

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

**RESOLUTION NO. 21-31**

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, Kaufman, Cass and Camp joined the Authority and are represented on the Board of Directors; and

WHEREAS, the safe and efficient operation of Toll 49 is the responsibility of the Board of Directors and its designees; and

WHEREAS, in Resolution No. 20-01, dated January 14, 2020, the Board of Directors of the NET RMA selected DBi Services, LLC (“DBi”) to provide roadway maintenance services to the NET RMA and authorized the Executive Director to finalize and execute an agreement with DBi for the provision of such services (the “Agreement”); and

WHEREAS, the Agreement is set to expire on December 31, 2021; and

WHEREAS, on September 14, 2021, in Resolution 21-23, the Board of Directors of the NET RMA authorized the issuance of a request for proposals (“RFP”) to solicit responses from firms interested in providing roadway maintenance services to the NET RMA; and

WHEREAS, pursuant to Section 7 of the NET RMA Policies and Procedures Governing Procurement of Goods and Services, the contract must be awarded to the proposer who provides the goods or services at the best value for the NET RMA; and

WHEREAS, two (2) total responses to the RFP were received by the NET RMA on or before the submittal deadline; and

WHEREAS, the NET RMA Executive Director and NET RMA consultants reviewed the responses received and identified Dry Creek Construction the best value proposer to provide roadway maintenance services to the NET RMA; and

WHEREAS, a form of the agreement for roadway maintenance services was included in the RFP; and

WHEREAS, the NET RMA Executive Director recommends that an agreement for roadway maintenance services be finalized and executed with Dry Creek Construction LLC

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors of the NET RMA hereby adopts the recommendation of the Executive Director to finalize and execute an agreement for roadway maintenance services with Dry Creek Construction on the terms and conditions acceptable to the Executive Director and consistent with this Resolution and the NET RMA's Policies and Procedures for the Procurement of Goods and Services; and

BE IT FURTHER RESOLVED, that each year during the term of the agreement, the compensation to Dry Creek Construction for roadway maintenance services may not exceed the budgeted amount for such services in the NET RMA annual budget without further approval by the Board of Directors.

Adopted by the Board of Directors of the North East Texas Regional Mobility Authority on the 9th day of November, 2021.

Submitted and reviewed by:

Approved:



C. Brian Cassidy  
General Counsel for the North East  
Texas Regional Mobility Authority



Gary Halbrooks  
Chair, Board of Directors  
Date Passed: 11/09/21  
Resolution No. 21-31