

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

RESOLUTION NO. 07-36

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 additional design work necessary to accommodate the pedestrian and bike trail adjacent to the south bound frontage road along a portion of the north end of the 183-A Project requires the issuance of Change Order No. 25, 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. 25 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. 25 and execute Change Order No. 25 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. 25 shall be made an amendment to the Contract Documents, as defined in the CDA, as of the date that Change Order No. 25 is fully executed.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 25th day of July, 2007.

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 07-36
Date Passed 7/25/07

Attachment "A"


Copy of Change Order No. 25 Memorandum and Summary

HNTB

M e m o r a n d u m

To: Mike Heiligenstein
Bill Chapman

Date: July 18, 2007

From: Richard Ridings 

Subject: Change Order No. 025 –Design Revisions to the Southbound Frontage Road to Accommodate Pedestrian and Bicycle Trails

Copies: Tom Nielson, Everett Owen, Ron Fagan

This attached Change Order (CO) No. 025 is in the amount of \$ 125,000.00. This change order reimburses HCC for the design revisions to the southbound frontage road along the north end of the 183A Project to accommodate pedestrian and bicycle trails.

This change order represents the final settlement for all design and/or construction costs related to redesign of the southbound frontage road in Work Area 3 on the north end of the 183A Project.

The GEC has reviewed the subject CO and recommends approval.

EXHIBIT M

FORM OF CHANGE ORDER

CHANGE ORDER PROPOSAL NO. 025 CONTRACT NO. 183A Turnpike

SECTION 1

Originator: Rich Ginder

Date: July 16, 2007

Title: Project Scheduler

Contract No. 183A Turnpike

Company Name: Hill Country Constructors

DESCRIPTION:

This change order reimburses HCC for additional design of the southbound frontage road in work area 3. Additional design was required to shift the southbound frontage road alignment away from the right-of-way, in order to accommodate a future hike and bike trail.

Scope:

This change order represents the final settlement for all design and/or construction costs related to redesign of the southbound frontage road in work area 3.

CAUSE OF CHANGE ORDER REQUEST:

HCC submitted PCO #014 requesting compensation for additional design costs related to the shifting of the southbound frontage road in order to accommodate a future hike and bike trail. HCC and CTRMA agreed to a negotiated settlement price of \$125,000.

Developer Project Manager

Date

**CHANGE ORDER
REQUEST**

CHANGE ORDER PROPOSAL NO. 025

CONTRACT NO. 183A Turnpike

SECTION II

The total amount of this Change Order is \$ 125,000.00.

Payment Schedule Items Added/Deducted:

<u>Activity No.</u>	<u>Description</u>	<u>Amount</u>
A021767	CO #25 – Redesign of SBFR for Hike and Bike Trail	\$ 125,000.00

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)	\$ 51,020.40
2.	Labor benefits ² (145% of B.1, which includes overhead and profit)	\$ 73,979.60
3.	Off-duty peace officers and patrol cruisers ¹	\$ 0.00
C.	Materials ¹ (with taxes, freight and discounts)	\$ 0.00
D.	Developer Equipment ¹	\$ 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.

E.	Subcontracts ¹ (Time and Materials costs)	\$	0.00
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)	\$	0.00
5.	Utility Direct Costs (5% of F)	\$	0.00
H.	Grand Total	\$	125,000.00

**CHANGE ORDER
REQUEST**

CHANGE ORDER PROPOSAL NO. 025

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**

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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

Date

**CHANGE ORDER
REQUEST**

CHANGE ORDER PROPOSAL NO. 025

CONTRACT NO. 183A Turnpike

SECTION IV (Reviewed by GEC Manager)

GEC Team Construction Manager (CDA)

Date

Comments:

**CHANGE ORDER
REQUEST**

CHANGE ORDER PROPOSAL NO. 025

CONTRACT NO. 183A Turnpike

SECTION V (Reviewed by GEC Project General Engineer)

Project General Engineer (CDA)

Date

Comments:

**CHANGE ORDER
REQUEST**

CHANGE ORDER PROPOSAL NO. 025

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**

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CONTRACT NO. 183A Turnpike

SECTION VII (Approval by CTRMA)

CHANGE ORDER ISSUED: Yes No

CTRMA Executive Director

Date

Comments:

