

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

RESOLUTION NO. 17-08

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 May 10, 2016, in Resolution No. 16-43, the NET RMA Board of Directors approved the selection of Reynolds & Kay, Ltd. ("Reynolds & Kay") to provide the NET RMA with slope and drainage channel repairs and improvements on Segment 3B of Toll 49 and authorized the negotiation and execution of an agreement with Reynolds & Kay (the "Agreement") for the provision of such services for an amount of \$1,320,797.40; and

WHEREAS, on June 14, 2016, in Resolution No. 16-60, the NET RMA Board of Directors approved Change Order No. 1.0 to the Agreement for an amount not to exceed \$37,330.00; and

WHEREAS, on December 15, 2016, in Resolution No. 16-103, the NET RMA Board of Directors approved Change Order No. 2.0 to the Agreement for an amount not to exceed \$81,247.12; and

WHEREAS, the NET RMA Board of Directors previously recognized that due to increased rainfall in the area, erosion control improvements are needed on Segment 3B of Toll 49; and

WHEREAS, Reynolds & Kay has developed a proposed scope of work and budget for additional erosion control improvements on Segment 3B of Toll 49, including temporary seeding and mowing, contractor toll reimbursements, traffic control officers, and slope repairs; and

WHEREAS, a copy of that proposed scope of work and budget not to exceed \$172,232.57 is contained in Change Order No. 3.0, attached hereto as Attachment "A"; and

WHEREAS, considering the Agreement, previously approved Change Orders No. 1.0 and 2.0, and proposed Change Order No. 3.0, the maximum amount to be paid for services under the Agreement is \$1,611,607.09; 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.

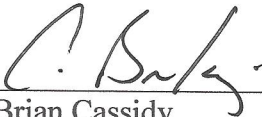
NOW THEREFORE, BE IT RESOLVED, that the Board of Directors approves Change Order No. 3.0 in the form attached hereto as Attachment "A", for an amount not to exceed \$172,232.57; and

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.

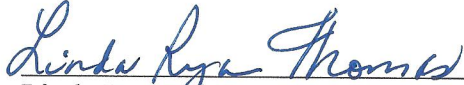
Adopted by the Board of Directors of the North East Texas Regional Mobility Authority on the 14th day of February, 2017.

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 2/14/17

TOLL 49 SEGMENT 3B EROSION CONTROL
REPAIRS and IMPROVEMENTS PROJECT

CHANGE ORDER NO. 3

Price & Budget

The work associated with this change order will increase the Contract Value by a maximum amount of **\$172,232.57**.

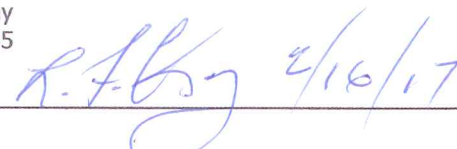
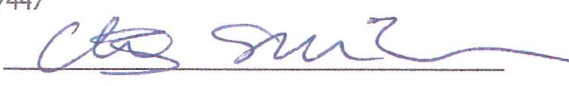
Change Order 3 Summary:

Temporary Seeding & Mowing	\$ 9,379.08
Toll Charges	\$ 897.25
Off Duty Officers	\$ 2,858.24
Additional Slope Repairs	<u>\$ 159,098.00</u>
Total Change Order 3:	\$ 172,232.57

Contract Summary:

Original Contract Amount:	\$ 1,320,797.40
Previously Approved Change Orders:	\$ 118,577.12
Change Order 3 Amount:	<u>\$ 172,232.57</u>
Contract Max Not to Exceed Amount:	\$ 1,611,607.09

This amount will not be exceeded without prior authorization from the NET RMA.

Project Schedule	
Adjustment to Schedule	No change
Signatures	
ACCEPTED: Reynolds & Kay, Ltd.	L. Francis Kay President Reynolds & Kay (903) 592-0835 Signature: <u> 2/16/17</u>
APPROVED: NET RMA	Chris Miller Executive Director NET RMA (903) 630-7447 Signature: <u></u>

TOLL 49 MAINTENANCE REPAIR CONTRACT
SLOPE EROSION AND DRAINAGE REPAIRS AND IMPROVEMENTS

CHANGE ORDER #3

LINE NO.	TXDOT ITEM NO.	ITEM DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	AMOUNT
1		TEMPORARY SEEDING & MOWING	SY	52,106	\$0.18	\$9,379.08
		TOLL CHARGES FROM 10-21-2016 THRU 01-23-2017	LS	1	\$897.25	\$897.25
		OFF DUTY OFFICERS FROM 01-03-2017 THRU 01-09-2017	LS	1	\$2,858.24	\$2,858.24
		RIPRAP (CONC FLUME) (5 IN)	CY	114	\$475.00	\$54,150.00
		GABION (3' x 3')(GALV)	CY	100	\$340.00	\$34,000.00
		CEM STABIL BKFL	CY	(17)	\$170.00	(\$2,890.00)
		CEMENT STAB BACKFILL (INLET OR MH)	CY	(6)	\$170.00	(\$1,020.00)
		FLOWABLE FILL	CY	30	\$129.60	\$3,888.00
		RIPRAP (STONE TY R) (DRY) (12 IN)	CY	302	\$235.00	\$70,970.00
		TOTAL MAXIMUM PRICE:				\$172,232.57



TOLL 49 SEGMENT 3B EROSION CONTROL
REPAIRS and IMPROVEMENTS PROJECT

CHANGE ORDER NO. 3

Project Information	ISSUANCE DATE: 02/06/2017
Project Name	Toll 49 Segment 3B Erosion Control Repair
CSJ	3487-01-017, 3487-01-018
Owner	North East Texas Regional Mobility Authority (NET RMA)
Description and Reason for the Change Order	
<p>This change order will incorporate additional work effort for the temporary seeding and mowing of the repair areas during the winter months to establish vegetation and stabilize the slope repairs.</p> <p>Temporary Seeding & Mowing: This change order is necessary to incorporate temporary seeding and mowing. Temporary seed was placed after topsoil and compost in repair areas in order to establish vegetation during winter months. This work is ongoing. Permanent seeding will be placed in these areas when the weather will allow the seed to establish. If temporary seed cannot be established due to cold temperatures, these areas will be reseeded with the temporary mix. Mowing will be done in the Spring. This work will be compensated at a maximum amount of \$9,379.08.</p> <p>Toll Charges: Toll charges incurred by the contractor during construction activities from 10-21-2016 through 01-23-2017 will be added to this change order in the amount of \$897.25.</p> <p>Off Duty Officers: Officers were used for traffic control during work activities on the near the travel lanes from January 3-9, 2017. These fees are added to this change order in the amount of \$2,858.24.</p> <p>Slope Repairs: Needed repairs required placement of additional concrete flume, stone RIP RAP, gabions, and flowable fill. These additional repairs were discovered thru in-depth onsite field investigation and based on information not available during the planning and design phase. Additional concrete flume was installed at an existing culvert that had no concrete flow line; pond failed inspection and to prevent any additional erosion a concrete flow line was installed; flowable fill was used in lieu of the concrete stabilized backfill. This work will be compensated at a maximum of \$159,098.00.</p>	