

TEXAS TRANSPORTATION COMMISSION

EL PASO County

MINUTE ORDER

Page 1 of 2

EL PASO District

Transportation Code, Chapter 223, Subchapter E prescribes the process by which the Texas Department of Transportation (department) may enter into a comprehensive development agreement (CDA) with a private entity that provides for the design, development, financing, construction, maintenance, repair, operation, extension, or expansion of an eligible highway project.

On June 27, 2013, by Minute Order 113618, the Texas Transportation Commission (commission) authorized the department to issue an RFQ for the development of the Loop 375 Border Highway West Extension Project (Loop 375 BHW Project) from Racetrack Drive near Doniphan Road and New Mexico 273 (west to downtown) to US 54 (east of downtown), a distance of approximately 9 miles, in the City of El Paso.

The Loop 375 BHW Project will add capacity through the construction of two toll lanes in each direction from Racetrack Drive to the terminus of the existing Loop 375, in the vicinity of Santa Fe Street, a distance of approximately 7 miles. The Project will also include a two mile section at the eastern end of this facility that will incorporate several improvements to the existing segment of Loop 375 from Santa Fe Street to US 54. This project would improve safety and mobility, enhance system continuity, and accommodate projected growth throughout this southwest section of El Paso.

The Texas Department of Transportation received final environmental clearance and a Record of Decision on June 7, 2013.

The department issued the RFQ on July 26, 2013. Transportation Code, § 223.203 and 43 TAC § 27.4 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. The department intends to issue an RFP for the Loop 375 BHW Project and request detailed proposals from the four short-listed teams to develop, design, construct, and, potentially, maintain the project.

Transportation Code, § 223.203(m) and 43 TAC § 27.4(f) authorize the department to pay an unsuccessful private entity that submits a detailed proposal that is responsive to the requirements of the RFP a stipulated amount in exchange for the work product contained in that proposal. The stipulated amount must be stated in the RFP and may not exceed the value of any work product contained in the proposal that can, as determined by the department, be used by the department in the performance of its functions. Payment for this work product would allow the department to use the work product for the benefit of the Loop 375 BHW Project or other department projects without further payment to the unsuccessful proposer.

Transportation Code, § 228.051 provides that the commission, by order, may designate one or more lanes of a segment of the state highway system as a toll project or system.

IT IS THEREFORE ORDERED that the department is authorized to issue an RFP to develop, design, construct, and maintain the Loop 375 BHW Project.

IT IS FURTHER ORDERED that the department is authorized to pay each proposer that submits a responsive, but unsuccessful, proposal for the Loop 375 BHW Project an amount based upon the value of the work product provided in the proposal that can, as determined by the department, be used by the department in the performance of its functions, up to a maximum amount per proposer of \$950,000.

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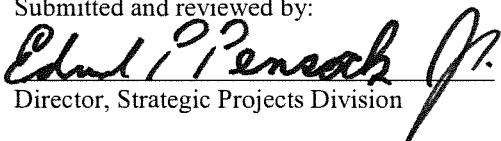
Page 2 of 2

EL PASO District

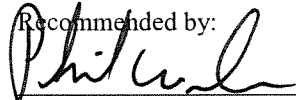
IT IS FURTHER ORDERED that payment for work product may only be paid to the extent that the work product submitted meets the minimum criteria and other conditions of payment identified by the department in the Loop 375 BHW Project procurement documents.

IT IS FURTHER ORDERED that the portion of the Loop 375 BHW Project from Racetrack Drive to the terminus of the existing Loop 375, in the vicinity of Santa Fe Street, in the City of El Paso is designated a toll project with tolls supporting the project by offsetting operations, maintenance and, potentially, some capital costs.

Submitted and reviewed by:


Director, Strategic Projects Division

Recommended by:


Executive Director

113741 OCT 31 13

Minute Date
Number Passed

Exhibit A
Loop 375 Border Highway West Extension
List of Proposer Teams and Their Equity Members

All teams noted below will be invited to submit a detailed proposal.

| <u>Proposer:</u> | <u>Score (Maximum 100)</u> |
|---|-----------------------------------|
| 1. Rio Bravo Developers, JV Equity Members <ul style="list-style-type: none">● Fluor Enterprises● Ames Construction, Inc.● Austin Bridge & Road, LP | 83.7 |
| 2. Camino Frontera Constructors, JV Equity Members <ul style="list-style-type: none">● Zachry Construction Corporation● Skanska USA Civil West Rocky Mountains District Inc. | 79.4 |
| 3. Abrams-Kiewit, JV Equity Members <ul style="list-style-type: none">● J.D. Abrams, L.P.● Kiewit Infrastructure South Co. | 77.7 |
| 4. Border Highway Mobility Partners Equity Members <ul style="list-style-type: none">● Walsh Infrastructure, LLC● Walsh Investors, LLC | 76.9 |

Exhibit B

Loop 375 Border Highway West Extension

