By Kenneth Welch, Founder, Open Government in Blanco County TX,

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**TRAINER WUEST ROAD RE-ALIGNMENT AND LOW WATER CROSSING:**

**2019 - FINANCIAL PLANNING FOR A $75,000 PROJECT:**

In August of 2019, during the annual budgeting process the project was originally defined by Precinct #1 Commissioner Tommy Weir as a realignment of a low water crossing on Trainer Wuest Rd. He wrote:

*"a new subdivision is being developed less than two miles away adding 300 homesites. The Judge and I agreed that we need to move the road sooner than later".*

Later in 2019, Judge Bray declared that he depends on Tommy Weir for his construction expertise. As described, the development of the Majestic Hills subdivision would significantly increase traffic on Trainer Wuest Rd. Commissioner Weir indicated, "*If I can get $50,000 to start the project, I will move $25,000 from my paving budget to finish the project."*

As the project planning progressed I asked Commissioner Weir if the developer / land owners of new subdivisions could help fund projects to protect current Blanco County taxpayers from the costs of needed road upgrades. Commissioner Weir indicated that we cannot do that.

**Section 300.150 of the Blanco County Development Rules and Regulations:** [https://www.co.blanco.tx.us/upload/page/3972/docs/2023.5.9 updated subdivision rules and regulations.pdf](https://www.co.blanco.tx.us/upload/page/3972/docs/2023.5.9%20updated%20subdivision%20rules%20and%20regulations.pdf)

(pg. 44): "Developers of proposed subdivisions with no direct access to a state highway may be required to enter into an agreement with the County providing that the **developer will pay all or a part of the cost** to improve and/or expand the county road that provides access from the subdivision to a state highway."

**2020 - PROJECT SCOPE & PRELIMINARY DESIGN:**

During January, negotiations for access to the property for surveying and identifying the [future alignment](https://www.opengovernmentinblancocountytx.org/CASES/CASE-BLANCO-COUNTY-TRAINER-WUEST/Aerial-View-Of-Trainer-Wuest-Route-9-3-2019.png) were undertaken. As alignment was defined it was discovered that the septic system for the landowner would need to be moved. The cost for the survey and the installation of the new septic system was $9,050. Additionally, a contractor was paid to clear the right-of-way and trim trees for a cost of $4,350.

To close out work in 2020 Mr. Weir purchased the corrugated metal pipe that he wanted to use for the finished low water crossing at a [cost of $12,644](https://www.opengovernmentinblancocountytx.org/CASES/CASE-BLANCO-COUNTY-TRAINER-WUEST/Pipe-Purchase-From-TX-Corrugators.jpeg).

[**Q?** - Did Commissioner Weir rush the purchase on September 24th, six days before the end of the County budget cycle; after which the funds in the 2019-20 budget would no longer be available?]

Commissioner [Weir's construction expertise](https://www.opengovernmentinblancocountytx.org/CASES/CASE-BLANCO-COUNTY-TRAINER-WUEST/Tommy%20Weir%20Qualifications.docx), as pronounced by Judge Bray, allowed him to anticipate the pipe size that would be necessary to handle future high water events.

[**Q?** - What expertise qualified Commissioner Weir to determine the culvert size needed for the drainage structure? Is he a hydrologist or an engineer?]

The total 2020 **project cost was $26,044**.

**2021 - MATERIAL ACQUISITION & SITE PREPERATION:**

During the first half of 2021 preliminary site preparation including road base material delivery and right of way clearing were undertaken. During work performed by Blanco County employees on the right-of-way, the land owner's private well was damaged and had to be [repaired](https://www.opengovernmentinblancocountytx.org/CASES/CASE-BLANCO-COUNTY-TRAINER-WUEST/Well-Repair-Trainer-Wuest.jpeg) for $2,131.

In August, two bids for preliminary grading were received. Available Construction and Transport Service, Inc. was selected for the work. The [Quote was for $29,500](https://www.opengovernmentinblancocountytx.org/CASES/CASE-BLANCO-COUNTY-TRAINER-WUEST/Preliminary-Grading-Quote-%2429K.jpeg) but no contract was signed and the requirement for a bond to ensure completion of the job was waived by the Commissioners Court. A contract is not required for work less than $50,000.

Also in August, **two years after the project was proposed**, the Commissioners Court finally approved a $39,000 [contract with Givler Engineering, Inc](https://www.opengovernmentinblancocountytx.org/CASES/CASE-BLANCO-COUNTY-TRAINER-WUEST/Givler%20Professional%20Services%20Agreement%208_9_21.pdf). for professional engineering services to design the project to fit the previously purchased culverts.

The number and the size (both length and cross-section dimensions) of culverts are routinely determined following a drainage study that identifies the expected water flow during specific rainfall events. The final design can then accommodate the predicted flow and the pre-defined acceptable frequency of overtopping of the [low water crossing](https://www.opengovernmentinblancocountytx.org/CASES/CASE-BLANCO-COUNTY-TRAINER-WUEST/Trainer%20Wuest%20Definitions.docx). In this case, the size of the previously purchased culverts dictated the final elevation of the road surface without regard to how often the road might flood.

The design parameters for the project included with the request for the professional services resulted in the following statement from the engineering firm:

*"The County wishes GEI to use the acquired culverts to design a low water crossing within the new right-of-way. The new crossing will not be an all-weather crossing and will be impassible at times due to high water. The county is not specifying a minimum design level of service for the culverts. The county wishes for the design to be based on the available culverts regardless of the level of service with respect to flood return periods allowing vehicle crossing."*

At the end of 2021 the sub-grade had been established for the road alignment with culverts and base material stored on site.

2021 costs were approximately $73,556 and total project costs had exceeded the $75,000 estimate, **reaching $99,600**.

**2022 - CONSTRUCTION, NO CONTRACT, NO BOND &**

**NO SCHEDULE:**

The final design was completed during the first quarter of 2022.

With the final design, the County published a Public Notice in the Johnson City Record Courier on March 30, 2022 requesting bids by April 12, 2022 to complete the project. Keep in mind, the project is in far south Blanco County and the request for bids was not placed in the Blanco County News. The [Public Notice](https://www.opengovernmentinblancocountytx.org/CASES/CASE-BLANCO-COUNTY-TRAINER-WUEST/Public%20Notice%20JCRC%203-30-22%20Bid%20Due%204-12-22%20Trainer%20Wuest.png) announced, "Commissioners Court is accepting bids for construction & paving in Pct. 1." It was not descriptive regarding the scope of work, which could have attracted more bidders. The Public Notice also said "All bids must include a 5% bid bond." On April 12, 2022 bids were to be opened at the Commissioners Court meeting. No bids were received!

Commissioner Weir advised the Commissioners Court that "*I think I have one coming"*. Judge Bray advised him to advertise it again, include the Blanco County News, and look for other means to publicize the work through contractor and construction associations, etc.

The same [Public Notice](https://www.opengovernmentinblancocountytx.org/CASES/CASE-BLANCO-COUNTY-TRAINER-WUEST/Public%20Notice%20BCN-JCRC%20Bid%20Due%205-10-22%20Trainer%20Wuest.png) was again published, this time in both papers, but with a bid due date of May 10, 2022 by 9 am. A single [Quote](https://www.opengovernmentinblancocountytx.org/CASES/CASE-BLANCO-COUNTY-TRAINER-WUEST/Trainer%20Wuest%20Definitions.docx) was received, dated and opened on the same day, May 10, 2022.

[**Q?** - Why was the only "quote" prepared, dated, and delivered early on the morning of the due date? On April 12th Commissioner Weir had indicated that he had "one coming". Did someone make a phone call to the contractor to make sure at least one bid was submitted?']

The only ["Quote”, in the amount of $436,343.84](https://www.opengovernmentinblancocountytx.org/CASES/CASE-BLANCO-COUNTY-TRAINER-WUEST/Construction-Quote-%24436K.jpeg), was received from Available Construction and Transport Service, Inc. The same contractor had performed the sub-grade work months earlier. After discussion, the court accepted the "Quote" as a bid with the acknowledgement that certain line items would be removed and performed by in house County personnel. Those items included items such as labor, material, and final chip seal paving commonly performed by county employees. The County did NOT enter into a contract with Available and, again, the 5% bid bond to ensure contractor performance was waved. Available was later authorized to proceed; they mobilized and began work.

**Texas Local Government Code:**

**Section 262.023 - COMPETITIVE REQUIREMENTS FOR CERTAIN PURCHASES** (a) Before a county may purchase one or more items under a contract that will require an expenditure exceeding $50,000, the commissioners court of the county must:

1. comply with the competitive bidding or competitive proposal procedures...

 <https://statutes.capitol.texas.gov/Docs/LG/htm/LG.262.htm>

**Section 262.027 - AWARDING OF CONTRACT** (a) The officer in charge of opening the bids shall present them to the commissioners court in session. Except as provided by Subsection (e), the court shall:

1. award the contract to the responsible bidder who submits the lowest and best bid;

 <https://statutes.capitol.texas.gov/Docs/LG/htm/LG.262.htm>

On Dec.13, 2022 Commissioner Weir advised the Commissioners Court that he needed an additional $100,000 to hold the contractor on the job. Fortunately, other funds within Commissioner Weir's budget were identified and no additional funding was required. A bond would likely have eliminated the potential of the contractor leaving the job unfinished.

[**Q?** - Why wasn’t the County budget in alignment with known project expenses? Or, does the County allow the contractor to determine project and payment schedules?]

The Trainer-Wuest project was **virtually** complete at years end.

2022 costs were approximately $321,330, not including County employee labor. **The total cost for the project over the 39 months was approximately $420,900,** not counting all in-house costs. It is fair to say that this project cost five times the original $75,000 estimate by Commissioner Weir when he wrote *"I had estimated the finished road relocation would cost $75,000 over three years"*.

**SUMMARY:**

The Trainer Wuest Road project was a poorly managed Blanco County government project that resulted in a sub-optimal product for excessive cost. The project was, without any doubt, a necessary improvement. The [finished project](https://www.opengovernmentinblancocountytx.org/CASES/CASE-BLANCO-COUNTY-TRAINER-WUEST/New%20Trainer%20Wuest%20photo%201.jpeg) (top view), [finished project](https://www.opengovernmentinblancocountytx.org/CASES/CASE-BLANCO-COUNTY-TRAINER-WUEST/New%20Trainer%20Wuest%20stream%20side.jpeg) (side view) is a significant improvement and will serve the public well, most of the time. However, the cost of the project was too high. For the same cost, a better designed project could have been built providing higher reliability for the public. Or, the same finished project could have been completed sooner for much less cost.

Generally accepted practices would start with a design and preliminary estimates considering all the factors. This should be done by a qualified engineering firm at the beginning of the process, not after unnecessary constraints are placed on the designer.

* Purchasing the culverts and requiring their use placed limits on the design prior to the drainage study.
* Establishing funding without reasonable cost estimates caused work delays due to funding shortfalls, which then resulted in multiple contractor mobilizations and inflationary costs as time passed.
* In this case, knowing preliminary costs would have allowed negotiation with the developer for external funding necessary due to the new development.
* **Compliance with statutorily required contracting processes would ensure competitive pricing and timely completion of projects while avoiding the perception of corruption.**

It has been painful to watch this project unfold over time. Even as finishing touches are on-going, Commissioner Weir has indicated he will use $30,000 of his 2023-24 budget to complete the project.

However, there are signs that some lessons may have been learned by our Commissioners Court. Several low-water crossings have been planned and built since 2019 using better project management concepts. If strong planning and scheduling processes are institutionalized and extended to the financial planning our tax dollars will go further and we will get better outcomes.

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