



CENTRAL TEXAS REGIONAL  
**MOBILITY AUTHORITY**

March 30, 2022  
**AGENDA ITEM #14**

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Discuss and consider authorizing the  
Executive Director to hire outside  
counsel to assist with claims on the  
183 South Project

Strategic Plan Relevance:	Not Applicable
Department:	Legal
Contact:	Geoff Petrov, General Counsel
Associated Costs:	To be determined
Funding Source:	183 South Project funds
Action Requested:	Consider and act on a draft resolution

**Background:**

Colorado River Constructors (CRC), the contractor for the 183 South Project, submitted a claim for additional compensation and schedule relief for alleged delays in the City of Austin's utility permitting process. CTRMA staff and administration have been working with CRC to resolve the claim through the contractual dispute resolution process which concluded with a disputes review board hearing in February 2022. If the parties are unable to agree on a final settlement, the claim may be submitted to District Court in Austin, Texas for a judicial determination. In order to be prepared for the potential litigation of this matter, the Executive Director and General Counsel request authorization to engage outside legal counsel to assist with CRC's claim.

**Backup provided:** Draft Resolution

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

**RESOLUTION NO. 22-0XX**

**AUTHORIZING THE EXECUTIVE DIRECTOR TO HIRE OUTSIDE COUNSEL**

WHEREAS, on July 29, 2015, the Central Texas Regional Mobility Authority (Mobility Authority) and Colorado River Constructors, an unincorporated joint venture between Fluor Enterprises, Inc. and Balfour Beatty Infrastructure, Inc., entered into a design-build contract for the development of a toll road and related roadway improvements on existing US 183 extending approximately eight (8) miles from US 290 to SH 71 in Austin, Texas (the “183 South Project”); and

WHEREAS, Colorado River Constructors has submitted certain claims for additional compensation and schedule relief to the Mobility Authority; and

WHEREAS, Colorado River Constructors and the Mobility Authority have been unable to resolve these claims utilizing the partnering and dispute resolution processes set forth in the design-build contract; and

WHEREAS, the claims may be submitted to a District Court in Austin, Texas for a judicial determination if Colorado River Constructors and the Mobility Authority are unable to agree on a final settlement; and

WHEREAS, in order to be prepared in the event that a settlement is not reached, the Executive Director recommends and requests that he be authorized to hire outside counsel to assist with this matter.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby authorizes the Executive Director to hire outside counsel to assist with claims arising from the development of the 183 South Project.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 30<sup>th</sup> day of March 2022.

Submitted and reviewed by:

Approved:

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James M. Bass  
Executive Director

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Robert W. Jenkins, Jr.  
Chairman, Board of Directors