

TEXAS TRANSPORTATION COMMISSION

Grimes and Montgomery Counties

MINUTE ORDER

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Bryan and Houston Districts

Texas Transportation Code, Chapter 223, Subchapter F, prescribes the process by which the Texas Department of Transportation (department) may enter into a design-build agreement (DBA) with a private entity that provides for the design, construction, expansion, extension, related capital maintenance, rehabilitation, alteration, or repair of a highway project on the state highway system.

On April 30, 2015, by Minute Order 114242, the Texas Transportation Commission (commission) authorized and directed the department to issue a request for qualifications (RFQ) for the development, design, construction, and maintenance of the SH 249 Extension (project) in Montgomery and Grimes counties. The project provides for the addition of a state highway facility from FM 1774 at Pinehurst, in Montgomery County, to SH 105 in Grimes County, and includes both tolled and nontolled improvements.

The department issued the RFQ on May 15, 2015, and subsequently determined that five of the seven teams submitting qualifications statements in response to the RFQ were qualified to be on the short list of teams that would be requested to submit detailed proposals to develop, design, construct, and maintain the project.

Texas Transportation Code §223.246 and Title 43 Texas Administrative Code (TAC) §9.153 provide that, if authorized by the commission, the department will issue a request for proposals (RFP) from all private entities qualified for the short-list. On August 27, 2015, by Minute Order 114348, the commission authorized and directed the department to issue an RFP requesting detailed proposals from the short listed teams to develop, design, construct, and maintain the SH 249 Extension, and authorized a payment for work product for each proposer that submitted a responsive, but unsuccessful, proposal of up to a maximum amount per proposer of 0.25% of the successful proposer's price for all work under the DBA. On September 28, 2016, the department issued the RFP.

On March 27, 2017, proposals were received from WBCCI, LLC and Webber-FAUS. From March 27, 2017 until June 7, 2017, the department evaluated technical, financial, and price proposals from the proposers.

The proposals were evaluated in the following categories: (1) pass/fail and responsiveness; (2) technical score; and (3) price score. The proposals were first evaluated on the basis of certain pass/fail criteria set forth in the RFP, and reviewed for responsiveness to the submittal requirements in the RFP. The technical proposals were then evaluated and scored in accordance with the requirements of the RFP, which included performance evaluations prepared by the department in accordance with 43 TAC §9.152 and §27.3, and other performance evaluations as deemed relevant by the department. The price proposals were evaluated concurrently and scored, also in accordance with the requirements of the RFP. The technical score points assigned to the technical proposals were then added to the price score points to determine the total number of points received by each proposal. The responsive proposal with the highest score was determined to provide the apparent best value.

The evaluation and scoring of each proposal under the technical score and price score categories resulted in the proposals being ranked as follows: WBCCI, LLC, Webber-FAUS. The proposal submitted by WBCCI, LLC was accordingly determined to provide the apparent best value.

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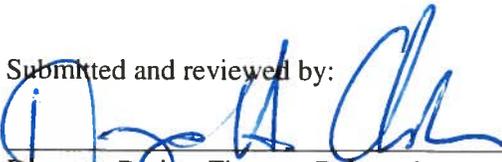
Bryan and Houston Districts

IT IS THEREFORE ORDERED by the commission that the determination that the proposal submitted by WBCCI, LLC provides the apparent best value to the department is approved, and the department is authorized and directed to commence and complete negotiations with WBCCI, LLC necessary to finalize the DBA and the associated Capital Maintenance Agreement (CMA) to develop, design, construct, and maintain the SH 249 Extension in Montgomery and Grimes counties from FM 1774 in Pinehurst, Texas to SH 105 near Navasota, Texas, and to modify the DBA and CMA as necessary as a result of such negotiations.

IT IS FURTHER ORDERED that the DBA and the associated CMA are awarded to WBCCI, LLC subject to, and effective upon the occurrence of, all of the following: (1) the successful conclusion of negotiations, including satisfaction of conditions to final award specifically identified by the department in its letter notice of conditional award to the proposer; (2) the issuance of a Notice of Intent to Award by the department; (3) applicable FHWA approvals as identified by the department; and (4) the mutual execution and delivery of the DBA and CMA by the executive director of the department and the design-build contractor.

IT IS FURTHER ORDERED that if the executive director determines that the negotiations with WBCCI, LLC cannot be successfully completed, and that therefore the proposal submitted by WBCCI, LLC will not provide the apparent best value, the department is authorized to commence and complete discussions and negotiations with Webber-FAUS, the next highest ranked proposer, with award to the next highest ranked proposer subject to the terms and conditions in the immediately preceding paragraph of this order.

Submitted and reviewed by:



Director, Project Finance, Debt and
Strategic Contracts Division

Recommended by:



Executive Director

114960 JUN 29 '17
Minute Date
Number Passed