

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

**RESOLUTION NO. 22-005**

**AUTHORIZING THE EXECUTIVE DIRECTOR TO TAKE ACTIONS NECESSARY  
TO RESOLVE ISSUES ARISING FROM THE DBI SERVICES LLC DEFAULT**

WHEREAS, by Resolution No. 20-026 dated April 29, 2020, the Board approved a contract with DBi Services, LLC (“DBi”) for performance-based maintenance services on Mobility Authority roadways and related Texas Department of Transportation (“TxDOT”) facilities (the “Contract”); and

WHEREAS, the Contract includes certain payment and performance bonds issued by Berkshire Hathaway Specialty Insurance Company (“Surety”) to insure the performance of the maintenance services under the terms of the Contract in the event of a default by DBi; and

WHEREAS, on October 22, 2021, DBi ceased maintenance operations, and on October 23, 2021, the Mobility Authority issued a notice of default to DBi for failure to perform work in accordance with the Contract; and

WHEREAS, in order to ensure the safe and continued operations of Mobility Authority facilities and related TxDOT facilities previously maintained by DBi, through the issuance of Resolution No. 21-066 dated October 27, 2021 and Resolution No. 21-071 dated November 17, 2021, the Board authorized the Executive Director to procure emergency maintenance services in an amount not to exceed \$750,000.00 and to spend up to and additional \$3,000,000 in order to ensure the safe and continued operations of Mobility Authority facilities; and


WHEREAS, several issues have arisen from DBi’s default that require timely action including ongoing negotiations with the Surety regarding payment of claims and tender of a new maintenance contractor, coordination with TxDOT including potential modification of the interlocal agreement for maintenance services, and potential modifications to and associated change orders for the maintenance services; and

WHEREAS, in order to address the issues described herein as well as any other unanticipated issues related to the DBi default in a timely and expeditious manner, the Executive Director recommends and requests that he be authorized to take any and all such actions as necessary to resolve issues arising from DBi’s default so long as the amount of funds expended does not exceed amounts previously approved by the Board.


NOW THEREFORE, BE IT RESOLVED that the Board hereby authorizes the Executive Director to take any and all such actions as are necessary to resolve issues arising from the default of DBi Services LLC, Inc. so long as the amount of funds expended by such actions does not exceed amounts previously approved by the Board.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 26<sup>th</sup> day of January 2022.

Submitted and reviewed by:

  
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James M. Bass  
Executive Director

Approved:

  
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Robert W. Jenkins, Jr.  
Chairman, Board of Directors