

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

**RESOLUTION NO. 16-104**

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, on September 22, 2015, in Resolution No. 15-35, the NET RMA Board of Directors approved the selection of Reynolds & Kay, Ltd. ("Reynolds & Kay") to provide the NET RMA with construction of pavement repairs and improvements on Toll 49 and authorized the negotiation and execution of an agreement with Reynolds & Kay (the "Agreement") for the provision of the initial phase of such services for an amount not to exceed \$942,178.00; and

WHEREAS, on April 12, 2016, in Resolution No. 16-26, the NET RMA Board of Directors approved an amendment to the Agreement to increase the maximum price under the Agreement to \$7,501,670.69 (the "Maximum Contract Price"), subject to work being authorized through separate change orders approved by the Board of Directors; and

WHEREAS, on April 12, 2016, in Resolution No. 16-27, the Board of Directors approved Change Order No. 1.0 to the Agreement for an amount not to exceed \$6,732,739.90; and

WHEREAS, on June 14, 2016, in Resolution No. 16-59, the Board of Directors approved Change Order No. 2.0 to the Agreement for an amount not to exceed \$210,084.95; and

WHEREAS, the NET RMA is currently pursuing improvements to Segment 3B of Toll 49, which requires additional milling and inlay improvements, permanent striping, and vegetative watering; and

WHEREAS, Reynolds & Kay has developed a proposed scope of work and budget for milling and inlay improvements, permanent striping, and vegetative watering on Segment 3B of Toll 49; and

WHEREAS, a copy of that proposed scope of work and budget not to exceed \$473,341.09 is contained in Change Order No. 3.0, attached hereto as Attachment "A"; and

WHEREAS, considering the work previously authorized through Change Orders Nos. 1 and 2, and the work proposed in Change Order No. 3, the aggregate amount authorized to be expended will be \$7,416,165.94, which is less than the Maximum Contract Price; and

WHEREAS, the NET RMA Board of Directors must approve Change Order No. 3.0 before Reynolds & Kay may proceed to work thereunder; and

WHEREAS, the NET RMA general engineering consultant, RS&H, has represented to the Board of Directors that the work reflected in Change Order No. 3.0 is necessary and appropriate.

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors approves Change Order No. 3.0 in the form attached hereto as Attachment "A", for an amount not to exceed \$473,341.09; and


BE IT FURTHER RESOLVED, that the aggregate amount expended for work performed under the Agreement, including Change Orders Nos. 1, 2, and 3, shall not exceed the Maximum Contract Price; and


BE IT FURTHER RESOLVED, that all work performed under Change Order No. 3.0 shall be subject to the Agreement between the NET RMA and Reynolds & Kay 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 15th day of December, 2016.

Submitted and reviewed by:

Approved:

  
C. Brian Cassidy  
General Counsel for the North East  
Texas Regional Mobility Authority

  
Linda Ryan Thomas  
Chair, Board of Directors  
Date Passed 12/15/16