

Texas Transportation Commission

Minute Order

BRAZORIA and GALVESTON Counties, HOUSTON District

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 December 17, 2024, by Minute Order 116850, the Texas Transportation Commission (commission) authorized the department to issue a request for qualifications (RFQ) to design, construct, and maintain the State Highway (SH) 99 Grand Parkway Segment B-1 Design-Build Project (Project). The Project will increase capacity on a portion of Segment B-1 in Brazoria and Galveston counties through the construction of two tolled lanes in each direction along SH 99, from south of Farm to Market Road (FM) 2403 to FM 646, and certain non-tolled operational improvements along SH 99 and SH 35, including around the SH 35/SH 99 interchange. The department issued the RFQ on January 3, 2025. 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. In Minute Order 116626, dated January 17, 2024, the commission designated Segment B-1 as a toll project on the state highway system.

Transportation Code §223.246 and 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 April 24, 2025, by Minute Order 116930, 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 September 5, 2025, the department issued the final RFP.

On February 26, 2026, proposals were received from Ferrovia Construction-Webber 99, Fluor Enterprises, Inc., and WBCCI, LLC. From February 26, 2026, until April 22, 2026, the department evaluated the technical, financial, and price proposals received 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: (1) consideration of performance evaluations prepared by the department in accordance with 43 TAC §9.152 and §27.3, (2) other performance evaluations as deemed relevant by the department, and (3) oral presentations given by each proposer in response to department-developed questions seeking to clarify information provided in proposers' technical proposals. 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:

Ferrovial Construction-Webber 99, WBCCI, LLC., and Fluor Enterprises Inc. The proposal submitted by Ferrovial Construction-Webber 99 was accordingly determined to provide the apparent best value.

IT IS THEREFORE ORDERED by the commission that the determination that the proposal submitted by Ferrovial Construction-Webber 99 provides the apparent best value to the department is approved, and the department is authorized and directed to commence and complete negotiations with Ferrovial Construction-Webber 99 necessary to finalize the DBC and the corresponding capital maintenance contract (CMC) to design, construct, and maintain the Project, 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 Ferrovial Construction-Webber 99 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 Ferrovial Construction-Webber 99 cannot be successfully completed, and that therefore the proposal submitted by Ferrovial Construction-Webber 99 will not provide the apparent best value, the department is authorized to commence and complete discussions and negotiations with WBCCI, LLC., 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:

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Director, Alternative Delivery Division

Recommended by:

DocuSigned by:



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Executive Director

Minute Order Number and Date Passed

117165 April 30, 2026