

H-GAC

Houston-Galveston Area Council

P.O. Box 22777 · 3555 Timmons · Houston, Texas 77227-2777

Cooperative Agreement - Modern Group Ltd - Public Services - ID 6401

LIMITED CONTRACT ASSIGNMENT AND ASSUMPTION AGREEMENT

This Limited Contract Assignment and Assumption Agreement is made by and between the Houston-Galveston Area Council hereinafter referred to as H-GAC, Pearce Industries, Inc. (Contractor) at 12320 South Main Street, Houston, TX 77235-5068 and Modern Group Ltd, (Assignee) at 2501 Durham Road, Bristol, PA 19007.

WHEREAS, Contractor entered into a cooperative purchasing Contract, identified as GE02-20, with H-GAC for the sale of Auxiliary Power and Backup Generators to various End User governmental agencies participating in H-GAC's Cooperative Purchasing Program; and

WHEREAS, Contractor wishes to assign certain of its rights and obligations under the Parent Contract ID 4531 to Assignee and retain the remainder; and

WHEREAS, Assignee wishes to accept the limited assignment of the Contract; and

WHEREAS, H-GAC is willing to consent to the limited assignment provided that the Assignee agrees to comply with all terms of the Contract;

WHEREAS, This Agreement goes into effect on the date signed by H-GAC (the "Effective Date") and ends Jan 31 2022. All products or services under this Agreement must be rendered within this performance period.

NOW THEREFORE, the parties agree as follows:

Section 1 Contractor hereby assigns to Assignee all its rights and obligations under the Contract with respect to the following:

Right to sell products/services: H-GAC Product Codes GE02-20AC01-GE02-20AC73, GE02-20CA01-GE02-20CA06, GE02-20CA08-GE02-20CA17 and GE02-20DG01-GE02-20DG12 only

Right to sell products/services in the following geographical area: Delaware, Maryland, New Jersey, and Pennsylvania

Right to administer Purchase Orders: N/A

Section 2 Assignee accepts the assignment from the Contractor and assumes the obligation to provide the products and services specified in Section 1 and to otherwise perform all applicable obligations of the Contractor under the Contract on and after the Effective Date. Contractor will continue to be responsible for all actions taken by Contractor and Purchase Orders processed under the Contract prior to the Effective Date.

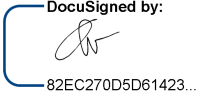
Section 3 Contractor reserves to itself the exclusive right to provide all the products and services described in the Contract, except those specifically assigned to Assignee pursuant to Section 1 hereof.

Section 4 H-GAC hereby consents to such limited assignment and assumption.

Unless otherwise noted, this Agreement goes into effect on the date signed by H-GAC (the "Effective Date"). All other terms and conditions of the Contract shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Contract Limited Assignment and Assumption Agreement to be executed by their respective duly authorized representatives.

H-GAC

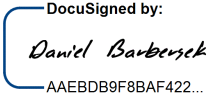
Signature 

Name Chuck Wemple

Title Executive Director

Date 3/10/2021

Pearce Industries, Inc. (Contractor)

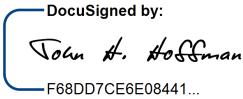
Signature 

Name Daniel Barbersek

Title Director of Operations, Power Generation

Date 3/3/2021

Modern Group Ltd (Assignee)

Signature 

Name John H. Hoffman

Title Sales Manager

Date 3/3/2021