

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

RESOLUTION NO. 14-48

WHEREAS, the North East Texas 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, Titus, Van Zandt, Wood, and Kaufman joined the Authority and are represented on the Board of Directors; and

WHEREAS, the NET RMA is responsible for the operation of Toll 49; and

WHEREAS, on March 18, 2014, in Resolution 14-11, the NET RMA Board of Directors acknowledged that conditions existed which warranted the initiation of an emergency procurement under Section 12.1 of the NET RMA's Policies and Procedures Governing Procurement of Goods and Services (the "Procurement Policies") and authorized the Interim Executive Director to negotiate and execute a contract for slope stabilization and vegetation establishment work on Toll 49; and

WHEREAS, in accordance with Section 12.1 of the Procurement Policies, the Interim Executive Director identified Southwest Environment Services LLC (the "Contractor") as the lowest responsible bidder and a contract was entered into between the NET RMA and the Contractor effective June 17, 2014 (the "Contract"); and

WHEREAS, the terms of the Contract provide that it may be amended from time to time through written agreement by the NET RMA and the Contractor; and

WHEREAS, NET RMA consultants have determined that increased stormwater runoff is resulting in erosion of natural channel bottoms which requires immediate preventative maintenance action in the form of installation of erosion control measures; and


WHEREAS, the NET RMA Interim Executive Director has recommended the approval of Change Order No. 5 to the Contract, attached hereto as Attachment "A", for an amount not to exceed \$39,500 to provide for channel improvements and installation of erosion control measures..

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors of the NET RMA hereby approves Change Order No. 5, attached hereto as Attachment "A"; and


BE IT FURTHER RESOLVED, that Change Order No. 5 may be finalized and executed by the Interim Executive Director.

Adopted by the Board of Directors of the North East Texas Regional Mobility Authority on the 12th day of November, 2014.

Submitted and reviewed by:


Lori Fixley Winland
General Counsel for the North East
Texas Regional Mobility Authority

Approved:


Linda Ryan Thomas
Chair, Board of Directors
Resolution Number 14-48
Date Passed 11/12/14

CHANGE ORDER REQUEST FORM

CHANGE ORDER PROPOSAL NO. 5

CONTRACT NO. _____

SECTION I

Originator: Danny Marsh

Date: Oct. 30, 2014

Title: President

Contract No:

Company Name: Southwest Environment Services, LLC

DESCRIPTION:

This work is for channel improvements at Hilltop Ranch property, Toll 49 Seg 3A, Tyler.

Scope:

CO # 5 consists of installing filter fabric to line the channel and use of 12-18 inch rock rip-rap armoring to extend just pass the pipeline, and providing a gabion basket structure across the channel to reduce storm water velocities and prevent channel erosion.

CAUSE OF CHANGE ORDER REQUEST:

Downstream of the first rock filter dam, the natural (bare dirt) channel bottom appears to be eroding. Storm water runoff velocities that came through pipes under the rock bridge were so high, previous to repairs upstream, that they caused complete failure to first rock filter dam. The recent slope rework and the rock work (channel armoring) placed in the ditches upstream has resolved the siltation problem. Erosion control measures now need to be installed to prevent future erosion downstream.

J. Marsh
President

Southwest Environment Services, LLC

10/30/2014
Date

**CHANGE ORDER
REQUEST**

CHANGE ORDER PROPOSAL NO. 5

CONTRACT NO. _____

SECTION II

The total amount of this Change Order is \$ 39,500.00. Documentation supporting the Change Order is attached.

Summary of Change Order Proposal for Additional Work:

Riprap	\$22,000.00
Gabion Structure	\$ 7,500.00
Additional Silt Fence, Soil Retention Blankets, and logs to stabilize stream banks.	\$ 4,000.00
Equipment Time	<u>\$ 6,000.00</u>
Grand Total	\$ 39,500.00

**CHANGE ORDER
REQUEST**

CHANGE ORDER PROPOSAL NO. 5 CONTRACT NO. _____

SECTION III

The status of Completion is as follows:

- ☐ Unaffected by this Change Order Proposal
- ☒ Affected by **(increasing)** ~~(decreasing)~~ the scheduled date for achieving Completion by 30 calendar days.
- ☐ Affected by (increasing) (decreasing) the _____ Float by _____ calendar days.

The status of Final Acceptance is as follows:

- ☒ Unaffected by this Change Order Proposal
- ☐ Affected by (increasing) (decreasing) the scheduled date for achieving Final Acceptance by _____ calendar days.
- ☐ Affected by (increasing) (decreasing) the _____ Float by _____ calendar days.

This Change Order Proposal includes all known and anticipated impacts or amounts, direct, indirect and consequential, which may be incurred as a result of the event, occurrence or matter giving rise to the proposed change.

CHANGE ORDER
REQUEST

CHANGE ORDER PROPOSAL NO. 5

CONTRACT NO. _____

SECTION IV

If the foregoing Change Order Proposal includes claims of Subcontractors or Suppliers, the undersigned have reviewed such claims and have determined in good faith that the claims are justified as to both entitlement and amount.

Proposed for Approval


Southwest Environment Services, LLC

Date

10/30/2014

Recommended for Approval


NET RMA GEC

Date

10/31/14

Submitted for Approval


NET RMA Project Director

Date

11/12/14

Approved


NET RMA Chairman

Date