

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE EXECUTION OF AN
AMENDMENT TO THE AGREEMENT WITH GORDON FOOD
SERVICE FOR KINGSPORT CITY SCHOOLS NUTRITION
SERVICES GROCERY AND BEVERAGE ITEMS AND
AUTHORIZING THE MAYOR TO SIGN ALL APPLICABLE
DOCUMENTS

WHEREAS, on May 17, 2022, the board approved an amendment to the agreement with Gordon Food Service to provide grocery and beverage items to Kingsport City School Nutrition Services for the period of July 1, 2022, through June 30, 2023; and

WHEREAS, the amendment included an addendum addressing the current market uncertainty and inflation and permits Gordon to increase pricing four times; and

WHEREAS, as a result of price increases, current spending is \$712,800.00; and

WHEREAS, on January 10, 2023, the Board of Education approved the execution of an amendment to increase the amount of the agreement to \$1,650,000.00 through June 30, 2023.

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That an amendment of the agreement with Gordon Food Service for grocery and beverage items for Kingsport City Schools Nutrition Services for the not to exceed amount of \$1,650,000.00 is approved.

SECTION II. That the mayor, or in his absence, incapacity, or failure to act, the vice-mayor, is authorized and directed to execute, in a form approved by the city attorney, and subject to the requirements of Article X, Section 10 of the Charter of the City of Kingsport, an amendment for the same and all documents necessary and proper, to deliver the agreement and take any and all action as may be required on the part of the city to carry out, give effect to, and consummate the transactions contemplated by the agreement and this resolution, said agreement being as follows:

**AMENDMENT TO THE AGREEMENT
ENTERED INTO BETWEEN GORDON FOOD SERVICE
AND CITY OF KINGSPORT, TENNESSEE FOR ITS KINGSPORT CITY SCHOOLS**

On July 1, 2020 an Agreement was entered into by and between Gordon Food Service, Inc., (hereinafter Contractor) and the City of Kingsport Tennessee (hereinafter City). An Addendum to the Agreement was executed on May 18, 2022 to include the period of July 1, 2022 through June 30, 2023. The terms of the Agreement are hereby amended as set forth herein.

SECTION 3. THE CONTRACT PRICE. The City shall pay, in current fund, the Contractor for the performance of this Contract on the basis of the unit price cost per unit, as set forth in Gordon Food Service Intent to Renew dated April 15, 2022, with the subject "Renewal of Grocery and Beverage Items (the "Bid")", and as set out and stipulated in the bid or proposal of said Contract, and the total cost of ONE MILLION SIX HUNDRED FIFTY THOUSAND DOLLARS AND ZERO CENTS (\$1,650,000.00) is an estimated total cost, based upon the number of units required for the performance of this Contract and in the event there is any variation in the units actually required in the performance of this Contract, and the estimate made above, then the unit price shall in all things

control, so that the total estimated cost of ONE MILLION SIX HUNDRED FIFTY THOUSAND DOLLARS AND ZERO CENTS (\$1,650,000.00) is subject to being increased in the event the units required for this Contract are greater than that estimated, and is subject to being decreased in the event said units are less than that estimated; which said payment, based upon the unit costs mentioned above, shall be full compensation for all materials and supplies furnished.

Except as hereby amended, all other terms and conditions of the Agreement effective July 1, 2020 shall remain in full force and effect.

[Acknowledgements Deleted for Inclusion in this Resolution]

SECTION III. That the mayor is further authorized to make such changes approved by the mayor and the city attorney to the agreements set out herein that do not substantially alter the material provisions of the agreement, and the execution thereof by the mayor and the city attorney is conclusive evidence of the approval of such changes.

SECTION III. That the board finds that the actions authorized by this resolution are for a public purpose and will promote the health, comfort and prosperity of the citizens of the city.

SECTION IV. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 17th day of January, 2023.

PATRICK W. SHULL, MAYOR

ATTEST:

ANGELA MARSHALL, DEPUTY CITY RECORDER

APPROVED AS TO FORM:

RODNEY B. ROWLETT, III, CITY ATTORNEY