

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

**RESOLUTION NO. 08-01**

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 Change Orders involving an amount up to and including \$150,000.00 as set forth in Resolution No. 07-49 dated August 29, 2007, the Board must approve any change order; and

WHEREAS, the CTRMA requested that additional turn lanes be included in the design and construction of the FM 1431-183A grade separated intersection and such additional turn lanes were included by the Developer; and

WHEREAS, the CTRMA, the GEC and the Developer, pursuant to the change order process set forth in the CDA, have determined that the additional turn lanes included in the FM 1431-183A intersection require the issuance of Change Order No. 38, 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 Change Order No. 38 as set forth and in accordance with the terms in Attachment "A" attached hereto and hereby authorizes the Executive Director to finalize the terms associated with Change Order No. 38 and execute Change Order No. 38 as appropriate; and


BE IT FURTHER RESOLVED, that upon proper execution by all of the appropriate parties in accordance with the CDA, Change Order No. 38 shall be made an amendment to the Contract Documents, as defined in the CDA, as of the date that Change Order No. 38 is fully executed.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 30th day of January 2008.

Submitted and reviewed by:

  
Tom Nielson  
General Counsel for the Central  
Texas Regional Mobility Authority

Approved:

  
Robert E. Tesch  
Chairman, Board of Directors  
Resolution Number 08/01  
Date Passed 1/30/08

Attachment "A"

Copy of Change Order No. 38 Memorandum and Summary

EXHIBIT M  
FORM OF CHANGE ORDER

CHANGE ORDER PROPOSAL NO. 038      CONTRACT NO. 183A Turnpike

SECTION 1

Originator: Rich Ginder

Date: January 11, 2007

Title: Project Scheduler

Contract No. 183A Turnpike

Company Name: Hill Country Constructors

DESCRIPTION:

This change order is a negotiated settlement for the 183A FM 1431 intersection.

Scope:

Additional turn lanes were added in the FM 1431 intersection. The total negotiated price of this change order is \$239,000.

CAUSE OF CHANGE ORDER REQUEST:

HCC submitted PCO #023 requesting compensation for the costs of the widening of the FM 1431 from the proposal to the final configuration of this intersection. Both the CTRMA and HCC agree there was some change of scope that resulting in adding more pavement at the FM 1431 intersection. However, it took some negotiation between both parties to determine the compromised amount of change.

  
Developer Project Manager      1/10/08  
Date

**CHANGE ORDER  
REQUEST**

CHANGE ORDER PROPOSAL NO. 038

CONTRACT NO. 183A Turnpike

**SECTION II**

The total amount of this Change Order is \$ 239,000. Documentation supporting the Change Order is attached as Exhibits CO.38.1.

**Payment Schedule Items Added/Deducted:**

<u>Activity No.</u>	<u>Description</u>	<u>Amount</u>
B085287	CO #38 - Roadway Widening at FM 1431	\$ 130,000.00
B095930	CO #38 - Add'l Bridge Span at FM 1431	\$ 109,000.00

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

A.	Developer Labor (construction)	
1.	Wages <sup>1</sup>	\$ 40,500.00
2.	Labor benefits <sup>2</sup> (55% of A.1)	\$ 22,275.00
B.	Developer and Subcontractor Labor (professional services)	
1.	Wages <sup>1</sup> (Raw)	\$ 0.00
2.	Labor benefits <sup>2</sup> (145% of B.1, which includes overhead and profit)	\$ 0.00
3.	Off-duty peace officers and patrol cruisers <sup>1</sup>	\$ 0.00
C.	Materials <sup>1</sup> (with taxes, freight and discounts)	\$ 75,870.00
D.	Developer Equipment <sup>1</sup>	\$ 38,081.00

<sup>1</sup> Estimated for Negotiated Change Orders or Actual for Force Account Change Orders.

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

E.	Subcontracts <sup>1</sup> (Time and Materials costs)	\$	33,524.00
F.	Utility Direct Costs <sup>1</sup>	\$	0.00
G.	Overhead and Profit		
1.	Labor (25% of A.1 and A.2)	\$	15,694.00
2.	Traffic Control (5% of B.3)	\$	0.00
3.	Materials (15% of C)	\$	11,380.00
4.	Subcontracts (5% of E)	\$	1,676.00
5.	Utility Direct Costs (5% of F)	\$	0.00
H.	Grand Total	\$	239,000.00