

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

RESOLUTION NO. 14-087

**APPROVING A CHANGE ORDER WITH CENTRAL TEXAS
MOBILITY CONSTRUCTORS, LLC, TO MINIMIZE IMPACTS TO A WETLAND
WEST OF HARRIS BRANCH.**

WHEREAS, by Resolution No. 11-019, dated March 30, 2011, the Board of Directors approved and authorized the Executive Director to execute a design-build comprehensive development agreement with Central Texas Mobility Constructors LLC ("CTMC") to develop the Manor Expressway Phase II Project (the "Project"), and the design/build comprehensive development agreement contract for construction of the Project was executed and became effective on June 15, 2011; and

WHEREAS, a wetland on the north side of the Project and just west of Harris Branch Parkway was discovered during construction; and

WHEREAS, the Executive Director has negotiated and recommends approval of the proposed change order for the design and construction necessary to minimize impacts to this wetland attached as Exhibit 1, and of the exhibits to that exhibit that are not attached to this resolution but are on file with the Mobility Authority and referenced in Exhibit 1.

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors approves the proposed change order with CTMC in the additional amount not to exceed \$347,534.66, in the form or substantially the same form attached as Exhibit 1, to include all exhibits referenced therein; and

BE IT FURTHER RESOLVED, that the change order with CTMC may be finalized and executed by the Executive Director on behalf of the Mobility Authority in the form or substantially the same form attached as Exhibit 1, to include all exhibits referenced therein.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 19th day of November, 2014.

Submitted and reviewed by:



Andrew Martin
General Counsel for the Central
Texas Regional Mobility Authority

Approved:



Ray A. Wilkerson
Chairman, Board of Directors
Resolution Number: 14-087
Date Passed: 11/19/14

EXHIBIT 1

PROPOSED CHANGE ORDER WITH

CENTRAL TEXAS MOBILITY CONSTRUCTORS

[on the following six pages, but excluding Exhibits referenced therein]



Central Texas Regional
Mobility Authority

CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY

CHANGE ORDER NUMBER: 16

- 1. CONTRACTOR: Central Texas Mobility Constructors, LLC
- 2. Change Order Work Limits: Sta. 430+00 to Sta. 440+00
290E 290E
- 3. Type of Change(on federal-aid non-exempt projects): Major (Major/Minor)
- 4. Reasons: 2E (In order of importance - Primary first)

5. Describe the work being revised:

This change order includes compensation for the Developer to minimize impacts to the wetland west of Harris Branch Parkway that was discovered during construction due to a discrepancy in the original wetland determination study. This minimization included construction of a retaining wall and modifications to the multiple barrel box culvert.

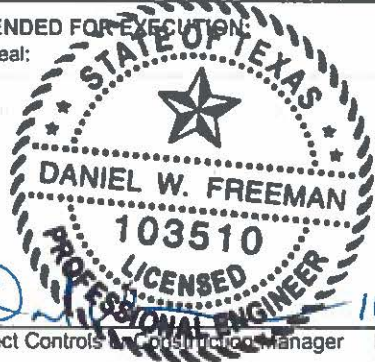
Project Name:	<u>Manor Expressway Phase II Project</u>
Contract No:	<u>CDA</u>
CCSJ:	<u>0114-02-053</u>
Highway:	<u>290E</u>
County:	<u>Travis</u>
District:	<u>Austin</u>
FAP Number:	<u>NH1101 (012)</u>

- 6. Work to be performed in accordance with Items: 110, 132, 276, 423, 432, 450, 462, 466, 476, 502, 624
- 7. New or revised plan sheet(s) are attached and numbered: 2RD-053, 2RD-054, 2RW-031A, 2DR-040, 2DR-040A
- 8. New general notes to the contract are attached: Yes No
- 9. New Special Provisions to Item No. and Special Specification Item are attached. N.A.

Each signatory hereby warrants that each has the authority to execute this Change Order (CO).

<p><i>The contractor must sign the Change Order and, by doing so, agrees to waive any and all claims for additional compensation due to any and all other expenses; additional changes for time, overhead and profit; or loss of compensation as a result of this change</i></p> <p>THE CONTRACTOR Date <u>11/5/2014</u></p> <p>By <u>BH Medlin</u></p> <p>Typed/Printed Name <u>Bradley H. Medlin</u></p> <p>Typed/Printed Title <u>Project Manager</u></p>	<p>The following information must be provided</p> <p>Time Ext. #: <u>N/A</u> Days added on this CO: <u>0</u></p> <p>Amount added by this change order: \$ <u>347,534.66</u></p> <p>For TxDOT/CTRMA/FHWA use only:</p> <p>Current Contract Amount \$ <u>215,016,477.43</u></p> <p>Revised Contract Amount To Date \$ <u>215,364,012.09</u></p> <p>Days FHWA non-participating <u>N/A</u></p> <p>CO Portion FHWA non-participating \$ <u>347,534.66</u></p>
--	---

RECOMMENDED FOR EXECUTION
Engineers Seal:



- (1) D. Freeman 11/5/14 Date
GEC Project Controls & Construction Manager
- (2) [Signature] 11/5/14 Date
GEC Project Manager
- (7) _____ Date
TxDOT Project Engineer
 APPROVED REQUEST APPROVAL

- (3) _____ Date
CTRMA, Director of Engineering
 APPROVED REQUEST APPROVAL
- (4) _____ Date
CTRMA, General Counsel
 APPROVED REQUEST APPROVAL
- (5) _____ Date
CTRMA, Executive Director
 APPROVED REQUEST APPROVAL
- (6) _____ Date
FHWA Area Engineer (Verbal Approval)
 APPROVED REQUEST APPROVAL
- (8) _____ Date
FHWA Area Engineer
 APPROVED REQUEST APPROVAL

Manor Expressway Phase II Project

CHANGE ORDER NUMBER: 16

TABLE A: Force Account Work and Materials Placed into Stock

Estimated Cost:

\$0.00

	LABOR	QTY	HOURLY RATE	TOTAL	EQUIPMENT	DAYS	HOURLY RATE	TOTAL
	2E							

TABLE B: Contract Items

CHANGE ITEM	REASON CODE	DESCRIPTION	UNIT	ORIGINAL + PREVIOUSLY REVISED			NEW			OVERRUN/ UNDERRUN
				QUANTITY	UNIT PRICE	ITEM COST	QUANTITY	UNIT PRICE	ITEM COST	
EXTRA WORK ITEM	REASON CODE	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	ITEM COST	QUANTITY	UNIT PRICE	ITEM COST	OVERRUN/ UNDERRUN
XXXX-XXXX	2E	SURVEY	HR				60.00	\$ 190.66	\$ 11,439.60	\$ 11,439.60
XXXX-XXXX	2E	QUALITY CONTROL	HR				100.00	\$ 122.87	\$ 12,287.00	\$ 12,287.00
XXXX-XXXX	2E	DESIGN COSTS	LS				1.00	\$ 47,716.13	\$ 47,716.13	\$ 47,716.13
XXXX-XXXX	2E	WETLAND IMPACT STUDY COSTS	LS				1.00	\$ 4,983.48	\$ 4,983.48	\$ 4,983.48
500-2001	2E	MOBILIZATION	LS				1.00	\$ 1,575.00	\$ 1,575.00	\$ 1,575.00
502-2124	2E	BARRICADES, SIGNS, AND TRAFFIC HANDLING	EA				1.00	\$ 3,770.19	\$ 3,770.19	\$ 3,770.19
132-2002	2E	EMBANKMENT (FINAL) (DENS CNTRL)	CY				-600.00	\$ 7.60	\$ (4,560.00)	\$ (4,560.00)
416-2003	2E	DRILL SHAFT (30")	LF				-8.00	\$ 126.00	\$ (1,008.00)	\$ (1,008.00)
540-2005	2E	TERMINAL ANCHOR SECTION	EA				-1.00	\$ 787.50	\$ (787.50)	\$ (787.50)
110-2003	2E	EXCAVATION (SPECIAL)	CY				236.00	\$ 1.68	\$ 396.48	\$ 396.48
276-2181	2E	CEM TRT (PLT MDK)	SY				82.80	\$ 9.45	\$ 782.46	\$ 782.46
423-2001	2E	RETAINING WALL (MSE)	SF				1,825.00	\$ 33.98	\$ 62,007.04	\$ 62,007.04
432-2040	2E	RIPRAP (MOWSTRIP) (5 IN)	CY				22.00	\$ 561.91	\$ 12,362.02	\$ 12,362.02
432-2018	2E	RIPRAP (STONE COMMON) (GROUT) (8")	CY				28.00	\$ 79.05	\$ 2,213.40	\$ 2,213.40
450-2143	2E	RAILING (TY T331)	LF				245.00	\$ 162.92	\$ 39,915.40	\$ 39,915.40
462-2024	2E	CONC BOX CULV (8X5)	LF				20.00	\$ 1,845.50	\$ 36,910.00	\$ 36,910.00
466-2200	2E	HEADWALL (SPECIAL)	EA				1.00	\$ 74,337.96	\$ 74,337.96	\$ 74,337.96
476-XXXX	2E	INSTALL SPLIT CASE ON WATER LINE	LF				255.00	\$ 167.00	\$ 42,585.00	\$ 42,585.00
624-2001	2E	GROUND BOX (TY 1)	EA				1.00	\$ 609.00	\$ 609.00	\$ 609.00
TOTALS						\$ -			\$ 347,534.66	\$ 347,534.66

CHANGE ORDER REASON(S) CODE CHART

1. Design Error or Omission	1A. Incorrect PS&E 1B. Other
2. Differing Site Conditions (unforeseeable) This change order include	2A. Dispute resolution (expense caused by conditions and/or resulting delay) 2B. Unavailable material 2C. New development (conditions changing after PS&E completed) 2D. 2E 2E. Miscellaneous difference in site conditions (unforeseeable)(Item 9) 2F. Site conditions altered by an act of nature 2G. Unadjusted utility (unforeseeable) 2H. Unacquired Right-of-Way (unforeseeable) 2I. Additional safety needs (unforeseeable) 2J. Other
3. CTRMA Convenience	3A. Dispute resolution (not resulting from error in plans or differing site conditions) 3B. Public relations improvement 3C. Implementation of a Value Engineering finding 3D. Achievement of an early project completion 3E. Reduction of future maintenance 3F. Additional work desired by the CTRMA 3G. Compliance requirements of new laws and/or policies 3H. Cost savings opportunity discovered during design/construction 3I. Implementation of improved technology or better process 3J. Price adjustment on finished work (price reduced in exchange for acceptance) 3K. Addition of stock account or material supplied by state provision 3L. Revising safety work/measures desired by the CTRMA 3M. Other
4. Third Party Accommodation	4A. Failure of a third party to meet commitment 4B. Third party requested work 4C. Compliance requirements of new laws and/or policies (impacting third party) 4D. Other
5. Contractor Convenience	5A. Contractor exercises option to change the traffic control plan 5B. Contractor requested change in the sequence and/or method of work 5C. Payment for Partnering workshop 5D. Additional safety work/measures desired by the contractor 5E. Other
6. Untimely ROW/Utilities	6A. Right-of-Way not clear (third party responsibility for ROW) 6B. Right-of-Way not clear (County responsibility for ROW) 6C. Utilities not clear 6D. Other

Change Order No. 16 – Revised Contract Amount to Date Summary

Original Contract: \$ 207,297,859.00

	Amount	Description	Revised Contract Amt to Date:
DRB	\$ 24,346.91	Contractually Allowed DRB Expenditures	\$ 207,322,205.91
LDs	\$ (550,000.00)	Liquidated Damages Associated with Interim Development Work	\$ 206,772,205.91
LRs	\$ (108,520.00)	Lane Rental Fees Assessed	\$ 206,663,685.91
Incentive	\$ 540,000.00	Early Completion Incentive - Substantial Completion	\$ 207,203,685.91
C.O. #1	\$ 1,480,445.71	Revised Mainlane and Frontage Road Pavement Sections	\$ 208,684,131.62
C.O. #2	\$ 9,010.88	Force Majeure Event - Discovery of Cistern	\$ 208,693,142.50
C.O. #3	\$ 41,339.71	Broadcast Seeding and Watering at US 183 Interchange	\$ 208,734,482.21
C.O. #4	\$ 187,404.28	Mainlane Column Protection in SH 130 median	\$ 208,921,886.49
C.O. #5	\$ 108,388.96	Incorporation of Revised MBGF Standards	\$ 209,030,275.45
C.O. #6	\$ 2,222,778.82	Revision to Aesthetic Paint Scheme	\$ 211,253,054.27
C.O.#7	\$ 194,167.48	LED Illumination Fixtures; Deletion of OSB	\$ 211,447,221.75
C.O. #8	\$ 296,754.77	Ramp #1 Rail & MBGF Revisions	\$ 211,743,976.52
C.O.#9	\$ 700,317.37	Stone & Concrete Riprap at US 183 Interchange	\$ 212,444,293.89
C.O.#10	\$ 186,593.97	Eastbound Frontage Road Pavement Widening Section Revision	\$ 212,630,887.86
C.O.#11	\$ 129,147.91	US 183 Southbound Ramp Revisions	\$ 212,760,035.77
C.O.#12	\$ 278,377.28	Marcasite and Deck Drain Repair	\$ 213,038,413.05
C.O.#13	\$ 80,721.51	Presidential Visit to Project Site	\$ 213,119,134.56
C.O.#14	\$ 1,807,432.32	Additional Asphalt Surface Course	\$ 214,926,566.88
C.O.#15	\$ 89,910.55	SH 130 Hardscaping	\$ 215,016,477.43
C.O.#16	\$ 347,534.66	Wetland Impact Minimization	\$ 215,364,012.09

Summary Prepared by: 
 Daniel W. Freeman, PE

11/5/14
 Date

**Change Order #16
Table of Contents**

- Exhibit A – CTRMA Independent Estimate**
- Exhibit B – Request for Change Proposal 004 (“RCP-004”)**
- Exhibit C – CTMC Response to RCP-004**
- Exhibit D – Revised Plans**

This change order is the result of a Request for Change Proposal issued by the Central Texas Regional Mobility Authority ("CTRMA"). In late 2011, CTMC discovered a wetland just west of Harris Branch Parkway on the north side of the facility. As a result of this discovery, the CTRMA issued RCP-004 that required CTMC to minimize impacts to this wetland. This required a redesign of the Project at this location. This result of this redesign is an MSE retaining wall (Wall S2-35) and a revision to the multiple box culvert and outfall at the location of the wetland.

Atkins, the General Engineering Consultant for the Manor Expressway Project, performed an independent estimate for the purpose of negotiating this change order. Atkins performed a "level of effort" estimate for the work associated with this change; quantities were independently verified. Contractual mark-ups were applied to this independent estimate. This independent estimate is included in this Exhibit A. Atkins' independent estimate results in a cost increase to the Project in the amount of \$427,095.74. After negotiations with CTMC, this change results in an actual additional cost to the Project in the amount of \$347,534.66.