

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

RESOLUTION NO. 17-58

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 responsible for the operation of Toll 49; and

WHEREAS, on October 11, 2016, in Resolution 16-90, the NET RMA Board of Directors directed the Executive Director to pursue the implementation of safety improvements to Segment 3B of Toll 49; and

WHEREAS, on February 14, 2017, in Resolution 17-10, the NET RMA Board of Directors authorized the Executive Director to issue an Invitation to Bid for the construction of safety improvements, including the widening and restriping of Segment 3B of Toll 49, and authorized the Executive Director to enter into a contract with the lowest responsible bidder (the “Agreement”), with such contract price not to exceed \$8,190,000.00; and

WHEREAS, on February 28, 2017, the NET RMA initiated a procurement for implementation of safety improvements on Segments 1, 2, 3A, 3B, and 5 of Toll 49; and

WHEREAS, the Executive Director identified the lowest responsible bidder as IOC Company LLC (“IOC”) and executed the Agreement for the Toll 49 from IH 20 to SH 110 (Segments 1, 2, 3A, 3B, 5) Improvement Project (the “Toll 49 Improvement Project”) on March 17, 2017, for a price not to exceed \$7,805,960.46, with Project No. 1 being the safety improvements to Segment 3B; and

WHEREAS, because the scope of the procurement for safety improvement services for Segments 1, 2, 3A, 3B, and 5 of Toll 49 exceeded the Board’s previous authorization of a procurement for Segment 3B only, it is necessary for the Board to ratify the change in the scope of the previously authorized procurement; and

WHEREAS, NET RMA consultants have determined that an aggregate and emulsion revision is necessary and recommend the approval of Change Order No. 1.0 to the Agreement, attached hereto as Attachment "A", for an amount not to exceed \$212,693.11 to provide for such aggregate and emulsion revision; and

WHEREAS, considering the Agreement and proposed Change Order No. 1.0, the maximum amount to be paid for services under the Agreement is \$8,018,653.57.00; and

WHEREAS, the NET RMA Board of Directors must approve Change Order No. 1.0 before IOC 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. 1.0 is necessary and appropriate.

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors ratifies the change in the scope of the previous authorization for the procurement of services related to safety improvements to include Segments 1, 2, 3A, and 5, in addition to Segment 3B, of Toll 49; and

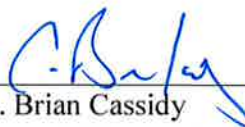
BE IT FURTHER RESOLVED, that Board of Directors approves Change Order No. 1.0 in the form or substantially the same form attached hereto as Attachment "A", for an amount not to exceed \$212,693.11; and

BE IT FURTHER RESOLVED, that all work performed under Change Order No. 1.0 shall be subject to the Agreement between the NET RMA and IOC 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 10th day of October, 2017.

Submitted and reviewed by:

Approved:



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




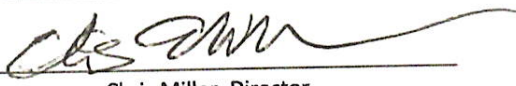
Linda Ryan Thomas
Chair, Board of Directors
Date Passed 10/10/17
Resolution No. 17-58



**Toll 49 Improvements (Segments 1, 2, 3A, 3B, 5)
CHANGE ORDER NO. 1**

Project Information						
Project Name	Toll 49 Improvements (Segments 1, 2, 3A, 3B, 5)					
Owner	North East Texas Regional Mobility Authority (NET RMA)					
Contractor	IOC Company, LLC					
Description and Reason for the Change Order						
This change order is necessary to incorporate the following changes:						
<p>1. The Contractor shall use Type D Coated Chip Seal Aggregate and the AC 205TR Oil to be placed as a final surface treatment from SH 31 to the south end of the project. Item 0316-6408 AGGR (TY D GR-4) and Item 0316-0316-6017 ASPH (AC-20-5TR) are being added to the contract as indicated below.</p> <p>2. The Contractor shall use the stockpiled Type D Chip Seal Aggregate provided by the NET RMA. This material to be used with the CRS2P chip seal oil already included in the Contractor's original bid. Item 0316-6408 AGGR (TY D GR-4) (NET RMA Provided Material) as indicated below.</p> <p>3. Due to the changes above the original bid quantities for Item 0310-6006 PRIME COAT (CSS-1H), ITEM 0316-6024 ASPH (CRS-2P), and Item 0316-6408 AGGR (TY-PD GR-4 OR TY-PL GR-4) are being reduced as indicated below.</p> <p>4. The Contractor shall incorporate Item 0316-6005 Prime Coat (AE-P). The Prime Coat is to be placed on the flexible base prior to placing asphalt.</p>						
SPEC	ITEM	DESCRIPTION	UOM	UNIT PRICE	QUANTITY	TOTAL
0316	6408	AGGR (TY D GR-4) (NET RMA Provided Material)	CY	\$64.24	3,247.00	\$208,587.28
0316	6408	AGGR (TY PD GR-4)	CY	\$149.79	2,937.00	\$439,933.23
0316	6017	ASPH (AC-20-5TR)	GAL	\$3.49	95,090.00	\$331,864.10
0316	6005	PRIME COAT (AE-P)	GAL	\$4.44	20,000.00	\$88,800.00
0310	6006	PRIME COAT (CSS-1H)	GAL	\$1.40	(56,672.00)	(\$79,340.80)
0316	6024	ASPH (CRS-2P)	GAL	\$2.30	(95,909.00)	(\$220,590.70)
0316	6408	AGGR (TY-PD GR-4 OR TY-PL GR-4)	CY	\$90.00	(6,184.00)	(\$556,560.00)
						\$212,693.11
Price & Budget						
The work associated with this change order will increase the Contract Value by a lump sum amount of \$212,693.11 .						
		Original Bid Amount:		\$7,805,960.46		
		Previously Approved Change Order Amount:		\$0.00		
		Change Order 1 Amount:		\$212,693.11		
		Contract Max Not to Exceed Amount:		\$8,018,653.57		
This amount will not be exceeded without prior authorization from the NET RMA.						

Toll 49 Improvements (Segments 1, 2, 3A, 3B, 5)
CHANGE ORDER NO. 1

Project Schedule		
No change in project schedule.		
	<u>Substantial Completion</u> December 6, 2017	<u>Final Acceptance</u> February 4, 2018
Change in Days:	0	0
Revised Dates:	n/a	n/a
Signatures		
ACCEPTED: IOC Company, LLC	Signature:  Lane Fouts, President & COO	
	Date: <u>10-13-17</u>	
ACCEPTED: NET RMA	Signature:  Chris Miller, Director	
	Date: <u>October 10, 2017</u>	