



Travis County Commissioners Court Agenda Request

Meeting Date: November 7, 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. 1 to Contract No. 4400000576, SCI Texas Funeral Services Inc., d/b/a Cook Walden Funeral Home for Indigent Burial Services.

- **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.

The contractor provides Indigent Burial Services for Travis County. This Modification No. 1 is an assignment of the contract from New Forest Oaks INC d/b/a Cook Walden Forest Oaks, Tax ID No. 76-0291087 to SCI Texas Funeral Services, Inc., Tax ID No. 75-1007318. The contractor restructured and the legal entity changed. Services are ongoing and have not been impacted by this change.

- **Contract Expenditures:** Within the last 12 months \$9,625.00 has been spent against this contract/requirement.

- **Contract-Related Information:**

Award Amount:	As-Needed Agreement
Contract Type:	Professional Services Agreement
Contract Period:	April 25, 1995 – Until Terminated

- **Contract Modification Information:**

Modification Amount:	N/A As-Needed Agreement
Modification Type:	Bilateral
Modification Period:	November 7, 2014 – Until Terminated

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.

➤ **Funding Information:**

SAP Shopping Cart #:

Funding Account(s):

Comments: Funding not impacted by modification.

**MODIFICATION OF CONTRACT NUMBER: 4400000576 H.T.E
PS000163MQ-Burial
Services**

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: October 10, 2014
ISSUED TO: Cook Walden Funeral Home 6100 North Lamar Austin, Texas 78752	MODIFICATION NO.: 1	EXECUTED DATE OF ORIGINAL CONTRACT: April 25, 1995

ORIGINAL CONTRACT TERM DATES: 04/25/95 - Until Terminated CURRENT CONTRACT TERM DATES: Until Terminated

FOR TRAVIS COUNTY INTERNAL USE ONLY:

Original Contract Amount: As-Needed Contract Current Modified Amount \$ As-Needed Contract.

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:

SCI Texas Funeral Services Inc.
Cook-Walden Funeral Home
6100 N. Lamar
Austin, Texas 78752

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>SCI Texas Funeral Service Inc.</u>	<input type="checkbox"/> DBA
BY: <u>Timothy Vigeo</u> <u>Cook-Walden Funeral Home</u> SIGNATURE	<input checked="" type="checkbox"/> CORPORATION
BY: <u>Timothy Vigeo</u> PRINT NAME	<input type="checkbox"/> OTHER
TITLE: <u>MANAGER</u> ITS DULY AUTHORIZED AGENT	DATE: <u>10-15-14</u>
TRAVIS COUNTY, TEXAS	DATE:
BY: _____ CYD V. GRIMES, C.P.M., CPPO TRAVIS COUNTY PURCHASING AGENT	DATE:
TRAVIS COUNTY, TEXAS	DATE:
BY: _____ SAMUEL T. BISCOE, TRAVIS COUNTY JUDGE	DATE:

ASSIGNMENT OF CONTRACT

The parties to this Assignment of Contract (this "Assignment") are New Forest Oaks Inc, d/b/a Cook Walden Forest Oaks, Tax ID # 76-0291087 a corporation duly authorized and operating under the laws of the State of Texas ("Assignor"), and SCI Texas Funeral Services, Inc., d/b/a Cook-Walden/Forest Oaks Funeral Home & Memorial Park, Tax ID # 75-1007318, a corporation duly authorized and operating under the laws of the State of Texas ("Assignee").

RECITALS:

- A. Travis County and New Forest Oaks Inc, d/b/a Cook Walden Forest Oaks entered into a written Contract for the provision of indigent burial services for citizens of Travis County (Contract No. 4400000576 H.T.E # PS000163MQ) on April 25, 1995, 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 September 1, 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. 4400000576 H.T.E # PS0000163MQ.

New Forest Oaks Inc, d/b/a Cook Walden Forest Oaks
d/b/a Cook Walden Forest Oaks

SCI Texas Funeral Services, Inc.,
d/b/a Cook-Walden Funeral Home,

By: [Signature]

By: Timothy Viser

Printed Name: Timothy B. Caffelt

Printed Name: Timothy Viser

Title & Date: MANAGER - 10/28/14

Title & Date: MANAGER 10-15-14

Attest: Donna Weiss

Attest: Donna Weiss

Date: 10-28-14

Date: 10-15-14

By its signature below, Travis County signifies its consent to and approval of this Assignment.

TRAVIS COUNTY, TEXAS

By: _____
Samuel T. Biscoe
Travis County Judge

Date: _____

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) SCI Texas Funeral Service Inc	
	Business name/disregarded entity name, if different from above Cook Walden Funeral Home	
	Check appropriate box for federal tax classification: <input type="checkbox"/> Individual/sole proprietor <input checked="" type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____ <input type="checkbox"/> Other (see instructions) ▶ _____	
	<input type="checkbox"/> Exempt payee	
Address (number, street, and apt. or suite no.) 6100 N Lamar Blvd		Requester's name and address (optional)
City, state, and ZIP code Austin, TX 78752		
List account number(s) here (optional)		

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.

Social security number									
<table border="1" style="width: 100%; height: 20px;"> <tr> <td style="width: 25%;"></td> <td style="width: 25%;"></td> <td style="width: 25%;"></td> <td style="width: 25%;"></td> </tr> </table>					<table border="1" style="width: 100%; height: 20px;"> <tr> <td style="width: 25%;"></td> <td style="width: 25%;"></td> <td style="width: 25%;"></td> <td style="width: 25%;"></td> </tr> </table>				

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

Employer identification number									
<table border="1" style="width: 100%; height: 20px;"> <tr> <td style="width: 25%;"></td> <td style="width: 25%;"></td> <td style="width: 25%;"></td> <td style="width: 25%;"></td> </tr> </table>					<table border="1" style="width: 100%; height: 20px;"> <tr> <td style="width: 25%;"></td> <td style="width: 25%;"></td> <td style="width: 25%;"></td> <td style="width: 25%;"></td> </tr> </table>				

Part II Certification

Under penalties of perjury, I certify that:

1. 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
2. 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
3. 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 ▶ Donna Weiss	Date ▶ 10-9-14
------------------	---	-----------------------

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:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. 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.

Juan Gonzalez

From: Duke, Donna <Donna.Duke@dignitymemorial.com>
Sent: Thursday, October 09, 2014 12:07 PM
To: David Walch
Subject: RE: Cook Walden
Attachments: scan0001.pdf

Oh great, here is the correct information. Yes, the Cook Walden Forest Oaks location does not do indigent burials anymore since ya'll moved it to Manor. Please let me know if you need anything else from us!

Donna Duke-Weiss Office Manager

Cook-Walden Funeral Home
6100 N. Lamar Blvd.
Austin, TX 78752
512-454-5611 – Office
512-451-3041-Fax
donna.duke@dignitymemorial.com
www.cookwaldenfuneralhome.com



From: David Walch [<mailto:David.Walch@traviscountytexas.gov>]
Sent: Thursday, October 09, 2014 11:03 AM
To: Duke, Donna
Subject: RE: Cook Walden

Ms. Duke

I'm sorry it's taken some time to clear this up. I've been out a few days and wasn't able to return your call. Today I have a pretty full schedule but will try to reach you later this afternoon.

Our Indigent Burial contracts are very old and are in need of updating. The vendor number and name of your business on our contract could very well be 20 years out of date and was only discovered recently as we've updated our internal accounting program.

With the document I sent for signature we are attempting to update the contract to match the information we received on the W-9 I've attached. The incorrect address is most likely something I did after speaking with a representative at your William Cannon location.

If I need to modify the contract to have the N. Lamar address and I have the name incorrect I'll need a new W-9 that provides me with the correct information to complete the contract modification.

We'll get it worked out.

Thanks

David

From: Duke, Donna [<mailto:Donna.Duke@dignitymemorial.com>]

Sent: Sunday, October 05, 2014 10:29 AM

To: David Walch

Subject: Cook Walden

I have been trying to resolve our problem for several months, I'm not sure why you all think we just changed names, we have been a part of SCI for 20 years. Be that as it may I did receive some paperwork I guess we are supposed to sign but you have put Cook Walden Forest Oaks on all the paperwork and it should just read Cook Walden Funeral Home, also it says 6400 N Lamar and our address is 6100 N Lamar Blvd. Our Forest Oaks location does not participate in the indigent burial program anymore.

I left you a message last week but did not get a return call. Can you please get with me and let me know what to do? We have several contracts well over 60 days that need to be paid.

Thank you,

Donna Duke-Weiss

Office Manager

Cook-Walden Funeral Home

6100 N. Lamar Blvd.

Austin, TX 78752

512-454-5611 – Office

512-451-3041-Fax

donna.duke@dignitymemorial.com

www.cookwaldenfuneralhome.com



Juan Gonzalez

From: Stephen New
Sent: Thursday, September 11, 2014 3:31 PM
To: Jennifer Proctor romero
Cc: Doantrang Lam; Marsha Watson; David Walch
Subject: RE: PO 4100047306

Jennifer,

Can you please provide David the new W-9 that was sent for Cook Walden Funeral Home? He needs this to modify contract PS000163MQ / 44-0576. We are not able to process invoices to this vendor until this is complete. Thanks.

From: Marsha Watson
Sent: Thursday, September 11, 2014 10:38 AM
To: David Walch
Cc: Doantrang Lam; Stephen New
Subject: RE: PO 4100047306

Below is an email I received from Jennifer Romero regarding the tax information.

From: Jennifer Proctor romero
Sent: Thursday, July 31, 2014 9:57 AM
To: Marsha Watson
Subject: RE: Vendor 1000000340

I just called to verify their tax id and it did change. So V# 1000001934 is what should be used. I told Shannon in purchasing as well. A mod will need to be done to the contract and PO's to the old vendor # will need to be unreceived so that they can be liquidated by purchasing.

Jennifer Romero
Travis County Associate Auditor II
Ph 512-854-8822
Fax 512-854-4402

From: David Walch
Sent: Thursday, September 11, 2014 10:24 AM
To: Marsha Watson
Cc: Doantrang Lam; Stephen New
Subject: RE: PO 4100047306

I'm just trying to put together the pieces. All I have is this e-mail chain too. I need something to work with to make things happen. IF you have the new W-9 they submitted that would help.

I haven't found the file yet but will see what I can do.
David

From: Marsha Watson
Sent: Thursday, September 11, 2014 10:22 AM

To: David Walch
Cc: Doantrang Lam; Stephen New
Subject: RE: PO 4100047306

David,

I don't have anything except this string of emails. Got an error message (7/31) when receiving goods for PO 4100047306. Contacted Shannon who contacted Rose Garcia who explained the vendor was blocked by the auditors. My understanding, the vendor's (Cook Walden Funeral Home) tax ID number changed. This change created a new vendor number.

Shannon cancelled PO 4100047306 and stated she would have to do a modification to contract to change vendor number before a new PO could be processed.

I've been waiting for notification the modification was complete.

Thanks
Marsha

From: David Walch
Sent: Thursday, September 11, 2014 9:39 AM
To: Marsha Watson
Cc: Doantrang Lam; Stephen New
Subject: RE: PO 4100047306

Marsha

It looks like PO*47306 was liquidated in July.
I don't see where the contract PS000163MQ / 44-0576 was modified to change the vendor.

Do you have a copy of the Dept memo you sent over? I'll need a copy to make the modification to this contract to change the vendor.

Thanks
David

From: Rose Garcia
Sent: Thursday, September 11, 2014 7:43 AM
To: Marsha Watson
Cc: Doantrang Lam; Stephen New; David Walch
Subject: RE: PO 4100047306
Importance: High

Shannon no longer works here... I think David Walch is doing her stuff .. I am cc him on this email

Rose

From: Marsha Watson
Sent: Thursday, September 11, 2014 7:24 AM
To: Rose Garcia; Shannon Pleasant

Cc: Doantrang Lam; Stephen New
Subject: RE: PO 4100047306

Rose,

Didn't received a response from Shannon yesterday regarding a contract modification. Not sure if she is out or working another project, can you provide an update?

Thank you,
Marsha

From: Marsha Watson
Sent: Wednesday, September 10, 2014 9:12 AM
To: Shannon Pleasant
Subject: RE: PO 4100047306

Has modification been completed?

From: Marsha Watson
Sent: Thursday, July 31, 2014 10:26 AM
To: Shannon Pleasant
Subject: RE: PO 4100047306

Thank you. Please let me know when modification is complete so that I can create another PO with new vendor number.

From: Shannon Pleasant
Sent: Thursday, July 31, 2014 10:19 AM
To: Marsha Watson
Subject: RE: PO 4100047306

Yes, I will cancel the PO and I have to do a modification to the contract to change the vendor #

From: Marsha Watson
Sent: Thursday, July 31, 2014 10:18 AM
To: Shannon Pleasant
Subject: RE: PO 4100047306

I'll need PO 4100047306 cancelled. Can you do that?

From: Shannon Pleasant
Sent: Thursday, July 31, 2014 9:46 AM
To: Marsha Watson
Subject: RE: PO 4100047306

Marsha,

I've contacted Jennifer at the AO and I'll let you know what she says.

From: Rose Garcia
Sent: Thursday, July 31, 2014 9:31 AM
To: Marsha Watson; Shannon Pleasant
Subject: RE: PO 4100047306

Marsha, Shannon is the one who needs to contact the auditors...

Rose

Rosalinda Garcia
Travis County Purchasing
512-854-9763
rose.garcia@co.travis.tx.us

From: Marsha Watson
Sent: Thursday, July 31, 2014 9:10 AM
To: Rose Garcia; Shannon Pleasant
Subject: RE: PO 4100047306

Thank you. I'll contact the auditors office.

From: Rose Garcia
Sent: Thursday, July 31, 2014 8:40 AM
To: Shannon Pleasant
Cc: Marsha Watson
Subject: RE: PO 4100047306

Shannon this vendor is blocked, you need to get with auditors to see why

--	--	--	--	--	--	--	--	--	--	--

Back-End Error:Vendor 1000000340 blocked
 Back-End Error:PO header data still faulty
 Line 1: Delivery date not possible; check your entry
 Line 2: Delivery date not possible; check your entry

Purchase Order Number	4100047306	Purchase Order Type	Purchase Order	Status	Error in Process	Document Date	07/30/2014
------------------------------	------------	----------------------------	----------------	---------------	------------------	----------------------	------------

Overview | Header | Items | Notes and Attachments | Approval | Tracking

General Header Data

Smart Number: WATSONM1 07/30/2014 08:00
 Smart Number is External

Purchase Order Number: 4100047306

Supplier: * 1000000340 [COOK WALDEN FUNERAL HOME INC](#)

PO Subtype:

Requester: * 10643 [MARSHA WATSON](#)

Recipient: 10643 [MARSHA WATSON](#)

Location: 5201 [Central Plant](#)

Ship-To Address: 5202 [Travis County](#)

Purchasing Organization: * [Travis County](#)

Purchasing Group: * 115Shannon Pleasant [Show Members](#)

Total Value (Net): 5,250.00 USD

Note to Supplier:

Internal Note:

Rosalinda Garcia
 Travis County Purchasing
 512-854-9763
rose.garcia@co.travis.tx.us

From: Shannon Pleasant
Sent: Thursday, July 31, 2014 8:37 AM
To: Rose Garcia
Cc: Marsha Watson
Subject: RE: PO 4100047306

Rose can you assist Marsha with this SAP error.

Shannon Pleasant, CTPM
 Purchasing Agent Assistant III
 Travis County Purchasing
 PO Box 1748, Austin TX 78767
 Phone 512.854.1181
 Fax 512.854.9185
shannon.pleasant@co.travis.tx.us

From: Marsha Watson
Sent: Thursday, July 31, 2014 7:59 AM
To: Shannon Pleasant
Subject: PO 4100047306

Shannon,

I have an automatic PO (#4100047306) that has been approved but I cannot receive. Getting message Purchase Order 4100047306 Does Not Exist.

Please assist.

Thank you,

Marsha Watson
Travis County - HHS
502 E Highland Mall Blvd
Austin, TX 78752
512-854-5299
marsha.watson@co.travis.tx.us

This email may contain Travis County confidential information and is intended only for use by those to whom it is addressed. If you are not the intended recipient, please contact sender and delete all copies of the message. Thank You



**TRAVIS COUNTY HEALTH and HUMAN SERVICES
and VETERANS SERVICE
502 E. Highland Mall Blvd.
P. O. Box 1748
Austin, Texas 78767**

**Sherri E. Fleming
County Executive
(512) 854-4100
Fax (512) 279-1608**

DATE: September 19, 2014

TO: Cyd V. Grimes, C.P.M., CPPO, Travis County Purchasing Agent

FROM: *Sherri E. Fleming*
Sherri E. Fleming, County Executive
Travis County Health and Human Services and Veterans Service

SUBJECT: Acceptance of the contract modification of contract #4400000576 to provide funeral services

Proposed Motion:

Consider and take appropriate action regarding the contract modification of contract #4400000576 to provide funeral services for indigent County clients.

Summary and Staff Recommendations:

The Travis County Health and Human Service and Veterans Service department requests a contract modification be processed for contract #4400000576 with New Forest Oaks Inc. dba Cook-Walden Forest Oaks. This vendor has reincorporated and created a new vendor name. The contract modification will need to reflect the vendor name change to SCI Texas Funeral Services Inc. This vendor also has a new tax ID number. This contract provides funeral services for qualified indigent Travis County residents.

Budgetary and Fiscal Impact:

Funding is available for this contract in the HHSVS budget in the following area:

Cost Center # 1580100001 GL # 511360

Issues:

Payments to this vendor for services performed are pending awaiting a contract modification.

cc: Nicki Riley, C.P.A., Travis County Auditor
Melinda Grahmann, Chief Assistant County Auditor II, Travis County Auditor
Marvin G. Brice, CPPB, Asst. Purchasing Agent, County Purchasing Office
David Walch, Purchasing Agent Asst. III, County Purchasing Office
Aerin Pfaffenberger, Budget Analyst II, Planning and Budget Office
Lisa Glass, Financial Analyst Lead, HHSVS
Stephen New, Accountant, HHSVS
Jim Lehrman, Division Director, Family Support Services, HHSVS
Kathleen Haas, Financial Manager, HHSVS