

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

RESOLUTION NO. 18-39

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, Section 28 of the Bylaws of the NET RMA and Resolution No. 17-32, dated June 13, 2017, authorizes the NET RMA Executive Director to approve and execute change orders under \$50,000.00, and pursuant to that authority the Executive Director approved and executed Change Order Nos. 1.0 and 3.0 with no financial impact to the Agreement; and

WHEREAS, on January 8, 2018, in Resolution 18-03, the NET RMA Board approved Change Order No. 2.0 for an amount not to exceed \$250,000.00 to provide for erosion control work; and

WHEREAS, on June 6, 2018, in Resolution 18-34, the NET RMA Board approved Change Order No. 4.0 for an amount not to exceed \$400,000.00 to provide for additional erosion control work; and

WHEREAS, the NET RMA’s General Engineering Consultant, Atkins, recommends the approval of Change Order No. 5.0 to the Agreement, attached hereto as Attachment “A”, for an amount not to exceed \$653,660.00 to provide for milling and resurfacing work on Segment 3B of Toll 49; and

WHEREAS, considering the Agreement, previously approved Change Order Nos. 1.0 through 4.0, and proposed Change Order No. 5.0, the maximum amount to be paid for services under the Agreement is \$2,191,407.00; and

WHEREAS, the NET RMA Board of Directors must approve Change Order No. 5.0 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. 5.0 is necessary and appropriate.


NOW THEREFORE, BE IT RESOLVED, that the Board of Directors approves Change Order No. 5.0 in the form or substantially the same form attached hereto as Attachment "A", for an amount not to exceed \$653,660.00; and

BE IT FURTHER RESOLVED, that all work performed under Change Order No. 5.0 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 10th day of July, 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 07/10/18
Resolution No. 18-39

TOTAL MAINTENANCE CONTRACT CHANGE ORDER 5

Contractor: IIPL USA, LLC

Description of change and reason for Change Order:

This Change Order is to increase and add items to mill 2 inches, add 2 inch HMAC underlay, Sealcoat underseal and 2 inch HMAC overlay at SH 110 mainlanes on Toll 49. Additionally, this CO is to Mill 12 to 14 inches and overlay up to grade west mainlane at 1 mile S. of SH 110. No Items in this CO or contract are Plan Quantity.

Contract Items

ITEM	DESCRIPTION	UNIT	ORIGINAL QUANTITY	ORIGINAL PRICE	ORIGINAL AMT	REVISED QUANTITY	REVISED PRICE	CO COST	
340	6047	D-GR HMA (SQ) TY-C SAC-A PG70-22	TON	100	\$ 130.00	\$13,000.00	3890	\$ 130.00	\$505,700.00
316	6024	ASPH (CRS-2P) (SURF TREAT)	GAL	1,000	\$ 6.00	\$6,000.00	2000	\$ 6.00	\$12,000.00
354	6021	PLANE ASPH CONC PAV (0" TO 2")	SY	200	\$ 10.00	\$2,000.00	15200	\$ 10.00	\$152,000.00
354	6103	PLANE ASPH CONC PAV (12" TO 14")	SY	0	\$ -	\$0.00	124	\$ 40.00	\$4,960.00
						\$21,000.00			\$674,660.00
TOTAL TO BE PAID FOR WORK UNDER CO5:									\$653,660.00

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	Amt. Added:	\$653,660.00
BY:		Time Added:	0
Printed Name		Rev. Contract Amt:	\$2,191,407.00
Printed Title			

Daniel R. McC
 Name
 NET RMA Maintenance Director
 Title

Stephen M. ...
 Name
 NET RMA Executive Director
 Title