TEXAS TRANSPORTATION COMMISSION

TITUS County

MINUTE ORDER

ATLANTA District

Project RMC 6151-82-001 (Mowing Right of Way, Tract 7) was let on November 8, 2006 in the Atlanta District. Perry M. West was the low bidder but failed to execute the contract. The second lowest bidder, Langford Contractors, 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 $300,000 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 Perry M. West be allowed to withdraw its bid for the contract for Project RMC 6151-82-001.

IT IS FURTHER ORDERED that the contract for Project RMC 6151-82-001 be awarded to Langford Contractors in the low bid amount of $83,960.00.

Submitted and reviewed by:

Director, Maintenance Division

Recommended by:

M. W. Behrens

Executive Director

110794 DEC 14 06

Minute Number | Date Passed

EXHIBIT A

MEMORANDUM

Texas Department of Transportation

TO: Transportation Commission November 29, 2006

FROM: Michael W. Behrens, P. E. M.W.B.

SUBJECT: Minute Order
Award to Second Low Bidder

Contract No.:	11061908
Project:	RMC 615182001
Highway:	US 271, etc.
County:	Titus
Description:	Mowing Right of Way Tract 7
Engineer's Estimate:	$90,676.00
Low Bid:	$83,960.00

Project RMC 615182001 (Mowing Right of Way Tract 7) was let on November 8, 2006, in the Atlanta District. The low bidder was Perry M. West with a bid in the amount of $83,960.00. Perry M. West has realized that he will not be able to fulfill his obligation to the contract due to having too much work.

The second lowest bidder, Langford Contractors, has indicated that he wants the contract and is willing to perform the work at the unit bid prices on Perry M. West's bid. Langford Contractors' original bid was $1,469.30 higher than Perry M. West's. 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 Langford Contractors.