



## City of Charlotte

Agenda Date: 7/22/2019

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Agenda #: 29.File #: 15-11228 Type: Consent Item

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**Contracts for the Purchase of Vehicles****Action:**

- A. Approve unit price contracts for the purchase of police pursuit and miscellaneous vehicles for one year to the following:**
- Carthage F LLC dba Cooper Ford,
  - Parks Chevrolet, Inc.,
  - Performance Ford, Inc. and
- B. Authorize the City Manager to renew the contracts for up to four, one-year terms with possible price adjustments and to amend the contracts consistent with the purpose for which the contracts were approved.**

**Staff Resource(s):**

Kay Elmore, General Services  
Chris Trull, General Services

**Explanation**

- The city's annual budget includes funding to replace or add vehicles to the city's fleet based on an assessment of vehicles and equipment conducted by Fleet Management.
  - This assessment uses a rating based on vehicle usage, age, maintenance costs, and condition.
- On May 2, 2019, the city issued an Invitation to Bid on behalf of the Charlotte Cooperative Purchasing Alliance; five bids were received.
- Carthage F LLC dba Cooper Ford, Parks Chevrolet, Inc., and Performance Ford, Inc. were selected as the lowest responsive, responsible bidders.
- Fiscal Year 2020 expenditures for all contracts are estimated to be \$7,734,840.

**Charlotte Business INclusion**

No subcontracting goal was established because there are no subcontracting opportunities (Part B: Section 2.3 of the Charlotte Business INclusion Policy).

**Fiscal Note**

Funding: General Capital Equipment Fund and CATS Capital Investment Plan

STATE OF NORTH CAROLINA  
COUNTY OF MECKLENBURG

THIRD AMENDMENT TO THE AGREEMENT TO PROVIDE  
INTERCEPTOR AND MISCELLANEOUS VEHICLES

**THIS THIRD AMENDMENT TO THE AGREEMENT TO PROVIDE INTERCEPTOR AND MISCELLANEOUS VEHICLES** (this "Third Amendment") is made and entered into this 22nd of July 2022, by and between Carthage F DBA Cooper Ford, a 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 Interceptor and Miscellaneous Vehicles dated July 22, 2019 (the "Contract") pursuant to which the Company agreed to provide Interceptor and Miscellaneous Vehicles for the City of Charlotte.
- B. The parties amended the Contract on July 22, 2020 to extend the Term of the Contract by the first of four (4) one-year renewal terms and to incorporate certain other changes.
- C. The parties amended the Contract on July 22, 2021 to extend the Term of the Contract by the second of four (4) one-year renewals.
- D. The parties now desire to amend the Contract to extend the Term of the Contract by the third of four (4) one-year renewal terms and make adjustments to unit pricing based on model year price 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 Third Amendment by reference.
2. Defined terms used in this Third Amendment shall have the same meaning as are assigned to such terms in the Contract.
3. The parties acknowledge and agree that the Contract has been in effect at all times from July 22, 2022 through the present, and that all purchases made during the period from July 22, 2022 through the date of this Amendment are covered by the Contract.
4. This Third Amendment extends the Term of the Contract by the third of four (4) one-year renewal terms to expire on July 21, 2023.
5. This Third Amendment incorporates unit price revisions based on model year price changes per the pricing sheet in Exhibit A.
6. Section 35 of the Contract ("Commercial Non-Discrimination") is hereby replaced in its entirety as provided below:

**REQUIRED BY CITY ORDINANCE:** COMMERCIAL NON-DISCRIMINATION. Cooper Ford agrees to comply with the Non-Discrimination Policy set forth in Chapter 2, Article V of the Charlotte City Code, which is available for review at <http://library.municode.com/index.aspx?clientId=19970> and incorporated herein by reference. Cooper Ford consents to be bound by the award of any arbitration conducted thereunder."

7. 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.
8. In all other respects and except as modified herein, the terms of the Contract shall remain in force and effect.

*[Signature Page Follows]*

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

COOPER FORD:

BY:     Dan Kidd      
(signature)

PRINT NAME:     Dan Kidd    

TITLE:     Government / Fleet Manager    

DATE:     07 / 21 / 2022    

CITY OF CHARLOTTE:  
CITY MANAGER'S OFFICE

BY: \_\_\_\_\_  
(signature)

PRINT NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_



**Digital Contract Routing Form  
Non-Encumbered**

Date Submitted: August 15, 2022

Submitted by: David Tate

Submitter email: dtate@charlottenc.gov

Contract #: 2020000106

Amendment #: 3

Contract Name: Interceptor and Miscellaneous Vehicles

Vendor Legal Name: Carthage F DBA Cooper Ford

Vendor #: 305152

**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: f56f2b82106208b08604836a6d96b831

**EXHIBIT A  
PRICING SHEET**

Contract#: 2020000106

Amendment#: 3

Vendor#: 305152

ITEM	DESCRIPTION	SPEC #	MFG NAME	MODEL	INITIAL BID PRICE	AMENDMENT #2 - UNIT PRICE	AMENDMENT #3 - UNIT PRICE	AMENDMENT #3 - \$ CHANGE	AMENDMENT #3 - % CHANGE	LEAD TIME ARO
8	15 PASSENGER T-350	PAL.15	FORD	X2Y T-350	\$34,936.00	\$34,936.00	\$52,199.00	\$17,263.00	49.41%	26-28 weeks order to delivery
	OPTION 6.1 - 90C - 110-VOLT POWER INVERTER				\$91.00	N/A	-	-	-	



# CERTIFICATE OF GARAGE INSURANCE

DATE (MM/DD/YYYY)  
07/21/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).


<b>PRODUCER</b> Sentry Insurance 1800 North Point Drive Stevens Point, WI 54481	<b>CONTACT NAME:</b> Sentry Customer Service <b>PHONE (A/C, No, Ext):</b> 800-473-6879 <b>FAX (A/C, No):</b> 800-514-7191 <b>EMAIL ADDRESS:</b> businessproducts_direct@sentry.com													
	<table border="1"> <thead> <tr> <th>INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> </thead> <tbody> <tr> <td>INSURER A : Sentry Select Insurance Company</td> <td>21180</td> </tr> <tr> <td>INSURER B :</td> <td></td> </tr> <tr> <td>INSURER C :</td> <td></td> </tr> <tr> <td>INSURER D :</td> <td></td> </tr> <tr> <td>INSURER E :</td> <td></td> </tr> <tr> <td>INSURER F :</td> <td></td> </tr> </tbody> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A : Sentry Select Insurance Company	21180	INSURER B :		INSURER C :		INSURER D :		INSURER E :		INSURER F :
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INSURER F :														
<b>INSURED</b> Carthage F LLC DBA Cooper Ford PO Box 100 Carthage, NC 28327-0100														

**COVERAGES**      **PROD / CUSTOMER ID:**      **CERTIFICATE #:** 1625715      **REVISION #:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSRD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<input checked="" type="checkbox"/> GARAGE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS USED IN GARAGE BUSINESS	X		2568279004	08/31/2022	08/31/2023	AUTO ONLY (Ea accident)	\$ 500,000
							OTHER THAN AUTO ONLY	EA ACCIDENT \$ 500,000 AGGREGATE \$ 2,500,000
A	<b>GARAGE KEEPERS LIABILITY</b> <input type="checkbox"/> LEGAL LIABILITY <input type="checkbox"/> DIRECT BASIS <input type="checkbox"/> PRIMARY <input type="checkbox"/> EXCESS	X		2568279004	08/31/2022	08/31/2023	<input checked="" type="checkbox"/> COMP / OTC SPECIFIED PERILS <input type="checkbox"/> COLLISION	LOC 1 \$ 175,000 LOC \$ LOC 1 \$ 175,000 LOC \$
	<b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR _____ _____ GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER							EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$ \$
	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED    RETENTION \$			2568279005	08/31/2022	08/31/2023		EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 15,000,000 PRODUCTS - COMP/OP AGG \$ 15,000,000
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under REMARKS below		N/A				<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$	

**REMARKS (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)**  
Refer to attached

<b>CERTIFICATE HOLDER</b> City of Charlotte Dept of General Services - City Procurement 600 E 4th St 9th Fl Gmgc Charlotte, NC 28202-2816	<b>CANCELLATION</b> SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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AGENCY CUSTOMER ID: XXXXXX3736

LOC #: \_\_\_\_\_

**ADDITIONAL REMARKS SCHEDULE**Page 2 of 2

<b>AGENCY</b> Michael Manfreda		<b>NAMED INSURED</b> Carthage F LLC DBA Cooper Ford	
<b>POLICY NUMBER</b> 2568279004			
<b>CARRIER</b> Sentry Select Insurance Company	<b>NAIC CODE</b> 21180	<b>EFFECTIVE DATE:</b> 08/31/2022	

**ADDITIONAL REMARKS**

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,

**FORM NUMBER:** ACORD 30    **FORM TITLE:** Certificate Of Garage Insurance**Auto Dealers**

City of Charlotte is named as Additional Insured. Garage Liability includes General Liability coverage. Contract # 2020000106-Amendment 3

**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

**DESIGNATED INSURED - PRIMARY AND  
NONCONTRIBUTORY - COVERED AUTOS  
LIABILITY COVERAGE**

This endorsement modifies insurance provided under the following:

- BUSINESS AUTO COVERAGE FORM
- MOTOR CARRIER COVERAGE FORM
- AUTO DEALERS COVERAGE FORM

With respect to coverage provided by this endorsement, the provisions of the Coverage Form apply unless modified by this endorsement.

This endorsement identifies person(s) or organization(s) who are "insureds" for Covered Autos Liability Coverage under the Who Is An Insured provision of the Coverage Form.

This endorsement changes the policy effective on the inception date of the policy unless another date is indicated.

<p><b>Named Insured:</b> Carthage F LLC DBA Cooper Ford</p> <p><b>Endorsement Effective Date:</b> 08/31/2022</p>
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**SCHEDULE**

<p><b>Name Of Person(s) Or Organization(s):</b>  City of Charlotte  Dept of General Services - City Procurement</p>
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Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

- A.** Each person or organization shown in the Schedule is an "insured" for **Covered Autos Liability Coverage**, but only to the extent that person or organization qualifies as an "insured" under the **Who Is An Insured** provision contained in:
- (1) Paragraph **A.1.** of **Section II - Covered Autos Liability Coverage** in the Business Auto and Motor Carrier Coverage Forms; or
  - (2) Paragraph **D.2.** of **Section I - Covered Autos Coverages** of the Auto Dealers Coverage Form.

- B. Primary And Noncontributory Insurance**
- This insurance is primary to and will not seek contribution from any other auto insurance issued to the person or organization in the schedule under your policy provided that:
- (1) The person or organization is a Named Insured under such other insurance; and
  - (2) Prior to the "accident" you have agreed in writing in a contract or agreement that this insurance would be primary and would not seek contribution from any other insurance available to the person or organization.

**Change effective 08/31/2022**

**CA 76 01 06 15**

2568279  
Sentry Select Insurance Company

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