

City of Houston, Texas Ordinance No. 2020-856

AN ORDINANCE APPROVING AND AUTHORIZING A FIRST AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF HOUSTON AND ALFA LAVAL, INC. (AS APPROVED BY ORDINANCE NO. 2015-0356); CONTAINING PROVISIONS RELATING TO THE SUBJECT; AND DECLARING AN EMERGENCY.

* * * *

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. The City Council hereby approves and authorizes this First Amendment as described in the title of this Ordinance, in substantially the form as shown in the document which is attached hereto and incorporated herein by this reference. The Mayor is hereby authorized to execute such document and all related documents on behalf of the City of Houston. The City Secretary is hereby authorized to attest to all such signatures and to affix the seal of the City to all such documents.

Section 2. The Mayor is hereby authorized to take all actions necessary to effectuate the City's intent and objectives in approving such agreement, agreements or other undertaking described in the title of this ordinance, in the event of changed circumstances.

Section 3. The City Attorney is hereby authorized to take all action necessary to enforce all legal obligations under said contract without further authorization from Council.

Section 4. There exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this 7th day of October, 2020.

APPROVED this _____ day of _____, 20____.

Mayor of the City of Houston, Texas

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is OCT 13 2020.

At J. Daniel

City Secretary

(Prepared by Legal Dept. Marina Bantz)
(MNB/sjl 07/09/2020) Assistant City Attorney
(Requested by Carol Ellinger Haddock, P.E., Director, Houston Public Works)
(L.D. File No. _____)

CAPTION PUBLISHED IN DAILY COURT
REVIEW
DATE: OCT 13 2020

AYE	NO	
✓		MAYOR TURNER
....	COUNCIL MEMBERS
✓		PECK
✓		DAVIS
✓		KAMIN
✓		EVANS-SHABAZZ
✓		MARTIN
✓		THOMAS
✓		TRAVIS
✓		CISNEROS
✓		GALLEGOS
✓		POLLARD
✓		MARTHA CASTEX-TATUM
✓		KNOX
✓		ROBINSON
✓		KUBOSH
✓		PLUMMER
✓		ALCORN
CAPTION	ADOPTED	

FIRST AMENDMENT TO THE AGREEMENT FOR PREVENTIVE & ON CALL MAINTENANCE SERVICES FOR ALFA LAVAL DECANTER CENTRIFUGES AT THE EAST WATER PURIFICATION PLANT, BETWEEN THE CITY OF HOUSTON AND ALFA LAVAL, INC.

FIRST AMENDMENT TO THE AGREEMENT FOR PREVENTIVE & ON CALL MAINTENANCE SERVICES FOR ALFA LAVAL DECANTER CENTRIFUGES ("FIRST AMENDMENT") is made on the counter-signature date by and between the **CITY OF HOUSTON, TEXAS** (the "City"), a home-rule city of the state of Texas, and **ALFA LAVAL, INC.** (the "Contractor"), a Texas corporation.

RECITALS:

1. Pursuant to Ordinance No. 2015-0356 (April 15, 2015), the City and the Contractor entered into an Agreement for Preventive & On Call Maintenance Services for Alfa Laval Decanter Centrifuges (the "Original Agreement").
2. The Original Agreement allowed for a three-year term with two successive one-year renewals that were set to occur automatically, as well as an option for a 180-day extension should the Department need more time to complete its performance.
3. The Original Agreement was set to expire on April 15, 2020, however the work was not complete. Pursuant to the Original Agreement a 180-day extension was entered, extending the Original Agreement until October 24, 2020.
4. The City and the Contractor now desire to amend the Terms of the Original Agreement in this First Amendment in order to extend the renewal option of the Original Agreement by one-year, extending the Original Agreement until April 15, 2021.
5. **NOW THEREFORE**, the parties agree as follows:

ARTICLE I.

Sub-Section 3.1, of Section 3.0 "Renewals", of Article IV "Terms and Termination", of the Original Agreement, is deleted in its entirety and replaced with the following:

- 3.1 Upon expiration of the Initial Term, and so long as the City makes sufficient supplemental allocations, this Agreement will be automatically renewed for three successive one-year terms on the same terms and conditions. If the Director of the City Department elects not to renew this Agreement, the City Purchasing shall

notify Contractor in writing of non-renewal at least 30 days before the expiration of the then-current term.

ARTICLE II.

Except as modified under this First Amendment, the Original Agreement will remain in full force and effect. In the event of a conflict between the Original Agreement, the First Amendment, this First Amendment shall prevail.

Signatures

The Parties have executed this Agreement in multiple copies, each of which is an original.

ALFA LAVAL, INC.

By: [Signature]
Name: Ken Medlin
Title: Managing Director ASH-BU Deanters

ATTEST/SEAL (if a corporation)
WITNESS (if not a corporation)
By: [Signature]
Name: Larry Packard
Title: Application Engineer - Inside Sales

CITY OF HOUSTON, TEXAS

By: _____
Mayor

ATTEST/SEAL:

City Secretary

APPROVED:
[Signature]
A08C410872BS463...
Director, Houston Public Works

[Signature]
Director, Chief Procurement Officer

COUNTERSIGNED BY:

City Controller

DATE COUNTERSIGNED:

APPROVED AS TO FORM:
[Signature]
Assistant City Attorney
L.D. No. _____