

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

RESOLUTION NO. 10-72

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 43 Tex. Admin. Code § 26.1, *et seq.* (the “RMA Rules”); and

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

WHEREAS, Section 370.033(f), Texas Transportation Code, as amended, authorizes a regional mobility authority to develop a project within its boundaries; and

WHEREAS, in a minute order approved on August 25, 2005, the Texas Transportation Commission authorized the CTRMA to pursue the development of the US 290 East Turnpike Project (the “Project”); and

WHEREAS, Subchapter G of the Texas Transportation Code authorizes CTRMA to develop the Project through the use of a design/build comprehensive development agreement (“design/build CDA”); and

WHEREAS, the CTRMA has adopted policies for the procurement of a design/build CDA that conform to state law; and

WHEREAS, the CTRMA has identified the Project as a project it intends to develop through a design/build CDA process; and

WHEREAS, in Resolution No. 10-71, the Board of Directors approved a short-list of teams qualified to participate in the detailed proposal phase of the design/build CDA process, and further authorized preparation by its staff of a draft request for detailed proposals (“RFDP”) to be released for industry review and comment before the Board of Directors approves a final RFDP for the Project; and

WHEREAS, staff of the CTRMA has recommended that the Board of Directors authorize a stipulated amount to be identified in the RFDP for the Project as an amount to be paid to unsuccessful proposers who respond to the RFDP in exchange for the work product of the unsuccessful proposers contained in their RFDP responses.

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors, upon recommendation of its staff, hereby authorizes payment by CTRMA in the amount of Two Hundred Fifty Thousand Dollars (\$250,000.00) to each unsuccessful proposer who submits a qualified and responsive detailed proposal to the final RFDP for the Project once that final RFDP is approved by the Board of

Directors at a future meeting, provided that in exchange for such amount the CTRMA shall acquire the rights to the work product contained in the unsuccessful RFDP responses; and

BE IT FURTHER RESOLVED, that the specific terms and conditions of the payment authorized by this resolution will be approved by the Board of Directors as a component of the RFDP, and that payment will be contingent upon the issuance and delivery of bonds to provide permanent financing for the Project.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 28th day of July, 2010.

Submitted and reviewed by:



Andrew Martin
General Counsel for the Central
Texas Regional Mobility Authority

Approved:



Ray A. Wilkerson
Chairman, Board of Directors
Resolution Number 10-72
Date Passed 07/28/10