

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

RESOLUTION NO. 06-61

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 § 26.01, *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 370.305 of the Texas Transportation Code authorizes regional mobility authorities to develop projects through the use of comprehensive development agreements (“CDAs”); and

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

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

WHEREAS, in Resolution 05-77, dated October 26, 2005, the CTRMA Board of Directors authorized the issuance of an RFQ for the development of the 290 East Turnpike Project and directed staff to take such other actions as necessary to implement a process 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 proposing teams to further participate in the CDA process and to receive a request for detailed proposals (“RFDP”), all as set forth in Section 9 of the CTRMA’s Procurement Policies; and

WHEREAS, on December 16, 2005, staff issued the RFQ, with a response deadline of February 3, 2006; and

WHEREAS, the CTRMA received three responses to the RFQ on February 3, 2006 and based on those responses and other analyses as presented by the CTRMA staff, the Board of Directors, in Resolution No. 06-12, dated February 22, 2006, designated a “short-list” comprised of the three proposing teams to receive a RFDP for the development of the 290 East Turnpike Project; and

WHEREAS, as statutorily required, in accordance with the CTRMA’s Procurement Policies, and in order to obtain ownership of the work product contained in any unsuccessful detailed

proposals, CTRMA must pay an unsuccessful proposing team submitting a detailed proposal in response to an RFDP a stipulated amount of the final contract price; and


WHEREAS, in Resolution No. 06-12, 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 \$350,000.00 or 0.1% of the final successful proposing team's Development Price Proposal as indicated on Form L-1 of the CDA shall be made to each of the unsuccessful proposing teams submitting qualified detailed proposals in response to the RFDP for the 290 East Turnpike 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 proposing teams.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 25th day of October, 2006.

Submitted and reviewed by:



Tom Nielson
Legal Counsel for the Central
Texas Regional Mobility Authority

Approved:

Robert E. Tesch
Chairman, Board of Directors
Resolution Number 06-61
Date Passed 10/25/06