

# Q&A Matrix

I-35 Northeast Expansion Project

RFQ Q&A No. 1

June 21, 2019

TxDOT Question Number	Reference	Sub Reference	Question	TxDOT Response
1	Section 1	Section 1, Introduction / CMC Contract Framework	Please confirm that TxDOT will award the DBC and the first 5-year-term of CMA the same date (approx August 2020) as stated in the CMC " <i>The DBC includes a one-year general warranty (materials and workmanship) concurrent with the CMA for all Elements of the Work. The CMC is executed at the same time as the DBC</i> ".	Confirmed.
2	Section 3	Section 3, Description of Procurement Process	What date do you feel that award will be made?	Please refer to RFQ Section 3.3 for the anticipated award dates.
3	Section 3	Section 3, Description of Procurement Process	How can we find out who project is awarded to before it goes to TxDOT awarded contracts site?	As stated in RFQ Section 3.1, conditional award will be made by the Texas Transportation Commission by Minute Order.
4	Section 4	Section 4.2 (c), Volume 1 Requirements	The RFQ states that Arial 10-point font may be used in organization charts and other such graphics. Please confirm that Proposers can also use 10-point font in tables, in addition to organization charts and other such graphics.	No. The 10-point font allowance has been removed in Addendum No. 1. 12-point font is required for all elements of Volume 1 of the QS, including tables, graphs, charts and other graphics.
5	Section 4	Section 4.2 (c), Volume 1 Requirements	We request to use a condensed font in tables and graphics, specifically, the org charts.	No. The 10-point font allowance has been removed in Addendum No. 1. 12-point font is required for all elements of the QS, including tables, graphs, charts and other graphics.

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6	Section 5	Section 5.1, Responsiveness	<p>Please clarify the final sentence of the third paragraph of Section 5.1 of the RFQ as shown below. It should be possible to include a sister company's project experience in the QS without that sister company acting as a Guarantor if the Proposer demonstrates the manner in which the sister company's experience will be transferred to the Project. Such an approach to sister company experience is consistent with what other public authorities have accepted on recent projects in the US design-build and P3 market:            Request: Please change the final sentence in the third paragraph of Section 5.1 to read:            "Project experience provided by a parent or sister company of the Lead Engineering Firm, Lead Contractor, IQF or Lead Maintenance Firm, as applicable, shall not be considered responsive to this QS, unless: (i) such parent or sister company is a Guarantor in accordance with this RFQ; or (ii) Proposer provides a detailed and satisfactory explanation stating how the specific experience from such parent or sister company will be directly transferred to the Proposer team."</p>	No change will be made.
7	Section 5	Section 5.2 (b), Pass/Fail Review	<p>Clarification: 5.2 (b) refers to Exhibit D for bond amount. Exhibit D gives the design and construction price. The term sheet gives the construction price, and Exhibit E gives the construction price</p> <p>Recommend changing Exhibit D to reflect the changes in term sheet or change the reference to Exhibit E in 5.2 (b)</p>	Please see revisions in Addendum No. 1.

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8	Section 5	Section 5.2 (d), Pass/Fail Review	<p>Please change the last sentence from "The determination of whether Proposer has the financial capability to carry out the Project responsibilities potentially allocated to it, either with or without a Guarantor, is in TxDOT's sole discretion."</p> <p>To "TxDOT, in its sole discretion, may approve Proposer's who do not meet the financial qualifications, with or without Guarantor, shown in the RFQ.</p> <p>Or remove this sentence.</p> <p>We do not believe the intent was to assess a pass/fail to a Proposer who otherwise demonstrated meeting the RFQ financial requirements for some arbitrary reason opening up TxDOT to possible litigation and dampening the transparency of the process.</p>	No change will be made.
9	Section 5	Section 5.3.1 (f), Project Qualifications and Experience	Please provide the points possible for each key person comprising the possible 29 total points.	<p>No change will be made.</p> <p>As set forth in Section 5.3.1(f), the subfactors within the criterion for Key Personnel are listed in descending order of importance. Specific point allocations for each Key personnel will not be provided.</p>
10	Exhibit A, Section 2	Table 1, Organization of QS	Please confirm the org charts (up to 3) not to count against the seven page limit.	<p>No.</p> <p>As set forth in the table, Section D (Proposer Information/Project Experience/Management Structure) is limited to 7 pages total, <u>including</u> up to 3 organizational charts. The 7 pages are inclusive of the organizational charts. However, in Addendum #1 the page limit for this section has been increased from 7 to 10 pages.</p>

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11	Exhibit B, Volume 1	Section E, Technical Qualifications, (b), Form E - Project Descriptions (Forms H to be separately submitted) Section H, Form G - Key Personnel Resume and References	Due to the summer months and the fourth of July holiday, references may be on vacation and need more time to turn in forms. Please consider accepting Forms H and I if received after the noon July 15 deadline.	No change will be made since the QS submittal deadline is being extended to July 29, 2019.
12	Exhibit B, Volume 1	Section H, Key Personnel Identification and Qualifications; Table 4, Key Personnel, Lead MOT Implementation Manager	<p>Language states: "Must not be employed by the DB Contractor or its Equity Members."</p> <p>The responsibilities are commensurate with functions performed and experience gained while employed by a contractor. The individual can be an employee of the DB Contractor and report to executive team and TxDOT jointly, external to the production, as does the Safety Manager, for example.</p> <p>Recommendation: Replace with "May be an employee of the DB Contractor or Equity Member, but shall be organizationally independent of direct scheduling and production activities. Shall report jointly to TxDOT's and to the DB Contractor's executive management teams, and have authority to stop Work."</p>	Please see revisions in Addendum No. 1.

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13	Exhibit B, Volume 1	Section H, Key Personnel Identification and Qualifications; Table 4, Lead MOT Implementation Manager	<p>The RFQ states that the Lead MOT Implementation Manager must not be employed by the DB Contractor or its Equity Members. RFQ Section 5 states that “Except as set forth in Table 4 in Exhibit B, Key Personnel must be employed by either: (a) an Equity Member, Lead Engineering Firm, Lead Contractor, IQF or Lead Maintenance Firm [...]” and other related entities. In the case where the Equity Members are also members of the Lead Contractor and based on the restrictions set forth in Section 5, this would mean that the Lead MOT Implementation Manager would have to be employed by the Lead Engineering Firm, the IQF, or the Lead Maintenance Firm. However, it is not typical for these entities to employ individuals that would meet the experience requirements set forth in Table 4, specifically experience overseeing implementation of MOT plans during the construction phase of highway projects similar in scope and complexity to the Project. For these reasons, we request that TxDOT change the requirements for this position to allow the Lead MOT Implementation Manager to be employed by the DB Contractor or its Equity Members, as long as this position is organizationally independent of direct scheduling and production activities and reports jointly to TxDOT and to the DB Contractor’s executive management teams.</p>	Please see revisions in Addendum No. 1.
14	Exhibit B, Volume 1	Section H, Key Personnel Identification and Qualifications; Table 4, Description of Key Personnel	<p>For the following positions: Project Manager, Design Manager, Construction Manager, IQF Manager, Lead Structural Engineer, Professional Services Quality Manager, Lead MOT Implementation Manager and Utility Manager, recommend changing language in first bullet from “similar highway improvement projects...” to “...complex highway projects or program of projects.”</p> <p>As written and due to the size of the project, the wording may be too limiting for relevant Texas experience.</p>	No change will be made.

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15	Exhibit D	Section 3, Project Environmental Status	Please provide any information known to TxDOT regarding coordination with the USACOE and the limits and scope of the potentially required Section 404 permit.	No change will be made. The original 2015 EA and ongoing EA re-evaluation contemplate a USACOE NWP for construction. Therefore, TxDOT has not coordinated, nor do we anticipate any coordination, with USACE regarding construction permitting during the procurement.
16	Exhibit D	Section 6, ROW Acquisition	Please provide current status of ROW acquisition  Please identify any known ROW needs, status and responsibilities for utility relocations planned by TxDOT at this stage	Please see revisions in Addendum No. 1. Additional information regarding the status of the ROW being acquired under the 2015 EA and anticipated under the re-evaluation has been provided in the RIDs.
17	Exhibit D	Section 7 (b), Utility Investigation	Please provide a status of coordination of any major electrical transmission lines known by TxDOT to likely be in conflict at this time.	No change will be made. TxDOT anticipates executing utility relocation agreements prior to contract execution for utilities with long lead times, including: CPS Electric for 12 transmission crossings and City of Schertz for a sanitary sewer lift station near FM 1103. TxDOT anticipates holding another round of utility coordination meetings with the remainder of the utility entities present along the corridor to re-iterate project schedule and make them familiar with design-build utility agreements.
18	Exhibit E	Form of Surety Letter	Exhibit D states that the total design-build estimate is approximately \$1.938 billion. However, Exhibit E requires a Form of Surety Letter that confirms that the Proposer is capable of obtaining a performance bond and a payment bond, each in the amount of at least equal to \$1.638 billion. Is the difference in these two numbers intentional?	Yes. Please see clarifying revisions in Addendum No. 1.
19	Exhibit F	DBC Term Sheet - DBE Provisions	Please provide any information known to TxDOT at this time related to DBE goal setting methodology or values	As set forth in Section 3.8 of the RFQ, information regarding DBE requirements and goals, including percentages, will be included in the RFP.

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20	Exhibit F	DBC Term Sheet - Dispute Resolution	Please consider changing the Dispute Resolution Panel meeting with TxDOT and DB Contractor from "at least a quarterly basis" to "as needed when jointly agreed to by TxDOT and the DB Contractor, but not less than once per year"	No change will be made. Pursuant to Section 4.9.3.2 of the Programmatic General Conditions, the Disputes Review Panel is required to "visit the Project and meet with representatives of TxDOT and DB Contractor on a quarterly basis and at such other times as requested by the Parties."
21	Exhibit F	DBC Term Sheet - Liquidated Damages	Replace Key Personnel Changes Fees "Fees will be assessed...regardless of whether TxDOT approves a replacement."  With "Change fees may be assessed, at TxDOT's sole discretion, if TxDOT approves the change"  This is a minimum 54-month project and personnel will change due to project duration. TxDOT, by this language, is forcing the DB Contractor to prearrange change fees for every key personnel and/or more than one change fee for each key personnel.	No change will be made. The DBC Term Sheet is consistent with the Programmatic DBC Term Sheet, and it summarizes the provisions of the DB General Conditions and the DBA. Section 8.3.1.4 of the General Conditions provides that Key Personnel Change Fees will be assessed for a change in Key Personnel "regardless of whether such individual has been replaced by an individual approved by TxDOT." However, Section 8.3.1.6 of the General Conditions provides that such fees will not be assessed if: (a) DB Contractor removes or replaces such personnel at TxDOT's direction; (b) such individual is unavailable due to death, retirement, injury or no longer being employed by the applicable DB Contractor-Related Entity; or (c) such individual is unavailable due to TxDOT's failure to issue NTP1 within 180 days of the Proposal Due Date.
22	Exhibit F	DBC Term Sheet - Liquidated Damages	Please provide any additional information known to TxDOT on its planned approach to lane closure and lane rental charges	Additional information regarding lane closures and lane rental charges will be provided in the RFP.
23	Exhibit G	CMC Term Sheet	Please consider changing CMA terms to be reflective of current approach being considered by TxDOT for inspection services	No change will be made. The "Inspections and Defects" language is consistent with TxDOT's issued programmatic documents on the TxDOT website.
24	Forms	Form D-1, Technical Experience – Design	Please change the note 2 from 'past 10 years' to 'past 15 years'  This is a very large project and not many projects in Texas are of comparable scope complexity. Limiting to 10 years may not allow very established and qualified companies to present adequate representations of their experience and skills.	No change will be made.

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25	Forms	Form F, Safety Questionnaire	In Form F – Safety Questionnaire, the FIRs and the IRs are requested for 2015, 2016, and 2017. However, the three most recent years would be 2016, 2017, and 2018. Please confirm which years to provide the FIR's and IR's.	Form F is correct. Years 2015, 2016, and 2017 are the most recent years provided on the United States Bureau of Labor Statistics Website.
26	Drainage	I-35 NEX Drainage Analysis dated 05/10/19, Section 1.2	Can TXDOT please provide the Previous Report dated November, 2015 by K Friese and Associates that is referenced Section 1.2.	The November 2015 Final Hydraulics Report and Appendices has been added to the RIDs.
27	Environmental	Final Environmental Assessment; Appendix E	The Historic Section 106 letter dated January 15, 2014 references a proposed 15.4-mile-long project and proposed ROW of 26.1 acre; however, the Final EA Section 1.1, it states the project is 15.4 miles long with 21.6 acres of proposed ROW and the Corridor Map (Appendix C) in the Final EA totals 25.249 acres of proposed ROW. Will TxDOT confirm that the historic resources for the latest schematic are environmentally cleared, and provide the latest schematic and .dgn files?	There may be discrepancies in the 2015 EA and related documentation as noted. However, due to changes in the project design and ROW requirements, the project's affects on historic resources is being re-evaluated. TxDOT's determination, pending agency concurrence, is that the project would cause no adverse effects to historic resources.
28	Environmental	Final Environmental Assessment; Appendix E	The coordination letter sent to TPWD dated December 6, 2013 references 7.4 acres of proposed ROW. In the TPWD response letter dated February 27, 2014 indicates TPWD has no concerns about the proposed project; however, was this based on 7.4 acres of proposed ROW or the current project proposed ROW of 21.6 acres? Is additional coordination required for the current proposed project with 21.6 acres of ROW?	Yes, additional TPWD coordination is required for the 2019 Re-Evaluation of the EA/FONSI.
29	Environmental	Final Environmental Assessment; Appendix E, Archeological Memo	Will TxDOT confirm that the Archeological Memo in Final EA Appendix E, dated September 11, 2014 which eliminated the need for additional archeological investigations/analyses considered the latest schematic?	Some or all archeological related correspondence included in the 2015 EA is likely to be superseded pursuant to the 2019 re-evaluation of the EA/FONSI.

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30	Environmental	Final Environmental Assessment; Multiple Sections	The Final EA text references 21.6 acres of additional ROW needed; however, there are references to other proposed acreages in the appendix information and the Corridor Map (Appendix C) totals 20.79 acres. Appendix Item E Tribal Letters dated June 30, 2014 reference 25.249 acres. Appendix E Archeology Letter dated January 21, 2014 references 7.46 acres of proposed ROW. Will TxDOT confirm that the schematic (included in the Final EA) is correct or provide the latest schematic and .dgn files with the 21.6 acres or other?	There may be discrepancies in the 2015 EA and related documentation. Due to changes in the project design and ROW requirements, the project's affects on archeological resources is being re-evaluated. The schematic shown in the 2015 EA will be superseded by a new schematic with a larger project footprint.
31	Environmental	Final Environmental Assessment; Section 1.2.1	There are specific sidewalk locations identified in Section 1.2.1. Will TxDOT confirm that all of the sidewalk locations listed in Section 1.2.1 were included in the latest schematic and the resource areas that were identified in the Final EA as avoided (such as, but not limited to, the Hansmann Farm property) are avoided in the current schematic?	SAT ENV Section has not researched the comment about sidewalks. However, due to changes in the project, the project now requires a small amount of ROW from the Hansmann Farm property.
32	Environmental	Final Environmental Assessment; Section 3.2.6	Question: What is the migratory bird nesting season for this region and are nest surveys required prior to construction?	Per EA Section 3.6.3, the migratory bird season is from February 16th to September 30th. DB Contractor will be permitted to remove old nests and perform vegetation clearing and structure demolition (i.e. bridges, buildings, culverts) from October 1st to February 15th. Nest surveys will be required prior to vegetation clearing and structure demolition from February 16th to September 30th.
33	Environmental	Final Environmental Assessment; Section 3.4.1	Can TxDOT confirm that the Hansmann Farm which was identified in Section 3.4.1 as a property of concern specified by the Comal County Historical Commission has been avoided in the current schematic?	The project now requires a small amount of ROW from the Hansmann Farm property. TxDOT's determination, pending agency concurrence, is the ROW taking is not adverse.
34	Environmental	Final Environmental Assessment; Section 3.4.1	Section 3.4.1 says the following: Due to schematic design refinements, proposed ROW was no longer required from 1143 or 1159 AT&T Center Parkway (RD-1 and RD-2). Question: Were the schematic refinements made only to avoid these properties because they were potentially historic or were there other reasons such as public comments received? Also, request confirmation the latest schematic design still avoids these 2 properties.	Under the EA reevaluation and subsequent schematic revisions currently in the RFQ RIDs, ROW is no longer required from 1143 or 1159 AT&T Center Parkway (RD-1 and RD-2).

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35	Environmental	Final Environmental Assessment; Section 3.6.6	<p>Section 3.6.6 says the following: On March 4 and 5, August 13, and November 26, 2013, project biologists conducted site investigations within the entire project limits and found no evidence of karst features. A detailed survey will not be completed for the project unless it is determined that surface drainage patterns would be altered and storm water would be drained from the project limits into the adjacent Karst Zone 2 area. There is an area classified as Karst Zone 2 approximately 200 linear ft west of the proposed construction limits on I-410 West that would connect to the I-35 elevated lanes.</p> <p>Question: We would like to request confirmation that no additional Karst surveys would be required as long as storm water is not drained from the project limits to the adjacent Karst Zone 2.</p>	<p>Pursuant to 2018-2019 schematic revisions, TxDOT revised the project records by referencing a karst feature survey conducted in 2012 by Pape Dawson and two additional karst feature surveys in 2019 by Zara and Poznecki-Camarillo to ensure there is an appropriate karst feature survey covering the entire limits of the project in karst zones 1, 2, 3 and 4 in Bexar County. Portions of the project are located in Karst Zone 2. If the DB Contractor modifies the Project Area, as defined by 2019 informal consultation between TxDOT and USFWS, then the DB would be responsible for procuring additional karst feature surveys. The DB Contractor will have to implement any conservation measures pursuant to the 2019 informal consultation.</p>
36	Environmental	Final Environmental Assessment; Section 3.7.2	<p>Can TxDOT provide the Wetland Delineation Report?</p>	<p>TxDOT does not have a Wetland Delineation Report that is related to the 2015 EA/FONSI in its project files. TxDOT is preparing a Water Resource Technical report to support the re-evaluation. There are numerous Waters of the U.S. within the Project Area; however, no wetlands have been identified.</p>
37	Environmental	Final Environmental Assessment; Section 3.7.3	<p>Section 3.7.3 says the following: Coordination with TCEQ was completed on July 8, 2014 and a copy of the coordination letter is provided in Appendix E: Agency Coordination. Question: The TCEQ coordination letter is not included in Appendix E. We would like to request the coordination letter and confirmation it covered the latest schematic.</p>	<p>TxDOT/TCEQ coordination was completed via email. The July 8, 2014, email correspondence is located in Appendix E (PDF pg. 543). TCEQ had no comments.</p>

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38	Environmental	Final Environmental Assessment; Section 3.9	Section 3.9 says the following: Additional assessment, such as a Phase II Environmental Site Assessment would be needed for the facilities that pose an environmental concern to the proposed project in order to determine the possible impact(s) that these past operations may have on the proposed project....Additional investigation and assessment of the high risk sites are recommended to identify if construction activities including excavation at adjacent locations may encounter contaminants.” Question: There are 23 high risk sites. Is it suggested that if any excavation is going to occur next to the 23 high risk sites, a Phase II would be required for each of the sites? Also, what depth of excavation would prompt a Phase II?	The 2019 re-evaluation is taking a fresh look at which sites may be concerns for construction. Additional investigation and assessment of high risk sites does not necessarily mean that subsurface investigations are required. The DB Contractor is required to properly manage any waste materials encountered during construction. If the DB Contractor can accomplish this without conducting subsurface investigations in advance of construction, that is acceptable. The DB Contractor should procure the services of a properly qualified environmental consultant to ensure that any regulated materials encountered during construction are properly managed and to help the DB Contractor plan construction accordingly. Through a thorough review of existing records, such as those available at TCEQ, and comparison of site contaminant conditions (if any) to planned construction, the DB Contractor may judge that some sites require no investigation and others require investigation. Existing records may be sufficient, or insufficient, to properly plan construction and manage wastes. Alternatively, existing records may reveal that regulated wastes will not be encountered. TxDOT is conducting subsurface investigations of several sites, as per Terracon's Workplan for Project Derived Phase II Investigations IH 35 NEX Improvements San Antonio, Bexar County CSJ: 0016-05-111 District: San Antonio Terracon Project No. 96197149 TxDOT Work Authorization Number WA-69 May 7, 2019.
39	Environmental	Final Environmental Assessment; Section 6	Section 6 says the following: A second Stakeholders Meeting was held on August 6, 2014 to present updates on the proposed project and provide an opportunity for stakeholders to review the 60% schematic design and provide comments or ask questions. Question: We request confirmation the schematic is not at a 60% level and we also request summaries of the stakeholder meetings as well as MAPOs including comments and responses.	TxDOT does not have 2014 stakeholders meeting notes in ECOS. The 2015 schematic is no longer proposed to be implemented.  Public meeting and public hearing information can be found on TxDOT's website at <a href="https://www.txdot.gov/inside-txdot/projects/studies/san-antonio/i35-ne-sat-pel.html">https://www.txdot.gov/inside-txdot/projects/studies/san-antonio/i35-ne-sat-pel.html</a>

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40	ROW	I-35NEX_PR ROW Parcel Info_2019.05.10 vs. Final EA Appendix C: Corridor Map	The parcel acreages and number of parcels required as shown in the ROW Parcel Info file does not match what is shown in the Appendix C: Corridor Map. The total acreage shown as needed (proposed ROW) in Appendix C: Corridor Map is 20.79 acres; however, the ROW Parcel Info file shows two totals for proposed ROW (one for Garver and one for HNTB) that are different than 20.79. Question: What is the correct acreage for the current project and we would like to request the latest schematic and .dgn files.	Approximately 15 ac of ROW is required for the current EA re-evaluation, in addition to the ROW that was identified from the original 2015 EA document. Pending final schematic design, exact acreage and parcel information will be included in the RFP RIDs.  Updated ROW status has been added to the RFQ RIDs to help clarify current ROW status.
41	Schematics/Design	Schematics	Can TXDOT please provide native files for the schematics (Inroads files, DGN files, DTM files), including aerial mapping, utility files, ROW, etc.	Native files (.dgn) for the schematic .pdf files posted to the RFQ RIDs on 5/20/19 have been added to the RFQ RIDs.
42	Schematics/Design	I35NEX_Schematic_Design_5-13-19	For the pdf's files contained in the folder, "I35NEX_Schematic_Design_5-13-19", please provide the dgns drawings.	Native files (.dgn) for the schematic .pdf files posted to the RFQ RIDs on 5/20/19 have been added to the RFQ RIDs.
43	Third-Party Agreements	Rail Agreements	Please provide status of RR Exhibit As and RR Agreements	TxDOT is currently awaiting execution of a PE Agreement with UPRR to begin formal coordination. Exhibit A is currently 25% complete.
44	Traffic & Revenue	Traffic Data	Can TXDOT please provide current year (or recent year) traffic volumes that were used to make the study year projections.	Traffic counts have been added to the RFQ RIDs.
45	Utilities	I-35_NEX_SUE_LEVELB_2019.05.09.dgn	The schematic pdf's contained in the "I35NEX_Schematic_Design_5-13-19.zip" show more utility information than is shown in the "I-35_NEX_SUE_LEVELB_2019.05.09.dgn". It appears as though the DGN "I-35_NEX_SUE_LEVELB_2019.05.09.dgn" is missing the level "D" information. Could you please provide the missing information in DGN format?	Native files (.dgn) for SUE Level "D" information have been added to the RFQ RIDs.