



## Travis County Commissioners Court Agenda Request

**Meeting Date:** November 5, 2013, 9:00 AM, Voting Session

**Prepared By/Phone Number:** John E. Pena, CTPM; Marvin Brice, CPPB, Purchasing Office, 512-854-9700

**Elected/Appointed Official/Dept. Head:** Cyd Grimes, Purchasing Agent

**Commissioners Court Sponsor:** Judge, Samuel T. Biscoe

**AGENDA LANGUAGE:** APPROVE CONTRACT AWARD FOR FISCAL YEAR 2013 HMAC OVERLAY PROGRAM, IFB NO. B1307-011-JE, TO THE LOW BIDDER APAC OF TEXAS, INC. (WHEELER COMPANIES) FOR GROUPS A, B, C, D, E, E-ALTERNATE and F.

- **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.
- IFB No. B1307-011-JE, Fiscal Year 2013 HMAC Overlay Program was issued on August 5, 2013. This project consist of roadway construction services for the HMAC Overlay Program in Precincts 1 (Group A); 2 (Group B); 3 (Group C); 4 (Group D); LCRA/Travis County-Pace Bend Park (Group E and E-Alternate); and, Travis County Parks (Group F).
- Of the thirty-two (32) bids either downloaded or viewed via Travis County's third party e-procurement vendor system, BidSync, four (4) bids were received in response to this solicitation when subject IFB was opened on August 28, 2013 at 2:00 P.M., CST. The apparent low bidder is APAC of Texas, Inc. (Wheeler Companies).
- Actual construction work is commencing in Fiscal Year 2014 using funds from Fiscal Year 2013 due to standard practice of bonds being issued in June of each calendar which delays the start of the overlay program each year.

### APAC of Texas, Inc. (Wheeler Companies)

Precinct 1	Group A	<u>\$ 1,375,074.53</u>
Precinct 2	Group B	<u>\$ 201,460.80</u>
Precinct 3	Group C	<u>\$ 976,444.41</u>

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](mailto:Cheryl.Aker@co.travis.tx.us) by **Tuesdays at 5:00 p.m.** for the next week's meeting.

Precinct 4	Group D	<u>\$ 526,493.47</u>
LCRA/Travis County Parks- Pace Bend Park	Groups E	<u>\$ 130,859.52</u>
LCRA/Travis County Parks- Pace Bend Park	Group E-Alternate	<u>\$ 59,412.56</u>
Travis County Parks	Groups F	<u>\$ 120,571.51</u>
<b>Total Recommendation for Award</b>		<b><u>\$ 3,390,316.80</u></b>

➤ **Contract Expenditures:** Within the last 12 months \$0.00 has been spent against the 2013 HMA Overlay Program.

➤ **Contract-Related Information:**  
Award Amount: \$3,390,316.80  
Contract Type: Construction  
Contract Period: Through Completion

➤ **Contract Modification Information:** N/A  
Modification Amount:  
Modification Type:  
Modification Period:

➤ **Solicitation-Related Information:**  
Solicitations Sent: 34                      Responses Received: 4  
HUB Information: None                      % HUB Subcontractor: 0%

➤ **Special Contract Considerations:** N/A

- Award has been protested; interested parties have been notified.
- Award is not to the lowest bidder; interested parties have been notified.
- Comments:

➤ **Funding Information:**  
 Funds Reservation: 300000651 and 300000871  
 Cost Center: As shown in related attachments

**TRANSPORTATION AND NATURAL RESOURCES**

STEVEN M. MANILLA, P.E., COUNTY EXECUTIVE



700 Lavaca Street-5<sup>th</sup> Floor  
Travis County Administration Building  
PO Box 1748  
Austin, Texas 78767  
Phone: (512) 854-9383  
Fax: (512) 854-4697

October 21, 2013

**MEMORANDUM**

**TO:** Cyd Grimes, County Purchasing Agent

**FROM:**  Steven M. Manilla, P.E., County Executive

**SUBJECT:** Place Item on Commissioners Court Agenda to Award a Construction Services Contract for the FY 2013 HMAC Overlay Program – (Group A, B, C, D, E, and F)


**Proposed Motion:** Award construction service contract for the above project in the amount of \$3,390,316.80 to the apparent low bidder APAC of Texas – (Wheeler Companies).

**Summary and Staff Recommendation:** On August 28, 2013, Travis County received bids from four vendors in response to IFB B1307-011-JE. TNR has reviewed the bids and would like to award the construction contract for work in Precincts 1, 2, 3, 4 (\$3,079,473.21), park roads at Pace Bend and Travis County Parks (\$310,843.59) to the apparent low bidder APAC-Texas, Inc. The total for all sites is \$3,390,316.80. The \$3,390,316.60 is encumbered under funds reservation numbers 300000651 and 0300000871.

**Required Authorizations:** Planning and Budget, County Attorney's Office, Auditor's Office.

**Attachments:** Funding information  
Bid tabulation summary

TDG:SMM:tdg

**Copy:** Jessica Rio, Planning & Budget Office  
 John Peña, Purchasing  
Don Ward, TNR  
Charles Bergh, TNR  
Tawana Gardner, TNR  
Isabelle Lopez, TNR

**Budgetary and Fiscal Impact:** The account numbers for this work are as follows:

<b>Group</b>				
<b>A</b>	<b>Fund</b>	<b>Fund Center</b>	<b>GL Account</b>	<b>Amount</b>
<b>Precinct 1</b>	4059	149020000	522040	\$ 142,659.00
	4063	149020000	522040	\$ 1,232,415.53
<b>Total Precinct 1</b>				<b>\$ 1,375,074.53</b>
<b>B</b>				
<b>Precinct 2</b>	4063	149020000	522040	\$ 201,460.80
<b>Total Precinct 2</b>				<b>\$ 201,460.80</b>
<b>C</b>				
<b>Precinct 3</b>	4081	149020000	522040	\$ 82,828.74
	4072	149020000	522040	\$ 300,000.00
	4068	149020000	522040	\$ 562,817.00
	4063	149020000	522040	\$ 30,798.67
<b>Total Precinct 3</b>				<b>\$ 976,444.41</b>
<b>D</b>				
<b>Precinct 4</b>	4081	149020000	522040	\$ 526,493.47
<b>Total Precinct 4</b>				<b>\$ 526,493.47</b>
<b>*E</b>				
<b>LCRA/TC Parks</b>				
<b>Pace Bend</b>	0109	1490220109	522030	\$ 190,272.08
<b>Total Pace Bend Park</b>				<b>\$ 190,272.08</b>
<b>F</b>				
<b>TC Parks</b>	4081	1490220000	522030	\$ 120,571.51
<b>Total TC Parks</b>				<b>\$ 120,571.51</b>
<b>Total Award</b>				<b>\$ 3,390,316.80</b>

\*Award recommendation for the LCRA Pace Bend Park is dependent upon receipt of the funding approval letter from LCRA. Until the approval letter has been received, work at Pace Bend will not begin until a notice to proceed is given by the Purchasing office.

**TRAVIS COUNTY PURCHASING  
CONSTRUCTION CONTRACT - BID TABULATION FORM**

BID NO.: IFB No.: B1307-011-JE      August 28, 2013  
 DESCRIPTION: 2013 HMAC Overlay Program 2:00 P.M., CST  
 DEPARTMENT: TNR      November 27, 2013  
 CONTACT/NO.: Don Ward X49383

**BIDS SOLICITED:**      4150  
**HUBS SOLICITED:**      62  
**BIDS ACT. VIEWED:**      32  
**BIDS RECEIVED:**      4  
**HUBS RECEIVED:**      0

**GROUP A (PRECINCT ONE)**

<u>Bidder's Name</u>		<b>Angel Brothers Enterprises, LTD</b>	<b>APAC-Texas, Inc. / Wheeler Companies</b>	<b>Lone Star Paving Company</b>	<b>Austin Material LLC., d/b/a Ramming Paving</b>
Group A - A1	Levelup	\$512,353.75	\$311,742.00	\$0.00	\$404,110.00
Group A - A2	1&1/2" HMAC	\$1,406,467.50	\$1,057,663.56	\$0.00	\$1,218,938.50
Group A - A3	Excavation	\$12,549.00	\$2,704.71	\$0.00	\$2,670.00
Group A - A1	Tabs	\$843.00	\$2,964.26	\$0.00	\$1,754.00
<b>Group A - Total Bid Amount</b>		<b>\$1,932,213.25</b>	<b>\$1,375,074.53</b>	<b>\$0.00</b>	<b>\$1,627,472.50</b>

**GROUP B (PRECINCT TWO)**

Group B - B1	Levelup	\$65,514.00	\$45,384.00	\$0.00	\$62,220.00
Group B - B2	1&1/2" HMAC	\$177,810.00	\$155,287.40	\$0.00	\$189,664.00
Group B - B3	Excavation	\$3,186.00	\$383.40	\$0.00	\$360.00
Group B - B4	Tabs	\$266.80	\$406.00	\$0.00	\$232.00
<b>Group B - Total Bid Amount</b>		<b>\$246,776.80</b>	<b>\$201,460.80</b>	<b>\$0.00</b>	<b>\$252,476.00</b>

**GROUP C (PRECINCT THREE)**

Group C - C1	Levelup	\$318,521.50	\$219,670.00	\$279,580.00	\$307,538.00
Group C - C2	1&1/2" HMAC	\$882,497.20	\$752,718.20	\$824,096.65	\$973,342.50
Group C - C3	Excavation	\$10,797.00	\$1,981.89	\$7,320.00	\$1,830.00
Group C - C4	Tabs	\$1,386.90	\$2,074.32	\$904.50	\$1,206.00
<b>Group C - Total Bid Amount</b>		<b>\$1,213,202.60</b>	<b>\$976,444.41</b>	<b>\$1,111,901.15</b>	<b>\$1,283,916.50</b>

**GROUP D (PRECINCT FOUR)**

Group D - D1	Levelup	\$179,394.00	\$111,348.00	\$154,650.00	\$131,968.00
Group D - D2	1&1/2" HMAC	\$487,033.25	\$413,138.55	\$470,239.00	\$436,650.50
Group D - D3	Excavation	\$8,142.00	\$1,003.72	\$3,680.00	\$920.00
Group D - D4	Tabs	\$699.20	\$1,003.20	\$456.00	\$608.00
<b>Group D - Total Bid Amount</b>		<b>\$675,268.45</b>	<b>\$526,493.47</b>	<b>\$629,025.00</b>	<b>\$570,146.50</b>

<b>GROUP E (LCRA/TRAVIS COUNTY PARKS - PACE BEND PARK)</b>					
Group E - E1	Levelup	\$34,502.50	\$23,620.80	\$27,750.00	\$33,300.00
Group E - E2	1&1/2" HMAC	\$86,441.75	\$83,222.54	\$83,461.00	\$95,384.00
Group E - E3	Excavation	\$1,681.50	\$195.70	\$760.00	\$190.00
Group E - E4	Tabs	\$36.80	\$82.88	\$24.00	\$32.00
Group E - E5	Primecoat	\$5,752.50	\$4,875.00	\$877.50	\$3,900.00
Group E - E6	Flexbase	\$14,592.00	\$11,406.08	\$15,200.00	\$9,120.00
Group E - E7	Planning	\$6,943.00	\$7,456.52	\$6,812.00	\$15,720.00
<b>Group E - Total Bid Amount</b>		<b>\$149,950.05</b>	<b>\$130,859.52</b>	<b>\$134,884.50</b>	<b>\$157,646.00</b>
<b>GROUP E - ALT (LCRA/TRAVIS COUNTY PACE BEND PARK)</b>					
Group E-Alt. - E1	Levelup	\$21,525.00	\$13,267.60	\$15,375.00	\$18,450.00
Group E-Alt. - E2	1&1/2" HMAC	\$48,315.00	\$45,867.04	\$45,094.00	\$51,536.00
Group E-Alt. - E3	Excavation	\$1,062.00	\$145.92	\$480.00	\$120.00
Group E-Alt. - E4	Tabs	\$92.00	\$132.00	\$64.00	\$80.00
<b>Group E-Alt. - Total Amount Bid</b>		<b>\$70,994.00</b>	<b>\$59,412.56</b>	<b>\$61,013.00</b>	<b>\$70,186.00</b>
<b>GROUP F - (TRAVIS COUNTY PARKS)</b>					
Group F - F1	Levelup	\$41,454.00	\$25,366.32	\$33,957.00	\$35,280.00
Group F - F2	1&1/2" HMAC	\$104,561.60	\$90,961.28	\$102,368.00	\$109,680.00
Group F - F3	Excavation	\$1,504.50	\$194.99	\$680.00	\$170.00
Group F - F4	Tabs	\$125.35	\$235.44	\$81.75	\$109.00
Group F - F5	Primecoat	\$4,232.25	\$3,813.48	\$801.90	\$3,564.00
<b>Group F - Total Bid Amount</b>		<b>\$151,877.70</b>	<b>\$120,571.51</b>	<b>\$137,888.65</b>	<b>\$148,803.00</b>
<b>Groups A, B, C, D, E, F Total Amount Bid</b>		<b>\$4,369,288.85</b>	<b>\$3,330,904.24</b>	<b>\$2,013,699.30</b>	<b>\$4,040,460.50</b>
<b>Add Group E-Alt. Total Bid Amount</b>		<b>\$4,440,282.85</b>	<b>\$3,390,316.80</b>	<b>\$2,074,712.30</b>	<b>\$4,110,646.50</b>
Award Oct 2013, Group A Precinct 1			\$1,375,074.53		
Award Oct 2013, Group B Precinct 2			\$201,460.80		
Award Oct 2013, Group C Precinct 3			\$976,444.41		
Award Oct 2013, Group D Precinct 4			\$526,493.47		
<b>Subtotal Pcts 1-4</b>			<b>\$3,079,473.21</b>		
Award Oct 2013, Group E, LCRA Parks			\$130,859.52		
Award Oct 2013, Group E-ALT, LCRA Parks			\$59,412.56		
Award Oct 2013, Group F, Travis County Parks			\$120,571.51		
<b>Subtotal LCRA/Travis County Parks</b>			<b>\$310,843.59</b>		
<b>Overall Total to Award APAC</b>			<b>\$3,390,316.80</b>		

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 APAC of Texas, Inc. - Wheeler Companies (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 FISCAL YEAR 2013 HMAC OVERLAY PROGRAM 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 FISCAL YEAR 2013 HMAC OVERLAY PROGRAM (IFB NUMBER B1307-011-JE), 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 FISCAL YEAR 2013 HMAC OVERLAY PROGRAM (IFB NUMBER B1307-011-JE).

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 FISCAL YEAR 2013 HMAC OVERLAY PROGRAM (IFB NUMBER B1307-011-JE) 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 FISCAL YEAR 2013 HMAC OVERLAY PROGRAM (IFB NUMBER B1307-011-JE) 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 FISCAL YEAR 2013 HMAC OVERLAY PROGRAM (IFB NUMBER B1307-011-JE) 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 all work within the fiscal year of 2013, and extend if necessary and at the discretion of Travis County, 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 \$3,390,316.80 consisting of \$1,695,158.40 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 \$1,695,158.40 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

CONTRACTOR NAME

BY: \_\_\_\_\_

BY: 

TRAVIS COUNTY JUDGE

APPROVED AS TO FORM:

APPROVED:

\_\_\_\_\_

\_\_\_\_\_

TRAVIS COUNTY ATTORNEY

COUNTY PURCHASING AGENT

CERTIFIED FUNDS ARE AVAILABLE

\_\_\_\_\_  
TRAVIS COUNTY AUDITOR



# Funds Reservation 30000871

General Data			
Document type	FC	Document type	030
Company code	1000	Document date	09/26/2013
FM area	1000	Posting date	09/26/2013
Controlling area	1000	Currency	USD/ 1.00000
Statistics			
Entered by	GARDNET	Created on	09/26/2013
Last changed by		Last changed	
More Data			
Text	FY13 HMAC PACE BEND		
Reference			
Overall Amount	191,000.00 USD		

Document Item 001			
Text	FY13 HMAC PACE BEND		
Commitment item	522030	Funds center	1490220109
Fund	0109	G/L account	522030
Cost center	1490220109	Due on	
Vendor		Customer	
Amount	191,000.00 USD		

# Funds Reservation 30000651

General Data			
Document type	NE	Document type	030
Company code	1000	Document date	07/18/2013
FM area	1000	Posting date	07/18/2013
Controlling area	1000	Currency	USD/ 1.00000
Statistics			
Entered by	GARDNET	Created on	07/18/2013
Last changed by	HUFFH	Last changed	09/04/2013
More Data			
Text	FY13 HMAC		
Reference			
Overall Amount	4,174,373.00 USD		

Document Item 001			
Text	FY 13 HMAC PCT 1, 2, 3, 4		
Commitment item	522040	Funds center	1490200000
Fund	4081	G/L account	522040
Cost center	1490200000	Due on	Customer
Vendor		Customer	
Amount	1,429,849.00 USD		

Document Item 002			
Text	FY 13 HMAC PCT 1, 2, 3, 4		
Commitment item	522040	Funds center	1490200000
Fund	4059	G/L account	522040
Cost center	1490200000	Due on	Customer
Vendor		Customer	
Amount	142,659.00 USD		

Document Item 003			
Text	FY 13 HMAC PCT 1, 2, 3, 4		
Commitment item	522040	Funds center	1490200000
Fund	4063	G/L account	522040
Cost center	1490200000	Due on	Customer
Vendor		Customer	
Amount	1,464,675.00 USD		

Document Item 004			

# Funds Reservation 30000651

General Data			
Document type	NE	Document type	030
Company code	1000	Document date	07/18/2013
FM area	1000	Posting date	07/18/2013
Controlling area	1000	Currency	USD/ 1.00000
Statistics			
Entered by	GARDNET	Created on	07/18/2013
Last changed by	HUFFH	Last changed	09/04/2013
More Data			
Text	FY13 HMAC		
Reference			
Overall Amount	4,174,373.00 USD		

Text	FY 13 HMAC PCT 1, 2, 3, 4		
Commitment item	522040	Funds center	1490200000
Fund	4068	G/L account	522040
Cost center	1490200000	Due on	Customer
Vendor			
Amount	562,817.00 USD		

Document Item 005			
Text	FY 13 HMAC PCT 1, 2, 3, 4		
Commitment item	522040	Funds center	1490200000
Fund	4072	G/L account	522040
Cost center	1490200000	Due on	Customer
Vendor			
Amount	300,000.00 USD		

Document Item 006			
Text	FY13 LCRA PARK CIP SITES		
Commitment item	522030	Funds center	1490220109
Fund	0109	G/L account	522030
Cost center	1490220109	Due on	Customer
Vendor			
Amount	55,000.00 USD		

Document Item 007			

# Funds Reservation 30000651

General Data			
Document type	NE	Document type	030
Company code	1000	Document date	07/18/2013
FM area	1000	Posting date	07/18/2013
Controlling area	1000	Currency	USD/ 1.00000
Statistics			
Entered by	GARDNET	Created on	07/18/2013
Last changed by	HUFFH	Last changed	09/04/2013
More Data			
Text	FY13 HMAC		
Reference			
Overall Amount	4,174,373.00 USD		

Text	FY13 TC PARK SITES		
Commitment item	522030	Funds center	1490220000
Fund	4081	G/L account	522030
Cost center	1490220000	Due on	
Vendor		Customer	
Amount	219,373.00 USD		