

RESOLUTION JB 2016-6

RESOLUTION OF JOINT BOARD AUTHORIZING CHANGE ORDERS TO THE TSP CONTRACT

WHEREAS, the State of Indiana and the Commonwealth of Kentucky have jointly undertaken a project to improve cross river mobility over the Ohio River between Louisville and Southern Indiana (the “Project”); and

WHEREAS, the Indiana Finance Authority (“IFA”) and the Indiana Department of Transportation (“INDOT”) have been authorized to participate in the Project on behalf of the State of Indiana, and the Kentucky Public Transportation Infrastructure Authority (“KPTIA”) and the Kentucky Transportation Cabinet (“KYTC”) have been authorized to participate in the Project on behalf of the Commonwealth of Kentucky (collectively, the “States’ Parties”); and

WHEREAS, the States’ Parties have undertaken to jointly toll the Project pursuant to the Development Agreement, the Interlocal Agreement and other applicable Project agreements and resolutions of this Board and the Tolling Body; and

WHEREAS, this Joint Board approved the selection of Kapsch TrafficCom IVHS (“Kapsch”) in Resolution JB 2015-4 and authorized the IFA, on behalf of the Joint Board, to enter into the Contract for TSP services (the “Contract”), which is administered pursuant to the Joint Board By-Laws and Resolutions JB 2013-4, JB 2014-1, and JB 2014-6; and

WHEREAS, Resolution JB 2014-1 states that changes to the scope of work, schedule, or cost of work under the Contract may only be approved through an official action of the Joint Board; and

WHEREAS, the States’ Parties’ representatives have found it necessary to enter into change order #1 Calling for the Source Code Escrow Agreement and that the amounts expended by Toll System Provider pursuant to the terms of the Source Code Escrow Agreement shall be Pass-Through Cost Items.to the Contract as attached hereto as Attachment A; and

WHEREAS, the States’ Parties’ representatives have found it necessary to enter into change order #2 to provide a step down transformer for the commercial power circuit that will feed the East End Crossing toll equipment pad as attached hereto as Attachment B; and

WHEREAS, the States’ Parties’ representatives recommend entering into an additional change order to the Contract to allow the Contract work to be delivered in smaller testable sections to ensure system functionality is provided when it is needed to maintain the Project’s tolling schedule and to make other miscellaneous changes.

NOW, THEREFORE, BE IT RESOLVED by this Joint Board that:

1. This Joint Board hereby ratifies the Change Orders executed between Kapsch and the IFA, on behalf of the Joint Board.

2. The Joint Board hereby authorizes the States' Parties' representatives to negotiate a change order with Kapsch to allow the Contract work to be delivered in smaller testable sections to ensure system functionality is provided when it is needed to maintain the Project's tolling schedule and to make other miscellaneous changes which will not affect the scope of work, schedule, or cost of work under the Contract.
3. Upon agreement of the States' Parties' representatives and Kapsch, the Joint Board hereby authorizes the IFA to execute a change order, on behalf of the Joint Board, memorializing the terms negotiated.

Approved this 30th day of November, 2016.

INDIANA FINANCE AUTHORITY

By: _____
Jim Stark
Designee of the Public Finance Director of
the State of Indiana

INDIANA DEPARTMENT OF
TRANSPORTATION

By: _____
Tony McClellan
Designee of the Commissioner of the
Indiana Department of Transportation

KENTUCKY PUBLIC TRANSPORTATION
INFRASTRUCTURE AUTHORITY

By: _____
William M. Landrum III
Designee of the Chair of the Kentucky
Public Transportation Infrastructure
Authority

KENTUCKY TRANSPORTATION CABINET

By: _____
Greg Thomas Secretary of the
Transportation Cabinet