



PASS-THROUGH TOLL FINANCE PROGRAM CALL - 2011

In accordance with Minute Order 112526 approved by the Texas Transportation Commission (commission) on December 16, 2010, and pursuant to Transportation Code, §222.104(b), and Title 43, Texas Administrative Code (43 TAC), Chapter 5, Subchapter E, the Texas Department of Transportation (department) issues this 2011 Program Call for highway projects to be developed on the state highway system under a pass-through toll agreement. Pursuant to 43 TAC §5.54, the commission determined that (i) monies available that can be allocated among all proposals selected under this program call will be limited to an estimated total of \$250 million in Category 12 funds; (ii) only the following category of project costs described in 43 TAC §5.53(a)(11) will be considered as eligible for reimbursement under this program call: construction cost, exclusive of construction engineering cost, and in the case of a pass-through toll project submitted as a design-build project, the construction cost, exclusive of construction engineering costs must be broken out separately as one component of the total project cost (The cost categories of design, development (including environmental clearance, right of way acquisition, utility adjustment, contingencies), financing, maintenance, and operation are specifically excluded and are not eligible for reimbursement); (iii) proposals for a new location facility or realignment of an existing roadway will only be considered if a commission minute order exists at the time of submission that designates the new location or realignment as part of the state highway system; (iv) the value of development and implementation services and products for the project, including but not limited to environmental studies and mitigation, right-of-way acquisition, engineering, and construction inspection services that have been or will be provided by the department, will be deducted from the eligible reimbursement amounts; and (v) federal and state funding that is otherwise programmed for or committed to a proposed pass-through toll project will not be considered as part of the proposer's contribution, nor may it be reimbursed under the program.

The department will accept proposals from both public and private entities that are submitted in accordance with the terms of this notice, Minute Order 112526, and 43 TAC Chapter 5, Subchapter E. The due date for acceptance of proposals is 3:00 p.m., Tuesday, March 1, 2011. The submission must be an electronic copy of the proposal in Adobe PDF format on a labeled compact disk, along with one hard copy, addressed to John Barton, P.E., Assistant Executive Director for Engineering Operations, Texas Department of Transportation, 125 East 11th Street, Austin, Texas 78701. An additional electronic copy of the proposal, along with one hard copy, should be addressed to the local District Office where the proposed project will be located. The addresses of the district offices are available on the department's internet website, www.txdot.gov.

The department will evaluate the submitted proposals using the items of criteria set forth in 43 TAC §5.55 and present its analyses to the commission. Based on the staff's analysis and the commission's evaluation of the proposals, the commission may select the proposals that provide the best value to the state and direct the department staff to attempt to negotiate the financial terms of a potential pass-through toll agreement with the selected public entity proposers, and will solicit competitive proposals under 43 TAC §5.56 for the selected private entity proposers.



In the event that an alternative funding source or a significant increase in Category 12 funding becomes available for use in the program prior to August 31, 2011, or any extended date, the commission may authorize an additional deadline period for submitting proposals to be in compliance with conditions specific to the new period, in accordance with the requirements of 43 TAC §5.54. Provided further, that in the event a critical transportation need arises which can be addressed with a pass-through toll agreement, or an alternative funding source becomes available for a specific transportation project, the commission may, at any time and irrespective of the limitations set forth in this program call, authorize acceptance of an individual proposal for development of a pass-through toll project to meet that need or utilize those funds, provided that the proposal otherwise complies with 43 TAC Chapter 5, Subchapter E.

Information regarding the proposal application guidelines for pass-through toll financing of highway projects will be available electronically on the department's website, www.txdot.gov/business/, and at the following address: Texas Department of Transportation, Attn: Mark E. Tomlinson, P.E., 125 East 11th Street, Austin, Texas 78701, (512) 936-0903, on or after December 31, 2010.