

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

RESOLUTION NO. 18-18

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 currently pursuing the development of Segment 4 of Toll 49 (the "Project"); and

WHEREAS, on March 1, 2016, in Resolution No. 16-21, the Board of Directors authorized the Interim Executive Director to enter into a contract (the "Agreement") for the construction of the Project with Webber, LLC ("Webber") in the amount of \$68,760,000.00; and

WHEREAS, on June 14, 2016, in Resolution No. 16-63, the NET RMA Board of Directors approved Change Order No. 1.0 to the Agreement with no financial impact; and

WHEREAS, on October 11, 2016, in Resolution No. 16-91, the NET RMA Board of Directors approved Change Order No. 2.0 to the Agreement for an amount not to exceed \$26,247.38; and

WHEREAS, on October 11, 2016, in Resolution No. 16-92, the NET RMA Board of Directors approved Change Order No. 3.0 to the Agreement for an amount not to exceed \$17,257.93; and

WHEREAS, on October 11, 2016, in Resolution No. 16-93, the NET RMA Board of Directors approved Change Order No. 4.0 to the Agreement for an amount not to exceed \$156,926.00; and

WHEREAS, on February 14, 2017, in Resolution No. 17-12, the NET RMA Board of Directors approved Change Order No. 5.0 to the Agreement for an amount not to exceed \$100,000.00; and

WHEREAS, on June 13, 2017, in Resolution No. 17-31, the NET RMA Board of Directors ratified Change Order Nos. 6.0 through 8.0 to the Agreement for a total aggregate amount not to exceed \$42,229.88; and

WHEREAS, on August 8, 2017, in Resolution No. 17-38, the NET RMA Board of Directors approved Change Order No. 9.0 to the Agreement for an amount not to exceed \$304,851.40; and

WHEREAS, on August 8, 2017, in Resolution 17-39, the NET RMA Board of Directors approved Change Order No. 10.0 to the Agreement for an amount not to exceed \$200,000.00; and

WHEREAS, on August 8, 2017, in Resolution 17-40, the NET RMA Board of Directors approved Change Order No. 11.0 to the Agreement for an amount not to exceed \$4,389,160.65; and

WHEREAS, on September 13, 2017, in Resolution 17-50, the NET RMA Board of Directors approved Change Order No. 12.0 to the Agreement for an amount not to exceed \$1,078,075.83; and

WHEREAS, on September 13, 2017, in Resolution 17-51, the NET RMA Board of Directors approved Change Order No. 13.0 to the Agreement for an amount not to exceed \$493,609.77; and

WHEREAS, on January 9, 2018, in Resolution, 18-02, the NET RMA Board of Directors approved Change Order No. 14.0 to the Agreement for an amount not to exceed \$2,660,075.00; 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. 15.0 for an amount not to exceed \$24,838.18, Change Order No. 16.0 for an amount not to exceed \$28,495.58, Change Order No. 17.0 for an amount not to exceed \$50,000.00, and Change Order No. 18.0 for an amount not to exceed \$11,860.97; and

WHEREAS, the NET RMA general engineering consultant, RS&H, has recommended the approval of Change Order No. 19.0 to the Agreement, attached hereto as Attachment "A", to provide for seeding and offsite clean up, for an amount not to exceed \$100,000.00; and

WHEREAS, considering the Agreement, previously approved Change Orders Nos. 1.0 through 18.0, and proposed Change Order No. 19.0, the maximum amount to be paid for services under the Agreement is \$78,443,628.57; and

WHEREAS, the NET RMA Board of Directors must approve Change Order No. 19.0 before Webber 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. 19.0 is necessary and appropriate.

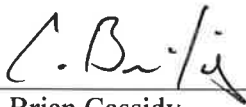
NOW THEREFORE, BE IT RESOLVED, that the Board of Directors approves Change Order No. 19.0 in the form or substantially the same form attached hereto as Attachment "A", for an amount not to exceed \$100,000.00; and


BE IT FURTHER RESOLVED, that all work performed under Change Order No. 19.0 shall be subject to the Agreement between the NET RMA and Webber 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 20th day of March, 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 03/20/18
Resolution No. 18-18



TOLL 49 SEGMENT 4 IMPROVEMENTS

CHANGE ORDER NO. 19

Project Information	ISSUANCE DATE: 02/26/2018
Project Name	Toll 49 Segment 4 Improvements
CSJ	3487-01-017, 3487-01-018
Owner	North East Texas Regional Mobility Authority (NET RMA)
Description and Reason for the Change Order	

This change order is necessary to cover additional work related to seeding and off-site cleanup not covered under previously executed change orders.

Work items considered not part of the plan quantities shall be paid at the unit prices below. These prices are based on the prices included in the Schedule of Values in the subcontractor's agreement plus the markups per 9.7.1.5 and 9.7.1.8 of the Standard Specifications.

TABLE 1: Erosion Control Unit Prices			
Item #	Description	Unit	Unit Price
162	Straw or Hay Mulch	SY	\$0.21
164	Bonded FBR MTRX Seed (Temp) (Cool)	SY	\$0.84
164	Bonded FBR MTRX Seed (Temp) (Warm)	SY	\$0.83
164	Broadcast Seed (Temp) (Cool)	SY	\$0.13
164	Broadcast Seed (Temp) (Warm)	SY	\$0.12

Any off-site cleanup will be paid by the force account method outlined in Item 9.7 of the Standard Specification. The total cost will be shared 50/50 between Webber and NET RMA.

Price & Budget

The work associated with this change order will increase the Contract Value by a maximum amount of \$100,000.00.

Original Bid Amount:	\$ 68,760,000.00
Previously Approved Change Orders:	\$ 9,583,628.57
Change Order 18 Amount:	\$ 100,000.00
Contract Max Not to Exceed Amount:	\$ 78,443,628.57

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This amount will not be exceeded without prior authorization from the NET RMA.

TOLL 49 PAVEMENT REPAIRS and IMPROVEMENTS PROJECT

CHANGE ORDER NO. 19

For TxDOT/NET RMA/FHWA use only:	
Days FHWA Non-Participating:	n/a
CO Portion FHWA Non-Participating:	\$ 100,000.00
Project Schedule	
Substantial Completion Date:	02-06-2019
Final Acceptance Date:	06-06-2019
Signatures	
ACCEPTED:	DocuSigned by:
Webber, LLC	Signature: <u>Josh Goyne</u>
	Josh Goyne, Vice President – North Texas
	Date: <u>4/20/2018</u>
APPROVED:	
NET RMA	Signature: <u>Chris Miller</u>
	Chris Miller, Director
	Date: <u>4/9/18</u>