BOIS D'ARC MUNICIPAL UTILITY DISTRICT 14101 E FM 1396 HONEY GROVE, TEXAS 75446 (903) 378-7361

NOTICE OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS

DATE: Friday, April17, 2020 at 9:00 AM

- PLACE: For the health and safety of the public during the COVID-19 pandemic, the District's Board of Directors will meet via the following methods:
 - ZOOM videoconference website: <u>https://us02web.zoom.us/j/8791455344</u>
 - ZOOM teleconference by dialing thetoll-free number: +1 346 248 7799, then,enter Meeting ID: 879 145 5344#
 - ZOOM Cloud Meetings app (mobile device), enter Meeting ID: 879 145 5344#

AGENDA

- 1. Call to Order and Declaration of Quorum.
- 2. Public Comments (Limit of 3 minutes per speaker).
- 3. Discuss and take action on the Minutes of the March 20, 2020Regular Board Meeting.
- Presentations by the District's Engineer including Lower Bois D'Arc Reservoir Project/NTMWD.
 - a. Discuss and take action to approve Change Order#1from Underwood Inc. forCR 2900 Waterline Relocation Project.
 - Discuss and take action to approve Pay Application #4 from Underwood Inc. for CR 2900 Waterline Relocation Project.
 - c. Discuss and take action to approve Pay Application #5 from Phoenix Fabricators for Elevated Tank Project on FM 1396.
 - d. Discuss and take action to approve Pay Application #5 from Pittard Construction Company for Waterline Disinfection Building on FM 1396
 - e. Discuss and take action to approve Pay Application #6 from Pittard Construction Company for Waterline Disinfection Building on FM 1396.
- 5. Discuss and take action to approve the Amendment to the Construction Water and Meter Agreement (Temp. Water Service Agreement) between the District and AR Consultants, Inc.
- 6. Discuss and take actionregarding late fees, deferred payment agreements, disconnections, and other issues during the COVID-19 pandemic.
- 7. Adjournment.

CERTIFICATION

I certify this Notice of Meeting was posted on ________, 20 20, at 9:00 AM/PM, in the front window of the regular office of Bois D'Arc MUD, located at 14101 East FM 1396 Honey Grove, Fannin County, Texas, facing the outside and visible and accessible to the Public at all times, and on the District's website, and remained posted at least 72 hours before said Meeting.

Melinda Gibbs, Office Manager

Notes to the Agenda

Notice is hereby given that the Board of Directors of Bois D'Arc Municipal Utility District may discuss, consider, and take all necessary action, including expenditure of funds, regarding each of the agenda items.

The Board of Directors reserves the right to recess into Executive Session at any time during the meeting concerning any item listed on this Agenda whenever it is considered necessary and legally justified under the Texas Open Meetings Act, Texas Government Code Section 551.001 et. seq., for any and all purposes permitted by the Act, including but not limited to the following: Section 551.071 - consultation with the District's Attorney; Section 551.072 - deliberations regarding real property; Section 551.074 - deliberations regarding personnel matters of a public officer or employee.

Person with disabilities who plan to attend the meeting and who may need assistance should call the office Manager at 903-378-7361 at least two working days prior to the meeting so that appropriate arrangements can be made.

BOIS D' ARC MUICIPAL UTILITY DISTRICT

14101 E FM 1396 HONEY GROVE, TEXAS 75446 (903) 378-7361

MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS

DATE: Friday, March 20, 2020

- TIME: 9:00 AM
- PLACE: District office located at 14101 East FM 1396, Honey Grove, Texas 75446

1. Call to Order and Declaration of Quorum

- Meeting called to order by Rhonda Cunningham at 9:00 a.m. and a quorum was declared with Board Directors present: Rhonda Cunningham, Bob Payne, Gary Vincent, Donna Ryser, Brad Lane, Larry Franklin, and J. W. Caraway.
- District Staff Present: Office Manager Melinda Gibbs, Field Manager Hayden Lane

2. Public Comments (Limit of 3 Minutes per speaker).

- None
- 3. Discuss and take action on the consent items consisting of:
 - a. Minutes of the February 21, 2020 Regular Board Meeting.
 - b. District's monthly financials for February 2020
 - After review, Brad Lane made the motion to approve the Minutes and accept the financials as presented. Gary Vincent seconded the motion and it passed unanimously.
- 4. Accept the Certification of Unopposed Candidates for the District's General Election on May 2, 2020. Discuss and take action to adopt Ordinance No. 2020-003, declaring three (3) unopposed candidates for the office of Director At-Large in the General Election to be held May 2, 2020; adopting an Order to cancel the General Election; and providing an effective date.
 - After review, motion made by Brad Lane and seconded by Bob Payne to adopt Ordinance No 2020-003 as presented. The motion passed unanimously
- 5. Presentations by the District's Engineer including Lower Bois D'Arc Reservoir Project/NTMWD.
 - a. Discuss and take action to approve Change Order #2 from Pittard Construction Company for Waterline Disinfection Building on FM 1396.
 - After review, motion made by Bob Payne to approve the change order as presented. Larry Franklin seconded the motion and it passed unanimously.

- b. Discuss and take action to approve Change Order #1 from McWhorter Backhoe Service for CR 2950 & CR 2900 Waterline Project.
 - After review, motion made by Donna Ryser to approve the change order as presented. Bob Payne seconded the motion and it passed unanimously.
- c. Discuss and take action to approve Pay Application #3 from McWhorter Backhoe Service for CR 2950 & CR 2900 Waterline Project.
 - After review, motion made by Brad Lane to approve the pay application as presented. J.W. Caraway seconded the motion and it passed unanimously.
- d. Discuss and take action to approve Pay Application #4 from Phoenix Fabricators for Elevated Tank Project on FM 1396.
 - After review, motion made by J.W. Caraway to approve the pay application as presented. Larry Franklin seconded the motion and it passed unanimously.
- e. Discuss and take action to approve Pay Application #3 from Underwood Inc. for CR 2900 Waterline Project.
 - After review, motion made by Donna Ryser to approve the pay application as presented. Brad Lane seconded the motion and it passed unanimously.

f. Discuss and take action to approve Pay Application #5 from Pittard Construction Company for Waterline Disinfection Building on FM 1396.

• After review, motion made by Bob Payne to approve the change order as presented. Brad Lane seconded the motion and it passed unanimously.

6. Monthly Reports:

- a. Engineer's Report DBI Engineers
- b. General Manager's Report
- c. Finance Committee Rhonda Cunningham

Rhonda presented her written report of the District accounts as of February 29, 2020.

d. Policies and Procedures – Donna Ryser

Reviewed Donna's written reports regarding various policy and procedures items and correlated expenses in the Board packet.

e. Budget Committee – Gary Vincent

Gary presented his written report for February 2020

- f. Attorney update Maria Huynh
- 7. Discuss and take action regarding the purchase or contract to obtain a security system for the District office and properties.

- This Item was tabled.
- 8. Discuss and take action to approve the Construction Water and Meter Agreement (Temporary Water Service Agreement) between the District and Clint Walker.
 - After review, Brad Lane made the motion to approve the agreement as presented. Donna Ryser seconded the motion and it passed unanimously.
- 9. Recess into Executive Session pursuant to Tex. Gov't Code Section 551.074, to deliberate personnel matters.
 - The Board recessed into Executive Session at 10:09 a.m.
 - a. Reconvene into Open Session.
 - The Board reconvened into Open Session at 10:59 a.m.
 - b. Discuss and possibly take action regarding hiring of the District's Operations Manager and/or Field Employee, and other actions in connection there to.
 - Brad Lane made the motion to offer Will Caraway as a full-time field operator at \$15.00 per hour to begin as soon as possible. Donna Ryser seconded the motion and it passed 6-0-1 (with 6 for the motion, 0 against the motion, and 1 abstention by J.W. Caraway).

10. Adjournment.

• Meeting adjourned at 11:00 a.m.

APPROVED by the Board of Directors of Bois D'Arc Municipal Utility District, Fannin County, Texas, on this 17th day of April, 2020.

[District seal]

Gary Vincent, Secretary-Treasurer



Change Order No. 1

Date of Issu	ance: 4/17/20	Effective Date: 4/17/20			
Owner:	Bois D' Arc MUD	Owner's Contract No.:			
Contractor:	Underwood Inc.	Contractor's Project No.:			
Engineer:	Daniel & Brown Inc.	Engineer's Project No.:			
Project:	Waterline Projects CR 2900	Contract Name:			

The Contract is modified as follows upon execution of this Change Order:

Description: Reduction/Addition in original quantities; Additional items

Attachments: See breakdown.

CHANGE IN CONTRACT P	RICE		CH	ANGE I	N CONTRACT TIMES
			[note cho	anges ir	n Milestones if applicable]
Original Contract Price:			Original Contract	-	
			Substantial Comp		20
\$ <u>24,125.00</u>			Ready for Final Pa	ayment	: 26
				-	days
[Increase/Decrease] from previously a	pproved	d Change	[Increase] [Decrea	ase] fro	m previously approved Change
Orders No to No:			Orders No to	No	<u>_</u> :
			Substantial Comp	letion:	
\$ <u>N/A</u>			Ready for Final Pa	ayment	:
					days
Contract Price prior to this Change Ord	er:				his Change Order:
			Substantial Comp		
\$ <u>24,125.00</u>			Ready for Final Pa	ayment	: 26
					days
[Increase] of this ChangeOrder:			[Increase] [Decrease] of this Change Order:		
			Substantial Comp	letion:	
\$ <u>1,945.00</u>			Ready for Final Payment:		
			days or dates		
Contract Price incorporating this Change			Contract Times w	ith all a	pproved Change Orders:
			Substantial Comp	letion:	20
O <u>rder: \$26,070.00</u>			Ready for Final Pa	ayment	: 26
					days
RECOMMENDED:		ACCE	PTED:		ACCEPTED:
By: Jacol Daylin	By:			By:	
Engineer (if required)		Owner (Aut	horized Signature)		Contractor (Authorized Signature)
Title: Project Engineer	Title			Title	
Date: 4-13-20	Date			Date	
Approved by Funding Agency (if					
applicable)					
			Date:		
By:					
Title:					

	Change C	Drder #	Change Order #1 Quantities CR 2900	es CR 290	0			
Item #	Description	Unit	Original Quantity	Original Revised Quantity Quantity	n	Unit Price	Ľ	Total Price Change
1	4" Waterline	Ŀ	500	470	Ŷ	14.00	Ş	(420.00)
2	Encase Existing Waterline	Ч	160	0	Ş	20.00	Ŷ	(3,200.00)
ŝ	Open Cut County Road	ГF	09	120	Ş	18.00	Ş	1,080.00
4	4" Gate Valve	EA	2	5	Ş	1,000.00	Ş	3,000.00
	Connect New 4" Waterline to							
ß	Existing 4" Waterline	EA	2	S	Ŷ	\$ 1,500.00	Ŷ	1,500.00
6	Tracer Wire	ГF	200	470	Ş	0.50	Ş	(15.00)
	Total Price Change						Ş	1,945.00
	Original Contract Amount						Ş	24,125.00
	Contract Amount with Change Order	Order					Ş	26,070.00
	Change Order Percentage							8%

Underwood, Inc. 1899 Recreation Rd. 3 Bonham, TX 75418 903-583-2731

PARTIAL PAYMENT REQUEST

4/15/2020

To:

Pay Request No. 4 From: 03/20/2020 Name of Owner: Bois D' Arc MUD Owner's Address: 14101 E FM 1396, Honey Grove, TX 75446 Engineer: Daniel & Brown, Inc. Engineer's Address: 118 McKinney St, Farmersville, TX 75442 Project Name: CR 2900 Waterline Relocation Project Project Number:

Contract Price (Including Change Orders): \$26,070.00

Item No.	Description of Item	Original Bid Quantity	Original Bid Unit Price	Quantity Completed This Month	Total Quantity Completed	Total Value Completed
1	4" DR 18 PVC w/ Appurtenances	470	\$14.00	0.00	470.00	6,580.00
2	Encase Existing 4" PVC w/ new 8" SDR 35	0	\$20.00	0.00	0.00	0.00
3	County Road Crossing by Open Cut and Repair for 4" PVC w/ 8" SDR 35 PVC	120	\$18.00	0.00	120.00	2,160.00
4	4" Gate Valve w/ Appurtenances	5	\$1,000.00	0.00	5.00	5,000.00
5	Connect new 4" line w/ Existing	3	\$1,500.00	3.00	3.00	4,500.00
6	Ductile Iron Fittings	0.08	\$14,000.00	0.00	0.08	1,120.00
7	Flush Valve Assembly	1	\$2,500.00	0.00	1.00	2,500.00
8	Erosion Control	50	\$5.00	0.00	50.00	250.00
9	Tracer Wire	470	\$0.50	0.00	470.00	235.00
10	Test Station	1	\$65.00	1.00	1.00	65.00
11	Trench Safety	1	\$660.00	0.00	1.00	660.00
12	Mobilization, Bonding and Insurance	1	\$3,000.00	0.00	1.00	3,000.00
13	Long Side Service	0	\$500.00	0.00	0.00	0.00
14						0.00
15						0.00
16			N.			0.00
17						0.00
						0.00
						0.00
						0.00
						0.00
						0.00
						0.00
	TOTALS					\$26,070.00

Completed to Date:	\$26,070.00
Stored Material:	\$0.00
Completed and Stored to Date:	\$26,070.00
Less 5% Retainage:	\$0.00
Less Previous Payments:	\$24,766.50
Amount Due This Application:	\$1,303.50

Contractor certifies that to the best of its knowledge: 1) all previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with Work covered by prior Applications for Payment; 3) title of all Work materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to Owner at time of payment free and clear of all Liens, security interests and encumbrances (except such as are covered by a Bond acceptable to Owner indemnifying Owner against any such Liens, security interest or encumbrances); and 3) all Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

Engineer Signature and Date:	Jacol- Duns	4-13-20
Owner Signature and Date:		
Contractor Signature and Date:	Cond Hedrican	
On-Site Observer Signature and Date:		

EJCDC	Contractor's A	pplication for	Contractor's Application for Payment No. ONE	
ENGINEERS JOINT CONTRACT	Application Period:		Application Date:	
DOCUMENTS COMMITTEE	March 12, 2020 thru April 08, 2020		March 31, 2020	
[10 (General Contractor): Bois D'Are Municinal Utility District	From (Contractor): Phoenix Fabricators & Erectors, LLC 182 South CR 900 E * Avon, IN 4612	hoenix Fabricators & Erectors, LLC 182 South CR 900 E * Avon, IN 46123	Via (Engineer): Daniel & Brown Inc. PO Box 606. Farmersville, TX 75442	5442
Project: Construction of 200,000 Gallon Elevated Tank FM 1396	Contract: dated: April 4, 2019 NTP: Nov.1. 2019. 270/300 davs			
Owner's Contract No :	Contractor's Job No.:		Engineer's Project No.:	
FM 1396 Bois D' Are MUD	PFE #3734			
Application For Payment Change Order Summary				
Approved Change Orders		1. ORIGINAL CONTR	1. ORIGINAL CONTRACT PRICE	S626,307.00
Number Additions	Deductions	2. Net change by Chang	Net change by Change Orders	
		3. Current Contract Pr	Current Contract Price (Line 1 ± 2)	S626,307.00
		4. TOTAL COMPLET		•
		(Column F on Progre	(Column F on Progress Estimate) S	\$604,122.00
		5. RETAINAGE:		
		a. 5%	X \$604,122.00 Work Completed \$	S30,206.10
		b. 5%	X Stored Material	
		c. Total	c. Total Retainage (Line 5a + Line 5b) S	S30,206.10
		6. AMOUNT ELIGIBL		S573,915,90
TOTALS		7. LESS PREVIOUS PA		S498,091.65
NET CHANGE BY		8. AMOUNT DUE THI	8. AMOUNT DUE THIS APPLICATION	S75,824.25
CHANGE ORDERS		9. BALANCE TO FINE	9. BALANCE TO FINISH, PLUS RETAINAGE	
		(Column G on Progre	(Column G on Progress Estimate + Line 5 above) S	S52,391.10
Contractor's Certification				
The undersigned Contractor certifies that to the best of its knowledge: (1) all previous progress payments received from Owner on account of Work done under the Contract have been applied on account to	lge: (1) all previous progress payments I have been applied on account to	Payment of: \$	\$75,824.25 (Line 8 or other - attach explanation of the other amount)	amount)
discharge Contractor's legitimate obligations incurred in connection with Work covered by prior Availability for Payment (2) title of all Work materials and continuent incorporated in said Work or	an with Work covered by prior		C	5
otherwise fisted in or covered by this Application for Payment will pass to Owner at time of payment free and clear of all Liens, security interests and encumbrances (except such as are covered by a Bond	I pass to Owner at time of payment free such as are covered by a Bond	is recommended by:	(Avor and Cagineer)	4-13-20 (Date)
acceptable to Owner indomnifying Owner against any such Licns, security interest or enounbrances); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents	security interest or encumbrances); ordance with the Contract Documents			
		Payment of: S	(Line 8 or other - attach explanation of the other amount)	amount)
		is approved by:		×
1 p			(Owner)	(Date)
By: Tamara J. Schaub A/R Manager	Date: 3/31/2020	Approved by:	1 N 1 7 70 N 17	
2		: : : -	Funding Agency (if applicable)	(Date)
9	EJUDUC C-920 CONFIGETOR'S Application for Payment © 2010 National Society of Professional Engineers for EJCDC. All rights reserved.	ELUCUC C-020 CONTRACTOR'S Application for Payment Il Society of Professional Engineers for EJCDC. All	nt .ll rights reserved.	

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PROGRESS ESTIMATE

Daniel & Brown, Inc. 118 McKinney St. Farmersville, TX 75442

Estimate N Date:	March 13, 2020				Notice to Procee Contract Time: % Complete (Tin % Complete (\$)		90	15, 2019 Days 8.89% 94%
Project Period: Contra Addres Amount of	From: 2/18/2020 To: 3/13/2020 ctor: Pittard Construction Co.				Project No: PREVIOUS PAYN #1 #2			
Change Or # 1 \$ # 2 \$	ders: 		-8		#3 #\$ #5 #6	62,496.94 51,062.50	#12	
#3\$ #4\$ #5\$	#8\$ #9\$ #10\$				#7 #8 #9		#16 #17 #18	
	ge Orders: \$13,036.25 sted Contract: \$378,036.25				Total Payments Previously Author	orized:		\$333,246.94
Item No.	Description	Unit of Meas.	Quantity Original Estimate	Previous Month's Quantity	Current Month's Quantity	Quantity Completed To Date	Unit Price (\$)	Value of Completed Work (\$)
	Furnish & install Disinfection Building with appurtenances							
1	as specified for the sum of:	LS	1	1	0	1	\$60,000.00	\$60,000.00
2	Furnish & install Yard piping with appurtenances as specified for the sum of:	LS	1	1	0	1	\$50,000.00	\$50,000.00
	Furnish & install Electrical and SCADA with							
3	appurtenances as specified for the sum of: Furnish & install 6" high intruder Proof Fence with two	LS	1	0.75	0	0.75	\$80,000.00	\$60,000.00
	10' Entrance gates (1 Each 20' wide) and move strip for	10		0.00	o	0.00	¢20.000.00	¢10.000.00
4	the sum of: Furnish & install 6" Concrete Driveway as specified for	LS	1	0.90	0	0.90	\$20,000.00	\$18,000.00
5	the sum of: Furnish & install 10" State Highway Bore with 20" steel	LS	1	1.00	0	1	\$45,000.00	\$45,000.00
	encasement and appurtenances as specified for the sum							
6	of: Furnish & install Connection to Existing 8" Waterline with	LF	100	100	0	100	\$150.00	\$15,000.00
	appurtenances as specified for the sum of:						<u> </u>	<i>ti</i> 500.00
7	Furnish & install 2" Gate Valve as specified for the sum	EA	1	1	0	1	\$1,500.00	\$1,500.00
8	of: Furnish & install 6" Gate Valve as specified for the sum	EA	2	2	0	2	\$750.00	\$1,500.00
9	of:	EA	2	2	0	2	\$1,000.00	\$2,000.00
	Furnish & Install 8" Gate Valve as specified for the sum							
10	of: Furnish & install 10" Gate Valve as specified for the sum	EA	3	2	0	2	\$1,250.00	\$2,500.00
11	of:	EA	2	3	0	3	\$2,000.00	\$6,000.00
	Furnish & install DI Fittings as specified for the sum of:				12			
12	Furnish & install Fire Hydrant Assembly as specified of	TON	0.25	0.25	0	0.25	\$8,000.00	\$2,000.00
13	the sum of:	EA	1	1	0	1	\$4,250.00	\$4,250.00
	Furnish & install Drain Sump Pit as specified for the sum of:	EA	1		o	1	\$4,000.00	\$4,000.00
14	Connect to Existing 300 GPM Well with appurtenances as	EA	1	1	U	1	\$4,000.00	\$4,000.00
15	specified for the sum of:	LS	1	0	1	1	\$2,000.00	\$2,000.00
1-Alt	Furnish & install 250 KW Generator, Foundation and Electrical Work as specified for the sum of:	LS	1	1	0	1	\$70,000.00	\$70,000.00
Change	Additional 6" waterline, additional 10" waterline, additional 10"							
Order No. 1	DI Fittings, Additional Gas chlorine equipment	LS	1	1	0	1	\$9,036.25	\$9,036.25
Change					put			
Order No. 2	Tree Removal	LS	1	0	1	1	\$4,000.00	\$4,000.00

In accordance with the Contract Documents, based on on-site observations and the data comprising the above application, the Engineer represents to the Owner that to the best of the Engineer's knowledge, information and belief, the Work (excluding trench safety) has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT PAYABLE. The Contractor is solely responsible for trench safety and as such, the Engineer makes no representation that this pay item has been performed in a manner consistent with the Contract Documents.

Daniel & Brown, Inc. 0 By Date L 4-13-20 Bios D. Arc MUD Approved: By Date Pittard Construction Company Ck L. Treadwell By ack

3/13/2020

Total Amount to Date	\$356,786.25
Material on Hand	\$0.00
	\$356,786.25
Less 5 % Retainage	\$17,839.31
Net Total	\$338,946.94
Less Previous Payments	\$333,246.94
Amount Payable to Contractor This Estimate	\$5,700.00

Date

PROGRESS ESTIMATE Daniel & Brown, Inc. 118 McKinney St. Farmersville, TX 75442

			Farmers	/IIIe, 1X /544		10.1		15 2010	
Estimate N	lo.: 6				Notice to Proce Contract Time:	ed Date:		15, 2019 Days	
Lotinidio n			-0		% Complete (Tir	me)	30	303.33%	
Date:	April 13, 2020				% Complete (\$)		1	.00%	
Project Period:		b			Project No:				
Contra			-		PREVIOUS PAYN	IENTS AUTHORIZED			
Addres	s: 190 E. Stacy Rd. #306-306, Allen, TX 7500)2	-		#1	52,250.00	#10		
Amount of	Contract as Awarded: \$365,000.00				#2		#11		
Change Or	ders:				#3 #\$		#12 #13		
#1\$					#5		#13		
#2\$					#6		#15		
#3\$ #4\$					#7 #8		#16 #17		
#45\$					#9		#17 #18		
Total Char	nge Orders: \$13,036.25				Total Payments				
Total Adjus	sted Contract: \$378,036.25				Previously Auth	orized:		\$338,946.94	
						Carlos and a second			
		Unit of	Quantity	Previous Month's	Current Month's	Our stille Consultate of			
Item No.	Description	Meas.	Original Estimate	Quantity	Quantity	Quantity Completed To Date	Unit Price (\$)	Value of Completed Work (\$)	
item ito.	Description	Ivicas.	[Lotinate]	Quantity	Quantity	1 Io Date 1	(2)	(3)	
	Furnish & install Disinfection Building with appurtenances				1	1			
1	as specified for the sum of:	LS	1	1	0	1	\$60,000.00	\$60,000.00	
	Furnish & install Yard piping with appurtenances as								
2	specified for the sum of:	LS	1	1	0	1	\$50,000.00	\$50,000.00	
	Furnish & install Electrical and SCADA with								
3	appurtenances as specified for the sum of:	LS	1	0.75	0.25	1	\$80,000.00	\$80,000.00	
	Furnish & install 6" high intruder Proof Fence with two								
	10' Entrance gates (1 Each 20' wide) and move strip for								
4	the sum of:	LS	1	0.90	0	0.90	\$20,000.00	\$18,000.00	
122	Furnish & install 6" Concrete Driveway as specified for								
5	the sum of:	LS	1	1.00	0	1	\$45,000.00	\$45,000.00	
	Furnish & install 10" State Highway Bore with 20" steel encasement and appurtenances as specified for the sum								
6	of:	LF	100	100	0	100	\$150.00	\$15,000.00	
-	Furnish & install Connection to Existing 8" Waterline with			200			\$100.00	\$15,000.00	
	appurtenances as specified for the sum of:								
7		EA	• 1	1	0	1	\$1,500.00	\$1,500.00	
	Furnish & install 2" Gate Valve as specified for the sum						5 - C		
8	of:	EA	2	2	0	2	\$750.00	\$1,500.00	
	Furnish & install 6" Gate Valve as specified for the sum of:								
9		EA	2	2	0	2	\$1,000.00	\$2,000.00	
	Furnish & Install 8" Gate Valve as specified for the sum								
10	of:	EA	3	2	0	2	\$1,250.00	\$2,500.00	
	Furnish & install 10" Gate Valve as specified for the sum								
11	of:	EA	2	3	0	3	\$2,000.00	\$6,000.00	
	Furnish & install DI Fittings as specified for the sum of:								
12		TON	0.25	0.25	0	0.25	\$8,000.00	\$2,000.00	
	Furnish & install Fire Hydrant Assembly as specified of								
13	the sum of:	EA	1	1	0	1	\$4,250.00	\$4,250.00	
	Furnish & install Drain Sump Pit as specified for the sum								
14	of:	EA	1	1	0	1	\$4,000.00	\$4,000.00	
	Connect to Existing 300 GPM Well with appurtenances as								
15	specified for the sum of:	LS	1	1	0	1	\$2,000.00	\$2,000.00	
	Furnish & install 250 KW Generator, Foundation and							470	
1-Alt	Electrical Work as specified for the sum of:	LS	1	1	0	1	\$70,000.00	\$70,000.00	
Change	Additional 6" waterline, additional 10" waterline, additional 10"								
Order No. 1	DI Fittings, Additional Gas chlorine equipment	LS	1	1	0	1	\$9,036.25	\$9,036.25	
Change Order No. 2	Tree Removal	LS	1	1	0	1	\$4,000.00	\$4,000.00	
order No. 2	in ee nemoval	L)		1	U U	1 <u> </u>	\$4,000.00	\$4,000.00	

In accordance with the Contract Documents, based on on-site observations and the data comprising the above application, the Engineer represents to the Owner that to the best of the Engineer's knowledge, information and belief, the Work (excluding trench safety) has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT PAYABLE. The Contractor is solely responsible for trench safety and as such, the Engineer makes no representation that this pay item has been performed in a manner consistent with the Contract Documents.

Daniel & Brown, Inc. By 6 Date 1 4-13-20 Bios D. Arc MUD Approved: By

4/13/2020

-

\$376,786.25 \$0.00 \$376,786.25 Total Amount to Date Material on Hand Less 5 % Retainage \$18,839.31 Net Total \$357,946.94 Less Previous Payments \$338,946.94 Amount Payable to Contractor This Estimate \$19,000.00

-

Date Pittard Construction Company By ack L Treadwell

Date

AMENDMENT TO THE CONSTRUCTION WATER AND METER AGREEMENT

(Temporary Water Service Agreement)

This Amendment to the Construction Water and Meter Agreement ("Amendment") is made and entered into by and between **Bois D'Arc Municipal Utility District** (the "District"), a political subdivision of the State of Texas, and **AR Consultants, Inc.** ("Customer"), a Texas for-profit corporation, effective January 17, 2020 (the "Effective Date").

RECITALS

WHEREAS, the District and Customer entered into the Construction Water and Meter Agreement (the "Contract") effective January 17, 2020 and was duly executed by Customer on February 3, 2020 and by the District on February 21, 2020;

WHEREAS, the location of the Meter indicated in the Contract is correct and Customer has been taking and paying for water from the Meter at said location assigned to Customer;

WHEREAS, the District discovered a typographical error of the meter number in the Contract for the Meter assigned to Customer at said location after the Contract was executed by each party;

WHEREAS, the District and Customer finds it is in the best to amend the Contract to reflect the correct meter number assigned to Customer therein.

NOW, THEREFORE, in consideration of the foregoing recitals, the District and Customer agree as follows:

1. <u>Amendment of the Contract</u>. The second recital (2nd *WHEREAS* paragraph) of the Contract is to be fully replaced and amended as follows:

"WHEREAS, the District assigned its Meter No. 19862334 for a fire hydrant located at CR 2655 and CR 2645 in Fannin County, Texas (the "Meter") to Customer;"

<u>2.</u> <u>Definitions</u>. Any capitalized terms not defined specifically in this Amendment shall mean the same as those capitalized or defined terms contained in the Contract.

3. <u>Ratification of the Contract</u>.

The District and Customer hereby ratify, affirm, and republish the Contract as modified by this Amendment to be a valid and enforceable agreement between the parties pursuant to the terms of the Contract.

4. <u>Authority</u>. The undersigned, on behalf of each respective party to this Amendment and by his or her signatures, bind, covenant, represent and warrant that each has the authority of their principal to bind the respective party to the terms, covenants, and conditions of this Amendment and the Contract.

IN WITNESS WHEREOF each of the parties has caused this Amendment to be executed by its duly authorized representative in multiple copies, each of equal dignity, on the date or dates indicated below.

EXECUTED by the DISTRICT on this _____ day of _____, 2020.

Bois D'Arc Municipal Utility District, a political subdivision of the State of Texas

By: ______ Rhonda Grubbs Cunningham, President

STATE OF TEXAS COUNTY OF FANNIN

This instrument was acknowledged before me, the undersigned authority, on the _____ day of ______, 2020, by Rhonda Grubbs Cunningham, as President and on behalf of Bois D'Arc Municipal Utility District, a political subdivision of the State of Texas, for the purposes and consideration therein expressed.

50 00 00

[Notary seal]

Notary Public, State of Texas

EXECUTED by CUSTOMER on this _____ day of _____, 2020.

AR Consultants, Inc.

a Texas for-profit corporation

By: ______ S. Alan Skinner, President

STATE OF TEXAS §
COUNTY OF _____ §

This instrument was acknowledged before me, the undersigned authority, on the _____ day of ______, 2020, by S. Alan Skinner, as President and on behalf of AR Consultants, Inc., a Texas for-profit corporation, for the purposes and consideration therein expressed.

[Notary seal]

Notary Public, State of Texas



James W. Wilson jwilson@jww-law.com **Maria Huynh** mhuynh@jww-law.com

MEMORANDUM

To: The Board of Directors of Bois D'Arc Municipal Utility District Re: PUC Orders during COVID-19 (late fees, deferred payment, disconnections, income)

From: Maria Huynh

Date: April 17, 2020

As you may have heard, the Public Utility Commission of Texas (PUC) issued an Order on March 26, 2020 in Docket No. 50664 **suspending various statutes regarding penalty for delinquent bills, requirements for deferred payment plan, disconnect for failure to pay bill or failure to pay under a deferred payment agreement**, and other similar statutes for sewer and electric utilities. This Order applies only during the time that Governor Abbott issues the Declaration of State of Disaster for COVID-19.

After reviewing the definitions in the statutes, **the Order does** <u>not</u> **apply to MUDs, SUDs, and WSCs**; however, TRWA has advised that <u>all</u> water entities *should* comply with the PUC's Order and comply:

- Do not charge late fees for delinquent payment of bills
- Enter into a deferred payment agreement with the customer if requested
 - TRWA has suggested that the District should not strictly follow your Rate Order / Tariff's strict requirements to authorize a deferred payment plan. For example:
 - If your Rate Order allows only for deferred payment if you have not been disconnected twice during the previous 12 months, you should waive this requirement
 - If deferred payment agreement is allowed only if the amount owed is 3x an average monthly bill, you should waive this requirement
 - Waive any interest charge per Rate Order / Tariff
- Do not disconnect if a customer fails to pay a bill or fails to pay a deferred payment

Although your entity is not required to follow this, we urge you to consider following TRWA's guidance during this time, if you have not already done so.

There has been no mention of other water statutes being suspended; therefore, you <u>can</u> disconnect for other reasons according to your Rate Order / Tariff.

- Examples: customer wrongfully submeters, cross-connection / hazards, damage to District's property, theft of water, etc.
- If notice is required in your Rate Order for those disconnections, you will still have to follow those notice requirements

We understand that this pandemic and following TRWA's guidance will **affect the income for the District**. PUC has also issued another Order that allows certain IOUs and other entities to eventually seek recovery for lost income due to COVID-19. At this time, we **understand that this Order does** <u>not</u> **apply to your entity**.

However, you may want to keep diligent record of expenses and income loss during this time, in case the PUC later allows MUDs, SUDs, and WSCs to also seek recovery due to COVID-19. Please discuss this with your entity's accountant on the best methods to keep record.