

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

RESOLUTION NO. 06-67

WHEREAS, the Central Texas Regional Mobility Authority ("CTRMA") was created pursuant to the request of Travis and Williamson Counties and in accordance with provisions of the Transportation Code and the petition and approval process established in 43 Tex. Admin. Code § 26.01, *et. seq.* (the "RMA Rules"); and

WHEREAS, Chapter 370 of the Texas Transportation Code authorizes regional mobility authorities to develop projects through the use of comprehensive development agreements ("CDAs"); and

WHEREAS, the CTRMA solicited proposals for the development of 183-A and in Resolution No. 04-43, dated September 8, 2004, the Board of Directors approved the selection of Hill Country Constructors as the Developer for 183-A, and the CTRMA and Hill Country Constructors entered into a CDA effective November 29, 2004 for the 183-A Turnpike Project; and

WHEREAS, the work performed under the CDA requires oversight by the General Engineering Consultant retained by the CTRMA (the "GEC"); and

WHEREAS, the CDA includes a process for the consideration and development of potential change orders for aspects or portions of the work performed under the CDA which might warrant adjustment to the Development Price or the contractual deadlines for performance by the Developer; and

WHEREAS, the change order process includes consideration of potential changes or revisions caused by several sources or events, including certain requests for changes by the CTRMA, certain otherwise undiscovered matters affecting the 183-A Project, as well as other items more fully set forth in the CDA; and

WHEREAS, the CDA provides that all change orders be formally agreed to by the CTRMA and the Developer, and that except those involving an amount up to and including \$50,000.00 as set forth in Resolution No. 05-46 dated June 29, 2005, the Board must approve any change order; and

WHEREAS, the CTRMA, the GEC and the Developer, pursuant to the change order process set forth in the CDA, have determined that certain changes in the configuration of the north end of 183A from what was proposed by the Developer in their original proposal to accommodate the Leander Transit Oriented Development (TOD) land use plan require the issuance of Change

Order No. 12, as set forth and in accordance with the terms thereof and attached hereto as Attachment "A".


NOW THEREFORE, BE IT RESOLVED, that the Board of Directors approves the execution and issuance of Change Order No. 12 as set forth and in accordance with the terms of thereof and attached hereto as Attachment "A"; and

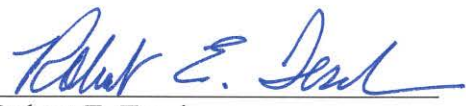
BE IT FURTHER RESOLVED, that Change Order No. 12 is made an amendment to the Contract Documents, as defined in the CDA, as of the date that Change Order No. 12 is fully executed by the CTRMA and the Developer.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 13th day of December, 2006.

Submitted and reviewed by:

Approved:


Tom Nielson
General Counsel for the Central
Texas Regional Mobility Authority


Robert E. Tesch
Chairman, Board of Directors
Resolution Number 06-67
Date Passed 12/13/06

Attachment "A"

Copy of Change Order No. 12 Memorandum and Summary

Attachment "A"

Copy of Change Order No. 12 Memorandum and Summary



Central Texas Regional
Mobility Authority

Change Order No. 012 Summary North Tie-In

Description

This change order includes a change in the configuration of the north end of 183A from what was proposed by HCC in their original proposal. The original interim five lane typical section proposed by HCC has been modified to include the frontage roads in their ultimate location.

Justification

The CTRMA initiated this change to accommodate the Leander Transit Oriented Development (TOD) land use changes that have progressed more rapidly than anticipated. The new design eliminated the 2-way frontage road and allows for safer operation.

Price

\$ 2,461,457.00

301 Congress Avenue, Suite 650 Austin, TX 78701

Telephone: (512) 996-9778 / Fax: (512) 996-9784 / www.mobilityauthority.com

Robert E. Tesch, *Chairman* • Lowell H. Lebermann, Jr., *Vice-Chairman* • Robert L. Bennett, Jr., *Treasurer*
Henry H. Gilmore • James H. Mills • David Singleton • Johanna Zmud Ph.D. • Mike Heiligenstein, *Executive Director*

EXHIBIT M

FORM OF CHANGE ORDER

CHANGE ORDER PROPOSAL NO. 012 CONTRACT NO. 183A Turnpike

SECTION 1

Originator: Rich Ginder

Date: December 7, 2006

Title: Toll / Aesthetics Manager

Contract No. 183A Turnpike

Company Name: Hill Country Constructors

DESCRIPTION:

Design and construct the interim NBFR and SBFR to be in the ultimate configuration from the north terminus of the project to approximately Station 310+00.

Scope:

HCC submitted an Alternate Technical Concept (ATC) #9 during the proposal development which shifted the NBFR from its ultimate alignment toward the alignment of the SBFR. HCC recognized substantial cost savings with submitting this ATC because there is substantially less drainage, rock excavation, pavement, erosion control, and grading by shifting the NBFR west than designing the interim NBFR to share the same alignment of the ultimate alignment. The CTRMA accepted this ATC during the development of the proposal. HCC designed and priced the construction of the northern end of the project to have both the NBFR and SBFR share a five lane single roadway section from Station 214 to 285.

CAUSE OF CHANGE ORDER REQUEST:

CTRMA issued a letter on July 20, 2005 directing HCC to design and construct the interim NBFR to be in the same alignment as the ultimate NBFR in lieu of designing and constructing the interim NBFR in the location shown in HCC's proposal which incorporated ATC #9.

 12-8-06

Developer Project Manager

Date

**CHANGE ORDER
REQUEST**

CHANGE ORDER PROPOSAL NO. 012

CONTRACT NO. 183A Turnpike

SECTION II

The total amount of this Change Order is \$ 2,461,457.00. Documentation supporting the Change Order is attached as Exhibits CO.12.1 through CO.12.3.

Payment Schedule Items Added/Deducted:

<u>Activity No.</u>	<u>Description</u>	<u>Amount</u>
A017100	ROW / Easements	\$ (36,129.00)
B131622	Erosion Control	\$ 33,343.00
A021876	Design and QA of North Tie In	\$ 210,740.00
B094440	Storm Drainage – RCP, Inlets, and MHs	\$ 157,988.00
B094632	5X3 RCB – 3NF14-1	\$ 60,049.00
B094633	5X3 SETB – 3NF14-1	\$ 19,210.00
B094634	7X4 RCB – NBFR 1242	\$ 73,173.00
B094635	7X4 SETB – NBFR 1242	\$ 22,050.00
B094638	6X4 RCB – NBFR 1297	\$ 17,861.00
B094639	6X4 SETB – NBFR 1297	\$ 10,500.00
B094640	6X3 RCB – NBFR 1303	\$ 18,585.00
B094641	6X3 SETB – NBFR 1303	\$ 5,119.00
B094445	Bison Weir Structure	\$ 32,655.00
B061739	Remove Existing AC Pavement	\$ 19,210.00
B061619	Prep ROW	\$ 95,910.00
B061744	Topsoil	\$ 159,545.00
B061739	Excavation	\$ 725,290.00
B061784	Embankment	\$ 0.00
B071860	Finishing	\$ 165,298.00
B061744	Water Supply	\$ 125,786.00
B071861	Select Base Course	\$ 176,182.00
B082221	Asphalt Paving	\$ 413,412.00
B127540	Seeding	\$ 92,539.00
B116320	Striping	\$ (4,873.00)
B116321	Signing	\$ 18,966.00
B104870	Traffic Control	\$ (280,411.00)
A011184	Incidentals	\$ 27,609.00
A021030	Construction QA	\$ 101,850.00

Summary of Change Order Proposal by Categories: [Additives/(Credits)]

A.	Developer Labor (construction)		
1.	Wages ¹	\$	191,145.00
2.	Labor benefits ² (55% of A.1)	\$	105,130.00
B.	Developer and Subcontractor Labor (professional services)		
1.	Wages ¹ (Raw)	\$	86,016.00
2.	Labor benefits ² (145% of B.1, which includes overhead and profit)	\$	124,724.00
3.	Off-duty peace officers and patrol cruisers ¹	\$	0.00
C.	Materials ¹ (with taxes, freight and discounts)	\$	137,726.00
D.	Developer Equipment ¹	\$	730,396.00
E.	Subcontracts ¹ (Time and Materials costs)	\$	944,374.00
F.	Utility Direct Costs ¹	\$	0.00
G.	Overhead and Profit		
1.	Labor (25% of A.1 and A.2)	\$	74,069.00
2.	Traffic Control (5% of B.3)	\$	0.00
3.	Materials (15% of C)	\$	20,659.00
4.	Subcontracts (5% of E)	\$	47,219.00
5.	Utility Direct Costs (5% of F)	\$	0.00

¹ Estimated for Negotiated Change Orders or Actual for Force Account Change Orders.

² Premiums on public-liability and workers-compensation insurance, social-Security and unemployment-insurance taxes.

H.

Grand Total

\$ 2,461,457.00

**CHANGE ORDER
REQUEST**

CHANGE ORDER PROPOSAL NO. 012

CONTRACT NO. 183A Turnpike

SECTION III

The status of Substantial Completion is as follows:

- Unaffected by this Change Order Proposal

The status of Final Acceptance is as follows:

- Unaffected by this Change Order Proposal

Accordingly, the summary of the dates of Substantial Completion and Final Acceptance and Float are as follows:

1. Substantial Completion: Unchanged
(+ or - _____ days from base of _____ calendar days after NTP2)
2. Final Acceptance: Unchanged
(+ or - _____ days from base of _____ calendar days after NTP2)
3. Number of days of Project Float Unchanged

Justification for Change Order with reference to CDA:

CDA Section 14.3 allows Developer to request a change order to increase the development price for increased costs associated with CTRMA-Directed Changes which increase the work to be furnished, performed, or paid for by the developer.

The above three sections represent a true and complete summary of all aspects of this change.

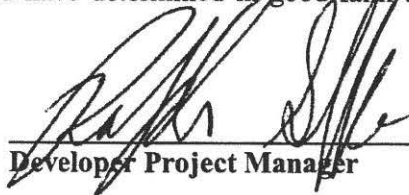
This Change Order Proposal includes all known and anticipated impacts or amounts, direct, indirect and consequential, which may be incurred as a result of the event, occurrence or matter giving rise to the proposed change.

**CHANGE ORDER
REQUEST**

CHANGE ORDER PROPOSAL NO. 012

CONTRACT NO. 183A Turnpike

If the foregoing Change Order Proposal includes claims of Subcontractors or Suppliers, the undersigned have reviewed such claims and have determined in good faith that the claims are justified as to both entitlement and amount.



Developer Project Manager

12-8-06

Date

**CHANGE ORDER
REQUEST**

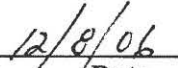
CHANGE ORDER PROPOSAL NO. 012

CONTRACT NO. 183A Turnpike

SECTION IV (Reviewed by GEC Manager)



GEC Team Construction Manager (CDA)



Date

Comments:

**CHANGE ORDER
REQUEST**

CHANGE ORDER PROPOSAL NO. 012

CONTRACT NO. 183A Turnpike

SECTION V (Reviewed by GEC Project General Engineer)

Richard L. Riddick 12/08/06

Project General Engineer (CDA) Date

Comments:

**CHANGE ORDER
REQUEST**

CHANGE ORDER PROPOSAL NO. 012

CONTRACT NO. 183A Turnpike

SECTION Vi (Reviewed by CTRMA's Director of Finance)

ACTION TAKEN:

- Finance Approval** **Attached** **No** **N/A**

Director of Finance

Date

Comments:

**CHANGE ORDER
REQUEST**

CHANGE ORDER PROPOSAL NO. 012

CONTRACT NO. 183A Turnpike

SECTION VII (Approval by CTRMA)

CHANGE ORDER ISSUED: Yes No

CTRMA Executive Director

Date

Comments:

**Exhibit CO.12.1
Cost Breakdown Spreadsheet**

EXHIBIT M

A. DEVELOPER LABOR (CONSTRUCTION)	
1. WAGES	191,145
2. LABOR BENEFITS (55% OF A.1)	105,130
B. DEVELOPER AND SUBCONTRACTOR LABOR (PROFESSIONAL SERVICES)	
1. WAGES	86,016
2. LABOR BENEFITS (145% OF B.1)	124,724
3. OFF-DUTY PEACE OFFICERS AND PATROL CRUISERS	-
C. MATERIALS	137,726
D. EQUIPMENT	730,396
E. SUBCONTRACTS	944,374
F. UTILITY DIRECT COSTS	-
G. OVERHEAD & PROFIT	
1. LABOR (25% OF A.1 and A.2)	74,069
2. TRAFFIC CONTROL (5% OF B.3)	-
3. MATERIALS (15% OF C)	20,659
4. SUBCONTRACTS (5% OF E)	47,219
5. UTILITY DIRECT COSTS (5% OF F)	-
H. GRAND TOTAL	2,461,457

**US 183A
NORTH TIE-IN**

001	ROW / EASEMENT ACQUISITION	LS	1.00	1.00	1.00	(4,025.18)	-	-	(4,025)	-	(30,000)	(34,025)	(36,129)
001A	LAND COST - EASEMENT (CREDIT)	AC	2.23		(2.23)	15,257.93	-	-	(34,025)	-	-	(34,025)	(39,129)
001A	LAND COST - EASEMENT (NEW)	AC		1.27	1.27	22,222.22	-	-	30,000	-	-	30,000	34,500
001B	ACQUISITION (PINNACLE)	EA	9	6	(3.00)	10,000.00	-	-	-	-	(30,000)	(30,000)	(31,500)
002	EROSION CONTROL	LS	1	1	1	31,755.04	-	-	-	-	31,755	31,755	33,343
002A	SILT FENCE (INSTALL)	LF	24,604	16,910	(7,694)	1.24	-	-	-	-	(9,541)	(9,541)	(10,018)
002A	SILT FENCE (REM & REPL)	LF	12,302	8,455	(3,847)	1.00	-	-	-	-	(3,847)	(3,847)	(4,039)
002A	SILT FENCE (REMOVE)	LF	24,604	16,910	(7,694)	0.10	-	-	-	-	(769)	(769)	(808)
002B	ROCK FILTER DAMS (INSTALL)	SY	295	3,988	3,693.00	2.75	-	-	-	-	10,153	10,153	10,661
002B	ROCK FILTER DAMS (REM & REPL)	SY	147	1,994	1,847	2.00	-	-	-	-	3,696	3,696	3,881
002B	ROCK FILTER DAMS (REMOVE)	SY	295	3,988	3,693	2.00	-	-	-	-	7,384	7,384	7,753
002C	CONSTR EXIT (INSTALL)	SY	755	1,864	1,109	13.50	-	-	-	-	14,972	14,972	15,720
002C	CONSTR EXIT (REM & REPL)	SY	377	932	555	7.50	-	-	-	-	4,163	4,163	4,371
002C	CONSTR EXIT (REMOVE)	SY	755	1,864	1,109	5.00	-	-	-	-	5,545	5,545	5,822
003	STORM DRAIN	LS	1	1	1	400,808.40	560	-	1,336	1,362	397,550	400,808	421,411
003A	24" RCP CL III	LF	202	498	296	55.00	-	-	-	-	16,280	16,280	17,094
003A	42" RCP CL III	LF	-	88	88	180.00	-	-	-	-	15,840	15,840	16,632
003A	48" RCP CL III	LF	458	920	462	185.00	-	-	-	-	85,470	85,470	89,744
003A	SET 24" (4:1)	EA	9	10	1	1,400.00	-	-	-	-	1,400	1,400	1,470
003A	INLET (DROP)	EA	1	6	5	3,175.00	-	-	-	-	15,875	15,875	16,669
003A	MANHOLE 48"	EA	-	2	2	5,000.00	-	-	-	-	10,000	10,000	10,500
003A	HEADWALLS - 48"	EA	-	1	1	5,600.00	-	-	-	-	5,600	5,600	5,880
003A	5 X 3 BOX CULVERT	LF	196	465	269	212.60	-	-	-	-	57,189	57,189	60,049
003A	6 X 4 BOX CULVERT	LF	-	72	72	315.00	-	-	-	-	22,680	22,680	23,814
003A	6 X 3 BOX CULVERT	LF	-	80	80	295.00	-	-	-	-	23,600	23,600	24,780
003A	7 X 4 BOX CULVERT	LF	-	202	202	345.00	-	-	-	-	69,689	69,689	73,173
003A	SET (TY I)(4:1)(5 X 3)	EA	2	6	4	4,630.50	-	-	-	-	18,522	18,522	19,448
003A	SET (TY I)(4:1)(6 X 3)	EA	2	4	1	6,500.00	-	-	-	-	6,500	6,500	6,825
003A	SET (TY I)(4:1)(6 X 4)	EA	-	1	1	10,000.00	-	-	-	-	10,000	10,000	10,500
003A	WINGWALLS - PW (2 - 7 X 4)	EA	-	2	2	10,500.00	-	-	-	-	21,000	21,000	22,050
003A	WIER STRUCTURE	EA	-	1	1	31,100.00	-	-	-	-	31,100	31,100	32,655
003C	ROCK RIPRAP	CY		24.4	24.4	133.52	560	-	1,336	1,362	-	3,258	3,983
004	REMOVE ASPHALT PAVEMENT	SY	12,557	15,034	2,477	7.35	1,668	-	(4,264)	19,410	1,402	18,216	19,210
004A	SAWCUT (12")	LF	2,216	2,800	584	2.40	-	-	-	-	1,402	1,402	1,472
004B	MILL FOR WIDENING (12")	CY	164	1,278	1,114	11.80	1,835	-	-	11,309	-	13,144	14,864

Exhibit CO.12.2
CTRMA Request for Change Order Letter



13640 Briarwick Drive
Suite 200
Austin, Texas 78729-1706
Phone: (512) 996-9778
Fax: (512) 996-9784
<http://www.ctrma.org>

Executive Director:
Mike Heiligenstein

Board of Directors:
Robert E. Tesch
Chairman

Lowell Lebermann
Vice-Chairman

Robert L. Bennett
Treasurer

Henry H. Gilmore

James H. Mills

David Singleton

Johanna Zmud, Ph.D.

July 20, 2005

Mr. Ralph Gleffe, P.E.
Hill Country Constructors
12357-A Riata Trace Parkway Suite 300
Austin, TX 78727

RE: 183A Project: Request for Change Proposal #004 – North Tie In
Concept Revision.

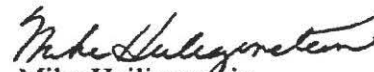
Dear Ralph:

The CTRMA requests that HCC provide a Change Order for the North Tie In that includes the frontage road concept in lieu of the proposed five lane section.

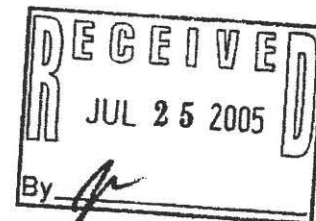
This request does not constitute approval of the requested change order. Such approval shall only be granted by formal action of the CTRMA Board of Directors.

If you have any questions, please contact Richard Ridings at (512) 697-2592.

Sincerely,


Mike Heiligenstein
Executive Director

Cc: Richard Ridings
Brian Cassidy
Curt Ashmos
file



CDA.14.2.1

**Exhibit CO.12.3
HCC Construction Estimate**