

**STATE OF NORTH CAROLINA  
COUNTY OF MECKLENBURG**

**NINTH AMENDMENT TO THE AGREEMENT TO PROVIDE  
PLAYGROUND AND OUTDOOR FITNESS EQUIPMENT, SITE ACCESSORIES, SURFACING,  
AND RELATED PRODUCTS AND SERVICES**

**THIS NINTH AMENDMENT TO THE AGREEMENT TO PROVIDE PLAYGROUND AND OUTDOOR FITNESS EQUIPMENT, SITE ACCESSORIES, SURFACING, AND RELATED PRODUCTS AND SERVICES** (this "Ninth Amendment") is made and entered into this 1st of January 2022, by and between Kompan, Inc., a Delaware corporation doing business in North Carolina (the "Company"), and the City of Charlotte, a North Carolina municipal corporation (the "City").

**Statement of Background and Intent**

- A. The City of Charlotte and the Company entered into an Agreement for Playground and Outdoor Fitness Equipment, Site Accessories, Surfacing, and Related Products and Services dated July 1, 2017 (the "Contract") pursuant to which the Company agreed to provide playground and outdoor fitness equipment, site accessories, surfacing, and related products and services for the City of Charlotte.
- B. The parties amended the Contract on January 1, 2018 to incorporate unit price adjustments and freight rate adjustments.
- C. The parties amended the Contract on May 1, 2018 to incorporate new products and unit price adjustments.
- D. The parties amended the Contract on September 1, 2018 to incorporate federal contract terms and conditions.
- E. The parties amended the Contract on January 1, 2019 to incorporate unit price adjustments.
- F. The parties amended the Contract on May 15, 2019 to incorporate third-party products and price lists.
- G. The parties amended the Contract on January 1, 2020 to incorporate unit price adjustments.
- H. The parties amended the Contract on January 1, 2021 to incorporate unit price adjustments.
- I. The parties amended the Contract on May 17, 2021 to incorporate unit price adjustments and add the Domestic (U.S.) Procurement Preference clause.
- J. The parties now desire to amend the Contract make adjustments to unit pricing, replace the Commercial Non-Discrimination clause and to incorporate certain other changes.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the parties hereby agree to the following:

**AGREEMENT**

- 1. The terms of the Contract are restated by and incorporated into this Ninth Amendment by reference.
- 2. Defined terms used in this Ninth Amendment shall have the same meaning as are assigned to such terms in the Contract.

3. The City consents to allow the Company to implement price adjustments for Products offered in the *Kompan Core Portfolio 2022 and the Third Party Price List 2022* with an average increase of five percent (5%) which are attached hereto as Exhibit A.1.
4. Section 34 of the Contract (“Required By City Ordinance: Commercial Non-Discrimination”) is hereby replaced in its entirety as provided below:  
**REQUIRED BY CITY ORDINANCE: COMMERCIAL NON-DISCRIMINATION.** Kompan, Inc. agrees to comply with the Non-Discrimination Policy set forth in Chapter 2, Article V of the Charlotte City Code, which is available for review at <http://library.municode.com/index.aspx?clientId=19970> and incorporated herein by reference. Kompan, Inc. consents to be bound by the award of any arbitration conducted thereunder.”
5. Except to the extent specifically provided above, this amendment shall not be interpreted or construed as waiving any rights, obligations, remedies, or claims the parties may otherwise have under the Contract.
6. In all other respects and except as modified herein, the terms of the Contract shall remain in force and effect.

*[Signature Page Follows]*

IN WITNESS WHEREOF, and in acknowledgement that the parties hereto have read and understood each and every provision hereof, the parties have caused this Ninth Amendment to be executed as of the date first written above.

KOMPAN, INC.

CITY OF CHARLOTTE:  
CITY MANAGER'S OFFICE

BY:   
(signature)

BY: \_\_\_\_\_  
(signature)

PRINT NAME: Eric Lewis

PRINT NAME: \_\_\_\_\_

TITLE: Treasurer

TITLE: \_\_\_\_\_

DATE: 12/14/2021

DATE: \_\_\_\_\_



**Digital Contract Routing Form  
Non-Encumbered**

Date Submitted: January 03, 2022

Submitted by: Genetta N.

Submitter email: [genetta.carothers@charlottenc.gov](mailto:genetta.carothers@charlottenc.gov)

Contract #: 2017001135

Amendment #: 9

Contract Name: Playground and Outdoor Fitness Equipment, Site Accessories, Surfacing and Related Products a

Vendor Legal Name: Kompan, Inc.

Vendor #: 303668

**REQUIRED ATTACHMENT(S):**

Use the Paperclip icon to attach a full Contract Document Routing Packet for review by the authorized City individual with signature authority. The Routing Packet **MUST** include all required components per the direction provided at:

The following signatures, once completed, shall be incorporated by reference into the contractual document identified above.

**City of Charlotte**

eSigned via SeamlessDocs.com  
*Brent Cagle*  
Key: f98f2b82108208b08604836a63996b851