

RESOLUTION NO. R-2019-27

A RESOLUTION CONSENTING TO THE ASSIGNMENT OF AGREEMENT NO. C36961 WITH CHICAGO METROPOLITAN FIRE PREVENTION COMPANY TO FOX VALLEY FIRE & SAFETY CO. CONSISTENT WITH SECTION 8(C) OF THE AGREEMENT

WHEREAS, on July 17, 2017, the City of Wheaton (hereinafter, the "City") entered into a Radio Alarm Network Equipment Installation and On-going Management, Maintenance and Service Agreement (hereinafter "Agreement") with Chicago Metropolitan Fire Prevention Co. (hereinafter "CMFP"); and

WHEREAS, CMFP is merging its business with Fox Valley Fire and Safety Company (hereinafter "FVFS"); and

WHEREAS, Section 8(C) of the Agreement "Assignment" provides:

This Agreement, or any part, rights or interests hereof, may not be assigned by the City or by Contractor [CMFP] to any other person, firm or corporation without the prior written consent of the other party.

WHEREAS, City staff has conducted diligence to ensure that FVFS, as the assignee of CMFP's Agreement with the City, has the ability to ensure that FVFS will be able to comply with all the terms and conditions of the Agreement and the additional terms and conditions set forth herein; and

WHEREAS, the Corporate Authorities of the City have concluded that FVFS is qualified to assume corporate responsibility to ensure that the contractual obligations of CMFP under the Agreement will be honored and to continue to provide seamless management, maintenance, and service of the City's wireless radio alarm network upon its merger with CMFP; and

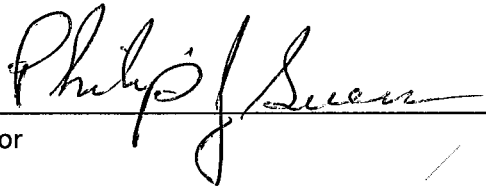
WHEREAS, in conformance with Section 8(c) of the Agreement, the City hereby consents to CMFP's assignment of all of its duties, obligations, rights and responsibilities under the Agreement to FVFS and FVFS agrees, subject to the additional conditions of this resolution, as assignee to manage FVFS in such a manner as to honor all rights, interest, duties, promises, covenants and obligations set forth in the Agreement and this Resolution.

NOW THEREFORE, BE IT RESOLVED by the Mayor and the City Council of the City of Wheaton, DuPage County, Illinois, that:

1. The recitals of this Resolution are incorporated into this Resolution as substantive provisions and representing the intent of the City, CMFP and FVFS.
2. That FVFS d/b/a CMFP, agrees to fully comply with all terms, conditions, and covenants of the Agreement and this Resolution.

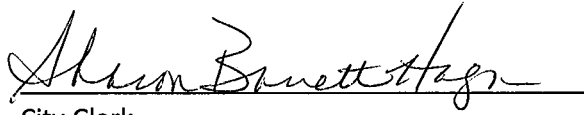
3. That the City hereby accepts the certificate of liability insurance designating as insured FVFS d/b/a CMFP which is attached hereto and incorporated herein as if fully set forth as Exhibit A, as satisfying the insurance requirements of the Agreement.

ADOPTED this 6th day of May 2019.



Mayor

ATTEST:



City Clerk

Roll Call Vote:

Ayes: Councilman Barbier
Councilwoman Bray-Parker
Councilwoman Fitch
Mayor Suess
Councilman Rutledge
Councilman Scalzo

Nays: None

Absent: None

Motion Carried Unanimously

ASSIGNMENT OF CONTRACT

CHICAGO METROPOLITAN FIRE PREVENTION COMPANY ("CMFP") hereby assigns to FOX VALLEY FIRE & SAFETY CO d/b/a Chicago Metropolitan Fire Prevention Company all duties, obligations, rights and responsibilities contained in a certain contract entered into between CMFP and CITY OF WHEATON on July 17, 2017, a copy of which is attached hereto as Exhibit A with such assignment being effective on the date set forth herein below.

By signing hereinbelow, City of Wheaton consents to such assignment as set forth hereinabove.

Executed this ____ day of _____, 2019.

Assignor:

CHICAGO METROPOLITAN FIRE
PREVENTION COMPANY

By: _____
Michael E. Mulryan,
Its President

Assignee:

FOX VALLEY FIRE & SAFETY CO d/b/a
Chicago Metropolitan Fire Prevention Company

By: _____
Kenneth Volkening
Its President

Consented to:

CITY OF WHEATON
By: Philip J. Secor
Its Mayor

Attested to:
Ashley Bennett Hagan
Its City Clerk

