

TEXAS TRANSPORTATION COMMISSION

ARANSAS County

MINUTE ORDER

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CORPUS CHRISTI District

Project RMC 6167-87-001 (Tree Trimming and Brush Removal) was let on September 27, 2007 in the Corpus Christi District. Two Sister's Construction Company was the low bidder but was unable to fulfill bonding requirements. The second lowest bidder, Woodstock Tree Surgeons, 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 Two Sister's Construction Company, be allowed to withdraw its bid for the contract for Project RMC 6167-87-001.

IT IS FURTHER ORDERED that the contract for Project RMC 6167-87-001 be awarded to Woodstock Tree Surgeons, in the low bid amount of \$56,693.75.

Submitted and reviewed by:

Recommended by:

Director, Maintenance Division

Executive Director

Minute Number Date Passed

EXHIBIT A

MEMORANDUM



TO: Transportation Commission
FROM: Amadeo Saenz, Jr., P. E.
SUBJECT: Minute Order
Award to Second Low Bidder

October 31, 2007

Contract No.: 09071604
Project: RMC 616787001
Highway: FM 1069, etc.
County: Aransas

Description: Tree Trimming and Brush Removal
Engineer's Estimate: \$65,137.00
Low Bid: \$56,693.75

Project RMC 616787001 (Tree Trimming and Brush Removal) was let on September 27, 2007, in the Corpus Christi District. The low bidder was Two Sister's Construction Company, with a bid in the amount of \$56,693.75. Two Sister's Construction Company was unable to fulfill the bonding requirements.

The second lowest bidder, Woodstock Tree Surgeons has indicated that they want the contract and is willing to perform the work at the unit bid prices on Two Sister's Construction Company's bid. Woodstock Tree Surgeons, original bid was \$3,618.75 higher than Two Sister's Construction Company. 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 Woodstock Tree Surgeons.