



Travis County Commissioners Court Agenda Request

Meeting Date: Tuesday, March 12, 2013

Prepared By/Phone Number: Sydney Ceder, 854-9882

Elected/Appointed Official/Dept. Head: Cyd Grimes

Commissioners Court Sponsor: Judge Biscoe

Agenda Language: Approve Modification No. 2, an Assignment of Contract No. 440000215 (HTE Contract No. 12T00066CW) from Contech Construction Products, Inc. to Contech Engineered Solutions, Inc. dba Contech Engineered Solutions, LLC.

- **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 for the purchase of culvert pipe for Travis County.

This Modification No. 2 will approve assignment of Contract # 12T00066CW to Contech Engineered Solutions, Inc. dba Contech Engineered Solutions, LLC from Contech Construction Products. Contech Engineered Solutions, Inc. dba Contech Engineered Solutions, LLC will assume all rights and responsibilities to Contract # 12T00066CW.

- **Contract Modification Information:**

Modification Amount: N/A

Modification Type: Requirements

Modification Period: January 31, 2013 – January 30, 2014

- **Funding Information:**

SAP Shopping Cart # / Funds Reservation #: N/A

Funding Account(s):

Comments:

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.




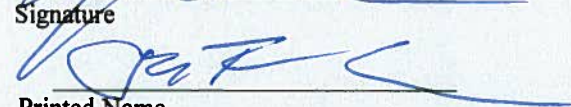
MODIFICATION OF CONTRACT: 12T00066CW Culvert Pipe
(SAP # 4400000215)

| | | |
|---|---|---|
| ISSUED BY: PURCHASING OFFICE 700 LAVACA STREET, 8 TH FLOOR AUSTIN, TX 78701 | PURCHASING AGENT ASST: Sydney Ceder TEL. NO: (512) 854-9882 FAX NO: (512) 854-9185 | DATE PREPARED: February 5, 2013 |
| ISSUED TO: 1000000518 Contech Construction Products, Inc. Attn: Sam Smith P.O. Box 1248 Taylor, Texas 76574 | MODIFICATION NO.: 2 | EXECUTED DATE OF ORIGINAL CONTRACT: January 31, 2012 |
| ORIGINAL CONTRACT TERM DATES: <u>January 31, 2011 – January 30, 2012</u> | | CURRENT CONTRACT TERM DATES: <u>January 31, 2013 – January 30, 2014</u> |

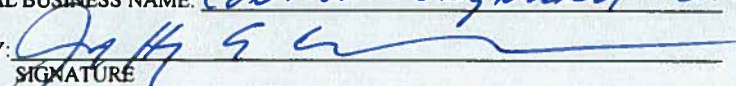
FOR TRAVIS COUNTY INTERNAL USE ONLY: Original Contract Amount: N/A Current Modified Amount N/A

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 effective February 8, 2012:

- 1) The Contractor's name on Contract No. 12T00066CW is changed as follows:
- | | |
|--|--|
| <p>From: Contech Construction Products, Inc P.O. Box 1248 Taylor, Texas 76574</p> <p>EIN # 31-1177165</p> <p> Signature</p> <p> Printed Name</p> | <p>To: Contech Engineered Solutions, Inc dba Contech Engineered Solutions, LLC 9025 Centre Pointe Drive, Ste. 400 West Chester, Ohio 45069</p> <p>EIN # 37-1663656</p> <p> Signature</p> <p> Printed Name</p> |
|--|--|

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>Contech Engineered Solutions</u> | <input type="checkbox"/> DBA |
| BY:  SIGNATURE | <input type="checkbox"/> CORPORATION |
| BY: <u>Jeff Collins</u> PRINT NAME | <input type="checkbox"/> OTHER |
| TITLE: <u>AVP</u> ITS DULY AUTHORIZED AGENT | DATE: |
| TRAVIS COUNTY, TEXAS | DATE: |
| BY: _____ CYD V. GRIMES, C.P.M., TRAVIS COUNTY PURCHASING AGENT | DATE: |
| TRAVIS COUNTY, TEXAS | DATE: |
| BY: _____ SAMUEL T. BISCOE, TRAVIS COUNTY JUDGE | DATE: |

ASSIGNMENT OF CONTRACT

The parties to this Assignment of Contract (this "Assignment") are Contech Construction Products, Inc. a corporation duly authorized and operating under the laws of the State of Texas ("Assignor"), and Contech Engineered Solutions, Inc dba Contech Engineered Solutions, LLC a corporation duly authorized and operating under the laws of the State of Texas ("Assignee").

RECITALS:

- A. Travis County and Contech Construction Products, Inc. entered into a written Contract for the provision of Culvert Pipe (Contract No. 12T000696CW) on January 31, 2012, 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 February 8, 2012 (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 12T00066CW.

CONTECH CONSTRUCTION PRODUCTS, INC.

CONTECH ENGINEERED SOLUTIONS, INC.
DBA CONTECH ENGINEERED SOLUTIONS, LLC

By: [Signature]
Printed Name: JEF Collins

By: [Signature]
Printed Name: JEF Collins

Title & Date: AUP 2/22/13

Title & Date: AUP 2/22/13

Attest: _____

Attest: _____

Date: 2/22/13

Date: 2/22/13

By its signature below, Travis County signifies its consent to and approval of this Assignment from Contech Construction Products, Inc. to Contech Engineered Solutions, Inc. dba Contech Engineered Solutions, LLC.

TRAVIS COUNTY, TEXAS

By: _____
Samuel T. Biscoe
Travis County Judge

Date: _____