

TEXAS TRANSPORTATION COMMISSION

BEXAR County

MINUTE ORDER

Page 1 of 1

SAN ANTONIO District

Project RMC 6156-68-001 (Culvert Replacement) was let on February 21, 2007 in the San Antonio District. K-Bar Services, Inc., was the low bidder but has failed to execute the contract. The second lowest bidder, NNA Financial Services, Co., has indicated in writing that they are 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 K-Bar Services, Inc. be allowed to withdraw its bid for the contract for Project RMC 6156-68-001.

IT IS FURTHER ORDERED that the contract for Project RMC 6156-68-001 be awarded to NNA Financial Services, Co. in the low bid amount of \$280,628.00.

Submitted and reviewed by:

Recommended by:

\_\_\_\_\_  
Director, Maintenance Division

\_\_\_\_\_  
Executive Director

\_\_\_\_\_  
Minute Number      Date Passed

EXHIBIT A

# MEMORANDUM



**TO:** Texas Transportation Commission

April 9, 2007

**FROM:** Michael W. Behrens, P. E.

**SUBJECT:** Minute Order  
Award to Second Low Bidder

---

Contract No.: 04071501  
Project: RMC 615668001  
Highway: LP 1604  
County: Bexar

Description: Culvert replacement  
Engineer's Estimate: \$257,912.17  
Low Bid: \$280,628.00

Project RMC 615668001 (Culvert Replacement) was let on February 21, 2007, in the San Antonio District. The low bidder was K-Bar Services, Inc. with a bid in the amount of \$280,628.00. K-Bar Services, Inc. was unable to execute the contract.

The second lowest bidder, NNA Financial Services, Co. has indicated that it wants the contract and is willing to perform the work at the unit bid prices on K-Bar Services, Inc. bid. NNA Financial Services, Co. original bid was \$28,117.00 higher than K-Bar Services, Inc. I find that the unit bid prices of the lowest bidder are reasonable. In addition, there is a specific need to expedite completion of the project to protect the safety of the traveling public.

Based on the above, I recommend that the contract be awarded to NNA Financial Services, Co.