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## State orders investigation of road bids, WTVF says

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### *Head of TDOT questions companies' practices*

The state attorney general has launched a criminal investigation into Tennessee's road-building industry as a result of "suspicious bidding patterns" by road construction companies, NewsChannel 5 reported last night.

The television station reported that the head of the Tennessee Department of Transportation found the suspicious bidding patterns in an analysis of state data, triggering a criminal investigation of the industry.

"It would imply that people are getting together and working on bids before they are actually opened," TDOT Commissioner Gerald Nicely said on the NewsChannel 5 report.

Channel 4 news also reported on the probe. The station said Nicely brought his suspicions involving "possible anti-competitive behavior in some of TDOT's previous contracts" to the attention of Attorney General Paul Summers last November.

The attorney general said in a statement issued from his office that the probe was not focused on either the department or its employees.

The NewsChannel 5 report detailed its own six-month investigation by reporter Phil Williams, who found dozens of state and local highway contracts in which only one contractor had submitted a bid.

Williams reported that these contracts totaled "hundreds of millions of dollars" and were awarded with "little or no real competition."

Kent D. Starwalt, executive vice president of the Tennessee Road Builders Association, told Williams there may be many legitimate business reasons paving contractors choose not to bid on a particular project.

For instance, he said a project may be so far from the company's asphalt facility the company cannot deliver asphalt hot to the site.

Two decades ago, numerous road building contractors in Tennessee were convicted of getting together and rigging the bidding process.

Starwalt, in a prepared statement to *The Tennessean*, said the organization recognizes the

importance of the competitive bidding process in protecting taxpayer dollars and that any irregularities should be probed.

"The road building industry in Tennessee welcomes any scrutiny that tests the integrity of the low open competitive bid system and is completely supportive of anything that reassures Commissioner Nicely, the Department and the motoring public that the system is absolutely fair ... no ifs, no ands, and no buts," Starwalt said in a prepared statement.

"It is only through reviews such as this that the public can be assured that the system is fair and unbiased," he said.

Starwalt said that although the association was unaware of Nicely's concerns and had not seen the internal TDOT study, it fully supports his efforts.

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