

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

RESOLUTION NO. 14-55

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, on September 9, 2014, in Resolution 14-43, the NET RMA Board of Directors approved Change Order No. 4 to the Contract to provide for placement of surface treatment to prevent further damage to NET RMA facilities; and

WHEREAS, NET RMA consultants have determined that additional materials and services associated with slope cleanup and surface treatment are needed to complete the scope of work provided for under the Contract and Change Order No. 4; and

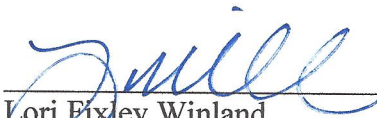
WHEREAS, the NET RMA Interim Executive Director has recommended the approval of Change Order No. 6 to the Contract, attached hereto as Attachment "A", for an amount not to exceed \$63,806.81 to provide for additional materials and costs associated with slope cleanup and surface treatment.

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors of the NET RMA hereby approves Change Order No. 6, attached hereto as Attachment "A", for an amount not to exceed \$63,806.81; and

BE IT FURTHER RESOLVED, that Change Order No. 6 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 14-55
Date Passed 11/12/14

CHANGE ORDER REQUEST FORM

CHANGE ORDER PROPOSAL NO. 6

CONTRACT NO. _____

SECTION I

Originator: Danny Marsh

Date: Nov. 3, 2014

Title: President

Contract No:

Company Name: Southwest Environment Services, LLC

DESCRIPTION:

This work is for additional materials and costs associated with the original contract (slope cleanup on Seg 3A), and CO #4 (Seg 3B Seal Coat).

Scope:

CO #6 consists of paying for additional materials and services associated with the original SWE Contract for slope cleanup on Seg 3A and for additional materials used on the Seg. 3B seal coat project. The original contracts and change orders were issued based on estimated materials quantities and costs. This CO #6 authorizes payment of the materials quantities and costs actually used in performance of the work.

CAUSE OF CHANGE ORDER REQUEST:

The original SWE Contract for slope cleanup on Toll 49 Segment 3A was based on estimated quantities of materials to be used at specified unit costs. The actual quantities of materials used were in excess of the original estimates. The total amount due on the original contract is \$61,833.84 over the original contract amount.

The original SWE CO #4 was for placement of a 49 Segment 3B and was based on estimated quantities of materials at specified unit costs. The actual quantities of materials used were in excess of the original estimates. The total amount due on CO #4 is \$1,111.11 over the original CO amount.

K'Lin:
Signed original
for NET RMA
files. EV

11/11/2014
President

11/12/2014
Date

**CHANGE ORDER
REQUEST**

CHANGE ORDER PROPOSAL NO. 6

CONTRACT NO. _____

Southwest Environment Services, LL

SECTION II

The total amount of this Change Order is \$ 63,806.81. Documentation supporting the Change Order is provided below.

Summary of Change Order Proposal for Additional Work:

Additional Materials on Original Contract	\$ 61,883.81
Additional Materials on CO #4 for Seg 3B Seal Coat	\$ <u>1,973.00</u>
Grand Total	\$ 63,806.81

**CHANGE ORDER
REQUEST**

CHANGE ORDER PROPOSAL NO. 6 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 _____ 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

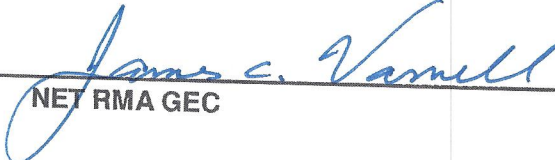
CHANGE ORDER PROPOSAL NO. 6

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  11/12/2014
Southwest Environment Services, LLC Date

Recommended for Approval  11/13/2014
NET RMA GEC Date

Submitted for Approval  11/13/14
NET RMA Project Director Date

Approved  11/13/14
NET RMA Chairman Date