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December 10, 2019

Mr. Kirk Abbott, P.E.
Project Engineer, Capital Improvements Department
City of San Marcos
630 E. Hopkins Street
San Marcos, Texas 78666

Sent Via: E-Mail

Re: Blanco River Waterline Bore Improvements - Recommendation of Award

Dear Mr. Abbott,

On December 5th, 2019, bids were received and opened at 630 East Hopkins Street, San Marcos, Texas, for the Blanco River Waterline Bore Improvements project. Seven (7) bids were received as shown in the summary tabulation below.

<u>Bidder</u>	<u>Total Bid Amount</u>
Vaca Underground Utilities	\$628,932.00
MA Smith Contracting Co., Inc.	\$795,933.75
Austin Engineering Co., Inc.	\$808,357.50
JBS Underground, LLC.	\$831,084.79
Whitestone Civil Corporation, LLC.	\$915,770.00
Lupe Rubio Construction Co., Inc.	\$921,449.69
Alcott, Inc. dba THC	\$1,028,711.20

Vaca Underground Utilities was the lowest bidder; however, the City has deemed them to be unresponsive, because they failed to submit Appendix A, 44 CFR, Part 18 – Certification Regarding Lobbying with their bid package. Therefore, the bid from Vaca Underground Utilities has been disqualified and we reviewed the Statement of Bidder's Qualifications submitted by the 2nd lowest bidder, MA Smith Contracting Co., Inc.

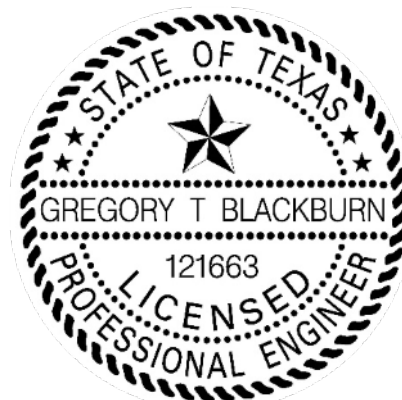
As part of their bid package, MA Smith Contracting Co., Inc. indicated that they have had two (2) OSHA safety citations in the past five (5) years, and these details are attached. After reviewing the safety violations and speaking with project references, we believe that MA Smith Contracting Co., Inc. has the experience to complete the Blanco River Waterline Bore Improvements project within the timeframe and requirements in the contract. We recommend that the Blanco River Waterline Bore Improvements contract be awarded to the 2nd lowest bidder, MA Smith Contracting Co., Inc. in the amount of \$795,933.75.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Gregory T. Blackburn, P.E.
Project Engineer

Attachment





Smith Contracting has had two OSHA inspections/Citations in the last 5 years. The first citation was received 3/28/16 in reference to an inspection at 12400 Gregg Manor Road Manor, TX 78653.

Citation 1 Item 1-Serious

OSH ACT of 1970 Section (5)(a)(1): The Employer did not furnish employment and a place of employment which were free from recognized hazards that were casing or likely to cause death or serious physical harm to employees from being struck by materials and equipment while installing a storm drainage system. Proposed penalty \$6,300.00

Citation 1 Item 2-Serious

29 CFR 1926.251(a)(2)(i): The employer failed to ensure friggig equipment had permanently affixed and legible identification markings as prescribed by the manufacturer that indicate the recommended safe working load. Proposed Penalty \$4,500.00

Citation 1 Item 3-Serious

29 CFR 1926.251(c)(12): A sling was pulled from under a load while the load was resting on the sling. Proposed Penalty \$3,600.00.

Smith Contracting filed a notice of Contest and subsequently reached a settlement with OSHA on January 10, 2017. The settlement agreement reduced the penalty of item 1 to \$4,900.00, Item 2 was removed in its entirety, and the penalty on Item 3 was reduced to \$2,900.00. Smith Contracting retrained all excavation employees by a 3rd party trainer. The settlement agreement admits no fault or guilt and includes confidentiality between Smith Contracting and OSHA.

Smith Contracting received its second citation on 3/28/17 in reference to an inspection at 12206 Scribe Dr., Austin TX 79159.

Citation 1 Item 1-Serious

29 CFR 1926.652 (g)(1)(II): Shields were not installed in a manner to restrict lateral or other hazardous movement of the shield in the event of the application of sudden lateral loads Proposed Penalty \$8,963.00

OSHA Offered an informal settlement agreement which reduced the penalty amount of item 1 to \$5,377.80 and changed the citation from Serious to Other than Serious due to the fact that the trench safety was installed per the manufacturers recommendations. The abatement included additional training and contacting the manguard manufacturer to request improved methods and instruction s for securing the manguard in the trench. Additionally, the agreement admits no fault or guilt and includes confidentiality between Smith Contracting and OSHA.

Respectfully,

Travis Ragland
President
Smith Contracting Co., Inc.

BLANCO RIVER WATERLINE BORE IMPROVEMENTS
MA SMITH CONTRACTING CO., INC. REFERENCE CHECK

Date & Time: 12/10/19	
Contact: Tuan Nguyen	Project: Austin Heights Water System Upgrades
Affiliation: City of Austin	Contract Amount: \$1,692,497.50
Phone #: 512-974-1585	Type of Project: Water System Upgrades
Position: Project Manager	

1. Did the Contractor provide adequate, competent personnel? **Can't Complai**
2. Did the Contractor provide adequate, competent supervision? **Can't Complain**
3. Did the Contractor have adequate equipment and/or supplies on the job when needed? **Always**
4. Did the Contractor complete reports and other paperwork in a timely manner? **Always**
5. How much difficulty did you have in keeping the Contractor on schedule? **None**
6. How would you rate the Contractor's superintendence and scheduling on the project? (I.e., were subcontractors scheduled logically, were long-lead items ordered sufficiently in advance, etc.?) **Excellent**
7. Did the Contractor self-perform the major items of work? **Mostly**
8. What major items of work did he subcontract? Paving, traffic control, E&S
9. How would you rate the Contractor's ability to build according to the contract documents? **Excellent**
10. How would you rate the Contractor's willingness/ability to work with the City in carrying out the intent of the contract documents? **Average**
11. Approximately how many RFI's did the Contractor submit? **Moderate Amount**
12. Were there an inordinate number of change orders on the project? **No**
13. Did you have difficulty obtaining documentation for change order requests? **Moderate Amount**
14. Did the Contractor return change order documents in a timely manner? **Usually**
15. How many stop notices were filed on the project? A few – density retests and working outside of work hours
16. Were any lawsuits filed on the stop notices? **No**
17. Was there a claim or lawsuit between the Contractor and City? **No**
18. If so, how was it resolved? N/A
19. Did the Contractor prepare accurate up-to-date record drawings? **Yes**

BLANCO RIVER WATERLINE BORE IMPROVEMENTS
MA SMITH CONTRACTING CO., INC. REFERENCE CHECK

20. Was the work completed on time? **Yes**

21. What overall rating would you give the Contractor? **Average**

Other Comments or Notes:

- This Contractor can tend to “nickel and dime” the City more than most contractors with change orders by finding small errors or discrepancies in the plans, specifications, and/or bid items.

BLANCO RIVER WATERLINE BORE IMPROVEMENTS
MA SMITH CONTRACTING CO., INC. REFERENCE CHECK

Date & Time: 12/10/19	
Contact: Tom Owens, PE	Project: Waters Park Relief Main
Affiliation: K Friese + Associates	Contract Amount: \$5,185,725.00
Phone #: 512-338-1704	Type of Project: Wastewater Main (Open-cut & Micro Tunnel)
Position: Project Manager	

1. Did the Contractor provide adequate, competent personnel? **Can't Complain**
2. Did the Contractor provide adequate, competent supervision? **Can't Complain**
3. Did the Contractor have adequate equipment and/or supplies on the job when needed? **Usually**
4. Did the Contractor complete reports and other paperwork in a timely manner?
Usually
5. How much difficulty did you have in keeping the Contractor on schedule? **None**
6. How would you rate the Contractor's superintendence and scheduling on the project? (I.e., were subcontractors scheduled logically, were long-lead items ordered sufficiently in advance, etc.?) **Average**
7. Did the Contractor self-perform the major items of work? **Yes**
8. What major items of work did he subcontract? Micro Tunnel
9. How would you rate the Contractor's ability to build according to the contract documents? **Average**
10. How would you rate the Contractor's willingness/ability to work with the City in carrying out the intent of the contract documents? **Average**
11. Approximately how many RFI's did the Contractor submit? **Few**
12. Were there an inordinate number of change orders on the project? **No**
13. Did you have difficulty obtaining documentation for change order requests?
Moderate Amount,
14. Did the Contractor return change order documents in a timely manner? **Usually**
15. How many stop notices were filed on the project? None
16. Were any lawsuits filed on the stop notices? **No**
17. Was there a claim or lawsuit between the Contractor and City? **No**
18. If so, how was it resolved? N/A

BLANCO RIVER WATERLINE BORE IMPROVEMENTS
MA SMITH CONTRACTING CO., INC. REFERENCE CHECK

19. Did the Contractor prepare accurate up-to-date record drawings? **Yes**
20. Was the work completed on time? **Yes**
21. What overall rating would you give the Contractor? **Average**

Other Comments or Notes:

BLANCO RIVER WATERLINE BORE IMPROVEMENTS
MA SMITH CONTRACTING CO., INC. REFERENCE CHECK

Date & Time: 12/10/19	
Contact: Shaun Condor, PE	Project: Sessom Underground Conversion
Affiliation: City of San Marcos	Contract Amount: \$613,001.00
Phone #: 512-393-8134	Type of Project: Underground conversion
Position: Project Manager	

1. Did the Contractor provide adequate, competent personnel? **Can't Complain**
2. Did the Contractor provide adequate, competent supervision? **Can't Complain**
3. Did the Contractor have adequate equipment and/or supplies on the job when needed? **Always**
4. Did the Contractor complete reports and other paperwork in a timely manner?
Usually
5. How much difficulty did you have in keeping the Contractor on schedule? **None**
6. How would you rate the Contractor's superintendence and scheduling on the project? (I.e., were subcontractors scheduled logically, were long-lead items ordered sufficiently in advance, etc.?) **Average**
7. Did the Contractor self-perform the major items of work? **No**
8. What major items of work did he subcontract? Ductbank Conduit
9. How would you rate the Contractor's ability to build according to the contract documents? **Average**
10. How would you rate the Contractor's willingness/ability to work with the City in carrying out the intent of the contract documents? **Excellent**
11. Approximately how many RFI's did the Contractor submit? **Moderate Amount**
12. Were there an inordinate number of change orders on the project? **No**
13. Did you have difficulty obtaining documentation for change order requests?
Moderate Amount
14. Did the Contractor return change order documents in a timely manner? **Rarely**
15. How many stop notices were filed on the project? None
16. Were any lawsuits filed on the stop notices? **No**
17. Was there a claim or lawsuit between the Contractor and City? **No**
18. If so, how was it resolved? N/A
19. Did the Contractor prepare accurate up-to-date record drawings? **Yes**

BLANCO RIVER WATERLINE BORE IMPROVEMENTS
MA SMITH CONTRACTING CO., INC. REFERENCE CHECK

20. Was the work completed on time? **Yes**

21. What overall rating would you give the Contractor? **Average**

Other Comments or Notes:
