

AGENDA
STATE TRANSPORTATION BOARD MEETING
9:00 a.m., Friday, September 18, 2009
Town of Snowflake Council Chambers
81 West 1st South
Snowflake, AZ 86326

Pursuant to A.R.S. Sec. 38-431.02, notice is hereby given to the members of the State Transportation Board and to the general public that the State Transportation Board will hold a meeting open to the public on Friday, September 18, 2009, 9:00 a.m., at the Town of Snowflake Council Chambers, 81 West 1st South, Snowflake, Arizona 86326. The Board may vote to go into Executive Session, which will not be open to the public, to discuss certain matters relating to any items on the agenda. Members of the Transportation Board will attend either in person or by telephone conference call.

EXECUTIVE SESSION OF THE STATE TRANSPORTATION BOARD

Pursuant to A.R.S. 38-431.03 (A)(3), notice is hereby given to the members of the Arizona State Transportation Board and to the general public that the Board may meet in Executive Session for discussion or consultation for legal advice with legal counsel at its meeting on Friday, September 18, 2009. The Board may, at its discretion, recess and reconvene the Executive Session as needed, relating to any items on the agenda.

Amendments to the State Transportation Board Agenda are as follows:

CHANGE TO AGENDA

Non-Interstate Federal-Aid (“A” “B”) projects do not need FHWA concurrence, but must comply with DBE regulations; other projects are subject to FHWA and/or local government concurrence and compliance with DBE regulations)

*ITEM 11G: BIDS OPENED: June 26
HIGHWAY: SAN LUIS – YUMA – QUARTZSITE HIGHWAY
(US 95)
SECTION: Peligro - Clarks
COUNTY: La Paz
ROUTE NO.: US 95
PROJECT: ARRA-095-B(200)A 095 LA 051 H584101C
FUNDING: 100% Federal
LOW BIDDER: J.A.R. Concrete, Inc.
AMOUNT: \$ 6,690,224.10
STATE AMOUNT: \$ 10,660,721.15
\$ UNDER: \$ 3,970,497.05
% UNDER: 37.2%
NO. BIDDERS: 12
RECOMMENDATION: Reject the bid of JAR Concrete and award
the contract to Fisher Sand & Gravel dba
Southwest Asphalt Paving

COMMENTS:

Subsection 102.16 of the Standard Specifications states in part that “on Federal-aid funded projects, the bidder is not required to have the licenses at the time of bidding, but it must procure the license before award can be made, and no later than 60 days after the date bids are opened.”

At the Transportation Board meeting on July 17, 2009, the Transportation Board awarded the referenced project to JAR Concrete, Inc. contingent upon it acquiring the appropriate Contractor’s license within 60 calendar days of the bid opening in accordance with the specifications. In the event JAR Concrete was unable to acquire the license within the time frame specified, the project would be taken back to the Transportation Board for disposition.

JAR failed to obtain an appropriate Contractor’s license within the sixty day period. Bids were opened on the referenced Federal-aid project on Friday, June 26, 2009. Sixty days from the bid opening would be August 25, 2009. JAR Concrete obtained an A-Commercial General Engineering license on August 30, 2009.

The 60-day requirement is a material condition of the bid and cannot be waived for the following reasons:

- This requirement could have affected a potential bidder’s decision whether or not to submit a bid.
- Time requirements are generally considered to be of paramount importance in public bidding.
- The low bidder has the right to withdraw its bid upon 5 days notice to the Department if no award has been made within 60 days of the bid opening. Therefore, to allow JAR an extension of time affects the second bidder’s rights to be considered upon rejection of JAR’s bid and could affect ADOT’s right to require the second bidder to sign the contract.

In addition, JAR did not submit an application to the Registrar of Contractors until August 11, 2009, 46 days after the bid opening. JAR has not shown that it acted diligently to obtain a license within the 60-day deadline.

Therefore, staff recommends that the bid of JAR Concrete be rejected and the project be award to Fisher Sand & Gravel dba southwest Asphalt Paving.

*ITEM 11I: BIDS OPENED: August 14
HIGHWAY: PIMA FREEWAY (SR 101L)
SECTION: SR 51 to Princess Drive
COUNTY: Maricopa
ROUTE NO.: SR 101L
PROJECT: 101-B-NFA 101 MA 030 H769901C
FUNDING: 100% State
LOW BIDDER: Roadway Electric, LLC
AMOUNT: \$ 1,584,807.20
STATE AMOUNT: \$ 2,007,730.00
\$ UNDER: \$ 422,922.80
% UNDER: 21.1%
NO. BIDDERS: 5
RECOMMENDATION: POSTPONE ACTION

COMMENTS:

On August 17, 2009, Contractors West protested the potential award to Roadway Electric, claiming that Roadway Electric and all the other bidders did not submit a bid that meets the specification for Items 7310190 and 9240119.

After review of the plans, specifications, bids, and protest, Department staff concluded that the bid documents do not reflect the intent of the Department for the referenced project. Several project elements that are substantial in nature were involved.

On September 14, 2009, the Department sent a letter to all bidders indicating that the State Engineer would recommend that the Transportation Board reject all bids.

On September 16, 2009, Roadway Electric submitted a request for time to provide a response prior to the Transportation Board taking final action.

Therefore, the State Engineer recommends postponing action on this project.

Dated this 17th day of September, 2009.
STATE TRANSPORTATION BOARD
By: Mary Currie