

CHANGE ORDER NUMBER ONE (2)

PROJECT: "CULVERT CROSSING & DRAINAGE IMPROVEMENTS PROJECT MILE 13 NORTH & MILE 6 WEST"

DATE OF ISSUANCE: December 1, 2009 **EFFECTIVE DATE:** _____

OWNER: Hidalgo County Precinct # 1

OWNER's Contract No.: Bid No. 2008-320B-11-12-LRM

CONTRACTOR: Closner Construction Co., LLC **ENGINEER:** DOS LOGISTICS INC.

You are directed to make the following changes in the Contract Documents.

- Description:**
1. **Work was not Completed within the 60 Calendar Days Time of completion.**
Work was Completed within the 121 Calendar Days
Credit for One Rain Day

- Reason for Change Order:**
1. **Liquidated Damages for 60 Days**
(\$200.00 for each consecutive calendar day)
Total sum of \$12,000.00
 - 2.
 - 3.
 - 4.
 - 5.

Attachments:

CHANGE IN CONTRACT PRICE:		CHANGE IN CONTRACT TIME:	
Original Contract Price		Original Contract Time for	
\$ 453,229.00		Substantial Completion:	60
			calendar days or dates
Net Changes from previous Change Order		Net change from previous Change Orders	
4,781.90		0	
			calendar days
Contract Price prior to this Change Order		Contract Time prior to this Change Order	
\$ 458,010.90		Substantial Completion:	60
			calendar days or dates
Net Decrease of this Change Order		Net Increase of this Change Order	
\$ 0.00		1	
			calendar days
Contract Price with all approved Change Orders	Net % increase (decrease) from original contract price.	Contract Time with all approved Change Orders	
\$ 458,010.90	1.10 %	Substantial Completion:	61
			calendar days or dates

RECOMMENDED:

APPROVED:

ACCEPTED:

By: _____
 Engineer (Authorized Signature)

By: _____
 Owner (Authorized Signature)

By: _____
 Contractor (Authorized Signature)

Date: _____

Date: _____

Date: _____

CERTIFICATE OF CONSTRUCTION COMPLETION

THIS IS TO CERTIFY THAT ON 2ND DAY OF SEPTEMBER A FINAL INSPECTION was made of the project herein described.

CONTRACT

CONTRACT DATE: January 20, 2009
 OWNER: Hidalgo County, Precinct # 1
 CONSTRUCTION CONTRACTOR: Closner Construction Co., L.C.
 OF THE CITY OF La Feria STATE OF Texas

PROJECT DESCRIPTION

CONSTRUCTION OF: Culvert Crossing & Drainage Improvement Project Mile 13 & Mile 6 West

CONTRACT NO: C-2008-320B-01-20
 Located in or near the City/Precinct Of Weslaco, Texas

THIS IS TO CERTIFY”

1. That the work has been completed in accordance with the plans and specifications and all addenda, change orders, supplemental agreements thereto, and with the following exceptions:
Liquidated Damages for 60 Days
2. That the sum of \$12,000.00, deducted from the final payment of the Contractor is a fair and equitable settlement for the foregoing except work.
3. That the contractor has presented a “Certificate of Release” starting under oath, that all claims arising out of the performance of work have been fulfilled, and the Owner is released from all claims arising under or by virtue of said contract.
4. That the CONTRACTOR has presented in behalf of itself and its sureties, satisfactory evidence that it is bound to repair, replace, and make good any faulty workmanship and/or materials discovered in the work within a period of one year from this date, as provided in said contract.

5. Amount of Original Contract	<u>\$453,229.00</u>
Present Amount of Contract	<u>\$458,010.90</u>
Total Amount of earned to Date	<u>\$458,010.90</u>
Less: previous payments	<u>\$435,110.35</u>
Balance	<u>\$22,900.55</u>
Authorized deductions	<u>\$12,000.00</u>
AMOUNT OF FINAL PAYMENT	<u>\$10,900.55</u>

6. That the final payment in the amount of \$10,900.55 is now due and payable.

Engineer's Signature

CONCURRED BY:

Contractor's Name

By: _____

Title: _____

CONCURRED BY:

City/Precinct

By: _____

Title: _____



CLOSNER CONSTRUCTION Co., L.C.
 2809 W EXPRESSWAY B3
 LA FERIA, TX 78559
 TEL (956) 797-0785 * FAX (956) 797-0576

Work Completed From: June 22, 2009
 To: July 25, 2009
 Date: July 25, 2009

Final Pay Application

Culvert Crossing & Drainage Imp.

ITEM #	DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL	TOTAL UNITS TO DATE	TOTAL BILLED TO DATE
Roadway Improvements							
A1	7" Flexible Base (New)(TYD GR3)	1,326	CY	\$ 23.15	\$ 30,696.90	1326	\$ 30,696.90
A2	8" Lime Treated Subgrade(8%Lime)	6,821	SY	\$ 5.75	\$ 39,220.75	6821	\$ 39,220.75
A3	Salvage Caliche	934	CY	\$ 1.50	\$ 1,401.00	934	\$ 1,401.00
A4	Hydromulch Seeding	1,895	SY	\$ 2.50	\$ 4,737.50	1895	\$ 4,737.50
A5	Signs	3	EA	\$ 425.00	\$ 1,275.00	3	\$ 1,275.00
A6	Traffic Control	1	LS	\$ 3,700.00	\$ 3,700.00	1	\$ 3,700.00
A7	Gravel Bedding	300	CY	\$ 36.00	\$ 10,800.00	300	\$ 10,800.00
A8	Cement Stabilized Sand/ 848 tons +/-	596	CY	\$ 48.00	\$ 28,608.00	596	\$ 28,608.00
A9	Select Backfill	1,478	CY	\$ 11.45	\$ 16,923.10	1478	\$ 16,923.10
Total Roadway Improvements					\$ 137,362.25		\$ 137,362.25
Storm Water Improvements							
B1	30" Polyme Coated Corrugated Metal Pipe(M246)	142	LF	\$ 112.85	\$ 16,024.70	142	\$ 16,024.70
B2	36" Polymer Coated Corrugated Metal Pipe (M246)	70	LF	\$ 135.22	\$ 9,465.40	70	\$ 9,465.40
B3	60" Reinforced Concrete Pipe Class III Rubber Gasket	126	LF	\$ 208.18	\$ 26,226.90	126	\$ 26,226.90
B4	24" A.D.S. Pipe	826	LF	\$ 33.00	\$ 27,258.00	826	\$ 27,258.00
B5	30" A.D.S.	47	LF	\$ 45.25	\$ 2,126.75	47	\$ 2,126.75
B6	18" R.C.P.	10	LF	\$ 29.00	\$ 290.00	10	\$ 290.00
B7	2'x3' Road & Hwy Structure	7	EA	\$ 1,750.00	\$ 12,250.00	7	\$ 12,250.00
B8	Concrete Headwall (24")	3	EA	\$ 975.00	\$ 2,925.00	3	\$ 2,925.00
B9	Concrete Collar (18")	1	EA	\$ 625.00	\$ 625.00	1	\$ 625.00
B10	24" Flap Gate Valve	2	EA	\$ 2,300.00	\$ 4,600.00	2	\$ 4,600.00
B11	30" Flap Gate Valve	1	EA	\$ 2,900.00	\$ 2,900.00	1	\$ 2,900.00
B12	Silt Fence for Storm Water Pollution Prevention	4,240	LF	\$ 2.50	\$ 10,600.00	4240	\$ 10,600.00
B13	Conc. Rip-Rap Slope Protection	325	CY	\$ 300.00	\$ 97,500.00	325	\$ 97,500.00
B14	Trench Safety for Stormwater	1	LS	\$ 10,000.00	\$ 10,000.00	1	\$ 10,000.00
B15	Channel Excavation for regrading Ditch	900	LF	\$ 35.00	\$ 31,500.00	900	\$ 31,500.00
B16	RCP Demo & Removal	200	LF	\$ 15.00	\$ 3,000.00	200	\$ 3,000.00
B17	Exist. Fence Removal	575	LF	\$ 6.00	\$ 3,450.00	575	\$ 3,450.00
B18	Exist. Fence Remove/Replace	75	LF	\$ 25.00	\$ 1,875.00	75	\$ 1,875.00
B19	Metal Beam Guard Fence	300	LF	\$ 37.50	\$ 11,250.00	300	\$ 11,250.00
B20	Bypass System	1	LS	\$ 20,000.00	\$ 20,000.00	1	\$ 20,000.00
B21	Ditch Clearing	2,200	LF	\$ 10.00	\$ 22,000.00	2200	\$ 22,000.00
Total Storm Water Improvements					\$ 315,866.75		\$ 315,866.75
Total Amount of Project					\$ 453,229.00		\$ 453,229.00

Change Order #1

Roadway

A1	7" Flex Base (New)(TYD GR3)	178.00	CY	\$ 23.15	\$ 4,120.70	\$ 178.00	\$ 4,120.70
A7	Gravel Bedding	-85.00	CY	\$ 36.00	\$ (3,060.00)	\$ (85.00)	\$ (3,060.00)
A8	Cement Stabilized Sand	-296.00	CY	\$ 48.00	\$ (14,208.00)	\$ (296.00)	\$ (14,208.00)
	Lime for Caliche	6,821.00	SY	\$ 2.70	\$ 18,416.70	\$ 6,821.00	\$ 18,416.70
Total					\$ 5,269.40		\$ 5,269.40

Drainage

B10	24" Flap Gate Valve	-2	EA	\$ 2,300.00	\$ (4,600.00)	\$ (2.00)	\$ (4,600.00)
B11	30" Flap Gate Valve	2	EA	\$ 2,900.00	\$ 5,800.00	\$ 2.00	\$ 5,800.00
B12	Silt Fence for Storm Water Pollution Prevention	-3,340	LF	\$ 2.50	\$ (8,475.00)	\$ (3,390.00)	\$ (8,475.00)
B19	Metal Beam Guard Fence	181	LF	\$ 37.50	\$ 6,787.50	181	\$ 6,787.50
Total							\$ (487.50)

Change Order #2

	Deduct for Rain Days	-1	LS	\$ 8,000.00	\$ (8,000.00)	-1	\$ (8,000.00)
Total							\$ (8,000.00)

J. P. L.
 Closner Construction

Contract Amount	\$ 453,229.00
Change Orders	\$ 4,781.90
Adjusted Contract Amount	\$ 458,010.90
Completed to Date	\$ 458,010.90
Less 5% Retainage	\$ 22,900.55
Less Liquidated Damages	\$ 8,000.00
Less Previous Pymt	\$ 403,358.72
Total Due this Invoice	\$ 23,753.63

\$ 31,753.63

RELEASE OF RETAINAGE

To: Hidalgo County, Precinct #1 (OWNER)
 From: Closner Constrction Co., L.C. (CONTRACTOR)
 Contract: C-2008-320B-01-20
 Project: Culvert Crossing & Drainage Imprpovement Project Mile 13 & Mile 6 West
 Owner's Contract No. C-2008-320B-01-20 Engineer's Project No. _____
 For Work accomplished through the date of: July 25, 2009

1. Original Contract Price:	\$453,229.00
2. Net change by Change Order and Written Agreements(+or-):	(+)\$4,781.90
3. Current Contract Price (1 plus 2):	\$458,010.90
4. Total completed and stored to date:	\$458,010.90
5. Retainage (per Agreement):	
_____ of completed Work:	\$0.00
_____ stored material	\$0.00
Total Retainage:	\$0.00
6. Total completed and stored to date less retainage (4 minus 5)	\$458,010.90
7. Less previous Application for Payments:	\$435,110.35
8. AMOUNT DUE THIS APPLICATION (6 MINUS 7)	\$22,900.55

Accompanying Documentation:

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 Payments is in accordance with the Contract Documents and not defective.

Date _____

State of _____
 County of _____
 Subscribed and sworn to before me this _____
 day of _____

 Notary Public
 My Commission expires: _____

Payment of the above AMOUNT DUE THIS APPLICATION is recommended.

Date _____

 CONTRACTOR

By: _____

 ENGINEER

By: _____

Exhibit E-C

Rocio Villarreal

From: Jose Reyes [josereyes@doslogistics.com]
Sent: Wednesday, December 02, 2009 12:46 PM
To: Rocio Villarreal; 'Evangalina Garcia'
Cc: Hugo Gonzalez, P. E.
Subject: Culvert Crossing & Drainage Improvements Project Mile 13N and Mile 6W
Attachments: Release of Retainage.xls; 19 I CERTIFICATE OF CONSTRUCTION COMPETION BLANK E-M UPDATE_FINAL_rev.doc; Change Order#2_rev.xls; 20091202_130305.pdf

Rocio

As per your request please find attached the latest information for the reference project, for review and comment. Please be advise that the last payment application will be for \$31,753.63, and the liquidated damages will be deducted from the retainage.

Should you have any questions please call me.

Thank you
José

José G. Reyes, P.E.
Project Manager
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