

TEXAS TRANSPORTATION COMMISSION

BOWIE County

MINUTE ORDER

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ATLANTA District

Project RMC 6217-05-001 (Mowing Right of Way Tract 18) was let on December 1, 2010 in the Atlanta District. Perry M. West was the low bidder but has failed to execute the contract. The second-lowest bidder, Brydl Contracting, Inc., 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 Perry M. West be allowed to withdraw his bid for the contract for Project RMC 6217-05-001.

IT IS FURTHER ORDERED that the contract for Project RMC 6217-05-001 be awarded to Brydl Contracting, Inc. in the low bid amount of \$84,352.00.

Submitted and reviewed by:

Director, Maintenance Division

Recommended by:

Executive Director

112573 JAN 27 11

Minute Number

Date Passed

EXHIBIT A

MEMORANDUM



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

January 27, 2011

Contract No.: 12101910
Project: RMC 621705001
Highway: IH 30
County: Bowie

Description: Mowing Right of Way Tract 18
Engineer's Estimate: \$80,190.00
Low Bid: \$84,352.00

Project RMC 621705001 (Mowing Right of Way Tract 18) was let on December 1, 2010, in the Atlanta District. The low bidder was Perry M. West, with a bid in the amount of \$84,352.00. Perry M. West failed to execute the contract.

The second-lowest bidder, Brydl Contracting, Inc. has indicated that they want the contract and is willing to perform the work at the unit bid prices on Perry M. West's bid. Brydl Contracting, Inc. original bid was \$12,448.50 higher than Perry M. West. 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 Brydl Contracting, Inc.