

## TEXAS TRANSPORTATION COMMISSION

VARIOUS Counties

MINUTE ORDER

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VARIOUS Districts

Transportation Code, Chapter 223, Subchapter E (act) authorizes the Texas Department of Transportation (department) to enter into comprehensive development agreements with private entities that provide for the design, construction, financing, maintenance, or operation of a toll project on the state highway system.

Pursuant to that authority, the Texas Transportation Commission (commission) has adopted rules prescribing how the department will obtain and evaluate proposals from private entities to develop a toll project under a comprehensive development agreement, codified in 43 TAC §§27.1-27.5 (rules).

Pursuant to the act and the rules, on December 3, 2004, the department issued a request for qualifications (RFQ) for the development, design, construction, and maintenance of a statewide open-road toll collection system on department toll roads through a comprehensive development agreement.

The department determined that three proposer teams submitting qualification submittals were qualified to be on the shortlist of teams requested to submit detailed proposals. On May 24, 2005, the department issued a request for detailed proposals (RFDP). The RFDP provided that the comprehensive development agreement will be awarded to the proposer determined to provide the best value to the department.

On July 15, 2005, proposals were received. The department separately evaluated technical and price proposals from the proposers.

The evaluation resulted in the Raytheon proposal being ranked as the proposal providing the apparent best value. Raytheon committed to providing levels of system accuracy, reliability, response time, maintenance, availability, and integration which demonstrably exceed specified technical requirements. Raytheon's proposal consistently demonstrated innovative approaches. Additionally, Raytheon's pricing proposal was below TxDOT estimates for the open road toll collection system.

Based upon the highly qualified proposal submitted by Raytheon, and the attractive pricing Raytheon has committed to in its proposal, the department recommends award of the comprehensive development agreement to Raytheon.

**IT IS THEREFORE ORDERED** by the commission that the determination that the proposal submitted by Raytheon provides the apparent best value to the department is approved, and the department is authorized and directed to commence and complete negotiations with Raytheon necessary to finalize the comprehensive development agreement to develop, design, construct, and maintain a statewide open-road toll collection system.

**IT IS FURTHER ORDERED** that the comprehensive development agreement is awarded to Raytheon, subject to, and effective upon the occurrence of, all of the following: (1) the successful conclusion of negotiations, (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 comprehensive development agreement by the executive director of the department and the proposer.

TEXAS TRANSPORTATION COMMISSION

VARIOUS Counties

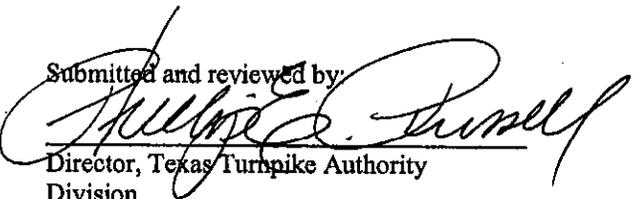
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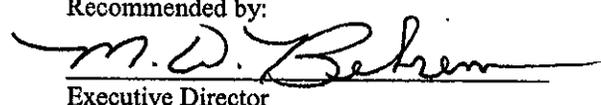
VARIOUS Districts

IT IS FURTHER ORDERED that if the executive director determines that the discussions with Raytheon cannot be successfully completed, and that therefore the proposal submitted by Raytheon will not provide the apparent best value, the department is authorized to issue an RFQ in order to provide for the development, design, construction, and maintenance of a statewide open-road toll collection system through a comprehensive development agreement.

Submitted and reviewed by:

  
Director, Texas Turnpike Authority  
Division

Recommended by:

  
Executive Director

**110189 AUG 25 05**

Minute  
Number

Date  
Passed