



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

# Memorandum

Subject: **ACTION:** DFW Connector Project  
Special Experimental Project No. 14 (SEP-14)

Date: March 10, 2008

## **/Signed By:/**

From: Dwight Horne  
Director, Office of Program Administration

In Reply Refer To:  
HIPA-30

To: Janice Brown  
Division Administrator  
Austin, TX

This is in reference to Ms. Anita Wilson's March 5, 2008 email that forwarded an SEP-14 work plan from the Texas Department of Transportation (TxDOT) on the DFW Connector Project. TxDOT proposes to use technical concepts from unsuccessful proposers in discussions with the apparent best value firm prior to the award of the contract. This would essentially be a waiver from the requirements of 23 CFR 636.507(b) and 23 CFR 636.513 which prohibit a contracting agency from revealing an offeror's technical solutions with other firms.

TxDOT proposes to notify all proposers of this process through statements in the request-for-proposal document. These statements will provide notice that during negotiations with the apparent best-value proposer prior to contract execution, alternative technical concepts from unsuccessful proposers may be presented for possible incorporation in the final agreement.

You may consider TxDOT's work plan and this waiver to be approved under our SEP-14 innovative contracting experimental program. Thank you for the opportunity to review and comment on this SEP-14 request. Should you have any questions, please contact Gerald Yakowenko at (202) 366-1562.

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