

**AI-29345**

**4.**

**DRAINAGE DISTRICT**

**Meeting Date:** 11/01/2011

Submitted By: Jaime Salazar, DRAINAGE DISTRICT

Department: DRAINAGE DISTRICT

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Information

CAPTION

A. Requesting approval to execute Contract for Consulting Services with Hollis Rutledge & Associates Inc. for RFQ No. 11-009-03-30 "Professional Consultants to Assist in Recapturing Funds Through Federal and State Agencies and Other Sources".

B. Requesting approval to reject all RFQs received for RFQ No. 11-011-10-05 "Professional Engineering Services for Updating of the Hidalgo County Drainage Master Plan and Development Drainage Improvements for the Hidalgo County Drainage District No.1" and authority to re-advertise.

BACKGROUND

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Attachments

Participation Log

Selection Criteria

Form Review

<b>Inbox</b>	<b>Reviewed By</b>	<b>Date</b>
Budget & Management	Merlen P. Munoz	10/26/2011 03:44 PM
Perla Lopez	Perla Lopez	10/27/2011 09:36 AM
Final Approval	Angela Garcia	10/28/2011 03:25 PM
Form Started By: Jaime Salazar		Started On: 10/26/2011 02:18 PM
	Final Approval Date: 10/28/2011	

**HIDALGO COUNTY DRAINAGE DISTRICT NO.1**  
RFP-PROFESSIONAL CONSULTANTS TO ASSIST IN RECAPTURING FUNDS  
THROUGH FEDERAL AND STATE AGENCIES AND OTHER SOURCES  
RFP No.: 11-009-03-30

**ACCEPTANCE DATE:** March 30, 2011

**RFB ACCEPTANCE TIME:** 9:30 A.M.

<u>NAME OF COMPANY/FIRM</u>	RFB REQUEST *VIA	FORWARDED TO:	DATE	ADDRESS & PHONE NO.
BOULTINGHOUSE SIMPSON ARCHITECTS	EMAIL	ATTN: DANNY BOULTINGHOUSE	03/14/2011	331 N. McCOLL RD. McALLEN, TX 78501 956-630-9494 FAX: 956-664-2033
RABA KISTNER CONSULTANTS	EMAIL	ATTN: NORMA E. SALAZAR	03/07/2011	800 E. HACKBERRY AVE. McALLEN, TX 78501 956-682-5332 FAX: 956-682-5487
CELSO GONZALEZ	EMAIL	ATTN: CELSO GONZALEZ	3/0/2011	614 N. CONWAY MISSION, TX 78572 956-585-3848 FAX: 956-585-7773
WILLIDAN FINANCIAL SERVICES	EMAIL	ATTN: ARLENE ROMANELLI	04/04/2011	27368 VIA INDUSTRIA, SUITE 110 TEMECULA, CALIFORNIA 92590 951-587-3587 FAX: 951-587-3510
MEYERS & ASSOCIATES	EMAIL	ATTN: HUGO BERLANGA	03/09/2011	412 FIRST STREET, SE WASHINGTON, DC 20003 202-484-2773 FAX: 202-484-0770
HOLLIS RUTLEDGE & ASSOCIATES INC	EMAIL	ATTN: HOLLIS RUTLEDGE	03/09/2011	414 N. MAYBERRY ST. MISSION, TX 78572 956-583-0002 FAX: 956-583-0500

**Hidalgo County Drainage District No.1**  
**RFP No.: 11-09-3-30 SCORING GRID**

<b>Evaluation Criteria</b>	<b>SUBMITTED BY:</b>									
	<b>HOLLIS RUTLEDGE &amp; ASSOC.</b>					<b>MEYERS &amp; ASSOCIATES</b>				
	Evaluator					Evaluator				
	1	2	3	4	5	1	2	3	4	5
<b>A. Background - 15 points</b>										
1.0 Provides sufficient professional background										
2.0 Provides references										
3.0 Indicative of outstanding, or exceptional, performances required services for federal and state agencies and other sources	15	15	15	15	15	15	15	10	15	15
<b>B. Cost - 20 points</b>										
Provides the required turnkey services at a reasonable cost.	19	20	19	19	19	16	15	15	16	18
<b>C. Experience - 20 points</b>										
1.0 Experience in business/government relevant to federal and state agencies and other sources;										
2.0 Experience in business/governmental realtions and representation before federal and state agencies, private sector(s) and other sources;										
3.0 Knowledge of Texas County/Local Government, including knowledge of applicable statutes/regulations;										
4.0 Extent of experience;	20	20	20	20	20	20	20	15	20	20
<b>D. FIRM Qualifications - 20 points</b>										
1.0 Met minimum of five (5) years of experience in federal and state agencies, private sector(s) and other sources;										
2.0 Met minimum of three (3) years of experience in grant and/or technical writing;										
3.0 Experience relevant to federal and state agencies, private sector(s) and other sources for funding;	20	20	20	20	20	20	20	18	20	20
<b>E. Capacity of Performances - 25 points</b>										
1.0 Provides appropriate evidence of adequate staffing;										
2.0 Staffing level/experience of staff;										
3.0 Adequacy of resources to perform these services;	25	23	25	24	25	25	25	20	24	25
<b>TOTAL:</b>	99	98	99	98	99	96	95	78	95	98
<b>TOTAL SCORES:</b>	493					462				
<b>TOTAL AVERAGES:</b>	98.6					92.4				

**AI-29354**

**5.**

**DRAINAGE DISTRICT**

**Meeting Date:** 11/01/2011

Submitted By: Minerva Luna, DRAINAGE DISTRICT

Department: DRAINAGE DISTRICT

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Information

CAPTION

A. Acknowledgment of Amendment A006 for the Department of Homeland Security / Customs and Border Protection (DHS-CBP) Cooperative Agreement 08-112-001.

B. Approval of 2012 Proposed Holidays

BACKGROUND

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Attachments

2012 Holidays

DHS A006

DHS A006 Attach.

Form Review

<b>Inbox</b>	<b>Reviewed By</b>	<b>Date</b>
Budget & Management	Merlen P. Munoz	10/26/2011 04:49 PM
Perla Lopez	Perla Lopez	10/27/2011 09:39 AM
Final Approval	Angela Garcia	10/28/2011 03:25 PM
Form Started By: Minerva Luna		Started On: 10/26/2011 03:14 PM
Final Approval Date: 10/28/2011		



## *County Executive Office*

2818 S. Bus. Hwy. 281 • Edinburg, Texas 78539 • Phone: (956) 292-7025 • Fax: (956) 292-7034 • [www.co.hidalgo.tx.us/budget](http://www.co.hidalgo.tx.us/budget)

### **HIDALGO COUNTY 2012 HOLIDAYS**

<b>New Year's Day</b>	<b>December 30, 2011 January 02, 2012 (Friday/Monday)</b>
<b>Martin Luther King Day</b>	<b>January 16, 2012 (Monday)</b>
<b>Presidents' Day</b>	<b>February 20, 2012 (Monday)</b>
<b>Good Friday</b>	<b>April 06, 2012 (Friday)</b>
<b>Easter</b>	<b>April 09, 2012 (Monday)</b>
<b>Memorial Day</b>	<b>May 28, 2012 (Monday)</b>
<b>Independence Day</b>	<b>July 04, 2012 (Wednesday)</b>
<b>Labor Day</b>	<b>September 03, 2012 (Monday)</b>
<b>Columbus Day</b>	<b>October 08, 2012 (Monday)</b>
<b>Veterans' Day</b>	<b>November 12, 2012 (Monday)</b>
<b>Thanksgiving Day</b>	<b>November 22-23, 2012 (Thursday/Friday)</b>
<b>Christmas Day</b>	<b>December 24 &amp; 25, 2012 (Monday/Tuesday)</b>
<b>Total Holidays</b>	<b>15 days</b>

Approved by Commissioners' Court on October 18, 2011

**Note: There will not be early release on Thanksgiving or Christmas. The holidays listed are the only approved holidays.**



## FEDERAL FINANCIAL ASSISTANCE AWARD

1	AWARD TYPE	2	AWARD NUMBER	3	AMENDMENT NUMBER
	Cooperative Agreement		DHS-CBP-08-112-001		A006
4	RECIPIENT	5	ISSUED BY		
	Hidalgo County Drainage District No. 1 902 N. Doolittle Edinburg, TX 78541		U.S. Department of Homeland Security U.S. Customs and Border Protection Procurement Directorate, Suite 1310 1331 Pennsylvania Ave. NW Washington DC, 20045		
6	APPLICATION TITLE & DATE				
	Title: Hidalgo County Border Infrastructure Improvement Program Dated: 05/02/2008, and Amended Application dated 09/26/08				
7	AWARD PERIOD	8	FISCAL DATA		
	Total Program Period: 05/02/2008 through 12/01/2011 Funding Period: 05/02/2008 through 12/01/2011 Effective Date: 05/02/2008 Amendment A001 Effective Date: 09/30/2008 Amendment A002 Effective Date: 11/04/2008 Amendment A003 Effective Date: 09/22/2009 Amendment A004 Effective Date: 06/03/2010 Amendment A005 Effective Date: 03/01/2011 Amendment A006 Effective Date: 10/19/2011		Fiscal Data through Amendment A006  Appropriation No. FY 2009 70X0533  <b>Federal Obligations: (unchanged)</b> \$161,974,062.64  <b>Total Federal Share: (unchanged)</b> \$174,474,062.63  <b>Non-Federal Share: (unchanged)</b> \$ 58,166,594.00  <b>Total Project Amount: (unchanged)</b> \$232,640,656.63		
9	RECIPIENT CONTACT	10	GRANT OFFICER		
	Godfrey Garza Program Manager Hidalgo County Drainage District No. 1 Phone: (956) 292-7080		Tiffany T. Hixson Deputy Executive Director Procurement Directorate U.S. Customs and Border Protection Phone: 202-325-4600		

11 ADMINISTRATIVE DATA	12 FAADS DATA
CFDA Number: 97.112 Program: Secure Border Initiative  Legislative Authority: P.L. (110-161) Consolidated Appropriations Act, 2008 U.S. Customs and Border Protection Border Security Fencing, Infrastructure and Technology	City Code: 22660 State Code: 48 County Code: 215 Congressional District: 28 EIN: 73-1680959 DUNS: 825845642

13 Remarks
<p>Agreement No. DHS-CBP-08-112-001 is hereby amended as follows:</p> <ol style="list-style-type: none"> <li>1. BLOCK 5: The issuing office is changed from Enterprise Contracting Office, Suite 800 B, 1901 South Bell Street, Arlington, VA 20598 to Procurement Directorate, Suite 1310, 1331 Pennsylvania Ave. NW, Washington DC, 20045.</li> <li>2. BLOCK 10 and 14: The Grant Officer's title and phone is changed from Acting Executive Director, Procurement Directorate, to Deputy Executive Director, Procurement Directorate.</li> <li>3. ARTICLE VII, E. and Article VIII, D. are changed to provide an updated address for submission of reports: Enterprise Contracting Office, Suite 800 B, 1901 South Bell Street, Arlington, VA 20598 is changed to Procurement Directorate, Suite 1310, 1331 Pennsylvania Ave. NW, Washington DC, 20045.</li> <li>4. Attachment No. 2 provides a modified budget allocation which does not change the overall project budget of \$232,640,656.62.</li> <li>5. The total Engineering Cost Contribution is increased from \$15,612,990.53, by \$745,021.27, to \$16,358,011.80 to account for:             <ol style="list-style-type: none"> <li>a. Additional engineering costs, in the amount of \$1,021.27, directly related to post-award levee/barrier engineering work. This cost was previously and incorrectly included in the Grantee's reimbursement to DHS for unauthorized pre-award costs paid out of the DHS account. Upon the identification of unauthorized pre-award costs the Grantee returned \$2,365,837.80 in unauthorized pre-award costs to the DHS account; included in that amount was a payment for \$1,021.27, service date 01/31/2009, as documented in Supplement #2, Work Authorization #4. This cost was incorrectly included in the pre-award cost reimbursement to the DHS account; it was incurred within the authorized period of performance and is allowable under the terms of this agreement.</li> </ol> </li> </ol>

b. A reduction in the value of liquidated damages from \$4,514,000.00 by \$744,000.00 to \$370,000.00, reference Check No. 1649 paid to Ballenger Construction, per the Grantee's Board of Director's settlement agreement dated 06/28/2011.

6. The total Construction Cost Contribution is reduced from \$194,429,397.78, by \$745,021.27, to \$193,684,376.51. The reduction of \$745,021.27 from the construction budget is taken as a result of the increase in engineering costs as described in 5.a. and 5.b. above; the total reduction in Construction Cost Contribution is the inverse sum of cost increases for the Engineering Cost Contributions.

The terms and conditions of the award, as amended on June 3, 2010, and any previous terms and conditions, are superseded in total by this amendment, A006.

**14 AUTHORIZED SIGNATURES**

Awarding Agency:

Grantee Department or Agency:

Grant Officer

Date

Authorized Organization Representative

Date

Tiffany T. Hixson  
Deputy Executive Director  
Procurement Directorate

Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Office: \_\_\_\_\_

**DEPARTMENT OF HOMELAND SECURITY**

**HIDALGO COUNTY  
BORDER INFRASTRUCTURE  
IMPROVEMENT PROJECT**

**TERMS AND CONDITIONS**

ARTICLE I	AUTHORIZATION
ARTICLE II	PROGRAM NARRATIVE DESCRIPTION
ARTICLE III	PERFORMANCE PERIOD/BUDGET PERIOD
ARTICLE IV	AMOUNT OF FUNDING
ARTICLE V	SUBSTANTIAL FEDERAL INVOLVEMENT
ARTICLE VI	PAYMENT
ARTICLE VII	FINANCIAL REPORTS
ARTICLE VIII	PERFORMANCE REPORTS
ARTICLE IX	GRANT AGREEMENT OFFICIALS
ARTICLE X	GRANT AMENDMENTS
ARTICLE XI	AUDIT REQUIREMENTS
ARTICLE XII	OTHER TERMS AND CONDITIONS
ARTICLE XIII	NONDISCRIMINATION
ARTICLE XIV	GOVERNING PROVISIONS

**DEPARTMENT OF HOMELAND SECURITY**

**COOPERATIVE AGREEMENT**

**TERMS AND CONDITIONS**

**PROGRAM NAME: Hidalgo County Border Infrastructure Improvement Project**

**CFDA: 97.112**

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**AWARD RECIPIENT: Hidalgo County Drainage District No. 1 (HCDD No. 01)**

**AGREEMENT NO: DHS-CBP-08-112-001**

**AMENDMENT NO: A005**

**ARTICLE I – AUTHORIZATION**

- A.** Homeland Security Act of 2002, Public Law 107-296, as amended
- B.** Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Public Law 104-208, as amended
- C.** Federal Cooperative Agreements Act, as amended
- D.** Secure Fence Act of 2006, as amended
- E.** DHS Notice of Determination, dated April 1, 2008, related to Hidalgo County Border Infrastructure Improvement, published in the Federal Register dated April 8, 2008
- F.** Memorandum of Understanding between the International Boundary and Water Commission and U.S. Customs and Border Protection dated January 18, 2008
- G.** Memorandum of Understanding between the International Boundary and Water Commission (IBWC) and Hidalgo County Drainage District No. 1, (MOU No. IBM 07A011) dated October 5, 2007
- H.** Memorandum of Agreement for Environmental Coordination and Review between the Department of Interior and U.S. Customs and Border Protection dated January 18, 2008

**ARTICLE II – PROGRAM NARRATIVE DESCRIPTION**

***Securing the Border: A Priority for DHS.*** For at least the past decade, illegal entry into the United States along our southwestern border has been a significant problem. The flow of illegal traffic through the border region imperils our ability to fight terrorism by stopping the illegal entry of terrorists, and exposes our border communities—and the rest of the United States—to the ill effects of drug smuggling, human smuggling, and gang activity. Illegal border traffic has also caused severe and profound impacts to the environment.

***Congress's Mandate.*** Mindful of these things, Congress called upon the Department of Homeland Security (DHS) to construct—in the most expeditious manner possible—the infrastructure necessary to deter and prevent illegal entry on our southwestern border, including pedestrian and vehicle fencing, roads, and virtual detection technology. Section 102(b) of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) requires installation of fencing, barriers, roads, lighting, cameras, and sensors on not less than 700 miles of the southwestern border. This total includes 370 miles of priority pedestrian fencing to be completed in 2008, in areas most practical and effective in deterring smugglers and aliens attempting to gain illegal entry into the United States.

***Hidalgo County Border Infrastructure Improvement Project:*** There is presently a need to construct fixed barriers and roads in conjunction with improvements to an existing levee system in the vicinity of the border of the United States as a joint effort with Hidalgo County, Texas.

This project is funded to support border security protection enhancements of the Rio Grande River Lower Valley Levee Improvement Project.

The Award Recipient shall perform the work described in the Program Narrative Statement entitled *Hidalgo County Border Infrastructure Improvement Project* which is included by reference as part of the application package approved by DHS on May 2, 2008, and Amendment A001 dated 09/30/2008.

### **ARTICLE III – PERFORMANCE PERIOD/BUDGET PERIOD**

- A. Project Period:** The “*substantial project completion*” period shall be from May 2, 2008 to June 1, 2011. The “*full project completion*” period shall be from May 2, 2008 through December 1, 2011.
- B. Budget Period:** The budget period shall be from May 2, 2008 to December 1, 2011.
- C. Costs:** The Recipient shall only incur costs or obligate funds within the budget period for approved activities within the approved performance period.

### **ARTICLE IV – AMOUNT OF FUNDING**

- A. Approved Budget:** The initial agreement’s budget, dated May 2, 2008, was approved for \$113,866,594, including a federal share of \$65,700,000 and recipient share of \$48,166,594.

The amendment application submitted on September 26, 2008, requested a total project budget of \$232,640,656.63, including a federal share of \$174,474,062.61 and recipient share of \$58,166,594.03. The request, in total, is approved as detailed in Attachment No. 1.

The DHS share of the approved budget is for the sole purpose of funding the border security protection enhancements of the Rio Grande River Lower Valley Levee Improvement Project.

**B. Share of Project Costs:**

1. It has been determined that it is not practical/feasible to segregate all costs associated with building the border barrier from the cost associated with completing the levee improvement project. As such, the parties agree to share some costs associated with building the border barrier based on the major cost elements and maximum budgeted amounts for both the federal and recipient's share of each segment, reference Attachment 1.
2. Non-monetary support in the form of fencing materials will be provided by U.S. Customs and Border Protection (CBP) for those areas of the infrastructure project that require incorporation of unique fencing required by the federal government. CBP will provide steel fencing materials for an estimated total cost not to exceed \$12,500,000.
3. In-kind contributions of \$10,000,000 will be provided by the recipient for transportation of federally provided fencing materials, cutting and installing of bollards, and provision and installation of guard rails.
4. Engineering costs incurred after May 2, 2008, must be validated with source documentation. Allowable and documented costs will be shared 50%/50% between DHS and the recipient up to the maximum amount for this cost element as indicated in Attachment 1.

**C. Eligible Costs:**

1. Costs are subject to OMB Circular A-87, Cost Principles for State, Local and Tribal Governments.
2. All changes to the budget and subcontracts under this agreement must be submitted for review and approval in writing by DHS.
3. Cost underruns will be deobligated when the award is closed or terminated.
4. DHS will be notified as early as practicable regarding potential and/or actual cost overruns. Authorization for any cost increase or decrease must be submitted for review and approval in writing by DHS.
5. Costs will be paid for approved and actual costs incurred after May 2, 2008 which are supported by source documentation.
6. Hidalgo County Drainage District No. 1 (HCDD No. 1) shall segregate the costs associated with building the 20.11 miles of the border infrastructure improvement project from all other costs associated with other HCDD levee improvement projects.

**D. Undocumented Labor.** Neither DHS nor non-DHS funds associated with this award can be used to reimburse costs for undocumented labor by either the Recipient or any Subrecipient.

- E. Maintenance and Insurance.** Costs pertaining to maintenance and liability insurance of the project is the responsible of Hidalgo County.

## **ARTICLE V – SUBSTANTIAL FEDERAL INVOLVEMENT**

The DHS, CBP, International Boundary and Water Commission (IBWC), and U.S. Army Corp of Engineers (USACE) will participate in the implementation of the project by:

- A.** Providing architect and design approvals through technical advisors.
- B.** Approving sub-awards/sub-contracts and changes to contract and sub-contracts prior to execution.
- C.** Monitoring the progress and expenditure of costs of the project will be conducted through an on-site joint program reviews, and through review and approval of payments.
- D.** Consulting and concurring on modifications to the project or implementation plan.

## **ARTICLE VI - PAYMENT**

- A.** When possible, payments will be submitted by cost category listed in the approved budget.
- B.** The Recipient shall be paid advancements or reimbursements by submitting a SF 270, *Request for Advancement*, to the Grants Officer for approval. Once approved, by the DHS Grant Officer, the Recipient may withdraw funding in the amount approved on the SF 270.
- C.** Payments are processed through the electronic payment system sponsored by the U.S. Department of Health and Human Services (HHS) Payment Management System (SMARTLINK).
- D.** Withdrawal may only be processed for immediate cash needs in compliance the with cash management requirements listed at 44 CFR Part 13.21 Payment.
- E.** Overpayment and Earned Interest:
  - 1. Overpayment. Within ninety (90) days from the expiration date of the Performance Period, overpayment of funds must be coordinated with the HHS Payment Management System (SMARTLINK). An overpayment represents the difference between allowable actual expenditures and total DHS payment received by the Recipient.
  - 2. Interest Earned: In the event that advanced payments generate interest, it must be remitted promptly but at least quarterly to the DHS. The Recipient may keep \$100 per year for administrative expenses in relationship to interest earned.

## **ARTICLE VII – FINANCIAL REPORTS**

- A. Quarterly Reports:** The Recipient shall submit quarterly Financial Status Reports on an SF 269 - Financial Status Report, within 30 days after the end of each reporting period: July 30, October 30, January 30 and April 30.

- B. Final Report:** The final Financial Status Report is due 90 days from the expiration date of the period of performance.
- C. Final Payment/Unexpended Funds:** Within 90 days from the expiration date of the period of performance, the Recipient shall pay all unliquidated obligations and shall report unexpended funds to the Grant Officer. The Grant Officer will process the deobligation of unexpended funds.
- D. Cash Transaction Report:** The Recipient shall submit a copy of the Cash Transaction Report (SF 272) submitted to HHS to the Grant Officer as the reports are submitted to HHS.
- E. Report Submission:** Attn: Tiffany T. Hixson, Grant Officer, c/o Claire Andross Breen  
U.S. Department of Homeland Security  
U.S. Customs and Border Protection  
Procurement Directorate, Suite 1310  
1331 Pennsylvania Ave. NW  
Washington DC, 20045

## **ARTICLE VIII – PERFORMANCE REPORTS**

Performance Reports will include the following:

- A. Site Visits:** DHS, including CBP, IBWC, and USACE through authorized representatives, have the right, at all reasonable times, to make site visits to review project accomplishments and management control systems and to provide such technical assistance as may be required in completion of the project. If a site visit is made by DHS, including CBP, on the premises of the Recipient, Subrecipient or Contractor under this award, the Recipient shall provide and shall require its contractors to provide all reasonable facilities and assistance for the safety and convenience of the Government representatives in the performance of their duties. All site visits and evaluations shall be performed in such a manner that will not unduly delay the work.
- B. Quarterly Reports:** The Recipient shall submit quarterly Performance Reports that summarize the accomplishments to CBP within 30 days after the end of each calendar quarter: July 30, October 30, January 30 and April 30.
- C. Final Report:** The final progress report is due to CBP within 90 days after the expiration date of the performance period. The final progress report will consolidate and summarize all prior reports and include technical reports and other products developed under this grant.
- D. Report Submission:** Attn: Tiffany T. Hixson, Grant Officer, c/o Claire Andross Breen  
U.S. Department of Homeland Security  
U.S. Customs and Border Protection  
Procurement Directorate, Suite 1310  
1331 Pennsylvania Ave. NW  
Washington DC, 20045

## **ARTICLE IX – GRANT AGREEMENT OFFICIALS**

Officials for the Grant Agreement are as follows:

- A. Project Manager: The Project Manager (PM), designated by the Recipient, is responsible for performance of the activities approved in the agreement.

The Project Manager is: Godfrey Garza  
Hidalgo County Drainage District No. 1  
902 N. Doolittle  
Edinburg, TX 78541

Telephone: (956) 292-7086  
E-Mail: g.g@hcdd1.org

- B. DHS Grant Officer: The DHS Grant Officer (AO) is the DHS official who has full authority to negotiate, administer and execute all business matters of the Grant.

The DHS Grant Officer is: Tiffany T. Hixson

Address: U.S. Department of Homeland Security  
U.S. Customs and Border Protection  
Procurement Directorate, Suite 1310  
1331 Pennsylvania Ave NW  
Washington, DC 20045

Telephone: 202-325-4600  
Fax: 202-344-1254  
E-Mail: tiffany.t.hixson@cbp.dhs.gov

## **ARTICLE X – GRANT AMENDMENTS**

All budget and program plan revisions shall be in compliance with OMB Circular A-102 Grant and Cooperative Agreement to States, Local and Indian Tribal Governments and OMB Circular A-87 Cost Principals for State, Local, and Indian Tribal Governments. Under these requirements, the Recipient shall submit written requests and receive written approval prior to implementation for the following amendments:

### **A. Budget Revisions**

1. Transfers of funds between cost categories in the approved budget.
2. Transfer of funds to entities, except those identified in the approved application.
3. Need for additional funds. CBP is not authorized to provide or obligate additional funds prior to the submission and approval of an additional funding request, satisfactory performance, and availability of funds.

### **B. Change of Scope**

1. Any revision of the scope or objective of the approved project (regardless of whether there is an associated budget revision) must be submitted for Grant Officer approval prior to implementation.
2. Key persons when specified as a condition of the award.
3. Revisions to third party participation when specified in the award.

## **ARTICLE XI – AUDIT REQUIREMENTS**

Recipients and Subrecipients are subject to the audit requirements under OMB Circular No. A-133 -- Audits of States, Local Government, and Non-Profit Organizations. Non-Federal entities that expend \$500,000 or more Federal funds in a fiscal year shall have a single or program-specific audit conducted for that year in accordance with the provisions of A-133.

## **ARTICLE XII – OTHER TERMS AND CONDITIONS**

The other terms and conditions of the agreement are as follows:

- A. The Davis Bacon Act.
- B. Trafficking in Persons: In compliance with the Federal Register, Vol.72, Page 63783, November 13, 2008, 2 CFR 175:

*“I. Trafficking in persons.*

*a. Provisions applicable to a recipient that is a private entity.*

- 1. You as the recipient, your employees, sub-recipients under this award, and sub-recipients' employees may not—*
  - i. Engage in severe forms of trafficking in persons during the period of time that the award is in effect;*
  - ii. Procure a commercial sex act during the period of time that the award is in effect; or*
  - iii. Use forced labor in the performance of the award or sub-awards under the award.*
- 2. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if you or a sub-recipient that is a private entity –*
  - i. Is determined to have violated a prohibition in paragraph a.1 of this award term; or*
  - ii. Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph a.1 of this award term through conduct that is either—*

*A. Associated with performance under this award; or*

*B. Imputed to you or the sub-recipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Non-procurement)," as implemented by our agency at [agency must insert reference here to its regulatory implementation of the OMB guidelines in 2 CFR part 180 (e.g., "2 CFR part XX")].*

*b. Provision applicable to a recipient other than a private entity. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if a sub-recipient that is a private entity—*

- 1. Is determined to have violated an applicable prohibition in paragraph a.1 of this award term; or*
- 2. Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph a.1 of this award term through conduct that is either—*

*i. Associated with performance under this award; or*

*ii. Imputed to the sub-recipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Non-procurement)," as implemented by our agency at [agency must insert reference here to its regulatory implementation of the OMB guidelines in 2 CFR part 180 (e.g., "2 CFR part XX")].*

*c. Provisions applicable to any recipient.*

*1. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a.1 of this award term.*

*2. Our right to terminate unilaterally that is described in paragraph a.2 or b of this section:*

*i. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and*

*ii. Is in addition to all other remedies for noncompliance that are available to us under this award.*

*3. You must include the requirements of paragraph a.1 of this award term in any sub-award you make to a private entity.*

*d. Definitions. For purposes of this award term:*

*1. "Employee" means either:*

*i. An individual employed by you or a sub-recipient who is engaged in the performance of the project or program under this award; or*

*ii. Another person engaged in the performance of the project or program under this award and not compensated by you including, but not limited to, a volunteer or individual whose*

*services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.*

2. *“Forced labor” means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.*
3. *“Private entity”:*
  - i. *Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR 175.25.*
  - ii. *Includes:*
    - A. *A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 CFR 175.25(b).*
    - B. *A for-profit organization.*
4. *“Severe forms of trafficking in persons,” “commercial sex act,” and “coercion” have the —meanings given at section 103 of the TVPA, as amended (22 U.S.C. 7102).”*

**F. Copyright:** The Recipient is free to copyright original work developed in the course of or under this agreement. DHS, including CBP, reserves a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use, and to authorize others to use, the work performed under this agreement for Federal government purposes. Publications resulting from work performed under this agreement shall include an acknowledgement of financial support from DHS and include a statement that the publication does not necessarily reflect the DHS views.

**G. Publications and Acknowledgement of Sponsorship:**

1. One copy of each article planned for publication will be submitted to the DHS Project Officer prior to submission publication. Following publication, a copy of each published paper shall be submitted to the DHS Project Officer.
2. The Recipient agrees that when releasing information relating to this agreement, the release shall include a statement that the project or effort undertaken was or is sponsored by the Department of Homeland Security.
3. Disclaimer: The Recipient is responsible for assuring that every publication submission (including World Wide Web pages) based on or developed under this agreement, except scientific articles or papers appearing in scientific, technical or professional journals, contains the following disclaimer: “Any opinions, findings, and conclusions or recommendations expressed in this material are those of the author(s) and do not necessarily reflect the views of the Department of Homeland Security.”

4. For the purpose of this requirement, information includes news releases, articles, manuscripts, brochures, advertisements, still and motion pictures, speeches, trade association proceedings and symposia.
  5. Publications: In compliance with the Section 623 of the Treasury, Postal Service, and General Government Appropriations Act, 1993, and reenacted in Section 621 of the fiscal year 1994 Appropriations Act requires that all recipients disclose the amount and percentage of Federal funding and funding from non-governmental sources when making public announcements about Federally-funded projects in the amount of \$500,000 or more.
- H. Patent Rights:** Recipients are subject to applicable regulations governing patents and inventions, including government-wide regulations issued by the Department of Commerce, 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms under Government Grants, Contracts and Cooperative Agreements.”
- I. Refunds:** The Recipient shall transfer to DHS the appropriate share, based on the Federal support percentage, of any refund, rebate, credit or other amounts, excluding liquidated damages, arising from performance of this agreement, along with accrued interest. The Recipient shall take necessary action to effect prompt collection of all monies due or which may become due and to cooperate with DHS in any claim or suit in connection with amounts due.
- J. Program Income:** Program income is income earned as a result of Recipient or Subrecipient supported activity, or earned as a result of the grant agreement during the Period of Performance. Program income shall be added to the funds under this agreement and shall be used to expand the approved program activities. The Recipient shall submit a written list of expanded activities to be accomplished as a result of the Program Income funds. The list shall be submitted to CBP for review and the approval within 30 days of receipt of program income.
- K. Liquidated Damages:** Liquidated damages paid to the recipient in any amount shall be added to the funds under this agreement.
- L. Award Recipient-Acquired Property:** Title to all nonexpendable tangible property purchased by the Recipient with funds under this award shall be vested in the Recipient upon purchase, unless otherwise stated in this award, without further obligation to the Government.
- M. Controlled Unclassified Information:** The parties understand that information and materials provided pursuant to or resulting from this agreement may be export controlled, sensitive, for official use only, or otherwise protected by law, executive order or regulation. The Recipient is responsible for compliance with all applicable laws and regulations. Nothing in this agreement shall be construed to permit any disclosure in violation of those restrictions.
- N. Activities Abroad:** The Recipient shall assure that project activities carried on outside the United States are coordinated as necessary with appropriate Government authorities and that appropriate licenses, permits, or approvals are obtained prior to undertaking proposed activities. The agency does not assume responsibility for Recipient compliance with the laws and regulations of the country in which the activities are to be conducted.

**O. Travel**

1. Domestic: Travel related to the approved project must be in compliance with OMB Circular A-87, Cost Principles.
2. Foreign: Foreign travel is not allowed under this award.

- P. Cargo Preference:** The Recipient agrees that it will comply with the Cargo Preference Act of 1954 (46 U.S.C. 1241), as implemented by Department of Transportation regulations at 46 CFR 381.7, which require that at least 50 percent of equipment, materials or commodities procured or otherwise obtained with U.S. Government funds under this agreement, and which may be transported by ocean vessel, shall be transported on privately owned U.S.-flag commercial vessels, if available.
- Q. Fly America Act:** Preference for U.S. Flag Air Carriers: Travel supported by U.S. Government funds under this agreement shall use U.S.-flag air carriers (air carriers holding certificates under 49 U.S.C. 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. 40118) and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B138942.

### **ARTICLE XIII – NONDISCRIMINATION**

- A.** The Recipient and any program assisted thereby are subject to the provisions of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), the regulations issued pursuant thereto and the Assurance of Compliance which the Recipient has filed with DHS. No person on the basis of race, color, national origin, or handicap shall be excluded from participation in, be denied benefits of, or otherwise be subjected to discrimination under the agreement. In addition, if the project involves an education activity or program, as defined by Title IX of the Education Amendments of 1972 (20 U.S.C. 1681-1686), no person on the basis of sex shall be excluded from participation in the project. Further, by acceptance of the agreement, the Recipient assures DHS that it will comply with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).
- B.** The Recipient shall obtain from each organization that applies to be or serves as a Subrecipient, Subawardee or Subcontractor under (for other than the provision of commercially available supplies, materials, equipment or general support services) an Assurance of Compliance with Title VI of the Civil Rights Act of 1964. Civil Rights Act assurances may be filed with the Recipient in one of two ways:
1. By written notification that the appropriate Assurance of Compliance form has been executed and filed either with DHS or the U.S. Department of Health and Human Services; or
  2. The Recipient shall obtain assurances pursuant to Section 504 of the Rehabilitation Act of 1973, as amended, from Subrecipients by incorporating into the Subagreement a provision that acceptance of the Subagreement constitutes assurance.
- C.** The Recipient agrees to comply with the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.) as implemented by the Department of Health and Human Service regulations at 45 CFR 90. In the event the Recipient passes on DHS financial assistance to Subrecipients, this provision shall apply to the Subrecipients, and the instrument under which the Federal financial assistance is passed to the Subrecipient shall contain a provision identical to this provision.

## **ARTICLE XIV – GOVERNING PROVISIONS**

The Recipient and any Subrecipient shall comply with all applicable laws and regulations. A non-exclusive list of regulations commonly applicable to DHS grants are listed below:

### **A. Administrative Requirements**

1. OMB Circular A-110 Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations (11/19/93, amended 09/30/99)
2. OMB Circular A-102 State and Local Governments (10/07/94, amended 08/29/97)

### **B. Cost Principles**

1. OMB Circular A-21, Educational Institutions (08/08/00)
2. OMB Circular A-87 State and Local Governments (05/04/95, amended 08/29/97)
3. OMB Circular A-122 Non-Profit Organizations (05/19/98)

### **C. Audit Requirements**

1. A-133, States, Local Governments, and Non-Profit Organizations

### **D. Grant Application**

1. The grant application received on May 2, 2008 and approved by DHS CBP and the Secure Border Initiative Acquisition Office on May 2, 2008.
2. The amended application received September 26, 2008, and approved by DHS CBP and the Secure Border Initiative Acquisition Office on September 30, 2008 and November 4, 2008



# Attachment No. 1

## Budget Revisions through A006

Hidalgo Cooperative Agreement  
 Cost Share (no contingencies)  
 \$ 40,317.00

**Original Agreement (May 2, 2008)**

Agency	Construction & Engineering Costs	In-Kind Construction	Engineering Costs	Furnished Materials	Total Project Budget
HCDD	\$ 48,166,594.00	\$ -	NA	\$ -	\$ 48,166,594.00
DHS CBP	\$ 53,200,000.00	\$ -	NA	\$ 12,500,000.00	\$ 65,700,000.00
Total	\$ 101,366,594.00	\$ -	NA	\$ 12,500,000.00	\$ 113,866,594.00

Federal Obligations Required	
Construction & Engineering	
Costs:	\$ 101,366,594.00
Hidalgo Contribution:	\$ (48,166,594.00)
DHS Previously Obligated:	\$ (65,700,000.00)
Funds Remaining on CA:	\$ 12,500,000.00

**Cost Share by Agency for Amendment 01**

Agency	Construction Cost Contribution	In-Kind Construction	Engineering Costs	Furnished Materials	Total Project Budget
Hidalgo HCDD #1	\$ 31,253,127.34	\$ 7,856,787.67	\$ 5,705,224.88	\$ -	\$ 44,815,139.89
DHS CBP	\$ 119,214,038.91	\$ -	\$ 5,705,224.88	\$ 9,820,984.58	\$ 134,740,248.38
Total	\$ 150,467,166.25	\$ 7,856,787.67	\$ 11,410,449.76	\$ 9,820,984.58	\$ 179,555,388.27

Federal Obligations Required	
Construction & Engineering	
Costs:	\$ 161,877,616.01
Hidalgo Contribution:	\$ (44,815,139.89)
DHS Previously Funded:	\$ (65,700,000.00)
Funds Required:	\$ 51,362,476.13
Total DHS Funding Provided:	\$ 117,062,476.13

Hidalgo's contribution of \$48,166,594 plus \$10,000,000 of in-kind construction work is prorated based on the projected total cost of project  
 -- Assumes Hidalgo share of construction costs is 20.770729% -- this is based on the projected construction cost share for Hidalgo referenced in the second column below.

Project Miles thru Mod 01 \$ 15.80

**Cost Share by Agency for Amendment 02**

Agency	Construction Cost Contribution	In-Kind Construction	Engineering Costs	Furnished Materials	Total Project Budget
Hidalgo HCDD	\$ 40,436,589.86	\$ 10,000,000.00	\$ 7,730,004.14	\$ -	\$ 58,166,594.00
DHS CBP	\$ 154,244,058.49	\$ -	\$ 7,730,004.14	\$ 12,500,000.00	\$ 174,474,062.63
Total	\$ 194,680,648.35	\$ 10,000,000.00	\$ 15,460,008.28	\$ 12,500,000.00	\$ 232,640,656.63

Federal Obligations Required	
Construction & Engineering	
Costs:	\$ 210,140,656.63
Hidalgo Contribution:	\$ (58,166,594.00)
DHS Previously Funded:	\$ (65,700,000.00)
	\$ (51,362,476.13)
Funds Required:	\$ 34,911,586.51
Total DHS Funding Provided:	\$ 151,974,062.63
Actual Total DHS Funds Obligated	\$ 161,974,062.63

Hidalgo's Contribution: \$48,166,594 plus \$10,000,000 of in-kind construction work

Total Project Miles \$ 20.11

**Cost Share by Agency for Amendment 03**

Agency	Construction Cost Contribution	In-Kind Construction	Engineering Costs	Furnished Materials	Total Project Budget
Hidalgo HCDD #1	\$ 40,436,589.86	\$ 10,000,000.00	\$ 7,730,004.14	\$ -	\$ 58,166,594.00
DHS CBP	\$ 154,244,058.49	\$ -	\$ 7,730,004.14	\$ 12,500,000.00	\$ 174,474,062.63
Total	\$ 194,680,648.35	\$ 10,000,000.00	\$ 15,460,008.28	\$ 12,500,000.00	\$ 232,640,656.63

Federal Obligations Required	
Construction & Engineering	
Costs:	\$ 220,140,656.63
Hidalgo Contribution:	\$ (58,166,594.00)
DHS Previously Funded:	\$ (65,700,000.00)
	\$ (51,362,476.13)
	\$ (34,911,586.51)
Funds Required:	\$ 10,000,000.00
Total DHS Funding Provided:	\$ 161,974,062.63

Hidalgo's Contribution: \$48,166,594 plus \$10,000,000 of in-kind construction work

Total Project Miles \$ 20.11

# Attachment No. 1

## Budget Revisions through A006 (continued)

### Cost Share by Agency for Amendment 04

Agency	Construction Cost Contribution	In-Kind Construction	Engineering Costs	Furnished Materials	Total Project Budget
Hidalgo HCDD #1	\$40,436,589.86	\$10,000,000.00	\$7,730,004.14	\$0.00	\$58,166,594.00
DHS CBP	\$154,116,447.35	\$0.00	\$7,857,615.29	\$12,500,000.00	\$174,474,062.63
<b>A004 Budget</b>	<b>194,553,037.20</b>	<b>10,000,000.00</b>	<b>15,587,619.43</b>	<b>12,500,000.00</b>	<b>232,640,656.63</b>

Hidalgo's Contribution: \$48,166,594 plus \$10,000,000 of in-kind construction work

Total Project Miles \$20.11

### Cost Share by Agency for Amendment 05

Agency	Construction Cost Contribution	In-Kind Construction	Engineering Cost Contribution	Closeout Cost Contribution	Furnished Materials	Total Project Budget
Hidalgo HCDD #1	\$40,436,589.86	\$10,000,000.00	\$7,730,004.14	\$ -	\$0.00	\$58,166,594.00
DHS CBP	\$153,992,807.93	\$0.00	\$7,882,986.39	98,268.32	\$12,500,000.00	\$174,474,062.63
<b>A005 Budget</b>	<b>\$194,429,397.78</b>	<b>10,000,000.00</b>	<b>\$15,612,990.53</b>	<b>\$ 98,268.32</b>	<b>12,500,000.00</b>	<b>\$232,640,656.63</b>

Hidalgo's Contribution: \$48,166,594 plus \$10,000,000 of in-kind construction work

Total Project Miles \$20.11

### Cost Share by Agency for Amendment 06

Agency	Construction Cost Contribution	In-Kind Construction	Engineering Cost Contribution	Closeout Cost Contribution	Furnished Materials	Total Project Budget
Hidalgo HCDD #1	\$40,436,589.86	\$10,000,000.00	\$7,730,004.14	\$ -	\$0.00	\$58,166,594.00
DHS CBP	\$153,247,786.66	\$0.00	\$8,628,007.66	98,268.32	\$12,500,000.00	\$174,474,062.63
<b>A006 Budget</b>	<b>\$193,684,376.51</b>	<b>10,000,000.00</b>	<b>\$16,358,011.80</b>	<b>\$ 98,268.32</b>	<b>12,500,000.00</b>	<b>\$232,640,656.63</b>

Hidalgo's Contribution: \$48,166,594 plus \$10,000,000 of in-kind construction work

Total Project Miles \$20.11

Federal Obligations Required
------------------------------

Construction & Engineering Costs:

Hidalgo Contribution:  
DHS Previously Funded:

Funds Required:

Total DHS Funding Provided:

Federal Obligations Required
------------------------------

Construction & Engineering Costs:

Hidalgo \$ Contribution:

DHS Previously Funded:

Funds Required:

Total DHS Funding Provided:

Federal Obligations Required
------------------------------

Construction & Engineering Costs:

Hidalgo \$ Contribution:

DHS Previously Funded:

Funds Required:

Total DHS Funding Provided:

## Attachment No. 2 Amendment A006 Budget Reallocation

### Cost Share by Agency for Amendment 05

Agency	Construction Cost Contribution	In-Kind Construction	Engineering Cost Contribution	Closeout Cost Contribution	Furnished Materials	Total Project Budget
Hidalgo HCDD #1	\$40,436,589.86	\$10,000,000.00	\$7,730,004.14	\$0.00	\$0.00	\$ 58,166,594.00
DHS CBP	\$153,992,807.93	\$0.00	\$7,882,986.39	\$98,268.32	\$12,500,000.00	\$ 174,474,062.63
<b>A005 Budget</b>	<b>194,429,397.78</b>	<b>10,000,000.00</b>	<b>15,612,990.53</b>	<b>98,268.32</b>	<b>12,500,000.00</b>	<b>\$ 232,640,656.63</b>

Hidalgo's Contribution: \$48,166,594 plus \$10,000,000 of in-kind construction work

Total Project Miles \$20.11

### Budget Adjustment executed through Amendment 06:

Agency	Construction Cost Contribution	In-Kind Construction	Engineering Cost Contribution	Close-out Costs (Engineering repair for defective construction)	Furnished Materials	Total Project Budget
A005 Budget	\$ 194,429,397.78	\$ 10,000,000.00	\$ 15,612,990.53	\$ 98,268.32	\$ 12,500,000.00	\$ 232,640,656.63
A006 Reallocation for O-4 Engineering	(\$1,021.27)		\$1,021.27			
A006 Reallocation for Reduction of Liquidated Damages	(\$744,000.00)		\$744,000.00			
<b>A005 Budget</b>	<b>\$ 193,684,376.51</b>	<b>\$ 10,000,000.00</b>	<b>\$ 16,358,011.80</b>	<b>\$ 98,268.32</b>	<b>\$ 12,500,000.00</b>	<b>\$ 232,640,656.63</b>

Total adjustment value is: \$745,021.27

### Cost Share by Agency for Amendment 06

Agency	Construction Cost Contribution	In-Kind Construction	Engineering Cost Contribution	Closeout Cost Contribution	Furnished Materials	Total Project Budget
Hidalgo HCDD #1	\$40,436,589.86	\$10,000,000.00	\$7,730,004.14	\$ -	\$0.00	\$58,166,594.00
DHS CBP	\$153,247,786.66	\$0.00	\$8,628,007.66	\$98,268.32	\$12,500,000.00	\$174,474,062.63
<b>A005 Budget</b>	<b>\$193,684,376.51</b>	<b>10,000,000.00</b>	<b>\$16,358,011.80</b>	<b>\$ 98,268.32</b>	<b>12,500,000.00</b>	<b>\$232,640,656.63</b>

Hidalgo's Contribution: \$48,166,594 plus \$10,000,000 of in-kind construction work

Total Project Miles \$20.11

## Attachment No. 3 Amendment A005 Budget Reallocation

### Cost Share by Agency for Amendment 04

Agency	Construction Cost Contribution	In-Kind Construction	Engineering Cost Contribution	Furnished Materials	Total Project Budget
Hidalgo HCDD #1	\$40,436,589.86	\$10,000,000.00	\$7,730,004.14	\$0.00	\$58,166,594.00
DHS CBP	\$154,116,447.35	\$0.00	\$7,857,615.29	\$12,500,000.00	\$174,474,062.63
<b>A004 Budget</b>	<b>194,553,037.20</b>	<b>10,000,000.00</b>	<b>15,587,619.43</b>	<b>12,500,000.00</b>	<b>232,640,656.63</b>

Hidalgo's Contribution: \$48,166,594 plus \$10,000,000 of in-kind construction work

Total Project Miles \$20.11

### Budget Adjustment executed through Amendment 05:

Agency	Construction Cost Contribution	In-Kind Construction	Engineering Cost Contribution	Close-out Costs (Engineering repair for defective construction)	Furnished Materials	Total Project Budget
A004 Budget	\$ 194,553,037.20	\$ 10,000,000.00	\$ 15,587,619.43	\$ -	\$ 12,500,000.00	\$ 232,640,656.63
A005 Reallocation	(\$123,639.42)	0	\$25,371.10	98,268.32	0	
<b>A005 Budget</b>	<b>\$ 194,429,397.78</b>	<b>\$ 10,000,000.00</b>	<b>\$ 15,612,990.53</b>	<b>\$ 98,268.32</b>	<b>\$ 12,500,000.00</b>	<b>\$ 232,640,656.63</b>

### Cost Share by Agency for Amendment 05

Agency	Construction Cost Contribution	In-Kind Construction	Engineering Cost Contribution	Closeout Cost Contribution	Furnished Materials	Total Project Budget
Hidalgo HCDD #1	\$40,436,589.86	\$10,000,000.00	\$7,730,004.14	\$ -	\$0.00	\$58,166,594.00
DHS CBP	\$153,992,807.93	\$0.00	\$7,882,986.39	98,268.32	\$12,500,000.00	\$174,474,062.63
<b>A005 Budget</b>	<b>\$194,429,397.78</b>	<b>10,000,000.00</b>	<b>\$15,612,990.53</b>	<b>\$ 98,268.32</b>	<b>12,500,000.00</b>	<b>\$232,640,656.63</b>

Hidalgo's Contribution: \$48,166,594 plus \$10,000,000 of in-kind construction work

Total Project Miles \$20.11

## Attachment No. 4 Amendment A004 Budget Reallocation

### Cost Share by Agency for Amendment 04

#### DHS Budget as of April 15, 2010

	Construction Cost Contribution	In-Kind Construction	Engineering Costs	Furnished Materials	Total Project
A003 Budget	\$ 194,680,648.35	\$ 10,000,000.00	\$ 15,460,008.28	\$ 12,500,000.00	\$ 232,648,656.63
DHS Authorized Payments	(188,468,053.95)	(10,000,000.00)	(15,301,749.30)	(12,500,000.00)	(226,269,803.25)
Remaining Budget	\$ 6,212,594.40	\$ -	\$ 158,258.98	\$ -	\$ 6,370,853.38

#### HCDD Actual Costs as of April 15, 2010

	Construction Costs	In-Kind Construction	Engineering Costs	Furnished Materials	Total Project
A003 Budget	\$ 194,680,648.35	\$ 10,000,000.00	\$ 15,460,008.28	\$ 12,500,000.00	\$ 232,648,656.63
DHS Authorized Payments	(188,468,053.95)	(10,000,000.00)	(15,301,749.30)	(12,500,000.00)	(226,269,803.25)
Pending Work Authorizations*	\$ -	\$ -	\$ (4,799,870.13)	\$ -	\$ (4,799,870.13)
Actual Cost as of 4/15/10	\$ (188,468,053.95)	\$ (10,000,000.00)	\$ (20,101,619.43)	\$ (12,500,000.00)	\$ (231,069,673.38)
Underrun/Overrun	\$ 6,212,594.40	\$ -	\$ (4,641,611.15)	\$ -	\$ 1,570,983.25
Recovery of Liquidated Damages	\$ 4,514,000.00	\$ -	\$ -	\$ -	\$ 4,514,000.00
A003 Budget + LD	\$ 199,194,648.35	\$ 10,000,000.00	\$ 15,460,008.28	\$ 12,500,000.00	\$ 237,154,656.63
Underrun/Overrun w/ LD	\$ 10,726,594.40	\$ -	\$ (4,641,611.15)	\$ -	\$ 6,084,983.25

\*Pending Work Authorizations includes damages incurred by the recipient.

Agency	Construction Cost Contribution	In-Kind Construction	Engineering Cost Contribution	Furnished Materials	Total Project
A003 Total Budget	194,680,648.35	10,000,000.00	15,460,008.28	12,500,000.00	232,648,656.63
DHS Authorized Payments as of 4/15/10	(188,468,053.95)	(10,000,000.00)	(15,301,749.30)	(12,500,000.00)	(226,269,803.25)
Pending Work Authorizations*	\$ -	\$ -	\$ (4,799,870.13)	\$ -	\$ (4,799,870.13)
Available/Overrun as of 4/15/10	\$ 6,212,594.40	\$ -	\$ (4,641,611.15)	\$ -	\$ 1,570,983.25
Actual Cost as of 4/15/10	\$ (188,468,053.95)	\$ (10,000,000.00)	\$ (20,101,619.43)	\$ (12,500,000.00)	\$ (231,069,673.38)
Engineering Overrun Adjustment		\$ -	\$ 4,641,611.15	\$ -	\$ 4,641,611.15
DHS Authorized Payments as of 5/20/10	\$ (188,468,053.95)	\$ (10,000,000.00)	\$ (20,101,619.43)	\$ (12,500,000.00)	\$ (231,069,673.38)
Total Cost Contribution 5/20/2010	194,680,648.35	10,000,000.00	20,101,619.43	12,500,000.00	237,282,267.78
Recovery of Liquidated Damages (LD)	-	-	(4,514,000.00)	-	(4,514,000.00)
Costs Offset by LD	194,680,648.35	10,000,000.00	15,587,619.43	12,500,000.00	232,768,267.78
Construction Adjustment	(127,611.15)	-	-	-	(127,611.15)
<b>A004 Budget</b>	<b>194,553,037.20</b>	<b>10,000,000.00</b>	<b>15,587,619.43</b>	<b>12,500,000.00</b>	<b>232,640,656.63</b>
Total Budget Change:	(127,611.15)	-	127,611.15	-	-
Available After Reallocation	6,084,983.25	-	-	-	6,084,983.25

# Attachment No. 5

## Amendment A003 Approved Budget

### Cost Share by Agency for Amendment 01

Agency	Construction Cost Contribution	In-Kind Construction	Engineering Costs	Furnished Materials	Total Project Budget
Hidalgo HCDD #1	\$31,253,127.34	\$7,856,787.67	\$5,705,224.88	\$0.00	\$44,815,139.89
DHS CBP	\$119,214,038.91	\$0.00	\$5,705,224.88	\$9,820,984.58	\$134,740,248.38
<b>Total</b>	<b>\$150,467,166.25</b>	<b>\$7,856,787.67</b>	<b>\$11,410,449.76</b>	<b>\$9,820,984.58</b>	<b>\$179,555,388.27</b>

### Federal Obligations Required

Construction & Engineering Costs:	\$
Hidalgo Contribution:	-
DHS Previously Funded:	-

Hidalgo's contribution of \$48,166,594 plus \$10,000,000 of in-kind construction work is prorated based on the projected total project budget. -- Assumes Hidalgo share of construction costs is 20.770729% -- this is based on the projected construction cost share for Hidalgo referenced in the second column below.

Project Miles thru Mod 01 15.80

Funds Required:	\$
Total DHS Funding Provided:	\$

### Cost Share by Agency for Amendment 02

Agency	Construction Cost Contribution	In-Kind Construction	Engineering Costs	Furnished Materials	Total Project Budget
Hidalgo HCDD #1	\$40,436,589.86	\$10,000,000.00	\$7,730,004.14	\$0.00	\$58,166,594.00
DHS CBP	\$154,244,058.49	\$0.00	\$7,730,004.14	\$12,500,000.00	\$174,474,062.63
<b>Total</b>	<b>\$194,680,648.35</b>	<b>\$10,000,000.00</b>	<b>\$15,460,008.28</b>	<b>\$12,500,000.00</b>	<b>\$232,640,656.63</b>

### Federal Obligations Required

Construction & Engineering Costs:	\$
Hidalgo Contribution:	-
DHS Previously Funded:	-

Hidalgo's Contribution: \$48,166,594 plus \$10,000,000 of in-kind construction work

Total Project Miles 20.11

Funds Required:	\$
Total DHS Funding Provided:	\$
Actual Total DHS Funds Obligated	\$

### Cost Share by Agency for Amendment 03

Agency	Construction Cost Contribution	In-Kind Construction	Engineering Costs	Furnished Materials	Total Project Budget
Hidalgo HCDD #1	\$40,436,589.86	\$10,000,000.00	\$7,730,004.14	\$0.00	\$58,166,594.00
DHS CBP	\$154,244,058.49	\$0.00	\$7,730,004.14	\$12,500,000.00	\$174,474,062.63
<b>Total</b>	<b>\$194,680,648.35</b>	<b>\$10,000,000.00</b>	<b>\$15,460,008.28</b>	<b>\$12,500,000.00</b>	<b>\$232,640,656.63</b>

### Federal Obligations Required

Construction & Engineering Costs:	\$
Hidalgo Contribution:	-
DHS Previously Funded:	-

Hidalgo's Contribution: \$48,166,594 plus \$10,000,000 of in-kind construction work

Total Project Miles \$20.11

Funds Required:	\$
Total DHS Funding Provided:	\$
Actual Total DHS Funds Obligated	\$

**Attachment No. 6  
Original Agreement, Amendment 1, & Amendment 2**

<b>Original Agreement (May 2, 2008)</b>					
<b>Agency</b>	<b>Construction &amp; Engineering Costs</b>	<b>In-Kind Construction</b>	<b>Engineering Costs</b>	<b>Furnished Materials</b>	<b>Total Project Budget</b>
Hidalgo HCDD#1	\$48,166,594	\$0.00	NA	\$0.00	\$48,166,594.00
DHS CBP	\$53,200,000	\$0.00	NA	\$12,500,000.00	\$65,700,000.00
<b>Total</b>	<b>\$101,366,594</b>	<b>\$0.00</b>	<b>NA</b>	<b>\$12,500,000.00</b>	<b>\$113,866,594.00</b>
<b>Cost Share, Amendment A001 (September 30, 2008)</b>					
<b>Agency</b>	<b>Construction Cost Contribution</b>	<b>In-Kind Construction</b>	<b>Engineering Costs</b>	<b>Furnished Materials</b>	<b>Total Project Budget</b>
Hidalgo HCDD#1	\$31,253,127.34	\$7,856,787.67	\$5,705,224.88	\$0.00	\$44,815,139.89
DHS CBP	\$119,214,038.91	\$0.00	\$5,705,224.88	\$9,820,984.58	\$134,740,248.38
<b>Total</b>	<b>\$150,467,166.25</b>	<b>\$7,856,787.67</b>	<b>\$11,410,449.76</b>	<b>\$9,820,984.58</b>	<b>\$179,555,388.27</b>
<b>Cost Share, Amendment A002 (November 4, 2008)</b>					
<b>Agency</b>	<b>Construction Cost Contribution</b>	<b>In-Kind Construction</b>	<b>Engineering Costs</b>	<b>Furnished Materials</b>	<b>Total Project Budget</b>
Hidalgo HCDD#1	\$40,436,589.86	\$10,000,000.00	\$7,730,004.14	\$0.00	\$58,166,594.00
DHS CBP	\$154,244,058.49	\$0.00	\$7,730,004.14	\$12,500,000.00	\$174,474,062.63
<b>Total</b>	<b>\$194,680,648.35</b>	<b>\$10,000,000.00</b>	<b>\$15,460,008.28</b>	<b>\$12,500,000.00</b>	<b>\$232,640,656.63</b>

# Attachment No. 1

## Budget Revisions through A006 (continued)

### Cost Share by Agency for Amendment 04

Agency	Construction Cost Contribution	In-Kind Construction	Engineering Costs	Furnished Materials	Total Project Budget
Hidalgo HCDD #1	\$40,436,589.86	\$10,000,000.00	\$7,730,004.14	\$0.00	\$58,166,594.00
DHS CBP	\$154,116,447.35	\$0.00	\$7,857,615.29	\$12,500,000.00	\$174,474,062.63
<b>A004 Budget</b>	<b>194,553,037.20</b>	<b>10,000,000.00</b>	<b>15,587,619.43</b>	<b>12,500,000.00</b>	<b>232,640,656.63</b>

Hidalgo's Contribution: \$48,166,594 plus \$10,000,000 of in-kind construction work

Total Project Miles \$20.11

### Cost Share by Agency for Amendment 05

Agency	Construction Cost Contribution	In-Kind Construction	Engineering Cost Contribution	Closeout Cost Contribution	Furnished Materials	Total Project Budget
Hidalgo HCDD #1	\$40,436,589.86	\$10,000,000.00	\$7,730,004.14	\$ -	\$0.00	\$58,166,594.00
DHS CBP	\$153,992,807.93	\$0.00	\$7,882,986.39	98,268.32	\$12,500,000.00	\$174,474,062.63
<b>A005 Budget</b>	<b>\$194,429,397.78</b>	<b>10,000,000.00</b>	<b>\$15,612,990.53</b>	<b>\$ 98,268.32</b>	<b>12,500,000.00</b>	<b>\$232,640,656.63</b>

Hidalgo's Contribution: \$48,166,594 plus \$10,000,000 of in-kind construction work

Total Project Miles \$20.11

### Cost Share by Agency for Amendment 06

Agency	Construction Cost Contribution	In-Kind Construction	Engineering Cost Contribution	Closeout Cost Contribution	Furnished Materials	Total Project Budget
Hidalgo HCDD #1	\$40,436,589.86	\$10,000,000.00	\$7,730,004.14	\$ -	\$0.00	\$58,166,594.00
DHS CBP	\$153,247,786.66	\$0.00	\$8,628,007.66	98,268.32	\$12,500,000.00	\$174,474,062.63
<b>A006 Budget</b>	<b>\$193,684,376.51</b>	<b>10,000,000.00</b>	<b>\$16,358,011.80</b>	<b>\$ 98,268.32</b>	<b>12,500,000.00</b>	<b>\$232,640,656.63</b>

Hidalgo's Contribution: \$48,166,594 plus \$10,000,000 of in-kind construction work

Total Project Miles \$20.11

Federal Obligations Required	
------------------------------	--

Construction & Engineering Costs: \$22,500,000.00

Hidalgo Contribution: -\$58,166,594.00  
DHS Previously Funded: -\$65,700,000.00  
-\$51,362,476.13  
-\$34,911,586.51  
-\$10,000,000.00

Funds Required: \$0.00

Total DHS Funding Provided: \$161,974,062.63

Federal Obligations Required	
------------------------------	--

Construction & Engineering Costs: \$210,140,656.63

Hidalgo \$ Contribution: \$0.00  
DHS Previously Funded: -\$65,700,000.00  
-\$51,362,476.13  
-\$34,911,586.51  
-\$10,000,000.00

Funds Required: \$0.00

Total DHS Funding Provided: \$161,974,062.63

Federal Obligations Required	
------------------------------	--

Construction & Engineering Costs: \$210,140,656.63

Hidalgo \$ Contribution: \$0.00  
DHS Previously Funded: -\$65,700,000.00  
-\$51,362,476.13  
-\$34,911,586.51  
-\$10,000,000.00

Funds Required: \$0.00

Total DHS Funding Provided: \$161,974,062.63

## Attachment No. 2 Amendment A006 Budget Reallocation

### Cost Share by Agency for Amendment 05

Agency	Construction Cost Contribution	In-Kind Construction	Engineering Cost Contribution	Closeout Cost Contribution	Furnished Materials	Total Project Budget
Hidalgo HCDD #1	\$40,436,589.86	\$10,000,000.00	\$7,730,004.14	\$0.00	\$0.00	\$ 58,166,594.00
DHS CBP	\$153,992,807.93	\$0.00	\$7,882,986.39	\$98,268.32	\$12,500,000.00	\$ 174,474,062.63
<b>A005 Budget</b>	<b>194,429,397.78</b>	<b>10,000,000.00</b>	<b>15,612,990.53</b>	<b>98,268.32</b>	<b>12,500,000.00</b>	<b>\$ 232,640,656.63</b>

Hidalgo's Contribution: \$48,166,594 plus \$10,000,000 of in-kind construction work

Total Project Miles \$20.11

### Budget Adjustment executed through Amendment 06:

Agency	Construction Cost Contribution	In-Kind Construction	Engineering Cost Contribution	Close-out Costs (Engineering repair for defective construction)	Furnished Materials	Total Project Budget
A005 Budget	\$ 194,429,397.78	\$ 10,000,000.00	\$ 15,612,990.53	\$ 98,268.32	\$ 12,500,000.00	\$ 232,640,656.63
A006 Reallocation for O-4 Engineering	(\$1,021.27)		\$1,021.27			
A006 Reallocation for Reduction of Liquidated Damages	(\$744,000.00)		\$744,000.00			
<b>A005 Budget</b>	<b>\$ 193,684,376.51</b>	<b>\$ 10,000,000.00</b>	<b>\$ 16,358,011.80</b>	<b>\$ 98,268.32</b>	<b>\$ 12,500,000.00</b>	<b>\$ 232,640,656.63</b>

Total adjustment value is: \$745,021.27

### Cost Share by Agency for Amendment 06

Agency	Construction Cost Contribution	In-Kind Construction	Engineering Cost Contribution	Closeout Cost Contribution	Furnished Materials	Total Project Budget
Hidalgo HCDD #1	\$40,436,589.86	\$10,000,000.00	\$7,730,004.14	\$ -	\$0.00	\$58,166,594.00
DHS CBP	\$153,247,786.66	\$0.00	\$8,628,007.66	\$98,268.32	\$12,500,000.00	\$174,474,062.63
<b>A005 Budget</b>	<b>\$193,684,376.51</b>	<b>10,000,000.00</b>	<b>\$16,358,011.80</b>	<b>\$ 98,268.32</b>	<b>12,500,000.00</b>	<b>\$232,640,656.63</b>

Hidalgo's Contribution: \$48,166,594 plus \$10,000,000 of in-kind construction work

Total Project Miles \$20.11

### Federal Obligations Required

Construction & Engineering Costs:	\$210,042,388.31
Hidalgo \$ Contribution:	-\$48,166,594.00
DHS Previously Funded:	-\$65,700,000.00
	-\$51,362,476.13
	-\$34,911,586.51
	-\$10,000,000.00
Funds Required:	\$0.00
Total DHS Funding Provided:	\$161,974,062.63

### Federal Obligations Required

Construction & Engineering Costs:	\$210,140,656.63
Hidalgo \$ Contribution:	-\$48,166,594.00
DHS Previously Funded:	-\$65,700,000.00
	-\$51,362,476.13
	-\$34,911,586.51
	-\$10,000,000.00
Funds Required:	\$0.00
Total DHS Funding Provided:	\$161,974,062.63

# Attachment No. 3 Amendment A005 Budget Reallocation

### Cost Share by Agency for Amendment 04

Agency	Construction Cost Contribution	In-Kind Construction	Engineering Cost Contribution	Furnished Materials	Total Project Budget
Hidalgo HCDD #1	\$40,436,589.86	\$10,000,000.00	\$7,730,004.14	\$0.00	\$58,166,594.00
DHS CBP	\$154,116,447.35	\$0.00	\$7,857,615.29	\$12,500,000.00	\$174,474,062.63
<b>A004 Budget</b>	<b>194,553,037.20</b>	<b>10,000,000.00</b>	<b>15,587,619.43</b>	<b>12,500,000.00</b>	<b>232,640,656.63</b>

Hidalgo's Contribution: \$48,166,594 plus \$10,000,000 of in-kind construction work

Total Project Miles \$20.11

### Budget Adjustment executed through Amendment 05:

Agency	Construction Cost Contribution	In-Kind Construction	Engineering Cost Contribution	Close-out Costs (Engineering repair for defective construction)	Furnished Materials	Total Project Budget
A004 Budget	\$ 194,553,037.20	\$ 10,000,000.00	\$ 15,587,619.43	\$ -	\$ 12,500,000.00	\$ 232,640,656.63
A005 Reallocation	<span style="color: red;">(\$123,639.42)</span>	0	\$25,371.10	98,268.32	0	
<b>A005 Budget</b>	<b>\$ 194,429,397.78</b>	<b>\$ 10,000,000.00</b>	<b>\$ 15,612,990.53</b>	<b>\$ 98,268.32</b>	<b>\$ 12,500,000.00</b>	<b>\$ 232,640,656.63</b>

### Cost Share by Agency for Amendment 05

Agency	Construction Cost Contribution	In-Kind Construction	Engineering Cost Contribution	Closeout Cost Contribution	Furnished Materials	Total Project Budget
Hidalgo HCDD #1	\$40,436,589.86	\$10,000,000.00	\$7,730,004.14	\$ -	\$0.00	\$58,166,594.00
DHS CBP	\$153,992,807.93	\$0.00	\$7,882,986.39	98,268.32	\$12,500,000.00	\$174,474,062.63
<b>A005 Budget</b>	<b>\$194,429,397.78</b>	<b>10,000,000.00</b>	<b>\$15,612,990.53</b>	<b>\$ 98,268.32</b>	<b>12,500,000.00</b>	<b>\$232,640,656.63</b>

Hidalgo's Contribution: \$48,166,594 plus \$10,000,000 of in-kind construction work

Total Project Miles \$20.11

### Federal Obligations Required

Construction & Engineering Costs:	\$210,140,656.63
Hidalgo \$ Contribution:	-\$48,166,594.00
DHS Previously Funded:	-\$65,700,000.00
	-\$51,362,476.13
	-\$34,911,586.51
	-\$10,000,000.00
Funds Required:	\$0.00
Total DHS Funding Provided:	\$161,974,062.63

### Federal Obligations Required

Construction & Engineering Costs:	\$210,140,656.63
Hidalgo \$ Contribution:	-\$48,166,594.00
DHS Previously Funded:	-\$65,700,000.00
	-\$51,362,476.13
	-\$34,911,586.51
	-\$10,000,000.00
Funds Required:	\$0.00
Total DHS Funding Provided:	\$161,974,062.63

## Attachment No. 4 Amendment A004 Budget Reallocation

### Cost Share by Agency for Amendment 04

#### DHS Budget as of April 15, 2010

	Construction Cost Contribution	In-Kind Construction	Engineering Costs	Furnished Materials	Total Project Budget
A003 Budget	\$ 194,680,648.35	\$ 10,000,000.00	\$ 15,460,008.28	\$ 12,500,000.00	\$ 232,640,656.63
DHS Authorized Payments	(188,468,053.95)	\$ (10,000,000.00)	\$ (15,301,749.30)	\$ (12,500,000.00)	\$ (226,269,803.25)
Remaining Budget	\$ 6,212,594.40	\$ -	\$ 158,258.98	\$ -	\$ 6,370,853.38

#### HCDD Actual Costs as of April 15, 2010

	Construction Costs	In-Kind Construction	Engineering Costs	Furnished Materials	Total Project Budget
A003 Budget	\$ 194,680,648.35	\$ 10,000,000.00	\$ 15,460,008.28	\$ 12,500,000.00	\$ 232,640,656.63
DHS Authorized Payments	(188,468,053.95)	\$ (10,000,000.00)	\$ (15,301,749.30)	\$ (12,500,000.00)	\$ (226,269,803.25)
Pending Work Authorizations*	\$ -	\$ -	\$ (4,799,870.13)	\$ -	\$ (4,799,870.13)
Actual Cost as of 4/15/10	\$ (188,468,053.95)	\$ (10,000,000.00)	\$ (20,101,619.43)	\$ (12,500,000.00)	\$ (231,069,673.38)
Underrun/Overrun	\$ 6,212,594.40	\$ -	\$ (4,641,611.15)	\$ -	\$ 1,570,983.25
Recovery of Liquidated Damages	\$ 4,514,000.00	\$ -	\$ -	\$ -	\$ 4,514,000.00
A003 Budget + LD	\$ 199,194,648.35	\$ 10,000,000.00	\$ 15,460,008.28	\$ 12,500,000.00	\$ 237,154,656.63
Underrun/Overrun w/ LD	\$ 10,726,594.40	\$ -	\$ (4,641,611.15)	\$ -	\$ 6,084,983.25

\*Pending Work Authorizations includes damages incurred by the recipient.

Agency	Construction Cost Contribution	In-Kind Construction	Engineering Cost Contribution	Furnished Materials	Total Project Budget
A003 Total Budget	194,680,648.35	10,000,000.00	15,460,008.28	12,500,000.00	232,640,656.63
DHS Authorized Payments as of 4/15/10	(188,468,053.95)	\$ (10,000,000.00)	\$ (15,301,749.30)	\$ (12,500,000.00)	\$ (226,269,803.25)
Pending Work Authorizations*	\$ -	\$ -	\$ (4,799,870.13)	\$ -	\$ (4,799,870.13)
Available/Overrun as of 4/15/10	\$ 6,212,594.40	\$ -	\$ (4,641,611.15)	\$ -	\$ 1,570,983.25
Actual Cost as of 4/15/10	\$ (188,468,053.95)	\$ (10,000,000.00)	\$ (20,101,619.43)	\$ (12,500,000.00)	\$ (231,069,673.38)
Engineering Overrun Adjustment		\$ -	\$ 4,641,611.15	\$ -	\$ 4,641,611.15
DHS Authorized Payments as of 5/20/10	\$ (188,468,053.95)	\$ (10,000,000.00)	\$ (20,101,619.43)	\$ (12,500,000.00)	\$ (231,069,673.38)
Total Cost Contribution 5/20/2010	194,680,648.35	10,000,000.00	20,101,619.43	12,500,000.00	\$ 237,282,267.78
Recovery of Liquidated Damages (LD)	-	-	(4,514,000.00)	-	(4,514,000.00)
Costs Offset by LD	194,680,648.35	10,000,000.00	15,587,619.43	12,500,000.00	232,768,267.78
Construction Adjustment	(127,611.15)	-	-	-	(127,611.15)
<b>A004 Budget</b>	<b>194,553,037.20</b>	<b>10,000,000.00</b>	<b>15,587,619.43</b>	<b>12,500,000.00</b>	<b>232,640,656.63</b>
Total Budget Change:	(127,611.15)	-	127,611.15	-	(0.00)
Available After Reallocation	6,084,983.25	-	-	-	6,084,983.25

## Attachment No. 5 Amendment A003 Approved Budget

Cost Share by Agency for Amendment 01					
Agency	Construction Cost Contribution	In-Kind Construction	Engineering Costs	Furnished Materials	Total Project Budget
Hidalgo HCDD #1	\$31,253,127.34	\$7,856,787.67	\$5,705,224.88	\$0.00	\$44,815,139.89
DHS CBP	\$119,214,038.91	\$0.00	\$5,705,224.88	\$9,820,984.58	\$134,740,248.38
<b>Total</b>	<b>\$150,467,166.25</b>	<b>\$7,856,787.67</b>	<b>\$11,410,449.76</b>	<b>\$9,820,984.58</b>	<b>\$179,555,388.27</b>

*Hidalgo's contribution of \$48,166,594 plus \$10,000,000 of in-kind construction work is prorated based on the projected total project miles thru Mod 01 15.80*  
-- Assumes Hidalgo share of construction costs is 20.770729% -- this is based on the projected construction cost share for Hidalgo referenced in the second column below.

Federal Obligations Required	
Construction & Engineering Costs:	\$161,877,616.01
Hidalgo Contribution:	-\$44,815,139.89
DHS Previously Funded:	-\$65,700,000.00
Funds Required:	\$51,362,476.13
Total DHS Funding Provided:	\$117,062,476.13

  

Cost Share by Agency for Amendment 02					
Agency	Construction Cost Contribution	In-Kind Construction	Engineering Costs	Furnished Materials	Total Project Budget
Hidalgo HCDD #1	\$40,436,589.86	\$10,000,000.00	\$7,730,004.14	\$0.00	\$58,166,594.00
DHS CBP	\$154,244,058.49	\$0.00	\$7,730,004.14	\$12,500,000.00	\$174,474,062.63
<b>Total</b>	<b>\$194,680,648.35</b>	<b>\$10,000,000.00</b>	<b>\$15,460,008.28</b>	<b>\$12,500,000.00</b>	<b>\$232,640,656.63</b>

*Hidalgo's Contribution: \$48,166,594 plus \$10,000,000 of in-kind construction work*  
Total Project Miles 20.11

Federal Obligations Required	
Construction & Engineering Costs:	\$210,140,656.63
Hidalgo Contribution:	-\$58,166,594.00
DHS Previously Funded:	-\$65,700,000.00
Funds Required:	\$34,911,586.51
Total DHS Funding Provided:	\$151,974,062.63
Actual Total DHS Funds Obligated	\$161,974,062.63

  

Cost Share by Agency for Amendment 03					
Agency	Construction Cost Contribution	In-Kind Construction	Engineering Costs	Furnished Materials	Total Project Budget
Hidalgo HCDD #1	\$40,436,589.86	\$10,000,000.00	\$7,730,004.14	\$0.00	\$58,166,594.00
DHS CBP	\$154,244,058.49	\$0.00	\$7,730,004.14	\$12,500,000.00	\$174,474,062.63
<b>Total</b>	<b>\$194,680,648.35</b>	<b>\$10,000,000.00</b>	<b>\$15,460,008.28</b>	<b>\$12,500,000.00</b>	<b>\$232,640,656.63</b>

*Hidalgo's Contribution: \$48,166,594 plus \$10,000,000 of in-kind construction work*  
Total Project Miles \$20.11

Federal Obligations Required	
Construction & Engineering Costs:	\$220,140,656.63
Hidalgo Contribution:	-\$58,166,594.00
DHS Previously Funded:	-\$65,700,000.00
Funds Required:	<span style="color: red;">\$10,000,000.00</span>
Total DHS Funding Provided:	\$161,974,062.63
Actual Total DHS Funds Obligated	\$161,974,062.63

**Attachment No. 6  
Original Agreement, Amendment 1, & Amendment 2**

<b>Original Agreement (May 2, 2008)</b>					
<b>Agency</b>	<b>Construction &amp; Engineering Costs</b>	<b>In-Kind Construction</b>	<b>Engineering Costs</b>	<b>Furnished Materials</b>	<b>Total Project Budget</b>
Hidalgo HCDD#1	\$48,166,594	\$0.00	NA	\$0.00	\$48,166,594.00
DHS CBP	\$53,200,000	\$0.00	NA	\$12,500,000.00	\$65,700,000.00
<b>Total</b>	<b>\$101,366,594</b>	<b>\$0.00</b>	<b>NA</b>	<b>\$12,500,000.00</b>	<b>\$113,866,594.00</b>
<b>Cost Share, Amendment A001 (September 30, 2008)</b>					
<b>Agency</b>	<b>Construction Cost Contribution</b>	<b>In-Kind Construction</b>	<b>Engineering Costs</b>	<b>Furnished Materials</b>	<b>Total Project Budget</b>
Hidalgo HCDD#1	\$31,253,127.34	\$7,856,787.67	\$5,705,224.88	\$0.00	\$44,815,139.89
DHS CBP	\$119,214,038.91	\$0.00	\$5,705,224.88	\$9,820,984.58	\$134,740,248.38
<b>Total</b>	<b>\$150,467,166.25</b>	<b>\$7,856,787.67</b>	<b>\$11,410,449.76</b>	<b>\$9,820,984.58</b>	<b>\$179,555,388.27</b>
<b>Cost Share, Amendment A002 (November 4, 2008)</b>					
<b>Agency</b>	<b>Construction Cost Contribution</b>	<b>In-Kind Construction</b>	<b>Engineering Costs</b>	<b>Furnished Materials</b>	<b>Total Project Budget</b>
Hidalgo HCDD#1	\$40,436,589.86	\$10,000,000.00	\$7,730,004.14	\$0.00	\$58,166,594.00
DHS CBP	\$154,244,058.49	\$0.00	\$7,730,004.14	\$12,500,000.00	\$174,474,062.63
<b>Total</b>	<b>\$194,680,648.35</b>	<b>\$10,000,000.00</b>	<b>\$15,460,008.28</b>	<b>\$12,500,000.00</b>	<b>\$232,640,656.63</b>

AI-29406

6.

**DRAINAGE DISTRICT**

**Meeting Date:** 11/01/2011

**Submitted By:** Monica Badillo, EXECUTIVE  
OFFICE

**Department:** EXECUTIVE OFFICE

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**Information**

**CAPTION**

Authorization for Board of Directors to utilize either a certified agenda or tape recording for closed session

**BACKGROUND**

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**Attachments**

form

**Form Review**

<b>Inbox</b>	<b>Reviewed By</b>	<b>Date</b>
Budget & Management	Merlen P. Munoz	10/28/2011 04:21 PM
Budget & Management	Merlen P. Munoz	10/28/2011 04:21 PM
Perla Lopez		
Auditor's Office		
Purchasing Department		
Form Started By: Monica Badillo		Started On: 10/28/2011

HIDALGO COUNTY DRAINAGE DISTRICT  
BOARD OF DIRECTORS  
CERTIFIED AGENDA

CONFIDENTIAL: No one shall, without lawful authority, knowingly make public this certified agenda of a closed or executive session. A person who violates this subsection shall be guilty of a Class B misdemeanor and further shall be liable to any party injured or damaged thereby. Tex. Rev. Civ.Stat. Ann.Art.6252-17.2A(h).(1).

CERTIFIED AGENDA OF CLOSED SESSION

Meeting of the Board of Directors of Hidalgo County

“The Board of Directors of Hidalgo County on \_\_\_\_\_, 201\_\_,  
beginning at \_\_\_\_\_, convened in closed session in accordance with the  
Texas Open Meetings Act.”

Roll Call:

Ramon Garcia, Chairman  
Joel Quintanilla, Board Member  
Hector “Tito” Palacios, Board Member  
Joe M. Flores, Board Member  
Joseph Palacios, Board Member

Check one

Present \_\_\_ Absent \_\_\_  
Present \_\_\_ Absent \_\_\_  
Present \_\_\_ Absent \_\_\_  
Present \_\_\_ Absent \_\_\_  
Present \_\_\_ Absent \_\_\_

Attorneys:

\_\_\_\_\_ Re: Item # \_\_\_\_\_

\_\_\_\_\_ Re: Item # \_\_\_\_\_

\_\_\_\_\_ Re: Item # \_\_\_\_\_

SUBJECTS DISCUSSED IN THE SESSION CLOSED TO THE PUBLIC:

- A. Real Estate Acquisition
- B. Pending and/or potential litigation
- C. \_\_\_\_\_
- D. \_\_\_\_\_
- E. \_\_\_\_\_
- F. \_\_\_\_\_
- G. \_\_\_\_\_
- H. \_\_\_\_\_

Certified Agenda

“The Board of Directors of Hidalgo County ended its closed session at \_\_\_\_\_ on \_\_\_\_\_ 201\_.”

RECORD OF FURTHER ACTION TAKEN, IF ANY, ON ABOVE ITEMS IN THE SUBSEQUENT OPEN SESSION:

- A. Real Estate Acquisition
- B. Pending and/or potential litigation
- C. \_\_\_\_\_
- D. \_\_\_\_\_
- E. \_\_\_\_\_
- F. \_\_\_\_\_
- G. \_\_\_\_\_
- H. \_\_\_\_\_

I hereby certify that the foregoing is a true and correct record of the proceedings on the above date.

\_\_\_\_\_  
RAMON GARCIA, COUNTY JUDGE

As approved by Court on \_\_\_\_\_