

APPLICATION FOR PAYMENT NO. 2 & FINAL

To: Hidalgo County (OWNER)

From: The 5125 Company (CONTRACTOR)

Contract: C-CAP-08-009-05-13-LRM

Project: Hidalgo County Precinct No. 3 - Border Colonia Access Program - Casa De Los Vecinos Subdivision Drainage Improvements

OWNER'S Contract No. C-CAP-08-009-05-13-LRM

For Work Accomplished through the date of: October 31, 2008

1. Original Contract Price:		<u>\$237,492.00</u>
2. Net Change by Change Orders and Written Amendments (+):		<u>\$ 8,930.00</u>
3. Current Contract Price (1 and plus 2):		<u>\$246,422.00</u>
4. Total complete and stored to date:		<u>\$ 246,422.00</u>
5. Retainage (per Agreement):		
<u>10</u> % of completed Work:	<u>\$24,642.20</u>	
_____ % of stored material:	\$ _____	
Total Retainage:		<u>\$ 24,642.20</u>
6. Total complete and stored to date less retainage (4 minus 5):		<u>\$221,779.80</u>
7. Less previous Application for Payments:		<u>\$213,742.80</u>
8. DUE THIS APPLICATION (6 MINUS 7):	<u>P.O. 604912</u>	<u>\$ 8,037.00</u>

Accompanying Documentation: 9-1311-431-00-123-141-0-733 → \$8,930.00 <-893.00> =

CONTRACTOR'S Certification: \$8,037.00

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 1/30/09

Pat Espericueta  
By: Pat Espericueta, President  
The 5125 Company

State of Texas  
County of Hidalgo  
Subscribed and sworn to before me this 30  
day of January, 2009

Edna Melina Cantu  
Notary Public  
My Commission expires: 01-07-2012



Payment of the above AMOUNT DUE THIS APPLICATION is recommended.

Dated 1/30/09

Javier Hinojosa  
By: Javier Hinojosa, P.E.  
JAVIER HINOJOSA ENGINEERING

The 5125 Company  
 6/19/2008  
 10%

Contractor Name  
 Starting Date  
 Project Ending Date  
 Retainage Percent

Application No.: 2 & FINAL  
 Application Date: 1/27/2009  
 Period To: 10/31/2008  
 Engineer Firm: Javier Hinjosa Engineering

Summary

CSJ #	CSJ Name	Schedule Value	Work Previously Completed	This Period	Total Complete to Date	Balance To Finish	Retainage	Net	Payments to Date	Payment Due
2C-1080-141	Casa De Los Vecinos Subdivision Drainage Imps.	\$ 246,422.00	\$ 237,492.00	\$ 8,930.00	\$ 246,422.00	\$ -	\$ 24,642.20	\$ 221,779.80	\$ 213,742.80	\$ 8,037.00

Prepared and Checked By:

Signature: *Javier*  
 Printed Name: Javier Hinjosa, P.E.

Date: 1/30/09

*09-1511-431-DD-123-141-D-733 - \$8,930.00 <- 893.00 > = \$8,037.00*

The 5125 Company  
 06/19/08

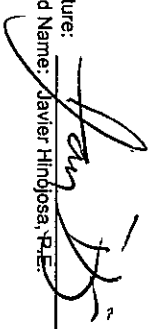
Casa De Los Vecinos Subdivision Drainage Imps. Engineers / County Project Description

Contractor Name: 2 & FINAL  
 Starting Date: 01/27/09  
 Project Ending Date: 10/31/08  
 Application No.: 2C-1080-141  
 Engineers / County Project No.: 2C-1080-141

DRAINAGE

No.	Item Code	Description	Unit	Rate	Schedule Value		Work Previously Completed		This Period		Total Completed To Date		Balance To Finish	
					Quan.	Dollars	Quan.	Dollars	Quan.	Dollars	Quan.	Dollars	Quan.	Dollars
1	530	Driveway (ASPH-CONC-PAV) (P8-1)	SY	\$ 16.00	560.00	\$ 8,960.00	560.00	\$ 8,960.00	0.00	\$ -	560.00	\$ 8,960.00	0.00	\$ -
2	530	Driveway (Concrete 3000 PSI)	SY	\$ 30.00	46.00	\$ 1,380.00	46.00	\$ 1,380.00	0.00	\$ -	46.00	\$ 1,380.00	0.00	\$ -
3	556	15" RCP Culvert Pipe	LF	\$ 20.00	472.00	\$ 9,440.00	472.00	\$ 9,440.00	0.00	\$ -	472.00	\$ 9,440.00	0.00	\$ -
4	556	18" RCP Culvert Pipe	LF	\$ 22.00	1176.00	\$ 25,872.00	1,176.00	\$ 25,872.00	0.00	\$ -	1,176.00	\$ 25,872.00	0.00	\$ -
5	556	24" RCP Culvert Pipe	LF	\$ 28.00	1456.00	\$ 40,768.00	1,456.00	\$ 40,768.00	0.00	\$ -	1,456.00	\$ 40,768.00	0.00	\$ -
6	556	30" RCP Culvert Pipe	LF	\$ 40.00	464.00	\$ 18,560.00	464.00	\$ 18,560.00	0.00	\$ -	464.00	\$ 18,560.00	0.00	\$ -
7	556	36" RCP Culvert Pipe	LF	\$ 48.00	56.00	\$ 2,688.00	56.00	\$ 2,688.00	0.00	\$ -	56.00	\$ 2,688.00	0.00	\$ -
8	556	42" RCP Culvert Pipe	LF	\$ 64.00	1160.00	\$ 74,240.00	1,160.00	\$ 74,240.00	0.00	\$ -	1,160.00	\$ 74,240.00	0.00	\$ -
9	556	Type "CC" Inlets	EA	\$ 2,000.00	16.00	\$ 32,000.00	16.00	\$ 32,000.00	0.00	\$ -	16.00	\$ 32,000.00	0.00	\$ -
10	556	5" Dia. Manhole	EA	\$ 2,000.00	4.00	\$ 8,000.00	4.00	\$ 8,000.00	0.00	\$ -	4.00	\$ 8,000.00	0.00	\$ -
11	556	Concrete Down Drain (Poured In Place)	EA	\$ 3,500.00	1.00	\$ 3,500.00	1.00	\$ 3,500.00	0.00	\$ -	1.00	\$ 3,500.00	0.00	\$ -
12	556	Patch Paving	LF	\$ 15.00	400.00	\$ 6,000.00	400.00	\$ 6,000.00	0.00	\$ -	400.00	\$ 6,000.00	0.00	\$ -
13	556	Silt Fencing On Inlets	EA	\$ 200.00	16.00	\$ 3,200.00	16.00	\$ 3,200.00	0.00	\$ -	16.00	\$ 3,200.00	0.00	\$ -
14	556	Safety End Treatments	EA	\$ 1.00	4884.00	\$ 4,884.00	4,884.00	\$ 4,884.00	0.00	\$ -	4,884.00	\$ 4,884.00	0.00	\$ -
14		Replace Catche On Road	LF	\$ 7.00	990.00	\$ 6,930.00	0.00	\$ -	990.00	\$ 6,930.00	990.00	\$ 6,930.00	0.00	\$ -
16														
17														
18														
19														
20														
21														
22														
23														
24														
25														
					\$246,422.00	\$237,492.00	\$8,930.00	\$246,422.00			\$-			

Prepared and Checked By:

Signature:   
 Printed Name: Javier Hindojosa, P.E.

Date: 1/30/09

PARTIAL/~~FINAL~~ WAIVER OF LIEN

THE STATE OF TEXAS  
COUNTY OF HIDALGO

The undersigned contracted with Hidalgo County  
to furnish Casa Los Vecinos Subdivision in  
connection with certain improvements to real property located in Hidalgo County,  
Texas, and owned by Hidalgo County Precinct #3  
Which improvements are described as follows:

CASA LOS VECINOS DRAINAGE IMPROVEMENTS  
\_\_\_\_\_  
\_\_\_\_\_

In consideration of Pay Estimate No. 2 in the amount of Eight Thousand, Thirty Seven  
DOLLAR(\$ 8,037.00) 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 material men'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.

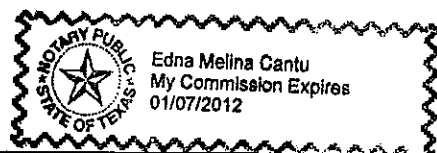
[Signature]  
CONTRACTOR

By: PRESIDENT  
TITLE

SWORN TO AND SUBSCRIBED BEFORE ME, on this the 30 day of January, 2009, to  
certify which witness my hand and seal of office.

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

My Commission Expires:  
01-07-2012



# THE COMPANY

*DBE CERTIFIED UTILITY CONTRACTOR*

1008 Doherty  
Mission, TX 78572

Office: (956) 583-5125  
Fax: (956) 585-1633  
E-mail: [pe5125@aol.com](mailto:pe5125@aol.com)

January 28, 2009

Javier Hinojosa Engineering  
Attn.: Javier Hinojosa, P.E.  
416 East Dove Avenue  
McAllen, TX 78504

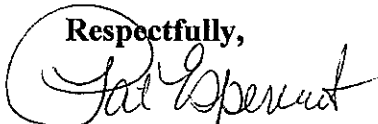
RE: Casa de los Vecinos Subdivision Drainage Improvements  
Material Suppliers

Dear Mr. Hinojosa,

The following is a list of material suppliers for the above referenced project. Please let me know if you have any questions.

1. Rio Valley Pipe, Ltd.  
7301 W. Expressway 83  
Mission, TX 78572  
956-584-5770

Respectfully,



Pat Espericueta  
President

*Serving you is our Business!!!*

PARTIAL/FINAL WAIVER OF LIEN

THE STATE OF TEXAS  
COUNTY OF HIDALGO

The undersigned contracted with THE 5125 COMPANY  
to furnish Casa Los Vecinos Subdivision in  
connection with certain improvements to real property located in Hidalgo County,  
Texas, and owned by Hidalgo County Precinct #3  
Which improvements are described as follows:

CASA LOS VECINOS DRAINAGE IMPROVEMENTS  
\_\_\_\_\_  
\_\_\_\_\_

In consideration of Pay Estimate No. 2 in the amount of Two Thousand, Five Hundred Forty Six Dollars and 56/100 DOLLAR(\$ 2,546.56) 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 material men'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.

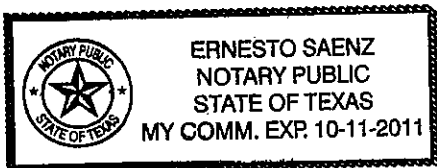
Rio Valley Pipe LLC  
RIO VALLEY PIPE SUPPLIER  
By: Edgar Macal  
TITLE

SWORN TO AND SUBSCRIBED BEFORE ME, on this the 28<sup>th</sup> day of January, 2009, to certify which witness my hand and seal of office.

Ernesto Saenz  
NOTARY PUBLIC in and for the State of Texas  
ERNESTO SAENZ

My Commission Expires:

OCTOBER 11, 2011





Border Colonia Access Program  
Checklist for Documentation Required for Road Construction

Contractor: The 5125 Company  
 Contact Amount: \$237,492.00  
 Project/Precinct: Una de los Vecinos / Pct. 3  
 Owner's Contract No.: C-CAP-08-009-05-13-012

Item	Required Documents	Submitted & Reviewed	Approved	Comments:
	<b>NOTATION OF PROTEST</b>			
1	Approval to Bid (Purchasing)			
2	Contract - Signed and Executed			
3	Gen. Liability Insurance - (Expiration Date)			
4	Automobile Liab. Insurance - (Expiration Date)			
5	Worker's Comp. & Empl. Liab. (Expiration Date)			
6	Notice to Proceed			
7	Material Sample & Testing Table Sent to Auditor's Office			
8	Application and Certification of Payment (A)	✓	✓	
9	Schedule of Values aka 1257/1258	✓	✓	
10	Estimate Quantity Update Worksheet	✓	✓	
11	List of Suppliers and Sub-contractors	✓	✓	
12	Partial Waiver of Liens (Sub-contractors/suppliers)	✓	✓	
13	TXDot Form 252 Contract Time Statement	✓	✓	
14	Payroll Report w/signed Wage Form	✓	✓	
15	Change Order (Requires TXDot Concurrence)	✓	✓	<u>Submitted to CC 2/17/09</u>
16	Punch List			
17	Certificate of Construction Completion			
18	Approval by Commissioner's Court			
19	General Contractor Warranty			
20	Contractor's Affidavit of Release (Waiver) of Liens (with power of attorney)(B)			
21	Affidavit of Payment of Debts & Claims-lien bond & indemnity bonds(w/power of attorney)(B)			
22	Consent of Surety to Final Payment(with power of attorney)(B)			
23	Final Blue Prints			

# JAVIER HINOJOSA ENGINEERING/Consulting Engineers

January 30, 2009

Commissioner Joe M. Flores  
Hidalgo County Precinct 3  
724 N. Breyfogle  
Mission, Texas 78572

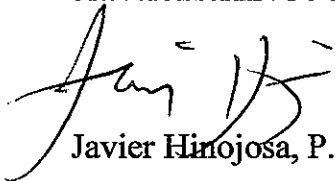
**Re: Colonia Access Program Contract No. C-CAP-08-009-05-13-LRM  
Casa De Los Vecinos Drainage Improvements**

Dear Commissioner Flores,

Attached please find Payment Request No. 2 and Final for the referenced project as submitted by The 5125 Company. This invoice is for work performed through October 31, 2008. The work involved with this invoice consists of completion of all drainage improvements for the Casa De Los Vecinos Subdivision along with the outfall drainage line connecting to the County's Drainage Ditch. We recommend payment of this invoice in the amount of \$8,037.00. A 10% retainage is being held within this invoice and will be billed separately. **No testing is required for this Invoice.** If you have any questions or require further information, please feel free to contact me at your convenience.

Sincerely,

**JAVIER HINOJOSA ENGINEERING**



Javier Hinojosa, P.E.

cc: Mr. Agapito Vargas, Director, Colonia Access Program

416 E. Dove Avenue

McAllen, Texas 78504

Tel: (956) 668-1588

Fax: (956) 994-8102