

TEXAS TRANSPORTATION COMMISSIONBRAZORIA, GALVESTON Counties**MINUTE ORDER**

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HOUSTON District

Subchapter F, Chapter 223, Transportation Code 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.

Transportation Code §§ 223.245-223.250 prescribe requirements for a design-build contract procurement. Pursuant to those provisions, the department must issue a request for qualifications that includes, among other things, the criteria that will be used to evaluate any qualification submittals, the relative weight given to the criteria, and a deadline by which qualification submittals must be received. The department is also required to publish a notice advertising the issuance of the request for qualifications in the *Texas Register* and on the department's website.

Planning and development of SH 99 (Grand Parkway), a proposed 180-mile circumferential highway traversing seven counties and serving the Houston area has been underway since the 1980s. During that time, the department and the counties in which the highway is proposed to be located have been proceeding with the development of the Grand Parkway from SH 146 in Galveston County to SH 146 in Harris County.

In accordance with the requirements of Transportation Code, §228.0111 and the policies included in Minute Order 111410, the department and the counties in which the Grand Parkway is located entered into a Market Valuation Waiver Agreement, effective March 25, 2009, in which the parties agreed on the terms and conditions for the development, construction, and operation of the Grand Parkway as a toll project (Grand Parkway Project), agreed to waive the development of a market valuation of the Grand Parkway Project, and agreed to certain other provisions applicable to the development, construction, and operation of the Grand Parkway Project. Per the agreement, each of the counties has the right to develop, construct, and operate the portion of the Grand Parkway Project located within the territory of the county unless such right is waived.

The department entered into a Toll Project Agreement with Galveston County, effective February 7, 2023, reflecting the waiver of primacy by Galveston County for the portion of Segment B of the Grand Parkway Project located within Galveston County. In addition, the department entered into a Toll Project Agreement with Brazoria County effective February 7, 2023, which was amended effective February 26, 2024, reflecting the waiver of primacy by Brazoria County for the portion of Segment B of the Grand Parkway Project from the Brazoria/Galveston County line west to south of FM 2403 just south of Alvin. Both agreements together provide the department with the authority to develop, finance, refinance, construct, reconstruct, toll, maintain and/or operate the portion of Segment B from I-45 south to south of FM 2403 for a total distance of 14.2 miles (Segment B-1).

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In Minute Order 116626, dated January 17, 2024, the Texas Transportation Commission (commission) designated Segment B-1 as a toll project on the state highway system.

There exists the potential for expedition of the development and completion of a portion of Segment B-1 in Brazoria and Galveston counties, through the use of a design-build agreement, and the employment of innovative methods for the development and financing of projects that are available with a design-build agreement. The SH 99 Grand Parkway Segment B-1 Design-Build Project is comprised of two tolled lanes in each direction along SH 99 from south of FM 2403 to FM 646, and certain non-tolled operational improvements along SH 99 and SH 35, including around the SH 35 / SH 99 interchange.

Development of Segment B-1 is a crucial element to responding to growing traffic congestion throughout the Houston metropolitan area. The planned improvements will increase safety and mobility, provide an emergency evacuation route, and provide increased capacity by creating a circumferential route that relieves traffic congestion and facilitates the efficient movement of people and goods within the developing communities of the Houston metro core. The project meets the requirements for design-build delivery.

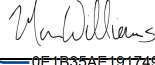
IT IS THEREFORE ORDERED by the commission that the department is authorized to issue a request for qualifications to design, construct, and maintain the SH 99 Grand Parkway Segment B-1 Design-Build Project, and to publish in the *Texas Register* and on the department's website a notice advertising the issuance of the request for qualifications.

Submitted and reviewed by:

Recommended by:

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Director, Alternative Delivery Division

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Executive Director

116850 December 17, 2024

Minute Number Date Passed