

TEXAS A&M ENGINEERING EXTENSION SERVICE

GSC COPY

College Station, TX 77843-1477

Order Date:
12/14/2018

PURCHASE ORDER

Page: 01

INCLUDE P.O. NUMBER ON ALL CORRESPONDENCE AND PACKAGES
M990195

VENDOR GUARANTEES MERCHANDISE DELIVERED ON THIS ORDER WILL MEET OR EXCEED SPECIFICATIONS IN THE BID INVITATION.

ALL TERMS AND CONDITIONS SET FORTH IN THE BID INVITATION BECOME A PART OF THIS ORDER.

Invoice To:
TX A&M ENGINEERING EXTEN SRVC TEEX EMERGENCY SVCS TRNG INST ACCOUNTS PAYABLE P. O. BOX 40006 COLLEGE STATION TX 77842
Ship To:
TX A&M ENGINEERING EXTEN SRVC TEEX EMERGENCY SVCS TRNG INST BRAYTON FIRE FIELD 1595 NUCLEAR SCIENCE RD COLLEGE STATION TX 77843

Vendor:
X0205853000 CRITICAL OPS LLC 1686 SETTLERS RESERVE WAY WESTLAKE, OH 44145

ANY EXCEPTIONS TO PRICING OR DESCRIPTION CONTAINED HEREIN MUST BE APPROVED BY THE TEXAS A&M DEPARTMENT OF PROCUREMENT SERVICES **PRIOR** TO SHIPPING.

PLEASE NOTE: IF YOUR INVOICE IS NOT ADDRESSED AS INSTRUCTED PAYMENT WILL BE DELAYED.

ITEM	DESCRIPTION	QUANTITY	UOM	UNIT PRICE	EXTENDED PRICE
AGC	<p>USER REF: 250000-1623</p> <p>***** ** NAICS CODE 541690 ** ** SIZE STANDARD: \$ 15 MILLION ** ** IN AVG. ANNUAL RECEIPTS (3YRS) ** *****</p> <p>MASTER AGREEMENT TO BE FOR THE TIME PERIOD OF DECEMBER 14, 2018 THROUGH AUGUST 31, 2019.</p> <p>Texas A&M University is issuing this master agreement for independent contractor management services for Texas A&M Engineering Extension Service Emergency Services Training Institute (TEEX/ESTI) per the terms, conditions, and specifications listed on RFP TEEX 19-0003.</p> <p>Vendor Contact: Chad Treboniak Phone: 443-404-1879 Email: chad@criticalops.com</p> <p>TEEX Contact: Mamie Brewer Phone: 979-862-2655 Email: mamie.brewer@teex.tamu.edu</p> <p>TEEX Contact: Mike Gibler Phone: 979-458-5616 Email: mike.gibler@teex.tamu.edu</p>				

FOB: DESTINATION FRT INCLUDED

Terms:

N 30

Texas A&M University cannot accept collect freight shipments.

FAILURE TO DELIVER - If the vendor fails to deliver these supplies by the promised delivery date or a reasonable time thereafter, without giving acceptable reasons for delay, or if supplies are rejected for failure to meet specifications, the State reserves the right to purchase specified supplies elsewhere, and charge the increase in price and cost of handling, if any, to the vendor. No substitutions or cancellations permitted without prior approval of the Texas A&M Department of Procurement Services.

The State of Texas is exempt from all Federal Excise Taxes.

STATE AND CITY SALES TAX EXEMPTION CERTIFICATE: The undersigned claims an exemption from taxes under Chapter 20, Title 122A, Revised Civil Statutes of Texas, for purchase of tangible personal property described in this numbered order, purchased from contractor and/or shipper listed above, as this property is being secured for the exclusive use of the State of Texas.

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08/31/2019

Angel Constancio

Purchasing Agent for
TEXAS A&M ENGINEERING EXTENSION SERVICE
Phone: 979-845-4570

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AGC	<p>Cancellation:</p> <p>Texas A&M University reserves the right to cancel immediately due to non-performance.</p> <p>This agreement is subject to cancellation without penalty, either in whole or in part, if funds are not appropriated by the Texas Legislature, or otherwise not made available to the using agency.</p> <p>Texas A&M University reserves the right to cancel with a thirty (30) day written notice.</p> <p>Payment:</p> <p>Net 30 after receipt of invoice and services.</p> <p>PAR Requirements for Self-Performing vendors:</p> <p>The HUB Subcontracting Plan (HSP) submitted with the bid response shall become a provision of the purchase order. The vendor cannot change a subcontracting plan prior to its incorporation into the purchase order. TAC 20.14 (5). Per the Texas Administrative Code Chapter 20.14, Texas A&M requires the following:</p> <p>* Vendors self-performing must submit a HUB Subcontracting Plan (HSP) Prime Contractor Progress Assessment Report (PAR) to Texas</p>				

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Purchasing Agent for
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AGC	<p>A&M University on a monthly basis. The vendor will maintain business records documenting its compliance with the approved HSP and will submit a PAR to the Texas A&M Department of Procurement Services no later than the 5th calendar day of the month until the purchase order has been paid in full. TAC 20.14 (d). All PAR's shall be sent via e-mail to the following address: hubprogram@tamu.edu. Payment request submitted without the PAR will not be processed.</p> <p>* Changes may not be made to the HSP without prior review and approval from the Texas A&M Department of Procurement Services. The vendor shall submit to the TAMU point of contact provided below a revised HSP if modifications. The vendor will submit to the determined subcontracting will be necessary.</p> <p>If the selected vendor subcontracts any to the work without complying with TAC 20.14 and without prior approval from the Texas A&M Procurement Services, the vendor will be deemed to have breached the purchase order and be subject to any remedial actions provided by Texas Government Code, Chapter 2161, state law and TAC 20.14 (6). Texas A&M will report non-performance relative to its purchase order to Texas Procurement and Support Services in accordance with TAC20.105, Subchapter F relating to the Vendor Performance and Debarment Program.</p>				

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Purchasing Agent for
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Phone: 979-845-4570

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AGC	<p>TEEX Point of Contact:</p> <p style="margin-left: 20px;">Yvette Tschirhart 979-458-6794 yvette.tschirhart@teex.tamu.edu</p> <p>A copy of the PAR can also be found at the following link: http://comptroller.texas.gov/purchasing/docs/hub-forms/ProgressAssessmentReportForm.xls</p> <p>Renewal:</p> <p>Texas A&M University reserves the right to renew this agreement for an additional four (4) years, one (1) year at a time, if mutually agreeable to both parties, with all terms and conditions to be held firm through August 31, 2019.</p> <p>If the renewal option is exercised, the vendor may increase the contract prices to reflect increases in the cost of providing products or services; however if there has been no increase in costs, the vendor is expected to hold pricing. Additionally, should there be any decreases in costs, the vendor is expected to pass those savings along to Texas A&M.</p> <p>Vendor must quote a price adjustment factor in terms of a maximum percentage increase for each renewal year. Escalations will be based on the previous year's prices and may be requested at the time of the renewal to</p>				

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Purchasing Agent for
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	<p>be effective at the beginning of each renewal year.</p> <p>1st Renewal Year 9/01/19 - 8/31/20: 7.14 % ----- 2nd Renewal Year 9/01/20 - 8/31/21: 7.25 % ----- 3rd Renewal Year 9/01/21 - 8/31/22: 7.37 % ----- 4th Renewal Year 9/01/22 - 8/31/23: 7.50 % -----</p> <p>Failure by bidder to insert an escalation ceiling indicates an escalation percent not to exceed zero percent (0%). Escalation percent will be used in the bid evaluation for all optional renewals.</p> <p>Quantities listed below are estimates only and do not guarantee a purchase. Services to be performed at times and in quantities requested by TEEX-ESTI. Orders will be phoned or faxed in on an "as needed" basis. Any unordered quantities at the end of the term (August 31 of the given term year) will be automatically cancelled.</p> <p>THIS DOCUMENT is subject to any constitutional or statutory limitations upon Texas A&M University as an Agency for the State of Texas.</p> <p>OSHA STATEMENT</p>				
AGC					

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AGC	<p>Seller represents and warrants that all articles and services covered by this document meet or exceed the safety standards established and promulgated under the Federal Occupational Safety and Health Law (Public Law 91:596) and its regulations in effect or proposed as of the date of this document.</p> <p>CERTIFICATION OF NONSEGREGATED FACILITIES OF EQUAL EMPLOYMENT OPPORTUNITIES COMPLIANCE</p> <p>If this transaction exceeds \$10,000 or if the seller anticipates or has a history of exceeding \$10,000.00 in sales to Texas A&M University within any continuous twelve (12) month period, the acceptance of this document will signify their compliance with the provisions of SECTION 202 of EXECUTIVE ORDER No. 11246 pertaining to Equal Employment Opportunities effective September 24, 1965 and its amendment EXECUTIVE ORDER No. 11375 effective October 13, 1967 insofar as Section 202 is affected by changing the word "creed" to "religion" and by adding the word "sex". The signing will also serve as written affirmation of the following CERTIFICATION OF NON-SEGREGATED FACILITIES. By the acceptance of this document, the bidder, offeror, applicant or subcontractor certifies that they do not maintain or provide for their employees any segregated facilities at any of their establishments, and that they do not permit their employees to perform their services at any location under their control, where segregated facilities are maintained. They certify further that they will not maintain or pro-</p>				

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AGC	<p>TION OF NONSEGREGATED FACILITIES - A Certifi- cation of Nonsegregated Facilities must be submitted prior to the award of a subcontract exceeding \$10,000.00 which is not exempt from the provisions of the Equal Opportunity clause. The certification may be submitted either for each subcontract or for all sub- contracts during a period (ie, quarterly, semiannually, or annually). NOTE: The penalty for making false state- ments in offers is prescribed in 18 U/S.C.</p> <p>1001.</p> <p>AFFIRMATIVE ACTION COMPLIANCE</p> <p>In addition to the above certification, if this transaction exceeds \$50,000 the seller must have included as part of the bid a copy of their written Civil Rights "Affirmative Action Compliance Program". If a bidder is not required to have such a written program, they must have so stated on the bid form in- dicating the reason it is not required.</p> <p>Paragraph 60.741.4 of Title 41 of Part 60-741 Affirmative Action Obligations of Contracts and Subcontracts for Handicapped Workers is incorporated by reference for all contracts of \$3,500.00 or greater.</p> <p>If any additional information is required re- garding these requirements, please contact the Texas A&M University Purchasing Services department prior to the shipping date.</p>				

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Purchasing Agent for
TEXAS A&M ENGINEERING EXTENSION SERVICE
Phone: 979-845-4570

TEXAS A&M ENGINEERING EXTENSION SERVICE

GSC COPY

College Station, TX 77843-1477

Order Date:
12/14/2018

PURCHASE ORDER

Page: 09

INCLUDE P.O. NUMBER ON ALL CORRESPONDENCE AND PACKAGES
M990195

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Ship To:
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Vendor:
X0205853000 CRITICAL OPS LLC 1686 SETTLERS RESERVE WAY WESTLAKE, OH 44145

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ITEM	DESCRIPTION	QUANTITY	UOM	UNIT PRICE	EXTENDED PRICE
AGC	<p>This purchase order agreement for goods and services incorporates by reference the equal employment opportunity clause provisions of Executive Order 11246, as amended; Section 503 of the Rehabilitation Act of 1973, as amended; and the Vietnam Era Veterans Readjustment Assistance Act of 1974, as amended; and all implementing regulations and relevant orders of the U.S. Secretary of Labor.</p> <p>PURCHASE OF EQUIPMENT WITH FEDERAL FUNDS 6.1 Where appropriate, an analysis of lease and purchase alternatives shall be made by Procurement Services to determine the most economical and practical procurement utilizing Federal funds in excess of \$5,000. 6.2 The University shall on request make available for the Federal awarding agency pre-award review and procurement documents, such as request for proposals or invitation for bids, independent cost estimates, etc. when any of the following conditions apply. (1) A recipient's procurement procedures or operation fails to comply with the procurement standards in the Federal awarding agency's implementation of OMB's Circular A-110. (2) The procurement is expected to exceed the small purchase threshold fixed at 41 U.S.C. 403(11) (currently \$25,000) and is to be awarded without competition or only one bid or offer is received in response to a solicitation. (3) The procurement, which is expected to exceed the small purchase threshold,</p>				

FOB: DESTINATION FRT INCLUDED

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AGC	<p>specifies a "brand name" product.</p> <p>(4) The proposed award over the small purchase threshold is to be awarded to other than the apparent low bidder under a sealed bid procurement.</p> <p>(5) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the amount of the small purchase threshold.</p> <p>6.3 All purchase orders awards shall contain the following provisions as applicable:</p> <p>1. Equal Employment Opportunity - All contracts shall contain a provision requiring compliance with E.O. 11246, "Equal Employment Opportunity", as amended by E.O. 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity", and as supplemented by regulations at 41 CR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."</p> <p>2. Copeland "Anti-Kickback" Act (18 U.S.C. 874 and 40 U.S.C. 276c) All contracts and subgrants in excess of \$2000 for construction or repair awarded by recipients and subrecipients shall include a provision for compliance with the Copeland "Anti-Kickback" Act (18 U.S.C. 874), as supplemented by Department of Labor regulations (29 CFR part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each contractor or subrecipient shall be prohibited from inducing, by any</p>				

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AGC	<p>means, any person employed in the construction, completion, or repair of public work to give up any part of the compensation to which he is otherwise entitled. The recipient shall report all suspected or reported violations to the Federal awarding agency.</p> <p>3. Davis-Bacon Act, as amended (40 U.S.C. 276a to a-7)</p> <p>When required by Federal program legislation all construction contracts awarded by the recipients and subrecipients of more than \$2000 shall include a provision for compliance with the Davis-Bacon Act (40 U.S.C 276a to a-7) and as supplemented by Department of Labor regulations(29 CFR part5)</p> <p>"Labor Standards Provisions Applicable to Contracts Governing Federally Financed and Assisted Construction"). Under this Act, contractors shall be required to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in a wage determination made by the Secretary of Labor. In addition, contractors shall be required to pay wages not less than once a week. The recipient shall place a copy of the current prevailing wage determination issued by the Department of Labor in each sollicitation and the award of a contract shall be conditioned upon the acceptance of the wage determination. The recipient shall report all suspected or reported violations to the Federal awarding agency.</p> <p>4. Contract Work Hours and Safety Standards</p>				

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AGC	Act (40 U.S.C. 327-333). Where applicable, all contracts awarded by recipients in excess of \$2000 for construction contracts and in excess of \$2500 for other contracts that involve the employment of mechanics or laborers shall include a provision for compliance with Sections 102 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333), as supplemented by Department of Labor regulations (20 CFR part 5). Under Section 102 of the Act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than 1 1/2 times the basic rate of pay for all hours worked in excess of 40 hours in the work week. Section 107 of the Act is applicable to construction work and provides that no laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence. 5. Rights to Inventions Made Under a Contract or Agreement - Contracts or agreements for the performance of experimental, developmental, or research work shall provide for the rights of the Federal Government and the recipient in any resulting invention in				

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AGC	<p>accordance with 37 CFR part 401, "Rights to Inventions Made by Nonprofit Organization and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements" and any implementing regulations issued by the awarding agency.</p> <p>6. Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) as amended. Contracts and subgrants of amounts in excess of \$100,000 shall contain a provision that requires the recipient to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.). Violations shall be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).</p> <p>7. Byrd Anti-Lobbying Amendment (31 U.S.C. 1352) Contractors who apply or bid for an award of \$100,000 or more shall file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier shall also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the</p>				

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	recipient. 8. Debarment and Suspension (E.O.s 12549 and 12689) No contract shall be made to parties listed on the General Services Administration List of Parties Excluded from Federal Procurement or Nonprocurement Programs in accordance with E.O.s 12549 and 12689, "Debarment and Suspension." This list contains the names of parties debarred, suspended, or otherwise excluded by agencies, and contractors declared ineligible under statutory or regulatory authority other than E.O. 12549. Contractors with awards that exceed the small purchase threshold shall provide the required certification regarding its exclusion status and that of its principal employees.				
1	Independent Contractor Management Services to provide technical assistance for the Port Authority of New York and New Jersey. Not to exceed \$143,979.00 -----	1	LOT	143,979.000	143,979.00
				TOTAL	143,979.00
	VENDOR QUOTE: RFP19-0003 VENDOR REF: CHELSEA TREBONIAK 443-404-1879 PHONE: 443-404-1879 CC FY ACCOUNT NO. DEPT. -- --- ----- ----- DOCUMENT DATE: 12/14/2018				
AGC					

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AGC	DEPT.CONTACT: MAMIE BREWER PHONE NO.: 979-862-2655 PCC CD: TYPE FUND: TYPE ORDER:				

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