



6330 West Loop South, Suite 150
Bellaire, Texas 77401
Tel: 713.777.5337
www.quiddity.com

July 23, 2024

Honorable Carbett "Trey" J. Duhon III
Waller County Judge
836 Austin Street, Suite 203
Hempstead, Texas 77445

Re: Construction of Drainage Improvements on Goya Road
Waller County

Dear Judge Duhon:

Enclosed is Application and Certificate for Payment No. 3 from Lonnie Lischka Company, L.P. for the referenced project. This application covers construction activities for the referenced project during the period from June 14, 2024 to June 30, 2024. During this period, the Contractor removed the reinforced filter fabric fence and completed hydro-mulching the site. An inspection was held on June 30, 2024 and the Contractor has begun addressing all the punch list items. The estimate is in order and we recommend payment in the amount of \$28,739.10 to Lonnie Lischka Company, L.P.

The Contractor has not requested impact days for the current payment period. We did not note any impact days for the current payment period.

The project is now 100% complete by total contract value and 100% complete by total contract time. The project was deemed to be substantially complete on June 30, 2024.

Please note that the retainage has been reduced to 1% of the Total Estimated Contract Price. Attached is the Consent of Surety to Reduction or Partial Release of Retainage.

Sincerely,

Brian T. Geier, PE

BTG:dbm/mg

K:\R0029\R0029-0081-00 Goya Road Drainage Improvements\3 Construction Phase\Pay Estimates\Pay App No. 3

Enclosure

cc: Ms. Brook Bacuetes – Waller County
Mr. Ross McCall – Waller County
Mr. Mike Day – Lonnie Lischka Company, L.P.

APPLICATION AND CERTIFICATE FOR PAYMENT

TO OWNER/CLIENT:

Waller County
836 Austin Street, Suite 203
Hempstead, Texas 77445 United States

FROM CONTRACTOR:

Lonnie Lischka Company
501 N. Holland St.,

Bellville, Texas 77418 United States

PROJECT:

Construction of Drainage Improvements
on Goya Road
900 Cardiff Road
Brookshire, Texas 77423

VIA ENGINEER

Brian Geier - Quiddity Engineering, LLC
6330 W Loop South
Suite 150
Bellaire, Texas 77401

APPLICATION NO: 03

INVOICE NO: 03

PERIOD: 6/14/2024 – 6/30/2024

PROJECT NOs: R0029-0081-00

DISTRIBUTION TO:

CONTRACT DATE:

1/24/2024

CONTRACT FOR: Construction of Drainage Improvements for Goya Road

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract, Continuation sheet is attached.

The undersigned certifies that to the best of the Contractor's knowledge, information and belief, the Work covered by this Application for Payment has been completed in accordance with the Contract documents, that all amounts have been paid by the Contractor for Work which previous Certificates for payment were issued and payments received from the Owner/Client, and that current payments shown herein is now due.

CONTRACTOR: Lonnie Lischka Company

By:

Date: July 24, 2024

ENGINEER'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on the on-site observations and the data comprising this application, the Architect/Engineer certifies to the Owner/Client that to the best of the Engineer's knowledge, information and belief that Work is in accordance with the Contract documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED:

\$28,739.10

ENGINEER:

By:

Date: 7/24/2024

This certificate is not negotiable. The amount certified is payable only to the contract named herein. Issuance, payment, and acceptance of payment are without prejudice to the rights of the Owner/Client or Contractor under this Contract.

1.	Original Contract Sum	\$647,874.73
2.	Net change by change orders	\$61,818.90
3.	Contract sum to date (line 1 ± 2)	\$709,693.63
4.	Total completed and stored to date (Column G on detail sheet)	\$709,690.63
5.	Retainage	
	a. 1.00% of completed work	\$7,096.94
	b. 0.00% of stored material	\$0.00
6.	Total earned less retainage (Line 4 less Line 5 Total)	\$702,593.69
7.	Less previous certificates for payment (Line 6 from prior certificate)	\$673,854.59
8.	Current payment due	\$28,739.10
9.	Balance to finish, including retainage (Line 3 less Line 6)	\$7,099.94

CHANGE ORDER SUMMARY		ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner/Client:		\$61,818.90	\$0.00
Total approved this Month:		\$0.00	\$0.00
Totals:		\$61,818.90	\$0.00
Net changes by change order:		\$61,818.90	

A	B	C				D	E	F	G		H
Item No	Description of Work	UOM	Qty	Unit Price	Scheduled Value	Work Completed		Materials Presently Stored	Total Completed and Stored to Date (D+E+F)	% (G/C)	Balance to Finish Including Retainage (C- G+Retainage)
						From Previous (D+E)	This Period				
A.01	Move-in and start-up, including performance and payment bonds for 100 percent (100%) of the contract amount.	ls	1.00	\$15,180.00	\$15,180.00	\$15,180.00	\$0.00	\$0.00	\$15,180.00	100%	\$0.00
A.02	Site preparation of easement.		21.00	\$1,000.00	\$21,000.00	\$21,000.00	\$0.00	\$0.00	\$21,000.00	100%	\$0.00
B.01	24-inch RCP, ASTM C-76, Class III, all depths, (including bedding and backfill), complete in place.	lf	155.00	\$105.00	\$16,275.00	\$16,275.00	\$0.00	\$0.00	\$16,275.00	100%	\$0.00
B.02	48-inch HDPE, ASTM D3350, all depths, (including bedding and backfill), complete in place.	lf	3930.00	\$115.60	\$454,308.00	\$454,308.00	\$0.00	\$0.00	\$454,308.00	100%	\$0.00
B.03	Installation of existing, onsite 5'x4' RCB (including bedding and backfill), complete in place.	lf	101.00	\$96.63	\$9,759.63	\$9,759.63	\$0.00	\$0.00	\$9,759.63	100%	\$0.00
B.04	Type "C" manhole for 24"-42" pipe, standard depth, complete in place.	ea	2.00	\$3,900.00	\$7,800.00	\$7,800.00	\$0.00	\$0.00	\$7,800.00	100%	\$0.00
B.05	Safety end treatment for 24" storm sewer, (including bedding and backfill), complete in place.	ea	2.00	\$2,100.00	\$4,200.00	\$4,200.00	\$0.00	\$0.00	\$4,200.00	100%	\$0.00
B.06	Junction box, per plans, (including bedding and backfill), complete in place.	ea	2.00	\$12,200.00	\$24,400.00	\$24,400.00	\$0.00	\$0.00	\$24,400.00	100%	\$0.00
B.07	Junction box with E inlet top, per plans, (including bedding and backfill), complete in place.	ea	3.00	\$14,100.00	\$42,300.00	\$42,300.00	\$0.00	\$0.00	\$42,300.00	100%	\$0.00
B.08	5-inch thick reinforced concrete slope paving,	sq yd	200.00	\$115.00	\$23,000.00	\$23,000.00	\$0.00	\$0.00	\$23,000.00	100%	\$0.00

A	B	C				D	E	F	G		H
Item No	Description of Work	UOM	Qty	Unit Price	Scheduled Value	Work Completed		Materials Presently Stored	Total Completed and Stored to Date (D+E+F)	% (G/C)	Balance to Finish Including Retainage (C- G+Retainage)
						From Previous (D+E)	This Period				
	(including filter fabric, weep holes, toe walls, re-bar, and expansion joints), complete in place.										
B.09	Excavation of sawle to final elevation, complete in place.	cu yd	43.00	\$147.00	\$6,321.00	\$6,321.00	\$0.00	\$0.00	\$6,321.00	100%	\$0.00
B.10	Trench safety system for 24-inch and greater pipe, all depths.	lf	2221.00	\$0.10	\$222.10	\$222.10	\$0.00	\$0.00	\$222.10	100%	\$0.00
C.01	Hydro-mulch seeding of rights-of-way and adjacent Easements (less pavement area). Contractor to ensure growth of vegetation by whatever means necessary, including re-seeding, over-seeding or watering at no separate pay.	acre	0.90	\$2,800.00	\$2,520.00	\$2,240.00	\$280.00	\$0.00	\$2,520.00	100%	\$0.00
C.02	25' by 75' Stabilized Construction Access, installed, maintained and removed.	ea	2.00	\$1.00	\$2.00	\$0.00	\$0.00	\$0.00	\$0.00	0%	\$2.00
C.03	Concrete truck washout, installed, maintained and removed.	ea	1.00	\$1.00	\$1.00	\$1.00	\$0.00	\$0.00	\$1.00	100%	\$0.00
C.04	Placement of reinforced filter fabric fence, as directed by engineer (including installation, maintenance and removal).	lf	30.00	\$3.00	\$90.00	\$0.00	\$90.00	\$0.00	\$90.00	100%	\$0.00
C.05	Rock Filter Dam (Type III), installed, maintained and removed.	ea	1.00	\$1.00	\$1.00	\$0.00	\$0.00	\$0.00	\$0.00	0%	\$1.00
C.06	Inlet protection barriers, installed, maintained and removed.	ea	3.00	\$1.00	\$3.00	\$3.00	\$0.00	\$0.00	\$3.00	100%	\$0.00

A	B	C				D	E	F	G		H
Item No	Description of Work	UOM	Qty	Unit Price	Scheduled Value	Work Completed		Materials Presently Stored	Total Completed and Stored to Date (D+E+F)	% (G/C)	Balance to Finish Including Retainage (C- G+Retainage)
						From Previous (D+E)	This Period				
D.01	Utility construction staking to be performed by Contractor.	ls	1.00	\$2,600.00	\$2,600.00	\$2,600.00	\$0.00	\$0.00	\$2,600.00	100%	\$0.00
D.02	Materials testing, per specifications, to be performed by Contractor.	ls	1.00	\$3,600.00	\$3,600.00	\$3,600.00	\$0.00	\$0.00	\$3,600.00	100%	\$0.00
D.03	Remove and replace existing asphalt pavement, complete in place.	sq yd	53.00	\$264.00	\$13,992.00	\$13,992.00	\$0.00	\$0.00	\$13,992.00	100%	\$0.00
D.04	Barricades, signs, and traffic handling.	mo	1.00	\$300.00	\$300.00	\$300.00	\$0.00	\$0.00	\$300.00	100%	\$0.00
CO 01.1	Removal of B.02: 48-inch HDPE, ASTM D3350, all depths, (including bedding and backfill), complete in place.	lf	3930.00	\$(115.60)	\$(454,308.00)	\$(454,308.00)	\$0.00	\$0.00	\$(454,308.00)	100%	\$0.00
CO 01.2	B.02 with Cost Increase: 48-inch HDPE, ASTM D3350, all depths, (including bedding and backfill), complete in place.	lf	3930.00	\$131.33	\$516,126.90	\$516,126.90	\$0.00	\$0.00	\$516,126.90	100%	\$0.00
Totals					\$709,693.63	\$709,320.63	\$370.00	\$0.00	\$709,690.63	100%	\$7,099.94

**CONSENT OF SURETY
TO REDUCTION IN OR
PARTIAL RELEASE OF RETAINAGE**

OWNER ☐
ARCHITECT ☐
CONTRACTOR ☐
SURETY ☒
OTHER ☐

AIA DOCUMENT G707 A

Bond No. PRF9435569

PROJECT: Construction of Drainage Improvements on Goya Road for Waller County
(name, address) Waller County, TX

TO (Owner)

Waller County and the State of Texas

775 Bus. 290 East

Hempstead, TX 77445

ARCHITECT'S PROJECT NO:

CONTRACT FOR: CONSTRUCTION

CONTRACT DATE:

In accordance with the provisions of the Contract between the Owner and the Contractor as indicated above, the
(here insert name and address of Surety as it appears in the bond.)
Fidelity and Deposit Company of Maryland

1299 Zurich Way, 5th Fl., Schaumburg, IL 60196-1056

, SURETY,

on bond of (here insert name and address of Contractor as it appears in the bond)

Lonnie Lischka Company, LP

P.O. Box 806

Bellville, TX 77418

, CONTRACTOR,

hereby approves the reduction in or partial release of retainage to the Contractor as follows:

Reduce Retainage from Five Percent (5%) to One Percent (1%) of the Total Contract Price.

The Surety agrees that such reduction in or partial release of retainage to the Contractor shall not relieve the Surety
of any of its obligations to (here insert the name and address of Owner)

Waller County and the State of Texas

775 Bus. 290 East

Hempstead, TX 77445

, OWNER,

as set forth in the said Surety's bond.

IN WITNESS WHEREOF,
the Surety has hereunto set its hand this

2nd day of July, 2024

Fidelity and Deposit Company of Maryland

Surety

By:

Signature of Authorized Representative

Diana Cervantes

Attorney-in-Fact

Title

Witness:

Attest:

(Seal): Luis Navarro



**ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND
POWER OF ATTORNEY**

KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Illinois, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Illinois (herein collectively called the "Companies"), by **Robert D. Murray, Vice President**, in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and appoint **Diana CERVANTES, Stephanie GUNDERSON of Dallas, Texas**, its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: **any and all bonds and undertakings**, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York., the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland., and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland., in their own proper persons.

The said Vice President does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article V, Section 8, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President has hereunto subscribed his/her names and affixed the Corporate Seals of the said ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 05th day of May, A.D. 2022.



ATTEST:
ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND

By: Robert D. Murray
Vice President

By: Dawn E. Brown
Secretary

State of Maryland
County of Baltimore

On this 05th day of May, A.D. 2022, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, **Robert D. Murray, Vice President and Dawn E. Brown, Secretary** of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, deposeth and saith, that he/she is the said officer of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signature as such officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



Constance A. Dunn, Notary Public
My Commission Expires: July 9, 2023

EXTRACT FROM BY-LAWS OF THE COMPANIES

"Article V, Section 8, Attorneys-in-Fact. The Chief Executive Officer, the President, or any Executive Vice President or Vice President may, by written instrument under the attested corporate seal, appoint attorneys-in-fact with authority to execute bonds, policies, recognizances, stipulations, undertakings, or other like instruments on behalf of the Company, and may authorize any officer or any such attorney-in-fact to affix the corporate seal thereto; and may with or without cause modify or revoke any such appointment or authority at any time."

CERTIFICATE

I, the undersigned, Vice President of the ZURICH AMERICAN INSURANCE COMPANY, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that Article V, Section 8, of the By-Laws of the Companies is still in force.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the ZURICH AMERICAN INSURANCE COMPANY at a meeting duly called and held on the 15th day of December 1998.

RESOLVED: "That the signature of the President or a Vice President and the attesting signature of a Secretary or an Assistant Secretary and the Seal of the Company may be affixed by facsimile on any Power of Attorney...Any such Power or any certificate thereof bearing such facsimile signature and seal shall be valid and binding on the Company."

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at a meeting duly called and held on the 5th day of May, 1994, and the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seals of the said Companies, this 2nd day of July, 2024.



MJ Pethick

By: Mary Jean Pethick
Vice President

TO REPORT A CLAIM WITH REGARD TO A SURETY BOND, PLEASE SUBMIT A COMPLETE DESCRIPTION OF THE CLAIM INCLUDING THE PRINCIPAL ON THE BOND, THE BOND NUMBER, AND YOUR CONTACT INFORMATION TO:

Zurich Surety Claims
1299 Zurich Way
Schaumburg, IL 60196-1056
Ph: 800-626-4577

If your jurisdiction allows for electronic reporting of surety claims, please submit to:
reports@claims@zurichna.com

Authenticity of this bond can be confirmed at bondvalidator.zurichna.com or 410-559-8790