



Travis County Commissioners Court Agenda Request

Meeting Date: November 18, 2014

Prepared By/Phone Number: Jesus Angel Gómez/512-854-1187; Marvin Brice, CPPB, Assistant Purchasing Agent/512-854-9765

Elected/Appointed Official/Dept. Head: Cyd Grimes, C.P.M., CPPO

Commissioners Court Sponsor: Judge Samuel T. Biscoe

Agenda Language: APPROVE MODIFICATION NO. 4, AN ASSIGNMENT OF CONTRACT NO. 4400007999 (H.T.E.CONTRACT NO. PS100196DW), TO BURKES SUPERVISED LIVING CENTER.

- **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.
- Burkes Supervised Living Center entered into a written Contract to provide temporary emergency residential housing services on May 25, 2010.

Modification No. 4 is an assignment of the Contract 4400007999 H.T.E.PS100196DW from Burkes Supervised Living Center, Tax ID No. 45-666989, to Burkes Supervised Living Center, Tax ID No. 74-2425479. Burkes Supervised Living Center, Tax ID 74-2425479, accepts such assignment, and assumes and is bound by and shall perform all terms, conditions, covenants, obligations, and duties.

Modification No. 3 included Section 3.12 “Notification of Violation” to the contract.

Modification No. 2 included Attachment F, “Adult Probation Scope of Services,” and added the unit of rate for services provided to referrals.

ID #11855

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.

Modification No. 1 included Section 3.1.1, allowing the County to refer clients for services as it deems appropriate, regardless of whether the clients are participants in programs named in this Contract.

- **Contract Expenditures:** Within the last 12 months \$19,015.00 has been spent against this contract/requirement.

- **Contract-Related Information:**
 - Award Amount: As Needed Agreement
 - Contract Type: Professional Services Agreement
 - Contract Period: May 25, 2010 – Until Terminated

- **Contract Modification Information:**
 - Modification Amount: N/A
 - Modification Type: Bilateral
 - Modification Period: Effective date: November 18, 2014

- **Funding Information:** N/A
 - SAP Shopping Cart #:
 - Funding Account(s):
 - Comments: Funding not impacted by modification.

ID #11855

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.

Temporary Emergency Residential Housing Services

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 17, 2014
ISSUED TO: Burkes Supervised Living Center 2612 Wheless Lane Austin, Texas 78723 Attn: Toni Taylor	MODIFICATION NO.: <p align="center" style="font-size: 1.2em;">4</p>	EXECUTED DATE OF ORIGINAL CONTRACT: <p align="center" style="font-size: 1.2em;">May 25, 2010</p>

ORIGINAL CONTRACT TERM DATES: 05/25/10 - 09/30/10 CURRENT CONTRACT TERM DATES: (auto-renew)

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:

Burkes Supervised Living Center
 2612 Wheless Lane
 Austin, Texas 78723

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:

- 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>Burkes Supervised Living Center</u> BY: <u><i>Toni Taylor</i></u> SIGNATURE BY: <u>Toni Taylor</u> PRINT NAME TITLE: <u>Director</u> ITS DULY AUTHORIZED AGENT	<input checked="" type="checkbox"/> DBA <input type="checkbox"/> CORPORATION <input type="checkbox"/> OTHER DATE: <p align="center" style="font-size: 1.5em;"><u>10/27/14</u></p>
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TRAVIS COUNTY, TEXAS BY: <u><i>Cyd V. Grimes</i></u> CYD V. GRIMES, C.P.M., CPPO TRAVIS COUNTY PURCHASING AGENT	DATE: <p align="center" style="font-size: 1.5em;"><u>10/31/14</u></p>
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TRAVIS COUNTY, TEXAS BY: _____ SAMUEL T. BISCOE, TRAVIS COUNTY JUDGE	DATE:
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ASSIGNMENT OF CONTRACT

The parties to this Assignment of Contract (this "Assignment") are Burkes Supervised Living Center, Tax ID # 45-666989, a corporation duly authorized and operating under the laws of the State of Texas ("Assignor"), and Burkes Supervised Living Center, Tax ID # 74-2425479, a corporation duly authorized and operating under the laws of the State of Texas ("Assignee").

RECITALS:

- A. Travis County and Burkes Supervised Living Center entered into a written Contract for the provision of temporary emergency residential housing for citizens of Travis County (Contract No. 440000799 H.T.E. PS100196DW) on May 25, 2010, 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 October 17, 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. 440000799 H.T.E # PS100196DW.

Burkes Supervised Living Center
Tax ID # 45-666989

Burkes Supervised Living Center
Tax ID # 74-2425479

By: *Toni Taylor*
 Printed Name: Toni Taylor
 Title & Date: Director 10/30/14
 Attest: *[Signature]*
 Date: 30 OCT 2014

By: *Toni Taylor*
 Printed Name: Toni Taylor
 Title & Date: Director 10/30/14
 Attest: *[Signature]*
 Date: 30 OCT 2014

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: _____

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.

Name (as shown on your income tax return)
Major Burkes & Jani Taylor

Business name/disregarded entity name, if different from above
BURKES SUPERUSED LIVING CENTER

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

Address (number, street, and apt. or suite no.)
2412 Wholesale Lane

City, state, and ZIP code
Crofton, TX 78723

List account number(s) here (optional)

Requester's name and address (optional)

Print or type
See Specific Instructions on page 2.

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 8.

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
74-2425479

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 *Jani Taylor* Date *10/21/14*

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:

- 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.

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.