

**Form C**

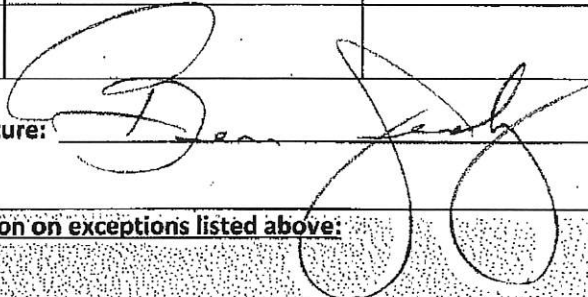
**EXCEPTIONS TO PROPOSAL, TERMS, CONDITIONS,  
AND SOLUTIONS REQUEST**



Company Name: Poligon by PorterCorp

Any exceptions to the terms, conditions, specifications, or proposal forms contained in this RFP must be noted in writing and included with the Proposer's response. The Proposer acknowledges that the exceptions listed may or may not be accepted by NJPA or included in the final contract. NJPA will make reasonable efforts to accommodate the listed exceptions and may clarify the exceptions in the appropriate section below.

Section/page	Term, Condition, or Specification	Exception	NJPA ACCEPTS
	NA		

Proposer's Signature: 

Date: 2-23-17

**NJPA's clarification on exceptions listed above:**

**NA**



**FORM D**

**Contract Award**  
**RFP #030117**  
**Formal Offering of Proposal**  
(To be completed only by the Proposer)



**[RECREATION AND PLAYGROUND EQUIPMENT, ACCESSORIES, AND SUPPLIES]**

In compliance with the Request for Proposal (RFP) for **[RECREATION AND PLAYGROUND EQUIPMENT, ACCESSORIES, AND SUPPLIES]**, the undersigned warrants that the Proposer has examined this RFP and, being familiar with all of the instructions, terms and conditions, general and technical specifications, sales and service expectations, and any special terms, agrees to furnish the defined products and related services in full compliance with all terms and conditions of this RFP, any applicable amendments of this RFP, and all Proposer's response documentation. The Proposer further understands that it accepts the full responsibility as the sole source of solutions proposed in this RFP response and that the Proposer accepts responsibility for any subcontractors used to fulfill this proposal.

Company Name: Poligon by PorterCorp Date: 2-26-17

Company Address: 4240 N. 136<sup>th</sup> Ave

City: Holland State: MI Zip: 49424

Contact Person: Ben Judy Title: Director of Sales & Marketing

Authorized Signature: [Signature] Ben Judy  
(Name printed or typed)

**FORM E**  
**CONTRACT ACCEPTANCE AND AWARD**



(Top portion of this form will be completed by NJPA if the vendor is awarded a contract. The vendor should complete the vendor authorized signatures as part of the RFP response.)

NJPA Contract #: 030117-PPC

Proposer's full legal name: Poligon by PorterCorp

**Based on NJPA's evaluation of your proposal, you have been awarded a contract. As an awarded vendor, you agree to provide the products and services contained in your proposal and to meet all of the terms and conditions set forth in this RFP, in any amendments to this RFP, and in any exceptions that are accepted by NJPA.**

The effective date of the Contract will be April 14, 2017 and will expire on April 14, 2021 (no later than the later of four years from the expiration date of the currently awarded contract or four years from the date that the NJPA Chief Procurement Officer awards the Contract). This Contract may be extended for a fifth year at NJPA's discretion.

**NJPA Authorized Signatures:**

  
\_\_\_\_\_  
NJPA DIRECTOR OF COOPERATIVE CONTRACTS  
AND PROCUREMENT/CPO SIGNATURE

Jeremy Schwartz  
(NAME PRINTED OR TYPED)

  
\_\_\_\_\_  
NJPA EXECUTIVE DIRECTOR/CEO SIGNATURE

Chad Coauette  
(NAME PRINTED OR TYPED)

Awarded on April 14, 2017

NJPA Contract # 030117-PPC

**Vendor Authorized Signatures:**

The Vendor hereby accepts this Contract award, including all accepted exceptions and amendments.

Vendor Name POLIGON BY PORTERCORP

Authorized Signatory's Title DIRECTOR SALES & MARKETING

  
\_\_\_\_\_  
VENDOR AUTHORIZED SIGNATURE

BEN JUDY  
\_\_\_\_\_  
(NAME PRINTED OR TYPED)

Executed on 4/17 2017

NJPA Contract # 030117-PPC

**PROPOSER ASSURANCE OF COMPLIANCE**



**Proposal Affidavit Signature Page**

**PROPOSER'S AFFIDAVIT**

The undersigned, authorized representative of the entity submitting the foregoing proposal (the "Proposer"), swears that the following statements are true to the best of his or her knowledge.

1. The Proposer is submitting its proposal under its true and correct name, the Proposer has been properly originated and legally exists in good standing in its state of residence, the Proposer possesses, or will possess before delivering any products and related services, all applicable licenses necessary for such delivery to NJPA members agencies. The undersigned affirms that he or she is authorized to act on behalf of, and to legally bind the Proposer to the terms in this Contract.
2. The Proposer, or any person representing the Proposer, has not directly or indirectly entered into any agreement or arrangement with any other vendor or supplier, any official or employee of NJPA, or any person, firm, or corporation under contract with NJPA, in an effort to influence the pricing, terms, or conditions relating to this RFP in any way that adversely affects the free and open competition for a Contract award under this RFP.
3. The Proposer has examined and understands the terms, conditions, scope, contract opportunity, specifications request, and other documents in this solicitation and affirms that any and all exceptions have been noted in writing and have been included with the Proposer's RFP response.
4. The Proposer will, if awarded a Contract, provide to NJPA Members the /products and services in accordance with the terms, conditions, and scope of this RFP, with the Proposer-offered specifications, and with the other documents in this solicitation.
5. The Proposer agrees to deliver products and services through valid contracts, purchase orders, or means that are acceptable to NJPA Members. Unless otherwise agreed to, the Proposer must provide only new and first-quality products and related services to NJPA Members under an awarded Contract.
6. The Proposer will comply with all applicable provisions of federal, state, and local laws, regulations, rules, and orders.
7. The Proposer understands that NJPA will reject RFP proposals that are marked "confidential" (or "nonpublic," etc.), either substantially or in their entirety. Under Minnesota Statute §13.591, Subd. 4, all proposals are considered nonpublic data until the evaluation is complete and a Contract is awarded. At that point, proposals generally become public data. Minnesota Statute §13.37 permits only certain narrowly defined data to be considered a "trade secret," and thus nonpublic data under Minnesota's Data Practices Act.
8. The Proposer understands that it is the Proposer's duty to protect information that it considers nonpublic, and it agrees to defend and indemnify NJPA for reasonable measures that NJPA takes to uphold such a data designation.

**[The rest of this page has been left intentionally blank. Signature page below]**

By signing below, Proposer is acknowledging that he or she has read, understands, and agrees to comply with the terms and conditions specified above.

Company Name: Poligon by PorterCorp

Address: 42420 N. 136<sup>th</sup> Ave \_\_\_\_\_

City/State/Zip: Holland, MI 49424 \_\_\_\_\_

Telephone Number: 616-399-1963 \_\_\_\_\_

E-mail Address: benjud@portercorp.com \_\_\_\_\_

Authorized Signature:  \_\_\_\_\_

Authorized Name (printed): Ben Judy \_\_\_\_\_

Title: Director Sales & Marketing \_\_\_\_\_

Date: 2-27-17 \_\_\_\_\_

Notarized

Subscribed and sworn to before me this 27<sup>th</sup> day of February, 2017 Notary

Public in and for the County of Ottawa State of MI

My commission expires: 7-23-2017

Signature:  \_\_\_\_\_

ROSE M. MEENGs  
Notary Public, State of Michigan  
County of Ottawa  
My Commission Expires July 23, 2017  
Acting in the County of Ottawa





**PROPOSER QUESTIONNAIRE**

**Payment Terms, Warranty, Products and Services, Pricing and Delivery, and Industry-Specific Questions**

Proposer Name: \_Poligon by PorterCorp\_\_\_\_\_

Questionnaire completed by: \_Ben Judy\_\_\_\_\_

**Payment Terms and Financing Options**

- 1) What are your payment terms (e.g., net 10, net 30)?

**Net 30 days**

**Note Terms and conditions letter (attachment P-1-1)**

- 2) Do you provide leasing or financing options, especially those options that schools and governmental entities may need to use in order to make certain acquisitions?.

**\*Poligon has partnered with National Cooperative Leasing (NCL) to offer NJPA members a complete suite of finance solutions. NCL is a current NJPA financing contract holder (#032615-NCL) and is an industry expert in municipal financing solutions. NCL will offer leasing terms from 12-120 months on transactions from \$5,000.00 and up. Traditional leasing and financing programs will be offered along with programs specifically designed for schools and governmental entities including Tax-Exempt Municipal Leases and a Purchase Order Only program.**

**There is no ownership, common ownership, or control between Poligon and NCL.**

- 3) Briefly describe your proposed order process. Please include enough detail to support your ability to report quarterly sales to NJPA. For example, indicate whether your dealer network is included in your response and whether each dealer (or some other entity) will process the NJPA Members' purchase orders.

**We generally accept orders through our dealer organization who verify they have all the correct information for submission. This will include building model, size, engineering requirements, anchor bolts, colors accessories, required building code a loading requirements, any site considerations, electrical cutouts/access, tax exempt certificates, customer PO with NJPA contract number, NJPA discount on PO, NJPA member number.**

**It is the dealer's responsibility to verify any building code requirements and make certain the customer has ordered all the features/accessories they need to meet their application requirements. Orders may be received by either PorterCorp or our Dealer based on customer preference. If installation is part of the overall purchase, then PorterCorp prefers to do billing in order to properly process the paperwork and document the sale to NJPA. We can and have been flexible regarding the order process based on a customer's requirements.**

**When an NJPA order is received indicating the member number and the NJPA contract number**



our credit department flags this order and is properly accounted for on our quarterly NJPA purchases submission spreadsheet.

- 4) Do you accept the P-card procurement and payment process? If so, is there any additional cost to NJPA Members for using this process?

**Yes, no additional fees or costs are charged to NJPA members for using this process.**

### **Warranty**

- 5) Describe in detail your manufacturer warranty program, including conditions and requirements to qualify, claims procedure, and overall structure. You may include in your response a copy of your warranties, but at a minimum please also answer the following questions.

- Do your warranties cover all products, parts, and labor?

**Warranty statement (attachment P-5-1) covers the building structure and attachment P-5-2 covers labor on repainting structures. We will review every situation that may occur and work with our representative, customer and installer to come to an equitable solution all parties can agree to and resolve any potential issue or concern. Our longevity in the business and the respect our customers have for our products is a testament to how we resolve matters and take care of customers. Bottom line, a warranty document is only as good as the company standing behind it and those that do will be successful for over 53 years just as Poligon has done.**

- Do your warranties impose usage restrictions or other limitations that adversely affect coverage?

#### **Building Structure Limited Warranty (attachment P-5-1, P-5-3, P-5-4, P-5-5, P-5-6, P-5-7)**

- \* Defects caused by erection, harsh site conditions, lack of maintenance, and/or other conditions beyond PorterCorp's control.
- \* Not held liable for field alterations.
- \* Meeting unspecified building codes or for updating designs or specifications to meet new building codes or insurance standards either existing or updated.
- \* Delays due to missing or nonconforming parts.
- \* Not liable for any act of God, fire, vandalism, settlement, incidental or consequential damages, erosion of foundation or extreme site conditions.
- \* Received payment in full.

#### **For Paint System Limited Warranty and Maintenance (attachment P-5-2)**

- \* Received payment in full.
- \* Pergolas or trellises.
- \* Damage occurring from shipping, erection, vandalism, accidents, or field modifications
- \* Exposed nuts and bolts
- \* Salt air, corrosive atmosphere, high humidity causing condensation, or sprinkler systems come in contact with the shelter
- \* Lack of maintenance
- \* Acute angles, welds, and endplates
- \* Rust stains from roof trim, screws, and screw holes
- \* Note attached terms and conditions document related to Poligon. These are our standards terms that apply to all customers. Attachment P-1-1.

- Do your warranties cover the expense of technicians' travel time and mileage to perform warranty repairs?



**Yes, if there is a paint failure (Attachment P-5-2). Poligon will stand behind any quality issues if the product was manufactured incorrectly.**

- Are there any geographic regions of the United States for which you cannot provide a certified technician to perform warranty repairs?

**No. If there's a warranty concern we have been known to travel as far as Hawaii in order to resolve the matter and delight our customer. Many warranty/installation disputes can be resolved immediately over the phone by our quality department. We find this method to be the fastest and most cost effective. Under certain conditions we will send a factory representative if the matter dictates this level of involvement.**

How will NJPA Members in these regions be provided service for warranty repair?

**NR. See above.**

- Will you cover warranty service for items made by other manufacturers that are part of your proposal, or are these warranties issues typically passed on to the original equipment manufacturer?

**We have reps throughout the country that can coordinate with local installers to handle any warranty repair that may arise. If the matter cannot be handled by our local installer Poligon will send people from the factory in order to resolve the warranty claim to the customer's satisfaction.**

- What are your proposed exchange and return programs and policies?

**Each shelter is engineered to a specific site with columns being secured with a concrete footing. Exchange and return programs are NA unless it pertains to a warranty situation.**

- 6) Describe any service contract options for the items included in your proposal.

**N/A from PorterCorp. Some of our dealers offer service contracts, member need to contact that specific dealer regarding availability of this option.**

#### **Pricing, Delivery, Audits, and Administrative Fee**

- 7) Provide a general narrative description of the equipment/products and related services you are offering in your proposal.

**PorterCorp is the leader in the design, engineering, and manufacturing of open air structures. From your first ideas to completed installation, our streamlined process makes creating the perfect structure for your site, easy and efficient. PorterCorp offers endless options to suite your site-specific requirements along with the best precision cut components and reliable engineered construction. Every structure is protected in our Poli-5000 powder coat for many years of superior durability.**

**PorterCorp is pleased to offer NJPA members the complete and extensive line of shelter products. The offering will include standard, modified and custom products. PorterCorp is the only shelter supplier who can offer the most complete package when it comes to design and variety of shade products which include steel shelters, fabric shelters, wood shelters. In addition to these products, NJPA members will have access to the DEFI level of services.... Design, Engineering, Fabrication of Product and Installation. The solutions based offering provides NJPA members a turn-key offering including freight, installation and a financing option.**



- 8) Describe your pricing model (e.g., line-item discounts or product-category discounts). Provide detailed pricing data (including standard or list pricing and the NJPA discounted price) on all of the items that you want NJPA to consider as part of your RFP response. Provide a SKU for each item in your proposal. (Keep in mind that reasonable price and product adjustments can be made during the term of an awarded Contract. See the body of the RFP and the Price and Product Change Request Form for more detail.)

**All pricing located in pricing folder (attachment P-8-1).**

**Due to the complexity of the shelter design and all the various conditions of building codes across the U.S. we believe it would be in best interest of NJPA members to offer a variety of options for members to purchase PorterCorp products based on their individual needs and requirements.**

**The pricing proposal will be divided in the following categories:**

**Standard Product- HOT LIST PRICING**

**This will consist of our most popular products sold to governmental agencies across the US and Canada. The models are:**

- Squares 12' – 24'
- Rectangles with gable roof – 16'x24' – 24'x34'
- Rectangles with hip roof 16'x24' – 24'x34'
- Octagon 16' – 28'
- Hexagon 16' – 28'
- GWI 16' – 34'
- Carnival 16' – 30'
- Crossing 16'-30'
- Hexagon 2 tier 20'-32'
- Octagon 2 tier 24'-32'

**The above models will have a printed net price schedule with the ability to add popular accessories like railings/ornamentation, cupolas, electrical cut outs, lightening protection along with our most popular roof options. Hot List pricing is highlighted in yellow and affords additional discount. Standard pricing can also be calculated with a contract freight price.**

**This offer is a ceiling price.**

**Modified and Custom product:**

**Due to the complexity and popularity of these products we believe it is important to give NJPA members the ability to purchase all products (modified and custom fabric wood and steel) from Poligon. All products not on the net price schedule will be offered at a minimum discount of 7% off of our standard pricing for the structure (configurator or custom quote). Engineering fees and freight are billed at cost and no discounts apply. Installation billed at 5% off standard pricing, excludes concrete and prevailing wage situations. This offering is a ceiling price.**

**Volume discount:**

**To encourage volume purchases among members Poligon will offer the following volume discounts:**

**\$100K-\$200K: 1%**

**\$201K-\$300K: 2%**

**Above \$301K: 3%**

**Note attached terms and conditions document related to customers buying from Poligon. These are our standards terms that apply to all customers. Attachment P-1-1.**



- 9) Please quantify the discount range presented in this response. For example, indicate that the pricing in your response represents is a 50% percent discount from the MSRP or your published list.

**We do not publish pricing or have an MSPR printed price sheet. The MSRP is only available from our online pricing system known as the configurator available only to dealers. The pricing submitted ranges from 17% off the configurator pricing on our most popular items scaled down to 7% off on custom structures.**

- 10) The pricing offered in this proposal is

- \_\_\_\_\_ a. the same as the Proposer typically offers to an individual municipality, university, or school district.
- \_\_\_\_\_ b. the same as the Proposer typically offers to GPOs, cooperative procurement organizations, or state purchasing departments.
- XXXX c. better than the Proposer typically offers to GPOs, cooperative procurement organizations, or state purchasing departments.
- \_\_\_\_\_ d. other than what the Proposer typically offers (please describe).

- 11) Describe any quantity or volume discounts or rebate programs that you offer.

**To encourage volume purchases Poligon will offer the following volume discounts:**

- **\$100K-\$200K: 1%**
- **\$201K-\$300K: 2%**
- **Above \$301K: 3%**

- 12) Propose a method of facilitating "sourced" products or related services, which may be referred to as "open market" items or "nonstandard options". For example, you may supply such items "at cost" or "at cost plus a percentage," or you may supply a quote for each such request.

**Our strategy is to provide a "total acquisition cost" pricing package for all "core" products along with giving members the ability to purchase custom designed and manufactured open air structures for their specific site. This will include a total cost of the product, engineering, shipping, and installation of the product to the member's desired location. A turnkey shelter package is provided for the entire structure which can be provided by Poligon and the local representative. Items sold to members at cost will include: engineering, concrete/flat work, freight, tax (if applicable), and any other site work required. Installation at cost plus 5%.**

- 13) Identify any total cost of acquisition costs that are **NOT** included in the pricing submitted with your response. This cost includes all additional charges that are not directly identified as freight or shipping charges. For example, list costs for items like installation, set up, mandatory training, or initial inspection. Identify any parties that impose such costs and their relationship to the Proposer.

**Nothing to be identified. We have included all components in our pricing model to be all encompassing and include a "total cost of acquisition" for NJPA members.**

- 14) If delivery or shipping is an additional cost to the NJPA Member, describe in detail the complete shipping and delivery program.

**Freight costs are identified as a separate line item in the price list. On attachment P-8-1 we indicate a cost based pricing module where a customer can immediately calculate freight costs based on the most popular standard and modified products. Cost based pricing is determined on the geographic location and product weight to determine the actual freight cost. All custom products will be priced at our freight cost based on the weight and cube of the structure.**



- 15) Specifically describe those shipping and delivery programs for Alaska, Hawaii, Canada, or any offshore delivery.

**PorterCorp provides freight coordination and pricing only to mainland ports in the U.S. Our dealers are well versed in getting material across the border and shipping by container to an off shore location. The freight costs from the mainland are in addition to those provided in point 14 above, these only apply to a ship point within the continental US.**

**Any container packing, freight, duties, etc. from mainland port (I.e. Long Beach, CA) will be in addition to PorterCorp calculated costs in our pricing document.**

- 16) Describe any unique distribution and/or delivery methods or options offered in your proposal.

**NA**

- 17) Please specifically describe any self-audit process or program that you plan to employ to verify compliance with your proposed Contract with NJPA. This process includes ensuring that NJPA Members obtain the proper pricing, that the Vendor reports all sales under the Contract each quarter, and that the Vendor remits the proper administrative fee to NJPA.

**All our books are audited by a prestigious public accounting firm for accuracy and compliance to state, local and federal laws. All NJPA documents are carefully reviewed and submitted in a timely and accurate fashion to NJPA in accordance to our contract. These documents are prepared and verified by our accounting department. If at any time NJPA finds it necessary to review our records this coordinated with our accounting team.**

- 18) Identify a proposed administrative fee that you will pay to NJPA for facilitating, managing, and promoting the NJPA Contract in the event that you are awarded a Contract. This fee is typically calculated as a percentage of Vendor's sales under the Contract or as a per-unit fee; it is not a line-item addition to the Member's cost of goods. (See RFP Section 6.29 and following for details.)

**2%, applicable to all product and installation fees charged to NJPA members. Does not apply to concrete, freight, tax, engineering or any other charge that is deemed to be sold at cost.**

#### **Industry-Specific Questions**

- 19) Of the following main categories, identify those in which you provide solutions: playground, recreation, aquatic/beach, and/or ice arena.

**Better fits in subcategory below:**

- 20) If your RFP offering better fits within a sub-category not identified in the preceding question, identify the subcategory using the list provided in the scope section of this RFP (Sec. 3.17.1.1).

**Shelters and Shades. Prefabricated buildings associated with Playgrounds and other public spaces.**

- 21) Rank any subcategories you fit into (e.g., 1-5) based on how strongly you are positioned within each.

**1 – Shelters**

**2 – Shades**



### 3 – Prefabricated buildings associated with Playgrounds and other public spaces.

22) Specifically describe any manufacturing processes or material specification-related attributes that differentiate your offering from your competitors.

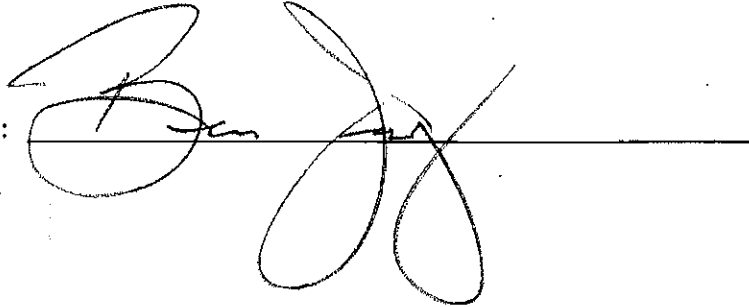
- Powder coat conveyor line
- Powder coat cooling tunnel
- Steel shot blast all components
- All parts are individually labeled and etched relating to installation instructions
- Have 3 full time quality personnel to inspect manufactured material and answer installation questions that arise.
- 2 Computer aided automatic dual axis drill and cutting saws.
- Flatbed laser printer to cut our own medallions and ornamentation
- Poli-5000, most durable lasting powder coat finish available in the industry with specs to support its performance. Competitors have no specs, just claims. (attachment
- Most detailed CSI specification in the industry supporting quality, certifications, etc. (Attachment P-22-2)
- Powder coat the head of any exposed fastener
- Use galvalume material on large sheet metal pieces to reduce rusting.
- Use aluminum cover plates
- Offer factory stained Tongue and Groove decking
- Zinc plated fasteners
- PCI 4000 powder coating certification validating our process
- All connections use hidden fasteners.
- Each surface is packed with foam, wood and cardboard, treated as a class A surface which eliminates any freight damage.
- DSA approved structures.
- Use super durable TGIC powder coat
- Galvanizing with powder coat top coat. This is a very unique process and used in high corrosive environments, no one else offers this.
- Steel gutters are offered as an accessory that are powder coated to match the frame.
- Certified welders
- Grind all our welds to better accept paint, provide architectural look and reduce rusting.

23) Describe any serviceability attributes that your offered solutions contain. Please indicate which of these attributes are considered “industry-expected attributes” and which you believe are “vendor differentiators.”

- Poligon certified installer program (vendor differentiator)
- 3 full time quality personnel (vendor differentiator)
- 6 full time engineers on staff to who make themselves readily available to meet and talk with customers. (vendor differentiator)
- Engineers can stamp in almost all the US States. (vendor differentiator)
- 15 full time drafters to help make the customers dream a reality (vendor differentiator)
- Only use flatbed contract carriers, which means the only item on our truck is our product, no off-loading that can create damage and delays. (vendor differentiator)
- Customer service personnel (industry expected attribute)
- Because we have the most recognized brand we feel we have the most knowledgeable and customer service oriented dealer network in the industry. When you are the best you can expect the best! (vendor differentiator).
- On line pricing system to get instant quotes (vendor differentiator)
- Drawings downloads for immediate accessibility (vendor differentiator)
- Installation packet (industry expected attribute)

- Stamped engineered drawings (industry expected attribute)
- Schematic drawings offered free of charge (industry expected attribute)
- Plant tours (industry expected attribute)
- Website and Facebook and other social media (industry expected attribute)
- Willingness and capability to customize a structure (industry expected attribute) and (vendor differentiator)
- Engineering footing estimates prior to shipment (industry expected attribute)
- Cooperative purchasing contract with NJPA (vendor differentiator)
- Continuing Education Credits available when attending a Poligon presentation (vendor differentiator)

Signature:

A handwritten signature in black ink, consisting of a large, stylized 'B' followed by a series of loops and a horizontal line extending to the right.

Date: 2-23-17