

ARIZONA STATE TRANSPORTATION BOARD**AMENDMENT 1/7/15****STATE TRANSPORTATION BOARD MEETING****9:00 a.m., Friday, January 9, 2015****City of Flagstaff Council Chambers****211 W. Aspen Ave.****Flagstaff, AZ 86001**

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, January 9, 2015, at 9:00 a.m. at the City of Flagstaff Council Chambers, 211 W. Aspen Avenue, Flagstaff, AZ 86001. The Board may vote to go into Executive Session, which will not be open to the public. Members of the Transportation Board will attend either in person or by telephone conference call. The Board may modify the agenda order, if necessary.

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, January 9, 2015. 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 *italicized* on the following pages:

*ITEM 10c: BOARD DISTRICT NO.: 1

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BIDS OPENED: December 12, 2014

HIGHWAY: CITY OF GLENDALE

SECTION: GLENDALE AVENUE'S NORTH ALLEY 57TH AVE TO 57TH DR

COUNTY: MARICOPA

ROUTE NO.: LOCAL

PROJECT : TRACS: CM-GLN-0(230)T : 0000 MA GLN SS88901C

FUNDING: 70% FEDS 30% CITY

LOW BIDDER: CARSON CONSTRUCTION CO., INC.

LOW BID AMOUNT: \$ 498,257.45

STATE ESTIMATE: \$ 333,141.00

\$ OVER ESTIMATE: \$ 165,116.45

% OVER ESTMATE: 49.6%

PROJECT DBE GOAL: 5.44%

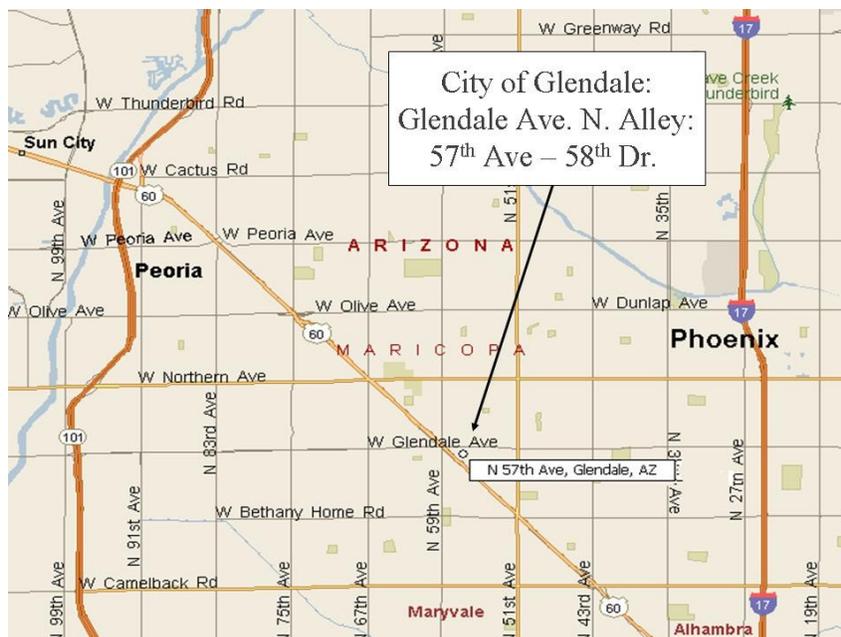
BIDDER DBE PLEDGE: 50.50%

NO. BIDDERS: 4

RECOMMENDATION: *POSTPONE*

COMMENTS:

The amount of the low bid plus estimated construction engineering and contingency costs exceeds the amount of federal and city funds programmed and available for this project. *The City of Glendale has asked that action on this agenda item be postponed to the February 20, 2015, Board meeting to allow the City additional time to determine whether it can provide the additional funds that would be necessary to proceed with award.*



*ITEM 10d: BOARD DISTRICT NO.: 3

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BIDS OPENED: December 19, 2014
 HIGHWAY: BENSON-STEIN PASS HWY I-10
 SECTION: SAN PEDRO RIVER BRIDGES EB & WB
 COUNTY: COCHISE
 ROUTE NO.: I - 10
 PROJECT : TRACS: IM-NH-010-F(219)T : 010 CH 306 H844201C
 FUNDING: 94% FEDS 6% STATE

LOW BID & SECOND BID: J BANICKI CONSTRUCTION, INC.

THE ASHTON COMPANY, INC. CON-
 TRACTORS & ENGINEERS

BID AMOUNT: \$ 2,197,957.48	\$ 2,594,049.21
STATE ESTIMATE: \$ 1,874,356.03	\$ 1,874,356.03
\$ OVER ESTIMATE: \$ 323,601.45	\$ 719,693.18
% OVER ESTIMATE: 17.3%	38.4%
PROJECT DBE GOAL: 10.98%	10.98%
BIDDER DBE PLEDGE: 11.00%	
NO. BIDDERS: 5	

RECOMMENDATION: *ALLOW BANICKI TO WITHDRAW*

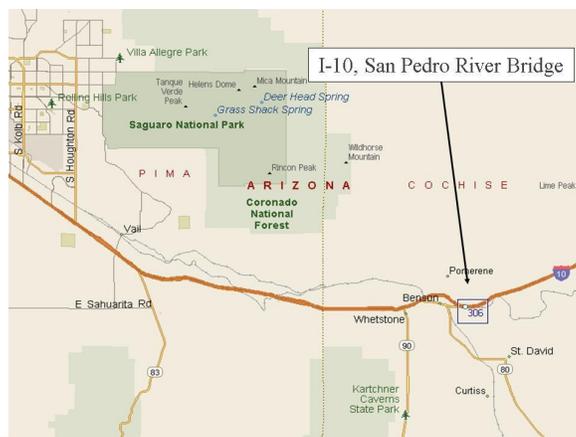
CONTINGENT AWARD TO ASHTON

COMMENTS:

Banicki, in a letter dated December 20, 2014, and received by ADOT on December 23, 2014, asked to withdraw its bid due to an error concerning items 2020008A and 2020008B, Removal of Structural Concrete. Banicki based its bid for that work on a quote by a subcontractor that divided the work into two components. Banicki showed that they had entered both components into their bidding software, but the cost for the second component of work did not carry forward into its bid amount for those two items as intended. The result is that the Banicki bid inadvertently underestimated the total cost of items 2020008A and 2020008B by about \$334,700, which is over 15% of the amount of the bid.

The Department reviewed bid documentation provided by Banicki and is satisfied the bid does not represent Banicki's intent for items 2020008A and 2020008B and is satisfied that it resulted from an error in the use of its estimating software rather than an error in judgment. The error is a substantial amount relative to the size of the entire contract, it concerns a material item within the contract, and it would be inequitable to require Banicki to perform the work for the amount stated in its bid. If Banicki had bid the intended amount, its bid would have been about \$61,400 less than the second bid. If Banicki is allowed to withdraw, ADOT would suffer no serious prejudice except the loss of a bargain resulting from an inadvertent error.

The Department recommends that the Board allow Banicki to withdraw its bid without forfeiting its bid bond and that the Board award to Ashton contingent on meeting the DBE requirements.

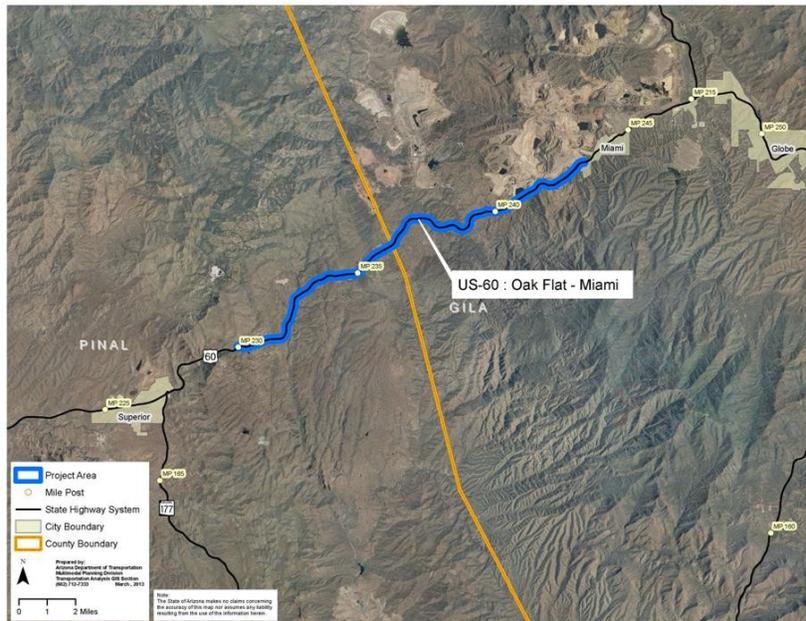


*ITEM 10e: BOARD DISTRICT NO.: 4

BIDS OPENED: December 12, 2014
 HIGHWAY: PHOENIX GLOBE HWY
 SECTION: US 60 OAK FLAT TO MIAMI EAST OF SUPERIOR
 COUNTY: PINAL
 ROUTE NO.: US 60
 PROJECT : TRACS: HSIP-STP-060-D(211)T : 060 PN 229 H581801C
 FUNDING: 94% FEDS 6% STATE
 LOW BID & SECOND BID: FANN CONTRACTING, INC. HUNTER CONTRACTING COMPANY
 BID AMOUNT: \$ 7,392,601.10 \$ 9,560,069.11
 STATE ESTIMATE: \$ 8,064,786.75 \$ 8,064,786.75
 \$ **UNDER/OVER ESTIMATE: (\$ 672,185.65)** \$ 1,495,282.36
 % **UNDER/OVER ESTIMATE: (8.3%)** 18.5%
 PROJECT DBE GOAL: 5.71%
 BIDDER DBE PLEDGE: 10.38%
 NO. BIDDERS: 6
 RECOMMENDATION: **POSTPONE**

COMMENTS:

The low bidder has asked to withdraw its bid without forfeiting its bid bond due to an error within its bid amounting to \$296,000. *The Department has this matter under review and asks that the Board postpone action on this agenda item to allow time to complete that review.*



*ITEM 10f: BOARD DISTRICT NO: 6

BIDS OPENED: December 05, 2014
 HIGHWAY: I-40 FRONTAGE RD
 SECTION: SOUTH OF KINGMAN
 COUNTY: MOHAVE
 ROUTE NO.: 999
 PROJECT : TRACS: STP-999-A(398)T : 999 MO 000 H861501C
 FUNDING: 94% FEDS 6% STATE

LOW BID & SECOND BID: TK CONSTRUCTION US LLC

FISHER SAND & GRAVEL CO. dba
 SOUTHWEST ASPHALT PAVING
 \$ 420,000.00
 \$ 302,518.40
 \$ 117,481.60
 38.8%

BID AMOUNT: \$ 349,334.18
 STATE ESTIMATE: \$ 302,518.40
 \$ OVER ESTIMATE: \$ 46,815.78
 % OVER ESTIMATE: 15.5%
 PROJECT DBE GOAL: 4.19%
 BIDDER DBE PLEDGE: 8.86%
 NO. BIDDERS: 4
 RECOMMENDATION: CONTINGENT AWARD

COMMENTS:

The low bidder, TK Construction US, LLC, is not presently licensed by the Arizona Registrar of Contractors (ROC). Section 102.16 of the Standard Specifications states in part, for projects using federal funds, that the bidder "... must procure the licenses before award can be made, and no later than 60 days after the date bids are opened." Because bids were opened on December 5, 2014, TK Construction US LLC has until February 3, 2015, to obtain the appropriate ROC licensing for this project and has been notified in writing of this requirement.

The Department recommends award to TK Construction US, LLC, contingent on TK Construction US, LLC, showing the Department on or before close of business on February 3, 2015, that it has obtained the appropriate ROC licensing, with award to be effective the date of the *notification to the department that the contractor obtained the appropriate* license, and further recommends that the bid of TK Construction US, LLC, be rejected if it does not show the Department by close of business on February 3, 2015, that it has obtained the ROC licensing. In the event the bid of TK Construction US, LLC, is rejected, the Department will bring this project to *a future board meeting*.



Dated this 7th day of January, 2015
 STATE TRANSPORTATION BOARD
 By: Mary Beckley