

AGENDA

GENERAL MEETING OF THE BOARD OF DIRECTORS OF THE ALAMO REGIONAL MOBILITY AUTHORITY

**TransGuide
3500 N.W. Loop 410
1st Floor Meeting Room
San Antonio, Texas**

**Tuesday, September 18, 2007
12:00 PM**

- 1) Call meeting to order.
- 2) Approval of the Minutes of the Alamo RMA August 8, 2007 Board of Directors Meeting.
- 3) Presentation to the Board on the proposed schedule for the development of the 281 N toll project. (Terry Brechtel/ Loretta Schietinger)
- 4) Discussion and appropriate action regarding a resolution amending the Policies and Procedures Governing Procurement of Goods and Services by the Alamo RMA. (Terry Brechtel/ Brian Cassidy)
- 5) Discussion and appropriate action regarding a resolution approving the release of the Request for Qualifications for a Design/ Build Comprehensive Development Agreement for the 281 N toll project. (Terry Brechtel)
- 6) Discussion and appropriate action on the financial statements for the period ending August 31, 2007. (Carrie Conner)
- 7) Citizens' Communications (citizens must sign the register to speak)
- 8) Presentation/briefing - Executive Director Report. (Terry Brechtel)
- 9) Executive Session - Pursuant to Chapter 551, Subchapter D, Texas Government Code:
 - A. Subsection 551.071(1). Consultation with Attorney – Consultation with, and advice from legal counsel concerning pending/contemplated litigation, settlement offers and negotiations, and other legal issues.
 - B. Section 551.074. Personnel Matters – Deliberation concerning the appointment, employment, reassignment, evaluation, duties, discipline, and/or dismissal of Executive Director and other personnel.

- C. Section 551.072. Deliberation Regarding Real Property - Discussion of real property purchase, exchange, lease, gift, donation, and/or negotiated settlement, including property to be acquired for right-of-way.

Adjournment

NOTES

Agenda item numbers are assigned for ease of reference only, and do not necessarily reflect the order of their consideration by the Alamo RMA Board of Directors.

ALAMO REGIONAL MOBILITY AUTHORITY ACCESSIBILITY STATEMENT FOR DISABLED PERSONS

This meeting site is accessible to disabled persons as follows: Entrance to TransGuide is accessible through the main entrance at 3500 N.W. Loop 410. Parking spaces reserved for the disabled are located at the main entrance. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services, such as interpreters for persons who are deaf or hearing impaired, and readers of large print or Braille, are requested to contact Joelle Sierra at (210) 495-5256 at least two working days prior to the meeting so that appropriate arrangements can be made.

Presenters with audiovisual needs are requested to contact Joelle Sierra at (210) 495-5256, at least two working days prior to the meeting. Public comment on agenda items – interested persons may speak on any of the agenda items provided they have signed the register available at the entrance of the meeting prior to consideration of that item by the board. The Chairman may limit the amount of time allowed for each speaker. Public comment that does not relate to a specific agenda item must be made during the Citizens' Communications period provided that speakers have signed the register available at the entrance of the meeting prior to speaking.

Posted: September 14, 12:00 p.m.

Alamo Regional Mobility Authority

Meeting August 8, 2007, noon, in the Transguide, 1st Floor Conference Room, at 3500 N.W. Loop 410.

Minutes

1. **Call meeting to order.** Chairman Thornton called the meeting to order at 12:05 pm. All Board members present with the exception of H. Muñoz.
2. **Approval of the Minutes of the Alamo RMA July 11, 2007 Board of Directors meeting.** *J. Reed made the motion to approve the minutes as presented. R. Thompson seconded. Motion carried.*
3. **Discussion and appropriate action adopting a resolution approving Local Agency Management procedures for construction contracts.** T. Brechtel introduced the topic of the Local Agency Management procedures. Local Agency Management procedures for construction contracts need to be established in order to work within TxDOT right of way, for bid-build projects. The agency working within the right of way must have these procedures adopted prior to any work commencing. The RMA may utilize a bid-build process for the first RMA project. The Planning Committee reviewed the document and recommended consideration by the Board. The Board questioned if other agencies are using a similar process. T. Brechtel stated that the document is modeled after Bexar County procedure and process which TxDOT is currently reviewing. *J. Reed made the motion to adopt the resolution as presented. R. Diaz seconded. Motion carried.*
4. **Discussion and appropriate action adopting a resolution approving a Memorandum Of Understanding between the Alamo RMA and the Texas Department of Transportation.** M. Treviño, President of Innovative Strategies, explained to the Board that the RMA is required to develop a federally approved Disadvantaged Business Enterprise (DBE) program if there are any federal dollars assigned to an RMA project.

The Memorandum Of Understanding is allowing the RMA to participate in TxDOT's DBE program which has met all Federal HUB and DBE requirements. Board members had questions regarding DBE certification, goal monitoring, and local participation goals. In response, M. Treviño also explained to the Board good faith and aspirational goals as related to DBE process. M. Treviño also explained how federal requirements focus solely on DBE participation, and do not differentiate on WBE/ MBE businesses.

T. Brechtel explained to the Board the RMA is currently participating in a Regional Business Disparity/Availability Study Analysis. The study helps the RMA find specific localized DBE data in construction related industries. *R. Diaz made the motion to adopt the resolution as presented. J. Jenkins seconded. Motion Carried.*

5. **Discussion and appropriate action adopting a resolution approving a new Financial Assistance Agreement with the reallocated funds.** T. Brechtel introduced the topic of the Financial Assistance Agreement resolution. In an effort to accelerate the process, the resolution is in front of the Board early so that once the TxDOT Minute Order is received for the August TTC meeting, T. Brechtel can immediately sign off on a Financial Assistance Agreement with TxDOT. In July the Board approved a resolution which authorized the Executive Director to submit a request to the Texas Transportation Commission for the reallocation of existing funds. *J. Reed*

made the motion to approve the resolution as presented. R. Diaz seconded. Motion carried.

6. **Discussion and appropriate action on the financial statements for the period ending July 31, 2007.** T. Brechtel presented the financial statements for period ending June 31, 2007. She reviewed the balance sheet, described the assets, liabilities, and fund equity; the statement of revenue, expenses, and changes in fund deficit, explained the monies allocated for each column, and the statement of cash flow. B. Thompson questioned the GEC (HNTB) expenditures. *M. C. Rodriguez made the motion to approve the financial statements as presented. J. Jenkins seconded. Motion carried.*

7. **Presentation/briefing - Executive Director Report.** T. Brechtel went over the Board calendar for the period of August through September. She proposed September 18th as the new date for the September Board meeting. The Board all concurred that that date would work for them. T. Brechtel also went over the GEC monthly report. Additionally she went over the DBE efforts. HNTB has a goal of 50% DBE, and is currently at 35%. Locally their goal is 90% and their efforts expended to date are 92%.

Board discussion occurred.

8. **Executive Session.**

* * * *
The Board did not meet in Executive Session.
* * * *

There being no further business to come before the board, Chairman Thornton adjourned the meeting at 1:20 p.m.

APPROVED:

BILL THORNTON, CHAIRMAN

DATE ADOPTED: _____

I hereby certify that the above foregoing pages constitute the full, true, and correct minutes of all the proceedings and official records of the Alamo Regional Mobility Authority at its meeting on August 8, 2007.

ATTEST: _____
REYNALDO DIAZ
SECRETARY/TREASURER



ALAMO RMA
Alamo Regional Mobility Authority

281 Toll Project Development Schedule

Board Meeting
September 18, 2007



ALAMO RMA
Alamo Regional Mobility Authority

Project Development Elements

- Environmental
- Market Valuation
- Project Development Agreement and Transfer
- Bond Financing
- Design Build/ CDA

Accountability



ALAMO RMA
Alamo Regional Mobility Authority

The Alamo RMA is accountable to:

- Citizens of Bexar County
- Bexar County Commissioners Court
- Municipalities within Bexar County
- State of Texas
- Federal Highway Administration
- Texas State Auditor
- Legislative Budget Board
- Rating Agencies
- Bond Holders / Investors
- Texas Attorney General
- Texas Ethics Commission

281 Toll Procurement Schedule Environmental



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- 281 FONSI issued by FHWA August 14, 2007
- Notice in Federal Register published regarding FONSI August 29, 2007
- 180 day clock for litigation filing starts August 29, 2007
- 180 day clock for litigation filing ends February 26, 2008

*Dates are subject to change

Benefits of the Market Valuation Process



Establishes transparent process for creating business terms including:

Estimates of initial toll rate

Anticipated toll escalation methodology

valuation of toll project asset to the region

Ensures re-investment in the community by the pledge of future surplus revenue from the RMA

Provides locally appointed and operated RMAs the right of first refusal to develop toll projects within the RMA boundaries

Further secures role of the MPO within the toll process

5

281 Toll Procurement Schedule Market Valuation



- Alamo RMA & TxDOT review drafts Ongoing
- Briefing to Alamo RMA Board October 2007
- First reading at MPO October 2007
- Second reading at MPO December 3, 2007

*Dates are subject to change

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6

281 Toll Procurement Schedule Project Development Agreement and Transfer



- FAA3 approved by TTC August 26, 2007
- PDA and Transfer Request October 5, 2007
- Approval by Alamo RMA Board October 10, 2007
- Approval by Texas Transportation Commission January 25, 2008

*Dates are subject to change

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7

281 Toll Procurement Schedule Bond Financing



- Develop financing plan October 31, 2007
- Selection of Counsels November 14, 2007
- Level III Traffic & Revenue Study December 31, 2007
- Preliminary official statements approval by Alamo RMA Board February 13, 2008
- Rating Agency presentations February 25, 2008
- Rating Agency issue ratings March 5, 2008
- Bond Pricing March 19, 2008
- Bond Closing April 2, 2008

*Dates are subject to change

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8

Design/Build Process Goals



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- Foster Innovation
- Expedite Schedule

Prior to Bond Sale....

- Obtain Guaranteed Project Opening Date
- Obtain a Fixed Price

281 Toll Procurement Schedule



ALAMO RMA
Alamo Regional Mobility Authority

Request for Qualifications	September 18, 2007
Receive Qualifications Statements	October 19, 2007

Proposers will have one month to put together their teams and prepare their Qualification Statements

*Dates are subject to change

281 Toll Procurement Schedule



ALAMO RMA
Alamo Regional Mobility Authority

Request for Qualifications	September 18, 2007
Receive Qualifications Statements	October 19, 2007
Present Recommended Short List to Board	October 25, 2007

AlamoRMA will have a week to review the Qualification Statements and develop a short list of Proposers

*Dates are subject to change

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11

281 Toll Procurement Schedule



ALAMO RMA
Alamo Regional Mobility Authority

Request for Qualifications	September 18, 2007
Receive Qualifications Statements	October 19, 2007
Present Recommended Short List to Board	October 25, 2007
Issue Draft Request for Detailed Proposals ("Industry Review")	October 25, 2007

Industry Review gives the Short Listed Proposers a month to comment on the terms of the agreement before Request for Detailed Proposals (RFDP) is finalized

RFDP consists of:
Instructions to Proposers
Design/Build Agreement
Scope of Work - project specific
Technical Provisions - non project specific
Reference Documents

*Dates are subject to change

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12

281 Toll Procurement Schedule



Request for Competing Qualifications	September 18, 2007
Receive Qualifications Statements	October 19, 2007
Present Recommended Short List to Board	October 25, 2007
Issue Draft Request for Detailed Proposals	October 25, 2007
Issue Request for Detailed Proposals	November 29, 2007

- There will be approx 3 months for the Proposers to prepare their proposals
- Meetings & Workshops with the Proposers occur throughout this time
- Addendums to the RFP and Clarifications will be prepared by Alamo RMA

*Dates are subject to change

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13

281 Toll Procurement Schedule

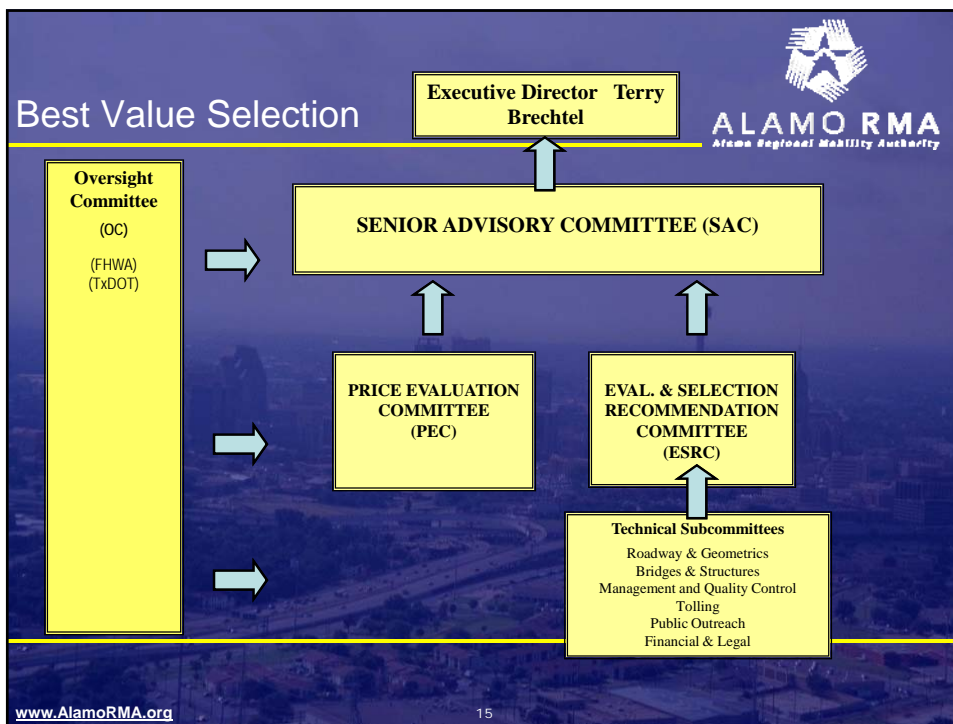


Request for Qualifications	September 18, 2007
Receive Qualifications Statements	October 19, 2007
Present Recommended Short List to Board	October 25, 2007
Issue Draft Request for Detailed Proposals	October 25, 2007
Issue Request for Detailed Proposals	November 29, 2007
Receive Detailed Proposals	February 28, 2008

*Dates are subject to change

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14



281 Toll Procurement Schedule

Request for Qualifications	September 18, 2007
Receive Qualifications Statements	October 19, 2007
Present Recommended Short List to Board	October 25, 2007
Issue Draft Request for Detailed Proposals	October 25, 2007
Issue Request for Detailed Proposals	November 29, 2007
Receive Detailed Proposals	February 28, 2008
Present Rec. Best Value Team to Board	March 12, 2008

*Dates are subject to change

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The Board will have three choices



ALAMO RMA
Alamo Regional Mobility Authority

Select a
Proposer
and initiate
a Contract

Adjust the
Scope and
Request
Updated
Proposals

Terminate
Procurement

AlamoRMA Board of Directors

281 Toll Procurement Schedule



ALAMO RMA
Alamo Regional Mobility Authority

Request for Qualifications	September 18, 2007
Receive Qualifications Statements	October 19, 2007
Present Recommended Short List to Board	October 25, 2007
Issue Draft Request for Detailed Proposals	October 25, 2007
Issue Request for Detailed Proposals	November 29, 2007
Receive Detailed Proposals	February 28, 2008
Present Rec. Best Value Team to Board	March 12, 2008
Finalize Contract	April 1, 2008

*Dates are subject to change

**GENERAL MEETING OF THE BOARD OF DIRECTORS
OF THE
ALAMO REGIONAL MOBILITY AUTHORITY**

RESOLUTION NO. 07-18

WHEREAS, the Alamo Regional Mobility Authority (“AlamoRMA”) was created pursuant to the request of Bexar County and in accordance with provisions of the Transportation Code and the petition and approval process established in 43 TEX. ADMIN. CODE § 26.01, *et. seq.* (the “RMA Rules”); and

WHEREAS, the Board of Directors of the AlamoRMA has been constituted in accordance with the Transportation Code and the RMA Rules; and

WHEREAS, the AlamoRMA is empowered to procure such goods and services as it deems necessary to assist with its operations and to study and develop potential transportation projects; and

WHEREAS, on July 6, 2004, the Board of Directors of the AlamoRMA adopted policies and procedures governing procurements of goods and services by the Authority (the “Procurement Policies”); and

WHEREAS, the Board of Directors now desires to amend the previously adopted Procurement Policies in order to address recent legislative changes and to otherwise update the policies.

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors of the AlamoRMA hereby approves and adopts the amended Procurement Policies, attached hereto as Attachment “A”; and

BE IT FURTHER RESOLVED, that the Procurement Policies may be further amended from time to time in accordance with the procedures set forth in the AlamoRMA’s bylaws.

Adopted by the Board of Directors of the Alamo Regional Mobility Authority on the 18th day of September, 2007.

Submitted and reviewed by:

Approved:

Terry M. Brechtel
Executive Director for the
Alamo Regional Mobility Authority

William E. Thornton
Chairman, Board of Directors
Resolution Number 07-18
Date Passed 09/18/07

POLICIES AND PROCEDURES GOVERNING

PROCUREMENTS OF GOODS AND SERVICES

BY THE

BEXAR COUNTY ALAMO REGIONAL MOBILITY AUTHORITY

TABLE OF CONTENTS

SECTION		PAGE
SECTION 1.	STATEMENT OF GENERAL POLICY	1
SECTION 2.	CONFLICT OF INTEREST	1
SECTION 3.	DISADVANTAGED BUSINESS PARTICIPATION; COMPLIANCE WITH POLICY	1
SECTION 4.	DEFINITIONS.....	1
SECTION 5.	CONSTRUCTION AND BUILDING CONTRACTS.....	5
SECTION 6.	PROFESSIONAL SERVICES.	13 <u>14</u>
SECTION 7.	GENERAL GOODS AND SERVICES.....	15 <u>16</u>
SECTION 8.	CONSULTING SERVICES.	17 <u>18</u>
SECTION 9.	COMPREHENSIVE DEVELOPMENT AGREEMENTS.....	19 <u>20</u>
SECTION 10.	PARTICIPATION IN STATE AND COOPERATIVE PURCHASING PROGRAMS; AND INTERGOVERNMENTAL AGREEMENTS.....	25 <u>27</u>
SECTION 11.	EMERGENCY PROCUREMENTS.....	26 <u>27</u>
SECTION 12.	DISPOSITION OF SALVAGE OR SURPLUS PROPERTY	27 <u>28</u>

**POLICIES AND PROCEDURES GOVERNING PROCUREMENTS OF
GOODS AND SERVICES BY THE
~~BEXAR COUNTY~~ALAMO REGIONAL MOBILITY AUTHORITY**

SECTION 1. STATEMENT OF GENERAL POLICY.

It is the policy of the ~~Bexar County~~Alamo Regional Mobility Authority (the “Authority”) that all Authority procurements shall be based solely on economic and business merit in order to best promote the interests of the citizens of the ~~counties~~region served by the Authority.

SECTION 2. CONFLICT OF INTEREST.

2.1 A member of the Board of Directors or an employee or agent of the Authority shall not (a) contract with the Authority or, without disclosure and recusal, be directly or indirectly interested in a contract with the Authority or the sale of property to the Authority; (b) accept or solicit any gift, favor, or service that might reasonably tend to influence that Board member, employee or agent in the making of procurement decisions or that the Board member, employee or agent knows or should have known is being offered with the intent to influence the Board member’s, employee’s or agent’s making of procurement decisions; or (c) accept other compensation that could reasonably be expected to impair the Board member’s, employee’s or agent’s independence of judgment in the making of procurement decisions.

2.2 A bidder shall not be eligible to contract with the Authority if a Board member, employee or agent is related to the bidder within the second degree of consanguinity or affinity, as determined under Chapter 573, Government Code. A bidder shall be required to complete a conflict of interest disclosure statement disclosing any business or familial relationships with Board members, employees or agents of the Authority that may disqualify the bidder from consideration.

SECTION 3. DISADVANTAGED BUSINESS PARTICIPATION COMPLIANCE WITH POLICY.

Disadvantaged Business Enterprises will be encouraged to participate in the procurement process. If the Authority adopts a policy regarding Disadvantaged Business Enterprises, all procurements shall comply with such policy.

SECTION 4. DEFINITIONS.

As used in this policy, the following words and terms shall have the following meanings, unless the context clearly indicates otherwise.

Available bidding capacity: Bidding capacity less uncompleted work under a construction or building contract.

Authority: The ~~Bexar County~~Alamo Regional Mobility Authority.

Bid or quote: The response to a request for the pricing of products, goods, or services (other than consulting services or professional services) that the Authority proposes to procure.

Bid documents: Forms promulgated by the Authority that the bidder completes and submits to the Authority to document the bidder's bid on a contract to be let by the Authority. Bid documents promulgated by the Authority for a procurement will include the following information: (i) the location and description of the proposed work; (ii) an estimate of the various quantities and kinds of work to be performed and/or materials to be furnished; (iii) a schedule of items for which unit prices are requested; (iv) the time within which the work is to be completed; (v) any special provisions and special specifications; (vi) the amount of bid guaranty, if any, required; and (vii) and the Authority's policy regarding the participation in the contract or in subcontracts let under the contract by Disadvantaged Business Enterprises, in accordance with the Authority's policies regarding such participation.

Bid guaranty: The security designated in the bid documents for a construction or building contract to be furnished by the bidder as a guaranty that the bidder will enter into a contract if awarded the work.

Bidder: An individual, partnership, limited liability company, corporation or any combination submitting a bid or offer of goods or services.

Bidding capacity: The maximum dollar value a contractor may have under a construction or building contract at any given time, as determined by the Authority.

Board: The Board of Directors of the Authority.

Building contract: A contract for the construction or maintenance of an Authority building, toll plaza, or appurtenant facilities.

Comprehensive Development Agreement ("CDA"): An agreement with a private entity that at a minimum provides for the design and construction of a transportation project and may also provide to the extent permitted by law, for financing, acquisition, maintenance or operation of a transportation project.

Construction contract: A contract for the construction, reconstruction, maintenance, or repair of a segment of a transportation project, including a contract let to preserve and prevent further deterioration of a transportation project.

Consulting service: The service of advising or preparing studies or analyses for the Authority under a contract that does not involve the traditional relationship of employer and employee. Consulting services ~~do~~are not ~~include~~ professional or general goods and services as defined in this policy.

Emergency: Any situation or condition affecting a transportation project resulting from a natural or man-made cause that poses an imminent threat to life or property of the traveling public or which substantially disrupts or may disrupt the safe and efficient flow of traffic and commerce or which has caused unforeseen damage to machinery, equipment or other property which would substantially interfere with or prohibit the collection of tolls in accordance with the Authority's bonding obligations and requirements.

Executive Director: The Executive Director of the Authority or any individual designated by the Board to act as the chief administrative officer of the Authority.

Federal-aid project: The construction, reconstruction, maintenance, or repair of a segment of a transportation project, including a contract let to preserve and prevent further deterioration of a transportation project, funded in whole or in part with funds provided by the government of the United States or any department thereof.

General goods and services: Goods, services, equipment, personal property and any other item procured by the Authority in connection with the fulfillment of its statutory purposes that are not procured under a construction or building contract or that are not consulting services or professional services as defined by this policy.

Highway: A road, highway, farm-to-market road, or street under the supervision of a state or political subdivision of the State.

Intermodal Hub: A central location where cargo containers can be easily and quickly transferred between trucks, trains and airplanes.

Lowest best bidder: The lowest responsible bidder on a ~~competitively-bid~~ contract that complies with the Authority's criteria for such contract, as described in Section 5 below.

Materially unbalanced bid: A bid, as may be more particularly defined in the bid documents, on a construction or building contract that generates a reasonable doubt that award to the bidder submitting a mathematically unbalanced bid will result in the lowest ultimate cost to the Authority.

Mathematically unbalanced bid: A bid, as may be more particularly defined in the bid documents, on a construction or building contract containing lump sum or unit bid items that do not reflect reasonable actual costs plus a reasonable proportionate share of the bidder's anticipated profit, overhead costs, and other indirect costs.

Nonresident bidder: A person who is not a resident of Texas.

Official ~~newspaper~~ Newspaper of the Authority: ~~A~~ The San Antonio Express News or other general circulation newspaper published in Bexar County. ~~The as may be designated by the Board of Directors shall designate which one is the official newspaper of the Authority.~~

Professional services: Services that political subdivisions of the State must procure pursuant to the Professional Services Procurement Act, which are services defined by state law as accounting, architecture, landscape architecture, land surveying, medicine, optometry, professional engineering, real estate appraising, or professional nursing, or services provided in connection with the employment or practice of a person who is licensed or registered as a certified public accountant, an architect, a landscape architect, a land surveyor, a physician (including a surgeon), an optometrist, a professional engineer, a state certified or state licensed real estate appraiser, or a registered nurse). Except in connection with a CDA, or as otherwise allowed by applicable law, professional services may not be procured under a construction or building contract.

Professional Services Procurement Act: Subchapter A of Chapter 2254 of the Texas Government Code, as amended from time to time.

Public Utility Facility means:

- (a) a water, wastewater, natural gas, or petroleum pipeline or associated equipment;
- (b) an electric transmission or distribution line or associated equipment; or
- (c) telecommunications information services, or cable television infrastructure or associated equipment, including fiber optic cable, conduit and wireless communications facilities.

Salvage property: Personal property (including, without limitation, supplies, equipment, and vehicles), other than items routinely discarded as waste, that through use, time, or accident is so damaged, used, consumed, or outmoded that it has little or no value to the Authority.

Surplus Property: Personal property (including, without limitation, supplies, equipment, and vehicles) that is not currently needed by the Authority and is not required for the Authority's foreseeable needs. The term includes used or new property that retains some usefulness for the purpose for which it was intended or for another purpose.

State: The State of Texas.

System: A transportation project or a combination of transportation projects designated as a system by the Board in accordance with Texas Transportation Code § 370.034.

Transportation Project:

- (a) a turnpike project;
- (b) a system as defined in Transportation Code §370.003(13);
- (c) a passenger or freight rail facility, including (i) tracks; (ii) a rail line; (iii) switching, signaling, or other operating equipment; (iv) a depot; (v) a locomotive; (vi) rolling stock; (vii) a maintenance facility; and (viii) other real and personal property associated with a rail operation.
- (d) a roadway with a functional classification greater than a local road or rural minor collector;
- (e) a ferry;
- (f) an airport other than an airport that on September 1, 2005, was served by one or more air carriers engaged in scheduled interstate transportation, as those terms were defined by 14 C.F.R. Section 1.1 on that date;
- (g) a pedestrian or bicycle facility;

- (h) an intermodal hub;
- (i) an automated conveyor belt for the movement of freight;
- (j) an air quality improvement initiative;
- (k) a public utility facility;
- (l) [a transit system](#); and
- (m) ~~(n)~~—projects and programs listed in the most recently approved state implementation plan for the area covered by the Authority, including an early action compact.

Turnpike Project: A highway of any number of lanes, with or without grade separations, owned or operated by the Authority and any improvement, extension or expansion to the highway, including:

- (a) an improvement to relieve traffic congestion or promote safety;
- (b) a bridge, tunnel, overpass, underpass, interchange, entrance plaza, approach, toll house, service road, [or ramp](#), ~~or service station~~;
- (c) an administration, storage, or other building the Board considers necessary to operate the project;
- (d) property rights, easements and interests the Board acquires to construct or operate the project;
- (e) a parking area or structure, rest stop, park, and any other improvement or amenity the Board considers necessary, useful, or beneficial for the operation of a turnpike project; and
- (f) a toll-free facility that is appurtenant to and necessary for the efficient operation of a turnpike project, including a service road, access road, ramp, interchange, bridge, or tunnel.

TxDOT: The Texas Department of Transportation.

SECTION 5. CONSTRUCTION AND BUILDING CONTRACTS.

5.1 Competitive Bidding. A contract requiring the expenditure of public funds for the construction or maintenance of the Authority’s transportation projects may be let by competitive bidding in which the contract is awarded to the lowest responsible bidder that complies with the Authority’s criteria for such contract, and such bidder shall constitute the lowest best bidder in accordance with this section 5. Bidding for procurements made by competitive bidding will be open and unrestricted, subject to the procedures set forth in this policy [or, in the alternative, subject to the procedures set forth in “Local Area Management Procedures” adopted by the](#)

Authority Board of Directors in separate action. Any notice of contract letting shall specify which procedures apply to the procurement.

5.2 Qualification of Bidders. A potential bidder must be qualified to bid on construction contracts of the Authority. Unless the Authority elects, in its sole discretion, to separately qualify bidders on a construction project, only bidders qualified by TxDOT to bid on construction or maintenance contracts of TxDOT will be deemed qualified by the Authority to bid on the Authority's construction contracts. At its election, the Authority may waive this subsection 5.2 with respect to bidders on building contracts.

5.3 Qualifying with the Authority.

- (a) If, in its sole discretion, the Authority elects to separately qualify bidders on a construction project, the Authority will require each potential bidder not already qualified by TxDOT to submit to the Authority an application for qualification containing:
 - (1) a confidential questionnaire in a form prescribed by the Authority, which may include certain information concerning the bidder's equipment, experience, references as well as financial condition;
 - (2) the bidder's current audited financial statement in form and substance acceptable to the Authority; and
 - (3) a reasonable fee to be specified by the Authority to cover the cost of evaluating the bidder's application.
- (b) An audited financial statement as referenced in subsection (a)(2) requires examination of the accounting system, records, and financial statements of the bidder by an independent certified public accountant in accordance with generally accepted auditing standards. Based on the examination, the auditor expresses an opinion concerning the fairness of the financial statements and conformity with generally accepted accounting principles.
- (c) Upon the recommendation of the Executive Director and with the concurrence of the Board of Directors, the Authority may waive the requirement that a bidder's financial statement be audited if the estimated amount of the contract is one million dollars (\$1,000,000.00) or less. A bidder with no prior experience in construction or maintenance shall not receive a bidding capacity of more than one hundred thousand dollars (\$100,000.00).
- (d) The Authority will advise the bidder of its qualification and approved bidding capacity or of its failure to qualify. A bidder qualified by the Authority will remain qualified at its approved bidding capacity for twelve (12) months from the date of notice of approval; provided, however, that the Authority may require updated audited information at any time if circumstances develop which might alter the bidder's financial condition, ownership structure, affiliation status, or ability to operate as an ongoing concern, and the Authority may revoke or modify

the bidder's qualification and approved bidding capacity based on such updated information. All such decisions concerning bidder qualifications shall be at the Authority's sole discretion.

5.4 Notice of Contract Letting.

- (a) Each notice of contract letting must provide:
 - (1) the date, time, and place where contracts will be let and bids opened;
 - (2) the address and telephone number from which prospective bidders may request bid documents; and
 - (3) a general description of the type of construction, services or goods being sought by the Authority.
- (b) Notice for contracts estimated to be more than one hundred thousand dollars (\$100,000.00) must be published once a week for at least two weeks before the date set for the letting of the contract in the officially designated newspaper of the Authority.
- (c) Notice for contracts estimated to be less than one hundred thousand dollars (\$100,000.00) but more than twenty-five thousand dollars (\$25,000.00) must be published in two successive issues of the officially designated newspaper of the Authority.
- (d) The date specified in the notice may be extended if the Executive Director, in his or her sole discretion, determines that the extension is in the best interest of the Authority. All bids, including those received before an extension is made, must be opened at the same time.
- (e) ~~As a courtesy the~~The Authority ~~will attempt to~~shall post notices of contract lettings on its website, ~~as well as any addenda thereto. Potential bidders and interested parties should not, however, rely on the website for notices and addenda, as the notice required under subparagraphs (b) and (c) above shall constitute the only official notice~~ for at least two (2) weeks before the date set for letting of a contract.

5.5 Bid Documents. The Authority will prepare a set of bid documents for each construction or building contract to be let through the procedures of this section 5.

5.6 Issuance of Bid Documents.

Except as otherwise provided in this policy, the Authority will issue bid documents for a construction contract or building contract upon request and only after proper notice has been given regarding the contract letting. A request for bid documents for a federal-aid project must be submitted in writing and must include a statement in a form prescribed by the Authority certifying whether the bidder is currently disqualified by an agency of the federal government as

a participant in programs and activities involving federal financial and non-financial assistance and benefits. A request for bid documents for any other construction or building contract may be made orally or in writing. Unless otherwise prohibited under this policy, the Authority will, upon receipt of a request, issue bid documents for a construction contract as follows:

- (a) to a bidder qualified by TxDOT, if the estimated cost of the project is within that bidder's available bidding capacity as determined by TxDOT;
- (b) to a bidder qualified by the Authority, if the estimated cost of the project is within that bidder's available bidding capacity as determined by the Authority; and
- (c) to a bidder who has substantially complied with the Authority's requirements for qualification, as determined by the Authority.

5.7 Withholding Bid Documents. The Authority will not issue bid documents for a construction contract if:

- (a) the bidder is suspended or debarred from contracting with TxDOT or the Authority;
- (b) the bidder is prohibited from rebidding a specific project because of default of the first awarded bid;
- (c) the bidder has not fulfilled the requirements for qualification under this policy, unless the bidder has substantially complied with the requirements for qualification, as determined by the Authority;
- (d) the bidder is disqualified by an agency of the federal government as a participant in programs and activities involving federal assistance and benefits, and the contract is for a federal-aid project; or
- (e) the bidder or its subsidiary or affiliate has received compensation from the Authority to participate in the preparation of the plans or specifications on which the bid or contract is based.

5.8 Completion and Submission of Bid Documents.

- (a) At the option of the Authority, a pre-bid conference may be held before opening bids to allow potential bidders to seek clarification regarding the procurement and/or the bid documents. Alternatively, bidders may submit written requests for clarification.
- (b) Bidders shall complete all information requested in bid documents by typing, printing by computer printer, or printing in ink. The bidder shall submit a unit price, expressed in numerals, for each item for which a bid is requested (including zero dollars and zero cents, if appropriate), except in the case of a regular item that has an alternate bid item. In such case, prices must be submitted for the base bid or with the set of items of one or more of the alternates. Unit prices shown on

acceptable computer printouts will be the official unit prices used to tabulate the official total bid amount and used in the contract if awarded.

- (c) Each set of bid documents shall be executed in ink in the complete and correct name of the bidder making the bid and shall be signed by the person or persons authorized to bind the bidder.
- (d) If required by the bid documents, the bidder must submit a bid guaranty with the bid. The bid guaranty shall be in the amount specified in the bid documents, shall be payable to the Authority, and shall be in the form of a cashier's check, money order, or teller's check issued by a state or national bank, savings and loan association, or a state or federally chartered credit union (collectively referred to as "bank"). The Authority will not accept cash, credit cards, personal checks or certified checks, or other types of money orders. Bid bonds may be accepted at the sole discretion of the Authority. Failure to submit the required bid guaranty in the form set forth in this subsection shall disqualify a bidder from bidding on the project described in the bid documents.
- (e) A bid on a federal-aid project shall include, in a form prescribed by the Authority, a certification of eligibility status. The certification shall describe any suspension, debarment, voluntary exclusion, or ineligibility determination actions by an agency of the federal government, and any indictment, conviction, or civil judgment involving fraud or official misconduct, each with respect to the bidder or any person associated therewith in the capacity of owner, partner, director, officer, principal investor, project director/supervisor, manager, auditor, or a position involving the administration of federal funds; such certification shall cover the three-year period immediately preceding the date of the bid. Information adverse to the bidder as contained in the certification will be reviewed by the Authority and by the Federal Highway Administration, and may result in rejection of the bid and disqualification of the bidder.
- (f) The bidder shall place each completed set of bid documents in a sealed envelope that shall be clearly marked "Bid Documents for _____" (name of the project or service). When submitted by mail, this envelope shall be placed in another envelope that shall be sealed and addressed as indicated in the notice. Bids must be received at the location designated in the notice on or before the hour, as established by the official clock of the Authority, and date set for the receipt. The official clock at the place designated for receipt of bids shall serve as the official determinant of the hour for which the bid shall be submitted and shall be considered late.

5.9 Revision of Bid by Bidder. A bidder may change a bid price before it is submitted to the Authority by changing the price and initialing the revision in ink. A bidder may change a bid price after it is submitted to the Authority by requesting return of the bid in writing prior to the expiration of the time for receipt of bids. A person authorized to bind the bidder must make the request. The Authority will not accept a request by telephone, telegraph, or electronic mail, but

will accept a properly signed facsimile request. The revised bid must be resubmitted prior to the time specified for the close of the receipt of bids.

5.10 Withdrawal of Bid. A bidder may withdraw a bid by submitting a request in writing before the time and date of the bid opening. A person authorized to bind the bidder must make the request. The Authority will not accept telephone, telegraph, or electronic mail requests, but will accept a properly signed facsimile request.

5.11 Acceptance, Rejection, and Reading of Bids. Bids will be opened and read at a public meeting held at the time, date and place designated in the notice. Only the person so designated by the Authority shall open bids on the date specified in the notice, or as may have been extended by direction of the Executive Director. The Authority, acting through the Executive Director or the Executive Director's designee, will not accept and will not read a bid if:

- (a) the bid is submitted by an unqualified bidder;
- (b) the bid is in a form other than the official bid documents issued to the bidder;
- (c) the form and content of the bid do not comply with the requirements of the bid documents and/or subsection 5.8;
- (d) the bid, and if required, federal-aid project certification, are not signed;
- (e) the bid was received after the time or at some location other than specified in the notice or as may have been extended;
- (f) the bid guaranty, if required, does not comply with subsection 5.8;
- (g) the bidder did not attend a specified mandatory pre-bid conference, if required under the bid documents;
- (h) the proprietor, partner, majority shareholder, or substantial owner is thirty (30) or more days delinquent in providing child support under a court order or a written repayment agreement;
- (i) the bidder was not authorized to be issued a bid under this policy;
- (j) the bid did not otherwise conform with the requirements of this policy; or
- (k) more than one bid involves a bidder under the same or different names.

5.12 Tabulation of Bids. Except for lump sum building contracts bid items, the official total bid amount for each bidder will be determined by multiplying the unit bid price written in for each item by the respective quantity and totaling those amounts. If a unit bid price is illegible, the Authority will make a documented determination of the unit bid price for tabulation purposes. If a unit bid price has been entered for both the regular bid and a corresponding alternate bid, the Authority will determine the option that results in the lowest total cost to the

Authority and tabulate as such. If both the regular and alternate bids result in the same cost to the Authority, the Authority will select the regular bid item or items.

5.13 Award of Contract. Except as otherwise provided in this section 5, if the Authority does not reject all bids, it will award the contract to the lowest best bidder. In determining the lowest best bidder, in addition to price the Authority shall consider:

- (a) the bidder's ability, capacity, and skill to perform the contract or provide the service required;
- (b) the bidder's ability to perform the contract or provide the service promptly, or in the time required, without delay or interference;
- (c) the bidder's character, responsibility, integrity, reputation, and experience;
- (d) the quality of performance by the bidder of previous contracts or services;
- (e) the bidder's previous and existing compliance with laws relating to the contract or service; and
- (f) the sufficiency of the bidder's financial resources and ability to perform the contract or provide the service.

5.14 Rejection of Bids; Nonresident Bidders. The Authority, acting through the Executive Director or his designee, may reject any and all bids opened, read, and tabulated under this policy. It will reject all bids if:

- (a) there is reason to believe collusion may have existed among the bidders;
- (b) the low bid is determined to be both mathematically and materially unbalanced;
- (c) the lowest best bid is higher than the Authority's estimate and the Authority determines that re-advertising the project for bids may result in a significantly lower low bid or that the work should be done by the Authority; or
- (d) the Board of Directors, acting on the recommendation of the Executive Director, determines, for any reason, that it is in the best interest of the Authority to reject all bids.

In accordance with Texas Government Code, Chapter 2252, Subchapter A, the Authority will not award a contract to a nonresident bidder unless the nonresident underbids the lowest best bid submitted by a responsible resident bidder by an amount that is not less than the amount by which a resident bidder would be required to underbid the nonresident bidder to obtain a comparable contract in the state in which the nonresident's principal place of business is located.

5.15 Bid Protests.

- (a) All protests relating to advertising of bid notices, alleged improprieties or ambiguities in bid documents, deadlines, bid openings and all other bid-related procedures must be made in writing and submitted to the Executive Director within five (5) days of the bid opening. Each protest must include the following:
 - (1) the name and address of the protester, and the vendor it represents, if different;
 - (2) the identification number, reference number, or other identifying criteria specified in the bid documents to identify the procurement in question;
 - (3) a statement of the grounds for protest; and
 - (4) all documentation supporting the protest.
- (b) A decision and response to the protest will be prepared by the Executive Director within a reasonable time after receipt of a properly prepared written protest.
- (c) Appeals of responses and decisions regarding protests must be made to the Board in writing, and must be filed with the Executive Director of the Authority, with a copy to the Chairman of the Board of Directors, within ten (10) days after the response and decision regarding the original protest are issued. Written appeals shall include all information contained in the original written protest, as well as any newly discovered documentation supporting the protest that was not reasonably available to the protester when the original protest was filed. Subject to all applicable laws governing the Authority, the decision of the Board regarding an appeal shall be final.

5.16 Contract Execution; Submission of Ancillary Items.

- (a) Within the time limit specified by the Authority, the successful bidder must execute and deliver the contract to the Authority together with all information required by the Authority relating to the Disadvantaged Business Enterprises participation to be used to achieve the contract's Disadvantaged Business Enterprises goal as specified in the bid documents and the contract.
- (b) After the Authority sends written notification of its acceptance of the successful bidder's documentation to achieve the Disadvantaged Business Enterprises goal, if any, the successful bidder must furnish to the Authority within the time limit specified by the Authority:
 - (1) a performance bond and a payment bond, if required and as required by Texas Government Code, Chapter 2253, with powers of attorneys attached, each in the full amount of the contract price, executed by a surety company or surety companies authorized to execute surety bonds under and in accordance with state law;

- (2) a certificate of insurance on a form ~~ACORD 27~~ acceptable to the Authority showing coverage in accordance with contract requirements; provided, however, that a successful bidder on a routine construction contract will be required to provide the certificate of insurance prior to the date the contractor begins work as specified in the Authority's order to begin work.

5.17 Unbalanced Bids. The Authority will examine the unit bid prices of the apparent low bid for reasonable conformance with the Authority's estimated prices. The Authority will evaluate, and may reject, a bid with extreme variations from the Authority's estimate, or where obvious unbalancing of unit prices has occurred.

5.18 Bid Guaranty. Not later than seven (7) days after bids are opened, the Authority will mail the bid guaranty of all bidders to the address specified on each bidder's bid documents, except that the Authority will retain the bid guaranty of the apparent lowest best bidder, second-lowest best bidder, and third-lowest best bidder, until after the contract has been awarded, executed, and bonded. If the successful bidder (including a second-lowest best bidder or third-lowest best bidder that ultimately becomes the successful bidder due to a superior bidder's failure to comply with these rules or to execute a contract with the Authority) does not comply with subsection 5.16 the bid guaranty will become the property of the Authority, not as a penalty but as liquidated damages, unless the bidder effects compliance within seven (7) days after the date the bidder is required to submit the bonds and insurance certificate under subsection 5.16. A bidder who forfeits a bid guaranty will not be considered in future bids for the same work unless there has been a substantial change in the design of the project subsequent to the forfeiture of the bid guaranty and the Board of Directors, upon request made in writing by bidder and received at such time that the Board may consider the request at a regularly scheduled board meeting prior to the due date for the bids approves of the submission of a bid by the bidder.

5.19 Progress Payments; Retainage and Liquidated Damages.

- (a) In addition to other provisions required by the Authority, construction and building contracts will provide for the Authority to make progress payments, which shall be reduced by retainage, as work progresses and is approved by the Authority.
- (b) Retainage shall be in the amount of five percent (5%) of the contract price until the entire work has been completed and accepted. Unless the Authority agrees otherwise in writing, retainage shall not bear interest or be segregated from other Authority funds. If the Authority agrees to segregate retainage in an interest-bearing account, the Authority may impose terms and conditions on such arrangement, including but not limited to, the following:
 - (1) retained funds must be deposited under the terms of a trust agreement with a state or national bank domiciled in Texas and approved by the Authority;
 - (2) all expenses incident to the deposit and all charges made by the escrow agent for custody of the securities and forwarding of interest shall be paid solely by the contractor;

- (3) the Authority may, at any time and with or without reason, demand in writing that the bank return or repay, within 30 days of the demand, the retainage or any investments in which it is invested; and
 - (4) any other terms and conditions prescribed by the Authority as necessary to protect the interests of the Authority.
- (c) Without limiting the Authority's right to require any other contract provisions, the Authority, at its sole discretion, may elect to require that a liquidated damages provision be made a part of any contract it enters into.

SECTION 6. PROFESSIONAL SERVICES.

6.1 General. Except as otherwise permitted by Transportation Code, Chapter 370, the Authority shall procure all professional services governed by the Professional Services Procurement Act in accordance with the requirements of that Act. In the event of any conflict between these policies and procedures and the Act, the Act shall control.

6.2 Selection of Provider; Fees.

- (a) The Authority may not select a provider of professional services or a group or association of providers or award a contract for the services on the basis of competitive bids submitted for the contract or for the services, but shall make the selection and award based on the provider's:
 - (1) demonstrated competence and qualifications to perform the service, including precertification by TxDOT (if applicable); and
 - (2) ability to perform the services for a fair and reasonable price.
- (b) The professional fees under the contract:
 - (1) may be consistent with and must not be higher than the recommended practices and fees published by any applicable professional associations and that are customary in the area of the authority; and
 - (2) may not exceed any maximum provided by law.

6.3 Request for Qualifications. In order to evaluate the demonstrated competence and qualifications of prospective providers of professional services, the Authority shall invite prospective providers of professional services to submit their qualifications to provide such services as specified in a Request for Qualifications ("RFQ") issued by the Authority. Each RFQ for professional services shall describe the services required by the Authority, the criteria used to evaluate proposals, and the relative weight given to the criteria.

6.4 Notice of RFQs.

- (a) Notice of the issuance of a RFQ for professional services must provide (1) the date, time, and place where responses to the RFQ must be submitted, (2) the contact or location from which prospective professional service providers may request the RFQ, and (3) a general description of the type of professional services being sought by the Authority. Alternatively, the Authority may publish or otherwise distribute, in accordance with these procedures, the RFQ itself in lieu of publishing a notice of RFQ. Neither a notice of a RFQ for professional services, nor any RFQ itself shall require the submission of any specific pricing information for the specific work described in the RFQ, and may only require information necessary to demonstrate the experience, qualifications, and competence of the potential provider of professional services.
- (b) The Authority shall publish on its website all notices of the issuance of a RFQ and/or the entirety of the RFQ itself at least two (2) weeks prior to the deadline for the responses.
- (c) The Authority may also publish notice of the issuance of a RFQ, or the content of the RFQ itself, in an issue of the *Texas Register*, and in newspapers, trade journals, or other such locations as the Authority determines will enhance competition for the provision of services.
- (d) The date specified in the RFQ as the deadline for submission of responses may be extended if the Executive Director determines that the extension is in the best interest of the Authority.

6.5 ~~6.3~~ Contract for Professional Services

- (a) In procuring professional services, the Authority shall:
 - (1) first select the most highly qualified provider of those services on the basis of demonstrated competence and qualifications; and
 - (2) then attempt to negotiate with that provider a contract at a fair and reasonable price.
- (b) If a satisfactory contract cannot be negotiated with the most highly qualified provider of professional services, the Authority shall:
 - (1) formally end negotiations with that provider;
 - (2) select the next most highly qualified provider; and
 - (3) attempt to negotiate a contract with that provider at a fair and reasonable price.
- (c) The Authority shall continue the process described in this section to select and negotiate with providers until a contract is entered into or until it determines that

the services are no longer needed or cannot be procured on an economically acceptable basis.

SECTION 7. GENERAL GOODS AND SERVICES.

7.1 Approval of Board. Every procurement of general goods and services costing more than twenty-five thousand dollars (\$25,000.00) shall require the approval of the Board, evidenced by a resolution adopted by the Board. A large procurement may not be divided into smaller lot purchases to avoid the dollar limits prescribed herein.

7.2 Purchase Threshold Amounts. The Authority may procure general goods and services costing twenty-five thousand dollars (\$25,000.00) or less by such method and on such terms as the Executive Director determines to be in the best interests of the Authority. General goods and services costing more than twenty-five thousand dollars (\$25,000.00) shall be procured using competitive bidding or competitive sealed proposals. A large procurement may not be divided into smaller lot purchases to avoid the dollar limits prescribed herein.

7.3 Competitive Bidding Procedures. Competitive bidding for general goods and services shall be conducted using the same procedures specified for the competitive bidding of construction contracts, except that:

- (a) with respect to a particular procurement, the Executive Director may waive the qualification requirements for all prospective bidders;
- (b) the Executive Director may waive the submission of payment or performance bonds (or both) and/or insurance certificates by the successful bidder if not otherwise required by law;
- (c) notice of the procurement shall be published once at least two (2) weeks before the deadline for the submission of responses in the officially designated newspaper of the Authority, as well as on the Authority's website.
- (d) ~~(e)~~ in addition to advertisement of the procurement as set forth in subsection ~~5.4,(c)~~ above, the Authority may solicit bids by direct mail, telephone, Texas Register publication, advertising in other locations, or via the Internet. If such solicitations are made in addition to newspaper advertising, the prospective bidder may not be solicited by mail, telephone and internet or in any other manner, nor may the prospective bidder receive bid documents until such time that the advertisement has appeared in the officially designated newspaper of the Authority; and
- (e) ~~(d)~~ a purchase may be proposed on a lump-sum or unit price basis. If the Authority chooses to use unit pricing in its notice, the information furnished to bidder must specify the approximate quantities estimated on the best available information, but the compensation paid the bidder must be based on the actual quantities purchased.

7.4 Award Under Competitive Bidding.

- (a) Contracts for general goods and services procured using competitive bidding shall be awarded to the lowest best bidder based on the same criteria used in awarding construction contracts, together with the following additional criteria:
 - (1) the quality and availability of the goods or contractual services to be provided and their adaptability to the Authority's needs and uses; and
 - (2) the bidder's ability to provide, in timely manner, future maintenance, repair parts, and service for goods being purchased.
- (b) In accordance with Texas Government Code, Chapter 2252, Subchapter A, the Authority will not award a contract to a nonresident bidder unless the nonresident underbids the lowest best bid submitted by a responsible resident bidder by an amount that is not less than the amount by which a resident bidder would be required to underbid the nonresident bidder to obtain a comparable contract in the state in which the nonresident's principal place of business is located.

7.5 Competitive Sealed Proposals.

- (a) Request for Proposals. The Authority may solicit offers for provision of general goods and services by issuing a request for proposals ("RFP"). Each RFP shall contain the following information:
 - (1) the Authority's specifications for the good or service to be procured;
 - (2) an estimate of the various quantities and kinds of services to be performed and/or materials to be furnished;
 - (3) a schedule of items for which unit prices are requested;
 - (4) the time within which the contract is to be performed;
 - (5) any special provisions and special specifications; and
 - (6) the Authority's goals regarding the participation in the contract or in subcontracts let under the contract by Disadvantaged Business Enterprises. The Authority shall give public notice of an RFP in the manner provided for requests for competitive bids for general goods and services.
- (b) Opening and Filing of Proposals; Public Inspection. The Authority shall avoid disclosing the contents of each proposal on opening the proposal and during negotiations with competing offerors. The Authority shall file each proposal in a register of proposals, which, after a contract is awarded, is open for public inspection unless the register contains information that is excepted From disclosure as public information.

- (c) Revision of Proposals. After receiving a proposal but before making an award, the Authority may permit an offeror to revise its proposal to obtain the best final offer. The Authority may discuss acceptable or potentially acceptable proposals with offerors to assess an offeror's ability to meet the solicitation requirements. The Authority may not disclose information derived from proposals submitted from competing offerors. The Authority shall provide each offeror an equal opportunity to discuss and revise proposals.
- (d) Refusal of All Proposals. The Authority shall refuse all proposals if none of those submitted is acceptable.
- (e) Contract Execution. The Authority shall submit a written contract to the offeror (the "first-choice candidate") whose proposal is the most advantageous to the Authority, considering price and the evaluation factors in the RFP. The terms of the contract shall incorporate the terms set forth in the RFP and the proposal submitted by the first-choice candidate, but if the proposal conflicts with the RFP, the RFP shall control unless the Authority elects otherwise. If the Authority and the first-choice candidate cannot agree on the terms of a contract, the Authority may elect not to contract with the first-choice candidate, and at the exclusive option of the Authority, may submit a contract to the offeror ("second-choice candidate") whose proposal is the next most favorable to the Authority. If agreement is not reached with the second-choice candidate, the process may be continued with other offerors in like manner, but the Authority shall have no obligation to submit a contract to the next highest-ranked offeror if the Authority determines at any time during the process that none of the remaining proposals is acceptable or otherwise within the best interest of the Authority.

7.6 Proprietary Purchases. If the Executive Director finds that the Authority's requirements for the procurement of a general good or service describe a product that is proprietary to one vendor and do not permit an equivalent product to be supplied, the Authority may solicit a bid for the general good or service solely from the proprietary vendor, without using the competitive bidding or competitive proposal procedures. The Executive Director shall justify in writing the Authority's requirements and shall submit the written justification to the Board. The written justification must (1) explain the need for the specifications; (2) state the reason competing products are not satisfactory; and (3) provide other information requested by the Board.

SECTION 8. CONSULTING SERVICES.

8.1 Contracting for Consulting Services. The Authority may contract for consulting services if the Executive Director reasonably determines that the Authority cannot adequately perform the services with its own personnel.

8.2 Selection Criteria. The Authority shall base its selection on demonstrated competence, knowledge, and qualifications and on the reasonableness of the proposed fee for the services.

8.3 Contract Amounts. The Authority may procure consulting services anticipated to cost no more than twenty-five thousand dollars (\$25,000.00) by such method and on such terms as the

Executive Director determines to be in the best interests of the Authority. Consulting services anticipated to cost more than twenty-five thousand dollars (\$25,000.00) shall be procured by the Authority's issuance of a Request for Qualifications ("RFQ").

8.4 Request for Qualifications. Each RFQ prepared by the Authority shall invite prospective consultants to submit their qualifications to provide such services as specified in the RFQ. Each RFQ shall describe the services required by the Authority and shall describe the composition of the team that will review the responses to the RFQ.

8.5 Notice of RFQs.

- (a) Notice of the issuance of an RFQ must provide (1) the date, time, and place where responses to the RFQ will be opened, (2) the address and telephone number from which prospective proposers may request the RFQ, and (3) a general description of the type of services being sought by the Authority. Alternatively, the Authority may publish and otherwise distribute, in accordance with these procedures, the RFQ itself in lieu of publishing a notice of issuance of an RFQ. The date specified in the RFQ as the deadline for submission of responses may be extended if the Executive Director determines that the extension is in the best interest of the Authority. All responses, including those received before an extension is made, must be opened at the same time.
- (b) Notice of the issuance of an RFQ, or the content of the RFQ itself, shall be posted on the Authority's website and shall be published in the officially designated newspaper of the Authority and, if required under this Policy, in any other newspapers of general circulation published in one or more counties of the Authority, as described below. In addition, the Authority may, but shall not be required to, solicit responses to an RFQ by direct mail, telephone, or via the Internet.
- (c) Notice of the issuance of an RFQ, or the RFQ itself, for a contract estimated to be more than one hundred thousand dollars (\$100,000.00) must be published once a week for at least two weeks before the deadline for the submission of responses in the officially designated newspaper of the Authority.
- (d) Notice of the issuance of an RFQ, or the RFQ itself, for a contract estimated to be less than one hundred thousand dollars (\$100,000.00) but more than twenty-five thousand dollars (\$25,000.00) must be published in two successive issues of the officially designated newspaper of the Authority.

8.6 Opening and Filing of Responses; Public Inspection. The Authority shall avoid disclosing the contents of each response to an RFQ on opening the response and during negotiations with competing respondents. The Authority shall file each response in a register of responses, which, after a contract is awarded, is open for public inspection unless the register contains information that is excepted ~~From from~~ disclosure ~~as an open record~~ under the Texas Public Information Act or other applicable law.

8.7 Contract Negotiations. The Authority shall submit a written contract to the respondent (the “first-choice candidate”) whose response best satisfies the Authority’s selection criteria. If the Authority and the first-choice candidate cannot agree on the terms of a contract, the Authority may terminate negotiations with the first-choice candidate, and, at the exclusive option of the Authority, the Authority may enter into contract negotiations with the respondent (“second-choice candidate”) whose response is the next most favorable to the Authority. If agreement is not reached with the second-choice candidate, the process may be continued with other respondents in like manner, but the Authority shall have no obligation to submit a contract to the next highest-ranked respondent if the Authority determines that none of the remaining responses is acceptable or that continuing with the procurement is not within the best interest of the Authority.

8.8 Single-Source Contracts. If the Executive Director determines that only one prospective consultant possesses the demonstrated competence, knowledge, and qualifications to provide the services required by the Authority at a reasonable fee and within the time limitations required by the Authority, consulting services from that consultant may be procured without issuing an RFQ. Provided, however, that the Executive Director shall justify in writing the basis for classifying the consultant as a single-source and shall submit the written justification to the Board. The justification shall be submitted for Board consideration prior to contracting with the consultant if the anticipated cost of the services exceeds twenty-five thousand dollars (\$25,000.00). If the anticipated cost of services is less than twenty-five thousand dollars (\$25,000.00), the Executive Director, with the prior approval of the Executive Committee, may enter into a contract for services and shall submit the justification to the Board at its next regularly scheduled board meeting.

8.9 Prior Employees. Except as otherwise provided by state or federal law or for those employment positions identified in a resolution of the Board, nothing shall prohibit the Authority from procuring consulting services from an individual who has previously been employed by the Authority or by any other political subdivision of the state or by any state agency; provided, that if a prospective consultant has been employed by the Authority, another political subdivision, or a state agency at any time during the two years preceding the making of an offer to provide consulting services to the Authority, the prospective consultant shall disclose in writing to the Authority the nature of his or her previous employment with the Authority, other political subdivision, or state agency; the date such employment was terminated; and his or her annual rate of compensation for the employment at the time of termination.

8.10 Mixed Contracts. This section 8 applies to a contract that involves both consulting and other services if the primary objective of the contract is the acquisition of consulting services.

SECTION 9. COMPREHENSIVE DEVELOPMENT AGREEMENTS.

9.1 Comprehensive Development Agreements Allowed. The Authority may enter into a CDA with a private entity to construct, maintain, repair, operate, extend, or expand a transportation project. A CDA shall, at a minimum, provide for the design and construction of a transportation project, and may, to the extent permitted by law, also provide for the financing, acquisition, maintenance, or operation of a transportation project. The Authority is also allowed to negotiate provisions relating to professional and consulting services provided in connection with a CDA.

9.2 Competitive Procurement Process For CDA. The Authority may either accept unsolicited proposals relating to a CDA or solicit proposals relating to a CDA in accordance with this section 9. The competitive bidding requirements for highway projects as specified under Chapter 223, Texas Transportation Code, and the Texas Professional Services Procurement Act (Chapter 2254, Texas Government Code) do not apply to a CDA. The CDA procurement process may also provide for the submission of alternative technical concepts (“ATCs”) and value added concepts (“VACs”) from proposers.

9.3 Unsolicited Proposals.

- (a) The Authority may at its sole option, accept unsolicited proposals for a project ~~proposer~~proposed to be developed through a CDA. An unsolicited proposal must be filed with the Authority and shall be accompanied by a \$20,000.00 non-refundable review fee. An unsolicited proposal ~~must~~shall include the following information:
- (1) the proposed transportation project location, scope, and limits;
 - (2) information regarding the proposing entity’s qualifications, experience, technical competence, and capability to develop the project;
 - (3) a proposed financial plan for the proposed project that includes, at a minimum, (A) projected project costs, and (B) proposed sources of funds; ~~and~~
 - (4) the identity of any member of, or proposed subconsultant for, the proposing entity or team who is also performing work, directly or as a subconsultant, for the Authority.
- (b) Unsolicited proposals shall be reviewed by the Authority staff. The staff may request additional information from the proposer. Based on its review, the staff will make an initial recommendation to the Board (or a designated committee thereof) as to whether the Authority should authorize further evaluation of the unsolicited proposal.
- (c) If the Authority authorizes further evaluation of an unsolicited proposal, then the Authority shall publish a request for qualifications (“RFQ”) in accordance with the requirements of section 9.4. Evaluation of proposals submitted in response to RFQs shall occur in accordance with the provisions of section 9.5.

9.4 Authority Solicitation of Proposals and Competing Proposals; Requests for Qualifications. The Authority may solicit proposals or competing proposals by issuing a RFQ relating to a CDA project. The Authority shall publish a RFQ (or notice of availability of a RFQ) in the *Texas Register* and post it on the Authority’s website.

- (a) An RFQ issued by the Authority shall include the following information:
- (1) a description of the project;

- (2) criteria used to evaluate the proposals;
 - (3) the relative weight given to the criteria; and
 - (4) the deadline by which proposals must be received by the Authority.
- (b) A proposal submitted in response to a RFQ issued under this section 9.4, or a competing proposal submitted in response to a RFQ issued under section 9.3(c) above, must include, at a minimum, the following:
- (1) information regarding the proposer's qualifications, experience, technical competence, and capability to develop the project;
 - ~~(2) a proposed financial plan for the proposed project that includes, at a minimum, (A) projected project costs, and (B) proposed sources of funds;~~
 - ~~(3) such additional information that the Authority requests within the RFQ;~~
 - (2) ~~(4)~~ the identity of any member of, or proposed subconsultant for, the proposing entity or team who is also performing work, directly or as a subconsultant, for the Authority;
 - (3) such additional information that the Authority requests within the RFQ;
 - (4) in the case of a competing proposal submitted in response to an RFQ published by the Authority after receipt of an unsolicited proposal, a proposed financial plan for the proposed project that includes, at a minimum, (A) projected project costs, and (B) proposed sources of funds; and
 - (5) in the case of a competing proposal submitted in response to an RFQ published by the Authority after receipt of an unsolicited proposal, a \$20,000 nonrefundable proposal review fee.
- (c) The Authority may withdraw a RFQ at any time, and may then publish a new RFQ in accordance with this section 9.4.

9.5 Evaluation of Proposals Submitted in Response to a Request For Qualifications.

- (a) The Authority shall review responses to a RFQ submitted in accordance with section 9.4 based on the criteria described in the RFQ. The Authority shall professionally evaluate all proposals received, and shall determine which proposers ~~will~~ qualify to submit detailed proposals in accordance with the requirements of section 9.6. The Authority may include an interview as part of its evaluation process.
- (b) The Authority must qualify at least two (2) private entities to submit detailed proposals in accordance with the procedures under section 9.6, unless the

Authority does not receive more than one (1) proposal in response to a RFQ. If only one (1) entity responds to a RFQ (or no entity submits a response to a RFQ issued after receipt of an unsolicited proposal) the Authority may request a detailed proposal from, and may attempt to negotiate a CDA with, the sole proposer.

9.6 Requests For Detailed Proposals.

- (a) The Authority shall issue a request for detailed proposals (“RFDP”) from all proposers qualified in accordance with section 9.5 above. The Authority shall mail a RFDP directly to the proposer’s main address as designated in the response to the RFQ, and such RFDP must contain the following information:
- (1) ~~the criteria which will be used to evaluate the detailed proposals;~~detailed instructions for preparing the technical proposal and items to be included;
 - (2) the process for submission of ATCs and/or VACs and the manner in which they will considered in the evaluation and scoring process;
 - (3) ~~(2) the relative weight to be given to the criteria;~~
 - (3) ~~a stipulated amount to be paid to unsuccessful proposers subject to section 9.12 below~~weighting of the technical and price proposals and the criteria for evaluating and ranking them; and
 - (4) the deadline ~~date~~ by which proposals must be received.
- (b) A RFDP under this Section 9.6 shall require proposers to submit a sealed technical proposal and a separate sealed cost proposal. A RFDP under this section 9.6 may require proposers to provide information relating to the following:
- (1) the proposer’s qualifications and demonstrated technical competence;
 - (2) the feasibility of developing the project as proposed;
 - (3) detailed engineering or architectural designs;
 - (4) the proposer’s ability to meet schedules;
 - (5) costing methodology; and
 - (6) any other information the Authority considers relevant or necessary to fully assess the project.

- (c) The Authority may withdraw a RFDP at any time prior to the submission deadline for detailed proposals. In such event the Authority shall have no liability to the entities chosen to submit detailed proposals.
- (d) In developing and preparing to issue a RFDP in accordance with section 9.6(a), the Authority may solicit input from entities qualified under section 9.5 or any other person.
- (e) After the Authority has issued a RFDP under section 9.6(a) but prior to the submission of RFDP responses, the Authority may solicit input from the proposers regarding ~~alternative technical concepts~~ ATCs and/or VACs.

9.7 Evaluation and Ranking of Detailed CDA Proposals. ~~(a)~~ The Authority shall first open evaluate, and rank score each ~~detailed technical~~ proposal ~~received~~ based on ~~the~~ criteria set forth in the RFDP. The Authority shall subsequently open, evaluate, and score each cost proposal based on criteria set forth in the RFDP. Based on the weighting of technical and cost proposals described in the RFDP ~~and, the Authority~~ shall then identify the proposer whose proposal offers the best value to the Authority. The Authority may interview the proposers as part of its evaluation process.

9.8 Post-Submissions Discussions.

- (a) After the Authority has evaluated and ranked the detailed proposals in accordance with section 9.7, the Authority may enter into discussions with the proposer whose proposal offers the apparent best value provided that the discussions must be limited to incorporation of aspects of other detailed proposals for the purpose of achieving the overall best value for the Authority, clarifications and minor adjustments in scheduling, designs, operating characteristics, cash flow, similar items, and other matters that have arisen since the submission of the detailed proposal.
- (b) If at any point in discussions under subsection 9.8(a) above, it appears to the Authority that the highest-ranking proposal will not provide the Authority with the overall best value, the Authority may end discussions with the highest-ranking propose and enter into discussions with the proposer submitting the next-highest ranking proposal.
- (c) If, after receipt of detailed proposals, the Authority determines that development of a project through a CDA is not in the best interest of the Authority, or the Authority determines for any other reason that it does not desire to continue the procurement, the Authority may terminate the process and, in such event, it shall not be required to negotiate a CDA with any of the proposers.

9.9 Negotiations for CDA. Subsequent to the discussions conducted pursuant to section 9.8 and provided the Authority has not terminated or withdrawn the procurement, the Authority and the highest-ranking proposer shall attempt to negotiate the specific terms of a the CDA.

- (a) The Authority shall prescribe the general form of the CDA and may include any matter therein considered advantageous to the Authority.
- (b) The Authority may establish a deadline for the completion of negotiations for a CDA. If an agreement has not been executed within that time, the Authority may terminate the negotiations, or, at its discretion, may extend the time for negotiating an agreement.
- (c) In the event an agreement is not negotiated within the time specified by the Authority, or if the parties otherwise agree to cease negotiations, the Authority may commence negotiations with the second-ranked proposer or it may terminate the process of pursuing a CDA for the project which is the subject of the procurement process.
- (d) Notwithstanding the foregoing, the Authority may terminate the procurement process, including the negotiations for a CDA, at any time upon a determination that continuation of the process or development of a project through a CDA is not in the Authority's best interest. In such event, the Authority shall have no liability to any proposer beyond the payment provided for under section 9.12 if detailed proposals have been submitted to the Authority.

9.10 CDA Projects with Private Equity Investment.

- (a) If a project to be developed through a CDA involves an equity investment by the proposer, the terms to be negotiated by the Authority and the proposer may include, but shall not be limited to:
 - (1) methods to determine the applicable cost, inflation indices, profit, and project distribution between the proposer and the Authority;
 - (2) reasonable methods to determine and ~~clarify~~classify toll rates or user fees;
 - (3) acceptable design of public safety and policing standards; and
 - (4) other applicable professional, consulting, construction, operational and maintenance standards, expenses and costs.
- (b) The Authority may only enter into a CDA with private equity investment if permitted by law and if the project that is the subject of the CDA is identified in TxDOT's unified transportation program or is located on a transportation corridor identified in a statewide transportation plan.
- (c) The Authority may not incur a financial obligation for a private entity that constructs, maintains, or operates a transportation project. A CDA must include a provision authorizing the Authority to purchase the interest of a private equity investor in a transportation project.

9.11 Authority Property Subject to a CDA. A transportation project (excluding a public utility facility) that is the subject of a CDA is public property and belongs to the Authority, provided that the Authority may lease rights-of-ways, grant easements, issue franchises, licenses, permits or any other lawful form of use to enable a private entity to construct, operate, and maintain a transportation project, including supplemental facilities. At the termination of any such agreement, the transportation project shall be returned to the Authority in a state of maintenance deemed adequate by the Authority and at no additional cost to the Authority.

9.12 Payment For Submission of Detailed CDA Proposals.

- (a) The Authority ~~shall~~may pay an unsuccessful proposer that submits a detailed proposal in response to a RFDP under section 9.6 a stipulated amount of the final contract price for any costs incurred in preparing that detailed proposal. ~~Such~~ If a payment is to be made, the amount may not exceed the lesser of the amount identified in the RFDP or the value of any work product contained in the proposal that can, as determined by the Authority, be used by the Authority in the performance of its functions. Use by the Authority of any design element contained in an unsuccessful detailed proposal is at the sole risk and discretion of the Authority and does not confer liability on the recipient of the stipulated amount under this section.
- (b) After payment of the stipulated amount, if any, the Authority shall own the exclusive rights to, and may make use of, any work product contained in the detailed proposal, including technologies, techniques, methods, processes, and information contained in the project design. In addition, the work product contained in the proposal becomes the property of the Authority.

9.13 Confidentiality of Negotiations for CDA. The Authority shall use its best efforts to protect the confidentiality of information generated and/or submitted in connection with the process for entering into a CDA to the extent permitted by Transportation Code §370.307. The Authority shall notify any proposer whose information is submitted in connection with the process for entering into a CDA is the subject of a Public Information Act request received by the Authority.

9.14 Performance and Payment Security.

- (a) The Authority shall require any private entity entering onto a CDA to provide a performance and payment bond or an alternative form of security in an amount sufficient to insure the proper performance of the agreement and protect the Authority and payment bond beneficiaries who have a direct contractual relationship with the private entity or a subcontractor of the private entity to supply labor or material. A performance or payment bond or alternative form of security shall be in an amount equal to the cost of constructing or maintaining the project, provided that if the Authority determines that it is impracticable for a private entity to provide security in such amount, the Authority shall set the amount of the bond or alternative form of security.

- (b) An alternative form of security may not be utilized unless requested by the private entity proposing to enter into a CDA. Such request shall include an explanation as to why an alternative form of security is appropriate, the form of alternative security to be utilized, and the benefits and protections provided to the Authority through use of the requested form of alternative security. A decision on whether to accept alternative forms of security, in whole or in part, shall be at the sole discretion of the Authority.
- (c) A payment or performance bond or alternative form of security is not required for that portion of a CDA that includes only design or planning services, the performance of preliminary studies, or the acquisition of real property.
- (d) In no event may the amount of the payment security be less than the performance security.
- (e) Alternative forms of security may be permitted or required in the following forms:
 - (1) a cashier's check drawn on a financial entity specified by the Authority;
 - (2) a U.S. Bond or Note;
 - (3) a irrevocable bank letter of credit; or
 - (4) any other form of security determined suitable by the Authority.

SECTION 10. PARTICIPATION IN STATE AND COOPERATIVE PURCHASING PROGRAMS; AND INTERGOVERNMENTAL AGREEMENTS.

10.1 Voluntary GSC Program. Pursuant to and in accordance with § 2155.204 of the Government Code and Subchapter D, Chapter 271 of the Local Government Code, the Authority may request the Texas Building and Procurement Commission ("TBPC") to allow the Authority to participate on a voluntary basis in the program established by TBPC by which the TBPC performs purchasing services for local governments.

10.2 Catalog Purchase of Automated Information Systems. Pursuant to and in accordance with § 2157.067 of the Government Code, the Authority may utilize the catalogue purchasing procedure established by the TBPC with respect to the purchase of automated information systems.

10.3 Cooperative Purchases. Pursuant to and in accordance with Subchapter F, Chapter 271 of the Local Government Code, the Authority may participate in one or more cooperative purchasing programs with local governments or local cooperative programs.

10.4 Interlocal Agreements with TxDOT. Subject to limitations imposed by general law, the Authority may enter into interlocal agreements with TxDOT to procure goods and services From TxDOT.

10.5 Effect of Procurements Under Section ~~11.10~~. Purchases made through the TBPC, a cooperative program or by interlocal agreement shall be deemed to have satisfied the procurement requirements of the Policy and shall be exempted from the procurement requirements contained in this Policy.

SECTION 11. EMERGENCY PROCUREMENTS.

11.1 Emergency Procurement Procedures. The Authority may employ alternate procedures for the expedited award of construction contracts and to procure goods and services to meet emergency conditions in which essential corrective or preventive action would be unreasonably hampered or delayed by compliance with the foregoing rules. Types of work which may qualify for emergency contracts include, but are not limited to, emergency repair or reconstruction of streets, roads, highways, building, facilities, bridges, toll collection systems and other Authority property; clearing debris or deposits from the roadway or in drainage courses within the right of way; removal of hazardous materials; restoration of stream channels outside the right of way in certain conditions; temporary traffic operations; and mowing to eliminate safety hazards.

- (a) Before a contract is awarded under this section, the Executive Director or his designee must certify in writing the fact and nature of the emergency giving rise to the award.
- (b) To be eligible to bid on an emergency construction and building projects, a contractor must be qualified to bid on TxDOT construction or maintenance contracts or be pre-qualified by the Authority to bid on Authority construction or building contracts.
- (c) A bidder need not be qualified or pre-qualified by the Authority to be eligible to bid on emergency non-construction or non-building projects.
- (d) After an emergency is certified, if there are three or more firms qualified to bid on the contract as reflected by the Authority's files, the Authority will send bid documents for the work to at least three qualified contractors. The Authority will notify recipients of the bid documents of the date and time by which the bids must be submitted and when the bids will be opened, read, and tabulated. The Authority will also notify the recipients of any expedited schedule and information required for the execution of the contract. Bids will be opened, read, and tabulated, and the contract will be awarded, in the manner provided in the other subsections of this Policy as required to procure construction or goods and services, as the case may be.

SECTION 12. DISPOSITION OF SALVAGE OR SURPLUS PROPERTY.

12.1 Sale by Bid or Auction. The Authority may periodically sell the Authority's salvage or surplus property by competitive bid or auction. Salvage or surplus property may be offered as individual items or in lots at the Authority's discretion.

12.2 Trade-In for New Property. Notwithstanding subsection 12.1, the Authority may offer salvage or surplus property as a trade-in for new property of the same general type if the Executive Director considers that action to be in the best interests of the Authority.

12.3 Heavy Equipment. If the salvage or surplus property is earth-moving, material-handling, road maintenance, or construction equipment, the Authority may exercise a repurchase option in a contract in disposing of such types of property. The repurchase price of equipment contained in a previously accepted purchase contract is considered a bid under subsection ~~12.1~~.

12.4 Sale to State, Counties, etc. Notwithstanding subsection 12.1 above, competitive bidding or an auction is not necessary if the purchaser is the State or a county, municipality, or other political subdivision of the State. The Authority may accept an offer made by the State or a county, municipality, or other political subdivision of the State before offering the salvage or surplus property for sale at auction or by competitive bidding.

12.5 Failure to Attract Bids. If the Authority undertakes to sell property under subsection 12.1 and is unable to do so because no bids are made for the property, the Executive Director may order such property to be destroyed or otherwise disposed of as worthless. Alternatively, the Executive Director may cause the Authority to dispose of such property by donating it to a civic, educational or charitable organization located in the State.

12.6 Terms of Sale. All salvage or surplus property sold or otherwise disposed of by the Authority shall be conveyed on an "AS IS, WHERE IS" basis. The location, frequency, payment terms, inspection rights, and all other terms of sale shall be determined by the Authority in its sole and absolute discretion.

12.7 Rejection of Offers. The Authority or its designated representative conducting a sale of salvage or surplus property may reject any offer to purchase such property if the Executive Director or the Authority's designated representative finds the rejection to be in the best interests of the Authority.

12.8 Public Notices of Sale. The Authority shall publish the address and telephone number from which prospective purchasers may request information concerning an upcoming sale in at least two issues of the officially designated newspaper of the Authority, or any other newspaper of general circulation in each county of the Authority, and the Authority may, but shall not be required to, provide additional notices of a sale by direct mail, telephone, or via the internet.

SECTION 13. DISPUTE RESOLUTION PROCEDURES.

The Authority shall have the general ability and authority, when negotiating the terms and conditions of any contract to be entered into with any entity, to negotiate for the inclusion of dispute resolution procedures in such contract. Such dispute resolution procedures may vary from contract to contract, provided that, at a minimum, the procedures require that a meeting of principles, mediation, and/or formal alternative dispute resolution procedures be followed before any party may file suit against, or initiate an arbitration proceeding against, the Authority for an alleged breach of contract claim.

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Moved from	2
Moved to	2
Style change	0
Format changed	0
Total changes	165

**GENERAL MEETING OF THE BOARD OF DIRECTORS
OF THE
ALAMO REGIONAL MOBILITY AUTHORITY**

RESOLUTION NO. 07-19

WHEREAS, the Alamo Regional Mobility Authority (“Alamo RMA”) was created pursuant to the request of Bexar County and in accordance with provisions of the Transportation Code and the petition and approval process established in 43 Tex. Admin. Code § 26.01, *et. seq.* (the “RMA Rules”); and

WHEREAS, the Board of Directors of the Alamo RMA has been constituted in accordance with the Transportation Code and the RMA Rules; and

WHEREAS, in Minute Order Number 110964 the Texas Transportation Commission identified the US 281 from Loop 1604 to the Bexar County line (the “281 North Toll Project”) as a candidate for development as a toll project pursuant to Senate Bill 792 (SB 792) enacted by the 80th Texas Legislature; and

WHEREAS, in Resolution No. 07-09 the Board of Directors expressed its intent that the Alamo RMA develop the 281 North Toll Project following the completion of the market valuation process required under SB 792; and

WHEREAS, on September 11, 2007, Alamo RMA and TxDOT executed a Financial Assistance Agreement which makes certain funding available for work by the Authority on the 281 North Toll Project; and

WHEREAS, §370.305 of the Texas Transportation Code authorizes regional mobility authorities to develop projects through use of comprehensive development agreements (CDAs); and

WHEREAS, § 9 of the Alamo RMA’s Procurement Policies sets forth the process by which the Alamo RMA may solicit proposals relating to a CDA through the issuance of a request for qualifications (RFQ); and

WHEREAS, the Alamo RMA Board of Directors desires to authorize the issuance of an RFQ to solicit proposals for the development of the 281 North Toll Project through a design/build CDA.

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors of the Alamo RMA hereby authorizes its staff to issue an RFQ for the development of the 281 North Toll Project through a design/build CDA; and

BE IT FURTHER RESOLVED, that the staff is directed take such other actions as necessary to implement a process, consistent with § 9.5 of the Alamo RMA Procurement Policies, to review the RFQ responses received, assess such responses based on the criteria identified in the RFQ, and prepare a recommendation to the Board of Directors regarding a short-list of firms to further

participate in the development and procurement process and to receive a request for detailed proposals (RFDP) as set forth in § 9.6 of the Procurement Policies; and

BE IT FURTHER RESOLVED, that no RFDP shall be issued without the prior approval of the Alamo RMA Board of Directors.

Adopted by the Board of Directors of the Alamo Regional Mobility Authority on the 18th day of September, 2007.

Submitted and reviewed by:

Approved:

Terry M. Brechtel
Executive Director for the
Alamo Regional Mobility Authority

William E. Thornton
Chairman, Board of Directors
Resolution Number 07-19
Date Passed 09/18/07

ALAMO REGIONAL MOBILITY AUTHORITY

**REQUEST FOR QUALIFICATIONS
FOR DEVELOPMENT OF 281 NORTH TOLL PROJECT THROUGH
A DESIGN/BUILD COMPREHENSIVE DEVELOPMENT AGREEMENT**

Issuance Date: September 18, 2007

The Alamo Regional Mobility Authority (“Alamo RMA”) is requesting proposals for a design/build comprehensive development agreement (“D/B CDA”) for the development of the 281 North Toll Project in Bexar County.

On June 14, 2007, the Alamo RMA Board of Directors expressed its intent, in Resolution No. 07-09₂, to assume development authority for the addition of tolled lanes within the right-of-way of the US 281 North Corridor in Bexar County, Texas (the “281 North Toll Project” or “Project”). On August 23, 2007, the Texas Transportation Commission (“TTC”) approved Minute Order 111041 authorizing a loan to Alamo RMA to fund further development of the 281 North Toll Project, including the procurement of bids and proposals. On September 18, 2007, the Alamo RMA Board of Directors authorized the issuance of a Request for Qualifications (“RFQ”) from teams interested in pursuing the development of the Project through a D/B CDA.

The Alamo RMA has promulgated and adopted “Policies and Procedures Governing Procurements of Goods and Services by the Alamo RMA” (the “Procurement Policies”). Section 9 of the Procurement Policies addresses the submission of proposals for development of projects through a comprehensive development agreement (“CDA”). The D/B CDA for development of the 281 North Toll Project is one type of CDA. Sections 9.4 and 9.5 of the Procurement Policies govern the submission and processing of CDA proposals and require publication of notice that the Alamo RMA Board of Directors desires to solicit qualifications submittals. As noted above, the Alamo RMA Board of Directors expressed this desire on September 18, 2007, and authorized the issuance of a RFQ. Copies of the Procurement Policies are available on the Alamo RMA website (www.alamorma.org) or from the Contact Person listed below.

I. Description of the Project. The Project is generally described as a tolled section of US 281 from Loop 1604 to Marshall Road with a minimum of four tolled lanes (two in each direction) and potential for future lane additions. The corridor would also include non-tolled frontage road lanes. The Alamo RMA is currently evaluating the feasibility of the Project to define the exact scope of the proposed facility, which may ultimately extend to the Bexar County line.

II. Submission of Proposals. Interested parties or consortia are invited to tender qualifications submittals by 4:00 p.m. C.S.T. on October 19, 2007. Qualifications submittals must contain the information set forth below, and must be submitted in conformance with the Procurement Policies and the procedures set forth in this RFQ. Failure by a proposer to submit a qualifications proposal by the deadline established herein shall preclude such proposal from consideration by the Alamo RMA. Updates and addenda to this RFQ may be issued periodically prior to the deadline for responses and will be posted on the Alamo RMA’s web site at www.alamorma.org. Interested parties are responsible for monitoring the web site for new information, and submittals in response to

this RFQ will be expected to incorporate whatever changes may be reflected by any new information or addenda posted on the web site.

III. Overview of Procurement Process. Regional mobility authorities (“RMAs”) are statutorily authorized to develop transportation projects through CDAs (See Texas Transportation Code §370.301, et seq.). A CDA is defined as an agreement that, at a minimum, provides for the design and construction of a project, and may also provide for the financing, acquisition, maintenance, or operation of a project. (See §370.305) As noted above, the D/B CDA for the Project is one type of CDA. The CDA process is intended to be a competitive process that provides the best value for an RMA. The process also allows RMAs to solicit alternative technical concepts (“ATCs”) which may be considered in the best value determination.

The Alamo RMA will follow the statutory guidelines and its Procurement Policies in conducting this procurement process. Those guidelines and policies require that the process be conducted in two phases. The first phase is the solicitation of qualifications, which is the purpose of this RFQ. The responses will be evaluated based on the criteria identified below. The Alamo RMA may conduct interviews of some or all of the responding proposers and, based on the responses and interviews, will select a short-list of teams to participate in the second phase of the procurement process. An authority must select at least two (2) teams submitting qualifying proposals to be short-listed (unless only one qualifying proposal is received). The Alamo RMA has not yet determined how many proposers will be short-listed in this procurement. The second phase requires the Alamo RMA to issue a request for detailed proposals (“RFDP”) to the short-listed teams, asking for detailed submissions which can include engineering and/or architectural designs, pricing, and other information, and also may include an opportunity for the submission of ATCs. The RFDP may identify a stipulated amount of the final contract price that may be paid to unsuccessful proposers submitting responses to a RFDP and, in exchange for payment of the stipulated amount (if any), the Alamo RMA will receive exclusive ownership of all work product contained in the response to the RFDP. The Alamo RMA may solicit industry input on the RFDP prior to the issuance thereof, and may conduct individual meetings with short-listed teams after issuance of the RFDP (but prior to the response deadline). The criteria for assessing the RFDP responses will be identified in the RFDP.

Additional details concerning the procurement process are contained in Chapter 370 of the Texas Transportation Code (the “RMA Act”) and in the Procurement Policies. Proposers are encouraged to review these materials. In the event of any conflict between the overview contained in this RFQ and the processes and procedures described in the RMA Act and the Procurement Policies, the latter (e.g., the RMA Act and Procurement Policies) shall control.

IV. Content of Qualifications Submittals. A submission in response to this RFQ must include the following:

- A. **Entity Qualifications.** Submittals should include the following regarding the proposer’s qualifications, experience, technical competence, and capability to develop the Project:
 1. Identity and description of the proposer, its equity owners, the lead or managing member of the proposer team, and each non-equity member anticipated to play a significant role in the Project.

2. Description of the legal nature (or anticipated legal nature) of the proposing entity (i.e., partnership, corporation, joint venture, etc.), including a description of the teaming arrangements, organizational structure, management of the entity, and the state of formation and domicile. Also include the name, title, address, telephone number, fax number, and email address for the proposer's designated contact person.

3. For the proposer, each equity member of the proposer, and each significant non-equity member designated in response to Paragraph 1 above, describe their experience since January 1, 2003 (specifying the role played by such entity) with:

(A). turnpike/highway projects with a construction value of \$75 million or more; and

(B). design-build, public-private partnership, comprehensive development and exclusive development agreements for turnpike/highway projects to which such entity has been party with a contract value of \$75 million or more.

With respect to each project identified, include the project name; owner's name, address, and current phone and fax numbers; dates of work performed (if applicable); project description; description of work and percentage actually performed by such entity; initial contract price; final contract price (including the number and value of contract modifications and claims); explanation regarding the causes (whether upward or downward) of contract value adjustments; initial contract completion date; final completion date; the number of time extensions sought and the number of time extensions received; explanations regarding the causes of the time extensions (both requested and granted); the nature of the contract compensation (i.e., lump sum, fixed price, cost plus, etc.); and project outcome or current status.

B. Personnel Qualifications. Provide separate resumes for the following key management staff:

1. Proposed project manager for the proposing entity;
2. Proposed lead individual from each equity team member; and
3. Any other individual that the proposer wishes to identify at this time.

C. Financial Qualifications. For the proposing entity and each equity member of the proposing entity, provide the following:

1. Financial statements for the three most recent fiscal years, audited by a certified public accountant in accordance with generally accepted accounting principles ("GAAP"). The statements should include a balance sheet, income statement, statement of changes in cash flow, and an opinion letter (auditor's report). If audited financials are not available for an equity owner, include unaudited financials for such member, certified as true, correct, and accurate by the chief financial officer or treasurer of the entity.

If the team or any other entity for which financial information is submitted as required hereby files reports with the Securities and Exchange Commission, then such financial

statements should be provided through a copy of their annual report on Form 10K. For all subsequent quarters, provide a copy of any report filed on Form 10Q or Form 8-K which has been filed since the latest filed 10K.

The proposer shall identify any information that it believes is entitled to confidentiality under the Public Information Act, Texas Government Code Chapter 552 (the "PIA"), by placing the word "confidential" on each page and segregating that information in a separate, identifiable portion of the RFQ response.

2. Information on any material changes, adverse or otherwise, in the financial condition of the proposer and each equity owner for the past three years and anticipated for the next reporting period. If no material change has occurred and none is pending, the proposer and/or equity owner, as applicable, shall provide a letter from its chief financial officer or treasurer so certifying. At the discretion of the Alamo RMA, any failure to disclose a prior or pending material change may result in disqualification from further participation in the selection process. In instances where a material change has occurred or is anticipated, the affected entity shall provide a statement describing each material change in detail, the likelihood that the developments will continue during the period of performance of the Project, and the projected full extent of the changes likely to be experienced in the periods ahead. It is recommended that, when appropriate, the affected entity provide a discussion of measures that would be undertaken to insulate the Project from any recent material changes, and those currently in progress or reasonably anticipated in the future. Set forth below are examples of material changes requiring disclosure. This list is indicative only and is not intended to be exclusive.

(A). An event of default or bankruptcy involving the affected entity, a related business unit within the same corporation, or the parent corporation of the affected entity;

(B). A change in tangible net worth exceeding 10% of the value of shareholder equity prior to the change;

(C). A sale, merger, or acquisition exceeding 10% of the value of shareholder equity prior to the sale, merger, or acquisition which in any way involves the affected entity, a related business unit, or parent corporation of the affected entity;

(D). A change in credit rating for the affected entity, a related business unit, or parent corporation of the affected entity;

(E). Inability to meet conditions of loan or debt covenants by the affected entity, a related business unit, or parent corporation of the affected entity which has required or will require a waiver or modification of agreed financial ratios, coverage factors or other loan stipulations, or additional credit support from shareholders or other third parties;

(F). Other events known to the affected entity, a related business unit, or parent corporation of the affected entity which represent a material change in financial condition over the past three years or may be pending for the next reporting period.

3. A letter from the certified public accountant for each entity for which financial information is submitted, identifying all off balance sheet liabilities. Label the information separately for each entity with a cover sheet identifying the name of the organization and its role in the proposing entity.

4. Evidence from a surety or an insurance company indicating that the proposing entity is capable of obtaining a performance bond and payment bond in an amount of at least \$125 million. The evidence regarding bonding capacity should take the form of a letter from a surety or insurance company indicating that such capacity exists for the proposer. Letters indicating "unlimited" bonding capability are not acceptable. If the proposer cannot meet these limits, it must indicate the maximum amount that can be obtained and alternate forms of security to be offered or proposed. The surety or insurance company providing such letter must be rated in the top two categories by two nationally recognized rating agencies or at least AVIII by "Best & Company." The letter must specifically state that the surety/insurance company has read this RFQ and evaluated the proposer's backlog and work-in-progress in determining its bonding capacity. In instances where the financial information provided by equity members contains descriptions of proposed or anticipated changes in the financial condition of the proposer or any other entity for which financial information is submitted as required hereby for the next reporting period, a certification that the surety's analysis specifically incorporates a review of the factors surrounding such changes and identifying any special conditions which may be imposed before issuance of surety bonds for the Project.

If a proposer is a joint venture or a partnership, separate letters for the individual equity participants are acceptable, as is a single letter covering all equity participants. The Alamo RMA has not yet determined the specific amount or form of payment and performance bonds and guarantees that it will require for the Project. The Alamo RMA shall delineate such requirements, which will be consistent with applicable law, in the RFDP.

In the event the proposing entity or any equity member thereof intends to offer alternate forms of security to satisfy performance or payment bond requirements, provide the financial information required in Paragraphs 1-3 if such security is a guarantee from another entity.

D. Prior Experience/Disputes/Debarment. In connection with prior work, provide:

1. A list and a brief description of all instances since January 1, 2003, involving transportation projects in which the proposer (or any other organization that is under common ownership with the proposer), any equity member, or any significant non-equity member was (i) determined, pursuant to a final determination in a court of law, arbitration proceeding or other dispute resolution proceeding, to be liable for a material breach of contract or (ii) terminated for cause. For each instance, identify an owner's representative with a current phone and fax number.

2. A list and a brief description (including the resolution) of each arbitration, litigation, dispute review board and other dispute resolution proceeding occurring since January 1, 2003, involving the proposer (or any other organization that is under common ownership with the proposer), any equity member or any significant non-equity member and

involving an amount in excess of \$250,000 related to performance in capital transportation projects with a contract value in excess of \$25 million.

3. A description of any transportation project which resulted in assessment of liquidated damages or stipulated damages in excess of \$25,000 since January 1, 2003, against the proposer (or any other organization that is under common ownership with the proposer), any equity member, or any significant non-equity member. Describe the causes of the delays and the amounts assessed. For each instance, identify an owner's representative with a current phone and fax number (and e-mail if available). The Alamo RMA intends that proposers report liquidated damages or stipulated damages assessments at any time during a project, not just final completion penalties. However, if such damages were assessed but not paid through settlement or negotiations with the project owner, they need not be included. Note that unresolved instances of assessed liquidated or stipulated damages (i.e., currently subject to negotiations or challenge, etc.) should be included.

4. Disclosure of whether the proposer, including any of the equity members, is presently or has since January 1, 2003 been (i) debarred, declared ineligible, or voluntarily excluded from covered transactions by any federal, state, or local entity; (ii) convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a federal, state, or local transaction or contract; (iii) found to be in violation of federal or state antitrust statutes; or (iv) the subject of contract termination with a federal, state, or local entity for cause or default since January 1, 2003.

E. Conceptual Project Development Plan. In connection with the Project (assuming termination of tolled lanes just north of Marshall Road) please provide:

1. A description of the proposer's general approach to advancing Project development (including quality assurance and quality control), the results expected from implementation of the proposer's Project development plan, and the critical factors for the Project's success. Include any key assumptions made in developing the plan.

2. A conceptual development and implementation schedule based upon current levels of information, including financial closing, substantial completion, revenue service, final acceptance dates, and other major milestones.

3. Conceptual cost estimates in 2007 dollars. Break out the cost estimates into design/construction costs and other costs and on an annual expenditure basis. Explain how the conceptual cost estimates were arrived at and the methodology utilized.

4. A description of the level and nature of how the Alamo RMA and the proposer will interrelate to achieve timely delivery of a high-quality completed Project.

5. A brief description of your public involvement plan for previous projects of this size and the program envisioned for this Project, bearing in mind the intense public awareness and interest in this Project.

- F. **Conflict of Interest.** The Alamo RMA has adopted certain conflict of interest policies applicable to consultants and key financial personnel. Copies are available at www.alamorma.org or from the Contact Person listed below. Provide the disclosures required by such policies.

In addition, proposers and proposing team members are advised that if they are currently under contract to the Alamo RMA, or to the Alamo RMA's General Engineering Consultant ("GEC"), for the performance of work related to the Alamo RMA, they will be precluded from performing any work for the authority or the GEC related to the 281 North Toll Project in the event they join a proposing team.

- G. **DBE Requirements.** The Alamo RMA has adopted a *Business Opportunity Program and Policy (Disadvantaged Business Enterprises (DBEs) program)*. Information about this program is available at www.alamorma.org or from the Alamo RMA's DBE Liaison, Mr. Leroy Alloway, who may be contacted at (210) 495-5256. All Alamo RMA procurements are subject to the Alamo RMA Business Opportunity Policy, which establishes the Disadvantaged Business Enterprise ("DBE") Policy Statement and the Business Opportunity Program and Policy ("BOPP"). The BOPP provides DBEs full opportunity to participate in all Alamo RMA contracts. The goals for DBE participation are based on the type of contract, the availability of DBEs to perform the functions of the contract, and other factors. Short-listed teams will be required to submit a DBE Compliance Plan with their detailed proposals.

V. Process for Evaluation of Submittals and Criteria to be Utilized. The review and processing of responses shall be in accordance with Section 9.5 of the Procurement Policies. The criteria, and the relative weight to be given to those criteria, are as follows:

- A. **Responsiveness.** Each submittal will be reviewed for (i) apparent mistakes which are unrelated to the substantive content of the proposal, (ii) conformity with the RFQ instructions regarding organization and format, and (iii) the responsiveness of the submittal to the requirements set forth in this RFQ. Although not included in the weighted criteria, the proposers' responsiveness will consider compliance with the requirements of Section F- "Conflict of Interest" and Section IV. G- "DBE/HUB Requirements." Those proposals not responsive to the RFQ may be excluded from further consideration. The Alamo RMA may also exclude from consideration any proposer whose submittal contains a material misrepresentation.
- B. **Response Evaluation Criteria.** Each responsive submittal will be evaluated and scored according to the following criteria:

1. General Qualifications/ Experience: (40% weighting)

- The extent and depth of the proposing entity's experience, including their relative success, in carrying out projects of the kind, size and complexity as described in Section IV. A - "Entity Qualifications," effectively, on time and within budget, and the experience reflected in Section IV. D- "Prior Experience/Disputes";
- The depth and extent of the proposing entity's capability to carry out all potential developer responsibilities, as demonstrated by the experience of identified team

members and as supported by the financial condition of the proposer and its equity team members as indicated by the response to Section IV. C- “Financial Qualifications”; and

- The extent and depth of experience of the management team and key personnel listed as required by Section IV. B - “Personnel Qualifications”.

Note: The Alamo RMA recognizes that newly formed entities may be created specifically for this Project, and as such those new entities, if they are the “proposing entity,” will not technically have had any prior experience with projects. It is the intent of the Alamo RMA, as reflected in its request for information concerning the individual members of any developer team, to assess the qualifications and experience of the “proposing entity” based on the qualifications and experience of the team members. Of course, if the proposing entity is an existing entity and has prior project experience, that experience will be considered as well.

2. Team Composition: (35% weighting)

- Familiarity and experience of team members identified in response to Section IV. A – “Entity Qualifications” with design and construction standards and practices (including locally prescribed aesthetic concepts) within TxDOT and the San Antonio District of TxDOT.
- Responsiveness toward DBE involvement, objectives and goals in response to Section IV. G – “DBE Requirements,” including any description of innovative approaches or unique outreach or marketing concepts used successfully by the proposer or its team members to encourage DBE participation.

3. Conceptual Project Development Plan: (25% weighting)

- The extent to which the conceptual project development plan presented in response to Section IV. E - “Conceptual Project Development Plan,” is technically feasible;
- The extent to which the conceptual project development plan demonstrates the proposing entity’s understanding of the size and complexity of the Project;
- The general approach to public involvement recognizing unique characteristics of the community and this Project;
- The extent to which the conceptual project development plan sets forth a realistic and feasible scheduling approach for Project development; and
- Demonstration of a sound approach to quality assurance and quality control.

The order in which the evaluation criteria set forth above appears is not an indication of weighting or importance.

VI. Qualifications Evaluation Procedure.

The Alamo RMA anticipates forming one or more committees to review and evaluate the responses to this RFQ in accordance with the above criteria and to make recommendations to the Alamo RMA Board of Directors based upon such analysis. At various times during the deliberations, the committee(s) may request proposing entities to supplement their previously submitted responses in

writing and/or orally. The Alamo RMA may elect, in its sole discretion, to conduct interviews and if the Alamo RMA so elects, all qualified proposers shall be entitled to an interview with the committee(s).

Evaluations and rankings of proposing entities' submittals are subject to the sole discretion of the Alamo RMA, its board of directors, officers, staff, and such professional and other advisors as the Alamo RMA may designate. The Alamo RMA Board will make the final determinations of the proposing entities to be short-listed, as it deems appropriate, in its sole discretion.

VII. Format of Response and Page Limitations.

Each proposing entity shall submit fifteen (15) original copies of its proposal. Proposals shall be transmitted in a sealed package. Proposals shall be organized and formatted according to the following guidelines:

Submittals shall be presented in two (2) separately bound volumes using three-ring loose-leaf binders:

- A. **Project and Personnel Qualifications.** This volume must not exceed twenty-five (25) pages using a minimum 12-pitch font size, single-spaced. Each 8-1/2"x11" sheet may be printed on two sides (which shall be considered as two pages). Exhibits such as diagrams, schedules, organization charts, or other drawings (but not narrative text) may utilize 11"x17" sheets and each side used shall be considered two sheets in the 25 page count. Charts, graphs, diagrams, or other drawings may use a font smaller than the minimum 12 pitch font size that must be used for narrative text. This volume shall contain items identified under Section A – "Entity Qualifications;" Section B – "Personnel Qualifications;" Section D - "Prior Experience/ Disputes;" Section E - "Conceptual Project Development Plan;" Section F - "Conflicts of Interest;" and Section G - "DBE Requirements." This volume shall have an appendix which shall not be considered in the maximum page count. The appendix shall contain resumes for key management staff provided that such resumes must be limited to one (1) page per individual. It can also include project client references, location and address summaries of member firms, awards, licenses and certifications. Limited standard corporate brochures and marketing materials may be included in the submittal.

- B. **Financial Qualifications.** This volume must not exceed fifteen (15) pages using a minimum 12-pitch font size, single-spaced. Each 8-1/2"x11" sheet may be printed on two sides (which shall be considered as two pages). This volume shall contain items identified under Section C - "Financial Qualifications." This volume shall have an appendix which shall not be considered in the maximum page count. The appendix can contain financial statements and reports, certifications, letters, and evidence of bonding capacity.

VIII. Transmittal Letter & Executive Summary.

The submittal shall be delivered to the Alamo RMA with a transmittal letter on the letterhead stationery of the proposing entity or the proposing entity's lead firm. A duly authorized official of the proposer or lead firm must execute the transmittal letter. The transmittal letter shall list all of the volumes of material being transmitted and list all appendices and exhibits. The transmittal shall have appended to it letters on the stationery of each entity holding an equity interest in the proposing

entity, executed by authorized officials of each equity member, stating that representations made by the lead firm on behalf of the equity member's firm have been authorized by, are correct, and accurately represent the role of the equity member's firm in the proposing entity.

In addition to the transmittal letter, an Executive Summary should be included with the submittal. This summary should be no more than three (3) pages, single-spaced, 12-pitch font. The Executive Summary will not be counted against any other page limits. **The Executive Summary may be released to the public and the media so confidential and proprietary materials should not be placed in the Executive Summary.**

IX. Information Available.

The Alamo RMA has assembled Reference Documents about the Project, a list of which is attached as Exhibit "A", which will be made available to prospective Proposers either for review at the Alamo RMA offices or by CD. Proposers can make an appointment to review the Project documents or may request, in writing, electronic copies by contacting the Alamo RMA at the following address:

Alamo Regional Mobility Authority
16500 San Pedro, Suite 350
San Antonio, Texas 78232
Attn: Patrick Irwin, P.E.
Phone: (210) 495-5256
Fax: (210) 495-5403

Alamo RMA will charge a fee of \$25 per CD. Checks should be made payable to the Alamo RMA.

Note: The Alamo RMA makes no representations or warranties as to the accuracy of the Project information being made available. The Alamo RMA shall not be liable for any defects, inaccuracies, or erroneous information made available to the proposing entities and/or their individual members.

The following briefly summarizes ongoing development work, the development work the Alamo RMA anticipates completing prior to the execution of a Design/Build Agreement, and certain development challenges.

- A. Environmental Clearance.** The Federal Highway Administration (FHWA) issued a Finding of No Significant Impact ("FONSI") with respect to the Project on August 15, 2007. "Notice of Final Federal Agency Actions on United States Highway 281 in Texas" was published in the Federal Register / Vol 72, No. 168 / Thursday August 30, 2007. That notice bars claims filed after February 26, 2008. A copy of the FONSI, Environmental Assessment (EA), and Federal Register Notice are included in the Reference Documents listed on Exhibit "A".

- B. Design and Engineering.** TxDOT has completed schematic plans of US 281 from Loop 1604 to the Bexar County line.

A PS&E plan set was produced by TxDOT for the portion of the Project that extends from north of Loop 1604 to north of Stone Oak Blvd. This plan set is believed to be at a level sufficient to allow immediate construction to begin. The schematic and PS&E set are included in the Reference Documents listed on Exhibit "A".

In addition to incorporating changes needed to extend the Project to north of Marshall Road, the Developer may be requested to incorporate additional modifications to the plans at the specific request of the Alamo RMA.. The Alamo RMA is in the process of developing a list of plan modifications which may include, but not be limited to:

1. Addition of sidewalks
2. Addition of toll systems infrastructure
3. Added lane on exit ramp to Sontera
4. Adjustments to some retaining wall layouts
5. Adjustments to some of the large and small sign text

The required modifications will be provided in detail in the RFDP. It shall be the Developer's responsibility to incorporate the modifications into the Project and complete construction plans to the new Project limits.

- C. Right-of-Way Engineering and Acquisitions.** TxDOT has acquired 15 of 19 parcels of land (23.05 of 27.29 acres) and has right of possession and use for the 4 remaining parcels within the PS&E Project limits to north of Stone Oak Blvd. It is anticipated that TxDOT or the Alamo RMA will complete acquisition for those 4 remaining parcels.

For the Project extension to north of Marshall Road there are 11 parcels (20.38 acres) anticipated to be acquired (subject to change based on final design development). The Developer shall provide comprehensive right-of-way acquisition services for those parcels. Available preliminary maps and documentation for acquisition of that right-of-way will be included with the RFDP.

- D. Utility Relocation.** TxDOT and utility companies have initiated relocation agreements for the original PS&E Project limits to north of Stone Oak Blvd. Some utilities have already been adjusted. No as-built plans for these relocations are available; therefore, an update of the utility plans is advised. The Developer may be requested to perform the relocation of the CPS gas and SAWS water and sanitary sewer. If this is requested, plans will be provided by the owners of the facilities.

No SUE is available for the Project extension to north of Marshall. The Developer will be responsible for complete utility relocation services.

- E. Geotechnical Investigation Program.** Field geotechnical investigation has been performed within the original PS&E Project limits to north of Stone Oak Blvd. Geotechnical boring logs are included in the PS&E package. As required, the Developer shall perform additional geotechnical investigation within original Project limits to address data gaps needed for

modifications to the original PS&E plans. The Developer shall also perform a geotechnical investigation for Project build-out to north of Marshall Road.

- F. **Hazardous Materials.** The Environmental Assessment (“EA”) outlines identified hazardous materials. It shall be the Developer’s responsibility to properly mitigate hazardous materials identified in the EA.
- G. **WPAP.** Areas of the Project are located over the Edwards Aquifer Recharge Zone and will require environmental safeguards as required by the Texas Commission on Environmental Quality (“TCEQ”) and the Environmental Protection Agency (“EPA”). A WPAP has been prepared for the PS&E Project to Stone Oak. This WPAP has been approved by TCEQ. It shall be the Developer’s responsibility to gain TCEQ approval for any changes required to the WPAP as a result of final design development. The WPAP is listed on Exhibit “A” and available to Proposers for review.
- H. **Aesthetic Treatment.** The Developer shall follow the San Antonio District Standard for the Hill Country Theme. Standard design files for the Hill Country Theme are available on the TxDOT website at:

http://www.dot.state.tx.us/local_information/san_antonio_district/urban_themes.htm.

Additional requirements may be developed and shall be set forth in the RFDP.

- I. **Toll Collection System Development.** Preliminary layouts for the civil infrastructure for tolling locations in the PS&E section are available (drilled shafts for gantries, special pavement, conduit, access drives, and ground boxes). The Alamo RMA is in the process of choosing a systems integrator. The Developer will be responsible for coordinating with the Alamo RMA’s selected system’s integrator during design and construction.

X. Pre-Proposal Conference. There will be a pre-proposal conference on September 28, 2007, for interested parties. Attendance is not a condition of submitting a proposal. The purpose of the conference will be to respond to questions concerning the Project and the process for submitting proposals. The pre-proposal conference will be held at 9:00 a.m. C.S.T. at TransGuide, 3500 N.W. Loop 410, San Antonio, TX 78229 (1st floor conference room).

XI. General Information. The Alamo RMA reserves all rights available to it by law and in its Procurement Policies in administering this process, including without limitation, the right in its sole discretion to: reject any and all proposals at any time; terminate evaluation of any and all proposals at any time; suspend, discontinue or terminate negotiations with any proposer at any time prior to the actual authorized execution of an agreement by all parties; negotiate with a proposer without being bound by any provision in its proposal; or request or obtain additional information about any proposal(s).

Under no circumstances shall the Alamo RMA, or any of its agents, representatives, consultants, directors, officers or employees be liable for, or otherwise obligated to reimburse, the costs incurred by proposers, whether or not selected for submission of detailed proposals, in developing proposals or in negotiating agreements.

Any and all information the Alamo RMA makes available to proposers shall be as a convenience to the proposer and without representation or warranty of any kind. Proposers may not rely upon any oral responses to inquiries.

If a proposer has a question regarding this RFQ or the Procurement Policies that is not raised at the pre-proposal conference described above, the proposer shall submit the question in writing to the person indicated below. Requests for copies of the Procurement Policies do not need to be in writing. In submitting any proposal, the proposer shall be deemed to have unconditionally and irrevocably consented and agreed to the foregoing provisions and all other provisions of this RFQ and the Procurement Policies.

Contacts: Questions concerning this RFQ should be submitted in writing to the Alamo RMA, c/o Patrick Irwin, P.E. no later than 5:00 p.m. C.S.T. on October 12, 2007, or via email to 281Toll@AlamoRMA.org. Requests for copies of the Procurement Policies can be made by phone to (210) 495-5256 (attention Patrick Irwin).

Submittals: Parties submitting proposals pursuant to this RFQ must provide fifteen (15) copies which must be received by the Alamo RMA by 4:00 p.m. C.S.T. on October 19, 2007. Proposals shall be submitted to the Alamo Regional Mobility Authority, c/o Patrick Irwin, 16500 San Pedro, Suite 350, San Antonio, Texas 78232. Facsimile and/or e-mail submissions are not permitted.

Anti-Lobbying: Proposing entities, equity members of proposing entities, and representatives of the foregoing, are prohibited from contacting members of the Alamo RMA Board of Directors concerning the Project or this procurement from the date this RFQ is released until the day after the Board designates a short-list of entities to participate in the RFDP phase. Violation of this prohibition is grounds for disqualification, in which case the proposing entity (and its individual members) will not be considered for participation in the RFDP phase.

Exhibit “A”

**Alamo Texas Regional Mobility Authority (Alamo RMA)
US 281 Toll Project**

**Comprehensive Development Agreement
Request for Qualifications (RFQ)**

Reference Documents

1. *Federal Highway Administration, Finding of No Significant Impact (FONSI), United States Highway (US) 281 from Loop 1604 to Borgfeld Road, Bexar County, Texas*
2. *“Notice of final Federal Agency Actions on United States Highway 281 in Texas”, Federal Register / Vol 72. No. 168 / Thursday August 30, 2007.*
3. *Environmental Assessment (EA) – Environmental Document, US 281 From Loop 1604 to Borgfeld Road. Bexar County, Texas. Prepared for Federal Highway Administration. CSJ: 0253-04-089, 0253-04-093, 0253-04-112, & 0253-04-114.*
4. *TxDOT Completed Schematic Plans of US 281 from Loop 1604 to the County Line.*
5. *TxDOT PS&E Plans of State Highway Improvement – From 0.4 Miles North of Loop 1604 to 0.7 Miles North of Stone Oak Blvd., Federal Project No. MG 2005 (735), CSJ 0253-04-114*
6. *Water Pollution Abatement Plan (WPAP) – US 281 from Loop 1604 to Marshall Road, San Antonio, Bexar County, Texas. CSJ 0253-04-114*
7. *Standard Design files for the Hill Country Theme are available on the TxDOT website at: http://www.dot.state.tx.us/local_information/san_antonio_district/urban_themes.htm*

ALAMO REGIONAL MOBILITY AUTHORITY

FINANCIAL STATEMENTS

August 31, 2007

Board of Directors Reports

ALAMO
REGIONAL MOBILITY AUTHORITY

Balance Sheet

August 31, 2007

ASSETS

Current Assets:	
Cash and cash investments	156,815
	<hr/>
Total Current Assets	156,815
Other Assets:	
Prepaid Insurance	1,582
Security Deposit	5,514
Other Prepaid Expense	113
	<hr/>
Total Other Assets	7,209
Total Assets	<u>164,024</u>

LIABILITIES AND FUND EQUITY

Current Liabilities:	
Accounts Payable	-
Accrued Expense	710,299
Accrued Vacation Time	8,551
	<hr/>
Total Current Liabilities	718,850
Other Liabilities:	
Bexar County Loan #1 Payable	250,000
Bexar County Loan #2 Payable	500,000
City of San Antonio Loan #1 Payable	500,000
TxDOT Financial Assistance Agreement #1	680,938
TxDOT Financial Assistance Agreement #2	3,950,416
Accrued Interest	97,269
	<hr/>
Total Other Liabilities	5,978,623
Total Liabilities	<u>6,697,473</u>
Fund Deficit:	
Retained Deficit	(2,836,994)
Unreserved - Net loss	(3,696,454)
	<hr/>
	(6,533,448)
Total Liabilities and Fund Deficit	<u>164,024</u>

These financial statements are unaudited and for management's use only.

ALAMO
REGIONAL MOBILITY AUTHORITY
Statement of Revenue, Expenses and Changes in Fund Deficit
For the period ending August 31, 2007

	ACTUAL MONTH	ACTUAL FISCAL Y-T-D	BUDGET FISCAL Y-T-D	ACTUAL VS. BUDGET VARIANCE FISCAL Y-T-D
Non-Operating Income:				
Interest Income	897	8,321	7,809	512
Total Non-Operating Income	897	8,321	7,809	512
Operating Expenses:				
Salary, Benefits and Retirement Expense	59,429	499,316	504,475	5,159
Payroll Tax Expense	3,082	29,762	30,315	553
Travel & Conference	1,664	18,123	17,291	(832)
Insurance Expense	612	7,586	7,908	322
Website Maintenance	-	125	172	47
Telephone	826	9,597	9,723	126
Supplies	461	5,159	6,443	1,284
Printing	-	9,084	12,122	3,038
Postage	85	914	1,041	127
Equipment	334	9,521	9,753	232
Subscriptions	-	272	88	(184)
Office Space	5,985	63,477	63,479	2
Meeting Expense	314	3,507	3,748	241
Memberships	-	2,375	2,375	-
Professional Services	248,452	3,003,314	3,419,434	416,120
Advertising	-	453	624	171
Miscellaneous Expense	157	1,778	1,777	(1)
Total Operating Expenses	321,402	3,664,362	4,090,768	426,406
Loss From Operations	(320,505)	(3,656,041)	(4,082,959)	(426,918)
Nonoperating Expenses:				
Interest Expense	3,171	34,881	34,881	-
Total Non-Operating Expenses	3,171	34,881	34,881	-
Equipment Purchases	-	5,533	6,751	1,218
Net Loss	(323,676)	(3,696,454)	(4,124,591)	(428,136)
Retained deficit at October 1, 2006		(2,836,994)		
Retained deficit at August 31, 2007		(6,533,448)		

Note 1: Professional Services for the month and year-to-date also include accruals for services provided, but not paid, and are as follows:

	August		Y-T-D
HNTB	173,300	HNTB	2,567,034
Garza Gonzalez	-	Garza Gonzalez	9,800
Locke Liddell/Loeffler	16,901 (*)	Locke Liddell/Loeffler	152,283 (*)
Jim Griffin	7,000	Jim Griffin	54,182
Carrie Conner	-	Carrie Conner	28,765
Estrada Hinojosa	15,000	Estrada Hinojosa	135,000
Innovative Strategies	36,250	Innovative Strategies	41,250
COSA Disparity Study	-	COSA Disparity Study	15,000
	248,452		3,003,314

(*)Locke Liddell/Loeffler FY07 cash expenditure ratio 87/13%; FY06 ratio 78/22%

ALAMO
REGIONAL MOBILITY AUTHORITY

Statement of Cash Flow

For the period ending August 31, 2007

OPERATING ACTIVITIES:

Loss from operations	(\$3,696,454)
Adjustments to reconcile loss from operations to net cash used by operating activities:	
(Increase) Decrease in prepaid insurance	(824)
(Increase) Decrease in other prepaid expense	(20)
Increase (Decrease) in accounts payable	(103,316)
Increase (Decrease) in accrued expense	(334,860)
Net cash provided by Operating Activities	<u>(\$4,135,474)</u>

FINANCING ACTIVITIES:

Increase (Decrease) in interest payable	34,881
Increase (Decrease) in Loans Payable - TxDOT FAA #1	473,536
Increase (Decrease) in Loans Payable - TxDOT FAA #2	<u>3,529,243</u>
Net cash provided by Capital and Related Financing Activities	4,037,660

Net cash increase (decrease) for period (\$97,814)

Net increase (decrease) in cash and cash investments	
Cash and Cash Investments, October 1, 2006	254,628
Cash and Cash Investments, August 31, 2007	<u>156,815</u>
	<u><u>(\$97,814)</u></u>

These financial statements are unaudited and for management's use only.

GEC ACTIVITIES REPORT

August, 2007

August was the final month of major effort on Bandera Road, Wurzbach Parkway, and Public Involvement prior to shifting priorities. GEC efforts for the next 8 months will be focused on the Design/Build procurement and Bond Sale for US 281. Work on Bandera Road, Wurzbach Parkway will start up again mid next year. Therefore, this Activities Report summarizes the work not only achieved this month but achieved to-date in order to provide an accounting of expenditures and the status of the deliverables for future reference.

The tables below show the adjustments to the funding allocation and budget status for each project. The tables also reflect the changes in priorities and opportunities of the Alamo RMA since the beginning of 2006.

GEC Budget Funding Allocations

Project	Original Allocation		August 2007 Allocation	
	Amount	% of total	Amount	% of total
Project Mgmt, Misc. Serv.	\$931,872	14%	\$1,077,015	15%
US 281/Wurzbach	\$96,569	1%	\$1,265,587	18%
SH 16 Toll Project	\$2,304,634	36%	\$2,774,249	39%
IH 35 Toll Project	\$3,168,921	49%	\$610,842	9%
Public Involvement	\$0	0%	\$1,336,363	19%
Total	\$6,501,896		\$7,064,056	

Fifty-six (56) percent of the GEC budget has been spent through August, 2007. The following table shows the amount expended by each project.

Amount Expended Through August, 2007

Project	Amount
Project Mgmt, Misc. Serv.	\$1,042,347
US 281/Wurzbach	\$577,342
SH 16 Toll Project	\$1,108,833
IH 35 Toll Project	\$610,842
Public Involvement	\$646,693
Total Expended	\$3,986,056
Total Remaining	\$3,077,999

The shift in the RMA's priorities to focus efforts on US 281 led to a reallocation of funds within the GEC budget. The following table shows the current funding allocation.

Current GEC Funding Allocation

Task	Current Allocation	% of total
Project Management	\$337,817	20%
US 281 Procurement/Bond Sale	\$1,108,419	67%
Public Involvement	\$212,341	13%
Total Services Anticipated Before Bond Sale	\$1,658,577	
Total Proj. Services Anticipated After Bond Sale	\$1,419,422	
Total Authorized GEC Budget	\$3,077,999	

The status and major project deliverables are shown below:

Project Management:

- 3 Major Work plans Created: January 2006, August 2006, May 2007
- Contract administration and monthly invoicing
- Monthly Progress Reports
- System tolling details and requirements
- Research on Operations and Maintenance for toll systems throughout the state
- Schedule and work plan for various construction and procurement types
- System documents and details
- Design Build vs Design/ Bid/ Build memo

IH 35 Project Development:

- DSR updated
- Environmental Constraints map and memo complete
- Existing ROW strip mapping complete
- Existing Utility strip map complete
- Preliminary Drainage report complete
- Preliminary Traffic evaluation complete
- Viable concept memo complete
- Preliminary Construction Costs developed

SH 16- Bandera Road

- DSR updated
- Agency Coordination Conference held & report generated
- Environmental Constraints map & report complete
- July 2006 Public Meeting held and report generated
- Environmental Justification Letter
- Environmental document initiated

- Alternative Concepts Report generated
- Traffic Analysis on alternative concepts complete
- Preliminary Drainage report complete
- Community Working Group - 7 meetings held and documented
- Numerous exhibits and preliminary drawings developed
- Developed Preliminary Alternatives Screening Analysis
- Draft Need and Purpose Statement developed

US 281/ Wurzbach Parkway Interchange:

- Updated DSR
- Environmental Constraints Map complete
- Preliminary Draft of Supplemental EA completed
- Alternative interchange concepts developed
- Traffic analysis of each concept developed
- Agency Coordination Conference held and documented
- Public Workshop held and report generated
- Archeological field work and survey report completed
- Cost estimates completed

Public Involvement Program:

- Bandera Road Working Group Meetings – 7 held to date
- Newsletter development – 2 issued to date
- Web Site – enhanced and translated to Spanish
- Congestion brochure development
- Wurzbach Parkway Workshop
- Media and message monitoring

DETAILED SUMMARY OF AUGUST 2007 ACTIVITIES

Project Management and Administration

- Periodic overview of project activities and status of work tasks, and prepared Monthly Project Progress Reports.
- Continued work on Subconsultant agreements and administrative activities to execute agreements and Work Authorizations, with required documentation.
- Attended AlamoRMA Regular Board of Directors Meeting on August 8, 2007.
- Misc Meetings concerning work plan and upcoming projects
 - August 1- Meeting with TxDOT
 - August 6 – Meeting with ARMA Staff.
 - August 9 – Meeting with ARMA Staff
 - August 16 – Meeting with ARMA Staff
 - August 17- Planning committee meeting

- August 22 – Meeting with Terry and Staff
- August 23 – Planning committee meeting
- August 28- Meeting with Staff
- August 29- Meeting with Terry & Staff
- Weekly progress update meetings with Pat Irwin

Public Information/Awareness/Marketing Program

The Public Involvement effort and program deals with all projects in the proposed added capacity tolled lane system, including Wurzbach Parkway, Bandera Rd, I-35 and US 281/ Loop 1604 CDA discussions. Presentations, graphics, talking points, and other related materials all include and provide information on all of these projects.

Specific activities and ongoing work for the Public Involvement / Outreach Program included:

- Attended meetings with AlamoRMA staff to develop the Work Plan for future public involvement activities
- Continued planning for next Bandera Road and Wurzbach Parkway public meetings.
- Met with select Working Group members to discuss project issues. Initiated preparations for the eighth Community Working Group Meeting tentatively scheduled for August (later postponed).

Toll System Transfer Projects Implementation

Project Management and Program Implementation

- Continued with the preparation of additional subconsultant agreements for execution for the various work authorizations executed by the Authority.
- Reviewed the current status of active authorizations and refined/updated Project Schedules for implementation of the SH16, the US281/Wurzbach Parkway Interchange, IH35, US 281 Construction, and Loop 1604 Procurement Projects.
- Assisted the RMA in developing anticipated budget needs through the year 2010 for planning purposes.
- Initiate review of procurement documents for use on upcoming projects
- Research on Operations and Maintenance for toll systems throughout the state
- Develop schedule and work plan for various construction and procurement types
- Development of system documents and details
- Development of Design Build vs Design/ Bid/ Build memo
- System tolling details and requirements are being review and developed including coordination with TxDOT on previously designed projects, research of other

agencies' designs and processes, and development of recommendations on gantry designs.

SH16 Toll Project

Development of the Environmental Impact Statement is continuing for the SH16 Toll Project. In addition, technical evaluation of the numerous alternative concepts continued with a focus on traffic analyses to evaluate the impacts on mobility in the Corridor. Significant efforts continued to re-focus the efforts of the Community Working Group in the SH16-Bandera Road Alternatives Analyses and Project Development process as a result of the lengthening of the project schedule for the EIS process.

- Developed Draft Report on the Non-Viable Options Screening Evaluation.
- Prepared internal draft of the project Need and Purpose.
- Continued development of the affected environment sections for the environmental document, including field work for the land use, vegetation, and wetland tasks.
- Continued historic structure survey.
- Responded to Alamo RMA comments on the draft of the Project Coordination Plan in support of the EIS effort.
- Continued preparations for Purpose and Need Public Meeting originally planned for early Fall of 2007 (now on hold).
- Continued file set up for schematic design effort.
- Continued research of existing data and identified data needs for schematic design.
- Developed existing roadway profile to determine potential options for the vertical alignment of the various improvement options.

US 281/Wurzbach Parkway Interchange Toll Project.

Efforts on US 281/Wurzbach Parkway included the continued development of the Supplemental Environmental Assessment, including completing the first phase of the archeological field work. It should be noted that the preliminary archeological survey results have not found any sites that should merit further testing. Traffic operations analysis was initiated on the current interchange concept. Schematic design efforts continued, focusing on the mainlanes of Wurzbach Parkway.

- Developed internal draft of the Supplemental Environmental Assessment for the Wurzbach Parkway Corridor.
- Made refinements to previously developed interchange concepts.
- Refined cost estimates and reviewed project information from adjacent TxDOT projects.
- Continued field survey for historic structures.

GEC Activities Report
August 2007

- Completed field surveys for archeological, submitted draft report.
- Initiated traffic operations and drainage analysis of the current interchange option for US 281 and Wurzbach Parkway.
- Reviewed previous drainage analysis work and assessed potential issues with current interchange concept.
- Coordinated with adjacent TxDOT projects for survey and design information.
- Continued schematic design development of Wurzbach Parkway mainlanes.

Alamo Regional Mobility Authority
General Engineering Consultant Services

GEC TEAM WORK AUTHORIZATION STATUS - as of August 31, 2007

Work Auth. No.	Work Authorization - Description	BUDGET STATUS				REMARKS
		Amounts under Commitment	Costs to be billed through 08/31/07*	BALANCE	% COMPLETE	
Project Management		\$1,063,031	\$1,028,363	\$34,668		
1	General Engineering Services / Timeline	\$23,943	\$23,943	\$0	100%	Work Complete
3	General Engineering Services / Implementation Planning	\$24,508	\$24,508	\$0	100%	Work Complete
9.1	Project Management	\$989,947	\$955,279	\$34,668	97%	Ongoing Tasks - Management / Administration / Coordination
10	General Engineering Assistance	\$24,633	\$24,633	\$0	100%	Work Complete
Public Involvement Program		\$1,336,363	\$646,693	\$689,670		
2	Phase 1 - Public Surveys & Key Messages	\$69,982	\$69,982	\$0	100%	Work Complete
4	Phase 1A - Message Delivery & Media	\$292,160	\$292,160	\$0	100%	Work Complete
11	Phase 1B - Public Involvement & Outreach	\$261,366	\$261,366	\$0	100%	Work Complete
13	Public Involvement Services	\$712,855	\$23,185	\$689,670	4%	Ongoing Tasks - Assistance with Public Inv. and Outreach Efforts for US 281
TxDOT US281/Loop 1604 Project CDA Procurement		\$13,984	\$13,984	\$0		
5	Initial CDA Evaluation	\$13,984	\$13,984	\$0	100%	Work Complete
IH35 Project Development		\$610,842	\$610,842	\$0		
6	Development of Work Plan and Schedule for IH35 Project	\$24,611	\$24,611	\$0	100%	Work Complete
9.5	IH 35 Toll Project - Phase 1	\$586,231	\$586,231	\$0	100%	Work Complete
SH16 (Bandera Road) Project Development		\$2,774,249	\$1,108,833	\$1,665,416		
7/7.1	Development of Work Plan and Schedule, Data Analysis	\$40,223	\$40,223	\$0	100%	Work Complete
9.2	SH 16 Toll Project - Phase 1	\$628,699	\$624,350	\$4,349	100%	Work Complete
9.6	SH 16 Toll Project - Phase 2	\$1,892,760	\$295,828	\$1,596,932	19%	Work on hold until further notice
12	Bandera Road Community Working Group Process	\$212,567	\$148,432	\$64,135	72%	Work on hold until further notice
US281/Wurzbach Parkway Inter. Project Development		\$1,265,587	\$577,342	\$688,245		
8/8.1	Development of Work Plan and Schedule for US281/WP Project	\$36,319	\$36,319	\$0	100%	Work Complete
9.3	Wurzbach Parkway	\$95,431	\$95,431	\$0	100%	Work tasks moved to 9.3F
9.3F	Wurzbach Parkway and Interchange Project	\$1,124,270	\$436,025	\$688,245	40%	Work on hold until further notice
9.4	Wurzbach Parkway Preliminary Cost Study	\$9,567	\$9,567	\$0	100%	Work tasks moved to 9.3F
Project Summary Status		\$7,064,056	\$3,986,056	\$3,077,999		

* Figures do not include outstanding subconsultant invoices

**Alamo Regional Mobility Authority
 General Engineering Consultant Services
 DBE Distribution - Through 08/31/07**

Total Contracted to Date		\$	7,064,056.00
DBE Contracted to Date	17%	\$	1,178,822.50
DBE Contracts Anticipated*	17%	\$	1,172,243.00
Combined Contracted & Anticipated	33%	\$	2,351,065.50

*Allocated GEC funds for DBE subcontracts (contracts pending)

Invoiced to Date (through 08/31/07)		\$	3,986,056.00
DBE Invoiced to Date (through 8/31/07)	22%	\$	866,072.55

SUPPORTING INFORMATION

	Contracted	Anticipated	Invoiced
Muniz-Puente	\$ 2,520.00	\$ -	\$ 2,520.00
Poznecki-Camarillo & Associates	\$ 189,093.00	\$ 848,735.00	\$ 111,239.00
RJ Rivera & Associates	\$ 704,750.25	\$ 175,316.00	\$ 531,018.61
Rodriguez Transportation Group	\$ 62,185.00	\$ -	\$ 28,596.34
Vickrey & Associates	\$ 170,479.50	\$ 148,192.00	\$ 170,479.50
Miscellaneous Vendors	\$ 49,794.75	\$ -	\$ 22,219.10
Total	\$ 1,178,822.50	\$ 1,172,243.00	\$ 866,072.55

Local Effort Distribution - Through 08/31/07

	Local	Non-local	Total	% Local
HNTB	\$ 2,612,795.63	\$ 244,921.08	\$ 2,857,716.71	91.43%
Subconsultants	\$ 1,089,579.64	\$ 38,759.96	\$ 1,128,339.60	96.56%
Total	\$ 3,702,375.27	\$ 283,681.04	\$ 3,986,056.31	92.88%



September 2007 Alamo RMA Calendar

SUN

MON

TUE

WED

THU

FRI

SAT

						1
2	3 Labor Day Holiday – Alamo RMA Offices Closed	4	5 J. Reed and T. Brechtel presentation to the Wednesday Morning Breakfast Group	6	7 Planning Committee Meeting	8
9	10	11	12	13	14	15
16	17	18 Alamo RMA Board of Directors Meeting -TransGuide <i>6 p.m. - MPO Visioning Working Shop – Heritage Room at St. Phillip’s College</i>	19 Presentation to RMA Bankers Luncheon – B. Thornton, T. Brechtel	20 <i>6 p.m. - MPO Visioning Working Shop – Judson High School Cafeteria</i>	21 Planning Committee Meeting	22
23	24 MPO Monthly Meeting	25 <i>6 p.m. - MPO Visioning Working Shop – South San Antonio High School Cafeteria</i>	26 North Chamber hosting “State of the County” remarks by County Judge Wolff – Westin Riverwalk Hotel	27 <i>6 p.m. - MPO Visioning Working Shop – Leon Valley Community Center</i>	28 Pre-proposal conference for RFQ for Design Build project for 281 North Toll Project	29
30						



October 2007 Alamo RMA Calendar

SUN

MON

TUE

WED

THU

FRI

SAT

	1	2	3 SAMCo hosting "State of the District" remarks by D. Casteel – Norris Conference Center	4	5 Planning Committee Meeting Greater Chamber hosting "State of Toyota" luncheon	6
7	8	9	10 T. Brechtel presentation to the SABOR Board of Directors Alamo RMA Board of Directors Meeting _ TransGuide	11	12	13
14	15	16	17	18	19 Planning Committee Meeting	20
21	22 MPO Monthly meeting	23 <i>L. Alloway presentation to the San Antonio Chapter of the National Defense Transportation Association</i>	24	25 Greater Chamber hosting "State of the County" luncheon	26	27
28	29	30	31 Greater Chamber hosting "Northwest Growth Summit '07" – Northside Activity Center			



November 2007 Alamo RMA Calendar

SUN	MON	TUE	WED	THU	FRI	SAT
				1	2	3
4	5	6	7	8	9 Planning Committee Meeting	10
11	12 Veterans Day (observed) Alamo RMA Offices Closed	13	14 T. Brechtel presentation to North Chamber Infrastructure Committee Alamo RMA Board of Directors Meeting – Transguide	15	16	17
18	19	20 T. Brechtel speaking to the AGC of Texas	21	22 Thanksgiving Holiday – Alamo RMA Offices Closed	23 Thanksgiving Holiday – Alamo RMA Offices Closed	24
25	26	27	28	29 T. Brechtel presentation – Moody's Infrastructure Conference	30	