

Chapter 5: Selection Process

This chapter describes the TIFIA project evaluation and selection process. The major phases include: an initial screening of the letter of interest; a review of the application, including an in-depth analysis of the proposed project and plan of finance; the formal scoring of the project; a determination regarding credit assistance; and notification of the decision to the project sponsor.

Section 5-1

Project Evaluation

As described in Chapter 4, each potential applicant must first submit a letter of interest. A DOT evaluation team will review each letter to ensure that the project satisfies the basic requirements for TIFIA eligibility.

The formal TIFIA selection process will begin upon the project sponsor's submission of a complete application. Depending on the modal characteristics of the project, the DOT may establish an evaluation team representing several offices and agencies (e.g., FHWA, FRA, FTA) to lead the review. The evaluation team will screen the application for completeness of information, satisfaction of the threshold requirements described in Chapter 3, and project readiness. The DOT typically will employ the services of an expert financial advisor to assist with financial and credit risk assessments of the project.

Initial Screening of Application

Upon receipt of the application, the DOT will review it with respect to a variety of major factors, including:

- Project Cost. The reasonably anticipated eligible project costs total at least \$100 million or comprise at least 50 percent of the state's Federal-aid highway apportionments (whichever is less). If the project principally involves the installation of an Intelligent Transportation System (ITS), it must cost at least \$30 million.
- Rating Opinion. The application includes at least one preliminary rating opinion letter from a nationally recognized credit rating agency. This preliminary assessment of the project's proposed financing structure must indicate that the senior obligations funding the project have the potential to receive an investment grade rating (Baa3/BBB- or higher).¹ Additionally, the letter should provide a preliminary assessment of the default risk on the requested TIFIA instrument. The DOT will not consider projects that do not demonstrate the potential for the senior obligations to receive an investment grade rating. The letter should also assess the strength of either the overall project or the TIFIA instrument – whichever the rating agency determines best reflects the default risk, without regard to recovery potential, on the requested TIFIA assistance.

¹ If there are no debt obligations senior to the TIFIA credit instrument, then the TIFIA credit instrument itself must be shown to have the potential to obtain an investment grade rating.

- Planning Requirements. The project is consistent with the long-range state transportation plan and, if located in a metropolitan area, appears in the metropolitan transportation plan.
- Credit Assistance Request. The total amount of requested TIFIA credit assistance does not exceed 33 percent of defined eligible project costs as discussed in Chapter 3.
- Repayment Source. Both project debt generally and TIFIA debt specifically shall be repaid in whole or in part by a dedicated revenue source as discussed in Chapter 3. The DOT expects that revenues pledged to the TIFIA obligation should be of substantially similar credit quality to those securing the senior debt.
- Environmental Review. At a minimum, the applicant has circulated a Draft EIS, unless the project has received either a FONSI or a Categorical Exclusion. The DOT will not select any project before a ROD (if required, or the equivalent final agency decision) has been issued for that project.
- TIFIA Compliance Certifications. The applicant has certified compliance with 23 U.S.C. or relevant provisions of 49 U.S.C., as applicable. Also, the applicant has certified compliance with the National Environmental Policy Act of 1969, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and Title VI of the Civil Rights Act of 1964.
- Other Compliance Issues. The applicant has certified compliance with other application requirements shared by all federal credit programs, such as no delinquency or default on any federal debt or debarment from participation in any federal programs. In addition, the applicant has provided a comprehensive project management and monitoring proposal that will assure the DOT of the project sponsor's ongoing compliance with all applicable federal laws and regulations.

Oral Presentation

If the application successfully completes the screening process, the DOT will invite the applicant to make a formal presentation followed by a question-and-answer session. In addition to the DOT evaluation team and financial advisor, other officials, including members of the TIFIA Credit Council, may attend the presentation. This formal presentation is intended to clarify the applicant's proposed plan and to resolve other issues relating to the application. The structure and content of the presentation will be discussed with each applicant at the time of the invitation. In general, the framework of the presentation consists of three sections: 45 minutes to describe the project and the management team; 45 minutes to review the financing plan; and 30-45 minutes for a question-and-answer session. At the presentation, the DOT may require the project sponsor to provide additional information, including clarifications regarding cash flows, sources and uses, or other issues identified by the TIFIA JPO.

Project Assessment

Based on the financial information presented in the application and oral presentation (and any supplemental materials), the DOT will estimate the subsidy cost for the proposed credit assistance (see Appendix B for details). This preliminary subsidy calculation, reflecting the DOT's estimated credit risk, will determine the amount of TIFIA budget authority the project would consume if selected for credit assistance.

Concurrent with the preliminary calculation of the project's subsidy cost, the evaluation team will assess the strengths of the application according to each of the eight selection criteria specified under 23 U.S.C. 182(b)(2). Per a revised Final Rule, published in the Federal Register on July 19, 2000 (65 FR 44936, see Appendix C), the DOT has assigned specific weights to the selection criteria, as follows:

- Significance (20 percent): The extent to which the project is nationally or regionally significant, in terms of generating economic benefits, supporting international commerce, or otherwise enhancing the national transportation system.
- Private Participation (20 percent): The extent to which assistance would foster innovative public-private partnerships and attract private debt or equity investment.
- Environment (20 percent): The extent to which the project helps maintain or protect the environment.
- Project Acceleration (12.5 percent): The likelihood that assistance would enable the project to proceed at an earlier date than the project would otherwise be able to proceed.
- Creditworthiness (12.5 percent): The creditworthiness of the project, including a determination by the Secretary that any financing for the project has appropriate security features, such as a rate covenant, to ensure repayment.
- Use of Technology (5 percent): The extent to which the project uses new technologies, including intelligent transportation systems, that enhance the efficiency of the project.
- Consumption of Budget Authority (5 percent): The amount of budget authority consumed in funding the requested federal credit instrument.
- Reduced Federal Grant Assistance (5 percent): The extent to which assistance would reduce the contribution of federal grant assistance to the project.

The DOT currently finds these eight selection criteria to be sufficient and does not plan to establish additional criteria. Appendix E provides guidelines that the DOT will consider in evaluating TIFIA applications according to the criteria. The DOT may revise these informal guidelines from time to time and will publish them to assist applicants and inform others about the TIFIA evaluation and selection process.

Section 5-2

Project Scoring and Recommendations

Upon completion of the project assessment described above, the DOT evaluation team will develop an overall score for the project. The TIFIA JPO will examine and compare the evaluation with those for projects that have previously applied for TIFIA credit assistance. This final evaluation score is utilized as a guide for determining whether to recommend an award of credit assistance.

The TIFIA JPO will then prepare a recommendation regarding credit assistance and forward it to the TIFIA Credit Council.

Section 5-3

Project Selection

The TIFIA Credit Council provides recommendations to the Secretary of Transportation, who will make the final determination regarding TIFIA assistance. Following a favorable decision and sponsor notification, the TIFIA JPO will prepare a term sheet for execution with the project sponsor. While the term sheet demonstrates DOT's commitment to fund the project, the decision to provide financing does not mean that the DOT agrees with all specific terms in the application. The term sheet is subject in all respects to the execution of a credit agreement on acceptable terms and conditions. Once negotiations are completed, the parties will execute a definitive credit agreement and close the transaction. These contractual documents are described in Chapter 6.

Section 5-4

Summary of the TIFIA Selection Process

Exhibit 5-A provides a summary of the TIFIA application and selection processes addressed in Chapters 4 and 5.

Exhibit 5-A: The TIFIA Selection Process

Action	Responsible Party
<p>Announcement of Funding Availability:</p> <ul style="list-style-type: none"> • Submit annual NOFA to the Federal Register indicating current available TIFIA budget authority and credit assistance. 	<ul style="list-style-type: none"> • DOT
<p>Initial Submission - Letter of Interest:</p> <ul style="list-style-type: none"> • Write the letter of interest and submit it to the DOT. 	<ul style="list-style-type: none"> • Applicant
<p>Project Screening:</p> <ul style="list-style-type: none"> • Establish an evaluation team to review the project. • Determine whether the prospective project meets basic eligibility requirements. • Notify the applicant of its eligibility to submit an application and answer questions relating to the application, as needed. 	<ul style="list-style-type: none"> • TIFIA JPO • DOT Evaluation Team • DOT Evaluation Team
<p>Application:</p> <ul style="list-style-type: none"> • Prepare and submit the application (with the appropriate number of copies) along with the application fee. • Perform an initial review of the application and, if it passes the initial screening for completeness and compliance, invite the applicant to make an oral presentation. 	<ul style="list-style-type: none"> • Applicant • DOT Evaluation Team
<p>Oral Presentation:</p> <ul style="list-style-type: none"> • Present the proposal to the evaluation team and financial advisor, as well as representatives of the TIFIA JPO and the TIFIA Credit Council. 	<ul style="list-style-type: none"> • Applicant
<p>Project Scoring:</p> <ul style="list-style-type: none"> • Based on the written application and oral presentation, assess the project with respect to the eight selection criteria. • Calculate the credit subsidy cost estimate. • Score the project according to each of the eight selection criteria. 	<ul style="list-style-type: none"> • DOT Evaluation Team • TIFIA JPO • DOT Evaluation Team and TIFIA JPO
<p>Recommendations for TIFIA Credit Council and DOT Secretary:</p> <ul style="list-style-type: none"> • Prepare and present a recommendation for each project to the TIFIA Credit Council. • Review, approve, or revise respective recommendation and forward to the DOT Secretary for final decision on approval. 	<ul style="list-style-type: none"> • DOT Evaluation Teams and TIFIA JPO • TIFIA Credit Council
<p>Notifications:</p> <ul style="list-style-type: none"> • Approve each project selection, as appropriate, and authorize the issuance of a term sheet and the subsequent negotiation of a credit agreement. • Post results on the TIFIA web site. 	<ul style="list-style-type: none"> • DOT Secretary • TIFIA JPO