US 290 Design-Build (DB) Project
PROJECT DEVELOPMENT STATUS AND PROCUREMENT PROCESS SUMMARY
October 30, 2026

PROJECT DEVELOPMENT STATUS

US 290 Design-Build (US290 DB) Project Description:

- The Texas Department of Transportation (TxDOT) is considering using a Design-Build (DB) contract as the delivery method for the US290 DB Project (Project). This alternative delivery method shares risks associated with the design and construction with the DB Contractor.
- Proposed improvements for the Project include design and construction of the US 290 and SH 36 Interchange in Brenham, Texas. The proposed Project includes realigning and reconstructing four mainlanes and maintaining effectiveness of hurricane evacuation routes. It also includes construction of ramps, bridges, and intersections; improved existing frontage roads and conversion from two way to one way; and bicycle and pedestrian facilities.
- The project build alternative under consideration includes:
  - Constructing direct connector ramps associated with the reconstructed US 290 and SH 36 interchange,
  - Construction of US 290 from approximately 1.2 miles East of FM 2679 to approximately FM 389.
- TxDOT is in the planning phase for additional segments, US 290 West and US 290 South, which connect to the Project limits on either end of US 290 (both west and south). Improvements may consist of general-purpose lanes, ramps, connectors, frontage roads, and side street construction. To prevent any of TxDOT's Design-Bid-Build (DBB) Contractors and DB Contractor from working in the same footprint, TxDOT will define the limits of construction and proposed transition limits for the US 290 Interchange DB Contract (DBC).
- The Project will include a five-year Performance Warranty
  - Performance Warranty will begin at Final Acceptance
  - Project limits included in the Performance Warranty will be determined jointly by TxDOT and DB Contractor based upon DB Contractor's Final Design prior to Final Acceptance.

Project Estimate

- The DB cost estimate was updated in March 2026 based on the schematic design and reflecting current economic conditions.
- The estimated design-build cost is $360 million, including risk-based contingencies and inflation on the Project. See table below:

Categories	Estimated Costs
Professional Services	$39,000,000
ROW and Utilities	$11,000,000
Construction	$310,000,000

- TxDOT will continue to monitor the DB cost estimate throughout the pre-procurement and procurement.

Project Funding:

- The Project is funded using Categories 3DB and 4 with Unified Transportation Program (UTP) updates approved in August 2024 and 2025.
- Should additional adjustments to funding be identified, TxDOT will submit subsequent UTP updates.

Project Schedule:

- A time determination schedule was prepared in November 2025 and revised in March 2026 based upon the Project description above and reflected in the latest Schematic Design.
- TxDOT anticipates a total of 1,421 Days from Notice to Proceed 1 (NTP1) to Substantial Completion.
- Project milestones, incentives/disincentives, or other time and schedule implications may be considered to accelerate the delivery of the Project.

Environmental Approvals:

- Project Finding of No Significant Impact (FONSI) was approved on March 4, 2024.
- TxDOT has prepared a Reevaluation # 1 which was approved June 14, 2025.
- TxDOT has prepared a Reevaluation # 2 which was approved December 17, 2025.
- Asbestos and lead investigations on all existing structures were conducted with the summary of findings included in the Reference Information Documents (RIDs).
- TxDOT will clear the project with the U.S. Army Corps of Engineers (USACE). TxDOT anticipates the project can be constructed under the USACE 404 Standard non reporting nationwide 14 permit and TxDOT will

provide the Pre-construction Notification (PCN).

Potential Grave Site

- A potential grave site has been identified within the Project limits. The approximate location of the potential grave can be found in the Cemetery Site Exhibit provided in the RIDs.
- TxDOT has performed preliminary investigations at the location outlined in the exhibit. The archeological survey report dated March 2025 can be found in the RIDs.
- DB Contractor's responsibilities related to the potential grave site can be found in the Draft DBC Term Sheet.

Schematic Design:

- The environmentally approved schematic was completed in June 2023. Design refinements have been made to the environmentally approved schematic. The current schematic with design refinements is dated August 26, 2026 and is provided in the RIDs.
- TxDOT performed topographic and right of way (ROW) survey supporting the schematic. Topographic survey information is included in the RIDs.
- TxDOT completed a Final Drainage Report, H&H models, and design files for the Project and are included in the RIDs.
- TxDOT will use the Visual and Aesthetics Treatments guidelines developed for the Project. These guidelines are provided in the RIDs.

Right of Way:

- TxDOT will acquire all 85 schematic ROW parcels.
- As of October 2026, 66 parcels are acquired out of the total 85 parcels to be acquired in fee. A general ROW table acquisition status is provided below:

Parcel	**Status**
Total Number of Parcels (In Fee)	85
Total Parcels "Acquired"	66
Parcels "Acquired and Ready for Construction"	48
Parcels "Acquired and Pending Relocation"	18
Parcels "In Negotiations"	0
Parcels in "ED Proceedings"	11
Parcels in "ED Proceedings with a PUA"	8

- TxDOT anticipates the acquisition of all Schematic ROW by the issuance of NTP1.

- TxDOT completed a preliminary ROW map in September 2022. Final ROW maps will be available to shortlisted proposers once monumentation is complete.
- DB Contractor will be responsible for acquiring parcels outside the Schematic ROW, any necessary drainage or temporary construction easements, and needs for DB Contractor utility relocation.

Railroad:

- There is one Burlington Northern Santa Fe (BNSF) crossing, the Galveston Subdivision, approximately 200 feet south of the southern limits of the project. The type of crossing includes TxDOT bridge over track.
- The scope of work is anticipated to be temporary traffic control on the TxDOT bridge.
- TxDOT has coordinated with BNSF and has an approved notification for traffic control for the Project included in the RIDs.

Utility Information, Coordination, and Relocation:

- TxDOT has completed a draft utility inventory matrix and is provided in the RIDs. This inventory will be updated as the design progresses.
- Existing Subsurface Utility Engineering (SUE) Data, where available, is provided in RIDs.
- TxDOT will coordinate with City of Brenham (COB) for commitment on COB utilities.
- TxDOT issued a Request for Information (RFI) to offerors to identify potential additional Level A SUE investigations to be performed by TxDOT. Any additional SUE information will be completed by the issuance of the Final Request for Proposals (RFP).
- A final utility conflict matrix (UCM), utility exhibit, and Level A and B SUE information for limited locations is anticipated to be completed by issuance of the Final RFP.
- TxDOT is coordinating with Energy Transfer for the pipeline to remain in place. Requirements regarding protecting in place will be included in the Final RFP.
- The utility and the utility owners that have been identified within the Project limits are listed in the table below:

Utility Owners	Utility Facility Type
City of Brenham	Sanitary Sewer, Water, Gas, and Electric Distribution
Bluebonnet Electric	Electric Distribution
Central Washington County WSC	Water
Energy Transfer	Natural Gas Pipeline
AT&T Texas	Telecommunications
Altice/Suddenlink	Telecommunications
Lumen/CenturyLink	Telecommunications
Comcast	Telecommunications

Geotechnical Information:

- TxDOT completed an Initial, Final Geotechnical Investigation Report in April 2025 and is provided in the RIDs.
- TxDOT is performing additional geotechnical investigations, based on the TxDOT Geotechnical Manual - LRFD, anticipated completion date is December 2026. Once completed, TxDOT will provide a Final Geotechnical Investigation Report in the RIDs.
- TxDOT issued an RFI to offerors to identify potential locations for additional geotechnical investigations to be performed by TxDOT. Any additional investigations will be included in the Final Geotechnical Investigation Report and made available by Final RFP.
- A Final Pavement Design Report was completed October 2025 and is provided in the RIDs.

Adjacent Projects:

- TxDOT does not anticipate any additional project to be active within the vicinity of the Project during the duration of the proposed design-build project.

Agreements:

City of Brenham – A Standard Utility Agreement (SUA) TxDOT anticipates entering into a SUA for the Project. Once completed, TxDOT will provide the SUA in the RIDs.

PROCUREMENT PROCESS SUMMARY

The Texas Department of Transportation has conducted a pre-procurement partnering industry workshop and subsequent one-on-one meetings to familiarize potential offerors with the scope of the Project, status of project development activities, anticipated procurement process, and certain key elements of the DB procurement. The goal of the pre-procurement process was to solicit interest in the Project and to present this information to industry partners and receive feedback from industry partners on the Project and procurement.

Pre-Procurement Schedule:

Jan-2026	Pre-Procurement Industry Partnering Workshop
May-2026	Pre-Procurement Partnering One-on-One Meetings

The Texas Department of Transportation will conduct a two-phase DB procurement, consisting of issuing a Request for Qualifications (RFQ), evaluation of Qualifications Statements (QS), and determining a shortlist of qualified proposers followed by issuing a Request for Proposals (RFP), evaluation of proposals, and Conditional Award to a best value proposer.

Procurement Schedule:

Dec-2026	Commission Action/Issue RFQ
Jan-2027	Issue RFQ
Mar-2027	QS Due Date
May-2027	Commission Action/Issue RFP
Jun-2027	Issue Draft RFP
Aug-2027	Issue Final RFP
Jan-2028	Proposal Due Date
Mar-2028	Commission Action/Conditional Award
Jun-2028	Contract Execution/Notice to Proceed 1

Procurement Project Objectives:

The purpose of the US290 DB Project is to improve the US 290 interchange in the Brenham area. This project aims to enhance connectivity, improve traffic flow, and manage congestion within the existing cloverleaf system; therefore, the following objectives have been developed for the Project:

- Improve overall mobility, operational efficiency, safety, accessibility, and emergency response within the Project area by providing additional capacity to meet current and future travel demands;
- Implement and clearly communicate to the public a Project traffic control plan that minimizes travel delays during construction and maintenance;
- Construct a resilient highway system that functions during extreme

weather events and to reduce flooding in the Project area;
- Maintain a safe environment for the public and Project personnel, including the provision of escape routes for hurricanes, flooding, etc.;
- Complete the Project on schedule, on budget, and to the highest degree of quality possible to optimize the operational life cycle performance of the Project;
- Ensure that the Project respects and preserves the local environment by minimizing any negative impacts, contributing to air quality attainment goals in the region, and fulfilling the commitments made in the environmental evaluations;
- Serve and preserve the neighborhoods and businesses along the corridor while enhancing connectivity;
- Ensure continuous communication and maintain commitments to the public and stakeholders throughout Project delivery;
- Minimize the impacts to utilities within the Project right of way; and
- Meet or beat a Substantial Completion of 1,421 days after issuance of NTP1.

Disadvantaged Business Enterprise (DBE) Requirements:

- On March 30, 2026, TxDOT began the reevaluation process for all DBE firms listed in the DBE/ACDBE directory at that time to address the Interim Final Rule issued by USDOT on October 3, 2025.
- There are currently no DBE goals established for the Project; however, it is anticipated that there will be separate DBE goals for professional services and construction services that will be set forth in the Final RFP.
- For additional information regarding the DBE program, please visit the TxDOT website at: https://www.txdot.gov/business/disadvantaged-small-business-enterprise/additional-details-on-dbe-interim-final-ruling.html

RFQ Organization of QS:

- Section A – Executive Summary – 3 pages.
- Section D – Proposer Information/Team Experience/Management Structure – 6 pages total;
  2 org charts; org charts limited to 1 per page.
- Section F – Statement of Technical Approach – 6 pages.

RFQ Qualifications Evaluation Criteria and Weighting:

- Each responsive QS will be evaluated and scored according to the criteria set forth below:
  - Project Qualifications and Experience (40% Weighting)

    The background and experience of the Proposer, each team member, and Key Personnel with developing, designing, fabricating, constructing, and maintaining comparable projects will be evaluated in accordance with the following criteria:

    (a) The extent, depth, strength, and likelihood of success of the Proposer's and each team member's experience with designing comparable projects (4 points);

    (b) The extent, depth, strength, and likelihood of success of the Proposer's and each team member's experience with constructing comparable projects (4 points);

    (c) The extent, depth, strength, and likelihood of success of the Proposer's and each team member's experience with performing quality assurance on comparable projects (4 points);

    (d) The stability, strength, and likelihood of success of the Proposer's management structure and team, and the extent to which the Proposer's teaming approach will facilitate the development, support, and provision of meaningful opportunities to firms with limited or no prior design-build experience (5 points);

    (e) The strength and depth of experience of the following Key Personnel for the Project (23 points)

    i) Project Manager (6 points);

    ii) Construction Manager (5 points);

    iii) Design Manager (5 points);

    iv) Lead Maintenance of Traffic ("MOT") Design Engineer (4 points);

    v) IQF Manager (3 points).

  - Statement of Technical Approach (50% Weighting)

    The Statement of Technical Approach will be evaluated in accordance with the following criteria:

    (a) The extent to which the Statement of Technical Approach demonstrates a full understanding of the Project's scope and complexity (15 points);

    (b) The extent to which the Statement of Technical Approach demonstrates a complete understanding of Project risks and potential solutions, regardless of ownership of such risks, which may arise during all Project phases (20 points);

    (c) The extent to which the Statement of Technical Approach

demonstrates the ability to plan, organize and execute the independent quality assurance program to ensure the quality of the work meets or exceeds the Project requirements, including by having sufficient quality assurance personnel at all times (15 points); and

- Safety Qualifications (10% Weighting)

  The safety qualifications of the Proposer will be evaluated to assess the strength and consistency of the Proposer's safety records, as demonstrated by:

  (a) Fatal injury rate ("FIR") per 100,000 full-time workers (2.5 points);

  (b) Incidence rate ("IR") of injury and illness cases per 100 full-time workers (2.5 points);

  (c) National Council on Compensation Insurance ("NCCI") experience modifier or (solely if the state in which the relevant entity is incorporated is a non-NCCI participant) the state of incorporation insurance board experience modifier (2.5 points); and

  (d) The extent to which the narrative demonstrates the Proposer's overall safety culture and experience implementing safety programs on comparable projects (2.5 points).

- Oral presentations will not be used.

RFQ Key Personnel:

- *Project Manager* - Responsible for overall design, construction, maintenance, contract administration, safety, and environmental compliance on behalf of the DB Contractor for the Project.
  - Must have recent experience managing the construction of projects with a similar level of complexity, and experience in project management on at least two projects of similar level of complexity.
  - Individual shall be assigned to the Project full-time and co-located/on-site until Final Acceptance.
- *Construction Manager* - Responsible for ensuring that the Project is constructed in accordance with the Project requirements. Responsible for managing the DB Contractor's construction personnel, scheduling of the construction quality acceptance personnel, and administering all construction requirements of the DBC.
  - Must have demonstrated construction management experience on projects of similar level of complexity including experience in coordinating with relevant regulatory agencies.
  - Individual shall be assigned to the Project full-time and co-located/on-site from NTP1 until Final Acceptance.

- *Design Manager* - Responsible for ensuring that the overall Project design is completed, and design criteria requirements are met. Responsible for managing the DB Contractor's design personnel and administering all design requirements of the DBC.
  - Must be a Professional Engineer* with demonstrated experience in managing the design of similar highway improvement projects, including experience leading multi-disciplinary teams. Must have experience on at least one project of similar level of complexity.
- *Lead Maintenance of Traffic (MOT) Design Engineer* - Responsible for ensuring the MOT plans are prepared in accordance with the DBC Documents. Will work with the Lead MOT Manager to coordinate with TxDOT, DB Contractor, and appropriate Governmental Entities.
  - Must be a Professional Engineer* with relevant experience overseeing the development of MOT plans during the design or construction phase of highway projects of similar level of complexity as the Project.
- *Independent Quality Firm (IQF) Manager* - Responsible for managing the quality assurance program for the construction work and performing independent quality assurance material testing and inspection in accordance with the DBC Documents and performing audits of the Construction Quality Management Plan (CQMP).
  - Must have experience in quality management, including preparation and implementation of quality plans and procedures in construction;
  - Must have worked on a project of similar level of complexity;
  - Must be a Professional Engineer*;
  - Must be an employee of the IQF and organizationally independent of direct scheduling and production activities;
  - Reports directly and jointly to TxDOT and the DB Contractor's management team; does not report to any individual directly responsible for design or construction production;
  - Must be co-located and on-site from the commencement of construction activities until Final Acceptance; and
  - Has the authority to stop work.

RFP Required Personnel:

- *Professional Services Quality Manager* - Responsible for the management and implementation of both the quality control and assurance functions as described in the professional service quality management plan. Individual will report quality assurance reviews jointly to TxDOT's and the DB Contractor's executive management teams and have authority to stop Work.
  - Must be a Professional Engineer* with relevant professional services quality assurance management experience on projects of similar level of complexity; and

  - Must be independent of direct supervising, production, or scheduling of professional services activities.
- *Construction Quality Control Manager* - Responsible for managing the quality control program of the construction work in accordance with the DBC Documents and the CQMP.
  - Must have experience on projects of similar level of complexity;
  - Must have relevant construction quality control management experience on projects of similar type and scope;
  - Must be assigned to the Project full time;
  - Reports directly to the DB Contractor's management team and organizationally independent of scheduling or production activities;
  - Must ensure that the methods and procedures contained in the approved CQMP are implemented and followed by the DB Contractor and Subcontractors in the performance of the work; and
  - Has the authority to stop work.
- *Utility Manager* - Responsible for leading utility coordination efforts on behalf of the DB Contractor.
  - Must have experience managing utility coordination and adjustments for transportation projects of similar level of complexity.
  - Assigned to the Project full time. TxDOT prefers that the Utility Manager be an employee of an Equity Member or Major Participant.
  - Must have decision making authority regarding utility issues that affect the Project schedule. Shall be authorized by the DB Contractor to approve all financial and technical modifications associated with utility adjustments and modifications to the utility agreements.
  - In addition to the other entities identified in the RFQ that are permitted to employ Key Personnel, the Utility Manager may be employed by a subcontractor (at any tier) to either the DB Contractor or the Lead Contractor.
- *Lead MOT Implementation Manager* - Responsible for ensuring the MOT plans are adhered to during implementation; working with the Lead MOT Design Engineer, and utility companies/contractors to implement and manage the Project MOT, including identifying and coordinating design changes; and coordinating with TxDOT, DB Contractor, and appropriate Governmental Entities.
  - Must have relevant experience overseeing the implementation of MOT plans during the construction phase of highway projects similar level of complexity as the Project. Shall report jointly to the Construction Manager and TxDOT. Shall have the authority to stop Work.

** Professional Engineers must be licensed in the State of Texas, or become licensed in the State of Texas, prior to execution of the DBC.*

Note: Projects of similar level of complexity are not required to have utilized an alternative delivery method for project delivery and implementation, unless specifically required. Projects of similar level of complexity include large transportation infrastructure projects in an urban environment.

RFQ Organizational Conflicts of Interests:

Section 9.155 *et seq.* of the Rules regarding organizational conflicts of interest and 23 C.F.R. § 636.116 apply to this Project. Proposers are advised that these Rules may preclude certain firms and their divisions and affiliates from participating on a Proposer team. Proposers should refer to the Rules for more detail and for the definitions of certain terms used below.

Firms that are prohibited from proposing or joining a Proposer team include, but are not limited to:

a) Firms that are providing "preliminary engineering and architectural services" for the Project or have provided such services will be prohibited unless TxDOT has issued a written determination that all work product prepared by the firm and other information and data provided to the firm in the performance of services has been or will be made available to all Proposers prior to the issuance of the final RFP:

- DCCM, LLC (previously Binkley & Barfield, Inc.)
- GeoTerra Surveying & Mapping, LLC
- Geotest Engineering
- Gorrondona and Associates, Inc.
- HDR Engineering, Inc.
- JLL Valuation & Advisory Services
- LJA Engineering, Inc.
- PAS Property Acquisition Services, LLC
- Postmodern Global Solutions, LLC
- Rials Appraisal, Review and Consulting
- Rutherford Real Estate

b) Firms that are providing or have provided "environmental services" for the Project will be prohibited unless TxDOT has issued a written determination that the firm is not prohibited:
- Stantec, Inc. (previously Cox|McLain Environmental Consulting, Inc.)

c) Firms that are providing or have provided "procurement services" or "financial services" for the Project will be prohibited:

- AtkinsRéalis USA, Inc.
- Beyond Engineering and Testing, LLC
- BGE, Inc.
- Ernst & Young Infrastructure Advisors, LLC
- Foresight Planning & Engineering Services, LLC
- G Sylva, LLC
- HG Consult, Inc.
- Hollaway Environmental and Communication Services, Inc.
- HVJ Associates, Inc.
- Infratech Engineers & Innovators, LLC
- Johnson, Mirmiran & Thompson, Inc.
- KPMG
- LJA Engineering, Inc.
- LJA Program Management, LLC
- Mayer Brown, LLP
- Nossaman, LLP
- Omega Engineers, Inc.
- RS&H, Inc.
- Surveying and Mapping, LLC
- Surveying and Mapping – Construction Services, LLC
- Tam Consulting Services, LLC
- VRX, Inc.
- Weisser Engineering CO, Inc.
- WSB & Associates, Inc.

If a firm listed in category (a) above wishes to be a Proposer, or an equity owner, team member, consultant or subconsultant of or to a Proposer for the Project, or to have a financial interest in any of the foregoing entities with respect to the Project, then the firm (including, as applicable, any of its subconsultants) should submit to TxDOT all work product prepared by the firm (including, as applicable, any of its subconsultants) for the Project and any other information and data provided to the firm (including, as applicable, any of its subconsultants) by TxDOT in the performance of its work on the Project. TxDOT will decide, in its sole discretion, whether to make those materials available to all Proposers prior to the issuance of the final RFP for the Project. If TxDOT decides to make the materials available, TxDOT will inform the firm of its eligibility to be on a Proposer team.

If a firm listed in category (b) above wishes to be a Proposer, or an equity owner, team member, consultant or subconsultant of or to a Proposer for the Project, or to have a financial interest in any of the foregoing entities with respect to the Project, then the firm should submit to the TxDOT Executive Director a request for a determination whether participation in the Project or the performance of particular services with respect to the Project would constitute a conflict of interest, or for approval of an exception to the applicability of the conflict of interest rules, as permitted by 43 T.A.C. § 9.155(c)(9).

Proposers are advised that other TxDOT consultants working on the Project may have an organizational conflict of interest. Proposers are encouraged to review the Rules and discuss potential conflicts of interest with prospective team members. By submitting its QS, each Proposer agrees that it has no organizational conflict of interest or potential organizational conflict of interest, and if an organizational conflict of interest or potential organizational conflict of interest is thereafter discovered, the Proposer must make an immediate and full written disclosure to TxDOT that includes a description of the action that the Proposer has taken, or proposes to take, to avoid or mitigate such conflicts. If an organizational conflict of interest that the Proposer knew, or should have known about, but did not disclose is determined to exist during the procurement process, TxDOT may, at its discretion, disqualify the Proposer or terminate the DBC and CMC. Proposers are also advised that TxDOT's policy is in addition to applicable federal and state law. Such applicable law will also apply to Proposer teams and teaming and may preclude certain firms and their related entities from participating on a Proposer team.

<u>RFP Total Proposal Score:</u>

- The best value determination will be based on an 80-20-point scale.
- The Price Score will represent up to 80 points of the total score.
  - Price Score = (Lowest Price Value / Price Value) * 80
    - Lowest Price Value = the lowest Price Value submitted by a Proposer pursuant to Section 5.5 of the Instructions to Proposers (ITP)
    - Price Value = Proposer's Price Value as determined pursuant to Section 5.5 of the ITP
- The Technical Score will represent up to 20 points of the total score.
    - Technical Score = [Project Management Score + Quality Management Score + Design, Construction and Maintenance (DCM) Plan Score] (maximum 100) * 0.20

- The determination of apparent best value shall be based on the highest Total Proposal Score computed based on the following formula:
  - Total Proposal Score (max. 100 points) = Price Score (max. 80 points) + Technical Score (max. 20 points).

Key Personnel Change Fees / Key Personnel Unavailability Liquidated Damages (LDs):

- The table below represents the anticipated Key Personnel change fees for the project.

POSITION	KEY PERSONNEL CHANGE FEES FROM NTP1 TO 40% PROGRESS	KEY PERSONNEL CHANGE FEES FROM 40% TO 80% PROGRESS	KEY PERSONNEL CHANGE FEES FROM 80% TO FINAL ACCEPTANCE
Project Manager	$90,000	$90,000	$45,000
Construction Manager	$70,000	$70,000	$35,000
Design Manager	$50,000	$25,000	$10,000
Independent Quality Firm Manager	$80,000	$80,000	$40,000
Lead MOT Design Manager	$20,000	$10,000	$5,000

- The table below represents the anticipated Key Personnel Unavailability LDs for the project.

POSITION	KEY PERSONNEL UNAVAILABILITY LIQUIDATED DAMAGES (per day)
Project Manager	$16,000
Construction Manager	$13,000
Design Manager	$9,000
Independent Quality Firm Manager	$14,000
Lead MOT Design Manager	$5,000

- Change fees are not applicable if such individual is unavailable due to death, retirement, injury or no longer being employed by the applicable DB Contractor-Related Entity. Additional information regarding the

applicability of fees and LDs can be found in Section 8.3 of the DB General Conditions.

Liquidated Damages for Delays to Achieving Project Completion and Early Completion Incentive:

- TxDOT anticipates the following amounts for LDs and an early completion incentive:
  - Liquidated Damages for failure to meet the Substantial Completion Deadline: $48,000 (per day).
  - Liquidated Damages for failure to meet the Final Acceptance Deadline: $9,300 (per day).
  - Early Completion Incentive for achieving the Substantial Completion prior to the date listed in the executed DBA: $48,000 (per day).
- Liquidated damages are capped at a maximum of 365 days.
- Incentives are capped at a maximum of 180 days.

Proposal, Payment and Performance Bonds:

- TxDOT anticipates the following bond amounts:
  - Proposal bond in the amount of $15 million.
  - Payment and Performance Bonds in the amount of $15 million.
- NTP1 Maximum Payment will not exceed the established payment and performance bond amount.
- Additional information related to bonds can be found in the Draft DBC Term Sheet.

Alternative Technical Concepts (ATCs):

- The Schematic Design represents the Basic Configuration. TxDOT highly encourages the use of ATCs as part of the Proposer's overall Proposal that reduce cost, improve safety, quality, operation or construction while providing an equal or better solution.
- In general, TxDOT anticipates the ATC approach will include, but not be limited to the following:
  - TxDOT **will not** preclude ATCs that:
    - Flip an underpass to an overpass or change an overpass to be an underpass;
    - Include additional scope items that increase overall operations or capacity;
    - Require any deviation from Lane Closures for short periods of time; or
    - Improve the overall operational safety along US 290 and the direct connector ramps.

- TxDOT anticipates precluding ATCs that:
  - Negatively impacts access to adjacent parcels or businesses;
  - Reduces the number of lanes, lane and shoulder widths, or shared use path;
  - Violate any commitments listed in the Project's environmental documents; or
  - Uses superseded TxDOT design standards.