PLAINTIFF'S EXHIBIT

CC-182

# DEPARTMENTAL CORRESPONDENCE

Date August 28, 1979

Subject Insurance Claim

To D. W. Mellberg Dep't.

From K. L. Kellar K. L. Kellar Dep't

Attached as discussed are rate schedule transmittals between Berry Contractors and Coastal States Petrochemical for 11/22/77 and 1/21/76.

I have searched the Berry Files and find no evidence of a formal Service Agreement between Coastal and Berry at the time of Pennington's alleged accident of 3/8/77. In light of the claim and its legal ramifications, there is a certain amount of required co-operation that needs to take place between your department and the Hartford agent, Mr. Bill Padgett, who is here in Corpus.

If I may further assist you, please contact me.

KLK/lo

cc: T. C. Covert A. W. Smith
Berry File ✓

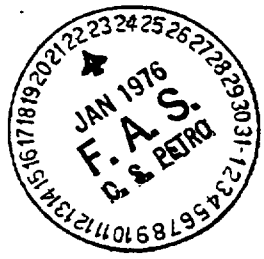
# BERRY CONTRACTING, INC.

Industrial Contractors

P. O. BOX 4858
CORPUS CHRISTI, TEXAS
78408

1414 CORN PRODUCTS ROAD
AC 512 884-0373
TELEX 778446


January 21, 1976




Coastal States Petrochemical Company
Post Office Drawer 521
Corpus Christi, Texas 78403

Attention: Mr. R. J. Adams
Vice President

Gentlemen:

Attached are our revised Labor Rate Sheets, Equipment Rental Rate Sheets, Consumable List and Stress Relieving and X-Ray Rate Schedules, which are effective as of February 1, 1976.

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

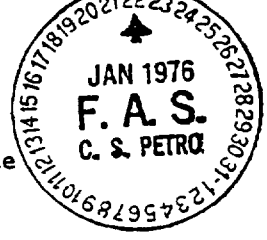
All field labor and supervision required for the performance of work assigned us will be provided at the rates shown in attached "Exhibit A" Labor Rate Sheets. The rates shown on these sheets are your total cost for each craft manhour worked, and include wages and fringes, payroll taxes and insurance, 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 $100.00 and does not appear on attached "Exhibit B" and "Exhibit C" - Equipment Rental Rates or "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 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

The following rates apply for any work performed on a force account basis in our Pipe and Vessel Fabricating Shops:

For pipe fabrication work performed in Berry Industrial Piping Shop on straight time basis .....$18.00 M/H 22.
For work performed on an overtime basis, add $9.00 M/H. 12.

For vessel or structural work performed in Berry Fabricators Shop on straight time basis.....$20.00 M/H 26.
For overtime at time and one half, add $4.00 M/H
For overtime at double time, add $8.00 M/H

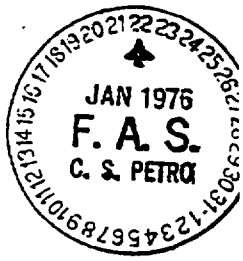
The above rates are your total cost for each manhour worked, and in addition to wages and fringes, include all costs for equipment, building and facilities, utilities, consumable supplies, tools, oxygen and acetylene, carbon steel stick weld rod, taxes and insurance, overhead and profit. Your total cost for shop work performed would be the actual applicable manhours worked times the rates quoted above. Engineering in connection with fabrication work, if required, will be priced on request.

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 E" and "Exhibit F" will apply.

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




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

Very truly yours,

BERRY CONTRACTING, INC.

W. H. Kluge
Senior Vice President

WHK/jlw
encl.

# BERRY CONTRACTING, INC.

Industrial Contractors

P. O. BOX 4838
CORPUS CHRISTI, TEXAS
78408

1414 CORN PRODUCTS ROAD
AC 512 8840373
TELEX 778446


November 22, 1977




Coastal States Petrochemical Co.
P. O. Drawer 521
Corpus Christi, Texas 78403

Attn: Mr. Vernon Cornell
Plant Manager

Gentlemen:

Attached are our revised Labor Rate Sheets, Equipment Rental Rate Sheets, Consumable List and Stress Relieving and X-Ray Rate Schedules, which are effective as of April 1, 1977.

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 Sheets. The rates shown on these sheets 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, or "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 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 fabrication shops, the rates set forth in the "Exhibit G" 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 E" and "Exhibit F" will apply.

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

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

Very truly yours,

BERRY CONTRACTING, INC.

Michael Berry
Manager - Sales

MB/jlw
attach: