

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PFLUGERVILLE, TEXAS APPROVING AND CONSENTING TO THE
ASSIGNMENT AND ASSUMPTION OF CONSULTANT'S RIGHTS AND
OBLIGATIONS PURSUANT TO A PROFESSIONAL SERVICES
AGREEMENT FOR ON-CALL THIRD PARTY CONSTRUCTION
INSPECTION SERVICES**

WHEREAS, on May 1, 2022, the City Council approved a Professional Services Agreement ("Agreement") with ECM International, Inc. ("Consultant") for On-Call Third Party Construction Inspection Services; and

WHEREAS, the City has received a request from the Consultant to approve and consent to the assignment of rights and obligations under the Agreement to Johnson, Mirmiran & Thompson, Inc., a Maryland corporation ("Successor Consultant"), attached hereto as **Exhibit A**; and

WHEREAS, under Section XI Assignment and Subcontracting, the assignment of any interest in the Agreement must have City Council consent and as a condition of such consent, Consultant shall remain liable for completion of the services outlined in the Agreement in the event of default by the Successor Consultant; and

WHEREAS, the City Council finds the assignment of the rights and duties of the Consultant under the Agreement is appropriately assigned to the Successor Consultant and that Consultant will remain liable for the completion of services in the event of default by Successor Consultant.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE THAT:

1. The foregoing recitals are found to be true and correct and are hereby adopted and made a part hereof for all purposes as if fully recited herein.
2. The City Council hereby consents to the assignment of the Professional Services Agreement from ECM International, Inc. to Johnson, Mirmiran & Thompson, Inc., attached hereto as **Exhibit A**, and authorizes the City Manager to execute same on behalf of the City and any other documents deemed necessary by the City Attorney.
3. This Resolution shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this ____ day of August, 2024.

CITY OF PFLUGERVILLE, TEXAS

Victor Gonzales, Mayor

ATTEST:

Trista Evans
City Secretary

APPROVED AS TO FORM:

CHARLES E. ZECH, City Attorney
Denton, Navarro, Rodriguez, Bernal, Santee & Zech, P.C.

EXHIBIT A