

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

RESOLUTION NO. 18-03

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 and maintenance of Toll 49; and

WHEREAS, in Resolution No. 17-37, dated August 8, 2017, the Board of Directors of the NET RMA selected IIPL USA, LLC (“IIPL”) to provide roadway maintenance services to the NET RMA and authorized the Executive Director to finalize and execute an agreement with IIPL for the provision of such services in an amount not to exceed the bid price of \$887,747.00 (the “Agreement”); and

WHEREAS, pursuant to Section 28 of the Bylaws of the North East Texas Regional Mobility Authority (the “Bylaws”) and Resolution No. 17-32, dated June 13, 2017, the NET RMA Executive Director approved and executed Change Order No. 1.0 with IIPL on October 18, 2017 with no financial impact to the Agreement; and

WHEREAS, due to rainfall events in 2016 and 2017, NET RMA general engineering consultant, Atkins, recommends increasing maintenance services to include emergency erosion control work needed to address safety concerns and provide infrastructure preservation on Segments 3A and 3B of Toll 49; and

WHEREAS, NET RMA consultants recommend the approval of Change Order No. 2.0 to the Agreement, attached hereto as Attachment “A”, for an amount not to exceed \$250,000.00 to provide for such erosion control work; 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 \$1,137,747.00; and

WHEREAS, the NET RMA Board of Directors must approve Change Order No. 2.0 before IIPL may proceed to work thereunder; and

WHEREAS, Atkins has represented to the Board of Directors that the work reflected in Change Order No. 2.0 is necessary and appropriate.

NOW THEREFORE, BE IT RESOLVED, that the 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 \$250,000.00; 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 IIPL 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 9th day of January, 2018.

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 01/09/18
Resolution No. 18-03

TOTAL MAINTENANCE CONTRACT CHANGE ORDER 2

Contractor: IIPL USA, LLC


Description of change and reason for Change Order:

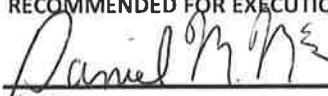
Add additional Items and revise Original Item quantities and unit prices to the contract for Emergency Erosion Control Work. No Items are Plan Quantity.

Contract Items

ITEM	DESCRIPTION	UNIT	ORIGINAL QUANTITY	ORIGINAL PRICE	REVISED QUANTITY	REVISED PRICE
110	6003 RIPRAP (CONC) (6IN)	CY	0	\$ -	5	\$ 25.00
132	6005 EXCAVATION (SPECIAL)	CY	400	\$ 50.00	18099	\$ 16.50
160	6003 FURNISHING AND PLACING TOPSOIL (4 IN)	SY	300	\$ 10.00	1350	\$ 18.00
162	6004 MULCH SODDING	SY	300	\$ 10.00	26848	\$ 4.00
168	6001 VEGETATIVE WATERING	MG	15	\$ 100.00	314	\$ 55.00
169	6002 SOIL RETENTION BLANKET (CL I)(TY B or D)	SY	300	\$ 10.00	1736	\$ 5.00
432	6002 RIPRAP (CONC) (5 IN)	CY	0	\$ -	259	\$ 470.00
432	6016 RIPRAP (STONE TY R) (DRY) (12 IN)	CY	0	\$ -	353	\$ 130.00
432	6026 RIPRAP (STONE COMMON)(DRY)(18 IN)	CY	80	\$ 150.00	360	\$ 160.00
480	6001 CLEAN EXISTING CULVERTS	EA	10	\$ 400.00	14	\$ 1,200.00
506	6033 BULLDOZER WIRK (EROSION & SEDM CONT)	HR	5	\$ 500.00	305	\$ 130.00
506	6038 TEMP SEDIMENT CONTROL FENCE (INSTALL)	LF	500	\$ 5.00	3345	\$ 3.20
506	6039 TEMP SEDIMENT CONTROL FENCE (REMOVE)	LF	500	\$ -	3345	\$ 1.00
506	9999 BAILED HAY (round bales)	EA	0	\$ -	1055	\$ 13.00
166	6001 FERTILIZER	AC	0	\$ -	4	\$ 500.00
164	6003 BROADCAST SEED (PERM) (RURAL) (CLAY)	SY	0	\$ -	4000	\$ 0.30
164	6041 DRILL SEEDING (TEMP) (WARM)	SY	0	\$ -	4000	\$ 0.80
164	6056 BONDED FBR MTRX SEED (TEMP COOL)	SF	0	\$ -	4000	\$ 0.23
164	6066 DRILL SEEDING (PERM) (WARM OR COOL)	SY	0	\$ -	4000	\$ 0.80
731	6003 BASIL BARK HERBICIDE TRT (CUT STUMP)	EA	0	\$ -	4000	\$ 0.50
751	6002 HERBICIDE APPLICATION	MI	0	\$ -	4	\$ 100.00
764	6006 STORM SEWER CLEANING (PIPE) (<12" DIA)	LF	0		300	\$ 50.00

By signing this change order, the contractor agrees to waive any and all claims for additional compensation due to any and all other expenses; additional changes for time, overhead and profit; or loss of compensation as a result of this change. Further, the contractor agrees that this agreement is made in accordance with the contract.

THE CONTRACTOR	Date	<u>01/10/18</u>	AMT. ADDED	<u>\$250,000.00</u>
BY: 			TIME ADDED	<u>0</u>
Printed Name	<u>RICK SULZER</u>		Rev. Contr. Amt.	<u>\$1,137,747</u>
Printed Title	<u>Chief operating officer</u>			

RECOMMENDED FOR EXECUTION:

 Name
 NET RMA Maintenance Director
 Title

APPROVED:

 Name
 NET RMA Executive Director
 Title