



Travis County Commissioners Court Agenda Request

Meeting Date: January 8, 2013

Prepared By/Phone Number: Jason G. Walker/44562; Marvin Brice, CPPB, Assistant Purchasing Agent

Elected/Appointed Official/Dept. Head: Cyd Grimes

Commissioners Court Sponsor: Judge Biscoe

Agenda Language: Approve contract award for U.S. Highway 290 Landfill Project, IFB No. B1209-008-JW, to the low bidder, LD Kemp Excavating, Inc.

- **Purchasing Recommendation and Comments:** Purchasing concurs with department and recommends approval of requested action. This procurement action meets the compliance requirements as outlined by the statutes.
- The U.S. Highway 290 Landfill project includes the maintenance of five (5) locations on the cap of the U.S. highway 290 Landfill, formerly a disposal site for municipal solid waste, which now is the site of an operating flea market, including access and parking areas.
- Subject IFB opened on November 7, 2012, with three (3) bids received in response to the solicitation. The apparent low bidder is LD Kemp Excavating, Inc. with a base bid of \$960,427.34.
- TNR is recommending for contract award LD Kemp Excavating, Inc. for the Base Bid amount of \$960,427.34.
- **Contract Expenditures:** Within the last N/A months \$0.00 has been spent against this contract/requirement.
- **Contract-Related Information:**
 - Award Amount: \$960,427.34
 - Contract Type: Construction
 - Contract Period: 90 calendar days after issuance of notice-to-proceed.

AGENDA REQUEST DEADLINE: All agenda requests and supporting materials must be submitted as a pdf to Cheryl Aker in the County Judge's office, Cheryl.Aker@co.travis.tx.us by Tuesdays at 5:00 p.m. for the next week's meeting.

➤ **Contract Modification Information: N/A**

Modification Amount:

Modification Type:

Modification Period:

➤ **Solicitation-Related Information:**

Solicitations Sent: via Bidsync

Responses Received: 3

HUB Information: Vendor is not a HUB

% HUB Subcontractor: 2.74%

➤ **Special Contract Considerations:**

Award has been protested; interested parties have been notified.

Award is not to the lowest bidder; interested parties have been notified.

Comments: N/A

➤ **Funding Information:**

Shopping Cart/Funds Reservation in SAP: 300000264

Fund Center(s): 1490110001

Comments:

AGENDA REQUEST DEADLINE: All agenda requests and supporting materials must be submitted as a pdf to Cheryl Aker in the County Judge's office, Cheryl.Aker@co.travis.tx.us by Tuesdays at 5:00 p.m. for the next week's meeting.



*Janice
12-20-12
YMB*

TRANSPORTATION AND NATURAL RESOURCES
STEVEN M. MANILLA, P.E., COUNTY EXECUTIVE

411 West 13th Street
Executive Office Building, 11th Floor
P. O. Box 1748
Austin, Texas 78767
(512) 854-9383
FAX (512) 854-4697

To: Marvin Brice, Assistant Purchasing Agent
Carol A. Johnston
From: Steven M. Manilla, P.E., County Executive, TNR
CC: Donna Williams-Jones, TNR Financial
Thomas Weber, Manager, Environmental Quality Program

RECEIVED
TRAVIS COUNTY
2012 DEC 19 AM 3:38
PURCHASING
OFFICE

Date: December 19, 2012

Re: Final Cover Maintenance Plan, U.S. 290 E. Travis County Landfill,
IFB No. B1209-008-JW, Construction Contract Award

TNR Natural Resources and Environmental Quality Division has reviewed the bids submitted by three contractors that responded to the bid solicitation request for the construction of the Final Maintenance Cover Plan, and recommends award of the contract to the apparent low bidder, L.D. Kemp Excavating, Inc. for a total of \$960,427.34.

The financial information pertaining to this project is as follows:

WBS Element: LDFL.149.000001
FRD: 0300000264
Fund: 0001
Fund Center: 1490110001
GL Account: 511780

Required authorizations:

Diana Ramirez, PBO

**U.S. HIGHWAY 290 LANDFILL
TRAVIS COUNTY, TEXAS**

**BID TABULATION
NOVEMBER 2012**

Bid Item	Spec. No. or Desc. Code	S.P. No	S.S. No.	Description	Unit	QTY	Engineer's Estimate			Patin Construction		Smith Contracting Co.		L. D. Kemp Excavating, Inc.	
							Unit Price	Amount		Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
1	500			Mobilization	LS	1	\$65,000.00	\$65,000.00	\$100,000.00	\$100,000.00	\$50,000.00	\$50,000.00	\$95,000.00	\$95,000.00	
WEST CAP MAINTENANCE															
2	100			Preparing Right of Way	AC	11.8	\$2,420.00	\$28,556.00	\$5,000.00	\$59,000.00	\$2,000.00	\$23,600.00	\$2,560.00	\$30,208.00	
3	110			Excavation	CY	38,094	\$4.00	\$152,376.00	\$3.00	\$114,282.00	\$8.00	\$304,752.00	\$3.00	\$114,282.00	
4	132			Embankment	CY	19,047	\$4.25	\$80,949.75	\$4.00	\$76,188.00	\$8.00	\$152,376.00	\$4.00	\$76,188.00	
5	160			Topsoil	SY	57,140	\$8.00	\$457,120.00	\$4.00	\$228,560.00	\$4.52	\$258,272.80	\$1.50	\$85,710.00	
6	164			Straw or Hay Mulch Seeding (Temp)	AC	11.8	\$1,500.00	\$17,700.00	\$2,500.00	\$29,500.00	\$2,500.00	\$29,500.00	\$2,574.00	\$30,373.20	
7	506			Temporary Sediment Control Fence	LF	2,580	\$2.50	\$6,450.00	\$2.50	\$6,450.00	\$3.00	\$7,740.00	\$1.55	\$3,999.00	
AREA "A" MAINTENANCE															
8	105			Removing Stabilized Base and Asphalt Pavement	SY	3,815	\$8.55	\$32,618.25	\$14.00	\$53,410.00	\$4.00	\$15,260.00	\$6.00	\$22,890.00	
9	110			Excavation	CY	435	\$4.00	\$1,740.00	\$10.00	\$4,350.00	\$9.00	\$3,915.00	\$4.00	\$1,740.00	
10	132			Embankment	CY	37	\$4.25	\$157.25	\$12.00	\$444.00	\$10.00	\$370.00	\$5.00	\$185.00	
11	247			Flexible Base, 6" Type D	SY	3,815	\$13.30	\$50,739.50	\$15.00	\$57,225.00	\$6.00	\$22,890.00	\$8.76	\$33,419.40	
12	340			Dense-Graded Hot-Mix Asphalt, 1 1/2" Type D	TON	315	\$95.00	\$29,925.00	\$153.00	\$48,195.00	\$134.00	\$42,210.00	\$145.00	\$45,675.00	
13	432			Riprap	CY	30	\$100.00	\$3,000.00	\$40.00	\$1,200.00	\$75.00	\$2,250.00	\$155.00	\$4,650.00	
14	506			Temporary Sediment Control Fence	LF	80	\$2.50	\$200.00	\$2.50	\$200.00	\$3.00	\$240.00	\$1.60	\$128.00	
AREA "B" MAINTENANCE															
15	105			Removing Stabilized Base and Asphalt Pavement	SY	2,110	\$8.55	\$18,040.50	\$15.00	\$31,650.00	\$4.00	\$8,440.00	\$5.40	\$11,394.00	
16	110			Excavation	CY	32	\$4.00	\$128.00	\$10.00	\$320.00	\$9.00	\$288.00	\$5.00	\$160.00	
17	132			Embankment	CY	140	\$4.25	\$595.00	\$15.00	\$2,100.00	\$10.00	\$1,400.00	\$6.00	\$840.00	
18	247			Flexible Base, 6" Type D	SY	2,110	\$13.30	\$28,063.00	\$17.00	\$35,870.00	\$6.00	\$12,660.00	\$8.80	\$18,568.00	
19	340			Dense-Graded Hot-Mix Asphalt, 1 1/2" Type D	TON	175	\$95.00	\$16,625.00	\$153.00	\$26,775.00	\$134.00	\$23,450.00	\$145.00	\$25,375.00	
20	506			Temporary Sediment Control Fence	LF	250	\$3.00	\$750.00	\$2.50	\$625.00	\$3.00	\$750.00	\$1.50	\$375.00	
AREA "C" MAINTENANCE															
21	100			Preparing Right of Way	AC	0.02	\$2,420.00	\$48.40	\$10,000.00	\$10,000.00	\$200.00	\$200.00	\$87,500.00	\$1,750.00	
22	105			Removing Stabilized Base and Asphalt Pavement	SY	285	\$8.55	\$2,436.75	\$50.00	\$14,250.00	\$4.00	\$1,140.00	\$6.00	\$1,710.00	
23	110			Excavation	CY	100	\$4.00	\$400.00	\$30.00	\$3,000.00	\$10.00	\$1,000.00	\$5.00	\$500.00	
24	162			Block Sodding	SY	98	\$2.00	\$196.00	\$10.00	\$980.00	\$10.00	\$980.00	\$6.00	\$588.00	
25	168			Vegetative Watering	KG	8	\$500.00	\$4,000.00	\$100.00	\$800.00	\$200.00	\$1,600.00	\$120.00	\$960.00	
26	247			Flexible Base, 6" Type D	SY	285	\$13.30	\$3,790.50	\$20.00	\$5,700.00	\$6.00	\$1,710.00	\$8.80	\$2,508.00	

**U.S. HIGHWAY 290 LANDFILL
TRAVIS COUNTY, TEXAS**

**BID TABULATION
NOVEMBER 2012**

Bid Item	Spec. No. or Desc. Code	S.P. No	S.S. No.	Description	Unit	QTY	Engineer's Estimate		Patin Construction		Smith Contracting Co.		L.D. Kemp Excavating, Inc.	
							Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price
27	340			Dense-Graded Hot-Mix Asphalt, 1 1/2" Type D	TON	23	\$2,185.00	\$95.00	\$3,519.00	\$153.00	\$3,450.00	\$150.00	\$3,450.00	\$150.00
28	506			Rock Filter Dam, Type 1 (Install)	LF	20	\$300.00	\$15.00	\$600.00	\$30.00	\$500.00	\$25.00	\$500.00	\$50.00
29	506			Rock Filter Dam, Type 1 (Remove)	LF	20	\$180.00	\$9.00	\$100.00	\$5.00	\$500.00	\$25.00	\$400.00	\$20.00
30	506			Temporary Sediment Control Fence	LF	88	\$220.00	\$2.50	\$220.00	\$2.50	\$264.00	\$3.00	\$202.40	\$2.30
AREA "D" MAINTENANCE														
31	100			Preparing Right of Way	AC	2.8	\$11,200.00	\$4,000.00	\$14,000.00	\$5,000.00	\$5,600.00	\$2,000.00	\$5,796.00	\$2,070.00
32	104			Removing Concrete	SY	955	\$8,165.25	\$8.55	\$26,740.00	\$28.00	\$9,550.00	\$10.00	\$7,735.50	\$8.10
33	105			Removing Stabilized Base and Asphalt Pavement	SY	5,500	\$47,025.00	\$8.55	\$82,500.00	\$15.00	\$22,000.00	\$4.00	\$34,100.00	\$6.20
34	110			Excavation	CY	5,733	\$22,932.00	\$4.00	\$34,398.00	\$6.00	\$51,597.00	\$9.00	\$22,932.00	\$4.00
35	158			Waste Excavation	CY	2,483	\$34,762.00	\$14.00	\$89,388.00	\$36.00	\$79,456.00	\$32.00	\$173,810.00	\$70.00
36	132			Embankment	CY	3,820	\$16,235.00	\$4.25	\$15,280.00	\$4.00	\$30,560.00	\$8.00	\$15,280.00	\$4.00
37	160			Topsoil	SY	12,870	\$102,960.00	\$8.00	\$77,220.00	\$6.00	\$12,870.00	\$1.00	\$19,305.00	\$1.50
38	164			Straw or Hay Mulch Seeding (Temp)	AC	2.66	\$3,990.00	\$1,500.00	\$6,650.00	\$2,500.00	\$6,650.00	\$2,500.00	\$6,846.84	\$2,574.00
39	169			Soil Retention Blankets	SY	290	\$2,392.50	\$8.25	\$1,160.00	\$4.00	\$870.00	\$3.00	\$580.00	\$2.00
40	506			Rock Filter Dam, Type 1 (Install)	LF	65	\$975.00	\$15.00	\$1,950.00	\$30.00	\$1,625.00	\$25.00	\$2,730.00	\$42.00
41	506			Rock Filter Dam, Type 1 (Remove)	LF	65	\$585.00	\$9.00	\$325.00	\$5.00	\$1,300.00	\$20.00	\$1,300.00	\$20.00
42	506			Temporary Sediment Control Fence	LF	580	\$1,450.00	\$2.50	\$1,450.00	\$2.50	\$1,740.00	\$3.00	\$754.00	\$1.30
43	550			Chain Link Fence	LF	1,965	\$44,212.50	\$22.50	\$41,265.00	\$21.00	\$39,300.00	\$20.00	\$27,510.00	\$14.00
44	550			Vehicle Gate	EA	2	\$2,300.00	\$1,150.00	\$3,600.00	\$1,800.00	\$3,000.00	\$1,500.00	\$2,100.00	\$1,050.00
45	550			Pedestrian Gate	EA	2	\$850.00	\$425.00	\$510.00	\$255.00	\$450.00	\$225.00	\$1,420.00	\$710.00
45	104			Remove Concrete pilings	EA	80	\$16,000.00	\$200.00	\$2,400.00	\$30.00	\$6,000.00	\$75.00	\$24,000.00	\$300.00
							Base Bid Total	\$1,320,524.15	Base Bid Total	\$1,304,549.00	Base Bid Total	\$1,244,275.80	Base Bid Total	\$960,427.34

Note: The Travis County Commissioner's Court Reserves the right to reject any and all bids at their sole discretion.

Please note the following listed abbreviations used for proposed units:

Unit Abbreviations: CY = Cubic Yard, LF = Linear Foot, STA = Stations, AC = Acre, EA = Each, SY = Square Yards, GAL = Gallon, KG = 1000GAL, LS = Lump Sum, SF = Square Feet, TON = Ton, MO = Month, EA/DAY = per Each per DAY

STATE OF TEXAS §

COUNTY OF TRAVIS §

This Agreement for Construction Services (the "Construction Contract" or "Contract") is made and entered into this day by and between Travis County, Texas, a political subdivision of the State of Texas (the "County") and LD Kemp Excavating, Inc. (the "Contractor") and will be binding upon their respective executors, administrators, heirs, successors, and assigns.

WHEREAS, the County desires to enter into a contract for the construction of U.S. HIGHWAY 290 LANDFILL in Travis County, Texas, in accordance with the provisions of state statutes and conforming to the Contractor's Notice of Construction, Bid Proposal (including the Bidding Documents, Bid Form, and any Addenda or Amendments thereto), General Conditions, Supplementary Conditions, and the Specifications and Plans marked U.S. HIGHWAY 290 LANDFILL (B1209-008-JW), all of which are incorporated herein.

WHEREAS, the Contractor has been engaged in and now does comparable work and represents that it is fully equipped, competent, and capable of performing the above- desired and outlined work, and is ready and willing to perform such work in accordance with all provisions of the abovementioned Specifications and Plans marked (B1209-008-JW).

NOW THEREFORE, in consideration of the County's promise to pay the amount below as totaled in the Bid Proposal hereto attached and made part of this Contract, the Contractor agrees to do at his own proper cost and expense all the work necessary for the construction of U.S. HIGHWAY 290 LANDFILL in Travis County, Texas in accordance with the provisions of the aforementioned Contractor's Notice of Construction, the Bid Proposal as awarded by the Commissioners Court, and the Specifications and Plans marked (B1209-008-JW) to the satisfaction of the County Executive of the Transportation and Natural Resources Department of Travis County, Texas.

This contract document, the Contractor's Notice of Construction, the Bid Proposal (including the Bidding Documents, the Bid Form, and any Addenda or Amendments thereto), and the Specifications and Plans marked (B1209-008-JW) represents the entire and integrated contract between the County and the Contractor and supersedes all prior negotiations, representations, or agreements, either oral or written. This Contract may be amended only by written instrument signed by both the County and the Contractor.

The said Contractor further agrees to be available for work within 14 calendar days, and to complete the work within 90 calendar days, after receiving a written "Notice to Proceed".

Travis County, Texas, in consideration of the full and true performance of the said work by said Contractor, hereby agrees and binds itself to pay to said Contractor the total contract amount of \$960,427.34 consisting of \$95,780.00 for materials to be incorporated into the Project or completely consumed at the job site and services required by or integral to the performance of the contract and \$864,647.34 for all other charges, including the cost of other services, overhead, materials which do not become part of the finished project or are reusable, and machinery or equipment and its accessory, repair, or replacement parts, and in the manner provided for, within 30 calendar days from the receipt of an acceptable invoice. This division of the contract amount is made for sales tax purposes only. The Contractor must maintain internal records to verify the

division. The Contractor must make these records available upon the request of the Travis County Auditor.

This contract will be construed according to the laws of the State of Texas. The performance for this Contract must be in Travis County, and venue for any action will lie in Travis County, Texas. The Contractor warrants that the completed project must be adequate for the purposes intended.

Notwithstanding anything to the contrary herein, if Contractor is delinquent in payment of taxes at the time of invoicing, Contractor hereby assigns any payments to be made for service rendered under this Contract to the Travis County Tax Assessor-Collector for the payment of said delinquent taxes.

NO OFFICIAL, EMPLOYEE, AGENT, OR REPRESENTATIVE OF THE COUNTY HAS ANY AUTHORITY, EITHER EXPRESSED OR IMPLIED, TO AMEND THIS CONTRACT, EXCEPT SUCH EXPRESS AUTHORITY AS MAY BE GRANTED BY THE COMMISSIONERS COURT OF THE COUNTY.

The forfeiture provisions of the contract imposed pursuant to the Travis County Ethics Policy may be waived in whole or in part by the Travis County Commissioners Court.

EXECUTED THIS _____ DAY OF _____, YEAR _____.

TRAVIS COUNTY, TEXAS

BY: _____

DRAFT

CONTRACTOR NAME

L D KEMP EXCAVATING INC
BY: *[Signature]*

TRAVIS COUNTY JUDGE

APPROVED AS TO FORM:

APPROVED:

TRAVIS COUNTY ATTORNEY

COUNTY PURCHASING AGENT

CERTIFIED FUNDS ARE AVAILABLE

TRAVIS COUNTY AUDITOR

RECEIVED
TRAVIS COUNTY
AUDITOR
OFFICE
4/11/19 1:40 PM

Funds Reservation 300000264

General Data			
Document type	FC	Document type	030
Company code	1000	Document date	09/12/2012
FM area	1000	Posting date	09/12/2012
Controlling area	1000	Currency	USD/ 1.00000
Statistics			
Entered by	WILLIAD	Created on	09/12/2012
Last changed by	HUFFH	Last changed	12/20/2012
More Data			
Text	US290 Landfill Remediation Plan Implementation		
Reference			
Overall Amount	960,427.34 USD		

Document item 001			
Text	Funds from GF Reserves		
Commitment item	511780	Funds center	1490110001
Fund	0001	G/L account	511780
Cost center	1490110001	Due on	
Vendor		Customer	
Amount	930,427.34 USD		

Document item 002			
Text	Austin Country Inc Contribution		
Commitment item	511780	Funds center	1490110001
Fund	0001	G/L account	511780
Cost center	1490110001	Due on	
Vendor		Customer	
Amount	30,000.00 USD		