



AGENDA

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

**Dancy Courthouse
1100 E. Monroe
Brownsville, Texas 78520**

Thursday, October 18, 2012

2:00 P.M.

Filed for Filing in:
Cameron County
On: Oct 15, 2012 at 01:40P
By:
Massie Pena

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:
October 10, 2012 – Special Meeting

ITEMS FOR DISCUSSION AND ACTION:

3. Action Items
 - A. Approval of Claims
 - B. Consideration and Approval to award bid to Anderson Columbia for the SH 550 Direct Connector Project
 - C. Consideration and Approval of Contract between the Cameron County Regional Mobility Authority and Anderson Columbia for the SH 550 Direct Connector Project

- D. Consideration and Approval of Work Authorization No. 67 with HNTB Corporation for Amending Transportation Reinvestment Zone No. 1 and Creating a Transportation Reinvestment Zone No. 2

EXECUTIVE SESSION ITEMS:

4. Executive Session

- A. Confer with Legal Counsel regarding contractual issues related to Ballenger Construction and the SH 550 Direct Connector Project, Pursuant to V.T.C.A. Government Code, Section 551.071(2)
- B. Deliberation and Discussion regarding acquisition of Parcel 3 and 3E and Parcel 1 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
- C. 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
- D. Deliberation and Discussion regarding acquisition of Parcel 9 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
- C. Possible Action
- D. Possible Action

ADJOURNMENT:

Signed this 15th day of October 2012



David E. Allex
Chairman

PUBLIC COMMENTS

1 PUBLIC COMMENTS

Mr. Greg Powers representing Ballenger Construction Company approached the Board and handed a letter regarding SH 550 Project. He requested the Board not take action for 30 days.

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 moved to approve Consent Item 2A. The motion was seconded by Secretary Gallegos and carried unanimously.

2-A Consideration and Approval of the Minutes for:

October 10, 2012 – Special Meeting

ACTION ITEMS

3-A Approval of Claims

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

Mr. Pete Sepulveda, Jr., RMA Coordinator introduced Claims into the record.

Secretary Gallegos moved to approve the Claims. The motion was seconded by Director Scaief and carried unanimously.

The Claims are as follows:

3-B Consideration and Approval to award bid to Anderson Columbia for the SH 550 Direct Connector Project

Mr. Pete Sepulveda, Jr., RMA Coordinator introduced and recommended to the Board that the bid be awarded to Anderson Columbia in the amount of \$43,991,384.52. He stated that the Texas Department of Transportation (TxDOT) had concurred with the award to Anderson Columbia, but did not have TxDOT's official letter yet.

Secretary Gallegos moved to award the bid to Anderson Columbia for the SH 550 Direct Connector Project as recommended by Staff and subject to receiving TxDOT's concurrence letter. The motion was seconded by Director Esparza and carried unanimously.

3-C Consideration and Approval of Contract between the Cameron County Regional Mobility Authority and Anderson Columbia for the SH 550 Director Connector Project

Mr. Pete Sepulveda, Jr., RMA Coordinator recommended that the Contract be awarded to Anderson Columbia.

Secretary Gallegos moved to award Contract to Anderson Columbia for the SH 550 Direct Connector Project subject to receiving TxDOT's concurrence letter. The motion was seconded by Director Esparza and carried unanimously.

The Contract is as follows:

3-D Consideration and Approval of Work Authorization No. 67 with HNTB Corporation for Amending Transportation Reinvestment Zone No. 1 and Creating a Transportation Reinvestment Zone No. 2

Mr. Richard Ridings with HNTB went over the purpose and need for this Work Authorization. Mr. Pete Sepulveda, Jr., RMA Coordinator stated that the Cameron County Regional Mobility Authority (RMA), the Federal Highway Administration (FHWA), and the Texas Department of Transportation (TxDOT) were in a conference call to discuss the amendment of the Transportation Reinvestment Zone (TRZ) as well as the CDA process. Mr. Sepulveda stated that FHWA and TxDOT agree with amending the TRZ to include the South Padre Island (SPI) area and that it will not interfere with the on-going environmental process for the 2nd Access Project. Mr. Sepulveda further stated that the RMA will only have to do one CDA process for both the 2nd Access Project and the Outer Parkway Project. Secretary Gallegos asked about local consultants and Mr. Sepulveda responded that to his knowledge there are no local consultants that could undertake this work.

Director Garza moved to approve Work Authorization No. 67 with HNTB Corporation for Amending Transportation Reinvestment Zone No. 1 and Creating a Transportation Reinvestment Zone No. 2. The motion was seconded by Secretary Gallegos and carried unanimously.

The Work Authorization is as follows:

EXECUTIVE SESSION ITEMS

Secretary Gallegos moved to go into Executive Session; the motion was seconded by Director Garza and carried unanimously, the Board met in Executive Session at 2:23 P.M. to discuss the following matter(s):

EXECUTIVE SESSION:

4-A Confer with Legal Counsel regarding contractual issues related to Ballenger Construction and the SH 550 Direct Connector Project, pursuant to V.T.C.A. Government Code, Section 551.071(2)

4-B Deliberation and Discussion regarding acquisition of Parcel 3 and 3E and Parcel 1 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

4-C Deliberation and Discussion regarding acquisition of Parcel 4 and Site 2 Parcel 2E 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

4-D Deliberation and Discussion regarding acquisition of Parcel 9 for the West Rail Relocation Project pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072

Secretary Gallegos moved to reconvene into Regular Session. The motion was seconded by Director Esparza and carried unanimously, the Board reconvened into Regular Session at 2:55 P.M.

ACTION RELATIVE TO EXECUTIVE SESSION:

5-A Confer with Legal Counsel regarding contractual issues related to Ballenger Construction and the SH 550 Direct Connector Project, pursuant to V.T.C.A. Government Code, Section 551.071(2)

Secretary Gallegos moved to acknowledge report of Counsel. The motion was seconded by Director Garza and carried unanimously.

5-B Deliberation and Discussion regarding acquisition of Parcel 3 and 3E and Parcel 1 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 551.07

- 5-C Deliberation and Discussion regarding acquisition of Parcel 4 and Site 2 Parcel 2E Temporary Construction Easement 1, 2 and 3 for the West Rail Relocation Project pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.0
- 5-D Deliberation and Discussion regarding acquisition of Parcel 9 for the West Rail Relocation Project pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072

Director Garza moved to TABLE Items B, C, and D. The motion was seconded by Director Barrera and carried unanimously.

ADJOURNMENT

There being no further business to come before the Board and upon motion by Secretary Gallegos seconded by Director Garza and carried unanimously the meeting was **ADJOURNED** at 2:58 P.M.

APPROVED this 30th day of October 2012.

ATTESTED: 
SECRETARY RUBEN GALLEGOS, JR.


CHAIRMAN DAVID E. ALLEX

3-A APPROVAL OF CLAIMS



**Cameron County Regional Mobility Authority
Daily Check Register 10/17/2012**

FY 2013

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>
00001358	AVINA,VERONICA	110	110	CONTRACT SERVICES FROM	P182628	200.00
				Check No. 00001358	Total	200.00
00001359	BETANCOURT,BLANCA	110	110	CONTRACT SERVICES FROM	P182620	1,000.00
				Check No. 00001359	Total	1,000.00
00001360	DEHOYOS, SYLVIA	110	110	CONTRACT SERVICES FROM	P182843	650.00
				Check No. 00001360	Total	650.00
00001361	GALARZA,MARTHA	110	110	CONTRACT SERVICES FROM	P182658	1,100.00
				Check No. 00001361	Total	1,100.00
00001362	GARCIA,DAVID	110	110	10/15/12 MEALS		82.72
			110	CONTRACT SERVICES FROM	P182624	6,250.00
			110	10/17/12 MEALS		138.18
				Check No. 00001362	Total	6,470.90
00001363	PENA,JESUS MARTIN	110	110	CONTRACT SERVICES FROM	P182623	200.00
				Check No. 00001363	Total	200.00
00001364	QUELLHORST,HENDRICK	110	110	CONTRACT SERVICES FROM	P182625	250.00
				Check No. 00001364	Total	250.00
00001365	ROBLES,MARIA A	110	110	CONTRACT SERVICES FROM	P182622	450.00
				Check No. 00001365	Total	450.00
00001366	SAN MIGUEL,FRANCISCO	110	110	CONTRACT SERVICES FROM	P182626	300.00
				Check No. 00001366	Total	300.00
00001367	SEPULVEDA,PEDRO	110	110	CONTRACT SERVICES FROM	P182621	6,250.00
				Check No. 00001367	Total	6,250.00
00001368	VEGA,DYLBIA JEFFERIES	110	110	CONTRACT SERVICES FROM	P182627	1,100.00
				Check No. 00001368	Total	1,100.00

Print Date: 10/17/2012 **Print By:** HENDRICK

Total for All Checks: 17,970.90

3-C CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN THE CAMERON COUNTY REGIONAL MOBILITY AUTHORITY AND ANDERSON COLUMBIA FOR THE SH 550 DIRECT CONNECTOR PROJECT



Texas Department of Transportation

PO BOX 1717 • PHARR TEXAS 78577-1717 • (956) 702-6100

November 2, 2012

Mr. Pete Sepulveda, Jr.
Executive Director
Cameron County Regional Mobility Authority
1100 E. Monroe Street
Brownsville, TX 78520

RE: SH 550 Direct Connector Project Award
CSJ: 3622-01-003

Dear Pete:

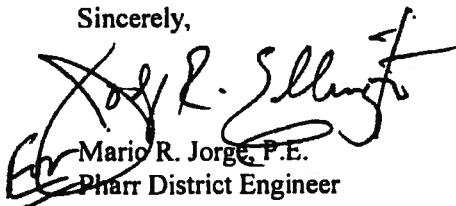
Back on July 31, 2012, we concurred with awarding the construction contract for the subject project to Ballenger Construction Company (BCC) based on analysis of the bids received. Although the contract was awarded to BCC as the lowest bidder, they were unable to deliver the executed contract, performance bond, and other required documents so the award was subsequently terminated. Based on this we have evaluated your request to award the contract to the next lowest bidder, and do concur with awarding the contract to Anderson Columbia Co., Inc. for their bid amount of \$43,991,404.52. You may now award the contract and move forward with construction operations.

Ms. Norma Y. Garza, P.E. out of our District Office will serve as our project manager and your point of contact for this project. Please continue working directly with her to ensure all requirements are met for you to receive the federal funding participation outlined in the Pass Through Agreement. In addition, and as a reminder, the local government construction procedures the CCRMA will need to follow can be found at <http://www.txdot.gov/business/governments/lgpp.htm>.

As per the Pass Through Toll Agreement for SH 550 executed on February 22, 2012, the Department hereby grants CCRMA or its authorized representatives access to State right of way to perform activities necessary for the development and construction of SH 550 (Attachment D, Article 5.2). However, before beginning work on State right of way CCRMA or its authorized representatives must provide the Department a fully executed copy of TxDOT Form 1560 Certificate of Insurance (PTT Agreement, Article 24).

If you have any questions, feel free to call me or our Deputy District Engineer, Jody R. Ellington, P.E., at (956) 702-6100.

Sincerely,



Mario R. Jorge, P.E.
Pharr District Engineer

cc: Juan Bosquez, P.E., San Benito Area Engineer
Norma Y. Garza, P.E., District RMA/LG Coordinator
Margil Maldonado, P.E., Project Development Project Manager
Evan Roberts, P.E., District Design Support Engineer

THE TEXAS PLAN

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Cameron County Regional Mobility Authority

SH550 PROJECT

CONTRACT NO. 3622-01-003

SH550

CONTRACT AGREEMENT

THIS AGREEMENT, made this 18th day of October, 2012, between Cameron County Regional Mobility Authority, 1100 East Monroe Street, Brownsville, Texas, 78520, hereinafter called the Authority and Anderson Columbia Co., Inc., or his, its or their successors, executors, administrators and assigns, hereinafter called the Contractor.

WITNESSETH, that the Contractor agrees with Cameron County Regional Mobility Authority for the consideration herein mentioned, and at his, its or their own proper cost and expense, to do all the work and furnish all the materials, equipment, teams and labor necessary to prosecute and complete and to extinguish all liens therefore, Contract No. 3622-01-003, entitled SH 550 project, in the manner and to the full extent as set forth in the Plans, Standard Specifications, Special Provisions, Bid (for the basis of award stated herein below) and other documents related to said Contract which are on file at the office of Cameron County Regional Mobility Authority and which are hereby adopted and made part of this Agreement as completely as if incorporated herein, and to the satisfaction of the Authority or its duly authorized representative who shall have at all times full opportunity to inspect the materials to be furnished and the work to be done under this Agreement.

This Contract is awarded on the basis of the Official Total Bid Amount based on the unit prices bid of Forty Three Million Nine Hundred Ninety One Thousand Three Hundred Eighty Four Dollars and Fifty Two Cents (\$ 43,991,384.52).

In consideration of the foregoing premise, the Authority agrees to pay the Contractor for all items of work performed and materials furnished at the amount of the unit prices bid prices bid therefore in the Bid submitted for this Contract, subject to any percentage reductions in the total Contract amount that may be named in the Bid corresponding to the basis of award stated in the above paragraph, and subject to the conditions set forth in the Specifications.

The Contractor agrees as follows:

- a. I/WE will not discriminate against any employee or applicant for employment because of race, religion, color, sex or national origin, except where religion, sex or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of the Contractor.
- b. I/WE agree to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
- c. I/WE in any solicitations or advertising for employees placed by or on behalf of itself, will state that it is an equal opportunity employer.
- d. Notices and advertisements and solicitations placed in accordance with federal law, rule or regulation, shall be deemed sufficient for the purposes of meeting the requirements of this section.
- e. Contract Time - The Work will be Substantial Complete within five hundred and sixty five (565) calendar days after receipt of the initial Notice to Proceed (NTP). The Contractor will be allowed up to an additional thirty (30) calendar days for Final Acceptance.
- f. Failure by Contractor to fulfill these requirements is a material breach of the Contract, which may result in the termination of this Contract, or such other remedy, as the Authority deems appropriate.
- g. All notices to Cameron County Regional Mobility Authority shall be sent by certified or registered mail, addressed to: Cameron County Regional Mobility Authority Executive Director, Cameron County Courthouse, 1100 East Monroe Street, Brownsville, Texas 78520 or at such other address as the Authority may otherwise designate. All notices to Contractor shall be sent certified or registered mail, addressed to: _____ or at such other address as said Contractor may otherwise designate in writing.
- h. This Agreement shall be governed by the laws of the State of Texas and venue shall be in Cameron County, Texas.

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement the day and year written above.

CAMERON COUNTY REGIONAL MOBILITY AUTHORITY

By: *David E. Allix*
David E. Allix
Cameron County Regional Mobility Authority Chairman

Attested By: *Pete Sepulveda, Jr.*

Pete Sepulveda, Jr.
Cameron County Regional Mobility Authority
Executive Director

CONTRACTOR:
Anderson Columbia Co., Inc.
Business Name

Sworn to and subscribed
before me this 18th
day of October, 2012.

P.O. Box 565, Weslaco, Texas 78599
Address

Maria A. Hernandez
Notary Public

Joe H. Anderson, III
by: *Joe H. Anderson, III*
Title President

My commission expires:
08-04-2013

(Affix Corporate Seal Here)



EVIDENCE OF CORPORATE AUTHORITY

I, BRIAN P SCHREIBER, hereby certify that I am Secretary of ANDERSON COLUMBIA CO., INC, a Corporation existing under the laws of the State of FLORIDA, and that the following resolution was adopted at a meeting of the Board of Directors of the said Corporation duly called and held on the 1st day of MARCH, 2010, and that the same remains in full force and effect:

SEE ATTACHED COPY OF RESOLUTION

(Here insert resolution)

I further certify that ANDERSON COLUMBIA CO., INC is a corporation duly organized and in good standing in the State of its creation, and is fully authorized to do business in the State of Texas and is in full conformity with the Laws of the State of Texas.

IN WITNESS WHEREOF, I have hereto appended my signature and the seal of the said Corporation on this the 22ND day of OCTOBER, 2012.

B.P.A.L
Secretary

SEAL

**3-D CONSIDERATION AND APPROVAL OF WORK AUTHORIZATION
NO. 67 WITH HNTB CORPORATION FOR AMENDING
TRANSPORTATION REINVESTMENT ZONE NO. 1 AND
CREATING A TRANSPORTATION REINVESTMENT ZONE NO. 2**

CAMERON COUNTY REGIONAL MOBILITY AUTHORITY
General Engineering Consultant Services

WORK AUTHORIZATION NO. 67
TRZ No. 1 Amendment
TRZ No. 2

This Work Authorization No. 67 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 analysis of a Transportation Reinvestment Zone (TRZ) in Cameron County. The responsibilities of the AUTHORITY, the CONSULTANT and the schedule are further detailed in Exhibits A, B, and C.

Part 2. Without modification, the amount payable for services performed under this Lump Sum Work Authorization No. 67 is **\$130,088.00**. 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 established under this Work Authorization No. 67 shall be made in accordance with the Agreement.

Part 4. This Work Authorization No. 67 is effective as of October 18, 2012 and shall terminate January 31, 2013, unless extended by a Supplemental Work Authorization.

Part 5. This Work Authorization No. 67 does not waive the parties' responsibilities and obligations provided under the Agreement.

Part 6. This Work Authorization No. 67 is hereby accepted and acknowledged below.

CONSULTANT
HNTB Corporation

AUTHORITY:
Cameron County Regional Mobility Authority

By: *Richard L. Ridings*
Signature

By: *David E. Alex*
Signature

Richard L. Ridings, P.E.
Printed Name

David E. Alex
Printed Name

Vice President
Title

Chairman
Title

10/18/12
Date

10.18.12
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