

## **CITY COUNCIL MEMORANDUM**

### **AGENDA ITEM**

**AUTHORIZE THE REJECTION OF BID NO. 16-12 FOR THE CONSTRUCTION OF THE BROOKHAVEN/RANCIER HIKE & BIKE TRAIL.**

### **ORIGINATING DEPARTMENT**

**PUBLIC WORKS - TRANSPORTATION  
DIVISION**

### **BACKGROUND INFORMATION**

On August 1, 2014, the Killeen-Temple Metropolitan Planning Organization (KTMPO) issued a Call for Projects (CFP) to utilize federal funding available through the Transportation Alternatives Program (TAP). The TAP replaces several programs such as Transportation Enhancements (TE), Recreational Trails, Safe Routes to Schools and several other discretionary programs, wrapping them into a single funding source.

On September 11, 2014, the City Manager submitted a letter to the Killeen Independent School District (KISD) requesting partnership by contributing 10% of the project construction cost. Under the program rules, entities choosing to submit applications rank higher if they have a partnership.

On October 7, 2014, the City Council authorized the City Manager to submit a TAP application for sidewalk projects (CCM/R 14-136R). On October 10, 2014, the City of Killeen submitted an application to the KTMPO requesting \$548,158 for the TAP Call for Projects. On November 19, 2014, the City of Killeen was awarded \$250,000 for the Brookhaven/Rancier Hike and Bike Trail.

### **DISCUSSION/CONCLUSION**

The City advertised for bids on July 17, July 24, and July 31, 2016. On August 17, 2016, bids were opened and read aloud for the construction of the project. There were four (4) responsible bids submitted for the project: Choice Builders, LLC, of Temple, in the amount of \$636,777.84; National Native American Construction, Inc. (NNAC, Inc.), of Killeen, in the amount of \$778,332.09; TTG Utilities, LP, of Gatesville, in the amount of \$813,421.52; and Jimmy Evans Company, of Austin, in the amount of \$984,904.30. Of the responsible bidders, two (2) were responsive: Choice Builders, LLC and TTG Utilities, LP; the other two (2) bidders failed to include the FHWA 1273 acknowledgement in their bids.

The Texas Department of Transportation (TxDOT) notified the City of Killeen staff on September 9, 2016, after the bid opening, that a required form, the Federal Project Authorization and Agreement (FPAA), was not acquired prior to the advertisement for bids. The FPAA must be requested from the Federal Highway Administration (FHWA) by TxDOT. The primary function of this form is to obligate federal funds for the project. When TxDOT enters into the agreement with FHWA, they will then send a state Letter of Authorization (LOA) to the City. The City must have an LOA and a FPAA signed by FHWA prior to advertising projects with federal funding.

Because of this oversight, the project will re-advertised and re-bid. The first step in this project is to reject Bid No. 16-12. The cost associated with this action is \$710.79 for new advertising expenses.

### **FISCAL IMPACT**

The total fiscal impact for this action is \$710.79. Funding is available in the Child Safety Fund, Brookhaven Sidewalk account, 248-3446-434.63-50, which has an available amount of \$334,172.61, leaving a balance of \$333,461.82 after the expenditure.

### **RECOMMENDATION**

City staff recommends the City Council authorize rejection of Bid No. 16-12 for the Brookhaven/Rancier Hike & Bike Trail project.