

# City of Charlotte

Charlotte-Mecklenburg Government Center 600 East 4th Street Charlotte. NC 28202

**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 intial 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**

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

Funding: CFD Operating Budget

Contract#: 2020001104 Amendment#: 4 Vendor#: 20966

# STATE OF NORTH CAROLINA COUNTY OF MECKLENBURG

### FOURTH AMENDMENT TO THE AGREEMENT TO PROVIDE FIREFIGHTING TURNOUT GEAR (GLOBE)

THIS FOURTH AMENDMENT TO THE AGREEMENT TO PROVIDE FIREFIGHTING TURNOUT GEAR (GLOBE) (this "Fourth Amendment") is made and entered into this 25 of April 2023, by and between Newtons Fire & Safety Equip 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 Firefighting Turnout Gear (Globe) 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 amended the Contract on February 14, 2022, to remove items from the contract and to in incorporate certain other changes.
- D. The parties amended the Contract on June 19, 2022, to extend the Term if the Contract by the first of three (3) one-year renewal terms and to incorporate certain other changes.
- E. The parties now desire to amend the Contract to extend the Term of the Contract by the second of three (3) one-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 Fourth Amendment by reference.
- 2. Defined terms used in this Fourth Amendment shall have the same meaning as are assigned to such terms in the Contract.
- 3. This Fourth Amendment extends the Term of the Contract by the second of three (3) one-year renewal terms to expire on June 18, 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]

Contract#: 2020001104 Amendment#: 4 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 Fourth Amendment to be executed as of the date first written above.

CITY OF CHARLOTTE:				
CITY MANAGER'S OFFICE				
BY:				
(signature)				
PRINT NAME:				
TITLE:	_			
DATE:				
	CITY MANAGER'S OFFICE  BY:(signature)  PRINT NAME:  TITLE:			



# Digital Contract Routing Form Non-Encumbered

Date Submitted: April 25, 2023

Submitted by: Christina Hollonquest Submitter email: christina.hollonquest@charlottenc.go

Contract #: <sup>2020001104</sup> Amendment #: <sup>4</sup>

Contract Name: CCPA - Firefighting Turnout Gear (Globe)

Vendor Legal Name: NEWTONS FIRE & SAFETY EQUIP 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





### CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 04/18/2023

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).

PRODUCER

Business Insurers of Carolinas

800 Eastowne Drive, Suite 208

PO Box 2536

Chapel Hill

NC 27515-2536

NSURER 3: Central Mutual Insurance Company

NSURER B: All America

NSURER B: All America

NSURER B: All America

NSURER B: All America

NSURER B: INSURER B:

1	) BOX 2536				INSURER(S) AFFORDING COVERAGE				NAIC#			
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INS	URED			INS	INSURER B: All America				20222			
	Newton Fire & Safety Equipmen	ıt, Inc	í.	INS	INSURER C: Stonewood Ins. Co.				11828			
	2724 Darrell Newton Drive			INS	INSURER D:							
				<b></b>	INSURER E:							
<u></u>	Graham				URER F:							
				NUMBER: CL225234994			REVISION NUMBER:					
C E	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.    NORTH											
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	POLICY PRO-						PRODUCTS - COMP/OP AGG	\$ 2,000	0,000			
	OTHER:	<u> </u>	ļ'					\$				
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	CRIPTION OF OPERATIONS / LOCATIONS / VEHICLE:	S (AC	ORD 10	01, Additional Remarks Schedule, may b	e attached if more sp	Jace is required)						
	dor # 20966											
Fire	Turnout Gear-Amendment #2											
Cer	rtificate holder is included as additional insure	ed in	refere	ence to the General Lightlity & Auto	Liability policion	tract \Ak	·					
favo	or of the certificate holder in reference to the C	Gene	ral Lia	ability, Auto Liability and Workers C	ompensation poli-	Dercontract, vva cies per contra	iver of subrogation applies in ct per attached policy forms.	n				
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SHOULD ANY OF THE ABOVE DESCRIBED POL THE EXPIRATION DATE THEREOF, NOTICE WILI								CELLED FD IN	BEFORE			
	City of Charlotte		A	ACCORDANCE WITH THE POLICY PROVISIONS.								
	City Procurement											
600 East 4th St. 3rd Floor  AUTHORIZED REPRESENTATIVE												
Charlotte NC 28202-2850 Patty D. Miller												
					Cany .							

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