

STATE DEPARTMENT OF HIGHWAYS
AND PUBLIC TRANSPORTATION

MINUTE ORDER

Harris County

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District No. 12

WHEREAS, in HARRIS COUNTY, bids were received and publicly opened and read on February 11, 1986, for Grading, Structures, Surfacing, etc. located from Farm to Market Road No. 1960 to Farm To Market Road No. 529, etc. on U.S. Highway No. 290 and designated as project F 535(23) etc.; and

WHEREAS, Minute Order No. 84084, dated February 26, 1986, awarded a contract to Williams Brothers Construction Co., Inc., Houston, Texas, in the amount of \$32,398,136.92; and

WHEREAS, the specifications under which this and other bids were submitted and this contract awarded, provided that should the successful bidder refuse or neglect to execute and file the contract and bonds, the bidder would be declared in default, and the proposal guaranty filed with the bid should become the property of the State; and

WHEREAS, the required proposal guaranty in the amount of \$100,000.00 was not attached to the proposal; and

WHEREAS, by letter dated February 21, 1986, the contractor was requested to submit the proposal guaranty but did not do so; and

WHEREAS, Williams Brothers Construction Co., Inc., on March 19, 1986, notified the Department that they would not execute the contracts; and

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WHEREAS, by Minute Order No. 84278, dated April 1, 1986, the State Highway and Public Transportation Commission cancelled Minute Order No. 84084 and declared Williams Brothers Construction Co., Inc. to be in default of their contract and directed that the loss of the proposal guaranty be recovered on behalf of the State; and

WHEREAS, it became evident that a bona fide dispute relating to this matter existed between the State and Williams Brothers Construction Co., Inc.; and

WHEREAS, as a result of negotiations between the Attorney General and Williams Brothers Construction Co., Inc. the dispute between the parties has been fully resolved and Williams Brothers Construction Co., Inc. has voluntarily made payment to the State for the sum of \$100,000.00.

NOW THEREFORE, the State Highway and Public Transportation Commission hereby acknowledges receipt of the sum of \$100,000.00 as representing full and final settlement of the dispute with Williams Brothers Construction Co., Inc. as it relates to the Harris County highway project described more fully hereinabove. Further, in keeping with such settlement, Minute Order No. 84278 is hereby cancelled.

Submitted by:

James D. Frasier

(Title) General Counsel

Examined and recommended by:

[Signature]

Deputy Director

Approved

M. H. Gode

Engineer-Director

Approved:

Commissioner

Commissioner

Commissioner

Minute Number

84549

Date Passed

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