

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

**RESOLUTION NO. 17-61**

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 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 (the "Toll 49 Improvement Project") and authorized the Executive Director to enter into a contract with the lowest responsible bidder; 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 "Agreement") on March 17, 2017, for a price not to exceed \$7,805,960.46; and

WHEREAS, on October 10, 2017, in Resolution No. 17-58, the NET RMA Board of Directors approved Change Order No. 1.0 for an amount not to exceed \$212,693.11; and

WHEREAS, NET RMA consultants have determined that metal beam guard fence adjustments for the Toll 49 Improvement Project are necessary and recommend the approval of Change Order No. 2.0 to the Agreement, attached hereto as Attachment "A", for an amount not to exceed \$313,516.20 to provide for such adjustments; and

WHEREAS, considering the Agreement, previously approved Change Order No. 1.0, and proposed Change Order No. 2.0, the maximum amount to be paid for services under the Agreement is \$8,332,169.77; and

WHEREAS, the NET RMA Board of Directors must approve Change Order No. 2.0 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. 2.0 is necessary and appropriate.


BE IT FURTHER RESOLVED, that Board of Directors approves Change Order No. 2.0 in the form or substantially the same form attached hereto as Attachment "A", for an amount not to exceed \$313,516.20; and


BE IT FURTHER RESOLVED, that all work performed under Change Order No. 2.0 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 14th day of November, 2017.

Submitted and reviewed by:

Approved:


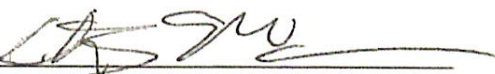
  
C. Brian Cassidy  
General Counsel for the North East  
Texas Regional Mobility Authority

  
Linda Ryan Thomas  
Chair, Board of Directors  
Date Passed 11/14/17  
Resolution No. 17-61

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

<b>Project Information</b>						
Project Name		Toll 49 Improvements (Segments 1, 2, 3A, 3B, 5)				
Owner		North East Texas Regional Mobility Authority (NET RMA)				
Contractor		IOC Company, LLC				
<b>Description and Reason for the Change Order</b>						
This change order is necessary to incorporate the following changes:						
1. The Contractor shall adjust the existing metal beam guard fence and associated items to bring them up to current standards.						
<b>SPEC</b>	<b>ITEM</b>	<b>DESCRIPTION</b>	<b>UOM</b>	<b>UNIT PRICE</b>	<b>QUANTITY</b>	<b>TOTAL</b>
542	6006	RM MTL BMGF FEN TRAN (W-BM TRAN ONLY)	EA	\$37.10	45.00	\$1,669.50
540	6033	MTL BM GD FEN TRANS( W_BEAM TRAN ONLY)	EA	\$185.50	45.00	\$8,347.50
540	6034	METAL BEAM GUARD FENCE (REMOVE AND RE-SET)	LF	\$12.72	16,235.00	\$206,509.20
544	6002	GUARDRAIL END TREATMENT (MOVE AND RE-SET)	EA	\$1,590.00	61.00	\$96,990.00
						<b>\$313,516.20</b>
<b>Price &amp; Budget</b>						
The work associated with this change order will increase the Contract Value by an amount not to exceed <b>\$313,516.20</b>						
Original Bid Amount:				\$7,805,960.46		
Previously Approved Change Order Amount:				\$212,693.11		
Change Order 2 Amount:				\$313,516.20		
<b>Contract Max Not to Exceed Amount:</b>				<b>\$8,332,169.77</b>		
<b>This amount will not be exceeded without prior authorization from the NET RMA.</b>						
<b>Project Schedule</b>						
No change in project schedule.						
	<u>Substantial Completion</u>		<u>Final Acceptance</u>			
	December 6, 2017		February 4, 2018			
Change in Days:	0		0			
Revised Dates:	n/a		n/a			

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

Signatures	
ACCEPTED: IOC Company, LLC	Signature:  Lane Fouts, President & COO Date: <u>11-16-17</u>
ACCEPTED: NET RMA	Signature:  Chris Miller, Director Date: _____