

TEXAS TRANSPORTATION COMMISSION

Dallas County

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 (DBC) 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 30, 2020, by Minute Order 115724, the Texas Transportation Commission (commission) authorized the department to issue a request for qualifications (RFQ) to design, construct, and maintain a project to reconstruct and widen Interstate Highway 35E from I-635 to the Denton County line in the cities of Dallas, Farmers Branch, and Carrollton in Dallas County (I-35E Phase 2 Project). The I-35E Phase 2 Project consists of the full reconstruction and widening of this segment of the I-35E corridor and includes the addition of one general purpose lane in each direction and full reconstruction and “grandfathering” of the existing two reversible tolled managed lanes, for a total of 10 general purpose and tolled managed lanes, along with the reconstruction of continuous frontage roads and numerous intersection improvements.

The department issued the RFQ on May 20, 2020 and subsequently determined that three of the four teams submitting qualification statements in response to the RFQ were qualified to be on the short list of teams that would be requested to submit detailed proposals to design, construct, and maintain the project.

Texas Transportation Code § 223.246 and Title 43 Texas Administrative Code (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 July 30, 2020, by Minute Order 115793, the commission authorized and directed the department to issue an RFP requesting detailed proposals from the short-listed teams for the design, construction, and maintenance of the I-35E Phase 2 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 DBC. On October 20, 2020, the department issued the RFP.

On April 5, 2021, technical proposals were received from Archer Western/Sundt JV, Lone Star Constructors, and North Tarrant Infrastructure 35E. On April 16, 2021, financial and price proposals were received from Archer Western/Sundt JV, Lone Star Constructors, and North Tarrant Infrastructure 35E. From April 5, 2021, until May 10, 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 performance evaluations prepared by the department in accordance with 43 TAC §9.152 and §27.3, and

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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 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: Lone Star Constructors; Archer Western/Sundt JV; North Tarrant Infrastructure 35E. The proposal submitted by Lone Star Constructors was accordingly determined to provide the apparent best value.

IT IS THEREFORE ORDERED by the commission that the determination that the proposal submitted by Lone Star Constructors provides the apparent best value to the department is approved, and the department is authorized and directed to commence and complete negotiations with Lone Star Constructors necessary to finalize the DBC and the associated capital maintenance contract (CMC) to design, construct, and maintain the I-35E Phase 2 Project in Dallas County, and to modify the DBC and CMC as necessary as a result of such negotiations.

IT IS FURTHER ORDERED that the DBC and the associated CMC are awarded to Lone Star Constructors 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 Lone Star Constructors cannot be successfully completed, and that therefore the proposal submitted by Lone Star Constructors will not provide the apparent best value, the department is authorized to commence and complete discussions and negotiations with Archer Western/Stundt JV, the next highest ranked proposer, with award to the next highest ranked proposer subject to the terms and conditions in the immediately preceding paragraph of this order.

Submitted and reviewed by:

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Benjamin Asher
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Director, Project Finance,
Debt & Strategic Contracts Division

Recommended by:

DocuSigned by:
Mandy Willis
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Executive Director

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Minute Date
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