

Zimbra

rocio.villarreal@co.hidalgo.tx.us

RE: 2019-02-07 Amendment for Retainage 014474/1

From : Hawkins, John R. <JHawkins@porterhedges.com> Thu, Feb 07, 2019 04:17 PM
Subject : RE: 2019-02-07 Amendment for Retainage 014474/1  2 attachments
To : rocio villarreal <rocio.villarreal@co.hidalgo.tx.us>
Cc : Peden, David D. <DPeden@porterhedges.com>, Chin, Jacqueline E. <JChin@porterhedges.com>

Rocio:

Please let me know, this afternoon (since I will be out starting tomorrow), whether the attached is what the County wants.

Thanks,
John

From: rocio villarreal <rocio.villarreal@co.hidalgo.tx.us>
Sent: Thursday, February 7, 2019 2:04 PM
To: Hawkins, John R. <JHawkins@porterhedges.com>
Cc: Peden, David D. <DPeden@porterhedges.com>; Chin, Jacqueline E. <JChin@porterhedges.com>
Subject: Re: 2019-02-07 Amendment for Retainage 014474/1

Mr. Hawkins,

The following are the answers to your concerns:

1. The retainage would be released upon final completion of the project for each subcontractor
2. Yes we are needing the amendment by today in order to have it on Com Court by next Tuesday, February 12 for approval
3. The surety has approved the change verbally and will provide the written approval as soon as possible
4. Written approval would be Morganti>HDR>Jacobs>County

I have spoken to Oscar from Jacobs and he has confirmed that the release of retainage would be 6 months after final completion for each subcontractor. The Subcontractor would then issue a conditional lien waiver and upon being paid they would then issue a final lien waiver.

Again if you have any questions or concerns, please contact me by phone, I will be available this afternoon.

Thank you.

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Edinburg, Texas 78539

From: "jhawkins" <JHawkins@porterhedges.com>
To: "rocio villarreal" <rocio.villarreal@co.hidalgo.tx.us>
Cc: "David D. Peden" <DPeden@porterhedges.com>, "Jacqueline E. Chin" <JChin@porterhedges.com>
Sent: Thursday, February 7, 2019 11:38:02 AM
Subject: RE: 2019-02-07 Amendment for Retainage 014474/1

Rocio:

Regarding what you relayed, below, is the 5% percent retainage to be released at the subcontractors' final completion or substantial completion? Morganti and the subcontractors will still have punch-list work between substantial and final completion.

Do you want me to prepare an amendment today, or is this change still being considered? More important, has the County gotten the surety's written approval. As mentioned, getting the surety's prior written approval for this change is very important.

The County/Jacobs would need some documentation as work is completed and retainage is to be released. Who does Jacobs recommend sign this acknowledgement: Jacobs, Morganti (for subs), Architect, County? At a minimum, it should be written approval by the County and Morganti on Jacobs' recommendation to the County.

Please let me know.

Thank you,
John

From: rocio villarreal <rocio.villarreal@co.hidalgo.tx.us>
Sent: Thursday, February 7, 2019 11:05 AM
To: Hawkins, John R. <JHawkins@porterhedges.com>
Cc: Chin, Jacqueline E. <JChin@porterhedges.com>
Subject: Re: 2019-02-07 Amendment for Retainage 014474/1

Mr. Hawkins,

The percentage being requested to be withheld would be 5% and be released 6 months after the completion of the subcontractor work. Do you foresee that a form would need to be created for the substantial completion each time a subcontractor would submit the completion of there work? Please call me if you have any questions, I should be in my office all day today.

Thank you.

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From: "jhawkins" <JHawkins@porterhedges.com>
To: "rocio villarreal" <rocio.villarreal@co.hidalgo.tx.us>
Cc: "Jacqueline E. Chin" <JChin@porterhedges.com>
Sent: Thursday, February 7, 2019 9:36:44 AM
Subject: 2019-02-07 Amendment for Retainage 014474/1

Good morning. I wanted to let you know I will be out traveling and in meetings Friday through Tuesday. If the County wants an amendment before next week we should do it today. I will need to know what percentage will be withheld for Morganti and the subs and when it will be released.

Thanks very much.
John

§ 7.1.7 Subject to other provisions of the Contract Documents, the amount of each progress payment shall be computed as follows:

- .1 Take that portion of the Guaranteed Maximum Price properly allocable to completed Work as determined by multiplying the percentage of completion of each portion of the Work by the share of the Guaranteed Maximum Price allocated to that portion of the Work in the schedule of values, not to exceed the actual Cost of such Work incurred by the Construction Manager for such period, less the ten percent (10%) Retainage to be withheld. Pending final determination of cost to the Owner of changes in the Work, amounts not in dispute shall be included as provided in Section 7.3.9 of the Modified AIA Document A201-2007;
- .2 Add that portion of the Guaranteed Maximum Price properly allocable to materials and equipment delivered and suitably stored at the site for subsequent incorporation in the Work, or if approved in advance by the Owner or PM, suitably stored off the site at a location agreed upon in writing;
- .3 Add the Construction Manager's Fee, less retainage of ten percent (10 %). The Construction Manager's Fee shall be computed at the rate stated in Section 5.1 or, if the Construction Manager's Fee is stated as a fixed sum in that Section, shall be an amount that bears the same ratio to that fixed-sum fee as the Cost of the Work bears to a reasonable estimate of the probable Cost of the Work upon its completion;
- .4 Subtract retainage of ten percent (10 %) from that portion of the Work that the Construction Manager self-performs;
- .5 Subtract the aggregate of previous payments made by the Owner;
- .6 Subtract the shortfall, if any, indicated by the Construction Manager in the documentation required by Section 7.1.4 to substantiate prior Applications for Payment, or resulting from errors subsequently discovered by the Owner's auditors in such documentation; and
- .7 Subtract amounts, if any, for which the Architect or PM has withheld or nullified a Certificate for Payment as provided in Section 9.5 of the Modified AIA Document A201-2007.

§ 7.1.8 The Owner and Construction Manager shall agree upon a mutually acceptable procedure for review and approval of payments to Subcontractors, and the Construction Manager shall execute subcontracts in accordance with those agreements. Retainage on all Subcontracts shall be ten percent (10%). Construction Manager shall make such payments included in Construction Manager's Application for Payment to its Subcontractors within seven (7) days after receipt of payment from Owner.

From: rocio villarreal <rocio.villarreal@co.hidalgo.tx.us>
Sent: Tuesday, February 5, 2019 8:25 AM
To: Hawkins, John R. <JHawkins@porterhedges.com>
Cc: virginia jones <virginia.jones@co.hidalgo.tx.us>; Peden, David D. <DPeden@porterhedges.com>; Folk, Laura C. <LFolk@porterhedges.com>
Subject: Re: 2019-02-04 RE: Discussion with Porter Hedges regarding Retainage 014474/1

Good Morning Mr. Hawkins,

Will Tuesday at 2 pm work?

From: "jhawkins" <JHawkins@porterhedges.com>
To: "rocio villarreal" <rocio.villarreal@co.hidalgo.tx.us>
Cc: "virginia jones" <virginia.jones@co.hidalgo.tx.us>, "David D. Peden" <DPeden@porterhedges.com>, "Laura C. Folk" <LFolk@porterhedges.com>
Sent: Monday, February 4, 2019 2:58:14 PM
Subject: 2019-02-04 RE: Discussion with Porter Hedges regarding Retainage 014474/1

I can be available (as of now):
Tuesday after 10:30
Wednesday until 5:00
Thursday after 1:00

From: rocio villarreal <rocio.villarreal@co.hidalgo.tx.us>
Sent: Monday, February 4, 2019 2:49 PM
To: Hawkins, John R. <JHawkins@porterhedges.com>
Cc: virginia jones <virginia.jones@co.hidalgo.tx.us>
Subject: Fwd: Discussion with Porter Hedges regarding Retainage

Mr. Hawkins,

Can you please advise when will be the best available time to set a telephone conference with you to discuss the requested changes to the agreement with Morganti.

Thank you.

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From: "oscar garcia" <Oscar.Garcia@jacobs.com>
To: "rocio villarreal" <rocio.villarreal@co.hidalgo.tx.us>
Cc: "Valde Guerra" <valde.guerra@co.hidalgo.tx.us>, "Isaac Sulemana" <isaac.sulemana@co.hidalgo.tx.us>, "sergio cruz" <sergio.cruz@co.hidalgo.tx.us>, "armando garza jr" <armando.garzajr@co.hidalgo.tx.us>, "brian mcintyre" <Brian.McIntyre@jacobs.com>, "Colleen Daniel" <Colleen.Daniel@jacobs.com>, "virginia jones" <virginia.jones@co.hidalgo.tx.us>
Sent: Monday, February 4, 2019 12:10:31 PM
Subject: Discussion with Porter Hedges regarding Retainage

Rocio,

We are requesting a discussion with John Hawkins to discuss adjusting the Retainage percentage required of Morganti & Subcontractors from 10 to 5%. We would also like to discuss language allowing for a release of retainage upon completion of work for subcontractors.

The goal is to have this language ready for review by VISA as quickly as possible and ready for placement on the agenda for approval by the next scheduled Cx Court. If you have any questions or concerns, please do not hesitate to contact me as needed.

Best regards,

Óscar D. García | Jacobs | Buildings, Infrastructure, and Advanced Facilities (BIAF)| Program Manager |
956.357.4507 M | Oscar.Garcia@jacobs.com | www.jacobs.com

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 **2019-02-12 Morganti-Amendment No. 6.DOCX**
51 KB
