

PURCHASING AND SUPPLY SERVICES

Keith Stewart, Director | keith.stewart@pgcps.org
13300 Old Marlboro Pike | Upper Marlboro, MD 20772 | 301-952-6560

Notice of Award PGCPS Contract DBS033-23

December 17, 2022

EMH Environmental, Inc.
3060 Washington Road, Suite 216
Glenwood, Maryland 21738
Contact: Edward M. Halley, II
Email: emh@emhenvio.com
Phone: 410-489-9630

Vera Jones ^{VJ}
Telephone: 301-952-6525
Fax: 301-952-6605
Email: vera2.jones@pgcps.org

SUBJECT: JBO-716-19 Purchase of Modular Classrooms

EMH Environmental, Inc. has been selected as the vendor to provide Modular Classrooms at Various Prince George's County Public Schools (PGCPS) facilities in accordance with rider **JBO-716-19** under **PGCPS Contract DBS033-23**. This contract sets-forth the terms and conditions and is provided for your review and acceptance. Any changes or additions made by your company must first be accepted by the Purchasing Division before the contract is valid.

The intent of this contract is to provide the Board with an expedited means of procuring supplies and/or services at the lowest responsible cost. This contract is for the convenience of the Board and is considered by the Board to be a "Non-Exclusive" use contract. The Board does not guarantee any usage. The Board will not be held to purchase any particular Brand, in any groups, prices or discount ranges, but reserves the right to purchase any item/items listed in the price schedule submitted.

Failure to sign the contract award via ADOBE and return all required documents within the specified time, shall rule your offer null and void and, therefore, award shall be made to the next low responsive bidder.

THIS NOTICE OF AWARD IS NOT AN ORDER TO COMMENCE SERVICE/WORK OR TO MAKE DELIVERIES at this time. Authorization for mobilization or commencement of work is forbidden unless a notice to proceed (NTP) has been issued. If a Notice to Proceed has not been issued, work shall not commence until vendor is in receipt of a Purchase Order signed by the Purchasing Agent.

iSUPPLIER REGISTRATION

All vendors must be registered in iSupplier in order to conduct business with PGCPS. Vendors must provide an electronic copy of the PGCPS Registration Approval Notice **within two (2) days of providing the vendor signed Notice of Award.**

- Email should be sent to the list of recipients from the electronic request indicating completion with the assigned Supplier Number.
- If your company is not properly registered as a vendor, PGCPS will not sign the contract. Further, failure to register in iSupplier within the time period specified, shall rule your offer null and void. PGCPS reserves the right to rescind the award notice issued in favor of your company and award the contract to the next lowest responsive bidder.

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PERFORMANCE/PAYMENT BOND – Not Applicable for This Notice of Award

A 100% Performance Bond and 100% Labor and Material Payment Bond or Certified Check in the amount of **\$0.00** made in favor of the **BOARD OF EDUCATION OF PRINCE GEORGE'S COUNTY, UPPER MARLBORO, MARYLAND 20772-9983**, must be submitted to the PURCHASING OFFICE with the returned signed NOTICE OF AWARD WITHIN TEN (10) DAYS.

The bond, cashiers or certified check must be made in favor of the **BOARD OF EDUCATION OF PRINCE GEORGE'S COUNTY, UPPER MARLBORO, MARYLAND 20772-9983.**

INSURANCE

A Certificate of Insurance, made in favor of the Board of Education of Prince George's County, Upper Marlboro, Maryland 20772-9983, must be submitted to the PURCHASING OFFICE within 5 (five) business days. The certificate should reference the Solicitation Number as shown herein. It will be the responsibility of the contractor to ensure that a current Certificate of Insurance is on file in the Purchasing Office during the entire period of the contract.

CONTRACT AWARD ESTIMATED AMOUNT

The amount of award is not to exceed

\$1,700,000

CONTRACT TERM

The term of the contract will be effective from date of full execution until **December 31, 2024.**

LIQUIDATED DAMAGES/FAILURE TO PERFORM WORK

The successful Awardee accepts this contract with the understanding that should they fail to complete the work in an acceptable manner and in the time stated, shall be subject to the payment of liquidated damages as stated in the proposal document(s).

AVAILABILITY OF FUNDS

The contract shall be deemed executory only to the extent of appropriations available to the BOARD for the purchase of such articles. The obligation of the BOARD on all contracts, including those which envision funding through current and successive fiscal years, shall be contingent upon actual Board appropriations for the fiscal year(s) involved.

FINGERPRINTING AND CRIMINAL BACKGROUND CHECKS

Employees Having Direct Contact with Students:

- a. Any and all current and future employees of Vendor who have direct contact with students must have a fingerprinting criminal background check conducted by the Maryland Criminal Justice Information System (CJIS) and the FBI, a Child Protective Services clearance conducted by the Prince George's County Department of Social Services, and complete the SafeSchools training module – Prince George's County Child Abuse: Mandatory Reporting and any other required training as appropriate.
- b. All background checks must be completed 15 business days prior to beginning work in and around PGCPS property or engaging in any authorized activities involved PGCPS students. The background checks must be completed by the Fingerprinting Office in the Sasscer Administrative Building or by the PGCPS satellite fingerprinting offices located in Prince George's County. No person may begin working in PGCPS until 15 days after completing the background clearance process (fingerprint and CPS) and required online training through **SafeSchools**.

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- c. Prior to initiating any work at a school building, current and future employees of Consultant must sign in and sign out via the Raptor Visitor Management System, which requires a copy of their government issued identification.
- d. Pursuant to Md. Education Code Ann. §6-113.2 (Code), a contractor of a Board of Education who provides a service to a school or the students of a school shall meet the requirements set forth for screening its employees assigned to work at a school site to determine whether such employees have a history of child sexual abuse and/or sexual misconduct. Consultant shall be solely responsible for completing the screening set forth in the Code, shall maintain records of employee screenings, and shall make such records available to PGCPS upon request.

CRIMINAL BACKGROUND CHECKS

GENERAL PROVISIONS

- a. It is the responsibility of the Vendor to make certain that its employees, contractors, subcontractors, agents, volunteers, outsourced temporary staff, consultants and any instructors meet the background check and training requirements specified below.
- b. The Vendor agrees to provide the designated PGCPS representative with a list of all current employees and an immediate update of changes in personnel, employees, contractors, subcontractors, agents, volunteers, outsourced temporary staff and any instructors. All correspondence should include the following information as applicable:
 - i. title of the project
 - ii. school/office
 - iii. solicitation number
 - iv. contract number; and
 - v. PGCPS representative/project manager
- c. Executed task orders related to this contract will not be issued by the PGCPS Purchasing Department until proof has been provided that the background check and training requirements have been completed.

RESTRICTIONS ON EMPLOYEE ASSIGNMENTS

Vendors are prohibited from assigning the following persons from working at a PGCPS location:

- a. Registered sex offenders (Maryland Code, Criminal Procedure Article Section 11-722)
- b. Individuals convicted of a crime involving third- or fourth-degree sexual offense under sections 3-307 or 3-308 of the Criminal Law Article; child sexual abuse under Section 3-602 of the Criminal Law Article; a crime of violence as defined in Section 14-101 of the Criminal law Article; or comparable offenses in another state. (Annotated Code of Maryland, Education Article Section 6-113)
- c. Individuals identified as an alleged abuse or neglect or following completion of a Child Protective Services investigation with a finding of “indicated” child abuse or neglect.

PERSONALLY IDENTIFIABLE INFORMATION (PII)

Personally Identifiable Information includes any information that can be associated with or traced to any individual, including an individual’s name, address, telephone number, e-mail address, credit card information, social security number, or other similar specific factual information, regardless of the media on which such information is stored (e.g., on paper or electronically) and includes such information that is generated, collected, stored or obtained as part of this Agreement, including transactional and other data

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pertaining to users. The parties will comply with all applicable privacy and other laws and regulations relating to protection, collection, use, and distribution of Personally Identifiable Information. In no event may PII be sold or transferred to third parties, or otherwise provide third parties with access thereto. If there is a suspected or actual breach of security involving Personally Identifiable Information, the parties will notify each other within twenty-four (24) hours of a management-level employee becoming aware of such occurrence.

LAWS AND PERMITS

The contractor shall, without additional cost to the BOARD, be responsible for paying for and obtaining any necessary licenses, inspections and permits for complying with any and all FEDERAL, STATE AND LOCAL LAWS, CODES AND REGULATIONS, in connection with the performance of the work. Laws of the STATE OF MARYLAND and PRINCE GEORGE’S COUNTY shall govern the contract.

This notice of award, plus the solicitation, your offer and any pertinent documents will constitute the entire contract after acceptance by your firm and the BOARD. Please refer to **BCPS Contract Number JBO-716-19** for all additional terms and conditions.

ACCEPTED BY:

FOR THE FIRM:

John E Halley Dec 7, 2022
John E Halley (Dec 7, 2022 10:42 EST)

SIGNATURE DATE

John E Halley

NAME

owner /vice president

TITLE

EMH Environmental Inc .

FIRM

FOR THE BOARD OF EDUCATION:

Keith Stewart Dec 8, 2022
keith.stewart@pgcps.org keith.stewart@pgcps.org (Dec 8, 2022 09:15 EST)

SIGNATURE DATE

Keith Stewart

NAME

Director, Purchasing & Supply Services

TITLE

FOR THE BOARD OF EDUCATION
OF PRINCE GEORGE’S COUNTY
UPPER MARLBORO, MARYLAND 20772

iSUPPLIER ID NUMBER (Required for Approval)

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VENDOR CONTRACT PRICING
See attached

Revised Pricing

BOARD OF EDUCATION OF BALTIMORE COUNTY
Towson, Maryland 21204

THIRD AMENDMENT TO AGREEMENT
(Contract # JBO-716-19-002)

Purchase of Modular Classrooms

This Third Amendment to Agreement, dated this 9th day of June, 2022, by and between the Board of Education of Baltimore County, Maryland ("Board") and EMH Environmental, Inc., 3060 Washington Road, Suite 190, Glenwood, MD 21738 (hereinafter the "Vendor"), amends the Agreement authorized by the Board on May 7, 2019 and fully executed on July 12, 2019 ("Original Agreement"), between the parties as follows.

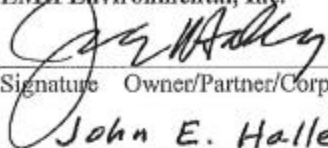
1. In consideration of the mutual promises set forth herein, it is agreed:


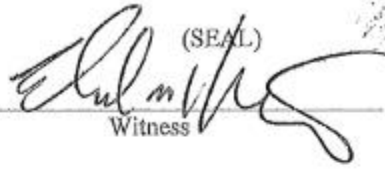
Board will grant the force majeure increase as requested on May 17, 2022. See attached Exhibit A for the rates that are in effect for order 111121.
2. All other terms and conditions of the Original Agreement as amended shall remain in effect.

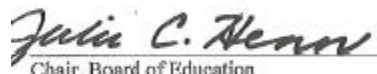
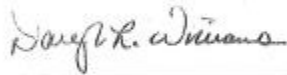
Signatures on Next Page

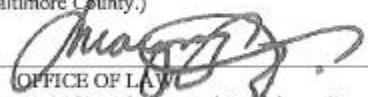
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IN WITNESS WHEREOF, the parties have executed this Amendment on the last signature date set forth below.

Accepted by:
EMH Environmental, Inc.

Signature Owner/Partner/Corporate Officer
John E. Halley
Typed/Printed Name and Title
June 13 2022
Date



(SEAL)
Witness

Accepted by:
BOARD OF EDUCATION OF BALTIMORE COUNTY

Chair, Board of Education 7-18-22
Date

Superintendent 7-18-22
Date

Reviewed for Legal Form and Sufficiency*
(Subject to Execution by the duly authorized
Superintendent and Chair of the Board of Education
of Baltimore County.)

OFFICE OF LEGAL AFFAIRS

*(Approval of Legal Form and Sufficiency Does Not
Convey Approval or Disapproval of the Substantive
Nature of this Transaction. Approval is based upon
Typeset Document. All Modifications Require Re-
Approval.)

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Exhibit A

**E | EMH Environmental, Inc.
M | Contractors, Engineers**

Jamika Bowen, MPA CPPB Sr. Purchasing Agent
Baltimore County Public Schools
Office of Purchasing
6901 N. Charles Street
Building E
Townson, MD 21204

Re: Fuel and aluminum price increases for JBO-716-19 PO GM22020462-2

Dear Ms. Bowen,

Please find our attached price increases due to unprecedented fuel and aluminum costs that we have no control over. EMH Environmental Inc., per our correspondence dated May 17, 2022, is requesting slight increases in aluminum decks, ramps, stairs, gutters, transportation (diesel fuel) and an increase in BCPS Alt#8 concrete footings, which was not increased in our December 1 approval. The concrete is not always identified until school sites are chosen.

Please see the attached summary and letters that document this increase. Your help on this matter is greatly appreciated. Our company has never seen this kind of price fluctuation in our 25 years of providing modular building services.

Please contact me with any questions.

Sincerely,


John E. Halley

3060 Washington Road, Suite 216 • Glenwood, MD 21738 • Phone: 410-489-9630 • Fax: 410-489-9925

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Upside Innovations, LLC
5470 Spellmire Drive
West Chester, OH 45246

May 25, 2022

Mr. Mike Schrider

EMH Environmental
3060 Washington Rd.
Glenwood MD. 21738

Upside Innovations, due to unprecedented cost increases in both material and freight cannot hold our pricing to EMH Environmental from November 30, 2021. Aluminum prices, based on the London Metal Exchange Aluminum Midwest average plus conversion cost have risen 28% from the pricing at the time of the bid to today's costs. For bid alternate number 1 and 2 with Baltimore County Schools, our freight and aluminum material cost for decks and stairs is \$413.00 per unit for BCPS alt. #1 an increase of Fourteen Percent over November 30, 2021, pricing. For BCPS alt. #2 our freight and aluminum material for a ramp and landing is \$1284.50 per unit also an increase of Fourteen Percent. All costs include a 12 percent material increase and a 2 percent freight increase. Please contact me with any questions.

Thank You,

Rick Hofer

Upside Innovations

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GUTTERS FOR LESS.

Gutters For Less, Inc.
9615 Liberty Rd
Frederick, MD 21701
1(800)973-5377

05/01/2022


To whom it may concern;

Gutters For Less can no longer hold the price given to EMH on November 30th, 2021 for gutter installation at BCPS. Unfortunately, due to unprecedented times and cost increases, our pricing needs to be adjusted by 14% effective May 15th, 2022.

If you have any questions, please do not hesitate to contact our office.

Thank you for understanding.

Sincerely,



John Dehn
Gutters For Less

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BENNETT TRUCK TRANSPORT

250 THOMAS FRIER DRIVE

DOUGLAS, GA 31535

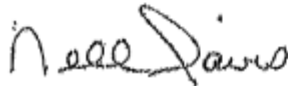
912-384-7552

May 24, 2022

TO WHOM IT MAY CONCERN:

Bennett Truck Transport transported 6 units to Baltimore County on May 2nd, 2022, this bid was given to EMH in December 2021. The price that was given to EMH on that date was 3529.00, Since then the price went up to 4531.00 due to the rising cost of diesel. The increase per units was 822.00 per unit which was a total of 4932.00. The price of diesel went from 4.00 per gallon to 5.90 per gallon when we actually shipped the buildings. No one could for see this amount of diesel increase. Please contact with any questions @ 912-389-8898.

THANKS



Nell Davis

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**E | EMH Environmental, Inc.
M | Contractors, Engineers**

May 15, 2022

~~Mr. Don Williams~~
Project Manager
Baltimore County Public Schools
Office of Facilities Support Services
9610 Pulaski Park Drive, Suite 204
Baltimore MD 21220

Concerning BCPS new modular classroom foundations (Bid Alt. 8). Since November 2021 EMH Environmental, Inc experienced 14% increases in our material, and fuel for Bid Alt. 8 resulting in an increase of the unit price to \$525.54 per foundation. Please contact us with any questions.

Mike Schrider
Project Manager


EMH Environmental
9630 Washington Rd.
Glenwood MD 21738
Office-410-489-9630
Cell- 410-456-7133
ms@emhenviro.com

3060 Washington Road, Suite 216 • Glenwood, MD 21738 • Phone: 410-489-9630 • Fax: 410-489-9925

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E	EMH ENVIRONMENTAL, Inc.
M	Contractors, Engineers

JBO-716-19	EMH Environmental, Inc		
BCPS Item#4	\$ 65,122.92	\$ 87,056.86	\$ 87,956.00
(Single Classroom, Perimeter Frame Type)			
	<u>2020 ADJ</u>	<u>2022 EMH Pricing (As of Nov 30, 2021)</u>	<u>2022 ADJ (May 15, 2022)</u>
PSSI (Manufacturer)	\$ 50,218.16	\$ 69,325.00	\$ 69,325.00
Bennett Trucking	\$ 7,965.76	\$ 9,298.40	\$ 10,120.40 (Fuel Increase)
Set up	\$ 2,452.80	\$ 3,068.00	\$ 3,068.00
Low Volt (Electrical)	\$ 3,989.80	\$ 4,814.40	\$ 4,814.40
Gutter (Site Installed)	\$ 496.40	\$ 551.06	\$ 628.20
SUB TOTAL	\$ 65,122.92	\$ 87,056.86	\$ 87,956.00
(Includes EMH Mark Up)			
	<u>2020 ADJ</u>	<u>2022 EMH Pricing</u>	<u>2022 ADJ (5/15/22)</u>
BCPS ALT#1	\$ 2,381.70	\$ 2,950.00	\$ 3,363.00
BCPS ALT#2	\$ 7,681.62	\$ 9,175.00	\$ 10,459.50
BCPS ALT#4	\$ 2,024.70	\$ 2,900.00	\$ 2,900.00
BCPS ALT#6	\$ 675.24	\$ 750.00	\$ 750.00
*BCPS ALT#8	\$ 393.72	\$ 461.00	\$ 525.54
	\$ 13,156.98	\$ 16,236.00	\$ 17,998.04
Grand TOTAL Costs Per Classroom	\$ 78,279.90	\$ 103,292.86	\$ 105,954.04

*BCPS ALT#8 is for concrete foundation as needed for contour was not included in November adjustment.

Please note that all other Bid Items and Alternate Categories if needed have also experienced price increases.
The work items noted are for EMH order #11121 only

Signature: *Vera Jones*

Email: vera2.jones@pgcps.org