

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

RESOLUTION NO. 17-40

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 an amount not to exceed \$304,851.40; and

WHEREAS, on August 8, 2017, in Resolution 17-39, the NET RMA Board of Directors approved Change Order No. 10.0 to the Agreement for an amount not to exceed \$200,000.00; and

WHEREAS, NET RMA consultants have determined that widening and installation of additional asphalt on the Project is necessary and recommend the approval of Change Order No. 11.0 to the Agreement, attached hereto as Attachment "A", for an amount not to exceed \$4,389,160.65 to provide for such widening and installation measures; and

WHEREAS, considering the Agreement, previously approved Change Orders No. 1.0 through 10.0, and proposed Change Order No. 11.0, the maximum amount to be paid for services under the Agreement is \$73,996,673.24; and

WHEREAS, the NET RMA Board of Directors must approve Change Order No. 11.0 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. 11.0 is necessary and appropriate.

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors approves Change Order No. 11.0 in the form or substantially the same form attached hereto as Attachment "A", for an amount not to exceed \$4,389,160.65; and

BE IT FURTHER RESOLVED, that all work performed under Change Order No. 11.0 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.

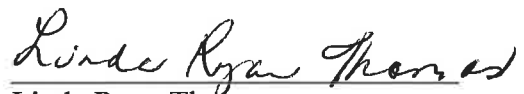
Adopted by the Board of Directors of the North East Texas Regional Mobility Authority on the 8th day of August, 2017.

Submitted and reviewed by:

Approved:



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



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



TOLL 49 SEGMENT 4 IMPROVEMENTS

CHANGE ORDER NO. 11

Project Information	ISSUANCE DATE: 07/17/2017
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	

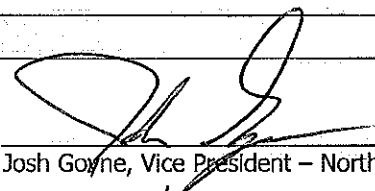
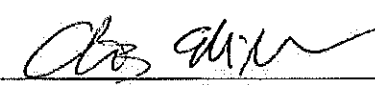
This change order is necessary to incorporate the changes to the design indicated in the 03-31-2017 plan revisions. These changes include quantity increases/decreases based on work completed on the project to date compared to the work that will be needed to comply with the latest drawings. Refer to Webber's price proposal dated 06-07-2017 attached.

Price & Budget

The work associated with this change order will increase the Contract Value by a maximum amount of \$4,389,160.65.

Original Bid Amount:	\$ 68,760,000.00
Previously Approved Change Orders:	\$ 847,512.59
<u>Change Order 11 Amount:</u>	<u>\$ 4,389,160.65</u>
Contract Max Not to Exceed Amount:	\$ 73,996,673.24

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

Project Schedule	
Adjustment to Schedule:	45 Calendar days (plus 11 days for holiday time suspension)
Substantial Completion Date:	08-11-2018
Final Acceptance Date:	12-09-2018
Signatures	
ACCEPTED:	
Webber, LLC	Signature:  Josh Goynes, Vice President – North Texas
	Date: <u>8/17/2017</u>
APPROVED:	
NET RMA	Signature:  Chris Miller, Director
	Date: _____



North Texas Region
1900 Westridge Drive
Suite 100
Irving, TX 75038

June 07, 2017

James Mike Cody, PE
Project Manager
RS&H, Inc.
15660 N Dallas Pkwy
Suite 220
Dallas, TX 75248

WWV-038

Re: Control: 3487-01-017 & 3487-01-018
Highway: Toll 49 Segment 4
County: Smith

Subject: COR – Plan Modifications based on March 31, 2017 dated plan modifications

Mr. Cody,

As a follow up to Webber’s letter dated 2/13/17 to RS&H please accept this letter as acknowledgment that Webber is in receipt of the revised plan sheets for the above referenced project dated March 31, 2017. In our previous correspondence four separate pavement options were given and lump sum costs were generated from the addition and reduction of various items of work when comparing the plans used at time of bid to the modifications dated June 24, 2016 and November 18, 2016. As you are aware during this plan modification process, work has been ongoing within the project for several different disciplines. One area of ongoing work has been the earthwork with specific relation to the placement of topsoil and establishment of permanent vegetation throughout the project to minimize erosion and SWPPP concerns. With our analysis of the March 31, 2017 dated plans Webber has also taken into account quantity increases/decreases that now exist based on work completed on the project to date compared to the work that will be needed to comply with the latest drawings. A summary of the changes consistent with our pay application lump sum format are displayed below.

ENVIRONMENTAL ACTIVITIES.....\$-9,338.10

- Reduction in quantities/costs associated with Compost, Watering, Soil Ren Blankets, Temp Seeding(Warm and Cool), Silt Fence(Install and Remove)

EARTHWORK ACTIVITIES.....\$107,259.78

- Reduction in quantities/costs associated with Prep ROW, Excavation
- Increase in quantities/costs associated with Embankment
- Modifying earthwork activities already completed
 - Areas affected 228+50 – 267+50 and 359+00 – 388+50
 - In these areas backslopes and partial frontslopes have been established, top soiled, seeded and matted(as needed)
 - In an effort to minimize disruption of established slopes and cost of rework Webber proposes to leave the backslopes in place and push the ditch to meet the established

backslope. (please see cross sections for these areas enclosed with this letter). This equates to 5250 CY of fill, 1450 CY of topsoil to strip and stockpile, and 1450 CY of topsoil to reapply.

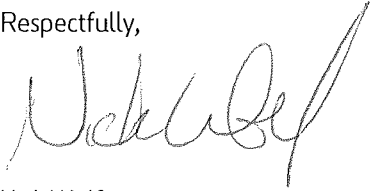
SUBBASE ACTIVITES.....	\$204,049.20
<ul style="list-style-type: none"> • Reduction in quantities/costs of Flexbase 8” thickness • Increase in quantities/costs of Flexbase 12” thickness, cement tonnage and cement treatment area 	
PAVEMENT ACTIVITES.....	\$3,783,057.77
<ul style="list-style-type: none"> • Increase in quantities/costs associated with <ul style="list-style-type: none"> ○ Mobilization Efforts ○ Asphalt price escalation ○ ½” OCST, HMA ○ Prime Coat 	
PAVEMENT MARKING ACTIVITIES.....	\$-10,759.19
<ul style="list-style-type: none"> • Increase in quantities/costs associated with Rumble Strips(shoulder and centerline) and Refl Pav Mrkr(Type I-C, TY II-A-A) • Reduction in quantities/costs associated with Traffic Button(TY Y and TY W) • Increase in quantities/costs associated with guardrail/DAT sections 	
DRAINAGE ACTIVITIES.....	\$409.50
<ul style="list-style-type: none"> • Increase in quantities/costs associated with 24” RC pipe 	
TIME COST ADJUSTMENT.....	\$271,024.65
<ul style="list-style-type: none"> • Increase in project overhead cost per TXDOT Article 4.6.2, associated with 45 additional days requested by our subcontractor to perform the work encompassed by these revisions. 	
BOND ADJUSTMENT.....	\$43,457.04
TOTAL COST TO INCORPORATE THE PROPOSED CHANGES.....	\$4,389,160.65
TOTAL CONTRACT TIME ADJUSTMENT REQUESTED FOR THIS CHANGE.....	45 days

Please note, the pricing above is good for 30 days and escalation on the asphalt material begins January 1, 2019. This pricing does not take into account or include any costs related to the lighting protection shown on the revised drawings as it is Webbers understanding this work will be performed by others. Also the time cost adjustment and additional contract time requested are only directly related to this change in work.

Thank you for your time and consideration in this matter If you have any questions or require any additional information please feel free to contact me at 469-236-8771 or nwolf@wwebber.com.

webber

Respectfully,

A handwritten signature in black ink, appearing to read "Nick Wolf". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Nick Wolf
Project Manager

Cc: Josh Goyne – Webber
Brad Caldwell – Webber
Matt Anderson – Webber

Enclosure: Modified Ditch Cross Sections stations 228+50 – 267+50 and 359+00 – 388+50

Toll 49 Segment 4

WWW-038

Costs related to changes in the March 31,2017 issued plans
(lightning protection not included)

ITEM DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL PRICE
COMPOST MANUF TOPSOIL (4")	SY	(3,609.00)	\$ 1.17	\$ (4,222.53)
VEGETATIVE WATERING	MG	(77.00)	\$ 17.10	\$ (1,316.70)
SOIL RETENTION BLANKETS (CL 2)(TY G)	SY	(454.00)	\$ 4.85	\$ (2,201.90)
BROADCAST SEED (TEMP)(WARM)	SY	(138.00)	\$ 0.11	\$ (15.18)
BROADCAST SEED (TEMP)(COOL)	SY	(138.00)	\$ 0.12	\$ (16.56)
TEMP SED CONT FENCE (INSTALL)	LF	(811.00)	\$ 1.47	\$ (1,192.17)
TEMP SED CONT FENCE (REMOVE)	LF	(811.00)	\$ 0.46	\$ (373.06)
PREP ROW	AC	(2.00)	\$ 3,640.54	\$ (7,281.08)
EXCAVATION (RDWY)	CY	(11,383.70)	\$ 3.27	\$ (37,224.70)
EMBANKMENT (ORDINARY COMPACTION)(TY C)	CY	4,487.00	\$ 1.89	\$ 8,480.43
ADJUST DITCHES IN COMPLETED AREAS AND RESTRIP TOPSOIL	LS	1.00	\$ 143,285.13	\$ 143,285.13
FL BS (CMP IN PLACE)(TY A GR 1-2)(8")	SY	(4,708.00)	\$ 17.80	\$ (83,802.40)
FL BS (CMP IN PLACE)(TY A GR 1-2)(12")	SY	7,320.00	\$ 33.15	\$ 242,658.00
CEMENT	TN	100.00	\$ 124.00	\$ 12,400.00
CEMENT TREAT (SUBGRADE)(6")	SY	7,320.00	\$ 4.48	\$ 32,793.60
ASPH (AC-20XP, AC-10-2TR, OR AC-20-5TR)	GAL	27,198.00	\$ 3.36	\$ 91,385.28
AGGR (TY-PD GR-4 OR TY-PL GR-4)	CY	516.00	\$ 117.60	\$ 60,681.60
D-GR HMA TY-C SAC-A PG64-22	TON	4,142.00	\$ 112.46	\$ 465,809.32
D-GR HMA TY-C SAC-B PG64-22	TON	25,782.00	\$ 99.75	\$ 2,571,754.50
PRIME COAT W/MOBILIZATIONS AND WASTE	GAL	88,630.64	\$ 4.80	\$ 425,427.07
MOBILIZATION/ASPHALT ESCALATION FOR ADDITIONAL WIDENING	LS	1.00	\$ 168,000.00	\$ 168,000.00
RUMBLE STRIPS (SHOULDER)	LF	134,071.00	\$ 0.26	\$ 34,858.46
RUMBLE STRIPS (CENTERLINE)	LF	27,352.00	\$ 0.58	\$ 15,864.16
REFL PAV MRKR TY I-C	EA	907.00	\$ 3.57	\$ 3,237.99
REFL PAV MRKR TY II-A-A	EA	1,510.00	\$ 3.57	\$ 5,390.70
TRAFFIC BUTTON TY W	EA	(15,698.00)	\$ 2.50	\$ (39,245.00)
TRAFFIC BUTTON TY Y	EA	(13,560.00)	\$ 2.50	\$ (33,900.00)
MTL THRIE-BEAM GD FEN (TIM POST)	LF	87.00	\$ 21.00	\$ 1,827.00
DOWNSTREAM ANCHOR TERMINAL SECTION	EA	1.00	\$ 1,207.50	\$ 1,207.50
RC PIPE (CL III)(24 IN)	LF	6.00	\$ 68.25	\$ 409.50
TIME IMPACT (TRO COST)	DAY	45.00	\$ 6,022.77	\$ 271,024.65

SUBTOTAL	\$ 4,345,703.61
1% BOND	\$ 43,457.04
TOTAL	\$ 4,389,160.65