

# **UNION COUNTY PUBLIC SCHOOLS**



## **Diesel Particulate Filter (DFP) and Installation**

**1-9600042**

**CUMMINS ATLANTIC LLC**

**THE UNION COUNTY BOARD OF EDUCATION  
DIESEL PARTICULATE FILTERS**

This Contract for Services (this "Contract") is made and entered into this 4<sup>th</sup> day of March 1, 2011 between The Union County Board of Education, located in Monroe, North Carolina (the "UCBOE") and Cummins Atlantic LLC, located at 11101 Nations Ford Road Charlotte, NC 28273. (the "Contractor").

Supplier agrees to provide Union County Public Schools with Diesel Particulate Filters Equipment and Installation. The Contractor agrees to follow all federal regulations associated with the bid and contract.

For and in consideration of the mutual promises set forth in this Contract, the parties do mutually agree as follows:

1. Obligations of Contractor. The Contractor agrees to provide services and/or goods as follows:
  - DPF device must be an EPA or CARB Verified Emission Control Device
  - Meet EPA or CARB warranty requirements.
  - Meet related Grant warranty requirements.
  - Be compatible with ULSD – ultra low sulfur diesel.
  - Be a Level 3 (greater than or equal to 85% reductions in PM) emission control devices and include cost of all necessary part, shipping, and timeframe of delivery and installation.
  - Follow pricing on Summary Cost (Submittal #1) page 6 of RFP document.
  - Installation by May 5, 2011. (Submittal #2) Any varying timelines must be agreed to by UCPS Projector Coordinator listed in item 3.
  - Provide warranty and service (Submittal #3 & 4) as needed.
  - Provide for training and required maintenance equipment (Submittal #5).
  - Agree to all Federal and State regulations regarding product and installation.
  - Follow all RFP instructions and submittals, attachment B.
  
2. Obligations of UCBOE. The UCBOE agrees:
  - To pay: **See Attachment B for individual item pricing.**  
**Total Contact price of \$208,027.48 includes equipment, delivery and installation.** See payment schedule and specifications listed in item 5.
  
3. Project Coordinator. Adam Johnson (704.296.3015), Director of Transportations, 201 Venus Street, Monroe, NC 28110, is designated as the Project Coordinator for the UCBOE. The Project Coordinator shall be the UCBOE's representative in connection with the Contractor's performance under this Contract. The UCBOE has complete discretion in replacing the Project Coordinator with another person of its choosing.
  
4. Contractor Supervisor. Lanny Cole (704.558.4870), of Cummins Atlantic LLC, is designated as their Supervisor for this Contractor. The Contractor Supervisor is fully authorized to act on behalf of the Contractor in connection with this Contract.
  
5. Terms and Methods of Payment. The UCBOE will make payment after invoices are approved on a net 30-day basis. The UCBOE will not pay for services or materials in advance without the prior approval of the Finance Officer.

The Contractor will submit invoices according to the following payment criteria:

School Name and Address, Period Covered, Items Delivered and Installed, PO Number and the Total Amount. Invoices shall be paid after acceptance of services and or equipment.

6. Additional Provisions. Contractor agrees to the Standard Terms and Conditions set forth as Attachment A attached hereto and incorporated herein by reference.

IN WITNESS WHEREOF, the UCBOE and the Contractor have executed this Contract on the day and year first written above.

Cummins Atlantic LLC  
Supplier Name

Signature of Authorized Representative Date

20-5870527

Contractor's Federal Identification #  
[if Contract is with Organization]

or Social Security Number  
[if Contract is with individual]

Originator/Fund Owner Date

This instrument has been pre-audited  
in the manner required by the School Budget  
and Fiscal Control Act.

APPROVED AS TO FORM:

Michael R. Duffin 3/11/11  
School Board Attorney Date

David R. Karpul 3/30/11  
Finance Officer Date

REVIEWED BY:

Division of Insurance & Risk Management Date

General Counsel Date

THE UNION COUNTY BOARD OF EDUCATION

Z. C. Davis 4/5/11  
Superintendent or Authorized Designee Date

Print name and Title of Authorized Designee, if any:

Dr. Ed Davis