

Resolution rescinding the award to Cruz Maintenance & Construction, Inc. (CMCI) in the amount of \$598,874.00, authorizing the City Manager, or designee, to execute a construction contract with the second lowest responsible bidder, Barcom Construction, Inc. of Corpus Christi, Texas, in the amount of \$632,673.00 and execute a claim against CMCI's bid bond in the amount of \$33,799.00 for the Collier Pool Renovations Rebid – Part B (Restroom and Office Building) project due to failure of CMCI to comply with the terms and conditions of the Bid. (Bond 2012 Proposition 4 – Aquatic Facilities)

WHEREAS, the City advertised for and then opened bids for the Collier Pool Renovations Rebid – Part B (Restroom and Office Building) Project (“Project”) on April 6, 2016, in accordance with Chapter 252 of the Local Government Code;

WHEREAS, bidders were required to bid the work and provide the City with a bid bond for 5% of the greatest amount bid under Section 00 11 16 Invitation to Bid, Article 6 Bid Security, which provides that Bidders must submit an acceptable Bid Security with their Bid as a guarantee that the Bidder will enter into a contract for the Project with the Owner within 10 days of Notice of Award of the Contract;

WHEREAS, at the time of the bid opening, the three apparent low bidders were: Cruz Maintenance & Construction, Inc., Barcom Construction, Inc. and SpawGlass Contractors, Inc.;

WHEREAS, the City awarded CMCI the Project on June 14, 2016;

WHEREAS, the Contractor was required to provide performance and payments bonds within 14 days of award;

WHEREAS, the Contractor failed to provide the required performance and payment bonds;

WHEREAS, the City is unable to enter into an agreement with a contractor that does not provide the required bonds pursuant to the Texas Government Code;

WHEREAS, the City must award a contract to the lowest responsible bidder; and

WHEREAS, the second lowest responsible bidder for the bid invitation No. E14008 for the Collier Pool Renovations Rebid – Part B (Restroom and Office Building) Project is Barcom Construction, Inc. (Barcom).

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

SECTION 1. The City Council hereby finds that the City cannot enter into an agreement with Cruz Maintenance & Construction, Inc. for the Project.

SECTION 2. The City Council hereby rescinds the award of the contract for the Project

made to CMCI by Motion No. M2016-060 on June 14, 2016.

SECTION 3. The City Council hereby finds that Barcom Construction, Inc. as the second lowest bidder is the lowest responsible bidder.

SECTION 4. The City Manager or designee is authorized to execute a contract with Barcom in the amount of \$632,673.00 for the Project.

SECTION 5. The City staff is directed to execute a claim on the bid bond submitted by CMCI in the amount of \$33,799.00, in accordance with the City's requirements, due to CMCI's failure to execute an agreement as required by the City.

ATTEST

THE CITY OF CORPUS CHRISTI

Rebecca Huerta
City Secretary

Nelda Martinez
Mayor

Corpus Christi, Texas

_____ of _____, 2016

The above resolution was passed by the following vote:

Nelda Martinez _____

Rudy Garza _____

Michael Hunter _____

Chad Magill _____

Colleen McIntyre _____

Brian Rosas _____

Lucy Rubio _____

Mark Scott _____

Carolyn Vaughn _____