

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

AGENDA DATE: October 22, 2024

PUBLIC HEARING DATE: N/A

CONTACT PERSON(S) NAME AND PHONE NUMBER: Yvette Hernandez, P.E., City Engineer
(915) 212-0065

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: No.7: Enhance and Sustain El Paso's Infrastructure Network
SUBGOAL: N/A

SUBJECT:

Request that the City Manager be authorized to sign a Consent to Assignment to assign an On- Call Agreement, Contract No. 2021-0804R (professional civil engineering services), from DEC – El Paso, LLC to Gannett Fleming, Inc.

BACKGROUND / DISCUSSION:

This consent to assignment will be for the time remaining of the current contract term or the remaining term of ongoing work under this contract.

PRIOR COUNCIL ACTION:

On City council approved the award of contract 2021-0804R to DEC – El Paso, LLC for an amount not to exceed \$750,000 for a two-year term.

AMOUNT AND SOURCE OF FUNDING:

Funding: 2019 Public Safety Bond, Capital Plans, Environmental/Airport Enterprise Funds, Quality of Life Bonds

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? YES NO

PRIMARY DEPARTMENT: Capital Improvement Department

SECONDARY DEPARTMENT: N/A

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

DEPARTMENT HEAD:



Yvette Hernandez, P.E., City Engineer

RESOLUTION

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

THAT the City Manager be authorized to sign a Consent to Assignment to assign an On-Call Agreement, Contract No. 2021-0804R (professional civil engineering services), from DEC – El Paso, LLC to Gannett Fleming, Inc.

APPROVED this ____ day of _____ 2024.

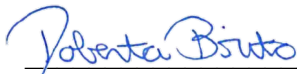
CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:


Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Roberta Brito
Senior Assistant City Attorney

APPROVED AS TO CONTENT:



Yvette Hernandez, P.E., City Engineer
Capital Improvement Dept.

STATE OF TEXAS)
)
COUNTY OF EL PASO)

CONSENT TO ASSIGNMENT

This Consent to Assignment is executed this ____ day of _____, 2024, by and between the City of El Paso (the “City”) through its Capital Improvement Department; DEC – El Paso, LLC (formerly known as Dannenbaum Engineering Company – El Paso, LLC), a Texas Limited Liability Company (“Assignor”); and Gannett Fleming, Inc., a Delaware corporation registered to transact business in Texas (“Assignee”).

WHEREAS, on May 11, 2021, the City through its Capital Improvement Department entered into an On-Call Agreement for Professional Services, Solicitation # 2021-0804R (the “Contract”) with Assignor, which is fully incorporated herein by reference;

WHEREAS, pursuant to the Contract, Assignor is to provide professional civil engineering services on a task order basis;

WHEREAS, Assignee purchased one hundred percent (100%) ownership interest in the sole member of Assignor;

WHEREAS, as a result of the acquisition, Assignor’s operations have been absorbed by Assignee;

WHEREAS, as a result, Assignee and Assignor are requesting consent to the assignment of the Contract to Assignee;

WHEREAS, Assignor’s Federal Tax Identification Number is 25-1613591;

WHEREAS, the Contract provides that it is not assignable without the consent of the City and Assignee has requested that the City approve an assignment of the Contract;

WHEREAS, Assignee has agreed to be responsible for all duties and obligations under the Contract and 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 through its Capital Improvement Department consents to the assignment of the rights, duties and obligations under the Contract to Assignee.
2. Assignee agrees to assume and perform all duties, obligations and responsibilities under the Contract.
3. All terms and conditions of the Contract 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 the Contract to Assignee.

EXECUTED this the _____ day of _____, 2024.


THE CITY OF EL PASO:

Dionne Mack
City Manager

ATTEST:

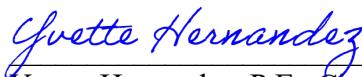
Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Roberta Brito
Assistant City Attorney

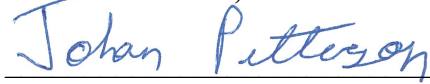
APPROVED AS TO CONTENT:



Yvette Hernandez, P.E., City Engineer
Capital Improvement Department

(Signatures on the following page)

ASSIGNOR:
DEC - EL PASO, LLC



Johan Petterson
Vice President

ASSIGNEE:
GANNETT FLEMING, INC.



John A. Derr
Executive Vice President