

TEXAS TRANSPORTATION COMMISSION

Dallas County

MINUTE ORDER

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Dallas District

The Texas Department of Transportation (department) has been evaluating the design, construction, financing, operation and maintenance of a project to reconstruct and widen Interstate Highway 35E from I-635 to the Denton County line in the cities of Dallas, Farmers Branch, and Carrollton in Dallas County (I-35E Phase 2 Project). The I-35E Phase 2 Project consists of the full reconstruction and widening of this segment of the I-35E corridor and includes the addition of one general purpose lane in each direction and full reconstruction and “grandfathering” of the existing two reversible tolled managed lanes, for a total of 10 general purpose and tolled managed lanes, along with the construction of continuous frontage roads and numerous intersection improvements.

By Resolution 11-146, adopted on September 21, 2011, the Board of Directors of the North Texas Tollway Authority (NTTA) confirmed the NTTA’s previous waiver of its first option to develop, finance, construct, and operate the I-35E Managed Lanes project, and waived and declined to exercise the NTTA’s option to develop, finance, construct, and operate the I-35E Managed Lanes project pursuant to Transportation Code, §373.055. The scope of the I-35E Managed Lanes Project considered by the NTTA consisted of the ultimate scope of the project, including the improvements comprising the I-35E Phase 2 Project.

Pursuant to Transportation Code §373.053, the department exercised its option to develop, finance, construct, and operate the I-35E Managed Lanes project. In recognition of the department’s exercise of this option, the Texas Transportation Commission (commission), in Minute Order 112840, adopted on September 29, 2011, authorized the department to issue a request for qualifications to develop, design, construct, finance, maintain, and operate the I-35E Managed Lanes Project.

Transportation Code §373.007 provides that, unless otherwise provided by a toll project agreement under Transportation Code §373.006, or other agreement, an exercise of primacy over a phase of a toll project is an exercise of primacy over the entire project, with additional phases to be developed as the entity determines the phases financially feasible. The department has determined that the I-35E Phase 2 Project is financially feasible, and through this minute order is requesting commission authorization to issue a request for qualifications to design, construct and maintain the I-35E Phase 2 Project.

Subchapter F, Chapter 223, Transportation Code prescribes the process by which the 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.

Transportation Code §§ 223.245-223.250 prescribe requirements for a design-build contract procurement. Pursuant to those provisions, the department must issue a request for qualifications that includes, among other things, the criteria that will be used to evaluate any qualification submittals, the relative weight given to the criteria, and a deadline by which qualification submittals must be received. The department is also required to publish a notice advertising the issuance of the request for qualifications in the *Texas Register* and on the department’s website.

The planned improvements for the I-35E Phase 2 Project will provide continuous frontage roads and increased capacity through the addition of general purpose lanes from I-635 to the Denton County line that are critical to the region’s continued mobility and economic viability. Increasing

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capacity will relieve congestion and reduce travel time as well as provide social and economic benefits locally, regionally and statewide. The project is a crucial element to providing enhanced system continuity and accommodating projected growth through the region as well as improving safety and mobility in the area and meets the requirements for design-build delivery.

IT IS THEREFORE ORDERED by the commission that the department is authorized to issue a request for qualifications to design, construct, and maintain the I-35E Phase 2 Project in Dallas County, and to publish in the *Texas Register* and on the department’s website a notice advertising the issuance of the request for qualifications.

Submitted and reviewed by:

Recommended by:

DocuSigned by:
Benjamin H. Asher
E40115EC36E4474
Director, Project Finance
Debt & Strategic Contracts Division

DocuSigned by:
James M. Bass
A36629BA547D4BD...
Executive Director

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