

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

DEPARTMENT: General Services

AGENDA DATE: August 14, 2012

CONTACT PERSON/PHONE: STUART ED, GENERAL SERVICES DIRECTOR, 621-6822
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 Contract from Granberry Supply Corp. dba HosePower USA to Masthead Industries, Inc. dba HosePower USA with respect to the City of El Paso's Contract No. 2010-123 (High Pressure Coupled Hose Line, Hose Machine Rental and Field Service).

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?

Distribution of these parts was acquired by Masthead Industries, Inc. from Granberry Supply Corp

PRIOR COUNCIL ACTION:

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

N/A

SELECTION SUMMARY:

N/A

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?

BOARD / COMMISSION ACTION:

Enter appropriate comments or N/A

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

DEPARTMENT HEAD: _____

Name

Signature

Date

**PROJECT FORM
(RESOLUTION)**

Please place the following item on the **CONSENT** agenda (under **RESOLUTIONS**) for the Council Meeting of **AUGUST 14, 2012.**

That the City Manager be authorized to sign Consent To Assignment Contract from Granberry Supply Corp. dba HosePower USA to Masthead Industries, Inc. dba HosePower USA with respect to the City of El Paso's contract No. 2010-123 (High Pressure Coupled Rental Hose Line, Hose Machines Rental and Field Service).

Department: General Services

Districts(s): ALL

*******ADDITIONAL INFORMATION 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 Contract from Granberry Supply Corp. dba HosePower USA to Masthead Industries, Inc. dba HosePower USA with respect to the City of El Paso's Contract No. 2010-123 (High Pressure Coupled Hose Line, Hose Machines Rental and Field Service)

PASSED AND APPROVED this ____ day of _____ 2012.

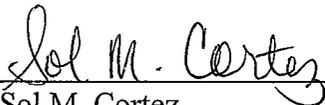
CITY OF EL PASO

John Cook
Mayor

ATTEST:

Richarda D. Momsen
City Clerk

APPROVED AS TO FORM:



Sol M. Cortez
Assistant City Attorney

APPROVED AS TO CONTENT:



Bruce D. Collins, Purchasing Manager
Department of Financial Services

STATE OF TEXAS)
)
COUNTY OF EL PASO)

**CONSENT TO ASSIGNMENT OF
CONTRACT NO. 2010-123**

This Consent to Assignment is executed this _____ day of _____, 2012,
by and between the City of El Paso (the "City"), Granberry Supply Corp. dba HosePower USA
("Assignor") and Masthead Industries, Inc. dba HosePower USA ("Assignee").

WHEREAS, on May 25, 2010, the City entered into Contract No.2010-123 (High Pressure
Coupled Hose Line, Hose Machines Rental and Field Service) 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, 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. 2010-123 to Assignee.
2. Assignee agrees to assume and perform all duties, obligations and responsibilities

under Contract No. 2010-123.

3. All terms and conditions of Contract No. 2010-123 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. 2010-123.

(Signature Page to follow)

STATE OF TEXAS)
)
COUNTY OF EL PASO)

**CONSENT TO ASSIGNMENT OF
CONTRACT NO. 2010-123**

(Signature Page)

EXECUTED this the _____ day of _____, 2012

THE CITY OF EL PASO

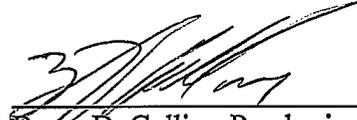
Joyce A. Wilson
City Manager

APPROVED AS TO FORM:



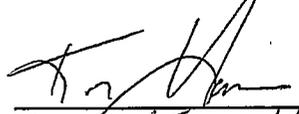
Sol M. Cortez
Assistant City Attorney

APPROVED AS TO CONTENT:



Bruce D. Collins, Purchasing Manager
Department of Financial Services

**ASSIGNOR:
GRANBERRY SUPPLY CORP.
dba HOSEPOWER USA**



Name: KEVIN HANSON
Title: VP & CFO

**ASSIGNEE:
MASTHEAD INDUSTRIES, INC.
dba HOSEPOWER USA**



Name: KEVIN HANSON
Title: CFO