

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

RESOLUTION NO. 06-19

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 the replacement or relocation of a certain force main sanitary sewer line serving property owned by J.C. Evans and being associated with parcel 41 of the right of way for the 183-A Project, require the issuance of Change Order No. 2, as set forth and in accordance with the terms thereof and attached hereto as Attachment "A".

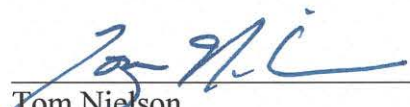
NOW THEREFORE, BE IT RESOLVED, that the Board of Directors approves the execution and issuance of Change Order No. 2 as set forth and in accordance with the terms of thereof and attached hereto as Attachment "A"; and

BE IT FURTHER RESOLVED, that Change Order No 2 is made an amendment to the Contract Documents, as defined in the CDA, as of the date that Change Order No. 2 is fully executed by the CTRMA and the Developer.

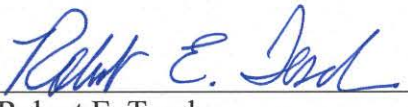
Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 29th day of March, 2006.

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 06-19
Date Passed 03/29/06

Attachment "A"

Complete Copy of Change Order No. 2

EXHIBIT M

FILE COPY

FORM OF CHANGE ORDER

CHANGE ORDER PROPOSAL NO. 002

CONTRACT NO. 183A Turnpike

SECTION 1

Originator: Jeff Rogers

Date: March 27, 2006

Title: Utility Coordinator

Contract No. 183A Turnpike

Company Name: Hill Country Constructors

DESCRIPTION:

Replacement of existing J.C. Evans private sewer line, with 2" Force Main, as referenced in the Real Estate Contract, Section 2.03, for Parcel 41.

Scope:

Design and Construction for replacing/relocating existing sewer line with approximately 950 lf of 2" Forced Main.

CAUSE OF CHANGE ORDER REQUEST:

Relocation of J.C. Evans Force Main, which was necessitated by post NTP # 2 ROW agreements made and executed under the direction of CTRMA. This work is outside the scope of work identified within HCCs' Technical Proposal and is in addition to the original scope of work stated in the CDA Documents, Exhibit D – Anticipated Utility Relocation Matrix.



Developer Project Manager 3-27-06
Date

**CHANGE ORDER
REQUEST**

CHANGE ORDER PROPOSAL NO. 002

CONTRACT NO. 183A Turnpike

SECTION II

The total amount of this Change Order is \$ 64,000.00. Documentation supporting the Change Order is attached as Exhibits 183A CO2.1 through 183A CO2.6

Payment Schedule Items Added/Deducted:

<u>Activity No.</u>	<u>Description</u>	<u>Amount</u>
A027132	Design of 2" Force Main System	\$ 15,307.00
B148092	Construction of 2" Force Main System	\$ 48,693.00

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

A.	Developer Labor (construction)	
1.	Wages ¹	\$ 1,202.00
2.	Labor benefits ² (55% of A.1)	\$ 661.00
B.	Developer and Subcontractor Labor (professional services)	
1.	Wages ¹ (Raw)	\$ 6,248.00
2.	Labor benefits ² (145% of B.1, which includes overhead and profit)	\$ 9,059.00
3.	Off-duty peace officers and patrol cruisers ¹	\$ 0.00
C.	Materials ¹ (with taxes, freight and discounts)	\$ 150.00

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.

D.	Developer Equipment ¹	\$ 623.00	_____
E.	Subcontracts ¹ (Time and Materials costs)	\$ 43,398.00	_____
F.	Utility Direct Costs ¹	\$ 0.00	_____
G.	Overhead and Profit		
	1. Labor (25% of A.1 and A.2)	\$ 466.00	_____
	2. Traffic Control (5% of B.3)	\$ 0.00	_____
	3. Materials (15% of C)	\$ 23.00	_____
	4. Equipment (5% of D)	\$ 0.00	_____
	4. Subcontracts (5% of E)	\$ 2,170.00	_____
	5. Utility Direct Costs (5% of F)	\$ 0.00	_____
H.	Grand Total	\$ 64,000.00	_____

**CHANGE ORDER
REQUEST**

CHANGE ORDER PROPOSAL NO. 002

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 14.12 Developer is entitled to receive a change order for CTRMA changes which increase the utility adjustment 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.

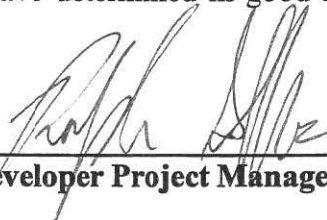
This Change Order Proposal includes all known and anticipated impacts or amounts, direct, indirect and consequential, which may be incurred as a result of the event, occurrence or matter giving rise to the proposed change.

**CHANGE ORDER
REQUEST**

CHANGE ORDER PROPOSAL NO. 002

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

3-27-06
Date

**CHANGE ORDER
REQUEST**

CHANGE ORDER PROPOSAL NO. 002

CONTRACT NO. 183A Turnpike

SECTION IV (Reviewed by GEC Manager)

Michael Snare *3/28/06*

GEC Team Construction Manager (CDA) Date

Comments:

**CHANGE ORDER
REQUEST**

CHANGE ORDER PROPOSAL NO. 002

CONTRACT NO. 183A Turnpike

SECTION V (Reviewed by GEC Project General Engineer)

[Handwritten Signature]

3/28/06

Project General Engineer (CDA)

Date

Comments:

**CHANGE ORDER
REQUEST**

CHANGE ORDER PROPOSAL NO. 002

CONTRACT NO. 183A Turnpike

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

ACTION TAKEN:

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



Director of Finance

5/23/06

Date

Comments:

**CHANGE ORDER
REQUEST**

CHANGE ORDER PROPOSAL NO. 002

CONTRACT NO. 183A Turnpike

SECTION VII (Approval by CTRMA)

CHANGE ORDER ISSUED: Yes No



CTRMA Executive Director

5-22-06

Date

Comments:



Central Texas Regional
Mobility Authority

MEMORANDUM

To: Everett Owen
Date: May 2, 2006
From: Richard Ridings
Subject: Change Order No. 2 – J.C. Evans

12357-A Riata Trace Parkway
Building 5, Suite 300
Austin, Texas 78727

Phone: (512) 223-0101

Fax: (512) 697-2649

<http://www.ctrma.org>

Copies: Mike Snare, Brian Cassidy, Curt Ashmos, Tom Nielson

Negotiations:

HCC Estimate: \$ 86,311

Executive Director:

Mike Heiligenstein

CTRMA Estimate: \$ 60,932

Board of Directors:

Robert E. Tesch

Chairman

Negotiated Amount: \$ 64,000

Lowell Lebermann

Vice-Chairman

Distribution of negotiated fee among sub-contractors is attached.

Robert L. Bennett

Treasurer

Henry H. Gilmore

James H. Mills

David Singleton

Johanna Zmud, Ph.D.

HILL COUNTRY CONSTRUCTORS
US 183 A TOLL ROAD PROJECT

DISTRIBUTION OF SUBCONTRACTOR SERVICES

CHANGE ORDER 2 - JC Evans 2" Force Main

COMPANY	RAW AMOUNT	MARK UPS	TOTAL
ID GUERRA	\$ 42,497.85	\$ 2,124.89	\$ 44,622.74
COBB FENDLEY	\$ 5,565.39	\$ 8,069.82	\$ 13,635.21
KBR	\$ 683.00	\$ 990.35	\$ 1,673.35
RODRIGUEZ LABORATORIES	\$ 900.00	\$ 45.00	\$ 945.00
HCC LABOR	\$ 1,975.00	\$ 1,149.00	\$ 3,124.00
SUBTOTAL			\$ 64,000.30
NEGOTIATED CHANGE ORDER PRICE			\$ 64,000.00



Central Texas Regional
Mobility Authority

Transmittal

183A Turnpike Project

c/o Turnpike Project Office
12357-A Riata Trace Parkway
Building 5, Suite 300
Austin, Texas 78727-1706

Phone: 512-233-0101
Fax: 512-697-2647

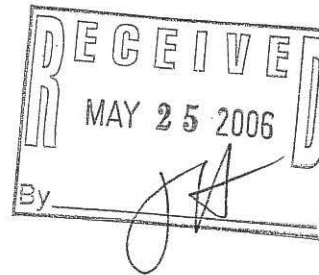
Attention	Date May 24, 2006	Contract No.
To Hill Country Constructors		
Ralph Gleffe		
12357-A Riata Trace Parkway Building 5, Suite 300		
Austin, TX 78727-1706		
Regarding Change Order Proposal No. 002 - Relocation of J.C. Evans Sewer Line, Parcel 41		

We are sending you: Attached Under separate cover via _____ the following items

Copies	Date	No.	Description
1	05/24/06		Executed - Change Order Proposal No. 002 - Relocation of J.C. Evans Sewer Line, Parcel 41

These are transmitted as checked below:

<input type="checkbox"/> For approval	<input type="checkbox"/> No Exceptions Noted	<input type="checkbox"/> Revise & Resubmit	<input type="checkbox"/>
<input checked="" type="checkbox"/> For your Use	<input type="checkbox"/> Exceptions as Noted	<input type="checkbox"/> Proceed	<input type="checkbox"/>
<input type="checkbox"/> As requested	<input checked="" type="checkbox"/> Executed	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> For review/comment	<input type="checkbox"/> Other _____		



Remarks

Copy to cc: CDA. 14.1 - 002
Rich Ginder
If enclosures are not as noted, please notify us at once.

Signed Danny W. Blayth
For Richard Ridings