

# Construction Contract Change Order Number:

AT 9:00 O'CLOCK A.M.

MAY 02 2016

ARTURO GUILIARDI, JR., COUNTY CLERK  
HIDALGO COUNTY, TEXAS  
DEPUTY

1. Contractor: IOC Company, LLC.
2. Change Order Work Limits: Sta. Proj Limits to Sta. Project Limits
3. Type of Change (on federal-aid nonexempt projects: X Minor     (Major/Minor)
4. Describe the change and the reason for the change order. When necessary include exceptions to this agreement.

CCSJ: 0921-02-323, etc.

Project: Mile 2 N

Highway: Mile 2 N

County: Hidalgo

District: Pharr

Contract Number: C 14-153-02-17

This CO revises various Item quantities and introduces three new items due to request from HCID #6, Joe Aquilar. Hidalgo County Irrigation District #6 Manager, Joe Aquilar, requested some changes to the proposed irrigation line improvements. These changes adjusted quantities for some of existing Item 400, Item 402, Item 464, and Item 4061. In addition, three new items were added to this contract under Item 472 REMOV & RELAY 30" PIPE, Item 4061 IRRIG VAVE (12') and Item 4061 WELL GATE (12'). Material only is being supplied under the two new Item 4061 work since HCID #6 requested to do the installation of the 12" Valve and 12" Gate so that they are is built to HCID #6 preference. Item 472 is being introduced due to the proposed pipe already being installed and a letter requesting a change in grade was submitted by HCID #6. (See Next Page for More Description)

5. New or revised plan sheet (s) are attached and numbered: 27, 29, 120, 121, 125, 126, 127, 128, 129, 130, 153A  
Each signatory hereby warrants that each has the authority to execute this Change Order.

By signing this change order, the contractor agrees to waive any and all claims for additional compensation due to any and all other expenses; additional changes for time, overhead and profit, or loss of compensation as a result of this change. Further, the contractor agrees that this agreement is made in accordance with item 4 and the Contract. Exception should be noted in the response for #5 above. <i>Acceptance does not waive any claims for additional compensation claimed unrelated to this change</i> THE CONTRACTOR, Date <u>3/7/16</u> By <u>[Signature]</u> Oscar Celler Type/Print Name <u>Managing Member</u> Type/Print Title	<b>The following information must be provided</b> Time Ext #. <u>N/A</u> Days added to this C.O.: <u>0</u> Amt. added by this change order: \$ <u>(27,919.13)</u> <b>For TxDOT use only:</b> Days participating _____ Amount Participating \$ _____ Signature _____ Date _____ Name/Title _____
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**Recommended for Execution:**  
[Signature] Project Manager, Date 3/8/16  
 Name/Title \_\_\_\_\_ Date \_\_\_\_\_  
 Name/Title \_\_\_\_\_ Date \_\_\_\_\_  
 Name/Title \_\_\_\_\_ Date \_\_\_\_\_  
[Signature] Date 3/8/16  
 Name/Title \_\_\_\_\_ Date \_\_\_\_\_  
 Engineer's Seal

[Signature] Date \_\_\_\_\_  
 Name/Title \_\_\_\_\_  
 Approved \_\_\_\_\_ Request Approval \_\_\_\_\_  
Ramon Garcia Date 3/8/16  
 Name/Title Ramon Garcia, County Judge  
 Approved \_\_\_\_\_ Request Approval \_\_\_\_\_  
[Signature] Date \_\_\_\_\_  
 Name/Title Arturo Guiliardi Jr., Co. Clerk  
 Approved \_\_\_\_\_ Request Approval \_\_\_\_\_  
 Name/Title \_\_\_\_\_ Date \_\_\_\_\_  
 Approved \_\_\_\_\_ Request Approval \_\_\_\_\_



APPROVED BY  
COMMISSIONERS' COURT  
ON: 3/22/16 gmk

**Construction Contract Change Order Number:** 1

4. (Continued) Describe the change and the reason for the change order. When necessary include exceptions to this agreement.

In addition, Item 104-2017 Remove Conc (Driveways) is being introduced to address the removal of concrete driveway originally omitted in the plans.



Hidalgo County Purchasing Department  
2812 S. Business Highway 281  
Edinburg, Texas 78539  
(956) 318-2626/ Fax: (956) 318-2629

March 18, 2016

Oscar Cuellar, P.E., Managing Member  
IOC Company, LLC  
9312 E. Curve Street  
Edinburg, Texas 78542

via email: [ocuellar@ioccompany.com](mailto:ocuellar@ioccompany.com)

Re: **HB Form 1295 Required-C-14-153-02-17 –Resuming Contract & Change Order No. 1  
Hidalgo County Precinct No.3- “Mile 2 North Roadway Reconstruction Project”**

Dear Mr. Cuellar:

In order to process the Resuming of Contract and Change Order No. 1, the County is required, as of **January 1, 2016**, to comply with **Texas Government Code, §2252.908**, and the rules issued by the **Texas Ethics Commission** found in Title 1, Section 46.1, 46.3 and 46.5 of the Texas Administrative Code. In accordance with these requirements for the type of contract being considered, a business must submit a completed **Certificate of Interested Parties Form 1295**, to the County before the County may enter into a contract with the business entity.

Thus, in order for County staff to process the above referenced action, you must complete Form 1295 and file Form 1295 with the Texas Ethics Commission. You can find the 1295 form through the Texas Ethics Commission at the following website:

[https://www.ethics.state.tx.us/whatsnew/elf\\_info\\_form1295.htm](https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm)

**In box 3 of Form 1295**, provide the following information: **“C-14-153-02-17 –Resuming Contract & Change Order No. 1”**. Once completed and filed with the Texas Ethics Commission, Form 1295 must be printed and signed in the presence of a notary and submitted to our office by the deadline stated below.

In order to maintain the schedule for presentation to **Commissioners Court on March 22, 2016**, the signed notarized **“HB Form 1295”** must be received in our office completed via fax to (956) 292-7612 or via email to: [rocio.villarreal@co.hidalgo.tx.us](mailto:rocio.villarreal@co.hidalgo.tx.us) **on or before 3:00 PM Monday, March 21, 2016**. Hidalgo County cannot enter into a contract until Form 1295 is submitted, therefore, failure to timely submit Form 1295 signed, and notarized may result in delay of award.

Hidalgo County Purchasing Department welcomes and appreciates your participation in the bid process.

If any further assistance is required, please do not hesitate to call the Purchasing Department 956/318-2626.

Sincerely,

Martha L. Salazar, CPPB  
Hidalgo County Purchasing Agent

MLS/rv  
Enclosures

# EXHIBIT "D"

## CONFLICT OF INTEREST QUESTIONNAIRE

FORM CIQ

For vendor or other person doing business with local governmental entity

This questionnaire reflects changes made to the law by H.B. 1451, 30th Leg., Regular Session. This questionnaire is being filed in accordance with Chapter 176, Local Government Code by a person who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the person meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the person becomes aware of facts that require the statement to be filed. See Section 176.006, Local Government Code.

A person commits an offense if the person knowingly violates Section 176.006, Local Government Code. An offense under this section is a Class C misdemeanor.

OFFICE USE ONLY

Date received:

1 Name of person who has a business relationship with local governmental entity.

W/A

2  Check this box if you are filing an update to a previously filed questionnaire.

(The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date the original filing was made, unless you are an incorporated entity.)

3 Name of local government officer with whom filer has employment or business relationship.

W/A

Name of Officer

This section (item 3 including subparts A, B, C & D) must be completed for each officer with whom the filer has an employment or other business relationship as defined by Section 176.001(a) of the Local Government Code. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer named in this section receiving or likely to receive taxable income other than investment income from the filer of the questionnaire?

Yes  No

B. Is the filer of the questionnaire receiving or likely to receive taxable income other than investment income from the position of the local government officer named in this section AND the taxable income is not received from the local governmental entity?

Yes  No

C. Is the filer of this questionnaire employed by a corporation or other business entity with respect to which the local government officer serves as an officer, director, or 10% ownership of 10 percent or more?

Yes  No

D. Describe each employment or business relationship with the local government officer named in this section.

W/A

5/30/11

Signature of person doing business with the governmental entity.

Hidalgo County  
Arturo Guajardo Jr.  
County Clerk  
Edinburg, TX 78540



Instrument Number: 2011-2204948

As  
Recording

Recorded On: May 10, 2011

Parties:  
To

Billable Pages: 1  
Number of Pages: 2

Comment: CONFLICT OF INTEREST

\*\* Examined and Charged as Follows: \*\*

Recording	16.00
Total Recording:	16.00

\*\*\*\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\*  
Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY  
because of color or race is invalid and unenforceable under federal law.

**File Information:**

Document Number: 2011-2204948  
Receipt Number: 1195661  
Recorded Date/Time: May 10, 2011 09:00A

**Record and Return To:**

IOC COMPANY LLC  
P O BOX 4737  
EDINBURG TX 78540

User / Station: M Cartu - Cash Station 03



STATE OF TEXAS  
COUNTY OF HIDALGO

I hereby certify that this instrument was FILED in the File Number sequents on the date/time  
printed herein, and was duly RECORDED in the Official Records of Hidalgo County, Texas.

Arturo Guajardo Jr.  
County Clerk  
Hidalgo County, TX

# CERTIFICATE OF INTERESTED PARTIES

FORM 1295

Complete Nos. 1 - 4 and 6 if there are interested parties.  
 Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

**OFFICE USE ONLY**

**1 Name of business entity filing form, and the city, state and country of the business entity's place of business.**

IOC Company. Edinburg, Texas, USA

**2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.**

Hidalgo County, Texas

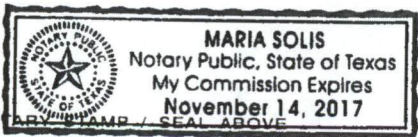
**3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the goods or services to be provided under the contract.**

C-14-153.02-17 - Resuming Contract & Change Order No. 1

4 Name of Interested Party	City, State, Country (place of business)	Nature of Interest (check applicable)	
		Controlling	Intermediary
IOC Company LLC	Edinburg, Texas, USA	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>

**5 Check only if there is NO Interested Party.**

**6 AFFIDAVIT** I swear, or affirm, under penalty of perjury, that the above disclosure is true and correct.



\_\_\_\_\_  
 Signature of authorized agent of contracting business entity

Sworn to and subscribed before me, by the said Nancy Davenport, this the 21<sup>st</sup> day of March, 2016, to certify which, witness my hand and seal of office.

[Signature] \_\_\_\_\_  
 Signature of officer administering oath Printed name of officer administering oath Title of officer administering oath

**ADD ADDITIONAL PAGES AS NECESSARY**

Rocio

- 1. **AI-53862** Presentation of vendor submitting the lowest and best bid [detailed in tabulation sheet attached] and meeting all specifications and/or requirements for the purpose of approval to purchase [evidenced through Purchase Order] one (1) Used 2007 Caterpillar Asphalt Wheel Paver from Big D Tractor Company, LLC DBA Frontera Equip/Blue Cat Rentals priced at \$165,500 less 20% discount for a total purchase price of \$132,400 for RFB No.: 2016-056-03-16-MEG.

No action to be taken at this time.

- 2. **AI-53868** Presentation of vendor submitting the lowest and best bid [as detailed in tabulation sheet attached] and meeting all specifications and/or requirements for the purpose of approval to purchase [evidenced by Purchase Order] one (1) Used 2002 Rosco/Maximizer Asphalt Distributor from Big D Tractor Company, LLC DBA Frontera Equipment/Blue Cat Rentals priced at \$109,500 less 20% discount for a total purchase price of \$87,600 RFB No.: 2016-057-03-16-MEG.

No action to be taken at this time.

D.  
✓  
BRS  
4/26/16

**Pct. 3**

- 1. **AI-53798** Approval of Change Order No. 1 in connection with the PCT #3 "Mile 2 North Roadway Project" (C-14-153-02-17) reflecting a credit in the amount of \$27,919.13 for a new contract amount of \$1,541,604.58 from contracted vendor, IOC Company, LLC and as recommended by project engineer, L&G Engineer subject to compliance with HB1295 if and when applicable; with authority to execute document.

On motion by COMMISSIONER PCT. 3, JOE M. FLORES, seconded by COMMISSIONER PCT. 4, JOSEPH PALACIOS, the Court made a UNANIMOUS vote of approval.

**Vote:** 4 - 0 - Unanimously

**E.**

**Pct. 4**

- 1. **AI-53827** Requesting authority to advertise with approval of RFB plans and specifications developed by project Architect, Mata Garcia Architects, LLP, for: Hidalgo County Precinct No. 4 -"Landscape/Structural and Irrigation Construction for the San Carlos Community Resource Center Project"-RFB No. 2016-145-04-13-MSS.

On motion by COMMISSIONER PCT. 1, A.C. CUELLAR, JR., seconded by COMMISSIONER PCT. 4, JOSEPH PALACIOS, the Court made a UNANIMOUS vote of approval.

**Vote:** 4 - 0 – Unanimously

Commissioner Palacios informed to everyone that the landscaping plan for this project has been well thought of, they are working on figuring out on how to use native plants. They are working along with the Texas A&M Agricultural program on how to utilize indigenous plants. He stated that most of the park is a similar flood control project, as well as improving the drainage flood quality.

- 2. **AI-53861** Requesting approval of a professional architectural "on call" services agreement with MATA-GARCIA ARCHITECTS, LLP for the purposes of: **Repairs/Renovations/Remodeling, Additions/Alterations and/or Building Review/Assessment Related Services** on a "per project basis" for County-owned Buildings/Structures located within Hidalgo County Precinct No. 4, through the [forms of an AIA Agreement] and as selected for negotiations through County's protocol under the "POOL" of Architects, subject to compliance with [HB1295 & HB23 & Modified CIQ if and when applicable].

On motion by COMMISSIONER PCT. 1, A.C. CUELLAR, JR., seconded by COMMISSIONER PCT. 3, JOE M. FLORES, the Court made a UNANIMOUS vote of approval.

**Vote:** 4 - 0 - Unanimously



**AGENDA  
CC REGULAR  
HIDALGO COUNTY  
COMMISSIONERS COURT MEETING  
March 22, 2016  
9:30 A.M.**

NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a SPECIAL MEETING of the Commissioners' Court will be held at the Edinburg Council Chambers 415 W. University Drive, Edinburg, Hidalgo County, Texas. Discussion and possible action relating to the following business will be transacted:

**1. Roll Call**

Commissioner Eduardo "Eddie" Cantu was the only absentee.

**2. Pledge of Allegiance**

Judge Garcia led the courtroom in reciting the Pledge of Allegiance.

**3. Prayer**

Mrs. Virginia Townsend led the courtroom in Prayer.

**4. Approval of Consent Agenda**

Commissioner Palacios stepped away from the meeting.

The court moved to approve the Consent Agenda for the exception of Item.9.A., 12.B. and 12.E. to be pulled for further discussion.

**5. Open Forum**

1) Mrs. Verdelle E. Anderson spoke about the recurrent concerns about the potholes around the precinct 3 area. She mentioned that aside from the potholes that were already fixed, two more opened between 7 and 8 mile. According to Mrs. Anderson she was told to put a claim on damage caused to the tie rod, she mentioned that someone went to take in the claim and investigate the pothole. At the time of the inspection she informed the person that she could not recall the specific pothole that affected the tie rod. Later she received a denial letter and expressed that she has no reason to lie about the damage.

Mrs. Anderson requested for Commissioner Flores to go and speak with her personally.

Commissioner Palacios joined the meeting.

Commissioner Flores expressed that he would have Mr. Villarreal meet with her. She informed the commissioner that Mr. Villarreal has been to talk with her. She solicited for the commissioner to personally go meet with her.

The commissioner mentioned that he passed through that specific road and the potholes are not as bad as they are making it seem or even compare to other precincts. He acknowledged some bad potholes on La Homa Road and announced that the road is being worked on as they are getting ready to make it a 4 lane road.

*Court proceeded to Item.11.A.*

2) Mrs. Juanita Torrez presented an invitation to the court members to attend the 13th Annual "Justicia y Cambio" March. The march will take place on April 2, 2016 from 9 a.m.