

TEXAS TRANSPORTATION COMMISSION

Travis County

MINUTE ORDER

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Austin District

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 September 27, 2018, by Minute Order 115335, the Texas Transportation Commission (commission) authorized the department to issue a request for qualifications (RFQ) for the development, design, construction, and potential maintenance of the Oak Hill Parkway Project (Project) in Travis County. The Project consists of non-tolled improvements along US 290 from approximately the east end of Circle Drive to Loop 1, and non-tolled improvements along SH 71 from US 290 to Silvermine Drive, which improvements include the addition of frontage roads and grade separations at major intersections. As part of the Project, the US 290 and SH 71 interchange will be reconstructed with the US 290 mainlanes going underneath SH 71, and with direct connectors at the intersection. The Project will improve the existing four-lane divided roadway with signalized intersections along US 290 to a six-lane controlled access facility with grade separations and frontage roads. Additionally, the existing controlled access portion from Loop 1 to near Joe Tanner Lane will have minor widening for operational improvements near entrance and exit ramps.

The department issued the RFQ on October 12, 2018. Four proposer teams responded to the RFQ. Following the department's evaluation of the qualifications statements, the best qualified teams were short-listed and requested to submit detailed proposals to develop, design and construct the Project.

Transportation Code § 223.246 and 43 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 December 18, 2018, by Minute Order 115392, the commission authorized and directed the department to issue an RFP requesting detailed proposals from the short-listed teams to develop, design, and construct the Project, 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 design-build contract (DBC). On August 23, 2019, the department issued the RFP.

On February 14, 2020, proposals were received from Colorado River Constructors, Flatiron-Lane Oak Hill Joint Venture, and Hill Country Infrastructure. From February 18, 2020 until March 9, 2020, 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: Colorado River Constructors; Hill Country Infrastructure; Flatiron-Lane Oak Hill JV. The proposal submitted by Colorado River Constructors was accordingly determined to provide the apparent best value.

IT IS THEREFORE ORDERED by the commission that the determination that the proposal submitted by Colorado River Constructors provides the apparent best value to the department is approved, and the department is authorized and directed to commence and complete negotiations with Colorado River Constructors necessary to finalize the DBC to develop, design and construct the Project in Travis County, and to modify the DBC as necessary as a result of such negotiations.

IT IS FURTHER ORDERED that the DBC is awarded to Colorado River Constructors 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 by the executive director of the department and the design-build contractor.

IT IS FURTHER ORDERED that the execution of the DBC 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 Colorado River Constructors cannot be successfully completed, and that therefore the proposal submitted by Colorado River Constructors will not provide the apparent best value, the department is authorized to commence and complete discussions and negotiations with Hill Country Infrastructure, 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:

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Benjamin H. Asher
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Director, Project Finance
Debt & Strategic Contracts Division

Recommended by:

DocuSigned by:
James M. Bass
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Executive Director

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Minute Date
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