

APPLICATION FOR PAYMENT NO. 2 (FINAL)

To: **HIDALGO COUNTY** (OWNER)
 From: **TOTAL COMMITMENT, LLC** (CONTRACTOR)
 Contract: **C-10-032-02-16**
 Project: **TOWER ROAD CROSSING DRAINAGE IMPROVEMENTS PROJECT**
 Owner's Contract No. **C-10-032-02-16** Engineer's Project No. **2010-032-02-03-MSS**
 For Work accomplished through the date of: **10/20/2010**

1. Original Contract Price:	<u>\$68,044.00</u>
2. Net change by Change Order and Written Agreements(+or-):	<u> </u>
3. Current Contract Price (1 plus 2):	<u>\$68,044.00</u>
4. Total completed and stored to date:	<u>\$68,044.00</u>
5. Retainage (per Agreement):	
10% of completed Work:	<u>\$ 6,804.40</u>
_____ of stored material	<u> </u>
Total Retainage:	<u>\$ 6,804.40</u>
6. Total completed and stored to date less retainage (4 minus 5):	<u>\$61,239.60</u>
7. Less previous Application for Payments:	<u>\$23,593.50</u>
8. AMOUNT DUE THIS APPLICATION (6 MINUS 7)	<u>\$37,646.10</u>

Accompanying Documentation:

INVOICE RECEIVED BY:
Ufeli ON 11/15/2010
GOODS/SERVICES RECEIVED BY:
Hector Salas ON 11/15/2010

PO # <u>637386</u>
<u>0-1339-431-00-122-050-0-733</u>
Req # <u>172367</u>

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 - FINAL 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 11-12-2010

Total Commitment, LLC
 CONTRACTOR
 By: [Signature]

State of TEXAS
 County of Hidalgo
 Subscribed and sworn to before me this 12th
 day of Nov., 2010

Irma Celia Castillo
 Notary Public
 My Commission expires: 11/10/2012



Payment of the above AMOUNT DUE THIS APPLICATION is recommended.

Date 11/12/10

Raul E. Sesin
 ENGINEER
 By: [Signature] PE

NOTARY PUBLIC STATE OF TEXAS
IRMA CELIA CASTILLO

RECEIVED BY
NOTARY PUBLIC STATE OF TEXAS
IRMA CELIA CASTILLO

IRMA CELIA CASTILLO
Notary Public, State of Texas
My Commission Expires
11-16-2015



TOTAL COMMITMENT, LLC Contractor Name
 5/17/2010 Starting Date
 Project Ending Date
 TOWER ROAD CROSSING Engineer's / County Project Description

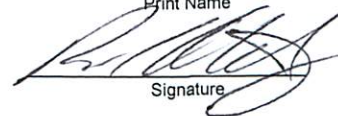
Application No.: 2
 Application Date: 10/25/2010
 Period To: 9/25/2010 - 10/22/2010
 Engineer's / County Project No.: C-10-032-02-16

No.	Description	Unit	Original Rates	Original Schedule Value		Revised Rates	Revised Schedule Value		First Draw			Second Draw			Third Draw			Balance To Finish	
				Quan	Dollars		Quan	Dollars	Monthly Quan	QTY to Date	Item Cost (Monthly)	Monthly Quan	QTY to Date	Item Cost (Monthly)	Monthly Quan	QTY to Date	Item Cost (Monthly)	Total to Date	Quan
Tower Road Crossing																			
1	18" PVC Storm Drain Pipe Installation (Labor Only)	LF	\$ 15.00	30.00	\$ 450.00		\$ -	0	0	\$ -	30	30	\$ 450.00	0	0	\$ -	\$ 450.00	0	\$ -
2	36" PVC Storm Drain Pipe Installation (Labor Only)	LF	\$ 25.00	124.00	\$ 3,100.00		\$ -	0	0	\$ -	124	124	\$ 3,100.00	0	0	\$ -	\$ 3,100.00	0	\$ -
3	54" R-HDPE Storm Drain Pipe Installation (Labor Only)	LF	\$ 35.00	165.00	\$ 5,775.00		\$ -	125	125	\$ 4,375.00	40	165	\$ 1,400.00	0	0	\$ -	\$ 5,775.00	0	\$ -
4	24" RCP CL III Irrigation Pipe W/concrete collar joints including connections to existing pipe	LF	\$ 45.00	48.00	\$ 2,160.00		\$ -	0	0	\$ -	48	48	\$ 2,160.00	0	0	\$ -	\$ 2,160.00	0	\$ -
5	Type "C-C" Storm Inlet with Grate Cover	EA	\$ 3,500.00	2.00	\$ 7,000.00		\$ -	0	0	\$ -	2	2	\$ 7,000.00	0	0	\$ -	\$ 7,000.00	0	\$ -
6	Precast or Cast in Place Concrete Storm Manhole/Junction Box with Ring & Cover	EA	\$ 2,500.00	2.00	\$ 5,000.00		\$ -	1	1	\$ 2,500.00	1.0	2	\$ 2,500.00	0.0	0	\$ -	\$ 5,000.00	0	\$ -
7	Irrigation Gatewell Structure Including 15' RCP Irrigation Stand Pipe with Flexible Joints, Gate and Appurtenances as per H.C.I.D. #2 requirements and Specifications	LS	\$ 4,000.00	1.00	\$ 4,000.00		\$ -	0	0	\$ -	1	1	\$ 4,000.00	0	0	\$ -	\$ 4,000.00	0	\$ -
8	10' Wide open cut pavement, patch & repair	SY	\$ 22.00	23.00	\$ 506.00		\$ -	0	0	\$ -	23	23	\$ 506.00	0	0	\$ -	\$ 506.00	0	\$ -
9	Remove existing 24" Irrigation Pipe	LS	\$ 1,000.00	1.00	\$ 1,000.00		\$ -	0	0	\$ -	1	1	\$ 1,000.00	0	0	\$ -	\$ 1,000.00	0	\$ -
10	Remove Existing Drain Pipe	LS	\$ 400.00	1.00	\$ 400.00		\$ -	0.5	0.5	\$ 200.00	0.5	1	\$ 200.00	0	0	\$ -	\$ 400.00	0	\$ -
11	Traffic Control	LS	\$ 1,800.00	1.00	\$ 1,800.00		\$ -	1	1	\$ 1,800.00	0	1	\$ -	0	0	\$ -	\$ 1,800.00	0	\$ -
12	Trench Protection	LF	\$ 2.00	319.00	\$ 638.00		\$ -	125	125	\$ 250.00	194	319	\$ 388.00	0	0	\$ -	\$ 638.00	0	\$ -
13	Bedding & Backfill as per Plan Detail	LF	\$ 6.00	319.00	\$ 1,914.00		\$ -	125	125	\$ 750.00	194	319	\$ 1,164.00	0	0	\$ -	\$ 1,914.00	0	\$ -
14	Temporary Sediment Control Fence	LS	\$ 900.00	1.00	\$ 900.00		\$ -	0	0	\$ -	1	1	\$ 900.00	0	0	\$ -	\$ 900.00	0	\$ -
ALTERNATE #1					\$ -		\$ -	0	0	\$ -	0	0	\$ -	0	0	\$ -	\$ -	0	\$ -
1	54" HDPE Storm Drain Pipe Installation (Labor Only)	LF	\$ 35.00	407.00	\$ 14,245.00		\$ -	380	380	\$ 13,300.00	27	407	\$ 945.00	0	0	\$ -	\$ 14,245.00	0	\$ -
2	4" Concrete Rip-Rap	SY	\$ 36.00	325.00	\$ 11,700.00		\$ -	0	0	\$ -	325	325	\$ 11,700.00	0	0	\$ -	\$ 11,700.00	0	\$ -
3	Headwall	EA	\$ 2,000.00	1.00	\$ 2,000.00		\$ -	0	0	\$ -	1	1	\$ 2,000.00	0	0	\$ -	\$ 2,000.00	0	\$ -
4	Remove Existing Drain Pipe	LS	\$ 2,200.00	1.00	\$ 2,200.00		\$ -	0	0	\$ -	1	1	\$ 2,200.00	0	0	\$ -	\$ 2,200.00	0	\$ -
5	Trench Protection	LF	\$ 2.00	407.00	\$ 814.00		\$ -	380	380	\$ 760.00	27	407	\$ 54.00	0	0	\$ -	\$ 814.00	0	\$ -
6	Bedding & Backfill as per Plan Detail	LF	\$ 6.00	407.00	\$ 2,442.00		\$ -	380	380	\$ 2,280.00	27	407	\$ 162.00	0	0	\$ -	\$ 2,442.00	0	\$ -
Totals for Tower Road Crossing					\$ 68,044.00		\$ -			\$ 26,215.00		\$ 41,829.00		\$ -		\$ 68,044.00		\$ -	

Total for Tower Road Crossing

\$ 68,044.00

PEDRO A GUTIERREZ JR.
 Print Name


 Signature

10/25/2010
 Date

PARTIAL/FINAL WAIVER OF LIEN

THE STATE OF TEXAS

COUNTY OF Hidalgo

The undersigned contracted with Hidalgo to furnish Road and Drainage Improvements in connection with certain improvements to real property located in Hidalgo County, Texas, and owned by Hidalgo County Which improvements are described as follows:

Road and Drainage Improvements for "Tower Road Crossing Drainage Improvements" project - Contract # "C-10-032-02-16"

In consideration of Pay Estimate No 2-Final in the amount of Forty three thousand Four Hundred Fifty Dollars & Fifty cents DOLLAR(\$ 43,450.50)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 materialmen'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.

Total Commitment, LLC
SUPPLIER

BY: [Signature]
TITLE

SWORN TO AND SUBSCRIBED BEFORE ME, on this the 25 day of October, 2010 to certify which witness my hand and seal of office.

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

My Commission Expires: 7-6-13

 Michael Israel Lerma
Notary Public, State of Texas
My Commission Expires:
July 6, 2013 **Exhibit E-I**

TOTAL COMMITMENT, LLC

11435 N. BRYAN RD.

MISSION, TX 78573

OFFICE# (956) 519-7111

FAX# (956) 519-7750

PEDRO GUTIERREZ JR.
MEMBER

10/25/2010

Hidalgo County Planning Department
1304 S. 25th St.
Edinburg, Tx 78539
(956) 318-2842

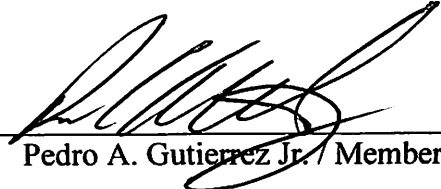
RE: Hidalgo County Precinct #2
Tower Road Crossing Drainage Improvements
C--10-032-02-16

Mr. Raul Sesin,

The following is the list of suppliers & sub-contractors used in the above mentioned projects as per the County's request:

NO ADDITIONAL MATERIALS OR SUBS.

Thank you and God Bless,



Pedro A. Gutierrez Jr. / Member

CONTRACTOR'S AFFIDAVIT OF RELEASE OF LIENS

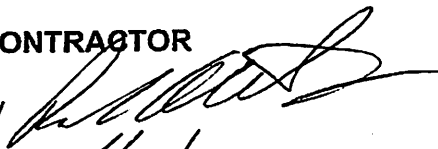
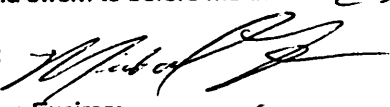
PROJECT: Tower Road Crossing Drainage Improvements
OWNER: Hidalgo County
CONTRACTOR: Total Commitment, LLC
ENGINEER: Hidalgo County Planning Department

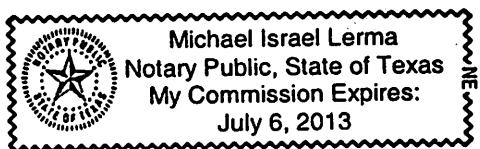
PROJECT NO.
C-10-032-02-16

The Contractor, in accordance with the Contract Documents, and in consideration for the full and final payment to the Contractor for all services in connection with the project, does hereby waive and release any and all liens, or any and all claims to liens which the Contractor may have on or affecting the project as a result of its contract(s) for the Project or for performing labor and/or furnishing materials in any way connected with the construction of any aspect of the project. The Contractor further certifies and warrants that all subcontractors of labor and/or materials for the Project, except as listed below, have been paid in full for all labor and/or materials supplied to, for through or at the direct or indirect request of the Contractor prior to, through and including the date of this affidavit.

EXCEPTIONS: (If none, write "NONE". The Contractor shall furnish a bond acceptable to the Owner for each exception.)

None

CONTRACTOR
By 
Title *Manager*
Subscribed and sworn to before me this *25* day of *October* *2016*
Notary Public: 
My Commission Expires: *7-6-17*



**CONTRACTOR'S AFFIDAVIT OF
PAYMENTS OF DEBTS AND CLAIMS**

PROJECT: *Tanner Road Crossing Drainage Improvements*
OWNER: *Hidalgo County*
CONTRACTOR: *Total Commitment, LLC*
ENGINEER: *Hidalgo County Planning Department*

PROJECT NO.

C-10-032-02-16

The Contactor in accordance with the Contract Documents, hereby certifies that, except as listed below, all obligations for all materials and equipment furnished, for all work labor, and services performed, and for all known indebtedness and claims against the Contractor for damages arising in any manner in connection with the performance of the Contract referenced above for which the Owner or his property might in any way be held responsible have been paid in full or have otherwise been satisfied in full.

EXCEPTIONS: (If none, write "NONE". The Contractor shall furnish a bond acceptable to the Owner for each exception.)

None

CONTRACTOR

By *[Signature]*
Title *Member*

Subscribed and sworn to before me this

25

day of *October*, 2010

Notary Public:

[Signature]

My Commission Expires:

7-6-13



Michael Israel Lerma
Notary Public, State of Texas
My Commission Expires:
July 6, 2013

TOTAL COMMITMENT, LLC

11435 N. BRYAN RD.

MISSION, TX 78573

OFFICE# (956) 519-7111

FAX# (956) 519-7750

WARRANTY LETTER

Date: 10/25/2010

Project Name: Tower Road Crossing Drainage Improvements
Contract # C-10-032-02-16

To: HIDALGO COUNTY

Let this letter serve as proof of a 1-year warranty for Tower Road Crossing Drainage Improvements as agreed upon for Hidalgo County. The warranty will take effect from the date on the certificate of completion for the project and last 1 year there on.

-Thank you and God Bless.....



A handwritten signature in black ink, appearing to read "Pedro A. Gutierrez Jr.", written over a horizontal line.

Pedro A. Gutierrez Jr. - Member