

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

RESOLUTION NO. 16-93

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, the NET RMA is currently pursuing the development of Segment 4 of Toll 49 (the “Project”); and

WHEREAS, on March 1, 2016, in Resolution 16-21, the Board of Directors authorized the Interim Executive Director to enter into a contract for the construction of the Project with Webber, LLC (“Webber”) in the amount of \$68,760,000 (the “Contract”); and

WHEREAS, the Texas Commission on Environmental Quality required the preparation of a Storm Water Pollution Prevention Plan (“SWPPP”) for the Project; and

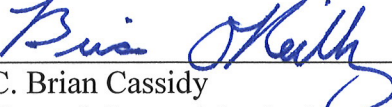
WHEREAS, NET RMA consultants have determined that additional erosion control measures are needed to ensure compliance with the SWPPP and recommend the approval of Change Order No. 4.0 to the Contract, attached hereto as Attachment “A”, for an amount not to exceed \$200,431.31 to provide for such additional erosion control measures.

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors approves Change Order No. 4.0 in the form or substantially the same form attached hereto as Attachment “A”, for an amount not to exceed \$200,431.31; and

BE IT FURTHER RESOLVED, that all work performed under Change Order No. 4.0 shall be subject to the Contract between the NET RMA and Webber 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 11th day of October, 2016.

Submitted and reviewed by:



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

Approved:



Linda Ryan Thomas
Chair, Board of Directors
Date Passed 10/11/16



TOLL 49 PAVEMENT REPAIRS and IMPROVEMENTS PROJECT



CHANGE ORDER NO. 4

Project Information	ISSUANCE DATE: 10/03/2016 2/3/2017
Project Name	Toll 49 Segment 4 Improvements
Owner	North East Texas Regional Mobility Authority (NET RMA)
Description and Reason for the Change Order	
<p>This change order is necessary to incorporate additional erosion control measures to ensure SWPPP compliance. The unit price items shown in Table 1 below will be added as Extra Work Items included in the contract.</p> <p>The Rock Filter Dams are necessary to allow the use of rock berms to decrease the flow intensity of potential runoff while reducing the risk of silt from moving onto adjacent property and will assist in controlling sediment within the Right of Way.</p> <p>The Floating Turbidity Barrier is being added as additional temporary sediment containment devices necessary to prevent sediment-laden water from escaping the immediate work area and entering adjacent bodies of water during construction activities.</p> <p>Additional construction exits are being added control offsite tracking of sediment from vehicles leaving the site.</p> <p>A Force Account items for Erosion Control Maintenance is being added. All work under this item shall be in accordance with Item 506 of the TxDOT Specifications and payment shall be made per Article 6.5.2.</p>	
Price & Budget	

ITEM NO.	ITEM DESCRIPTION	UNIT	APPROX QUANTITY	UNIT PRICE	TOTAL
0506-6001	ROCK FILTER DAM (INSTALL)(TY 1)	LF	100	\$32.49	\$3,249.00
0506-6003	ROCK FILTER DAM (INSTALL)(TY 3)	LF	250	\$104.10	\$26,025.00
0506-6011	ROCK FILTER DAM (REMOVE)	LF	350	\$10.42	\$3,647.00
0506-6020	CONSTRUCTION EXITS (INSTALL)(TY 1)	SY	100	\$37.76	\$3,776.00
0506-6021	CONSTRUCTION EXITS (REMOVE)	SY	100	\$10.06	\$1,006.00
	FLOATING TURBIDITY BARRIER	LF	100	\$192.23	\$19,223.00
	FORCE ACCOUNT - EROSION CONTROL MAINTENANCE	DOL	100,000	\$1.00	\$100,000.00
	TOTAL MAXIMUM AMOUNT:				\$156,926.00

TOLL 49 PAVEMENT REPAIRS and IMPROVEMENTS PROJECT

CHANGE ORDER NO. 4

Price & Budget (continued)	
<p>NET RMA has reviewed Webber's price proposal and it appears the costs are reasonable and recommends approval. The work associated with this change order will increase the Contract Value by a maximum amount of \$156,926.00.</p>	
Original Bid Amount:	\$ 68,760,000.00
Previously Approved Change Orders:	\$ 43,505.31
Change Order 4 Amount:	\$ 156,926.00
Contract Max Not to Exceed Amount:	\$ 68,960,431.31
<p>This amount will not be exceeded without prior authorization from the NET RMA.</p>	
Project Schedule	
Adjustment to Schedule	No change
Signatures	
<p>ACCEPTED:</p> <p>Webber, LLC</p>	<p>Signature: </p> <p>Todd Jackson, Vice President - Estimating <i>Todd Jackson</i> North TX Region</p>
<p>APPROVED:</p> <p>NET RMA</p>	<p>Signature: </p> <p>Everett Owen, PE, Project Director</p>