

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 2nd day of August 2012, there was conducted a Special Meeting of the Cameron County Regional Mobility Authority, at the Joe G. Rivera and Aurora de la Garza County Annex thereof, in San Benito, Texas, for the purpose of transacting any and all business that may lawfully be brought before the same.

THE BOARD MET AT:

1:00 P.M.

PRESENT:

DAVID E. ALLEX
CHAIRPERSON

MICHAEL SCAIEF
DIRECTOR

DAVID N. GARZA
DIRECTOR

NAT LOPEZ
DIRECTOR

DIRECTOR

JOHN WOOD
DIRECTOR

MARK ESPARZA
DIRECTOR

Secretary

RUBEN GALLEGOS, JR.
ABSENT

ABSENT

ABSENT



The meeting was called to order by Chairman David E. Allex at 1:00 P.M. At this time, the Board considered the following matters as per RMA Agenda posted and filed for Record in the Office of the County Clerk on this 30th day of July, 2012 at 9:58 A.M.



AGENDA

**Special Meeting of the Board of Directors
of the
Cameron County Regional Mobility Authority**

**Joe G. Rivera and Aurora de la Garza County Annex
1390 W. Expressway 77
San Benito, Texas 78586**

Thursday, August 2, 2012

1:00 PM

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS
DATE JUL 30 2012 AT 09:58

Joe G. Rivera
County Clerk
By
Hessie Pardo DePue
Cameron County

PUBLIC COMMENTS:

1. Public Comments

CONSENT ITEMS:

2. All Item(s) under the Consent RMA Agenda are heard collectively unless opposition is presented, in which case the contested Item will be considered, discussed, and appropriate action taken separately

A. Consideration and Approval of the Minutes for:

July 24, 2012 Special Meeting

ITEMS FOR DISCUSSION AND ACTION:

3. Action Items

A. Approval of Claims

B. Consideration and Approval of a Resolution supporting the designation of U.S. Highway 281 as Interstate Highway I-69, along with U.S. 77, and urges state and federal leadership to support the development of both corridors as Interstate Highway I-69

C. Consideration and Approval to award low bid to Ballenger Construction for the SH 550 Direct Connector Project

D. Consideration and Approval of Contract between the Cameron County Regional Mobility Authority and Ballenger Construction for the SH 550 Direct Connector Project

E. Discussion and Possible Action regarding the submittal of TIFIA Letters of Interest for Cameron County Regional Mobility Authority Projects

EXECUTIVE SESSION ITEMS:

4. Executive Session

A. Deliberation and Discussion regarding acquisition of Parcel 3 and 3E and Parcel 1 Temporary Construction Easements 1, 2 and 3 for the West Rail Relocation Project pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072

B. Deliberation and Discussion regarding acquisition of Parcel 4 and Site 2 Parcel 2E and Temporary Construction Easements 1, 2 and 3 for the West Rail Relocation Project pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072

5. Action Relative to Executive Session

A. Possible Action

B. Possible Action

ADJOURNMENT:

Signed this 30th day of July 2012



David E. Allex
Chairman

PUBLIC COMMENTS

1 PUBLIC COMMENTS

RMA Chairman David E. Allex thanked the Texas Department of Transportation, HNTB and RMA Staff for the outstanding work on the SPI 2nd Access Public Hearing. He also welcomed the newest RMA Board Member Nat Lopez. Mr. Lopez made brief remarks.

CONSENT ITEMS

ALL ITEM(S) UNDER THE CONSENT RMA AGENDA ARE HEARD COLLECTIVELY UNLESS OPPOSITION IS PRESENTED, IN WHICH CASE THE CONTESTED ITEM WILL BE CONSIDERED, DISCUSSED AND APPROPRIATE ACTION TAKEN SEPARATELY

Director Scaief moved to approve Consent Item 2-A. The motion was seconded by Vice-Chairman Wood and carried unanimously:

2-A Consideration and Approval of the Minutes for:

July 24, 2012 Special Meeting

ACTION ITEMS

3-A Approval of Claims

The attached claims were presented to the Board of Directors for approval.

Mr. Pete Sepulveda, Jr., RMA Coordinator introduced Claims into the record.

Director Esparza moved to approve the Claims. The motion was seconded by Director Garza and carried unanimously.

The Claims are as follows:

3-B Consideration and Approval of a Resolution supporting the designation of U.S. Highway 281 as Interstate Highway I-69, along with U.S. 77, and urges state and federal leadership to support the development of both corridors as Interstate Highway I-69

Vice-Chairman Wood moved to approve the Resolution supporting the designation of U.S. Highway 281 as Interstate Highway I-69, along with U.S. 77, and urges state and federal leadership to support the development of both corridors as Interstate Highway I-69. The motion was seconded by Director Garza and carried unanimously.

The Resolution is as follows:

3-C Consideration and Approval to award low bid to Ballenger Construction for the SH 550 Direct Connector Project

Mr. Pete Sepulveda, Jr., RMA Coordinator introduced the item and gave an explanation on the process that was followed. He stated that two bids were received for the SH 550 Direct Connector Project. After a review by the Cameron County Regional Mobility Authority's (CCRMA) GEC, they found the bid package submitted by Ballenger Construction to be acceptable. A letter was sent to the Texas Department of Transportation (TxDOT) District office from the CCRMA recommending that the bid be awarded to the lowest responsible bidder, Ballenger Construction. TxDOT District office concurred with the CCRMA's recommendation and sent it to Austin for concurrence. After review by the Austin Division, they concurred with the CCRMA's recommendation. Mr. Jody Ellington with TxDOT stated that they went through a review of the bid tabulation line item by line item and concurred with the CCRMA's recommendation. Mr. Sepulveda stated that once the contract is approved and executed that the performance bond would be requested along with other necessary insurance documents. He also stated that plans and specifications will become part of the contract.

Vice-Chairman Wood moved to award the bid to Ballenger Construction for the SH 550 Direct Connector Project. The motion was seconded by Director Esparza and carried unanimously.

At this time Chairman Alex introduced Mr. Bobby Villarreal, Hidalgo County Judge's Office and Mr. Pilar Rodriguez, Hidalgo County Regional Mobility Authority and both made brief remarks.

3-D Consideration and Approval of Contract between the Cameron County Regional Mobility Authority and Ballenger Construction for the SH 550 Direct Connector Project

Mr. Pete Sepulveda, Jr., RMA Coordinator introduced the item and advised the Board that the contract is the same contract that was included in the bid package and that the performance bond and all other related documents would become part of the contract after the contract is fully executed.

Director Garza moved to approve the Contract with Ballenger Construction for the SH 550 Direct Connector Project. The motion was seconded by Vice-Chairman Wood and carried unanimously.

The Contract is as follows:

3-E Discussion and Possible Action regarding the submittal of TIFIA Letters of Interest for Cameron County Regional Mobility Authority Projects

Mr. Pete Sepulveda, Jr., RMA Coordinator introduced the item and went over the projects being considered for the TIFIA Letter of Interest that is required. Mr. Sepulveda stated that Vice-Chairman Wood and he had participated in a webinar regarding the TIFIA Program and changes in the law. He mentioned that two solid projects are the SPI 2nd Access Project and the Outer Parkway Project. He mentioned the maximum amount of the loan is 49%. He also stated that if we get selected to submit a full application there will be a number of studies required particularly an Investment Grade Traffic and Revenue Study. Mr. Sepulveda mentioned progress on the environmental process will be a key in getting selected to submit a full application. Vice-Chairman Wood discussed applying under rural TIFIA Funds where rates would be much lower. Mr. Sepulveda mentioned that a letter from the Texas Department of Transportation supporting the submission of the Letter of Interest would be necessary.

Director Garza moved to submit to TIFIA Letters of Interest for Cameron County Regional Mobility Authority Projects. The motion was seconded by Director Scaief and carried unanimously.

EXECUTIVE SESSION ITEMS

Director Scaief moved to go into Executive Session; the motion was seconded by Director Esparza and carried unanimously, the Board met in Executive Session at 1:32 P.M. to discuss the following matter(s):

Executive Session:

4-A Deliberation and Discussion regarding acquisition of Parcel 3 and 3E and Parcel 1 Temporary Construction Easements 1, 2 and 3 for the West Rail Relocation Project pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072

4-B Deliberation and Discussion regarding acquisition of Parcel 4 and Site 2 Parcel 2E and Temporary Construction Easements 1, 2 and 3 for the West Rail Relocation Project pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072

Director Scaief moved to reconvene to Regular Session. The motion was seconded by Director Esparza and carried unanimously, the Board reconvened into Regular Session at 1:38 P.M.

ACTION RELATIVE TO EXECUTIVE SESSION:

5-A Deliberation and Discussion regarding acquisition of Parcel 3 and 3E and Parcel 1 Temporary Construction Easements 1, 2 and 3 for the West Rail Relocation Project pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072

Director Scaief moved to acknowledge the report as presented in Executive Session. The motion was seconded by Director Esparza and carried unanimously.

5-B Deliberation and Discussion regarding acquisition of Parcel 4 and Site 2 Parcel 2E and Temporary Construction Easements 1, 2 and 3 for the West Rail Relocation Project pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072

Director Scaief moved to acknowledge the report as presented in Executive Session. The motion was seconded by Director Esparza and carried unanimously.

ADJOURNMENT

There being no further business to come before the Board and upon motion by Director Esparza seconded by Director Garza and carried unanimously the meeting was **ADJOURNED** at 1:39 P.M.

APPROVED this 16th day of August 2012.

ATTESTED: 

SECRETARY RUBEN GALLEGOS, JR.



CHAIRMAN DAVID E. ALLEX

3-A APPROVAL OF CLAIMS



Cameron County Regional Mobility Authority
Daily Check Register 07/27/2012

FY 2012

Page 1

Check No.	Vendor Name	Fund	Dept.	Purpose	PO#	Amount
00001282	CAMERON COUNTY CLERK	110	1108	WEST RAIL RELOCATION PARCEL 3;	P180023	31,560.00
				Check No. 00001282	Total	31,560.00
00001283	CAMERON COUNTY CLERK	110	1108	WEST RAIL RELOCATION PROJECT P	P179737	214.00
				Check No. 00001283	Total	214.00
00001284	CAMERON COUNTY CLERK	110	1108	WEST RAIL RELOCATION PARCEL 3(P180033	3,754.00
				Check No. 00001284	Total	3,754.00
00001285	CAMERON COUNTY CLERK	110	1108	WEST RAIL RELOCATION PROJECT S	P179738	1,700.00
				Check No. 00001285	Total	1,700.00
00001286	CAMERON COUNTY CLERK	110	1108	WEST RAIL RELOCATION PARCEL 4;	P180034	157,465.00
				Check No. 00001286	Total	157,465.00
00001287	CAMERON COUNTY IRRIGATION DIST	110	110	50 ACRE FEET OF WATER ALLOCATI	P180062	1,250.00
				Check No. 00001287	Total	1,250.00
				Total for All Checks:		195,943.00

Print Date: 07/27/2012 Print By: HENDRICK

3-B CONSIDERATION AND APPROVAL OF A RESOLUTION SUPPORTING THE DESIGNATION OF U.S. HIGHWAY 281 AS INTERSTATE HIGHWAY I-69, ALONG WITH U.S. 77, AND URGES STATE AND FEDERAL LEADERSHIP TO SUPPORT THE DEVELOPMENT OF BOTH CORRIDORS AS INTERSTATE HIGHWAY I-69

STATE OF TEXAS

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COUNTY OF CAMERON

BE IT RESOLVED THAT ON THE 2nd DAY OF August, 2012, THE CAMERON COUNTY REGIONAL MOBILITY AUTHORITY CONVENED IN SPECIAL SESSION, AND UPON THE REQUEST OF THE CAMERON COUNTY REGIONAL MOBILITY AUTHORITY BOARD OF DIRECTORS, THE FOLLOWING ITEM WAS OFFERED AND ADOPTED, TO WIT:

“CONSIDERATION AND APPROVAL OF A RESOLUTION SUPPORTING THE DESIGNATION OF U.S. HIGHWAY 281 AS INTERSTATE HIGHWAY I-69, ALONG WITH U.S. 77, AND URGES STATE AND FEDERAL LEADERSHIP TO SUPPORT THE DEVELOPMENT OF BOTH CORRIDORS AS INTERSTATE HIGHWAY I-69.”

WHEREAS, Adequate transportation infrastructure is necessary for the safety and well-being of all residents and visitors of the United States; and

WHEREAS, Adequate transportation infrastructure also stimulates economic growth throughout the country; and

WHEREAS, Interstate highways promote and facilitate safety, commerce, business development and economic growth; and

WHEREAS, Interstate highways in the Rio Grande Valley will enhance commerce and spur economic activity and job creation throughout the country; and

WHEREAS, The Rio Grande Valley is the front door to traffic from Mexico, the country’s third largest trading partner, and a region experiencing rapid population growth and has grown 80% over the past two decades according to the U.S. Census; and

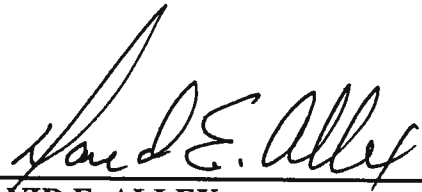
WHEREAS, Rio Grande Valley leaders are committed to the development of infrastructure that will promote economic development and a good quality of life for residents; and

WHEREAS, U.S. Highways 281 and 77 are key highways that expedite the flow of goods and people between the United States and Mexico and have been recognized by the Texas Department of Transportation as top North American Free Trade Agreement (NAFTA) Corridors; and

WHEREAS, U.S. Highways 281 and 77 also serve as the region's evacuation route in case of a natural disaster;

NOW, THEREFORE, BE IT RESOLVED that the Cameron County Regional Mobility Authority hereby supports designation of U.S. Highway 281 as Interstate Highway I-69, along with U.S. Highway 77, and urges state and federal leadership to support the development of both corridors as Interstate Highway I-69.

Passed, Approved and Adopted on this 2nd day of August, 2012.



DAVID E. ALLEX
CCRMA CHAIRMAN



RUBEN GALLEGOS, JR.
CCRMA SECRETARY

**3-C CONSIDERATION AND APPROVAL TO AWARD LOW BID TO
BALLENGER CONSTRUCTION FOR THE SH 550 DIRECT
CONNECTOR PROJECT**

30



Texas Department of Transportation

PO BOX 1717 • PHARR TEXAS 78577-1717 • (956) 702-6100
July 31, 2012

Mr. Pete Sepulveda, Jr.
Executive Director
Cameron County Regional Mobility Authority (CCRMA)
1100 E. Monroe Street
Brownsville, TX 78520

RE: SH 550 Direct Connector Project Award
CSJ: 3622-01-003

Dear Pete:

We have completed our review of the bid package and analysis that was included with your letter dated June 29, 2012, and do concur with awarding the contract to Ballenger Construction, Co. with their low bid amount of \$36,055,194.43. You may now award the contract and move forward with construction operations. Ms. Norma Y. Garza, P.E. out of our District Office will continue to serve as our project manager and your point of contact for this project. Please work directly with her to ensure all requirements are met for you to receive the funding participation outlined in the Pass-Through Agreement. This includes the requirements of the Pass-Through Agreement, as well as those included in our standard Local Government Project Procedures which are located at <http://www.txdot.gov/business/governments/lgpp.htm>.

In reference to Article 24 and Attachment D Section 5.2 of our Pass-Through Agreement, we also hereby grant the CCRMA or its authorized representative access to State right of way to perform activities necessary for the construction of SH 550. This is with the understanding that before beginning work on State right of way the CCRMA or its authorized representative must provide us with a fully executed copy of TxDOT Form 1560 Certificate of Insurance.

If you have any questions, feel free to call me or our Deputy District Engineer, Jody R. Ellington, P.E., at (956) 702-6100.

Sincerely,

Mario R. Jorge, P.E.
Pharr District Engineer

cc: Jody R. Ellington, P.E., Deputy District Engineer
Hector Gonzalez, P.E., Interim San Benito Area Engineer
Norma Y. Garza, P.E., District RMA/LG Coordinator & Project Manager

3C



Texas Department of Transportation

PO BOX 1717 • PHARR TEXAS 78577-1717 • (956) 702-6100
July 31, 2012

Mr. Pete Sepulveda, Jr.
Executive Director
Cameron County Regional Mobility Authority (CCRMA)
1100 E. Monroe Street
Brownsville, TX 78520

RE: SH 550 Direct Connector Project Award
CSJ: 3622-01-003

Dear Pete:

We have completed our review of the bid package and analysis that was included with your letter dated June 29, 2012, and do concur with awarding the contract to Ballenger Construction, Co. with their low bid amount of \$36,055,194.43. You may now award the contract and move forward with construction operations. Ms. Norma Y. Garza, P.E. out of our District Office will continue to serve as our project manager and your point of contact for this project. Please work directly with her to ensure all requirements are met for you to receive the funding participation outlined in the Pass-Through Agreement. This includes the requirements of the Pass-Through Agreement, as well as those included in our standard Local Government Project Procedures which are located at <http://www.txdot.gov/business/governments/lgpp.htm>.

In reference to Article 24 and Attachment D Section 5.2 of our Pass-Through Agreement, we also hereby grant the CCRMA or its authorized representative access to State right of way to perform activities necessary for the construction of SH 550. This is with the understanding that before beginning work on State right of way the CCRMA or its authorized representative must provide us with a fully executed copy of TxDOT Form 1560 Certificate of Insurance.

If you have any questions, feel free to call me or our Deputy District Engineer, Jody R. Ellington, P.E., at (956) 702-6100.

Sincerely,

Mario R. Jorge, P.E.
Pharr District Engineer

cc: Jody R. Ellington, P.E., Deputy District Engineer
Hector Gonzalez, P.E., Interim San Benito Area Engineer
Norma Y. Garza, P.E., District RMA/LG Coordinator & Project Manager



June 29, 2012

Mr. Mario R. Jorge, P.E.
District Engineer, Pharr District
Texas Department of Transportation
P.O. Box EE
Pharr, TX 78577

Re: SH 550 Direct Connector Project
CCRMA Bid No. 005

Dear Mario:

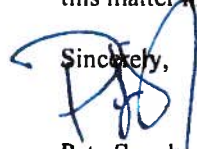
On June 26, 2012, two (2) bids for the subject project were received and publicly opened and read in the order received as follows:

Anderson Columbia Co., Inc. 2210 North Vo-Tech Drive Weslaco, Texas 78596	Base Bid Alternate 1	\$43,991,384.52 \$44,052,718.52
Ballenger Construction Company 24200 North FM 509 Harlingen, Texas 78550	Base Bid Alternate 1	not included \$36,055,194.43

The Engineer's (HNTB) estimate was \$29,837,079.12. HNTB has reviewed the bid proposal documents and found them to be generally in order. The Anderson-Columbia Co., Inc. bid proposal document was found to contain one minor extension error, but the error did not carry through the addition to the total bid. Ballenger's proposal contained one extension error that resulted in an increase of \$39.69 in their total bid amount.

It is the CCRMA's recommendation that the bid be awarded to the responsible low bidder, Ballenger Construction Company in the total bid amount of \$36,055,194.43. With TxDOT's concurrence and following the Contractor's submittal of the contract bond and insurance documents and our subsequent review, the contract can be executed and a Notice to Proceed can be issued.

In addition, enclosed are the official bid tabulations. Should you have any questions or wish to discuss this matter in more detail, feel free to contact me at your convenience.

Sincerely,

Pete Sepulveda, Jr.
RMA Coordinator

OFFICIAL BID TAB

SH 550 DIRECT CONNECTOR PROJECT

County: Cameron

Type: Construction of Tieded Lanes and Connectors

Time: 565 Calendar Days

Highway: SH 550

Length: 1.914 MI

Limits: From U.S. 77/83 to 0.53 mi East of Old Alice Road

CSJ: 3622-01-003

Contract No.: 2012 (221)

Let Date: 6/26/2012

Bid No.: 5

ALT	ITEM NO	DESC NO	DESCRIPTION	UNIT OF MEASURE	APPROXIMATE QUANTITY	ENGINEERS ESTIMATE		Ballenger Construction Company		Anderson Columbia Co., Inc.	
						UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
	100	2002	PREPARING ROW	SFA	212.00	\$1,000.00	\$212,000.00	\$8,353.64	\$1,765,731.68	\$700.00	\$148,400.00
	104	2009	REMOVING CONC (RIPRAP)	SY	13.00	\$8.00	\$104.00	\$17.15	\$222.95	\$20.00	\$260.00
	104	2023	REMOVING CONC (CTB)	LF	372.00	\$7.00	\$2,604.00	\$16.63	\$6,186.36	\$35.00	\$13,020.00
	105	2034	REMOVING STAB BASE AND ASPH PAV(LIN-SIN)	SY	2,611.00	\$5.00	\$13,055.00	\$5.69	\$14,856.59	\$5.00	\$13,055.00
	110	2001	EXCAVATION (ROADWAY)	CY	16,675.00	\$6.00	\$100,050.00	\$3.62	\$60,363.50	\$7.00	\$116,725.00
	132	2006	EMBANKMENT (FINAL)(DENS CONT) (TY C)	CY	305,077.00	\$5.00	\$1,525,385.00	\$7.60	\$2,318,585.20	\$12.00	\$3,660,324.00
	134	2001	BACKFILL (TY A)	SFA	232.00	\$135.00	\$31,320.00	\$106.36	\$24,675.52	\$200.00	\$46,400.00
	150	2001	BLADING	SFA	12.00	\$70.00	\$840.00	\$53.14	\$637.68	\$125.00	\$1,500.00
	160	2005	FURNISHING AND PLACING TOPSOIL	CY	50.00	\$20.00	\$1,000.00	\$7.65	\$382.50	\$22.00	\$1,100.00
	164	2036	DRILL SEEDING (PERM) (RURAL) (CLAY)	AC	28.30	\$1,000.00	\$28,300.00	\$1,175.00	\$33,252.50	\$837.00	\$23,887.10
	164	2042	DRILL SEEDING (TEMP) (WARM)	AC	28.30	\$1,000.00	\$28,300.00	\$825.00	\$23,347.50	\$626.00	\$17,715.80
	169	2004	SOIL RETENTION BLANKETS (CL-1) (TY D)	SY	5,652.00	\$2.00	\$11,304.00	\$1.30	\$7,347.60	\$2.00	\$11,304.00
	204	2003	SPRINKLING (DUST CONTROL)	MG	1,576.00	\$6.00	\$9,456.00	\$8.35	\$13,158.60	\$0.10	\$157.60
	247	2225	FL BS (ROW) DEL(TY E GR 4)(FINAL POS)	CY	5,956.00	\$17.00	\$101,252.00		\$0.00	\$50.00	\$297,900.00
	260	2011	LIME TRT (EXST MATL) (12IN)	SY	94,087.00	\$1.50	\$141,130.50	\$2.20	\$206,991.40	\$2.70	\$254,034.90
	260	2016	LIME (HYD COM OR OX) (SLURRY)	TON	3,021.00	\$150.00	\$453,150.00		\$0.00	\$190.00	\$573,990.00
	260	2046	LIME TRT (NEW BASE)(17IN)	SY	8,282.00	\$2.50	\$20,705.00	\$1.50	\$12,423.00	\$6.50	\$53,853.00
	260	2055	LIME TRT (NEW BASE)(22IN)	SY	3,153.00	\$3.00	\$9,459.00		\$0.00	\$12.00	\$37,836.00
	310	2001	PRIME COAT (MC-30)	GAL	18,002.00	\$4.00	\$72,008.00	\$5.06	\$91,090.12	\$5.00	\$90,010.00
	316	2421	ASPH (AC-10 OR HFRS-2P)	GAL	3,698.00	\$3.00	\$11,094.00	\$3.41	\$12,610.18	\$5.00	\$18,490.00
	316	2722	AGGR (GR 4P)	CY	105.00	\$60.00	\$6,300.00	\$53.10	\$5,575.50	\$200.00	\$21,000.00
	354	2041	PLANE ASPH CONC PAV (1.5IN)	SY	118,859.00	\$0.40	\$47,543.60	\$1.29	\$153,328.11	\$1.40	\$166,402.80
	360	2005	CONC PAVMT (CONT REINF-CRCP)(12")	SY	75,246.00	\$35.00	\$2,633,610.00	\$66.57	\$5,009,126.22	\$72.00	\$5,417,712.00
	360	2069	CONC PAV(CONT REINF-CRCP W/GRP BAR)12IN	SY	1,109.00	\$100.00	\$110,900.00	\$130.51	\$144,735.59	\$95.00	\$105,355.00
	368	2001	WIDE FLANGE PAVEMENT TERMINALS	LF	523.00	\$300.00	\$156,900.00	\$366.35	\$202,061.05	\$625.00	\$326,875.00
	368	2002	ANCHOR LUGS PAVEMENT TERMINALS	LF	240.00	\$66.00	\$15,840.00	\$79.87	\$19,169.80	\$97.00	\$23,280.00
	400	2004	STRUCT EXCAV (BRIDGE)	CY	4,145.00	\$6.00	\$24,870.00	\$11.22	\$46,506.90	\$14.00	\$58,030.00
	400	2005	CEM STABIL BWFL	CY	788.90	\$50.00	\$39,445.00	\$68.33	\$53,905.54	\$62.00	\$64,689.80
	400	2006	CUT & RESTORING PAV	SY	294.00	\$42.00	\$12,348.00	\$58.56	\$17,216.64	\$55.00	\$16,170.00

OFFICIAL BID TAB

ALT	ITEM NO	DESC NO	DESCRIPTION	UNIT OF MEASURE	APPROXIMATE QUANTITY	ENGINEERS ESTIMATE		Ballenger Construction Company		Andersson Columbia Co., Inc.	
						UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
	400	2007	STRUCT EXCAV (SPECIAL)	CY	68.00	\$30.00	\$2,040.00	\$51.07	\$3,472.75	\$89.00	\$6,052.00
	402	2001	TRENCH EXCAVATION PROTECTION	LF	1,371.00	\$2.00	\$2,742.00	\$1.39	\$1,905.69	\$2.50	\$3,427.50
	403	2001	TEMPORARY SPL SHORING	SF	27,893.00	\$4.00	\$111,212.00	\$1.08	\$30,027.24	\$0.10	\$2,780.30
	409	2019	PRESTR CONC PILE (16 IN SQ)(SULF)	LF	3,504.00	\$50.00	\$175,200.00	\$60.00	\$210,240.00	\$57.00	\$199,728.00
	409	2020	PRESTR CONC PILE (18 IN SQ)(SULF)	LF	1,910.00	\$60.00	\$114,600.00	\$62.00	\$118,420.00	\$60.00	\$114,600.00
	409	2021	PRESTR CONC PILE (20 IN SQ)(SULF)	LF	21,890.00	\$70.00	\$1,532,300.00	\$62.00	\$1,357,180.00	\$76.00	\$1,663,640.00
	415	2005	DRILL SHAFT (42 IN)	LF	558.00	\$184.00	\$102,672.00	\$236.71	\$132,084.18	\$250.00	\$139,500.00
	415	2006	DRILL SHAFT (48 IN)	LF	280.00	\$225.00	\$63,000.00	\$305.02	\$79,305.20	\$325.00	\$91,000.00
	415	2015	DRILL SHAFT (NON-REINFORCED)(12 IN)	LF	20.00	\$65.00	\$1,300.00	\$30.72	\$614.40	\$60.00	\$1,200.00
	415	2018	DRILL SHAFT (SIGN MTS)(24 IN)	LF	382.00	\$1,000.00	\$382,000.00	\$71.69	\$27,385.58	\$80.00	\$30,560.00
	415	2019	DRILL SHAFT (SIGN MTS)(30 IN)	LF	546.00	\$1,115.00	\$606,870.00	\$204.93	\$111,837.18	\$216.00	\$117,936.00
	415	2020	DRILL SHAFT (SIGN MTS)(36 IN)	LF	248.00	\$165.00	\$40,920.00	\$209.95	\$52,087.60	\$221.00	\$54,808.00
	415	2022	DRILL SHAFT (SIGN MTS)(48 IN)	LF	48.00	\$200.00	\$9,600.00	\$389.17	\$18,680.16	\$410.00	\$19,680.00
	415	2023	DRILL SHAFT (SIGN MTS)(54 IN)	LF	29.00	\$300.00	\$8,700.00	\$425.02	\$12,325.58	\$448.00	\$12,992.00
	415	2026	DRILL SHAFT (HIGH MAST POLE)(60 IN)	LF	171.00	\$435.00	\$74,385.00	\$414.78	\$70,927.38	\$437.00	\$74,727.00
	415	2029	DRILL SHAFT (RDWY ILL POLE) (30 IN)	LF	70.00	\$120.00	\$8,400.00	\$143.38	\$10,036.60	\$140.00	\$9,800.00
	420	2003	CL C CONC (ABUT)	CY	180.40	\$650.00	\$117,260.00	\$506.18	\$91,314.87	\$1,200.00	\$216,480.00
	420	2004	CL C CONC (BENT)	CY	2,989.80	\$700.00	\$2,092,860.00	\$514.73	\$1,538,939.75	\$750.00	\$2,242,350.00
	420	2005	CL C CONC (FOOTING)	CY	274.80	\$500.00	\$137,400.00	\$368.63	\$101,299.52	\$420.00	\$115,416.00
	420	2006	CL C CONC (RAIL FOUNDATION)	CY	47.50	\$282.00	\$13,395.00	\$210.31	\$9,989.73	\$250.00	\$11,875.00
	420	2018	CL C CONC (FOOTING)(MASS PLACEMENT)	CY	2,454.50	\$500.00	\$1,227,250.00	\$364.66	\$895,057.97	\$420.00	\$1,030,880.00
	420	2019	CL C CONC (CAP)	CY	187.00	\$600.00	\$112,200.00	\$361.82	\$67,660.34	\$840.00	\$157,080.00
	420	2028	CL H CONC (BENT)	CY	689.30	\$600.00	\$413,580.00	\$476.17	\$328,223.98	\$1,000.00	\$689,300.00
	420	2051	CL C CONC (COLUMN)	CY	81.60	\$500.00	\$40,800.00	\$540.49	\$44,103.98	\$1,200.00	\$97,920.00
	422	2001	REINF CONC SLAB	SF	245,188.00	\$10.00	\$2,451,880.00	\$10.54	\$2,584,281.52	\$18.50	\$4,535,978.00
	423	2001	RETAINING WALL (MSE)	SF	33,549.00	\$38.00	\$1,274,862.00	\$35.80	\$1,201,054.20	\$29.00	\$972,921.00
	425	2067	PRESTR CONC GIRDER (TX46)	LF	2,570.30	\$120.00	\$308,436.00	\$133.19	\$342,338.26	\$154.00	\$395,826.20
	425	2068	PRESTR CONC GIRDER (TX54)	LF	24,366.01	\$120.00	\$2,922,961.20	\$131.51	\$3,203,321.90	\$154.00	\$3,751,133.54
	425	2070	PRESTR CONC GIRDER (TX70)	LF	1,505.00	\$150.00	\$225,750.00	\$131.31	\$197,621.55	\$154.00	\$231,770.00
	426	2001	POST-TENSIONING (GROUTED)	MKF	1,322.70	\$165.00	\$218,245.50	\$155.25	\$205,349.18	\$120.00	\$158,724.00
	428	2002	CONC SURF TREAT (CLASS II)	SF	26,137.50	\$3.50	\$91,481.25	\$3.17	\$82,855.88	\$2.00	\$52,275.00
	432	2001	RIPRAP (CONC)(4 IN)	CY	915.20	\$300.00	\$274,560.00	\$325.73	\$299,108.10	\$500.00	\$457,600.00
	432	2002	RIPRAP (CONC)(5 IN)	CY	3.00	\$400.00	\$1,200.00	\$519.09	\$1,557.27	\$900.00	\$2,700.00
	432	2039	RIPRAP (MOV STRIP)(4IN)	CY	208.70	\$400.00	\$83,480.00	\$399.44	\$83,363.13	\$575.00	\$120,002.50
	434	2055	ELASTOMERIC BEAR (E4)	EA	5.00	\$500.00	\$2,500.00	\$2,291.10	\$11,455.50	\$2,000.00	\$10,000.00

OFFICIAL BID TAB

ALT	ITEM NO	DESC NO	DESCRIPTION	UNIT OF MEASURE-MENT	APPROXIMATE QUANTITY	ENGINEERS ESTIMATE		Ballenger Construction Company		Anderson Columbia Co., Inc.	
						UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
	434	2085	ELASTOMERIC BEAR (F4)	EA	5.00	\$1,700.00	\$8,500.00	\$2,299.00	\$11,495.00	\$2,000.00	\$10,000.00
	434	2087	ELASTOMERIC BEAR (EE4)	EA	5.00	\$1,100.00	\$5,500.00	\$1,585.39	\$7,926.95	\$2,000.00	\$10,000.00
	434	2117	ELASTOMERIC BEAR (ES4)	EA	5.00	\$1,700.00	\$8,500.00	\$1,184.24	\$5,921.20	\$2,000.00	\$10,000.00
	442	2002	STR STL (PLATE GIRDER)	LB	1,065,198.00	\$1.50	\$1,597,797.00	\$2.24	\$2,386,043.52	\$2.60	\$2,769,514.80
	442	2047	STR STL (MISCELLANEOUS BRIDGE)	LB	1,776.00	\$13.00	\$23,088.00	\$6.52	\$11,579.52	\$4.00	\$7,104.00
	442	2048	STRUCTURAL STEEL(MISC NON-BRIDGE)	LB	836.00	\$8.00	\$6,688.00	\$6.52	\$5,450.72	\$4.00	\$3,344.00
	450	2013	RAIL (TY SSTR)	LF	15,481.90	\$30.00	\$464,457.00	\$28.53	\$441,698.61	\$46.00	\$712,167.40
	450	2062	RAIL (TY SSCB)	LF	1,512.20	\$46.00	\$69,561.20	\$37.42	\$56,586.52	\$62.00	\$93,756.40
	454	2001	SEALED EXPANSION JOINT (4 IN)(SEL-A)	LF	1,605.00	\$90.00	\$144,450.00	\$68.19	\$109,444.95	\$100.00	\$160,500.00
	462	2007	CONC BOX CULV (5 FT X 3 FT)	LF	84.00	\$220.00	\$18,480.00	\$209.95	\$17,635.80	\$320.00	\$26,880.00
	462	2031	CONC BOX CULV (10 FT X 7 FT)	LF	133.00	\$500.00	\$66,500.00	\$575.58	\$76,552.14	\$750.00	\$99,750.00
	464	2089	RC PIPE (CL III)(18 IN)(SPL)	LF	2,564.00	\$26.00	\$66,564.00	\$31.13	\$79,817.32	\$50.00	\$128,200.00
	464	2090	RC PIPE (CL III)(24 IN)(SPL)	LF	1,650.00	\$30.00	\$49,500.00	\$38.71	\$63,871.50	\$55.00	\$90,750.00
	464	2115	RC PIPE (CL VI)(24 IN)(SPL)	LF	795.00	\$60.00	\$47,700.00	\$45.17	\$35,910.15	\$64.00	\$50,860.00
	464	AAAA	RC PIPE(CL V)(18IN)(SPL)	LF	646.00	\$45.00	\$29,070.00	\$33.81	\$21,841.26	\$52.00	\$33,592.00
	465	2001	INLET (COMPL)(TY C)	EA	3.00	\$2,000.00	\$6,000.00	\$2,983.08	\$8,949.24	\$3,800.00	\$11,400.00
	465	2005	MANH (COMPL)(TY M)	EA	5.00	\$3,500.00	\$17,500.00	\$4,647.17	\$23,235.85	\$5,800.00	\$29,000.00
	465	2113	INLET (COMPL)(TY CC)	EA	4.00	\$2,500.00	\$10,000.00	\$3,592.10	\$14,368.40	\$4,700.00	\$18,800.00
	465	2225	INLET (COMPL)(TY L2)	EA	12.00	\$1,600.00	\$19,200.00	\$4,647.12	\$55,765.44	\$6,000.00	\$72,000.00
	465	2253	INLET (COMPL)(CTB)(TY M)	EA	14.00	\$5,400.00	\$75,600.00	\$5,078.31	\$71,095.34	\$12,000.00	\$168,000.00
	467	2211	SET (TY IN)(24 IN)(RCP)(3 1)(C)	EA	4.00	\$1,350.00	\$5,400.00	\$1,289.02	\$5,156.08	\$1,200.00	\$4,800.00
	467	2234	SET (TY IN)(18 IN)(RCP)(6 1)(C)	EA	3.00	\$1,100.00	\$3,300.00	\$902.72	\$2,708.16	\$1,200.00	\$3,600.00
	467	2236	SET (TY IN)(24 IN)(RCP)(6 1)(C)	EA	4.00	\$1,500.00	\$6,000.00	\$1,326.21	\$5,304.84	\$1,500.00	\$6,000.00
	467	2288	SET (TY IN)(24 IN)(RCP)(6 1)(P)	EA	1.00	\$900.00	\$900.00	\$1,241.51	\$1,241.51	\$1,500.00	\$1,500.00
	471	2003	GRATE & FRAME	EA	24.00	\$1,600.00	\$38,400.00	\$2,618.19	\$62,836.56	\$3,000.00	\$72,000.00
	476	2001	JACK BOR OR TUN PIPE(18 IN)(RC)(CL III)	LF	95.00	\$200.00	\$19,000.00	\$135.77	\$12,898.15	\$170.00	\$16,150.00
	479	2001	ADJ/MANHS	EA	2.00	\$1,800.00	\$3,600.00	\$1,418.27	\$2,836.54	\$700.00	\$1,400.00
	479	2006	ADJUST INLET (CAP)	EA	3.00	\$1,500.00	\$4,500.00	\$1,570.22	\$4,710.66	\$1,200.00	\$3,600.00
	496	2003	REMOV STR (MANHOLE)	EA	1.00	\$1,000.00	\$1,000.00	\$943.63	\$943.63	\$2,500.00	\$2,500.00
	496	2004	REMOV STR (SET)	EA	7.00	\$300.00	\$2,100.00	\$94.36	\$660.52	\$500.00	\$3,500.00
	496	2006	REMOV STR (HEADWALL)	EA	2.00	\$1,000.00	\$2,000.00	\$377.46	\$754.92	\$2,500.00	\$5,000.00
	496	2007	REMOV STR (PIPE)	LF	117.00	\$10.00	\$1,170.00	\$4.73	\$553.41	\$25.00	\$2,925.00
	496	2008	REMOV STR (BOX CULVERT)	LF	8.00	\$65.00	\$520.00	\$47.18	\$377.44	\$500.00	\$4,000.00
	496	2074	REMOVING ROCK RIPRAP	LF	120.00	\$75.00	\$9,000.00	\$19.50	\$2,340.00	\$40.00	\$4,800.00
	500	2001	MOBILIZATION	LS	1.00	\$2,210,000.00	\$2,210,000.00	\$3,252,391.96	\$3,252,391.96	\$4,400,000.00	\$4,400,000.00

OFFICIAL BID TAB

ALT	ITEM NO	DESC NO	DESCRIPTION	UNIT OF MEASURE-MENT	APPROXIMATE QUANTITY	ENGINEERS ESTIMATE		Baltenger Construction Company		Anderson Columbia Co., Inc.	
						UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
	502	2001	BARRICADES SIGNS AND TRAFFIC HANDLING	MC	19.00	\$5,000.00	\$95,000.00	\$11,211.24	\$213,013.56	\$17,000.00	\$323,000.00
	506	2001	ROCK FILTER DAMS (INSTALL) (TY 1)	LF	168.00	\$23.00	\$3,864.00	\$26.25	\$4,410.00	\$28.00	\$4,704.00
	506	2009	ROCK FILTER DAMS (REMOVE)	LF	168.00	\$10.00	\$1,680.00	\$13.00	\$2,184.00	\$14.00	\$2,352.00
	506	2016	CONSTRUCTION EXITS (INSTALL) (TY 1)	SY	156.00	\$12.57	\$1,960.92	\$28.00	\$4,368.00	\$28.00	\$4,368.00
	506	2019	CONSTRUCTION EXITS (REMOVE)	SY	156.00	\$10.00	\$1,560.00	\$13.25	\$2,067.00	\$14.00	\$2,184.00
	506	2026	FRONT END LOADER WORK (ERSN & SEDM CONT)	HR	15.00	\$60.00	\$900.00	\$103.30	\$1,549.50	\$110.00	\$1,650.00
	512	2004	PORT CTB (PUR & INST)(SGL SLIP)(TY 1)	LF	8,490.00	\$35.00	\$297,150.00	\$10.55	\$89,588.50	\$40.00	\$338,600.00
	512	2008	PORT CTB (PUR & INST)(LOW PROF)(TY 1)	LF	4,300.00	\$8.00	\$34,400.00	\$16.13	\$69,358.00	\$20.00	\$86,000.00
	512	2009	PORT CTB (PUR & INST)(LOW PROF)(TY 2)	LF	40.00	\$10.00	\$400.00	\$36.73	\$1,469.20	\$22.00	\$880.00
	512	2022	PORT CTB (MOVE)(SGL SLIP) (TY 1)	LF	10,370.00	\$3.00	\$30,960.00	\$1.75	\$18,060.00	\$5.00	\$51,600.00
	512	2026	PORT CTB (MOVE)(LOW PROF)(TY 1)	LF	2,780.00	\$4.50	\$12,510.00	\$2.04	\$5,671.20	\$5.00	\$13,900.00
	512	2027	PORT CTB (MOVE)(LOW PROF)(TY 2)	LF	140.00	\$5.50	\$770.00	\$3.50	\$490.00	\$8.00	\$1,120.00
	512	2040	PORT CTB (REMOVE)(SGL SLIP) (TY 1)	LF	8,490.00	\$5.00	\$42,450.00	\$8.22	\$69,787.80	\$7.00	\$59,430.00
	512	2044	PORT CTB (REMOVE)(LOW PROF)(TY 1)	LF	4,400.00	\$5.00	\$22,000.00	\$8.22	\$36,168.00	\$7.00	\$30,800.00
	512	2045	PORT CTB (REMOVE)(LOW PROF)(TY 2)	LF	40.00	\$6.00	\$240.00	\$5.67	\$226.80	\$9.00	\$360.00
	514	2004	PERM CONC TRF BARR (SGL SLIP)(TY 1)(42IN)	LF	10,082.00	\$54.00	\$544,428.00	\$36.67	\$369,706.94	\$57.00	\$574,674.00
	514	2006	PERM CONC TRF BARR (SGL SLIP)(TY 3)(42IN)	LF	713.00	\$52.00	\$37,076.00	\$157.05	\$111,976.65	\$104.00	\$74,152.00
	514	2022	PERM CONC TRF BARR (SGL SLIP)(TY 4)(42IN)	LF	40.00	\$52.00	\$2,080.00	\$168.15	\$6,726.00	\$170.00	\$6,800.00
	514	AAAA	PERM CONC TRF BARR (SGL SLIP)(TY5)(42IN)(DBL)	LF	1,283.00	\$65.00	\$109,055.00	\$284.06	\$364,448.98	\$267.00	\$342,561.00
	529	2012	CONC CURB & GUTTER (TY A)(BARRIER)	LF	1,334.00	\$11.00	\$14,674.00	\$10.11	\$13,486.74	\$20.00	\$26,680.00
	529	2026	CONC CURB (ARMOR CURB SLOT)	LF	14.00	\$160.00	\$2,240.00	\$131.89	\$1,846.46	\$160.00	\$2,240.00
	530	2011	DRIVEWAYS (ACP)	SY	104.00	\$21.00	\$2,184.00	\$45.89	\$4,772.56	\$21.00	\$2,184.00
	540	2001	MTL W-BEAM GO FEN (TIM POST)	LF	4,500.00	\$18.00	\$81,000.00	\$18.00	\$81,000.00	\$17.00	\$76,500.00
	540	2005	TERMINAL ANCHOR SECTION	EA	13.00	\$550.00	\$7,150.00	\$580.00	\$7,540.00	\$500.00	\$6,500.00
	540	2011	MTL BEAM GO FEN TRANS (THRU-BEAM)	EA	9.00	\$1,500.00	\$13,500.00	\$1,480.00	\$13,410.00	\$1,400.00	\$12,600.00
	542	2002	REMOVING TERMINAL ANCHOR SECTION	EA	1.00	\$300.00	\$300.00	\$500.00	\$500.00	\$100.00	\$100.00
	544	2001	GUARDRAIL END TREATMENT (INSTALL)	EA	21.00	\$2,100.00	\$44,100.00	\$1,500.00	\$31,500.00	\$1,800.00	\$37,800.00
	544	2003	GUARDRAIL END TREATMENT (REMOVE)	EA	1.00	\$350.00	\$350.00	\$500.00	\$500.00	\$120.00	\$120.00
	545	2001	CRASH CUSH ATTEN (INSTL)	EA	13.00	\$12,500.00	\$162,500.00	\$13,830.39	\$179,795.07	\$15,000.00	\$195,000.00
	545	2002	CRASH CUSH ATTEN (MOVE/RESET)	EA	17.00	\$1,900.00	\$32,300.00	\$1,341.77	\$22,810.09	\$900.00	\$15,300.00
	545	2003	CRASH CUSH ATTEN (REMOVE)	EA	9.00	\$900.00	\$8,100.00	\$830.05	\$7,470.45	\$300.00	\$2,700.00
	610	2039	INS RD IL AM (TY SA) 50T-10-10(4 KWJS	EA	4.00	\$4,000.00	\$16,000.00	\$4,198.99	\$16,795.96	\$4,400.00	\$17,600.00
	610	2049	INS RD IL AM (TY SP) 485-10-10(4 KWJS	EA	4.00	\$3,000.00	\$12,000.00	\$4,045.37	\$16,181.48	\$4,300.00	\$17,200.00
	610	2053	INS RD IL AM (TY ST) 40T-10 (.25 KWJS	EA	3.00	\$3,000.00	\$9,000.00	\$2,867.60	\$8,602.80	\$3,000.00	\$9,000.00
	610	2061	INS RD IL AM (U/P) (TY 2) (.15KWJS	EA	18.00	\$1,200.00	\$21,600.00	\$1,019.02	\$18,342.36	\$1,100.00	\$19,800.00

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ALT	ITEM NO	DESC NO	DESCRIPTION	UNIT OF MEASURE-MENT	APPROXIMATE QUANTITY	ENGINEERS ESTIMATE			Ballenger Construction Company			Anderson Columbia Co., Inc.		
						UNIT PRICE	AMOUNT		UNIT PRICE	AMOUNT		UNIT PRICE	AMOUNT	
	610	2072	REMOVE ROWY ILL ASSEM	EA	3.00	\$300.00	\$900.00	\$153.62	\$460.86	\$150.00	\$450.00			
	613	2006	HI INST ILL POLE (150 FT) (100 MPH)	EA	5.00	\$25,000.00	\$125,000.00	\$27,959.11	\$139,795.55	\$28,000.00	\$140,000.00			
	614	2004	HI INST ILL ASM(12-400 WATT)(SYM)	EA	5.00	\$25,000.00	\$125,000.00	\$24,886.68	\$124,433.40	\$27,000.00	\$135,000.00			
	618	2007	CONDIT (HDPE) (1IN)	LF	2,940.00	\$5.00	\$14,700.00	\$4.10	\$12,054.00	\$4.00	\$11,760.00			
	618	2008	CONDIT (HDPE) (2IN)	LF	384.00	\$8.50	\$3,264.00	\$10.24	\$3,932.16	\$10.00	\$3,840.00			
	618	2012	CONDIT (PVC) (SCHD 40) (3IN)	LF	855.00	\$7.00	\$5,985.00	\$8.71	\$7,447.05	\$9.00	\$7,695.00			
	618	2018	CONDIT (PVC) (SCHD 40) (2IN)	LF	8,664.00	\$4.50	\$38,988.00	\$3.07	\$26,598.48	\$3.00	\$25,992.00			
	618	2035	CONDIT (PVC) (SCHD 80) (2IN) (BORE)	LF	1,644.00	\$12.00	\$19,728.00	\$10.24	\$16,834.56	\$10.00	\$16,440.00			
	618	2038	CONDIT (PVC) (SCHD 80) (3IN)	LF	224.00	\$11.00	\$2,464.00	\$13.83	\$3,097.92	\$14.00	\$3,136.00			
	618	2040	CONDIT (PVC) (SCHD 80) (4IN)	LF	224.00	\$12.00	\$2,688.00	\$15.36	\$3,440.64	\$16.00	\$3,584.00			
	618	2046	CONDIT (RM) (2IN)	LF	1,410.00	\$8.00	\$11,280.00	\$7.53	\$10,617.30	\$8.00	\$11,280.00			
	620	2009	ELEC CONDR (NO. 6) BARE	LF	9,765.00	\$1.70	\$16,600.50	\$0.67	\$6,542.55	\$1.00	\$9,765.00			
	620	2010	ELEC CONDR (NO. 6) INSULATED	LF	23,946.00	\$1.50	\$35,919.00	\$0.77	\$18,438.42	\$1.00	\$23,946.00			
	620	2011	ELEC CONDR (NO. 8) BARE	LF	2,596.00	\$1.20	\$3,115.20	\$0.61	\$1,583.56	\$1.00	\$2,596.00			
	620	2012	ELEC CONDR (NO. 8) INSULATED	LF	6,276.00	\$1.00	\$6,276.00	\$0.61	\$3,828.36	\$1.00	\$6,276.00			
	624	2008	GROUND BOX TY A (122311) W/APRON	EA	31.00	\$530.00	\$16,430.00	\$476.23	\$14,763.13	\$500.00	\$15,500.00			
	624	2014	GROUND BOX TY D (162922) W/APRON	EA	36.00	\$650.00	\$23,400.00	\$512.07	\$18,434.52	\$500.00	\$18,000.00			
	628	2020	ELC SRV TY A 240/480 060 (NS)SST(T)P(O)	EA	3.00	\$3,500.00	\$10,500.00	\$3,686.92	\$11,060.76	\$3,800.00	\$11,400.00			
	628	2037	ELC SRV TY A 240/480 100 (NS)SST(T)P(O)	EA	1.00	\$4,000.00	\$4,000.00	\$3,840.54	\$3,840.54	\$4,000.00	\$4,000.00			
	636	2001	ALUMINUM SIGNS (TY A)	SF	372.00	\$18.00	\$6,696.00	\$10.75	\$3,995.00	\$12.00	\$4,464.00			
	636	2002	ALUMINUM SIGNS (TY G)	SF	3,096.50	\$20.00	\$61,930.00	\$15.87	\$49,141.46	\$17.00	\$52,640.50			
	636	2003	ALUMINUM SIGNS (TY O)	SF	1,578.50	\$18.00	\$28,413.00	\$15.62	\$24,656.17	\$17.00	\$26,834.50			
	644	2022	INS SM RD SN SUP&AM TY 580(1) 54(P)	EA	7.00	\$420.00	\$2,940.00	\$535.00	\$3,745.00	\$600.00	\$4,200.00			
	644	2025	INS SM RD SN SUP&AM TY 580(1) 54(T)	EA	34.00	\$500.00	\$17,000.00	\$665.00	\$19,890.00	\$600.00	\$20,400.00			
	644	2060	REMOVE SM RD SN SUP & AM	EA	16.00	\$60.00	\$960.00	\$48.97	\$783.52	\$32.00	\$512.00			
	644	2063	INS SM RD SN SUP&AM (RAIL MOUNT)	EA	4.00	\$2,000.00	\$8,000.00	\$2,350.00	\$9,400.00	\$2,500.00	\$10,000.00			
	647	2001	INSTALL LRSS (STRUCT STEEL)	LB	17,298.30	\$4.00	\$69,193.20	\$2.25	\$38,921.18	\$3.00	\$51,894.90			
	647	2002	RELOCATE LRSA	EA	1.00	\$2,300.00	\$2,300.00	\$1,536.22	\$1,536.22	\$1,500.00	\$1,500.00			
	647	2003	REMOVE LRSA	EA	5.00	\$530.00	\$2,650.00	\$332.85	\$1,664.25	\$350.00	\$1,750.00			
	650	2022	INS OH SN SUP(25 FT CANT)	EA	1.00	\$15,000.00	\$15,000.00	\$23,248.05	\$23,248.05	\$24,000.00	\$24,000.00			
	650	2028	INS OH SN SUP(30 FT CANT)	EA	1.00	\$17,000.00	\$17,000.00	\$23,248.05	\$23,248.05	\$24,000.00	\$24,000.00			
	650	2040	INS OH SN SUP(40 FT CANT)	EA	1.00	\$20,000.00	\$20,000.00	\$24,477.03	\$24,477.03	\$25,000.00	\$25,000.00			
	650	2043	INS OH SN SUP(40 FT BRDG)	EA	2.00	\$21,000.00	\$42,000.00	\$20,994.94	\$41,989.88	\$22,000.00	\$44,000.00			
	650	2048	INS OH SN SUP(45 FT BRDG)	EA	4.00	\$25,000.00	\$100,000.00	\$24,067.37	\$96,269.48	\$25,000.00	\$100,000.00			
	650	2073	INS OH SN SUP(70 FT BRDG)	EA	1.00	\$30,000.00	\$30,000.00	\$36,869.16	\$36,869.16	\$38,000.00	\$38,000.00			

OFFICIAL BID TAB

ALT	ITEM NO	DESC	DESCRIPTION	UNIT OF MEASUREMENT	APPROXIMATE QUANTITY	ENGINEERS ESTIMATE		Ballenger Construction Company		Anderson Columbia Co., Inc.	
						UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
	650	2078	INS OH SN SUP(75 FT BRDG)	EA	1.00	\$35,000.00	\$35,000.00	\$38,917.45	\$38,917.45	\$40,000.00	\$40,000.00
	650	2083	INS OH SN SUP(80 FT BRDG)	EA	1.00	\$40,000.00	\$40,000.00	\$40,453.66	\$40,453.66	\$42,000.00	\$42,000.00
	650	2173	REMOVE OVERHD SIGN SUP	EA	3.00	\$3,000.00	\$9,000.00	\$3,666.92	\$11,060.76	\$3,800.00	\$11,400.00
	650	AAAA	INS OH SN SUP (30 FT BRDG)	EA	2.00	\$17,000.00	\$34,000.00	\$18,434.58	\$36,869.16	\$20,000.00	\$40,000.00
	658	2240	INSTL DEL ASSM (D-5W)SZ (F)XIGFZ	EA	30.00	\$26.00	\$780.00	\$28.50	\$855.00	\$32.00	\$960.00
	558	2258	INSTL DEL ASSM (D-5W)SZ (F)XICTB	EA	101.00	\$15.00	\$1,515.00	\$14.95	\$1,509.95	\$8.00	\$808.00
	558	2263	INSTL DEL ASSM (D-5W)SZ (F)XIGND	EA	14.00	\$67.00	\$938.00	\$44.00	\$616.00	\$44.00	\$616.00
	558	2269	INSTL DEL ASSM (D-5W)SZ (F)XIGFZ	EA	6.00	\$31.00	\$186.00	\$33.00	\$198.00	\$32.00	\$192.00
	558	2277	INSTL DEL ASSM (D-5W)SZ (F)XICTB	EA	49.00	\$14.50	\$710.50	\$12.00	\$588.00	\$8.00	\$392.00
	558	2278	INSTL DEL ASSM (D-5W)SZ (F)XICTB(BI)	EA	72.00	\$14.50	\$1,044.00	\$16.87	\$1,214.64	\$10.00	\$720.00
	658	2292	INSTL DEL ASSM (D-DW)SZ (F)XIGND	EA	34.00	\$38.00	\$1,292.00	\$39.30	\$1,336.20	\$50.00	\$1,700.00
	658	2316	INSTL OM ASSM (DM-2Z)F(X)IGND	EA	3.00	\$46.00	\$138.00	\$54.36	\$163.08	\$62.00	\$186.00
	658	2329	INSTL DEL ASSM (D-5W)SZ (F)XIGND	EA	34.00	\$36.00	\$1,224.00	\$38.90	\$1,322.60	\$32.00	\$1,088.00
	662	2064	WK ZN PAV MKR REMOV (W) 4IN (BRK)	LF	4,290.00	\$0.80	\$3,432.00	\$0.96	\$4,118.40	\$1.00	\$4,290.00
	662	2067	WK ZN PAV MKR REMOV (W) 4IN (SLD)	LF	16,660.00	\$0.50	\$8,330.00	\$0.58	\$9,662.80	\$0.60	\$9,996.00
	662	2075	WK ZN PAV MKR REMOV (W) 8IN (SLD)	LF	6,288.00	\$1.30	\$8,184.40	\$0.94	\$5,911.92	\$1.00	\$6,288.00
	662	2076	WK ZN PAV MKR REMOV (W) 12IN (LNDP)	LF	360.00	\$3.50	\$1,260.00	\$2.15	\$774.00	\$2.20	\$792.00
	662	2077	WK ZN PAV MKR REMOV (W) 12IN (SLD)	LF	1,000.00	\$3.50	\$3,500.00	\$4.20	\$4,200.00	\$4.20	\$4,200.00
	662	2099	WK ZN PAV MKR REMOV (Y) 4IN (SLD)	LF	33,744.00	\$0.50	\$16,872.00	\$0.58	\$19,571.52	\$0.60	\$20,246.40
	662	2113	WK ZN PAV MKR SHT TERM (TAB) TY W	EA	3,000.00	\$0.80	\$2,400.00	\$1.07	\$3,210.00	\$1.20	\$3,600.00
	666	2003	REFL PAV MKR TY (W) 4IN (BRK)(100MIL)	LF	19,800.00	\$0.35	\$6,930.00	\$0.59	\$11,692.00	\$0.60	\$11,880.00
	666	2012	REFL PAV MKR TY (W) 4IN (SLD)(100MIL)	LF	49,875.00	\$0.30	\$14,962.50	\$0.47	\$23,441.25	\$0.50	\$24,937.50
	666	2036	REFL PAV MKR TY (W) 8IN (SLD)(100MIL)	LF	12,730.00	\$0.80	\$10,184.00	\$0.90	\$11,457.00	\$1.00	\$12,730.00
	666	2039	REFL PAV MKR TY (W) 12IN (LNDP)(100MIL)	LF	530.00	\$2.50	\$1,325.00	\$1.47	\$778.10	\$1.50	\$795.00
	666	2042	REFL PAV MKR TY (W) 12IN (SLD)(100MIL)	LF	1,900.00	\$3.00	\$5,700.00	\$1.94	\$3,686.00	\$2.00	\$3,800.00
	666	2054	REFL PAV MKR TY (W) (ARROW)(100MIL)	EA	3.00	\$100.00	\$300.00	\$85.00	\$255.00	\$85.00	\$255.00
	666	2096	REFL PAV MKR TY (W) (WARD)(100MIL)	EA	3.00	\$125.00	\$375.00	\$95.00	\$285.00	\$95.00	\$285.00
	666	2111	REFL PAV MKR TY (Y) 4IN (SLD)(100MIL)	LF	56,595.00	\$0.32	\$18,110.40	\$0.47	\$26,599.65	\$0.50	\$28,297.50
	666	2126	REFL PAV MKR TY (Y) 12IN (SLD)(100MIL)	LF	2,426.00	\$2.60	\$6,307.60	\$3.35	\$8,127.10	\$3.40	\$8,248.40
	666	2216	REFL PAV MKR TY (BLACK) 8IN (BRK)(100MIL)	LF	5,120.00	\$0.50	\$2,560.00	\$0.98	\$5,017.60	\$1.00	\$5,120.00
	672	2014	REFL PAV MKR TY (H)	EA	84.00	\$10.00	\$840.00	\$8.50	\$714.00	\$8.50	\$714.00
	672	2017	REFL PAV MKR TY (H-C-R)	EA	1,722.00	\$3.50	\$6,027.00	\$3.25	\$5,596.50	\$3.50	\$6,027.00
	677	2001	ELIM EXT PAV MKR & MKRS (4IN)	LF	12,951.00	\$0.45	\$5,828.95	\$0.60	\$7,770.60	\$0.60	\$7,770.60
	677	2003	ELIM EXT PAV MKR & MKRS (8IN)	LF	2,660.00	\$0.90	\$2,394.00	\$0.71	\$1,888.60	\$0.75	\$1,995.00
	677	2005	ELIM EXT PAV MKR & MKRS (12IN)	LF	790.00	\$1.30	\$1,027.00	\$1.29	\$1,019.10	\$1.40	\$1,106.00

OFFICIAL BID TAB

ALT	ITEM NO	DESC	DESCRIPTION	UNIT OF MEASURE-MENT	APPROXIMATE QUANTITY	ENGINEERS ESTIMATE		Ballenger Construction Company		Anderson Columbia Co., Inc.	
						UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
	677	2007	ELIM EXT PAV MKK & MKKS (24IN)	LF	940.00	\$2.80	\$2,632.00	\$1.87	\$1,757.80	\$2.00	\$1,880.00
	678	2001	PAV SURF PREP FOR MKK (4IN)	LF	59,035.00	\$0.05	\$2,901.75	\$0.36	\$20,892.60	\$0.36	\$20,892.60
	678	2003	PAV SURF PREP FOR MKK (8IN)	LF	4,520.00	\$0.15	\$678.00	\$0.56	\$2,531.20	\$0.56	\$2,531.20
	678	2004	PAV SURF PREP FOR MKK (12IN)	LF	2,253.00	\$0.40	\$901.20	\$0.86	\$1,937.58	\$0.86	\$1,937.58
	3224	2047	D-GR HMA (OCDA) TY-D SAC-A PG76-22	TON	20,277.00	\$70.00	\$1,419,390.00	\$68.62	\$1,391,407.74	\$80.00	\$1,622,160.00
	3224	2075	D-GR HMA (OCDA) TY-B SAC-B PG76-22	TON	3,921.00	\$65.00	\$254,865.00	\$64.76	\$253,923.96	\$67.00	\$262,707.00
	3224	2076	D-GR HMA (OCDA) TY-B SAC-B PG64-22	TON	480.00	\$60.00	\$28,800.00	\$66.35	\$31,848.00	\$65.00	\$31,200.00
	5049	2003	BODGRD EROSION CONTROL LOGS (12IN DIA)	LF	4,620.00	\$5.00	\$23,100.00	\$3.30	\$15,246.00	\$5.00	\$23,100.00
	5261	2001	GEOGRID REINFORCEMENT (TV)	SY	12,147.00	\$1.25	\$15,183.75	\$1.77	\$21,500.19	\$2.20	\$26,723.40
	8398	AAAA	LIGHTNING PROTECTION SYSTEM	LS	1.00	\$64,000.00	\$64,000.00	\$47,622.66	\$47,622.66	\$50,000.00	\$50,000.00

ALTERNATE NO. 1A

1A	247	2236	FL BS (RDWY DEL)TY A GR 3(FNAL POS)	CY	5,956.00	\$21.08	\$125,552.48	\$40.84	\$243,243.04	\$70.00	\$416,820.00
1A	260	2016	LIME (HYD COM OR CK)(LURRY)	TON	2,916.00	\$150.00	\$437,400.00	\$164.47	\$479,594.52	\$190.00	\$554,040.00
						OFFICIAL ALTERNATE BID AMOUNT:	\$29,836,170.60	\$36,055,194.43	\$44,052,718.52		
						OFFICIAL BASE BID AMOUNT:	\$29,837,079.12		\$43,991,384.52		
						% DIFFERENCE	0.0030%			-0.1394%	



July 24, 2012

Mr. Mario R. Jorge, P.E., District Engineer
Texas Department of Transportation, Pharr District
P.O. Box 1717
Pharr, Texas 78577

RE: SH 550 Direct Connector Project

Dear Mario:

This justification is being prepared for the SH 550 Direct Connector Project because the apparent low bid of \$36,055,154.74 came in at 20.74% over the engineer's estimate of \$29,861,847.56.

Comparing the low bid to the engineer's estimate, the overrun can be attributed to the engineer's estimate being too low for Mobilization, Preparing Right of Way, Embankment & Concrete Pavement. More specifically, the final engineer's estimate did not account for:

- (1) Recent upward trends in fuel and oil prices
- (2) Higher labor, material and transportation costs associated with oil and gas industry competition for resources
- (3) Risk involved with local borrow sources given high water tables and recent issues with high sulfate content
- (4) Sourcing of cement and aggregate for concrete pavement construction

I also looked at the possibility of re-designing and/or re-letting of the project, but have determined that neither would provide a significant benefit or cost reduction. No issues with the plans were identified that would warrant a re-design, and there was adequate competition with two bids received.

Considering all of the above, CCRMA recommends awarding of the low bid and contract.

If you have any questions, call me.

Sincerely,


Pete Sepulveda, Jr.
RMA Coordinator

3-D CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN THE CAMERON COUNTY REGIONAL MOBILITY AUTHORITY AND BALLENGER CONSTRUCTION FOR THE SH 550 DIRECT CONNECTOR PROJECT

Cameron County Regional Mobility Authority

SH550 PROJECT

CONTRACT NO. 3622-01-003

SH550

CONTRACT AGREEMENT

THIS AGREEMENT, made this ____ day of August, 2012, between Cameron County Regional Mobility Authority, 1100 East Monroe Street, Brownsville, Texas, 78520, hereinafter called the Authority and Ballenger Construction Company, or his, its or their successors, executors, administrators and assigns, hereinafter called the Contractor.

WITNESSETH, that the Contractor agrees with Cameron County Regional Mobility Authority for the consideration herein mentioned, and at his, its or their own proper cost and expense, to do all the work and furnish all the materials, equipment, teams and labor necessary to prosecute and complete and to extinguish all liens therefore, Contract No. 3622-01-003, entitled SH 550 project, in the manner and to the full extent as set forth in the Plans, Standard Specifications, Special Provisions, Bid (for the basis of award stated herein below) and other documents related to said Contract which are on file at the office of Cameron County Regional Mobility Authority and which are hereby adopted and made part of this Agreement as completely as if incorporated herein, and to the satisfaction of the Authority or its duly authorized representative who shall have at all times full opportunity to inspect the materials to be furnished and the work to be done under this Agreement.

This Contract is awarded on the basis of the Official Total Bid Amount based on the unit prices bid of thirty-six million fifty-five thousand one hundred ninety-four dollars and forty-three Cents (\$36,055,194.43).

In consideration of the foregoing premise, the Authority agrees to pay the Contractor for all items of work performed and materials furnished at the amount of the unit prices bid prices bid therefore in the Bid submitted for this Contract, subject to any percentage reductions in the total Contract amount that may be named in the Bid corresponding to the basis of award stated in the above paragraph, and subject to the conditions set forth in the Specifications.

The Contractor agrees as follows:

- a. I/WE will not discriminate against any employee or applicant for employment because of race, religion, color, sex or national origin, except where religion, sex or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of the Contractor.
- b. I/WE agree to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
- c. I/WE in any solicitations or advertising for employees placed by or on behalf of itself, will state that it is an equal opportunity employer.
- d. Notices and advertisements and solicitations placed in accordance with federal law, rule or regulation, shall be deemed sufficient for the purposes of meeting the requirements of this section.
- e. Contract Time - The Work will be Substantial Complete within five hundred and sixty five (565) calendar days after receipt of the initial Notice to Proceed (NTP). The Contractor will be allowed up to an additional thirty (30) calendar days for Final Acceptance.
- f. Failure by Contractor to fulfill these requirements is a material breach of the Contract, which may result in the termination of this Contract, or such other remedy, as the Authority deems appropriate.
- g. All notices to Cameron County Regional Mobility Authority shall be sent by certified or registered mail, addressed to: Cameron County Regional Mobility Authority Executive Director, Cameron County Courthouse, 1100 East Monroe Street, Brownsville, Texas 78520 or at such other address as the Authority may otherwise designate. All notices to Contractor shall be sent certified or registered mail, addressed to: Ballenger Construction Company, 24200 N. FM509, Harlingen, TX 78550 or at such other address as said Contractor may otherwise designate in writing.
- h. This Agreement shall be governed by the laws of the State of Texas and venue shall be in Cameron County, Texas.

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement the day and year written above.

CAMERON COUNTY REGIONAL MOBILITY AUTHORITY

By: _____
David E. Alex
Cameron County Regional Mobility Authority Chairman

Attested By:

Ruben Gallegos, Jr., RMA Secretary
Cameron County Regional Mobility Authority

CONTRACTOR:
Ballenger Construction Company
Business Name

Sworn to and subscribed
before me this _____
day of August, 2012.

24200 N. FM509, Harlingen, TX 78550
Address

Notary Public

by: _____
Title

My commission expires:

(Affix Corporate Seal Here)

EVIDENCE OF CORPORATE AUTHORITY

I, _____, hereby certify that I am Secretary of Ballenger Construction Company, a Corporation existing under the laws of the State of _____, and that the following resolution was adopted at a meeting of the Board of Directors of the said Corporation duly called and held on the _____ day of _____, 20____, and that the same remains in full force and effect:

(Here insert resolution)

I further certify that _____ is a corporation duly organized and in good standing in the State of its creation, and is fully authorized to do business in the State of Texas and is in full conformity with the Laws of the State of Texas.

IN WITNESS WHEREOF, I have hereto appended my signature and the seal of the said Corporation on this the _____ day of _____, 20____.

Secretary

SEAL

**3-E DISCUSSION AND POSSIBLE ACTION REGARDING THE
SUBMITTAL OF TIFIA LETTERS OF INTEREST FOR CAMERON
COUNTY REGIONAL MOBILITY AUTHORITY PROJECTS**

PREPARED BY NOSSAMAN LLP
www.nossaman.com

Moving Ahead for Progress in the 21st Century Act
Summary of the Conference Report

Today, conference committee members announced the completion of a compromise measure to reauthorize transportation funding through the end of 2014. A bipartisan and bicameral measure, the new bill – as set forth in the Conference Report - contains meaningful reforms that, although marred by some missed opportunities, collectively represent a significant improvement in federal surface transportation law.

TIFIA

The bill contains significant positive revisions to the TIFIA program. Most importantly, the bill authorizes the TIFIA program at \$750 million for FY 2013 and \$1 billion for FY 2014, and increases the maximum share of project costs from 33 percent to 49 percent.

This analysis discusses changes that the bill makes to the existing TIFIA statute at 23 U.S.C. §§ 601 *et seq.* All section references herein are to Title 23 of the U.S. Code.

Meaningful Reforms:

- ***Eligible Project Selection.*** The bill eliminates the selection criteria contained in the previous TIFIA statute, a much needed reform that will help reduce subjectivity from the process. The bill requires the TIFIA program to establish a rolling application process under which eligible projects must receive credit assistance if adequate funds are available to cover the associated subsidy cost. § 602(b)(1). If adequate funds are not available, a project sponsor of an eligible project may only enter into a master credit agreement and wait until the next fiscal year or the next fiscal year with available funds. § 602(b)(2).
- ***Master Credit Agreements.*** The bill introduces the "master credit agreement" as a new concept, and defines it as "an agreement to extend credit assistance for a program of projects secured by a common security pledge (which shall receive an investment grade rating from a rating agency), or for a single project . . . that would: (A) make contingent commitments of 1 or more secured loans or other Federal credit instruments at future dates . . . ; (B) establish the maximum amounts and general terms and conditions of the secured loans or other Federal credit instruments; (C) identify the 1 or more dedicated non-Federal revenue sources that will secure the repayment of the secured loan or secured Federal credit instruments; (D) provide for the obligation of funds for the secured loans or secured Federal credit instruments after all "TIFIA program requirements have been met for the projects subject to the master credit agreement . . . ; and (E) require that contingent commitments result in a financial close and obligation of credit assistance not later than 3 years after the date of entry into the master credit agreement, or release of the commitment, unless otherwise extended by the TIFIA program." § 601(a)(10).
- ***Eligible Project Costs.*** The bill provides that the amount of a secured loan may not exceed 49 percent of the reasonably anticipated project costs – up from 33 percent. § 603(b)(2). Additionally, a project that receives a line of credit may not receive a secured loan or loan guarantee that exceeds 49 percent of eligible project costs – also up from 33 percent. § 604(c)(2). These are crucial reforms. As before, if the secured

loan does not receive an investment grade rating, the amount of the loan may not exceed the amount of the senior project obligations. § 603(b)(2).

- *Project Grouping.* The bill adds to the list of eligible projects those that are "composed of related highway, surface transportation, transit, rail, or intermodal capital improvement projects eligible for TIFIA program assistance . . . in order to meet the eligible project cost threshold . . . , by grouping related projects together for that purpose," as long as the credit assistance for the projects is secured by a common pledge. § 601(a)(11)(D)(iv).
- *Application Processing.* The bill introduces new application processing procedures, requiring the TIFIA program to notify applicants of the complete or incomplete status of the application within 30 days of application receipt, and to rule on the application within 60 days of that notice. § 602(d). The bill also requires the TIFIA program to submit to Congress a report listing all letters of interest and applications received from project sponsors during the preceding fiscal year on December 1 of each year, and including details on the timing of the program's application processing efforts. § 609(b).
- *Nonsubordination.* Secured loans and direct loans cannot be subordinated to the claims of any holder of project obligations in the event of bankruptcy, insolvency, or liquidation of the obligor. §§ 603(b)(6)(A), 604(b)(8)(A). However, the bill provides that the TIFIA program must waive this requirement for a public agency borrower that is financing ongoing capital programs and has outstanding senior bonds under a preexisting indenture, provided that (1) the secured loan or line of credit is rated in the A category or higher, (2) the secured loan or the loan resulting from a draw on a line of credit is secured and payable from pledged revenues not affected by project performance (such as a tax-backed revenue pledge or a system-backed pledge of project revenues), and (3) the TIFIA program share of eligible project costs is 33 percent or less. § 603(b)(6)(B)(i). If the TIFIA program so waives the nonsubordination requirement, the bill provides that the maximum credit subsidy to be paid by the Federal government must not be more than 10 percent of the principal amount of the secured loan, and that the obligor must be responsible for paying any remainder of the subsidy cost. § 603(b)(6)(B)(ii).
- *Public-Private Partnerships.* The bill allows Federal credit instruments, secured loans, and lines of credit to be repayable from payments owing to the obligor under a public-private partnership. §§ 602(a)(6)(C), 603(b)(3), 604(b)(5)(A)(III). The bill also allows applicants to submit an application under which a private party to a public-private partnership will be the obligor and identified later through completion of a procurement and selection of the private party. § 602(a)(8). These changes represent much needed reforms. They confirm the ability to use TIFIA loans for availability payment public-private partnerships. They also confirm that a project owner that is pursuing a public-private partnership procurement may line up a conditional commitment for TIFIA financing in advance of completing the procurement and then transfer the TIFIA credit assistance rights to the winning proposer, to close the financing as the borrower.
- *Impact of Financial Assistance.* The bill requires the TIFIA program to determine that TIFIA financial assistance will (1) "foster, if appropriate, partnerships that attract public and private investment for the project"; (2) "enable the project to proceed more quickly or reduce the lifecycle costs (including debt service costs) of the project"; and (3) "reduce the contribution of Federal grant assistance for the project." § 602(a)(9).
- *Program Administration.* The bill requires the TIFIA program to "implement procedures and measures to economize the time and cost involved in obtaining approval and the

issuance of credit assistance. . . ." § 605(e). The bill also provides that the TIFIA program may use up to 0.50 percent of the amounts made available to the program for administrative costs – or \$37.5 million in FY 2013 and \$50 million in FY 2014 – up from a flat amount of \$2.2 million. § 608(a)(6). These added funds will help the TIFIA program handle its heavy case load.

- *Eligibility Criteria / Letters of Interest.* The bill requires potential applicants to submit a "letter of interest" prior to an application for credit assistance. § 602(a). The letter of interest must provide a (1) general description of the project, (2) proposed financial plan, (3) status of environmental review, and (3) information related to other TIFIA eligibility requirements. § 601(a)(6).
- *Development Phase Activities.* The bill provides that any TIFIA credit instrument may be used to finance up to 100 percent of the cost of development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, permitting, preliminary engineering and design work, and other preconstruction activities. § 602(e) (NOTE: the cross-reference included here in the current draft bill is incorrect).
- *Limited Buydowns.* The bill introduces the concept of a limited buydown, defined as a buydown of the interest rate by the obligor if the interest rate has increased between the application acceptance date or the master credit agreement date and the execution date for the Federal credit instrument. § 602(a)(8). The bill provides that the interest rate of a secured loan or line of credit may not be lowered by more than the lower of (a) 1.5 percentage points (150 basis points), or (b) the amount of the increase in the interest rate. § 603(b)(4)(C), § 604(b)(4).
- *Maturity Date.* Previously, the final maturity date of a secured loan had to be no later than 35 years after the date of substantial completion of the project. The bill provides that the final maturity date could be the useful life of the capital asset being financed, if such useful life is less than 35 years. § 603(b)(5).
- *Loan Repayment Schedule.* The bill provides that the TIFIA program must now establish a repayment schedule for each secured loan and direct loan based on the useful life of the project, in addition to the projected cash flow from project revenues and other repayment sources. §§ 603(c)(1), 604(c)(1).

Other Changes:

- *Total Federal Assistance.* The bill provides that the total Federal assistance provided on a project receiving a loan from the TIFIA program may not exceed 80 percent of the total project cost. § 603(b)(9).
- *Rural Infrastructure Projects.* The bill introduces the concept of a "rural infrastructure project," defined as "a surface transportation infrastructure project located in any area other than a city with a population of more than 250,000 inhabitants within the city limits." § 601(a)(15). By doing so, the bill injects an element of favoritism among types of projects in determining creditworthiness, as described below.
 - Of the total amount of funds authorized by the bill for each fiscal year, not more than 10 percent must be set aside for rural infrastructure projects. § 608(a)(3)(A). Any of these amounts so set aside that remain unobligated by June 1 of that fiscal year may be used for other non-rural projects.

- Furthermore, while the eligible project cost floor remains at \$50 million for most projects, rural infrastructure projects may have eligible project costs of only \$25 million. § 602(a)(5). The proceeds of secured loans may be used to refinance existing Federal credit instruments for rural infrastructure projects. § 603(a)(1)(D).
- The interest rate of a loan or line of credit offered to a rural infrastructure project will be at one-half of the Treasury Rate, but only for any portion of a loan the subsidy cost of which is funded by amounts set aside for rural infrastructure projects, as described above. §§ 603(b)(4)(B), 604(b)(4).
- *Eligibility Criteria / Creditworthiness.* The bill requires projects to satisfy certain creditworthiness standards in order to be eligible for assistance, including, at a minimum: (1) a rate covenant, if applicable, (2) adequate coverage requirements to ensure repayment, (3) an investment grade rating from at least two rating agencies on debt senior to the Federal credit instrument, and (4) a rating from at least one or two rating agencies on the Federal credit instrument, depending on the overall debt amount. § 602(a)(2)(A). Where the Federal credit instrument is the senior debt, that instrument must receive an investment grade rating from at least one or two rating agencies, depending on the amount of the instrument. § 602(a)(2)(B).
 - Preliminary rating opinion letters provided by applicants still must indicate that the project's senior obligations have the potential to achieve an investment grade rating, but the bill now requires such letters to include a preliminary rating opinion on the Federal credit instrument, regardless of whether that instrument is a senior obligation of the project. § 602(c).
 - Further, the bill provides that the funding of a line of credit shall be contingent on the senior obligations of the project receiving an investment grade rating from two rating agencies – up from one. § 604(a)(4)

Missed Opportunities:

- *Eligibility Criteria / Project Readiness.* As a threshold eligibility requirement, the bill will require an applicant to demonstrate a reasonable expectation that "the contracting process for construction of the project can commence by not later than 90 days after the date on which a Federal credit instrument is obligated for the project . . ." § 602(a)(10). We understand that the drafters' intent is to assure that the final obligation of budget authority occurs no sooner than 90 days before the start of the process to procure a construction contract for the TIFIA-financed project. A project readiness eligibility standard is a good thing to prevent tying up budget authority prematurely. We had hoped, however, that this would be tied to the commencement of a procurement following submission of the application, not the obligation date. The provision as written could allow applications and resulting conditional credit commitments excessively far in advance of when closing of TIFIA funding will actually be needed for the project, perhaps even well before it is evident that a project will indeed successfully proceed into and through procurement.
- *No Right to Subsidize.* The bill lacks an express right of applicants to pay a subsidy where budget authority is unavailable. The USDOT's recent policy has been to disallow offers of subsidy.
- *NEPA.* The bill provides that no funding shall be obligated for a project that has not received an environmental categorical exclusion, a finding of no significant impact, or a

record of decision under NEPA. § 602(c)(2). This will preclude financial close and access to TIFIA funds for projects under contract, preliminary design and right of way acquisition prior to completion of NEPA action on the project, activities permitted under existing law and the bill. Project owners will have to find other funding sources if they wish to move forward with preliminary design and right of way acquisition before NEPA action is completed.

- *Development Phase Costs.* The definition of Eligible Costs ties the costs to those incurred by or for the account of the obligor. Where the TIFIA obligor will be a private party to a public-private partnership, development phase costs incurred before the TIFIA credit assistance is closed will be incurred by the project owner rather than this obligor. The bill unfortunately does not clarify that these pre-financing owner-incurred costs can be reimbursed with TIFIA loan proceeds.
- *Funding.* Beginning in FY 2014, if the cumulative unobligated and uncommitted balance of funding available as of April 1 exceeds 75 percent of the amount made available to the TIFIA program for that fiscal year, the TIFIA program must distribute to the States any excess funds and associated obligation authority. § 608(a)(4)(A). Current TIFIA demand makes this scenario unlikely.

TOLLING

Meaningful Reform:

- *New Capacity Tolling.* The bill includes new capacity tolling provisions that change existing law by significantly expanding the scope of permitted tolling on the Interstate System, with the caveat that the number of toll-free non-HOV lanes may not decrease as a result of the construction of such new capacity. The bill also authorizes new capacity tolling on highways, bridges or tunnels that are not on the Interstate System, again with the caveat that the number of toll-free lanes does not decrease.

Specifically, the bill authorizes federal participation in projects for the:

- (A) initial construction of a toll highway, bridge, or tunnel or approach to the highway, bridge or tunnel;
- (B) initial construction of 1 or more lanes or other improvements that increase capacity of a highway, bridge, or tunnel (other than a highway on the Interstate System) and conversion of that highway, bridge, or tunnel to a tolled facility, *if the number of toll-free lanes, excluding auxiliary lanes, after the construction is not less than the number of toll-free lanes, excluding auxiliary lanes, before the construction;*
- (C) initial construction of 1 or more lanes or other improvements that increase the capacity of a highway, bridge, or tunnel on the Interstate System and conversion of that highway, bridge, or tunnel to a tolled facility, *if the number of toll-free non-HOV lanes, excluding auxiliary lanes, after such construction is not less than the number of toll-free non-HOV lanes, excluding auxiliary lanes, before such construction;*
- (D) reconstruction, resurfacing, restoration, rehabilitation, or replacement of a toll highway, bridge, or tunnel or approach thereto;
- (E) reconstruction or replacement of a toll-free bridge or tunnel and conversion of the bridge or tunnel to a toll facility;

- (F) reconstruction of a toll-free Federal-aid highway (other than a highway on the Interstate System) and conversion of the highway to a toll facility;
 - (G) reconstruction, restoration, or rehabilitation of a highway on the Interstate System if the number of toll-free non-HOV lanes, excluding auxiliary lanes, after reconstruction, restoration, or rehabilitation is not less than the number of toll-free non-HOV lanes, excluding auxiliary lanes, before reconstruction, restoration or rehabilitation;
 - (H) conversion of a high occupancy vehicle lane on a highway, bridge, or tunnel to a toll facility; and
 - (I) preliminary studies to determine the feasibility of a toll facility for which Federal participation is authorized under this paragraph.
- *Self-Executing.* The Conference Report removes the requirement that parties execute a § 129 agreement; the bill codifies the substantive requirements, making the provision self-executing. MAP-21 § 1512(a) amending § 129(a)(1).
 - *Existing Toll Pilot Program.* Amendments to § 129 contained in the bill make it unnecessary to extend or expand the Interstate System Construction Toll Pilot Program, which will continue to run until its 2015 expiration date under SAFETEA-LU.

Missed Opportunities:

- *Existing Toll Pilot Programs.* The bill fails to address existing toll pilot programs, which means that the conference committee passed on an opportunity to preserve tolling in a small set of appropriate situations not covered by the bill's amendments to § 129. As a result of the bill's failure to reauthorize the existing 15-project Express Lanes Demonstration Program, FHWA's authority to approve Express Lanes projects will expire on June 30, 2012. Furthermore, participation in both the Value Pricing Pilot Program and the Interstate System Reconstruction and Rehabilitation Pilot Program will continue to be limited – to 15 and three slots, respectively. Currently, there is only one vacancy in the Value Pricing Pilot Program and all three of the Interstate System Reconstruction and Rehabilitation Pilot Program slots are filled.
- *Toll Discontinuation Authority.* The bill grants the Secretary the authority to order the discontinuation of tolls should a public authority not comply with the limitations on the use of toll revenues, until such time that an agreement is reached to achieve compliance. The threat of exercise of this authority by the Secretary could conceivably undermine toll revenue financing for projects. MAP-21 § 1512(a) amending § 129(a)(3)(C).

HOV TOLLING AND FACILITIES

Meaningful Reform:

- *HOV Lanes.* The bill changes existing law to allow the conversion of HOV lanes to tolled lanes as part of the reconstruction, restoration or rehabilitation of a highway on the Interstate System. MAP-21 § 1512(a) adding § 129(a)(1)(G). The bill further authorizes the conversion of HOV lanes on a non-Interstate facility to a toll facility. MAP-21 § 1512(a) adding § 129(a)(1)(H).
- *HOV Speed Restoration.* The bill modifies existing law to impose program sanctions for an agency's failure to bring an HOV facility into compliance within 180 days using the

authorized measures specified. This change to existing law establishes firm federal policy on taking affirmative action to maintain reasonable speeds in HOV lanes. MAP-21 § 1514(3)(D) amending 23 U.S.C. § 166(d)(1)(D), (E).

Missed Opportunities:

- *HOV Lanes.* Despite the improvements to existing law related to the conversion of HOV lanes to tolled lanes noted above, the bill expressly bars tolling of HOV vehicles in converted lanes on the Interstate System. MAP-21 § 1512(a) amending § 129(a)(4)(A).
- *Low-Emission Vehicle Exemption.* Instead of allowing the exemption of low-emission and energy efficient vehicles from high occupancy requirements and from HOT lane tolling expire, the bill extends the exemption through 2017. MAP-21 § 1514(1) amending 23 U.S.C. § 166(b)(5).

ACCELERATED PROJECT DELIVERY

Meaningful Reform:

- *Environmental Process Deadlines.* Intended to encourage timely decisions by environmental agencies, the bill authorizes a process for USDOT and the environmental agencies to establish deadlines for issuance of project approvals and an elevation of disputes among agencies. The bill imposes monetary penalties on agencies that fail to render a project decision by the agreed upon deadlines. MAP-21 § 1306. This provision expands on provisions in the NEPA regulations that provide for establishment of project deadlines. Whether it will be more effective than existing law in requiring environmental agencies to issue timely decisions will depend on the specificity of project deadlines and whether the risk of monetary penalties will motivate environmental agencies to act within the established deadlines.
- *NEPA Delegation.* The bill expands the existing NEPA delegation pilot program to authorize delegation of NEPA responsibilities to all states that satisfy NEPA delegation requirements. MAP-21 § 1313, amending 23 U.S.C. § 327.
- *Programmatic Regulatory Authority.* The bill directs USDOT to adopt rules regarding programmatic approaches to environmental reviews. MAP-21 § 1305, amending 23 U.S.C. § 139(b). The USDOT could exercise this authority to adopt rules that require project-level NEPA reviews to avoid duplicating re-evaluation of corridor level issues such as mode choice, cumulative impacts and growth inducement. However, existing regulations encouraging programmatic approaches to environmental reviews have not been effective in accelerating project-level NEPA compliance.

Missed Opportunities:

- The Conference Report does not include provisions modeled on the Clean Water Act and included in the House-passed bill to use certified state environmental reviews in lieu of NEPA reviews.
- The Conference Report fails to impose enforceable and firm deadlines on the federal environmental review process and relies on the threat of funding penalties to encourage timely reviews and decisions by environmental agencies.

- The Conference Report fails to establish any safe harbors against NEPA litigation where the lead agency has followed approved regulatory approaches to environmental evaluations.
- The Conference Report fails to limit the ability of project opponents to challenge individual project environmental documents that rely on corridor selection, mode choice and other transportation planning decisions.
- The Conference Report fails to establish limits on demands by environmental agencies to require additional NEPA evaluations after the approval of the Final EIS.

PUBLIC-PRIVATE PARTNERSHIPS

Meaningful Reform:

- *Private Sector Participation.* Intended to promote public understanding of public-private partnerships and better coordinate the public and private sectors with respect to public transportation services, the bill requires the Secretary to develop policies and procedures to identify and address impediments to the greater use of public-private partnerships and private investment in public transportation projects. MAP-21 § 20013(a) amending 49 U.S.C. § 5315.

Other Changes:

- *Best Practices and Model Contracts.* The bill imposes new requirements on the Secretary to develop best practices and "standard public-private partnership transaction model contracts" for the "most popular" types of PPPs for the development, financing, construction and operation of transportation facilities. States are encouraged to use those model contracts as a base template. The bill also requires the Secretary to provide technical assistance on public-private partnership practices and methods upon request of the federal-aid recipient. MAP-21 § 1534 and MAP-21 20013(a) and (b) amending 49 U.S.C. § 5315. There is some concern that these provisions may presage a greater future federal regulatory role over public-private partnerships.

PRIVATE ACTIVITY BONDS

Missed Opportunities:

- The Conference Report does not make any changes to transportation private activity bonds, leaving existing law in place. Proposals to improve and expand PABs were not addressed. Forecasts of demand for PABs raise concern that the \$15 billions authorized under existing law will be exhausted before the next reauthorization cycle.

RAILROAD REHABILITATION & IMPROVEMENT FINANCING ("RRIF")
PROGRAM REFORM

Missed Opportunities:

- The Conference Report does not make any programmatic changes to RRIF, leaving existing law in place. Proposals to improve program administration and make the loan approval process more efficient in order to improve program participation were not addressed.