

**GENERAL MEETING OF THE BOARD OF DIRECTORS  
OF THE NORTH EAST TEXAS  
REGIONAL MOBILITY AUTHORITY**

**RESOLUTION NO. 23-13**

WHEREAS, the North East Regional Mobility Authority (“NET RMA”) was created pursuant to the request of Gregg and Smith Counties and in accordance with provisions of the Transportation Code and the petition and approval process established in 43 Tex. Admin. Code § 26.1, *et seq.* (the “RMA Rules”); and

WHEREAS, the Board of Directors of the NET RMA has been constituted in accordance with the Transportation Code and the RMA Rules; and

WHEREAS, subsequent to the initial formation of the NET RMA the Counties of Cherokee, Rusk, Harrison, Upshur, Bowie, Panola, Wood, Van Zandt, Titus, Kaufman, Camp, and Cass joined the Authority and are represented on the Board of Directors; and

WHEREAS, on April 11, 2023, in Resolution 23-09, the NET RMA Board of Directors approved the selection of H.W. Lochner, Inc. (“Lochner”) to serve as one of the general engineering consultants (“GEC”) to the NET RMA and authorized the Chairman to execute an agreement with Lochner for the provision of general consulting civil engineering services; and

WHEREAS, Lochner has developed a proposed scope of work and budget for GEC services for the 2023 fiscal year; and

WHEREAS, a copy of that proposed scope of work and budget not to exceed \$100,000.00 is contained in Work Authorization No. 1.0, attached hereto as Attachment “A”; and

WHEREAS, the NET RMA Board of Directors must approve Work Authorization No. 1.0 before Lochner may proceed to work thereunder; and

WHEREAS, Lochner has represented to the Board of Directors that the work reflected in Work Authorization No. 1.0 is necessary and appropriate.

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors approves Work Authorization No. 1.0 with Lochner for GEC services for the 2023 fiscal year in the form attached hereto as Attachment “A”, for an amount not to exceed \$100,000.00; and

BE IT FURTHER RESOLVED, that all work performed under Work Authorization No. 1.0 shall be subject to the Agreement for General Consulting Civil Engineering Services between the NET RMA and Lochner and that no additional work may be undertaken without the specific approval of the Board of Directors.

Adopted by the Board of Directors of the North East Texas Regional Mobility Authority on the 20th day of June, 2023.

Submitted and reviewed by:

Approved:

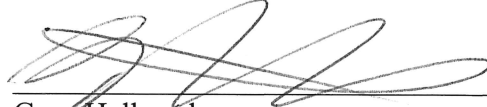
DocuSigned by:

*Brian Cassidy*

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Brian L. O'Reilly

General Counsel for the North East  
Texas Regional Mobility Authority



Gary Halbrooks

Chair, Board of Directors

Date Passed: 06/20/23

Resolution No. 23-13

## **WORK AUTHORIZATION**

WORK AUTHORIZATION NO. 1

This Work Authorization is made as of this 20th day of June, 2023, under the terms and conditions established in the AGREEMENT FOR GENERAL CONSULTING ENGINEERING SERVICES, dated as of June 01, 2023 (the "Agreement"), between the North East Texas Regional Mobility Authority ("Authority") and H.W. Lochner Inc., General Engineering Consultant (the "GEC"). This Work Authorization is made for the following purpose, consistent with the services defined in the Agreement:

*General Engineering Consultant (GEC) Services and Major R&R Support – FY 2023*

### **Section A. - Scope of Services**

A.1. GEC shall perform the following Services:

*The GEC will provide Program Management, Technical Studies, MS4 Permit Support, Board Meeting and Major R&R Support activities related to Toll 49, as well as General Engineering and Technical Support related to NET RMA priority projects and other activities as requested by the Board.*

*See Attachment A – Scope of Services.*

A.2. The following Services are not included in this Work Authorization but shall be provided as Additional Services if authorized or confirmed in writing by the Authority.

*(none anticipated).*

A.3. In conjunction with the performance of the foregoing Services, GEC shall provide the following submittals/deliverables (Documents) to the Authority:

*GEC shall submit technical reports, studies, designs, schedules, cost estimates, meeting support documents, Board meeting presentations and other deliverables in printed and/or electronic format, as requested by the NET RMA.*

### **Section B. - Schedule**

GEC shall perform the Services and deliver the related Documents (if any) according to the following schedule:

*This Work Authorization shall be effective from June 1, 2023, to September 30, 2023.*

### **Section C. - Compensation**

C.1. In return for the performance of the foregoing obligations, the Authority shall pay to the GEC the amount not to exceed \$100,000.02 based on the attached fee estimate.

*See Attachment B – Fee Estimate.*

C.2. Compensation for Additional Services (if any) shall be paid by the Authority to the GEC according to the terms of a future Work Authorization.

**Section D. - Authority's Responsibilities**

The Authority shall perform and/or provide the following in a timely manner so as not to delay the Services of the GEC. Unless otherwise provided in this Work Authorization, the Authority shall bear all costs incident to compliance with the following:

*Provision of support documents and prompt response to inquiries as requested by the GEC.*

**Section E. - Other Provisions**

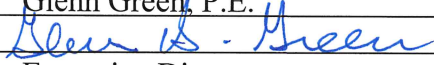
The parties agree to the following provisions with respect to this specific Work Authorization:

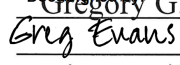
*(none anticipated)*

Except to the extent expressly modified herein, all terms and conditions of the Agreement shall continue in full force and effect.

Authority: **North East Texas Regional  
Mobility Authority**

GEC: **H.W. Lochner, Inc.**

By: Glenn Green, P.E.  
Signature:   
Title: Executive Director  
Date: 6/20/23

By: Gregory G. Evans, PE  
Signature:   
Title: Vice President  
Date: 6/20/2023

## **WORK AUTHORIZATION #1**

### **NORTH EAST TEXAS REGIONAL MOBILITY AUTHORITY**

#### **ATTACHMENT A – SCOPE OF SERVICES**

#### **SERVICES TO BE PROVIDED BY LOCHNER for**

#### **GENERAL ENGINEERING CONSULTANT (GEC) – FY 2023**

### **GENERAL PROJECT OVERVIEW**

The GEC will provide Program Management, Technical Studies and Board Meeting and Public Relations Support activities related to Toll 49, other General Engineering support related to NET RMA priority projects and other technical and administrative activities as requested by the Board. Effective date of this authorization is from June 1, 2023 to September 30, 2023.

The Scope of Services for this work authorization shall include engineering and administrative services for a period of approximately 4.0 months (122 days). Work tasks shall include program planning and management activities, conducting technical and financial studies and technical support, preparation of Board Meeting support materials and, upon request, assistance with marketing and public information programs in support of NET RMA activities. These tasks will be conducted for the successful project advancement of Toll 49, for the satisfactory daily operation and maintenance of Toll 49, for advancement of other Priority Projects as requested by the NET RMA and for other necessary administrative and general engineering support functions.

### **1) PROGRAM MANAGEMENT**

This task will involve consulting and program management services for project advancement and general daily operations of the NET RMA. When requested by the Board and/or Executive Director, the GEC management staff will provide planning and engineering support as follows:

- When requested, assist NET RMA staff with engineering input, technical reviews and technical edits of NET RMA Annual Reports and with preparation of other NET RMA publications and web page content.
- When requested, assist NET RMA staff with preparation of various engineering reports and financial documents for required annual FHWA and/or TxDOT submittals, TxDOT audits and technical reviews, and other administrative reports.
- When requested, assist NET RMA staff with Customer Care support by helping to respond to citizen complaints, Public Relations support by making support maps and graphics, and handling of other public requests and inquiries on an as-needed basis.
- When requested, assist NET RMA staff in preparing grant applications, technical materials, payment reimbursement requests and other grant-related documents for TxDOT, FTA, FRA, FHWA and other state and Federal grant programs.

- Provide document control services as necessary for the documentation, tracking, filing and retrieval of NET RMA-related Documents.
- Prepare project-related monthly invoices and progress reports as needed to satisfy the needs of the NET RMA Board and staff.
- Attend transportation-related meetings and conferences when requested by the NET RMA to promote and support the NET RMA's Transportation Programs.
- Attend internal and external meetings regarding all tasks as required to support the above activities.

## **2) TECHNICAL STUDIES AND SUPPORT**

This task will involve conducting various engineering, financial and technical studies as required to assist and support the NET RMA in its project planning, design, construction, maintenance, and operations activities. These technical studies will be used to support the activities of the NET RMA in its advancement of Toll 49 and in the planning and development of other projects that may arise and be of interest to NET RMA, and in support of the NET RMA's various committees, including but not limited to the Project Development and Implementation Committee, Long Range Planning Committee, East Texas Hourglass Committee and any other committees established by the NET RMA. When requested by the Board and/or Executive Director, the GEC will provide engineering support as follows:

- Prepare short-term and/or minor concept studies, cost estimates, technical designs and evaluations, and coordinate these activities with the NET RMA staff, TxDOT and other stakeholders / agencies as requested by the NET RMA. Major studies and technical designs shall be accomplished through separate Work Authorizations.
- Participate in project design conferences, evaluate project progress and remaining design needs, develop additional design guidelines and standards, and review and further develop toll concepts, program schedules, and program cost estimates as requested.
- Provide technical and administrative support to the NET RMA's technical committees and groups.
- Provide assistance to NET RMA staff and consultants regarding periodic increases in Toll Rates, assist with preparation of updated toll rate charts and maps and coordinate same with TxDOT.
- Provide conceptual, preliminary and/or final designs for small construction projects or potential change orders to ongoing construction projects to help in advancement of Toll 49 and/or other programs.
- Assist with issuing project designs, bid documents, change orders, responses to bidders' questions, holding bid openings, tabulating bids and making Board recommendations on construction projects not covered by a separate work authorization.
- Review, edit and/or comment on technical documents prepared by other NET RMA consultants.
- Assist the NET RMA staff with responses to public complaints, including but not limited to: noise and traffic complaints; damage claims related to soil erosion or

drainage issues; complaints regarding traffic signals, signs, message boards and other similar issues; and other public notifications and complaints. Also maintain a tracking sheet listing dates and times of complaints and the responses / solutions provided.

- Assist in the implementation activities required under the Municipal Separate Storm Sewer System (MS4) including update of SWMP as needed and preparation of an Annual Report. Work tasks include data collection and review, meetings, implementation activities. These tasks will be conducted to maintain coverage of applicable segments of Toll 49 under TCEQ General Permit TXR0400000.

### **3) MASTER INDENTURE AGREEMENT SERVICES**

In addition to the general services listed above, the GEC will assist the NET RMA with performance of all tasks and requirements listed in the Master Trust Indenture document for Toll 49 between NET RMA and Amegy Bank, and/or for similar services for other financial documents. When requested by the Board and/or Executive Director, these services will include but not be limited to the following:

- Provide engineering descriptions, data and cost estimates for unusual or extraordinary maintenance or repairs, non-annual maintenance or repairs, and other major items of equipment for Toll 49.
- Provide engineering descriptions, data and cost estimates for repairs or replacements resulting from an emergency caused by some extraordinary occurrence on Toll 49.
- Maintain and update a programmatic list of anticipated major renewal and replacement items for Toll 49.
- Maintain and update a programmatic list of anticipated routine maintenance and operating expenses for Toll 49.
- Provide asset descriptions and replacement cost information to a responsible insurance company for insurance protection for Toll 49.
- Prepare descriptions and cost estimates for any damage or destruction to Toll 49 or for any other action or activity that adversely affects the revenues from the System.
- Provide information and records required for an Annual Audit.

### **4) BOARD MEETINGS / PUBLIC RELATIONS**

This task will involve various activities required to hold successful NET RMA Board Meetings and promote the NET RMA to the public. When requested by the Board and/or Executive Director, items to be provided shall include but not be limited to:

- Assist NET RMA staff in support of Board Meeting activities.
- Prepare and edit documents, maps and graphic displays as needed to support Board Meetings and NET RMA publications.
- Provide coordination and support for the NET RMA staff in the development and distribution of maps, brochures and other public education materials.

- Prepare NET RMA program-related materials and exhibits for use in Public Meetings and Public Hearings.
- Prepare and deliver Presentations on topics requested by the Board or NET RMA Executive Director and Staff.

## **5) QUALITY ASSURANCE AND QUALITY CONTROL**

This task will involve conducting all activities required and outlined in the “Lochner Quality Control and Quality Assurance (QC/QA) Process User’s Guide.” Lochner’s quality of service provided to our clients includes, in part, production of quality deliverables, schedule performance, and within budget compliance. As stated in our Policy Manual, project deliverables will be subject to a Quality Control / Quality Assurance (QC/QA) process. This includes Planning, Environmental and Engineering Reports, Plans, Specifications, Estimates, Shop Drawings, CEI Related activities, Progress Reports and client billings. Lochner staff providing QC services will be independent of the work products and will ensure that Lochner procedural and technical assurance standards are met, engineering design standard of care deliverables are provided, and all QC/QA policies, procedures and schedules are followed for all NET RMA tasks conducted on the project. The Lochner QC review process will include: (1) review of engineering designs and deliverables are prepared under the responsibility of task leads that verify accuracy of the design and readiness for further QC review; (2) the document review of senior design and subject matter experts that will conduct independent technical QC checks and constructability reviews before finalizing design; (3) logging of QC comments and issues identified on the subject deliverables to make sure they are documented, discussed and resolved; (4) efforts to make sure QC comment revisions to the deliverables are completed and documented; and (5) will include QA verification that is performed by the Program Manager to make sure all QC changes and corrections have been made completely and thoroughly. Once complete, the Program Manager will verify the QC steps conducted and the comments were shown on a record set of plans/deliverables before submitting the final deliverable(s) to the NET RMA. Lochner’s Project Management Office will also periodically conduct Quality Assurance audits of the QC procedures being performed on our projects to ensure that QC procedures are being followed and executed as described.