

TEXAS TRANSPORTATION COMMISSION

GREGG County

MINUTE ORDER

Page 1 of 1

TYLER District

Project RMC 6202-41-001 (ROW mowing and litter removal) was let on December 15, 2009 in the Tyler District. Royal Finish was the low bidder but has failed to execute the contract. The second lowest bidder, Texas Tree & Landscape, LTD, 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.

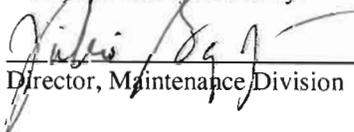
The memorandum attached as Exhibit A to this minute order and incorporated in this order by reference contains the executive director's recommendation and written determination, required by 43 TAC §9.17(d), that the contract is eligible for award to the second lowest bidder in accordance with the law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

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

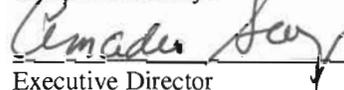
IT IS THEREFORE ORDERED by the commission that Royal Finish, be allowed to withdraw its bid for the contract for Project RMC 6202-41-001.

IT IS FURTHER ORDERED that the contract for Project RMC 6202-41-001 be awarded to Texas Tree & Landscape, LTD in the low bid amount of \$ 96,140.74.

Submitted and reviewed by:

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

Recommended by:

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

**112174 FEB 25 10**

Minute Number      Date Passed

EXHIBIT A

# MEMORANDUM



**TO:** Transportation Commission

February 10, 2010

**FROM:** Amadeo Saenz, Jr., P. E.

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

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Contract No.: 12091005  
Project: RMC 620241001  
Highway: US 80, etc.  
County: Gregg

Description: ROW Mowing and Litter Removal  
Engineer's Estimate: \$121,894.08  
Low Bid: \$96,140.74

Project RMC 620241001 (ROW mowing and litter removal) was let on December 15, 2009, in the Tyler District. The low bidder was Royal Finish, with a bid in the amount of \$96,140.74. Royal Finish did not meet bonding requirements and failed to execute the contract.

The second lowest bidder, Texas Tree & Landscape, LTD has indicated that they want the contract and is willing to perform the work at the unit bid prices on Royal Finish's bid. Texas Tree & Landscape, LTD original bid was \$23,674.22 higher than Royal Finish. 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 Texas Tree & Landscape, LTD.