



Travis County Commissioners Court Agenda Request

Meeting Date: Tuesday, January 28, 2014

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. 440000218 from Airgas Southwest to Airgas USA, 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 medical, lab, welding gases & cylinder rental for Travis County.

This Modification No. 2 will approve assignment of Contract #440000218 to Airgas USA, LLC from Airgas Southwest. Airgas USA, LLC will assume all rights and responsibilities to Contract #440000218.

- **Contract Modification Information:**

Modification Amount: N/A

Modification Type: Requirements

Modification Period: January 28, 2014 – April 19, 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: 12T00121CW Medical, Lab, Welding Gases and Cylinder Rental Page 1 of 2
(SAP# 4400000218)

ISSUED BY: PURCHASING OFFICE P.O. BOX 1748 AUSTIN, TX 78767	PURCHASING AGENT ASST: Sydney Ceder TEL. NO: (512) 854-9882 FAX NO: (512) 854-9185	DATE PREPARED: December 12, 2013
ISSUED TO: 1000019068 Airgas, Inc. dba Airgas USA, LLC Attn: Brent Sparks 259 N. Radnor Chester Road Radnor, PA 19087	MODIFICATION NO.: 2	EXECUTED DATE OF ORIGINAL CONTRACT: April 4, 2011

ORIGINAL CONTRACT TERM DATES: **April 20, 2012 – April 19, 2013** CURRENT CONTRACT TERM DATES: **April 20, 2012 – April 19, 2014**

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

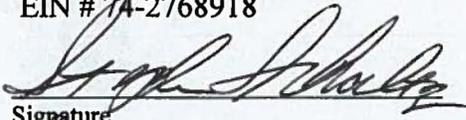
DESCRIPTION OF CHANGES: Except as provided herein, all terms, conditions, and provisions of the document referenced above as heretofore modified, remain unchanged and in full force and effect.

The above referenced contract is hereby modified to reflect the following changes effective December 9, 2013:

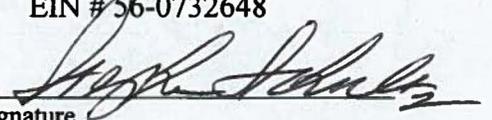
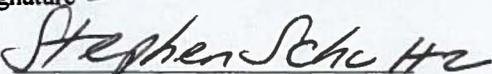
1) The Contractor's name on Contract No. 12T00121CW (4400000218) is changed as follows:

From: Airgas Southwest
11111 N. Lamar
Austin, Texas 78753
EIN # 74-2768918

To: Airgas, Inc. dba Airgas USA, LLC
259 N. Radnor Chester Road
Radnor, Pennsylvania 19087
EIN # 56-0732648

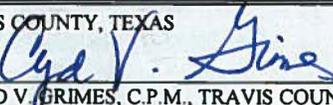

Signature

Printed Name


Signature

Printed Name

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: _____	<input type="checkbox"/> DBA
BY: _____ SIGNATURE	<input type="checkbox"/> CORPORATION
BY: _____ PRINT NAME	<input type="checkbox"/> OTHER
TITLE: _____ ITS DULY AUTHORIZED AGENT	DATE: _____
TRAVIS COUNTY, TEXAS BY:  CYD V. GRIMES, C.P.M., TRAVIS COUNTY PURCHASING AGENT	DATE: 1/16/14
TRAVIS COUNTY, TEXAS BY: _____ SAMUEL T. BISCOE, TRAVIS COUNTY JUDGE	DATE: _____

ASSIGNMENT OF CONTRACT

The parties to this Assignment of Contract (this "Assignment") are Airgas Southwest a corporation duly authorized and operating under the laws of the State of Texas ("Assignor"), and Airgas, Inc. dba Airgas USA, LLC a corporation duly authorized and operating under the laws of the State of Texas ("Assignee").

RECITALS:

- A. Travis County and Airgas Southwest entered into a written Contract for the provision of Medical, Lab and Welding Gases and Cylinder Rental (Contract No.12T00121CW, SAP#4400000218) on April 4, 2011, 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 December 9, 2013 (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 12T00121CW, SAP #4400000218.

AIRGAS SOUTHWEST

By: [Signature]

Printed Name: Stephen Schube

Title & Date: Branch Manager 1-9-14

Attest: _____

Date: _____

AIRGAS, INC. DBA AIRGAS USA, LLC

By: [Signature]

Printed Name: Stephen Schube

Title & Date: Branch Manager 1-9-14

Attest: _____

Date: _____

By its signature below, Travis County signifies its consent to and approval of this Assignment from Airgas Southwest to Airgas, Inc. dba Airgas USA, LLC.

TRAVIS COUNTY, TEXAS

By: _____
Samuel T. Biscoe
Travis County Judge

Date: _____