



REQUEST FOR INFORMATION REGARDING THE DEVELOPMENT OF THE 10/69 INTERCHANGES PROJECT

RFI Issuance Date: October 4, 2019

RFI Written Responses Due: October 18, 2019 at 12:00 Noon (Central Time)

The Texas Department of Transportation (TxDOT) is seeking information to assist in the development and procurement of the 10/69 Interchanges Project (Project). This Request for Information (RFI) is issued solely to obtain information to assist TxDOT. It does not constitute a Request for Qualifications (RFQ), a Request for Proposals (RFP) or other solicitation document, nor does it represent a commitment to re-issue an RFQ in the future. This RFI does not commit TxDOT to contract for any supply or service whatsoever. TxDOT will not pay for any information provided or reimburse any cost or expense incurred in response to this RFI.

1. OVERVIEW

The Texas Department of Transportation issued an RFQ for the Project on June 18, 2019 (as amended, the “original RFQ”). As a result of the low number of responses received, TxDOT has elected to withdraw the original RFQ and issue this RFI. Through this RFI, TxDOT is seeking industry feedback regarding the Project and its procurement.

Please note that TxDOT is not canceling the procurement of this Project. Restrictions on improper communications and contacts, as outlined in [Section 5](#), remain in place. However, the deadlines and procurement schedule contained in the original RFQ are no longer effective.

A. Purpose of RFI

The purpose of this RFI is to solicit written responses from industry with experience in developing large transportation infrastructure projects. All experienced firms interested in providing input regarding the procurement of this Project are encouraged to respond to this RFI. Those firms that may be interested in developing the Project but did not submit a Qualifications Statement (QS) in response to the original RFQ are particularly encouraged to respond. Responses from proposer teams and individual team members that did submit a QS in response to the original RFQ (Proposers) are also welcome.

The information received in response to this RFI will be used to assist TxDOT with the preparation of any subsequent RFQ, RFP, and Design-Build Contract (DBC) for the Project. **Please note that responding to this RFI is not a prerequisite or condition to participating in the ongoing procurement of this Project.** However, potential participants in the procurement are strongly encouraged to respond.

B. One-on-One Meetings

Following TxDOT's review of the responses to this RFI, TxDOT may request that a respondent participate in a one-on-one meeting to discuss this RFI. One-on-one meetings are expected to be held in early November 2019. TxDOT will contact the respondent by email or telephone to arrange a time for the one-on-one meeting and to obtain a list of any current team members so that TxDOT may review potential conflict issues regarding TxDOT personnel and consultants attending the meeting. Please note that submitting a response to this RFI may not result in a request for a meeting.

During one-on-one meetings, TxDOT encourages participants to engage in frank and open discussions regarding the Project and questions raised in the RFI. To that end, TxDOT will require participants in the meetings to acknowledge the confidentiality of the discussions by executing confidentiality agreements.

2. PROJECT DETAILS

A. Project Scope, Status, and Terms

The Project consists of non-tolled improvements along I-10 from approximately Walden Road (County Road 131) to 7th Street, including the reconstruction of the Cardinal Drive and Eastex Freeway interchanges, which includes reconstructing direct connectors and widening the roadway approaches to the interchanges on I-10 and US 69, in the City of Beaumont.

See the Project webpage for additional information, including the original RFQ and DBC Term Sheet, which have further details related to the Project scope, status, and contract terms:

<https://www.txdot.gov/inside-txdot/division/debt/strategic-projects/alternative-delivery/10-69-interchanges.html>.

B. RFI Schedule

Milestone dates for this RFI are identified in the following table:

Milestone	Date and Time
1. Issue RFI	October 4, 2019
2. Deadline for questions regarding the RFI	October 11, 2019 at 12:00 Noon (Central Time)
3. Responses to RFI due	October 18, 2019 at 12:00 Noon (Central Time)
4. RFI one-on-one meetings	Early November 2019
5. Anticipated issuance of new RFQ	February 2020

The Texas Department of Transportation reserves the right to modify the above anticipated schedule milestones at any time and for any reason.

3. INFORMATION REQUESTED

The Texas Department of Transportation is interested in your views on the following questions. In your response to this RFI, please number the answers (A1) to match the question numbers (Q1) below.

- Q1. If your firm did not submit (or participate on a team that submitted) a QS in response to the original RFQ, what issues or concerns contributed to your choice not to submit? If your firm did submit (or participate in) a QS, do you have any issues or concerns over the current Project approach?
- Q2. What would be your proposed solution(s) for addressing/mitigating the issues or concerns identified in Q1?
- Q3. If the majority of the issues or concerns are addressed/mitigated, would your firm consider submitting (or participating as a member of a team submitting) a QS in response to a subsequently issued RFQ?

The Texas Department of Transportation understands that the written responses to this RFI will be preliminary and based on limited information available at the time of issuance of the RFI.

4. GENERAL SUBMITTAL REQUIREMENTS

Written responses to this RFI should comply with the following requirements:

Format: All responses to this RFI shall be submitted to TxDOT via email at TxDOT-BMT-ALTD-I10INT@txdot.gov no later than October 18, 2019 at 12:00 Noon (Central Time). Please reference this RFI in the subject or body of the email and provide one complete electronic copy of the written response to this RFI as an attachment in a searchable format.

Respondent Information: Please provide contact information (including name, address, telephone number and email address) for a single point of contact, and a brief summary of your organization and/or team (no more than one page).

Page Limits: While there is no page limit to the responses to the questions in Section 3, respondents are requested to be brief and concise.

5. RULES OF CONTACT

The following rules of contact shall apply from the date of issuance of this RFI until the issuance of a new RFQ (if any) or cancellation of this procurement. These rules are designed to promote a fair and unbiased procurement process. Contact includes face-to-face, telephone, facsimile, email or formal written communication.

The specific rules of contact are as follows:

- (a) Proposers and respondents to this RFI shall correspond with TxDOT regarding this RFI and the Project procurement only through the email address specified herein.
- (b) Commencing with the issuance of the original RFQ and continuing until the earliest of (i) award and execution of the DBC, (ii) rejection of all proposals by TxDOT, or (iii) cancellation of the procurement, no Proposer or RFI respondent (or representative thereof) shall have any communications regarding the Project procurement except as expressly authorized herein. No communications shall be permitted with any member of the Texas Transportation Commission (Commission), any Commission staff or aides, or with any TxDOT staff, advisors, contractors or consultants involved with the procurement or the Project, except for communications with TxDOT consultants who have completed

their services for the Project and have been released by TxDOT, communications expressly permitted by this RFI, or except as approved in advance by the Director of the Project Finance Debt & Strategic Contracts Division, in his/her sole discretion. The foregoing restriction shall not, however, preclude or restrict communications with regard to matters unrelated to this RFI or the Project procurement or from participating in public meetings of the Commission or any public workshop related to this Project.

- (c) No Proposer or respondent to this RFI shall contact stakeholders regarding the Project, including elected or appointed officials, employees, representatives and members of the entities listed below, except as specifically approved by TxDOT in writing:
- Beaumont Area Chamber of Commerce
 - Beaumont Convention & Visitors Bureau
 - Beaumont Independent School District
 - Burlington Northern Santa Fe (BNSF) Railroad
 - Christus Hospital
 - City of Beaumont
 - Federal Highway Administration (FHWA)
 - Golden Triangle Minority Business Council
 - Jefferson County
 - Jefferson County Drainage District 6
 - Lamar University
 - Southeast Texas Regional Planning Commission
 - Texas Department of Public Safety
 - Union Pacific (UP) Railroad
- (d) All communications determined to be improper, at the sole discretion of TxDOT, may result in disqualification from the procurement.
- (e) All official information regarding the Project will be disseminated only from TxDOT's office on TxDOT letterhead or on the Project webpage. All correspondence will be in writing and signed by a TxDOT Authorized Representative. The following are identified as Authorized Representatives for TxDOT: Adam Jack, Scott Ayres, Michael Midkiff, and Lisa Collins. TxDOT will not be responsible for or bound by any oral exchange or other information exchange that occurs outside of the official processes specified herein.

6. PUBLIC INFORMATION ACT

All written correspondence, exhibits, photographs, reports, other printed material, tapes, electronic disks, and other graphic and visual aids submitted to TxDOT in response to this RFI are, upon their receipt by TxDOT, the property of the State of Texas, may not be returned to the submitting parties, and are subject to the

Public Information Act, Chapter 522, Texas Government Code (Act). Respondents should familiarize themselves with the provisions of the Act. In no event shall the State of Texas, TxDOT, or any of their agents, representatives, consultants, directors, officers or employees be liable to a respondent for the disclosure of all or a portion of the information submitted in response to this RFI.

If TxDOT receives a request for public disclosure of all or any portion of a response, TxDOT will use reasonable efforts to notify the applicable respondent of the request and give such respondent an opportunity to assert, in writing and at its sole expense, a claimed exception under the Act or other applicable law within the time period specified in the notice issued by TxDOT and allowed under the Act.

The Texas Department of Transportation will submit a request for an opinion from the Office of the Attorney General prior to disclosing any documents which might contain confidential information. The respondent shall then have the opportunity to assert its basis for non-disclosure to the Office of the Attorney General; however, it is the sole responsibility of the respondent to monitor such proceedings and make timely filings. TxDOT may, but is not obligated to make filings of its own concerning possible disclosure; however, TxDOT is under no obligation to support the positions of the respondent. Under no circumstances will TxDOT be responsible or liable to a respondent or any other party as a result of disclosing any confidential information submitted in response to this RFI, whether the disclosure is deemed required by law, by an order of court, or occurs through inadvertence, mistake or negligence on the part of TxDOT or its officers, employees, contractors or consultants.

The Texas Department of Transportation will not advise a submitting party as to the nature or content of specific documents entitled to protection from disclosure under the Act or other Texas laws or as to the interpretation of such laws. Each respondent is advised to contact its own legal counsel concerning the effect of applicable laws to the submitting party's own circumstances.

In the event of any proceeding or litigation concerning the disclosure of any material submitted by the submitting party, TxDOT will be a stakeholder retaining the material until otherwise ordered by a court or such other authority having jurisdiction with respect thereto, and the submitting party shall be responsible for otherwise prosecuting or defending any action concerning the materials at its sole expense and risk; provided, however, that TxDOT reserves the right, in its sole discretion, to intervene or participate in the litigation in such manner as it deems necessary or desirable.

7. QUESTIONS REGARDING THIS RFI

Respondents are encouraged to submit any questions regarding this RFI to TxDOT via email at TxDOT-BMT-ALTD-I10INT@txdot.gov no later than October 11, 2019 at 12:00 Noon (Central Time). TxDOT may post responses to questions on the Project webpage without identifying the party(ies) submitting the questions.