

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 #12**

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 28th 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 15th 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 17th day of March 2010 to correct a typographical error for Colonia Esperanza #1 and,

WHEREAS, amendment #3 was executed on the 13th day of August 2010 to extend the contract and,

WHEREAS, amendment #4 was executed on the 20th 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 1st day of November 2011 to cancel two non-competitive projects and to transfer 1st and 2nd Call non-competitive and competitive under runs to the 3rd Call and,

WHEREAS, amendment #6 was executed on the 21st 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 23rd day of August 2012 to extend the contract and,

WHEREAS, amendment #8 was executed on the 28th 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 the 26th day of August 2015 to extend the contract and,

WHEREAS, amendment #10 was executed on the 11th day of August 2016 to apply non-competitive under runs to new projects and,

WHEREAS, amendment #11 was executed on the 10th day of February 2017 to apply non-competitive under runs to new projects and to extend the contract and,

WHEREAS, it has become necessary to extend that contract in order to utilize existing funding; and,

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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:

AGREEMENT

I. Description of Amended items:

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

3. Schedule. Upon final execution of this Agreement, the County shall submit a project schedule. This schedule shall include a monthly project development timeline including estimated monthly expenditures. If the County does not complete the Project by December 31, 2018, this agreement will be terminated in accordance with the provisions of Article 9, Termination of this Agreement.

Article 9. Termination of this Agreement, item c is deleted in its entirety and is replaced with the following:

Article 9. Termination of this Agreement

This Agreement shall remain in effect until the Project is completed and accepted by all parties, unless the:

- a. Agreement is terminated in writing with the mutual consent of the parties;
- b. Agreement is terminated because the County has breached the contract; or
- c. Project is not completed by December 31, 2018.

If the Agreement is terminated, then the County must reimburse the State for all Project costs.

Attachment B, Project Budget, is deleted in its entirety and replaced with Attachment B-2 which is attached to this amendment. This includes the addition of six Allocation projects (applications for which were previously submitted to the State), and the deletion of one Allocation project as indicated below.

Projects added to 3rd Call Allocation

TWDB ID #	Colonia Name	Project Description	Project Length (mi)	Eligible Total Cost (\$)
M1080296	Green Valley Development Subdivision Previously known as Green Valley Acres	Repaving & Drainage	0.237	\$97,331
M1080794	Ware Country Subdivision	Repaving & Drainage	0.13	\$62,128
M1080108	Big John Subdivision	Repaving & Drainage	0.242	\$137,152
M1080839	Barbosa Lopez #2	Repaving & Drainage	0.511	\$313,800
M1080242	El Flaco Chiquito Subdivision	Repaving & Drainage	0.359	\$159,135
M1080770	Val Verde North Subdivision	Repaving & Drainage	0.397	\$176,857

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Project deleted from 3rd Call Allocation

TWDB ID #	Colonia Name	Project Description	Project Length (mi)	Eligible Total Cost (\$)
M108691	Southern Valley Estates	Repaving & Drainage	0.231	\$166,227.35

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

By: _____
 Ramon Garcia
 County Judge

 Date

THE STATE OF TEXAS

By: _____
 Pedro R. Alvarez, P.E.
 Pharr District Engineer

 Date

AI-58274

Purchasing Department 23. H. 1.

CC - REGULAR

Meeting Date: 02/06/2017

Submitted For: John Paul Lugo, COMM. PCT. #1

Submitted By: Noemi De Los Rios, COMM. PCT. #1

Department: COMM. PCT. #1

Information

CAPTION

A. Discussion and possible action for approval to extend Funding Agreement for Border Colonia Access Program Amendment #11 Third Call. The Amendment extends the contract to ~~December 31, 2017~~; *period and completion of construction projects to Dec. 31, 2018.*

B. Approval for County Judge to sign Funding Agreement for Border Colonia Access Program Amendment #11.

BACKGROUND

Fiscal Impact

FISCAL YEAR:

ACCT. #:

FUNDS AVAILABLE Y/N?:

MATCHING FUNDS Y/N?:

BUDGETARY IMPACT:

No Fiscal Impact

Attachments

Amendment No. 11

Email-Legal

Form Review

Inbox	Reviewed By	Date
Yvette Salinas	Yvette Salinas	01/30/2017 02:25 PM
Purchasing - Internal	Marty Salazar	01/31/2017 10:21 AM
Budget & Management	Veronica Ortiz	01/31/2017 10:23 AM
Final Approval	Monica Salinas	02/02/2017 06:22 PM
Form Started By: Noemi De Los Rios		Started On: 01/30/2017 01:15 PM
Final Approval Date: 02/02/2017		

AI-45956

21. A.

CC - REGULAR

Meeting Date: 08/12/2014**Department:** COMM. PCT. #1

Information**CAPTION**

Requesting approval of Round III Funding Agreement for Border Colonia Access Program Amendment #8. The amendment extends the contract period and completion of construction projects to August 31, 2015.

BACKGROUND

Subject to legal review.

Fiscal Impact**Attachments**

backup

agree

att B

Form Review**Inbox**

Purchasing - Internal

Form Started By: mjackson

Final Approval Date: 08/08/2014

Reviewed By

Monica Salinas

Date

08/08/2014 05:20 PM

Started On: 08/08/2014 03:27 PM

19~~th~~

Aug. 2016
purchasing

Attachment B-2
Project Budget

Hidalgo County					
3rd Call Allocation Projects					
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	

Attachment B-2
Project Budget

Hidalgo County					
3rd Call Allocation Projects					
M1080310	Havana Lomas #4	28,710	104,891	133,601	Deleted #1 Added #8
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	4,260,240	4,260,240	Deleted #1
M1080348	Jardin Terrace Subdivision	55,600	442,045	497,645	Deleted #1 Added #6 Deleted #8
M1080362	L & P Subd.	48,000	99,989	147,989	Added #1 Deleted #4
M1080882	La Flor Estates	7,638	84,329	91,967	Deleted #5
M1080883	La Flor Gardens	7,636	84,329	91,966	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	Laborcita	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.	\$66,263	\$478,039	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	McColl Estates	68,875	112,423	181,298	
M1080896	McKee #1	36,100	86,774	122,874	
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

Attachment B-2
Project Budget

Hidalgo County					
3rd Call Allocation Projects					
M1080536	Palm Lake Estates #1	259,300	637,162	698,613	Deleted #10
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, deleted #12
M1080940	Sundown's Retirement Center	100,895	108,871	209,766	
M1080752	Trenton Terrace	140,840	135,000	275,840	Deleted #8
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-2
Project Budget

Hidalgo County					
3rd Call Allocation Projects					
M1080296	Green Valley Development Subdivision (previously known as Green Valley Acres)	20,740	76,592	97,331	Added #12
M1080794 (Old TWDP M108A123)	Ware Country Subdivision	20,083	42,046	62,128	Added #12
M1080108	Big John Subdivision	49,550	87,602	137,152	
M1083839	Barbosa Lopez #2	146,800	167,000	313,800	Added #12
M1080242	El Flaco Chiquito Subdivision	35,800	123,335	159,135	Added #12
M1080770	Val Verde North Subdivision	46,250	130,607	176,857	Added #12

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
M1080636	Palm Lake Estates #1	\$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