



Hidalgo County Border Colonias Access Program

MEMORANDUM

TO: Marty Salazar, Hidalgo County Purchasing Agent
ATTN: Laura R. Moya, HCCAP Buyer II
Rosanna Schettino, HCCAP Auditor

CC: Commissioner Hector "Tito" Palacios, Hidalgo County Precinct 2
Rosanna Schettino, HCCAP Auditor
HCCAP County Wide Files

FROM: Agapito Vargas, Jr., Hidalgo County BCAP Director (*signature on file*)

DATE: 20 September 2007

Subject: Approval of Application for Payment No. 1 Southfork Estates, CSJ: 2C1080683

Marty, please place the above-mentioned item on Commissioner's Court for Tuesday, 25th September 2007.

Precinct 2 is requesting approval of Application for Payment No.1 for the above-referenced Round II CAP Project in the amount of \$73,203.30. The contractor is Jimmy Closner & Sons Construction Co., Inc. The project is carried by Hinojosa Engineering, Inc.

The account number: 7-1311-431-00-122-683-0-733 & 734.

If you have any questions, please advice.

Thanks,

memo purchasing agenda item appl for payment 1 sep07 southfork

APPLICATION FOR PAYMENT NO. 1

To: Hidalgo County (OWNER)
 From: Jimmy Closner & Sons Construction Co., Inc. (CONTRACTOR)
 Contract: CAP-07-010-0327
 Project: South Fork Estates Paving and Drainage Improvements
 OWNER's Contract No. CAP-07-010-0327 ENGINEER's Project No. 06-216
 For Work accomplished through the date of: 8/24/2007

1. Original Contract Price:	\$	396,381.95
2. Net change by Change Orders and Written Agreements (+ or -):	\$	-
3. Current Contract Price (1 plus 2):	\$	396,381.95
4. Total completed and stored to date:	\$	81,337.00
5. Retainage (per Agreement):		
<u>10%</u> % of completed Work:	\$	8,133.70
<u>0</u> % of stored material:	\$	-
Total Retainage:	\$	8,133.70
6. Total completed and stored to date less retainage (4 minus 5):	\$	73,203.30
7. Less previous Application for Payments:	\$	-
8. AMOUNT DUE THIS APPLICATION (6 MINUS 7):	\$	73,203.30

Accompanying Documentation:

[Handwritten signature] 9-19-07
[Handwritten initials]

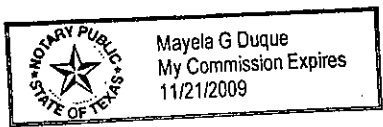
CONTRACTOR'S Certification:

The undersigned CONTRACTOR certifies that (1) all previous progress payments received from OWNER on account of Work done under the Contract referred to above have been applied on account to discharge CONTRACTOR's legitimate obligations incurred in connection with Work covered by prior Applications for Payment numbered 1 through 2 inclusive; (2) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to OWNER at time of payment free and clear of all Liens, security interests and encumbrances (except such as are covered by a Bond acceptable to OWNER indemnifying OWNER against any such Lien, security interest or encumbrance); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and not defective.

Dated 9-12-07 J C + Sons Const. Co.
 CONTRACTOR
 By: *[Handwritten signature]*

State of Texas
 County of Hidalgo
 Subscribed and sworn to before me this 13th
 day of September, 2007

[Handwritten signature]
 Notary Public
 My Commission expires: November 21, 2009



Payment of the above AMOUNT DUE THIS APPLICATION is recommended.


Dated 9-13-07 HIDALGO ENGINEERING INC.
 ENGINEER
 By: *[Handwritten signature]*

Jimmy Closner & Sons Construction Co., Inc.
P.O. Box 170
Mercedes, TX 78570

Pay Application 1
 Date: August 24, 2007
 From: August 13, 2007
 To: August 24, 2007

South Fork Estates Roadway Const.-Hidalgo County

ITEM #	DESCRIPTION	QTY	UNIT	Amount of Contract		Complete to Date	
				UNIT PRICE	TOTAL		
1	Excavation	7,249	CY	\$ 4.25	\$ 30,808.25		\$ -
2	Embankment	811	CY	\$ 4.25	\$ 3,446.75		\$ -
3	Flexible Base (8") (DC)	1,380	CY	\$ 8.00	\$ 11,040.00		\$ -
4	Reworking Base Material (DC) (TY D CL2)	1,380	CY	\$ 2.25	\$ 3,105.00		\$ -
5	Lime Treatment for Base Course	11,223	SY	\$ 2.75	\$ 30,863.25		\$ -
6	C)	41	TON	\$ 145.00	\$ 5,945.00		\$ -
7	Prime Coat (MC-30)	1,783	GAL	\$ 6.00	\$ 10,698.00		\$ -
8	Asphalt Concrete Pavement Type "D"	752	TON	\$ 68.00	\$ 51,136.00		\$ -
9	Barricades, Signs & Traffic Handling	3	MO	\$ 2,500.00	\$ 7,500.00		\$ -
10	Construction Exits (TY 2) (Install)	275	SY	\$ 6.50	\$ 1,787.50		\$ -
11	(Remove)	275	SY	\$ 2.50	\$ 687.50		\$ -
12	Turnouts (Asphaltic Concrete Pavements)	548	SY	\$ 8.50	\$ 4,658.00		\$ -
13	Temporary Sediment Control Fence (Install)	500	LF	\$ 4.50	\$ 2,250.00		\$ -
14	Temporary Sediment Control Fence (Remove)	500	LF	\$ 1.00	\$ 500.00		\$ -
15	Trench Excavation Protection	787	LF	\$ 5.00	\$ 3,935.00	787	\$ 3,935.00
16	Concrete Rip Rap 5"	4.5	CY	\$ 450.00	\$ 2,025.00		\$ -
17	RCP (CL III) (15")	16	LF	\$ 38.00	\$ 608.00		\$ -
18	RCP (CL III) (18")	108	LF	\$ 42.00	\$ 4,536.00	72	\$ 3,024.00
19	RCP (CL III) (24")	1,206	LF	\$ 58.00	\$ 69,948.00		\$ -
20	RCP (CL III) (36")	774	LF	\$ 72.00	\$ 55,728.00	774	\$ 55,728.00
21	Inlet (TY. A)	7	EA	\$ 2,250.00	\$ 15,750.00	1	\$ 2,250.00
22	Man Hole (TY A)	7	EA	\$ 2,800.00	\$ 19,600.00	5	\$ 14,000.00
23	Safety End Treatment	6	EA	\$ 1,200.00	\$ 7,200.00	2	\$ 2,400.00
24	Concrete Curb & Gutter	5,574	LF	\$ 8.05	\$ 44,870.70		\$ -
25	Driveways (TY PRB-1) (AC.7) (1"	1,108	SY	\$ 7.00	\$ 7,756.00		\$ -
	Total Bid Amount				\$ 396,381.95		\$ 81,337.00


 Jimmy Closner & Sons Construction

Contract Amount	\$ 396,381.95
Change Order Work	\$ -
Adjusted Contract Amount	\$ 396,381.95
Completed to Date	\$ 81,337.00
Less Previous Payments	\$ -
Less 10% Retainage	\$ 8,133.70
Total Due This Invoice	\$ 73,203.30

PARTIAL/FINAL WAIVER OF LIEN

THE STATE OF TEXAS

COUNTY OF Hidalgo

The undersigned contracted with Varmicon Industries
to furnish RCP Materials
in connection with certain improvements to real property located in Hidalgo
County, Texas, and owned by Hidalgo County Precinct #2
Which improvements are described as follows:

South Fork Estates Roadway Construction

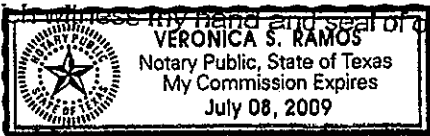
In consideration of Pay Estimate No. 1 in the amount of twenty three thousand nine hundred
twenty nine dollars & twenty cents DOLLAR (\$ 23,929.20) and other good and
valuable consideration, the receipt and sufficiency of which is hereby acknowledged and confessed, the
undersigned does hereby waive and release any mechanic's lien or materialmen's lien or claims of lien that
the undersigned has or hereafter has on the above mentioned real property on account of any labor
performed or materials furnished or to be furnished or labor performed and materials furnished by the
undersigned pursuant to the above-mentioned contract or any constitutional lien that the undersigned may
have.

Undersigned hereby guarantees that all bids for labor performed and/or materials furnished in the erection
and construction of such improvements on the Property have been fully paid and satisfied and Undersigned
does further guarantee that if for any reason a lien or liens are filed for material or labor against said
Property arising out of any bills for material or labor in connection with the erection or construction of said
improvements thereon, Undersigned will obtain a settlement of such lien or liens and a proper release
thereof shall be obtained. Invoices dated up to 8/25/07.

Varmicon Industries
SUPPLIER

By: [Signature] -Dan Dill CFO

SWORN TO AND SUBSCRIBED BEFORE ME, on this the 10th day of September, 2007, to
certify which I witness my hand and seal of office.



[Signature]
NOTARY PUBLIC in and for the State of Texas

My Commission Expires: July 8, 2009

Jimmy Closner & Sons Const. Co., Inc.
P.O. Box 170
Mercedes, TX 78570

Schedule of Values
Application No. 1
August 24, 2007

South Fork Estates Roadway Const.-Hidalgo County

ITEM #	DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL
1	Excavation	7,249	CY	\$ 4.25	\$ 30,808.25
2	Embankment	811	CY	\$ 4.25	\$ 3,446.75
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5	Lime Treatment for Base Course	11,223	SY	\$ 2.75	\$ 30,863.25
6	Lime (TY A Slurry), (TY B or TY C)	41	TON	\$ 145.00	\$ 5,945.00
7	Prime Coat (MC-30)	1,783	GAL	\$ 6.00	\$ 10,698.00
8	Asphalt Concrete Pavement Type "D"	752	TON	\$ 68.00	\$ 51,136.00
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25	Driveways (TY PRB-1) (AC.7) (1")	1,108	SY	\$ 7.00	\$ 7,756.00
	Total Bid Amount				\$ 396,381.95

Schedule of Material Sampling and Testing Requirements

MATERIAL OR PRODUCT		TEST FOR	TEST NUMBER	PROJECT TESTS		REMARKS
				LOCATION OR TIME OF SAMPLING	FREQUENCY OF SAMPLING	
TREATED SUBGRADE AND BASE COURSES	Base Material	Liquid Limit (A)	Tex-104-E	During stockpiling operations, from completed stockpile, or windrow (B)	Each 5,000 cu.yd.	
		Plasticity Index (A)	Tex-106-E	During stockpiling operations, from completed stockpile, or windrow (B)	Each 5,000 cu.yd.	
		Linear Shrinkage	Tex-107-E	During stockpiling operations, from completed stockpile, or windrow (B)		This test is only required when the liquid limit is not attainable, when performed in accordance with Tex-104-E.
		Gradation (A)	Tex-110-E	During stockpiling operations, from completed stockpile, or windrow (B)	Each 5,000 cu.yd.	
		Moisture/Density	Tex-113-E	During stockpiling operations, from completed stockpile, or windrow (B)	Each 20,000 cu.yd.	
		Triaxial (A)	Tex-117-E	During stockpiling operations, from completed stockpile, or windrow (B)	Each 20,000 cu.yd.	As required by the plans. When base material is from a source where the district has a record of satisfactory triaxial results, the frequency of testing may be reduced to one per 30,000 CY. If any one test falls below the minimum value required, the frequency of testing will return to the original frequency of 20,000 CY
	Lime	Compliance with DMS-4600		During delivery to project	Hydrated Lime: 1 PER Project. Commercial Lime Slurry: each 200 tons of lime or fraction thereof. Quick Lime: 1 Per Project.	Hydrated lime and quicklime sources not on the TxDOT Lime Quality Monitoring Program, described in DMS-6330, must be sampled for each 200 and 150 tons respectively.
	Complete Mixture	Pulverization Gradation	Tex-101-E	Roadway, after pulverization and mixing	As necessary for control	At the beginning of project, one test must be made for each 4,500 CY or 6,000 tons until Engineer is satisfied that acceptable pulverization results are obtained.
		Moisture Content	Tex-103-E	As designated by Engineer	Each 30,000 cu.yd.	Determine the appropriate moisture/density curve for each different material or notable change in material.
		In-place Density (A)	Tex-115-E	As designated by Engineer	Each 3,000 cu.yd. or 3000 lin.ft., min. one per lift	Determine appropriate moisture/density curve for each different material or notable change in material. Correct the moisture contents measured by nuclear density gauge with the moisture contents determined in accordance with Tex-103-E for each different material or notable change in material and adjust the density accordingly. Stabilizers and materials such as RAP, gypsum and iron ore tend to bias the counts for nuclear density gauges.
		Thickness (A)	Tex-140-E	As designated by Engineer	Each 3,000 cu.yd.	Not required where survey grade control documents are used for compliance
COARSE AGGREGATE	L.A. Abrasion	Tex-410-A	Stockpile	1 per project, per source	Sampling and testing are not required when the published value of the source, as listed in the current Material Producer list for BRSQC, meets the project specifications.	
	Magnesium Sulfate Soundness	Tex-411-A	Stockpile	1 per project, per source	Sampling and testing are not required when the published value of the source, as listed in the current Material Producer list for BRSQC, meets the project specifications.	
	Gradation	Tex-200-F	Stockpile	1 per project, per source	To determine that no more than 20% passes a #8 sieve. Performed at the discretion of the Engineer.	
	MicroDeval	Tex-461-A	Stockpile	Approximately one every 5,000 tons of production	Testing frequency may be reduced or eliminated based on satisfactory history.	
	Flat and Elongated Particles	Tex-280-F	Stockpile	1 per project, per source	Performed at the discretion of the Engineer.	
	Coarse Aggregate Angularity	Tex-460-A	Stockpile	1 per project, per source	Performed at the discretion of the Engineer.	
	Deleterious Material and Decant	Tex-217-F	Stockpile	1 per project, per source	Performed at the discretion of the Engineer.	
RAP	Decant	Tex-217-F	Stockpile	1 per project, per source		
	Plasticity Index	Tex-106-E	Stockpile	1 per project, per source	Only required when the decant exceeds 5%.	

FINE AGGREGATE	Bar Linear Shrinkage	Tex-107-E	Stockpile	1 per project, per source	Performed at the discretion of the Engineer.
	Organic Impurities	Tex-408-A	Stockpile	1 per project, per source	Performed at the discretion of the Engineer.
	Gradation	Tex-200-F	Stockpile	1 per project, per source	Performed at the discretion of the Engineer. Used to determine if the material meets gradation requirements of fine aggregates.
MINERAL FILLER	Bar Linear Shrinkage	Tex-107-E	Bin or Silo	1 per project, per source	Performed at the discretion of the Engineer.
	Gradation	Tex-200-F	Bin or Silo	1 per project, per source	Performed at the discretion of the Engineer.
COMBINED AGGREGATE	Sand Equivalent	Tex-203-F	Stockpiles, hot bins or feeder belts	1 per project, per source	Performed at the discretion of the Engineer.
ASPHALT BINDER	Compliance with Item 300 Binder & Tack Coat		Sampled, tested and preapproved by CSTM&P. Take project samples when designated by the Engineer. Plant for Binder & Road for Tack Coat	1 for each binder and tack coat per project, per grade, per source	Some asphalt at plant. Sample tack coat at the distributor on the roadway. Binder should arrive on the project pre-approved. If not pre approved, sample binder before use.
COMPLETE MIXTURE	Asphalt Content (%)	Tex-236-F	Truck Sample	Minimum of 1 per day	Determine correlation factors for ignition oven use at a minimum of one per project
	Voids in Mineral Aggregates (VMA)	Tex-207-F	Truck Sample Plant Produced	1 per day	
	Gradation	Tex-236-F	Truck Sample	Minimum of 1 per day	Determine correlation factors for ignition oven use at a minimum of one per project
	Boil Test	Tex-530-C	Truck Sample	1 per project	Unless waived by the Engineer.
	Indirect Tensile-Dry	Tex-228-F		1 per project, per design	Unless waived by the Engineer.
	Lab Molded Density	Tex-207-F	Truck Sample	1 per day	
	Hamburg Wheel Tracker	Tex-242-F	Truck Sample	1 per project	Sample during production
ROADWAY	Tack Coat Adhesion	Tex-247-F	Roadway	1 per project	Performed at the discretion of the Engineer.
	Air Voids	Tex-207-F	Selected by Engineer	1 per day (2 cores)	When required.
	Ride Quality Type A Type B	Tex 1001-S	Travel Lanes	As per specification	Engineer may verify Contactor's results.



Contract Time Statement

ESTIMATE NO. 1 CONTRACTOR Jimmy Closnee & Sons Construction Co. Inc
 PROJECT NO. _____ COUNTY Hidalgo DATE WORK BEGAN 8/13/07
 TIME COMPUTED FROM August 13, 2007 thru 8/24/07 DATE WORK COMPLETED 8/24/07

MONTH	DATE OR DAYS	WORKING DAYS CHARGED	DAYS CREDITED AND REASONS THEREFORE
August	13	0	0
	14	0	0
	15	0	0
	16	1	1
	17	1	2
	18	0	2
	19	0	2
	20	1	3
	21	1	4
	22	1	5
	23	1	6
	24	1	7
	25	0	7
	26	0	7
	27	1	8
	28	1	9
	29	1	10
	30	1	11
	31	1	12
Sept	1	0	12
	2	0	12
	3	0	12
	4	0	12
	5	0	12
	6	0	12
	7	0	12
	8	0	12
	9	0	12

TOTALS 12
 NO. OF CONTRACT WORKING DAYS 90 NO. WORKING DAYS CHARGED TO DATE 12
 ASSESSED LIQUIDATED DAMAGES: NO. _____ PER DAY \$ _____ TOTAL \$ _____
 CERTIFIED AS CORRECT (ONE COPY HAS BEEN GIVEN TO THE [Signature] RESIDENT ENGINEER

INSTRUCTIONS: PROJECT IDENTIFICATION SHOULD COVER CONTRACT. TIME CREDITED AND REASONS THEREFORE MUST CONFORM TO PROVISIONS OF CONTRACT. NO HOLIDAY CREDIT ALLOWED FOR DAYS PRECEDING OR FOLLOWING LEGAL HOLIDAYS. TIME SUSPENDED AND RESUMED MUST BE SUPPORTED BY COPY EACH OF LETTERS TO CONTRACTOR DATED ON OR BEFORE EFFECTIVE DATES. TIME EXTENSION MUST BE INDICATED AND REFERENCED TO RELATED PROVISION OF CONTRACT. SEE BOOKLET OF INSTRUCTIONS, CONSTRUCTION ESTIMATES DATED SEPTEMBER 1, 1986

**Prevailing Wage Rates
Certification Statement**

Date: 19 September 2007

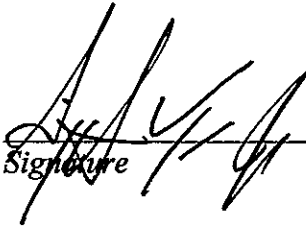
Project Name: Southfork Estates

CSJ# 2C1080683

Contractor: Jimmy Closner & Sons Construction Co., Inc. Application # One (1)

I, Agapito Vargas Jr. do hereby state:
(Name of Project Director)

1. That a payroll (form WH-347 or similar form) was submitted for contract work performed for the period covered by the attached application.
2. That a statement of compliance (form WH-347 for similar form) was submitted with the payroll.
3. That a minimum of one interview was conducted with laborers using Form HUD-11 or similar.


Signature

U.S. Department of Labor
Employment Standards Administration
Wage and Hour Division

PAYROLL
(For Contractor's Optional Use: See Instructions, Form WH-347 Inst.)



Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

NAME OF CONTRACTOR OR SUBCONTRACTOR JIMMY CLOSNER & SONS CONSTRUCTION CO., INC. ADDRESS P.O. BOX 170 MERCEDES, TX OMB No.: 1215-0149 Expires: 03/31/2006

PAYROLL NO. WK 1 FOR WEEK ENDING 8/13/07 PROJECT AND LOCATION SOUTH FORK ESTATES ROADWAY CONSTRUCTION PROJECT OR CONTRACT NO.

(1) NAME, ADDRESS, AND SOCIAL SECURITY NUMBER OF EMPLOYEE	(2) HOURS OF HOLDING EMPLOYMENT	(3) WORK CLASSIFICATION	(4) DAY AND DATE							(5) TOTAL HOURS	(6) RATE OF PAY	(7) GROSS AMOUNT EARNED	(8) DEDUCTIONS					(9) NET WAGES PAID FOR WEEK				
			OT	OR	ST.	M	T	W	T				F	S	S	FICA	WITH-HOLDING TAX		UNI-FORMS	HEALTH INS	OTHER	TOTAL DEDUCTIONS
						13	14	15	16				17	18	19							
MATIAS MOLINA P.O. BOX 2713, SAN JUAN, TX ***-4139	0	BACKHOE OPERATOR				7	11				18.00	18.00	333.00	98.92	118.00	—	—	50.00	266.92	1,026.08		
DANIEL GUTIERREZ 2302 CHAMPION, DONNA, TX ***-8184	2	PIPE LAYER				5	10				10.5	13.50	155.25	66.95	31.00	—	—	50.00	147.95	727.30		
HORACIO CONTRERAS 605 E. DURANTA, ALAMO, TX ***-2617	0	Common labor				5	10				9.00	7.69	69.21	55.57	53.00	—	—	—	108.57	617.95		
LUIS R ALANIZ 3403 JINEBRA DR, SAN JUAN, TX ***-0578	0	PIPE LAYER				5	9				9.00	8.65	77.85	54.42	40.00	—	—	—	94.42	617.05		
ANTHONY CONTRERAS 2 MILLES ALAMO RD, ALAMO, TX ***-3680	0	Common Labor				1	9				1.00	11.54	11.54	46.01	51.00	—	—	—	97.01	504.38		

We estimate that it will take an average of 56 minutes to complete this collection of information, including time for reviewing instructions searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding these estimates or any other aspect of this collection of information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, ESA, U. S. Department of Labor, Room S3502, 200 Constitution Avenue, N. W., Washington, D. C. 20210.

U.S. Department of Labor
Employment Standards Administration
Wage and Hour Division

PAYROLL
(For Contractor's Optional Use; See Instructions, Form WH-347 Inst.)



Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

NAME OF CONTRACTOR OR SUBCONTRACTOR ADDRESS P.O. BOX 170
JIMMY CLOSNER & SONS CONSTRUCTION CO. INC. MERCEDES, TX

OMB No.: 1215-0149
Expires: 03/31/2006

PAYROLL NO. **Wk 4** FOR WEEK ENDING **9/9/07** PROJECT AND LOCATION SOUTH FORK ESTATES ROADWAY CONSTRUCTION PROJECT OR CONTRACT NO.

(1) NAME, ADDRESS, AND SOCIAL SECURITY NUMBER OF EMPLOYEE	(2) OF THE HOLDING OPTIONS OF THE EMPLOYEE	(3) WORK CLASSIFICATION	OT, OR ST.	(4) DAY AND DATE							(5) TOTAL HOURS	(6) RATE OF PAY	(7) GROSS AMOUNT EARNED	(8) DEDUCTIONS					(9) NET WAGES PAID FOR WEEK							
				M	T	W	T	F	S	S				FICA	WITH-HOLDING TAX	UN-EMP. FORMS	HEALTH INS	OTHER		TOTAL DEDUCTIONS						
				3	4	5	6	7	8	9																
MATIAS MOLINA P.O. BOX 2713, SAN JUAN, TX ***-**-4139	0	BACKSHOE OPERATOR									18.00	/														
DANIEL GUTIERREZ 2302 CHAMPION, DONNA, TX ***-**-8184	2	PIPE LAYER									13.50	/														
HORACIO CONTRERAS 605 E. DURANTA, ALAMO, TX ***-**-2617	0	Common labor									11.54	/														
LUIS R ALANIZ 3403 JINEBRA DR, SAN JUAN, TX ***-**-0578	0	PIPE LAYER									12.98	/														
ESTEBAN MOLINA 1421 SCOTTY ST, SAN JUAN, TX ***-**-4301	0	FRONT END LOADER									12.92	/														
ANTHONY CONTRERAS 2 MILES S ALAMO RD, ALAMO, TX ***-**-3680	0	Common Labor									11.54	/														
											7.69	/														

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