



Travis County Commissioners Court Agenda Request

Meeting Date: December 13, 2011

Prepared By/Phone Number: Nancy Barchus 512-854-9764

Elected/Appointed Official/Dept. Head: Cyd Grimes

Commissioners Court Sponsor: Judge Biscoe

APPROVE MODIFICATION NO. 3, AN ASSIGNMENT OF CONTRACT NO. 09T00220NB, FROM COWBOY HONDA OF KYLE TO KENT POWERSPORTS OF AUSTIN.

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

This contract provides OEM Parts and Labor (Motorcycle Machinery, etc.) for Travis County motorcycles on an as needed basis.

Modification No. 1 approved by the Purchasing Agent on January 7, 2010, extended the contract from April 8, 2010 through April 7, 2011.

Modification No. 2 approved by the Purchasing Agent on January 10, 2011, extended the contract from April 8, 2011 through April 7, 2012.

Modification No. 3 will approve assignment of contract to Kent Powersports of Austin from Cowboy Honda of Kyle. Kent Powersports of Austin will assume all rights and responsibilities in regards to contract No. 09T00220NB.

- **Contract Expenditures:** Within the last 12 months \$20,055.77 has been spent against this contract.

- **Contract Modification Information:**

Modification Amount: N/A

Modification Type: Assignment of Contract

Modification Period: N/A

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.

- **Funding Information:**

Purchase Requisition in H.T.E.:

Funding Account(s): 001-4952-621-5003

Comments:

- **Statutory Verification of Funding:**

Contract Verification Form: Funds Verified ____ Not Verified ____ by Auditor.

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MODIFICATION OF CONTRACT NUMBER: 09T00220-NB, OEM PARTS AND LABOR (HEAVY DUTY ROAD MACHINERY, GROUNDS MACHINERY, MOTORCYCLES)

PAGE 1 OF 2 PAGES

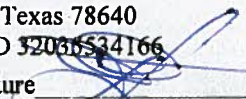
ISSUED BY: PURCHASING OFFICE 700 Lavac Suite 800 Austin, TX 78701	PURCHASING AGENT ASST: Nancy Barchus TEL NO: (512) 854-9764 FAX NO: (512) 854-9185	DATE PREPARED: September 30, 2011
ISSUED TO: Cowboy Honda Attn: Jerry Crabtree 5 Brent Boulevard Kyle, TX 75225	MODIFICATION NO.: 3	EXECUTED DATE OF ORIGINAL CONTRACT: April 9, 2009
ORIGINAL CONTRACT TERM DATES: <u>April 8, 2009 through April 7, 2010</u>		CURRENT CONTRACT TERM DATES: : <u>April 8, 2011 through April 7, 2012</u>

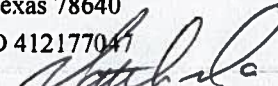
FOR TRAVIS COUNTY INTERNAL USE ONLY:

Original Contract Amount \$ N/A Current Modified Amount \$ N/A

DESCRIPTION OF CHANGES:

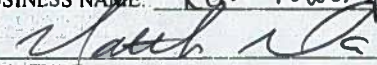
Effective October , 2010, the Contractor's name on Contract No. 09T00202-NB is changed as follows:

From: Cowboy Honda of Kyle/Austin
5 Brent Boulevard
Kyle, Texas 78640
Tax ID 32036534166
Signature 

To: Kent Powersports, LP
D/B/A Kent Powersports of Austin
5 Brent Boulevard
Kyle, Texas 78640
Tax ID 412177047
Signature 

Note to Vendor:

- 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>Kent Powersports, LP</u>	<input checked="" type="checkbox"/> DBA
BY:  SIGNATURE	<input type="checkbox"/> CORPORATION
BY: <u>Matthew Goulet</u> PRINT NAME	<input type="checkbox"/> OTHER
TITLE: <u>GM / PARTNER</u> ITS DULY AUTHORIZED AGENT	DATE:

TRAVIS COUNTY, TEXAS	DATE:
BY: <u>Cyd V. Grimes</u> CYD V. GRIMES, C.P.M., TRAVIS COUNTY PURCHASING AGENT	<u>11/17/11</u>

TRAVIS COUNTY, TEXAS	DATE:
BY: <u>SAMUEL T. BISCOE</u> SAMUEL T. BISCOE, TRAVIS COUNTY JUDGE	

ASSIGNMENT OF CONTRACT

The parties to this Agreement are, Cowboy Honda of Kyle, Tax ID 32035534166, a partnership (the Assignor) under the laws of the state of Texas, and Kent Powersports, LP, Tax ID 412177047, a limited liability company (the Assignee) under the laws of the state of Texas.
 PARTNERSHIP

RECITALS:

- A. Travis County and Cowboy Honda of Kyle entered into a written Contract for providing OEM Parts and Labor Heavy Duty Road Machinery, Ground Machinery and Motorcycles (Contract No. 09T00220-NB) dated April 9, 2009, a copy of which is attached to this assignment and incorporated in it by referenced (the "Contract").
- B. Assignor desires by this Agreement all of its right, title and interest in and to the Contract to Assignee subject to the terms of the Contract and this Agreement.

TERMS:

In consideration of the mutual agreements in this assignment, the parties hereby agree as follows:

- 1. Assignor assigns to Assignee all of its right, title and interest in Contract Number 09T00220-NB, attached to this assignment, as of October 25, 2011.
- 2. Assignee assumes and is bound by and must perform all terms, conditions, covenants, obligations, and duties of Assignor under the Contract accruing on or after October 25, 2011.
- 3. This assignment of contract is intended to assign not only obligations but also benefits of Contract Number 09T00220-NB after October 25, 2011, including benefits accruing as a result of work commenced.
- 4. Assignor and Assignee acknowledge that nothing in this Agreement waives or modifies any of the provisions of the Contract.
- 5. The provisions of this Agreement are binding on and inure to the benefit of the heirs, representatives, successors and assigns of the parties.

COWBOY HONDA OF KYLE/AUSTIN

By: [Signature]
 Printed Name: LINDA HARRISON
 Title & Date: CFO 11-22-11
 Attest: _____
 Date: _____

KENT POWERSPORTS, LP
D/B/A KENT POWERSPORTS OF AUSTIN

By: [Signature]
 Printed Name: Matthew Goulais
 Title & Date: GM/PARTNER 10/8/11
 Attest: _____
 Date: _____

Travis County consents to this assignment of the Contract from Cowboy Honda of Kyle/Austin to Kent Powersports, L.P.

TRAVIS COUNTY, TEXAS

By: _____
 Sam Biscoe, County Judge
 Date: _____



TRANSPORTATION AND NATURAL RESOURCES
STEVEN M. MANILLA, P.E., COUNTY EXECUTIVE

411 West 13th Street
Executive Office Building, 11th Floor
P. O. Box 1748
Austin, Texas 78767
(512) 854-9383
FAX (512) 854-4697

September 28, 2011

MEMORANDUM

TO: Cyd Grimes, County Purchasing Agent
FROM: *Steven M. Manilla*
Steven M. Manilla, P.E., County Executive
SUBJECT: Assignment of Contract 09T00220NB
Heavy Duty Road Machinery OEM

TNR recommends that Travis County approve the assignment of contract 09T00220NB to Kent Powersports, LP as requested by the vendor.

The commodity/sub-commodity code for Fence Construction and Removal is 929/062. The budgeted line item number is 001-4952-621-5003.

If you need additional information, please contact Christina Jensen at (512) 854-7670.

[Handwritten signature]
CJ:SMM:cj
Contract File

TRAVIS COUNTY
Account Balance Inquiry

Fiscal Year	:	2012
Account number	:	1-4952-621.50-03
Fund	:	001 GENERAL FUND
Department	:	49 TNR (TRANS & NATRL RESRC)
Division	:	52 FLEET SERVICES
Basic activity	:	62 INFRA-ENV SCVS (TRNS&RDS)
Sub activity	:	1 TNR (TRANS & NATRL RESRC)
Element	:	50 REPR & MTNC-SERVCS PURCHD
Object	:	03 REPAIRS - AUTOS & TRUCKS

Budget	:	195,333
Encumbered amount	:	78,851.61
Pre-encumbered amount	:	.00
Expenditures	:	9,648.23
Total expenditures	:	88,499.84
Balance	:	106,833.16

Press Enter to continue.

F3=Exit F12=Cancel