



**CENTRAL TEXAS
Regional Mobility Authority**

Meeting Date: September 30, 2015
AGENDA ITEM # 7

Approve an amendment
to extend the agreement with the North East
Texas Regional Mobility Authority to provide
toll collection processing services.

Strategic Plan Relevance: Regional Mobility
Department: Operations
Contact: Tim Reilly, Director of Operations
Associated Costs: Pass Thru, No Cost to the Mobility Authority
Funding Source: Not Applicable
Action Requested: Consider and act on draft resolution

Summary:

On January 30, 2013, the Board approved in interlocal agreement (“ILA”) with the North East Texas Regional Mobility Authority (NET RMA) under which the Mobility Authority would provide toll collection processing services to NET RMA through the Municipal Services Bureau, vendor for the Mobility Authority.

NET RMA has requested an extension and continuation of the ILA to a new termination date of June 30, 2020. All other provisions of the ILA continue as they exist today.

Backup provided: Proposed Amendment to ILA with the NET RMA
Draft Resolution

**FIRST AMENDMENT TO THE INTERLOCAL AGREEMENT FOR
TOLL COLLECTION PROCESSING SERVICES**

THIS FIRST AMENDMENT is made effective as of the ___ day of _____, 2015, by and between the **CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY** (“CTRMA”) and the **NORTH EAST TEXAS REGIONAL MOBILITY AUTHORITY** (“NET RMA”), political subdivisions of the State of Texas.

WITNESSETH:

WHEREAS, the CTRMA and the NET RMA entered into an Agreement for Toll Collection Processing Services dated February 27, 2013, hereinafter referred to as the “Agreement,” whereby the CTRMA agreed to provide toll collection processing services to the NET RMA; and

WHEREAS, the term of the Agreement concluded on June 30, 2015; and

WHEREAS, the CTRMA and the NET RMA have each determined that it is in their best interest to continue performing their obligations under the Agreement; and

WHEREAS, the NET RMA and the CTRMA desire to extend the term of the Agreement to June 30, 2020.

NOW, THEREFORE, and in consideration of the mutual covenants and agreement between the parties, the CTRMA and the NET RMA hereby agree to the following:

I. EXTENSION OF TERM.

Article III, Section 1. Term and Termination. of the Agreement for Toll Collection Processing Services by and between the CTRMA and the NET RMA dated February 27, 2013 shall be and hereby is amended to read as follows:

Subject to the following, this Agreement shall be effective as of the date first written above and shall continue in force and effect until June 30, 2020 [~~June 30, 2015~~]. The term of the Agreement may be extended by written agreement of the Parties. Notwithstanding the foregoing:

- a. if the MSB Contract is terminated pursuant to Article 3 of that agreement, this Agreement shall terminate on the same day that the MSB Contract terminates, provided that the CTRMA shall give the NET RMA written notice of the termination within ten (10) days of providing notice to or receiving notice from MSB in accordance with Article 3 of the MSB Contract;
- b. either party may terminate this Agreement in the event of a material breach of its terms, which may include, but is not limited to, failure to make timely payments of amounts owed and failure of the toll collection processing services to be

provided in accordance with this Agreement, provided that the party seeking to terminate the Agreement has provided written notice to the other of the alleged default and the default has not been cured within thirty (30) days of receipt of such notice; and

c. the parties may mutually agree to terminate this Agreement at any time.

II. REMAINING TERMS AND CONDITIONS.

Except to the extent expressly modified herein, all remaining terms and conditions of the Agreement for Toll Collection Processing Services by and between the CTRMA and the NET RMA dated February 27, 2013 shall continue in full force and effect.

IN WITNESS WHEREOF, the parties hereto have signed or have caused their respective names to be signed to multiple counterparts hereof as of the effective date first above written.

Authority:	Central Texas Regional Mobility Authority	Company:	North East Texas Regional Mobility Authority
Signature:		Signature:	
By:	<u>Mike Heiligenstein</u>	By:	<u>Everett Owen</u>
Title:	<u>Executive Director</u>	Title:	<u>Interim Executive Director</u>
Date:	<u></u>	Date:	<u></u>

**GENERAL MEETING OF THE BOARD OF DIRECTORS
OF THE
CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY**

RESOLUTION NO. 15-___

**APPROVING AN AMENDMENT TO EXTEND THE AGREEMENT WITH
THE NORTH EAST TEXAS REGIONAL MOBILITY AUTHORITY TO
PROVIDE TOLL COLLECTION PROCESSING SERVICES.**

WHEREAS, by Resolution No. 13-001, enacted on January 30, 2013, the Board approved an interlocal agreement under Chapter 791 of the Texas Government Code and Section 370.033 of the Transportation Code by which the Mobility Authority provides toll transaction processing and toll collection services to the North East Texas Regional Mobility Authority (“NET RMA”); and

WHEREAS, NET RMA desires to extend the interlocal agreement for toll transaction processing and toll collection services to a new termination date of June 30, 2020, as set forth in the proposed amendment which has been provided to the Board as agenda backup information; and

WHEREAS, the Executive Director recommends approval of the proposed amendment.

NOW THEREFORE BE IT RESOLVED that the proposed amendment to the interlocal agreement with the North East Texas Regional Mobility Authority is hereby approved; and

BE IT FURTHER RESOLVED that the Executive Director is authorized to finalize and execute the proposed amendment to the interlocal agreement on behalf of the Mobility Authority, in the form or substantially the same form provided as agenda backup information.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 30th day of September, 2015.

Submitted and reviewed by:

Approved:

Andrew Martin, General Counsel

Ray A. Wilkerson
Chairman, Board of Directors