

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

RESOLUTION NO. 07-21

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 Board adopted Resolution No. 06-67, dated December 13, 2006, regarding 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 and authorized the issuance of Change Order No. 12; 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 not otherwise addressed in Change Order No. 12 are necessary to further accommodate the Leander Transit Oriented Development (TOD) land use plan and require the issuance of Change Order No. 15, 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. 15 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. 15 is made an amendment to the Contract Documents, as defined in the CDA, as of the date that Change Order No. 15 is fully executed by the CTRMA and the Developer.

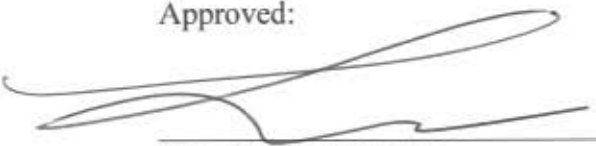
Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 30th day of May, 2007.

Submitted and reviewed by:

Approved:



Tom Nielson
General Counsel for the Central
Texas Regional Mobility Authority



Lowell H. Lebermann
Chairman, Board of Directors
Resolution Number 07-21
Date Passed 5/30/07

Attachment "A"

Copy of Change Order No. 15 Memorandum and Summary



**CENTRAL TEXAS
Regional Mobility Authority**

Change Order No. 015 Summary North Tie-In Addendum

Description

This change order is an addendum to Change Order No. 12 for the north tie-in modifications. During the negotiations for CO No. 12 three (3) items were omitted due to pricing clarifications and design modifications. This change order includes two (2) items; erosion control and excavation.

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


\$ 59,155.00

HNTB

Memorandum

To: Mike Heiligenstein
Bill Chapman

Date: May 21, 2007

From: Richard Ridings 

Subject: Change Order No. 015 – North Tie-in Addendum

Copies: Tom Neilson, Everett Owen, Ron Fagan

This attached Change Order (CO) No. 015 is in the amount of \$ 59,155.00. This change order is an addendum to Change Order No. 12 for the north tie-in modifications. During the negotiations for CO No. 12 three (3) items were omitted due to pricing clarifications and design modifications. This change order includes two (2) items; erosion control and excavation.

The North Tie-In justification remains the same and is repeated below.

The CTRMA initiated this change to accommodate the Leander Transit Oriented Development (TOD) land use changes that have occurred in Leander since the acceptance of the Developer's proposals. These changes have occurred more rapidly than anticipated.

The proposed design eliminates the two way frontage road and allows for safer operations.

The GEC has reviewed the subject CO and recommends approval.

Hill Country Constructors

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

File 0609-Rev-1 TRANSMITTAL
No. 03335

Phone: 512-233-0101

PROJECT: 183A TurnPike Project

DATE: 5/11/2007

TO: Central Texas Regional Mobility Auth
12357-A Riata Trace Parkway.
Suite 300
Austin, Texas 78727

REF: Change Order No. 015
Revision 1
for review/approval

ATTN: Michael Snare

WE ARE SENDING:	SUBMITTED FOR:	ACTION TAKEN:
<input type="checkbox"/> Shop Drawings	<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Approved as Submitted
<input type="checkbox"/> Letter	<input type="checkbox"/> Your Use	<input type="checkbox"/> Approved as Noted
<input type="checkbox"/> Prints	<input type="checkbox"/> As Requested	<input type="checkbox"/> Returned After Loan
<input checked="" type="checkbox"/> Change Order	<input type="checkbox"/> Review and Comment	<input type="checkbox"/> Resubmit
<input type="checkbox"/> Plans		<input type="checkbox"/> Submit
<input type="checkbox"/> Samples	SENT VIA:	<input type="checkbox"/> Returned
<input type="checkbox"/> Specifications	<input checked="" type="checkbox"/> Attached	<input type="checkbox"/> Returned for Corrections
<input type="checkbox"/> Other:	<input type="checkbox"/> Separate Cover Via:	<input checked="" type="checkbox"/> Due Date: 5/25/2007

ITEM	PACKAGE	SUBMITTAL	DRAWING	REV.	ITEM NO.	COPIES	DATE	DESCRIPTION	STATUS
					1	1		Change Order Proposal No. 015 - Revision 1	

Remarks:

RECEIVED
MAY 11 2007
CTRMA AUSTIN, TX

CC:318815.15.01.CDA.14.1-R.1

Signed: Santharaj for
Rich Ginder

EXHIBIT M

FORM OF CHANGE ORDER

CHANGE ORDER PROPOSAL NO. 015 CONTRACT NO. 183A Turnpike

REV. 1

SECTION 1

Originator: Rich Ginder

Date: May 11, 2007

Title: Project Scheduler / Change Orders

Contract No. 183A Turnpike

Company Name: Hill Country Constructors

DESCRIPTION:

This change order is an addendum to executed Change Order 12 for the north tie-in of the NBFR along the ultimate alignment. During the negotiation of the pricing for Change Order 12, three cost items were omitted because additional information was required.

Scope:

During the negotiation process for Change Order 12 it was agreed that the soil retention blanket will be paid at a later date once a reasonable quote to furnish and install the soil retention blanket was obtained. C3 Environmental Services submitted a quote for \$6.10/SY for Enkamat 7020 soil retention blanket which is considerably lower than previous quote submittals.

The CTRMA agreed to pay for \$3.75/CY for HL Chapman services for rock excavation in Change Order 12 because HL Chapman's invoice shows that all milling north of FM 1431 was paid at \$3.75/CY. HCC was concerned that HL Chapman was going to bill for \$6.75/CY for the north tie in rock cut, but Chapman prices remained at the \$3.75/CY. HL Chapman also invoiced \$25,000 to mobilize .

CAUSE OF CHANGE ORDER REQUEST:

Both parties from HCC and CTRMA agreed to revisit the cost of the previously mentioned unresolved cost issues from Change Order 12 in order to get a majority of the cost of Change Order 12 executed.


Developer Project Manager 5/11/07
Date

**CHANGE ORDER
REQUEST**

CHANGE ORDER PROPOSAL NO. 015

CONTRACT NO. 183A Turnpike

SECTION II

The total amount of this Change Order is \$ 59,155.00. Documentation supporting the Change Order is attached as Exhibits CO.15.1 through CO.15.3.

Payment Schedule Items Added/Deducted:

<u>Activity No.</u>	<u>Description</u>	<u>Amount</u>
B131622	Erosion Control	\$ 25,620.00
A021876	Design and QA of North Tie In	\$ 4,905.00
B061739	Excavation	\$ 26,250.00
A021030	Construction QA	\$ 2,380.00

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

A.	Developer Labor (construction)		
	1. Wages ¹	\$	0.00
	2. Labor benefits ² (55% of A.1)	\$	0.00
B.	Developer and Subcontractor Labor (professional services)		
	1. Wages ¹ (Raw)	\$	2,002.00
	2. Labor benefits ² (145% of B.1, which includes overhead and profit)	\$	2,903.00
	3. Off-duty peace officers and patrol cruisers ¹	\$	0.00
C.	Materials ¹ (with taxes, freight and discounts)	\$	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.

D.	Developer Equipment ¹	\$	0.00
E.	Subcontracts ¹ (Time and Materials costs)	\$	51,667.00
F.	Utility Direct Costs ¹	\$	0.00
G.	Overhead and Profit		
	1. Labor (25% of A.1 and A.2)	\$	0.00
	2. Traffic Control (5% of B.3)	\$	0.00
	3. Materials (15% of C)	\$	0.00
	4. Subcontracts (5% of E)	\$	2,583.00
	5. Utility Direct Costs (5% of F)	\$	0.00
H.	Grand Total	\$	59,155.00

**CHANGE ORDER
REQUEST**

CHANGE ORDER PROPOSAL NO. 015

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

5/11/07

Date

**CHANGE ORDER
REQUEST**

CHANGE ORDER PROPOSAL NO. 015

CONTRACT NO. 183A Turnpike

SECTION IV (Reviewed by GEC Manager)

Michael J. Shave 5/21/07
GEC Team Construction Manager (CDA) Date

Comments:

**CHANGE ORDER
REQUEST**

CHANGE ORDER PROPOSAL NO. 015

CONTRACT NO. 183A Turnpike

SECTION V (Reviewed by GEC Project General Engineer)



5/21/07

Project General Engineer (CDA)

Date

Comments:

**CHANGE ORDER
REQUEST**

CHANGE ORDER PROPOSAL NO. 015

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. 015

CONTRACT NO. 183A Turnpike

SECTION VII (Approval by CTRMA)

CHANGE ORDER ISSUED: Yes No

CTRMA Executive Director

Date

Comments:

**Exhibit CO.15.1
Cost Breakdown Spreadsheet**

EXHIBIT M

A. DEVELOPER LABOR (CONSTRUCTION)	
1. WAGES	-
2. LABOR BENEFITS (55% OF A.1)	-
B. DEVELOPER AND SUBCONTRACTOR LABOR (PROFESSIONAL SERVICES)	
1. WAGES	2,002
2. LABOR BENEFITS (145% OF B.1)	2,903
3. OFF-DUTY PEACE OFFICERS AND PATROL CRUISERS	-
C. MATERIALS	-
D. EQUIPMENT	-
E. SUBCONTRACTS	51,667
F. UTILITY DIRECT COSTS	-
G. OVERHEAD & PROFIT	
1. LABOR (25% OF A.1 and A.2)	-
2. TRAFFIC CONTROL (5% OF B.3)	-
3. MATERIALS (15% OF C)	-
4. SUBCONTRACTS (5% OF E)	2,583
5. UTILITY DIRECT COSTS (5% OF F)	-
H. GRAND TOTAL	59,155

US 183A

NORTH TIE-IN - Soil Retention Blanket and Chapman Milling

ITEM	DESCRIPTION	UOM	ORIGINAL QUANTITY	PROPOSED QUANTITY	DELTA	UNIT COST	A.1	B.1	C	D	E	TOTAL	TOTAL W/ MARKUP
							LABOR	PROF SERV	MATL	EQUIP	SUB		
001	EROSION CONTROL	SY	-	4,000	4,000	6.10	-	-	-	-	24,400	24,400	25,620
001A	SOIL RETENTION BLANKET	SY	-	4,000	4,000	6.10	-	-	-	-	24,400	24,400	25,620
002	CHAPMAN MINING	CY	13,702	61,767	48,065	0.52	-	-	-	-	25,000	25,000	26,250
002A	MOBILIZATION FOR CHAPMAN TO N END	CY	13,702	61,767	48,065	0.52	-	-	-	-	25,000	25,000	26,250
017	ADJUSTMENTS	LS			1	4,268.90	-	2,002	-	-	2,267	4,269	7,285
017C	CONSTRUCTION Q/A	LS	1	1	1	2,266.72	-	-	-	-	2,267	2,267	2,380
017D	DESIGN (URS / TCB)	LS	1	1	1	1,779.14	-	1,779	-	-	-	1,779	4,359
017E	DESIGN QA (KBR)	LS	1	1	1	223.04	-	223	-	-	-	223	546
TOTAL CONSTRUCTION COSTS							-	2,002	-	-	51,667	53,669	59,155

Exhibit CO.15.2
C-3 Environmental Quote



Environmental Specialties
Erosion Control & Environmental Contractors

13709 Topper Circle
San Antonio, Texas 78233

Phone: (210) 653-7801
Fax: (210) 650-3306

Date: 1/23/2007

Proposal No. 1208

To: Jason Crawford
Hill Country Constructors

From: DAN CORRIGAN

Project Name: 183A Turnpike

<u>Quantity</u>	<u>Unit</u>	<u>Description</u>	<u>Unit Cost</u>	<u>Total</u>
50,000	SY	Enkamat 7020 (if purchased by 4/31/07)	\$ 6.10	\$ 305,000.00
	SY	Flexterra Hydromulch	\$ 1.18	\$ -

**Includes materials and labor.
Does not include watering.**

TOTAL \$ 305,000.00

- QUANTITIES ARE SUBJECT TO CHANGE BASED ON FIELD MEASUREMENTS.
- PRICES INCLUDE SALES TAX, SILT FENCE CLEARING/MAINTENANCE CHARGE ON PER HOUR BASIS.
- LOCATION OF UNDERGROUND UTILITIES SHALL BE IDENTIFIED TO C-3 PRIOR TO INSTALLATION.
- PAYMENT TERMS: NET 30 DAYS. PRICING GOOD FOR 45 DAYS.
- GENERAL CONTRACTOR OR OWNER WILL SUPPLY WATER AND METER.
- TERMS AND CONDITIONS OF THIS AGREEMENT ARE SUBJECT TO AIA STANDARDS.

**IF YOU HAVE ANY QUESTIONS OR REQUIRE ANY ADDITIONAL INFORMATION, PLEASE
DO NOT HESITATE TO CALL US.**

Respectfull Submitted,

Dan Corrigan

Client Agreement to and Acceptance:

Name, Title and Date

**Exhibit CO.15.3
HL Chapman Invoice**

H.L. Chap Pipeline Construction
 9250 FM 2243
 Leander, Texas 78641

PAY REQUEST NUMBER: 19

Customer Name Hill Country Constructors

JobName 183A

Job Number 3414

Description	Pay Zone	Unit	Price	Total Contract (w/Change Orders)				3/24/07		Total To Date		Remaining		1/20/07	
				Orig Qty	Orig. AMT	Adj. Qty	Total AMT	QTY	Amount	QTY	Amount	QTY	Amount	QTY	Amount
Rock Excavation by Milling (So		CY	\$6.75	550000	\$3,712,500.00	49000	\$4,043,250.00	0	\$0.00	711023.00	\$4,799,405.25	12023.00	\$756,155.25	3040	\$20,520.00
Milling - Park Street Cut		CY	\$6.75	0	\$0.00	0	\$0.00	0	\$0.00	38393.31	\$259,154.83	38393.31	\$259,154.83	0	\$0.00
Milling - South of Brushy Creek		CY	\$6.75	0	\$0.00	0	\$0.00	0	\$0.00	37838.60	\$255,410.56	37838.60	\$255,410.56	0	\$0.00
Rock Excavation by Milling (No		CY	\$3.75	200000	\$750,000.00	0	\$750,000.00	0	\$0.00	94170.00	\$353,137.50	05830.00	\$396,862.50	0	\$0.00
Screening		CY	\$1.75	500000	\$875,000.00	0	\$875,000.00	0	\$0.00	411364.92	\$719,888.61	88635.08	\$155,111.39	0	\$0.00
Crushing		CY	\$1.75	100000	\$175,000.00	0	\$175,000.00	0	\$0.00	65422.00	\$114,488.50	34578.00	\$60,511.50	0	\$0.00
Milling Ramps		DAY	\$7,500.00	0	\$0.00	0	\$0.00	0	\$0.00	4.50	\$33,750.00	-4.50	(\$33,750.00)	0	\$0.00
Hoe Ram Daily Rate		DAY	\$2,500.00	0	\$0.00	0	\$0.00	0	\$0.00	49.00	\$122,500.00	-49.00	\$122,500.00	0	\$0.00
Track Hoe Ram Daily Rate		DAY	\$2,000.00	0	\$0.00	0	\$0.00	0	\$0.00	3.00	\$6,000.00	-3.00	(\$6,000.00)	0	\$0.00
Track Hoe Daily Rate		DAY	\$1,800.00	0	\$0.00	0	\$0.00	0	\$0.00	30.00	\$54,000.00	-30.00	(\$54,000.00)	0	\$0.00
Tollbooth Footers		CY	\$6.75	0	\$0.00	0	\$0.00	0	\$0.00	1800.00	\$12,150.00	-1800.00	(\$12,150.00)	0	\$0.00
Boxes @ Park Street		CY	\$6.75	0	\$0.00	0	\$0.00	0	\$0.00	1800.00	\$12,150.00	-1800.00	(\$12,150.00)	0	\$0.00
Ditch North of 1431		CY	\$3.75	0	\$0.00	0	\$0.00	0	\$0.00	14700.00	\$55,125.00	-14700.00	(\$55,125.00)	0	\$0.00
Ctnwd Cnl & Eagle Pond		CY	\$3.75	0	\$0.00	0	\$0.00	0	\$0.00	21068.00	\$79,005.00	-21068.00	(\$79,005.00)	0	\$0.00
Milling - The pond at 1431		CY	\$6.75	0	\$0.00	2300	\$15,525.00	2300	\$15,525.00	2300.00	\$15,525.00	0.00	\$0.00	0	\$0.00
Trenching by the Day		DAY	\$4,500.00	0	\$0.00	0	\$0.00	0	\$0.00	3.00	\$13,500.00	-3.00	(\$13,500.00)	0	\$0.00
1260 Trencher Day Rate		DAY	\$4,500.00	0	\$0.00	0	\$0.00	0	\$0.00	1.50	\$6,750.00	-1.50	(\$6,750.00)	0	\$0.00
1460 Trencher Day Rate		DAY	\$6,000.00	0	\$0.00	0	\$0.00	0	\$0.00	3.00	\$18,000.00	-3.00	(\$18,000.00)	0	\$0.00
1260 Mobilization		EA	\$1,500.00	0	\$0.00	0	\$0.00	0	\$0.00	1.00	\$1,500.00	-1.00	(\$1,500.00)	0	\$0.00
1460 Mobilization		EA	\$10,000.00	0	\$0.00	0	\$0.00	0	\$0.00	1.00	\$10,000.00	-1.00	(\$10,000.00)	0	\$0.00
Mobilization		EA	\$1,500.00	0	\$0.00	0	\$0.00	0	\$0.00	1.00	\$1,500.00	-1.00	(\$1,500.00)	0	\$0.00
Remobilization - North End		LS	\$25,000.00	0	\$0.00	1	\$25,000.00	0	\$0.00	1.00	\$25,000.00	0.00	\$0.00	0	\$0.00
Remobilization - The pond at 14		EA	\$2,000.00	0	\$0.00	1	\$2,000.00	1	\$2,000.00	1.00	\$2,000.00	0.00	\$0.00	0	\$0.00