

I D	Document/Section	Existing Text or Discussion Topic	Question/Comment	Response
15	RFQ – Page 5; Section 2.2 Project Environmental Status	Each potential Project segment (Segments ABC, DE, F, G(1), G(2), H and I) has received environmental clearance. TxDOT received a finding of no significant impact (FONSI) for the West Section on April 29, 2004 (includes Segments A, B, F and H). TxDOT received a FONSI for the East Section on January 30, 2003 (includes Segments E, G(1) and G(2)). TxDOT received a FONSI for the Dallas High Five project on October 22, 1993 and received a re-evaluation on January 31, 2001 (includes Segment D). TxDOT received a FONSI for the Loop 12/35E project on December 12, 2002 (includes Segments C and I).	What is the shelf life of the referenced FONSI's and what parameters will initiate a re-evaluation?	Every three years a project's environmental status is reviewed. At that time, it will be determined as to whether a continuous activity letter, re-evaluation or more stringent assessment could be warranted.
16	RFQ - Page 5; Section 2.3 Public Funding	TxDOT anticipates that the \$420M from TxDOT and other public sources will be available for construction of Segment ABC	<ol style="list-style-type: none"> 1) How do the public sources break down by agency? 2) How does the public funding affect the operations and maintenance of the roadway and tunnels? 3) What interagency agreements are contemplated by TxDOT, and when will copies be available? 4) Do the TxDOT Funds Available just cover construction cost? 5) Are TxDOT Funds Available for professional services (design), ROW acquisition fee for properties and developer's services and utility relocation items of design and construction? 6) Is the identified \$420M in funding currently identified in the UTP & TIP? 	<ol style="list-style-type: none"> 1) This will be addressed in the RFDP. 2) This question is unclear. Technical aspects of the operations and maintenance will be unaffected. 3) Any available interagency agreements will be provided as they are developed. 4) The identified funds in the RFQ have been programmed by TxDOT for construction. Limitations on the use of such funds, if any, by the Developer will be addressed in the RFDP. 5) See part 4 of this Question #16 above. 6) Yes. See part 1 of this Question #16 above.

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17	RFQ – Page 5; Section 2.4 Right-of-Way Acquisition	Right-of-way has not yet been completely obtained for the Project. The preliminary assessment of Project right-of-way needs is listed in the EA's. The base mapping for the Project has been initiated by contracted services. An advance right-of-way acquisition for the West Section staging area as indicated in the West Section EA has completed at the northwest corner of Welch and LBJ. The status of all other Project right-of-way acquisition will be set forth in detail in the RFDP.	Please provide an estimate on the ROW requirements per segment.	Approved full size ROW maps for many segments of the project are available at the District Office for reproduction. Additional details and status of the ROW acquisition process will be provided in the RFDP.
18	RFQ – Page 6; Section 2.6 Traffic and Revenue Forecast	Investment grade traffic and revenue study	For the Proposers to provide TxDOT with a complete plan of finance additional Traffic and Revenue activities consistent with the Proposers Project Development Plan may need to take place. Does TxDOT intend to facilitate these additional activities including stated preference surveys, traffic counts, ramp counts and speed and delay studies?	At this time, TxDOT does not anticipate providing any additional studies beyond those now being finalized for the project as part of the Phase III Traffic and Revenue Study (Investment Grade) and additional studies and analyses will be the Proposer's responsibility.
19	RFQ – Page 6; Section 2.6 Traffic and Revenue Forecast	An investment grade traffic and revenue study was initiated by TxDOT in July 2003 and is expected to be completed in August 2005 and will be made available when completed. In addition, the results of two preliminary traffic and revenue studies performed for the Project are available to Proposers and are included on Exhibit A. Supplemental traffic and revenue studies and data collection items listed on Exhibit A will be made available to Proposers when completed.	Does the investment grade traffic and revenue study include all segments?	Yes.
20	RFQ – Page 7; 3.1 Overall Process	Following the shortlisting of Proposers, TxDOT anticipates releasing for industry review and comment a draft RFDP, including scope of work and contract documents or summaries/term sheets.	Please define summaries/terms sheets?	Summaries and term sheets would represent an outline of a specific work product where early input from the industry will aid in finalizing the requirements.

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21	RFQ – Page 8; 3.2 Procurement Schedule	QS Due Date.....September 22, 2005	Due to the complexity of the project and the nature of the requested qualification information, we are concerned that we will not have sufficient time to submit a responsible and complete package. Accordingly, will TxDOT consider a time extension?	TxDOT does not, at this time, anticipate extending the QS Due Date. The four-month period to prepare the QS is the longest that TxDOT has allowed on any of its CDA projects to date. TxDOT expects that a QS will establish the qualifications, experience and ability of the Proposer team to undertake and successfully complete the Project. In addition, while TxDOT expects that the conceptual development and financing plans for the QS will be well-conceived and viable and will help establish and demonstrate the Proposer's capability to successfully handle and complete the Project, TxDOT does not anticipate that, at the QS stage, Proposers will or need undertake significant design and engineering activities to prepare the conceptual development plan stage nor does TxDOT expect detailed and refined financial modeling and plans of finance in connection with the conceptual financing plan. TxDOT's expectations are underscored with reference to Section 5.5 of the RFQ which anticipates significant changes in the Proposers' Project development and funding plans at the Detailed Proposal stage.
22	RFQ – Page 10; 3.7 DBE/HUB Requirements	TxDOT also has adopted the Texas Building and Procurement Commission definition of and certification program for Historically Underutilized Businesses (“HUBs”). The HUB policy of TxDOT applies to all TxDOT contracts and purchases paid with State of Texas or local government entity funds.	Section 2.3 Public Funding states that “ TxDOT anticipates that \$420 million from TxDOT and other public sources will be available for construction of Segment ABC. The RFDP will provide further details regarding the amount of available public funds for the Project.” Will this funding, plus any other appropriated funding, establish the upper limit of mandatory participation by HUBs? Are revenues from toll collections considered State funding? See 3.10 Project Financing	Additional details will be provided in the RFDP.
23	RFQ – Page 10; Section 3.8 Development	It is anticipated that the CDA will require the Developer...to assume substantially all development obligations from TxDOT...	Are interagency agreements going to be provided prior to the RFDP or are the interagency agreements the sole responsibility of the developer?	Completed interagency agreements will be provided to the Developer. The RFDP will specify the Developer's responsibilities.

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24	RFQ – Page 10; Section 3.9 TxDOT Procurement Engineers	TxDOT has retained LBJ Mobility Partners to act as its procurement engineers for the Project (the “PcE”). The PcE may assist TxDOT in three general areas: (a) procurement of the Developer; (b) preliminary engineering; and (c) CDA Project oversight.	Will the PcE be a recognized agent for TxDOT acting in the capacity of the Department? If yes, is there an underlying reason that TxDOT has identified the PcE functions in the RFQ?	The PcE will be an integral part of the oversight aspects of the project, but TxDOT does not anticipate that they will be an agent. Details as to any authority of the PcE regarding Project implementation will be addressed in the RFDP.
25	RFQ – Page 11; Section 3.9.3 CDA Project Oversight:	CDA Project Oversight:	This section discusses project oversight, but in reading it I was not sure if an Independent Quality Assurance Firm (IQF) would be required under this agreement? Can you please clarify?	Additional details will be provided in the RFDP and discussed during industry review.
26	RFQ - Page 14; Section 4.2.1.2 Entity Qualifications (e) proposers are to verify that contact information is correct, and are advised that if contact information is not current	In some cases, the individual(s) within the client organization are no longer employed by the client organization. In such instances, is it acceptable to name the most appropriate responsible individual within the client organization? Alternatively, is it acceptable to provide contact details for the previous client contact now serving in a different capacity or organization?	Yes and Yes. The Proposer must decide how to facilitate TxDOT’s verification.
27	RFQ – Page 14; Section 4.2.1.3 Conceptual Project Development Plan Part (e)	(e) Approach for other key Project functions, including safety, permit procurement, utility relocation and adjustment services, environmental protection, ITS capabilities and public relations.	Would it be appropriate to include <u>right-of-way acquisition</u> to this list of key functions?	Yes. Any additional item the Proposer chooses to include can / will be taken into consideration during the QS review process.

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28	RFQ – Page 15; Section 4.2.1.3 Conceptual Project Development Plan Part (g)	(g) Description of the Proposer’s view of the roles and responsibilities of TxDOT, the Proposer and third parties in connection with the Project (in terms of allocation of work, facility implementation/delivery, long-term operations and maintenance and financial/funding commitments). Describe how the Proposer envisions working with TxDOT, the PcE , etc. and the optimal TxDOT/Proposer relationship. Describe the nature of TxDOT participation sought by the Proposer in connection with Project development and how that will achieve success. Activities relating to the plan of finance may be identified as the Proposer deems appropriate to allow the reader to understand the interconnections between the finance process and Project development, but should also be addressed in the Conceptual Project Financing Plan. The Proposer may wish, but is not required, to address some or all of the following areas:	What is the purpose for listing the PcE separate from TxDOT? Will the PcE operate independent from TxDOT staff?	See answer to Question #24. The proposer will be actively engaged with TxDOT and their representatives on the project. The PcE is one of those representatives.

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29	RFQ – Page 22; Section 4.2.3.4 Legal Qualifications Section (b)	(b) A list and a brief description (including the resolution) of each arbitration, litigation, dispute review board and other dispute resolution proceeding occurring during the last five years involving Proposer (or any other organization that is under common ownership with the Proposer), any equity member or any Major Non-Equity Member and involving an amount in excess of \$500,000 related to performance in capital transportation projects with a contract value in excess of \$25 million. Include a similar list for all projects included in the response to Section 4.2.1.2(d), regardless of whether the dispute occurred during the past five years or involved the same organization that is on the Proposer's team. For each instance, identify an owner's representative with a current phone and fax number (and email address if available).	Is this section referring to issues arising at a primary contractual relationship between Owners and Contractor's (or Consultant's)?	Yes
30	RFQ – Page 17; Section 4.2.1.4 Conceptual Project Financing Plan	(b) Proposed sources and uses of funds for the Project, including a description of any proposed concession fee and/or other revenue sharing mechanisms. Proposers are encouraged to creatively explore possible private contributions (debt and equity) towards financing the Project.	Is the financial plan required for all segments or only the baseline project for the QS?	The QS, including the Conceptual Project Development Plan and the Conceptual Project Financing Plan, is required to cover Project Segments A through I. This will be clarified in Addendum #1.
31	RFQ – Page 17; Section 4.2.1.4 Conceptual Project Financing Plan	Conceptual cost estimates in 2005 dollars on Form D . Assume that Segment ABC will be completed by 2013 and the remaining Segments will be completed by 2025.	Are the referenced public dollars for Segment ABC, contingent upon a funding stream through 2013? Are there funds earmarked for the remaining segments?	The identified funding is through the year 2015. Additional funds may be available for other Segments. Additional details regarding these issues will be provided in the RFDP.

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32	RFQ – Page 29; Section 6.3 Organizational Conflicts of Interest	TxDOT is currently a policy regarding organizational conflicts of interest that will apply to all CDA projects...	<p>We suggest the Department revise its conflict-of-interest position to be project specific rather than applying to any CDA project.</p> <p>This project coupled with all other emerging projects in Texas could place an unprecedented strain on the supply of qualified technical resources as the numbers of technical staff for this project alone could range from 300 to 500.</p>	Your comments with regard to this topic are appreciated and will be taken into consideration.
33	Exhibit C Constraints Chart 4. Constructibility – Applied to Reference Schematic Segments A,B,&C	Assure both interim project(s) and ultimate facility constructability.	Is it correct that the “ultimate facility” in this context is that which has been, to date, cleared environmentally?	Yes.
34	Exhibit C Constraints Chart 10. Relative Elevation of Improvements to Existing Grade – Applied to Reference Schematic Segments A,B,&C	Ensure elevation of proposed surface roadways stay consistent with those contained within the approved schematic.	Please define “consistent”.	In general the roadways that are on the surface - Cross Streets, Mainlanes,, Frontage Roads, Managed Lanes on Grade in the Median, Elevated Ramps and Direct Connections to access the facilities. Further details concerning technical requirements will be set out in the RFDP.