

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

RESOLUTION NO. 14-11

WHEREAS, the North East 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, Van Zandt, Wood, Titus, and Kaufman joined the Authority and are represented on the Board of Directors; and

WHEREAS, the NET RMA is responsible for the operation of Segments 1, 2, 3A, 3B, and 5 of Toll 49 (collectively, “Toll 49”); and

WHEREAS, on January 22, 2013, in Resolution No. 13-03, the NET RMA Board of Directors approved the negotiation and execution of an interlocal agreement with the Texas Department of Transportation (“TxDOT”) to secure maintenance services for Toll 49, and an interlocal agreement with TxDOT for such maintenance services was subsequently executed; and

WHEREAS, significant erosion has occurred in a portion of the Toll 49 corridor, and TxDOT has determined that slope stabilization and vegetation establishment is necessary to minimize future erosion; and

WHEREAS, the work required to address the erosion on Toll 49 falls outside the scope of the routine maintenance that TxDOT is obligated to perform under the terms of the interlocal agreement, and TxDOT therefore recommends that the NET RMA procure the services of independent contractor to perform the required work; and

WHEREAS, Section 12.1 of the NET RMA’s Policies and Procedures Governing Procurement of Goods and Services (the “Procurement Policies”) allows for procurement of contracts on an emergency basis when the condition of a transportation project poses an imminent threat to life or property of the traveling public, substantially disrupts the safe and efficient flow of traffic and commerce, or has caused unforeseen damage to machinery, equipment or other property; and

WHEREAS, the Interim Executive Director, upon the recommendation of the Authority’s General Engineering Consultant, has provided a written certification, attached hereto as Attachment “A”, that the erosion on Toll 49 constitutes an emergency under Section 12.1 of the Procurement Policies and has issued bid documents soliciting bids from contractors interested in

performing slope stabilization and vegetation establishment work necessary to minimize erosion on Toll 49 in accordance with the requirements of Section 12.1.

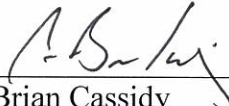
NOW THEREFORE, BE IT RESOLVED, that the Board of Directors of the NET RMA hereby acknowledges that conditions exist which warrant the initiation of a procurement under Section 12.1 of the Procurement Policies and further acknowledges the issuance of bid documents and solicitation of bids from contractors interested in performing slope stabilization and vegetation establishment work on Toll 49; and

BE IT FURTHER RESOLVED, that the Board of Directors authorizes the Interim Executive Director to negotiate and execute a contract for slope stabilization and vegetation establishment work on Toll 49 with the lowest responsible bidder, provided that such contract amount does not exceed \$150,000.


Adopted by the Board of Directors of the North East Texas Regional Mobility Authority on the 18th day of March, 2014.

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
Resolution Number 14-11
Date Passed: 03/18/14