



Travis County Commissioners Court Agenda Request

Meeting Date: February 11th, 2014

Prepared By/Phone Number: Rachel Fishback, 512.854.9853

Elected/Appointed Official/Dept. Head: Cyd Grimes

Commissioners Court Sponsor: Judge Biscoe

Agenda Language: Approve Modification No. 5, an Assignment of Contract and Assignment of Payment, Contract No. 4400000214, from YPS Refrigeration II, LLC to Energy Logix of Texas, 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 HVAC Repair services for Travis County.

This Modification No. 5 will approve Assignment of contract no. 4400000214 from YPS Refrigeration II, LLC to Energy Logix of Texas, LLC. This Modification will also approve Assignment of Payment of contract no. 4400000214 from YPS Refrigeration II, LLC to Energy Logix of Texas, LLC. Energy Logix of Texas, LLC will assume all rights and responsibilities to contract no. 4400000214

- **Contract Modification Information:**

Award Amount: estimated requirement

Contract Type: Annual, Unilateral

Contract Period: December 31, 2013 through January 30, 2015

- **Funding Information:**

SAP Shopping Cart #/Funds Reservation #: NA

Comments:

MODIFICATION OF CONTRACT: HVAC Repair Services (4400000214, 12T00065NB)

ISSUED BY:
PURCHASING OFFICE
700 LAVACA STREET, 8TH FLOOR
AUSTIN, TX 78701

PURCHASING AGENT ASST:
Rachel Fishback
TEL. NO: (512) 854-9853
FAX NO: (512) 854-9185

DATE PREPARED:
January 21, 2014

ISSUED TO:
YPS Refrigeration II, LLC
Attn: Glenn Randle
P.O. Box 66609
Austin, TX 78766

MODIFICATION NO.:
5

EXECUTED DATE OF ORIGINAL CONTRACT:
January 30, 2012

ORIGINAL CONTRACT TERM DATES: **Jan 31, 2012 – Jan 30, 2013** CURRENT CONTRACT TERM DATES: **Jan 31, 2014 – Jan 30, 2015**

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

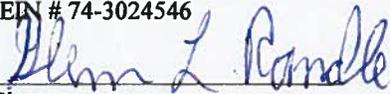
DESCRIPTION OF CHANGES: Except as provided herein, all terms, conditions, and provisions of the document referenced above as heretofore modified, remain unchanged and in full force and effect.

The above referenced contract is hereby modified to reflect the following changes effective December 31, 2013:

1) The Contractor's name on Contract No. 4400000214 is changed as follows:

From: YPS Refrigeration II, LLC
P.O. Box 66609
Austin, Texas 78766
EIN # 74-3024546

To: Energy Logix of Texas, LLC
1946 S IH 35, Suite 201
Austin, TX, 78704
EIN # 46-4587456


Signature
GLENN L. RANDLE
Printed Name


Signature
Stephen Scott Johnson
Printed Name

2) The Assignment of Payments on Contract No. 4400000214 is changed as follows:

From: YPS Refrigeration II, LLC
P.O. Box 66609
Austin, Texas 78766
EIN # 74-3024546

To: Energy Logix of Texas, LLC
1946 S IH 35, Suite 201
Austin, TX, 78704
EIN # 46-4587456


Signature
GLENN L. RANDLE
Printed Name


Signature
Stephen Scott Johnson
Printed Name

Note to Vendor:
[X] 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: Energy Logix of Texas, LLC
BY: 
SIGNATURE
BY: Stephen Scott Johnson
PRINT NAME
TITLE: Manager
ITS DULY AUTHORIZED AGENT

DBA
 CORPORATION
 OTHER
DATE:
1/28/14

TRAVIS COUNTY, TEXAS
BY: _____
CYD V. GRIMES, C.P.M., TRAVIS COUNTY PURCHASING AGENT

DATE:

TRAVIS COUNTY, TEXAS
BY: _____
SAMUEL T. BISCOE, TRAVIS COUNTY JUDGE

DATE:

ASSIGNMENT OF CONTRACT

The parties to this Assignment of Contract (this "Assignment") are YPS Refrigeration II, LLC a corporation duly authorized and operating under the laws of the State of Texas ("Assignor"), and Energy Logix of Texas, LLC a corporation duly authorized and operating under the laws of the State of Texas ("Assignee").

RECITALS:

- A. Travis County and YPS Refrigeration II, LLC entered into a written Contract for the provision of HVAC Repair Services (Contract No. 4400000214, 12T00065NB) on January 30, 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 December 31, 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 4400000214, 12T00065NB.

YPS REFRIGERATION II, LLC

By: Glenn L. Randle

Printed Name: GLENN L RANDLE

Title & Date: PRESIDENT 1-28-14

Attest: Cindy McKay

Date: 1/28/14

ENERGY LOGIX OF TEXAS, LLC.

By: [Signature]

Printed Name: Stephen Scott Johnson

Title & Date: Manager 1/28/14

Attest: [Signature]

Date: 1-28-14

By its signature below, Travis County signifies its consent to and approval of this Assignment from YPS Refrigeration II, LLC to Energy Logix of Texas, LLC.

TRAVIS COUNTY, TEXAS

By: _____
Samuel T. Biscoe
Travis County Judge

Date: _____

ASSIGNMENT OF PAYMENTS

The parties of this Agreement are YPS Refrigeration II, LLC (the Assignor), Energy Logix of Texas, LLC (the Assignee) and Travis County, Texas.

RECITALS:

- A. Travis County and YPS Refrigeration II, LLC entered into a written contract for the provision of HVACR Repair Service (Contract No. 440000214 [12T00065NB]), on January 30, 2012.
- B. Effective August 21, 2012, (the Assignor) YPS Refrigeration II, LLC assigned all payments to (the Assignee) Liquid Capital Exchange, Inc.
- C. Effective February 20, 2013, (the Assignor) YPS Refrigeration II, LLC assigned all payments to (the Assignee) DSCH Capital Partners, LLC d/b/a Far West Capital
- D. Assignor, YPS Refrigeration II, LLC, desires by this Agreement to assign all payments to be made against the Contract to Assignee, Energy Logix of Texas, LLC, 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. 440000214 [12T00065NB]), as of December 31, 2013.
- 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.

YPS Refrigeration II, LLC

By: Glenn L. Randle

Printed Name: GLENN L. RANOLE

Title & Date: PRESIDENT 1-28-14

Attest: Cindy McKay

Date: 1/28/14

Energy Logix of Texas, LLC

By: [Signature]

Printed Name: Steph Scott Johnson

Title & Date: Manager 1/28/14

Attest: [Signature]

Date: 1-28-14

Travis County consents to this Assignment of Payments from YPS Refrigeration II, LLC to Energy Logix, Inc.
TRAVIS COUNTY, TEXAS

By: _____
CYD V. GRIMES, CPPO, C.P.M.,
TRAVIS COUNTY PURCHASING AGENT

Date: _____

P.O. Box 66609
Austin, TX 78766-6609
Phone: (512) 472-5042
Fax: (512) 479-8107
website: www.yps.com



RECIPIENT



Austin's Leading Commercial HVAC Service Company

JANUARY 21, 2014

TRAVIS COUNTY PURCHASING DEPT.

700 LAVACA SUITE # 800

AUSTIN, TEXAS 78701

ATTN: MRS. RACHEL FISHBACK

I HAD TO CLOSE DOWN OPERATION OF YPS REFRIGERATION II L.L.C. ON DECEMBER 31, 2013 DUE TO MY FACTORING FIRM REFUSING TO FUND INVOICES THAT I HAD SOLD TO THEM, THIS LEFT ME WITH NO CHOICE BUT TO SHUT DOWN OPERATION.

I HAVE HAD A FORMER EMPLOYEE COVER THE NEEDS OF COUNTY ,UNTIL SCOTT JOHNSON AND HIS FIRM "ENERGY LOGIX INC". LOCATED AT 1946 SOUTH I.H. 35 AUSTIN, TEXAS 78704 STEP IN TO COVER ANY REQUIREMENTS NEEDED AS OF 1-14-14. I FEEL THAT TRAVIS COUNTY WILL BE WELL SERVED TO USE SCOTT'S FIRM AS HIS HAS HIRED MY FORMER EMPLOYEES THAT ARE FAMILIAR WITH ALL SITES AND PROPOSED PROJECTS. ENERGY LOGIX CAN BE REACHED AT MY OLD PHONE # OF 512-472-5042, SCOTT'S CELL # IS 512-906-9033. I WILL BE CONSULTING WITH SCOTT FOR AWHILE MY PHONE WILL BE THE SAME AT 512-845-4264.

I FEEL THE COUNTY WILL BE PLEASED WITH THIS NEW ARRANGEMENT.

GLENN L. RANDLE PRES.