

Design-Build Project

Draw Requests

Alternative Delivery Program



Draw Requests

This is a self-directed overview of Design-Build contracting based on Version 6.0 of the Programmatic Documents



Draw Requests

Training Goals:

Become familiar with the Draw Request Submittal Process

Understand the Payment Process by TxDOT



Draw Requests

1	Draw Request Submittal Process	5-19
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1. Draw Request Submittal Process



Monthly Draw Request for Progress Payment



Deductions

- TxDOT or Third-Party loss due to DB Contractor
- Liquidated Damages (LD)s
 - Delay
 - Key Personnel unavailability or change
 - Lane Rental
 - Other Qualifying Delay Late Fees
- Nonconforming work deductions

- Withholding for failure to pay subs, vendors, others
- Deducts or reimbursements
 - QMP or documents deficiency
 - Failure to maintain schedule
 - Comments not addressed
- Other per DB GC 9.4.1

PROGRESS PAYMENT

Fixed Price Lump Sum Agreement

Design-Bid-Build

- Contract bid with unit prices for line items
- Monthly payment is based on completed measured quantities of line/pay items

Design-Build



- Contract is bid based on a lump sum price for a completed project
- The lump sum price is broken down into a Work Breakdown Structure (WBS) of smaller lump sum Payment Activities from the DB Contractor's Price Proposal (Form P-2)
- Monthly progress payment is based on percent completion of Payment Activities

ITEM / LINE NO.	CATEGORY	SUB- CATEGORY	ITEM DESCRIPTION				
1		Design and	Design and Engineering Services				
2		Engineering	(Other Project-Specific Design and				
			Engineering Services Work Items)				
3		Independent	Professional Services				
4	Professional	Quality	Construction				
5	Services	Public Involvement	Public Involvement and Community Outreach				
6		Environmental	Compliance and Permitting Activities				
7			(Other Project-Specflic Environmental Items)				
8			(Third Party Design Items)				
9	Subtotal F	Professional	Services (Sum Lines 1 through 8)				
10			ROW Acquisition Services & ROW Survey/Mapping				
11			DB Contractor-Designated ROW / Construction Easements				
12	İ	Professional	Utility Coordination / Design & ROW Survey/Mapping				
13	Right-of-	Services	DB Contractor-Designated ROW / Construction Easements				
14	(ROW)		Utility Coordination / Design & Engineering Services (see Note 1)				
15	and Utilities		Reimbursable Utility Adjustments by DB Contractor (see Note 2)				
16		Construction	Reimbursable Utility Adjustments by Utility Owner (see Note 2)				
17			(Other Project-Specific ROQ and Utility Items)				
18	Subtotal F	ROW and Uti	lities (Sum Lines 10 through 17)				
19			Prep ROW				
20			Removals				
21			Earthwork				
22		Roadway	Subbase and Base Course				
23			Pavement				
24	Construction		Traffic Barrier, MBGF and Safety Devices				
25	Construction		(Other Roadway Items)				
26			Bridge Structure Removals				
27			Bridge Structures				
28		Structures	Retaining Walls				
29			Noise Walls				
30			(Other Structures Items)				

FORM P-2

Payment Activities

- The WBS is based on Project Baseline Schedule (PBS) activities and made of distinct identifiable Payment Activities
- A Schedule of Values (SOV) is included in the PBS and monthly Project Schedule Updates and assigns a price to each of the Payment Activities from the Price Proposal (Form P-2) and is updated with subsequent change orders
- Payment Activities should be broken into value of \$1M or less

Bridge Design		\$3	33,342,261.29
Design Pacl 06, 07)	kage 1 (01, 03A,	\$	2,877,356.00
Structure	e type study 01	\$	724,568.00
Structure	e type study 03A	\$	327,855.00
Structure	e type study 06	\$	925,411.00
Structure	e type study 07	\$	899,522.00

Ac	tivity IC	Activ	vity Name		Budget At Completion
-	I-3	5 NEX Project Baseline	Schedule -	PBS3 -Schedule Update 11 - March	\$1,513,555,711.37
ı		Project Administration			\$379,669,792.98
ı	+	Contract Milestones			\$0.00
	+	Administrative Submi	ttals and Pe	rmitting	\$373,437,215.50
	+	DB Contractor Segme	ent Mileston	es	\$6,232,577.48
(ι	Utility Agreement & Des	sign		\$78,219,126.07
ı	+	Utility Coordination			\$8,564,615.00
ı	+	Utility Conflict			\$69,654,511.07
(Design			\$101,169,611.64
ı	+	General Activities and	d Field Work	•	\$2,016,948.96
	+	Project Specification	5		\$10,504,979.22
	+	Geotechnical Design	& Sitework		\$14,489,369.82
	+	Roadway Design			\$14,088,995.01
	+	Bridge Design			\$33,342,261.29
	+	Traffic Management			\$600,000.00
П	+	Enviromental Design			\$24,204,929.12
П	+	Landscape and Aesth	etic Design		\$747,664.53
П	+	Electrical Design			\$533,615.92
П	+	ITS			\$320,423.88
	+	Signage and Marking	Design		\$320,423.88
1	= (Construction			\$954,497,180.67
	+	General			\$0.00
	+	Phase 1			\$237,536,819.96
	+	Phase 1A			\$468,219,753.86
	+	Phase 1B			\$145,433,400.23

Progress Submittal and Draw Request Timeline

Legend:

DB Contractor preparation time **TXDOT Review Time**

TxDOT Payment



Data Date



(L) Approval



Submittal



Payment

Progress Submittal

24 25 26 27 28 29 30 1 Submitted by the 1st of every month following NTP1

Prep Time



TxDOT Review Time 10 business days



TxDOT Schedule Approval

Draw Request

24 25 26 27 28 29 30 Submitted on or about the 5th day of the month Payment to DB Contractor

Prep Time



TxDOT Review Time 10 business days



5 business days



Project Schedule Update

24 25 26 27 28 29 30 1 Submitted within 5 days of a Draw Request



Prep Time

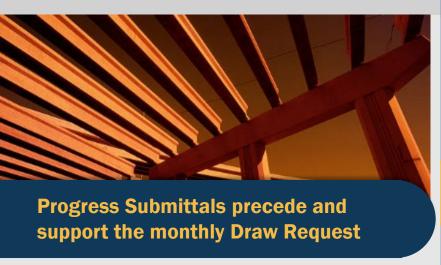


TxDOT Review Time 10 days



Resolve TxDOT Comments

Monthly Progress Submittal



- Reports the monthly progress of schedule activities
- Format is by DB Contractor and approved by TxDOT
 - May include Primevera.xer schedule and data sheets

DB GC Table 8-1: Submittals to TxDOT

Submittal	Timing	Review
Schedule of Values	Submitted with Project Baseline Schedule PBS2 and updated whenever a Change Order is agreed	Approval
Project Baseline Schedule (PBS2)	Prior to issuance of NTP2	Approval
Project Baseline Schedule (PBS3)	Prior to Commencement of Construction	Approval
Progress Submittal	On the first day of each month after NTP1 and as part of the Draw Request	Approval
Project Schedule Updates	Monthly after initial PBS2 and PBS3 submittals	Acceptance
Project Schedule Revisions	As necessary	Approval
Change Order Revisions	As necessary	Approval
Time Impact Analysis	As necessary; within 15 days of reveiving the request from TxDOT	Approval
As-Built Schedule	Prior to Final Acceptance	Approval



Monthly Progress Submittal

Prior to submitting the Draw Request, DB Contractor is required to submit the Monthly Progress Submittal by the 1st of the month.

If requested by TxDOT, prior to submitting the Draw Request, DB Contractor will schedule a meeting with TxDOT to discuss the Progress Submittal and pending Draw Request.

- TxDOT may provide comments on the Progress Submittal.
- TxDOT and DB
 Contractor are encouraged to reconcile any comments prior to submitting the Draw Request.

Draw Request

DB Contractor submits monthly draw requests in accordance with the contract documents using the Form of Draw Request and Certification.

Payment is made based on progress by DB Contractor for those items of work approved and certified by the IQF.

Payments are subject to the cap shown on the Maximum Payment Schedule established for the Project.



EXHIBIT 1 TO ATTACHMENT 9-1

FORM OF DRAW REQUEST AND CERTIFICATE²

Draw Request #	Date:	
		month/day/yea
Texas Department of Transportation		
[Address]		
"Ent		
A. Draw Request for Work performed for the period: month/day/year	to	month/day/year
		monungayiyear
B. Original Contract Amount		
C. Approved Change Order Amounts		
D. Revised Contract Amount (B+C)	\$0.	00
E. Cumulative Amount Earned to Date (Amount "E" from Appendix 1 t	o this Exhibit 1)	
F. Cumulative Maximum Payment Schedule Allowance (this Draw Rec Exhibit 10)	quest from DBA	
G. Cumulative Amount of Previous Draw Requests		
H. Amount Qualified for Payment this Draw Request (Lesser of "E-G" (includes Landscaping Allowance Work described below)	or "F-G")	00
Total deductions from progress payment per Section 9.4.1 (from Ap Exhibit 1)	opendix 2 to \$	
J. Current Amount Due ("H" - "l")	S	



Maximum Payment Schedule



- Includes NTP1 Maximum Payment Amount distributed over the 90 days anticipated between NTP1 and NTP2
- Negotiated and included in executed version of the DB Contract
- May be adjusted only through a change order
- Includes a cumulative not to exceed maximum payment amount for monthly draw requests

						EXHIBIT 1	0						
					(B) Anticipated Draw as a %			Dray	nulative w as a% f Total Total A)	Payment			
Months after NTP 1		onths after NTP 1 Anticipated Draw Draw \$5,000		cipated	ted Cumulative Draw		Idiation (D.				1.6%		
				\$5,000,000	000 1.6%			2.5%		2.5%			
		\$7,500,000			0.8%	+-	3.3%	\top	3.3%				
		2		500,000.00	 	\$10,000,000		0.8%	+	6.3%	+	6.3%	
r		3		500,000.00	+-	\$19,000,000		3.0%	+	12.2%	+	12.2%	$\ $
r		4		.000,000.00	+	\$37,000,000		5.9%	+	14.0%	+	14.0%	11
t		5 \$18,000,000.00		4-	\$42,460,000		1.8%			+	15.7%		
lt		6	\$5	5,460,000.00	-	\$47,460,000	\neg	1.6%	\perp	15.7%	+	19.6%	71
N	_	7 \$5,000,000.00		\$59,460,000	\neg	4.0%	\dashv	19.6%	+	22.9%	71		
ľ	8 9		8 \$12,000,000.00		0	\$69,460,000		0.20/-		22.9%	+	26.2%	7
۱			\$1	0.000,000,01	00	\$79,460,00		3.3%	\rightarrow	26.2%	-	29.5%	7
۱	H	10 \$10,000,000.00		00	\$89,460,00		3.3%		29.5%	-+	32.8%	\neg	
1	H	11	\$	10,000,000	.00		\$99,460,000			32.8%		36.1%	
1	11	12 \$10,000,000.00 13 \$10,000,000.00 14 \$10,000,000.00		.00	\$109,460,0	$\overline{}$	0.20/		36.19		39.4%	_	
1	1			0.00	\$109,460,000		2 20/-		39.4		42.7%	_	
	N					0.00/			42.7%		46.0%	_	
	M	15		\$10,000,00		\$129,460,				46.0		49.3%	
	ı	16 \$10,000,000.00 17 \$10,000,000.00 18 \$10,000,000.00			\$139,460		3.3%		49.3		52.69	_	
	١					\$149,460,000				52.6%		_	
				\$159,400,000		0.29/			.9%	55.9			
		15		\$10,000,0		\$105,40		0.00/		59	9.2%	59.2	
	١	20		\$10,000,		\$179,40		0.29/		6	2.5%	62.5	_
			1	\$10,000		0 \$109,4		0 70/		6	5.2%	65.	2%
			22	\$8,222		5197,0	82,45	5 2.77					

EXHIBIT 10
Page 1



Draw Request Certifications



DBA General Conditions, Attachment 9-1, Exhibit 2 contains the Draw Request Certifications

The PSQAF (for Professional Services) and IQF (for Construction) certify that the percentages of work complete are accurate and correct

EXHIBIT 2 TO ATTACHMENT 9-1

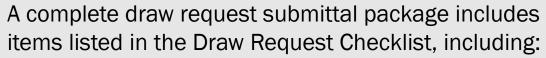
DRAW REQUEST NO. CERTIFICATION

The undersigned hereby certifies that (choose applicable bracketed language):

- Except as specifically noted in this certification, all Work, including that of designers, Subcontractors and Suppliers, that is the subject of this Draw Request has been checked and/or inspected in accordance with the respective Quality Management Plan;
- Except as specifically noted in this certification, all Work that is both the subject of this Draw Request and for which an audit or inspection has been performed conforms to the requirements of the Contract Documents;
- [The Professional Services quality program] [The Construction quality program] and all of the measures and procedures provided therein are functioning properly and are being followed; and
- [The Professional Services percentages] [The construction percentages] indicated are accurate, correct, and are based on the Schedule of Values. All quantities for which payment is requested on a unit price basis are accurate.
- All quantities for which payment is requested on a unit price basis are accurate.

Name:	Date	

Draw Request Checklist



Monthly Progress Submittal

Form of Draw Request and Certificate

Certifications

Draw request data sheet(s) and supporting documents

Materials on Hand Summary

Cash-flow curves

A description of any Liquidated Damages, fees, and charges



EXHIBIT 3 TO ATTACHMENT 9-1

DRAW REQUEST CONTENTS CHECKLIST

following items shall be included in the Draw Request package in the order listed below:

A cover sheet

A completed Form of Draw Request and Certificate (Exhibit 1 to Attachment 9-1).

Certification by the DB Contractor's authorized representative that all Work that is the subject of the Draw Request fully complies with the requirements of the Contract Documents, subject to any exceptions identified in the certification (Exhibit 2 to Attachment 9-1).

Certification by the Professional Services Quality Assurance Firm, if applicable (Exhibit 2 to Attachment 9-1).

Certification by the Independent Quality Firm, if applicable (Exhibit 2 to Attachment 9-1).

Documentation showing the CSJ cost distribution, if applicable

Documentation describing in detail the related payments due and the Maximum Payment Schedule, as of the end of the prior month.

A current Schedule of Values and status of completion of Payment Activities.

Monthly expenditure projections in the WBS format. Cash flow curves and comparison to the Maximum Payment Schedule.

Updated actual cumulative cash flow curve plotted along with the three cumulative cash flow curves: one based on the early dates; one based on the late dates; and one based on the Maximum Payment Schedule required in Section 8.5.3.2.

Data sheets and documents that support and substantiate the amount requested in this Draw Request, which may include:

Quantities and unit prices for unit priced Work including invoices, receipts or other evidence establishing the number of units delivered.

Time and materials documentation for Force Account Change Orders in accordance with Section 4.6.8.

Actual costs as evidenced by invoices for items to be paid from an allowance.

Invoices or statements of actual cost for Materials on Hand with a completed Appendix 1 to Exhibit 1 of Attachment 9-1.

A list of any Change Orders that were identified or executed during the previous month and their status.

A description of any deductions, including any Losses for which DB Contractor is responsible, Liquidated Damages, Qualifying Delay Late Fees, Key Personnel Change Fees, Lane Rental Charges, and any other amounts subject to deduction pursuant to <u>Section 9.4.1</u>, with a completed <u>Appendix 2</u> to <u>Exhibit 1</u> of <u>Attachment 9-1</u>.

Lists shown in this presentation are only informative and not a complete list

Draw Request Documentation



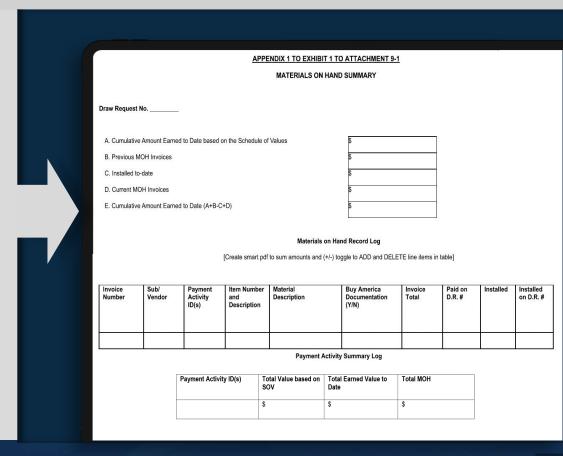
DB Contractor documents the amount requested each month for Materials on Hand and the Cumulative Amount Earned to-date using:



Appendix 1 to Exhibit 1 to Attachment 9-1

Materials on Hand Summary

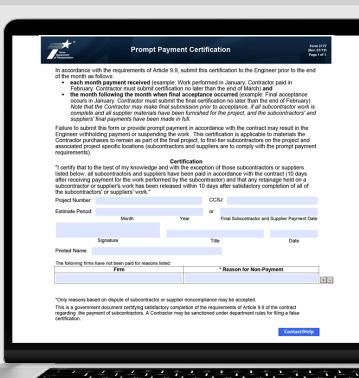
- Buy America Documentation
- Includes: MOH Record Log and Payment Activity Summary Log
- Submitted with each Draw Request



Prompt Payment Certification

DB Contractor provides a certification of prompt payment, using either the Prompt Payment Certification Form 2177 or TxDOT's electronic compliance tracking system which may be accessed at the following Internet address:

https://txdot.txdotcms.com/



Draw Request Data Sheets

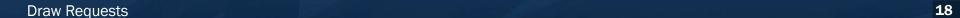
DB Contractor submits data sheets documenting the percent complete of SOV payment activities and total earned value for the current period cumulative totals

Draw Request data sheets are subdivided into DB Contractor designated Project segments and attached to a Project wide report.



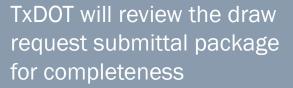
Draw Request Period: July 21, 2014 to Aug 24, 2014

	<u>Progress</u>	Г	Approved Price		Current Period Earned Value	Period % Complete		To-Date Earned Value	To-Date % Complete
	Mobilization	\$	8,800,000.00			0.00%		8,800,000.00	100.00%
	Submittals and Permitting	\$	324,430.55			0.22%		324,430.55	100.00%
	Bond Premiums	\$	6,500,000.00			0.00%		6,500,000.00	100.00%
1.1.4.	Insurance Premiums	\$	9,000,000.00	\$	-	0.00%	\$	7,302,946.81	81.14%
1.1.	Subtotal Project Administration	\$	24,624,430.55	\$	714.00	0.00%	\$	22,927,377.36	93.11%
1.2.1.	Acquisition By TxDOT	\$		s	-	0.00%	\$		0.00%
1.22.	Acquisition By Developer	\$	43,549,138.89	S	59,590.88	0.14%	\$	43,541,470.80	99.989
1.2.	Subtotal Right-of Way Acquisition	\$	43,549,138.89	\$	59,590.88	0.14%	\$	43,541,470.80	99.98%
1.3.1.	Utility Coordination	\$	11.274,830.54	s	25,289,46	0.22%	\$	11,057,648.74	98.07%
1.3.2.	Utility Relocations (Buy America)	S	25.083,125.23	s	3.918.393.70	15.62%	S	11,601,119,26	46.25%
1.3.2.	Utility Relocations (Non-Buy America)	\$	43,286,577.81	\$	2,392,902.02	5.53%	\$	14,908,447.22	34.449
1.3.	Subtotal Utility Adjustments	\$	79,644,533.58	S	6,336,585.18	7.96%	s	37,567,215.22	47.17%
	General Activities and Field Work	s	29.525,101.44	s	375,000.00	1.27%	s	24,512,343,17	83,029
1.4.2	Develop Specifications	ŝ	2.860,605.75			0.00%		2,860,605,75	100.00%
1.4.3.	Geotechnical Design	ŝ	2.372,586,15	s	-	0.00%	\$	2,351,285,31	99,10%
	Drainage Design	s	10.445.805.55	s	-	0.00%	\$	10,445,805.55	100.00%
1.4.6.	Roadway Design	\$	6.773,562.23	s	-	0.00%		6,773,562.23	100.00%
1.4.7.	Bridge Design	ŝ	37.827,640.10	s		0.00%	\$	37,827,640.10	100.00%
1.4.8.	Retaining Wall Design	\$	7,512,599.91	s	-	0.00%	\$	7,512,599.91	100.009
	Traffic Management	\$	1,464,768.38	S		0.00%	\$	1,464,768.38	100.009
	Landscape and Aesthetics Design	\$	815,386.00			0.00%		815,386.00	100.009
	Electrical Design	\$	1,068,104.08			0.00%		1,068,104.08	100.00%
	ITS & TCS Design	\$	471,937.23			0.00%		471,937.23	100.009
1.4.14.	Signage and Marking Design	\$	1,759,630.61	\$		0.00%	\$	1,759,630.61	100.00%
	Subtotal Design	\$	102,897,727.43	\$	375,000.00	0.36%	\$	97,863,668.32	95.11%
	Traffic Control	\$	8,952,060.24			0.00%		2,914,237.03	32.55%
	Environmental Mitigation	\$	3,873,235.75	\$	206,514.51	5.33%		2,893,846.94	74.719
	Removals	\$	21,620,400.70			10.66%		13,052,969.81	60.37%
	Earthwork	\$	100,914,435.69			7.73%		45,740,954.42	45.33%
	Subgrade Treatment and Base	\$	50,920,930.58			1.18%		3,152,120.20	6.199
	Drainage	\$	85,413,208.51			8.05%		27,065,802.45	31.699
	Pavement	\$	104,182,587.19			0.52%		16,419,607.23	15.76%
	Retaining Walls	\$	80,885,543.18			7.16%		37,459,080.82	46.319
	Bridges	\$	285,567,503.05			8.05%		173,282,725.93	60.68%
	Permanent barrier	\$	9,627,921.45			0.00%		422,530.14	4.399
	Signals and Illumination	\$	12,543,622.92			0.00%			0.00%
1.5.13.	ITS/TCS	\$	10,860,959.58	\$	116,914.94	1.08%		116,914.94	1.089
1.5.14.	Landscaping	\$	7,475,367.14	\$	-	0.00%	\$		0.009
	Parameter Alaska and Maddan		0.000.000.69	1 4					



Draw Request Approval





Once the draw request submittal package is approved, TxDOT will issue payment

ATTACHMENT 9-1

FORM OF DRAW REQUEST AND CERTIFICATE REQUIREMENTS

Exhibit Description	No. of Pages
Exhibit 1 – Form of Draw Request and Certificate	2
Appendix 1 to Exhibit 1 – Materials on Hand Summary	1
Appendix 2 to Exhibit 1 – Deductions Summary	1
Exhibit 2 – Draw Request Certifications	2
Exhibit 3 – Draw Request Contents Checklist	2

Attachment 9-1 contains the Draw Request Forms, Certifications and Checklist



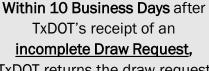
2. Payment Processing by TxDOT





Payment Processing Timeline





TxDOT returns the draw request to the DB Contractor for correction, if incomplete.

Within 5 Business Days after TxDOT's approval of a Draw Request, TxDOT will pay DB Contractor, less any amounts that TxDOT is entitled to withhold or deduct.

DAYS O 10 15

Within 10 Business Days

after TxDOT's receipt of a <u>complete Draw</u>
<u>Request</u>, TxDOT notifies DB Contractor of the amount approved for payment and the <u>reason for</u> disapproval of any remaining invoiced amounts.

Basis of Payment



Payments

Payments will be based on the percentage of Work completed, not on measured quantities (except as expressly set forth in the Design-Build Contract).

Percentage

The percentage completion of Payment Activities shown on the Project Schedule Progress Submittal are subject to TxDOT's review and approval and shall be the basis for determining periodic payments.

Progress

Where progress is measured by percentage completed and days remaining, the percentage completion of each Payment Activity shall be calculated using the latest scheduling software and the methods set forth in DB GC 8.5.2.

Minimum Payment by TxDOT



In no event shall DB Contractor be entitled to:



 Payment for any Payment Activity in excess of the value of the Payment Activity times the completion percentage of such activity (for non-unit-priced Work).

or

Payment for materials not approved and certified by the IQF.



Aggregate payments in excess of:

the overall completion percentage for the Project times the Price.

or

the Maximum Payment Schedule for the month to which the Draw Request applies, plus amounts allowed by Change Orders not included in the Maximum Payment Schedule.

Schedule Monitoring Payment Activity and Deductions





Item (b) – Activities

(iii) Under the monthly contract administration activity, include a monthly schedule monitoring activity in the amount of \$20,000.



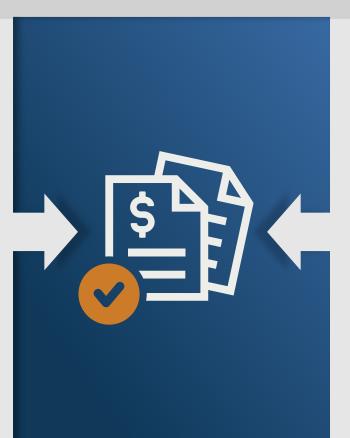
Item (f) – Deductions

(f) An amount of \$20,000 as described in <u>Section 8.5.2 (b)</u> for DB Contractor's failure to either address comments on a Project Schedule Submittal to TxDOT's satisfaction or submit a required Project Schedule in accordance with the Contract Documents; and

Payment for Contract Administration



The DB Contractor is entitled to payment for the contract administration Payment Activity as part of each Draw Request following NTP1.





The payment for the contract administration Payment
Activity must not exceed the total Price allocable to contract administration in the approved SOV multiplied by the percentage of Work completed in each Draw Request period.



Payment for Record Documents

The amount payable for Record Documents acceptable to TxDOT shall equal 1% of the Price (including mobilization), which shall be withheld from the Final Payments of the Price

DB Contractor is not entitled to any interest on such withheld amounts

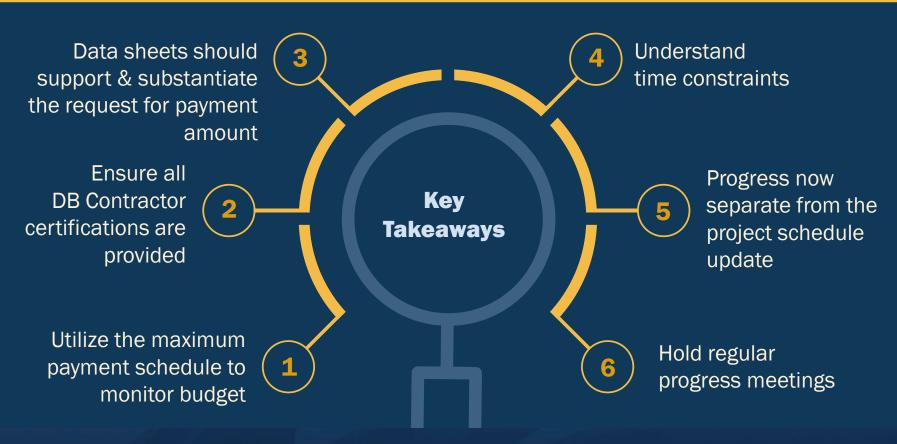
DB Contractor shall not be entitled to payment for the last 1% of the Price until acceptable Record Documents have been delivered to TxDOT



3. Takeaways



Review - Key Takeaways





4. Resources



Draw Request - Resources



- DB Project Schedule Training
- Exhibit 10 Maximum Payment Schedule
- Item 8.2.1.2: Subcontractor requirements
- Item 8.5.2 (h) Cost Loading Payment Activities and Schedule of Values
- Item 8.5.4: Schedule Progress Submittal requirements
- Item 9.3: Invoicing and Payment

TxDOT Website:

<u>https://www.txdot.gov/business/road-bridge-maintenance/alternative-delivery/resources.html</u>

Draw Request - Resources



- Item 9.4: Deductions, Withholding, Exclusions, Limitations on Payment
- Item 9.5: Payments for Mobilization, Bond and Insurance Premiums and Record Documents
- Attachment 9-1, Exhibit 1 Form of Draw Request and Certificate
- Attachment 9-1, Exhibit 2 –
 Draw Request Certifications
- Attachment 9-1, Exhibit 3 –
 Draw Request Contents Checklist

TxDOT Website:

<u>https://www.txdot.gov/business/road-bridge-</u> maintenance/alternative-delivery/resources.html



End the streak of daily deaths on Texas roadways.

TxDOT.gov (Keyword: #EndTheStreakTX)



#EndTheStreakTX Toolkit



Draw Requests 3.