

FORT BEND COUNTY FY 2010  
 COMMISSIONERS COURT AGENDA REQUEST FORM

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

Date Submitted: May 18, 2010	Submitted By: Scott Wiegat
Court Agenda Date: May 25, 2010	Department: Road & Bridge
	Phone Number: 281-238-3607

**SUMMARY OF ITEM:** Take all appropriate action on Change Order #2 in the amount of \$1,280.00 to Aranda Brothers Construction for additional services requested pursuant to Bid #09-103-Edgewood Drive Bridge.

**RENEWAL AGREEMENT/APPOINTMENT** YES  NO   
**REVIEWED BY COUNTY ATTORNEY'S OFFICE:** YES  NO

List Supporting Documents Attached:

**FINANCIAL SUMMARY:**

**BUDGETED ITEM:** YES  NO

**FUNDNG SOURCE:** Accounting Unit:155611100 Account Number:64600  
 Activity (If Applicable): P611-04 Bridge-35000

**DESCRIPTION OF LAWSOM ACCOUNT:** Road & Bridge

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 X  (✓ when completed)  
 If by E-Mail to [ospindon@co.fort-bend.tx.us](mailto: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 checked="" type="checkbox"/> Auditor (281-341-3774)	<input checked="" type="checkbox"/> Comm. Pct. 1 (281-342-0587)
<input checked="" type="checkbox"/> Budget Officer (281-344-3954)	<input checked="" type="checkbox"/> Comm. Pct. 2 (281-403-8009)
<input type="checkbox"/> Facilities/Planning (281-633-7022)	<input checked="" type="checkbox"/> Comm. Pct. 3 (281-242-9060)
<input type="checkbox"/> Purchasing Agent (281-341-8642)	<input checked="" 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):

6-3-10 orig. ret. to Scott at Road & Bridge

**CHANGE  
ORDER**

**FORT BEND COUNTY  
ENGINEERING**

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

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

PROJECT: Edgewood Drive Bridge over  
(name, address): Drainage Ditch No. 9502037

CHANGE ORDER NUMBER: 2  
DATE: 4/26/2010  
PROJECT NUMBER: 09-103  
CONTRACT FOR: Edgewood Drive Bridge Replacement  
CONTRACT DATE: 10/21/2009  
FBC PURCHASE ORDER NO. 39691

CONTRACTOR: Aranda Brothers Construction  
(name, address): 4207 Castledale  
Houston, TX 77093

The contract is changed as follows:

Item	Unit	Price	Total
Reflective Paving Makers Type 1(W)	350 LF	\$2.00	(\$700.00)
Reflective Paving Makers Type 1(Y)	350 LF	\$2.00	(\$700.00)
Pavement Surface Preparation for Markings	700 LF	\$1.00	(\$700.00)
Additional 5in. Concrete Rip Rap	12 CY	\$150.00	\$1,800.00
Additional Cement Stabilized Backfill	10 CY	\$28.00	\$280.00
Additional Metal W Beam Guard Fence	130 LF	\$10.00	\$1,300.00

TOTAL: \$1,280

**Not valid until signed by Fort Bend County and Contractor.**

The Original ( <b>Contract Sum</b> ) .....	\$ 186,401.48
Net change by previously authorized Change orders .....	\$ 9,303.80
The ( <b>Contract Sum</b> ) Prior to this Change Order was .....	\$ 195,705.28
The ( <b>Contract Sum</b> ) will be (increased) (decreased) (unchanged) by this Change Order in the amount of .....	\$1,280.00
The new (Contract Sum) including this Change Order will be .....	\$196,985.28
The Contract Time will be (increased) (decreased) (unchanged) by 0 days	
The Date of Substantial Completion as of this Change Order therefore is (changed) (unchanged) to April 5, 2010	

Authorized:

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

Aranda Brothers Construction  
4207 Castledale  
Houston, Texas 77093

Fort Bend County Judge  
Honorable Robert E. Hebert  
309 S. 4<sup>th</sup> Suite 355  
Richmond, Texas 77469

By: Louis E. Hood  
(signature)

By: [Signature]  
(signature)

By: [Signature]  
(signature)

DATE:

DATE:

DATE: 5-25-2010

FINAL

Estimate and Certification for Payment

PROJECT Fort Bend County Edgewood Bridge Replacement

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

ATTN: Louis E. Hood, P.E.

Estimate No: FINAL  
Invoice No: Pay 18  
Start Date: 12-16-2009  
Current Contract Completion Date: \_\_\_\_\_  
Estimate Cut Off Date: \_\_\_\_\_  
Date of Estimate: 4-30-2010

Initial Contract Time 90 days  
Current Approved Extensions ± 0 days  
Previous Approved Extensions ± 14 days  
Total Contract Time 104 days  
Spent Days 95 days  
Days Remaining 9 days  
Rain Days to Date 40 days

A. Contract Amount to Date:  
1. Contract Price: \_\_\_\_\_  
2. Approved Change Orders: 1 9,303.80 186,401.48  
2 1,280.00  
Total Changes to Date: \_\_\_\_\_ + or - 10,583.80  
Total Contract Amount: 196,985.28

B. Earnings to Date:  
1. Previous Work Completed: 10% Previous Earnings: \$ 168,013.16  
2. Work Completed this Period: 10% Earnings This Period: \$ 28,972.17  
3. Materials on Site: \_\_\_\_\_ \$ N/A  
Total Earnings: \$ 196,985.28

C. Reductions:  
1. Retainage: 10% of N/A N/A  
Total Payments Due: 196,985.28  
Less Previous Payments: \$ 168,013.16  
Total Amount Due Contractor This Estimate: 28,972.12

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: [Signature]  
Contractor:

Date: 4-30-2010

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

Approved by: [Signature]  
Project Representative:

Date: 5-18-2010

Approved by: [Signature]  
Engineer:

Date: 5-18-2010

Aranda Brothers Construction  
 4207 CASTLEDALE  
 HOUSTON, TX 77093

# Invoice

Date 4/22/2010  
 Invoice # Pay App 18

**Bill To**

Fort Bend County  
 1124 Blume Rd.  
 Rosenberg, Texas 77471

**Ship To**

Fort Bend County  
 1124 Blume Rd.  
 Rosenberg, Texas 77471

P.O. #  
 Terms

Ship Date 4/22/2010  
 Due Date 4/22/2010  
 Other

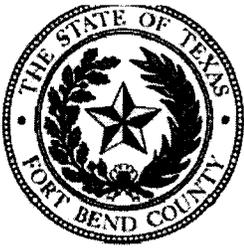
Item	Description	Qty	Price	Amount
Progress Billing	Block Sodding SY	100	15.00	1,500.00
Progress Billing	Rail(TY C223) LF	140	15.00	2,100.00
Progress Billing	Item 540 Mtl W - Beam Gd (TimPost) Radius Rail LF	90	10.00	900.00
Progress Billing	Item Riprap Mow Strip 4in CY	13	150.00	1,950.00
Change Order	Change Order #2 Deductive Reflective Markers Type1 (W) LF	350	-2.00	-700.00
Change Order	Change Order #2 Deductive Reflective Markers Type1 (Y) LF	350	-2.00	-700.00
Change Order	Change Order #2 Deductive Pavement surface preparation for marking LF	700	-1.00	-700.00
Change Order	Change Order #2 Additional 5in Concrete Rip Rap CY	12	150.00	1,800.00
Change Order	Change Order #2 Additional Cement Stabilized Backfill CY	10	28.00	280.00
Change Order	Change Order #2 Additional Metal W Beam Guard Fence LF	130	10.00	1,300.00
Progress Billing	Retainage withheld on progress billing due LS	1	20,442.12	20,442.12
Progress Billing	Terminal Anchor Section	4	200.00	800.00

Subtotal	\$28,972.12
Sales Tax (0.0%)	\$0.00
Total	\$28,972.12
Payments/Credits	\$0.00
Balance Due	\$28,972.12

**Aranda Brothers Construction**

arandabrothersconstruction@yahoo.com

281-330-7221  
 281-449-6350



FORT BEND COUNTY  
ENGINEERING DEPARTMENT

WAIVER AND RELEASE OF LIEN UPON PARTIAL/FINAL PAYMENT

TO OWNER: Fort Bend County  
(Name, address) 309 S. 4<sup>th</sup>, Suite 355  
Richmond, Texas 77469

PROJECT NO.: 09-103

PROJECT: Edgewood Drive Bridge Replacement  
(Name, address)

CONTRACT DATED: 10-21-2009

In accordance with the provisions of the Contract between the Owner and the Contractor as indicated above, the

(Insert name and address of Contractor)  
Aranda Brothers Construction  
4207 CASTLEDALE  
Houston, TX 77093, Contractor,

The above designated Contractor, in consideration of the final payment and release of all retainage, hereby waives and releases its liens and right to claims or liens for labor, services, or materials furnished on the above referenced project.

IN WITNESS WHEREOF, the Contractor has hereunto set its hand on this date: 4-29-2010  
(Insert in writing the month followed by the numeric date and year).

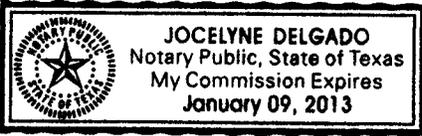
Aranda Brothers Construction  
(Contractor)  
(Signature of authorized representative)  
Armando Aranda Partner  
(Printed name and title)

THE STATE OF TEXAS §  
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared before me Armando Aranda Grantors, known to me to be the person(s) whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the expressed purposes and consideration.

This instrument was acknowledged before me on this the 29 day of April, 2010.

Joelyne Delgado  
Notary Public, State of Texas





FORT BEND COUNTY  
ENGINEERING DEPARTMENT

CONSENT OF SURETY/FINAL PAYMENT

BOND NO.: 70811436

TO OWNER: Fort Bend County  
(Name, address) 309 S. 4<sup>th</sup>, Suite 355  
Richmond, Texas 77469

PROJECT NO.: \_\_\_\_\_

PROJECT: CONSTRUCTION OF EDGEWOOD DRIVE BRIDGE OVER DRAINAGE  
(Name, address) DITCH NO. 9502037

CONTRACT DATED: \_\_\_\_\_

In accordance with the provisions of the Contract between the Owner and the Contractor as indicated above, the \_\_\_\_\_  
(Insert name and address of Surety)

WESTERN SURETY COMPANY  
101 SOUTH PHILLIPS AVENUE  
SIOUX FALLS, SD 57104, Surety,

on bond of \_\_\_\_\_  
(Insert name and address of Contractor)

ARANDA BROTHERS CONSTRUCTION  
4207 CASTLEDALE  
HOUSTON, TEXAS, Contractor,

hereby approves the final payment to the Contractor, and agrees that final payment to the Contractor shall not relieve the Surety of any of its obligations to \_\_\_\_\_  
(Insert name and address of Owner)

COUNTY OF FORT BEND  
4520 READING ROAD, STE A  
ROSENBERG, TEXAS, Owner,

as set forth in said Surety's bond.

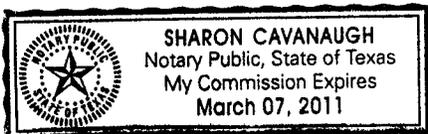
IN WITNESS WHEREOF, the Surety has hereunto set its hand on this date: MAY 3, 2010  
(Insert in writing the month followed by the numeric date and year).

WESTERN SURETY COMPANY  
(Surety) Harlan J. Berger  
(Signature of authorized representative)  
HARLAN J. BERGER, ATTORNEY-IN-FACT  
(Printed name and title)

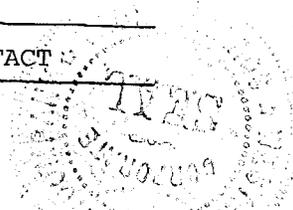
THE STATE OF TEXAS §  
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared before me HARLAN J. BERGER, Grantors, known to me to be the person(s) whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the expressed purposes and consideration.

This instrument was acknowledged before me on this the 3rd day of MAY, 2010



Sharon Cavanaugh  
Notary Public, State of Texas



# Western Surety Company

## POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

**Cheryl R Colson, Donald E Woodard Jr, Andrew J Janda, Sue Kohler, Harlan J Berger, C W Adams Jr, Leland L Rauch, Sharon Cavanaugh, Michael Cole, Jo Ann Parker, Individually**

of Houston, TX, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

**- In Unlimited Amounts -**

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hereof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Senior Vice President and its corporate seal to be hereto affixed on this 2nd day of October, 2009.



WESTERN SURETY COMPANY

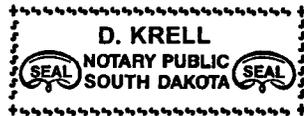
*Paul T. Bruflat*

Paul T. Bruflat, Senior Vice President

State of South Dakota }  
County of Minnehaha } ss

On this 2nd day of October, 2009, before me personally came Paul T. Bruflat, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is the Senior Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires  
November 30, 2012



*D. Krell*

D. Krell, Notary Public

### CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 3RD day of MAY, 2010.



WESTERN SURETY COMPANY

*L. Nelson*

L. Nelson, Assistant Secretary

**Authorizing By-Law**

**ADOPTED BY THE SHAREHOLDERS OF WESTERN SURETY COMPANY**

This Power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by the shareholders of the Company.

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, and Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.