

**DESIGNATION OF DESIGN-BUILD CONTRACTOR FOR THE SAFER DRIVE 65  
PROJECT AND APPROVAL OF PUBLIC-PRIVATE AGREEMENT (DESIGN-  
BUILD DELIVERY) (DBA)**

**WHEREAS**, the Safer Drive 65 Project, in Clark and Scott Counties, consists of 5.5 miles of interstate reconstruction and widening to accommodate an added travel lane in each direction, 7.2 miles of interstate pavement rehabilitation, and necessary repairs on bridges and small structures within the corridor (the “Project”); and

**WHEREAS**, the Indiana Department of Transportation (“INDOT”) has proceeded under Indiana Code 8-15.7 (the “Act”), to seek proposals from one or more private sector partners to design and build the Project (including the base-bid requirements and such “Additional Project Elements” as the private sector partner would commit to design and build for a fixed price specified by INDOT) pursuant to a Public-Private Agreement (Design-Build Delivery) (DBA); and

**WHEREAS**, the Act sets forth certain procedural requirements (“PPA Procedures”) pursuant to which: (i) INDOT may seek such proposals and make a determination of a private-sector partner to design and build the Project and submit its decision to the Governor of the State of Indiana (the “Governor”); and (ii) if the Governor accepts the determination of INDOT, the Governor may designate the selected private-sector partner to design and build the Project under a DBA; and

**WHEREAS**, INDOT invited private-sector partners to submit a statement of qualifications (“SOQ”) to design and build the Project pursuant to a request for qualifications (“RFQ”), providing notice of such RFQ by publication and as otherwise required in accordance with the Act and the PPA Procedures; and

**WHEREAS**, two teams, including Walsh Construction Company II, LLC, and a joint venture between E&B Paving LLC and Milestone Contractors LP (“E&B Paving / Milestone JV”) (collectively, the “Proposers”) submitted SOQs and, based on the evaluation of the information provided in each of the SOQs, INDOT selected both teams to continue to participate in the procurement process under the Act; and

**WHEREAS**, INDOT issued a Request for Proposals, including Instructions to Proposers, Technical Provisions, and a form of fixed-price DBA (collectively, the “RFP”) to the Proposers to invite them to present a proposal to design and build the Project pursuant to the DBA under the Act. INDOT provided notice of the RFP by publication and as otherwise required in accordance with the Act and the PPA Procedures; and

**WHEREAS**, on December 19, 2024, E&B Paving / Milestone JV submitted a proposal to INDOT in response to the RFP (“Proposal”); and

**WHEREAS**, the E&B Paving / Milestone JV Proposal offers to design and construct the base bid requirements, and an additional 1.5 miles of reconstruction with added travel

lanes and widening of two additional bridge structures above and beyond the base bid requirements, which INDOT has determined offers considerable value to the State based upon Project engineering estimates; and

**WHEREAS**, INDOT determined that E&B Paving/Milestone JV's Proposal was competitive based upon the competitive selection process and evaluation criteria specified in the RFP and the Act; and

**WHEREAS**, pursuant to the Act, INDOT preliminarily identified E&B Paving / Milestone JV as the Selected Offeror ("Apparent Best Value Proposer") based on the criteria set forth in the RFP and the Act; and

**WHEREAS**, on February 4, 2025, INDOT held a public hearing, 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 and the terms of the DBA between INDOT 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**, INDOT developed a comprehensive Initial Financial Plan for the Project in accordance with the requirements of 23 U.S.C. § 106 and the Financial Plan guidance issued by the Federal Highway Administration (FHWA), and submitted the Initial Financial Plan Letter of Certification to FHWA Indiana Division on July 24, 2024; and

**WHEREAS**, the Governor now desires to accept such determination of INDOT and designate the Apparent Best Value Proposer as the Design-Build Contractor under the DBA to provide for the design and construction of the Project, and approve the DBA between INDOT and E&B Paving/Milestone JV as the Design-Build Contractor;

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**NOW THEREFORE**, the Governor of the State of Indiana hereby: (i) accepts the determination of INDOT to select E&B Paving/Milestone JV as the Apparent Best Value Proposer to design and construct the Project pursuant to the DBA; (ii) designates the Apparent Best Value Proposer as the operator for the Project in accordance with the Act; and (iii) approves the DBA between INDOT and E&B Paving/Milestone JV as the Design-Build Contractor;

GOVERNOR OF THE STATE OF INDIANA

  
By: \_\_\_\_\_ (for) Date: 02/18/2025  
Mike Braun, Governor