

TEXAS TRANSPORTATION COMMISSION

BOSQUE County

MINUTE ORDER

Page 1 of 1

WACO District

Project RMC 6124-72-001 (Delineation installation) was let on May 12, 2005, in the Waco District. Direct Services was the low bidder but failed to provide the required bonds and was declared in default. The second lowest bidder, T & L Cleaning Services, has indicated in writing that it is willing to perform the work at the unit bid prices set forth in the lowest bid.

Section 221.0041 of the Transportation Code allows the Texas Transportation Commission (commission), under certain conditions, to award a maintenance contract of less than \$100,000 to the second lowest bidder when the lowest bidder does not execute a contract.

Title 43, Texas Administrative Code §9.17(d) allows the commission to accept the withdrawal of the lowest bid and award the contract to the second lowest bidder on the recommendation of the executive director when the executive director determines that the second lowest bidder is willing to perform the work at the unit bid prices of the lowest bidder, the unit bid prices of the lowest bidder are reasonable, and delaying award of the contract may result in significantly higher unit bid prices.

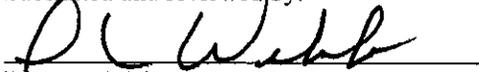
The memorandum attached as Exhibit A to this minute order and incorporated in this order by reference contains the executive director's recommendation and written determination, required by 43 TAC §9.17(d), that the contract is eligible for award to the second lowest bidder in accordance with the law and the rules.

The commission concurs with the executive director's determinations as set forth in attached Exhibit A.

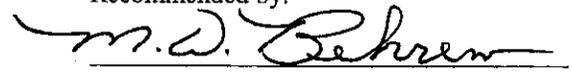
IT IS THEREFORE ORDERED by the commission that Direct Services be allowed to withdraw its bid for the contract for Project RMC 6124-72-001.

IT IS FURTHER ORDERED that the contract for Project RMC 6124-72-001 be awarded to T & L Cleaning Services in the low bid amount of \$42,034.52.

Submitted and reviewed by:

  
Director, Maintenance Division

Recommended by:

  
Executive Director

**110119 JUN 30 05**

Minute Number      Date Passed

EXHIBIT A

# MEMORANDUM



**TO:** Transportation Commission  
**FROM:** Michael W. Behrens, P.E.  
**SUBJECT:** Minute Order  
Award to Second Low Bidder

**DATE:** June 17, 2005

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Contract No.: 05050901  
Project: RMC 6124-72-001  
Highway: FM 0056  
County: Bosque

Description: Delineation Installation  
Engineer's Estimate: \$52,954.00  
Low Bid: \$42,034.52

Project RMC 6124-72-001 (Delineation Installation) was let on May 12, 2005, in the Waco District. The low bidder was Direct Services with a bid in the amount of \$42,034.52. Direct Services was unable to provide required bonds and subsequently indicated they would not be able to perform the contract.

The second lowest bidder, T & L Cleaning Services has indicated in writing that it wants the contract and is willing to perform the work at the unit bid prices on Direct Services bid. T & L Cleaning Services original bid was \$3,616.48 higher than Direct Services. I find that the unit bid prices of the lowest bidder are reasonable and that delaying the award of this contract may result in significantly higher unit prices.

Based on the above, I recommend that the contract be awarded to T & L Cleaning Services