

## TEXAS TRANSPORTATION COMMISSION

Bexar and Guadalupe Counties

MINUTE ORDER

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Transportation Code, Chapter 223, Subchapter F prescribes the process by which the Texas Department of Transportation (department) may enter into a design-build contract with a private entity that provides for the design, construction, expansion, extension, related capital maintenance, rehabilitation, alteration, or repair of a highway project.

On April 25, 2019, by Minute Order 115466, the Texas Transportation Commission (commission) authorized the department to issue a request for qualifications (RFQ) to design, construct, and maintain the I-35 Northeast Expansion Project (Project). The Project included non-tolled improvements along I-35 from approximately I-410 South to FM 1103 in Bexar, Comal and Guadalupe Counties, Texas. The department issued the RFQ on May 20, 2019. Following the department's evaluation of the qualifications statements, the best qualified teams were short-listed and requested to submit detailed proposals to design, construct, and maintain the Project.

Transportation Code § 223.246 and 43 TAC § 9.153(d) 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 September 26, 2019, by Minute Order 115587, the commission authorized and directed the department to issue an RFP requesting detailed proposals from the short-listed teams to design, construct, and maintain the Project, and authorized a payment for work product for each proposer that submitted a responsive, but unsuccessful, proposal of up to a maximum amount per proposer of 0.25% of the successful proposer's price for all work under the design-build contract (DBC).

On March 27, 2020, the department notified the short-listed proposers of its intention to proceed with the procurement of only the Base Central component of the Project. That component consists of non-tolled improvements along I-35 from the I-35/I-410 North interchange to FM 3009, including the portion of I-410 North from the I-35/I-410 North Interchange to 0.3 miles east of Nacogdoches Road and the portion of Loop 1604 from the I-35/Loop 1604 Interchange to Nacogdoches Road in Bexar and Guadalupe Counties.

On August 14, 2020, the department issued the final RFP. On February 4, 2021, proposals were received from Alamo NEX Construction and WBCCI, LLC. From February 5, 2021, until March 11, 2021, the department evaluated technical, financial, and 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 first evaluated on the basis of certain pass/fail criteria set forth in the RFP and reviewed for responsiveness to the submittal requirements in the RFP. The technical proposals were then evaluated and scored in accordance with the requirements of the RFP, which included consideration of performance evaluations prepared by the department in accordance with 43 TAC §9.152 and §27.3, and other performance evaluations as deemed relevant by the department. The price proposals were then evaluated and scored, also in accordance with the requirements of the RFP. The technical score points assigned to the technical proposals were then added to the price score points to determine the total number of points received by each proposal. The

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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: Alamo NEX Construction, WBCCI, LLC. The proposal submitted by Alamo NEX Construction was accordingly determined to provide the apparent best value.

IT IS THEREFORE ORDERED by the commission that the determination that the proposal submitted by Alamo NEX Construction provides the apparent best value to the department is approved, and the department is authorized and directed to commence and complete negotiations with Alamo NEX Construction necessary to finalize the DBC and the corresponding capital maintenance contract (CMC) to design, construct and maintain the project in Bexar and Guadalupe Counties, and to modify the DBC and CMC as necessary as a result of such negotiations.

IT IS FURTHER ORDERED that the DBC and the corresponding CMC are awarded to Alamo NEX Construction subject to, and effective upon the occurrence of, all of the following: (1) the successful conclusion of negotiations, including satisfaction of conditions to final award specifically identified by the department in its letter notice of conditional award to the proposer; (2) the issuance of a Notice of Intent to Award by the department; (3) applicable Federal Highway Administration approvals as identified by the department; and (4) the mutual execution and delivery of the DBC and CMC by the executive director of the department and the design-build contractor.

IT IS FURTHER ORDERED that if the executive director determines that the negotiations with Alamo NEX Construction cannot be successfully completed, and that therefore the proposal submitted by Alamo NEX Construction will not provide the apparent best value, the department is authorized to commence and complete discussions and negotiations with WBCCI, LLC, the next highest-ranked proposer, with award to the next highest-ranked proposer subject to the terms and conditions in the immediately preceding paragraphs of this order.

Submitted and reviewed by:

Recommended by:

DocuSigned by:

*Benjamin Asher*

Director, Project Finance,  
Debt & Strategic Contracts Division

DocuSigned by:

*Annette M. Bass*

Executive Director

115989 Mar. 25 2021

Minute Number	Date Passed
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