



## Travis County Commissioners Court Agenda Request

**Meeting Date:** April 1, 2014

**Prepared By/Phone Number:** David Walch 46663; Marvin Brice 49765

**Elected/Appointed Official/Dept. Head:** Cyd Grimes

**Commissioners Court Sponsor:** Judge Biscoe

**Agenda Language: Approve Modification No. 2 to Contract No. 4400000434, Harry M. Whittington (D/B/A Travis Properties), for Office Space at 205-209 West 9<sup>th</sup> Street.**

- **Purchasing Recommendation and Comments:** This procurement action meets the compliance requirements as outlined by the statutes.

October 1, 2008, the Commissioners Court approved a lease agreement between Harry Whittington (D/B/A Travis Properties) and Travis County for space located at 205-209 West 9<sup>th</sup> Street in Austin, Texas. The Office of Child Representation and office of Parent Representation are occupying 6,992 net rentable square feet at this location.

This Modification No. 2 is an assignment of this contract from Harry M. Whittington D/B/A Travis Properties, Tax Id # 465208472 to Harry M. Whittington, Travis Properties, Tax Id # 74-1182338. The agency restructured changing their tax entity resulting in the formulation of a new agency. All services will remain the same.

Amendment No. 1 to this contract extended the lease for a one year term from January 1, 2014 through December 31, 2014 at \$19.22 per rentable square foot of space.

- **Contract Expenditures:** Within the last 12 months \$134,386.24.00 has been spent against this contract/requirement.

- **Contract-Related Information:**

Award Amount: \$122,360.00 (Year 1)

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

Contract Type: Lease

Contract Period: January 1, 2009 to December 31, 2013

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

## Juan Gonzalez

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**From:** Tristan Whitmire  
**Sent:** Tuesday, January 14, 2014 9:19 AM  
**To:** Amy Draper; David Walch; Kapp Schwebke  
**Cc:** Jennifer Proctor romero  
**Subject:** Harry Whittington contract PO 4100030122 needs to be liquidated and re encumbered to V# 1000002687  
**Attachments:** WhittingtonW9.pdf  
**Importance:** High

The Vendor changed tax ID#s and so we have to block vendor 1000000948. Please re-encumber to vendor 1000002687 and email me the new PO so it's ready to be paid when Amy sends me the payment request.

Thanks!  
Tristan

*not*

Form **W-9**  
(Rev. December 2011)  
Department of the Treasury  
Internal Revenue Service

# Request for Taxpayer Identification Number and Certification

Give Form to the requester. Do not send to the IRS.

Print or type  
See Specific instructions on page 2.

Name (as shown on your income tax return)  
**HARRY M. WHITTINGTON**

Business name/disregarded entity name, if different from above  
**Travis Properties**

Check appropriate box for federal tax classification:  
 Individual/sole proprietor     C Corporation     S Corporation     Partnership     Trust/estate  
 Limited liability company Enter the tax classification (C-C corporation, S-S corporation, P-partnership) ▶     Exempt payee  
 Other (see instructions) ▶

Address (number, street, and apt. or suite no.)  
**P. O. BOX 357**

City, state, and ZIP code  
**Austin, TX 78767-0357**

List account number(s) here (optional)

Requester's name and address (optional)  
**V- 1000002687  
7000000765**

## Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

**Note.** If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social security number										
			-				-			

Employer identification number									
7	4	-	1	1	8	2	3	3	8

## Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
- I am a U.S. citizen or other U.S. person (defined below).

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 4.

Sign Here    Signature of U.S. person ▶ *Harry M. Whittington*    Date ▶ **January 28, 2013**

## General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

### Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued).
- Certify that you are not subject to backup withholding or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

**Note.** If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

**Definition of a U.S. person.** For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien.
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States.
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7)

**Special rules for partnerships.** Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

**MODIFICATION OF CONTRACT NUMBER: 4400000434 – (H.T.E. LA120017DW) Lease**

PAGE 1 OF 2 PAGES

ISSUED BY: PURCHASING OFFICE P.O. Box 1748 AUSTIN, TX 78767	PURCHASING AGENT ASST: David Walch TEL. NO: (512) 854-9700 FAX NO: (512) 854-9185	DATE PREPARED: <b>February 20, 2014</b>
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ISSUED TO: <b>Harry Whittington</b> <b>Travis Properties</b> <b>P.O. Box 357</b> <b>Austin, Texas 78767-0357</b>	MODIFICATION NO.: <b>2</b>	EXECUTED DATE OF ORIGINAL CONTRACT: <b>January 1, 2009</b>
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ORIGINAL CONTRACT TERM DATES: 01/01/2009 – 12/31/2013      CURRENT CONTRACT TERM DATES: 01/01/2014 – 12-31/2014

**FOR TRAVIS COUNTY INTERNAL USE ONLY:**

Original Contract Amount: \$513,282.72      Current Modified Amount \$647,668.96.

**DESCRIPTION OF CHANGES:**

The current contract will be assigned as it is written on page 2 of this modification and all correspondence and payments references will be modified to read:

Harry M. Whittington  
Travis Properties  
P.O. Box 357  
Austin, Texas 78767

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:**

[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: <u>Travis Properties</u>	<input checked="" type="checkbox"/> DBA
BY: <u>Harry M. Whittington</u> SIGNATURE	<input type="checkbox"/> CORPORATION
BY: <u>Harry M. Whittington</u> PRINT NAME	<input type="checkbox"/> OTHER
TITLE: <u>owner</u> ITS DULY AUTHORIZED AGENT	DATE: <u>3/13/14</u>

TRAVIS COUNTY, TEXAS	DATE:
BY: <u>Cyd V. Grimes</u> CYD V. GRIMES, C.P.M., CPPO, TRAVIS COUNTY PURCHASING AGENT	<u>3/12/14</u>

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

ASSIGNMENT OF CONTRACT

The parties to this Assignment of Contract (this "Assignment") are Harry M. Whittington d/b/a Travis Properties, Tax ID # 465-20-8472 a corporation duly authorized and operating under the laws of the State of Texas ("Assignor"), and Harry M. Whittington, Travis Properties, Tax ID # 74-1182338, a corporation duly authorized and operating under the laws of the State of Texas ("Assignee").

RECITALS:

- A. Travis County and Harry M. Whittington d/b/a Travis Properties entered into a written Lease Agreement for the provision of office space at the 205-209 West 9th Street location, Contract No. 4400000434 (H.T.E. Contract No. LA120017DW) on January 1, 2009, which is hereby incorporated by reference herein for all purposes as if fully copied and set forth herein at length, (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 January 28, 2014 (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. 4400000434 (H.T.E Contract No. LA120017DW).

Harry M. Whittington d/b/a Travis Properties, Tax ID # 465-20-8472

Harry M. Whittington, Travis Properties Tax ID # 74-1182338

By: [Signature]
Printed Name: Harry M. Whittington
Title & Date: Owner 3/13/14

By: [Signature]
Printed Name: Harry M. Whittington
Title & Date: Owner 3/13/14

Attest:
Date:

Attest:
Date:

By its signature below, Travis County signifies its consent to and approval of this Assignment from Harry M. Whittington d/b/a Travis Properties.

TRAVIS COUNTY, TEXAS

By: Samuel T. Biscoe
Travis County Judge

Date: