



Agenda Date: 6/8/2020

**APPROVED BY CITY COUNCIL**

Agenda #: 43.File #: 15-13306 Type: Consent Item

## Firefighting Turnout Gear

### Action:

- A. Approve unit price contracts for the purchase of firefighting turnout gear for an initial term of two years to the following:**
- **Atlantic Emergency Solutions,**
  - **Municipal Emergency Solutions, Inc,**
  - **Newton's Fire and Safety Equipment Inc, and**
- B. Authorize the City Manager to renew the contracts for up to three, 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):**

Reginald Johnson, Charlotte Fire Department  
Damian Owens, Charlotte Fire Department

### **Explanation**

- Firefighting turnout gear consists of a jacket, pants, and a hood to help protect the firefighters from thermal and mechanical injury.
- Firefighting turnout gear is used by the Charlotte Fire Department (CFD) for personal firefighter protection while performing daily tasks including firefighting, search and rescue, and responding to building entrapments and gas leaks.
- On January 27, 2020, the city issued an Invitation to Bid (ITB), on behalf of the Charlotte Cooperative Purchasing Alliance (CCPA); Five bids were received.
- The following were selected as the lowest responsive, responsible bidders for specific manufacturers' products.
  - Atlantic Emergency Solutions is an authorized distributor for Innotex brand gear;
  - Municipal Emergency Solutions Inc is an authorized distributor for Fire-Dex brand gear; and
  - Newton's Fire and Safety Equipment Inc is an authorized distributor for Globe, PGI, and Morning Pride brand gear.
- CCPA contracts are available for the use of and to benefit all entities that must comply with state purchasing laws.
- Annual expenditures are estimated to be \$850,000.

### **Charlotte Business INclusion**

Per Charlotte Business INclusion Policy: Part C: Section 2.1(a) the city shall not establish Subcontracting Goals for Contracts where (a) there are no subcontracting opportunities identified for the Contract; or (b) there are no SBEs or MWBEs certified to perform the scopes of work that the city regards as realistic opportunities for subcontracting.

This contract meets the provisions of (a) - No subcontracting opportunities

### **Fiscal Note**

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Funding: CFD Operating Budget

STATE OF NORTH CAROLINA  
COUNTY OF MECKLENBURG

SECOND AMENDMENT TO THE AGREEMENT TO PROVIDE  
FIREFIGHTING TURNOUT GEAR

**THIS SECOND AMENDMENT TO THE AGREEMENT TO PROVIDE FIREFIGHTING TURNOUT GEAR** (this "Second Amendment") is made and entered into this 14th of February 2022, by and between Newton's Fire & Safety Equipment, Inc., a North Carolina 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 Newton's Fire & Safety Equipment, Inc., dated June 19, 2020 (the "Contract") pursuant to which the Company agreed to provide Firefighting Turnout Gear for the City of Charlotte.
- B. The parties amended the Contract on November 11, 2021 to make adjustments to the unit pricing and to incorporate certain other changes.
- C. The parties now desire to amend the Contract to make adjustments to Exhibit A –1 Price Sheet to remove items 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 Second Amendment by reference.
2. Defined terms used in this Second Amendment shall have the same meaning as are assigned to such terms in the Contract.
3. Pursuant to Section 9 of the Contract, the City wishes to remove items as specified in Exhibit A – 1 Price Sheet due to the cancellation of the contract between the manufacturer and distributor.
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]*

Contract#: 2020001104

Amendment#: 2

Vendor#: 20966

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

NEWTON'S FIRE & SAFETY  
EQUIPMENT INC:

CITY OF CHARLOTTE:  
CITY MANAGER'S OFFICE

BY: Seth Newton  
(signature)

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

PRINT NAME: Seth Newton

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

TITLE: Vice President

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

DATE: 1/31/22

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



**Digital Contract Routing Form  
Non-Encumbered**

Date Submitted: February 14, 2022

Submitted by: Lenore Bishop

Submitter email: lenore.bishop@charlottenc.gov

Contract #: 2020001104

Amendment #: 2

Contract Name: Firefighting Turnout Gear

Vendor Legal Name: Newton's Fire & Safety Equipment Inc

Vendor #: 20966

**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: f98f2b82106208b08604836a6396b851

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Contract#: 2020001104

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**EXHIBIT A -1**

**PRICE SHEET**

<b>MORNING PRIDE PRODUCTS REMOVED FROM CONTRACT</b>					
<b>Item #</b>	<b>Item</b>	<b>Brand Name</b>	<b>Style Number</b>	<b>UOM</b>	<b>Status</b>
5	Asheville - Turnout Gear Coat	Morning Pride	LTO-4li3TB	Each	Removed
6	Asheville - Turnout Gear Pant	Morning Pride	LTO-4li3PB	Each	Removed
<b>Non-Core Items - Fixed Percentage Discount</b>					
Morning Pride Tails Retail Price List		Current Version - 30%			Removed