

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 31st day of January 2012, there was conducted a Special Meeting of the Cameron County Regional Mobility Authority, at the Dancy Courthouse thereof, in Brownsville, 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

DIRECTOR

RUBEN GALLEGOS, JR.
DIRECTOR

JOHN WOOD
DIRECTOR

MARK ESPARZA
DIRECTOR

Secretary

YOLANDA VILLALOBOS
ABSENT

ABSENT

ABSENT

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 posted and filed for Record in the Office of the County Clerk on this January 27, 2012 at 10:14 A.M.

AGENDA

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

Dancy Courthouse
1100 E. Monroe Street
Brownsville, TX 78520

Tuesday, January 31, 2012

12:00 Noon

I. Public Comments

CONSENT ITEMS:

II. Consideration and Approval of the Minutes for:

January 24, 2012 Special Meeting

ITEMS FOR DISCUSSION AND ACTION:

III. Approval of Claims

IV. Discussion and Possible Action regarding request from HNTB's Sub-Consultants to waive minimum insurance requirements and accept lower insurance amounts

V. Consideration and Approval of Change Order No. 10 for the SH 550 Project

VI. Discussion and Possible Action regarding Funding Options for the SH 550 Direct Connector Project

EXECUTIVE SESSION ITEMS

VII. Executive Session

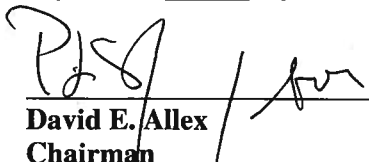
- A. Deliberation and Discussion concerning the evaluation and duties of the Cameron County Regional Mobility Authority Coordinator, Pete Sepulveda, Jr., pursuant to V.T.C.A. Government Code, Section 551.074**

VIII. Action Relative to Executive Session

- A. Possible Action**

IX. Adjournment

Signed this 27th day of January 2012



David E. Alex
Chairman

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS
On: Jan 27, 2012 at 10:14A

Joe G Rivera
County Clerk
By
Massie Pena, Deputy
Cameron County

PUBLIC COMMENTS

I. 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

Director Esparza made a motion to approve Consent Item II as presented. The motion was seconded by Director Garza and carried as follows:

II. Consideration and Approval of the Minutes for:

January 24, 2012 Special Meeting

ACTION ITEMS

III. Approval of Claims

The attached claims were presented to the Board of Directors for approval.

Mr. Pete Sepulveda, Jr., RMA Coordinator advised the Board of the Claims being presented.

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

The Claims are as follows:

Note: Director Scaief arrived at the meeting at 12:07 P.M.

IV. Discussion and Possible Action regarding request from HNTB's Sub-Consultants to waive minimum insurance requirements and accept lower insurance amount

Mr. Pete Sepulveda, Jr., RMA Coordinator introduced the item and went over the backup information provided for the agenda item. Mr. Sepulveda stated that the request from the Sub-Consultants was to waive the insurance requirements that are in the contract with the GEC. Waivers were requested on the general liability insurance, automobile insurance liability and professional liability insurance. Mr. Sepulveda mentioned that these were small firms strictly doing studies related to the Environmental Assessment for the SH 32 Project and that these were firms that were already under contract with Traffic Engineers Inc. when the City of Brownsville was the Project Sponsor. A discussion ensued between the Board, Staff, GEC and the Cameron County Regional Mobility Authority's Attorney regarding the insurance requirements, risks associated with lowering the insurance requirements and how the Cameron County Regional Mobility Authority insurance requirements compared with other governmental entities requirements and other Regional Mobility Authority's in the state.

Secretary Gallegos made a motion to **TABLE** this item. The motion was seconded by Director Garza and carried unanimously.

V. Consideration and Approval of Change Order No. 10 for the SH 550 Project

Mr. Pete Sepulveda, Jr., RMA Coordinator introduced the item and advised the Board that when the Texas Department of Transportation (TxDOT) bid the SH 550 Project, the Electronic Toll Collection System was included in their bid package and eventually was included with the Scope and Contract that was awarded to Anderson Columbia (Contractor). Mr. Sepulveda stated that TxDOT is requesting that the Scope be taken out of Anderson Columbia's contract and that the Cameron County Regional Mobility Authority assume responsibility for the Electronic Toll Collection System. The cost for the Electronic Toll Collection System is approximately \$1 Million. Director Scaief commented that we needed to make sure that by approving this Change Order we would not assume any liability from the other bidders that had not being awarded the contract. Mr. Sepulveda recommended approval of the Change Order.

Director Scaief made a motion to approve Change Order No. 10 for the SH 550 Project. The motion was seconded by Vice-Chairman Wood and carried unanimously.

The Change Order is as follows:

VI. Discussion and Possible Action regarding funding Options for the SH 550 Direct Connector Project

Mr. Pete Sepulveda, Jr., RMA Coordinator introduced the item and provided an update to the Board. Mr. Sepulveda stated that the Commissioners Court was going to consider a request to backstop the financing for the Cameron County Regional Mobility Authority. Mr. Sepulveda further stated that the Texas Department of Transportation (TxDOT) had \$5.6 Million available that the Cameron County Regional Mobility Authority could use for the SH 550 Project. Mr. Sepulveda also reported that after a further review of the cost estimate an additional savings of \$7 Million was identified. Thus, between TxDOT funding available and cost savings it would reduce the amount needed to be borrowed by approximately \$13 Million. Mr. Sepulveda stated that until we bid the project we will not have the final bond amount. Hopefully, we get aggressive bids and the amount to be borrowed is further reduced. Additionally, Mr. Sepulveda mentioned that Staff, GEC and the Financial Advisor are still working with TxDOT on the SIB Loan Application that is pending. At this point we expect to open bids in June 2012.

Vice-Chairman Wood made a motion to acknowledge the report regarding funding Options for the SH 550 Direct Connector Project. The motion was seconded by Director Esparza and carried unanimously.

EXECUTIVE SESSION ITEMS

Secretary Gallegos moved to go into Executive Session; the motion was seconded by Director Esparza and carried unanimously, the Board met in Executive Session at 12:44 P.M. to discuss the following matter(s):

VII. Executive Session:

- A. **Deliberation and Discussion concerning the evaluation and duties of the Cameron County Regional Mobility Authority Coordinator, Pete Sepulveda, Jr., pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.074**

Upon motion by Vice-Chairman Wood seconded by Director Garza and carried unanimously, the Board reconvened into Regular Session at 1:11 P.M.

VIII. ACTION RELATIVE TO EXECUTIVE SESSION:

- A. **Deliberation and Discussion concerning the evaluation and duties of the Cameron County Regional Mobility Authority Coordinator, Pete Sepulveda, Jr., pursuant to Vernon Texas Code Annotated (V.T.C.A.) Government Code, Section 551.074**

Secretary Gallegos made a motion to acknowledge the report. The motion was seconded by Director Esparza and carried unanimously.

IX. ADJOURNMENT

There being no further business to come before the Board and upon motion by Vice-Chairman Wood seconded by Director Garza and carried unanimously the meeting was **ADJOURNED** at 1:12 P.M.

APPROVED this 2nd day of February 2012.

ATTESTED:


SECRETARY RUBEN GALLEGOS, JR.


CHAIRMAN DAVID E. ALEX

III. APPROVAL OF CLAIMS



Cameron County Regional Mobility Authority
Daily Check Register 01/30/2012

FY 2012

Page 1

<u>Check No.</u>	<u>Vendor Name</u>	<u>Fund</u>	<u>Dept.</u>	<u>Purpose</u>	<u>PO#</u>	<u>Amount</u>
00001142	EDWARDS ABSTRACT & TITLE CO	110	1116	Land Acquisitions		45,346.62
				Check No. 00001142	Total	45,346.62
00001143	GREEN MOUNTAIN ENERGY COMPANY	110	110	CONTRACT BETWEEN CAMERON	P170851	311.83
				Check No. 00001143	Total	311.83
00001144	LAW OFFICE OF DANIEL L RENFRO	110	110	Professional Services		82.42
				Check No. 00001144	Total	82.42
00001145	RIO GRANDE VALLEY MOBILITY TAS	110	110	Dues and Memberships		7,500.00
				Check No. 00001145	Total	7,500.00
00001146	TTI-TTF 12	110	110	Education and Training		1,100.00
				Check No. 00001146	Total	1,100.00
Print Date: 01/30/2012 Print By: HENDRICK					Total for All Checks:	54,340.87

**V. CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 10
FOR THE SH 550 PROJECT**



CHANGE ORDER NBR.

10

REPORT DATE: 12/22/11

CONTRACT ID: 362201001
PROJECT: STP 2009(662)ES
CONTRACT: 03103002
AWARD AMOUNT: \$34,161,741.40
PROJECTED AMOUNT: \$34,357,241.40
CONTRACTOR: ANDERSON COLUMBIA CO., INC.
CO AMOUNT: -\$50,000.00
CO TYPE: FED LETTER OF AUTH - MINOR - PART
3RD PARTY AMOUNT: \$0.00
APPRV LEVEL: District Engineer

HIGHWAY: SH 550
DISTRICT: 21
COUNTY: CAMERON
AREA ENGINEER: Hector Gonzalez, P.E. Interim
AREA NUMBER: 055

Functions:

<input type="checkbox"/> Extra Work	<input type="checkbox"/> Force Account
<input type="checkbox"/> Zero Dollar	<input type="checkbox"/> Final Quantity
<input checked="" type="checkbox"/> Overrun/Underrun	<input type="checkbox"/> Change Project Limits
<input type="checkbox"/> Time Adjustment	<input type="checkbox"/> Delete/Add CSJ

DESCRIPTION: Electronic Toll Collection System Elimination
REASON: 5B - 5B-CONTR REQUEST CHANGE MATL OR METHOD
SECONDARY REASON(S):

DESCRIBE THE REASON FOR THE CHANGE ORDER AND WHAT IS BEING CHANGED. WHEN NECESSARY, INCLUDE EXCEPTIONS TO THIS AGREEMENT:

Enclosed for your review is change order # 10 for the above mentioned project. Change order # 10 eliminates proposed Electronic Toll Collection System from the SH 550 contract.

TxDOT, Cameron County Regional Mobility Authority (CCRMA), and SH 550 prime contractor worked together trying to explore different options that would assist finding closure to the installation of the proposed electronic toll collection system. No subcontractor was willing to provide prime contractor a quote for proposed electronic toll collection system due to contract ambiguities. After much deliberation, and exercising adherence to TxDOT's current professional services procurement policies, TxDOT and CCRMA have decided to eliminate the electronic toll collection system item 8468 from the existing SH 550 contract. Contractor will be responsible to complete all other current work items associated with the proposed Toll Gantry facility as identified on the plans and as per contractual agreement.

ADDITIONAL TIME NOT NEEDED

"By signing this change order, the contractor 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 and that this agreement is made in accordance Item 4 and the Contract. Exceptions should be noted in explanation above."

THE CONTRACTOR

BY: _____ **DATE:** _____ **DISTRICT ENGINEER:** _____ **DATE:** _____

TYPED/PRINTED NAME: _____ **DIRECTOR, CONSTRUCTION DIVISION:** _____ **DATE:** _____

TYPED/PRINTED TITLE: _____ **DEPUTY EXECUTIVE DIRECTOR:** _____ **DATE:** _____

AREA ENGINEER: _____ **FHWA:** _____ **DATE:** _____

AREA ENGINEER'S SEAL: _____ **DATE:** _____

CONTRACT ID 362201001

CHANGE ORDER NBR 10

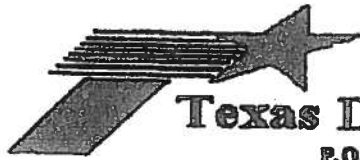
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CONTRACT ITEMS

PROJECT NBR 362201001

CATG NBR	LINE ITEM	ITEM CODE	SP NBR	DESCRIPTION	UNIT	UNIT PRICE	ORIG + PREV REV QTY	QTY THIS CO	NEW QTY	AMOUNT THIS CO
001	0895	84682001	000	ELECTRONIC TOLL COLLECTION SYSTEM EXIST ITEM# CO#10	LS	50,000.00000	1.000	-1.000	0.000	-\$50,000.00

CHANGE ORDER AMOUNT -\$50,000.00



Texas Department of Transportation

P.O. Box 1717: Pharr, Texas 78577-1717 : (956)702-6100

October 20, 2011

Mr. C. David Dempsey
Special Projects Executive
Anderson Columbia Co., Inc.
871 NW Guerdon St.
Lake City, Fl. 32055

RE: SH 550 Electronic Toll System

Dear Mr. Dempsey:

As you are aware, TxDOT in conjunction with CCRMA has been trying to explore different options that will assist you with finding closure to the ongoing issue with the installation of the electronic toll system. After much deliberation, and exercising adherence to our current professional services procurement policies, we have decided to eliminate all of Item 8468 (Electronic Toll Collection System) in its entirety from the existing SH 550 contract. A change order will be forthcoming eliminating all pertinent work associated with this item. Nonetheless, we appreciate the effort endured by AC in trying to obtain the services of a toll integrator; however at this time it is in the best interest of all parties involved to completely suspend this item of work in its entirety. Please proceed to complete the remainder of all other items associated with the proposed toll gantry structure as identified on the plans and as per your contractual agreement.

Feel free to contact our office should you have any further questions or require additional information related to finalizing the change order. Your prompt attention to this matter is appreciated.

Sincerely,



Hector Gonzalez, Jr. P.E.
Director of Construction

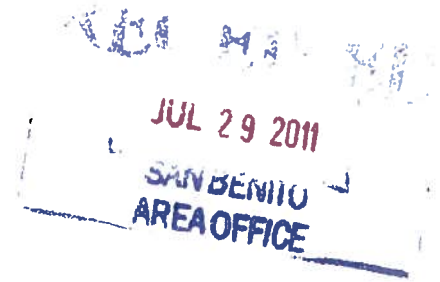


Anderson Columbia Co., Inc.

P.O. Box 565 • Weslaco, TX 78599

July 1, 2011

Mr. Arnold Cortez, P.E.
San Benito Area Manager
1120 E. 77 Sunshine Strip
San Benito, TX 78586



Re: SH 550, Cameron Co.
CSJ: 3622-01-001, ETC
STP 2009 (662) ES
Electronic Toll Collection System
Notice of Claim

Mr. Cortez,

We received your response to our 11/19/10 letter regarding the proposed Electronic Toll Collection System. Please accept our apology for our delay in responding to your January 8, 2011 letter.

As of this date Anderson Columbia has been unable to acquire a LS price from any toll system contractor contacted. The only contractor that has entertained interest is Telvent-Caseta but we still do not have LS quote from them. Telvent along with several other electronic toll collection system contractors all have advised that they could not offer a price at bid time because of insufficient time between project advertisement and the bid date, insufficient specification clarifications and another issue just prior to bid opening. Even now the Electronic Toll Collection System contractors we have contacted are not interested due to issues with the plans and specifications.

At this time our financial impact is unknown however please accept this letter as our Notice of Claim.

More importantly is the fact we have been unable to contract with an Electronic Toll System specialty contractor. Anderson Columbia has constructed numerous toll roads in various States but this is the first contract where the owner included the design and construction of an Electronic Toll System in our contract. We need your assistance and help. We respectfully request a meeting with TXDOT/CCRMA to help us find a contractor to design and construct the Electronic Toll System in our contract. Please advise of any available dates we can meet.

I am aware of several other project delays but the contract is proceeding and our number one goal is to resolve this Electronic Toll Collection System issue as soon as possible with your help.

Sincerely,

DAVE DEMPSEY

C. David Dempsey
Project Executive
Anderson Columbia Co., Inc.

Cc: Mr. Mario Jorge, P.E.
Pete Sepulveda, CCRMA Coordinator
Norma Garza, P.E.
David W. Moreland, ACCI

2210 N. Vo-Tech Dr • Weslaco, TX 78596
Phone: 956-969-4614 • Fax: 956-968-0982



Texas Department of Transportation

P.O. BOX 1717 · PHARR, TEXAS 78577-1717 · 956-702-6100

P.O. BOX 1041
SAN BENITO, TEXAS 78586
OFFICE 956-399-5102 / FAX 956-399-8450

January 5, 2011

ANDERSON COLUMBIA CO., INC.
P.O. BOX 565
Weslaco, Texas 78599

RE: Project: STP 2009 (662) ES
CSJ: 3622-01-001, ETC
HWY: SH 550
County: Cameron

Dear Sir:

On December 3, 2010 TxDOT received your letter dated November 19, 2010 with respect to the proposed Electronic Toll Collection System. In discussions with our office, District office, and SH 550 consultant HNTB, TxDOT is rejecting Anderson Columbia's recommendation for removing the proposed Electronic Toll Collection System from the ongoing SH 550 project. Special Specification 8468 "Electronic Toll Collection System" on this contract (Notification of Addendum Dated 3/04/2010) provided to every bidder clearly states that the contractor is responsible to "furnish and mobilize all required plant, equipment, and resources necessary for initiating and concluding the contract. The contractor shall be responsible for purchasing and maintaining all equipment required for the development and testing..." etc. Therefore, Anderson Columbia is fully responsible for the construction & implementation of the proposed Electronic Toll Collection System on this project.

Please feel free to contact our office if you have any questions or comments concerning this matter.

Sincerely,

Arnold Cortez, P.E.
San Benito Area Engineer

cc: Pete Sepulveda, CCRMA Coordinator
Norma Garza, P.E.

An Equal Opportunity Employer



Anderson Columbia Co., Inc.

P.O. Box 565 • Weslaco, TX 78599

November 19, 2010

Mr. Arnold Cortez, P.E.
San Benito Area Engineer
1120 E. 77 Sunshine Strip
San Benito, TX. 78586

Re: SH 550, Cameron Co.
STP 2009(662)ES
Toll System

Mr. Cortez,

For the noted project, Anderson Columbia has been unable to secure a supplier/installer for bid item 8468-2001, Electronic Toll Collection System, based upon information available at letting.

During bidding, there were several questions regarding this item, which led to several solicitations for bid to go unanswered. The only bid Anderson Columbia received was based upon correspondence interpreted as stating that the electronics system was being furnished through an Interlocal Agreement by the CTRMA. When this was clarified post letting, the lone subcontractor bid received was retracted. Subsequent solicitations for bid have resulted in a single quote from the current contractor, Caseta, from the adjacent FM 511 project. They are supplying a twofold bid; one contingency bid based upon the plans/specifications, for which there are still several outstanding questions, and one based upon the system as currently being installed on FM 511. As this is the first time this item has appeared on a TxDOT project, and based upon questions surrounding the specifications, we have not been able to secure a second quote from a qualified contractor for comparison.

In order to have the system installed in a fully compatible manner between two independently constructed projects, Anderson Columbia requests that TxDOT/CCRMA consider the removal of bid item 8468-2001, Electronic Toll Collection System, from the noted project, and have the system completed under the current Interlocal Agreement between Caseta and the CCRMA, as is consistent with the adjacent project.

Respectfully,

ANDERSON COLUMBIA CO., INC.

David W. Moreland
Vice President

cc: Mr. Mario Jorge, P.E.

2210 N. Vo-Tech Dr • Weslaco, TX 78596
Phone: 956-969-4614 • Fax: 956-968-0982