



**RESOLUTION NO. 20240827-04**

**A RESOLUTION AUTHORIZING A MODIFICATION TO THE COOPERATIVE AGREEMENT FOR ENVIRONMENTAL SERVICES BETWEEN TEXAMERICAS CENTER AND THE UNITED STATES OF AMERICA FOR ENVIRONMENTAL SERVICES UPON PROPERTY OWNED BY OR TO POSSIBLY BE OWNED BY TEXAMERICAS CENTER**

**WHEREAS**, TexAmericas Center is a political subdivision of the State of Texas with the powers and authorities specified in Chapter 3503 of the Special District Local Laws Code of the State of Texas; and

**WHEREAS**, on or about August 14, 2014, the United States of America acting by and through the Department of the Army and TexAmericas Center entered into an Environmental Services Cooperative Agreement (ESCA) for a period of five (5) years (August 7, 2014 through August 6, 2019) providing for the characterization and remediation of certain environmental conditions upon property owned by TexAmericas Center and/or property to be owned by TexAmericas Center; and

**WHEREAS**, multiple modifications of this agreement have been executed and the previous period of performance was through December 30, 2023; and

**WHEREAS**, the staff of TexAmericas Center and the Department of the Army have negotiated a modification to the ESCA that increases the excavation on the property, the environmental services provided, and extends the period of performance to July 1, 2024; and

**WHEREAS**, the staff of TexAmericas Center is working with the Department of Army on what will likely be a unilateral modification to cover document review costs from the Texas Commission on Environmental Quality in the amount of approximately \$3,351.37; and

**WHEREAS**, it is in the best interest of TexAmericas Center to enter into said modification of the Cooperative Agreement in order to complete the environmental remediation required so that the property may be used for job creation and economic development.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of TexAmericas Center that the Cooperative Agreement Modification is approved and the future unilateral modification is acknowledged; and

**BE IT FURTHER RESOLVED**, that Scott Norton, Executive Director/CEO of TexAmericas Center shall be and he is hereby authorized to execute the Cooperative Agreement Modification to the ESCA in substantially the same form attached hereto and any and all other documents necessary to complete the process of the modification.

**PASSED and APPROVED** this 27<sup>th</sup> day of August, 2024.

**Jim Roberts, Chairman of the Board**

**ATTEST:**

**Justin Powell, Secretary**

**Attachment: ESCA Modification**

**COOPERATIVE AGREEMENT MODIFICATION**

**MODIFICATION NO: P00014**

**AGREEMENT NO: W912DY-14-2-0401**

**EFFECTIVE DATE: Date of Grants Officer  
signature (see below).**

**PR No. W31RY04233008**

This is a **bilateral** modification (supplemental agreement) reflecting other agreements of the parties, modifying the terms and conditions of the Cooperative Agreement. The Recipient **is required** to execute and return one copy of this modification to the Grants Officer.

**DESCRIPTION OF MODIFICATION**

The purpose of this modification is to effect mutually agreed changes to the Cooperative Agreement, pursuant to the amendment of Title 10, United States Code §2701(d), as enacted by the National Defense Authorization Act.

--- SEE CONTINUATION PAGE(S) ---

**ACCOUNTING AND APPROPRIATION DATA:**

097 NA X 2023 0516 000 0100 CCS: NA A0 2023 08 8130 6C38BC34000 01110 2540 85CK11 NA BHK9B2

INCREASE OF \$360,758.25.

**EXECUTION OF MODIFICATION**

**FOR THE RECIPIENT:**

TexAmericas Center  
107 Chapel Lane  
New Boston, TX 75570



(SIGNATURE)

**SCOTT NORTON**

(NAME)

**EXECUTIVE DIRECTOR / CEO**

(TITLE)

8/27/2024

(DATE)

**FOR THE UNITED STATES OF AMERICA:**

U.S. Army Corps of Engineers, Huntsville Center  
ATTN: CEHNC-CTB / Eric Horcick  
P.O. Box 1600  
Huntsville, AL 35807-4301



Digitally signed by  
HORCICK.ERIC.S.1228977060  
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Adobe Acrobat version: 2024.002.21005

(SIGNATURE)

**ERIC S. HORCICK**

(NAME)

**GRANTS OFFICER**

(TITLE)

29 August 2024

(DATE)

- A. The purpose of this Environmental Services Cooperative Agreement (ESCA) Modification is to incorporate the following mutually agreed changes and clarifications that increase the value of the ESCA in support of necessary activities identified as follows:
- a. Increased excavation and environmental services.
  - b. Extend period of performance from 31 December 2023 to 1 July 2024.
- B. Cumulative value of this modification is \$426,159.60. Funded as follows:
- a. Realignment of unused funds from CLIN 006 in the amount of \$65,401.35.
  - b. Adding additional funds in the amount of \$360,758.25.
- C. As a result of these changes:
- 1) **Section B, Paragraph 5.1** – amend the Cooperative Agreement by adding funding in the amount of \$360,758.25 increasing the Maximum Funding Obligation from \$17,117,862.92 to \$17,478,621.17.
  - 2) **Section B, Paragraph 5.2** – revises the funded amount from \$17,117,862.92 to \$17,478,621.17.
  - 3) **Section B, Paragraph 5.2.1 – Table 1** – amend CLINs 002 and 003 as follows:
    - i) Increase CLIN 002 - Environmental Services - HEBG - Phase 2, to cover increased excavation/sifting associated with the grid method and additional volume of 2130 cubic yards of soil. Unit cost of excavation increased from \$162/CY to \$196.68/CY. As a result of these changes, CLIN 002 is increased from \$6,089,784.25 to \$6,508,712.65, an increase of \$418,928.40 (\$65,401.35 realigned from CLIN 006 and \$353,527.05 in new funds).
    - ii) Increase CLIN 003 - Environmental Services – to cover additional costs for UXO Escorts, Weekly Inspections and RCRA Support. As a result of this change, CLIN 003 is increased from \$3,183,472.86 to \$3,190,704.06; an increase of \$7,231.20.
    - iii) Decrease CLIN 006 – TCEQ Oversight – realigned unused funds from CLIN 006 to CLIN 002. As a result of this change, CLIN 006 is decreased from \$83,477.75 to \$18,076.40; a decrease of \$65,401.35.

TABLE 1 - Environmental Services CLINS				
CLIN	DESCRIPTION	PERIOD OF PERFORMANCE	MAXIMUM OBLIGATION	AMOUNT FUNDED
001	Environmental Services - HEBG - Phase 1 (FFP)	2014 – 2023	\$3,952,779.48	\$3,952,779.48
002	Environmental Services - HEBG - Phase 2 Soil Excavation	2014 – 2024	\$6,508,712.65	\$6,508,712.65
002A	Environmental Services - HEBG - Phase 2 Excavation and Offsite Disposal Fixed Unit Rate Variable Cost	2014 – 2023	\$0	\$0
002B	Environmental Services - HEBG - Phase 2 Offsite Disposal at Actual Cost plus fee - Variable Cost	2014 – 2024	\$2,971,297.33	\$2,971,297.33
003	Environmental Services - WISL, LTM/LTO (including HEBG), Asbestos Management, PMP (FFP)	2014 – 2024	\$3,190,704.06	\$3,190,704.06
004	Program Management (FFP)	2014 – 2023	\$523,560.41	\$523,560.41
005	Program Management - HEBG Phase 2 only	2014 – 2023	\$313,490.84	\$313,490.84
006	TCEQ Oversight**	2014 – 2023	\$18,076.40	\$18,076.40
<b>TOTAL OBLIGATION</b>			<b>\$17,478,621.17</b>	<b>\$17,478,621.17</b>

\*Amount Funded refers to the total dollars obligated for the execution of this agreement per CLIN.

- D. All other terms and conditions remain unchanged.