

Contract # 21-8BCF5001  
District # 21- Pharr  
Code Chart 64 # 50109  
Project: Various Projects in Hidalgo  
County  
CFDA # 20.205

STATE OF TEXAS     §  
COUNTY OF TRAVIS   §

**FUNDING AGREEMENT  
FOR BORDER COLONIA ACCESS PROGRAM  
AMENDMENT #10**

**THIS AMENDMENT IS MADE BY AND BETWEEN** the State of Texas, acting through the Texas Department of Transportation, hereinafter called the "State" and Hidalgo County acting by and through its duly authorized officials, hereinafter called the "County".

**WITNESSETH**

**WHEREAS**, the State and the County executed a contract on the 28<sup>th</sup> day of August 2008 to effectuate their agreement to establish a transportation program to construct access roads in the County and,

**WHEREAS**, amendment #1 was executed on the 15<sup>th</sup> day of January 2009 to transfer funds to other eligible colonia projects as approved by Texas Transportation Commission Minute Order 111637 and,

**WHEREAS**, amendment #2 was executed on the 17<sup>th</sup> day of March 2010 to correct a typographical error for Colonia Esperanza #1 and,

**WHEREAS**, amendment #3 was executed on the 13<sup>th</sup> day of August 2010 to extend the contract and,

**WHEREAS**, amendment #4 was executed on the 20<sup>th</sup> day of June 2011 to remove no longer eligible projects, add one new project and extend the contract and,

**WHEREAS**, amendment #5 was executed on the 1<sup>st</sup> day of November 2011 to cancel two non-competitive projects and to transfer 1<sup>st</sup> and 2<sup>nd</sup> Call non-competitive and competitive under runs to the 3<sup>rd</sup> Call and,

**WHEREAS**, amendment #6 was executed on the 21<sup>st</sup> day of March 2012 to redefine a non-competitive project and to apply non-competitive under runs to new projects and,

**WHEREAS**, amendment #7 was executed on the 23<sup>rd</sup> day of August 2012 to extend the contract and,

**WHEREAS**, amendment #8 was executed on 28<sup>th</sup> day of August 2014 to apply non-competitive under runs to new projects and to extend the contract and,

**WHEREAS**, amendment #9 was executed on 26<sup>th</sup> day of August 2015 to extend the contract and,

**WHEREAS**, it has become necessary to amend the agreement; and,

**NOW THEREFORE**, in consideration of the premises and of the mutual covenants and agreements of the parties hereto, the State and the County do agree to amend the agreement as follows:

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## AGREEMENT

### I. Description of Amended items:

**Article 3. Schedule** is deleted in its entirety and replaced with the following:

**3. Schedule.** Upon final execution of this agreement and all subsequent amendments, the County shall submit a project schedule. This schedule shall include a monthly project development timeline including estimated monthly expenditures.

**Article 4. Project Sources, Uses of Funds, and Reimbursement** is deleted in its entirety and replaced with the following:

#### **4. Project Sources, Uses of Funds, and Reimbursement.**

- a. The State has authorized the total estimated cost of the Project as shown in Attachment B to this agreement. The expected cash contributions from the State, the County, or other parties is shown in Attachment B. The State will reimburse for only eligible Project costs that have been approved by the Texas Transportation Commission. The County must be in compliance with the requirements of this agreement to receive reimbursement of Project costs.
- b. The County shall submit monthly billing statements accompanied by a certification of work completion. The State will verify the work completion. Within thirty (30) days of receipt of the billing statement and supporting documentation, the State will reimburse the County. The County shall submit to the State copies of all paid invoices within sixty (60) days of payment.
- c. For a Project funded with the County allocation based on colonia population, the State will reimburse Project costs until the County maximum allocation has been reached. Any Project costs above the County maximum allocation shall be the responsibility of the County. Total maximum allowable costs for all combined County Projects shall not exceed \$ 16,536,465.98.
- d. For a Project specifically selected by statewide competition, the total State reimbursements for each selected Project shall not exceed the amount authorized by the Texas Transportation Commission for that Project.

**Article 13. Historically Underutilized Business (HUB) Program Requirements** is deleted in its entirety and replaced with the following:

**13. Historically Underutilized Business (HUB) Program Requirements.** The parties shall comply with the Comptroller of Public Accounts (CPA) Historically Underutilized Business (HUB) Program requirements.

**Attachment B, Project Budget,** is deleted in its entirety and replaced with Attachment B-1, Project Budget, which is attached to and made a part of this amendment.

The following is a summary of the changes:

Funds available from deleted projects and remaining available funding from previously completed projects are being made available for use according to Program rules and guidelines for the added projects and projects with adjusted costs indicated on Attachment B-1. This Amendment #10 is not changing the total amount of the contract.

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**II. Signatory Warranty**

The signatories to this amendment warrant that each has the authority to enter into this agreement of behalf of the party they represent.

All other provisions of the original agreement not hereby amended remain in full force and effect.

**IN WITNESSETH WHEREOF, THE STATE AND COUNTY** have executed duplicate counterparts to effectuate this agreement.

**THE COUNTY**  
Hidalgo County, Texas

**THE STATE OF TEXAS**

By: \_\_\_\_\_  
Ramon Garcia  
County Judge

By: \_\_\_\_\_  
Toribio Garza, P.E.  
Pharr District Engineer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

Attachment B-1  
Project Budget

<b>Hidalgo County</b>					
<b>3rd Call Allocation Projects</b>					
TWDB ID #	Colonia Name	Total Drainage Costs (\$)	Eligible Roadway Costs (\$)	Total Eligible Project Costs (\$)	Amendments
M1080937	Aldamas Subdivision 1 & 2	220,065	295,784	515,849	
M1080055	Ariel Hinojosa Subdivision	24,310	121,492	145,802	
M1080855	Ash County	32,400	97,905	130,305	
M1080063	Balli Estates	0	536,612	536,612	
M1080642	Barboza Lopez #3 (now part of Delta Court)	10,338	101,986	112,325	Added #8 Adjusted Cost #10
M1080079	Basham #14	58,580	188,671	247,251	
M1080082	Basham #18	43,060	124,147	167,207	
M1080111	Blue Star Enterprises #2	84,050	203,164	287,214	Deleted #1
M1080120	Brenda Gay	10,800	99,156	109,956	Added #1
M1080141	Casa De Los Vecinos	114,490	423,757	538,247	Added #1
M1080860	Chapa 2 (SL9)	68,400	274,669	343,069	Added #1
M1080148	Chapa North	16,200	69,571	85,771	
M1080149	Chapa South	9,000	66,878	75,878	
M1080154	Citriana Village	165,795	319,875	485,670	
M1080232	Colonia Boyce (for Donna R.O.W.)	0	134,548	134,548	Added #1
M1080844	Colonia Esperanza #1	19,118	85,606	104,724	Deleted #2
M1080863	Colonia Esperanza #2	19,118	85,606	104,724	Added #2
M1080181	Colonia Saenz	16,200	50,819	67,019	Added #1
M1080185	Colonia Whalen Road	26,756	98,047	124,803	
M1080215	De Anda Subdivision	12,600	51,725	64,325	Deleted #8
M1080234	Dude Hill #1	28,335	60,000	88,335	Deleted #6
M1080234	Dude Hill #1	63,585	60,500	124,085	Added #6
M1080247	El Paraiso Subd.	176,292	151,500	327,792	Added #10
M1080260	Engleman Estates	43,954	155,608	199,562	Added #6
M1080262	Esperanza Estates	87,255	115,088	202,343	
M1080270	Flora Subd.	12,211	112,178	124,389	Added #8 Adjusted Cost #10
M1080274	Foster Subdivision	16,108	95,000	111,108	
M1080300	Hacienda De Los Vegas	4,534	107,976	112,510	
M1080310	Havana Lomas #4	28,710	104,891	133,601	Deleted #1 Added #8

Attachment B-1  
Project Budget

Hidalgo County					
3rd Call Allocation Projects					
TWDB ID #	Colonia Name	Total Drainage Costs (\$)	Eligible Roadway Costs (\$)	Total Eligible Project Costs (\$)	Amendments
M1080311	Havana Lomas #5	25,150	65,000	90,150	Deleted #1 Added #8
M1080314	Heidelberg	\$97,300	\$690,052	787,352	Added #8
M1080319	High Point Subdivision	0	121,187	121,187	
M1080324	Hilda Subdivision #2	62,020	120,000	182,020	
M1080329	Hoehn Drive Subdivision	105,322	351,701	457,023	
M1080932	Indian Hills East	0	1,260,219	1,260,219	Deleted #1
M1080348	Jardin Terrace- Subdivision	55,600	142,045	197,645	Deleted #1 Added #6 Deleted #8
M1080362	L & P Subd.	18,000	99,989	117,989	Added #1 Deleted #4
M1080882	La Flor Estates	7,638	84,329	91,967	Deleted #5
M1080883	La Flor Gardens	7,636	84,329	91,965	Deleted #5
M1080380	La Homa Grove Estates	37,410	117,816	155,226	
M1080387	La Mesa Subdivision	60,500	149,481	209,981	
M1080388	La Milpa Subd.	39,520	59,865	99,385	Added #6
M1080394	La Pampa Subd.	4,243	94,175	98,418	Added #8 Adjusted Cost #10
M1080397	La Suena	126,020	231,579	357,599	
M1080886	Laborsita	5,124	54,900	60,024	
M1080401	Lakeview Subdivision	22,400	355,000	377,400	
M1080406	Las Brisas	47,500	130,000	177,500	
M1080411	Las Fuentes Subd.	\$66,253	\$178,030	244,283	Added #8 Deleted #10
M1080413	Las Milpas Subdivision	72,685	117,073	189,758	
M1080421	Loma Linda Heights Subd.	161,250	489,498	650,748	Added #1
M1080422	Lorenzana Subd.	\$25,934	\$98,074	124,009	Added #8
M1080423	Los Castillos Estates	0	81,524	81,524	Added #1
M1080890	Los Encinos #1	39,585	45,000	84,585	
M1080891	Los Encinos #2	104,425	113,480	217,905	
M1080894	Martin Subdivision	11,016	99,500	110,516	Added #8 Adjusted Cost #10
M1080895	Mary Ann	28,800	219,669	248,469	Added #1
M1080454	McCull Estates	68,875	112,423	181,298	
M1080896	McKee #1	36,100	86,774	122,874	

Attachment B-1  
Project Budget

Hidalgo County					
3rd Call Allocation Projects					
TWDB ID #	Colonia Name	Total Drainage Costs (\$)	Eligible Roadway Costs (\$)	Total Eligible Project Costs (\$)	Amendments
M1080461	Mid-Valley Estates	21,600	213,251	234,851	
M1080900	Morningside South	143,325	217,459	360,784	
M1080488	Munoz Estates	193,079	205,871	398,950	Added #5
<del>M1080536</del>	<del>Palm Lake Estates #1</del>	<del>259,300</del>	<del>637,162</del>	<del>698,613</del>	<del>Deleted #10</del>
M1080834	Palm Subdivision #2	44,882	139,000	183,882	Added #10
M1080587	Ramirez Subdivision	0	46,754	46,754	Deleted #1 Added #6
M1080588	Ramirez Subdivision #2	41,700	50,000	91,700	Deleted #1 Added #6
M1080589	Ramirez Subdivision #3	34,650	71,000	105,650	Deleted #1 Added #6
M1080591	Ramon Leal Subdivision	15,570	70,548	86,118	
M1080596	Rancho Escondido	183,270	269,552	452,822	
M1080600	Randolph Barnett #1	32,650	61,553	94,203	Deleted #1 Added #6
M1080603	Rankin Subd.	304,388	275,000	579,388	Added #6
M1080606	Regal Estates	65,200	121,000	186,200	Deleted #1 Added #6
M1080657	Seminary Village Subdivision	36,400	135,000	171,400	
M1080687	South Palm Gardens Estates #1	0	58,759	58,759	
M1080688	South Palm Gardens Estates #2	0	48,602	48,602	
M1080691	Southern Valley Estates	12,624	115,500	128,124	Added #8 Adjusted Cost #10
M1080940	Sundown's Retirement Center	100,895	108,871	209,766	
<del>M1080752</del>	<del>Trenton Terrace</del>	<del>140,840</del>	<del>135,000</del>	<del>275,840</del>	<del>Deleted #8</del>
M1080779	Valley View Estates	8,368	136,555	144,923	Added #1 Deleted #8
M1080790	Village Grove #2	0	42,408	42,408	Deleted #8
M1080804	Wes-Mer Subdivision	10,800	78,876	89,676	

Attachment B-1  
Project Budget

Hidalgo County					
3rd Call Competitive Projects					
TWDB ID #	Colonia Name	Total Drainage Costs (\$)	Eligible Roadway Costs (\$)	Total Eligible Project Costs (\$)	Amendments
M1080014	Acevedo Subdivision #4	145,460	282,199	427,659	Added #5
M1080103	Bernal Heights #1	22,744	62,922	85,666	Added #5
M1080220	Delta West Subd.	\$41,600	\$313,969	\$355,569	
M1080228	Diaz Subd.	\$9,000	\$55,595	\$64,595	
M1080230	Dimas #3	117,764	177,785	295,549	Added #5
M1080244	El Mesquite Subdivision	63,875	178,576	242,451	Added #5
M1080312	Havana Subdivision	71,717	106,500	178,217	Added #5
M1080385	La Homa Road (South) Subdivision	100,635	118,471	219,106	Added #5
M1080460	Mesquite Acres Subd.	\$98,445	\$125,725	\$224,170	
M1080465	Miller Resub Lot A	\$60,965	\$76,038	\$137,003	Deleted #4
M1080465	Miller Resub Lot A	\$0	\$3,793	\$3,793	Added #4
M1080470	Monica Acres	\$35,510	\$73,188	\$108,698	
M1080495	North Capisallo	23,650	85,351	109,001	Added #5
M1080536	Palm Lake Estates #4	\$57,227	\$140,622	\$197,849	Deleted #10
M1080557	Pentecostal	110,040	101,167	211,207	Added #5
M1080693	Southside Village	18,280	77,089	95,369	Added #5
M1080727	Tijerina Estates	138,578	130,918	269,496	Added #5 Adjusted Cost #10
M1080767	Val Bar Estates	27,250	78,500	105,750	Added #5
M1080780	Vereda Tropical	\$25,660	\$119,307	\$144,967	Deleted #8