

AGENDA ITEM

30 B

FORT BEND COUNTY FY 2010 COMMISSIONERS COURT AGENDA REQUEST FORM Return Completed Form by E-Mail to: Agenda Coordinator, County Judge's Office

Date Submitted: 5/3/2010

Submitted By: Jeff Braun

Court Agenda Date: 5/25/10

Department: FBC OEM

Phone Number: 281-342-6185

SUMMARY OF ITEM: Take all appropriate action on Agreement between Fort Bend County and the City of Sugar Land to assign all rights and responsibilities related to one netPlanner software license to the City.

RENEWAL AGREEMENT/APPOINTMENT

YES

☐

NO

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REVIEWED BY COUNTY ATTORNEY'S OFFICE:

YES

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NO

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List Supporting Documents Attached: *Signed assignment and property transfer record agreement.*

FINANCIAL SUMMARY:

BUDGETED ITEM: YES

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NO

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FUNDNG SOURCE: Accounting Unit:
Activity (If Applicable):

Account Number:

COUNTY JUDGE
RECEIVED

MAY 13 2010

DESCRIPTION OF LAWSON ACCOUNT:

Instructions to submit Agenda Request Form:

- Completely fill out agenda form: incomplete forms will not be processed.
- Agenda Request Forms should be submitted by e-mail, fax, or inter-office mail, and all back-up information must be provided by Wednesday at 2:00 p.m. to all those listed below.
- All original back-up must be received in the County Judge's Office by 2:00 p.m. on Wednesday.

DISTRIBUTION:

Original Form Submitted with back up to County Judge's Office ☐ (✓ when completed)

If by E-Mail to ospindon@co.fort-bend.tx.us

If by Fax to (281) 341-8609

Distribute copies with back-up to all listed below. If by fax, send to numbers below:

- | | |
|--|--|
| <input type="checkbox"/> Auditor (281-341-3774) | <input type="checkbox"/> Comm. Pct. 1 (281-342-0587) |
| <input type="checkbox"/> Budget Officer (281-344-3954) | <input type="checkbox"/> Comm. Pct. 2 (281-403-8009) |
| <input type="checkbox"/> Facilities/Planning (281-633-7022) | <input type="checkbox"/> Comm. Pct. 3 (281-242-9060) |
| <input type="checkbox"/> Purchasing Agent (281-341-8642) | <input type="checkbox"/> Comm. Pct. 4 (281-980-9077) |
| <input type="checkbox"/> Information Technology (281-341-4526) | <input type="checkbox"/> County Clerk (281-341-8697) |
| <input type="checkbox"/> Other: | <input type="checkbox"/> County Atty (281-341-4557) |

RECOMMENDATION / ACTION REQUESTED:

Special Handling Requested (specify): Please return the originals to Fort Bend County OEM


6-3-10 orig. ret. to Jeff at OEM

**Governor's Division of Emergency Management
State Administrative Agency
Homeland Security Grant Program
Property Transfer Record Agreement**

Transferred From: Fort Bend County
Name of Organization (Homeland Security Grant Sub-Recipient)

307 Fort Street, Richmond, TX 77469
Street/Mailing Address, City, County, Zip

Judge Hebert, County Judge
Printed Name and Title

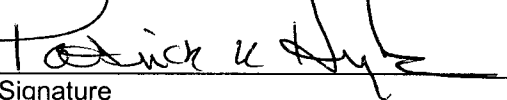

Signature

5-25-10
Date

Transferred To: City of Sugar Land
Name of Organization (Homeland Security Grant Sub-Recipient)

2700 Town Center Blvd. North
Sugar Land, Texas 77479
Street/Mailing Address, City, County, Zip

Patrick K. Hughes, Emergency Management Director
Printed Name and Title


Signature

4/27/10
Date

This is to certify that the property described below was acquired by the expenditure of 2010 Homeland Security Grant Program funds awarded to the above named Homeland Security Grant Sub-Recipient (Grantor). The jurisdiction/organization receiving the property (Grantee) certifies that they have knowledge of the laws, rules and regulations of the aforementioned grant for the year of the award. The Grantee further certifies that they agree to be bound by all the contract covenants and exhibits to the Grantor's Sub-Recipient agreement and any modifications or amendments to that agreement as if they were written here. The Grantor and Grantee further certify that they are duly authorized and empowered by their governing body to enter into this agreement. The Grantor further certifies that the Grantee has complied with all State and Federal eligibility requirements.

Property being transferred

Item description: Net Planner
Item Control Number: n/a
Serial Number/VIN: n/a
Model Number: n/a
Acquisition Date: 2010
Unit Cost: \$1750

EXHIBIT B

ASSIGNMENT

THIS AGREEMENT is made and entered into by and between Fort Bend County (hereinafter "Assignor"), a body corporate and politic under the laws of the State of Texas, and City of Sugar Land (hereinafter "Assignee").

WITNESSETH

WHEREAS, Assignor and netEOP, Inc. executed and accepted that certain netPlanner Software License Agreement and Contract for Services (hereinafter "Agreement") on March 30, 2010, attached hereto as Exhibit A, for a fully paid subscription for two (2) licenses to use netPlanner and its documentation;

WHEREAS, pursuant to Section 1.b.i. of the Agreement, Assignor is expressly authorized to assign all of its rights and responsibilities related to one license to Assignee; and

WHEREAS, Assignor and Assignee have executed a Governor's Division of Emergency Management State Administrative Agency Homeland Security Grant Program Property Transfer Record Agreement, attached hereto as Exhibit B and incorporated herein by reference for all purposes, for one (1) license;

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth below, the parties agree as follows:

AGREEMENT

A. Assignor assigns to Assignee all of Assignor's interest in one (1) license identified in the Agreement.

B. Assignee assumes all responsibilities under the Agreement related to one (1) license identified in the Agreement including, but not limited to, payment of any and all technical support and maintenance fees and any and all hosting fees related to the license. Assignee is not responsible for the Year 1 fees identified in Section 2 of the Agreement for the first term of the Agreement.

D. Assignee agrees to be bound by all terms of the Agreement with regards to the license and shall indemnify, defend, and hold Assignor harmless from any loss, attorney's fees, expenses, or claims resulting from Assignee's breach of the terms of the Agreement or the attached Governor's Division of Emergency Management State Administrative Agency Homeland Security Grant Program Property Transfer Record Agreement.

E. Assignee agrees that all written notices, demands, and other papers or documents to be delivered to Assignee under the Assignment and/or the Agreement shall be delivered to 2700 Town Center Blvd. North, Sugar Land, TX 77479 Attention: Patrick Hughes, Emergency Management Director, or such other place or places as Assignee may designate by written notice delivered to netEOP, Inc. The mayor does not need to sign. The Director of Emergency Management has the authority to execute agreements for \$1500 or more.

F. Assignee acknowledges that Assignor's initial purchase of the licenses involved the use of Homeland Security Grant Program funds. As such, Assignee agrees to use the license

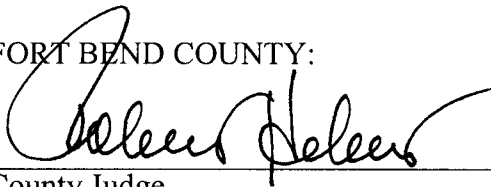
with enhanced capabilities for detecting, deterring, disrupting, preventing, and responding to potential threats of manmade, natural disasters and acts of terrorism as described in the federal program guidelines, specifically: planning, equipment, training and exercise needs.

G. Assignee represents and warrants to Assignor that Assignee has the requisite authority to enter into the Agreement, the Governor's Division of Emergency Management State Administrative Agency Homeland Security Grant Program Property Transfer Record Agreement, and Assignment.

H. Assignor and Assignee bind themselves and their successors, executors, administrators and assigns to the other party of this Assignment and to the successors, executors, administrators and assigns of the other party, in respect to all covenants of this Assignment.

IN WITNESS HEREOF, Assignor and Assignee intending to be bound as of the date of the last signatory hereto execute this Assignment by their duly authorized representatives.

FORT BEND COUNTY:

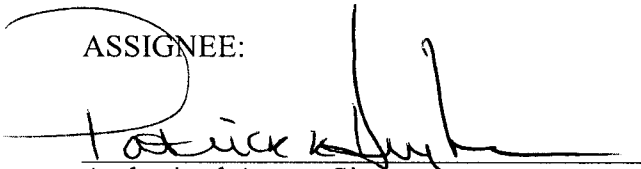

County Judge

5-25-10
Date

ATTEST:


Dianne Wilson, County Clerk

ASSIGNEE:


Authorized Agent- Signature

4/27/10
Date

Patrick K. Hughes
Authorized Agent- Printed Name

Emergency Management Director
Authorized Agent- Title

CITY OF SUGAR LAND
Reviewed for Legal Compliance

