

TEXAS TRANSPORTATION COMMISSION

VARIOUS Counties

MINUTE ORDER

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VARIOUS Districts

Texas' transportation infrastructure is a key factor in the state's economic vitality, quality of life and natural environment. Planning, funding, constructing, operating and maintaining an efficient and effective transportation system has become more challenging as population and trade increase throughout the state.

On January 28, 2002, Governor Perry unveiled the Trans-Texas Corridor (TTC), a proposed 4,000-mile, multi-use transportation system to move people and goods across the state, and directed the Texas Transportation Commission (commission) to develop an implementation plan.

On June 27, 2002, in Minute Order 108927, the commission accepted "Crossroads of the Americas: Trans-Texas Corridor Plan," which identifies action items, public involvement opportunities, environmental protection strategies and financing options to develop the TTC. I-69/Trans-Texas Corridor (I-69/TTC) was identified in the plan as one of four priority segments and is essentially the joining of I-69 (a nationally designated interstate highway corridor) and the TTC, a high-capacity, high-speed multimodal transportation system in Texas.

I-69/TTC is a planned multimodal transportation facility extending from Northeast Texas to the border with Mexico at Laredo and/or the Rio Grande Valley with a possible connection to the Texas Gulf Coast. Development of this priority segment is a crucial element in the successful development of the TTC. There exists the potential for expediting the completion of this corridor through the use of a partnership of federal, state, and local governments, businesses, and citizens, and the employment of innovative methods such as the introduction of private finance.

Chapter 227, Transportation Code, authorizes the commission and the Texas Department of Transportation (department) to establish, finance, develop, design, construct, and operate a system of multimodal facilities to be designated as the TTC. Section 227.023(c), Transportation Code, provides that to the extent and in the manner that the department may enter into comprehensive development agreements under Chapter 223, Transportation Code, the department may enter into comprehensive development agreements with regard to facilities on the TTC.

On February 23, 2006, in Minute Order 110436, the commission authorized and directed the department to issue a request for qualifications (RFQ) as the first step for establishing a long-term strategic partnership for the development of I-69/TTC. The department issued the RFQ on April 7, 2006, and subsequently determined that both of the teams submitting qualifications statements in response to the RFQ were qualified to be on the short list of teams that will be requested to submit detailed proposals for the project.

Section 223.203, Transportation Code, and 43 TAC §27.4 prescribe the process by which the department will solicit participation in a project and 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. The department anticipates issuing a RFP for the I-69/TTC project in December 2006.

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Section 223.203(m), Transportation Code, and 43 TAC §27.4(f) require the department to pay an unsuccessful private entity that submits a detailed proposal that is responsive to the requirements of the request for proposals a stipulated amount in exchange for the work product contained in that proposal. The stipulated amount must be stated in the request for proposals and may not exceed the value of any work product contained in the proposal that can, as determined by the department, be used by the department in the performance of its functions.

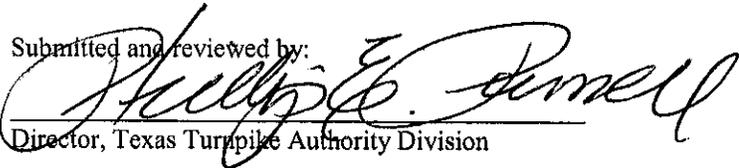
In the RFP for the I-69/TTC project, the department anticipates requesting conceptual development and financial plans that will outline project sequencing and phasing, near-term facility implementation strategies, and feasibility studies with facility funding options and strategies, and that will include engineering, financial, traffic and revenue, and other relevant information from the short-listed proposers. Payment for this work product would allow the department to use the work product for the benefit of the I-69/TTC project or other department projects without further payment to the unsuccessful proposer.

IT IS THEREFORE ORDERED that the department is authorized and directed to issue a RFP for the development of I-69/TTC from Northeast Texas to Mexico and other potential facilities to the extent necessary for connectivity, mobility, safety and financing.

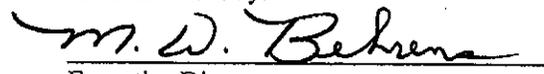
IT IS FURTHER ORDERED that the department is authorized to pay to each proposer that submits a responsive, but unsuccessful, proposal for the I-69/TTC project an amount based upon the value of the work product provided in the proposal that can, as determined by the executive director of the department or designee, be used by the department in the performance of its functions, up to a maximum amount per proposer of \$750,000.

IT IS FURTHER ORDERED that compensation may only be paid to the extent that the work product submitted meets the minimum criteria and other conditions to payment identified by the department in the I-69/TTC procurement documents.

Submitted and reviewed by:


Director, Texas Turnpike Authority Division

Recommended by:


Executive Director

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Minute
Number

Date
Passed