

STATE OF TEXAS §
 §
COUNTY OF HIDALGO §

**AMENDMENT TO
CONSTRUCTION CONTRACT
C-08-111A-10-14**

This **AMENDMENT** to the **CONTRACT** between **JIMMY CLOSNER & SONS CONSTRUCTION CO., INC.**, (the "Contractor") and **HIDALGO COUNTY** (the "County"), is made between the Contractor and the County, effective the **8th** day of **September, 2009** (the "Amendment"), as follows:

WHEREAS, Contractor and County entered into a Contract dated October 14, 2008, in which the Contractor agreed to provide services for: **Paving Improvements (Curb-Gutter-Sidewalks-Green Areas) at 201-217 North Closner, Edinburg, Texas** located within **Hidalgo County Precinct 4** (the "Contract");

WHEREAS, the parties desire to amend the Contract as hereinafter provided.

NOW THEREFORE, for and in consideration of the amendment to the Contract and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, Contractor and County hereby agree to the following amendment to the Contract:

1. **Sec. 44** of the General Conditions of the Contract for Engineering/Architectural Construction of the Contract is hereby deleted in it's entirety and the following is inserted in lieu thereof;

Sec. 44 - RETAINAGE. Contracts equaling a total amount of \$400,000.00 or over will bear a retainage of five (5) percent (%) on each partial disbursement. Contracts totaling less than \$400,000.00 will bear a retainage of five (5) percent (%) on each partial disbursement.

2. Except as modified herein, all terms and conditions of the Contract, as amended, will remain in full force and effect. Contractor and County ratify and confirm the terms and provisions of the Contract as amended.

EXECUTED IN DUPLICATE ORIGINALS and effective as of the day and year first written above.

HIDALGO COUNTY

Juan D. Salinas III, County Judge

ATTEST:

Arturo Guajardo, Jr., County Clerk

**Jimmy Closner & Sons Construction,
Co., Inc.**

Print Name: _____
Title: _____

APPROVED AS TO FORM:
Atlas & Hall, L.L.P.

Stephen L. Crain, Attorney