



Response to Preliminary Questions
Grand Parkway Request for Information
 July 1, 2011

Questions	Responses
<p>1. Please provide any available Microstation files of the proposed alignment.</p> <p>2. Is Segment D in Fort Bend County currently tolled? If not, will this segment be tolled or a free road?</p> <p>3. Please provide a list of parties that are anticipated to be disqualified or otherwise conflicted-out of the SH-99 procurement.</p> <p>4. What time of day are the Responses to RFI due on the submittal date?</p>	<p>1.) <i>Electronic versions of the Grand Parkway Project schematics are under development and will be available upon approval by TxDOT. We anticipate that these will be provided at the time that the Draft RFP is released.</i></p> <p>2.) <i>SH-99 is not currently tolled in Fort Bend County, but the county is preparing to construct overpasses outside of this procurement process that will be tolled.</i></p> <p>3.) <i>A list of parties that are disqualified or otherwise conflicted out will be included in RFQ.</i></p> <p>4.) <i>We request that all responses are received by close of business at 5:00 p.m. CDT on the RFI Formal Response Date. However, because this response is not part of a competitive bid, any responses received after this date will be considered on a case-by-case basis.</i></p>
<p>1. Will the geotechnical or QA/QC leads need to be named as part of the response to the SH99 RFQ? I assume that they would but want to clarify.</p> <p>2. Would a conflict of interest be considered to exist for a firm performing preliminary geotechnical investigation?</p>	<p>1.) <i>Further information regarding team member requirements during the RFQ stage will be provided in the RFQ.</i></p> <p>2.) <i>Under the Conflict of Interest Rules, specifically 43 Tex. Admin. Code § 27.8(c)(7), a consultant that is actively providing preliminary engineering services to the department with respect to a comprehensive development agreement project, including preliminary geotechnical investigations under the fact scenario you provided, may be a proposer or participate as an equity owner, team member, consultant, or subconsultant of or to a proposer for the same project, or have a financial interest in any of the foregoing entities with respect to that project, provided the executive director issues a written determination that:</i></p> <p style="padding-left: 40px;"><i>(1) the consultant will not, or in the case of the previous performance of consultant services did not, have access to or obtain knowledge of confidential or sensitive information, procedures, policies and processes that could provide an unfair competitive advantage with respect to the procurement for that project;</i></p> <p style="padding-left: 40px;"><i>(2) the data and information provided to the consultant in the performance of the consultant services is either irrelevant to the procurement for that project or is available on an equal and timely basis to all proposers; and</i></p> <p style="padding-left: 40px;"><i>(3) the work products from the consultant incorporated into or relevant to the procurement for that project are generally available on an equal and timely basis to all proposers.</i></p> <p><i>Additionally, if a firm is deemed to have a conflict of interest, the executive director, upon request, may approve an exception to the applicability of the subsection under which the</i></p>



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	<p><i>conflict of interest arose. In determining whether or not to approve a firm's exception request, the executive director will consider the following:</i></p> <ul style="list-style-type: none"> <i>(1) the extent to which the firm or individual employee obtained access to or the ability to gain knowledge of confidential or sensitive information, procedures, policies, and processes concerning the comprehensive development agreement program or a particular project or procurement that could provide an unfair competitive advantage with respect to the procurement or project at issue;</i> <i>(2) the type of consulting services at issue;</i> <i>(3) the particular circumstances of each procurement;</i> <i>(4) the specialized expertise needed by the department and proposers to implement the procurement;</i> <i>(5) the past, current, or future working relationship between the consultant and the department;</i> <i>(6) the period of time between the potential conflict situation and the project at issue;</i> <i>and</i> <i>(7) the potential impact on the procurement and project at issue, including competition.</i> <p><i>Any firm that is considering joining a proposer team for a CDA Project is encouraged to review TxDOT's Conflict of Interest and Ethics Policies and request a formal determination from the executive director if there is any concern that a conflict of interest may exist.</i></p>
<p>Would like to determine the time that submissions are due on July 6th.</p>	<p><i>We request that all responses are received by close of business at 5:00 p.m. CDT on the RFI Formal Response Date. However, because this response is not part of a competitive bid, any responses received after this date will be considered on a case-by-case basis.</i></p>
<p>It is our understanding that the concept Full Concession Agreement (Section 2D of the RFI) corresponds to a Design, Build, Finance, Operate and Maintain Contract with a payment mechanism based on toll revenue collection by means of which the concessionaire has full exposure to demand risk. Please, confirm.</p>	<p><i>The Full Concession Agreement corresponds to a Design, Build, Finance, Operate and Maintain Contract for the project as defined in Section 2A of the RFI. Question B6 of the RFI requests industry perspective on an optimal financial risk sharing position under the delivery model.</i></p>



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<p>Is it correct to assume that under the delivery methods Full Concession Agreement or Availability Payment Structure, the toll revenue collected at the Northern part of segment D in Harris County, segment E and Segment I-2 might be used to cover the cost of the Initial Project Scope as defined in Section 2 of the RFI? Please, confirm.</p>	<p><i>Yes, under a full concession agreement or availability payment structure, to the extent the northern part of Segment D, Segment E and Segment I-2 are included in the Initial Project Scope, the revenues from such portions of the Initial Project scope could be used to cover the costs of the Initial Project scope as defined in Section 2 of the RFI. TxDOT has not yet determined whether all of these segments or portions of segments will be included in the Initial Project scope. Industry perspective is requested regarding value engineering, phasing and scoping opportunities for the Project, including for the Initial Project, in furtherance of the objectives for the Project. Responders are also directed to Section 2D regarding the sources of funding for an availability payment structure.</i></p>
<p>1. To what extent will the information disclosed by the proposers at the one on one meeting scheduled to discuss the RFIs be confidential? 2. Please provide any terms and conditions in excess of those set forth in the Market Valuation Waiver Agreement for SH 99 (Grand Parkway) of date 03/25/09 that would apply for the Development of Segment G of the Grand Parkway.</p>	<p><i>1.) Participants in the one-on-one meetings will be asked to sign a confidentiality agreement that is substantially similar to TxDOT's standard confidentiality agreement used in connection with one-on-one meetings during the procurement process. Responders should be aware that representatives of local stakeholders will be invited to participate in the one-on-one meetings. Written presentation materials provided to and retained by TxDOT may be subject to open records requirements on the same basis described in the RFI.</i></p> <p><i>2.) At this time, TxDOT has not identified any additional terms and conditions in excess of those set forth in the Market Valuation Waiver Agreement for SH 99 (Grand Parkway) of date 03/25/09 that would apply for the development of Segment G of the Grand Parkway. Any additional terms and conditions will be provided in connection with a formal procurement.</i></p>
<p>Question regarding assistance in finding the organizational COI in Title 43 administrative code, Ch. 27, subchapter A 27.8</p>	<p><i>TxDOT's Conflict of Interest Rules can be found in 43 Texas Administrative Code 27.8: http://info.sos.state.tx.us/pls/pub/readtac\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=43&pt=1&ch=27&rl=8</i></p> <p><i>FHWA's organizational conflict of interest regulations are provided in 23 CFR 636.116: http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=b74c0e4ff9a96e0e03af6adb4791479e&rqn=div5&view=text&node=23:1.0.1.7.24&idno=23#23:1.0.1.7.24.1.1.16</i></p>



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Question on whether the design of Segments F1 and F2 of the Grand Parkway have been awarded. If so, where can I find out whom they were awarded too?

Schematic revisions for Segments F1, F2 and G are being completed by the General Engineering and Procurement Engineering Teams. The Houston District of TxDOT is working on contracts to complete preliminary drainage design work. Final design and PS&E is anticipated to be completed by the successful respondent to the procurement.