

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

RESOLUTION NO. 18-24

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, on November 14, 2017, in Resolution No. 17-61, the NET RMA Board of Directors approved Change Order No. 2.0 for an amount not to exceed \$313,516.20; and

WHEREAS, NET RMA consultants have determined that a reduction of metal beam guard fence quantities, luminaire relocation, and fog seal for the Toll 49 Improvement Project are necessary and recommend the approval of Change Order No. 3.0 to the Agreement, attached hereto as Attachment “A”, which reduces the overall authorized amount by \$166,501.90; and

WHEREAS, considering the Agreement, previously approved Change Order Nos. 1.0 and 2.0, and proposed Change Order No. 3.0, the maximum amount to be paid for services under the Agreement is \$8,165,667.87; and

WHEREAS, the NET RMA Board of Directors must approve Change Order No. 3.0 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. 3.0 is necessary and appropriate.

BE IT FURTHER RESOLVED, that Board of Directors approves Change Order No. 3.0 in the form or substantially the same form attached hereto as Attachment "A", reducing the overall authorized amount by \$166,501.90; and

BE IT FURTHER RESOLVED, that all work performed under Change Order No. 3.0 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 8th day of May, 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 05/08/18
Resolution No. 18-24



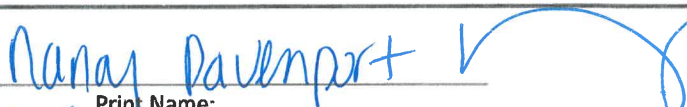

**Toll 49 Improvements (Segments 1, 2, 3A, 3B, 5)
CHANGE ORDER NO. 3**

Project Information						
Project Name	Toll 49 Improvements (Segments 1, 2, 3A, 3B, 5)					
Owner	North East Texas Regional Mobility Authority (NET RMA)					
Contractor	IOC Company, LLC					
Description and Reason for the Change Order						
This change order is necessary to incorporate the following changes:						
1. The Contractor shall relocate existing luminaires as outlined in the Luminaire Layout provided. Item 416-6029 DRILLED SHAFT LUM 30", Item 610-6004 RELOCATE RD IL ASM T_BASE, and Item 624-6028 REMOVE GROUND BOX are being added to the contract as indicated below.						
2. Due to the relocation of the luminaires, added quantities for Item 0618-6023 CONDT (PVC) (SCH 40) (2"), Item 0618-6047 CONDT (PVC) (SCH 80) (2") (BORE), Item 0620-6007 ELEC CONDR (NO.8) BARE and Item 0620-6008 ELEC CONDR (NO.8) INSULATED are being added as indicated below.						
3. The luminaire relocations cause a need for the metal beam guard fence (MBGF) shown in the plans in these areas to be modified. Item 540-6001 MTL W-BEAM GD FEN, Item 544-6001 GUARDRAIL END TREATMENT (INSTALL), and Item 432-6045 RIP RAP (MOW STRIP) quantities are being reduced as indicated below.						
4. The Contractor shall place fog seal as directed by the NET RMA. Item 310-6006 FOG SEAL (CSS-1H) is added to the contract as indicated below.						
SPEC	ITEM	DESCRIPTION	UOM	UNIT PRICE	QUANTITY	TOTAL
416	6029	DRILLED SHAFT LUM 30"	LF	\$259.70	210.00	\$54,537.00
610	6004	RELOCATE RD IL ASM T_BASE	EA	\$1,600.60	16.00	\$25,609.60
624	6028	REMOVE GROUND BOX	EA	\$196.10	5.00	\$980.50
0618	6023	CONDT (PVC) (SCH 40) (2")	LF	\$6.00	2,920.00	\$17,520.00
0618	6047	CONDT (PVC) (SCH 80) (2") (BORE)	LF	\$21.00	105.00	\$2,205.00
0620	6007	ELEC CONDR (NO.8) BARE	LF	\$1.70	3,302.00	\$5,613.40
0620	6008	ELEC CONDR (NO.8) INSULATED	LF	\$1.65	6,604.00	\$10,896.60
540	6001	MTL W-BEAM GD FEN	LF	\$20.00	(5,532.60)	(\$110,652.00)
544	6001	GUARDRAIL END TREATMENT (INSTALL)	EA	\$2,300.00	(20.00)	(\$46,000.00)
432	6045	RIP RAP (MOW STRIP)	CY	\$400.00	(377.18)	(\$150,872.00)
0310	6006	FOG SEAL (CSS-1H)	GAL	\$3.38	7,000.00	\$23,660.00
						(\$166,501.90)

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

Price & Budget	
The work associated with this change order will REDUCE the Contract Value by a lump sum amount of (\$166,501.90) .	
Original Bid Amount:	\$7,805,960.46
Previously Approved Change Order Amount:	\$526,209.31
Change Order 3 Amount:	(\$166,501.90)
Contract Max Not to Exceed Amount:	\$8,165,667.87
This amount will not be exceeded without prior authorization from the NET RMA.	

Project Schedule		
No change in project schedule.		
	<u>Substantial Completion</u> December 6, 2017	<u>Final Acceptance</u> February 4, 2018
Change in Days:	0	0
Revised Dates:	n/a	n/a

Signatures	
ACCEPTED: IOC Company, LLC	Signature: <u></u> Print Name: _____ Date: <u>6/20/18</u>
ACCEPTED: NET RMA	Signature: <u></u> Chris Miller, Director Date: <u>5/15/2018</u>