

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

RESOLUTION NO. 17-30

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, on February 14, 2017, in Resolution No. 17-08, the NET RMA Board of Directors approved Change Order No. 3.0 to the Agreement for an amount not to exceed \$172,232.57; and

WHEREAS, on June 13, 2017, in Resolution No. 17-29, the NET RMA Board of Directors ratified Change Order No. 4.0 to the Agreement for an amount not to exceed \$36,030.00; and

WHEREAS, due to periodic rainfall events, additional slope repairs and top soil are needed on Segment 3B of Toll 49; and

WHEREAS, Reynolds & Kay has developed a proposed scope of work and budget for additional slope repairs and top soil on Segment 3B of Toll 49; and

WHEREAS, a copy of that proposed scope of work and budget not to exceed \$75,000.00 is contained in Change Order No. 5.0, attached hereto as Attachment "A"; and

WHEREAS, considering the Agreement, previously approved Change Orders Nos. 1.0 through 4.0, and proposed Change Order No. 5.0, the maximum amount to be paid for services under the Agreement is \$1,722,637.09; and

WHEREAS, the NET RMA Board of Directors must approve Change Order No. 5.0 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. 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 attached hereto as Attachment "A", for an amount not to exceed \$75,000.00; 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 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 13th day of June, 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 6/13/17



TOLL 49 SEGMENT 3B EROSION CONTROL
REPAIRS and IMPROVEMENTS PROJECT

CHANGE ORDER NO. 5

Project Information	
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	
This change order will increase the Contract Value to cover the additional slope repairs and top soil required.	
Price & Budget	

The work associated with this change order will increase the Contract Value by a maximum amount of \$75,000.00.

Contract Summary:

Original Contract Amount:	\$ 1,320,797.40
Previously Approved Change Orders:	\$ 326,839.69
<u>Change Order 5 Amount:</u>	<u>\$ 75,000.00</u>
Contract Max Not to Exceed Amount:	\$ 1,722,637.09

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.	Signature: <u>L. F. Kay</u> PRESIDENT OF L.F. KAY MANAGEMENT, LLC. GENERAL PARTNER L. Francis Kay, President Date: <u>6/6/17</u>
APPROVED: NET RMA	Signature: <u>Chris Miller</u> Chris Miller, Executive Director Date: <u>6-13-17</u>