

TEXAS TRANSPORTATION COMMISSION

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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 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, § 223.242 authorizes the department to enter into, in each fiscal year, up to three design-build contracts for highway projects with a construction cost estimate of \$50 million or more to the department.

The Loop 1604 base scope is an approximately \$80 to \$90 million scope in northwest San Antonio between State Highway 16 (Bandera Road) and Farm to Market 471 (Culebra Rd). The project will include the expansion of Loop 1604 to a four lane non toll expressway section from SH 16 (Bandera Road) to FM 471 and add interchanges at Shaenfield Road, New Guilbeau Road and Braun Road with an option through the SH 151 interchange. The total Loop 1604 project, including the option, is an approximately \$130 million project.

On May 31, 2012, by Minute Order 113116, the Texas Transportation Commission (commission) authorized the department to issue a request for qualifications (RFQ) to develop, design, construct and potentially maintain Loop 1604 from SH 16 (Bandera Road) to south of Wiseman Boulevard in Bexar County. The department issued the RFQ on January 18, 2013, which shortened the project limits to run from SH 16 (Bandera Road) to FM 471 (Culebra Road), with an option to include the SH 151 Interchange. These project limits, including the option, are within the limits authorized by Minute Order 113116. The project includes the expansion of Loop 1604 to a four lane non-toll expressway section with overpasses at Braun Road, New Guilbeau Road, and Shaenfield Road. Thirteen proposer teams responded to the RFQ. On March 21, 2013, following the department's evaluation of those submissions, four teams were determined to be best qualified to be on the short list of proposer teams that were requested to submit detailed proposals to design and construct the project.

Transportation Code § 223.246 and 43 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 April 25, 2013, by Minute Order 113557, the department was authorized to issue an RFP and on April 26, 2013, the department issued an RFP for the Loop 1604 Western Extension Project base scope, from SH 16 (Bandera Road) to FM 471 (Culebra Road), and the option scope, which included, in the department's sole discretion, the option to potentially design and construct portions of Loop 1604 further south through the SH 151 interchange.

On July 30, 2013 proposals were received from J.D. Abrams, L.P., Williams Brothers Construction Co., Inc. and Zachry Construction Corporation. From July 31, 2013 until August 28, 2013, the department evaluated those proposals.

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 and responsiveness criteria set forth in the RFP. Next, the project development plans in the technical proposals were evaluated in the categories of technical solutions, project management plan (including safety and health plan), and quality management plan, using qualitative ratings of: meets minimum, fair, good, very good, and excellent. The technical proposals were assigned adjectival ratings and numerical scores for each evaluation subfactor. Points were assigned to the technical proposals based on those ratings and the weightings of the individual evaluation factors, with the sum of those points resulting in a total evaluation score, which was multiplied by a defined percentage to arrive at the Technical Score. To arrive at the Price Score, the Base Price Value was

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determined for each proposer, which is the sum, for each proposer, of the design-build price for the base scope and the alternative technical concept price adjustments for the base scope. The lowest Base Price Value of all proposers was then divided by the Base Price Value for a particular proposer, with the result being multiplied by a defined percentage to arrive at the Base Price Score. The Option Price Value was then determined for each proposer, which is the sum, for each proposer, of the design-build price for the option scope and the alternative technical concept price adjustments for the option scope. The lowest Option Price Value of all proposers was then divided by the Option Price Value for a particular proposer, with the result being multiplied by a defined percentage to arrive at the Option Price Score. The final Price Score was determined by adding the Base Price Score and the Option Price Score. The price scores were determined without knowing which prices were submitted by which proposer.

The Technical Score points assigned to the technical proposal 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, as well as the Pass/Fail review, resulted in the proposals being ranked in descending order as follows: Williams Brothers Construction Co., Inc., J.D. Abrams, L.P., and Zachry Construction Corporation. The proposal submitted by Williams Brothers Construction Co., Inc. was accordingly determined to provide the apparent best value.

IT IS THEREFORE ORDERED by the commission that the determination that the proposal submitted by Williams Brothers Construction Co., Inc. provides the apparent best value to the department is approved, and the department is authorized and directed to commence and complete negotiations with Williams Brothers Construction Co., Inc. necessary to finalize the design-build contract to design and construct the Loop 1604 Western Extension Project from FM 471 (Culebra Road) to SH 16 (Bandera Road) in San Antonio and, at the department's sole option, to potentially design and construct portions of Loop 1604 further south through the SH 151 interchange, and to modify the design-build contract as necessary as a result of such negotiations.

IT IS FURTHER ORDERED that the design-build contract is awarded to Williams Brothers Construction Co., Inc. subject to, and effective upon the occurrence of, all of the following: (1) the successful conclusion of negotiations; (2) the issuance of a Notice of Intent to Award by the department; and (3) the mutual execution and delivery of the design-build contract, by the executive director of the department and the proposer.

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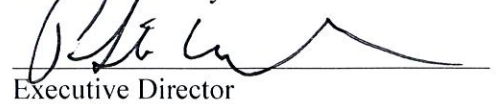
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IT IS FURTHER ORDERED that if the executive director determines that the negotiations with Williams Brothers Construction Co., Inc. cannot be successfully completed, and that therefore the proposal submitted by Williams Brothers Construction Co., Inc. will not provide the apparent best value, the department is authorized to commence and complete discussions and negotiations with J.D. Abrams, L.P., 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:


Director, Strategic Projects Division

Recommended by:


Executive Director

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Minute

Date