

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

RESOLUTION NO. 18-61

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, 3.0, and 6.0 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, on July 10, 2018, in Resolution 18-39, the NET RMA Board approved Change Order No. 5.0 for an amount not to exceed \$653,660.00 to provide for milling and resurfacing work on Segment 3B of Toll 49; and

WHEREAS, in Resolution No. 18-49, dated September 11, 2018, the Board of Directors of the NET RMA approved an amendment to the Agreement with IIPL to renew the contract for an additional one (1) year period, for a base bid amount of \$887,747.00 (the “Renewal”); and

WHEREAS, the NET RMA's General Engineering Consultant, Atkins, recommends the approval of Change Order No. 7.0 to the Agreement, attached hereto as Attachment "A", for an amount not to exceed \$400,000.00 to provide for erosion control and repair services on Toll 49; and

WHEREAS, considering the new base bid amount approved under the Renewal and proposed Change Order No. 7.0, the maximum amount to be paid for services under the Renewal is \$1,287,747.00; and

WHEREAS, considering the Agreement, the Renewal, 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 \$3,479,154.00; and

WHEREAS, the NET RMA Board of Directors must approve Change Order No. 7.0 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. 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 \$400,000.00; 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 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 11th day of December, 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 12/11/18
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