



Travis County Commissioners Court Agenda Request

Meeting Date: November 19, 2013

Prepared By/Phone Number: Michael Long/854 4850; Marvin Brice/854 9765

Elected/Appointed Official/Dept. Head: Cyd Grimes

Commissioners Court Sponsor: Judge Biscoe

Agenda Language: Approve Modification No. 2, an assignment of Contract No. 4400001140 from Brim, Arnett, Robinett, Conners & McCormick to The John McCormick Law Firm.

- **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.

Contract No. 4400001140 serves to provide litigation services from an outside counsel, Brimm, Arnett, Robinett, Conners & McCormick, approved by Commissioners Court on September 25, 2012.

Modification No. 2 will assign all contract rights and obligations in the contract from Brim, Arnett, Robinett, Conners & McCormick to The John McCormick Law Firm.

Modification No. 1 extended the contract for an additional period of one, from October 1, 2013 through September 30, 2014.

- **Contract Expenditures:** Within the last 12 months \$4990.62 has been spent against this contract/requirement.
- **Contract-Related Information: N/A**
 - Award Amount:
 - Contract Type:
 - Contract Period:
- **Contract Modification Information: N/A**
 - Modification Amount:
 - Modification Type:
 - Modification Period:

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

➤ **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: N/A**

SAP Shopping Cart #:

Funding Account(s):

Comments:

DAVID A. ESCAMILLA
COUNTY ATTORNEY

STEPHEN H. CAPELLE
FIRST ASSISTANT

JAMES W. COLLINS
EXECUTIVE ASSISTANT

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TRANSACTIONS DIVISION

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BARBARA J. WILSON

MARY ETTA GERHARDT

TENLEY A. ALDREDGE

JAMES M. CONNOLLY

DANIEL BRADFORD

ELIZABETH H. WINN

† Member of the College
of the State Bar of Texas

October 21, 2013

Mike Long
Travis County Purchasing Office
P.O. Box 1748
Austin, Texas 78767

Re: Brim, Arnett, Robinett, Connors & McCormick; Our File No. 271.28

Dear Mike:

I have provided you a Consent for the Assignment and Acceptance of Assignment of Professional Services Agreement to allow John McCormick to continue providing legal services to defend Constable Ballesteros. The Commissioners Court will need to approve the assignment in order for it to be effective.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "John C. Hille, Jr.", is written over the typed name and title.

John C. Hille, Jr.
Director, Transactions Division

JCH:erm

MODIFICATION OF CONTRACT NUMBER: 4400001140-Legal Services

ISSUED BY: PURCHASING OFFICE PO BOX 1748 AUSTIN, TX 78767	PURCHASING AGENT ASST: Michael Long TEL. NO: (512) 854-4850 FAX NO: (512) 854-9185	DATE PREPARED: October 18, 2013
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ISSUED TO: Brim, Arnett, Robinett Connors & McCormick 2525 Wallingwood Dr., Bldg. 14 Austin, TX 78746 Attn: John McCormick	MODIFICATION NO.: 2	EXECUTED DATE OF ORIGINAL CONTRACT: 9/18/2012
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ORIGINAL CONTRACT TERM DATES: 9/18/2012-9/30/2012 CURRENT CONTRACT TERM DATES: 10/1/2013-9/30/14

FOR TRAVIS COUNTY INTERNAL USE ONLY:

Original Contract Amount: \$ As needed Current Modified Amount \$ N/A

DESCRIPTION OF CHANGES: Upon execution of this modification, the contract is modified as provided below:

1. Pursuant to section 12.1, all contract rights and obligations will be assigned from Brim, Arnett, Robinett, Connors & McCormick to The John McCormick Law Firm.
2. Assignment and Acceptance of Assignment is attached on page 2.

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/City:

- 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: _____

DBA

BY: **See pages 2 and 3 for signature approval lines
SIGNATURE

CORPORATION

BY: _____
PRINT NAME

OTHER

DATE:

TITLE: _____
ITS DULY AUTHORIZED AGENT

TRAVIS COUNTY, TEXAS
BY: Cyd V. Grimes
CYD V. GRIMES, C.P.M., CPPO, TRAVIS COUNTY PURCHASING AGENT

DATE:

11/5/13

TRAVIS COUNTY, TEXAS
BY: **See page 3 for signature approval line
SAMUEL T. BISCOE, TRAVIS COUNTY JUDGE

DATE:

**ASSIGNMENT AND ACCEPTANCE OF ASSIGNMENT
OF PROFESSIONAL SERVICES AGREEMENT
AND CONSENT**

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

RECITALS

WHEREAS, on September 25, 2012, Brim, Arnett, Robinett, Conners & McCormick (the "Firm") and Travis County entered into a Legal Services Agreement (the "Contract") under which the Firm would provide Litigation Services; and

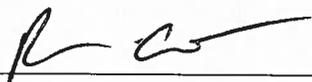
WHEREAS, the Contract has been modified one time, so the Contract and one modification are incorporated herein; and

WHEREAS, the Contract provides for prior written approval before an assignment may occur; and

WHEREAS, the Firm desires to assign all Contract rights and obligations in the Contract to The John McCormick Law Firm (McCormick), and McCormick desires to assume the rights and the duties that accrue under the Contract.

NOW, THEREFORE, the Firm and McCormick agree to the following:

The Firm, effective SEPTEMBER 1, 2013, in consideration of the acceptance of all obligations thereunder that accrue and other good and valuable consideration, by this instrument assigns all of its rights, and all of the duties and obligations under the Contract to McCormick.

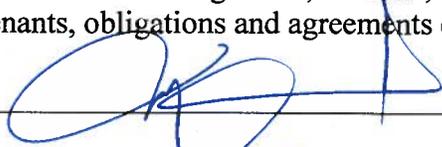
By: 

Date: 10-18-13

Printed Name: RICHARD ARNETT

Date: _____

McCormick accepts the assignment of the rights, and all of the duties and obligations under the Contract and does, in consideration of Travis County's consent to the Assignment, assume, agree to perform and be bound by the covenants, obligations and agreements contained in the Contract.

By:  _____

Printed Name: John F. McCormick

Title: Principal/Owner

Date: 10/23/13

TRAVIS COUNTY consents to the above Assignment and Acceptance of rights, and of duties and obligations described above, and requests the Firm to transfer all Travis County files and documents (hardcopy and electronic) to McCormick as soon as practicable.

TRAVIS COUNTY

By: _____

Printed Name: Samuel T. Biscoe

Title: Travis County Judge

Date: _____