

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

**RESOLUTION NO. 18-35**

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, on March 20, 2018, in Resolution 18-18, the NET RMA Board of Directors approved Change Order No. 19.0 to the Agreement for an amount not to exceed \$100,000.00; and

WHEREAS, on March 20, 2018, in Resolution 18-19, the NET RMA Board of Directors approved Change Order No. 20.0 to the Agreement for an amount not to exceed \$67,382.19; and

WHEREAS, on May 8, 2018, in Resolution 18-27, the NET RMA Board of Directors approved Change Order No. 23.0 to the Agreement for an amount not to exceed \$71,420.24; and

WHEREAS, Section 28 of the Bylaws of the North East Texas Regional Mobility Authority and Resolution No. 17-32, dated June 13, 2017, authorizes the NET RMA Executive Director to approve change orders under \$50,000.00, and pursuant to that authority the Executive Director approved and executed Change Order Nos. 15.0, 16.0, 17.0, 18.0, 21.0, and 24.0 for an aggregate amount not to exceed \$183,255.75; and

WHEREAS, the NET RMA general engineering consultant, RS&H, has recommended the approval of Change Order No. 25.0 to the Agreement, attached hereto as Attachment "A", to provide for preventative maintenance on Segment 4 of Toll 49, for an amount not to exceed \$496,675.32; and

WHEREAS, considering the Agreement, previously approved Change Orders Nos. 1.0 through 21.0, Change Order Nos. 23.0 and 24.0, and proposed Change Order No. 25.0, the maximum amount to be paid for services under the Agreement is \$79,147,167.34; and

WHEREAS, the NET RMA Board of Directors must approve Change Order No. 25.0 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. 25.0 is necessary and appropriate.

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors approves Change Order No. 25.0 in the form or substantially the same form attached hereto as Attachment "A", for an amount not to exceed \$496,675.32; and

BE IT FURTHER RESOLVED, that all work performed under Change Order No. 25.0 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.

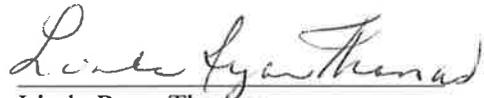
Adopted by the Board of Directors of the North East Texas Regional Mobility Authority on the 12th day of June, 2018.

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 06/12/18  
Resolution No. 18-35



TOLL 49 SEGMENT 4 IMPROVEMENTS

CHANGE ORDER NO. 25

<b>Project Information</b>	<b>ISSUANCE DATE: 06/04/2018</b>
Project Name	Toll 49 Segment 4 Improvements
CSJ	3487-01-017, 3487-01-018
Owner	North East Texas Regional Mobility Authority (NET RMA)
<b>Description and Reason for the Change Order</b>	

This change order is necessary to incorporate additional erosion control measures and preventative maintenance work to reduce the future erosion control costs during the maintenance of the project.

**1 - Riparian Buffer Seed Mix** – This special seed mix to be used for shaded and wet areas to better establish vegetation in these areas in an effort to prevent erosion issues. This work will be compensated at \$1.55 per SY. The installed quantity will be tracked daily. A credit will be applied at a rate of \$1.34 per SY for areas the riparian buffer seed mix is placed in lieu of compost, seeding and hay mulch originally intended by the contract documents, as agreed by both parties prior installation. This work item has a maximum not to exceed amount of \$154,845.24.

**2 - Sod in lieu of Seeding** – Due to the difficulty in establishing permanent seeding in several areas on the project site, sod will be installed in these areas. This work will include installation of sod with staples, additional water for establishing roots. The price for this work also includes a credit for the compost, permanent seed and hay mulch that was included in the plans. This work will be tracked daily and paid at a unit price of \$1.12 per square yard in an amount not to exceed \$141,830.08.

**3 - Additional RIP RAP** – This change order is necessary to incorporate additional concrete and rock RIP RAP that was not originally included in the plans. Concrete RIP RAP will be compensated at \$506.53 per cubic yard as was established for RIP RAP (CONC) (FLUME) under Change Order 017. Any Rock RIP RAP not included in the plans, contract, or previous executed change order will paid by the force account method outlined in Item 9.7 of the Standard Specification. This work item has a maximum not to exceed amount of \$200,000.00.

**Price & Budget**

The work associated with this change order will increase the Contract Value by a maximum amount of **\$ 496,675.32.**

Original Bid Amount:	\$ 68,760,000.00
Previously Approved Change Orders:	\$ 9,890,492.02
<u>Change Order 25 Amount:</u>	<u>\$ 496,675.32</u>
<b>Contract Max Not to Exceed Amount:</b>	<b>\$ 79,147,167.34</b>

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

TOLL 49 PAVEMENT REPAIRS and IMPROVEMENTS PROJECT

**CHANGE ORDER NO. 25**

<b>For TxDOT/NET RMA/FHWA use only:</b>	
Days FHWA Non-Participating:	n/a
CO Portion FHWA Non-Participating:	\$ 496,675.32
<b>Project Schedule</b>	
Substantial Completion Date:	02-06-2019
Final Acceptance Date:	06-06-2019
<b>Signatures</b>	
ACCEPTED:  Webber, LLC	<p>DocuSigned by: <i>Josh Goyne</i></p> <p>Signature: _____  <small>A675A95A96D54EE</small>                      Josh Goyne, Vice President – North Texas</p> <p>Date: <u>6/19/2018   1:48 PM CDT</u></p>
APPROVED:  NET RMA	<p>Signature: <i>Chris Miller</i> _____                      Chris Miller, Director</p> <p>Date: <u>6/14/2018</u></p>