

DBE Requirements – Forms  
H-1, H-2, H-3, H-4

CONFIDENTIAL

Form H-1

Texas Department of Transportation  
Subprovider Monitoring System  
Commitment Worksheet

Contract #: N/A Assigned Goal: 12.44% Federally Funded \_\_\_\_\_ State Funded \_\_\_\_\_

Prime Provider: Cintra Concesiones de Infraestructuras de Transporte, S.A. and Zachry Construction Corporation, as Equity Owners on behalf of a Proposer that has not yet been formed

Total Contract Amount: \$3,500,000

DBE N/A Vendor ID #: N/A Expiration Date: N/A  
(First 11 Digits Only)

Subprovider(s) (List All)	Type of Work	Vendor ID # (First 11 Digits Only)	D=DBE H=HUB	Expiration Date	\$ Amount or % of Work *
Rodriguez Transportation Group, Inc.	Civil Engineering	17427768746	D	09/05	\$152,000
Othon, Inc.	Civil Engineering	17605064827	D	12/04	\$125,000
Aguirre & Fields, LP	Civil Engineering	17606945404	D	02/05	\$50,000
HRM Consultants, Inc.	ROW / Survey	17427853944	D	05/06	\$50,000
Southwestern Capital Markets, Inc.	Financial Advisor	17422731475	D	03/05	\$78,000
<b>Subprovider(s) Contract or % of Work Totals</b>					<b>\$455,000</b>

Total DBE Commitment Dollars \$455,000

Total DBE Commitment Percentages of Contract 13%

**CONFIDENTIAL**

**Form H-2  
Texas Department of Transportation  
Subprovider Monitoring System Commitment Agreement**

**Complete this Form for each DBE Subprovider**

This commitment agreement is subject to the award and receipt of a signed contract from the Texas Department of Transportation (TxDOT). *NOTE: For Work Authorization Contracts, Attachment H2 is required to be completed and attached with each work authorization number that is submitted for execution.*

Contract #: N/A Assigned Goal: 12.44 % Prime Provider: Cintra Concesiones de Infraestructuras de Transporte, S.A. and Zachry Construction Corporation, as Equity Owners on behalf of a Proposer that has not yet been formed

Work Authorization: \_\_\_\_\_ Work Authorization Amount: \_\_\_\_\_ Date: 8/16/04

Description of Work <i>(List by category of work. Attach additional pages, if necessary.)</i>	Dollar Amount <i>(For each category of work.)</i>
<b>Professional Services provided in support of initial Scope of Work for CDA</b>	<b>\$50,000</b>
<b>Total Commitment Amount (Including all additional pages.)</b>	<b>\$50,000</b>

**IMPORTANT:** The signatures of the prime and the DBE and Second Tier Subprovider, if any (both DBE and Non-DBE) and the total commitment amount must always be on the same page.


**Provider Name: Cintra Concesiones de Infraestructuras de Transporte, S.A. and Zachry Construction Corporation, as Equity Owners on behalf of a Proposer that has not yet been formed**

**Address: 3601 S. Congress, Suite C302  
Austin, TX 78704-7213**

**Phone #: (512) 447-4262**

Name: Diego Marín  
*(Please Print)*

Title: Project Manager

 8-17-2004  
Signature Date

**DBE/HUB Sub Provider**

**Subprovider Name: Aguirre & Fields, LP**

**VID Number: 17606945404**

**Address: 4800 Sugar Grove, Suite 600  
Stafford, TX 77477**

**Phone #: (281) 340-8900**

Name: Richard A. Fields, P.E.  
*(Please Print)*

Title: CFO

 8-16-2004  
Signature Date

**Second Tier Sub Provider**

**Subprovider Name:**

**VID Number:**

**Address:**

**Phone #:**

Name: \_\_\_\_\_  
*(Please Print)*

Title: \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**VID Number is the Vendor Identification Number issued by the Comptroller. If a firm does not have a VID Number, please enter the owner's Social Security or their Federal Employee Identification Number (if incorporated).**

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**Form H-2  
Texas Department of Transportation  
Subprovider Monitoring System Commitment Agreement**

**Complete this Form for each DBE Subprovider**

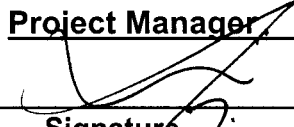

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Work Authorization: \_\_\_\_\_ Work Authorization Amount: \_\_\_\_\_ Date: 8/16/04

Description of Work <i>(List by category of work. Attach additional pages, if necessary.)</i>	Dollar Amount <i>(For each category of work.)</i>
<b>Professional Services provided in support of initial Scope of Work for CDA</b>	<b>\$50,000</b>
<b>Total Commitment Amount (Including all additional pages.)</b>	<b>\$50,000</b>

**IMPORTANT:** The signatures of the prime and the DBE and Second Tier Subprovider, if any (both DBE and Non-DBE) and the total commitment amount must always be on the same page.

<b>Provider Name: Cintra Concesiones de Infraestructuras de Transporte, S.A. and Zachry Construction Corporation, as Equity Owners on behalf of a Proposer that has not yet been formed</b>  Address: 3601 S. Congress, Suite C302 Austin, TX 78704-7213  Phone #: (512) 447-4262	Name: <u>Diego Marín</u> <i>(Please Print)</i>  Title: <u>Project Manager</u>   <u>8/17/04</u> Signature Date
<b>DBE/HUB Sub Provider</b> Subprovider Name: HRM Consultants, Inc. VID Number: 1742785394400 Address: 14500 Ranch Road 12, Suite 12 Wimberley, TX 78676 Phone #: (866) 463-8041	Name: <u>H. René Moulinet</u> <i>(Please Print)</i>  Title: <u>President &amp; CEO</u>   <u>8/16/04</u> Signature Date
<b>Second Tier Sub Provider</b> Subprovider Name: VID Number: Address: Phone #:	Name: _____ <i>(Please Print)</i>  Title: _____  Signature Date
<b>VID Number is the Vendor Identification Number issued by the Comptroller. If a firm does not have a VID Number, please enter the owner's Social Security or their Federal Employee Identification Number (if incorporated).</b>	

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Form H-2
Texas Department of Transportation
Subprovider Monitoring System Commitment Agreement

Complete this Form for each DBE Subprovider

This commitment agreement is subject to the award and receipt of a signed contract from the Texas Department of Transportation (TxDOT). NOTE: For Work Authorization Contracts, Attachment H2 is required to be completed and attached with each work authorization number that is submitted for execution.

Contract #: N/A Assigned Goal: 12.44 % Prime Provider: Cintra Concesiones de Infraestructuras de Transporte, S.A. and Zachry Construction Corporation, as Equity Owners on behalf of a Proposer that has not yet been formed

Work Authorization: Work Authorization Amount: Date: 8/16/04

Table with 2 columns: Description of Work (List by category of work. Attach additional pages, if necessary.) and Dollar Amount (For each category of work.). Rows include Professional Services provided in support of initial Scope of Work for CDA and Total Commitment Amount (Including all additional pages.) \$125,000.

IMPORTANT: The signatures of the prime and the DBE and Second Tier Subprovider, if any (both DBE and Non-DBE) and the total commitment amount must always be on the same page.

Form sections for Provider Name, DBE/HUB Sub Provider, and Second Tier Sub Provider. Includes fields for Name, Title, Address, Phone #, Signature, and Date. Includes a signature for Diego Marin and James G. Darden, P.E.

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Form H-2  
Texas Department of Transportation  
Subprovider Monitoring System Commitment Agreement

Complete this Form for each DBE Subprovider


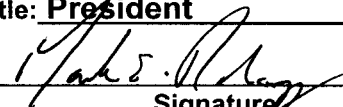
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Contract #: N/A Assigned Goal: 12.44 % Prime Provider: Cintra Concesiones de Infraestructuras de Transporte, S.A. and Zachry Construction Corporation, as Equity Owners on behalf of a Proposer that has not yet been formed

Work Authorization: \_\_\_\_\_ Work Authorization Amount: \_\_\_\_\_ Date: 8/16/04

Description of Work <i>(List by category of work. Attach additional pages, if necessary.)</i>	Dollar Amount <i>(For each category of work.)</i>
Professional Services provided in support of initial Scope of Work for CDA	\$152,000
<b>Total Commitment Amount (Including all additional pages.)</b>	<b>\$152,000</b>

**IMPORTANT:** The signatures of the prime and the DBE and Second Tier Subprovider, if any (both DBE and Non-DBE) and the total commitment amount must always be on the same page.

<b>Provider Name: Cintra Concesiones de Infraestructuras de Transporte, S.A. and Zachry Construction Corporation, as Equity Owners on behalf of a Proposer that has not yet been formed</b>  <b>Address: 3601 S. Congress, Suite C302 Austin, TX 78704-7213</b>  <b>Phone #: (512) 447-4262</b>	<b>Name: <u>Diego Marín</u></b> <i>(Please Print)</i>  <b>Title: <u>Project Manager</u></b>   <b>Signature</b> <span style="float: right;"><u>8-17-2004</u> Date</span>
<b>DBE/HUB Sub Provider</b> <b>Subprovider Name: Rodriguez Transportation Group, Inc.</b>  <b>VID Number: 17427768746</b> <b>Address: 11211 Taylor Draper Lane, Suite 100 Austin, TX 78759</b> <b>Phone #: (512) 231-9544</b>	<b>Name: <u>Mark Rodriguez</u></b> <i>(Please Print)</i>  <b>Title: <u>President</u></b>   <b>Signature</b> <span style="float: right;"><u>08-16-2004</u> Date</span>
<b>Second Tier Sub Provider</b> <b>Subprovider Name:</b> <b>VID Number:</b> <b>Address:</b> <b>Phone #:</b>	<b>Name: _____</b> <i>(Please Print)</i>  <b>Title: _____</b>  <b>Signature</b> <span style="float: right;"><b>Date</b></span>

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Texas Department of Transportation  
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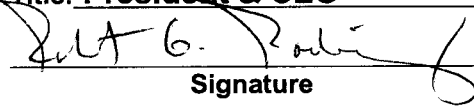
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Work Authorization: \_\_\_\_\_ Work Authorization Amount: \_\_\_\_\_ Date: 8/16/04

Description of Work <i>(List by category of work. Attach additional pages, if necessary.)</i>	Dollar Amount <i>(For each category of work.)</i>
<b>Professional Services provided in support of initial Scope of Work for CDA</b>	<b>\$78,000</b>
<b>Total Commitment Amount (Including all additional pages.)</b>	<b>\$78,000</b>

**IMPORTANT:** The signatures of the prime and the DBE and Second Tier Subprovider, if any (both DBE and Non-DBE) and the total commitment amount must always be on the same page.

<b>Provider Name:</b> Cintra Concesiones de Infraestructuras de Transporte, S.A. and Zachry Construction Corporation, as Equity Owners on behalf of a Proposer that has not yet been formed  <b>Address:</b> 3601 S. Congress, Suite C302 Austin, TX 78704-7213  <b>Phone #:</b> (512) 447-4262	<b>Name:</b> <u>Diego Marín</u> <i>(Please Print)</i>  <b>Title:</b> <u>Project Manager</u>   <b>Signature</b> _____ <b>Date</b> <u>8-17-2004</u>
<b>DBE/HUB Sub Provider</b>  <b>Subprovider Name:</b> Southwestern Capital Markets, Inc.  <b>VID Number:</b> 742273147  <b>Address:</b> 140 E. Houston, Suite 201 San Antonio, TX 78205  <b>Phone #:</b> (210) 344-9101	<b>Name:</b> <u>Robert G. Rodriguez</u> <i>(Please Print)</i>  <b>Title:</b> <u>President &amp; CEO</u>   <b>Signature</b> _____ <b>Date</b> <u>08/16/04</u>
<b>Second Tier Sub Provider</b>  <b>Subprovider Name:</b>  <b>VID Number:</b>  <b>Address:</b>  <b>Phone #:</b>	<b>Name:</b> _____ <i>(Please Print)</i>  <b>Title:</b> _____  <b>Signature</b> _____ <b>Date</b> _____

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**Form H-3**  
**DBE Information**  
**Good Faith Efforts**

All proposers shall submit the following information to demonstrate that a good faith effort to meet the DBE goal has been made with respect to the initial scope of work, regardless of whether the Subprovider Worksheet and Commitment Agreement forms indicate the DBE goal will not be met for the initial scope of work for the project:

- 1. The names and dates of advertisement of each newspaper, trade paper, and minority-focus paper in which a request for DBE participation for this project was placed by the proposer:

<u>Papers</u>	<u>Dates of Advertisement</u>
N/A	N/A

- 2. The names and dates of notices of all certified DBE's solicited by direct mail for this project and the dates and methods used for following up initial solicitations to determine with certainty whether the DBE's were interested:

<u>Names of DBE's Solicited</u>	<u>Dates of Solicitations</u>	<u>Follow-up Methods and Dates</u>
Rodriguez Transportation Group, Inc.	5/27/04	E-Mail, 8/12/04
Othon, Inc.	5/26/04	E-Mail, 8/12/04
Aguirre & Fields, LP	6/3/04	E-Mail, 8/12/04
HRM Consultants, Inc.	7/20/04	E-Mail, 8/12/04
Southwestern Capital Markets	8/12/04	E-Mail, 8/13/04

- 3. Items of work for which the proposer requested subbids or materials to be supplied by DBE's, the information furnished interested DBE's in the way of plans, specifications and requirements for the work, and any breakdown of items of work into economically feasible units to facilitate DBE participation. Where there are DBE's available for doing portions of the work normally performed by the proposer with its own forces, the proposer will be expected to make portions of such work available for DBE's a to bid on:



**Items of Work:**

Engineering Services, Right-of-Way Services, Land Surveying, Financial Services

**Information Furnished:**

Instructions to Proposers, Comprehensive Development Agreement

**Breakdown of Items:**

Support of professional services as identified under "Items of Work"

- 4. The names of DBE's who submitted bids for any of the work indicated above which were not accepted, a summary of the Proposer's discussions and/or negotiations with them, the name of the subcontractor or supplier who was selected for that portion of the work, and the reasons for the Proposer's choice. If the reason for rejecting a DBE bid was price, give the price bid by the rejected DBE and the price bid by the selected subcontractor or supplier. Since the utilization of available DBE's is expected, only significant price differences will be considered as cause for rejecting such DBE bids.

Names of rejected DBE's:

None  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Summary of discussions and/or negotiations:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Names of subcontractors or suppliers who were selected over the rejected DBE's listed above and the reasons for that choice:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 5. Assistance that the proposer has extended to rejected DBE's identified above to remedy the deficiency in their subbids:

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- 6. Any additional data to support a demonstration of good faith effort, such as contacts with DBE assistance agencies:

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**NOTE:** Use additional sheets of paper if necessary. Appropriate documentation such as copies of newspaper ads, letters soliciting bids, and telephone logs shall accompany this form.

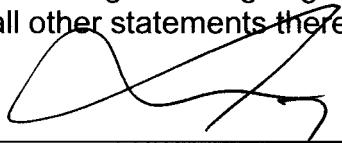
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Form H-4

Goals and Good Faith Efforts Affidavit

STATE OF TEXAS \_\_\_\_\_ )  
\_\_\_\_\_ )  
COUNTY OF TRAVIS \_\_\_\_\_ )

Each of the undersigned, being first duly sworn, deposes and says that Diego Marín is the Project Manager of Cintra Concesiones de Infraestructuras de Transporte, S.A. which entity is one of the equity owners of a Proposer that has not yet been formed and that is making the foregoing Proposal, and that the answers to the foregoing questions and all other statements therein are true and correct.

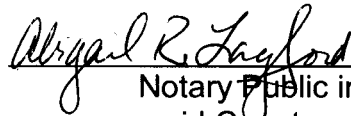
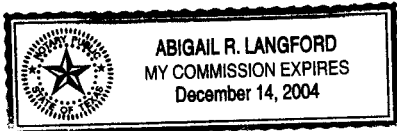


\_\_\_\_\_  
(Signature)

DIEGO MARIN  
(Name Printed)

PROJECT MANAGER  
(Title)

Subscribed and sworn to before me this 17th day of August, 2004.



\_\_\_\_\_  
Notary Public in and for  
said County and State

[Seal]

My commission expires: 14 December 2004