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

BID #: PSC-0443-22 **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 EXPIE 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 $13,462.86 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 additional installation services for playground equipment at Fort Family Playground. The revised total award expenditure not-to-exceed $513,140.85.

Funding Source: 32124.167101.565051.010422.00000000.00000.0000000, to be executed by formal contract amendment (City Contract #71973-22, 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

---

(ALL AWARD ACTIONS SUBJECT TO LAWFULLY APPROPRIATED FUNDS)
ACTION OF GGAC COMMITTEE ON RECOMMENDATIONS ABOVE

MEMBERS APPROVING _____ MEMBERS DISAPPROVING _____ DATE: _____

_____ _____ OTHER: _____

_____ _____

_____ _____

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.

March 1, 2023

MEMORANDUM

TO: Dustin Freeman, Chief
Procurement Division

FROM: Jill Enz, Chief
Natural and Marine Resources Division

RE: **Amendment 1-PSC-0443-22-Piggyback State of North Carolina County of Mecklenburg-Kompan- Fort Family Playground #71973-22**

The Parks, Recreation and Community Services Department respectfully request to increase PSC-0428-22 with Kompan, Inc., for $13,462.86, for additional installation.

The funding source will be as follows:

32124.167101.565051.010422.00000000.00000.0000000-$13,462.86

The new total not-to exceed maximum indebtedness will be $513,140.85.

The funds will be encumbered by individual purchase order under PO-71973-22

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-0443-22
Quote

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	X	Piggyback Request
	Direct Material Purchase		Single Source
	Emergency Request		Federal Funded [i.e. CDBG]
	Close a PO/BO	X	Change Order on PO 652867-23

POA:	POA-71973-22	[PRNM-500150-23
Date:	2/10/23	
Recommended Vendor:	Kompan Inc.	
Address:		
City/State/Zip:		
Quote Attached	Yes	

Special Committee on Parks & Quality Life

POETA	Project#	Task#	Expenditure Type	Expenditure Organization	Contract#	Funding Source
	010422	1	565051	PRSC	2111-38402	Parks & Rec Capital Projects

1Cloud Funding	Fund	Center	Account	Project	Activity	Interfund	Future
	32111	167101	565051	010422	00000000	00000	0000000

Description of Item / Or Invoice #	QTY	UNIT	UNIT $	AMOUNT
Project is located at: **Fort Family Regional Park** (8050 Baymeadows Ed. E 32256)			$ -	$ -
Contractor to provide material / labor / equipment / transportation / taxes to: Additional Installation work and sitework				$ -
Additional Installation and sitework	1	Job	$14,171.43	$ 14,171.43
Discount	1	Job	$ (708.57)	$ (708.57)

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				**$ 13,462.86**
Ship to: N/A				

Requested By:	Ivy Henderson	Requested For:	Ivy Henderson
Approved:	Daryl T. Joseph Digitally signed by Daryl T. Joseph DN: cn=Daryl T. Joseph, o=Parks, Recreation & Community Services, ou=Director, email=DJoseph@coj.net, c=US Date: 2023.02.01 [illegible]	Date:	2/16/23
	Daryl T. Joseph, Director		

Sales Proposal

Quote No.	SP120427-1
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 US292280 Additional Installation Services: Fort Family Regional Park

No.	Description	Qty	Unit	Unit Price	Discount %	Net Price
	OMNIA Partners Contract #2017001135 **POA71973-22** **ADDITIONAL INSTALLATION SERVICES** **FORT FAMILY**					
INSTALL SPECIAL	Additional Install and Sitework	1	Pieces	14,171.43	5.00	13,462.86

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

Description	Retail Price	Discount	Net Price
Subtotal - Installation	14,171.43	708.57	13,462.86
Total USD			**13,462.86**

Business Agreement OMNIA Partners Contract
Payment Terms Net 30 days

Installation Site Address

City of Jacksonville
Fort Family Regional Park

9042557908

Sales Proposal

Quote No.	SP120427 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 US292280 Additional Installation Services: Fort Family

Note that the color and texture of products and surfacing made with recycled content are subjected by the differences from the used recycled raw materials. Therefore, minor differences in the appearance and texture can occur.

Applicable sales tax will be added unless a valid tax exemption certificate is provided. This amount is only an estimate of your tax liability.

Your acceptance of this proposal constitutes a valid order request and includes acceptance of terms and conditions contained within the Master Agreement, which is hereby acknowledged.
Acceptance of this proposal from KOMPAN is acknowledged by issuance of an order confirmation by an authorized KOMPAN representative.

Prices in this quotation are good until expiration date, shown in the top of this document. After that date, this proposal may be withdrawn.

KOMPAN Products are "Buy American" qualified, and compliant with the Buy American Act of 1933 and the "Buy American" provision of ARRA of 2009.

Prevailing Wage and Payment & Performance Bonds are not included unless stated in body of Sales Proposal. If Payment & Performance Bonds are needed, add 2.2% of the entire sales proposal.

KOMPAN Authorized Signature:

Accepted By (signature): _____

Accepted By (please print) _____

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]

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: [illegible]

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: _____

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

BID #: PSC-0443-22 **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 RENEWAL OPTION UNTIL 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 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 Fort Family Playground. The requested total expenditure not-to-exceed $499,677.99.

Funding Source: 32111.167101.565051.010422.00000000.00000.0000000, 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: _____ **RESPECTFULLY SUBMITTED** _____
RUBEN OLA GREGORY PEASE, CHIEF
PROCUREMENT DIVISION

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

---

(ALL AWARD ACTIONS SUBJECT TO LAWFULLY APPROPRIATED FUNDS)
ACTION OF GGAC COMMITTEE ON RECOMMENDATIONS ABOVE

MEMBERS APPROVING 3 MEMBERS DISAPPROVING 0 DATE: 8/4/2022

Teresa R Eichen _____ OTHER: _____

Lilibeth Reed _____

K. McCarty _____

ACTION OF AWARDING AUTHORITY DATE 8/5/2022

APPROVED ✓ DISAPPROVED _____

OTHER _____

SIGNATURE OF AUTHENTICATION _____ Brian Hughes
Chief Administrative Officer
~~For: Mayor Lenny Curry~~
Under Authority of:
Executive Order No: 2019-02