



BOARD OF SUPERVISORS AGENDA ITEM REPORT
AWARDS / CONTRACTS / GRANTS

Award Contract Grant

Requested Board Meeting Date: 04/18/2023

or Procurement Director Award:

* = Mandatory, information must be provided

***Contractor/Vendor Name/Grantor (DBA):**

Ennis-Flint, Inc. (Headquarters: Greensboro, NC).

***Project Title/Description:**

Pavement Markings Traffic Paint & Preformed Thermoplastic

***Purpose:**

Award: Master Agreement No. MA-PO-23-152. This Master Agreement is for an initial term effective 04/18/2023 and terminates 02/12/2026 in the not-to-exceed contract amount of \$1,404,000.00 (including sales tax). The term may be renewed up to a maximum of two (2) one-year renewal options with a renewal amount of \$468,000.00 each and will be a continuation of the same terms and conditions. Administering Department: Transportation.

***Procurement Method:**

Pursuant to Pima County Procurement Code 11.24.010, Cooperative procurement authorized, for Requisition No. 23-179, the Procurement Director approved the use of City of Mesa, Contract No. 2023129, which was awarded through competitive procedures reasonably similar to those set forth by Pima County Procurement Code.

PRCUID: 479299

Attachment: Cooperative Procurement Agreement.

***Program Goals/Predicted Outcomes:**

To provide County with pavement markings material and traffic paint essential to maintain and repair Pima County roadways.

***Public Benefit:**

Giving the public ease of travel, reduced energy costs, lower maintenance costs and environmentally friendly county roads.

***Metrics Available to Measure Performance:**

By quality products received in a timely manner, billing correctly submitted and compliant with requirements per specifications.

***Retroactive:**

No.

TO: COB 3/31/2023
5 pages
VERSION 1

THE APPLICABLE SECTION(S) BELOW MUST BE COMPLETED

Click or tap the boxes to enter text. If not applicable, indicate "N/A". Make sure to complete mandatory (*) fields

Contract / Award Information

Document Type: MA Department Code: PO Contract Number (i.e., 15-123): 23-152
Commencement Date: 04/18/2023 Termination Date: 02/12/2026 Prior Contract Number (Synergen/CMS):
Expense Amount \$ 1,404,000.00 * Revenue Amount: \$

*Funding Source(s) required: Transportation Ops

Funding from General Fund? Yes No If Yes \$ % 0
Contract is fully or partially funded with Federal Funds? Yes No
If Yes, is the Contract to a vendor or subrecipient?
Were insurance or indemnity clauses modified? Yes No
If Yes, attach Risk's approval.
Vendor is using a Social Security Number? Yes No
If Yes, attach the required form per Administrative Procedure 22-10.

Amendment / Revised Award Information

Document Type: Department Code: Contract Number (i.e., 15-123):
Amendment No.: AMS Version No.:
Commencement Date: New Termination Date:
Prior Contract No. (Synergen/CMS):
Expense Revenue Increase Decrease
Amount This Amendment: \$
Is there revenue included? Yes No If Yes \$
*Funding Source(s) required:
Funding from General Fund? Yes No If Yes \$ %

Grant/Amendment Information (for grants acceptance and awards)

Document Type: Department Code: Grant Number (i.e., 15-123):
Commencement Date: Termination Date: Amendment Number:
Match Amount: \$ Revenue Amount: \$

*All Funding Source(s) required:

*Match funding from General Fund? Yes No If Yes \$ %
*Match funding from other sources? Yes No If Yes \$ %
*Funding Source:

*If Federal funds are received, is funding coming directly from the Federal government or passed through other organization(s)?

Contact: Procurement Officer: Stephen M. Romero Digitally signed by Stephen M. Romero Date: 2023.03.27.09:38:46 -07:00 Division Manager: Ana Wilber Digitally signed by Ana Wilber Date: 2023.03.27.09:40:30 -07:00
Department: Procurement Director: Terri Spencer Digitally signed by Terri Spencer Date: 2023.03.27.11:59:20 -07:00 Telephone: 520-724-3021
Department Director Signature: Kathryn Skinner Date: 3/28/2023
Deputy County Administrator Signature: Date: 3/30/2023
County Administrator Signature: Date: 3/31/2023

Pima County Procurement Department	
Administering Department: Transportation	
Project:	Pavement Markings Traffic Paint & Preformed Thermoplastic
Contractor:	Ennis-Flint, Inc.
	4161 Piedmont Parkway, Suite 370
	Greensboro, NC 27410
Amount:	\$1,404,000.00
Contract No.:	MA-PO-23-152
Funding:	Transportation Operations

COOPERATIVE PROCUREMENT AGREEMENT

1. Parties, Background and Purpose.

1.1. Master Contract. Ennis-Flint, Inc. (“Contractor”) and the City of Mesa entered into Contract number 2023129, dated February 13, 2023 (the “Master Agreement”) to purchase Pavement Markings Traffic Paint & Preformed Thermoplastic (collectively, the “Services”). Pursuant to which they agreed, among other things, that authorized Arizona local government entities, among other, can purchase various products from Ennis-Flint, Inc.

1.2. Purpose. The Pima County Transportation Department requires pavement markings traffic paint & preformed thermoplastic essential to maintain and repair Pima County roadways.

1.3. Authorization.

1.3.1. City of Mesa. Pursuant to the Master Agreement, a governmental entity with which the City of Mesa has a Cooperative purchasing agreement may, with Contractor’s approval, purchase services under the Master Contract pursuant to the terms and condition of the Master Contract as may be modified in this Cooperative Procurement Agreement. Section 38 of Exhibit C, Cooperative Use of Contract of the City of Mesa.

1.3.2. County. The County is authorized by Pima County Code § 11.24.010 and A.R.S. § 41-2632 to enter into cooperative purchasing arrangements, such as the Master Contract, and the County has entered into such an agreement with City of Mesa.

1.3.3. Contractor. Ennis-Flint, Inc. authorizes the County to participate in the Master Contract pursuant to the terms and conditions of this Cooperative Agreement (at times, the Master Contract and the Cooperative Agreement are referred to together as the “Agreement”).

1.3.4. Purpose. The County intends to purchase Pavement Markings Traffic Paint & Preformed Thermoplastic available under this Master Contract.

2. **Term.** The term of this Cooperative Agreement commences on the Effective Date April 18, 2023, and will terminate on the earlier of February 12, 2026, or upon termination of the Master Contract.

3. **Renewals.** On mutual written agreement of the Parties, the term may be renewed up to a maximum of two (2) one-year renewals. Renewal(s) will be a continuation of the same terms and conditions

as in effect immediately before the expiration of the then-current term. Any renewals of this Cooperative Agreement must be made by mutual agreement between Ennis-Flint, Inc., and the County.

4. Compensation and Payment.

- 4.1. Not-To-Exceed ("NTE") Amount. County's total payments to Contractor under this Contract, including any sales taxes, may not exceed \$1,404,000.00 (the "NTE Amount") for years 1-3 and a subsequent amount of \$468,000.00 for any additional renewal periods. The NTE Amount can only be changed by a formal amendment executed by the Parties. Contractor is not required to provide any services, payment for which will cause the County's total payments under this Contract to exceed the NTE Amount; if Contractor does so, it is at the Contractor's own risk.
- 4.2. Invoice Submittal. Invoices are to be sent to:
Pima County Finance & Risk Management – Accounts Payable
P.O. Box 791
Tucson, AZ 85701

5. Payment Obligations.

- 5.1. County's Obligations. The County acknowledges and agrees that it is bound by the terms and conditions of the Agreement including, without limitation, the obligation to pay Ennis-Flint, Inc. for services rendered.
- 5.2. City of Mesa Obligations. The County expressly acknowledges and agrees that the City of Mesa has no obligation to pay for any amounts incurred through the Contract.

6. Insurance. Insurance issues are governed by the Master Contract.

7. Notice. Any notice required or permitted to be given under this Contract must be in writing and be served by personal delivery or by certified mail upon the other party as follows:

County:	Ennis-Flint, Inc.:
Terri Spencer, Procurement Director	Randy Cary, Regional Sales Manager
Pima County Procurement	Contract Sales
150 W Congress, 5 th Floor	4161 Piedmont Parkway
Tucson, AZ 85701	Greensboro, NC 27410
520.724.3722	480.466.2919
Terri.Spencer@pima.gov	Rcary@ppg.com

8. Amendment. The parties may modify, amend, alter, or extend this Contract only by a written Amendment signed by the parties.

9. Entire Agreement. This document and all references within constitutes the entire agreement between the parties pertaining to the subject matter it addresses, and this Contract supersedes all prior or contemporaneous agreements and understandings, oral or written.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

This Contract will become effective when all parties have signed it. The effective date of the Contract will be the date this Contract is signed by the last party (as indicated by the date associated with that party's signature).

IN WITNESS WHEREOF, the parties have approved this Cooperative Procurement Agreement and agree to be bound by the terms and conditions of the Contract on the dates written below.

Pima County

Ennis-Flint, Inc.

Chair, Board of Supervisors



Authorized Officer Signature

Date

Dane Alsbrook-Director of Contract Administration

Printed Name and Title

3-22-23

Date

ATTEST

Clerk of the Board

Date

APPROVED AS TO FORM



Deputy County Attorney

Rachelle Barr 03/21/2023

Print DCA Name