

## CONTRACT AGREEMENT - COMMODITIES

This Agreement is effective as of the 8th of May, 2020, by and between Fulton County, a political subdivision of the State of Georgia (hereinafter called the "County"), and the Contractor ("Contractor") set forth below.

<b>Contractor:</b>	<b>TEK 84 Engineering Group, LLC</b>
<b>ITBC Contract No. &amp; Title:</b>	<b>19RFP121624B-JD, Whole Body Scanner</b>
<b>Address:</b>	<b>13495 Gregg Street Poway CA 62064</b>
<b>Telephone:</b>	<b>(858) 676-5384</b>
<b>Email:</b>	<b>Steve.smith@tek84.com</b>
<b>Contact Name &amp; Title:</b>	<b>Steven W. Smith President</b>

This agreement was approved by the Fulton County Board of Commissioner on March 18, 2020, BOC Item #20-0212.

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

Exhibit 2: Contractor Bid Form Response (attached)

### **1. Contract Term**

Upon delivery of equipment and until installation is complete and accepted by the County.

### **2. Compensation**

The total contract amount for the Project shall not exceed \$154,000.00 (One Hundred Fifty Four Thousand Dollars and No Cents) which is full payment for a complete scope of work. The detailed costs are provided in Exhibit 2, Bid Form Response.

### **3. Description of Goods**

The Contractor agrees to provide all goods, services, and other deliverables in compliance with the specifications contained in the ITBC 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:

**FULTON COUNTY, GEORGIA**

DocuSigned by:

*Robert L. Pitts*

Robert L. Pitts, Chairman  
Fulton County Board of Commissioners

ATTEST:

DocuSigned by:

*Tonya R. Grier*

Tonya R. Grier  
Chief Deputy Clerk to the Commission

(Affix County Seal)



APPROVED AS TO FORM:

DocuSigned by:

*Ashley Palmer*

Office of the County Attorney

APPROVED AS TO CONTENT:

DocuSigned by:

*Theodore Jackson*

Theodore Jackson, Sheriff  
Fulton County Sheriff's Office

CONTRACTOR:

**TEK84 ENGINEERING GROUP, INC.**

DocuSigned by:

*Steven W. Smith*

Steven W. Smith  
President

ATTEST:

Secretary/  
Assistant Secretary

(Affix Corporate Seal)

ATTEST:

DocuSigned by:

*Kendall Labelle*

Notary Public

County: San Diego

Commission Expires: November 25, 2023

(Affix Notary Seal)



ITEM#: 2020-0212 RCS: 3/18/2020  
RECESS MEETING

ITEM#: \_\_\_\_\_ RM: \_\_\_\_\_  
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 \$154,000.00 (One Hundred Fifty Four Thousand Dollars and No Cents). The detailed costs are provided on the attached Bid Form.



13495 Gregg Street  
Poway, CA 92064  
[www.Tek84.com](http://www.Tek84.com)

Joyce Daniel  
Chief Assistant Purchasing Agent  
Fulton County Department of Purchasing and Contract Compliance  
Public Safety Building  
130 Peachtree Street SW, Suite 1168  
Atlanta, GA 30303

14 October, 2019

Expiration Date: December 31, 2019

Quote#: 2019-10-13

Qty	Part Number	Description	MSRP	Net Price
1	SSD-017-1000	Tek84 Intercept Whole Body Security Scanning System High Strength Aluminum Unibody Frame 160Kv Monoblock Oil Cooled Generator Ultra-compact 34" x 72" foot print <4 Second Scan Time Variable Scanning Dosage from .25uSv to 3.0uSv Adheres to ANSI/HPS N43-17-2009 Regulations Mobile Work Station 27" Mounted Touch Screen Monitor Windows Operating System One Million Image Storage Capacity. Transportable on Built In Heavy Duty Caster System 16 Million Gray Scale Levels 110V/15 A	\$195,000	\$149,000
1	INT- INSTALL	Installation and Calibration	INC	INC
1	INT- TRAINING	3 Days On Site Initial Operator Training-adhering to ANSI/HPS N43.17-2009 Section 8.1.5. Administrator, Super User, Standard User Training Programs.	INC	INC
1	INT-WARRANTY-2	Two (2)Year Parts and Labor on Entire System from time of Installation.	INC	INC

**SPECIAL PRICING**

**TOTAL: \$149,000**

NOTE: 60 Day, 100% Money Back Guarantee if the Intercept System does not meet Customer's Satisfaction and all published specifications. Customer is responsible for any and all equipment damages that might transpire during this time period.

By execution of this Agreement by an authorized signature, the Customer agrees to purchase the Products specified subject to the terms and conditions set forth in the Agreement and subject to Tek84 Terms and Conditions available at [www.Tek84.com](http://www.Tek84.com)

FOB: Destination  
Terms: Net 30 Days from Delivery  
Taxes: All sales are subject to applicable sales tax. Please provide a Tax-Exempt Certificate if applicable.

## Recommended Spare Parts List

Part Number	Description	Level	Price
12971	Hard Drive, 1TB, Image	1	\$ 477.50
SSD-017-4100	Source Assembly	1	\$ 17,800.50
12969	Touchscreen Monitor	1	\$ 1,458.35
SSD-017-3274	Alignment Actuator Front	2	\$ 2,288.00
SSD-017-3195	Alignment Actuator Rear	2	\$ 2,288.00
SSD-017-3750	CPU Control Assembly, Intercept	2	\$ 4,116.96
SSD-017-2100	Kiosk Operator Control Assembly	2	\$ 2,296.50
SSD-017-3650	Motor Driver Assembly	2	\$ 2,917.00
12631	Assembly Motor Motor, Xray	3	\$ 1,160.90
SSD-017-3251	Balancer Load Positioning, Mod	3	\$ 1,004.50
SSD-017-7110	Detector PCB	3	\$ 3,741.50
12924	Gear Box, Inline Planetary	3	\$ 1,395.50
12923	Gear Box, Right Angle Hypoid	3	\$ 2,925.50
SSD-017-3653	Motor Assembly, Detector	3	\$ 1,225.50
12509	Motor Driver	3	\$ 1,713.40
12921	Rail, Belt Drive, MTB	3	\$ 3,093.80
12922	Rail, Belt Drive, MTB	3	\$ 3,248.50
			\$ 53,151.91

All prices FOB San Diego\*

**EXHIBIT 2****COST PROPOSAL FORMS  
(SUBMIT IN SEPARATE SEALED ENVELOPE)****19RFP121624B-JD  
Whole Body Scanner (X-Ray Machine)****Submitted by: TEK 84**

ITEM	DESCRIPTION	COST
1.	<b><u>New Intake</u></b> – Install one (1) Whole Body Contraband Detection System and Trace Detector	<b>\$ 149,000</b>
2.	<b><u>Lobby</u></b> – Install one (1) Walk Thru Metal Detector	<b>\$ N/A</b>
3.	<b><u>Low Rise</u></b> – Install one (1) Walk Thru Metal Detector	<b>\$ N/A</b>
	<b>TOTAL PROJECT COSTS (Line items 1-3)</b>	<b>\$ 149,000</b>



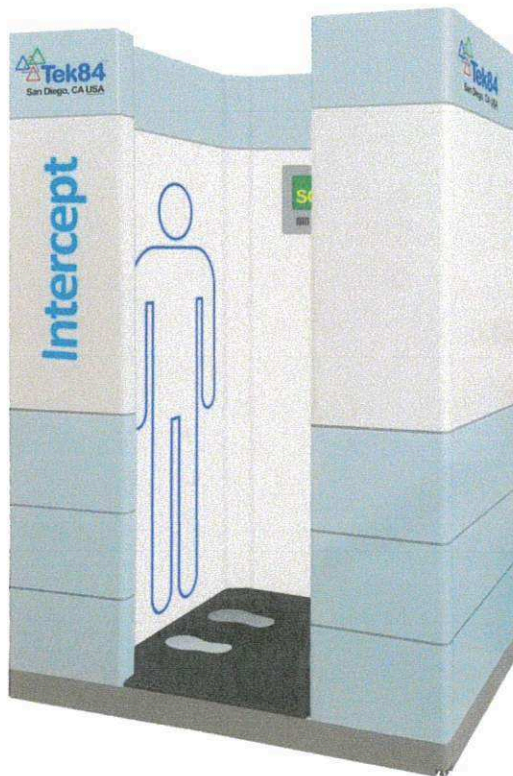
**Specifications of Full body Scanner for Security Purposes**

- High Strength Aluminum Unibody Frame
- 160Kv Monoblock Oil Cooled Generator
- 34"W x 72"L x 90"H (79"H top removed) dimensions
- 4 Second Scan Time
- Subject stands in fixed position while being scanned- Must not be transported via platform or conveyor belt
- Variable Scanning Dose from .25uSv to .9uSv
- Must scan Posterior to Anterior in accordance with ANSI/HPS N43-17-2009 Radiation Safety Standard
- Tethered portable work station with 27" vertically mounted touch screen monitor
- PC with Windows 10 Operating System
- Transportable on heavy duty casters with stabilizer feet.
- 16 Million Gray Scale Levels.
- Scan Rate 180 persons per hour
- Operator and Bystander Radiation exclusion Zone equal to the footprint of the unit
- MINI ITX Industrial Motherboard w/ Intel Core i5-6500 3.3 GHz Processor
- HARD DRIVE, 1TB 2.5 SATA, 5400 RPM x 2Ea for RAID
- Photo Image taken on subject and embedded on .jpg file for evidentiary purposes
- Quick upload of subject data base from text comma delimited file
- Quick upload of user data base from text comma delimited file
- System weight 730 lbs
- Load Capacity for subjects = 600lbs
- Power requirements 110V/15A
- Installation time less than 4hrs with one service engineer

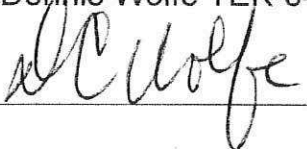


## Intercept

### Recommended Spare Parts List



**EXHIBIT 2****COST PROPOSAL FORMS**  
**(SUBMIT IN SEPARATE SEALED ENVELOPE)****19RFP121624B-JD**  
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2.	<b><u>Lobby</u></b> – Install one (1) Walk Thru Metal Detector	\$ N/A
3.	<b><u>Low Rise</u></b> – Install one (1) Walk Thru Metal Detector	\$ N/A
	<b>TOTAL PROJECT COSTS</b> <b>(Line items 1-3)</b>	<b>\$ 154,000</b> <b>(includes 3 yrs. Warranty)</b>
	REVISED 1-8-20 Dennis Wolfe TEK-84 	

**EXHIBIT 2****COST PROPOSAL FORMS  
(SUBMIT IN SEPARATE SEALED ENVELOPE)**

**19RFP121624B-JD  
Whole Body Scanner (X-Ray Machine)**

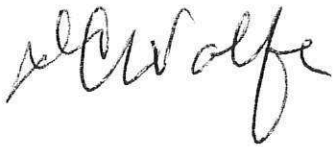
**Submitted by: TEK 84**

*The following items are not to be included in the Total Project Cost:*

<b>Additional Training Cost per Hour:</b>	<b>\$ INC</b>
<b>Extended Warranty Beyond Initial One-Year</b>	<b>3 Years Warranty Included</b>
<b>&gt;Year four (3) Parts &amp; Labor Warranty</b>	<b>\$ INC.</b>
<b>&gt;Year four (4) Parts &amp; Labor Warranty</b>	<b>\$ 10,000</b>
<b>&gt; Year five (5) Parts &amp; Labor Warranty</b>	<b>\$ 10,000</b>

**NOTE: REVISED 12-8-20**

Dennis Wolfe TEK-84



# EXHIBIT 3

## CONTRACT COMPLIANCE DOCUMENTS

**EXHIBIT A – PROMISE OF NON-DISCRIMINATION**

"Know all persons by these presents, that I/We (Steven W. Smith),  
Name

President  
Title

Tek84 Inc  
Firm 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: Steven W Smith TITLE: President

SIGNATURE: 

ADDRESS: 13495 Gress Street, Poway, CA 92064

PHONE NUMBER: 858-676-5382 EMAIL: ~~Steven~~ Steve.Smith@Tek84.com  
X101

**EXHIBIT B -- EMPLOYMENT REPORT**

The demographic employment make-up for the bidder and all subcontractors performing work on this project must be submitted prior to the execution of the contract.

JOB CATEGORIES	TOTAL EMPLOYED		TOTAL MINORITIES		WHITE (Not Hispanic Origin)		BLACK or AFRICAN AMERICAN (Not of Hispanic Origin)		HISPANIC or LATINO		AMERICAN INDIAN or ALASKAN NATIVE (AIAN)		ASIAN		NATIVE HAWAIIAN or OTHER PACIFIC ISLANDER (NHOP)		TWO or MORE RACES	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
EXECUTIVE/SENIOR LEVEL OFFICIALS and MANAGERS	3	0	0	0	3													
FIRST/MID LEVEL OFFICIALS and MANAGERS	1	0	0	0	1													
PROFESSIONALS	2	1	0	0														
TECHNICIANS	10	4	8	0	5	2	1	0	4	2								
SALES WORKERS	0	2	0	0	2													
ADMINISTRATIVE SUPPORT WORKERS	0	0	0	0														
CRAFT WORKERS	0	0	0	0														
OPERATIVES	0	0	0	0														
LABORERS & HELPERS	0	0	0	0														
SERVICE WORKERS	0	3	0	0	3													
TOTAL																		

FIRM'S NAME: Tek84, IncCONTACT NAME: Steven W. SmithEMAIL: Steve.Smith@Tek84.comPHONE NUMBER: 858-676-5382 x101SUBMITTED BY: Steven W Smith, President

**EXHIBIT C - SCHEDULE OF INTENDED SUBCONTRACTOR UTILIZATION**

If the bidder/proposer intends to subcontract any portion of this scope of work/service(s), this form **must be** completed and **submitted with the bid/proposal**. All prime bidders/proposers **must** submit Letter(s) of Intent (Exhibit D) for all subcontractors who will be utilized under the scope of work/services prior to contract execution.

Prime Bidder/Proposer Company Name \_\_\_\_\_

ITB/RFP Name & Number: \_\_\_\_\_

1. My firm, as Prime Bidder/Proposer on this scope of work/service(s) is **NOT** ☐, is ☐ a minority or female owned and controlled business enterprise. ☐ **African American (AABE)**; ☐ **Asian American (ABE)**; ☐ **Hispanic American (HBE)**; ☐ **Native American (NABE)**; ☐ **White Female American (WFBE)**; **\*\*If yes, please attach copy of recent certification. (Check the appropriate box/es)**

2. This information below must be completed and submitted with the bid/proposal if a **joint venture (JV)** approach is to be undertaken. Please provide JV breakdown information below and attach a copy of the executed Joint Venture Agreement.

JV Partner(s) information:

<u>Business Name</u>		<u>Business Name</u>		<u>Business Name</u>	
(a.)		(b.)		(c.)	
% of JV		% of JV		% of JV	
Ethnicity		Ethnicity		Ethnicity	
Gender		Gender		Gender	
Phone#		Phone#		Phone#	

3. Sub-Contractors (including suppliers) to be utilized in the performance of this scope of work/service(s), if awarded, are:

SUBCONTRACTOR NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_


EMAIL ADDRESS: \_\_\_\_\_ PHONE: \_\_\_\_\_

CONTACT PERSON: \_\_\_\_\_

ETHNIC GROUP\*: \_\_\_\_\_ COUNTY CERTIFIED\*\* \_\_\_\_\_

WORK TO BE PERFORMED: \_\_\_\_\_

DOLLAR VALUE OF WORK: \$ \_\_\_\_\_ PERCENTAGE VALUE: \_\_\_\_\_ %

N/A No subcontractor will be used.  
  
 Steven W. Smith  
 President  
 10/10/19

**Total Percentage of Subcontractor Value: (%)**

**CERTIFICATION:** The undersigned certifies that he/she has read, understands and agrees to be bound by the Bid/Proposer provisions, including the accompanying Exhibits and other terms and conditions regarding sub-contractor utilization. The undersigned further certifies that he/she is legally authorized by the Bidder/Proposer to make the statement and representation in this Exhibit and that said statements and representations are true and correct to the best of his/her knowledge and belief. The undersigned understands and agrees that if any of the statements and representations are made by the Bidder/Proposer knowing them to be false, or if there is a failure of the intentions, objectives and commitments set forth herein without prior approval of the County, then in any such event the Contractor's acts or failure to act, as the case may be, shall constitute a material breach of the contract, entitling the County to terminate the Contract for default. The right to so terminate shall be in addition to, and in lieu of, any other rights and remedies the County may have for other defaults under the contract.

**Signature:** \_\_\_\_\_ **Title:** \_\_\_\_\_

**Business or Corporate Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Telephone:** (     ) \_\_\_\_\_

**Fax Number:** (     ) \_\_\_\_\_

**Email Address:** \_\_\_\_\_

N/A, No subcontractor will be used.  
[Signature]  
Steven W. Smith  
President 10/19/19

**EXHIBIT D**

**LETTER OF INTENT TO PERFORM AS A SUBCONTRACTOR  
OR  
PROVIDE MATERIALS OR SERVICES**

This form **must** be completed by ALL known subcontractors and submitted only by subs of awarded Prime prior to contract execution.

To: \_\_\_\_\_  
(Name of Prime Contractor's Firm)

From: \_\_\_\_\_  
(Name of Subcontractor's Firm)

ITB/RFP Number: \_\_\_\_\_

Project Name: \_\_\_\_\_

The undersigned is prepared to perform the following described work or provide materials or services in connection with the above project (specify in detail particular work items, materials, or services to be performed or provided):

Description of Work	Project Commence Date	Project Completion Date	Estimated Dollar Amount

\_\_\_\_\_  
(Prime Bidder)

Signature \_\_\_\_\_

Title \_\_\_\_\_

Email \_\_\_\_\_

Date \_\_\_\_\_

\_\_\_\_\_  
(Subcontractor)

Signature \_\_\_\_\_

Title \_\_\_\_\_

Email \_\_\_\_\_

Date \_\_\_\_\_

N/A No subcontractor  
will be used

*Steven W. Smith,*

**EXHIBIT E - PRIME CONTRACTOR/SUB-CONTRACTOR UTILIZATION REPORT**

This report must be submitted by the **tenth day** of each month, along with a copy of your monthly invoice (schedule of values/payment application) to Contract Compliance. Failure to comply **shall** result in the County commencing proceedings to impose sanctions to the prime contractor, in addition to pursuing any other available legal remedy. Sanctions may include the suspending of any payment or part thereof, termination or cancellation of the contract, and the denial of participation in any future contracts awarded by Fulton County.

<b>REPORTING PERIOD</b>		<b>PROJECT NAME:</b>
<b>FROM:</b>		<b>PROJECT NUMBER:</b>
<b>TO:</b>		<b>PROJECT LOCATION:</b>

PRIME CONTRACTOR		Contract Award Date	Contract Award Amount	Change Order Amount	Contract Period	% Complete to Date
Name:						
Address:						
Phone #:						
Email:						

AMOUNT OF PAY APPLICATION THIS PERIOD: \$ \_\_\_\_\_

TOTAL PAYMENT(S) RECEIVED FROM COUNTY THIS PERIOD: \$ \_\_\_\_\_

TOTAL AMOUNT PAID YEAR TO DATE: \$ \_\_\_\_\_

**SUBCONTRACTOR UTILIZATION** (add additional rows as necessary)

Name of Sub-Contractor	Description of Work	Contract Amount	Amount Paid To Date	Amount of Pay Application This Period	Contract Period Starting Date	Contract Period Ending Date
<b>TOTALS</b>						

Executed By: \_\_\_\_\_ (Signature) \_\_\_\_\_ (Printed Name)

Notary: \_\_\_\_\_ Date: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

*N/A No monthly invoice will be issued.*  
*SAK*  
*Steven W. Smith*

**COUNTY MANAGER'S ITEMS**

**Justice and Safety**

**20-0212**

**Sheriff**

Request approval of a recommended proposal - Sheriff's Office, RFP #19RFP121624B-JD Whole Body Scanner (X-Ray Machine) in the amount of \$154,000.00 with TEK 84 Engineering Group, LLC (San Diego, CA) for the purchase of a Whole Body Scanner (X-Ray Machine) for the Sheriff's Department upon issuance of the Notice to Proceed until installation is complete and accepted by the County. **(APPROVED)**

A motion was made by Commissioner Morris and seconded by Chairman Pitts to approve.

The motion passed by the following voice vote:

Yeas: 6 - Pitts, Hausmann, Ellis, Morris, Hall, Carn  
Did not vote: 1 - Arrington

**Health and Human Services**

**20-0213**

**Public Works**

Request approval of a Memorandum of Agreement ("MOA") between Fulton County, Georgia, on behalf of the Department of Public Works, and the Metropolitan North Georgia Water Planning District (MNGWPD) for continued participation in the District-wide Multi-family High Efficiency (HET) Toilet Rebate Program administered by the MNGWPD and pursuant to the requirements of the MNGWPD's Water Resource Management Plan in the amount of \$50,000.00 for one year effective upon execution. The County Attorney is authorized to approve the MOA as to form and to make modifications thereto prior to execution. **(APPROVED)**

A motion was made by Commissioner Hausmann and seconded by Commissioner Hall to approve.

The motion passed by the following voice vote:

Yeas: 6 - Pitts, Hausmann, Ellis, Morris, Hall, Carn  
Did not vote: 1 - Arrington