



**MISSOURI HIGHWAYS AND TRANSPORTATION
COMMISSION**

Official Minutes
Special Meeting by Electronic Ballot

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November 16, 2009

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**MINUTES OF SPECIAL HIGHWAYS AND TRANSPORTATION COMMISSION
MEETING HELD BY ELECTRONIC BALLOT ON MONDAY, NOVEMBER 16, 2009**

A special meeting of the Missouri Highways and Transportation Commission was held by electronic ballot on Monday, November 16, 2009, in order to consider bids for a federal-aid and state highway and bridge project. The meeting was called pursuant to Section 226.120 of the 2000 Revised Statutes of Missouri, as amended. The Secretary verified that notice of the meeting was given in keeping with Section 610.020 of the 2000 Revised Statutes of Missouri, as amended. The following members of the Commission submitted ballots: Chairman David A. Gach, Vice-Chairman Rudolph E. Farber, Commissioner Grace M. Nichols, Commissioner Stephen R. Miller, Commissioner Lloyd J. Carmichael, and Commissioner Duane S. Michie.

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*"Department" or "MoDOT" herein refers to Missouri Department of Transportation.
"Commission" or "MHTC" herein refers to Missouri Highways and Transportation Commission.*

VOTE TO CLOSE MEETING

The agenda of the closed meeting was posted in keeping with Sections 610.020 and 610.022, RSMo., including the following statutory citations allowing the meeting to be closed:

Section 610.021(11), (12) – Specifications for competitive bidding, sealed bids, or negotiated contracts.

In order to consider documents pertaining to bidding specifications, sealed bids, or negotiated contracts, as allowed by Section 610.021(11), (12) of the Revised Statutes, the following Commissioners submitted faxed ballots noting their vote regarding closing the meeting.

Commissioner Gach, Aye
Commissioner Farber, Aye
Commissioner Nichols, Aye
Commissioner Carmichael, Aye
Commissioner Miller, Aye
Commissioner Michie, Aye

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CONSIDERATION OF BIDS FOR ROADWAY IMPROVEMENTS

On behalf of the Director, Dave Nichols, Director of Program Delivery, submitted a letter dated November 13, 2009, to all members of the Commission requesting the rejection of Call 604.

Mr. Nichols recommended rejection of award to the low bidder, KCI Construction Company (KCI), on Call 604 as non-responsive due to failure to provide a good faith effort to meet the required Disadvantaged Business Enterprise (DBE) goal (per DBE Program Requirements of the General Provisions), and recommend the Commission reject the only remaining bid on Call 604 from St. Louis Bridge Construction Company as excessive, per Section 102.15(1) of the Missouri Standard Specifications for Highway Construction, as noted in Table I below. Due to the failure of KCI to satisfy the required DBE contract goal for this

project, the Commission has the contractual rights to seize the bid bond of KCI, pursuant to Section 11.3 of the DBE Program Requirements, and to prohibit KCI from bidding on the same or substantially similar project in the future, pursuant to Section 11.3(a) of the DBE Program Requirements. Mr. Nichols recommended the Commission waive these rights due to the limited number of bidders available to complete the work on this unique and complex project.

**Table I
Rejection of Bids
October 23, 2008, Bid Opening**

Call No.	Route	County	Job No.	Description
604	40 / 64	St. Louis City	J6I0985J, J6I0985M, J6I2022	Seismic retrofit and bridge deck rehabilitation of the Daniel Boone Expressway Bridge at the Poplar Street Ramp Complex

Commission Action

Via electronic ballots received by the Secretary to the Commission, the Commission rejected the bids received on Call 604 and waived the rights to seize the bid bond of KCI and allow KCI to bid on the same or substantially similar project in the future.

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