CONTRACTUAL AGREEMENT BETWEEN

DISTRICT AND CONTRACTOR FOR

CATALOG DISCOUNT FOR ATHLETIC UNIFORMS,

SUPPLIES & EQUIPMENT

This contract is made on the 18th day of December 2017, by and between Beaufort County School District (BCSD) and BSN Sports, LLC (Contractor).

The Project is to establish a catalog discount contract for the purchase of new athletic uniforms, supplies, and equipment via catalog and on-line ordering.

The parties hereto do agree as follows in consideration of the mutual promises, covenants and agreements as hereinafter set forth.

1. **TERMS AND CONDITIONS.** Contractor certifies that the scope of work/specifications as they apply to all terms and conditions within the BCSD Best Value Bid (BVB) #18-012 solicitation and the Contractor proposal in response to the RFP shall be made part of the Contract as if incorporated therein.

2. **SCOPE OF WORK.** The Project is to establish a catalog discount contract for the purchase of new athletic uniforms, supplies, and equipment via catalog and on-line ordering. Contractor shall provide a maximum percentage discount off the vendor's catalog price and must distinguish discounted contract prices on websites for on-line ordering. Contractor shall maintain a website available for all end users to access for on-line ordering.

3. **TERM.** This Agreement shall commence on December 18, 2017 and the base term of the agreement shall be for three (3) years, expiring December 17, 2020. BCSD has the option to renew the Agreement for two (2) one (1) year terms. Extensions beyond the five (5) year period require approval of the BCSD Superintendent.

4. **COMPENSATION**. BCSD shall pay the contractor in accordance with Exhibit A (Bidding Schedule).

5. **INDEPENDENT CONTRACTOR**. The relationship of the Parties hereto shall at all times be that of independent contractor. Nothing in this relationship will create an employer-employee relationship, association, joint venture, partnership, or other form of legal entity or business enterprise between the Parties, their agents, employees or affiliates.

6. **DISPUTE RESOLUTION**. All disputes between the parties hereto under this Agreement must be resolved pursuant to the procedures of the Procurement Code of BCSD.

7. **NOTICES**. All notices, consents, approvals and the like required to be given hereunder shall be given in writing to BCSD at P.O. Drawer 309, Beaufort, S.C. 29901-0309 or to such other address as BCSD shall designate. All notices to the Contractor shall be given to BSN Sports, LLC, Attn: Troy Carroll at 1660 Katy Lane, Fort Mill, SC 29708.

8. **WHOLE AGREEMENT**. This document, together with all subordinate and other documents incorporated by reference herein, will constitute the entire agreement between the parties with respect to the subject contained herein, supersedes all prior agreements and understandings, whether written or oral, and may only be modified by an amendment executed in writing by both parties.

The Parties hereto have duly executed this Agreement on the date first set forth above.

AGREED:

BSN Sports, LLC

By: _____

Troy Carroll,
Regional Sales Manager - SC

Beaufort County School District

By: _____

Jeffrey C. Moss,
Superintendent

COOPERATIVE PURCHASING:

The BCSD Procurement Code allows participation in cooperative purchasing. This solicitation will sponsor cooperative purchasing with the following entities: Anderson County School District One, Five, Berkeley County School District, Charleston County School District, Cherokee County School District, Clover School District, Colleton County School District, Darlington County School District, Dorchester County School District Two, Florence Public School District One, Fort Mill School District Four, Georgetown County School District, Greenwood School District Number 50, Horry County Schools, Jasper County School District, Kershaw County School District, Lancaster County School District, Lexington County School District's One and Two, School District Five of Lexington and Richland Counties, McCormick County Schools, Newberry County School District, School District of Oconee County, Orangeburg School District Five, School District of Pickens County, Richland County School District's One and Two, Rock Hill School District Three of York County, Spartanburg School District's Two, Five, Six, and Seven, Sumter School District Two, Beaufort County, the City of Beaufort, City of Port Royal, Town of Bluffton,

Percentage Discount on all footwear, accessories, supplies, equipment (Shipping/Handling included in pricing)

- Nike Team Catalogs-minimum discount 30% off catalog price on all footwear, team supplies and team equipment
- Under Armour Team Catalogs-minimum discount 30% off catalog price on all footwear, team supplies and team equipment
- BSN SPORTS EQUIPMENT Catalog-minimum discount 15% off catalog price on all BSN SPORTS DIRECT PRODUCT (product identified in catalog by black star printed next to price).
- BSN SPORTS EQUIPMENT Catalog-minimum discount 10% off catalog price on all In-Stock Branded Product (identified in catalog by highlighted product codes that do not have a black star printed next to price).
- BSN SPORTS EQUIPMENT Catalog-minimum discount 8% off catalog price on all Drop Ship Branded Product (product identified in catalog by non-highlighted product codes that do not have a black star printed next to catalog price).
- US GAMES Catalog-minimum discount 15% off catalog price on all BSN SPORTS DIRECT PRODUCT (product identified in catalog by black star printed next to price).
- US GAMES Catalog-minimum discount 10% off catalog price on all In-Stock Branded Product (identified in catalog by highlighted product codes that do not have a black star printed next to price).
- US GAMES Catalog-minimum discount 8% off catalog price on all Drop Ship Branded Product (product identified in catalog by non-highlighted product codes that do not have a black star printed next to catalog price).

Percentage Discount on name brand apparel, footwear, & bags (Shipping/Handling included in pricing)

- Nike Team Catalogs
    - Minimum discount 35% off catalog price on all blank stock team apparel
    - Minimum discount 30% off catalog price on all footwear and team bags
- Under Armour Team Catalogs
    - Minimum discount 35% off catalog price on all blank stock team apparel
    - Minimum discount 30% off catalog price on all footwear and team bags

EXCEPTIONS:

- Orders requesting/requiring expedited shipping (next day air, 2-day air, 3-day air) will be charged pre-approved shipping rates.

VALUE ADD PROGRAMS (Nike and Under Armour):

- Nike Switchover Program-for high schools that are not in a Nike ASD that purchase Nike Branded Uniforms for varsity teams sports listed below, will receive the following:

Sport	Allotment For Replacing Non-Nike Branded Uniform (1 set/2 sets)	Allotment For Replacing Existing Nike Branded Uniform (1 set/2 sets)
Football	up to $2,000/$3,000	up to $2,000/$3,000
Volleyball	up to $1,000/$1,500	up to $1,000/$1,500
Cross Country	up to $1,000/$1,500	up to $1,000/$1,500
Boys Basketball	up to $1,000/$1,500	up to $1,000/$1,500
Girls Basketball	up to $1,000/$1,500	up to $1,000/$1,500
Baseball	up to $1,000/$1,500	up to $1,000/$1,500
Softball	up to $1,000/$1,500	up to $1,000/$1,500
Boys Soccer	up to $1,000/$1,500	up to $1,000/$1,500
Girls Soccer	up to $1,000/$1,500	up to $1,000/$1,500
Boys Track & Field	up to $1,000/$1,500	up to $1,000/$1,500
Girls Track & Field	up to $1,000/$1,500	up to $1,000/$1,500
Boys Lacrosse	up to $1,000/$1,500	up to $1,000/$1,500
Girls Lacrosse	up to $1,000/$1,500	up to $1,000/$1,500

- Under Armour CTU Program-any High School or Middle School Program replacing Non-Under Armour branded uniforms with Under Armour Game Uniforms for eligible sports (minimum purchase price $1,500) will receive the following:
    - Up to $2,000 for Football, Up to $1,000 for Volleyball, Cross Country, Boys Basketball, Girls Basketball, Baseball, Softball, Boys Soccer, Girls Soccer, Boys Track & Field, Girls Track & Field, Boys Lacrosse, Girls Lacrosse.