

TEXAS TRANSPORTATION COMMISSION

Tarrant 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 with a private entity that provides for the design, construction, expansion, extension, related capital maintenance, rehabilitation, alteration, or repair of a highway project.

On October 31, 2019, by Minute Order 115607, the Texas Transportation Commission (commission) authorized the department to issue a request for qualifications (RFQ) to design, construct, and maintain the Southeast Connector Project. The Project included non-tolled improvements to I-20 from Forest Hill Drive to Park Springs Boulevard, to I-820 from I-20 to Brentwood Stair Road, and to US 287 from Bishop Street to Sublett Road, in Tarrant County, Texas. The department issued the RFQ on January 17, 2020. Following the department's evaluation of the qualifications statements, the best qualified teams were short-listed and requested to submit detailed proposals to design, construct, and maintain 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 May 28, 2020, by Minute Order 115748, the commission authorized and directed the department to issue an RFP requesting detailed proposals from the short-listed teams to design, construct, and maintain the 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 design-build contract (DBC).

On November 20, 2020, the department issued the final RFP. On May 6, 2021, proposals were received from North Tarrant Infrastructure Southeast, South-Point Constructors and Tarrant Mobility Partners. All of the proposals were significantly over the amount of public funds available for the Project. It was determined that it was in the best interest of the state to issue revised RFP documents requesting a revised proposal and a Best and Final Offer (BAFO) from each proposer. Revised RFP documents were issued on September 21, 2021 and revised proposals and BAFOs were received from North Tarrant Infrastructure Southeast, South-Point Constructors and Tarrant Mobility Partners on October 7, 2021. A preliminary review of the technical proposals commenced on September 24, 2021 and a preliminary review of financial proposals commenced on September 27, 2021. From October 8, 2021 until November 9, 2021, the department evaluated the revised 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 consideration of performance evaluations prepared by the department in accordance with 43 TAC §9.152 and §27.3, and 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

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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: South-Point Constructors, North Tarrant Infrastructure Southeast, Tarrant Mobility Partners. The proposal submitted by South-Point Constructors was accordingly determined to provide the apparent best value.

IT IS THERFORE ORDERED by the commission that the determination that the proposal submitted by South-Point Constructors provides the apparent best value to the department is approved, and the department is authorized and directed to commence and complete negotiations with South-Point Constructors necessary to finalize the DBC and the corresponding capital maintenance contract (CMC) to design, construct and maintain the project in Tarrant 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 corresponding CMC are awarded to South-Point 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 South-Point Constructors cannot be successfully completed, and that therefore the proposal submitted by South-Point Constructors will not provide the apparent best value, the department is authorized to commence and complete discussions and negotiations with North Tarrant Infrastructure Southeast, the next highest-ranked proposer, with award to the next highest-ranked proposer subject to the terms and conditions in the immediately preceding paragraphs of this order.

Submitted and reviewed by:

Recommended by:

DocuSigned by: William L. Hale
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Chief Engineer

DocuSigned by: [Signature]
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Executive Director

116157 November 30, 2021

Minute Date
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