



June 26, 2023
AGENDA ITEM #8

Discuss and consider approving an amendment extending the existing completion contract with Roy Jorgensen Associates, Inc. for performance based maintenance services on Mobility Authority roadways and related Texas Department of Transportation facilities

Strategic Plan Relevance:

Department: Engineering

Contact: Mike Sexton, P.E., Acting Director of Engineering

Associated Costs: \$79,430,520.52 (\$1,000,000.00 in contingency funds for change orders included)

Funding Source: FY 2024 Operating Budget

Action Requested: Consider and act on draft resolution

Project Description/Background: The Performance Based Maintenance Contract (PBMC) includes routine Maintenance Services and associated items on existing and future Authority roadways and adjacent Texas Department of Transportation (TxDOT) frontage roads/general purpose lanes from right-of-way (ROW) to ROW (Project). The contract includes 183A Toll, 290 Toll, Express 1 Toll, 71 Toll, 45 Toll, 183 Toll, 183A Phase III Project and 183 North Project.

Routine maintenance services include but are not limited to maintenance of pavement, bridges, walls, traffic operations (signs, signals, lighting, striping, delineation), slopes, roadside (mowing, landscaped areas, litter), shared use paths (SUP's), trailheads, and Mobility Authority building facilities, including the 183A Traffic Incident Management Center, existing and future maintenance yard buildings, existing and future In-Lane Processing (ILP) buildings, and emergency generators located at or near toll gantries.

The term of this Contract will include an initial 5-year term (60 months), terminating June 30, 2028, with two additional 5-year renewal options to extend the initial term to a maximum of 15 years (180 months).

The Mobility Authority is reimbursed for maintenance of adjacent TxDOT frontage roads/general purpose lanes through an interlocal agreement (ILA) with TxDOT.

Previous Actions/Brief History of the Project/Program – Board Resolution No. 20-026 authorized the Executive Director to negotiate and execute the PBMC for existing and future Mobility Authority Roadways and related facilities and for adjacent TxDOT roadways with DBi Services, LLC (“DBi”). 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.

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. 20-071 dated November 17, 2021, the Board authorized the Executive Director to procure emergency maintenance services in an amount not to exceed \$750,000 and to spend up to an additional \$3,000,000.

The Surety awarded the completion contract to Roy Jorgensen Associates, Inc. which expires June 30, 2023.

Financing: FY 2024 Operating Budget

Action requested/Staff Recommendation: Staff recommends to authorize the Executive Director to extend the existing agreement with Roy Jorgensen Associates, Inc. for performance based maintenance services, with a not to exceed fee of \$78,430,520.52 and authorize the Executive Director, or his designee, to utilize up to \$1,000,000.00 in contingency funds for change orders. Under this agreement, Roy Jorgensen Associates, Inc. will provide performance based maintenance services for all existing and future Authority roadways and adjacent Texas Department of Transportation (TxDOT) frontage roads/general purpose lanes from right-of-way (ROW) to ROW (Project).

Backup provided: Draft Resolution
Contract amendment

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

RESOLUTION NO. 23-0XX

**APPROVING AN AMENDMENT TO THE COMPLETION CONTRACT WITH ROY
JORGENSEN ASSOCIATES, INC. FOR PERFORMANCE BASED MAINTENANCE
SERVICES ON MOBILITY AUTHORITY ROADWAYS AND RELATED FACILITIES**

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, 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 DBi contract; and

WHEREAS, the DBi contract included 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, the Surety proposed a completion contractor to take over the original performance-based maintenance services contract through the term of the performance bond period and awarded the completion contract to Roy Jorgensen Associates, Inc. (“Completion Contract”) through June 30, 2023; and

WHEREAS, the Completion Contract provides for an initial 5-year term (60 months), terminating June 30, 2028, with two additional 5-year renewal options to extend the initial term to a maximum of 15 years (180 months); and

WHEREAS, the Executive Director and Roy Jorgensen Associates, Inc. have negotiated a proposed amendment to the Completion Contract, a copy of which is attached hereto as Exhibit A; and

WHEREAS, the Executive Director recommends the execution of the proposed amendment extending the completion contract through June 30, 2028 in an amount not to exceed \$78,430,520.52, including for performance-based maintenance services on all existing and future Authority roadways and adjacent Texas Department of Transportation (TxDOT) frontage roads/general purpose lanes from right-of-way (ROW) to ROW; and

WHEREAS, the Executive Director requests that the Board authorize an additional \$1,000,000.00 as contingency to be implemented as necessary through change orders issued by the Executive Director.

NOW THEREFORE, BE IT RESOLVED that the Board hereby authorizes the Executive Director to execute an amendment with Roy Jorgensen Associates, Inc. extending the Completion Contract through June 30, 2028 in an amount not to exceed \$79,430,520.52, for performance-based maintenance services on all existing and future Authority roadways and adjacent TxDOT frontage roads/general purpose lanes and adjacent right-of-way, in the form or substantially the same form attached hereto as Exhibit A; and

BE IT FURTHER RESOLVED, that the Board authorizes \$1,000,000.00 in contingency funds to be used at the Executive Director's discretion for change orders necessary for the effective implementation of the performance-based maintenance amendment.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 26th day of June 2023.

Submitted and reviewed by:

Approved:

James M. Bass, Executive Director

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

Exhibit A