

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

RESOLUTION NO. 18-58

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 on Toll 49 from IH 20 to SH 110 (Segments 1, 2, 3A, 3B, 5) (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 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, on May 8, 2018, in Resolution No. 18-24, the NET RMA Board of Directors approved Change Order No. 3.0 which reduced the authorized amount by \$166,501.90; and

WHEREAS, on July 10, 2018, in Resolution No. 18-38, the NET RMA Board of Directors approved Change Order No. 4.0 for an amount not to exceed \$203,337.96; and

WHEREAS, Section 28 of the Bylaws of the North East Texas Regional Mobility Authority and Resolution No. 17-32, dated June 13, 2017, authorize 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. 5.0 and 6.0, for an aggregate amount not to exceed \$46,445.04; and

WHEREAS, NET RMA consultants have determined that additional funds to pay quantity overruns for the Toll 49 Improvement Project are necessary and recommend the approval of Change Order No. 7.0 to the Agreement, attached hereto as Attachment "A", for an amount not to exceed \$74,000.00; and

WHEREAS, considering the Agreement, previously approved Change Order Nos. 1.0 through 6.0, and proposed Change Order No. 7.0, the maximum amount to be paid for services under the Agreement is \$8,489,450.87; and

WHEREAS, the NET RMA Board of Directors must approve Change Order No. 7.0 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. 7.0 is necessary and appropriate.

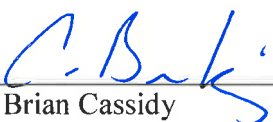
NOW THEREFORE, BE IT RESOLVED, that the Board of Directors approves Change Order No. 7.0 in the form or substantially the same form attached hereto as Attachment "A", for an amount not to exceed \$74,000.00; and


BE IT FURTHER RESOLVED, that all work performed under Change Order No. 7.0 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 13th day of November, 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 11/13/18
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