

TEXAS TRANSPORTATION COMMISSION

FANNIN County

MINUTE ORDER

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PARIS District

Project RMC 6237-15-001 (One way traffic control - flagging only) was let on February 16, 2012, in the Paris District. East Pointe Holdings, Inc., was the low bidder, but has failed to execute the contract. The second lowest bidder, Chitwood, 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 223.0041 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 prices of the lowest bidder are reasonable, and delaying award of the contract may result in significantly higher unit bid prices.

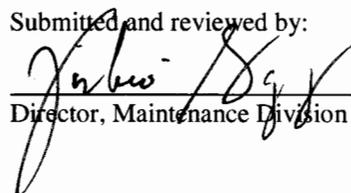
The memorandum attached as Exhibit A to this minute order and incorporated in this order by reference contains the executive director's recommendation and written determination, required by 43 TAC §9.17(d), that the contract is eligible for award to the second lowest bidder in accordance with the law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

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

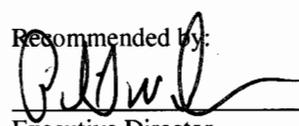
IT IS THEREFORE ORDERED by the commission that East Pointe Holdings, Inc., be allowed to withdraw its bid for the contract Project RMC 6237-15-001.

IT IS FURTHER ORDERED that the contract for Project RMC 6237-15-001 be awarded to Chitwood, Inc., in the low bid amount of \$39,000.

Submitted and reviewed by:


Director, Maintenance Division

Recommended by:


Executive Director

113093 APR 26 12

Minute Number Date Passed



MEMORANDUM

TO: Toribio Garza, P.E.
Director, Maintenance Division

DATE: March 14, 2012

FROM: Bobby Littlefield, P.E.
Paris District Engineer

A handwritten signature in black ink, appearing to read "Bobby Littlefield".

SUBJECT: Award of Contract
Fannin County
RMC 6237-15-001

We recently awarded the above mentioned project to East Pointe Holdings, Inc. after our February local letting. East Pointe was unable to execute the contracts due to failure to provide the required bond. We would like to request the award of the above contract to the 2nd bidder, Chitwood, Inc. Chitwood has agreed to perform the work at the unit bid prices of the lowest bidder. We feel these prices are reasonable, and delaying award of the contract may result in higher unit prices. The prices of each bidder are listed below:

<u>Contractor</u>	<u>Unit Bid Price</u>	<u>Total Bid Amount</u>
East Pointe Holdings, Inc.	\$19.50	\$39,000
Chitwood, Inc.	\$20.95	\$41,900

If you have any questions, please contact Renee Coston at 903-737-9352.