

AGENDA
STATE TRANSPORTATION BOARD
PUBLIC HEARING AND BOARD MEETING
9:00 a.m., Friday, April 16, 2010
Town of Oro Valley Council Chambers
11000 N. La Canada Drive
Oro Valley, Arizona 85737

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, April 16, 2010, 9:00 a.m., at the Town of Oro Valley Council Chambers, 11000 N. La Canada Drive, Oro Valley, Arizona 85737. 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, April 16, 2010. 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 shown in bold below:

CONSENT AGENDA ITEM MOVED TO REGULAR 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 2p:	BIDS OPENED:	March 5	
	HIGHWAY:	URBANIZED AREA-PASCUA YAQUI NATION	
	SECTION:	Rt. 4 (Calle Torim) and Route 101 (Camino De Oeste)	
	COUNTY:	Pima	
	ROUTE NO.:	N/A	
	PROJECT:	ARRA-PAS-0(201)A 0000 PM PAS SS74101C	
	FUNDING:	100% Federal	
	LOW BIDDER:	A & S Paving, Inc.	
	AMOUNT:		\$ 295,769.82
	STATE AMOUNT:		\$ 285,571.35
	\$ OVER:		\$ 10,198.47
	% OVER:		3.6%
	NO. BIDDERS:		5
	RECOMMENDATION:	Waive the irregularity of failure to acknowledge addendum No. 1; award contract to A & S Paving, Inc.	

COMMENTS:

At the bid opening, A&S Paving, Inc. was read as the apparent low bidder with a bid of \$295,769.82. The second low bidder was Cactus Transport, Inc. with a bid of \$314,511.51.

In its bid documents, A&S Paving failed to acknowledge receipt of Addendum No. 1. Cactus Transport acknowledged receipt of Addendum No. 1.

Addendum No. 1 made three revisions to the specifications. The first revision added the requirement to obtain and post a copy of the “Whistleblower Know Your Rights” poster on a bulletin board on the job site. The cost for this requirement would be negligible. The second revision eliminated the use of Emulsified Asphalt (Special Type) as a tack coat prior to placing ACFC or AR-ACFC. Since this project does not include ACFC or AR-ACFC, this revision has no impact on the bid.

The third revision changed the procedure for measuring the dry weight of the cover material in accordance with AASHTO T19. AASHTO T19 states that the shoveling procedure for loose unit weight shall be used only when specifically stipulated; otherwise the compact unit weight shall be determined by the rodding procedure or the jiggling procedure. The addendum states that the dry weight will be determined in accordance with AASHTO T19 using the shoveling procedure.

The rodding procedure uses a tamping rod to compact the material with 25 strokes of the rod for each of three equal layers. With the jiggling procedure, the material is consolidated by raising each side of the container 2 inches and dropping it 25 times per side, alternating sides, for each of the three layers. The shoveling procedure calls for discharging the material from a shovel into the container from a height not to exceed 2 inches above the container, with no additional compaction.

The cost of the cover material items is very small compared to the total project cost.

Cover material is purchased by weight; however, the bid documents measure and pay for the material by volume. A procedure is specified so that a weight-per-unit-volume conversion factor can be calculated in order to determine the amount by weight of material needed for the project, as well as a unit bid price per cubic yard.

The rodding and jiggling procedures would result in a higher weight per volume than the shoveling procedure. As a result, the amount of cover material by weight required for the project will be reduced, and the cost for these items would be lower since less material by weight would need to be purchased for an equivalent cubic yard of material.

The addendum had no possible effect on the work proposed to be performed, or the quality or quantity of work. The only possible effect of the addendum would be an impact on the price of the cover material, and the price would be lower. In addition, given the amount bid for cover material (\$16,989.10), any reduction in the price would be small. Therefore, there was no advantage to the contractor due to failure to acknowledge receipt of the addendum. Changing the measurement method from either the rodding or jiggling procedure to the shoveling procedure could not increase the total bid, and any change in price would be insignificant.

Due to the nature of the content of Addendum No. 1, the State Engineer has determined that the failure to acknowledge receipt of the addendum is not a material defect in the bid. A bidder who had calculated his cost based on the original bid documents and then recalculated the unit price based on the addendum would only have lowered the unit cost, and as a result lowered the total bid. There is no reasonable probability that the addendum would increase the bid.

Cactus Transport submitted a formal bid protest of the State Engineer’s recommendation to award the contract to A&S Paving. Cactus Transport requested that ADOT reject A&S Paving’s bid as non-responsive, and award the contract to Cactus Transport as the lowest responsive and responsible bidder. Cactus Transport subsequently withdrew their protest. The State Engineer still believes the Board needs to consider the policy issues concerning the failure to acknowledge the receipt of addenda.

The State Engineer recommends that the Board waive the irregularity of failure to acknowledge Addendum No. 1 and award the contract to A&S Paving, Inc.

CHANGE TO AGENDA ITEM

***ITEM 11c:** BIDS OPENED: March 26
HIGHWAY: PRESCOTT-FLAGSTAFF HIGHWAY (SR 89A)
SECTION: Mingus West Curve
COUNTY: Yavapai
ROUTE NO.: SR 89A
PROJECT: HES-A89-A(200)A 089A YV 334 H571801C
FUNDING: 94% Federal 6% State
LOW BIDDER: Southwest Concrete Paving, Co.
AMOUNT: \$ 624,089.00
STATE AMOUNT: \$ 587,896.00
\$ OVER: \$ 36,193.00
% OVER: 6.2%
NO. BIDDERS: 7
RECOMMENDATION: Reject the bid from Tonto Supply, Inc. and Award the contract to Southwest Concrete Paving, Co.

COMMENTS:

At the bid opening, Tonto Supply, Inc. was read as the apparent low bidder with a bid of \$492,850.00. The second low bidder was Southwest Concrete Paving, Co. with a bid of \$624,089.00.

The Special Provisions require bidders to submit a list of the names of all subcontractors, service providers, manufacturers and suppliers that submitted bids, proposals, or quotes on this project.

The Special Provisions state:

Bidders must submit this form with all requested information to the ADOT Civil Rights Office no later than 4:00 p.m. on the fifth working day after bids are opened.

Failure to submit the required information by the stated time and in the manner herein specified shall be cause for the bidder to be deemed ineligible for award of the contract.

Tonto Supply failed to submit the form listing the names of all subcontractors, service providers, manufacturers and suppliers to the ADOT Civil Rights Office by 4:00 p.m. on the fifth working day after bids were opened. Southwest Concrete Paving did submit the required form listing the names of all subcontractors, service providers, manufacturers and suppliers to the ADOT Civil Rights Office prior to 4:00 p.m. on the fifth working day following the bid opening.

Due to this irregularity, the Department has determined that the bid of Tonto Supply, Inc. is non-responsive.

The State Engineer recommends that the Board reject the bid from Tonto Supply, Inc. and award the contract to Southwest Concrete Paving, Co.

Dated this 14th day of April, 2010.
STATE TRANSPORTATION BOARD
By: Mary Currie