

**Texas Department of Transportation  
Toll Operations Division**

**Volume I**

**Instructions to Proposers for  
Statewide Toll System Integration and  
Maintenance**

**Draft: September 30, 2011**

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## **INSTRUCTIONS TO PROPOSERS**

### **(Request for Proposals: Statewide Toll System Integration and Maintenance)**

## **SECTION 1.0 INTRODUCTION AND GENERAL PROVISIONS**

### **1.1 Introduction**

This document comprises the Instructions to Proposers (“ITP”), Volume I of the Request for Proposals (“RFP”), dated [November 18, 2011], issued by the Texas Department of Transportation (“TxDOT”), an agency of the State of Texas (“State”). This RFP solicits competitive proposals (individually “Proposal” and collectively “Proposals”) for Statewide Toll System Integration and Maintenance as further described below.

The form of the proposed Agreement is included in Volume III of the RFP. The Proposal must meet all Agreement requirements, including those detailed in the Technical Provisions. The form of Agreement is subject to change at TxDOT's discretion based on final negotiations with the selected Proposer.

Proposers must comply with this ITP during the procurement and in their Proposals in response to the RFP. Proposers shall also take the Project goals identified in Section 1.4 below into consideration when drafting their Proposals.

This procurement falls under the statutory authority of Texas Transportation Code, §228.052, which authorizes TxDOT to enter into an Agreement with one or more persons to provide personnel, equipment, systems, facilities, and services necessary to operate a toll project or system, including the operation of toll plazas and lanes and customer service centers and the collection of tolls. The Texas Transportation Commission (Commission) has promulgated rules located at Title 43, Texas Administrative Code (TAC), §27.83, governing the requirements for soliciting proposals to operate a TxDOT toll project or system.

### **1.2 Title VI Assurance**

TxDOT, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4, hereby notifies all Proposers that it will enforce compliance with this law, investigate alleged violations, and affirmatively ensure that in any Agreement entered into pursuant to TxDOT procurements, minority business enterprises will be afforded full opportunity to submit Proposals and will not be discriminated against on the grounds of race, color, national origin, sex, age, or disability in consideration for an award.

Non-discrimination programs require that federal-aid recipients, sub-recipients, and contractors prevent discrimination and ensure non-discrimination in all of their programs and activities, whether those programs are federally funded or not.

### 1.3 Environmental Impact

It is the intent of TxDOT to purchase goods, equipment, and services having the least adverse environmental impact within the constraints of statutory purchasing requirements, departmental need, availability, and sound economical considerations in accordance with 34 TAC §20.38.

### 1.4 TxDOT Goals

The goal of this procurement is to collect toll revenue with a highly effective open road toll collection process and to reduce costs through efficient maintenance processes and proven technical applications. This includes costs associated with the maintenance of both mixed-mode (cash and electronic) and open road toll facilities.

### 1.5 Scope of Work

#### 1.5.1 Compliance with Law and Other Standards

The Proposer shall provide the specified service requirements in accordance with all applicable federal and state laws, standards, rules, and regulations, including, but not limited to:

1. Texas Transportation Code, Chapter 228, Subchapter B, Use and Operation of Toll Projects or Systems
2. TxDOT Core Technology Architecture: Version 5.4, July 2008
3. TxDOT Data Architecture: Version 4.0, December 2007
4. Department of Information Resources (DIR) Information Security Policies apply to this procurement. Texas State Information Technology Policies may be reviewed at [[www2.dir.state.tx.us/Pages/Home.aspx](http://www2.dir.state.tx.us/Pages/Home.aspx)]. **[NTD: To be updated when site goes live.]**

The Proposer shall maintain all required licenses and certifications throughout the term of the Agreement. When required, the Proposer shall furnish TxDOT will satisfactory proof of its compliance.

#### 1.5.2 Proposer Service Requirements

##### 1.5.2.1 Toll Implementation

The selected Proposer shall be required to develop, install, integrate, and test open road toll collection systems around the state of Texas. The primary toll implementation services to be provided by the selected Proposer, directly or through the use of subcontractors, are detailed in the Technical Provisions.

### 1.5.2.2 Toll System Maintenance

The selected Proposer shall be required to support maintenance of both future and existing mixed-mode (cash and electronic) and open road toll facilities across the state of Texas. The primary maintenance functions to be provided by the selected Proposer, directly or through the use of subcontractors, are detailed in the Technical Provisions.

## 1.6 TxDOT Responsibilities

TxDOT will:

- (a) Provide operational oversight to ensure the selected Proposer is in compliance with the stated performance expectations.
- (b) Provide a project manager to facilitate selected Proposer's efforts.
- (c) Provide functional and technical staff, including consultants, to facilitate the Proposer's efforts.
- (d) Provide access to required data systems and information.
- (e) Provide workshops at specified mainline CTTS facilities to store primary response spare parts.
- (f) Provide contract administration.
- (g) Perform periodic audits or field reviews as needed to ensure that the selected Proposer is operating the program in accordance with applicable laws, rules, regulations and policies, as well as the terms of the Agreement.

## 1.7 Documents Contained in Request for Proposals

The RFP consists of the following volumes, and any other documents that may be issued by Addendum, as such documents may be amended and supplemented:

1. Volume I – Instructions to Proposers (ITP) for Statewide Toll System Integration and Maintenance
2. Volume II – Technical Provisions for Statewide Toll System Integration and Maintenance
3. Volume III – Agreement for Statewide Toll System Integration and Maintenance

## 1.8 Definitions of Acronyms and Terms

For the meaning of various capitalized terms and acronyms used but not defined herein see Attachment A, Acronyms and Definitions.

## 1.9 Procurement Schedule

The following represents the current schedule for the procurement.

EVENT	DATE
Issue Final Request for Proposals	[November 18, 2011]
Last date for Proposers to submit questions regarding the final RFP	[November 30, 2011]
Last date for TxDOT responses to questions regarding the final RFP	[December 14, 2011]
<b>Proposal Submission Deadline</b>	[January 4, 2012]

For purposes of this ITP, the term “Conditional Award” shall mean the determination by the Commission to proceed with a Conditional Award of the Project to the Apparent Best Value Proposer, as more particularly described in Section 5.0.

All times set forth above, below and elsewhere in the RFP are for local Central time in Austin, Texas. All dates are subject to change, in TxDOT’s sole discretion.

## 1.10 Miscellaneous Provisions Regarding the Procurement

### 1.10.1 Questions and Addenda

All questions must be received by the Authorized Representative by DATE 5:00 PM. Questions must be submitted in writing. All Proposer questions, along with answers, will be made available as an Addendum to the RFP and will be posted on the TxDOT website [[www.dot.state.tx.us/business/projects/toll\\_ops.htm](http://www.dot.state.tx.us/business/projects/toll_ops.htm)]. TxDOT will not be bound by any oral statement or representation contrary to the written specifications of this RFP. Any revision, clarification, or interpretation pertaining to this RFP will be in writing and issued by TxDOT as an Addendum. Any changes or interpretations not contained in an Addendum will not be binding on TxDOT.

### 1.10.2 Disclosure of Proposal

All information submitted in an accepted Proposal must be retained by TxDOT for the period specified in TxDOT’s record retention schedule. The information will not be returned to the Proposer. The Public Information Act, Government Code Chapter 552, allows the public to have access to information in the possession of a governmental body through an open records request; therefore, the Proposer shall clearly identify in the Proposal any confidential or proprietary information. Proprietary information identified by the Proposer in the Proposal will be kept confidential by TxDOT to the extent permitted by law. TxDOT merely raises the exception on behalf of the Proposer. TxDOT takes no legal position on disclosure. TxDOT will use best efforts to give the Proposer or the awarded vendor an opportunity to present to the Office of the

Attorney General its arguments for non-disclosure of its identified confidential or proprietary information.

### 1.10.3 Alteration or Withdrawal of Proposal

Any alterations to a Proposal made before the submission deadline shall be initiated by the Proposer. Proposals cannot be altered or amended after the submission deadline. A Proposal may be withdrawn if requested in writing prior to the submission deadline. A Proposal may be withdrawn from consideration after the submission deadline only with the approval of TxDOT based on the Proposer's written justification. The Proposal will not be considered for award but will be retained by TxDOT according to Section 1.10.2 above.

### 1.10.4 Proposal Validity Period

The Proposal will be valid for a period of one hundred eighty (180) days after the submission deadline. The Proposer may elect to extend the validity period beyond this time at its discretion, if requested by TxDOT.

### 1.10.5 DBE Requirements

It is the policy of TxDOT that DBEs, as defined in 49 CFR Part 26, Subpart A and TxDOT's DBE Program, shall have the opportunity to participate in the performance of contracts financed in whole or in part with federal funds. TxDOT is receiving federal funds for this Project; therefore federal DBE requirements will apply. The Integrator's DBE compliance obligations shall be governed by all applicable federal DBE regulations, including Title 49 CFR Part 26, the DBE Program and the DBE requirements set forth in the Agreement (including [Special Provision \_\_\_\_ --- \_\_\_\_]), attached as Exhibit G of the Agreement). The DBE subcontracting goal for this Project as a whole is [\_\_\_\_] percent. **[NTD: To be completed once DBE requirements finalized.]**

### 1.10.6 Sales Tax

Purchases made for state use are exempt from the state sales tax and federal excise tax. Proposers shall not include tax in response pricing unless otherwise specified in the RFP. State sales tax and federal excise tax exemption certificates will be furnished by TxDOT on request.

### 1.10.7 Costs

TxDOT is not liable for any costs incurred by the Proposer in responding to this RFP.

### 1.10.8 Proposal Guaranty

Proposers shall submit a proposal guaranty in the amount of \$100,000, in the form of either a guaranty check or a bid bond.

The guaranty check must be payable to TxDOT and must be a cashier's check, money order, or teller's check drawn by or on a state or national bank, a savings and loan association, or a state

or federally chartered credit union (collectively referred to as "bank"). The type of check or money order must be indicated on the face of the instrument and the instrument must be no more than 90 days old. A check must be made payable at or through the institution issuing the instrument; be drawn by a bank and on a bank; or be payable at or through a bank. TxDOT will not accept personal checks, certified checks, or other types of money orders as a proposal guaranty.

The bid bond must be on the form provided by TxDOT (see Attachment D, TxDOT Bid Bond Form), with powers of attorney attached. The form must bear the impressed seal of the Surety and be signed by the Proposer and an authorized individual of the Surety. Bid bonds will only be accepted from Sureties authorized to execute a bond under and in accordance with state law.

#### 1.10.9 TxDOT Representatives

TxDOT has designated the following individual to be its Authorized Representative for this procurement:

Ms. Linda Sexton  
Toll Operations Division  
Project Manager  
Texas Department of Transportation  
12719 Burnet Road  
Austin, Texas 78727  
Phone: (512) 874-9177  
Fax: (512) 874-9799  
Linda.Sexton@txdot.gov

TxDOT has designated the following individual to be the Contract Administrator for this procurement:

Ms. Sandi Frausto  
Toll Operations Division  
Contract Administrator  
Texas Department of Transportation  
7745 Chevy Chase Drive, Bldg. 5, Suite 300  
Austin, Texas 78752  
Phone: (512) 463-6146  
Fax: (512) 936-097

From time to time during the procurement process or during the terms of the Project, TxDOT may designate another Authorized Representative or Contract Administrator to carry out some or all of TxDOT's obligations pertaining to the project.

1.10.10 Restrictions on Potential Proposers and Team Members

No governmental or public entity may submit a Proposal in response to this RFP or participate as a member of a Proposer team. Proposals that do not comply with this provision will be disqualified.

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## SECTION 2.0 PROPOSAL SUBMISSION REQUIREMENTS

### 2.1 Format

The Proposer shall submit one (1) signed and dated original (marked Original) and seven (7) copies (marked Copy) of Volumes I, II and III. Each Volume in the submission shall be in separate loose-leaf binders on one-sided, letter-size (8½- by 11-inch) paper, in single-spaced format. The proposal shall be tab-indexed corresponding to the sections listed below. Volume II is limited to 125 pages (excluding the tabs, resumes, and organizational charts) with a font size of 12 or above. Plastic spine-bound or wire-bound submittals will not be accepted. Include only the information specified for each section.

#### 2.1.1 Volume I

All of the binders comprising Volume I shall be labeled “[Proposer Name]: Proposal Volume I response to Statewide Toll System Integration and Maintenance RFP.”

Volume I shall contain the following tab separated sections in the indicated order:

1. Cover Letter and Executive Summary (see Section X)
2. Proposer Affirmation Form (see Section X)
3. Statement of Qualifications (see Section X)
4. Proposer References (see Section X)
5. Financial Information (see Section X)

#### 2.1.2 Volume II

All of the binders comprising Volume II shall be labeled “[Proposer Name]: Proposal Volume II: response to Toll Statewide Toll System Integration and Maintenance RFP.”

Volume II shall contain the Proposer’s Technical Proposal, together with a Technical Provisions Compliance Matrix, in the form attached hereto as Attachment B, completed by the Proposer.

#### 2.1.3 Volume III

All of the binders comprising Volume III shall be labeled “[Proposer Name]: Proposal Volume III response to Statewide Toll System Integration and Maintenance RFP.”

Volume III shall contain the following in the indicated order:

1. Pricing Table U-1 Project Delivery Unit Prices
2. Pricing Table U-2: Maintenance Unit Prices

3. Pricing Table U-4: Hypothetical Project Delivery Price
4. Pricing Table U-5: Hypothetical Maintenance Price

## **2.2 Additional Requirements**

Proposals will be accepted until 3:00 p.m. CDT on the Proposal Due Date, and must be delivered by hand to Sandi Frausto, Contract Administrator, Toll Operations Division, Texas Department of Transportation, 7745 Chevy Chase Drive Bldg. 5, Suite 300, Austin, Texas 78752.

The Proposer is responsible for verifying that TxDOT has received the Proposal. Late Proposals will not be accepted or considered under any circumstances.

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## **SECTION 3.0 CONTENTS OF PROPOSAL**

### **3.1 Cover Letter and Executive Summary**

The cover letter shall be limited to two (2) pages and include the following:

- (a) the Proposal Due Date;
- (b) Proposer's (company) name and address; and
- (c) Contact name, telephone number and email address.

The executive summary shall provide a brief introduction of the respondent and project team, plus a summary-level overview of the proposed solution. The executive summary shall be limited to five (5) pages.

### **3.2 Proposer Affirmation Form**

The Proposer shall sign and date the Proposer Affirmation Form, set out in Attachment E.

### **3.3 Statement of Qualifications**

The Proposer shall demonstrate successful past performance through submission of documentation of relevant qualifications and experience. Proposer shall describe its qualifications as well as the qualifications of Proposer's major subcontractors, referencing specific similar projects that have been deployed by the Proposer. This section shall be limited to ten (10) pages, not including project resumes, and shall include:

- (a) A description of related or similar services performed for three (3) consecutive years within the last seven (7) years and within the United States. Specify the Proposer's particular tasks performed and role, whether as a subcontractor or prime contractor; whether as the project implementer or project manager overseeing implementation by another Proposer. Each project identified by the Proposer shall include the Proposer's project manager, a brief description including scope, system functionality, number of accounts, project cost, and project start and completion dates. Provide information related to the number of personnel dedicated to the project.
- (b) A description of any Proposer-initiated cost savings or operational efficiencies that were used on projects.
- (c) A summary of experience managing related or similar services of comparable size and scope to the services within the RFP.

### **3.4 Proposer References**

The Proposer shall provide a minimum of three references and, if applicable, should include at least one reference from each toll agency for which they have provided similar services during the previous seven (7) years, provided that no reference shall be provided by TxDOT on behalf

of a Proposer. The references must substantiate the qualifications and experience requirements for services with successful completion within the timeframe requested. References shall attest to the Proposer's ability to provide the services outlined in the specification. References shall include name, point of contact, telephone number, and dates services were performed.

### **3.5 Financial Information**

The Proposer shall provide the most recent three (3) years audited financial statements. If audited financial statements are unavailable, un-audited financial statements shall be submitted and certified as true, correct, and accurate by the chief financial officer or treasurer of the Proposer's company. Additional information demonstrating financial stability and ability to perform the required services may be included.

### **3.6 Technical Proposal**

In complying with the scope of work outlined in the Technical Provisions, the Proposer shall provide information on the following:

- (a) Section 1, Key Personnel Qualifications:
  - (i) The Proposer shall provide Key Personnel profiles and resume with a maximum of two (2) pages per person. Resumes shall substantiate the number of years of required experience of the individuals, including any subcontractor personnel, who will be part of the Proposer's Key Personnel providing the service. (If the same individual is proposed for more than one Key Personnel position, the proposal shall clearly demonstrate that the individual can provide the required level of service for the proposed positions.) Each Key Personnel profile shall include:
    - Individual's name and title
    - Education
    - Description of qualifications and experience for the last five (5) years
  - (ii) The Proposer shall provide personnel profiles for each of the following key positions:
  - (iii) Program manager shall have a minimum of five (5) years of experience within the last eight (8) years in program management for similar toll services. Certification as a Project Management Professional (PMP) by the Project Management Institute is preferred, but not required.

- (iv) System design manager shall have a minimum of three (3) years of experience design/developing open road toll collection systems.
- (v) Installation manager shall have a minimum of five (5) years of experience providing construction management and oversight, and experience implementing toll collection systems.
- (vi) System test manager shall have a minimum of three (3) years of experience implementing open road toll collection systems.
- (vii) Maintenance manager shall have a minimum of three (3) years of experience maintaining toll collection systems for clients.
- (viii) Transition manager shall have a minimum of five (5) years of experience managing the migration of, toll systems.
- (ix) Quality manager shall have a minimum of three (3) years of experience implementing best practices for quality control and assurance.

(b) Section 2, Project Management Approach: The Proposer shall describe its approach and ability to meet the project management requirements as specified in the solicitation.

(c) Section 3, Project Organizational Structure: The Proposer shall submit its proposed project organizational structure showing roles and responsibilities and lines of authority including any subcontractors. The organization chart shall show how the Proposer will integrate TxDOT staff resources with the project team. The organization chart shall be limited to one (1) page and show the names of the prime Proposer and any sub-providers' task leaders proposed for the team and their contract responsibilities by work category. Task leaders shall be clearly designated. Other personnel can be identified at the prime Proposer's discretion. The organization chart shall include the names, addresses, e-mail addresses, and telephone and fax numbers of the prime Proposer and all subcontractors proposed. The organization chart can be prepared with a font size of less than 12 point on 11x17 paper or smaller.

(d) Section 4, Staffing Approach: The Proposer shall include a staffing approach demonstrating staff qualifications and experience, including subcontractors. Proposer shall describe the number of staff proposed, the functions they will perform, and the percentage of time they will be assigned to this project during the Agreement term.

(e) Section 5, Business Functionality Approach: The Proposer shall describe its approach to their team structure, interaction between their prime and any subcontractors and how they will interact with TxDOT staff.

(f) Section 6, System Technical Approach: The Proposer shall describe its approach and ability to meet the technical requirements as specified in the Technical Provisions.

(g) Section 7, System Development and Implementation Approach: The Proposer shall describe their approach and ability to meet the system development and implementation requirements as specified in the Technical Provisions. The Proposer shall address testing including tools, methods, and processes.

(h) Section 8, Quality Management Approach: The Proposer shall describe its methods and processes used to ensure quality deliverables in no more than five (5) pages. The Proposer shall provide a comprehensive, continuous, and measurable quality assurance program. The program shall include, at a minimum:

- (i) Strategies and processes to promote quality.
- (ii) Policies and procedures to periodically measure and report quality performance to TxDOT throughout the term of the Agreement.
- (iii) Controls to be used within the project to assure quality and consistency throughout the term of the Agreement.

(i) Section 9, System Maintenance Approach: The Proposer shall describe its approach and ability to meet the maintenance requirements as specified in the solicitation. The Proposer shall describe the number of staff proposed, the functions they will perform, and the percentage of time they will be assigned to this project throughout the term of the Agreement.

(j) Section 10, Business Continuity and System Disaster Recovery Approach: The Proposer shall submit a business continuity and system disaster recovery approach describing how they propose to meet the specifications in the event the Proposer's service is interrupted. The plan shall detail the Proposer's backup and recovery process.

(k) [Section 11, **[NTD: To be confirmed whether any information will be required pursuant to final DBE requirements.]**]

### **3.7 Price Proposal**

This section outlines the required information that will comprise the Price Proposal. All price and cost information provided in the Price Proposal shall be in U.S. Dollars currency and all amounts shall be stated in nominal dollars. If there are any differences between individual line amounts and totals, the individual line amounts will prevail.

The Price Proposal is mandatory and must represent the services specified within the Technical Provisions. The Price Proposal is composed of the following tables found in Attachment C:

1. Pricing Table U-1
2. Pricing Table U-2
3. Pricing Table U-4

4. Pricing Table U-5

Pricing for Pricing Tables U-4 and U-5 shall be based on the Hypothetical Project Segment Scenario set forth in Attachment C-1.

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## SECTION 4.0 EVALUATION OF PROPOSALS

### 4.1 General Information Related to the Evaluation Process

A TxDOT evaluation committee will evaluate each Proposal based on established criteria. Proposers shall not contact members of the evaluation team.

TxDOT will award the Agreement (if at all) to the responsible Proposer that submitted a Proposal meeting the high standards set by TxDOT and which is determined by TxDOT, through evaluation based upon the criteria set forth in this RFP, to provide the best value to TxDOT and to be in the best interest of the State of Texas.

#### 4.1.1 Best Value Determination

The best value determination will be based on a 60-40 point scale. The Price Score will represent 60 percent of the total score, and the Technical Score will represent up to 40 percent of the total score. The determination of Apparent Best Value Proposer shall be based on the highest Total Proposal Score computed based on the following formula:

Total Proposal Score (max. 2000 points) = Price Score (max. 1200 points) + Technical Score (max. 800 points)

#### 4.1.2 Calculation of Technical Score

The Technical Proposal will be scored by technical review committees for the required disciplines (System, Technical Approach to Toll Integration, Key Personnel Qualifications and Project/Quality Management Approach). Each committee will evaluate the respective portion of the Proposal in accordance with Sections 4.3 and 4.4. The Technical Proposal will be calculated by totaling the actual scores awarded by each committee.

#### 4.1.3 Calculation of the Price Score

The Price Score will be calculated by dividing the lowest total life-cycle Price Proposal received from any Proposer by each Proposer's total life-cycle Price Proposal. The resulting number will then be multiplied by the maximum possible Price Proposal points (1200): **[NTD: Lowest total life-cycle price proposal to be further defined.]**

Price Score = (lowest Price Proposal / Proposer's Price Proposal) \* 1200

### 4.2 Pass/Fail and Responsiveness Evaluation

Upon receipt, each Proposal will be made available for review by the respective pass/fail and responsiveness subcommittees. Proposals will be reviewed for conformance to the instructions regarding organizational format and responsiveness to the requirements set forth in the RFP, based on the criteria set forth below.

#### 4.2.1 General Format and Responsiveness

The Proposal will be reviewed for: (a) minor informalities, irregularities and apparent clerical mistakes which are unrelated to the substantive content of the Proposal; (b) conformance to the RFP instructions regarding organization and format; and (c) the responsiveness of the Proposer to the requirements set forth in the RFP. A Proposal not responsive to the RFP may be excluded from further consideration and the Proposer will be so advised. TxDOT may also exclude from consideration a Proposer whose Proposal contains a material misrepresentation.

#### 4.2.2 Statement of Qualifications

If the Proposer's Statement of Qualifications demonstrates three (3) consecutive years of similar services performed within the last seven (7) years and within the United States, the Proposal will be further evaluated. Proposers that do not clearly demonstrate that they meet the qualification criteria will be disqualified.

#### 4.2.3 Proposer References

The Proposal may be disqualified if TxDOT is unable to verify qualification and experience requirements from the Proposer's references. The Proposal may be disqualified if TxDOT receives negative responses. TxDOT shall exercise its sole discretion and judgment with respect to the evaluation of references.

#### 4.2.4 Proposer's Previous Performance

Information obtained from the TxCPA's Vendor Performance Tracking System ([http://www.window.texas.gov/procurement/prog/vendor\\_performance/](http://www.window.texas.gov/procurement/prog/vendor_performance/)) may be used in evaluating Proposals to solicitations for goods and services to determine the best value for the state. The Proposal may be disqualified if TxDOT determines that the Proposer has a documented history of unsatisfactory performance related to a contract with TxDOT or other any other state agency

#### 4.2.5 Financial Information

TxDOT will review the Proposer's audited financial statements to evaluate the sufficiency of the Proposer's financial resources and ability to perform the Agreement or provide the service required in the solicitation. Factors to be reviewed include: (a) balance sheets; (b) net working capital; (c) current asset ratio; (d) liquidity ratio; ~~(e) credit report~~; (e) auditor's notes; and (f) any notes to the financial statements. The Proposal may be disqualified if TxDOT finds the Proposer is not in good financial standing. TxDOT will be the sole judge in determining the sufficiency of the Proposer's financial resources and their ability to perform under the Agreement.

#### 4.2.6 [NTD: To be determined based on final DBE requirements.]

### 4.3 Evaluation of Technical Proposal

The Technical Score shall comprise 40 percent of the Total Proposal Score. Proposals will be evaluated according to the Proposer's ability to best satisfy TxDOT requirements. Proposals must meet the minimum requirements set forth in this RFP.

The Technical Proposal will be scored as follows:

- (i) System Approach: 35 percent
  - a. Overall understanding and capability of delivering the system technical and performance requirements
  - b. Detailed and methodical approach to system design and development
  - c. Clearly distinguishes between the cash and electronic tolling aspects of work
  - d. System offers ease of maintenance and minimized lane closures through a modular design
  - e. Demonstrates high confidence for system availability through redundancy
- (ii) Technical Approach: 35 percent
  - a. Conceptual tolling zone design is cost and operationally effective
  - b. Provides an installation strategy for implementing toll systems around the State of Texas
  - c. Demonstrates effective maintenance tracking and reporting
  - d. Detailed approach to system upgrade and/or transition
  - e. Maintenance processes are clearly established and ensure response and repair time goals
- (iii) Key Personnel Qualifications: 10 percent

Each of the Key Personnel profiles will be evaluated against the minimum requirements set out in [Section 3.6](#). Key Personnel who exceed the minimum requirements with regard to experience, training or both, will score higher.
- (iv) Project Management: 15 percent
  - a. Overall understanding and ability to manage the program
  - b. Comprehensive organizational structure and management hierarchy in line with project needs
  - c. Detailed approach to contract administration and the description of Proposer's contract administration procedures and systems
  - d. Integrated approach to project management and liaison with TxDOT, its consultants and other third parties
- (v) Quality Management Approach: 5 percent
  - a. Systematic approach to quality management
  - b. Process for auditing and management review of project activities
  - c. Internal quality management systems, processes and procedures

- d. Approach and procedures for integrating and controlling systems established by third parties

#### 4.4 Evaluation Guidelines

Each factor described in Section 4.3 will be qualitatively evaluated and assigned a rating, which will be converted to points.

ADJECTIVE RATING	DESCRIPTION
Excellent	The Proposal greatly exceeds the stated requirements/objectives, offering material benefits and/or added value, and providing assurance that a consistently outstanding level of quality will be achieved. Weaknesses, if any, are very minor and can be readily corrected. Significant unique and/or innovative characteristics are present. The Proposal demonstrates a system that exceeds the stated requirements with a system currently deployed and in use.
Above Average	The Proposal significantly exceeds the stated requirements/objectives, offering advantages, benefits and/or added value, and providing assurance that a level of quality will be achieved that is materially better than acceptable. Weaknesses, if any, are very minor and can be readily corrected. Some unique and/or innovative characteristics are present.
Meets Minimum	The Proposal meets stated requirements/objectives and provides satisfactory assurance that the minimum level of quality will be achieved. Weaknesses are correctable or acceptable per minimum standards.
Fair	The Proposal is only partially responsive. Weaknesses are below acceptable levels per minimum standards
Poor	The Proposal does not meet stated requirements and does not provide satisfactory assurance that the minimum level of quality will be achieved. Weaknesses are not correctable or acceptable per minimum standards.
Failure	Failure, no response

In assigning ratings TxDOT may assign “+” or “-”(such as “Excellent -“, “Good +”, and “Fair +”) to better differentiate within an adjective rating. However, TxDOT will not assign ratings of “Failure -“or “Excellent +”.

#### 4.5 TxDOT RIGHTS

TxDOT may investigate the qualifications and Proposal of any Proposer under consideration, may require confirmation of information furnished by a Proposer and may require additional evidence of qualifications to perform the obligations described in this RFP. TxDOT reserves the right, in its sole discretion, to:

- Develop the Project in any manner that it, in its sole discretion, deems necessary. If TxDOT is unable to negotiate an Agreement to its satisfaction with a Proposer, it may negotiate with the next highest rated Proposer, terminate this procurement and pursue

other development or solicitations relating to the Project or exercise such other rights under Texas law as it deems appropriate.

- Reject any or all of the Proposals.
- Modify all dates set or projected in this RFP.
- Cancel the RFP in whole or in part at any time prior to the execution by TxDOT of an Agreement, without incurring any cost obligations or liabilities.
- Terminate this procurement and commence a new procurement for part or all of the Project.
- Terminate evaluations of Proposals received at any time.
- Suspend and terminate Agreement discussions/negotiations at any time, elect not to commence Agreement discussions/negotiations with any responding Proposer and engage in discussions/negotiations with other than the highest ranked Proposer.
- Waive or permit corrections to data submitted with any response to this RFP until such time as TxDOT declares in writing that a particular stage or phase of its review of the responses to this RFP has been completed and closed.
- Issue addenda, supplements and modifications to this RFP. Addenda to this RFP shall be distributed to the Proposers in advance of the Proposal Due Date and TxDOT may extend the Proposal Due Date if such modifications are deemed by TxDOT to be material and substantive.
- Permit submittal of addenda and supplements to data previously provided in a Proposal pursuant to a request for clarification issued by TxDOT until such time as TxDOT declares that a particular stage or phase of its review of the responses to this RFP has been completed and closed.
- Appoint evaluation committees to review Proposals, make recommendations and seek the assistance of outside technical experts and consultants in Proposal evaluation.
- Revise and modify, at any time before the Proposal Due Date, the factors and/or weights of factors it will consider in evaluating responses to this RFP and to otherwise revise or expand its evaluation methodology. If such revisions or modifications are made, TxDOT shall distribute an addendum to the Proposers setting forth the changes to the evaluation criteria or methodology. TxDOT may extend the Proposal Due Date if such changes are deemed by TxDOT to be material and substantive.
- Hold interviews and conduct discussions and correspondence with one or more of the Proposers responding to the RFP to seek an improved understanding and evaluation of the responses to this RFP.
- Seek or obtain data from any source that has the potential to improve the understanding and evaluation of the responses to this RFP.
- Investigate the qualifications of any Proposer and require additional evidence of qualifications to perform the specified scope of work.

- Disclose information contained in a Proposal to the public as described herein.
- Approve or disapprove changes in the Key Personnel identified in the Proposal.
- Accept other than the lowest price Proposal.
- Waive deficiencies, informalities and irregularities in Proposals; accept and review a non-conforming Proposal or seek clarifications or modifications to a Proposal.
- Add or delete to the scope of work referred to in Section 1.5.
- Disqualify any Proposer that changes its Proposal, members of its team or Key Personnel without TxDOT approval.
- Not issue a notice to proceed after execution of the Agreement.
- Offer a Proposer the opportunity to cure its failure to meet required financial qualifications by providing a guaranty (or guaranties) of the Agreement by a third party.
- Request BAFOs at any time after receipt of the Proposals (see Section 4.6).
- Exercise any other right reserved or afforded to TxDOT under this RFP or applicable law.

**This RFP does not commit TxDOT to enter into a contract. TxDOT and the State of Texas assume no obligations, responsibilities, or liabilities, fiscal or otherwise, to reimburse all or part of the costs incurred or alleged to have been incurred by parties considering a response to and/or responding to this RFP. All of such costs shall be borne solely by each Proposer and Proposer team.**

**In no event shall TxDOT be bound by, or liable for, any obligations with respect to the Project until such time (if at all) as an Agreement, in form and substance satisfactory to TxDOT, has been executed and authorized by TxDOT and, then, only to the extent set forth therein.**

#### **4.6 Best and Final Offer**

TxDOT reserves the right to request a Best and Final Offer (BAFO) from one or more Proposer(s). TxDOT will send a written notification to each Proposer selected to submit a BAFO. If more than one Proposer is selected to submit a BAFO, the Proposals will be re-evaluated using the original evaluation criteria.

TxDOT may make a recommendation to the Commission regarding the award without requesting a BAFO.

## **SECTION 5.0 POST-SELECTION PROCESSES**

### **5.1 Award**

TxDOT will submit a recommendation to the Commission regarding approval of the Proposal determined to provide the apparent best value to TxDOT. The Commission may approve or disapprove the recommendation, and if approved, will conditionally award the Agreement to the Apparent Best Value Proposer. Conditional Award will be subject to the successful completion of negotiations or any other conditions identified in the RFP or by the Commission. If authorized by the Commission, TxDOT will attempt to negotiate an Agreement with the Apparent Best Value Proposer. If an Agreement satisfactory to TxDOT cannot be negotiated with that Proposer, or if in the course of negotiations, it appears that the proposal will not provide TxDOT with the overall best value, TxDOT will formally end negotiations with the Proposer and, in its sole discretion, may: (1) reject all proposals, (2) modify the RFP and begin again the submission of proposals, or (3) proceed to the next highest ranked proposal and attempt to negotiate an Agreement with that Proposer. Execution of the Agreement by TxDOT and the Apparent Best Value Proposer (or the next highest ranked Proposer, if applicable) shall be deemed final award of the Agreement. Prior to execution of the Agreement, and in accordance with the requirements set forth in Section 21.1 of the Agreement, the Apparent Best Value Proposer (or the next highest ranked Proposer, if applicable), shall deliver into escrow one copy of all unit pricing, price quote and other documentary information used in preparation of its Price Proposal.

### **5.2 Type of Award**

- (a) Single Award: One Agreement awarded to a single Proposer, or joint venture.
- (b) Term of Agreement: The initial term shall be three (3) years with an option to extend, at TxDOT's discretion, for an additional six (6) years through the exercise of up to two (2) 3-year terms.

### **5.3 Post Award Meeting**

Proposer shall be required to attend a post award meeting in Austin, Texas, with the Toll Operations Division within fifteen (15) calendar days after the Conditional Award of the Agreement.

## **Attachment A Acronyms and Definitions**

“**Addendum**” or “**Addenda**” means additions, deletions, and modifications to the provisions of the RFP made by TxDOT after the release of the final RFP on the date set forth in ITP Section 1.9.

“**Agreement**” shall mean that certain Statewide Toll System Integration and Maintenance Agreement to be executed by TxDOT and the Integrator, including any and all amendments thereto.

“**Apparent Best Value Proposer**” means the Proposer whose Proposal receives the highest Total Proposal Score.

“**Authorized Representative**” means the TxDOT employee identified as such in ITP Section 1.10.9.

“**Automated Vehicle Identification**” or “**AVI**” means the process of determining the identity of a vehicle subject to tolls.

“**BAFO**” means best and final offer, as described in further detail in ITP Section 4.6.

“**Commission**” means the Texas Transportation Commission.

“**Conditional Award**” means the determination by the Commission to proceed with a conditional award of the Agreement to the Apparent Best Value Proposer.

“**Contract Administrator**” means the TxDOT employee identified as such in ITP Section 1.10.9.

“**CSC**” means customer service center.

“**CTTS**” Central Texas Turnpike System.

[“**DBE Performance Plan**” means the selected Proposer’s plan for meeting the DBE participation goals for the Project, as such plan is described in Special Provision [\_\_\_\_\_---\_\_\_\_\_] attached at Exhibit G of the Agreement.] [NTD: **Final DBE requirements to be confirmed.**]

“**DBE Program**” means the program designed by TxDOT for federally assisted projects, as such program is described at [\_\_\_\_\_]. [NTD: **Web address to be provided.**]

“**DIR**” means the Texas Department of Information Resources.

“**Instructions to Proposers**” or “**ITP**” means these instructions to proposers for the Statewide Toll System Integration and Maintenance Agreement which contain directions for the preparation and submittal of Proposals in response to the RFP.

**“Integrator”** has the meaning set forth in the Agreement.

**“Key Personnel”** means a Proposer’s proposed (i) Program Manager; (ii) system design manager; (iii) installation manager; (iv) system test manager; (v) maintenance manager; (vi) transition manager; and (vii) quality manager.

**“Price Proposal”** has the meaning set forth in ITP Section 3.7.

**“Price Score”** means the score that a Pricing Proposal receives, as further described in ITP Section 4.1.3.

**“Pricing Table(s)”** means one or all four of the tables (as the context requires) provided in this ITP as Forms U-1, U-2, U-4 and U-5.

**“Project”** shall have the meaning specified in Recital A to the Agreement.

**“Project Segment Supplement”** is defined as set forth in Exhibit A of the Agreement.

**“Proposal”** or **“Proposals”** means a proposal or proposals submitted by a Proposer in response to the RFP, which includes all of the content required under ITP Section 3.0.

**“Proposal Due Date”** means the Proposal submission deadline set forth in Section 1.9, as such date may be extended by TxDOT from time to time.

**“Proposer”** or **“Proposers”** means one or all (as the context requires) of the teams, joint ventures, partnerships or consortia submitting a Proposal to TxDOT in response to the RFP.

**“Request for Proposals”** or **“RFP”** means the set of documents described in ITP Section 1.7, and issued by TxDOT on the date specified in ITP Section 1.9, as subsequently amended.

**“State”** means the State of Texas.

**“Surety”** means each properly licensed surety company that satisfies the requirements set forth in ITP Section 1.10.8 and issues a bid bond or guaranty check.

**“System”** has the meaning set forth in Recital A to the Agreement.

**“TAC”** means the Texas Administrative Code.

**“Technical Proposal”** means the technical information to be provided in each Proposal, as further described in ITP Section 3.6.

**“Technical Provisions”** means the technical provisions for the Statewide Toll Systems Integrator and Maintenance, as defined in Exhibit A of the Agreement.

**“Technical Score”** means the score that a Technical Proposal receives, as further described in ITP Section 4.1.2.

**“Total Proposal Score”** means the sum of the Price Score and the Technical Score, as described in ITP Section 4.1.1.

**“TxCPA”** means the Texas Comptroller of Public Accounts.

**“TxDOT”** means the Texas Department of Transportation.

**“Vendor Performance Tracking System”** or **“VPTS”** means the electronic system used to provide performance scores for all vendors issued purchase orders by TxCPA, as further described at: [http://www.window.state.tx.us/procurement/prog/vendor\\_performance/](http://www.window.state.tx.us/procurement/prog/vendor_performance/).

**Attachment B**  
**Technical Provisions Compliance Matrix**

**[NTD: To be provided.]**

## **Attachment C Pricing Tables**

**See attached:**

- **Pricing Table U-1**
- **Pricing Table U-2**
- **Pricing Table U-4**
- **Pricing Table U-5**

## Pricing Table U-1 Project Delivery Unit Prices

ITEM/LINE	DESCRIPTION	UNIT	UNIT PRICE
<b>B</b>	<b>1</b>	<b>Toll System Procurement, Installation, and Testing (includes: materials, software, equipment, labor, integration and testing)</b>	
<b>B1</b>	<b>2</b>	<b>Open Road Toll Collection (including all toll zone equipment and roadside controller appurtenances)</b>	
	3	One Lane (no shoulder)	Each
	4	One Lane + one shoulder	Each
	5	Two Lanes + one shoulder	Each
	6	Three Lanes + two shoulders	Each
<b>B2</b>	<b>7</b>	<b>Cash Collection (including all toll zone equipment and toll zone controller appurtenances)</b>	
	8	Plaza Appurtenances	Each
	9	ACM Collection Lane	Lane
	10	Manual Collection Lane	Lane
<b>B3</b>	<b>11</b>	<b>Project Host Server</b>	
<b>B4</b>	<b>12</b>	<b>Optical Character Recognition (OCR) Subsystem</b>	
<b>B5</b>	<b>13</b>	<b>Roadside Equipment Cabinet</b>	
<b>B6</b>	<b>14</b>	<b>Structures</b>	
	15	Overhead Gantry Structure – Cantilever	1 Lane
	16	Overhead Gantry Structure – Sign Bridge	2 Lanes
	17	Overhead Gantry Structure – Sign Bridge	3 Lanes
	18	Overhead Gantry Structure – Sign Bridge	4 Lanes
<b>B7</b>	<b>19</b>	<b>Signing</b>	
	20	Toll Zone Signing	1 Lane
	21	Advanced Toll Signing	Toll Zone
<b>B8</b>	<b>22</b>	<b>Dynamic Pricing</b>	
	23	Dynamic Toll Pricing Sign	Each
	24	Speed Detection Equipment	Each
	25	Dynamic Pricing Subsystem	Each
<b>B9</b>	<b>26</b>	<b>Communication (includes: equipment, materials, installation, connections and integration between communications demarcation and roadside cabinet, maximum distance of 300')</b>	
	27	Leased Commercial Line	Each
	28	Fiber optic communications (additional footage up to 1 mile)	Feet
	29	Copper/CAT-6 communications (additional footage up to 1 mile)	Feet
	30	Rigid Metal Conduit (additional footage up to 1 mile)	Feet
	31	PVC Conduit (additional footage up to 1 mile)	Feet
	32	Communications Subsystem	Toll Zone
<b>B10</b>	<b>33</b>	<b>Emergency Power and Back-up</b>	
	34	Uninterruptible Power Supply	Toll Zone
	35	Emergency Generator	Each
<b>B11</b>	<b>36</b>	<b>Video Auditing</b>	
	37	In-lane Audit Equipment	Lane
	38	Digital Video Recording Subsystem	Toll Zone
<b>B12</b>	<b>39</b>	<b>Physical Security and Monitoring</b>	
	40	Security Camera (Pan/Tilt/Zoom)	Each
	41	Security Camera (Fixed)	Each
	42	Access Control (up to 16 door locations)	Each
	43	Badge System	Each
<b>B13</b>	<b>44</b>	<b>Miscellaneous Construction</b>	
	45	Metal Beam Guard Fence / Toll Avoidance Fencing	Toll Zone
	46	Maintenance Pull Out Area (Asphalt)	Toll Zone

ITEM/LINE	DESCRIPTION	UNIT	UNIT PRICE
47	Traffic Control	Lane	
48	Electrical Service	Toll Zone	
49	<b>Subtotal - Toll System Procurement, Installation, and Testing (B1 – B13)</b>		
<b>C</b>	<b>Professional Services</b>		
51	Project Management	Month	
52	Project Pre-Design Coordination	Month	
53	Toll System Design	1 Lane	
54	Project Documentation (Programmatic)	Each	
55	Project Documentation (Project Specific)	Each	
56	Toll System Plans	Each	
57	<b>Subtotal – Professional Services</b>		

**Pricing Table U-2  
Maintenance Unit Prices**

ITEM/LINE		DESCRIPTION	UNIT	UNIT PRICE
<b>D</b>	58	<b>Toll Zone Maintenance</b>		
	59	Toll Zone Maintenance (Cash Lane - CTTS)	Month	
	60	Toll Zone Maintenance (Dedicated ETC Lane – CTTS)	Month	
	61	Toll Zone Maintenance (Mixed Mode Lane - CTTS)	Month	
	62	Toll Zone Maintenance (ORT Zone – Existing ORTS)	Month	
	63	Toll Zone Maintenance (ORT Zone – New ORTS)	Month	
	64	Plaza Maintenance (Cash collection, Physical Security)	Month	
	65	<b>Subtotal – Toll Zone Maintenance</b>		
<b>E</b>	66	<b>Communications Maintenance</b>		
	67	T1 Service	Month	
	68	<b>Subtotal – Communications Maintenance</b>		
<b>F</b>	69	<b>Other Maintenance Activities</b>		
	70	Annual Performance Audit	Yearly	
	71	3 <sup>rd</sup> Party Attest of Annual Audit	Each	
	72	Software Source Code Escrow	Yearly	
	73	End of Maintenance Term Activities	Lane	
	74	<b>Subtotal – Other Maintenance Activities</b>		

## Pricing Table U-4 Hypothetical Project Delivery Price

ITEM/LINE	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	ITEM PRICE	
<b>A</b>	<b>1</b>	<b>Project Costs</b>				
	2	Mobilization (5% of B+C)		Lump Sum		
	3	Payment Bond		Lump Sum		
	4	Performance Bond		Lump Sum		
	5	Insurance		Lump Sum		
	6	Letter of Credit		Lump Sum		
	7	<b>Subtotal – Project Costs</b>				
<b>B</b>	<b>8</b>	<b>Toll System Procurement, Installation, and Testing (includes: materials, software, equipment, labor, integration and testing)</b>				
<b>B1</b>	<b>9</b>	<b>Open Road Toll Collection (including all toll zone equipment and roadside controller appurtenances)</b>				
	10	One Lane (no shoulder)		Each		
	11	One Lane + one shoulder	4	Each		
	12	Two Lanes + one shoulder		Each		
	13	Three Lanes + two shoulders		Each		
<b>B2</b>	<b>14</b>	<b>Cash Collection (including all toll zone equipment and toll zone controller appurtenances)</b>				
	15	Plaza Appurtenances		Each		
	16	ACM Collection Lane		Lane		
	17	Manual Collection Lane		Lane		
<b>B3</b>	<b>18</b>	<b>Project Host Server</b>	1	Each		
<b>B4</b>	<b>19</b>	<b>Optical Character Recognition (OCR) Subsystem</b>	1	Lane		
<b>B5</b>	<b>20</b>	<b>Roadside Equipment Cabinet</b>	4	Each		
<b>B6</b>	<b>21</b>	<b>Structures</b>				
	22	Overhead Gantry Structure – Cantilever	4	1 Lane		
	23	Overhead Gantry Structure – Sign Bridge		2 Lanes		
	24	Overhead Gantry Structure – Sign Bridge		3 Lanes		
	25	Overhead Gantry Structure – Sign Bridge		4 Lanes		
<b>B7</b>	<b>26</b>	<b>Signing</b>				
	27	Toll Zone Signing		1 Lane		
	28	Advanced Toll Signing		Toll Zone		
<b>B8</b>	<b>29</b>	<b>Dynamic Pricing</b>				
	30	Dynamic Toll Pricing Sign		Each		
	31	Speed Detection Equipment		Each		
	32	Dynamic Pricing Subsystem		Each		
<b>B9</b>	<b>33</b>	<b>Communication (includes: equipment, materials, installation, connections and integration between communications demarcation and roadside cabinet, maximum distance of 300')</b>				
	34	Leased Commercial Line		Each		
	35	Fiber optic communications (additional footage up to 1 mile)	5,280	Feet		
	36	Copper/CAT-6 communications (additional footage up to 1 mile)		Feet		
	37	Rigid Metal Conduit (additional footage up to 1 mile)		Feet		
	38	PVC Conduit (additional footage up to 1 mile)		Feet		
	39	Communications Subsystem	4	Toll Zone		
<b>B10</b>	<b>40</b>	<b>Emergency Power and Back-up</b>				
	41	Uninterruptible Power Supply	3	Toll Zone		
	42	Emergency Generator		Each		
<b>B11</b>	<b>43</b>	<b>Video Auditing</b>				
	44	In-lane Audit Equipment	4	Lane		
	45	Digital Video Recording Subsystem	4	Toll Zone		
<b>B12</b>	<b>46</b>	<b>Physical Security and Monitoring</b>				
	47	Security Camera (Pan/Tilt/Zoom)		Each		

ITEM/LINE	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	ITEM PRICE
48	Security Camera (Fixed)		Each		
49	Access Control (up to 16 door locations)		Each		
50	Badge System		Each		
<b>B13</b>	<b>Miscellaneous Construction</b>				
52	Metal Beam Guard Fence / Toll Avoidance Fencing	2	Toll Zone		
53	Maintenance Pull Out Area (Asphalt)	2	Toll Zone		
54	Traffic Control	4	Lane		
55	Electrical Service	4	Toll Zone		
56	<b>Subtotal - Toll System Procurement, Installation, and Testing (B1 - B13)</b>				
<b>C</b>	<b>Professional Services</b>				
58	Project Management	10	Month		
59	Project Pre-Design Coordination		Month		
60	Toll System Design	4	1 Lane		
61	Project Documentation (Programmatic)	1	Each		
62	Project Documentation (Project Specific)	1	Each		
63	Toll System Plans	1	Each		
64	<b>Subtotal - Professional Services</b>				
65	<b>Grand Total - Toll System Implementation (Sections A, B, and C)</b>				

**Pricing Table U-5  
Hypothetical Maintenance Price**

ITEM/LINE		DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	ITEM PRICE
<b>D</b>	66	<b>Toll Zone Maintenance</b>				
	67	Toll Zone Maintenance (Cash Lane - CTTS)		Month		
	68	Toll Zone Maintenance (Dedicated ETC Lane - CTTS)		Month		
	69	Toll Zone Maintenance (Mixed Mode Lane - CTTS)		Month		
	70	Toll Zone Maintenance (ORT Zone – Existing ORTS)		Month		
	71	Toll Zone Maintenance (ORT Zone – New ORTS)	96	Month		
	72	Plaza Maintenance (Cash collection, Physical Security)		Month		
	73	<b>Subtotal – Toll Zone Maintenance</b>				
<b>E</b>	74	<b>Communications Maintenance</b>				
	75	T1 Service	96	Month		
	76	<b>Subtotal – Communications Maintenance</b>				
<b>F</b>	77	<b>Other Maintenance Activities</b>				
	78	Annual Performance Audit	8	Yearly		
	79	3 <sup>rd</sup> Party Attest of Annual Audit	7	Each		
	80	Software Source Code Escrow	8	Yearly		
	81	End of Maintenance Term Activities	4	Lane		
	82	<b>Subtotal – Other Maintenance Activities</b>				
	83					
	84	<b>Total – Maintenance Price</b>				

## Attachment C-1 Hypothetical Project Segment Scenario

This project involves the implementation of four ramp toll gantries on State Highway (SH) 45 North at O'Connor Drive in Austin, Texas. The four new ramps will provide access to and from SH 45 N at O'Connor Drive. This Supplement includes four one-lane toll gantries; two on at-grade ramps and two on elevated ramps, as depicted in Figure 1 below.

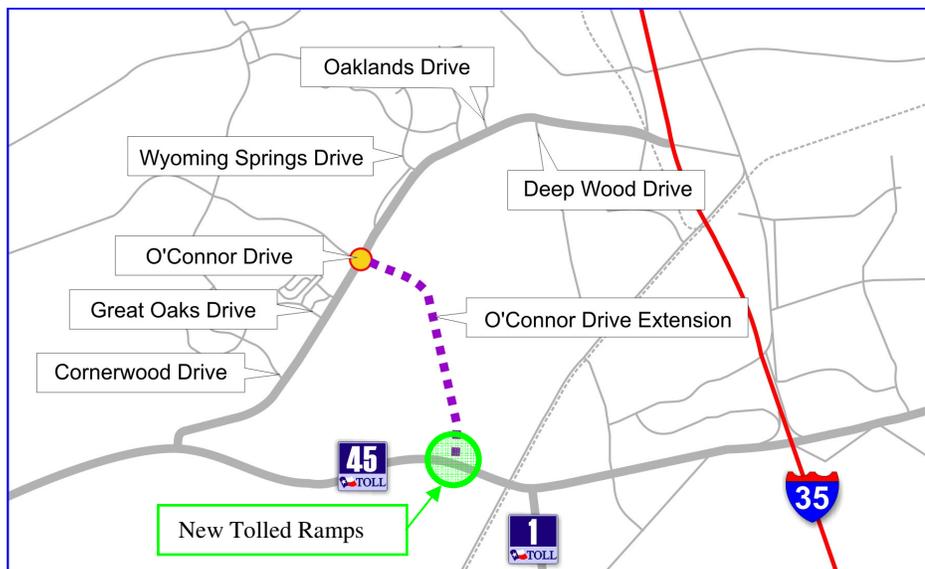


Figure 1 – New SH 45 N Ramp Locations

The Toll System shall be designed in accordance with the Agreement, including TxDOT toll system design and performance standards utilizing the values set forth or referenced in the Technical Provisions. Specifically, this project consists of providing a fully integrated Automatic Vehicle Identification (TxTag) and Pay By Mail System.

The toll gantries will be located at the following approximate SH 45 N centerline stations as detailed below:

1. Ramp 9 East (RE09U)
  - a. At-grade entrance ramp from eastbound frontage road to eastbound main lanes
  - b. Area provided for toll equipment and maintenance vehicle
2. Ramp 9 West (RW09U)
  - a. At-grade exit ramp from westbound main lanes to westbound frontage road
  - b. Area provided for toll equipment and maintenance vehicle

3. Ramp North-West DC (RNWDC)
  - a. Elevated exit ramp from north-west direct connector to westbound frontage road
  - b. No area provided on structure for toll equipment and maintenance vehicle
  - c. Ramp will be shut down for gantry maintenance
  - d. Toll gantry will be ground-mounted along north side of ramp (south side is underneath existing DC and would be difficult to construct)
  - e. Toll cabinets will be located in maintenance area for RW09U
  
4. Ramp East-South DC (RESDC)
  - a. Elevated entrance ramp from eastbound frontage road to east-south Direct Connector
  - b. Area provided on structure for toll equipment and maintenance vehicle (pickup truck, not bucket truck)
  - c. Ramp will be shut down for gantry maintenance

The elevated ramp (RESDC) shall utilize 45' tall cantilever overhead sign structures, reaching to footings at grade.

The existing SH 45 N toll collection system is currently in operation and collecting tolls. Only the O'Connor ramps, shown in Figure 1, will be constructed in their entirety under this project. Integrator will be responsible for coordinating its Work efforts, through the Austin District and Area Office, with other contractors who may be on-site in order to minimize conflicts and potential delays.

The Integrator shall fabricate and install ground mounted toll rate and TxTag or Pay By Mail signs on the approaches to the toll ramps.

The Integrator shall install new conduit between site RE09U and the nearest TxDOT duct bank ground box. Within this, the Integrator shall install single mode fiber and splice into the TxDOT existing fiber plant in the ground box, connecting to dark fibers identified by TxDOT to be provided to the Integrator. The Integrator shall further install multimode fiber in the same conduit and pull this to site RESDC via a spare tube in the TxDOT duct bank to the nearest ground box in proximity to site RESDC. All required conduit will be provided by others. The Integrator shall furnish and install any necessary fiber-optic transceivers and jumpers in patch panels between site RE09U and the Integrator provided network at the TxDOT CSC, using information and fiber assignments provided by TxDOT to the Integrator.

The Integrator will support TxDOT in the execution of User Acceptance Testing, executed by TxDOT and their consultants, requiring an effort lasting no longer than one week.

**Attachment D**  
**TxDOT Bid Bond Form**

(See attached.)

**TEXAS DEPARTMENT OF TRANSPORTATION  
BID BOND**

KNOW ALL PERSONS BY THESE PRESENTS,

That we, (Integrator Name) \_\_\_\_\_  
\_\_\_\_\_

Hereinafter called the Principal, and (Surety Name) \_\_\_\_\_  
\_\_\_\_\_

a corporation or firm duly authorized to transact surety business in the State of Texas, hereinafter called the Surety, are held and firmly bound unto the Texas Department of Transportation, hereinafter called the Obligee, in the sum of one hundred thousand dollars (\$100,000) as a proposal guaranty, the payment of which sum will and truly be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the principal has submitted a bid for the following project identified as:

**Statewide Toll System Integration and Maintenance**

NOW, THEREFORE, if the Obligee shall award the Contract to the Principal and the Principal shall enter into the Contract in writing with the Obligee in accordance with the terms of such bid, then this bond shall be null and void. If in the event of failure of the Principal to execute such Contract in accordance with the terms of such bid, this bond shall become the property of the Obligee, without recourse of the Principal and/or Surety, not as a penalty but as liquidated damages.

Signed this \_\_\_\_\_ Day of \_\_\_\_\_ 20 \_\_\_\_\_

By: \_\_\_\_\_  
(Integrator/Principal Name)

\_\_\_\_\_  
(Signature and Title of Authorized Signatory for Contractor/Principal)

\*By: \_\_\_\_\_  
(Surety Name)

\_\_\_\_\_  
(Signature of Attorney-in-Fact)

\*Attach Power of attorney (Surety) for Attorney-in-Fact

Impressed  
Surety Seal  
Only

**This form may be removed from the proposal.**

**BIDDER'S CHECK RETURN**  
**IMPORTANT**

The space provided for the return address must be completed to facilitate the return of your bidder's check. Care must be taken to provide a legible, accurate, and complete return address, including zip code. A copy of this sheet should be used for each different return address.

**NOTE**

**Successful bidders will receive their guaranty checks with the executed contract.**

RETURN BIDDERS CHECK TO (PLEASE PRINT):


**PROJECT: Statewide Toll System Integration and Maintenance**

**IMPORTANT**

**PLEASE RETURN THIS SHEET IN ITS ENTIRETY**

Please acknowledge receipt of this check(s) at your earliest convenience by signing below in longhand, in ink, and returning this acknowledgement in the enclosed self addressed envelope.

Check Received By: \_\_\_\_\_ Date: \_\_\_\_\_

Title:  
\_\_\_\_\_

For (Integrator's Name): \_\_\_\_\_

**Attachment E**  
**Proposer Affirmation Form**

(See attached.)

## **PROPOSER AFFIRMATION FORM**

This form must be signed and returned with the response. Responses that do not include this form will be disqualified. The response shall be void if false statements are contained in this form.

**CONFORMANCE:** The Proposer warrants to TxDOT that all goods and services furnished shall conform in all respects to the terms of the specification. In addition, Proposer warrants that goods and services are suitable for and will perform in accordance with the purposes for which they are intended.

**GRATUITIES:** The Proposer has not given, offered to give, nor intends to give at any time hereafter any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor, or service to a public servant in connection with the submitted response.

**CERTAIN BIDS AND CONTRACTS PROHIBITED:** Under Government Code Section 2155.004, the Proposer certifies that the individual or business entity named in this response is eligible to receive the specified contract and acknowledges that the contract may be terminated or payment withheld if this certification is inaccurate.

**ANTRITRUST LAWS:** Neither the Proposer nor the firm, corporation, partnership, or institution represented by the Proposer, or anyone acting for such firm, corporation or institution has violated the antitrust laws of this state, or the Federal Antitrust Laws, nor communicated directly or indirectly the solicitation made to any competitor or any other person engaged in such line of business.

**DECEPTIVE TRADE PRACTICES; UNFAIR BUSINESS PRACTICES:** The Proposer represents and warrants that it has not been the subject of allegations of deceptive trade practices violations under Business & Commerce Code Chapter 17, or allegations of any unfair business practice in any administrative hearing or court suit and that Proposer has not been found to be liable for such practices in such proceedings. Proposer certifies that it has no officers who have served as officers of other entities who have been the subject of allegations of deceptive trade practices violations or allegations of any unfair business practices in an administrative hearing or courts suit and such officers have not been found to be liable for such practices in such proceedings.

**COLLUSION:** The Proposer has not colluded with, nor received any assistance from, any person who was paid by TxDOT to prepare specifications or a solicitation on which a Proposer's response is based and will not allow any person who prepared the respective specifications or solicitation to participate financially in any contract awarded.

**INELIGIBILITY UNDER FAMILY CODE:** Under Family Code Section 231.006, the Proposer certifies that the individual or business entity named in this response is not ineligible to

receive the specified grant, loan, or payment and acknowledges that the contract may be terminated and payment may be withheld if this certification is inaccurate. Any Proposer subject to Section 231.006 must include names and social security numbers of each person with at least 25% of ownership of the business entity submitting the response. This information must be provided prior to award.

NOTE: Pursuant to Government Code Section 403.055 and Family Code Section 231.006, a contract will not be issued to a Proposer and warrants will be held by CPA if the Proposer owes delinquent child support payment(s), a delinquent state tax, or other tax collected by the CPA.

**CONTRACTING WITH EX-TXDOT EXECUTIVE DIRECTOR:** Under Government Code Section 669.003, TxDOT may not enter into a contract with an individual who was the executive director of TxDOT during the four years before the date of the contract, or with anyone who employs a current or former TxDOT executive director, unless the Transportation Commission approves the contract in an open meeting.

NOTE: If Section 669.003 applies, Proposer must provide the following information as an attachment to this solicitation response: name of former TxDOT executive director, date of separation from TxDOT, position with Proposer, and date of employment with Proposer. This information is subject to public disclosure under Section 660.004.

**DEBT TO THE STATE:** Proposer agrees that any payments due under this contract will be applied towards any debt, including but not limited to delinquent taxes and child support that is owed to the State of Texas.

**PROPOSER ELIGIBILITY:**

(a) Proposer certifies that the responding entity and its principles are eligible to participate in this transaction and have not been subject to suspension, debarment, or similar ineligibility determined by any federal, state or local governmental entity, and that respondent is in compliance with the State of Texas statutes and rules relating to procurement, and that respondent is not listed on the federal government's terrorism watch list as described in Executive Order 13224. Entities ineligible for federal procurement are listed at: <http://www.epls.gov>.

(b) Proposer has not been convicted of a felony in connection with a contract awarded by the federal government for relief, recovery, or reconstruction efforts as a result of Hurricane Rita, Katrina or subsequent disasters.

(c) Proposer certifies that it is not:

- (1) A person required to register as a lobbyist under Government Code Chapter 305.
- (2) A public relations firm.
- (3) A government consultant.

**NEPOTISM DISCLOSURE:**

(a) This section requires the Proposer to notify TxDOT of any TxDOT employee who is a relative of the Proposer or any Proposer subcontractor, and who is expected to work under this contract. In this section, the term “relative” means:

- (1) a person’s great grandparent, grandparent, parent, aunt or uncle, sibling, niece or nephew, spouse, child, grandchild, or great grandchild, or
- (2) the grandparent, parent, sibling, child, or grandchild of the person’s spouse.

(b) A notification required by this section shall be submitted in writing to the person designated to receive official notices under this solicitation and by first-class mail addressed to Contract Services Section, General Services Division, Texas Department of Transportation, 125 East 11th Street, Austin, Texas 78701. This notice shall specify the Proposer’s firm name, the name of the person who submitted the notification, the solicitation number, the district, division, or office of TxDOT that is principally responsible for the contract, the name of the relevant Proposer employee, the expected role of the Proposer employee on the project, the name of the TxDOT employee who is a relative of the Proposer employee, the title of the TxDOT employee, and the work location of the TxDOT employee.

(c) By signing this form the Proposer is certifying that the Proposer does not have any knowledge that any of its employees or of any employees of a subcontractor who are expected to work under this contract have a relative that is employed by TxDOT unless the Proposer has notified TxDOT of each instance as required by subsection (b).

(d) If the Proposer learns at any time that any of its employees or any of the employees of a subcontractor who are performing work under this contract have a relative who is employed by TxDOT, the Proposer shall notify TxDOT under subsection (b) of each instance within thirty days of obtaining that knowledge.

(e) If the Proposer violates this section, TxDOT may terminate the contract immediately for cause, may impose any sanction permitted by law, and may pursue any other remedy permitted by law.

Proposer represents and warrants that the individual signing this form is authorized to sign on behalf of Proposer and to bind Proposer under any contract resulting from this response.

**Proposer Name:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Name (Printed):** \_\_\_\_\_

**Title:** \_\_\_\_\_ **Date:** \_\_\_\_\_