

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

RESOLUTION NO. 17-12

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 currently pursuing the development of Segment 4 of Toll 49 (the "Project"); and

WHEREAS, on March 1, 2016, in Resolution No. 16-21, the Board of Directors authorized the Interim Executive Director to enter into a contract (the "Agreement") for the construction of the Project with Webber, LLC ("Webber") in the amount of \$68,760,000.00; and

WHEREAS, on June 14, 2016, in Resolution No. 16-63, the NET RMA Board of Directors approved Change Order No. 1.0 to the Agreement with no financial impact; and

WHEREAS, on October 11, 2016, in Resolution No. 16-91, the NET RMA Board of Directors approved Change Order No. 2.0 to the Agreement for an amount not to exceed \$26,247.38; and

WHEREAS, on October 11, 2016, in Resolution No. 16-92, the NET RMA Board of Directors approved Change Order No. 3.0 to the Agreement for an amount not to exceed \$17,257.93; and

WHEREAS, on October 11, 2016, in Resolution No. 16-93, the NET RMA Board of Directors approved Change Order No. 4.0 to the Agreement for an amount not to exceed \$156,926.00; 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. 5.0 to the Agreement, attached hereto as Attachment "A", for an amount not to exceed \$100,000.00 to provide for such additional erosion control measures; and

WHEREAS, considering the Agreement, previously approved Change Orders No. 1.0 through 4.0, and proposed Change Order No. 5.0, the maximum amount to be paid for services under the Agreement is \$69,060,431.31; and

WHEREAS, the NET RMA Board of Directors must approve Change Order No. 5.0 before Webber 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. 5.0 is necessary and appropriate.

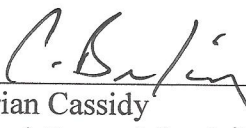
NOW THEREFORE, BE IT RESOLVED, that the Board of Directors approves Change Order No. 5.0 in the form or substantially the same form attached hereto as Attachment "A", for an amount not to exceed \$ 100,000.00; and


BE IT FURTHER RESOLVED, that all work performed under Change Order No. 5.0 shall be subject to the Agreement 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 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 4 IMPROVEMENTS

CHANGE ORDER NO. 5

Project Information	ISSUANCE DATE: 02/06/2017
Project Name	Toll 49 Segment 4 Improvements
CSJ	3487-01-017, 3487-01-018
Owner	North East Texas Regional Mobility Authority (NET RMA)
Description and Reason for the Change Order	

This change order is necessary to establish a \$100,000 item in the contract to cover additional items as they relate to erosion control and unforeseen conditions and establish unit prices for specific erosion control work items that are not currently included in the plan quantities but will be installed on as needed basis throughout the duration of the project.

Work items considered not part of the plan quantities shall be paid at the unit prices below. These prices are based on the prices included in the Schedule of Values in the subcontractor's agreement plus the markups per 9.7.1.5 and 9.7.1.8 of the Standard Specifications.

TABLE 1: Erosion Control Unit Prices			
Item #	Description	Unit	Unit Price
161	Compost Manuf Topsoil (4")	SY	\$1.05
162	Block Sodding	SY	\$4.74
162	Straw or Hay Mulch	SY	\$0.21
164	Bonded FBR MTRX Seed (Temp) (Cool)	SY	\$0.84
164	Bonded FBR MTRX Seed (Temp) (Warm)	SY	\$0.83
164	Broadcast Seed (Perm) (Rural) (Sandy)	SY	\$0.16
164	Broadcast Seed (Temp) (Cool)	SY	\$0.13
164	Broadcast Seed (Temp) (Warm)	SY	\$0.12
164	Drill Seeding (Perm) (Urban) (Sandy)	SY	\$0.16
168	Vegetative Watering	MG	\$18.13
169	Soil Retention Blankets (CL2) (TY G)	SY	\$5.14
506	Biodeg Erosn Cont Log (Install)	LF	\$2.52
506	Biodeg Erosn Cont Log (Remove)	LF	\$0.47
506	Construction Exits (Install)	SY	\$37.76
506	Construction Exits (Remove)	SY	\$10.06
506	Rock Filter Dam (Install) (TY 1)	LF	\$32.49
506	Rock Filter Dam (Install) (TY 3)	LF	\$104.10
506	Rock Filter Dam (Remove)	LF	\$10.42
506	Temp Sedmt Cont Fence (Install)	LF	\$1.56
506	Temp Sedmt Cont Fence (Remove)	LF	\$0.49
7015	Floating Turbidity Barrier	LF	\$192.23
552	Wire Fence TY A	LF	\$12.65

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TOLL 49 PAVEMENT REPAIRS and IMPROVEMENTS PROJECT

CHANGE ORDER NO. 5

The table below lists the Extra Work Items listed in the Contract. Extra Work Items will be paid at the unit prices set forth as Extra Work Items in the contract, see table below. All quantities for these items will be measured and agreed upon at time of installation. The Contractor will be compensated for these Extra Work Items at the time of installation. At the time the quantities listed below are exceeded, any work determined not to be included in the plans will be paid for using the unit prices listed in Table 1 above.

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TABLE 2: EXTRA WORK ITEMS					
Item No.	Description	UOM	Quantity	Unit Price	Total
506-6038	Temp Sedmt Cont Fence (Install)	LF	10,000	\$3.00	\$30,000.00
506-6039	Temp Sedmt Cont Fence (Remove)	LF	10,000	\$1.00	\$10,000.00
506-6041	Biodeg Erosn Cont Log (Install)	LF	10,000	\$5.00	\$50,000.00
506-6043	Biodeg Erosn Cont Log (Remove)	LF	10,000	\$1.00	\$10,000.00
552-6001	Wire Fence TY A	LF	5,000	\$15.00	\$75,000.00

Reference page 13 (D-3) of the Executed Contract for the quantities and unit prices listed in this table.

Force Account – Unforeseen Work

Any unforeseen work not included in the plans, contract, or previous executed change order will paid by the force account method outlined in Item 9.7 of the Standard Specification. It is anticipated that work to be performed in this method to include additional erosion control items performed by Webber's internal forces, placement of additional rip-rap, work related to unsuitable material and any additional traffic control not included in the plans or contract. A force account is being established for this work so the Contractor can install erosion control items as required. Many of these items need to be installed and cannot wait for the time it takes to process a change order. This force account approach is a standard TxDOT approach that has been used successfully in the past.

Price & Budget

The work associated with this change order will increase the Contract Value by a maximum amount of \$100,000.00.

Original Bid Amount:	\$ 68,760,000.00
Previously Approved Change Orders:	\$ 200,431.31
Change Order 5 Amount:	\$ 100,000.00
Contract Max Not to Exceed Amount:	\$ 69,060,431.31

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

TOLL 49 PAVEMENT REPAIRS and IMPROVEMENTS PROJECT

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Project Schedule	
Adjustment to Schedule	No change
Signatures	
<p>ACCEPTED:</p> <p>Webber, LLC</p>	<p>Signature: <u>Brad Caldwell</u></p> <p>Josh Goynes, Regional VP</p> <p><u>Brad Caldwell, ASR Manager</u></p>
<p>APPROVED:</p> <p>NET RMA</p>	<p>Signature: <u>Christopher Miller</u></p> <p>Chris Miller, Executive Director</p>