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**SUBJECT: PIGGYBACK Contract No. 2017001135 STATE OF NORTH CAROLINA COUNTY OF MECKLENBURG FOR PLAYGROUND AND OUTDOOR FITNESS EQUIPMENT, SITE ACCESSORIES, SURFACING, AND RELATED PRODUCTS AND SERVICES – Various Duval Parks**

**BID #: PSC-0344-22** **OPEN DATE: 03/16/2017**

**GENERAL GOVERNMENT AWARDS COMMITTEE**

**KIND AND BASIS OF CONTRACT: PIGGYBACK CONTRACT – INITIAL TERM OF FIVE (5) YEARS BEGINNING JULY 1, 2017 THROUGH JUNE 30, 2022, WITH THE FIRST OF TWO (2) TWO-YEAR RENEWAL TERMS TO EXPIRE ON JUNE 30, 2024.**

**AGENCY: PARKS, RECREATION AND COMMUNITY SERVICES DEPARTMENT**

**BASIS OF AWARD: PIGGYBACK Contract No. 2017001135 STATE OF NORTH CAROLINA COUNTY OF MECKLENBURG FOR PLAYGROUND AND OUTDOOR FITNESS EQUIPMENT, SITE ACCESSORIES, SURFACING, AND RELATED PRODUCTS AND SERVICES**

**NUMBER OF BIDS INVITED: ( ) NUMBER RECEIVED: ( ) OTHER ( )**

**SUMMARY OF BIDS AND RECOMMENDED ACTIONS:**
Recommend approval to increase the award by $75,596.92 for PIGGYBACK Contract No. 2017001135 STATE OF NORTH CAROLINA COUNTY OF MECKLENBURG FOR PLAYGROUND AND OUTDOOR FITNESS EQUIPMENT, SITE ACCESSORIES, SURFACING, AND RELATED PRODUCTS AND SERVICES, with KOMPAN, INC. for additional playground equipment installation at Justina Park and Northshore Park. The revised total award expenditure not-to-exceed $882,263.36.

Funding Source: 32124.167101.565051.010422.00000000.00000.0000000. To be executed by formal contract amendment (City Contract #71662-22, Amendment #1) through the Office of General Counsel and process by purchase order(s).

**ATTACHMENTS:** Recommendation Memo; Vendor Proposal; Previous Award

**ANALYST:** _____ **RESPECTFULLY SUBMITTED** _____
RUBEN OLA DUSTIN FREEMAN, CHIEF PROCUREMENT DIVISION

**CONCURRENCE BY:** Daryl Joseph, Director of Parks, Recreation and Community Services Department

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**(ALL AWARD ACTIONS SUBJECT TO LAWFULLY APPROPRIATED FUNDS)**
ACTION OF GGAC COMMITTEE ON RECOMMENDATIONS ABOVE
MEMBERS APPROVING _____ MEMBERS DISAPPROVING _____ DATE: _____

_____ _____ OTHER: _____

_____ _____

_____ _____

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**ACTION OF AWARDING AUTHORITY** DATE _____

APPROVED _____ DISAPPROVED _____

OTHER _____

SIGNATURE OF AUTHENTICATION _____

# City of Jacksonville, Florida

*Daryl Joseph, Director*

Parks, Recreation and Community Services Department
214 N Hogan Street, 4th Floor
Jacksonville, FL 32202
(904) 255-7919
www.coj.net


ONE CITY. ONE JACKSONVILLE.

February 21, 2023

## MEMORANDUM

**TO:** Dustin Freeman, Chief
Procurement Division

**FROM:** Jill Enz, Chief
Natural and Marine Resources Division

**RE:** **Amendment 1-PSC-0344-22-Piggyback State of North Carolina County of Mecklenburg-Kompan- Justina Park and Northshore Park Contract #71662-22**

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The Parks, Recreation and Community Services Department respectfully request to increase PSC-0344-22 with Kompan, Inc., for $75,596.92 for additional installation.

The funding source will be as follows:

32124.167101.565051.010422.00000000.00000.0000000-$67,725.5- Justina Park
32124.167101.565051.010422.00000000.00000.0000000-$7,871.42- Northshore Park

The new total not-to exceed maximum indebtedness will be $882,263.36.

The funds will be encumbered by individual purchase order under POA-7166222

Your assistance in concurring with this recommendation for the respective award would be appreciated.
If you have questions or need additional information regarding this request, please contact Amy Honey at 255-7909.

JE/ah

Attachment: PSC-0344-22

KOMPAN Let's play

OMNIA PARTNERS



# Sales Proposal

| | |
|---|---|
| Quote No | SP120423 1 |
| Customer No. | 510038 |
| Document Date | 02/06/2023 |
| Expiration Date | 04/07/2023 |

City of Jacksonville
Ivy Henderson
240 Hogan Street
Jacksonville, FL 32202

| | |
|---|---|
| Sales Representative | Stacy Moseley |
| E Mail | StaMos@Kompan.com |
| Phone No. | 904-716 7605 / 800-426-9788 |

Project Name US292279 Add tional Instal ation Services: Justina + Northshore Playgrounds

| No. | Description | Qty | Unit | Unit Price | Discount % | Net Price |
|---|---|---|---|---|---|---|
| | OMNIA Partners Contract #2017001135 | | | | | |
| | **PQA71662-22** | | | | | |
| | **ADDITIONAL INSTALLATION SERVICES** | | | | | |
| | **JUSTINA** | | | | | |
| INSTALL SPECIAL | Additional Installation and s tework | 1 | P eces | 71,290.00 | 5.00 | 67,725 50 |
| | **NORTHSHORE** | | | | | |
| INSTALL SPECIAL | Addit onal nstallation and s tework | 1 | Pieces | 8,285.71 | 5.00 | 7,871 42 |

Please read attached General Assumptions and Exclusion document for information on Install/Sitework

| Description | Retail Price | Discount | Net Price |
|---|---|---|---|
| Subtotal - Installation | 79,575.71 | 3,978.79 | 75,596.92 |
| **Total USD** | | | **75,596.92** |

**Business Agreement** OMNIA Partners Contract
**Payment Terms** Net 30 days

**Installation Site Address**

City of Jacksonville
Justina Park
Northshore Park

9042557908

# Parks, Recreation & Community Services
## Job Scope / Specifications

| | | | |
|---|---|---|---|
| | Admin Award Request | | Informal Quote Request ITQ |
| | Agreement Amendment Request | | New Low Bid Request ITB |
| | CIP Construction Services | | Request for Proposal RFP |
| | Contract Purchase Agreement | | Piggyback Request |
| | Direct Material Purchase | | Single Source |
| | Emergency Request | | Federal Funded [i.e. CDBG] |
| | Close a PO/BO | X | Change Order on PO listed |

**POA:** 71662-22

Date: 2/10/23

Recommended Vendor: Kompan Inc.

Address:

City/State/Zip:

Quote Attached: Yes

**Justina**
PO640224-22 [PRNM-500819-22]
**Northshore**
PO640309-22 [PRNM-500822-22]

**FY23 Special Committee on Parks & Quality Life**

| POETA | Project# | Task# | Expenditure Type | Expenditure Organization | Contract# | Funding Source |
|---|---|---|---|---|---|---|
| | 010422 | 2 | 565051 | PRSC | 32124-384020 | PRSC Parks & Rec Capital Projects - Parks and Recreation |

| 1Cloud Funding | Fund | Center | Account | Project | Activity | Interfund | Future |
|---|---|---|---|---|---|---|---|
| | 32124 | 167101 | 565051 | 010422 | 00000000 | 00000 | 0000000 |

| Description of Item / Or Invoice # | QTY | UNIT | UNIT $ | AMOUNT |
|---|---|---|---|---|
| Project is located at: **Justina Park** (3143 Justna Rd. 32277) & **Northshore Park** (7901 N Pearl St. 32208) | | | $ - | $ - |
| **Contractor to provide material / labor / equipment / transportation / taxes to:** Additional Installation work and sitework | | | | $ - |
| Additional Installation and sitework @ Justina Park | 1 | Job | $71,290.00 | $ 71,290.00 |
| Additional Installation and sitework @ Northshore Park | 1 | Job | $ 8,285.71 | $ 8,285.71 |
| Discount | 1 | Job | $(3,978.79) | $ (3,978.79) |

**Note:** All questions/clarifications about the scope must be submitted at least 3 days prior to the bid closing No questions will be answered 2 days prior to bid close to allow the Project Manager time to respond. Contractor will be responsible for all site clean-up and removal of all debris everyday while installation/work is being completed. Contractor will not be allowed to store any materials/supplies or equipment on site during this project completion. Contractor is responsible for all broken walkways, irrigation, water or electrical lines that they may damage during the installation of the project. Any spoil piles shall not be left on site. Project completion shall be verified by the project manager prior to payment. All projects and work shall be compliant with local building codes and with the Americans with Disabilities Act compliance regulations. This project shall be completed within 30 days after receiving the official PO notification from the City of Jacksonville. All projects will be reviewed by COJ Project Manager(s) to ensure adherence to scope. All measurements shall be field verified by the Contractor before bidding on the project.

| | | | | |
|---|---|---|---|---|
| Contact: Ivy Henderson @ 904.255.7944 upon receipt of purchase order | | | | |
| **Total Amount of Order** | | | | **$ 75,596.92** |
| **Ship to: N/A** | | | | |

Requested By: Ivy Henderson

Requested For: Ivy Henderson

Approved: Daryl T. Josephn, Director

Date: 2/16/23

**SUBJECT: PIGGYBACK Contract No. 2017001135 STATE OF NORTH CAROLINA COUNTY OF MECKLENBURG FOR PLAYGROUND AND OUTDOOR FITNESS EQUIPMENT, SITE ACCESSORIES, SURFACING, AND RELATED PRODUCTS AND SERVICES – Various Duval Parks**

**BID #: PSC-0344-22** **OPEN DATE: 03/16/2017**

**GENERAL GOVERNMENT AWARDS COMMITTEE**

**KIND AND BASIS OF CONTRACT: PIGGYBACK CONTRACT – INITIAL TERM OF FIVE (5) YEARS BEGINNING JULY 1, 2017 THROUGH JUNE 30, 2022, WITH TWO (2) ADDITIONAL TWO-YEAR TERMS RENEWAL OPTION**

**AGENCY: PARKS, RECREATION AND COMMUNITY SERVICES DEPARTMENT**

**BASIS OF AWARD: PIGGYBACK Contract No. 2017001135 STATE OF NORTH CAROLINA COUNTY OF MECKLENBURG FOR PLAYGROUND AND OUTDOOR FITNESS EQUIPMENT, SITE ACCESSORIES, SURFACING, AND RELATED PRODUCTS AND SERVICES**

**NUMBER OF BIDS INVITED: ( ) NUMBER RECEIVED: ( ) OTHER ( )**

**SUMMARY OF BIDS AND RECOMMENDED ACTIONS:**
Recommend approval to PIGGYBACK Contract No. 2017001135 STATE OF NORTH CAROLINA COUNTY OF MECKLENBURG FOR PLAYGROUND AND OUTDOOR FITNESS EQUIPMENT, SITE ACCESSORIES, SURFACING, AND RELATED PRODUCTS AND SERVICES, with KOMPAN, INC. for Various Duval Parks as listed below. This is a one-time purchase. The total requested expenditure not-to-exceed $806,666.44.

| | |
|---|---|
| Justina Road Park | $158,139.06 |
| Parkwood Heights | $ 91,727.75 |
| Westside Park | $ 84,309.43 |
| Northshore Park | $138,811.03 |
| Marion Park | $ 88,277.05 |
| Thomas Jefferson | $120,044.23 |
| Cesary Park | $125,357.89 |

Funding Source: 32111.167101.565051.010422.00000000.00000.0000000- $806,666.44
To be executed by formal contract through the Office of General Counsel and process by purchase order(s).

**ATTACHMENTS:** Recommendation Memo; Vendor Proposal; Risk Approval; Contract

**ANALYST:** _____ RUBEN OLA

**RESPECTFULLY SUBMITTED** _____ GREGORY PEASE, CHIEF PROCUREMENT DIVISION

**CONCURRENCE BY:** Daryl Joseph, Director of Parks, Recreation and Community Services Department

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**(ALL AWARD ACTIONS SUBJECT TO LAWFULLY APPROPRIATED FUNDS)**
ACTION OF GGAC COMMITTEE ON RECOMMENDATIONS ABOVE
MEMBERS APPROVING 3 MEMBERS DISAPPROVING 0 DATE: 2/24/2022

Teresa R. Eibracy _____ OTHER: _____

Wilfred Reed _____

_____ _____

**ACTION OF AWARDING AUTHORITY**

DATE 2/25/2022

APPROVED ✓ DISAPPROVED _____

OTHER _____

SIGNATURE OF AUTHENTICATION _____

Brian Hughes
Chief Administrative Officer
For: Mayor Lenny Curry
Under Authority of:
Executive Order No: 2019-02

CITY OF
CHARLOTTE

# Digital Contract Routing Form
## Non-Encumbered

Date Submitted: April 25, 2022

Submitted by: Genetta N. Carothers

Submitter email: genetta.carothers@charlottenc.gov

Contract #: 2017001135

Amendment #: 10

Contract Name: Playground and Outdoor Fitness Equipment, Site Accessories, Surfacing, and Related Products

Vendor Legal Name: Kompan, Inc.

Vendor #: 303668

REQUIRED ATTACHMENT(S):

Use the Paperclip icon to attach a full Contract Document Routing Packet for review by the authorized City individual with signature authority. The Routing Packet MUST include all required components per the direction provided at:

The following signatures, once completed, shall be incorporated by reference into the contractual document identified above.

**City of Charlotte**

eSigned via SeamlessDocs.com

Brent Cagle

Key: f66f2b82106520db0960483da5d96b831

**IN WITNESS WHEREOF,** and in acknowledgement that the parties hereto have read and understood each and every provision hereof, the parties have caused this Tenth Amendment to be executed as of the date first written above.

**KOMPAN, INC.**

**BY:** _____
*(signature)*

**PRINT NAME:** Eric Lewis

**TITLE:** Treasurer

**DATE:** 04/19/2022

**CITY OF CHARLOTTE:**
**CITY MANAGER'S OFFICE**

**BY:** _____
*(signature)*

**PRINT NAME:** _____

**TITLE:** _____

**DATE:** _____

**STATE OF NORTH CAROLINA**
**COUNTY OF MECKLENBURG**

# TENTH AMENDMENT TO THE AGREEMENT TO PROVIDE PLAYGROUND AND OUTDOOR FITNESS EQUIPMENT, SITE ACCESSORIES, SURFACING, AND RELATED PRODUCTS AND SERVICES

**THIS TENTH AMENDMENT TO THE AGREEMENT TO PROVIDE PLAYGROUND AND OUTDOOR FITNESS EQUIPMENT, SITE ACCESSORIES, SURFACING, AND RELATED PRODUCTS AND SERVICES** (this "Tenth Amendment") is made and entered into this 1st of July 2022, by and between Kompan, Inc., a Delaware corporation doing business in North Carolina (the "Company"), and the City of Charlotte, a North Carolina municipal corporation (the "City").

## Statement of Background and Intent

A. The City of Charlotte and the Company entered into an Agreement for Playground and Outdoor Fitness Equipment, Site Accessories, Surfacing, and Related Products and Services dated July 1, 2017 (the "Contract") pursuant to which the Company agreed to provide Playground and Outdoor Fitness Equipment, Site Accessories, Surfacing, and Related Products and Services for the City of Charlotte.

B. The parties amended the Contract on January 1, 2018 to incorporate unit price adjustments and freight rate adjustments.

C. The parties amended the Contract on May 1, 2018 to incorporate new products and unit price adjustments.

D. The parties amended the Contract on September 1, 2018 to incorporate federal contract terms and conditions.

E. The parties amended the Contract on January 1, 2019 to incorporate unit price adjustments.

F. The parties amended the Contract on May 15, 2019 to incorporate third-party products and price lists.

G. The parties amended the Contract on January 1, 2020 to incorporate unit price adjustments.

H. The parties amended the Contract on January 1, 2021 to incorporate unit price adjustments.

I. The parties amended the Contract on May 17, 2021 to incorporate unit price adjustments and add the Domestic (U.S.) Procurement Preference clause.

J. The parties amended the Contract on January 1, 2022 to incorporate unit price adjustments and replace the Commercial Non-Discrimination clause.

K. The parties now desire to amend the Contract to extend the Term of the Contract by the first of two (2) two-year renewal terms and to incorporate certain other changes.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the parties hereby agree to the following:

## AGREEMENT

1. The terms of the Contract are restated by and incorporated into this Tenth Amendment by reference.
2. Defined terms used in this Tenth Amendment shall have the same meaning as are assigned to such terms in the Contract.
3. This Tenth Amendment extends the Term of the Contract by the first of two (2) two-year renewal terms to expire on June 30, 2024.
4. Except to the extent specifically provided above, this amendment shall not be interpreted or construed as waiving any rights, obligations, remedies, or claims the parties may otherwise have under the Contract.
5. In all other respects and except as modified herein, the terms of the Contract shall remain in force and effect.

*[Signature Page Follows]*