

FORT BEND COUNTY FY 2009
 COMMISSIONERS COURT AGENDA REQUEST FORM

Return Completed Form by E-Mail to: Agenda Coordinator, County Judge's Office

Date Submitted: June 10, 2009	Submitted By: Scott Wiegat
Court Agenda Date: June 23, 2009	Department: Road & Bridge
	Phone Number: 281-238-3607

SUMMARY OF ITEM: Take all appropriate action on Change Order #1 in the amount of \$5170.38 to E.L. Harris III Construction, Inc., for additional services requested pursuant to Bid #09-056-Mellon Oaks Lane Extension, (Fund: Road & Bridge, Fees)

RENEWAL AGREEMENT/APPOINTMENT YES NO

REVIEWED BY COUNTY ATTORNEY'S OFFICE: YES NO

FINANCIAL SUMMARY:

BUDGETED ITEM: YES NO

FUNDNG SOURCE: Accounting Unit:155611100 Account Number: 63000
 Activity (If Applicable): R&B 40190

DESCRIPTION OF LAWSOM ACCOUNT: Fees

COUNTY JUDGE
 RECEIVED
 JUN 16 2009

Instructions to submit Agenda Request Form:

- Completely fill out agenda form: incomplete forms will not be processed.
- Agenda Request Forms should be submitted by e-mail, fax, or inter-office mail, and all back-up information must be provided by Wednesday at 2:00 p.m. to all those listed below.
- All original back-up must be received in the County Judge's Office by 2:00 p.m. on Wednesday.

DISTRIBUTION:

Original Form Submitted with back up to County Judge's Office (✓ when completed)
 If by E-Mail to ospindon@co.fort-bend.tx.us If by Fax to (281) 341-8609

Distribute copies with back-up to all listed below. If by fax, send to numbers below:

<input type="checkbox"/> Auditor (281-341-3774)	<input type="checkbox"/> Comm. Pct. 1 (281-342-0587)
<input type="checkbox"/> Budget Officer (281-344-3954)	<input type="checkbox"/> Comm. Pct. 2 (281-403-8009)
<input type="checkbox"/> Facilities/Planning (281-633-7022)	<input type="checkbox"/> Comm. Pct. 3 (281-242-9060)
<input type="checkbox"/> Purchasing Agent (281-341-8642)	<input type="checkbox"/> Comm. Pct. 4 (281-980-9077)
<input type="checkbox"/> Information Technology (281-341-4526)	<input type="checkbox"/> County Clerk (281-341-8697)
<input type="checkbox"/> Other:	<input type="checkbox"/> County Atty (281-341-4557)

RECOMMENDATION / ACTION REQUESTED:

Special Handling Requested (specify):

6-24-09 orig. ret. to Scott at Road & Bridge

CHANGE ORDER

FORT BEND COUNTY ENGINEERING

- Distribution:
- FBC Engineering
 - FBC Judge
 - FBC Purchasing
 - Contractor
 - Consultant

P. O. Box 1449
 1124 Blume Rd.
 Rosenberg, Texas 77471
 Phone: 281-633-7510
 Fax: 281-342-7366
 Web site: www.co.fort-bend.tx.us

PROJECT: **Mellow Oaks Lane Extension
 Fort Bend County Key Map 567B**

CHANGE ORDER NUMBER: 1
 DATE: 06/02/09
 PROJECT NUMBER: 09-056
 CONTRACT FOR: \$67,329.38
 CONTRACT DATE: 04/27/09
 FBC PURCHASE ORDER NO. 31074

CONTRACTOR:
 E.L. Harris III Construction, Inc.
 P.O. Box 655
 Fulshear, Texas 77441-0655

The contract is changed as follows:

Qty	Description	UOM	Unit Price	Extended Price
2	8" Push On – Right Only Valves	EA	\$2,150.00	\$ 4,300.00
80	Dowel to Existing Paving	EA	5.90	472.00
1	21 LF of 2" Sawcut for Driveway Tie-In remove 3.5 SY 6" paving, replace 3.5 SY 6" paving	LS	189.71	189.71
1	11 LF of 6" Sawcut to remove damaged existing paving at tie-in, 3.33 SY remove 6" paving, 3.33 SY replace 6" paving	LS	208.67	208.67
	Total Change Order			\$5,170.38

Not valid until signed by Fort Bend County and Contractor.

The Original (**Contract Sum**) \$ 67,329.38
 Net change by previously authorized Change orders \$ 0.00
 The (**Contract Sum**) Prior to this Change Order was \$ 67,329.38
 The (**Contract Sum**) will be increased
 by this Change Order in the amount of \$ 5,170.38
 The new (Contract Sum) including this Change Order will be \$ 72,499.76

The Contract Time will be unchanged by days
 The Date of Substantial Completion as of this Change Order therefore is unchanged

Authorized:

Fort Bend County Engineering
 Louis E. Hood, P.E.
 P. O. Box 1449
 Rosenberg, Texas 77471

CONTRACTOR

Fort Bend County Judge
 Honorable Robert E. Hebert
 301 Jackson St., #719
 Richmond, Texas 77469

By: *Louis E. Hood*
 (signature)
 DATE: 6/12/09

By: *[Signature]*
 (signature)
 DATE: 6/10/09

By: *[Signature]*
 (signature)
 DATE: June 23, 2009



FORT BEND COUNTY ENGINEERING

Fort Bend County, Texas

D. Jesse Hegemier
County Engineer

TO: KELI:

FROM: PAULETTE (281 633 7507)

DATE: JUNE 9,2009

RE: PAY APPLICATION #1 AND CHANGE ORDER #1
E.L. HARRIS III CONSTRUCTION, INC.
P.O.#31074: ROAD AND BRIDGE

P031074

PROJECT: MELLOW OAKS LANE EXTENSION

**LOUIS HOOD APPROVED THESE ATTACHMENTS FOR
PROCESSING:**

- (1) CHANGE ORDER HAS TO GO TO COURT FOR JUNE 23,2009 AND HAS TO BE SENT OUT TO ALL THE COMMISSIONER'S AND COURTS.
- (2) PAY APPLICATION HAS TO GO ON THE AGENDA (THIS WILL BE UNDER REGULAR COURT AGENDA: NOT TO BE DISCUSSED IN COURT): 6/23/2009

IF YOU HAVE ANY QUESTIONS, PLEASE CALL ME.

Re: Mellow Oaks

From: DeWayne Davis <DeWayne.Davis@co.fort-bend.tx.us>
To: Monty Harris
Subject: Re: Mellow Oaks
Date: May 27, 2009 9:53 AM

Linda.

The proposed monetary changes to the contract below are acceptable to Fort Bend County.

Thanks,

DeWayne O. Davis, P.E.
Fort Bend County Engineering
Engineer III
(281) 633-7513
DeWayne.Davis@co.fort-bend.tx.us

>>> Monty Harris <elharris3construction@earthlink.net> 5/26/2009 12:13 PM >>>
DeWayne,

This email serves as my confirmation that Fort Bend County has decided that there will be no gradation or density testing for this project.

There is 160 LF of curb on the existing paving that will require dowel holes be drilled and dowels placed for the longitudinal steel placement prior to curb construction. We propose that dowels be placed 2' OC. There will be 80 dowels placed for \$5.90 each totaling \$472.00 in addition to the line item price of \$3.00 per linear foot for the curb.

There will be 20 LF of 2" sawcut required for the driveway tie-in to the existing paving. We propose \$1.70 per LF for a total of \$34.00.

The damaged corner of the existing paving will require 11 LF of 6" sawcut prior to removal of this concrete. We propose \$5.65 per LF for 11 LF of 6" sawcut which total \$62.15.

Please let me know via return email if this is acceptable.

Linda

Fwd: RE: Mellow Oaks - Change Order Proposal

From: DeWayne Davis <DeWayne.Davis@co.fort-bend.tx.us>
To: elharris3construction@earthlink.net
Cc: Louis Hood <leh@co.fort-bend.tx.us>
Subject: Fwd: RE: Mellow Oaks - Change Order Proposal
Date: May 12, 2009 11:19 AM

Linda Hazelrigg,

Please move forward with the change order proposal (per Jones and Carter).

Once you have completed the work schedule please forward via email.

Thanks,

DeWayne O. Davis, P.E.
Fort Bend County Engineering
Engineer III
(281) 633-7513
DeWayne.Davis@co.fort-bend.tx.us

>>> "Janet Baccus" <JBaccus@jonescarter.com> 5/12/2009 10:11 AM >>>
Please have the contractor move forward.

Thanks,
Janet

Janet M. Baccus, P.E.
Project Engineer
jbaccus@jonescarter.com

JONES & CARTER, INC.
ENGINEERS * PLANNERS * SURVEYORS
6335 Gulfon, Suite 100
Houston, Texas 77081-1169
Tel 713-777-5337 Ext. 252 Fax 713-777-5976
Direct 713-353-7246 Cell 281-734-8324

Smart Engineering. Smart Solutions.TM
www.jonescarter.com

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

From: DeWayne Davis [mailto:DeWayne.Davis@co.fort-bend.tx.us]

Sent: Monday, May 11, 2009 4:40 PM

To: Janet Baccus

Cc: Louis Hood; James Patterson; lkeller@swwc.com

Subject: Fwd: Mellow Oaks - Change Order Proposal

Janet Baccus -

Please see the cost proposal to add the two additional valves for the Mellow Oaks 8" waterline below.

Please respond with an approval or dis-approval, where I may notify the contractor if they will need to order material.

Thanks,

DeWayne O. Davis, P.E.

Fort Bend County Engineering

Engineer III

(281) 633-7513

DeWayne.Davis@co.fort-bend.tx.us

>>> Monty Harris <elharris3construction@earthlink.net> 5/11/2009 12:24

>>> PM >>>

DeWayne Davis,

E.L. Harris III Construction, Inc. proposes to furnish all superintendence, labor, equipment and materials to install the following:

Two (2) eight inch push on right only valves for connections of new water line to existing waterline. This will include blowing off existing waterlines in two location both at time water is shut off and when it is turned back on. As well as the installation of one 3/4" tap with riser and corporation stop for chlorination and testing of new waterline for Two Thousand One Hundred Fifty Dollars and no Cents (\$2,150.00) each.

Total Proposed Change Order is \$4,300.00.

Please let me know if you have any questions or require any additional information regarding this proposal.

Linda Hazelrigg
E.L. Harris III Construction, Inc.
281-346-0648 - phone
281-346-0658 - fax
281-705-0591 - cell

Estimate and Certification for Payment

PO 31074
REC 65704

PROJECT Mellow Oaks Lane Extension

OWNER Fort Bend County
Address: 1124 Blume Rd.
Rosenberg, Texas 77471

ATTN: Louis E. Hood, P.E.

Estimate No: 1
Invoice No: 1109
Start Date: 05/18/09
Current Contract Completion Date: 06/16/09
Estimate Cut Off Date: 05/29/09
Date of Estimate: 05/29/09

Initial Contract Time	30	days
Current Approved Extensions ±	0	days
Previous Approved Extensions ±	0	days
Total Contract Time	30	days
Spent Days	12	days
Days Remaining	18	days
Rain Days to Date	0	days

A. Contract Amount to Date:		
1. Contract Price:		\$67,329.38
2. Approved Change Orders:	<u> \$5,170.38</u>	
	<u> </u>	
	<u> </u>	
Total Changes to Date:	+ 5,170.38	
	Total Contract Amount:	\$72,499.76

B. Earnings to Date:		
1. Previous Work Completed:	<u> </u>	Previous Earnings: \$ 0.00
2. Work Completed this Period:	<u> </u>	Earnings This Period: \$ 46,618.41
3. Materials on Site:	<u> </u>	\$
	Total Earnings:	\$ 46,618.41

C. Reductions:		
1. Retainage:	10% of \$46,618.41	\$(4,661.84)
	Total Payments Due:	\$ 41,956.57
	Less Previous Payments:	\$ 0.00

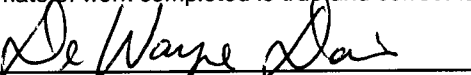
Total Amount Due Contractor This Estimate: \$ 41,956.57

The undersigned Contractor certifies that to the best of his knowledge, information, and belief that the Work has been completed in accordance with the Plans and Specifications and the current payment shown on this Application for Payment is now due.


Prepared By: 
E.L. Harris III Construction, Inc.

Date: 06/11/09

The foregoing estimate of work completed is true and correct to the best of my knowledge and belief.

Approved by: 
Project Representative:

Date: 6/12/09

Approved by: 
Engineer:

Date: 6/12/09

E.L. Harris III Construction, Inc.

Invoice

P.O. Box 655
Fulshear, Texas 77441

Date	Invoice #
5/29/2009	1109

Bill To
#1109 - Fort Bend County - Mellow Oaks County Auditor 301 Jackson Richmond, Texas 77469

Job or PO No.

PO#: 31074

Quantity	Description	Rate	Amount
1	To Invoice for Pay Application No. 1 (detail attached) for work complete and in place	46,618.41	46,618.41
-1	Less 10% Retainage	4,661.84	-4,661.84
	Purchase Order Number: 31074 Project: Mellow Oaks Lane Extension		
		Total	\$41,956.57

Application for Payment

Fort Bend County - Purchase Order # 31074 - Mellow Oaks Lane Extension

Application No. 1

Application Date: May 29, 2009

Time Period 5/11/09 to 5/29/09

Item No.	Item Description	Unit	Contract Quantity	Completed			Percent Used	Contract Unit Price	Amount
				This Est	Previous	To Date			
Base									
1	Prepare ROW	LS	1	1		1	100%	\$8,775.00	\$8,775.00
2	Remove Existing Barricades	EA	2	2		2	100%	\$281.00	\$562.00
3	Remove Temp Asphalt	SY	400	400.0		400	100%	\$8.20	\$3,280.00
4	Excavation/Fill	CY	380	380.00		380.00	100%	\$12.95	\$4,921.00
5	Lime	Ton	10.5	10.5		10.5	100%	\$141.55	\$1,486.28
6	Lime Subgrade	SY	485	485		485	100%	\$8.80	\$4,268.00
7	6" Concrete Pavement	SY	452	230.000		230.000	51%	\$32.75	\$7,532.50
8	6" Concrete Curb	LF	475			0	0%	\$3.00	\$0.00
9	8" Water Line	LS	1	0.90		0.90	90%	\$5,175.00	\$4,657.50
10	Concrete Sidewalk	LF	500			0.000	0%	\$13.10	\$0.00
11	Concrete Driveway	SY	70	70.0		70.0	100%	\$66.15	\$4,630.50
12	Remove Concrete Driveway & Sidewalk	SY	25	25.00		25	100%	\$11.25	\$281.25
13	Traffic Control per Addendum No. 1	LS	1	1		1	100%	\$281.00	\$281.00
14	Storm water Pollution Plan	LF	500	300		300	60%	\$2.15	\$645.00
15	Adjust Sanitary Sewer Manhole	EA	1	1.0		1	100%	\$600.00	\$600.00
16	Block Sod	SY	425			0.00	0%	\$4.10	\$0.00
SUBTOTAL - BASE (ITEMS 1-11)									\$41,920.03
Alternate									
18	Cement Stab. Crushed Concrete	SY	485			0	0%	\$15.41	\$0.00
Subtotal - Alternate & Contract Correction									\$0.00
Change Orders									
1	8" Push On - Right Only Valves	EA	2	2		2	100%	\$2,150.00	\$4,300.00
2	Dowel to existing Paving	EA	80			0	0%	\$5.90	\$0.00
3	21 LF of 2" Sawcut for Driveway Tie In, removal of 3.5 SY of existing 6" paving, replacement of 3.5 SY of 6" Paving	LS	1	1.00		1.00	100%	\$189.71	\$189.71
4	11 LF of 6" Sawcut to remove damaged existing paving, removal of 3.33 SY of existing 6" paving, replacement of 3.33 SY of 6" Paving	LS	1	1		1	100%	\$208.67	\$208.67
Subtotal - Change Orders									\$4,698.38

Contract Amount	\$67,329.38
Change Orders to Date	\$5,170.38
Revised Contract Amount	\$72,499.76
Work Complete to Date	\$46,618.41
Retainage 10%	\$4,661.84
Less Previous Payments	

Total Amount Due	\$41,956.57
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Submitted By:



E.L. Harris III Construction, Inc.

06/11/09

Date

Date

WAIVER AND LIEN RELEASE UPON PARTIAL PAYMENT

STATE OF TEXAS §
COUNTY OF FORT BEND §

The undersigned was contracted by or hired by **Fort Bend County, Texas** to furnish labor and/or materials in connection with certain improvements to real property described as:

Project : Mellow Oaks Lane Extension – Purchase Order Number: 31074

Contractor: E.L. Harris III Construction, Inc.

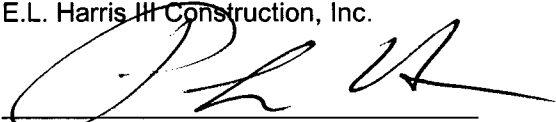
This payment: \$41,956.57 Total Paid Including This Payment: \$41,956.57

For Work Performed Through Date Of: 05/29/09 Estimate Number: 1

Upon receipt of this payment and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned does hereby waive and release any mechanic's lien or materialman's lien or claims of lien, including any constitutional lien or claim thereto, that the undersigned has or hereafter has on the above mentioned real property and/or improvements thereon on account of any work furnished or to be furnished by the undersigned whether pursuant to the above mentioned contract or otherwise.

The undersigned further certifies and warrants that there are no known mechanic's or materialman's liens outstanding as of the date hereof, that all bills incurred by it with respect to the work will be paid within 10 days of the receipt of the above amount or sooner, and that there is no known basis for the filing of any mechanic's or materialman's lien on the property and/or improvements above described by any person or entity performing work on behalf of the undersigned; and to the extent permitted by applicable law, the undersigned does hereby waive and release any mechanic's or materialman's lien or claims of lien of any other such person or entity, and further agrees to indemnify and hold the owner harmless from and said lien or claim including the payment of related costs, expenses and reasonable attorney's fees.

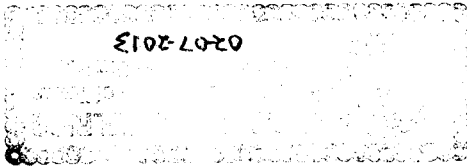
E.L. Harris III Construction, Inc.


Patrick L. Harris, President

Subscribed and sworn to before me, the undersigned authority, on this the 11th day of June, 2009.


Notary Public In and For The
State of Texas

My commission expires: 07/2013



AFFIDAVIT OF BILLS PAID

THE STATE OF TEXAS

COUNTY OF FORT BEND

Patrick L. Harris, being duly sworn that he is the President of E.L. Harris III Construction, Inc., of Fort Bend County, Texas (hereinafter called "Company");
and

That said Company has performed work and/or furnished material for Fort Bend County, Texas hereinafter called "Owner"), pursuant to a contract dated (hereinafter called "Contract") for the construction of:

Mellow Oaks Lane Extension in Fort Bend County, Texas
Purchase Order Number: 31074

That all just and lawful invoices against the Company for labor, materials and expendable equipment employed in the performance of the Contract will be paid within ten (10) days or sooner of the receipt of payment from the Owner; and

That no mechanic's or materialman's liens have been filed upon the property of the Owner or materials incorporated into the Facilities.

E.L. Harris III Construction, Inc.

By: _____

Printed Name: **Patrick L. Harris**

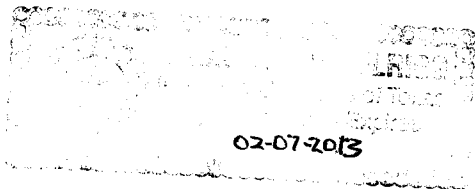
Title: **President**

ATTEST:

Printed Name: **Shye Harris**

Before me, the undersigned authority, on this day personally appeared **Patrick L. Harris, President of E.L. Harris III Construction, Inc., a Texas Corporation**, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same as the act and deed of such **Affidavit of Bills Paid**, for the purposed and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, on this the 11th day of June 2009.



Notary Public in and for the
State of T E X A S

Printed Name:

Commission Expires: 02/07/2013