

SUPPLEMENTAL AGREEMENT NO. 4
TO
LEWISVILLE LAKE BRIDGE CORRIDOR
FEASIBILITY STUDY INTERLOCAL AGREEMENT
(FSF-75)

STATE OF TEXAS §
 §
COUNTY OF DENTON §

THIS SUPPLEMENTAL AGREEMENT NO. 4, by and between the **NORTH TEXAS TOLLWAY AUTHORITY**, a regional tollway authority and a political subdivision of the State of Texas, acting by and through its Board of Directors (the "Authority"), and the **COUNTY OF DENTON**, a political subdivision of the State of Texas, acting by and through its duly elected Commissioners Court (the "County"), is entered into effective as of the 21st day of March, 2006.

WITNESSETH

WHEREAS, the Authority and the County entered into that certain letter agreement (the "Letter Agreement") dated February 23, 2006 by and behalf of the Authority and the County approving design changes to Section 3 resulting in additional costs of \$44,954.00 and approved by the County by Court Order No. 06-0221, dated March 21, 2006; and

WHEREAS, in approving the Letter Agreement, the County referred to the Letter Agreement as "Supplemental Agreement Number 4" to the Lewisville Lake Bridge Corridor Feasibility Study Interlocal Agreement dated as of September 20, 2000; and

WHEREAS, to conform documentation between the Authority and the County, the parties agreed to designate the Letter Agreement and related documentation attached hereto as the "Fourth Supplemental Agreement," and those materials shall hereafter be so referenced.

February 23, 2006

HNTB

Mr. John R. Polster
Innovative Transportation Solutions, Inc.
2701 Valley View Lane
Farmers Branch, TX 75234

Ref: Lewisville Lake Corridor Project, Section 1
Supplemental Agreement

Dear Mr. Polster:

We have finalized negotiations with Dannenbaum Engineering Corp. (DEC) for design changes on Section 3 and need Denton County approval of the following so that we can proceed.

1) Summary of Changes: Since we had not been able to obtain right-of-way and permanent easement at certain locations on Section 3, DEC will need to revise its plans to eliminate the need for those parcels. The changes include realigning some intersections, providing an alternate access drive, and installing short retaining walls.

2) Cost: DEC requested \$83,434 to make the changes but had agreed to perform the work for \$44,954. The reduction in ROW cost will be substantial. We have been able to withdraw several offers to property owners including one in the amount of \$80,000 to Ms. Laverne Howard.

3) New Contract Amount for DEC:

Cost for changes:	\$44,954.00
Proposed Contingency:	\$5,046.00
Current Not-to-exceed Amount:	\$815,962.15
Proposed Not-to-exceed Amount:	\$865,962.15

Please expedite the approval of the requested changes or let me know if you have any questions

Sincerely,

Approved

Denton County

Bo V. Cung, P.E.

Mary Horn
Signature

Bo V. Cung, P.E.

cc: Ghaleb Sunna, P.E., NTTA

Mary Horn
Name

3/21/06
Date

3/12/22 04:18 PM

Printed by _____
Entered in _____
Checked by _____

DANNENBAUM ENGINEERING CORPORATION
Lake Lewisville Toll Bridge Corridor, Segment 3
Supplemental Agreement No. 9

PS&E

TASK DESCRIPTION	Principal	Project Manager	Senior Engineer	Senior Draftsman/Drafts Clerk	Design Engineer	Senior Designer	CAAD Operator/Technician	QA/QC Reviewer	Checker	Total Labor Hrs. & Costs	Est. of Overhead	Labor Hrs. per Sheet	CAAD (minutes/Sheet)	CAAD Hrs./Sheet
PS&E														
PRELIMINARY DESIGN		2		48			24			64	2	33		
CONCEPT DESIGN OF MAIN BRIDGE STRUCTURE & RAMPWAY		2		24			8			34	3	17		
DEVELOPMENT OF PRELIMINARY DESIGN		1		8			2			10	1	15		
DEVELOPMENT OF PRELIMINARY DESIGN FOR CIVIL PROPERTY		2		16			8			24	2	26		
CIVIL AND ELECTRICAL DESIGN		1		48			24			72	2	26		
AS-BUILT PHOTOGRAPHIC COMPARISON - CIVIL PROPERTY		1		24			12			36	1	48		
FINAL DESIGN DEVELOPMENT AT END OF PROJECT		1		24			12			36	1	21		
CONSTRUCTION OF BRIDGE STRUCTURE & RAMPWAY AT END OF PROJECT		1		48			24			72	1	28		
CONSTRUCTION OF BRIDGE STRUCTURE		2		48			24			72	2	28		
CIVIL DESIGN FOR BRIDGE RAMPWAY		1		24			12			36	1	28		
CIVIL DESIGN FOR BRIDGE RAMPWAY		1		24			12			36	1	28		
CROSS SECTION ANALYSIS FOR BRIDGE RAMPWAY		1		24			12			36	1	28		
CROSS SECTION ANALYSIS FOR BRIDGE RAMPWAY		1		24			12			36	1	28		
FINANCIAL ANALYSIS & MATHEMATICS FOR CIVIL PROPERTY		1		24			12			36	1	28		
HOURS & COSTS	0	42	48	64	184	0	108	0	0	400	17			
LABOR @ \$100/HOUR	\$0.00	\$4,200.00	\$4,800.00	\$6,400.00	\$18,400.00	\$0.00	\$10,800.00	\$0.00	\$0.00	\$40,000.00	\$1,700.00			\$20.00
OVERHEAD COSTS	\$0.00	\$1,764.00	\$2,304.00	\$3,072.00	\$8,712.00	\$0.00	\$5,400.00	\$0.00	\$0.00	\$19,548.00	\$856.80			
LABOR @ \$100/HOUR	2.00	2.00	2.00	2.00	7.00	2.00	2.00	2.00	2.00	10.00	1.00			
TOTAL LABOR COST	\$0.00	\$6,228.00	\$7,104.00	\$9,472.00	\$27,112.00	\$0.00	\$16,200.00	\$0.00	\$0.00	\$59,548.00	\$2,556.80			\$20.00
OVERHEAD COSTS														
ENGINEER TOTAL LABOR HOURS & COSTS	0	42	48	64	184	0	108	0	0	400	17			
ENGINEER TOTAL LABOR COST & CAAD COSTS	\$0.00	\$4,200.00	\$4,800.00	\$6,400.00	\$18,400.00	\$0.00	\$10,800.00	\$0.00	\$0.00	\$40,000.00	\$1,700.00			\$20.00
	0.00%	0.15%	0.25%	0.35%	1.17%	0.00%	1.25%	0.00%	0.00%	100.00%				
DIRECT EXPENSES (Engineering)														
SPECIFICATIONS		1	1	1	1	1	1	1	1	1	1			
REVISIONS (1.00)		1	1	1	1	1	1	1	1	1	1			
PLANS		1	1	1	1	1	1	1	1	1	1			
CONTRACTS		1	1	1	1	1	1	1	1	1	1			
NOTES		1	1	1	1	1	1	1	1	1	1			
EXHIBITS		1	1	1	1	1	1	1	1	1	1			
SUB TOTAL		1	1	1	1	1	1	1	1	1	1			
TOTAL DIRECT EXPENSES - ENGINEERING														
DANNENBAUM ENGINEERING TOTAL LABOR, CAAD AND DIRECT EXPENSES														\$44,913.83

DENTON COUNTY COMMISSIONERS COURT

March 21 2006
 Month Day Year

Court Order Number: _____

THE ORDER:

id.E

Approval of Supplemental Agreement Number 4, to Interlocal Cooperation Agreement (ICA) between Denton County, Texas and the North Texas Tollway Authority (NTTA) for the Lake Lewisville Corridor Project, located in Precinct 1, in the amount of \$44,954,00, which will increase the previously approved I.C.A. amount from \$815,962.15 to \$865,962.15. Funding for Supplemental Agreement Number 4 shall come from the Transportation Road Improvement Program (TRIP 04), Lake Lewisville Bridge Project (Auditor #70-7401-90-10).

Motion by _____ Seconded by _____

County Judge Mary Horn Yes _____
 Abstain _____
 No _____
 Absent _____

Commissioner Pat No 1 Yes _____
 Cynthia White Abstain _____
 No _____
 Absent _____

Commissioner Pat No 2 Yes _____
 Sandy Jacobs Abstain _____
 No _____
 Absent _____

Commissioner Pat No 3 Yes _____
 Bobbie J. Mitchell Abstain _____
 No _____
 Absent _____

Commissioner Pat No 4 Yes _____
 Jim Carter Abstain _____
 No _____
 Absent _____

Motion Carried _____

Other Action: Filled from Consent _____ No Action _____ Postponed _____

BY ORDER OF THE COMMISSIONERS COURT:

ATTEST:

 Presiding Officer

Cynthia Mitchell, County Clerk
 and Ex-Officio Clerk of the
 Commissioners Court of
 Denton County, Texas

APPROVED AS TO FORM:

 Assistant District Attorney

BY:
 Deputy County Clerk



BRUCE ISAACKS
CRIMINAL DISTRICT ATTORNEY

CIVIL DIVISION

Thomas F. Keever, *Chief*
David L. Flaney
Hugh Coleman
John Feldt
Brody Shanklin

1450 East McKinney, Suite 3100
P. O. Box 2850
Denton, Texas 76202
(940) 349-3750
Fax (940) 349-3751

FORMAL AND BRIEFING AGENDA PLACEMENT MEMO

TO: Frank Phillips, Director of Administration

FROM: John Feldt, Assistant District Attorney

DATE: March 15, 2006

SUBJECT: Discussion and approval of Supplemental Agreement Number 4, to Interlocal Cooperation Agreement (ICA) between Denton County, Texas and the North Texas Tollway Authority (NTTA) for the Lake Lewisville Corridor Project, located in Precinct 1, in the amount of \$44,954.00, which will increase the previously approved I.C.A. amount from \$815,962.15 to \$865,962.15. Funding for Supplemental Agreement Number 4 shall come from the Transportation Road Improvement Program (TRIP 04), Lake Lewisville Bridge Project (Auditor #70-7401-90-10).



Request for Placement on Both Agendas - Time Sensitive

Expedited consideration and approval of the item relating to the above-referenced agenda item is requested. The nature of the matter considered requires the Commissioners Court's immediate attention and action.

Thank you for your time and attention to this matter.

INNOVATIVE TRANSPORTATION SOLUTIONS INC.

2701 Valley View Lane • Farmers Branch, Texas 75234-4924 • (972) 484-2525 • (972) 484-4545

MEMORANDUM

TO: Mr. Tom Keever, Civil Division *TK 3/9/06*

FROM: John Polster, ITS

DATE: March 9, 2006

RE: Approval of Supplemental Agreement No. 4 with NTTA for Engineering Services on the Lake Lewisville Corridor Project

Attached are two (2) executed copies of Supplemental Agreement to amend the contract between Denton County and the North Texas Tollway Authority for the Lake Lewisville Corridor Project.

The additional services are for changes needed in the alignment of roadway to reduce right-of-way impacts, modify intersections, providing alternate access drives and the inclusion of additional retaining walls. An additional \$44,954.00 is required to complete this work.

It is Innovative Transportation Solutions, Inc.'s recommendation that the Denton County Commissioners Court consider approval of this supplemental agreement.

Please include the following language in agenda packet:

"Discussion of NTTA Supplemental Agreement for the Lake Lewisville Corridor in the amount of \$44,954.00 which will increase the approved contract amount from \$815,962.15 to \$865,962.15."

Funding for this supplemental agreement should come from the Transportation Road Improvement Program, Lake Lewisville Bridge Project (Auditor # 70-7401-90-10).

If you have any questions, please call me at 972-484-2525.

Attachments

cc: James Wells, Denton County Auditor
Com. Cynthia White, Frct. 1



**BRUCE ISAACKS
CRIMINAL DISTRICT ATTORNEY**

CIVIL DIVISION

**Thomas F. Keever, Chief
David L. Finney
Hugh Coleman
John Feldt
Brody Shanklin**

**1450 East McKinney, Suite 3100
P. O. Box 2850
Denton, Texas 76202
(940) 349-2750
Fax (940) 349-2751**

BRIEFING AGENDA PLACEMENT MEMO

To: Denton County Commissioners Court

From: John Feldt, Assistant District Attorney

Date: March 15, 2006

Re: Discussion and approval of Supplemental Agreement Number 4, to Interlocal Cooperation Agreement (ICA) between Denton County, Texas and the North Texas Tollway Authority (NTTA) for the Lake Lewisville Corridor Project, located in Precinct 1, in the amount of \$44,954.00, which will increase the previously approved I.C.A. amount from \$815,962.15 to \$865,962.15. Funding for Supplemental Agreement Number 4 shall come from the Transportation Road Improvement Program (TRIP 04), Lake Lewisville Bridge Project (Auditor #70-7401-90-10).



REQUESTED ACTION/RECOMMENDATION

Innovative Transportation Solutions (ITS) recommends the Commissioners Court approve the Supplemental Agreement Number 4, to Interlocal Cooperation Agreement (ICA) between Denton County, Texas and the North Texas Tollway Authority (NTTA) for the Lake Lewisville Corridor Project, located in Precinct 1, in the amount of \$44,954.00, which will increase the previously approved I.C.A. amount from \$815,962.15 to \$865,962.15. Funding for Supplemental Agreement Number 4 shall come from the Transportation Road Improvement Program (TRIP 04), Lake Lewisville Bridge Project (Auditor #70-7401-90-10).

BACKGROUND

The County has been acquiring right-of-way for the Lewisville Bridge Project. Substantially all the right-of-way has been acquired. The NTTA and Denton County entered into an ICA to study the feasibility of constructing the bridge as a toll facility. The agreement describes obligations regarding a transportation project divided into two basic parts. One part is a proposed four-lane toll bridge across Lewisville Lake and the other part is composed of two segments of a proposed four-lane roadway situated on either side of the bridge and extending west to the intersection of I-35E and Swisher Road and to the proposed intersection of the Dallas North Tollway with FM 2934 east. The first part is defined in the Agreement as the "Bridge" and the second is defined as the "Access Roads." The Agreement, as currently drafted, limits the NTTA's obligations to the Bridge. The Agreement states that if certain findings and elections are made, the NTTA agrees to build and, thereafter, operate the Bridge for its costs (Sec. 6.1). The County agrees, at its sole cost, to let all contracts required to design (sec. 3.4) and construct (Sec. 4.6) the Access Roads. Costs are allocated in a manner consistent with the division of responsibility, both during the feasibility study period and afterwards (Sec. 6.2).

The NTTA has, through its conversations with the County, requested that NTTA take the lead role in selecting consultants to perform work on all sections of the entire project and not just the "Bridge".

Denton County approved a Letter Agreement on October 15, 2002, which was the mechanism by which Denton County allowed the NTTA to take the lead on this project. Through this letter agreement, the County approved NTTA's selection of Binkley & Barfield and Dannenbaum Engineering Corporation for Section 1 and 3, respectively. NTTA has contracted with PBS & J, Inc. to acquire additional right-of-way and drainage easements.

Supplemental Agreement Number 4 is for additional services for changes needed in the alignment of roadway to reduce right-of-way impacts, modify intersections, providing alternate access drives and the inclusion of additional retaining walls. An additional \$44,954.00 is required to complete this work.

OPERATIONS AND MAINTENANCE

N/A

LEGAL INFORMATION

Denton County has statutory authority to enter into, enforce, amend, supplement, and terminate this contract.

FINANCIAL IMPACT

The cost associated with this amendment is \$44,954.00, and funding should come from the Transportation Road Improvement Program - 2004 (TRIP-04) (Auditor #70-7401-90-10).

PROJECT SCHEDULE

The amendment is effective upon approval by Commissioners Court and NTTA.

PRECEDING COURT ACTION

The Commissioners Court has taken numerous actions to acquire the right-of-way and approve needed action on this project.

APPROVED BY:



John Feldt
Assistant District Attorney

February 23, 2006

HNTB

Mr. John R. Polster
Innovative Transportation Solutions, Inc.
2701 Valley View Lane
Farmers Branch, TX 75234

Ref: Lewisville Lake Corridor Project, Section 1,
Supplemental Agreement

Dear Mr. Polster:

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Please expedite the approval of the requested changes or let me know if you have any questions

Sincerely,

Approved

Denton County

Bo V. Cung, P.E.

Bo V. Cung, P.E.

cc: Ghaleb Sunna, P.E., NTTA

Signature

Name

Date

REQUEST FOR AGENDA PLACEMENT

(Submission Deadline – Wednesday 3:00 p.m.)

BRIEFING #:

DATE: 3-21-06

FORMAL # 14-E

DATE: 3-21-06

SUBMITTED BY:	John Feldt	REQUESTED AGENDA DATE:	03/21/2006
DEPARTMENT:	DA/ Civil Division	REQUESTED AGENDA TIME: (Optional)	

SPECIFIC AGENDA WORDING: Discussion and approval of Supplemental Agreement Number 4, to Interlocal Cooperation Agreement (ICA) between Denton County, Texas and the North Texas Tollway Authority (NTTA) for the Lake Lewisville Corridor Project, located in Precinct 1, in the amount of \$44,954.00, which will increase the previously approved I.C.A. amount from \$815,962.15 to \$865,962.15. Funding for Supplemental Agreement Number 4 shall come from the Transportation Road Improvement Program (TRIP 04), Lake Lewisville Bridge Project (Auditor #70-7401-90-10).

REQUESTED AGENDA:	<input checked="" type="checkbox"/> BRIEFING	<input checked="" type="checkbox"/> FORMAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> EX. SESSION
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STAFF NOTICE: (Initial)

ADA – CIVIL DIVISION	<u>df</u>	INFORMATION SERVICES	
AUDITOR		PUBLIC WORKS	
BUDGET		PURCHASING	
HUMAN RESOURCES		OTHER	

***** Shaded Sections To Be Completed By Commissioners Court Only *****

ITEM STATUS:

- | | |
|---|--|
| <input checked="" type="checkbox"/> BRIEFING AGENDA | <input type="checkbox"/> EXECUTIVE SESSION |
| <input checked="" type="checkbox"/> FORMAL AGENDA | <input type="checkbox"/> EMERGENCY (Only as defined by state statute) |
| <input type="checkbox"/> CONSENT | <input type="checkbox"/> ADDENDUM (Only time sensitive items submitted after deadline) |

COURT MEMBER APPROVAL: _____

Mayston / RP

RECEIVED BY: Andrew Cooper DATE: 3-15-06 TIME: 2:15pm
(Ago to the Court's Office)

ASSIGNED AGENDA DATE: 3-21-06 ASSIGNED AGENDA TIME (Optional):

Sincerely,

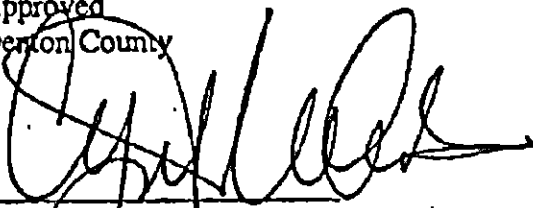


Bo V. Cung, P.E.
Senior Project Manager

Enclosures

cc: Ghaleb Sunna, P.E., NITA
Dave Clarke, P.E., GEC

Approved
Denton County



Signature

Date

2/21/06