

CONTRACT AGREEMENT - COMMODITIES

This Agreement is effective as of the 12th, of April, 2023, by and between Fulton County, a political subdivision of the State of Georgia (hereinafter called the "County"), and the Contractor ("Contractor") set forth below.

Contractor:	McGee Equipment Company
ITBC Contract No. & Title:	22ITB121622K-DJ, Industrial Racking for Fulton County Central Warehouse
Address:	300 Piedmont Ct. Ste. A, Doraville, GA 30340
Telephone:	770-458-4346
Email:	kanderson@mcgeeatlanta.com
Contact Name & Title:	Kirk Anderson, President

This agreement was approved by the Fulton County Board of Commissioner on April 12, 2023 #23-0246

The parties agree to comply with the terms and conditions of the following exhibits which are by this reference made a part of this Agreement:

- Exhibit 1: Solicitation Document (by reference)
- Exhibit 2: Contractor Bid Form Response (attached)
- Exhibit 3: Contract Compliance Documents (attached)

1. Contract Term

Contractor shall commence the Work within ten calendar days after receipt of Notice to Proceed and shall substantially complete the Work within two hundred seventy (270) calendar days from issuance of the Notice to Proceed and finally complete the Work within three hundred calendar (300) days of issuance of the Notice to Proceed.

2. Compensation

The total contract amount for the Project shall not exceed \$3,137,629.89, (Three Million One Hundred Thirty Seven Thousand Six Hundred Twenty Nine Dollars and Eighty Nine Cents), which is full payment for a complete scope of work. The detailed costs are provided in Exhibit 2, Bid Form Response.

The manufacturer requires a 30% deposit due upon issuance of the purchase order. The deposit amount required is \$925,059.87.

The second invoice will be for the 40% installment due upon receipt of 1st material truckload and upon receipt of payment installation of shelving can be scheduled, in the amount of \$1,233,413.15

The third and final invoice payment installment of 30% is due upon completion, not to exceed 10 days from invoice date, in the amount of \$925,059.87.

Description of Goods

The Contractor agrees to provide all goods, services, and other deliverables in compliance with the specifications contained in the ITB solicitation document and the terms of this Agreement.

IN WITNESS THEREOF, the Parties hereto have caused this Contract to be executed by their duly authorized representatives as attested and witnessed and their corporate seals to be hereunto affixed as of the day and year date first above written.

OWNER:

CONTRACTOR:

FULTON COUNTY, GEORGIA

MCGEE EQUIPMENT COMPANY

DocuSigned by:
Robert L. Pitts
14E1B4AA5F6A44A...

DocuSigned by:
Kirk Anderson, President
8B56B1DE78594A5...

Robert L. Pitts, Chairman
Fulton County Board of Commissioners

Kirk Anderson
President

ATTEST:

ATTEST:

DocuSigned by:
Tonya R. Grier
EEC476C4837648D...

Secretary/
Assistant Secretary

Tonya R. Grier
Clerk to the Commission

(Affix County Seal)



(Affix Corporate Seal)

APPROVED AS TO FORM:

ATTEST:

DocuSigned by:
Denzel Stewart
8B574564AFF0466...

DocuSigned by:
Cynthia Ingram, Notary
23181331D40C476...

Office of the County Attorney

Notary Public

APPROVED AS TO CONTENT:

Gwinnett
County: _____

DocuSigned by:
Joseph Davis, Director
6E666473E2143F...

10/28/2024
Commission Expires: _____ DocuSigned by: _____

Joseph Davis,
Department of Real Estate and Asset Management

(Affix Notary Seal)



ITEM#: _____ RCS: _____	ITEM#: 23-0246 RM: 04/12/23
RECESS MEETING	REGULAR MEETING

EXHIBIT 1

SOLICITATION DOCUMENT

(By reference made a part of this Agreement)

EXHIBIT 2

BID FORM RESPONSE

The County agrees to compensate the Contractor for all the materials provided under this Agreement in an amount not to exceed \$3,137,629.89, Three Million One Hundred Thirty Seven Thousand Six Hundred Twenty Nine Dollars and Eighty Nine Cents. The detailed costs are provided on the attached Bid Form/Awarded Lines.

Section 2
Bid#22ITB121622K-DJ

Industrial Racking for the Fulton County Central Warehouse

Bid Form

BID FORM

Submitted To: Fulton County Government

Submitted By: McGee Equipment Company Inc dba McGee Storage and Handling

For: Bid #22ITB121622K-DJ - Industrial Racking for the Fulton County Central Warehouse

Submitted on January 9, 2023.

The undersigned, as Bidder, hereby declares that the only person or persons interested in the Bid as principal or principals is or are named herein and that no other person than herein mentioned has any interest in this Bid or in the Contract to be entered into; that this Bid is made without connection with any other person, company or parties making a Bid; and that it is in all respects fair and in good faith without collusion or fraud.

The Bidder further declares that he has examined the site of the work and informed himself fully in regard to all conditions pertaining to the place where the work is to be done; that he has examined the Drawings and Specifications for the work and contractual documents relative thereto, and has read all instructions to Bidders and General Conditions furnished prior to the openings of bids; that he has satisfied himself relative to the work to be performed.

The Bidder proposes and agrees, if this Bid is accepted, to contract with the Board of Commissioners of Fulton County, Atlanta, Georgia, in the form of contract specified, to furnish all necessary materials, equipment, machinery, tools, apparatus, means of transportation and labor necessary, and to complete the construction of the work in full and complete accordance with the shown, noted, and reasonably intended requirements of the Specifications and Contract Documents to the full and entire satisfaction of the Board of Commissioners of Fulton County, Atlanta, Georgia, with a definite understanding that no money will be allowed for extra work except as set forth in the attached General Conditions and Contract Documents for the following prices.

THE BASE BID IS THE AMOUNT UPON WHICH THE BIDDER WILL BE FORMALLY EVALUATED AND WHICH WILL BE USED TO DETERMINE THE LOWEST RESPONSIBLE BIDDER.

The base bid may not be withdrawn or modified for a period of sixty (60) days following the receipt of bids.

BASE BID AMOUNT (Do not include any Bid Alternates)

\$ \$2,879,423.00 (applicable taxes are NOT included)
(Dollar Amount In Numbers)

Two-Million, Eight-Hundred Seventy-Nine Thousand, Four-Hundred Twenty-Three Dollars
(Dollar Amount in Words)

Section 2
Bid#22ITB121622K-DJ

Industrial Racking for the Fulton County Central Warehouse

Bid Form

The Bidder agrees hereby to commence work under this Contract, with adequate personnel and equipment, on a date to be specified in a written "Notice to Proceed" from the County.

The Bidder declares that he understands that the quantities shown for the unit prices items are subject to either increase or decrease, and that should the quantities of any of the items of work be increased, the Bidder proposes to do the additional work at the unit prices stated herein; and should the quantities be decreased, the Bidder also understands that payment will be made on the basis of actual quantities at the unit price bid and will make no claim for anticipated profits for any decrease in quantities; and that actual quantities will be determined upon completion of work, at which time adjustments will be made to the contract amount by direct increase or decrease.

BASE BID AMOUNT

PRODUCT	PER UNIT COST	QUANTITY	TOTAL COST
1. Narrow Isle Racking		936	\$1,902,291.00
2. Palette Racking		384	\$779,629.00
3. Other suggested Racking		1	\$197,503.00
4. Owner Controlled Contingency			\$500,000.00
<i>TOTAL COST (lines 1-4)</i>			\$3,379,423.00

EXHIBIT 3

CONTRACT COMPLIANCE DOCUMENTS

EXHIBIT A – PROMISE OF NON-DISCRIMINATION

"Know all persons by these presents, that I/We (Kirk Anderson),
Name

President
Title

McBee's Equipment Co.
Company Name

Hereinafter "Company", in consideration of the privilege to bid on or obtain contracts funded, in whole or in part, by Fulton County, hereby consent, covenant and agree as follows:

- 1) No person shall be excluded from participation in, denied the benefit of, or otherwise discriminated against on the basis of race, color, national origin or gender in connection with any bid submitted to Fulton County for the performance of any resulting there from,
- 2) That it is and shall be the policy of this Company to provide equal opportunity to all businesses seeking to contract or otherwise interested in contracting with this Company without regard to the race, color, gender or national origin of the ownership of this business,
- 3) That the promises of non-discrimination as made and set forth herein shall be continuing in nature and shall remain in full force and effect without interruption,
- 4) That the promise of non-discrimination as made and set forth herein shall be made a part of, and incorporated by reference into, any contract or portion thereof which this Company may hereafter obtain,
- 5) That the failure of this Company to satisfactorily discharge any of the promises of non-discrimination as made and set forth herein shall constitute a material breach of contract entitling the Board to declare the contract in default and to exercise any and all applicable rights and remedies, including but not limited to cancellation of the contract, termination of the contract, suspension and debarment from future contracting opportunities, and withholding and/or forfeiture of compensation due and owing on a contract; and
- 6) That the bidder shall provide such information as may be required by the Director of Purchasing & Contract Compliance pursuant to Section 102.436 of the Fulton County Non-Discrimination in Purchasing and Contracting Policy.

NAME: Kirk Anderson TITLE: President

SIGNATURE: [Signature]

ADDRESS: 4467 Park Dr. #100 Norcross, GA 30093

PHONE NUMBER: 770-488-4346 EMAIL: KAnderson@McBeeAtlanta.com



JOIN FORCES. SUCCEED TOGETHER.

hereby grants

National Women's Business Enterprise Certification

to

McC Gee Equipment Company DBA McGee Storage & Handling

who has successfully met WBENC's standards as a Women's Business Enterprise (WBE). This certification affirms the business is woman-owned, operated and controlled and is valid through the date herein.

WBENC National WBE Certification was processed and validated by Greater Women's Business Council, a WBENC Regional Partner Organization.

Certification Granted: January 31, 2008
Expiration Date: January 31, 2023
WBENC National Certification Number: 2005109909

Authorized by Roz Lewis, President & CEO
Women's Business Center



NAICS: 423830, 238390, 423390, 423440
UNSPSC: 24101800, 24102000, 24102004, 24112007, 56101520, 56111906

