

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 16th day of July 2012, there was conducted a Special Meeting of the Cameron County Regional Mobility Authority, at the Joe G. Rivera and Aurora de la Garza County Annex thereof, in San Benito, Texas, for the purpose of transacting any and all business that may lawfully be brought before the same.

THE BOARD MET AT:

12:00 Noon

PRESENT:

DAVID E. ALLEX
CHAIRPERSON

MICHAEL SCAIEF
DIRECTOR

DAVID N. GARZA
DIRECTOR

RUBEN GALLEGOS, JR.
DIRECTOR

DIRECTOR

JOHN WOOD
DIRECTOR

MARK ESPARZA
DIRECTOR

Secretary

ABSENT

ABSENT

ABSENT

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The meeting was called to order by Chairman David E. Allex at 12:00 Noon. At this time, the Board considered the following matters as per RMA Agenda posted and filed for Record in the Office of the County Clerk on this 13th day of July, 2012 at 9:38 A.M.



AGENDA

**Special Meeting of the Board of Directors
of the
Cameron County Regional Mobility Authority**

**Joe G. Rivera and Aurora de la Garza County Annex
1390 W. Expressway 77
San Benito, Texas 78586**

Monday, July 16, 2012

12:00 Noon

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS
On: Jul 13, 2012 at 09:38A

Joe G Rivera
County Clerk
By
Lamar Cantu, Deputy
Cameron County

PUBLIC COMMENTS:

1. Public Comments

CONSENT ITEMS:

2. All Item(s) under the Consent RMA Agenda are heard collectively unless opposition is presented, in which case the contested Item will be considered, discussed, and appropriate action taken separately

A. Consideration and Approval of the Minutes for:

July 11, 2012 Special Meeting

B. Consideration and Approval of a Resolution Adopting and Implementing the Texas Department of Transportation's Project Quality Assurance Program and Independent Assurance Program for the SH 550 Project

C. Consideration and Authorization to request RFQ's for the Design and Engineering of the SH 32 (East Loop) Project

ITEMS FOR DISCUSSION AND ACTION:

3. Action Items

- A. Approval of Claims**
- B. Consideration and Authorization to select a Consultant to provide Construction Management Services for the SH 550 Direct Connector Project**
- C. Consideration and Approval of Supplemental Work Authorization No. 3 to Work Authorization No. 26 with HNTB for the General Brant Road Project**
- D. Discussion and Possible Action regarding the Transportation Infrastructure Finance and Innovation Program and Potential Projects**

EXECUTIVE SESSION ITEMS:

4. Executive Session


- A. Deliberation and Discussion regarding acquisition of Parcel 3 and 3E and Temporary Construction Easements 1, 2 and 3 for the West Rail Relocation Project pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072**
- B. Deliberation and Discussion regarding acquisition of Parcel 4 and Site 2 Parcel 2E and Temporary Construction Easements 1, 2 and 3 for the West Rail Relocation Project pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072**

5. Action Relative to Executive Session

- A. Possible Action**
- B. Possible Action**

ADJOURNMENT:

Signed this 13th day of July 2012



David E. Allex
Chairman

PUBLIC COMMENTS

1 PUBLIC COMMENTS

None were presented.

CONSENT ITEMS

ALL ITEM(S) UNDER THE CONSENT RMA AGENDA ARE HEARD COLLECTIVELY UNLESS OPPOSITION IS PRESENTED, IN WHICH CASE THE CONTESTED ITEM WILL BE CONSIDERED, DISCUSSED AND APPROPRIATE ACTION TAKEN SEPARATELY

Secretary Gallegos made a motion to approve with corrections Consent Items 2-A through 2-C. The motion was seconded by Director Garza and carried unanimously:

2-A Consideration and Approval of the Minutes for:

July 11, 2012 Special Meeting

2-B Consideration and Approval of a Resolution Adopting and Implementing the Texas Department of Transportation's Project Quality Assurance Program and Independent Assurance Program for the SH 550 Project

The Resolution is as follows:

2-C Consideration and Approval to request RFQ's for the Design and Engineering of the SH 32 (East Loop) Project

ACTION ITEMS

3-A Approval of Claims

No claims were presented.

3-B Consideration and Authorization to select a Consultant to provide Construction Management Services for the SH 550 Direct Connector Project

Mr. Pete Sepulveda, Jr., RMA Coordinator introduced the item and went over the recommendation of the Evaluation Committee. He advised the Board of the Memo and recommendation that was part of the backup in the board packet.

Secretary Gallegos made a motion to approve the selection of S&B Infrastructure as per Committee's recommendation. The motion was seconded by Director Esparza and carried unanimously.

The Memo and Recommendation is as follows:

3-C Consideration and Approval of Supplemental Work Authorization No. 3 to Work Authorization No. 26 with HNTB for the General Brant Road Project

Mr. Richard Ridings with HNTB introduced the item and went over the purpose of the Supplemental Work Authorization. Mr. Mario R. Jorge, P.E., TxDOT District Engineer gave the Board a brief history of the project and the issues with U.S. Fish & Wildlife Service.

Director Garza made a motion to approve Supplemental Work Authorization No. 3 to Work Authorization No. 26 with HNTB for the General Brandt Road Project. The motion was seconded by Secretary Gallegos and carried unanimously.

The Supplemental Work Authorization is as follows:

3-D Discussion and Possible Action regarding the Transportation Infrastructure Finance and Innovation Program and Potential Projects

Mr. Richard Ridings with HNTB went over the TIFIA Program its Rules and Regulations and the funding available for the next two years and which Cameron County Regional Mobility Authority projects would be eligible under this program. A Letter of Interest is required for any project that we would want considered for this program.

Vice-Chairman Wood made a motion to acknowledge the report. The motion was seconded by Director Garza and carried unanimously.

The Report is as follows:

EXECUTIVE SESSION ITEMS

Executive Session:

- 4-A. Deliberation and Discussion regarding acquisition of Parcel 3 and 3E and Temporary Construction Easements 1, 2 and 3 for the West Rail Relocation Project pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 55.072
- 4-B. Deliberation and Discussion regarding acquisition of Parcel 4 and Site 2 Parcel 2E and Temporary Construction Easements 1, 2 and 3 for the West Rail Relocation Project pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 55.072

Upon motion by Director Garza, seconded by Secretary Gallegos and carried unanimously, these items were **TABLED**.

ADJOURNMENT

There being no further business to come before the Board and upon motion by Director Scaief seconded by Director Esparza and carried unanimously the meeting was **ADJOURNED** at 12:28 P.M.

APPROVED this 24th day of July 2012.

ATTESTED: 
SECRETARY RUBEN GALLEGOS, JR.


CHAIRMAN DAVID E. ALLEX

**2-B CONSIDERATION AND APPROVAL OF A RESOLUTION ADOPTING
AND IMPLEMENTING THE TEXAS DEPARTMENT OF
TRANSPORTATION'S PROJECT QUALITY ASSURANCE PROGRAM
AND INDEPENDENT ASSURANCE PROGRAM FOR THE SH 550
PROJECT**

THE STATE OF TEXAS

COUNTY OF CAMERON

RESOLUTION

BE IT RESOLVED THAT ON THE 16TH DAY OF JULY 2012, THE CAMERON COUNTY REGIONAL MOBILITY AUTHORITY CONVENED IN SPECIAL SESSION, AND UPON THE REQUEST OF THE CAMERON COUNTY REGIONAL MOBILITY AUTHORITY BOARD OF DIRECTORS, THE FOLLOWING RESOLUTION WAS OFFERED AND ADOPTED, TO WIT:

“CONSIDERATION AND APPROVAL OF A RESOLUTION ADOPTING AND IMPLEMENTING THE TEXAS DEPARTMENT OF TRANSPORTATION’S PROJECT QUALITY ASSURANCE PROGRAM AND INDEPENDENT ASSURANCE PROGRAM FOR THE SH 550 TOLL PROJECT”

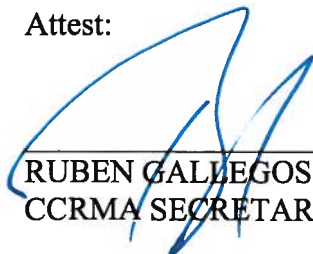
WHEREAS, the Cameron County Regional Mobility Authority has found it necessary to adopt the Texas Department of Transportation’s Project Quality Assurance Program and Independent Assurance Program for the SH 550 Project; and

WHEREAS, the Cameron County Regional Mobility Authority is needing to adopt this Program in order to ensure that materials and workmanship incorporated into the SH 550 Project are in conformity with the requirements of the approved plans and specification including any approved changes and are acceptable to the Texas Department of Transportation.

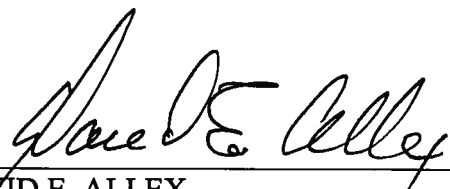
NOW, THEREFORE, BE IT RESOLVED that the Cameron County Regional Mobility authorizes the RMA Chairman to approve and execute the Resolution.

Passed, Approved and Adopted on this 16th day of July, 2012.

Attest:



RUBEN GALLEGOS, JR.
CCRMA SECRETARY



DAVID E. ALLEX
CCRMA CHAIRMAN

**3-B CONSIDERATION AND AUTHORIZATION TO SELECT A
CONSULTANT TO PROVIDE CONSTRUCTION MANAGEMENT
SERVICES FOR THE SH 550 DIRECT CONNECTOR PROJECT**



MEMORANDUM

TO: Board of Directors

FROM: Pete Sepulveda, Jr. *PS*
RMA Coordinator

DATE: July 12, 2012

SUBJ: Agenda Item 3-B

On July 28, 2012 Consultants provided RFQ's for Construction Management Services for the SH 550 Direct Connector Project. The 3 Proposals received were from Prodigy Construction Management, LLC, L & G Engineering, and S & B Infrastructure (attached is the Score sheet for each Consultant).

After review of the Proposals my recommendation is to award the Construction Management Services for the SH 550 Direct Connector Project to S & B Infrastructure.

CONSTRUCTION MANAGEMENT SERVICES
SH 550 Direct Connectors Project

Evaluators:	L&G	Prodigy	S&B
1	92	60	96
2	90	50	95
3	91	60	92
Average	91	57	94

**3-C CONSIDERATION AND APPROVAL OF SUPPLEMENTAL WORK
AUTHORIZATION NO. 3 TO WORK AUTHORIZATION NO. 26 WITH
HNTB FOR THE GENERAL BRANT ROAD PROJECT**

**Supplemental Work Authorization No. 3
to Work Authorization No. 26**

CAMERON COUNTY REGIONAL MOBILITY AUTHORITY
General Engineering Consultant Services

SUPPLEMENTAL WORK AUTHORIZATION NO. 3
WORK AUTHORIZATION NO. 26
General Brant Road Categorical Exclusion and Individual Permit Revisions

This Supplemental Work Authorization No. 3 to Work Authorization No. 26 is made pursuant to the terms and conditions of the Base Contract, effective February 16, 2006, hereinafter identified as the "Agreement", entered into by and between Cameron County Regional Mobility Authority (the "AUTHORITY"), and HNTB Corporation (the "CONSULTANT").

Part 1. The CONSULTANT will provide the following engineering services:

Support the AUTHORITY in the preparation of a categorical exclusion and processing of a Section 404 permit (including development of a conceptual mitigation plan). The responsibilities of the AUTHORITY, the CONSULTANT and the schedule are further detailed in Exhibits A, B, and C.

Part 2. The Lump Sum amount payable for services performed under this Supplemental Work Authorization No. 3 to Work Authorization No. 26 is **\$98,808.00**, which increases the total amount payable from **\$219,753.00 to \$318,561.00**. A fee schedule used to establish the amount payable is attached hereto as Exhibit D. The CONSULTANT may alter the compensation distribution between individual phases, tasks or work assignments to be consistent with the services actually rendered, within the total lump sum amount.

The lump sum includes compensation for the services, subconsultant costs, if any, and appropriate factors for labor, overhead, profit and reimbursable expenses.

Although the CONSULTANT recognizes and accepts the ordinary risks and/or benefits of a lump sum fee structure, the parties agree to negotiate adjustment of the lump sum amount if there has been, or is to be, a material change in the: (a) scope, complexity or character of the services or the project; (b) conditions under which the services are required to be performed; or (c) duration of the services, if a change in the schedule warrants such adjustment in accordance with the terms of this Agreement.

Part 3. Payment to the CONSULTANT for the services is not amended with this Supplemental Work Authorization No. 3.

**Supplemental Work Authorization No. 3
to Work Authorization No. 26**

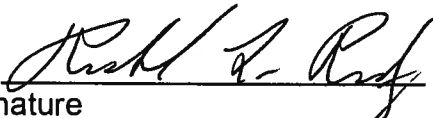
Part 4. This Supplemental Work Authorization No. 3 to Work Authorization No. 26 is effective as of June 18, 2012 and extends the current termination date from March 1, 2012, to February 28, 2013 unless extended by a Supplemental Work Authorization.

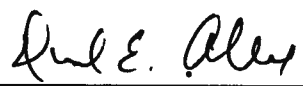
Part 5. This Supplemental Work Authorization No. 3 to Work Authorization No. 26 does not waive the parties' responsibilities and obligations provided under the Agreement.

Part 6. This Supplemental Work Authorization No. 3 to Work Authorization No. 26 is hereby accepted and acknowledged below.

CONSULTANT
HNTB Corporation

AUTHORITY:
Cameron County Regional Mobility Authority

By: 
Signature

By: 
Signature

Richard L. Ridings, P.E.
Printed Name

David E. Alex
Printed Name

Vice President
Title

Chairman
Title

7/16/12
Date

7.16.12
Date

LIST OF EXHIBITS

- Exhibit A - Services to be Provided by the Authority
- Exhibit B - Services to be Provided by the Consultant
- Exhibit C - Work Schedule
- Exhibit D - Fee Schedule

**3-D DISCUSSION AND POSSIBLE ACTION REGARDING THE
TRANSPORTATION INFRASTRUCTURE FINANCE AND
INNOVATION PROGRAM AND POTENTIAL PROJECTS**

TIFIA Defined

The Transportation Infrastructure Finance and Innovation Act (TIFIA) program provides credit assistance for qualified projects of regional and national significance. Many large-scale, surface transportation projects - highway, transit, railroad, intermodal freight, and port access - are eligible for assistance. Eligible applicants include state and local governments, transit agencies, railroad companies, special authorities, special districts, and private entities. The TIFIA credit program is designed to fill market gaps and leverage substantial private co-investment by providing supplemental and subordinate capital. Each dollar of Federal funds can provide up to \$10 in TIFIA credit assistance and support up to \$30 in transportation infrastructure investment.

Program Goal

The program's fundamental goal is to leverage Federal funds by attracting substantial private and other non-Federal co-investment in critical improvements to the nation's surface transportation system. TIFIA was created because state and local governments that sought to finance large-scale transportation projects with tolls and other forms of user-backed revenue often had difficulty obtaining financing at reasonable rates due to the uncertainties associated with these revenue streams. Toll and other project-based revenues are difficult to predict, particularly for new facilities. Although tolls can become a predictable revenue source over the long term, it is difficult to estimate how many road users will pay tolls, particularly during the initial "ramp-up" years after construction of a new facility. Similarly, innovative revenue sources, such as proceeds from tax increment financing, are difficult to predict. TIFIA credit assistance is often available on more advantageous terms than in the financial market making it possible to obtain financing for needed projects when it might not otherwise be possible.

Credit Assistance & Benefits

The TIFIA credit program offers three distinct types of financial assistance designed to address the varying requirements of projects throughout their life cycles:

- Secured (direct) loan - Offers flexible repayment terms and provides combined construction and permanent financing of capital costs. Maximum term of 35 years from substantial completion. Repayments can start up to five years after substantial completion to allow time for facility construction and ramp-up.

- Loan guarantee - Provides full-faith-and-credit guarantees by the Federal Government and guarantees a borrower's repayments to non-Federal lender. Loan repayments to lender must commence no later than five years after substantial completion of project.
- Standby line of credit - Represents a secondary source of funding in the form of a contingent Federal loan to supplement project revenues, if needed, during the first 10 years of project operations, available up to 10 years after substantial completion of project.

The amount of Federal credit assistance may not exceed 33 percent of total reasonably anticipated eligible project costs. The exact terms for each loan are negotiated between the USDOT and the borrower, based on the project economics, the cost and revenue profile of the project, and any other relevant factors. For example, USDOT policy does not generally permit equity investors to receive project returns unless the borrower is current on TIFIA interest payments. TIFIA interest rates are equivalent to Treasury rates. Depending on market conditions, these rates are often lower than what most borrowers can obtain in the private markets. Unlike private commercial loans with variable rate debt, TIFIA interest rates are fixed. Overall, borrowers benefit from improved access to capital markets and potentially achieve earlier completion of large-scale, capital intensive projects that otherwise might be delayed or not built at all because of their size and complexity and the market's uncertainty over the timing of revenues.

[Chapter 2 of the TIFIA Program Guide](#) provides further detail on TIFIA credit instruments and other funding issues.

Eligibility & Requirements

Any type of project that is eligible for Federal assistance through existing surface transportation programs (highway projects and transit capital projects) is eligible for the TIFIA credit program, including intelligent transportation systems (ITS). In addition, the following types of projects are eligible: international bridges and tunnels; intercity passenger bus and rail facilities and vehicles; publicly owned freight rail facilities; private facilities providing public benefit for highway users; intermodal freight transfer facilities; projects that provide access to such facilities; service improvements on or adjacent to the National Highway System; and projects located within the boundary of a port terminal under certain conditions.

An eligible project must be included in the applicable State Transportation Improvement Program. Major requirements include a capital cost of at least \$50 million (or 33.3 percent of a state's annual apportionment of Federal-aid funds, whichever is less) or \$15 million in the case

of ITS. TIFIA credit assistance is limited to a maximum of 33 percent of the total eligible project costs. Senior debt must be rated investment grade. The project also must be supported in whole or in part from user charges or other non-Federal dedicated funding sources and be included in the state's transportation plan. Applicable Federal requirements include, but are not limited to Titles 23 and 49 of the U.S. Code, NEPA, Buy America provisions, and the Civil Rights and Uniform Relocation Acts.

Qualified projects are evaluated by the Secretary against eight statutory criteria, including among others, impact on the environment, significance to the national transportation system, and the extent to which they generate economic benefits, leverage private capital, and promote innovative technologies.

Further information on project and applicant eligibility is available in [Chapter 3 of the TIFIA Program Guide](#).

The [TIFIA Program Guide](#) also contains more detailed information on:

- The TIFIA application process
- The project evaluation and selection process
- Contractual documents, closing activities, and ongoing oversight and monitoring activities
- Special issues related to loan guarantees