

AFFIDAVIT

STATE OF TEXAS §

COUNTY OF BELL §

As a member of the Temple City Council of the City of Temple, Texas, I make this affidavit and under oath state as follows: Upon filing of this affidavit with the City Secretary, I affirm that I will abstain from participating in a vote or discussion on the following matter:

City Council Agenda – November 20, 2008 – item 4(H)

Involving the business entity or real property shown below:

Vanguard Contractors, LP of Temple construction of and renovations to the new Municipal Court/Utility Business Office Facility

Because it is reasonably foreseeable that the action will have a special economic effect on the business entity, or the value of the property that is distinguished from its effect on the public. I have a substantial interest in the business entity or real property for the following reasons(s):

_____ I own 10% or more of the voting stock or shares, 10% or more of the fair market value, or \$15,000 or more of the fair market value of the business entity.

_____ I received funds from the business entity last year which exceeded 10% of my gross income for the previous year.

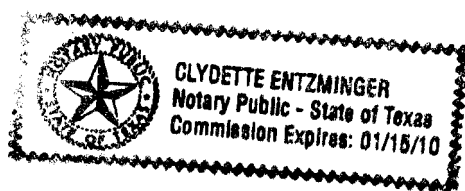
_____ I have an interest in the real property which consists of an equitable or legal ownership with a fair market value of \$2,500 or more.

_____ I am related within the first degree, by consanguinity or affinity, to a person or persons who have a substantial interest in the business entity or real property.

✓ will be sub contractor to Vanguard Contractors (sitework)

[Signature]
Signature of Local Public Official
Russell T. Schneider, Councilmember

SWORN TO and subscribed before me, the undersigned authority, on the ^{10th}~~10th~~ day of ^{November}~~October~~, 2008.



Clydetta Entzminger
Notary Public, State of Texas

APPLICATION AND CERTIFICATE FOR PAYMENT

TO OWNER:
 City of Temple
 3210 E. Avenue H, Bldg. C
 Temple, Texas 76501

PROJECT:
 Municipal Court & Utility Business Office
 City of Temple, Texas

APPLICATION NO: Twelve (12)
 APPLICATION DATE: December 17, 2009
 PERIOD TO: December 31, 2009
 CONTRACT FOR: General Construction
 CONTRACT DATE: November 20, 2008
 PROJECT NO: 08-259 ARCH. NO:

FROM CONTRACTOR:
 Vanguard Contractors, LP
 P. O. Box 80
 Temple, Texas 76503
 T: 254-778-2223
 F: 254-778-3323

VIA ARCHITECT:
 Architectural Edge, Inc.
 3010 Scott Blvd., Suite 102
 Temple, Texas 76504

CONTRACTOR'S APPLICATION FOR PAYMENT

1. ORIGINAL CONTRACT SUM	\$ 1,999,557.00
2. NET CHANGE BY CHANGE ORDERS	\$ (2,842.00)
3. CONTRACT SUM TO DATE (Line 1 ± 2)	\$ 1,996,715.00
4. TOTAL COMPLETED & STORED TO DATE	\$ 1,996,715.00
5. RETAINAGE: TOTAL RETAINAGE	\$ 5,500.00
6. TOTAL EARNED LESS RETAINAGE (Line 4 less Line 5 Total)	\$ 1,991,215.00
7. LESS PREVIOUS PAYMENTS	\$ 1,915,138.78
8. CURRENT PAYMENT DUE	\$ 76,076.22
9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6)	\$ 5,500.00

The undersigned Contractor 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 for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: Vanguard Contractors, LP

By: Ryan Hanel Date: December 17, 2009
 Ryan Hanel

State of Texas Texas
 County of Bell Bell
 Subscribed and sworn to before me this 17th day of December, 2009.

Notary Public: Nina Hromcik Rehak
 Nina Hromcik Rehak
 My Commission expires: February 12, 2012

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising this application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work as 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 CERTIFIED.

AMOUNT CERTIFIED.....\$ 76,076.22

(Attached explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)
 ARCHITECT: Architectural Edge, Inc.

By: [Signature] Date 12/29/09

This certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS	ADDED DAYS
Total changes approved in previous months by Owner	\$ 19,083.00	\$ -	0
Total approved this Month	\$ -	\$ (21,925.00)	0
TOTALS	\$ 19,083.00	\$ (21,925.00)	0
NET CHANGES by Change Order	\$ 19,083.00	\$ (21,925.00)	0

INVOICE DETAIL

INVOICE NUMBER.: 12 DATE: 12/17/2009 PERIOD TO: 12/31/2009

JOB NUMBER.: 08-259

FROM: Vanguard Contractors, LP

NO.	WORK ITEM NAME	CONTRACT + CHANGE ORDERS	TOTAL PREVIOUSLY BILLED	CURRENT WORK	MATERIALS STORED ON JOB	TOTAL BILLED TO DATE	% COMPLETE	BALANCE REMAINING	RETAINAGE
01.000	DEMO & WRECKING -SITE	1,730.00	1,730.00			1,730.00	100		
02.000	EXCAVATION & FILL	79,680.00	79,680.00			79,680.00	100		
03.000	EROSION CONTROL	1,750.00	1,750.00			1,750.00	100		
04.000	TERMITE TREATMENT	350.00	350.00			350.00	100		
05.000	CONCRETE & FINISHES								
05.001	-Material	64,042.00	64,042.00			64,042.00	100		
05.002	-Labor	21,347.00	21,347.00			21,347.00	100		
06.000	MASONRY								
06.001	-Material	11,400.00	11,400.00			11,400.00	100		
06.002	-Labor	7,600.00	7,600.00			7,600.00	100		
07.000	STRUCTURAL & MISC. STEEL								
07.001	-Material	49,500.00	49,500.00			49,500.00	100		
07.002	-Labor	19,334.00	19,334.00			19,334.00	100		
08.000	PREFINISHED METAL PANELS	7,221.00	7,221.00			7,221.00	100		
09.000	ROUGH CARPENTRY								
09.001	-Material	8,890.00	8,890.00			8,890.00	100		
09.002	-Labor	5,925.00	5,925.00			5,925.00	100		
10.000	MILLWORK								
10.001	-Material	52,868.00	52,868.00			52,868.00	100		
10.002	-Labor	9,300.00	9,300.00			9,300.00	100		
11.000	DOORS								
11.001	-Material	18,958.00	18,958.00			18,958.00	100		
11.002	-Labor	4,321.00	4,321.00			4,321.00	100		
12.000	ALTERATIONS/INT.DEMO	74,191.00	74,191.00			74,191.00	100		
13.000	ROOFING & SHEET METAL								
13.001	-Material	52,400.00	52,400.00			52,400.00	100		
13.002	-Labor	34,937.00	34,937.00			34,937.00	100		
14.000	DAMPPROOF & WATERPROOF								
14.001	-Material	4,500.00	4,500.00			4,500.00	100		
14.002	-Labor	3,000.00	3,000.00			3,000.00	100		

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15.000	HOLLOW METAL								
15.001	-Material	9,571.00	9,571.00			9,571.00	100		
15.002	-Labor	3,961.00	3,961.00			3,961.00	100		
16.000	GLASS/GLAZING/WINDOWS								
16.001	-Material	32,235.00	32,235.00			32,235.00	100		
16.002	-Labor	10,745.00	10,745.00			10,745.00	100		
17.000	LATH & PLASTER	24,350.00	24,350.00			24,350.00	100		
18.000	ACOUSTICAL CEILING TILE	24,482.00	24,482.00			24,482.00	100		
19.000	RESIL.FLOOR COVG & CARPET	48,300.00	48,300.00			48,300.00	100		
20.000	PAINTING/TAPE/FLOAT	58,392.00	58,392.00			58,392.00	100		
21.000	DRYWALL								
21.001	-Material	86,519.00	86,519.00			86,519.00	100		
21.002	-Labor	50,751.00	50,751.00			50,751.00	100		
22.000	FINISH HARDWARE								
22.001	-Material	31,600.00	31,600.00			31,600.00	100		
22.002	-Labor	9,820.00	9,820.00			9,820.00	100		
23.000	TOILET ACCESSORIES	9,120.00	9,120.00			9,120.00	100		
24.000	FIRE EXTINGUISHERS/CABINETS								
24.001	-Material	1,361.00	1,361.00			1,361.00	100		
24.002	-Labor	639.00	639.00			639.00	100		
25.000	LOCKERS								
25.001	-Material	1,200.00	1,200.00			1,200.00	100		
25.002	-Labor	400.00	400.00			400.00	100		
26.000	ALUMINUM LETTERS								
26.001	-Material	1,913.00	1,913.00			1,913.00	100		
26.002	-Labor	2,228.00	2,228.00			2,228.00	100		
27.000	APPLIANCES	3,631.00	3,631.00			3,631.00	100		
28.000	PEWS	11,885.00	11,885.00			11,885.00	100		
29.000	SHADES & BLINDS	3,420.00	3,420.00			3,420.00	100		
30.000	HVAC								

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30.001	-Ductwork	79,359.00	79,359.00			79,359.00	100		
30.002	-Insulation	13,017.00	13,017.00			13,017.00	100		
30.003	-Equipment	71,600.00	71,600.00			71,600.00	100		
30.004	-Grilles/Registers/Diffusers	18,896.00	18,896.00			18,896.00	100		
30.005	-Controls	35,400.00	35,400.00			35,400.00	100		
30.006	-Test & Balance	8,893.00	8,893.00			8,893.00	100		
31.000	PLUMBING & UTILITIES	74,500.00	74,500.00			74,500.00	100		
31.001	-Underground Rough-In								
31.002	-Above Ground Rough-In								
31.003	-Fixtures								
31.004	-Insulation								
32.000	ELECTRICAL								
32.001	-Underground Rough-In	29,642.00	29,642.00			29,642.00	100		
32.002	-Above Ground Rough-In	39,827.00	39,827.00			39,827.00	100		
32.003	-Switchgear	38,714.00	38,714.00			38,714.00	100		
32.004	-Light Fixtures	57,307.00	57,307.00			57,307.00	100		
32.005	-Devices & Trim	13,054.00	13,054.00			13,054.00	100		
32.006	-Fire Alarm	20,000.00	20,000.00			20,000.00	100		
33.000	ELEVATOR	45,976.00	45,976.00			45,976.00	100		
34.000	ELEVATOR DEMOLITION	8,000.00	8,000.00			8,000.00	100		
35.000	MEP DEMOLITION	27,882.00	27,882.00			27,882.00	100		
36.000	TEMPORARY FACILITIES	38,924.00	38,924.00			38,924.00	100		
37.000	GENERAL CONDITIONS	137,076.00	137,076.00			137,076.00	100		5,500.00
38.000	LIABILITY INSURANCE	19,834.00	19,834.00			19,834.00	100		
39.000	CONSTRUCTION MANAGER FEE	74,657.00	74,657.00			74,657.00	100		
40.000	PERFORMANCE/PAYMENT BOND	23,150.00	23,150.00			23,150.00	100		
41.000	SPECIFIED CONTINGENCIES								
42.000	-Contractor's Contingency								
42.001	CCC#1-Additional Site Demo	5,028.00	5,028.00			5,028.00	100		
42.002	CCC#2-Remove Bank Counter	(464.00)	(464.00)			(464.00)	100		

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42.003	CCC#3-Drywall Additions	814.60	814.60			814.60	100		
42.004	PCC#9-Projection Screen Bal.	(1,168.00)	(1,168.00)			(1,168.00)	100		
42.005	CCC#4-Rewire Vest. Lights	607.44	607.44			607.44	100		
42.006	CCC#5-Stained Base in CtRm.	1,110.00	1,110.00			1,110.00	100		
42.007	CCC#6-Reroute Drain Lines	1,263.00	1,263.00			1,263.00	100		
42.008	CCC#7-Windows on 2nd Floor	5,926.00	5,926.00			5,926.00	100		
42.009	CCC#8-Furr-out in Room 214	239.00	239.00			239.00	100		
42.010	CCC#9-Transaction Drawer	3,081.00	3,081.00			3,081.00	100		
42.011	PCC#15-Roof Deck	(633.00)	(633.00)			(633.00)	100		
42.012	CCC#10-Install 4x4 Lumber	409.00	409.00			409.00	100		
42.013	CCC#11-Repair 2" Water Line	1,557.00	1,557.00			1,557.00	100		
42.014	CCC#12-Tie-in 4 Roof Drains	1,205.00	1,205.00			1,205.00	100		
42.015	CCC#13-Steel Modifications	6,485.07	6,485.07			6,485.07	100		
42.016	CCC#14-REvised Light Poles	4,618.14	4,618.14			4,618.14	100		
42.017	CCC#15-Delete Wall Lights	(4,348.00)	(4,348.00)			(4,348.00)	100		
42.018	CCC#16-Replace Glass	1,725.00	1,725.00			1,725.00	100		
42.019	CCC#17-Add Concrete Flume	400.00	400.00			400.00	100		
42.020	CCC#18-Laminate Brick	1,961.14	1,961.14			1,961.14	100		
42.021	CCC#20-Four Lights	1,897.00	1,897.00			1,897.00	100		
42.022	CCC#21-Area of Rescue	3,701.16	3,701.16			3,701.16	100		
42.023	CCC#22-Addition Type C Light	84.00	84.00			84.00	100		
42.024	CCC#23-New Light Pole Conduit	8,725.61	8,725.61			8,725.61	100		
42.025	CCC#24-Texture/Paint Room 123	147.20	147.20			147.20	100		
42.026	CCC#25-New Irrigation	1,930.00	1,930.00			1,930.00	100		
42.027	CCC#26-Install Wide Thresholds	288.00	288.00			288.00	100		
42.028	CCC#27-Expansion Cover	(455.00)	(455.00)			(455.00)	100		
42.029	CCC#28-Floor Level UP	3,850.00		3,850.00		3,850.00	100		
42.030	CCC#29-Install Quarter Round	1,176.25		1,176.25		1,176.25	100		
42.031	CCC#30-Millwork Additions	987.00		987.00		987.00	100		
42.032	CCC#31-Add Elevator Light	261.72		261.72		261.72	100		

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42.033	CCC#32-Install Lock Box	273.04		273.04		273.04	100		
42.034	PCC#32R1-Oil/Water Separator	1,530.00	1,530.00			1,530.00	100		
42.035	CCC#33-Stair Stringers	851.55		851.55		851.55	100		
42.036	PCC#36-Zero Contr.Cont.								
43.000	-Owner's Contingency								
43.001	PCC#1-Door 203 & 235	1,514.00	1,514.00			1,514.00	100		
43.002	PCC#2-A Window Type C	410.00	410.00			410.00	100		
43.003	PCC#3-Reconf.Drive-Thru	360.00	360.00			360.00	100		
43.004	PCC#5-Add Conduit-RFP#3	946.52	946.52			946.52	100		
43.005	PCC#6-Install Floor Recpt.	306.84	306.84			306.84	100		
43.006	PCC#8-Transformer Pad	2,343.00	2,343.00			2,343.00	100		
43.007	PCC#11-Add Card Readers	10,300.38	10,300.38			10,300.38	100		
43.008	PCC#12-Add Time Clock	526.94	526.94			526.94	100		
43.009	PCC#13-Use Carpet Tile	6,939.00	6,939.00			6,939.00	100		
43.010	PCC#14-Two Circuits-Rm214	703.87	703.87			703.87	100		
43.011	PCC#16-Window on East Wall	3,596.00	3,596.00			3,596.00	100		
43.012	PCC#17-Delete Camera Boxes	(387.30)	(387.30)			(387.30)	100		
43.013	PCC#18-Add Door 201	2,632.47	2,632.47			2,632.47	100		
43.014	PCC#19-Install New Storefront	15,526.60	15,526.60			15,526.60	100		
43.015	PCC#19-Testing Allowance	(8,000.00)	(8,000.00)			(8,000.00)	100		
43.016	PCC#20-Metal Wall Panels	6,366.79	6,366.79			6,366.79	100		
43.017	PCC#21-Door Hardware RFP13	89.25	89.25			89.25	100		
43.018	PCC#22-Paint Soffits	4,618.95	4,618.95			4,618.95	100		
43.019	PCC#24-Hardware Changes	(120.00)	(120.00)			(120.00)	100		
43.020	PCC#25-Add Building Letters	1,537.03	1,537.03			1,537.03	100		
43.021	PCC#26-HVAC Changes	6,148.87	6,148.87			6,148.87	100		
43.022	PCC#29-Add Kiosk	202.86	202.86			202.86	100		
43.023	PCC#30-Com.Night Depository	997.50	997.50			997.50	100		
43.024	PCC#31-Add Sod	1,449.00	1,449.00			1,449.00	100		
43.025	PCC#32R1-Oil/Water Separator	1,530.00	1,530.00			1,530.00	100		

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43.026	PCC#33-Add Corner Guards	250.00	250.00			250.00	100		
43.027	PCC#34-Add Plugs Above Ceiling	173.03	173.03			173.03	100		
43.028	PCC#35-Modify Judge Wardrobe	120.00	120.00			120.00	100		
43.029	PCC#36-Millwork Balance								
43.030	PCC#36-Pneumatic Tube Balance	(72.40)		(72.40)		(72.40)	100		
43.031	PCC#37-Addit.Electric Strike	324.95		324.95		324.95	100		
43.032	PCC#38-Hook-Up Door 149	568.93		568.93		568.93	100		
43.033	PCC#39-North Side Drainage	5,023.00		5,023.00		5,023.00	100		
44.000	SPECIFIED ALLOWANCES								
45.000	-Landscape/Irrigation								
45.001	PCC#27-Irrigation Per Plans	6,430.00	6,430.00			6,430.00	100		
45.002	PCC#25-Added Irrigation	1,070.00	1,070.00			1,070.00	100		
46.000	-Expansion Joint Cover								
46.001	CCC#27-Expansion Cover	295.00		295.00		295.00	100		
46.002	CCC#27-Credit Contr.Contin.	455.00	455.00			455.00	100		
47.000	-Roof Deck Opening								
47.001	PCC#15-Infill Roof	1,367.00	1,367.00			1,367.00	100		
47.002	CCC#15-Credit Contr.Conting.	633.00	633.00			633.00	100		
48.000	-Signage								
48.001	PCC#10-Black Paint Finish	203.00	203.00			203.00	100		
48.002	PCC#25-Add Building Letters	2,797.00	2,797.00			2,797.00	100		
49.000	-Pneumatic Tube								
49.001	PCC#23-Pneumatic Tube	14,927.60	14,927.60			14,927.60	100		
49.002	-PCC#36 Credit Owner Cont.	72.40		72.40		72.40	100		
50.000	-Projection Screen								
50.001	PCC#9-Purchase Screen	1,832.00	1,832.00			1,832.00	100		
50.002	PCC#9-Credit Contr.Conting.	1,168.00	1,168.00			1,168.00	100		
51.000	-Testing								
51.001	PCC#19-Credit to Owner Contig.	8,000.00	8,000.00			8,000.00	100		
52.000	CHANGE ORDER NO. 1								

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52.001 53.000 53.001 54.000 54.001	-Add at Owner's Contingency CHANGE ORDER NO. 2 -Add at Owner's Contingency CHANGE ORDER NO. 3 -Zero Out Contingency								
		1,996,715.00	1,983,103.56	13,611.44		1,996,715.00	100		5,500.00