

**URBAN COUNTY PROGRAM
Hidalgo County Commissioners' Court
Agenda Request Form**

No. 29043
Carlos

Date: October 05, 2011 Meeting Date Request: October 11, 2011
 Deadline for Action: October 11, 2011 Contact Person: Diana R. Serna
 Department: Urban County Program Phone: (956) 787-8127 Fax: (956) 787-5291

Diana R. Serna, UCP Director: *[Signature]*

Caption:

Urban County Program for Precinct No. 4 is requesting consideration and action to award and enter into a construction contract with O.G. Construction, Co., L.L.C., lowest bidder meeting all specifications and/or requirements, for the Texas General Land Office (GLO) contract No.10-5066-000-5049 and the Disaster Recovery Program DRS 010068 – Trenton Drain Project Flood Drainage Improvements Project in the amount of \$1,645,863.50.

Background:

Bids were requested and received for Pct. No. 4 – Trenton Drain Flood Drainage Improvements project. Mr. Raul Sesin P.E. for the Hidalgo County prepared the specification packages. Bids were received and opened at the Hidalgo County – Purchasing Dept. on September 7, 2011. After review, the project engineer recommended O.G. Construction, Co., L.L.C as the lowest of the two (2) bidders. Please see attached engineers recommendation letter and a copy of bid tabulations. Only portions of the Base Bid and Alternate No. 7 will be utilized. Please see attachments for the breakdown.

Contractor: O.G. Construction, Co., L.L.C
 Contract amount: \$ 1,645,863.50
 Funds available: \$ 1,701,633.99

Deputy Director: *[Signature]* Finance: *[Signature]*

Please initial for approval:

Legal Counsel _____ Budget _____ Human Resources _____
 Dept./Fund No. _____ Amt. Expended: \$ _____ Funds/Staffing Budgeted: Yes: _____ No: _____
 Account Code: _____ Impact on Future Budget: Yes _____ No _____

Comments:

APPROVED Co. Comm. Ct.
 DATE 10-11-11 *[Signature]*

Action taken by Commissioner's Court:

Approved _____ Tabled _____ Denied _____ Motion made by _____ Seconded _____ Vote _____

EXHIBIT A

O.G. CONSTRUCTION COMPANY, LLC
4021 North Closner Blvd.
Edinburg, Texas 78541
Phone: 956-292-0008 / Fax: 956-292-0896

IRREVOCABLE DIRECTIVE OF DRAW PROCEEDS

Insurers Indemnity Company ("Surety"), Contract Surety for O.G. CONSTRUCTION COMPANY, LLC, ("CONTRACTOR"), has required CONTRACTOR as a condition precedent to issuing its Payment and Performance bonds for the construction of a project known as: **Precinct No. 4 - Trenton Drain Flood Drainage Improvements Project, Contract No. DRS010068**, to employ the services of a disbursement agent, Aacon, Inc. Aacon, Inc. is to be employed directly by CONTRACTOR and Aacon, Inc. is in no way a party to the agreement between the **Hidalgo County, Texas, Precinct #4** ("Owner") and CONTRACTOR.

The Disbursement Agreement between CONTRACTOR and Aacon, Inc. requires that the CONTRACTOR shall assign, per Article 9 of the Uniform Commercial Code and Chapter 9 of the Texas Business and Commerce Code, the Contract Proceeds only for the Project to Aacon, Inc. and the Owner shall direct or shall cause all contract funds, including, but not limited to retainage, interest, change orders, modifications or claim proceeds, if any, to be deposited into a Project Specific Disbursement Account that has been established by Aacon, Inc. for CONTRACTOR. **The Owner signing herein below irrevocably certifies that all payments made to CONTRACTOR for the construction described above shall be posted in the U.S. Mail, delivered by overnight mail, or hand delivered to:**

O.G. CONSTRUCTION COMPANY, LLC
C/O Aacon, Inc.
624 West University Dr., PMB #238
Denton, TX 76201-1889

Or wire transferred directly to the Project Specific Disbursement Account as follows:

Aacon, Inc., Disbursement Agent for O.G. CONSTRUCTION COMPANY, LLC
Account No. 976638866, JP MORGAN CHASE BANK.
ABA Routing No. 111000614, JP Morgan Chase Bank, N.A., Branch #00435
1200 West University Drive
Denton, Texas 76201

Aacon, Inc. has the right to change the address to which the funds are to be mailed, or to change the bank and/or account number to which the funds are to be deposited.

This certification is irrevocable by the Owner and can only be changed by written directive of CONTRACTOR with the written consent of the Chief Executive Officer or President of the Surety.


O.G. CONSTRUCTION COMPANY, LLC:	HIDALGO COUNTY, TEXAS, PRECINCT #4:
Signed: 	Signed: _____ Date: _____
By/Title: Omar Garcia, Member & President	Print: _____
	Its: _____
	Phone/Fax: _____
	Email: _____

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O.G. CONSTRUCTION COMPANY, LLC:	HIDALGO COUNTY, TEXAS, PRECINCT #4:
Signed: 	Signed: _____ Date: _____
By/Title: Omar Garcia, Member & President	Print: _____
	Its: _____
	Phone/Fax: _____
	Email: _____

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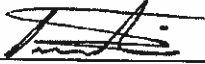
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