CITY OF EL PASO, TEXAS AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT:

General Services - Facilities Maintenance Division

AGENDA DATE:

December 9, 2014

CONTACT PERSON/PHONE:

Larry Nichols, Interim General Services Director, (915) 212-8000

Bruce D. Collins, Purchasing Director, (915) 212-1181

DISTRICT (S) AFFECTED: All

SUBJECT:

That the City Manager be authorized to sign Consent to Assignment Contract from American Elevator to Abell Elevator International with respect to the City of El Paso's Contract No. 2012-282 (Elevator Maintenance for Various Buildings).

BACKGROUND / DISCUSSION:

Abell Elevator recently purchased American Elevator. Abell elevator has agreed to the terms and conditions of contract 2012-282.

SELECTION SUMMARY:

This is a Consent to Assign Contract 2012-282 to Abell Elevator International.

PRIOR COUNCIL ACTION:

Council awarded Contract No. 2012-282 Elevator Maintenance for Various City Buildings on March 23, 2012.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Enter appropriate comments or N/A.

N/A

DEPARTMENT HEAD:

Signature

Date

COUNCIL PROJECT FORM (RESOLUTION)

Please place the following item on the **CONSENT** agenda under **RESOLUTIONS** for the Council Meeting of **DECEMBER 9, 2014.**

That the City Manager be authorized to sign Consent to Assignment of Contract No. Contract No. 2012-282 for Elevator Maintenance for Various City Buildings from American Elevator to Abell Elevator International, Inc.

Department: General Services

Districts(s): ALL

*ADDITIONAL INFO BELOW*****

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City Manager be authorized to sign Consent to Assignment of Contract No. Contract No. 2012-282 for Elevator Maintenance for Various City Buildings from American Elevator to Abell Elevator International, Inc.

PASSED AND APPROVED th	is day of2014.
	CITY OF EL PASO
	Oscar Leeser
ATTEST:	Mayor
Richarda D. Momsen City Clerk	·
APPROVED AS TO FORM:	APPROVED AS TO CONTENT:
Sol M-Corta	
Sol M. Cortez	Bruce D. Collins, Director
Assistant City Attorney	Purchasing and Strategic Sourcing Dept.

STATE OF TEXAS)	
)	CONSENT TO ASSIGNMENT OF
COUNTY OF EL PASO)	CONTRACT NO. 2012-282

This Consent to Assignment is executed this ______ day of ______, 2014, by and between the City of El Paso (the "City"), American Elevator, ("Assignor") and Abell Elevator International, Inc. ("Assignee").

WHEREAS, on October 23, 2012, the City entered into Contract No. 2012-282 for Elevator Maintenance for Various City Buildings ("Original Contract") with Assignor for an initial term of thirty six (36) months and an option to extend for an additional two (2) years to provide such services to the City; and

WHEREAS, the Contract was amended on February 21, 2014 ("First Amendment") to include the City Hall Campus as a site where Assignor provides elevator maintenance services; and

WHEREAS, the City and Assignor entered into a second amendment ("Second Amendment") to add the General Services- Municipal Service Center as a site where Assignor provides elevator maintenance services; and

WHEREAS, the Original Contract, First Amendment, and Second Amendment are fully incorporated herein by reference (the "Contract" or "Contract No. 2012-282"); and

WHEREAS, after entering into said Contract, the assets of Assignor were sold to Assignee;

WHEREAS, the Contract provides that it is not assignable without the consent of the City;

WHEREAS, Assignor has requested that the City approve an assignment of the Contract to Assignee;

WHEREAS, Assignee has agreed to be responsible for all duties and obligations under the Contract; and

WHEREAS, the City agrees to the assignment of all rights, duties and obligations encompassed in the Contract to Assignee.

NOW, THEREFORE, IT IS HEREBY AGREED as follows:

- 1. The City consents to the assignment of the rights, duties and obligations under Contract No. 2012-282 to Assignee.
- 2. Assignee agrees to assume and perform all duties, obligations and responsibilities under Contract No. 2012-282.
- 3. All terms and conditions of Contract No. 2012-282 shall remain in full force and effect.
- 4. Assignee agrees to indemnify, defend and hold harmless the City from and against any and all claims, demands, causes of action, court costs, expenses, and attorney's fees which are connected with or arise from the assignment of this Contract or the City's acceptance and recognition of the assignment of Contract No. 2012-282.

(Signature Page to follow)

STATE OF TEXAS COUNTY OF EL PASO)))	CONSENT TO ASSIGNMENT OF CONTRACT NO. 2012-282		
(Signature Page)				
EXECUTED this the	day of	, 2014		
		THE CITY OF EL PASO		
		Tomás González City Manager		
APPROVED AS TO FORM:		APPROVED AS TO CONTENT:		
Sol Corte		-3/ Mm		
Sol M. Cortez Assistant City Attorney		Bruce D. Collins, Director Purchasing and Strategic Sourcing Dept.		
		ASSIGNOR: American Elevator		
	c	Name: Hiland Roxburg Title: Owner		
,		ASSIGNEE: Abell Elevator International, Inc.		
	,	Name: Wilden F. Mary Title: Jegrand Maryahla		