

Master Development Plan for the TxDOT North Tarrant Express Project Segments 2-4

Chapter 14: Terms and Conditions for Technical Support Services



© Copyright 2010, NTE Mobility Partners Segments 2-4, LLC

Revision:	0	Revisions	
Effective Date:	12/06/10	Number	Date
Prepared by	NTE Mobility Partners Segments 2-4, LLC	0	12/06/10
Reviewed by	<i>[Signature]</i>		
Approved by	<i>[Signature]</i>		

14. Terms and Conditions for Technical Support Services

“Technical Support Services” refers to engineering, technical and support services for the NEPA process for each Facility expressly authorized by TxDOT.

Should TxDOT require Technical Support Services for a Facility, TxDOT shall inform NTEMP24 of the scope of services required and NTEMP24 shall prepare a budget to be used as the basis for negotiating the scope of work, terms and compensation thereof.

NTEMP24 anticipates that Technical Support Services will be performed on a lump sum basis.

If agreeable to TxDOT, the submittal and review process for Technical Support Services will be similar to that implemented for the Initial Scope of Work, which is detailed in Article 9 of the CDA and summarized below:

- The Developer shall be responsible for ensuring that all draft, revised and final Deliverables are accurate, complete and in a form and to a level of detail that satisfy the requirements of the Contract Documents and comply with applicable Laws and Governmental Approvals.
- The Developer shall provide one hard copy of each Deliverable with original signatures of and one electronic copy on a CD. Deliverables shall be accompanied by a transmittal form acceptable to TxDOT. Each Deliverable shall be assigned a unique number.
- Upon the Developer's request, TxDOT shall provide comments upon draft Deliverables within 28 calendar days after TxDOT's receipt thereof. TxDOT shall have 28 calendar days to approve and return to the Developer each proposed final Deliverable.
- In cases where resubmittal of a Deliverable is required, the Developer shall resubmit a revised and amended Deliverable to TxDOT within 30 days after receiving the Deliverable and comments from TxDOT.
- The Developer shall complete the processing of the Deliverable and obtain a “No Exceptions Taken” designation within 90 days after the first receipt of the comments or objections from TxDOT, unless the parties agree upon a later period or unless TxDOT raises new comments or objections unrelated to prior comments and objections.
- TxDOT may raise up to two rounds of conceptually relevant comments or objections. The conditions for such comments or objections are provided in CDA Section 9.3:

Chapter 14: Terms and Conditions for
Technical Support Services

- “TxDOT may raise comments or objections in relation to any draft or revised Deliverable or substitution or any course of action detailed therein on the grounds that:
 - (i) it is not to a standard equal to or better than the requirements of the Contract Documents;
 - (ii) it is not in accordance with good engineering and operating practice;
 - (iii) Developer has not provided all information required in respect of such Deliverable; or
 - (iv) the adoption of such Deliverable or proposed course of action would result in a conflict with or violation of any Law or Governmental Approval. The foregoing provisions of this Section 9.3.3 shall not apply to a Deliverable that is an agreement or contract between the parties, including the Master Development Plan, the Master Financial Plan, Facility Implementation Plans or Facility Agreements, which shall require TxDOT’s affirmative written indication of “NO EXCEPTIONS TAKEN” or TxDOT’s written approval to be effective.”

The Developer shall work cooperatively with TxDOT to coordinate informal reviews of deliverables as they are being developed, prior to final due dates. This will expedite the process by allowing the Developer to respond to TxDOT’s “big picture” comments earlier in the process with the goal of producing a better product and thereby reducing major revisions following formal reviews.

Personnel from TxDOT’s DFW Region and Texas Turnpike Authority Division will be involved in reviewing deliverables. TxDOT may also have the support of external advisors for specialized aspects of the Project such as legal, financial and traffic and revenue. The Developer will work with designated TxDOT personnel and consultants as directed by the TxDOT Project Manager.