

**APPLICATION FOR PAYMENT NO. FIVE-(6) RELEASE OF RETAINAGE**

To: HIDALGO COUNTY (OWNER)  
 From: ZGS, LLC (CONTRACTOR)  
 Contract: HIDALGO COUNTY PRECINCT NO. 1  
 Project: Heidelberg Subdivision  
 Owner's Contract No. C-CAP-15-257-10-06 Engineer's Project No. Purchase Order #735389  
 For Work accomplished through the date of: September 25, 2016

1. Original Contract Price:	\$824,327.70
2. Net change by Change Order and Written Agreements(+):	38,520.00
3. Current Contract Price (1 plus 2):	862,847.70
4. Total completed and stored to date:	862,847.70
5. Retainage (per Agreement):	\$ _____
<u>5%</u> of completed Work:	_____
_____ of stored material	_____
Total Retainage:	_____
6. Total completed and stored to date less retainage (4 minus 5)	862,847.70
7. Less previous Application for Payments:	819,705.31
8. AMOUNT DUE THIS APPLICATION (6 MINUS 7)	\$ 43,142.39

Accompanying Documentation:

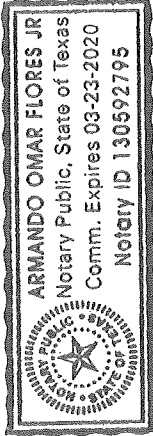
**CONTRACTOR'S Certification:**  
 The undersigned CONTRACTOR certifies that (1) all previous progress payments received from OWNER on account of Work done under the Contract referred to above have been applied on account to discharge CONTRACTOR'S legitimate obligations incurred in connection with Work covered by prior Applications for Payment numbered 1 through 6 inclusive; (2) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to OWNER at time of payment free and clear of all Liens, security interests and encumbrances (except such as are covered by a Bond acceptable to OWNER indemnifying OWNER against any such Lien, security interest or encumbrance); and (3) all Work covered by this Application for Payments is in accordance with the Contract Documents and not defective.

Date September 30, 2016

State of TEXAS  
 County of HIDALGO  
 Subscribed and sworn to before me this 30th  
 day of September 2016  
 Notary Public [Signature]  
 My Commission expires: March 23, 2020

Payment of the above AMOUNT DUE THIS APPLICATION is recommended.

Date 12-7-16



2GS, LLC (CONTRACTOR)  
 By: [Signature]  
 Humberto Garcia Jr.  
 Member  
 P.O. Box 595  
 Peñitas, Texas 78576

Lefevre Engineering & Management Consulting, LLC (ENGINEER)  
 By: [Signature]  
 Emigdio "Milo" Salinas PE  
 Exhibit E-C

INVOICE RECEIVED BY  
Mimi [Signature] on 10/5/16  
 GOODS/SERVICES RECEIVED BY:  
Mimi [Signature] on 10/5/16

Location: Heidelberg Subdivision (FM 1425 and Linden Avenue)

Project No: C-2011-287-10-08

County: Hidalgo County

Est. No: (Release of Release)

Work Type: Road and Drainage Construction

From: Walnut Avenue

To: Magnolia Avenue

Contractor: 205, LLC

Contract Price: \$ 662,847.70

Work Done This Mo: \$ 662,847.70

% Complete: 98.31%

Date Contract Began: 12/22/2015

Contract Time: 300

Time Changed: 278

% Time Used: 92.97%

Item No.	Change Order #	DESCRIPTION	Unit	Original Quantity	Original Project Amount	CHANGE ORDER		Quantity	Date	Monthly Qty to Date	Monthly Item Cost	Total Item Cost	Monthly Qty to Date	Monthly Item Cost	Total Item Cost
						Change Order #	Revised Contract Cost After CO #1								
1		6" Line Treated (3%) Existing Material (Subgrade)	SY	2,564.00	2,564.00							2,564.00			2,564.00
2		6" Line Treated (3%) Existing Material (Subgrade)	SY	2,564.00	2,564.00							2,564.00			2,564.00
3		FL BS (CMP N PLO) (TY E OR 4"FTAL POS)	CY	180.00	3,174.00							180.00			180.00
4		ASP Material (MC-30)	GAL	236.00	6,258.00							236.00			236.00
5		Rework BS MTL	TON	1.00	2,292.00							1.00			2,292.00
6	9.84	Line (FTD, COM OR OK) (Suburby)	TONS	200.00	3,868.00	1,958.00						200.00			3,868.00
7		Payline - Palm Avenue (North)	TON	94.10	9,410.00							94.10			9,410.00
1		6" Line Treated (3%) Existing Material (Subgrade)	SY	1,282.00	2,564.00							1,282.00			2,564.00
2		6" Line Treated (3%) Existing Material (Subgrade)	SY	1,282.00	2,564.00							1,282.00			2,564.00
3		FL BS (CMP N PLO) (TY E OR 4"FTAL POS)	CY	140.00	3,174.00							140.00			140.00
4		ASP Material (MC-30)	GAL	236.00	6,258.00							236.00			236.00
5		Rework BS MTL	TON	1.00	2,292.00							1.00			2,292.00
6	9.84	Line (FTD, COM OR OK) (Suburby)	TONS	200.00	3,868.00	1,958.00						200.00			3,868.00
7		Payline - Palm Avenue (South)	TON	255.50	25,550.00							255.50			25,550.00
1		6" Line Treated (3%) Existing Material (Subgrade)	SY	2,432.00	2,432.00							2,432.00			2,432.00
2		6" Line Treated (3%) Existing Material (Subgrade)	SY	2,432.00	2,432.00							2,432.00			2,432.00
3		FL BS (CMP N PLO) (TY E OR 4"FTAL POS)	CY	134.00	6,628.00							134.00			134.00
4		ASP Material (MC-30)	GAL	420.00	6,628.00							420.00			420.00
5		Rework BS MTL	TON	1.00	2,292.00							1.00			2,292.00
6	26.41	Line (FTD, COM OR OK) (Suburby)	TONS	200.00	10,350.00	5,282.00						200.00			10,350.00
7		Payline - Palm Avenue (North)	TON	94.10	9,410.00							94.10			9,410.00
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6	26.41	Line (FTD, COM OR OK) (Suburby)	TONS	200.00	10,350.00	5,282.00						200			







Contractor Name: 2GS, LLC  
 Starting Date: 42360  
 Project Ending Date: 42660  
 Retainage Percent: 5%

Application No.: 6 (Release of Retainage)  
 Application Date: 9/30/2016  
 Period To: 9/25/2016  
 Engineer Firm: LeFevre Engineering, LLC

Summary

CSJ #	Project Name	Original Schedule	Revised Schedule Value	Payment Application #1	Payment Application #2	Payment Application #3	Payment Application #4	Payment Application #5	Total To Date	Balance To Finish	Retainage	Net	Payment To Date	Payment Due
3C-1080-314	Heidelberg Subdivision	\$ 824,327.70	\$ 38,520.00	\$ 230,746.00	\$ 204,531.00	\$ 139,640.50	\$ 273,355.00	\$ 14,575.20	\$ 862,847.70	\$ -	\$ -	\$ 862,847.70	\$ 819,705.32	\$ 43,142.38
Totals			\$ 862,847.70	\$ 230,746.00	\$ 204,531.00	\$ 139,640.50	\$ 273,355.00	\$ 14,575.20	\$ 862,847.70	\$ -	\$ -	\$ 862,847.70	\$ 819,705.32	\$ 43,142.38

Contractor Name: 2GS, LLC  
 Starting Date: 42360  
 Project Ending Date: 42660  
 Retainage Percent: 5%

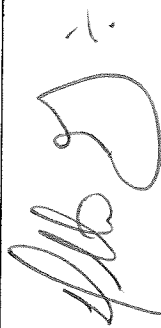

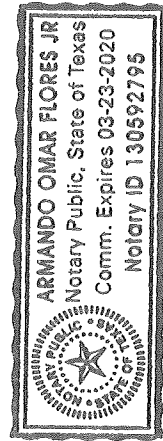
Application No.: 6 (Release of Retainage)  
 Application Date: 9/30/16  
 Period To: 9/25/16  
 Engineer Firm: LeFevre Engineering, LLC

CSJ #	Project Name	Original Schedule	Revised Schedule Value	Payment Application #1	Payment Application #2	Payment Application #3	Payment Application #4	Payment Application #5	Total To Date	Balance To Finish	Retainage	Net	Payment To Date	Payment Due
3C-1080-314	Heidelberg Subdivision	\$ 824,327.70	\$ 38,520.00	\$ 230,746.00	\$ 204,531.00	\$ 139,640.50	\$ 273,355.00	\$ 14,575.20	\$ 862,847.70	\$ -	\$ -	\$ 862,847.70	\$ 819,705.31	\$ 43,142.39
Totals														

**Summary**

(42)

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

<b>PROJECT:</b> Heidelberg Subdivision <b>OWNER:</b> Hidalgo County <b>CONTRACTOR:</b> 2GS, LLC, Dba Earthworks Enterprise <b>ENGINEER:</b> LeFevre Engineering & Management Consulting, LLC	<b>PROJECT NO.</b> C-CAP-15-257-10-06	<p>The Contractor in accordance with the Contract Documents, hereby certifies that, except as listed below, all obligations for all materials and equipment furnished, for all work labor, and services performed, and for all known indebtedness and claims against the Contractor for damages arising in any manner in connection with the performance of the Contract referenced above for which the Owner or his property might in any way be held responsible have been paid in full or have otherwise been satisfied in full.</p> <p><b>EXCEPTIONS:</b> (If none, write "NONE". The Contractor shall furnish a bond acceptable to the Owner for each exception.)</p> <p style="text-align: center;">None.</p>
<p><b>CONTRACTOR</b></p> <p>By Humberto García, Jr. </p> <p>Title Member</p> <p>Subscribed and sworn to before me this 30th day of September, 2016</p> <p>Notary Public: Armando Omar Flores, Jr. </p> <p>My Commission Expires: March 23, 2020</p> <div style="text-align: right;"></div>		

Form K

Exhibit E-K

**CONTRACTOR'S AFFIDAVIT OF RELEASE OF LIENS**

**PROJECT:** Heidelberg Subdivision  
**OWNER:** Hidalgo County  
**CONTRACTOR:** 2GS, LLC, Dba Earthworks Enteprise  
**ENGINEER:** LeFevre Engineering & Management Consulting, LLC

**PROJECT NO.**  
C-CAP-15-257-10-06

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

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

None.


**CONTRACTOR**

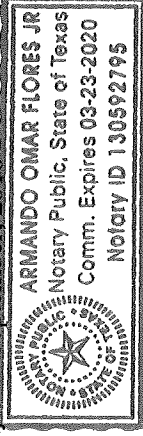
By Humberto García, Jr.

Title Member

Subscribed and sworn to before me this 30th

day of September, 2016

Notary Public: Armando Omar Flores, Jr.   
My Commission Expires: March 23, 2020



Form L



# Texas Department of Transportation

600 W. Expressway 83 | PHARR, TEXAS 78577 | (956) 702-6100 | WWW.TXDOT.GOV

October 12, 2016

John Paul Lugo, Executive Director  
Hidalgo County Colonia Access Program  
1902 Joe Stephens Ave, Suite 101  
Weslaco, Texas 78596

Dear Mr. Lugo:

TxDOT has completed a final inspection of the Hidalgo County Border Colonia Access Program 3<sup>rd</sup>-Call population-allocation project in Heidelberg Subdivision (3C1080314) on October 11, 2016. The project was built according to plans and dimensions on record with TxDOT except for the following items as listed by the Construction Engineer:

1. *Driveway #5 not constructed (Sheet 37 of 51 Monte Circle St.)*
2. *Driveway #10 not constructed (Sheet 37 of 51 Monte Circle St)*
3. *15" RCP 40 LF was not installed at station 3+90 (sheet 37 of 51 Monte Circle)*
4. *SET not installed (Sheet 28 of 51 Palm Avenue north west corner @ Garcia St.)*
5. *15" RCP 40 LF was not installed (Sheet 27 of 51 at intersection of Garcia St. and Olive east side).*
6. *No asphalt on driveway #1 (Sheet 26 of 51 Olive Avenue station 3+00)*
7. *SET not installed at intersection of Walnut & Orange Grove (Sheet 29 of 51)*
8. *Sidewalk and 15" HDP pipe not installed (Sheet 29 of 51 Driveway #3)*
9. *Driveway #8A not constructed (Sheet 36 of 51 Linda Avenue East).*
10. *SET not installed (Sheet 35 of 51 Garcia Street northwest corner @ Palm Avenue).*
11. *Verify that all seeding was performed (Item 164)*

Please let me know when the items listed above have been addressed. If you have any questions, please feel free to contact me at (956) 702-6219.

Sincerely,

Judy Boyfas Sanchez  
Pharr District Colonia Program Manager

October 25, 2016

John Paul Lugo  
Executive Director  
Border Colonia Access Program  
1902 Joe Stephens, Ste. 101  
Weslaco, Texas 78599

**Re: TxDot Letter Response:  
CAP-15-257-08-12-YSS / Heidelberg Subdivision Road and Drainage  
Border Colonia Access Project 3<sup>rd</sup> Round  
LEMC No. P-161**


Dear Mr. Lugo,

Please let this letter serve as response to the letter submitted by the Texas Department of Transportation (TxDot), dated October 12, 2016 to Mr. John Paul Lugo (Border Colonia Access Program Executive Director). Inspector Manuel Garza with Lefevre Engineering & Management Consulting, LLC (LEMC) visited the site to field verify the eleven (11) items identified by TxDot Construction Engineer, which are listed below with responses in "red":

1. Driveway #5 not constructed (Sheet 37 of 51). Item has been completed, see Photo #1.
2. Driveway #10 not constructed (Sheet 37 of 51). Item is identified as a caliche driveway and is completed, see Photo #2.
3. 15" RCP 40 LF was not installed at station 3+90 (Sheet 37 of 51). This item was relocated as a field change as per Hidalgo County Precinct No. 1, and installed across Palm Ave (North). The request was due to the roadside ditches along the inner side of Monte Circle being used for parking for the park. Therefore, the Precinct requested that the existing roadside ditches not be excavated any deeper than the existing conditions. The relocation of this pipe will be reflected on the Record Drawings ("As-Builts"). See Photo #3.
4. SET not installed (Sheet 28 of 51). This item was removed as per Change Order No. 1. See Photo #4.
5. 15" RCP 40 LF was not installed (Sheet 27 of 51). This item was removed as per Change Order No. 1. See Photo #5.
6. No asphalt on driveway #1 (Sheet 26 of 51). Item has not been completed. LEMC will notify the Contractor (2GS, LLC) that this item is pending completion. See Photo #6.
7. SET not installed at intersection of Walnut & Orange Grove (Sheet 29 of 51). This item was removed as per Change Order No. 1. See Photo #7.
8. Sidewalk and 15" HPP pipe not installed (Sheet 29 of 51 Driveway #3). This item as per the plans has asphalt at each end, and caliche in the center, and has been installed as per plans. See Photo #8.
9. Driveway #8A not constructed (Sheet 36 of 51). Item has not been completed. LEMC will notify the Contractor (2GS, LLC) that this item is pending completion. See Photo #9.
10. SET not installed (Sheet 35 of 51). This item was removed as per Change Order No. 1. See Photo #10.
11. Verify that all seeding was performed (Item 164). The Contractor, 2GS, LLC shall provide in writing the areas where hydromulch seeding and watering was performed.

Please feel free to contact me should you have any questions or concerns.

Sincerely,

  
Emigdio "Milo" Salinas, PE  
Project Engineer



2GS, LLC, Dba Earthworks Enterprise

P.O. Box 595  
Peñitas, TX 78576-0595

Mr. Emigdio "Milo" Salinas, P. E.  
612 Nolana Avenue  
Suite 520  
McAllen, TX 78504

RE: TxDOT Letter Response:  
BCAP-15-257-08-12-YSS / Heidelberg Subdivision Road and Drainage  
Border Colonia Access Project 3<sup>rd</sup> Round  
LEMC No. P-161

Dear Mr. Salinas,

Please let this letter serve as a response to the E-mail dated 10/25/16. As of 11/7/16 we have completed Items 1 and 2 (Driveways 5 & 10) of the punch list.

As per item 1.1, let this letter also serve as confirmation that hydro-mulch seeding and watering was performed on all areas as per plans.


If you have any questions please do not hesitate to contact me.

Thank you!



Beto Garcia Jr.

**EARTHWORKS**  
E N T E R P R I S E



Phone: (956) 424-3414/Fax: (956) 683-6149



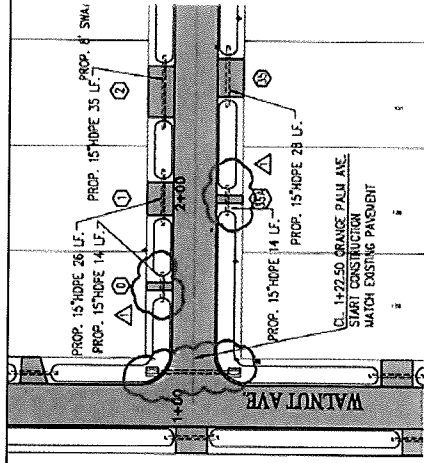


Photo #7

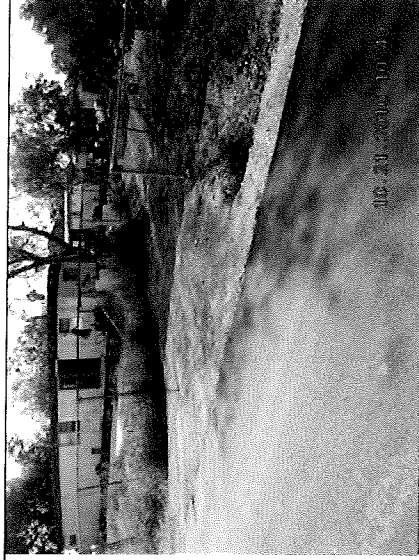


Photo #9

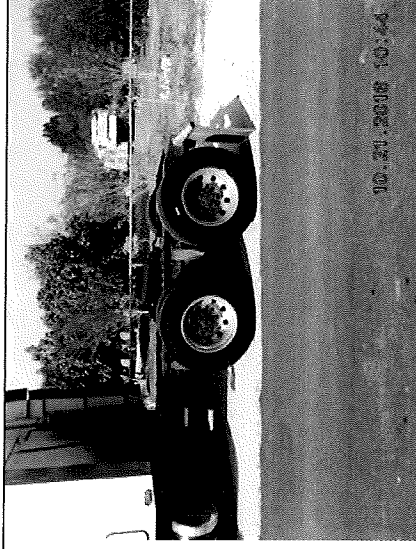


Photo #8

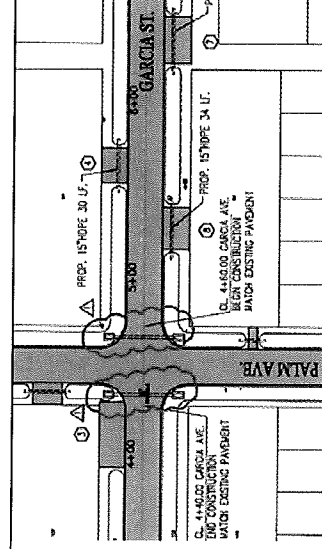


Photo #10



# Texas Department of Transportation

600 W. Expressway 83 | PHARR, TEXAS 78577 | (956) 702-6100 | WWW.TXDOT.GOV

November 21, 2016

John Paul Lugo, Executive Director  
Hidalgo County Colonia Access Program  
1902 Joe Stephens Ave, Suite 101  
Weslaco, Texas 78596

Dear Mr. Lugo:

TxDOT has completed a final inspection of the Hidalgo County Border Colonia Access Program 3<sup>rd</sup>-Call population-allocation project in Heidelberg Subdivision (3C1080314). The project was built according to plans and dimensions on record with TxDOT.

I now have all documentation for this project on file to approve authorized final reimbursements for work. Please let me know if you have any questions.

Sincerely,

Judy Borjas Sanchez

Pharr District Colonia Program Manager

OUR GOALS  
MAINTAIN A SAFE SYSTEM • ADDRESS CONGESTION • CONNECT TEXAS COMMUNITIES • BEST IN CLASS STATE AGENCY  
*An Equal Opportunity Employer*



# Purchase Order COUNTY OF HIDALGO

PO# 735389

DATE: 12/08/15

PAGE NO: 1 OF 1

**PO TYPE:**

VENDOR: 400742

PHONE: (956) 607-4448

Fax: (956) 683-6149

REQ: 00286978

EMAIL: bgarcia@2gsllc.com

2GS, LLC.

P.O. BOX 595

PENITAS TX 78576

SHIP TO: COLONIA ACCESS PROGRAM

1902 JOE STEPHENS AVE., STE 101  
WESLACO TX 78599

CONTACT: Valde Guerra

(956) 292-7025

SITE: EXECUTIVE OFFICE

CONTRACT NO: C-CAP-15-196-07-21

**SPECIAL INSTRUCTIONS:**

**VENDOR NOTES**

1. Do not add to, or alter this Purchase Order. This Order is not renewable.
2. TAX EXEMPTION: This Purchase Order may be accepted in lieu of Exemption Certificate.
3. This Order is also placed F.O.B. Destination. Vendor must repay all shipping costs.
4. Invoice each Purchase Order singly. Original invoices are required customer copy may be accepted. Out number must appear on all invoices, bills of lading, and packages.
5. Payment will be made only for bona fide and full completed orders, unless otherwise attached.

QTY	UOM	DESCRIPTION	UNIT PRICE	AMOUNT
		DO NOT DUPLICATE ORDER		
1.00	EACH	ROUND III BCAP - CSJ#1080314 HEIDELBURG SUBDIVISION C-CAP-15-196-07-21 CC ROAD CONSTRUCTION - HEIDELBURG SUBDIVISION  DRAINAGE CONSTRUCTION - HEIDELBURG SUBDIVISION - DRAINAGE COST (\$295,673.70) INTERLOCAL AGREEMENT BETWEEN HIDALGO COUNTY AND HIDALGO COUNTY DRAINAGE DISTRICT NO.1 AI-51576 09/29/15 REG. DRAINAGE DISTRICT NO.1 BOARD OF DIRECTORS MEETING - RECEIVABLE ACCOUNT 5-1312-126-30-000-002-0-000 = \$295,673.70 TOTAL PROJECT \$824,327.70 BCAP \$528,654.00 DD#1 \$295,673.70  agenda 52023 date 11-10-15  ***** For Hidalgo County use only 5-1312-431-00-121-314-0-721	528,654.00	528,654.00
		TOTAL:		528,654.00

Authorized by: Magdalena Salazar

*Magdalena Salazar*  
12/08/15