

Appendix H – Draft Contract Terms and Conditions

- 1) Effective date, notice to proceed, execution
- 2) Compliance with laws:
 - a) Federal:
 - i) U.S. Code Title 23, Part 200
 - ii) Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970
 - iii) National Environmental Policy Act (NEPA)
 - iv) Title VI/VIII of the Civil Rights Act OF 1964
 - v) "Americans with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 1210
 - vi) Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794
 - b) State laws:
 - i) Indiana Code (IC) 22-9
 - ii) Administrative Code 910
 - iii) Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000d et seq., 49 CFR part 21, and all related regulations and directives.
 - iv) Title II of the Americans with Disabilities Act as amended (ADA) of 1990 (42 U.S.C. §§12101 et seq.) and Section 504 of the Rehabilitation Act of 1973, as amended (Section 504) (29 U.S.C. §794) and implementing regulations found in 28 CFR 35 and 49 CFR 27
 - c) Public records
 - d) Cybersecurity:
 - i) Sample clauses from Joint Office
 - ii) NIST Cybersecurity Framework (referenced in the DriveElectric tool kit)
 - iii) US DOE Resources on EVSE Cybersecurity R&D, Challenges, Best Practices
 - iv) US DOT Volpe Report on EVSE Cybersecurity
 - v) Symposium on Federally Funded Research on Cybersecurity of EVSE – NIST report
 - vi) Office of Energy Efficient and Renewable Energy's Federal Fleet Cybersecurity
- 3) Project Information:
 - a) Scope/sites
 - b) Permits/licenses
 - c) Final eligible costs
 - d) General maintenance obligation
 - e) Schedule
 - f) Budget and payment
 - g) Deliverables:

- i) Reporting
 - ii) Data sharing:
 - (1) State (INDOT)
 - (2) Federal EV-CHART tool
- 4) Administration and Inspection of Work:
 - a) Testing/inspections
 - b) Land rights
 - c) Rights to access
 - d) Audits
- 5) Bonding and insurance
- 6) Non-performance / Penalties
- 7) Force Majeure
- 8) Breach of contract / Termination
 - a) Breach
 - b) Convenience
- 9) Discrimination and Drug-Free Workplace Certification
- 10) Indemnification
- 11) References:
 - a) Agreement template: <https://www.in.gov/idoa/state-purchasing/contract-administration/contract-forms-manuals-and-templates/>
 - b) Required Contract Provisions (Federal Aid Construction Contracts): <https://www.fhwa.dot.gov/programadmin/contracts/1273/1273.pdf>
 - i) [eCFR :: 23 CFR 635.309 -- Authorization.](#)
 - ii) [eCFR :: 23 CFR 710.309 -- Design-build projects.](#)