

Resolution rejecting the apparent low bid of MAX Underground Construction as non-responsive and awarding a construction contract to Bay Ltd of Corpus Christi as the lowest responsive, responsible bidder for the reconstruction of Flato Road, from Bates Road to Bear Lane, with rigid concrete pavement and utility improvements in the amount of \$7,168,936.00, located in Council District 3, with FY 2024 funding available from Bond 2020 Proposition A, Storm Water, Wastewater, Water Capital Fund and Gas.

WHEREAS, six bids were received on February 14, 2024, for the Flato Road, Bates Road to Bear Lane, reconstruction project (Project);

WHEREAS, the apparent low bidder for the Project, MAX Underground Construction ("MAX"), failed to meet the requirements of the bid documents;

WHEREAS, Section 2.5 Submission of Bid of the Request for Bids ("RFB") states, "Bids submitted...with different terms and conditions not specifically approved during the RFB process will be considered nonresponsive;"

WHEREAS, the terms and conditions of the Contract Documents, Specification 01 29 01, states that the bid amount for Bonds and Insurance cannot exceed 2% of the total Contract Price;

WHEREAS, MAX's bid for Bonds and Insurance exceeded the 2% maximum;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS:

SECTION 1. The apparent low bid submitted by MAX Underground Construction is rejected as non-responsive.

SECTION 2. The City Manager or designee is authorized to execute a construction contract with Bay, Ltd of Corpus Christi as the lowest responsive, responsible bidder in the amount of \$7,168,936.00, for the Flato Road, Bates Road to Bear Lane, reconstruction project.

PASSED and APPROVED on the _____ day of _____, 2024.

ATTEST:

Paulette Guajardo, Mayor

Rebecca Huerta, City Secretary