

**RESOLUTION OF THE CITY OF OKLAHOMA CITY
EXTENDING TIME TO AWARD CONTRACT AND
AWARDING CONTRACT TO RUDY CONSTRUCTION
CO. AND SCHWARZ PAVING CO., INC. AS BEST AND
LOWEST RESPONSIBLE BIDDER FOR PROJECT PM-
0305R, ARTERIAL STREET RESURFACING UNIT PRICE
CONTRACT, CITY WIDE, \$5,000,000.00; AND
APPROVING CONTRACT AND BONDS.**

WHEREAS, the City of Oklahoma City received unit price bids for city wide arterial street resurfacing on November 29, 2023; and

WHEREAS, the bidding documents clearly provide “the City may reject a Bid if it is mathematically or materially unbalanced;” and

WHEREAS, the purpose of this provision is to protect the taxpayers and to protect the fairness and integrity of the competitive bidding process; and

WHEREAS, the Public Works Director has determined Atlas Paving Company was not the lowest and best bidder for Project PM-0305R, Arterial Street Resurfacing Unit Price Contract, City Wide, due to Atlas Paving Company’s bid being unbalanced and is hereby rejected; and

WHEREAS, the Public Works Director has determined Rudy Construction Co. and Schwarz Paving Co. Inc, was the lowest and best bidder for Project PM-0305R, Arterial Street Resurfacing Unit Price Contract, City Wide; and

WHEREAS, provisions of the Oklahoma State law known as the Public Competitive Bidding Act of 1974, provides a contract for construction of a public improvement be awarded within 30 days or within 45 days for good cause shown or within 120 days upon mutual agreement between the lowest responsible bidder and the awarding public agency or agencies; and

WHEREAS, bids were received on November 29, 2023, but due to the time required to review bids received, contract award was thereby delayed, preventing award within 30 days of receipt of bids; and

WHEREAS, a letter agreeing to honor the bid for 70 days has been received from Rudy Construction Co. and Schwarz Paving Co., Inc.; and

WHEREAS, it is the desire of the Public Works Department to award the contract to Rudy Construction Co. and Schwarz Paving Co. Inc. as the lowest and best responsible bidder in the amount of \$5,000,000.00.

NOW, THEREFORE, BE IT RESOLVED by the City of Oklahoma City hereby

rejects the bid by Atlas Paving Company as unbalanced, extends time to award for good cause, and awards contract to Rudy Construction Co. and Schwarz Paving Co., Inc. as the lowest and best responsible bidder for Project PM-0305R, Arterial Street Resurfacing Unit Price Contract, City Wide, \$5,000,000.00; and approving contract and bonds.

ADOPTED by the Council and signed by the Mayor of The City of Oklahoma City this
16TH day of JANUARY, 20 24

ATTEST:

Amy K. Simpson
CITY CLERK



THE CITY OF OKLAHOMA CITY

David Holt
MAYOR

REVIEWED for form and legality.

Craig B Keith
Assistant Municipal Counselor