

## TEXAS TRANSPORTATION COMMISSION

VARIOUS Counties

**MINUTE ORDER**

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VARIOUS Districts

Subchapter F, Chapter 223, Transportation Code 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 estimated construction costs of \$50 million or more.

On July 25, 2013, by Minute Order 113648, the Texas Transportation Commission (commission) authorized the department to issue a request for qualifications (RFQ) to design, construct, reconstruct, rehabilitate, and/or repair the Energy Sector Roadway Repair Project (Project), which includes identified roadways in the Corpus Christi, Yoakum, Laredo, and San Antonio Districts of the department. The department issued the RFQ on August 2, 2013. Seven proposer teams responded to the RFQ. On September 23, 2013, following the department's evaluation of those submissions, four proposer teams were determined to be best qualified to design, construct, reconstruct, rehabilitate and/or repair 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. The department intends to issue an RFP for the project and request detailed proposals from the short-listed teams to design, construct, reconstruct, rehabilitate and/or repair the project.

Transportation Code § 223.249 and 43 TAC § 9.153(f) require 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 project or other department projects without further payment to the unsuccessful proposer. Transportation Code § 223.249 and 43 TAC § 9.153(f) require the department to pay a partial stipend in the event that a procurement is terminated before the execution of a design-build contract.

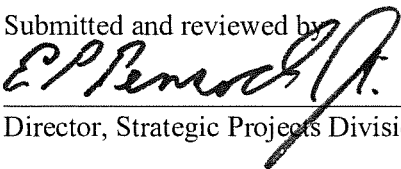
**IT IS THEREFORE ORDERED** that the department is authorized to issue a request for proposals to design, construct, reconstruct, rehabilitate and/or repair the Energy Sector Roadway Repair Project.

**IT IS FURTHER ORDERED** that, after consideration of the criteria in 43 TAC § 9.153(f), the department is authorized to pay each proposer that submits a responsive, but unsuccessful, proposal for the 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 0.25% of the successful proposer's price for all work under the design-build agreement.

IT IS FURTHER ORDERED that, after consideration of the criteria in 43 TAC § 9.153(f), in the event the procurement is terminated prior to the execution of the design-build agreement, the department is authorized to pay each proposer a partial stipend based upon the value of the work product 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 \$125,000.

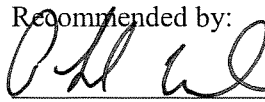
IT IS FURTHER ORDERED that payment for work product may only be paid to the extent that the work product submitted meets the minimum criteria and the proposer satisfies the conditions for payment identified by the department in the Energy Sector Roadway Repair Project procurement documents.

Submitted and reviewed by



Director, Strategic Projects Division

Recommended by:



Executive Director

**113709 SEP 26 13**

Minute	Date
Number	Passed

## **Exhibit A**

### **Energy Sector Roadway Repair Project**

#### **List of Design-Build Proposer Teams and Their Equity Members**

- 1. Austin-Angel, JV**  
Equity Members
  - Austin Bridge and Road, L.P.
  - Angel Brothers Enterprises, LTD
  
- 2. Hunter Anderson Joint Venture**  
Equity Members
  - Hunter Industries, Ltd.
  - Anderson Columbia Co., Inc.
  
- 3. James Construction Group, LLC**  
Equity Members
  - James Construction Group, LLC
  
- 4. JD Abrams, L.P.**  
Equity Members
  - JD Abrams, L.P.
  
- 5. Kiewit Infrastructure South Co.**  
Equity Members
  - Kiewit Infrastructure South Co.
  
- 6. OHL USA, Inc.**  
Equity Members
  - OHL USA, Inc.
  
- 7. Zachry-Parsons Eagle Ford Infrastructure Partners**  
Equity Members
  - Zachry Construction Corporation
  - Parsons Transportation Group, Inc.

**Exhibit B**  
**Energy Sector Roadway Repair Project**  
**Short List of Most Qualified Teams**

<b><u>Proposer:</u></b>	<b><u>Score (Maximum 100)</u></b>
<b>1. Hunter Anderson Joint Venture</b>	85.80
Equity Members	
• Hunter Industries, Ltd.	
• Anderson Columbia Co., Inc.	
<b>2. Kiewit Infrastructure South, Co.</b>	82.00
Equity Members	
• Kiewit Infrastructure South Co.	
<b>3. Austin-Angel, JV</b>	78.40
Equity Members	
• Austin Bridge and Road, L.P.	
• Angel Brothers Enterprises, LTD	
<b>4. Zachry-Parsons Eagle Ford Infrastructure Partners</b>	78.05
Equity Members	
• Zachry Construction Corporation	
• Parsons Transportation Group, Inc.	