



CENTRAL TEXAS REGIONAL
MOBILITY AUTHORITY

August 25, 2021 AGENDA ITEM #10

Discuss and consider approving
Amendment No. 3 to the contract with
RS&H, Inc. for construction inspection
services for the 183 South Project

Strategic Plan Relevance:	Regional Mobility
Department:	Engineering
Contact:	Mike Sexton, P.E., Acting Director of Engineering
Associated Costs:	\$520,000
Funding Source:	Project Funds
Action Requested:	Consider and act on draft resolution

Project Description/Background: RS&H, Inc. has served as the Mobility Authority's construction inspection firm for the 183 South Project since 2016. RS&H, Inc. was procured through a qualifications-based selection conducted in accordance with the Professional Services Procurement Act. RS&H Inc. has provided approximately 13 direct employees and 7 other sub-consultant employees providing inspection expertise for earthwork, roadway, structures, and traffic control activities for the Project. The originally executed contract included a not-to-exceed value of \$18,000,000, an amount originally contemplated to complete inspection services for the project duration through November 2019. In March 2020, Amendment #1 to increase the contract value to \$21,600,000 was executed. This Amendment was contemplated to provide inspection services for the project duration through March 2021. Due to a number of factors, the Design/Build Contractor does not expect to complete the Project until late 2021. The Mobility Authority requires construction inspection services through the completion of the Project currently anticipated in December 2021. The contract amount originally established, and Amendment #1 subsequently executed, for RS&H, Inc. did not contemplate this extended duration of services (from March 2021 through late 2021).

Previous Actions & Brief History of the Program/Project: The Mobility Authority entered into a contract with RS&H Inc. in December 2015 and issued a Notice to Proceed to RS&H Inc. on December 28, 2015. RS&H Inc. has provided construction

inspection services from December 2015 to present. The original not-to-exceed contract value was \$18,000,000 and was anticipated to cover construction inspection services through November 2019. An addendum to the original contract (Addendum #1) was executed in March 2020 to increase the contract value to \$21,600,000 and was anticipated to cover construction inspection services through March 2021. An addendum to the original contract (Addendum #2) was executed in November 2020 to adjust the contract duration. No additional funding was included in this addendum. An addendum to the original contract (Addendum #3) is required to increase the not-to-exceed contract amount to \$22,120,000 to extend construction inspection services on the 183 South Project to December 2021, the anticipated completion of the Project.

Financing: Project Funds

Action requested/Staff Recommendation: Staff recommends approval of this item, proposed Amendment No. 3 to the original contract, which will provide an additional not to exceed fee of \$520,000 to extend construction inspection services on the 183 South Project through the scheduled completion of the Project in December 2021.

Backup provided: Draft Resolution
Draft Amendment No. 3

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

RESOLUTION NO. 21-0XX

**APPROVING AMENDMENT NO. 3 TO THE CONTRACT WITH RS&H, INC.
FOR CONSTRUCTION INSPECTION SERVICES FOR
THE 183 SOUTH (BERGSTROM EXPRESSWAY) PROJECT**

WHEREAS, by Resolution No. 15-060, dated September 30, 2015, the Board of Directors awarded a professional services contract to RS&H Inc. for construction inspection services for the 183 South (Bergstrom Expressway) Project in an amount not to exceed \$18,000,000; and

WHEREAS, by Resolution No. 20-020, dated March 25, 2020, the Board of Directors approved Amendment No. 1 to the contract to increase the amount to \$21,600,000 and to extend the contract term to December 31, 2020; and

WHEREAS, by Resolution No. 20-081, dated November 18, 2020, the Board of Directors approved Amendment No. 2 to extend the contract term to the date of Final Acceptance of the Project; and

WHEREAS, the current contract amount of \$21,600,000. was projected to fund construction inspection services through March 2021; and

WHEREAS, the Executive Director and RS&H Inc. have negotiated Amendment No. 3 to increase the contract value by \$520,000 for a total amount not to exceed \$22,120,000 to provide funding for construction inspection services for the 183 South (Bergstrom Expressway) through December 31, 2021; and

WHEREAS, the Executive Director recommends approving Amendment No. 3 to the contract with RS&H Inc. for construction inspection services for the 183 South (Bergstrom Expressway) Project in the form or substantially the same form attached hereto as Exhibit A.

NOW THEREFORE, BE IT RESOLVED that the Board of Directors hereby approves Amendment No. 3 to the contract with RS&H Inc. to increase the contract value to an amount not to exceed \$22,120,000 for construction inspection services for the 183 South (Bergstrom Expressway) and hereby authorizes the Executive Director to finalize and execute Amendment No. 3 on behalf of the Mobility Authority in the form or substantially the same form attached hereto as Exhibit A.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 25th day of August 2021.

Submitted and reviewed by:

Approved:

Geoffrey Petrov, General Counsel

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

Exhibit A

**Third Amendment To
Agreement for Construction Inspection Services
Between
Central Texas Regional Mobility Authority
and
RS&H, Inc.**

This Third Amendment to the Agreement between Central Texas Regional Mobility Authority (“Mobility Authority”) and RS&H, Inc., (“Engineer”) effective December 15, 2015 is made effective August 25, 2021 and is for the purpose of amending Article 2, Subsection A of the Agreement.

The Mobility Authority and Engineer hereby agree that Article 2, Subsection A of the Agreement is amended to read in its entirety as follows:

**ARTICLE 2
COMPENSATION**

Compensation for the Engineer’s Services and other aspects of the mutual obligations concerning the Engineer’s Services and payment therefore are as follows:

A. Maximum Compensation. The maximum payment by the Mobility Authority for the Services provided under this Contract and associated Work Authorizations (including compensation to the Engineer and reimbursable expenses) may not exceed \$22,120,000.

By their signatures below, the parties to this Third Amendment to the Agreement evidence their agreement to the amendments set forth above.

CENTRAL TEXAS REGIONAL
MOBILITY AUTHORITY

RS&H, INC.

By: _____
James Bass
Executive Director

By: _____

Name: _____

Title: _____

RS&H, Inc.
Construction Inspection Services
CTRMA – 183 South Project
Backup to Amendment No. 3

Current Contract Value	\$	21,600,000.00
Proposed Amendment No.3	\$	520,000.00

Previous Work Authorizations

\$	1,138,086.00	WA1
\$	14,861,860.00	WA2
\$	2,000,015.49	SWA(WA2)
\$	<u>3,600,000.00</u>	Amendment 1
\$	21,599,961.49	

Proposed Work Authorization:

\$	<u>520,000.00</u>
----	--------------------------

Amendment #3 Value	\$	22,119,961.49
---------------------------	----	----------------------

Note: Amendment No. 2 extended the contract duration and did not include an increase in funding.