

TEXAS TRANSPORTATION COMMISSION

HOPKINS County

MINUTE ORDER

Page 1 of 1

PARIS District

Project RMC 6218-36-001 (Cleaning and Sweeping of Highways) was let on November 10, 2010, in the Paris District. CNR Ground Solutions was the low bidder but has failed to execute the contract. The second-lowest bidder, Catocon, 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 CNR Ground Solutions be allowed to withdraw its bid for the contract for Project RMC 6218-36-001.

IT IS FURTHER ORDERED that the contract for Project RMC 6218-36-001 be awarded to Catocon, Inc. in the low bid amount of \$72,225.00.

Submitted and reviewed by:

Director, Maintenance Division

Recommended by:

Executive Director

112574 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.: 11100109
Project: RMC 621836001
Highway: IH 30
County: Hopkins

Description: Cleaning and Sweeping of Highways
Engineer's Estimate: \$123,000.00
Low Bid: \$72,225.00

Project RMC 621836001 (Cleaning and Sweeping of Highways) was let on November 10, 2010, in the Paris District. The low bidder was CNR Ground Solutions, with a bid in the amount of \$72,225.00. CNR Ground Solutions failed to execute the contract.

The second-lowest bidder, Catocon, Inc. has indicated that they want the contract and is willing to perform the work at the unit bid prices on CNR Ground Solutions bid. Catocon, Inc.'s original bid was \$2,323.50 higher than CNR Ground Solutions. 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 Catocon, Inc.