

TEXAS TRANSPORTATION COMMISSION

VARIOUS Counties

MINUTE ORDER

VARIOUS Districts

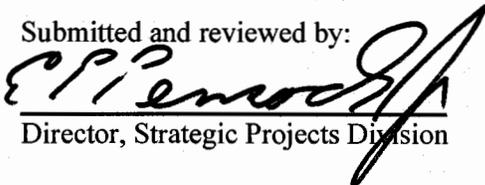
Title 43, Texas Administrative Code, §9.39(b)(1) provides that for an indefinite deliverable engineering or land surveying services contract, the total of the contract work authorizations shall not exceed \$5 million in a division, metropolitan district, or border district of the Texas Department of Transportation ("the department"), or \$2 million in a district of the department other than a metropolitan or border district, unless approved by the Texas Transportation Commission ("the commission") prior to publication of the notice of intent. Section 9.39(b)(1) further provides that the contract period in which initial work authorizations may be issued may not be longer than two years from the date of contract execution, unless approved by the commission prior to publication of the notice of intent.

The department is currently in various stages of planning, procurement and negotiation with respect to multiple projects that would be developed under Public-Private Partnership (PPP) agreements, including comprehensive development agreements (CDA), design-build agreements and other innovative delivery methods. In connection with these efforts, the department intends to rely on firms employing professional engineers, land surveyors and other professionals to perform various roles within the project development process, such as drafting technical provisions, assisting with right of way ("ROW") acquisition and utility relocation, and overseeing compliance with the terms and conditions of PPP agreements during implementation.

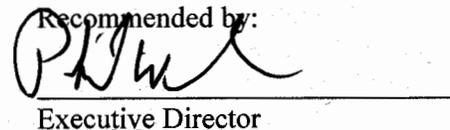
The department intends to issue notices of intent to solicit the services of firms employing professional engineers, land surveyors and other professionals under indefinite deliverable contracts, and to issue work authorizations to one or more of those firms to provide various services related to PPP agreements. More specifically, the department intends to enter into two indefinite deliverable contracts for the provision of ROW acquisition oversight including land surveying, one each for the Dallas-Fort Worth and Houston areas; four indefinite deliverable contracts for the provision of general engineering consultant ("GEC") services, one for the Houston area, two for the Dallas-Fort Worth area, and one for the South/Central area; and two indefinite deliverable contracts for statewide PPP procurement engineering ("PcE") consultants. Higher dollar limits and longer potential terms are essential to allow these professionals to oversee the various PPP projects efficiently.

IT IS THEREFORE ORDERED by the commission that the department is authorized to proceed with a solicitation for no more than eight indefinite deliverable contracts limited to the provision of GEC, PcE and ROW acquisition oversight services for PPP projects, that each of the above-described contracts shall be for no more than \$30 million, that initial work authorizations may be issued up to but no later than six years after a contract is executed, and that all work authorizations must be executed by the executive director or the executive director's designee not below the level of Deputy Executive Director.

Submitted and reviewed by:


Director, Strategic Projects Division

Recommended by:


Executive Director

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Minute Number Date Passed