



Travis County Commissioners Court Agenda Request

Meeting Date: December 6, 2011

Prepared By/Phone Number: Loren Breland, 854-4854

Elected/Appointed Official/Dept. Head: Cyd Grimes

Commissioners Court Sponsor: Judge Biscoe

Agenda Language: Approve assignment of contract no. 11C00180LD, Police Motorcycles, from Beaudry Motors to Big Sky BMW Kawasaki, Inc.

Ø **Purchasing Recommendation and Comments:** Purchasing concurs and recommends approval of requested action. This procurement action meets the compliance requirements as outlined by the statutes.

Contract no. 11C00180LD was awarded to Beaudry Motors on June 21, 2011 for 3 police motorcycles for TCSO. Beaudry Motors is the outfitter of the police motorcycles and is contracted with Big Sky BMW Kawasaki as the Kawasaki dealer of the motorcycles. For warranty purposes Kawasaki requires the Kawasaki dealer to be named on the purchase order.

This modification to contract no. 11C00180LD will transfer all rights, title and interest in contract no. 11C00180LD from Beaudry Motors to Big Sky BMW Kawasaki, Inc.

Ø **Contract Expenditures:** Within the last 12 months \$0.00 has been spent against this contract/requirement.

Ø **Contract-Related Information:**

Award Amount: \$67,196.13

Contract Type: One time purchase

Contract Period: June 21, 2011 – December 21, 2011

Ø **Contract Modification Information:**

Modification Amount: N/A

Modification Type: Assignment

AGENDA REQUEST DEADLINE: All agenda requests and supporting materials must be submitted as a pdf to Cheryl Aker in the County Judge's office, Cheryl.Aker@co.travis.tx.us by Tuesdays at 5:00 p.m. for the next week's meeting.

ISSUED BY: PURCHASING OFFICE 314 W. 11TH ST., RM 400 AUSTIN, TX 78701	PURCHASING AGENT ASST: Loren Breland TEL. NO: (512) 854-9700 FAX NO: (512) 854-9185	DATE PREPARED: November 17, 2011
ISSUED TO: Beaudry Motors, Inc. 11549 N. Reed Road Hayden, ID 83835 Attn: Steve Beaudry	MODIFICATION NO.: 1	EXECUTED DATE OF ORIGINAL CONTRACT: June 21, 2011

ORIGINAL CONTRACT TERM DATES: June 21, 2011 – December 21, 2011 CURRENT CONTRACT TERM DATES: June 21, 2011 – December 21, 2011

FOR TRAVIS COUNTY INTERNAL USE ONLY:

Original Contract Amount: \$ 67,196.13 Current Modified Amount \$67,196.13


DESCRIPTION OF CHANGES: Except as provided herein, all terms, conditions, and provisions of the document referenced above as heretofore modified, remain unchanged and in full force and effect.

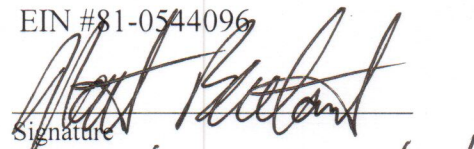
The above referenced contract is hereby modified to reflect the following changes:

- 1) The Contractor's name on Contract No. 11C00180LD is changed as follows:

From: Beaudry Motors, Inc.
11549 N. Reed Road
Hayden, ID 83835
EIN #82-0289604

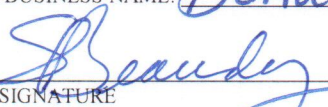
To: Big Sky BMW Kawasaki, Inc.
2315 South Ave. W
Missoula, MT 59801
EIN #81-0544096


Signature
STEVE BEAUDRY
Printed Name


Signature
Nathan Bertrand
Printed Name

Note to Vendor:

- [XX] Complete and execute (sign) your portion of the signature block section below for all copies and return all signed copies to Travis County.
- [] DO NOT execute and return to Travis County. Retain for your records.

LEGAL BUSINESS NAME: <u>BEAUDRY Motors, Inc.</u>	<input type="checkbox"/> DBA
BY:  SIGNATURE	<input checked="" type="checkbox"/> CORPORATION
BY: STEVE BEAUDRY PRINT NAME	<input type="checkbox"/> OTHER
TITLE: <u>President</u> ITS DULY AUTHORIZED AGENT	DATE: 11/18/11

TRAVIS COUNTY, TEXAS	DATE:
BY: _____ CYD V. GRIMES, C.P.M., TRAVIS COUNTY PURCHASING AGENT	

TRAVIS COUNTY, TEXAS	DATE:
BY: _____ SAMUEL T. BISCOE, TRAVIS COUNTY JUDGE	

ASSIGNMENT OF CONTRACT

The parties to this Assignment of Contract (this "Assignment") are Beaudry Motors, Inc. a corporation duly authorized and operating under the laws of the State of Idaho ("Assignor"), and Big Sky BMW Kawasaki, Inc. a corporation duly authorized and operating under the laws of the State of Montana ("Assignee").

RECITALS:

- A. Travis County and Beaudry Motors, Inc. entered into a written Contract for the provision of Police Motorcycles (Contract No. 11C00180LD) on June 21, 2011, which is hereby incorporated by reference herein for all purposes (the "Contract"); and
- B. Assignor desires by this Assignment to assign all of its right, title and interest in and to the Contract to Assignee subject to the terms of the Contract and this Assignment.

TERMS:

In consideration of the mutual agreements set forth in this Assignment, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

- 1. Assignor assigns, transfers and conveys to Assignee all of its right, title and interest in and to the Contract effective as December 6, 2011 (the "Effective Date of Assignment").
- 2. Assignee accepts such assignment, and assumes and is bound by and shall perform all terms, conditions, covenants, obligations, and duties of Assignor under the Contract as of the Effective Date of Assignment.
- 3. Assignor and Assignee acknowledge that nothing in this Assignment waives or modifies any of the provisions of the Contract.
- 4. The provisions of this Assignment are binding on and inure to the benefit of the heirs, representatives, successors and assigns of the parties.
- 5. This Assignment shall be construed and enforced in accordance with the laws of the State of Texas. Venue for any action arising hereunder or connected herewith shall lie exclusively in Travis County, Texas.
- 6. All references in this Assignment to the Contract encompass the original Contract, No 11C00180LD.

BEAUDRY MOTORS, INC.

By: [Signature]
 Printed Name: STEVE BEAUDRY
 Title & Date: President 11/18/11
 Attest: [Signature]
 Date: 11/18/11

BIG SKY BMW KAWASAKI, INC.

By: [Signature]
 Printed Name: Nathan Bertrand
 Title & Date: President 11/18/11
 Attest: [Signature]
 Date: 11/18/11

By its signature below, Travis County signifies its consent to and approval of this Assignment from Beaudry Motors, Inc. to Big Sky BMW Kawasaki, Inc.

TRAVIS COUNTY, TEXAS

By: _____
 Samuel T. Biscoe
 Travis County Judge
 Date: _____



Beaudry Motors, Inc.



11-18-11

Travis County Purchasing Office
PO Box 1748
Austin, TX 78767

Contract PO: 474613

Attn: Loren Breland

Dear Mr. Breland,

This letter is to inform you and Travis County of the changes that have been brought to our attention from the manufacturer of the Police Motors, Kawasaki Motor Corp. As you know the Police Motorcycles, per the solicitation, have a 3 year warranty. Per Kawasaki, as of October of this year, we will have to have our Kawasaki Dealership name on the Purchase Order for warranty purposes. Per Loren Breland we have filled out and signed the proper forms for the assignment of contract. The Kawasaki Dealership will be Big Sky BMW Kawasaki. All terms and conditions of the contract with Beaudry Motors, Inc will remain the same. Beaudry Motors, Inc will take delivery, up fit, and deliver to Travis County as specified on the solicitation and PO. Our relationship is solidified contractually with Big Sky BMW Kawasaki and is acceptable to Kawasaki Motor Corp.

Best Regards,


Steve Beaudry