



Legislation Text

File #: 23-0183, **Version:** 1

Department: Flood Control District

Department Head/Elected Official: Tina Petersen, Ph.D., P.E., Executive Director

Regular or Supplemental RCA: Supplemental RCA

Type of Request: Contract - Award

Project ID (if applicable): A120-00-00-C004

Vendor/Entity Legal Name (if applicable): Rebel Contractors, Inc.

MWDBE Contracted Goal (if applicable): N/A

MWDBE Current Participation (if applicable): N/A

Justification for 0% MWDBE Participation Goal: N/A - Goal not applicable to request

Request Summary (Agenda Caption):

Request for approval of an award on the basis of low bid through the surety's rebid via Tender Agreement No. 2022-208 to Rebel Contractors, Inc., in the amount of \$8,052,627, for channel improvement at Mud Gully conveyance from downstream of Beamer Road to downstream of HCFCF Unit A120-06-00, subject to applicable bonds to be received. (Clear Creek Watershed, Bond ID C-03, Project ID A120-00-00-C004, Job No. 20/0244A, Precinct 2).

Background and Discussion:

The original contractor under Job No. 20/0244, Salem Group, Inc. dba Complete Concrete (Complete Concrete), was issued their notice to proceed in January 2021 with 614 days of construction with the expectation that construction would be completed by September 2022. However, after Complete Concrete received multiple claims through their payment bond based on non-payment to supplier and several letters of lack of performance by HCFCF, Complete Concrete notified HCFCF they had no intention of continuing with the project in May 2022. In response, Harris County Attorney's Office (CAO) filed a performance claim on June 17, 2021. Negotiations began between Complete Concrete's surety company, Great American Insurance Company (GAIC). GAIC notified CAO that they had no desire for buying back the bond nor taking over the contract as outlined in the original contract. Instead, they requested to tender a contract with them paying the difference from the new contract and balance of original contract. Additionally, they would pay an additional fee for the additional management of contract. The HCFCF and CAO (in discussion with USACE) agreed this would be the most expedited path to finishing this reach of the Clear Creek Federal Project and provide support for the approval of the design modifications associated with the remaining Federal Project elements. The tender agreement with the surety was approved on court 12/13, which provides the funds to cover the balance of Rebel's contract that was over Complete Concrete's remaining balance. Rebel will be performing work on remaining from Complete Concrete's original contract.

Expected Impact:

A successful transition to new construction contractor. Surety is paying the difference between Rebel's new

Contract (\$8,052,626.06) and the contract balance for the remaining scope items under the agreement approved by HCCC on 12/13. The current remaining balance (\$4,424,344.30) from Complete Concrete’s contract (\$5,755,382.00).

Alternative Options:

Failure to approve the agreement will lead a full public rebidding, which can create a delay and significantly increase the cost for the HCFCD/USACE team if the bid prices were higher than the fee bid by Rebel.

Alignment with Goal(s):

- Justice and Safety
- Economic Opportunity
- Housing
- Public Health
- Transportation
- Flooding
- Environment
- Governance and Customer Service

Prior Court Action (if any):

Date	Agenda Item #	Action Taken
9/15/20	18.d.1.a	Authorization to Take Bids
10/27/20	20.d.9.c	Award
12/1/20	20.d.4	Award
12/13/22	376	Tender Agreement with GAIC

Location: Mud Gully (A120-00-00)

Address (if applicable):

Precinct(s): Precinct 2

Fiscal and Personnel Summary			
Service Name	4.a.2 - Construction Services		
	FY 23	FY 24	Next 3 FYs
Incremental Expenditures (do NOT write values in thousands or millions)			
Labor Expenditures	\$	\$	\$
Non-Labor Expenditures	\$5,500,000	\$2,552,626.06	\$
Total Incremental Expenditures	\$5,500,000	\$2,552,626.06	\$
Funding Sources (do NOT write values in thousands or millions)			
Existing Budget			
Choose an item.	\$	\$	\$
Choose an item.	\$	\$	\$

Choose an item.	\$	\$	\$
Total Current Budget	\$	\$	\$
Additional Budget Requested			
Bonds	\$4,000,000	\$424,344.30	\$
Other	\$1,500,000	\$2,128,281.76	\$
Choose an item.	\$	\$	\$
Total Additional Budget Requested	\$5,500,000	\$2,552,626.06	\$
Total Funding Sources	\$5,500,000	\$2,552,626.06	\$
Personnel (Fill out section only if requesting new PCNs)			
Current Position Count for Service	-	-	-
Additional Positions Requested	-	-	-
Total Personnel	-	-	-

Anticipated Court Date: January 10, 2023

Anticipated Implementation Date (if different from Court date):

Emergency/Disaster Recovery Note: Not an emergency, disaster, or COVID-19 related item

Contact(s) name, title, department: Yesenia Martinez, Commissioners Court Coordinator, Flood Control District

Attachments (if applicable): Map and Attachment A