



**CENTRAL TEXAS
Regional Mobility Authority**

AGENDA ITEM #5 SUMMARY

Approve an interlocal agreement with the Texas Department of Transportation for off-site materials, independent assurance and permeability testing

Strategic Plan Relevance: Regional Mobility

Department: Engineering

Associated Costs: Not to exceed \$1,800,000

Funding Source: Various project funds

Board Action Required: Yes

Description of Matter: This resolution approves a new agreement with the Texas Department of Transportation to provide materials inspection and testing, independent assurance testing, and permeability testing of hot mix asphalt services to the Mobility Authority on an “as requested” basis for Mobility Authority transportation projects. The current agreement with TxDOT for these services expires October 31, 2013. The new agreement will be effective through October 31, 2016.

Reference documentation:

Draft Resolution
Draft Interlocal Agreement

Contact for further information:

Wesley M. Burford, P.E., Director of Engineering

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

RESOLUTION NO. 13-___

**APPROVING AN INTERLOCAL AGREEMENT WITH THE TEXAS DEPARTMENT
OF TRANSPORTATION FOR OFF-SITE MATERIALS, INDEPENDENT
ASSURANCE, AND PERMEABILITY TESTING.**

WHEREAS, in Resolution No. 04-53, dated October 27, 2004, the Board of Directors approved an Interlocal Agreement with the Texas Department of Transportation (“TxDOT”) under which TxDOT provided independent inspection and testing services for materials used in constructing the Mobility Authority’s transportation projects; and

WHEREAS, TxDOT has continued to provide materials inspection and testing services for Mobility Authority transportation projects under interlocal agreements between the Mobility Authority and TxDOT, with the current such interlocal agreement to expire on October 31, 2013; and

WHEREAS, the Executive Director recommends that the Mobility Authority continue to obtain materials inspection and testing services from TxDOT as needed for the Mobility Authority’s transportation projects.

NOW THEREFORE, BE IT RESOLVED that the Board hereby approves the proposed interlocal agreement between the Mobility Authority and TxDOT in the form or substantially in the form attached as Exhibit 1, and authorizes the Executive Director to negotiate the final form of and execute the interlocal agreement on behalf of the Mobility Authority.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 2nd day of October, 2013.

Submitted and reviewed by:

Approved:

Andrew Martin
General Counsel for the Central
Texas Regional Mobility Authority

Ray A. Wilkerson
Chairman, Board of Directors
Resolution Number: 13-___
Date Passed: 10/2/2013

**EXHIBIT 1
TO
RESOLUTION 13-___**

**PROPOSED INTERLOCAL AGREEMENT WITH
THE TEXAS DEPARTMENT OF TRANSPORTATION**

(on the following 4 pages)

THE STATE OF TEXAS §
THE COUNTY OF TRAVIS §

INTERLOCAL AGREEMENT

THIS CONTRACT is entered into by the Contracting Parties under Government Code, Chapter 791.

I. CONTRACTING PARTIES:

Texas Department of Transportation TxDOT
Central Texas Regional Mobility Authority Mobility Authority

II. PURPOSE: Perform material inspection and testing, independent assurance testing and permeability testing of hot mix asphalt services.

III. STATEMENT OF SERVICES TO PERFORMED: TxDOT will undertake and carry out services described in **Attachment A**, Scope of Services.

IV. CONTRACT PAYMENT: The total amount of this contract shall not exceed \$1,800,000 and shall conform to the provisions of **Attachment B**, Budget. Invoices will be issued weekly.

V. TERM OF CONTRACT: This contract begins when fully executed by both parties and terminates on October 31, 2016, or when otherwise terminated as provided in this Agreement.

VI. LEGAL AUTHORITY: The PARTIES certify that the services provided under this contract are services that are properly within the legal authority of the Contracting Parties.

The governing body, by resolution or ordinance, dated _____ has authorized the Local Government to obtain the services described in **Attachment A**.

This contract incorporates the provisions of **Attachment A**, Scope of Services; **Attachment B**, Budget; **Attachment C**, General Terms and Conditions; **Attachment D**, Resolution or Ordinance; and **Attachment E**, Location Map for Showing Project(s).

CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY

By _____ Date _____
Authorized Signature

Typed or Printed Name and Title

FOR THE STATE OF TEXAS

Executed for the Executive Director and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.

By _____ Date _____
Janice Mullenix
Director of Contract Services

ATTACHMENT A
Scope of Services

The Texas Department of Transportation (TxDOT) agrees to perform material inspection and testing, independent assurance testing and permeability testing of hot mix asphalt services as requested by the Local Government, and subject to the terms set forth below. Material inspection and testing, independent assurance testing and permeability testing of hot mix asphalt services to be performed by TxDOT consists of the following:

- Various inspected materials fabricated off-site (structural steel bridge components, pre-cast concrete stressed/non-stressed products, and miscellaneous fabricated products).
- Other materials inspection and testing, independent assurance testing and permeability testing of hot mix asphalt services as agreed upon in writing by TxDOT and the Local Government.

Inspections will be performed in compliance with the specifications and instructions supplied by the Local Government and are subject to the terms and conditions described below. Written inspection or test reports will be provided to the Local Government in accordance with TxDOT's existing policies as inspection and testing services are performed by TxDOT.

Prior to the commencement of material inspection and testing, independent assurance testing and permeability testing of hot mix asphalt services, the Local Government shall provide TxDOT with a single point of contact for this scope of services. TxDOT will direct all invoices, test reports, questions and other issues to this point of contact. The Local Government shall provide an email address to which invoices will be sent. The Local Government shall provide written notification of a change to the point of contact.

INSPECTED MATERIALS

The Local Government will provide TxDOT a list of the materials requiring inspection. Estimated quantities of each material will also be provided. The types of products and the extent of the inspections will be as agreed upon prior to commencement of any inspections. The level of inspection and documentation furnished for Local Government inspections will be as provided for typical TxDOT projects.

TxDOT will only perform inspection services for the Local Government at structural steel fabrication plants, commercial precast prestressed and non-stressed concrete product plants, and other miscellaneous fabrication plants where TxDOT routinely provides such inspection and testing services for its own highway materials or for others. Out-of-state inspections for Local Government will be performed only when TxDOT has employees scheduled to conduct inspections for TxDOT projects at the requested locations, unless agreed upon otherwise. All out-of-state inspections will require reimbursement of the additional costs for travel (airfare, lodging, per diem, vehicle rentals, and other miscellaneous costs). Reimbursement will be requested through invoices from TxDOT.

TxDOT reserves the right to prioritize or reschedule any inspection and testing services according to the following:

- Inspection and testing services may be cancelled or deferred due to unavailability of TxDOT personnel to perform the necessary inspection.
- Inspections for the Local Government will be given lower priority than inspections performed by TxDOT for TxDOT projects.
- Inspections for the Local Government may be rescheduled to coincide with the inspection of products for TxDOT projects.

The Local Government and its fabricators will abide by the Nonconformance Report (NCR) process utilized by TxDOT for disposition of products that do not meet the requirements of the Local Government's specifications provided.

WORK REQUESTS

A minimum of two (2) weeks prior to TxDOT performing any inspection, the Local Government will submit Work Requests to TxDOT. Submit one Work Request per Fabricator and include the following:

- Project information (i.e. contract number, CSJ, etc)
- Work description
- Type and estimated quantity of material(s) to be inspected
- Fabricator information (Name, contact person, phone number, physical location)
- Desired date of inspection
- Name, title, signature, and telephone number of the Local Government's authorized representative
- Specification Item or Special Specification to be used for inspection
- List of the Local Government's amendments to Specification Item
- Local Governments Special Specifications
- Complete set of necessary design drawings, material specifications, and shop drawings files in Adobe .pdf format to perform inspection of the material

Incomplete Work Requests will not be accepted. E-mail completed Work Requests, with attachments, as an Adobe .pdf format to CST_Structuralcorrespondence@txdot.gov and include "Work Request" in the subject line.

TEST REPORTS

TxDOT will send test reports and pertinent information to the Local Government's designated point of contact for services performed as attachments to invoices for services.

INDEPENDENT ASSURANCE TESTING

TxDOT to perform Independence Assurance testing as requested by the Local Government per the specific Project's TxDOT approved Quality Assurance Plan.

PERMEABILITY TEST OF HOT MIX ASPHALT

TxDOT to perform permeability testing of hot mix asphalt in accordance with TEX-246-F.

ATTACHMENT B
Texas Department of Transportation Inspection & Testing Rates

TxDOT will only perform inspection and testing services outlined in Attachment A.

Charges will be based on rates at the time inspection and testing are performed. Rates will be revised periodically. TxDOT Inspection and Testing Rates that are not listed below can be found on TxDOT's website at the following link: http://ftp.dot.state.tx.us/pub/txdot-info/cst/inspection_testing.pdf

Invoices will be sent to the Local Government on a weekly basis. Payments are due within 30 days of date of invoice and will be mailed to the following address:

Texas Department of Transportation
P.O. Box 149001
Austin, Texas 78714-9001

INDEPENDENT ASSURANCE TESTING RATES

PROJECT TYPE	UNIT	CURRENT RATE
Projects less than 1 year in length	Month	\$500
Projects greater than 1 year in length	Month	\$1000
Sampling for Split and Proficiency Testing	Hourly	\$48

PERMEABILITY TEST OF HOT MIX ASPHALT RATES

TEST	UNIT	CURRENT RATE
Permeability of Hot Mix Asphalt	Each	\$85

Individual tests will be performed by the District Independent Assurance laboratory at the same contract rate when applicable.