



## Travis County Commissioners Court Agenda Request

**Meeting Date:** February 21, 2012

**Prepared By/Phone Number:** Jason G. Walker/44562; Marvin Brice, CPPB, Assistant Purchasing Agent

**Elected/Appointed Official/Dept. Head:** Cyd Grimes

**Commissioners Court Sponsor:** Judge Biscoe

**Agenda Language: Approve Modification No. 1, an Assignment of Contract No. 12K00137JW from Hornsby Bend Utility Company, Inc., to Southwest Water Company for Plain View Waterline.**

➤ **Purchasing Recommendation and Comments:**



- Travis County and Hornsby Bend Utility Company, Inc. (HBUC) entered into a contract on June 12, 2007 for the Plain View Estates subdivision to have the waterline extended and installed onto Clear View Drive(s). Travis County shared the costs, in an amount of \$115,000.00, in order for the entire subdivision to benefit from a planned expansion by HBUC. In addition to the construction of the expanded waterline, a \$400 per residence tap fee was established.
- Of 41 homes, approximately 20 have not been able to afford to pay this tap fee, and as a result, the Commissioners Court approved the use of Housing and Urban Development (HUD) Community Development Block Grant Recovery (CDBG-R) funds to be used in order to complete the waterline installations.
- This modification is for an Assignment of Contract from HBUC to Southwest Water Company. Southwest Water Company has no changes to make to this contract, rather, just a re-assignment of the exact contract that Travis County had with HBUC.
- **Contract Expenditures:** Within the last N/A months \$0.00 has been spent against this contract/requirement.

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](mailto:Cheryl.Aker@co.travis.tx.us) by Tuesdays at 5:00 p.m. for the next week's meeting.

➤ **Contract-Related Information:**

Award Amount: \$115,000.00

Contract Type: Construction

Contract Period: Through completion

➤ **Contract Modification Information:**

Modification Amount:

Modification Type: Assignment of Contract

Modification Period: Through completion

➤ **Solicitation-Related Information: N/A**

Solicitations Sent:

Responses Received:

HUB Information:

% HUB Subcontractor:

➤ **Special Contract Considerations: N/A**

Award has been protested; interested parties have been notified.

Award is not to the lowest bidder; interested parties have been notified.

Comments:

➤ **Funding Information:**

Purchase Requisition in H.T.E.:

Funding Account(s):

Comments: Assignment of contract – no funds involved with this modification.

## TRANSPORTATION AND NATURAL RESOURCES

STEVEN M. MANILLA, P.E., COUNTY EXECUTIVE, TNR

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411 West 13th Street  
Executive Office Building  
PO Box 1748  
Austin, Texas 78767  
Phone: (512) 854-9383  
Fax: (512) 854-4697

February 13, 2012

### MEMORANDUM

TO: Cyd V. Grimes, C.P.M., Purchasing Agent  
Marvin Brice, Assistant Purchasing Agent

FROM: Steve Manilla, P.E., County Executive, TNR/FM

SUBJECT: Award of Construction Services Contract

Home Rehabilitation: Plain View Estates Water Connections.  
IFB No. B110291-JW  
Contract No. 11K00291JW

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### Requested Agenda Item

TNR hereby requests that the Purchasing Office place the following item on the Commissions Court Agenda for a February 21, 2012 voting session:

**Requested Motion:** Consider and take appropriate action on the recommendation to modify contract number 12K00137JW, Plain View Waterline to re-assign all of right, title and interest in and to the Contract from HORNSBY BEND UTILITY COMPANY, INC. (HBUC), a corporation duly authorized and operating under the laws of the State of Texas, and SOUTHWEST WATER COMPANY, a corporation duly authorized and operating under the laws of the State of Texas.

### Summary and Recommendations

Travis County and HBUC entered into a written Contract for the construction of waterline(s) in the Plainview Estates subdivision in Travis County, Texas, on June 12, 2007. Travis County agreed to participate with HBUC in the installation and extension of the waterline onto Clear View Drive by paying \$115,000 of the costs so that the entire neighborhood could benefit from a planned expansion by HBUC through Plain View Drive. Additionally, the agreement establishes a \$400 per residence tap fee to make tapping into the waterline affordable by the existing 41 homes. Approximately 20 of the existing residences have not been able to afford to pay the tap fee and install the service lines to their homes resulting in the Commissioners Court's approval of the use of Housing and Urban Development (HUD) Community Development Block Grant Recovery (CDBG-R) funds to complete the installation. By this agreement, Travis County and Hornsby Bend Utility Company, Inc., assign all of its right, title and interest in Contract Number

12K00137JW, Plain View Waterline to Southwest Water Company. This action will reduce the cost of the fees charged to the County to connect the 20 homes by over \$1,100. TNR recommends that Travis County re-assigns this contract.

If you have any questions or require additional information please contact Lee Turner at 854.7598.

Attachments:

Project Location Map  
Agreement Regarding Plain View Waterline  
Assignment of Contract  
Modification of Contract

CC Jessica Rio, Planning and Budget Office  
Sean O'Neal, County Auditor's Office  
Christy Moffett, Health & Human Services  
Jason Walker, Purchasing  
Steve Sun, TNR  
Lee Turner, TNR  
Donna Williams-Jones, TNR

**TRANSPORTATION AND NATURAL RESOURCES**

STEVEN M. MANILLA, P.E., COUNTY EXECUTIVE, TNR



411 West 13th Street  
Executive Office Building  
PO Box 1748  
Austin, Texas 78767  
Phone: (512) 854-9383  
Fax: (512) 854-4697

February 10, 2012

**MEMORANDUM**

TO: Cyd V. Grimes, C.P.M., Purchasing Agent  
Marvin Brice, Assistant Purchasing Agent

FROM: Steve Manilla, P.E., County Executive, TNR/FM *Carol B. Jorgensen*

SUBJECT: **MODIFICATION OF AGREEMENT REGARDING PLAIN VIEW WATERLINE  
CONTRACT NUMBER 12K00137JW**

**Requested Agenda Item**

TNR hereby requests that the Purchasing Department place the following item on the Commissions Court Agenda for a February 21, 2012 voting session:

**Requested Motion: Consider and take appropriate action on the recommendation to modify contract number 12K00137JW, Plain View Waterline to re-assign all of right, title and interest in and to the Contract from HORNSBY BEND UTILITY COMPANY, INC. (HBUC), a corporation duly authorized and operating under the laws of the State of Texas, to SOUTHWEST WATER COMPANY, a corporation duly authorized and operating under the laws of the State of Texas.**

**Summary and Recommendations**

Travis County and Hornsby Bend Utility Co. entered into a written Contract for the construction of waterline(s) in the Plainview Estates subdivision in Travis County, Texas, on June 12, 2007. Travis County agreed to participate with HBUC in the installation and extension of the waterline onto Clear View Drive by paying \$115,000 of the costs so that the entire neighborhood could benefit from a planned expansion by HBUC through Plain View Drive. Additionally, the agreement establishes a \$400 per residence tap fee to make tapping into the waterline affordable by the existing 41 homes. Approximately 20 of the existing residences have not been able to afford to pay the tap fee and install the service lines to their homes resulting in the Commissioners Court's approval of the use of Housing and Urban Development (HUD) Community Development Block Grant Recovery (CDBG-R) funds to complete the installation.

By this agreement, Travis County and Hornsby Bend Utility Company, Inc., assign all of its right, title and interest in Contract Number 12K00137JW, Plain View Waterline to Southwest Water Company. This action will reduce the cost of the fees charged to the County to connect the 20 homes by over \$1,100 per house. TNR recommends that Travis County re-assigns this contract.

If you have any questions or require additional information please contact Lee Turner at 854.7598.

**Attachments:**

- Modification of Contract
- Assignment of Contract
- Agreement Regarding Plain View Waterline
- Project Location Map

CC Jessica Rio, Planning and Budget Office  
Sean O'Neal, County Auditor's Office  
Christy Moffett, Health & Human Services  
Jason Walker, Purchasing  
Steve Sun, TNR  
Lee Turner, TNR  
Donna Williams-Jones, TNR

**WATERLINE**

|   |   |  |
|---|---|--|
| ISSUED BY: PURCHASING OFFICE<br>700 LAVACA ST., SUITE 800<br>AUSTIN, TX 78701                             | PURCHASING AGENT ASST: <b>Jason G. Walker</b><br>TEL NO: (512) 854-9700<br>FAX NO: (512) 854-9185 | DATE PREPARED:<br><b>February 3, 2012</b>  |
| ISSUED TO: <b>Hornsby Bend Utility Company, Inc.</b><br><b>P.O. Box 650784</b><br><b>Dallas, TX 75265</b> | MODIFICATION NO.:<br><p style="text-align: center;"><b>1</b></p>                                  | EXECUTED DATE OF ORIGINAL CONTRACT:<br><p style="text-align: center;"><b>June 12, 2007</b></p> |

ORIGINAL CONTRACT TERM DATES: 6/12/07 – through project completion      CURRENT CONTRACT TERM DATES: 6/12/11 – through project completion

**FOR TRAVIS COUNTY INTERNAL USE ONLY:**

Original Contract Amount: \$115,000.00      Current Modified Amount \$115,000.00.

**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.

1.) Pursuant to the attached Assignment of Contract, Attachment 1, the Contractor's name on Contract No. 12K00137JW is changed as follows:

From: Hornsby Bend Utility Company, Inc.  
 P.O. Box 650784  
 Dallas, TX 75265

To: Southwest Water Company  
 12535 Reed Rd.  
 Sugar Land, TX 77478

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Printed Name

\_\_\_\_\_  
 Printed Name

DRAFT

**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: _____<br><br>BY: _____<br>SIGNATURE<br><br>BY: _____<br>PRINT NAME<br><br>TITLE: _____<br>ITS DULY AUTHORIZED AGENT | <input type="checkbox"/> DBA<br><input type="checkbox"/> CORPORATION<br><input type="checkbox"/> OTHER<br><br>DATE: _____ |
| TRAVIS COUNTY, TEXAS<br><br>BY: <i>MB</i><br>CYD V. GRIMES, C.P.M., TRAVIS COUNTY PURCHASING AGENT                                       | DATE: _____   |
| TRAVIS COUNTY, TEXAS<br><br>BY: _____<br>SAMUEL T. BISCOE, TRAVIS COUNTY JUDGE   | DATE: _____   |



**ASSIGNMENT OF CONTRACT**

The parties to this Assignment of Contract (this "Assignment") are HORNSBY BEND UTILITY COMPANY, INC., a corporation duly authorized and operating under the laws of the State of Texas ("Assignor"), and SOUTHWEST WATER COMPANY, a corporation duly authorized and operating under the laws of the State of Texas ("Assignee").

**RECITALS:**

- A. Travis County and HORNSBY BEND UTILITY COMPANY, INC. entered into a written Contract for the construction of waterline(s) in the Plainview Estates subdivision in Travis County, Texas, (Contract No.12K00137JW) on June 12, 2007 which is hereby incorporated by reference herein for all purposes as if fully copied and set forth herein at length, (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 as of \_\_\_\_\_ (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.

**ASSIGNOR:**  
HORNSBY BEND UTILITY COMPANY, INC.

**ASSIGNEE:**  
SOUTHWEST WATER COMPANY

By: \_\_\_\_\_

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title & Date: \_\_\_\_\_

Title & Date: \_\_\_\_\_

Attest: \_\_\_\_\_

Attest: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Travis County consents to this assignment of the Contract from HORNSBY BEND UTILITY COMPANY, INC. to SOUTHWEST WATER COMPANY

TRAVIS COUNTY, TEXAS

By: \_\_\_\_\_  
Samuel T. Biscoe  
Travis County Judge

Date: \_\_\_\_\_