

P. O. BOX 4858
CORPUS CHRISTI, TEXAS
78408

BERRY CONTRACTING, INC.

Industrial Contractors

January 3, 1983

PLAINTIFF'S EXHIBIT

CC-259

1414 CORN PRODUCTS ROAD
AC 512 289-2100
TELEX 778446

Coastal States Petrochemical Co.
P. O. Box 109
Corpus Christi, Texas 78403

Attention: Mr. John Baden

Dear Mr. Baden

Attached are our revised Labor Rate Schedules, Equipment Rental Rates, both for operated and nonoperated equipment, Consumable Supplies List, Shop Labor Rates, Stress Relieving and X-Ray Rate Schedules which are effective as of January 3, 1983.

We will be happy to provide our services to perform any of your requirements for plant construction and maintenance work, or shop pipe, vessel and structural fabrication needs on the following basis:

a. PLANT CONSTRUCTION AND MAINTENANCE

1. Labor and Supervision

All field labor and supervision required for the performance of work assigned us will be provided at the rates shown in attached "Exhibit A", Labor Rate Schedules. The rates shown on these schedules are your total cost for each craft manhour worked, and include wages and fringes, payroll taxes and insurance, small tools, home office overhead and profit. Small tools are defined as, and limited to, any tool required for the work which has an acquisition cost of under \$300.00 and does not appear on the attached "Exhibit C" - Equipment Rental Rates, and "Exhibit D" - Consumable Supplies.

2. Construction Equipment

All construction equipment required for the performance of work assigned us will be furnished in accordance with the rates, and on the basis as shown in attached "Exhibit B" and "Exhibit C" - Equipment Rental Rates.

3. Materials, Consumables and Subcontract Services

For any materials, consumable supplies (Exhibit D) or subcontract services you request we furnish, your cost will be our cost plus 10% markup for overhead and profit. For any materials or consumable supplies we furnish on



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which there is a cash discount available, if we receive payment in sufficient time to earn the discount, it will be passed on to you, otherwise this discount will remain with us.

B. SHOP PIPE, VESSEL AND STRUCTURAL FABRICATION

For work performed in our pipe and vessel fabricating shops, the rates set forth in the "Exhibit E" will apply. Any materials or subcontract work which you request we procure in connection with force account work performed in our shops for you, would be furnished on the same basis as stated in A. 3 above.

C. STRESS RELIEVING AND X-RAY

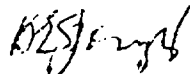
For Field Stress Relieving and X-Ray performed in the field or our shops, rates as set forth in attached "Exhibit F" and "Exhibit G" will apply.

Stress relieving performed in our 20' wide by 21' high by 79' long car bottom furnace will be priced on application.

We will be happy to provide the above services to you for any of your requirements, and assure you we will perform in a manner highly satisfactory to you.

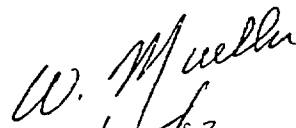
Very truly yours,

BERRY CONTRACTING, INC.


D. E. Spangler
Vice President

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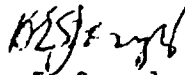
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Very truly yours,

BERRY CONTRACTING, INC.



D. E. Spangler
Vice President

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BERRY CONTRACTING, INC.

Labor Rate Schedule
Exhibit "A"Craft: Boilermaker Effective: 1/3/83 Through: 6/9/83

	<u>Straight Time</u>	<u>Time & One Half</u>
Boilermaker	\$23.78	\$33.74
Sub-Boilermaker	18.47	25.94
1st Pd. App. 70%	17.41	24.38
2nd Pd. App. 75%	18.47	25.94
3rd Pd. App. 80%	19.53	27.50
4th Pd. App. 85%	20.59	29.06
5th Pd. App. 90%	21.66	30.62
6th Pd. App. 95%	22.72	32.18
Assistant Foreman	24.61	34.96
Foreman	25.06	35.62
General Foreman	25.38	36.09
Superintendent	26.02	37.03

The above rates include wages, benefits, applicable payroll burdens such as F.I.C.A., Withholding Tax, and the premiums on insurance, overhead and profit. These rates do not include any other costs or contingencies such as rework or uninsured losses.

BERRY CONTRACTING, INC.

Labor Rate Schedule
Exhibit "A"Craft: Carpenters Effective: 1/3/83 Through: 3/31/83

	<u>Straight Time</u>	<u>Time & One Half</u>
Carpenters	\$16.09	\$22.98
1st Pd. App. 55%	9.47	13.26
2nd Pd. App. 65%	10.94	15.42
3rd Pd. App. 70%	11.67	16.49
4th Pd. App. 75%	12.41	17.58
5th Pd. App. 80%	13.14	18.65
6th Pd. App. 85%	13.88	19.74
7th Pd. App. 90%	14.61	20.81
8th Pd. App. 95%	15.36	21.91
Saw Operator - Filer	16.24	23.21
General Foreman	18.01	25.80
Foreman	16.73	23.92

The above rates include wages, benefits, applicable payroll burdens such as F.I.C.A., Withholding Tax, and the premiums on insurance, overhead and profit. These rates do not include any other costs or contingencies such as rework or uninsured losses.

BERRY CONTRACTING, INC.

Labor Rate Schedule
Exhibit "A"Craft: Cement Finishers Effective: 1/3/83 Through: 3/31/83

	<u>Straight Time</u>	<u>Time & One Half</u>
Finisher	\$16.25	23.87
Machine Finisher	16.57	24.34
1st Pd. App. 60%	9.75	14.32
2nd Pd. App. 70%	11.38	16.71
3rd Pd. App. 80%	13.00	19.09
4th Pd. App. 90%	14.63	21.49
Foreman	16.89	24.81

The above rates include wages, benefits, applicable payroll burdens such as F.I.C.A., Withholding Tax, and the premiums on insurance, overhead and profit. These rates do not include any other costs or contingencies such as rework or uninsured losses.

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BERRY CONTRACTING, INC.

Labor Rate Schedule
Exhibit "A"Craft: Ironworkers Effective: 1/3/83 Through: 3/31/83

	<u>Straight Time</u>	<u>Overtime</u>
Ironworker	\$18.71	\$26.07
1st Pd. App. 60%	12.43	16.84
2nd Pd. App. 70%	13.99	19.13
3rd Pd. App. 75%	14.78	20.30
4th Pd. App. 80%	15.57	21.45
5th Pd. App. 85%	16.35	22.60
6th Pd. App. 90%	17.14	23.76
Foreman	20.03	28.01
General Foreman	20.83	29.18

The above rates include wages, benefits, applicable payroll burdens such as F.I.C.A., Withholding Tax, and the premiums on insurance, overhead and profit. These rates do not include any other costs or contingencies such as rework or uninsured losses.

BERRY CONTRACTING, INC.

Labor Rate Schedule
Exhibit "A"Craft: Laborers Effective: 1/3/83 Through: 3/31/83

	<u>Straight Time</u>	<u>Time & One Half</u>
Laborer	\$10.82	\$15.40
Power Tool Operator	11.07	15.77
Craft Tender Operator Helper	11.20	15.96
Labor Foreman	12.10	17.28
Concrete Foreman	12.22	17.46
Gen Labor Foreman	12.42	17.75
Labor/Cement Finisher	12.47	17.82

The above rates include wages, benefits, applicable payroll burdens such as F.I.C.A., Withholding Tax, and the premiums on insurance, overhead and profit. These rates do not include any other costs or contingencies such as rework or uninsured losses.

BERRY CONTRACTING, INC.

Labor Rate Schedule
Exhibit "A"Craft: Millwrights Effective: 1/3/83 Through: 3/31/83

	<u>Straight Time</u>	<u>Overtime</u>
Millwright	18.240	26.790
Millwright Helper	\$10.945	\$16.075
1st Pd. App. 60%	10.945	16.075
2nd Pd. App. 65%	11.850	17.405
3rd Pd. App. 70%	12.775	18.765
4th Pd. App. 75%	13.685	20.100
5th Pd. App. 80%	14.590	21.430
6th Pd. App. 85%	15.500	22.765
7th Pd. App. 90%	16.420	24.120
8th Pd. App. 95%	17.330	25.455
Foreman	19.520	28.670
General Foreman	20.610	29.610

The above rates include wages, benefits, applicable payroll burdens such as F.I.C.A., Withholding Tax, and the premiums on insurance, overhead and profit. These rates do not include any other costs or contingencies such as rework or uninsured losses.

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BERRY CONTRACTING, INC.

Labor Rate Schedule
Exhibit "A"Craft: Operators Effective: 1/3/83 Through: 3/31/83

	<u>Straight Time</u>	<u>Time & One Half</u>
Utility Operator	\$19.97	\$28.48
Heavy Equip Operator	19.81	28.24
Light Equip Operator	17.67	25.10
Light Equip Driver	17.67	25.10
1st Year Oiler	16.54	23.43
2nd Year Oiler	16.73	23.72
Foreman	20.45	29.18

The above rates include wages, benefits, applicable payroll burdens such as F.I.C.A., Withholding Tax, and the premiums on insurance, overhead and profit. These rates do not include any other costs or contingencies such as rework or uninsured losses.

BERRY CONTRACTING, INC.

Labor Rate Schedule
Exhibit "A"Craft: Painters Effective: 1/3/83 Through: 6/30/83

NEW CONSTRUCTION

	<u>Straight Time</u>	<u>Overtime</u>
Painter	\$16.26	\$23.43
1st Pd. App. 53%	9.07	12.87
2nd Pd. App. 60%	10.15	14.45
3rd Pd. App. 65%	10.91	15.57
4th Pd. App. 72%	11.98	17.14
5th Pd. App. 78%	12.90	18.49
6th Pd. App. 85%	13.97	20.06
Foreman	16.74	24.13

The above rates include wages, benefits, applicable payroll burdens such as F.I.C.A., Withholding Tax, and the premiums on insurance, overhead and profit. These rates do not include any other costs or contingencies such as rework or uninsured losses.

BERRY CONTRACTING, INC.

Labor Rate Schedule
Exhibit "A"Craft: Painters Effective: 1/3/83 Through: 6/30/83

MAINTENANCE

	<u>Straight Time</u>	<u>Overtime</u>
Painter	\$15.50	\$22.31
1st Pd. App. 53%	8.68	12.29
2nd Pd. App. 60%	9.68	13.76
3rd Pd. App. 65%	10.41	14.84
4th Pd. App. 72%	11.43	16.33
5th Pd. App. 78%	12.30	17.61
6th Pd. App. 85%	13.32	19.11
Foreman	15.98	23.01

The above rates include wages, benefits, applicable payroll burdens such as F.I.C.A., Withholding Tax, and the premiums on insurance, overhead and profit. These rates do not include any other costs or contingencies such as rework or uninsured losses.

BERRY CONTRACTING, INC.

Labor Rate Schedule
Exhibit "A"Craft: Pipefitters Effective: 1/3/83 Through: 4/4/83

	<u>Straight Time</u>	<u>Overtime</u>
Pipefitter	\$19.50	\$27.90
Pipefitter Helper	8.75	12.11
Sub-Journeyman	12.33	17.37
1st Pd. App. 40%	8.75	12.11
2nd Pd. App. 50%	10.54	14.74
3rd Pd. App. 55%	11.44	16.06
4th Pd. App. 60%	12.33	17.37
5th Pd. App. 65%	13.23	18.69
6th Pd. App. 70%	14.12	20.00
7th Pd. App. 75%	15.02	21.32
8th Pd. App. 80%	15.92	22.64
Foreman	20.78	29.78
Area Foreman	21.10	30.25
General Foreman	21.61	31.00
Superintendent	22.89	32.88

The above rates include wages, benefits, applicable payroll burdens such as F.I.C.A., Withholding Tax, and the premiums on insurance, overhead and profit. These rates do not include any other costs or contingencies such as rework or uninsured losses.

BERRY CONTRACTING, INC.

Labor Rate Schedule
Exhibit "A"Craft: Miscellaneous Personnel Effective: 1/3/83 Through: 6/30/83

	<u>Straight Time</u>	<u>Overtime</u>
Time Keeper	\$ 9.70	\$13.90
Field Office Manager	16.56	20.16
Field Engineer	19.25	27.65
Planner/Scheduler	21.00	----
Assistant Superintendent	28.00	----
Superintendent	32.00	----
Project Manager	35.00	----
Tool Room Attendant	9.61	13.96

The above rates include wages, benefits, applicable payroll burdens such as F.I.C.A., Withholding Tax, and the premiums on insurance, overhead and profit. These rates do not include any other costs or contingencies such as rework or uninsured losses.

BERRY CONTRACTING, INC.

Labor Rate Schedule
Exhibit "A"Craft: Operators Effective: As Below Through: See Below

All manned and maintained rates are based on straight time only. For any overtime worked, the straight time rates will be increased for the premium portion of the operator's wages as listed below:

OPERATORS - EXPIRATION DATE 3/31/83

	<u>Straight Time</u>	<u>Premium</u>
Heavy Equipment Operator	\$19.81	\$8.43
Light Equipment Operator	17.67	7.43
Truck Driver	17.67	7.43

For support crafts, the following hourly rates will apply:

	<u>Expiration Dates</u>	<u>Straight Time</u>	<u>Overtime</u>
Rigger, Welder & Swamper	6/9/83		
Rigger Superintendent & Foreman	3/31/83		
Rigger Superintendent		\$25.38	\$36.09
Rigger Foreman		25.06	35.62
Rigger		19.81	28.24
Welder		19.81	28.24
Truck Swamper		10.35	15.04

Out-of-Town Expenses will be charged at the rate of \$35.00 per man per day.

Travel time to and from job for above crafts, when applicable, will be charged at the applicable straight time rate.

The above rates include wages, benefits, applicable payroll burdens such as F.I.C.A., Withholding Tax, and the premiums on insurance, overhead and profit. These rates do not include any other costs or contingencies such as rework or uninsured losses.