

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

RESOLUTION NO. 17-60

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 March 26, 2013, in Resolution 13-13, the NET RMA Board of Directors approved the selection of RS&H to serve as one of the general engineering consultants (“GEC”) to the NET RMA and authorized the Chairman to execute an agreement with RS&H for the provision of general consulting civil engineering services; and

WHEREAS, on March 1, 2016, in Resolution No. 16-22, the NET RMA Board of Directors approved Work Authorization No. 12.0 with RS&H for GEC support to the NET RMA during the construction of Segment 4 of Toll 49, for an amount not to exceed \$6,821,718.00; and

WHEREAS, on August 9, 2016, in Resolution 16-74, the NET RMA Board of Directors approved Supplemental Work Authorization 12.1 with RS&H for archeological services for Segment 4 of Toll 49, for an amount not to exceed \$205,454.24; and

WHEREAS, on December 15, 2016, in Resolution No. 16-105, the NET RMA Board of Directors approved Supplemental Work Authorization No. 12.2 with RS&H for additional archeological and geotechnical services for Segment 4 of Toll 49 for an amount not to exceed \$274,689.32; and

WHEREAS, on May 9, 2017, in Resolution No. 17-24, the NET RMA Board of Directors approved Supplemental Work Authorization 12.3 with RS&H for continued archeological investigation for Segment 4 of Toll 49 for an amount not to exceed \$708,035.39; and

WHEREAS, continued archeological services are needed for Segment 4 of Toll 49; and

WHEREAS, RS&H has developed a proposed scope of services and a budget of \$184,521.32 for continued archeological services for Segment 4 of Toll 49; and

WHEREAS, a summary of the proposed scope of work and budget to be incorporated in Supplemental Work Authorization No. 12.4 is attached hereto as Attachment "A"; and

WHEREAS, considering previously approved Work Authorization No. 12.0, previously approved Supplemental Work Authorization Nos. 12.1, 12.2, 12.3, and proposed Supplemental Work Authorization No. 12.4, the total amount to be paid for the services described herein and related to Segment 4 is \$8,194,418.27; and

WHEREAS, the Board of Directors must approve the execution of Supplemental Work Authorization No. 12.4 before RS&H may proceed to work thereunder; and

WHEREAS, RS&H has represented to the Board of Directors that the work reflected in Attachment "A" and to be detailed more specifically in Supplemental Work Authorization No. 12.4 is necessary and appropriate.

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors approves the execution of Supplemental Work Authorization No. 12.4 with RS&H consistent with the summary attached hereto as Attachment "A", for an amount not to exceed \$184,521.32; and

BE IT FURTHER RESOLVED, that the Board of Directors of the NET RMA authorizes the Executive Director to approve and execute a detailed scope of services and budget for Supplemental Work Authorization No. 12.4 consistent with the summary attached hereto as Attachment "A"; and

BE IT FURTHER RESOLVED, that all work performed under Supplemental Work Authorization No. 12.4 shall be subject to the Agreement for General Consulting Civil Engineering Services between the NET RMA and RS&H and that no additional work may be undertaken without the specific approval of the Board of Directors.

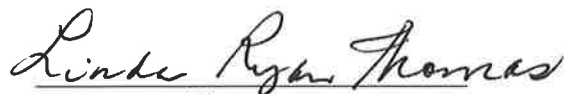
Adopted by the Board of Directors of the North East Texas Regional Mobility Authority on the 14th day of November, 2017.

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 11/14/17
Resolution No. 17-60

APPENDIX D

SUPPLEMENTAL WORK AUTHORIZATION

WORK AUTHORIZATION NO. 12.4

This Work Authorization is made as of this 14th day of November, 2017 under the terms and conditions established in the AGREEMENT FOR GENERAL CONSULTING ENGINEERING SERVICES, dated as of June 1, 2013 (the "Agreement"), between the North East Texas Regional Mobility Authority ("Authority") and Reynolds, Smith & Hills, Inc. ("GEC"). This Work Authorization is made for the following purpose, consistent with the services defined in the Agreement:

Continue archeological investigation for recently discovered site in the vicinity of the Segment 4 Right-of-Way.

Section A. - Scope of Services

A.1. GEC shall perform the following Services:

As described in Attachment A

A.2. the following Services are not included in this Work Authorization, but shall be provided as Additional Services if authorized or confirmed in writing by the Authority:

N/A

A.3. In conjunction with the performance of the foregoing Services, GEC shall provide the following submittals/deliverables (Documents) to the Authority:

Deliverables will be determined once the specific direction and assignments are made by the Executive Director.

Section B. - Schedule

GEC shall perform the Services and deliver the related Documents (if any) according to the following schedule:

To be determined once specific assignments are made.

Section C. - Compensation

C.1. In return for the performance of the foregoing obligations, the Authority shall pay to the GEC the amount not to exceed \$8,009,896.95 (previous work authorization) + \$184,521.32 (WA#12.4) = \$8,194,418.27 based on the actual rates times the contract multiplier for the staff utilized to perform the required tasks. Compensation shall be in accordance with the Agreement.

C.2. Compensation for Additional Services (if any) shall be paid by the Authority to the GEC according to the terms of a future Work Authorization.

Section D. - Authority's Responsibilities

The Authority shall perform and/or provide the following in a timely manner so as not to delay the Services of the GEC. Unless otherwise provided in this Work Authorization, the Authority shall bear all costs incident to compliance with the following:

To be determined once specific assignments are made under A.3.

Section E. - Other Provisions

The parties agree to the following provisions with respect to this specific Work Authorization:

N/A

Except to the extent expressly modified herein, all terms and conditions of the Agreement shall continue in full force and effect.

Authority: North East Texas Regional
Mobility Authority

GEC: RS&H, INC.

By: Chris M. Tlor

By: _____

Signature: 

Signature: _____

Title: Executive Director

Title: _____

Date: 11/15/2017

Date: _____

**Scope of Work for Additional Services for Data Recovery at
41SM476 and Description of Out-of-Scope Work at 41SM476
and 41SM479-481 on Proposed US 69/Toll 49 Segment 4
(Lindale Reliever Route) Right of Way
Smith County, Texas
11.6.2017**

Project Understanding

Pursuant to assumptions within previously provided supplemental amount (May 2, 2017) regarding discovery of additional burials during data recovery investigations at Site 41SM476, Hicks & Company presents the following scope of work and fee estimate for the associated tasks. This supplemental allowed for the exhumation of three burials. Since this time, ten additional burials have been encountered during mechanical scraping. Following TxDOT protocol, the immediate vicinities of these burials were hand excavated to check for additional burials and associated artifacts. We estimate the total amount of associated soil removal for these investigations to be approximately 33 cubic meters. An estimate for this additional work is provided below (ITEM 1). The exhumation of the ten additional burials and associated analysis will also require an add amount (ITEM 2). These requested add amounts include costs for security services as required by THC/TxDOT regulations through November 6, 2017.

ITEM 1: Requested add amount for work performed following the discovery of ten additional burials at 41SM476:

AMOUNT FOR ADDITIONAL PERFORMED SERVICES: \$87,318.92

ITEM 2: Requested add amount for work to be performed in exhuming ten additional burials, including subsequent analysis:

AMOUNT FOR ADDITIONAL PERFORMED SERVICES: \$97,202.40

TOTAL REQUESTED SUPPLEMENTAL AMOUNT: \$184,521.32

Assumptions:

- No more than ten burials will be excavated under this scope.
- Any additional work required by THC or TxDOT following completion of the exhumation of thirteen total burials may require an additional supplemental.