

TEXAS TRANSPORTATION COMMISSION

EL PASO County

MINUTE ORDER

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Transportation Code, Chapter 223, Subchapter E prescribes the process by which the Texas Department of Transportation (department) may enter into a comprehensive development agreement (CDA) with a private entity that provides for the design, development, financing, construction, maintenance, repair, operation, extension, or expansion of an eligible highway project.

On June 27, 2013, by Minute Order 113618, the Texas Transportation Commission (commission) authorized the department to issue a request for qualifications (RFQ) for the development of the Loop 375 Border Highway West Extension Project from Racetrack Drive near Doniphan Road and New Mexico 273 (west of downtown) to US 54 (east of downtown) in the City of El Paso, a distance of approximately 9 miles. The project includes the design, construction and comprehensive maintenance of a four-lane, controlled access tolled facility from Racetrack Drive to the terminus of the existing Loop 375, in the vicinity of Santa Fe Street, a distance of approximately 7 miles.

The department issued the RFQ on July 26, 2013 and subsequently determined that all four of the teams submitting qualifications statements in response to the RFQ were qualified to be on the short list of teams that would be requested to submit detailed proposals to develop, design, construct, and, potentially, maintain the project.

Transportation Code § 223.203 and 43 TAC § 27.4 provide that, if authorized by the commission, the department will issue a request for proposals (RFP) from all private entities qualified for the short-list. On October 31, 2013, by Minute Order 113741, the commission authorized the department to issue an RFP requesting detailed proposals from the short-listed teams to develop, design, construct and maintain the Loop 375 Border Highway West Extension Project, and authorized a payment for the work product of each unsuccessful responsive proposer of up to \$950,000. On December 20, 2013, the department issued the RFP.

On March 20, 2014, technical and financial proposals were received, and on April 7, 2014 price proposals were received from Abrams-Kiewit, JV, Border Highway Mobility Partners, Camino Frontera Constructors, JV, and Rio Bravo Developers, JV. From March 21, 2014 until April 17, 2014, the department evaluated the technical and financial proposals from the proposers, and from April 8, 2014 until April 17, 2014, the department evaluated the price proposals from the proposers.

The proposals were evaluated in the following categories: (1) Pass/Fail and Responsiveness; (2) Technical Score; and (3) Price Score. The proposals were all evaluated on the basis of certain pass/fail and responsiveness criteria set forth in the RFP. The technical proposals were also evaluated in the categories of technical solutions, project management plan, and quality management plan, using the qualitative ratings of meets minimum, fair, good, very good, and excellent. The technical proposals were assigned adjectival ratings and numerical scores for each evaluation subfactor. Points were assigned to the technical proposals based on those ratings and the weights of the individual evaluation factors, with the sum of those points resulting in a total evaluation score, which was multiplied by a defined percentage to arrive at the Technical Score. The Price Score is the Development Price Score added to the Option Value Price Score. To arrive at the Development Price Score and Option Value Price Score, points were assigned to the price proposals using a formula that is comprised of the Development Price Value and the Option Price Value. The Development Price Value is the sum of the Development (design-build) price, the ATC adjustments and the maintenance price; the Option Price Value is the sum of the Option Price, the ATC adjustments and the option

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maintenance score. The price scores were determined without knowing which prices were submitted by which proposer.

The Technical Score points assigned to the technical proposal were then added to the Price Score points to determine the total number of points received by each proposal. The responsive proposal with the highest score was determined to provide the apparent best value.

The evaluation and scoring of each proposal under the Technical Score and Price Score categories resulted in the proposals being ranked as follows: Abrams-Kiewit Joint Venture, Border Highway Mobility Partners, Rio Bravo Developers, and Camino Frontera Constructors. The proposal submitted by Abrams-Kiewit Joint Venture was accordingly determined to provide the apparent best value.

IT IS THEREFORE ORDERED by the commission that the determination that the proposal submitted by Abrams-Kiewit Joint Venture provides the apparent best value to the department is approved, and the department is authorized and directed to commence and complete negotiations with Abrams-Kiewit Joint Venture necessary to finalize the design-build comprehensive development agreement and associated comprehensive maintenance agreement, to develop, design and construct, and maintain the Loop 375 Border Highway West Extension Project from Racetrack Drive near Doniphan Road and New Mexico 273 to US 54 in El Paso County.

IT IS FURTHER ORDERED that the comprehensive development agreement and the associated comprehensive maintenance agreement are awarded to Abrams-Kiewit Joint Venture subject to, and effective upon the occurrence of, all of the following: (1) the successful conclusion of negotiations; (2) the issuance of a Notice of Intent to Award by the department; (3) applicable Federal Highway Administration approvals as identified by the department; (4) a determination by the Office of the Attorney General that the proposed comprehensive development agreement, including the comprehensive maintenance agreement, is legally sufficient, in accordance with Transportation Code, § 371.051; (5) notifications and information having been provided to the Legislative Budget Board, in accordance with Transportation Code § 371.052(b) and Riders 22 and 23, Pages VII-28 and VII-29, Chapter 1411, Acts of the 83rd Legislature, Regular Session, 2013 (the General Appropriations Act) and Government Code § 669.003; (6) approval by the commission of the substantially final form of comprehensive development agreement, including comprehensive maintenance agreement; and (7) the mutual execution and delivery of the comprehensive development agreement, and the comprehensive maintenance agreement, by the executive director of the department and the developer.

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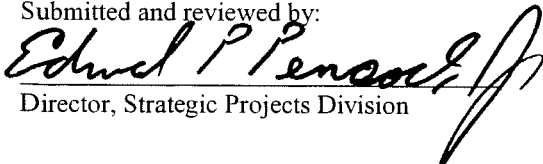
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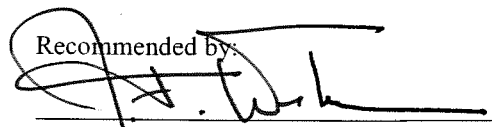
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IT IS FURTHER ORDERED that if the executive director determines that the negotiations with Abrams-Kiewit Joint Venture cannot be successfully completed, and that therefore the proposal submitted by Abrams-Kiewit Joint Venture will not provide the apparent best value, the department is authorized to commence and complete discussions and negotiations with Border Highway Mobility Partners, the next highest ranked proposer, with award to the next highest ranked proposer subject to the terms and conditions in the immediately preceding paragraph of this order.

Submitted and reviewed by:


Director, Strategic Projects Division

Recommended by:


Executive Director

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Minute
Number

Date
Passed