

C. Pct 2

- 1. Presentation, for discussion, consideration, acceptance and approval (for the purpose of clarification) of company name change from Clean Air Solutions to CAS Companies, LP in connection with action taken by Commissioners' Court on November 12, 2008 to award the proposal received (through Hidalgo County's membership/participation with The Interlocal Purchasing System's awarded construction services vendor) for: Retrofit to Mechanic Shop for use of Elections Department (Project No. 2008-300-11-06-MSS).**

On motion of Commissioner Handy, seconded by Commissioner Garza, the Court made a UNANIMOUS vote of approval.

- **2. Presentation for discussion, consideration and action on a recommendation by project engineer R. Gutierrez Engineering to award to the lowest bidder meeting all specifications for Bid No.:2008-399-10-29MSS-"Construction of Tower Road Drainage Items"- Precinct No. 2.**

On motion of Commissioner Palacios, seconded by Commissioner Handy, the Court made a UNANIMOUS vote of approval.

- 3. Approval of Request for Payment No. 2 (Reimbursable) in the amount of \$632.50, from V-A Architecture, contracted architect for "South Tower CRC/Park Project" C-07-042-04-17.**

On motion of Commissioner Handy, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote of approval.

At this time Commissioner Garza steps out.

D. Pct 3

- 1. Requesting authority for Hidalgo County to purchase one (1) new Ford F-550 Cab/Chasis vehicle through Philpott Motor Company, Port Neches, Texas, the County's Participation/membership with TASB Buyboard for Precinct #3 in the total purchase price not to exceed \$ 56,631.00 to include but not limited to Buyboard Fees and any accessories as requested by Pct. #3 as follows for Project #08-461.**

On motion of Commissioner Handy, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote of approval.

- 2. Presentation for discussion, consideration, and approval to award proposal submitted by SimplexGrinnell LP through Hidalgo County's membership/participation with the Texas Multiple Award Schedule (TXMAS Contract-5-84070) in an amount not to exceed \$34,285.76, for installation of new fire alarm system to the county building known as "The Mansion" to house Precinct No. 3 Administration Offices to include but limited to equipment, labor, installation set up and any other accessories as may be needed for a turnkey solution.**

On motion of Commissioner Handy, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote of approval.

IN WITNESS WHEREOF, the parties to these present have executed this contract in four (4) counterparts, each of which shall be deemed an original, in year and day first above mentioned.

APPROVED BY COMMISSIONERS COURT ON, December 2, 2008.

CONTRACTOR: [Signature]

Name of Firm: O.G. Construction Company, LLC

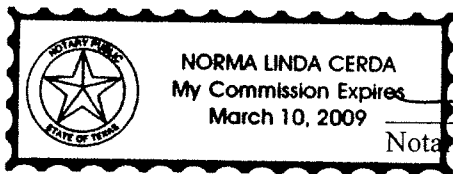
Address: 222 W. University Dr.; Edinburg, TX 78539

Fed. I.D. # / S.S.##: 47-0944347

STATE OF TEXAS

COUNTY OF HIDALGO

This instrument was acknowledged before me on this the 21st day of Jan, 2009, by Ornel F. Garcia Of and on behalf of OG Construction Co LLC
(Title) (A corporation)



[Signature]
Notary Public-Signature

APPROVED AS TO FORM:

Atlas & Hall, LLP
BY: [Signature]
Atlas & Hall, LLP

ATTEST:

COUNTY OF HIDALGO:

Artuto Guajardo, Jr., County Clerk

Juan D. Salinas, III, County Judge

EXHIBIT "A"
SPECIFICATIONS

Exhibit "A" consists of the entire bound document as prepared by R. GUTIERREZ ENGINEERING CORPORATION for HIDALGO COUNTY PRECINCT TWO – CONSTRUCTION OF "HIDALGO COUNTY - TOWER ROAD DRAINAGE ITEMS" – Bid No: 2008-399-10-29-MSS.

EXHIBIT "B"
PAYMENT SCHEDULE

Payment Schedule shall be in accordance with "Bid Proposal for Hidalgo County Precinct Two --
CONSTRUCTION OF "HIDALGO COUNTY - TOWER ROAD DRAINAGE ITEMS" – Bid No:
2008-399-10-29-MSS, included herewith, including Item 1 and any and all related provisions contained
herewith.

BID PROPOSAL FORM
HIDALGO COUNTY
TOWER ROAD DRAINAGE ITEMS

Item Number	Estimated Quantity	Unit	Item Description with Unit Bid Price in Words	Unit Price (in figures)	Total (in figures)
465	40.00	EA	Inlet (Compl) Ty "C" <u>Three Thousand One Hundred</u> Dollars and <u>00/100</u> Cents Per Each	\$ <u>3,100</u>	\$ <u>124,000</u>
465	5.00	EA	Manhole (Compl) Ty "A" <u>Two Thousand Two Hundred</u> Dollars and <u>Fifty</u> Cents Per Each	\$ <u>2,200.50</u>	\$ <u>11,002.50</u>
* 467	1.00	EA	Safety End Treatment (18")(4:1) <u>Six Hundred</u> Dollars and <u>00/100</u> Cents Per Each	\$ <u>600.00</u>	\$ <u>600.00</u>
* 467	2.00	EA	Safety End Treatment (18")(3:1) <u>Seven Hundred</u> Dollars and <u>00/100</u> Cents Per Each	\$ <u>700.00</u>	\$ <u>1,400.00</u>
* 506	252.00	SY	Construction Exits (Ty II)(Install) <u>Fifteen</u> Dollars and <u>Fifty</u> Cents Per Square Yard	\$ <u>15.50</u>	\$ <u>3,906.00</u>
* 506	252.00	SY	Construction Exits (Ty II)(Remove) <u>Five</u> Dollars and <u>Fifty</u> Cents Per Square Yard	\$ <u>5.50</u>	\$ <u>1,386.00</u>
* 506	1,668.00	LF	Temp Sediment Control Fence <u>Two</u> Dollars and <u>Twenty Five</u> Cents Per Linear Foot	\$ <u>2.25</u>	\$ <u>3,753.00</u>
4035	90.00	LF	RC Low Head Pressr Pipe (CL III)(18 IN) <u>Twenty Two</u> Dollars and <u>Thirty Five</u> Cents Per Linear Foot	\$ <u>22.35</u>	\$ <u>2,011.50</u>

BID PROPOSAL FORM
 HIDALGO COUNTY
 TOWER ROAD DRAINAGE ITEMS

Item Number	Estimated Quantity	Unit	Item Description with Unit Bid Price in Words	Unit Price (in figures)	Total (in figures)
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BASE BID ITEMS

*	400	959.00	CY	Cement Stablized Backfill <u>Twenty</u> Dollars and <u>Zero</u> Cents Per Cubic Yard	\$ <u>20.00</u>	\$ <u>19,180.00</u>
*	400	397.70	SY	Cut & Restore Pavement <u>Thirty Six</u> Dollars and <u>Ten</u> Cents Per Square Yard	\$ <u>36.10</u>	\$ <u>14,356.97</u>
*	402	5,762.00	LF	Trench Excavation Protection <u>One</u> Dollars and <u>Twenty Five</u> Cents Per Linear Foot	\$ <u>1.25</u>	\$ <u>7,202.50</u>
464	1,561.00	LF	RC Pipe (CL III)(18") <u>Twenty Nine</u> Dollars and <u>Fifty</u> Cents Per Linear Foot	\$ <u>29.50</u>	\$ <u>46,049.50</u>	
464.	2,183.00	LF	RC Pipe (CL III)(24") <u>Thirty Three</u> Dollars and <u>Ninety</u> Cents Per Linear Foot	\$ <u>33.90</u>	\$ <u>74,003.70</u>	
464	1,200.00	LF	RC Pipe (CL III)(30") <u>Fifty Four</u> Dollars and <u>Fifty</u> Cents Per Linear Foot	\$ <u>54.50</u>	\$ <u>65,400.00</u>	
464	1,182.00	LF	RC Pipe (CL III)(36") <u>Sixty Five</u> Dollars and <u>Fifty</u> Cents Per Linear Foot	\$ <u>65.50</u>	\$ <u>77,421.00</u>	
464	1,229.00	LF	RC Pipe (CL III)(42") <u>Ninety</u> Dollars and <u>Ten</u> Cents Per Linear Foot	\$ <u>90.10</u>	\$ <u>109,503.90</u>	

110,732.⁹²

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**BID PROPOSAL FORM
HIDALGO COUNTY
TOWER ROAD DRAINAGE ITEMS**

Item Number	Estimated Quantity	Unit	Item Description with Unit Bid Price in Words	Unit Price (in figures)	Total (in figures)
4035	80.00	LF	RC Low Head Pressr Pipe (CL III)(24 IN) <u>Thirty Two</u> <u>Fifty</u> Per Linear Foot	Dollars and Cents \$ <u>32.50</u>	\$ <u>2,600.00</u>
4035	1.00	EA	Stand Pipe (24 IN) <u>Four Thousand</u> <u>Zero</u> Per Each	Dollars and Cents \$ <u>4,000.00</u>	\$ <u>4,000.00</u>
			<u>Five Hundred Sixty Three Thousand</u> <u>Seven Hundred Seventy Six</u> <u>Fifty Seven</u> Total Base Bid Amount	Dollars and Cents \$ <u>569,005.57</u>	\$ <u>563,776.57</u>

(OG)

57
(OG)

ALTERNATE BID ITEMS

464	1,561.00	LF	RC Pipe (CL III)(18")(Installation Only) <u>Nineteen</u> <u>Zero</u> Per Linear Foot	Dollars and Cents \$ <u>19.00</u>	\$ <u>29,659.00</u>
464	2,183.00	LF	RC Pipe (CL III)(24")(Installation Only) <u>Nineteen</u> <u>Zero</u> Per Linear Foot	Dollars and Cents \$ <u>19.00</u>	\$ <u>41,477.00</u>
464	1,200.00	LF	RC Pipe (CL III)(30")(Installation Only) <u>Thirty</u> <u>Zero</u> Per Linear Foot	Dollars and Cents \$ <u>30.00</u>	\$ <u>36,000.00</u>
464	1,182.00	LF	RC Pipe (CL III)(36")(Installation Only) <u>Forty</u> <u>Zero</u> Per Linear Foot	Dollars and Cents \$ <u>40.00</u>	\$ <u>47,280.00</u>

EXHIBIT "C "

Insurance Requirements

The Bidder awarded the contract shall furnish proof of insurance, which will also include any subcontractor that is subcontracted by the bidder in at least the following limits, to be in place prior to providing any services under this Contract and to continue at all times in force in effect during the term of this Contract:

1. Automobile liability insurance policy with limits of at least Three Hundred Thousand Dollars (\$300,000.00) per person and \$500,000.00 per occurrence, consistent with potential exposure to County under the Texas Tort Claims Act. Coverage should injury to or death of persons and property damage claims (with limits up to \$500,000.00) arising out of the services provided to County hereunder;
2. Uninsured/Underinsured motorist coverage in an amount equal to the bodily injury limits set forth immediately above;
3. A Five Hundred Thousand Dollar (\$500,000.00) Comprehensive General Liability insurance policy providing additional coverage to all underlying liabilities of County consistent with potential exposure of County under the Texas Tort Claims Act;
4. Workers compensation insurance in amounts established by Texas law, unless the Bidder is specifically exempted from the Texas Workers' Compensation Act, Texas Labor Code Chapter 401, et. seq.

Certificates of insurance naming County as an additional insured shall be submitted to County for approval prior to any services being performed by Contractor. Each policy of insurance required hereunder shall extend for a period equivalent to, or longer than the term of the Contract, and any insurer hereunder shall be required to give at least thirty (30) days written notice to the County prior to the cancellation of any such coverage on the termination date, or otherwise. This Contract shall be automatically suspended upon the cancellation, or other termination, of any required policy of insurance hereunder, and such suspension shall continue until evidence adequate replacement coverage is provided to County. If replacement coverage is not provided within thirty (30) days following suspension of the Contract, this Contract shall automatically terminate.

PAYMENT BOND

Bond# 611622

KNOW ALL MEN BY THESE PRESENTS, that O.G. Construction Company LLC

(hereinafter called the Principal(s), as Principal(s), and Insurors Indemnity Company

hereinafter called the Surety(s), as Surety(s), are held and firmly bound onto Hidalgo County 2812 S Bus. 281 Edinburg, TX 78539 (hereinafter called the Oblige), in the amount of Five Hundred Sixty Nine Thousand Five and 57/100***

Dollars (\$ 569,005.57) for the payment whereof, the said Principal and Surety bind themselves, and their heirs, administrators, executors, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has entered into a certain written contract with the Oblige, dated the 2nd day of December, 2008, for the Construction of Tower Road Drainage Items

Which contract is hereby referred to and made a part hereof as fully and to the same extent as if copies at length herein.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if the said Principal shall pay all claimants supplying labor and material to him or a subcontractor in the prosecution of the work provided in said contract in accordance with the plans, specifications and contract documents, then this obligation shall be void; otherwise to remain in full force and effect.

PROVIDED, HOWEVER, that this bond is executed pursuant to the provisions of Texas Government Code, Section 2253.021(c) for the beneficiaries described by such sub-section, and provisions of said Section to the same extent as if it were copied in length herein.

IN WITNESS WHEREOF, this instrument is executed in four counterparts, each one of which shall be deemed an original, this the 23rd day of January A.D., ~~2008~~ 2009

O.G. Construction Company LLC
Principal

ATTEST:


Signature

(Principal) Secretary
(SEAL)

D Garcia
Witness to Principal
125 W Hawk Ave
(Address)
McAllen, TX 79504
(City, State, Zip)

Omar F. Garcia
(Print / Type Name)
222 W. University Drive
(Address)
Edinburg, TX 78539
(City, State, Zip)

PAYMENT BOND (Continued)

Insurors Indemnity Company
Surety

ATTEST:

Andy Alvarez
Attorney-in-Fact (Signature)

(Surety) Secretary
(SEAL)

Debbie Valdez
Witness to Surety Debbie Valdez

Andy Alvarez
(Print / Type Name)

P.O. Drawer 3783
(Address)
McAllen, TX 78502

620 W. Ferguson
(Address)
Pharr, TX 78577
(City, State, Zip)

(City, State, Zip)

Notes: Date of Bond must be prior to date of Contract.
Provide correct name of Contractor, indicate corporation, partnership or an individual, as case may be.
Provide correct name of Surety and Surety must attach its original power of attorney to this BOND.
If Contractor is partnership, all partners must sign and execute BOND.
Indicate County or Parish and State.

CERTIFICATE AS TO CORPORATE PRINCIPAL

I, _____, certify that I am the secretary of the corporation named as Principal in the BOND; that _____ who signed the BOND on behalf of Principal, was then _____ of the corporation; that I know his or her signature, and his or her signature is genuine; and that the BOND was duly signed for and on behalf of the corporation by authority of its governing body.

Secretary's Signature

(Corporate Seal)

PERFORMANCE BOND

Bond# 611622

KNOW ALL MEN BY THESE PRESENTS, that O.G. Construction Company LLC

(hereinafter called the Principal(s), as Principal(s), and Insurors Indemnity Company

hereinafter called the Surety(s), as Surety(s), are held and firmly bound onto Hidalgo County 2812 S. Bus. 281 Edinburg, TX 78539 (hereinafter called the Oblige), in the amount of Five Hundred Sixty Nine Thousand Five and 57/100***

Dollars (\$ 569,005.57) for the payment whereof, the said Principal and Surety bind themselves, and their heirs, administrators, executors, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has entered into a certain written contract with the Oblige, dated the 2nd day of December, ~~2008~~, for the Construction of Tower Road Drainage Item

Which contract is hereby referred to and made a part hereof as fully and to the same extent as if copies at length herein.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if the said Principal shall faithfully perform the work in accordance with the plans, specifications and contract documents, then this obligation shall be void; otherwise to remain in full force and effect.

PROVIDED, HOWEVER, that this bond is executed pursuant to the provisions of Texas Government Code, Section 2253.021 (b), for the benefit of Oblige and provisions of said Section to the same extent as if it were copied in length herein.

IN WITNESS WHEREOF, this instrument is executed in four counterparts, each one of which shall be deemed an original, this the 23rd day of January A.D., ~~2008~~ 2009

ATTEST:

(Principal) Secretary
(SEAL)

[Signature]
Witness to Principal
125 W. Hawk Ave
(Address)
McAllen, TX 78504
(City, State, Zip)

O.G. Construction Company LLC
Principal

[Signature]
Signature

Omar F. Garcia
(Print / Type Name)
222 W. University Drive
(Address)
Edinburg, TX 78539
(City, State, Zip)

PERFORMANCE BOND (Continued)

ATTEST:

Insurors Indemnity Company
Surety

Andy Alvarez
Attorney-in-Fact (Signature)

(Surety) Secretary
(SEAL)

Debbie Valdez
Witness to Surety Debbie Valdez

620 W. Ferguson
(Address)
Pharr, TX 78577
(City, State, Zip)

Andy Alvarez
(Print / Type Name)

P.O. Drawer 3783
(Address)
McAllen, TX 78502
(City, State, Zip)

Notes: Date of Bond must be prior to date of Contract.
Provide correct name of Contractor, indicate corporation, partnership or an individual, as case may be.
Provide correct name of Surety and Surety must attach its original power of attorney to this BOND.
If Contractor is partnership, all partners must sign and execute BOND.
Indicate County or Parish and State.

CERTIFICATE AS TO CORPORATE PRINCIPAL

I, _____, certify that I am the secretary of the corporation named as Principal in the BOND; that _____ who signed the BOND on behalf of Principal, was then _____ of the corporation; that I know his or her signature, and his or her signature is genuine; and that the BOND was duly signed for and on behalf of the corporation by authority of its governing body.

Secretary's Signature

(Corporate Seal)