

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

RESOLUTION NO. 18-41

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, on June 12, 2018, in Resolution 18-35, the NET RMA Board of Directors approved Change Order No. 25.0 to the Agreement for an amount not to exceed \$496,675.32; and

WHEREAS, on July 10, 2018, in Resolution 18-40, the NET RMA Board of Directors approved Change Order No. 27.0 to the Agreement for an amount not to exceed \$603,398.31; 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, 24.0, and 26.0 for an aggregate amount not to exceed \$218,077.04; and

WHEREAS, the NET RMA general engineering consultant, RS&H, has recommended the approval of Change Order No. 28.0 to the Agreement, attached hereto as Attachment "A", to provide for material escalation on Segment 4 of Toll 49, for an amount not to exceed \$342,936.16; and

WHEREAS, considering the Agreement, previously approved Change Orders Nos. 1.0 through 21.0, Change Order Nos. 23.0 through 27.0, and proposed Change Order No. 28.0, the maximum amount to be paid for services under the Agreement is \$80,128,323.10; and

WHEREAS, the NET RMA Board of Directors must approve Change Order No. 28.0 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. 28.0 is necessary and appropriate.

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors approves Change Order No. 28.0 in the form or substantially the same form attached hereto as Attachment "A", for an amount not to exceed \$342,936.16; and

BE IT FURTHER RESOLVED, that all work performed under Change Order No. 28.0 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 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. 18-41



TOLL 49 SEGMENT 4 IMPROVEMENTS

CHANGE ORDER NO. 28

Project Information	ISSUANCE DATE: 06/28/2018
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 incorporate the material escalation costs due to the extension in the duration of the project.

- The Metal Beam Guard Fence items will be paid for at a lump sum amount of \$30,501.71.
- The Concrete material will be paid for at a lump sum amount of \$41,424.99.
- The Flexbase material escalation will be paid for at a unit cost of \$1.12 per ton at a maximum amount of \$117,636.75. This item will be tracked
- The asphalt surface material, item D-GR HMA TY-C SAC-A PG64-22, will be paid for at a unit cost of \$4.75 per ton at a maximum amount of \$117,388.84.
- The asphalt base material, item D-GR HMA TY-C SAC-B PG64-22, will be paid for at a unit cost of \$7.75 per ton at a maximum amount of \$35,983.87.

This work will compensated at a maximum value not to exceed \$342,936.16.

Price & Budget

The work associated with this change order will increase the Contract Value by a maximum amount of **\$ 342,936.16.**

Original Bid Amount:	\$ 68,760,000.00
Previously Approved Change Orders:	\$ 11,025,386.94
Change Order 28 Amount:	\$ 342,936.16
Contract Max Not to Exceed Amount:	\$ 80,128,323.10

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

TOLL 49 PAVEMENT REPAIRS and IMPROVEMENTS PROJECT

CHANGE ORDER NO. 28

For TxDOT/NET RMA/FHWA use only:	
Days FHWA Non-Participating:	n/a
CO Portion FHWA Non-Participating:	\$ 0.00
Project Schedule	
Substantial Completion Date:	02-06-2019
Final Acceptance Date:	06-06-2019
Signatures	
ACCEPTED: Webber, LLC	<p>DocuSigned by: <i>Josh Goyne</i></p> <p>Signature: _____ Josh Goyne, Vice President – North Texas</p> <p>Date: <u>7/2/2018 8:34 AM CDT</u></p>
APPROVED: NET RMA	<p><i>Chris Miller</i></p> <p>Signature: _____ Chris Miller, Director</p> <p>Date: <u>7/11/2018</u></p>