

AMENDMENT NO. 3 TO CONTRACT NO. 119803, RELEASE NO. P-949(5)

THIS AMENDMENT is by and between the State of Minnesota, acting through its commissioner of Administration ("State"), and St. Croix Recreation Fun Playgrounds, Inc., 225 N 2nd Street, Stillwater, MN 55082 ("Contract Vendor").

WHEREAS, the State has a Contract with the Contract Vendor identified as Contract No. 119803, February 2, 2017, through January 31, 2018 ("Contract"), to provide Park and Playground Equipment and Installation; and

WHEREAS, Minn. Stat. § 16C.03, subd. 5, affords the commissioner of Administration, or delegate pursuant to Minn. Stat. § 16C.03, subd. 16, the authority to amend contracts; and

WHEREAS, the terms of the Contract allow the State to amend the Contract as specified herein, upon the mutual agreement of the Office of State Procurement and the Contract Vendor in a fully executed amendment to the Contract.

NOW, THEREFORE, it is agreed by the parties to amend the Contract as follows:

1. The following clause is hereby incorporated as the last clause of Exhibit A to the Notification of Award.

Certification of Nondiscrimination (In accordance with Minn. Stat. § 16C.053)

The following term applies to any contract for which the value, including all extensions, is \$50,000 or more: Contractor certifies it does not engage in and has no present plans to engage in discrimination against Israel, or against persons or entities doing business in Israel, when making decisions related to the operation of the vendor's business. For purposes of this section, "discrimination" includes but is not limited to engaging in refusals to deal, terminating business activities, or other actions that are intended to limit commercial relations with Israel, or persons or entities doing business in Israel, when such actions are taken in a manner that in any way discriminates on the basis of nationality or national origin and is not based on a valid business reason.

2. That Contract No. 119803 is extended through January 31, 2020. The Contract Vendor shall provide products and services at the prices set forth in Exhibit A – Amendment 3, which is attached and incorporated herein. All other terms and conditions remain the same.

This Amendment is effective upon the date that the final required signatures are obtained and shall remain in effect through contract expiration, or until the Contract is canceled, whichever occurs first.

Except as herein amended, the provisions of the Contract between the parties hereto are expressly reaffirmed and remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Amendment to be duly executed intending to be bound thereby.

<p>1. St. Croix Recreation Fun Playgrounds, Inc. The Contractor certifies that the appropriate person(s) have executed this Amendment on behalf of the Contractor as required by applicable articles, bylaws, resolutions, or ordinances.</p> <p>By: <u>[Signature]</u> Signature <u>Christopher W Johnson</u> Printed Name Title: <u>President</u> Date: <u>18/JAN/2018</u> By: _____ Signature Printed Name Title: _____ Date: _____</p>	<p>2. Office of State Procurement In accordance with Minn. Stat. § 16C.03, subd. 3.</p> <p>By: <u>[Signature]</u> Title: <u>Acquisition Management Specialist</u> Date: <u>2-5-18</u></p> <p>3. Commissioner of Administration Or delegated representative.</p> <p>By: <u>Original signed</u> Date: <u>FEB 05 2018</u> By Mary L. Nelson</p>
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STATE OF MINNESOTA – WORKFORCE CERTIFICATE INFORMATION

Required by state law for ALL bids or proposals that could exceed \$100,000

Complete this form and return it with your bid or proposal. The State of Minnesota is under no obligation to delay proceeding with a contract until a company becomes compliant with the Workforce Certification requirements in Minn. Stat. §363A.36.

BOX A – MINNESOTA COMPANIES that have employed more than 40 full-time employees within this state on any single working day during the previous 12 months, check one option below:

- Attached is our current Workforce Certificate issued by the Minnesota Department of Human Rights (MDHR).
- Attached is confirmation that MDHR received our application for a Minnesota Workforce Certificate on _____ (date).

BOX B – NON-MINNESOTA COMPANIES that have employed more than 40 full-time employees on a single working day during the previous 12 months in the state where it has its primary place of business, check one option below:

- Attached is our current Workforce Certificate issued by MDHR.
- We certify we are in compliance with federal affirmative action requirements. Upon notification of contract award, you must send your federal or municipal certificate to MDHR at compliance.MDHR@state.mn.us. If you are unable to send either certificate, MDHR may contact you to request evidence of federal compliance. The inability to provide sufficient documentation may prohibit contract execution.

BOX C – EXEMPT COMPANIES that have not employed more than 40 full-time employees on a single working day in any state during the previous 12 months, check option below if applicable:

- We attest we are exempt. If our company is awarded a contract, we will submit to MDHR within 5 business days after the contract is fully signed, the names of our employees during the previous 12 months, the date of separation, if applicable, and the state in which the persons were employed. Send to compliance.MDHR@state.mn.us.

By signing this statement, you certify that the information provided is accurate and that you are authorized to sign on behalf of your company.

Name of Company: St. Croix Recreation Fun Playgrounds Inc Date: 18/JAN/2018
Authorized Signature: [Signature] Telephone number: 651-430-1247
Printed Name: Christopher Johnson Title: President

For assistance with this form, contact:

Minnesota Department of Human Rights, Compliance Services

Web: <http://mn.gov/mdhr/>

TC Metro: 651-539-1095

Toll Free: 800-657-3704

Email: compliance.mdhr@state.mn.us

TTY: 651-296-1283

**EXHIBIT A – AMENDMENT 3
PRICE SCHEDULE
ST. CROIX RECREATION FUN PLAYGROUNDS, INC.**

SECTION #1 – EQUIPMENT CATEGORIES & DISCOUNT OFF LIST PRICING

PARK AND PLAYGROUND EQUIPMENT CATEGORIES:

- 1) Playground Equipment for all ages, at a minimum 2-5 years old, that includes, but not limited to, complete playground systems, playground system components, freestanding play products and sports and fitness activities.
- 2) Playground Equipment for all ages, at a minimum 5-12 years old, that includes, but not limited to, complete playground systems, playground system components, freestanding play products and sports and fitness activities.
- 3) Site Furnishings that include, but not limited to, picnic tables, benches, park grilles, trash receptacles, bike racks, and other related site furnishings.
- 4) Surfacing Materials for playgrounds that include, but not limited to, loose-fill, synthetic turfs, resilient tiles and other related materials.
- 5) Related Products to Park Equipment that include, but not limited to, shade structures, flag poles, archery bails, skate parks, and other related products.

NO CHANGE IN DISCOUNT WILL BE ALLOWED FOR THE INITIAL TERM OF THE CONTRACT:

Prices for equipment will be a percent (%) discount from the Manufacturer's (OEM) List Price or Dealer's List Price. After the initial term of the Contract, the manufacturer's or dealer's price list may be updated upon mutual agreement by the State and the Contractor through a fully executed amendment. The discount originally contracted must remain the same, or may be increased at the time of Contract extension.

EQUIPMENT CATEGORIES PROPOSED	BRAND PROPOSED	DISCOUNT OFF LIST (%)	VOLUME DISCOUNT & LIMITS	CATALOG DATE OR NUMBER	% OF POST CONSUMER RECYCLED CONTENT	LIST ALL ASTM, IPEMA, FEDERAL, STATE, LOCAL STANDARDS, REGULATIONS & GUIDELINES THE EQUIPMENT MEETS FOR EACH CATEGORY & BRAND
1) Playground Equipment ages 2-5	BCI Burke Proposals	4%	\$30,000-\$50,000 – 6% \$50,000+ – 7%	2016 BCI Burke		ASTM F1487, ISO9000, IPEMA
1) Playground Equipment ages 2-5	BCI Burke Freestanding	4%		2016 BCI Burke		ASTM F1487, ISO9000, IPEMA
2) Playground Equipment ages 5-12	BCI Burke Proposals	4%	\$30,000-\$50,000 – 6% \$50,000+ – 7%	2016 BCI Burke		ASTM F1487, ISO9000, IPEMA
2) Playground Equipment ages 5-12	BCI Burke Freestanding	4%		2016 BCI Burke		ASTM F1487, ISO9000, IPEMA
1&2) Playground Equipment	Themed Concepts	4%		2017 Themed Concepts rev3		
3) Site Furnishings	Wabasha Valley	4%		2016		
3) Site Furnishings	Pilot Rock	4%		2016		
3) Site Furnishings	Most Dependable Fountains	2%		2016		

EQUIPMENT CATEGORIES PROPOSED	BRAND PROPOSED	DISCOUNT OFF LIST (%)	VOLUME DISCOUNT & LIMITS	CATALOG DATE OR NUMBER	% OF POST CONSUMER RECYCLED CONTENT	LIST ALL ASTM, IPEMA, FEDERAL, STATE, LOCAL STANDARDS, REGULATIONS & GUIDELINES THE EQUIPMENT MEETS FOR EACH CATEGORY & BRAND
5) Park Equipment	CoverWorx	4%		2016		
1) Playground Equipment ages 2-5	Berliner	4%	\$50,000+ - 5%	2016		ASTM, IPEMA, ISO9000
2) Playground Equipment ages 5-12	Berliner	4%	\$50,000+ - 5%	2016		ASTM, IPEMA, ISO9000
3) Site Furnishings	National Recreation	4%		2016		
5) Park Equipment	Shade Systems	4%		2016		
4) Surfacing Material	SafeFall	4%		2016		ATSM, CPSC
4) Surfacing Material	Midwest Groundcover	2%		2016		ASTM, CPSC
3) Site Furnishings	First Team	4%				ASTM, CSPC
4) Surfacing	International Mulch	4%				ASTM, CSPC

SECTION #2 – INSTALLATION SERVICES, SURFACING AND LABOR PRICING

Regions: There are ten (10) geographical Regions for the purpose of highway and heavy construction prevailing wage labor requirements. For a map of the 10 Regions go to the following link: <http://workplace.dof.state.mn.us/prevwage/highway.php>. **The following pricing is for all ten (10) geographical Regions.**

Installation:

Installation shall be performed by certified manufacturer's installers. Installation work must meet the standards established by the terms, specifications, drawings, and construction requirements per each project. Work performed must also meet the manufacturer's specifications and industry standards requirements.

The equipment installation is based on a not to exceed fixed percentage rate of the total dollar amount of equipment per order. The percentage rate shall be calculated based on the retail list price of equipment then the discount off list applied for the actual cost of equipment multiplied by the installation rate percentage.

Installation rates shall not include site preparation and development; offloading equipment, storage, security, mobilization, mileage, per diem, bonds or permits. Installation rates shall assume installation site is fully prepared, level, and accessible.

Equipment Installation percentage rates shall be based on the total actual cost of the equipment.	Equipment Cost \$0 - \$75,000	Equipment Cost \$75,001 - \$150,000	Equipment Cost \$150,001 - Over
Equipment Installation Percentage rate is a not to exceed rate.	25 %	25%	25%
Site Demolition: Removal & Disposal of existing equipment, foot ngs, surfacing materials, etc.			
Project Specific – Quote per project			

Item/Description	Units	Price
Mobilization per project	Lump Sum	\$400.00
Mileage (based on current Commissioner's Plan)	Passenger per mile	Current rate is \$.54
Mileage (based on current Commissioner's Plan rate of .54 x multiplier)	Single Unit Vehicle Multiplier	Multiplier: 1
Per Diem (based on current Commissioner's Plan)	Based on current Commissioner's Plan Rates: http://www.mmd.admin.state.mn.us/commissioner脾an.htm	

SURFACING

Item/Description	Units	Price	Volume Discount and Limits
Engineered Wood Fiber	CY	\$24.00	100 cubic yard minimum
Engineered Rubber Loose Fill	Super Sack 75 CF	\$2,200	Per 20 super sacks
Poured-in-place rubber surfacing	SF	See Section #1 above for price list rates	

LABOR RATES:

Hourly labor rates may be used for maintenance and/or repairs, quoting, CADD drawings, community build oversight and small installations such as a bench, picnic table, basketball hoop, etc. or incidental unspecified work upon written approval by the owner's representative. The labor prices include, but are not limited, to government taxes, Social Security, unemployment compensation, insurance payments, employees' fringe benefits, complete insurance coverage of employees and Subcontractors, property damage, public liability insurance, prevailing wage requirements, etc.

Definitions of Labor Rates Hours:

Weekday Daytime Hours: Monday through Friday 7:00 a.m. through 5:30 p.m.
 Weekday Evening Hours: Monday through Friday 5:31 p.m. through 6:59 p.m.
 Weekends and Holiday Hours: 5:31 p.m. Friday through 6:59 a.m. Monday and State Designated Holidays

Hourly Labor Rates	Weekday Hourly Price	Weekday Evening Hourly Price	Sunday and State Holiday Hourly Price
Certified Playground Safety Inspector (CPSI)	\$120.00	\$120.00	\$120.00
Installation Supervisor	\$120.00	\$120.00	\$120.00
Carpenter/Installer	\$120.00	\$120.00	\$120.00
Laborer	\$120.00	\$120.00	\$120.00

COST-PLUS

Cost is defined as the actual cost the Contractor pays the supplier for good/services or materials the State or CPV Member orders. Only cost specifically detailed in the billing statement, quote, and/or invoice from the supplier will be subject to the not to exceed cost plus percentage mark-up detailed on Contract. Quotes must include the Contractor's cost of the product including applicable tax and shipping. The percentage mark-up must only be applied to the actual cost of the product and services. The not to exceed cost-plus percentage mark-up must be itemized on the quote.

Cost-Plus / Mark-up	Unit -Percentage	25%
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ADDITIONAL ITEMS

Description of product or services	Unit of Measure	List Price	Category Discount	Net Price or Unit Price	Comments
Add on cost for machinery to lift heavy equipment including FRC and tail rope structures for install	1	\$770.00	-10%	\$700.00	Metro Area Price
Basket Ball Hoop Installation	1	\$950.00	-5%	\$902.50	Metro Area Price
BCJ Burke Comet Installation 560-2570 and 560-2571	1	\$650.00	-5%	\$617.50	Metro Area Price
Rev8 560-0576 installation	1	\$5,500.00	-5%	\$5,225.00	Disposal of dirt on site
Picnic Table Embedded Installation	1	\$650.00	-5%	\$617.50	Disposal of dirt on site
Turtle Top 580-0289 Installation	1	\$4,000.00	-5%	\$3,800.00	Disposal of dirt on site
Volunteer Assisted Install	1 Day	\$1,500.00	-5%	\$1,520.00	
Swing Set Install Per Hole	Per Hole	\$600.00	-5%	\$570.00	

*Minnesota Engineered Drawings	NA	Project Specific – Quote Per Project	-5%	
*Shelter Footing with Rebar and Sono Tubes	NA	Project Specific – Quote Per Project	-5%	
*Marketing and Fundraising Help Assorted Media	NA	Project Specific – Quote Per Project	-5%	
*12" Curb, 6" Wide with #2 Rebar Ties	LF			\$45.00
*4" Concrete	Sq.Ft.			\$9.75
*6" Concrete.	Sq.Ft.			\$11.50
*Dumpster	1			\$500.00

*New Items 2.1.2018