

**GENERAL MEETING OF THE BOARD OF DIRECTORS
OF THE
CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY**

RESOLUTION NO. 04-13

WHEREAS, the Central Texas Regional Mobility Authority ("CTRMA") was created pursuant to the request of Travis and Williamson Counties and in accordance with provisions of the Transportation Code and the petition and approval process established in 46 Tex. Admin. Code § 26.01, *et. seq.* (the "RMA Rules"); and

WHEREAS, HB 3588, passed by the 78th Texas Legislature, authorizes regional mobility authorities to develop projects through use of comprehensive development agreements (CDAs); and

WHEREAS, the CTRMA has adopted procurement policies which conform to HB 3588 and which provide for the receipt and processing of unsolicited proposals for project development through use of a CDA; and

WHEREAS, the CTRMA received an unsolicited proposal for the development of U.S. 183-A through a CDA; and

WHEREAS, in Resolution No. 03-58 the CTRMA Board of Directors authorized the initiation of the CDA process and directed staff to issue a request for competing proposals (RFCQ) in response to the receipt of the unsolicited proposal; and

WHEREAS, in accordance with the CTRMA procurement policies, staff issued the RFCQ on December 19, 2003, and caused the RFCQ to be published in the *Texas Register*; and

WHEREAS, the CTRMA received and processed five responses to the RFCQ, and based on those responses and other analyses the CTRMA designated a "short-list" of three proposer teams to receive a Request for Detailed Proposals ("RFDP") for the development of U.S. 183-A; and

WHEREAS, as statutorily required, in accordance with the CTRMA procurement policies, and in order to obtain ownership of the work product contained in any unsuccessful detailed proposals, CTRMA must pay an unsuccessful proposer submitting a detailed proposal in response to an RFDP a stipulated amount of the final contract price; and

WHEREAS, in Resolution No. 04-02, the CTRMA Board of Directors directed staff to make a recommendation to the board as to the amount that will be paid by CTRMA to entities submitting unsuccessful detailed proposals;

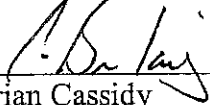
NOW THEREFORE, BE IT RESOLVED, that the Board of Directors of the CTRMA, upon the recommendation of staff, hereby authorizes that payment equal to the lesser of \$200,000 or 0.1%

of the final CDA contract price shall be made to each of the unsuccessful proposers submitting qualified detailed proposals in response to the RFDP for the U.S. 183-A project; and

BE IT FURTHER RESOLVED, that the Board of Directors authorizes staff to incorporate provisions for such payment within the RFDP documents to be issued to the short-listed proposers.

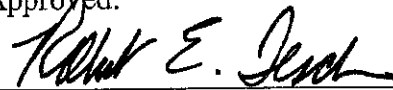
Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 5th day of May, 2004.

Submitted and reviewed by:



C. Brian Cassidy
Legal Counsel for the Central
Texas Regional Mobility Authority

Approved:



Robert E. Tesch
Chairman, Board of Directors
Resolution Number 04-13
Date Passed 05/05/04