

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

RESOLUTION NO. 17-64

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, on November 14, 2017, in Resolution No. 17-60, the NET RMA Board of Directors approved Supplemental Work Authorization 12.4 with RS&H for continued archeological investigation for Segment 4 of Toll 49 for an amount not to exceed \$184,521.32; 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 \$46,251.25 for continued archeological services for Segment 4 of Toll 49; and

WHEREAS, a copy of that proposed scope of services and budget is contained in Supplemental Work Authorization No. 12.5, attached hereto as Attachment "A"; and

WHEREAS, considering previously approved Work Authorization No. 12.0, previously approved Supplemental Work Authorization Nos. 12.1 through 12.4, and proposed Supplemental Work Authorization No. 12.5, the total amount to be paid for the services described herein and related to Segment 4 is \$8,240,669.52; and

WHEREAS, the Board of Directors must approve Supplemental Work Authorization No. 12.5 before RS&H may proceed to work thereunder; and

WHEREAS, RS&H has represented to the Board of Directors that the work reflected in Supplemental Work Authorization No. 12.5 is necessary and appropriate.

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors approves Supplemental Work Authorization No. 12.5 in the form attached hereto as Attachment "A", for an amount not to exceed \$46,251.25; and

BE IT FURTHER RESOLVED, that all work performed under Supplemental Work Authorization No. 12.5 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.

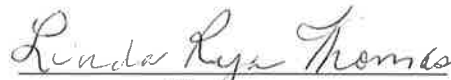
Adopted by the Board of Directors of the North East Texas Regional Mobility Authority on the 12th day of December, 2017.

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 12/12/17
Resolution No. 17-64

APPENDIX D

SUPPLEMENTAL WORK AUTHORIZATION

WORK AUTHORIZATION NO. 12.5

This Work Authorization is made as of this 12th day of December, 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 \$8,194,418.27 (previous work authorization) + \$46,251.25 (WA#12.5) = \$8,240,669.52 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 Miller

By: W. John Pollard

Signature: [Signature]

Signature: [Signature]

Title: Executive Director

Title: Vice President

Date: 12.12.2017

Date: December 21, 2017

Warren John Pollard
I am approving this
document
2017.12.21
08:20:49-06'00'

**Scope of Work for Additional Services for Data Recovery at
41SM476
Smith County, Texas
12.1.2017**

Project Understanding

Pursuant to additional work required by the Texas Department of Transportation at Site 41SM476, Smith County, Texas, Hicks & Company presents the following scope of work and fee estimate for completed tasks.

ITEM 1: Requested add amount for additional mechanical scraping and archeological monitoring at Site 41SM476, onsite meeting with TxDOT archeologists, and associated agency coordination.

AMOUNT FOR ADDITIONAL PERFORMED SERVICES: \$46,251.25 (Attachment A)

Requested Supplemental Amount for Performed Additional Mechanical Scraping Services and Agency Coordination														
Toll 49 Data Recovery														
HICKS & COMPANY														
A. Labor														
				Principal	Enviro. Scientist II	Sr. Enviro. Scientist I	Enviro. Scientist II	Enviro. Scientist I	Enviro. Pro. III	Enviro. Pro. II	Enviro. Pro. I	Enviro. Staff I	Enviro. Tech. I	Totals
Description				Hours	Hours	Hours	Hours	Hours	Hours	Hours	Hours	Hours	Hours	Hours
Texas Antiquities Code Archeological Investigations														
Prefield Preparation														
Prefield Preparation				0	0	0	0	0	0	0	0	0	2	2
Burial Excavation														
Additional Exhumations				0	0	0	50	70	0	0	0	0	124	244
Draft and Final Report														
General Data Analysis				0	0	0	0	0	0	0	0	0	0	0
Ceramic Analysis				0	0	0	0	0	0	0	0	0	0	0
Lithic Analysis				0	0	0	0	0	0	0	0	0	0	0
Interim Report and Onsite Meetings				0	0	0	16	22	16	0	0	0	16	70
Revisions and Final Report				0	0	0	0	0	0	0	0	0	0	0
GIS/Graphics Support				0	0	0	24	0	0	0	0	0	0	24
Curation														
Curation and Artifact Cleaning/Processing				0	0	0	0	0	0	0	0	0	0	0
Total Hours				0	0	0	90	92	16	0	0	0	142	340
Burdened Rate				\$179.40	\$155.48	\$137.54	\$123.24	\$113.76	\$91.64	\$83.74	\$75.84	\$72.68	\$53.72	
TOTAL Labor Costs				\$0.00	\$0.00	\$0.00	\$11,091.60	\$10,465.92	\$1,466.24	\$0.00	\$0.00	\$0.00	\$7,628.24	\$30,652.00
B. EXPENSES														
Item					Quantity		Rate							Total
Security Estimate					1		\$2,000.00							\$2,000.00
Machine Rental					1		\$8,800.00							\$8,800.00
TDS Rental					10		\$60.00							\$600.00
Field Supplies					1		\$50.00							\$50.00
Mag Samples					0		\$500.00							\$0.00
Lodging					23		\$109.00							\$2,507.00
Per Diem					23		\$40.00							\$920.00
Curation					0		\$0.00							\$0.00
Postage and Freight (overnight or courier delivery)					0		\$7.50							\$0.00
Mileage					1350		\$0.535							\$722.25
TOTAL Nonlabor Expenses														\$15,599.25
C. TOTAL COSTS - HICKS & COMPANY (H&C) =														\$46,251.25
ASSUMPTIONS AND NOTES:														
This fee estimate does not cover the cost of any exhumation or treatment if additional burials are discovered. Additional investigations recommended by the THC and/or TxDOT for these services will require a new scope and fee estimate.														