

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

DEPARTMENT: Zoo
AGENDA DATE: June 12, 2012
CONTACT PERSON/PHONE: STEVE MARSHALL, ZOO DIRECTOR – 521-1850
BRUCE D. COLLINS, PURCHASING MANAGER, 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 Consent to Assignment of Contract from Superior Fruit & Vegetables to Olus Distributing, Inc. with respect to the City of El Paso's contract No. 2009-023 (Zoo Animal Food-Produce).

Approve reassignment of Bid 2009-023 – Zoo Animal Food-Produce to Olus Distributing for the remainder of FY12 through contract end date, November 15, 2013, in the amount of \$7,500.00.

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?

Superior Fruit & Vegetables was originally awarded the contract. However, the name of the business has changed to Olus Distributing. Management, products and services remain the same.

SELECTION SUMMARY:

Solicitation was advertised on 09/09/2008 and 09/16/2008. The postcards were mailed out on 09/09/2008. The solicitation was posted on City website on 09/09/2008. The email (Purmail) notification was sent out on 09/09/2008. Total of twelve bidders with twelve local vendors were solicited. Three responses were received with three local vendor submitted 3 bids.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

Yes, Bid 2006-022, November 14, 2006

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?

Fund 15445 – Zoo Gate Revenue
Dept ID 52152005 – Zoo Animal Health & Nutrition
Acct 503110 – Animal food & Supplies
Class 52000 – Zoo Administration

BOARD / COMMISSION ACTION:

Enter appropriate comments or N/A

N/A

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

DEPARTMENT HEAD: _____

Name

Signature

Date

**COUNCIL PROJECT FORM
(REQUIREMENTS)**

*******POSTING LANGUAGE BELOW*******

Please place the following item on the **CONSENT** agenda under **RESOLUTIONS** for Council Meeting of **June 12, 2012**.

That the City Manager be authorized to sign Consent to Assignment of Contract from Superior Fruit & Vegetables to Olus Distributing, Inc. with respect to the City of El Paso's contract No. 2009-023 (Zoo Animal Food-Produce).

DEPARTMENT: Zoo
DISTRICT(s): ALL

*******ADDITIONAL INFO BELOW*******

DATE: 5/30/2012

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 from Superior Fruit & Vegetables to Olus Distributing, Inc. with respect to the City of El Paso's Contract No. 2009-023 (Zoo Animal Food-Produce).

PASSED AND APPROVED this ____ day of _____ 2012.

CITY OF EL PASO

John Cook
Mayor

ATTEST:

Richarda D. Momsen
City Clerk

APPROVED AS TO FORM:

Sol M. Cortez

Sol M. Cortez
Assistant City Attorney

APPROVED AS TO CONTENT:

Bruce D. Collins

Bruce D. Collins, Purchasing Manager
Department of Financial Services

STATE OF TEXAS)
)
COUNTY OF EL PASO)

**CONSENT TO ASSIGNMENT OF
CONTRACT NO. 2009-023**

This Consent to Assignment is executed this _____ day of _____, 2012,
by and between the City of El Paso (the "City"), Superior Fruit & Vegetable, Inc. ("Assignor") and
Olus Distributing, Inc. ("Assignee").

WHEREAS, on October 28, 2008, the City entered into Contract No.2009-023 (Zoo
Animal Food- Produce) with Assignor for a term of thirty-six (36) months, which is fully
incorporated herein by reference (the "Contract") to provide such goods to the City;

WHEREAS, on September 27, 2011 the City exercised the option to extend the Contract
for two additional years from November 16, 2011 to November 15, 2013;

WHEREAS, after entering into said Contract, the assets of Assignor were transferred 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. 2009-023 to Assignee

2. Assignee agrees to assume and perform all duties, obligations and responsibilities under Contract No. 2009-023.
3. All terms and conditions of Contract No. 2009-023 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 these Contract or the City's acceptance and recognition of the assignment of Contract No. 2009-023.**

(Signature Page to follow)

STATE OF TEXAS)
)
COUNTY OF EL PASO)

CONSENT TO ASSIGNMENT OF
CONTRACT NO. 2009-023

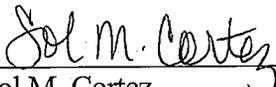
(Signature Page)

EXECUTED this the _____ day of _____, 2012

THE CITY OF EL PASO

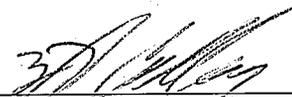
Joyce A. Wilson
City Manager

APPROVED AS TO FORM:



Sol M. Cortez
Assistant City Attorney

APPROVED AS TO CONTENT:



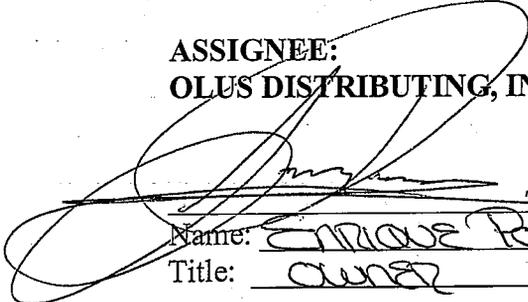
Bruce D. Collins, Purchasing Manager
Department of Financial Services

ASSIGNOR:
SUPERIOR FRUIT & VEGETABLE, INC.



Name: Javier Ponce
Title: PRESIDENT

ASSIGNEE:
OLUS DISTRIBUTING, INC.



Name: ENRIQUE PONCE
Title: OWNER