

STATE OF TEXAS §
 §
COUNTY OF HIDALGO §

**FIRST AMENDMENT TO CONTRACT #C-14-017-03-05
HAULING OF ALL ROAD MATERIALS FOR PRECINCT ONE**

This **AMENDMENT** to the **CONTRACT** is made this **23rd day of September of 2014** by and between **HIDALGO COUNTY, TEXAS** (the "COUNTY") and **ROY'S HAULING SERVICE, INC.** (the "COMPANY").

WHEREAS, County and Company entered into a Contract on March 5, 2014 (the "CONTRACT") in which the Company agrees to provide the hauling services as described in the Contract;

WHEREAS, the County's awarded caliche vendor who provided hauling services refuses to supply caliche to County and County requires hauling services from Company from another caliche vendor;

WHEREAS, the Company agrees to honor and hold the prices as detailed under "Exhibit B-Bid Page" of contract; and

WHEREAS, the parties have now determined to amend the Contract to include the hauling services from pit locations of Progreso and/or La Joya of County's other awarded caliche vendor.

NOW THEREFORE, for and in consideration of the hauling services by Company from different locations specified in Company's bid County and Company hereby mutually agree to the following Amendment to the Contract:

1. Exhibit "B"-Bid Page the Contract is hereby deleted and the amended Exhibit B attached hereof as Exhibit A is substituted in lieu thereof;
2. Except as modified herein, all terms and conditions of the Contract, as amended, remain in full force and effect. County and Company ratify and confirm the terms and provisions of the Contract as amended.

EXECUTED IN DUPLICATE ORIGINALS and effective as of the day and year first written above.

HIDALGO COUNTY

Ramon Garcia
Ramon Garcia, County Judge

ATTEST:

Arturo Guajardo, Jr.
Arturo Guajardo, Jr. County Clerk

Approved by Commissioners' Court
on 9-23-14

COMPANY:

Roy's Hauling Service, Inc.

APPROVED AS TO FORM:
ATLAS, HALL & RODRIGUEZ, LLP

By: Stephen L. Crain
Stephen L. Crain

AMENDED EXHIBIT "B"

BID PAGE

**HIDALGO COUNTY PRECINCT NO. 1
"HAULING SERVICES FOR ALL ROAD MATERIALS"
RFB NO. 2014-017-02-12-MEG**



Award will be based on the lowest bid per ton per mile radius meeting all required specifications.

Location of Plant		Radius	Total Cost Per Ton	Fuel Costs Percentage Per Ton	Current/Base Fuel Cost:
COLD MIX-(FRONTERA MATERIALS)	LA JOYA PLANT	01-10 miles	\$	%	\$
		11-20 miles	\$	%	\$
		21-30 miles	\$	%	\$
		31-40 miles	\$	%	\$
		41-50 miles	\$	%	\$
		51-60 miles	\$	%	\$
		61-70 miles	\$	%	\$
		71-100 miles	\$	%	\$
(FRONTERA MATERIALS) Type D -Hot Mix-Gravel Type D- Hot Mix-Limestone	PROGRESO AND/OR LA JOYA PLANT	01-10 miles	\$	%	\$
		11-20 miles	\$	%	\$
		21-30 miles	\$	%	\$
		31-40 miles	\$	%	\$
		41-50 miles	\$	%	\$
		51-60 miles	\$	%	\$
		61-70 miles	\$	%	\$
		71-100 miles	\$	%	\$
(FRONTERA MATERIALS) Crushed Caliche-	490 Pit-4.5 Miles West of US 281 on FM 490 Or Martin Marietta 2 Miles S. of Intersection FM 1017 & FM 3250 on 3250 Jericho Pit, Linn	01-10 miles	\$7.90	75%	\$5.93
		11-20 miles	\$8.05	75%	\$6.04
		21-30 miles	\$7.50	75%	\$5.83
		31-40 miles	\$9.20	75%	\$6.90
		41-50 miles	\$11.50	75%	\$8.63
		51-60 miles	\$12.00	75%	\$9.00
		61-70 miles	\$12.50	75%	\$9.38
		71-100 miles	\$13.00	75%	\$9.75

Bidder/Company Name: ROY'S HAULING SERVICES, INC.
 Address: P.O. BOX 1896
 City/State/Zip Code: EDINBURG, TEXAS 78540
 Phone No 956-383-2206 Fax NO: 956-383-2569 Cell No: _____
 Email address: royshaulinginc@aol.com

AMENDED EXHIBIT "B"

BID PAGE

**HIDALGO COUNTY PRECINCT NO. 1
"HAULING SERVICES FOR ALL ROAD MATERIALS"
RFB NO. 2014-017-02-12-MEG**

Authorized Signature: _____

Printed Name: _____

PART II

Bid Price Adjustment by Hidalgo County Precinct No. 1

At the time of bid opening South Texas is experiencing historic high fuel prices. Therefore, Hidalgo County Precinct No. 1 is requesting pricing adjustments based on the following:

A Fuel Cost Base Bid Price for project will be based on the OPIS Fuel Index for **February 7, 2014**. For each 10% (increase or decrease) in the current OPIS Index of **February 7, 2014** during the contract term, the fuel cost(s) portion of the awarded bid price(s) will be adjusted accordingly. (As per above samples, a 10% increase is reflected as follows: \$ 1.00=\$1.10 and \$ 1.10=\$1.21; a 10% decrease is reflected as follows: \$1.00=\$0.90 and \$1.10=\$0.99)

In the event you submit an invoice reflecting a price change under this provision, the Hidalgo County Precinct No. 1 will only honor the change if a copy of the OPIS report on which the change is based accompanies the invoice. Additionally, the Hidalgo County Precinct No. 1 reserves the right to independently verify changes in OPIS pricing and to modify an invoice amount based on a 10% change in the OPIS Index.

In determining whether price changes are permitted hereunder, vendor must submit the appropriate OPIS Index issued on the date of the vendor's billing invoice.

Acknowledgment and agreement to Bid Price Adjustment Part I & II for the term of the contract including any grace period extension.

Signature of Vendor

Date

Print Name of Vendor

August 7, 2014

County of Hidalgo
Purchasing Department
Attention: Vangie Garcia
2802 S. Business Highway 281
Edinburg, Texas 78539

RE: Hauling Services of Road Materials-Hidalgo County Precinct No. 1

Ms. Garcia:

Roy's Hauling Service currently holds the contract for Hauling Services of Road Materials for Precinct No. 1. As outlined in the contract we haul on a per mile basis. Therefore, regardless of where projects and pits are located pricing is always from origin to destination per mile.

Let me know if you have any questions.

Sincerely,



Roy Balderas Jr.
Vice-President
Roy's Hauling Service, Inc.

Zimbra

evangelina.garcia@co.hidalgo.tx.us

RE: Draft Amendment-Roy's Hauling Services

From : Marynel Trevino <mntrevino@atlashall.com>

Tue, Sep 09, 2014 03:46 PM

Subject : RE: Draft Amendment-Roy's Hauling Services 1 attachment**To :** 'Evangelina Garcia' <evangelina.garcia@co.hidalgo.tx.us>

Hi Vangie:)

Here you go.

Thanks,
Marynel

-----Original Message-----

From: Evangelina Garcia [mailto:evangelina.garcia@co.hidalgo.tx.us]

Sent: Tuesday, September 09, 2014 3:28 PM

To: Marynel Trevino

Subject: Fwd: Draft Amendment-Roy's Hauling Services

Hello Marynel;

Just following up on this, not sure if Mr. Crain sent me anything on this. Can you please let me know.

Thank you

----- Forwarded Message -----

From: "Evangelina Garcia" <evangelina.garcia@co.hidalgo.tx.us>

To: "Marynel Trevino" <mntrevino@atlashall.com>

Cc: "Martha Salazar" <martha.salazar@co.hidalgo.tx.us>

Sent: Thursday, September 4, 2014 8:45:48 AM

Subject: Re: Draft Amendment-Roy's Hauling Services

Good Morning Marynel;

I'm sorry about the delay in sending the amended "Exhibit B-Bid Page" as Mr. Crain requested. Been focusing on a project that I was assigned to but nonetheless attached is the exhibit.

Please let me know if there are any questions.

Thank you;

Vangie

----- Original Message -----

From: "Marynel Trevino" <mntrevino@atlashall.com>

To: "Evangelina Garcia" <evangelina.garcia@co.hidalgo.tx.us>

Sent: Tuesday, September 2, 2014 12:54:56 PM

Subject: FW: Draft Amendment-Roy's Hauling Services

Hi Vangie

We need the Exhibit A. see below:

1. Exhibit "B"-Bid Page the Contract is hereby deleted and the amended Exhibit B attached hereof as Exhibit A is substituted in lieu thereof;

Thank you,
Marynel

-----Original Message-----