

TEXAS TRANSPORTATION COMMISSION

Hidalgo County

MINUTE ORDER

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Transportation Code, Chapter 223, Subchapter F prescribes the process by which the Texas Department of Transportation (department) may enter into a design-build contract with a private entity that provides for the design, construction, expansion, extension, related capital maintenance, rehabilitation, alteration, or repair of a highway project.

On May 24, 2018, by Minute Order 115221, the Texas Transportation Commission (commission) authorized the department to issue a request for qualifications (RFQ) for the design, development, construction, and potential maintenance of the non-tolled I-2/I-69C Interchange Project in Hidalgo County. The project provides for full reconstruction of the I-2/I-69C interchange to include two-lane direct connectors in all four directions. The I-2 general purpose lanes will be reconstructed and/or widened from six to eight non-tolled general purpose lanes (four in each direction) from 2nd Street to the I-2/I-69C interchange, while operational improvements include the reconfiguration of main lane ramps on I-2 from 2nd Street to FM 2557 (S. Stewart Road) and improvements to the approaches and departures to and from the direct connectors along I-69C from Nolana Loop to I-2 in McAllen, Pharr, and San Juan, in Hidalgo County, Texas.

The department issued the RFQ on June 8, 2018, and subsequently determined that all three teams submitting qualification statements in response to the RFQ were qualified to be on the short list of teams that would be requested to submit detailed proposals to design, develop, construct, and potentially maintain the project.

Transportation Code § 223.246 and Title 43 Texas Administrative Code (TAC) § 9.153(d) 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. On August 30, 2018, by Minute Order 115304, the commission authorized and directed the department to issue an RFP requesting detailed proposals from the short-listed teams to design, develop, construct, and potentially maintain the I-2/I-69C Interchange, and authorized a payment for work product for each proposer that submitted a responsive, but unsuccessful, proposal of up to a maximum amount per proposer of 0.25% of the successful proposer's price for all work under the DBC. On November 7, 2018, the department issued the RFP.

On April 10, 2019, proposals were received from Austin|Sundt JV, Dragados-Pulice JV, and I-2 Connector LLC. From April 15, 2019 until May 20, 2019, the department evaluated technical, financial, and price proposals from the proposers.

The proposals were evaluated in the following categories: (1) pass/fail and responsiveness; (2) technical score; and (3) price score. The proposals were first evaluated on the basis of certain pass/fail criteria set forth in the RFP, and reviewed for responsiveness to the submittal requirements in the RFP. The technical proposals were then evaluated and scored in accordance with the requirements of the RFP, which included performance evaluations prepared by the department in accordance with 43 TAC §9.152 and §27.3, and other performance evaluations as deemed relevant by the department. The price proposals were then evaluated and scored, also in accordance with the requirements of the RFP. The technical score points assigned to the technical proposals were then added to the price score points to determine the total number of points received by each proposal. The responsive proposal with the highest score was determined to provide the apparent best value.

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The evaluation and scoring of each proposal under the technical score and price score categories resulted in the proposals being ranked as follows: Dragados-Pulice JV; Austin | Sundt JV; I-2 Connector, LLC. The proposal submitted by Dragados-Pulice JV was accordingly determined to provide the apparent best value.

IT IS THEREFORE ORDERED by the commission that the determination that the proposal submitted by Dragados-Pulice JV provides the apparent best value to the department is approved, and the department is authorized and directed to commence and complete negotiations with Dragados-Pulice JV necessary to finalize the DBC and the associated capital maintenance contract (CMC) to design, develop, construct, and maintain the I-2/I-69C Interchange Project in Hidalgo County, and to modify the DBC and CMC as necessary as a result of such negotiations.

IT IS FURTHER ORDERED that the DBC and the associated CMC are awarded to Dragados-Pulice JV subject to, and effective upon the occurrence of, all of the following: (1) the successful conclusion of negotiations, including satisfaction of conditions to final award specifically identified by the department in its letter notice of conditional award to the proposer; (2) the issuance of a Notice of Intent to Award by the department; (3) applicable Federal Highway Administration approvals as identified by the department; and (4) the mutual execution and delivery of the DBC and CMC by the executive director of the department and the design-build contractor.

IT IS FURTHER ORDERED that the execution of the DBC and the associated CMC by the executive director of the department is subject to the availability of funding if the contract price is in excess of the department's cost estimate.

IT IS FURTHER ORDERED that if the executive director determines that the negotiations with Dragados-Pulice JV cannot be successfully completed, and that therefore the proposal submitted by Dragados-Pulice JV will not provide the apparent best value, the department is authorized to commence and complete discussions and negotiations with Austin | Sundt JV, the next highest-ranked proposer, with award to the next highest-ranked proposer subject to the terms and conditions in the immediately preceding paragraphs of this order.

Submitted and reviewed by: 
Director, Project Finance
Debt & Strategic Contracts Division

Recommended by: 
Executive Director

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