

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

**RESOLUTION NO. 17-39**

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, on February 14, 2017, in Resolution No. 17-12, the NET RMA Board of Directors approved Change Order No. 5.0 to the Agreement for an amount not to exceed \$100,000.00; and

WHEREAS, on June 13, 2017, in Resolution No. 17-31, the NET RMA Board of Directors ratified Change Order Nos. 6.0 through 8.0 to the Agreement for a total aggregate amount not to exceed \$42,229.88; and

WHEREAS, on August 8, 2017, in Resolution No. 17-38, the NET RMA Board of Directors approved Change Order No. 9.0 to the Agreement for a total amount not to exceed \$304,851.40; and

WHEREAS, NET RMA consultants have determined that additional erosion control measures are needed for the construction of the Project and recommend the approval of Change Order No. 10.0 to the Agreement, attached hereto as Attachment "A", for an amount not to exceed \$200,000.00 to provide for such erosion control measures; and

WHEREAS, considering the Agreement, previously approved Change Orders No. 1.0 through 9.0, and proposed Change Order No. 10.0, the maximum amount to be paid for services under the Agreement is \$69,607,512.59; and

WHEREAS, the NET RMA Board of Directors must approve Change Order No. 10.0 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. 10.0 is necessary and appropriate.

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors approves Change Order No. 10.0 in the form or substantially the same form attached hereto as Attachment "A", for an amount not to exceed \$200,000.00; and

BE IT FURTHER RESOLVED, that all work performed under Change Order No. 10.0 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.

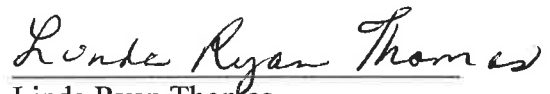
Adopted by the Board of Directors of the North East Texas Regional Mobility Authority on the 8th day of August, 2017.

Submitted and reviewed by:

Approved:



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



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Linda Ryan Thomas  
Chair, Board of Directors  
Date Passed 08/08/17



TOLL 49 SEGMENT 4 IMPROVEMENTS

**CHANGE ORDER NO. 10**

<b>Project Information</b>	<b>ISSUANCE DATE: 06/12/2017</b>
Project Name	Toll 49 Segment 4 Improvements
CSJ	3487-01-017, 3487-01-018
Owner	North East Texas Regional Mobility Authority (NET RMA)
<b>Description and Reason for the Change Order</b>	

This change order is necessary to establish a \$200,000 item in the contract to cover additional items as they relate to erosion control and unforeseen conditions.

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.

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	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
7015	Floating Turbidity Barrier	LF	\$192.23

Any unforeseen work not included in the plans, contract, or previous executed change order will be 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.

TOLL 49 PAVEMENT REPAIRS and IMPROVEMENTS PROJECT

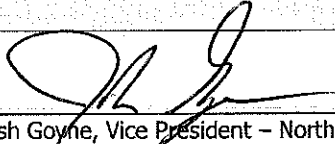
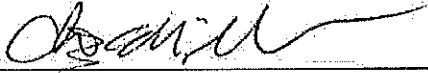
**CHANGE ORDER NO. 10**

**Price & Budget**

The work associated with this change order will increase the Contract Value by a maximum amount of \$200,000.00.

Original Bid Amount: \$ 68,760,000.00  
 Previously Approved Change Orders: \$ 647,512.59  
Change Order 10 Amount: \$ 200,000.00  
 Contract Max Not to Exceed Amount: \$ 69,607,512.59

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

Project Schedule	
Adjustment to Schedule	No change
Signatures	
ACCEPTED:  Webber, LLC	Signature:  Josh Goyne, Vice President - North Texas  Date: <u>8/17/2017</u>
APPROVED:  NET RMA	Signature:  Chris Miller, Director  Date: _____