

TEXAS TRANSPORTATION COMMISSION

NUECES County

MINUTE ORDER

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CORPUS CHRISTI District

Subchapter E, Chapter 223, Transportation Code 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 project.

On February 27, 2014, by Minute Order 113853, the Texas Transportation Commission (commission) authorized and directed the department to issue a request for qualifications (RFQ) for the development, design, construction, and potential maintenance of all or any portion of the US 181 Harbor Bridge Replacement Project between US 181 at Beach Avenue and I-37 in the city of Corpus Christi. The department issued the RFQ on March 26, 2014. On April 24, 2014, by Minute Order 113910, the commission ratified the inclusion in the RFQ of the potential requirement that the developer, at the department's option, carry costs incurred under the CDA beyond the completion of the project. Seven proposer teams responded to the RFQ. On June 20, 2014, following the department's evaluation of the seven proposer team submissions, four proposer teams were determined to be best qualified to develop, design, construct, maintain, and, at the department's option, finance the US 181 Harbor Bridge Replacement Project.

Transportation Code § 223.201(f)(12) authorizes the department to enter into a CDA for the development, financing, construction, maintenance, and operation of the US 181 Harbor Bridge Replacement Project in Nueces County between U.S. Highway 181 at Beach Avenue and Interstate Highway 37. 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. The department intends to issue an RFP for the US 181 Harbor Bridge Replacement Project and request detailed proposals from the four short-listed teams to develop, design, construct, maintain, and, at the department's option, finance the project.

Transportation Code, § 223.203(m) and 43 TAC § 27.4(f) authorize the department to pay an unsuccessful private entity that submits a detailed proposal that is responsive to the requirements of the RFP a stipulated amount in exchange for the work product contained in that proposal. The stipulated amount must be stated in the RFP and may not exceed the value of any work product contained in the proposal that can, as determined by the department, be used by the department in the performance of its functions. Payment for this work product would allow the department to use the work product for the benefit of the US 181 Harbor Bridge Replacement Project or other department projects without further payment to the unsuccessful proposer.

IT IS THEREFORE ORDERED that the department is authorized and directed to issue an RFP to develop, design, construct, maintain, and, at the department's option, finance the US 181 Harbor Bridge Replacement Project.

IT IS FURTHER ORDERED that the department is authorized to pay to each proposer that submits a responsive, but unsuccessful proposal for the US 181 Harbor Bridge Replacement Project an amount based upon the value of the work product provided in the proposal that can, as determined by the department, be used by the department in the performance of its functions, up to a maximum amount per proposer of \$1,500,000.

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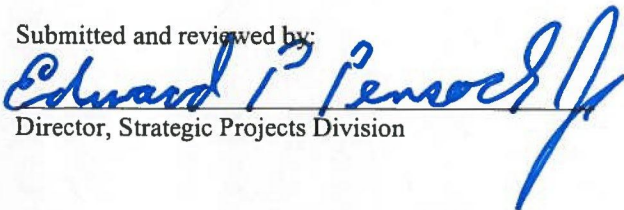
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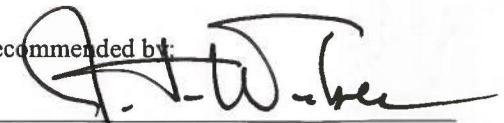
CORPUS CHRISTI District

IT IS FURTHER ORDERED that payment for work product may only be paid if the work product submitted meets the minimum criteria and other conditions for payment identified by the department in the US 181 Harbor Bridge Replacement Project procurement documents.

Submitted and reviewed by:

  
Director, Strategic Projects Division

Recommended by:

  
Executive Director

**113976 JUN 26 14**

Minute  
Number

Date  
Passed