

STATE OF TEXAS §
 §
COUNTY OF HIDALGO §

**FIRST AMENDMENT TO CONTRACT #C-13-018A-04-30
FLEXIBLE BASE-CRUSHED CALICHE**

This **AMENDMENT** to the **CONTRACT** is made this **14th day of April of 2015** by and between **HIDALGO COUNTY, TEXAS** (the “**COUNTY**”) and **FRONTERA MATERIALS, INC.** (the “**Company**”).

WHEREAS, County and Company entered into a Contract on April 30, 2013 (the “**Contract**”) in which the Company agree to provide flexible base-crushed caliche as described in the Contract;

WHEREAS, the County awarded vendors such flexible base-crushed caliche to multiple vendors;

WHEREAS, one of the awarded companies refuses to supply the flexible base-crushed caliche to designated Precincts and such Precincts require the flexible base-crushed caliche from the other multiple awarded company;

WHEREAS, the Company agrees to honor and hold the prices as detailed under “**Exhibit B-Bid Page**” of the Contract; and

WHEREAS, the parties have determined to amend the Contract to include Precincts 2 and 4 for purchase of flexible base-crushed caliche from pit locations as described in “**Exhibit B-Bid Page**” of County’s other awarded Company.

NOW THEREFORE, for and in consideration of the flexible base-crushed caliche by Company as specified in Company’s bid to County and Company hereby mutually agrees to the following Amendment to the Contract:

1. Exhibit B to the Contract is hereby deleted and the following Exhibit B-1 attached hereto 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
4-14-15 *de*

COMPANY:

Frontera Materials

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

By: Stephen L. Crain
Stephen L. Crain

APPROVED BY COMMISSIONERS COURT: **APRIL 14, 2015**

EXHIBIT B-1
~~"EXHIBIT B"~~
 HIDALGO COUNTY
 "FLEXIBLE BASE MATERIAL (CRUSHED CALICHE)"
 BID NO. 2013-018-04-10-MEG

Frontera

BID PAGE

NOTE: VENDOR MUST INDICATE AN INITIAL PIT AND ALTERNATE PIT(S) (REFER TO #10 ON PAGE 2 OF EXHIBIT "A" SPECIFICATIONS)
 NIGP CODE: 750-52

HIDALGO COUNTY Precinct NO. 1	
Flexible Base Material Type D Grade 6 (Crushed Caliche)	\$ 3.25 (per ton)
INITIAL PIT LOCATION for Precinct NO. 1	
1. 490 Pit	
NOTE: Alternate pit will be utilized under emergency circumstances due to unavailability of flexible base material (crushed caliche) at initial pit location(s). ALTERNATE PIT LOCATIONS for Precinct NO. 1	
1. Reavis Pit	2.

HIDALGO COUNTY Precinct NO. 2	
Flexible Base Material Type D Grade 6 (Crushed Caliche)	\$ 3.25 (per ton)
INITIAL PIT LOCATIONS for Precinct NO. 2	
1. 490	
NOTE: Alternate pit will be utilized under emergency circumstances due to unavailability of flexible base material (crushed caliche) at initial pit location(s). ALTERNATE PIT LOCATIONS for Precinct NO. 2	
1. Reavis Pit	2.

OPENED
9:37

HIDALGO COUNTY Precinct NO. 3	
Flexible Base Material Type D Grade 6 (Crushed Caliche)	\$ 3.25 (per ton)
INITIAL PIT LOCATIONS for Precinct NO. 3	
1. Reavis	
NOTE: Alternate pit will be utilized under emergency circumstances due to unavailability of flexible base material (crushed caliche) at initial pit location(s). ALTERNATE PIT LOCATIONS for Precinct NO. 3	
1. 490 Pit	2.

4-10-13
Witnessed

[Signature]

EXHIBIT B-1
 "EXHIBIT B"
 HIDALGO COUNTY
 "FLEXIBLE BASE MATERIAL (CRUSHED CALICHE)"
 BID NO. 2013-018-04-10-MEG

HIDALGO COUNTY Precinct NO. 4	
Flexible Base Material Type D Grade 6 (Crushed Caliche)	\$ 3.25 (per ton)
INITIAL PIT LOCATIONS for Precinct NO. 4	
1. 490 Pit	4.
2.	5.
3.	6.
NOTE: Alternate pit will be utilized under emergency circumstances due to unavailability of flexible base material (crushed caliche) at initial pit location(s). ALTERNATE PIT LOCATIONS for Precinct NO. 4	
1. Reavis Pit	3.
2.	4.

★ 490 Pit - 4.5 miles West of US 281 ON FM 490
 Reavis Pit - 2.5 miles North of US 83 ON FM 2221
 ALL PRICES F.O.B. Pit.
BIDDER'S INFORMATION

BIDDER/COMPANY NAME: Frontera Materials, Inc.
 ADDRESS: Po Box 1449
 CITY/STATE/ZIP: ELSA TX 78543
 PHONE NO/FAX NO: 956-316-8954
 CELL PHONE NO: 956-607-5965 (Barry)
 E-MAIL ADDRESS: bwfrontera@aol.com OPENED
 AUTHORIZED SIGNATURE: Barry M Ehly 9.37
 TITLE: Materials Mgr.

410-13
 Witnessed

— 8 —

in:"inbox"

Re: Draft Amend

[Close](#)[Reply](#)[Reply to All](#)[Forward](#)[Delete](#)[Spam](#)[Actions](#)**Re: Draft Amendment-Flexible Crushed Caliche**

From: Evangelina Garcia

To: Steve Crain

Okay, thank you Mr. Crain.

Vangie Y. Garcia, Contract Manager
Hidalgo County Purchasing Department
2812 S. Business Hwy. 281
Edinburg, Texas 78539
Email: evangelina.garcia@co.hidalgo.tx.us
Phone: 956-292-7000-Ext. 4856

From: "Steve Crain" <scrain@atlashall.com>
To: "Evangelina Garcia" <evangelina.garcia@co.hidalgo.tx.us>
Sent: Tuesday, March 31, 2015 4:31:29 PM
Subject: RE: Draft Amendment-Flexible Crushed Caliche

In the fourth whereas clause capitalize the word "contract" and you are good!

From: Evangelina Garcia [<mailto:evangelina.garcia@co.hidalgo.tx.us>]
Sent: Tuesday, March 31, 2015 4:22 PM
To: Stephen L. Crain
Subject: Re: Draft Amendment-Flexible Crushed Caliche

Here you go Mr. Crain; please review the revisions as requested.

Thank you;

Vangie Y. Garcia, Contract Manager
Hidalgo County Purchasing Department
2812 S. Business Hwy. 281
Edinburg, Texas 78539
Email: evangelina.garcia@co.hidalgo.tx.us
Phone: 956-292-7000-Ext. 4856

APPROVED

AI-48975

Purchasing Department 26. A. 4.

CC - REGULAR

Meeting Date: 04/14/2015

Submitted For: Marty Salazar, PURCHASING DEPT.

Submitted By: Vangie Garcia, PURCHASING DEPT.

Department: PURCHASING DEPT.

Information

CAPTION

- a) Action to terminate the agreement with awarded/contracted vendor, Martin Marietta Materials [through Contract #E-15-124-03-17 w/org. #C-13-018-04-30] for "Flexible Base-Crushed Caliche-Precincts 1, 2 & 4" for the reasons detailed in BACKGROUND; and,
- b) Approval of Amendment to Contract #E-15-124A-03-17 [org.#C-13-018A-04-30] with Frontera Materials to include Precincts 2 & 4 for the Flexible Base-Crushed Caliche which will allow the Precincts to purchase the product on an as needed basis and thus avoid any work stoppages and operations; and,
- c) Ratification [pursuant to terms and conditions of agreement] of Precincts 2 & 4 utilizing "Frontera Materials" [through Contract #E-15-124A-03-17 w/org. #C-13-018A-04-30] for the purchase of the Flexible Base-Crushed Caliche as product was needed to avoid work stoppages of on-going projects and operations.

BACKGROUND

1. As per Martin Marietta, Hidalgo County's account was closed back on July of 2014 and it is their position that this is a terminated contract.
2. Numerous attempts to order product have not been met as it is company's response that it no longer wishes to service Hidalgo County based on closing of account.
3. As a result of Item #2 and pursuant to terms and conditions in current agreements, Pcts. have the option to order from another vendor, in this case, an awarded vendor, Frontera.
4. On March 17, 2015, the contract with Frontera Materials was renewed for 2nd and final year pursuant to Hidalgo County's sole option and as allowed in contract.

Fiscal Impact

FISCAL YEAR: 2015

ACCT. #: 1200-431-00-124-007-0-610

FUNDS AVAILABLE Y/N?: Y

MATCHING FUNDS Y/N?: N

BUDGETARY IMPACT:

PCT.4 -->Funds available as of 4/2/15.

FISCAL YEAR: 2015

ACCT. #: 1200-431-00-122-006-0-610

FUNDS AVAILABLE Y/N?: Y

MATCHING FUNDS Y/N?: N

BUDGETARY IMPACT:

Pct.2 --> Funds available as of 4/2/15.

Attachments

Contract with Martin Marietta Materials Southwest Inc.

Amendment and Contract Documentation with Frontera Materials

Vendor's response on status of account

Form Review

Inbox	Reviewed By	Date
Purchasing Department	Marty Salazar	04/02/2015 11:46 AM
Budget & Management	Veronica Ortiz	04/02/2015 01:37 PM
Glinda Pacheco	Glinda Pacheco	04/02/2015 03:17 PM
Auditor's Office	Monica Badillo	04/10/2015 06:10 PM
Form Started By: Vangie Garcia		Started On: 03/19/2015 02:12 PM
Final Approval Date: 04/10/2015		

CC REG AGENDA 04/14/15

SUBJECT TO COUNTY AUDITORS PROCESSING PROCEDURES INCLUDING AUTHORITY FOR COUNTY TREASURER TO ISSUE PAYMENT(S)/CHECK(S).

A. Hidalgo County

1. AI-49210

A. Clarify Agenda Item AI#48422(e) [CC action 03-03-15 approving a total of 4 providers for Appraisal Real Estate Pool] to and add the category and establish identify the "pool" of Review Appraiser Services Providers as:

One (1) Sole Provider: Harvey L. Heerssen, dba, HLH

including the waiving of the protocol to score and grade this provider [as the sole vendor in approved "Pool" for review appraisers]; and,

B. Approve the engagement through an "on call" master agreement with Harvey L. Heerssen, dba, HLH for the provision of Review Appraisal Services and thereafter duly authorized purchase orders on a per project basis.

2. AI-48867

Presentation of bids received as detailed in tabulation sheet contained herein meeting all specifications and or requirements for the purpose of award and approval of contract to Cleveland Asphalt Products, Inc. for the Request for Bids project titled: Hidalgo County- "SS-I Emulsified Asphalt & Delivery Services" through project No.: 2015-027-03-11-SGS.

3. AI-49027

Acceptance and approval of Interlocal Governmental Agreement by and between Hidalgo County Appraisal District and the County of Hidalgo for YR 2015, in connection with participation with (a) Hidalgo County's "Self-Funded Health Insurance Program, Stop Loss Insurance and Life/AD&D" and (b) Voluntary Products limited however to Dental and Vision insurance including execution of document.

4. AI-48975

a) Action to terminate the agreement with awarded/contracted vendor, Martin Marietta Materials [through Contract #E-15-124-03-17 w/org. #C-13-018-04-30] for "Flexible Base-Crushed Caliche-Precincts 1, 2 & 4" for the reasons detailed in BACKGROUND; and,

b) Approval of Amendment to Contract #E-15-124A-03-17 [org #C-13-018A-04-30] with Frontera Materials to include Precincts 2 & 4 for the Flexible Base-Crushed Caliche which will allow the Precincts to purchase the product on an as needed basis and thus avoid any work stoppages and operations; and,

c) Ratification [pursuant to terms and conditions of agreement] of Precincts 2 & 4 utilizing "Frontera Materials" [through Contract #E-15-124A-03-17 w/org. #C-13-018A-04-30] for the purchase of the Flexible Base-Crushed Caliche as product was needed to avoid work stoppages of on-going projects and operations

5. AI-49053

a. Requesting authority to advertise and approval of procurement packet (i.e., requirements, legal notice, etc.) as attached hereto for **RFQ No 2015-118- "Arbitrage Calculation Services"**-for Hidalgo County including Hidalgo County Drainage District #1 (if approved by DD#1-Board of Directors) in accordance with current inter-local agreement as attached hereto including the re-advertising of project in the event no proposals are received and