. ("Kokosing"), Lunda Construction Company, and Walsh Construction Company II, LLC ("Walsh") 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 Authority issued a request for proposals dated June 15, 2020, 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 November 13, 2020, Kokosing and Walsh submitted offers to the Authority in response to the RFP ("Proposer Offers"); and

WHEREAS, pursuant to Resolution G23-2020 adopted on December 17, 2020 (the "Resolution"), the Authority, upon the recommendation of INDOT, preliminarily selected the Proposed Offer (the "Selected Offer") submitted by Kokosing (the "Selected Offeror") based on the criteria set forth in the RFP and the Act; and

WHEREAS, on January 5, 2021, the Authority held public hearings, giving notice by publication and as otherwise required under the Act, for the purpose of allowing the public to be heard on the preliminary selection by the Authority of the Selected Offeror and the terms of the public- private agreement (the "Public-Private Agreement") between the Authority and the private

partner 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, on January 7, 2021, the Public Finance Director of the State of Indiana (the “Public Finance Director”), on behalf of the Authority as so delegated pursuant to the Resolution and upon the recommendation of INDOT, provided the Authority’s determination 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 (“Authority Determination”); and

WHEREAS, the Public Finance Director submitted the Authority Determination to the Governor and the State Budget Committee, and the State Budget Committee reviewed such determination on January 13, 2021; and

WHEREAS, the Governor now desires to accept such determination of the Authority 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, and approve the Public-Private Agreement between the Authority and the Design-Build Contractor;

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NOW THEREFORE, the Governor of the State of Indiana hereby: (i) accepts the Authority Determination; (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; and (iii) approves the Public-Private Agreement between the Authority and the Design-Build Contractor.

GOVERNOR OF THE STATE OF INDIANA

By: Eric J. Holcomb  
Eric J. Holcomb, Governor

Date: January 29, 2021

*(Designation of Design-Build Contractor for Sherman Minton Corridor Project  
and Approval of Public-Private Agreement)*