



Travis County Commissioners Court Agenda Request

Meeting Date: 10/16/2012, 9:00 AM, Voting Session

Prepared By/Phone Number: John E. Pena, CTPM; Marvin Brice, CPPB, Purchasing Office, 512-854-9700

Elected/Appointed Official/Dept. Head: Cyd Grimes, Purchasing Agent

Commissioners Court Sponsor: Judge, Samuel T. Biscoe

AGENDA LANGUAGE: APPROVE MODIFICATION NO. 1 TO CONTRACT NO. 4400001020, FOR ASSIGNMENT OF PAYMENTS FROM HOT ROD MECHANICAL, INC. TO SYRBERUS, INC.

- 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.
- On September 18, 2012, the Commissioners Court approved Contract No. 4400001020 to Hot Rod Mechanical, Inc. to perform construction services of the Gault Annex Building HVAC Renovation project (Agenda Item No. 14). The project consists of the demolition of the existing HVAC system and installation of a new HVAC System in the Gault Annex Building located at 505 W. 11th Street, Austin, Texas 78701. This contract requires the contractor to provide labor, equipment, materials, supervision and related incidentals to complete the required work.
- Purchasing received a request from the contractor to have all payments assigned to its surety (Syrberus, Inc.).
- As a result, approval of Modification No. 1 will assign payments from Hot Rod Mechanical, Inc., to Syrberus, Inc. for disbursements of funds pursuant to requirements of the surety bond written by State National Insurance Company.
- Contract Expenditures: Within the last 12 months \$0.00 has been spent against this contract.

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.

➤ **Contract-Related Information:**

Award Amount: \$925,000.00

Contract Type: Construction

Contract Period: One Hundred Eighty (180) Calendar Days from Notice to Proceed date.

➤ **Contract Modification Information:** One (1)

Modification Amount: \$0.00

Modification Type: Administrative

Modification Period: Through Completion

MODIFICATION OF CONTRACT NUMBER 4400001020, GAULT ANNEX BUILDING HVAC RENOVATION

| | | |
|---|---|--|
| ISSUED BY: Travis County Purchasing Office 700 Lavaca Street, Suite 800 Austin, Texas 78701 | PURCHASING AGENT ASST: John Pena OFFICE: (512) 854-9700 FAX: (512) 854-9185 | DATE PREPARED: October 3, 2012 |
| ISSUED TO: Hot Rod Mechanical, Inc. 3415 E. 5 th Street Austin, Texas 78702 | MODIFICATION NO.: One (1) | EXECUTED DATE OF ORIGINAL CONTRACT: September 18, 2012 |
| ORIGINAL CONTRACT TERM DATES: 180 Calendar Days from NTP issuance. | | CURRENT CONTRACT TERM DATES: N/C |

FOR TRAVIS COUNTY INTERNAL USE ONLY:
 Original Contract Amount: \$925,000.00 Current Modified Amount: \$925,000.00

DESCRIPTION OF CHANGES:

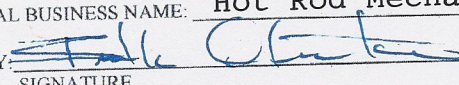
The purpose of this modification is to assign payments for Contract No. 4400001020 from Hot Rod Mechanical, Inc. (the Assignor), to Syrberus, Inc. (the Assignee).

All payments under this contract shall be made to:

Contractor Managing General Insurance Agency, Inc.
 as Administrator to State National Insurance Company
 c/o Syrberus, Inc.
 4164 Austin Bluffs Parkway, #362
 Colorado Springs, CO 80918

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.

Note to Vendor/Contractor:
 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.

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|--|---|
| LEGAL BUSINESS NAME: <u>Hot Rod Mechanical, Inc.</u> BY: <u></u> SIGNATURE BY: <u>Bertha Gutierrez</u> PRINT NAME TITLE: <u>President</u> ITS DULY AUTHORIZED AGENT | <input type="checkbox"/> DBA <input checked="" type="checkbox"/> CORPORATION <input type="checkbox"/> OTHER DATE: <u>10/04/12</u> |
| TRAVIS COUNTY, TEXAS BY: _____ CYD V. GRIMES, C.P.M., CPPO, TRAVIS COUNTY PURCHASING AGENT | DATE: _____ |
| TRAVIS COUNTY, TEXAS BY: _____ SAMUEL T. BISCOE, TRAVIS COUNTY JUDGE | DATE: _____ |

ASSIGNMENT OF PAYMENTS

The parties of this Agreement are Hot Rod Mechanical, Inc. (the Assignor), Syrberus, Inc., (the Assignee) and Travis County, Texas.

RECITALS:

A. Travis County and Hot Rod Mechanical, Inc. entered into a written contract for the provision of the Gault Annex Building HVAC Renovation (Contract No. 4400001020), on September 18, 2012.

B. Assignor desires by this Agreement to assign all payments to be made against 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 to as follows:

1. Assignor assigns to the Assignee all payments in Contract No. 4400001020 as of September 18, 2012.
2. Assignor and Assignee acknowledge that nothing in this Agreement waives or modifies any of the provisions of the Contract.
3. The provisions of this Agreement are binding on and inure to the benefit of the heirs, representatives, successors and assigns of the parties.

Hot Rod Mechanical, Inc.

Contractor Managing General Insurance Agency, Inc. as Administrator to State National Insurance Company

By: [Signature]
 Printed Name: Bertha Gutierrez
 Title & Date: President 10/04/12
 Attest: [Signature]
 Date: 10/04/12

By: [Signature]
 Printed Name: Stephanie H. Shear
 Title & Date: President 10/3/12
 Attest: [Signature]
 Date: 10/3/12

Travis County consents to this Assignment of Payments from Hot Rod Mechanical, Inc. to Syrberus, Inc.

TRAVIS COUNTY, TEXAS

By: _____
Samuel T. Biscoe, County Judge

Date: _____