

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

RESOLUTION NO. 16-63

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, the NET RMA is currently pursuing the development of Segment 4 of Toll 49 (the "Project"); and

WHEREAS, on March 1, 2016, in Resolution 16-21, the Board of Directors authorized the Interim Executive Director to enter into a contract for the construction of the Project with Webber, LLC ("Webber") in the amount of \$68,760,000 (the "Contract"); and

WHEREAS, NET RMA consultants have determined that the estimated acquisition dates for certain right-of-way parcels needed for the Project will impact completion deadlines established in the Contract; and


WHEREAS, the NET RMA Interim Executive Director has recommended the approval of Change Order No. 1.0 to the Contract, attached hereto as Attachment "A", to change completion dates impacted by the acquisition of certain right-of-way parcels.

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors approves Change Order No. 1.0 in the form attached hereto as Attachment "A"; and

BE IT FURTHER RESOLVED, that all work performed under Change Order No. 1.0 shall be subject to the Contract 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 14th day of June, 2016.

Submitted and reviewed by:



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

Approved:



Linda Ryan Thomas
Chair, Board of Directors
Date Passed 06/14/16

CHANGE ORDER FORM

CHANGE ORDER No. 1

CONTRACT: Toll 49 Segment 4

SECTION I – DESCRIPTION OF CHANGE ORDER

Originator: Everett M. Owen

Date May 16, 2016

Title: Interim Executive Director

Contract: Toll 49 Segment 4

Company: NET RMA

DESCRIPTION:

This change order has the following 2 purposes:

1. To document the changes to the General Notes, Item 8 – Prosecution and Progress. The Notice to Proceed (NTP) will be authorized upon acquisition of the priority parcels 202, 213, 214, 215, 216, 217, 218, 219, and 220. Parcels 209 and 210 will be acquired by July 15, 2016. If these parcels are not acquired on or before July 15, 2016, the NET RMA will increase the number of calendar days allowed to reach substantial completion by one day for each day that the acquisition of the two parcels is delayed beyond July 15, 2016. Note that parcels 211 and 212 were combined with other tracts (and thereby eliminated as stand-alone parcels) and have been removed from the priority parcels listing.

These revisions are shown in Attachment 1: Revised General Notes - Redlines. A clean copy of the revised General Notes is included in Attachment 2: Revised General Notes – Clean Copy. In addition to the revisions noted above, this clean copy of the revised General Notes has been repaginated to correct page number errors that resulted from the issuance of Addendums during the project bidding stage. These revised General Notes shall replace the General Notes included in the contract at time of execution.

2. To document the changes to the Special Provisions - SPECIAL PROVISION, 000---002--- RMA, Important Notice to Contractors. The estimated acquisition date for parcels 209 and 210 has been revised to July 15, 2016.

These revisions are shown in Attachment 3: Revised Special Provisions - Redlines. A clean copy of the revised Special Provisions is included in Attachment 4: Special Provisions – Clean Copy. In addition to the revisions noted above, this clean copy of the revised Special Provisions has been repaginated to correct page number errors that resulted from the issuance of Addendums during the project bidding stage. These revised Special Provisions shall replace the Special Provisions included in the contract at time of execution.

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SECTION I – DESCRIPTION OF CHANGE ORDER (CONTINUED)

CAUSE OF CHANGE ORDER

1. Parcels 209 and 210 anticipated acquisition dates were updated to 7/15/2016.
2. Parcels 211 and 212 combined with other parcels and eliminated as standalone listing.

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SECTION II – CHANGES TO CONTRACT AMOUNT

There is no change to the contract amount.

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SECTION III – CHANGES TO COMPLETION DATES

1. If the acquisition of parcels 209 and 210 extends past 7/15/2016, then the Substantial Completion date will be extended one day for each day that the acquisition of the two parcels is delayed beyond July 15, 2016.
2. Final acceptance must be achieved within 120 Calendar Days after Substantial Completion.

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SECTION IV – SIGNATURES PAGE

The undersigned agree to the changes as outlined in Section I of this Change Order

Recommended for Approval


NET RMA GEC

Date

6/15/2016

Submitted for Approval


NET RMA Project Director

Date

6.14.16

Approved


Linda R. Thomas
NET RMA Chairman

Date

6.14.16

Approved


Webber, LLC Project Manager

Date

6/6/2016

REGIONAL VICE PRESIDENT