

## TEXAS TRANSPORTATION COMMISSION

DALLAS AND TARRANT Counties

MINUTE ORDER

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DALLAS AND FORT WORTH Districts

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 project.

Transportation Code, § 223.203 prescribes requirements for a solicited proposal and requires the department to publish a request for qualifications (RFQ) in the *Texas Register* that includes the criteria that will be used to evaluate any received qualifications statements, the relative weight given to the criteria, and a deadline by which qualifications statements must be received.

On January 31, 2013, by Minute Order 113427, the Texas Transportation Commission (commission) authorized the department to issue a RFQ for the development of State Highway 183 from SH 121 to Interstate 35E and any additional connecting facilities that are necessary for connectivity and financing purposes, subject to certain conditions which have been met. The department issued the RFQ on February 20, 2013.

Transportation Code §223.201(f), as amended by SB 1730, 83<sup>rd</sup> Session 2013, authorizes the department to enter into a CDA for the development, financing, construction, and operation of the SH 183 Managed Lanes Project in Dallas and Tarrant Counties, comprised of SH 183 from SH 121 to I-35E, including the proposed interchanges with Loop 12, SH 114, and Spur 482, SH 114 from International Parkway to Loop 12, and Loop 12 from SH 183 to I-35E (SH 183 Managed Lanes Project). On June 27, 2013, by Minute Order 113619, the commission approved the department's determination to exercise its option to develop, finance, construct and operate the SH 183 Managed Lanes 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. The department intends to issue an RFP for the SH 183 Managed Lanes Project and request detailed proposals from the 4 short-listed teams to develop, finance, construct, and operate the project.

Transportation Code, § 223.203(m) and 43 TAC § 27.4(f) authorize the department to pay an unsuccessful private entity who 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 SH 183 Managed Lanes 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, finance, construct, and operate the SH 183 Managed Lanes Project.

IT IS FURTHER ORDERED that the department is authorized to pay each proposer who submits a responsive, but unsuccessful, proposal for the SH 183 Managed Lanes Project an amount based upon the value of the work product provided in the proposal that can, as determined by the

TEXAS TRANSPORTATION COMMISSION

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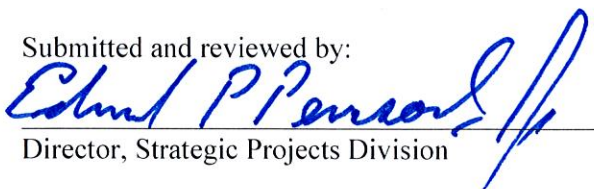
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department, be used by the department in the performance of its functions, up to a maximum amount per proposer of \$1,000,000.

IT IS FURTHER ORDERED that payment for work product may only be paid to the extent that the work product submitted meets the minimum criteria and other conditions of payment identified by the department in the SH 183 Managed Lane Project procurement documents.

Submitted and reviewed by:

  
Director, Strategic Projects Division

Recommended by:

  
Executive Director

**113680 AUG 29 13**

Minute  
Number

Date  
Passed

**Attachment A:**

**SH 183 Managed Lanes Project**

**Shortlist of Most Qualified Teams**

1. **Airport Expressway Partners** **84.175 pts**
  - Fluor Enterprises, Inc. (Equity Member of Proposer)
  - Balfour Beatty Investment, Inc. (Equity Member of Proposer)
  
2. **SH 183 Mobility Partners** **82.125 pts**
  - Meridiam Infrastructure SH 183 Mobility LLC
  - Dallas Police and Fire Pension System
  - Cintra Infraestructuras, S.A.
  
3. **SH 183 Mobility Alliance** **75.575 pts**
  - Macquarie Capital Group Limited
  - OHL Concesiones, S.A.
  
4. **SouthGate Mobility Partners** **74.500 pts**
  - Plenary Group (Canada) Ltd.
  - Kiewit Development Company

