

TEXAS TRANSPORTATION COMMISSION

Harris County

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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 April 26, 2012, by Minute Order 113075, the Texas Transportation Commission (commission) authorized the department to issue a request for qualifications (RFQ) to develop, design, construct, finance, maintain, and operate the SH 288 Toll Lanes Project in Harris County from US 59 to a terminus at approximately the county line between Harris and Brazoria counties composed of four new tolled lanes (two lanes in each direction) within the existing median and adding up to eight new tolled direct connectors at Beltway 8 and may include a tolled connector to the Texas Medical Center (TMC connector) and reconstruction of the interchange at I-610. Additional main lanes may be included in the project in the future.

The department issued the RFQ on May 3, 2013 and subsequently determined that the three teams submitting qualifications statements in response to the RFQ were best qualified to be on the short list of teams that would be requested to submit detailed proposals to develop, design, construct, finance, maintain and operate the project.

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. On October 31, 2013, by Minute Order 113737, the commission authorized the department to issue an RFP requesting detailed proposals from the short-listed teams, and authorized a payment for the work product of each unsuccessful responsive proposer of up to \$950,000. On January 31, 2014, the department issued the RFP. The SH288 Toll Lanes Project, as defined in the final RFP, includes two tolled lanes in each direction, eight new tolled direct connectors at Beltway 8 and a TMC connector. No options were provided to increase the project scope beyond the base scope, but proposers were permitted to enhance the scope through alternative technical concepts (ATCs) proposed by each proposer and reviewed on a preliminary basis by the department prior to proposal submission.

On January 6, 2015 and January 27, 2015 technical and financial proposals, respectively, were received from Blueridge Transportation Group, SH 288 Mobility Alliance and SH 288 Mobility Partners for the development, design, construction, financing, maintenance, and operation, of the SH 288 Toll Lanes Project, including certain ATCs proposed by each proposer and reviewed on a preliminary basis by the department prior to proposal submission. From January 6, 2015 until February 20, 2015, the department evaluated the technical proposals from the proposers, and from January 27, 2015 until February 20, 2015, the department evaluated the financial proposals from the proposers.

The proposals were evaluated in the following categories: (1) Pass/Fail and Responsiveness; (2) Technical Score; and (3) Financial Score. The proposals were all evaluated on the basis of certain pass/fail and responsiveness criteria set forth in the RFP. The technical proposals were also evaluated in the categories of general project management, design-build management and technical solutions, and operations and maintenance management and technical solutions, using the qualitative ratings of meets minimum, fair, good, very good, and excellent. The technical proposals were assigned qualitative ratings and numerical scores for each evaluation subfactor. Points were assigned to the

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technical proposals based on those ratings and the weights of the individual evaluation subfactors, 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. The Financial Score is the Price Score added to the Termination for Convenience Fee Score. To arrive at the Price Score, points were assigned to the financial proposals using a formula that is based on the net present value of a concession payment offered by a proposer or the net present value of the public funds payment requested by a proposer as adjusted by an anchor price.

The Technical Score points assigned to the technical proposal were then added to the Financial Score points assigned to the financial proposal to determine the total number of points received by each proposal. The responsive proposal with the highest score was determined to be the apparent best value.

The evaluation and scoring of each proposal under the Technical Score and Financial Score categories resulted in the proposals being ranked as follows: Blueridge Transportation Group, SH 288 Mobility Partners and SH 288 Mobility Alliance. The proposal submitted by Blueridge Transportation Group was accordingly determined to provide the apparent best value.

IT IS THEREFORE ORDERED by the commission that the determination that the proposal submitted by Blueridge Transportation Group provides the apparent best value to the department is approved, and the department is authorized and directed to commence and complete negotiations with Blueridge Transportation Group necessary to finalize the comprehensive development agreement to develop, design, construct, finance, maintain and operate the SH 288 Toll Lanes Project.

IT IS FURTHER ORDERED that the comprehensive development agreement is awarded to Blueridge Transportation Group 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; (4) notification and information having been provided to the Legislative Budget Board, in accordance with Transportation Code § 371.052(b) and Riders 22 and 23, Pages VII-28 and VII-29, Chapter 1411, Acts of the 83rd Legislature, Regular Session, 2013 (the General Appropriations Act); (5) a determination by the Office of the Attorney General that the proposed comprehensive development agreement is legally sufficient, in accordance with Transportation Code, § 371.051; and (6) the mutual execution and delivery of the comprehensive development agreement by the executive director of the department and the developer.

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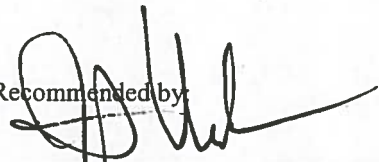
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IT IS FURTHER ORDERED that if the executive director determines that the negotiations with Blueridge Transportation Group cannot be successfully completed, and that therefore the proposal submitted by Blueridge Transportation Group will not provide the apparent best value, the department is authorized to commence and complete discussions and negotiations with SH 288 Mobility Partners, 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:

Katharine D. Neus, P.E.
Director, Strategic Projects Division

Recommended by:



Executive Director

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Minute
Number

Date
Passed