

THE STATE OF TEXAS       §  
  §  
COUNTY OF HIDALGO       §

**CONSTRUCTION CONTRACT  
C-CAP-09-383-10-27**

This Agreement, entered into this 27<sup>th</sup> day of October 2009 by and between Hidalgo County (hereinafter called the "OWNER," and Total Commitment LLC (a Texas corporation), of County of Hidalgo, and State of Texas, hereinafter called "CONTRACTOR".

**WITNESSETH**

That for and in consideration of the payments and agreement hereinafter mentioned, to be made and performed by the OWNER, the CONTRACTOR hereby agrees with the OWNER to commence and complete the construction described as follows:

**"ROAD & DRAINAGE CONSTRUCTION FOR SOUTH PALM GARDEN ESTATES I & II  
SUBDIVISIONS"**

Hereinafter called the project, for the sum of Seventy-thousand, four-hundred, twenty-eight Dollars and eighty Cents and all extra work in connection therewith, under the terms and stated in the General and Special Conditions of the Contract; and at his (its or their) own proper cost and expense to furnish all the materials, supplies, machinery, equipment, tools, superintendence, labor, insurance, and other accessories and services necessary to complete the said project in accordance with the conditions and prices stated in the Proposal, the General Conditions and Special Conditions printed or written explanatory matter thereof, the specifications and contract documents therefore as prepared by TEDSI Infrastructure Group, entitled the Architect/Engineer, and as enumerated in Paragraph 1.01.A.12 of the General Conditions, all of which are made a part hereof and collectively evidence and constitute the contract.

The CONTRACTOR hereby agrees to commence work under this contract on or after a date to be specified in written "Notice to Proceed" of the OWNER and to fully complete the project within 60 consecutive calendar days thereafter. The CONTRACTOR further agrees to pay, as liquidated damages, the sum of \$200.00 for each consecutive calendar day thereafter.

The OWNER agrees to pay the CONTRACTOR in current funds for the performance of the contract, subject to additions and deductions, as provided in the General Conditions of the contract, and to make payments on account thereof as provided in Paragraphs 14.02.C and 14.07.C of the General Conditions.

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 October 27, 2009.

CONTRACTOR: [Signature]  
Print Name & Title: Pedro A Gutierrez Jr.  
Name of Firm: Total Commitment, LLC  
11435 N. Bryan Rd.  
Address: Mission TX 78573  
Fed I.D. #/SS #: 84-1657330

STATE OF TEXAS

COUNTY OF HIDALGO

This instrument was acknowledged before me on this the 11th day of Nov.,  
2009, by Member Of and on behalf of Total Commitment LLC  
(Title) (A corporation)

[Signature]  
Notary Public-Signature

APPROVED AS TO FORM:  
Atlas & Hall, L.L.P.  
800 Pecan  
McAllen, Texas 78504



BY: [Signature]

ATTEST:

COUNTY OF HIDALGO:

\_\_\_\_\_  
Arturo Guajardo, Jr., County Clerk

\_\_\_\_\_  
Rene Ramirez, County Judge