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

RESOLUTION NO. 08-30

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, the Board of Directors of the CTRMA has been constituted in accordance with the Transportation Code and the RMA Rules; and

WHEREAS, the CTRMA identified the 183-A Turnpike Project (the "Project") as its initial project in a petition filed under the RMA rules and has subsequently undertaken to cause the Project to be constructed and completed; and

WHEREAS, an integral part of the Project is the provision of multi-modal transportation opportunities, including trails and paths for use by pedestrians and bicyclists along portions of the Project; and

WHEREAS, the CTRMA has developed plans for a shared use path along portions of the Project in the vicinity of Brushy Creek with the first phase extending northward to FM 1431 (the "Shared Use Path"); and

WHEREAS, the Shared Use Path includes a pedestrian and bicycle crossing of the railroad operated by Capital Metro south of Brushy Creek Road (the "RR Crossing") and it has been determined that the construction of the RR Crossing must be completed as expeditiously as possible by a contractor knowledgeable in construction of such improvements and acceptable to Capital Metro; and

WHEREAS, the CTRMA has adopted procurement policies (the "Procurement Policies") that provide for various methods for procurement of goods and services; and

WHEREAS, the CTRMA Board of Directors in Resolution No. 07-53, dated August 29, 2007, determined that construction and installation of the Shared Use Path should be procured for the Project and instructed the Executive Director and CTRMA staff to initiate the process for procuring such services; and

WHEREAS, such procurement documents were prepared and issued specifically for the construction services related to the RR Crossing and the bid responses thereto have been opened and evaluated by CTRMA staff and its GEC consultant, and it is recommended that _____ be awarded the construction contract for the construction of the RR Crossing.

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors of the CTRMA hereby accepts the recommendation of _____ to construct the RR Crossing and hereby awards the construction contract for the construction of the RR Crossing to _____, and that the Executive Director and CTRMA staff finalize all agreements necessary to cause such construction services to be provided; and

BE IT FURTHER RESOLVED, that CTRMA staff and its GEC consultant complete all necessary due diligence related to _____ and its bid prior to the execution of the construction agreements; and

BE IT FURTHER RESOLVED, upon the determination through such due diligence that _____ may properly be finally awarded the construction contract for the RR Crossing in accordance with the Procurement Policies, the Executive Director is authorized to execute all necessary agreements to finalize this award; however, in the event such due diligence reveals that _____ may not be properly awarded the construction contract, the Executive Director and CTRMA staff are instructed to undertake efforts to finalize such agreements with the next lowest responsible bidder for construction of the RR Crossing.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 25th day of June 2008.

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 08-30
Date Passed 06/25/08