

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

RESOLUTION NO. 09-68

**Rejection of Bids for Construction Services for 183-A Phase I
Shared Use Path and Re-initiation of Procurement**

WHEREAS, the Central Texas Regional Mobility Authority ("CTRMA") was created pursuant to the request of Travis and Williamson Counties and in accordance with provisions of the Transportation Code and the petition and approval process established in 43 Tex. Admin. Code § 26.01, *et. seq.* (the "RMA Rules"); and

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

WHEREAS, the CTRMA identified the 183-A Turnpike Project (the "Project") as its initial project in a petition filed under the RMA rules and has subsequently undertaken to cause the Project to be constructed and completed; and

WHEREAS, an integral part of the Project is the provision of multi-modal transportation opportunities, including trails and paths for use by pedestrians and bicyclists along portions of the Project; and

WHEREAS, the CTRMA developed plans for a shared use path along portions of the Project in the vicinity of Brushy Creek, with the first phase extending northward to FM 1431 (the "Shared Use Path"); and

WHEREAS, in Resolution No. 07-53, dated August 27, 2007, the CTRMA Board of Directors authorized the procurement of construction services for the construction of the Shared Use Path at the appropriate time; and

WHEREAS, an invitation for bids for the construction of the Shared Use Path was issued, and bids were received on September 15, 2009; and

WHEREAS, five of the eight responding bidders failed to include in bid proposals information necessary to meet the requirements of the bid documents; and

WHEREAS, because a significant number of bids were disqualified staff believes that re-advertising the Project is in the best interest of the Authority and may result in a lower bid for the work; and

WHEREAS, the CTRMA Executive Director recommends that it is in the best interest of the Authority to reject all bids received for construction services for the Shared Use Path in

accordance with Section 5.14 of the CTRMA's Policies and Procedures Governing Procurements of Goods and Services and re-initiate the procurement of the desired services.


NOW THEREFORE, BE IT RESOLVED, that the Board of Directors of the CTRMA, acting on the recommendation of the Executive Director, determines that it is in the best interest of the Authority to reject all bids received for construction services for the Shared Use Path; and


BE IT FURTHER RESOLVED, that the Board of Directors authorizes CTRMA staff to develop and issue a new invitation for bids for the desired services and to recommend to the Board of Directors the lowest best bidder.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 28th day of October, 2009.

Submitted and reviewed by:

Approved:


Tom Nielson
General Counsel for the Central
Texas Regional Mobility Authority


James H. Mills
Vice-Chairman, Board of Directors
Resolution Number 09-68
Date Passed: 10/28/09

2.2 Eligibility of Bidders

This Section is amended as follows:

Only contractors who are or can be pre-qualified by the Texas Department of Transportation for the designated Work Categories – Earthwork, Minor Structures/Misc. Concrete, Traffic Control Devices, and Painting & Striping - and with a Bidding Capacity of at least \$300,000 will be permitted to submit Bids for this Project. The foregoing notwithstanding, the Authority reserves the right to reject the bid of any bidder because of reason of unsatisfactory performance or progress on other or prior Authority contracts, as determined by the Authority in its sole discretion.

Contract documents are made available to all parties (as stated in the Advertisement for Bids). Prospective Bidders must be eligible in order to submit a valid Bid form. Ineligible Contractors awaiting the decision of prequalification may initially secure documents with the Bid form. A Bid submitted by an ineligible Contractor, in advance of and conditional on the favorable outcome of the prequalification procedure, will not be accepted.

The Authority cannot be held liable in the event a party is unable to submit a valid bid due to a delay in the prequalification procedure. Securing prequalification and the timing thereof, shall at all times be the sole responsibility of the Contractor.

The Texas Department of Transportation may at any time and at its sole discretion temporarily disqualify a previously pre-qualified contractor for reasons of unsatisfactory performance or progress on a project or for other sufficient reason. Until such time as a disqualified contractor is reinstated, the Contractor will not be permitted to bid on contracts for the Authority. The Authority reserves the right to require a pre-qualified contractor to submit a current financial and experience statement at any time.

If a group of contractors should desire to submit a single bid for a contract or group of contracts, acting under the terms of a joint venture, each such contractor must be prequalified in the proper classification of work and must be registered with the Texas Department of Transportation. The total of the estimated dollar values of this type of work for all the contractors involved will be considered as the maximum capacity of the joint venture.

2.7 Non-responsive Proposals

The following is added:

- M. If the bidder fails to attach the copy of their TxDOT Certificate of Qualification to their Statement of Contracts Underway Form.
- N. If the bidder is not pre-qualified at the time of the bid opening in the proper classification of work and registered with TxDOT.

**CTRMA SHARED USE PATH
PRE-BID MEETING SIGN-IN SHEET**

Tuesday - September 1, 2009



Central Texas Regional
Mobility Authority

	NAME	ORGANIZATION	PHONE NO.	E-MAIL
1.	Wendi Rowntree	JC Evans Const.	244-1400	JOHN.M@JC.EVANS.COM
2.	Stephen Rasales	Westar Const.	512-990-7175	lrasales@westarconstruction.com
3.	ED FRITCHETT	RAILWORKS	904-562-9978	EFRITCHETT@RAILWORKS.COM
4.	CHARLES SPEED	CHASCO Constructors	244-0600	DAVID@CHASCO.COM
5.	Doug Spruill	KGM Constructors	990-8313	BLOY@KGM.CO.COM
6.	Tommy Beavert	Lone Star Ready Mix	721-6408	hbeavert@lonestarradymix.com
7.	TREY EPPERT	Joe Blund Const.	821-2808	teppert@joeblundconstruction.com
8.	JEFF SPADE	Greater Austin Dev.	310-9300	Jspade@agadco.com
9.	Scott Budd	Gantiss Co.	512-498-2088	sbudd@gantisscompany.com
10.	J.K. Bickley	Austin Engineering Co.	512-327-1464	jbickley@aeconet.net
11.	Johnny Leverett	Lone Star Ready Mix	512-297-0972	johnny@lonestarradymix.com
12.	GEORGE MAYFIELD	DWCO	370-1410	Gmayfield@DANWILLIAMScompany.com
13.	Chris Foster	Capital Excavation	410-1717	CBotkin@capitalexcavation.com
14.	RICK BLANCH	THE BARR COMPANY	474-4222	rick@thebarrcompany.com
15.	Ryan Oklendoff	Austin Bridgetts	214-5776	jrthomas@austin-146.com
16.	Doug Graham	FTWOODS	930-2607	dggraham@ftwoods.com
17.	Ben Gissett	Aaron Concrete	926-7326	ben@aaronconcrete.com
18.	Louis Gonzalez for Don Parker	Austin Filter Sys.	331-6673	Donats@gotsky.com
19.				
20.				

Project Name
183A Toll Road – Shared Use Path
Section 1

Date of Meeting
September 1, 2009

HNTB

Location
4/4 Conference Room
301 Congress, Suite 600
Austin, TX 78701

Purpose of Meeting
Pre-Bid Meeting

Time
2:00 PM – 4:00 PM

Participants
Bidders, HNTB, CTRMA

MEETING AGENDA

1. **Introductions**
2. **Project Information**
 - A. Location: 183A – (Williamson County)
 - B. Nature and Size of Project: New Shared Use Path 2.22 mi. long
 - C. Bid Due Date: September 15, 2009
 - D. Schedule: 330 Calendar Days
3. **Project Issues:**
 - A. The work under this Contract shall be completed within three-hundred thirty (330) calendar days after notice to proceed. The contract time includes the mobilization and material procurement period. Unless otherwise directed, commencement of construction activities within Capital Metro Right-of-Way shall not begin until all construction materials for the railroad crossing have been procured and verified by the engineer. Materials on hand payments will be made during the procurement period. Section 2 of the plan set (railroad crossing) and all other work within Capital Metro Right-of-Way must be completed within forty-five (45) days after construction begins, and must be completed and accepted prior to beginning major construction activities on the remainder of the Project. The complete list of quantities is located in the bid tab.
 - B. Additional Railroad Insurance is required please look closely at Item # 7.4 Insurance and Bonds of the Contract Documents. Prof of Insurance must be supplied within 14 Calendar Days after written Notice of Award is given.
 - C. Capital Metro shall approve all railroad signal materials. All railroad signal work shall be performed under the supervision of a person with not less than five (5) years supervisory experience in railroad signal construction. Contractor shall submit certification of the signal construction supervisor and three references for similar projects. All railroad signal work shall be performed by a person with not less than two (2) years experience in railroad signal construction. Contractor shall submit certification of the signal construction technician and three references for similar projects.

- D. The Contractor must cooperate with Capital Metro and comply with all of their requirements including obtaining any training they require before performing work on railroad property. The Contractor is required to coordinate activities on this property with the activities of Capital Metro as well as other parties authorized to be on the property by Capital Metro. Contractor will contact Capital Metro's contractor for their work schedule, and will coordinate the railroad crossing work so as not to impede the work of Capital Metro's contractor. The safe operation of Capital Metro facilities shall take precedence over all work.
- E. This Project is Federally funded and therefore the federal contracting requirements will be adhered to which include EEO requirements, federal wage rate requirements and a minimum 12.7% DBE Commitment.

4. **Bid Shall Include:**

- A. Proposal Guaranty consisting of either a certified check in the amount of at least five (5) percent of the Total Bid Price, made payable to the Central Texas Regional Mobility Authority, or a Proposal Bond (on the form provided) in the amount of five (5) percent of the same Total Bid Price.
- B. Proof of Prequalification by the Texas Department of Transportation (TxDOT) for bidding on State projects under the "Earthwork", "Asphalt", "Traffic Control Devices", and "Painting & Striping", classifications.
- C. Pre-approval by Capital Metro for work on railroad crossing signals.
- D. Non-Collusion Affidavit
- E. Debarment Affidavit
- F. Statement of Contracts Underway.
- G. Receipt of Addenda

5. **Addenda Items:**

- A. Addition of pre-approved bridge manufacturer:

US Bridge,
12317 Terranova Cv.
Austin, TX 78739
(512) 243-7368
(512) 233-2464 Fax
usbridge.com

6. **Open Questions**

Shared Use Path Bid Opening Checklist and Summary

10/22/2009

	Proposal Guaranty	TxDOT Prequalification	Non Collusion Affidavit	Statement of Contracts Underway	Receipt of Addenda	Debarment Affidavit	Bid Price
Pre Bid Attendees							
FTWoods	X		X	X	X	X	\$1,936,644.05
Greater Austin Development	X	* X	X	X	X	X	\$2,079,988.22
Chasco	X	X	X	X	X	X	\$2,196,222.60
RGM	X	X	X	X	X	X	\$2,236,455.66
Austin Engineering	X		X	X		X	\$2,359,441.20
The Barr Company	X	X	X	X	X	X	\$2,411,895.04
Joe Bland	X		X	X	X	X	\$2,647,392.15
Aaron Concrete	X		X	X		X	\$3,454,130.77

* Prequalification was expired

Note: Per the contract requirements three of the eight bids were considered responsive

The difference between the lowest bidder and the lowest qualified bid:

\$ 259,578.60

Exerpt from CTRMA Letter to Bidders dated October 9,2009:

"The intent of this letter is to advise you that upon review of all bid proposals received on the subject contract, the CTRMA has determined that, to encourage competitive bidding as well as ensure fairness and transparency in its procurement processes, it is in the agency's best interest to reject all proposals and to re-advertise the contract for bidding.

Review of the bid proposals revealed that five of the eight bids received failed to include the TxDOT Certificate of Qualification as required for a Responsive proposal. The agency's Special Provisions include a very specific requirement that, if the bidder fails to attach a copy of their currently active TxDOT Certificate of Qualification to their Statement of Contracts Underway Form, the proposal will be nonresponsive and will not be considered. Please note, the Shared Use Path contract documents for re-advertisement will retain this specific requirement."