

CITY OF EL PASO, TEXAS
REQUEST FOR COUNCIL ACTION (RCA)

DEPARTMENT: GENERAL SERVICES
AGENDA DATE: APRIL 29, 2008
CONTACT PERSON/PHONE: JEFF BELLES, 621-6821; Terrence Freiburg, Purchasing Mgr., 541-4313
DISTRICT(S) AFFECTED: All

SUBJECT: APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

That the City Manager be authorized to sign a Consent to Assignment of the contract by and between the City of El Paso, Karklean Inc. DBA Vintage Car Wash ("Assignor") and CWPS Corp. DBA Mister Car Wash ("Assignee") with respect to the City of El Paso Contract No. 2007-203.

BACKGROUND / DISCUSSION: Discussion of the what, why, where, when, and how, to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

On or after August 14, 2007, the City entered into Contract No. 2007-203 with Karklean Inc. DBA Vintage Car Wash. Karklean Inc. DBA Vintage Car Wash was purchased by CWPS Corp. DBA Mister Car Wash. Assignee agrees to assume and perform all duties, obligations and responsibilities under Contract No. 2007-203.

PRIOR COUNCIL ACTION: Has the Council previously considered this item or a closely related one?

Common Council action when vendor changes ownership/name and agrees to assume and perform all duties, obligations and responsibilities of a contract.

AMOUNT AND SOURCE OF FUNDING: How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

No change to funding

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD: _____
(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

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 the contract by and between the CITY OF EL PASO, Karklean Inc. D/B/A Vintage Car Wash ("Assignor") and CWPS Corp. D/B/A Mister Car Wash ("Assignee") with respect to the City of El Paso Contract No. 2007-203.

PASSED AND ADOPTED this _____ day of _____, 2008.

THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda D. Momsen
City Clerk

APPROVED AS TO FORM:



Bertha A. Ontiveros
Assistant City Attorney

APPROVED AS TO CONTENT:



Terrence Freiburg
Purchasing Manager, Financial Services

STATE OF TEXAS)
)
COUNTY OF EL PASO)

CONSENT TO ASSIGNMENT

This Consent to Assignment is executed this _____ day of _____, 2008, by and between the City of El Paso (the "City"), Karklean Inc. D/B/A Vintage Car Wash ("Assignor") and CWPS Corp. D/B/A Mister Car Wash ("Assignee").

WHEREAS, on or after August 14, 2007, the City entered into Contract No. 2007-203 (the "Contract") with Assignor and fully incorporated herein by reference;

WHEREAS, pursuant to the Contract, the Assignor was to provide car wash services to the City;

WHEREAS, after entering into the 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. 2007-203 to Assignee.
2. Assignee agrees to assume and perform all duties, obligations and responsibilities under Contract 2007-203.
3. All terms and conditions of Contract No. 2007-203 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. 2007-203.**

(Signatures on following page)

EXECUTED this the _____ day of _____, 2008.

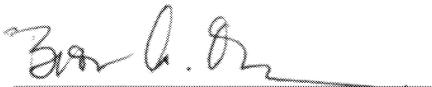
THE CITY OF EL PASO

Joyce A. Wilson
City Manager

ATTEST:

Richarda D. Momsen
City Clerk

APPROVED AS TO FORM:



Bertha A. Ontiveros
Assistant City Attorney

APPROVED AS TO CONTENT:



Terrence Freiburg
Purchasing Manager, Financial Services

ASSIGNOR:
KARKLEAN INC. DBA VINTAGE CAR WASH



NAME PRINTED: Richard O. Taffe
TITLE: President

ASSIGNEE:
CWPS CORP. DBA MISTER CAR WASH



NAME PRINTED: Melissa Dulaney
TITLE: Loyalty Marketing Manager



CAR WASH & LUBE CENTERS

3561 East Sunrise Drive, Suite 125, Tucson, Arizona 85718
520.615.4000 • F. 520.615.4001 • www.mistercarwash.com

Michael Lau
City of El Paso / Financial Services
Two Civic Center Plaza
El Paso, TX 79901-1196
915-541-4308

February 1, 2008

Dear Michael Lau,

Please be advised that CWPS Corp. D/B/A Mister Car Wash purchased the assets of Karklean, Inc. D/B/A Vintage Car Wash effective December 20, 2007. In that regard, Mister Car Wash will honor the contract that Vintage Car Wash had with you according to its terms.

In accord with your request, please also find enclosed with this letter a copy of our insurance certificates and a Form W-9. Please make checks payable to Mister Car Wash. If you have any further questions, contact me at 520-615-4000, Ext. 132.

Sincerely,

Melissa Dulaney
Loyalty Marketing Manager
Mister Car Wash
3561 E. Sunrise Drive, Ste. 125
Tucson, AZ 85718
520-615-4000
F: 520-844-7996
mdulaney@mistercarwash.com

Enclosures: W9/insurance cert

CC: Pat Secord/Mayra Gonzalez

2008 FEB 11 PM 1:50
RECEIVED
PURCHASING DEPARTMENT

08 APR 21 PM 3:08

CITY CLERK DEPT.