



Travis County Commissioners Court Agenda Request

Meeting Date: June 17, 2014

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. 4400001218 from Haynes & Boone to McGinnis Lochridge

- **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. 4400001218 serves to provide litigation services from an outside counsel, Haynes & Boone, approved by the Purchasing Agent on December 5, 2012.

Modification No. 2 will assign all contract rights and obligations in the contract from Haynes & Boone to McGinnis Lochridge.

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 \$4680.00 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:

➤ **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:

MODIFICATION OF CONTRACT NUMBER: 4400001218-Legal Services

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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: May 7, 2014

ISSUED TO: Haynes & Boone
600 Congress Avenue, Ste. 1300
Austin, Texas 78701
Attn: Robert Reetz, Jr.

MODIFICATION NO.: 2

EXECUTED DATE OF ORIGINAL CONTRACT: 9/18/2012

ORIGINAL CONTRACT TERM DATES: 11/20/2012-9/30/2013

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 Haynes & Boone to McGinnis Lochridge.
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
- CORPORATION
- OTHER

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

BY: _____
PRINT NAME

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:
5/30/14

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 December 5, 2012, Haynes and Boone (the "Firm") and Travis County entered into a Legal Services Agreement (the "Contract") under which the Firm would provide Tax Law advice; and

WHEREAS, the Contract has been modified to extend the term 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 McGinnis Lochridge, and McGinnis Lochridge desires to assume the rights and the duties that accrue under the Contract.

NOW, THEREFORE, Haynes and Boone and McGinnis Lochridge agree to the following:

Haynes and Boone, effective May 1, 2014, 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 McGinnis Lochridge.

By: 

Date: 5/27/14

Printed Name: Robert A. Lawer

Date: 5/27/14

McGinnis Lochridge 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: *Robert E. Retz, Jr.*

Printed Name: Robert E. Retz, Jr.

Title: Partner

Date: 5/27/2014

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

TRAVIS COUNTY

By: _____

Printed Name: Samuel T. Biscoe

Title: Travis County Judge

Date: _____

MCGINNIS LOCHRIDGE

May 27, 2014

Via e-mail: mike.long@co.travis.TX.US

Mr. Mike Long

Travis County Purchasing Office

RE: Transfer of Client Files
HaynesBoone Client No. 49919

Dear Mr. Long:

I have left Haynes and Boone, LLP and joined the McGinnis Lochridge law firm here in Austin. I believe this change will be beneficial to accomplishing my objective of providing the best services to my clientele.

I would consider it a privilege to continue to represent you. However, in order to do so, I need you to sign the attached form letter, which will authorize the transfer of the files I handled at Haynes and Boone to my new office at McGinnis Lochridge. You may return the form letter via e-mail to me at rreetz@mcginnislaw.com or to Allison Beil, the Records Manager at Haynes and Boone, at allison.beil@haynesboone.com. Upon receipt or your instructions, Haynes and Boone will withdraw from further representation in the matters indicated and will transfer the files to me at my new firm.

If you would prefer to continue to be represented by Haynes and Boone, please advise me, and I will assist in transferring your files to another attorney.

My new contact information will be as follows:

- Robert E. Reetz, Jr.
McGinnis Lochridge
600 Congress Avenue, Suite 2100
Austin, TX 78701
rreetz@mcginnislaw.com
(512) 495-6062 Telephone
(512) 505-6362 Facsimile

If you have any questions, please contact me.



May 27, 2014

Allison Beil
Records Manager
Haynes and Boone, LLP
2323 Victory Ave., Suite 700
Dallas, TX 75219

Re: Transfer of Files to McGinnis Lochridge

Ladies and Gentlemen:

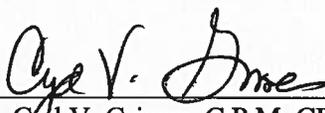
Please forward all of the electronic and physical client files handled by Robert E. Reetz, Jr. listed below to McGinnis Lochridge to the attention of Teresa Riffey, Records Manager. The office address is:

600 Congress Ave., Suite 2100
Austin, TX 78701

If you have any questions regarding the foregoing, please do not hesitate to contact me.

Sincerely,

Travis County Purchasing Office



Ms. Cyndi V. Grimes, C.P.M., CPPO

Exhibit A

List of Files

| <u>Client/Matter Number</u> | <u>Client/Matter Name</u> | |
|------------------------------------|----------------------------------|------------------------|
| 0049919.00001 | Travis County Purchasing Office | General |
| 0049919.00002 | Travis County Purchasing Office | Federal Tax Consulting |