

# Memorandum



**Date:** January 5, 2012

**To:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

Supplement to  
Agenda Item No.  
8M1 Substitute

**From:** Carlos A. Gimenez  
Mayor

**Subject:** Supplement to Contract Award Recommendation in the Amount of \$1,007,798.29 to General Asphalt Co., Inc. for the People's Transportation Plan Project Entitled Roadway Resurfacing - Countywide

Following the deferral of this item at the Board of County Commissioners' (Board) meeting of December 19, 2011 and in accordance with the discussion held at the Board, County staff met with the Office of the County Attorney to determine whether the law would allow the County to reject all bids, waive competitive bidding, and award the contract to H&J Asphalt, Inc. (H&J) the lowest bidder determined to be not responsive. This measure would allow the County the opportunity to take advantage of the lower prices offered by H&J despite the error committed by H&J in its bid. Following a discussion of the relevant facts related to this procurement, the County Attorney has determined that a waiver of competitive bids would be lawful.

In the event that the Board were to reject all bids in this procurement, I would issue a written recommendation to waive bids and award to H&J at the lower price. H&J has agreed to maintain this price through award of any potential bid waiver in this matter. As this project utilizes transportation surtax funds, the County ordinances and procedures require that this new recommendation be reviewed by the CITT prior to consideration by this Board. Should the Board reject all bids in the current procurement I will bring a bid waiver recommendation back at the next available meeting.

  
County Manager / Deputy Mayor