

CONTRACT

35079

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3 THIS CONTRACT is made and entered, in duplicate, as of July 3, 2018 for
4 reference purposes only, pursuant to Resolution No. RES-18-0078, adopted by the City
5 Council of the City of Long Beach at its meeting on June 12, 2018, by and between
6 ECLIPSE, INC. DBA ELSTER AMERICAN METER COMPANY, LLC, a Delaware limited
7 liability company ("Contractor"), with a place of business at 2221 Industrial Road, Nebraska
8 City, Nebraska 68410, and the CITY OF LONG BEACH ("City"), a municipal corporation.

9 WHEREAS, the City requires gas meters and related services and parts; and

10 WHEREAS, City did by Resolution No. RES-18-0078 determine that the
11 City's need to purchase gas meters and related services and parts could only be met by
12 Contractor and, by reason of the foregoing, no useful purpose would be served by
13 advertising for bids to purchase such gas meters and related services and parts, and to do
14 so would constitute an idle and useless act and an unnecessary expenditure of public
15 funds;

16 NOW, THEREFORE, in consideration of the mutual terms and conditions
17 contained herein, the parties agree as follows:

18 1. Contractor shall sell, furnish and deliver to City gas meters and related
19 services and parts attached hereto as Exhibit "A" and incorporated herein by reference, as
20 authorized by Resolution No. RES-18-0078.

21 2. City shall pay Contractor in due course of payments, following receipt
22 of an invoice from Contractor and upon acceptance from City, for gas meters and related
23 services and parts, the prices shown in Exhibit "A", a sum not to exceed One Hundred
24 Fifteen Thousand Dollars (\$115,000) for a period of two (2) years, with the option to renew
25 for two (2) additional one (1) year periods.

26 3. The term of this Contract shall commence on August 1, 2018, and
27 shall terminate at midnight on July 31, 2020 unless sooner terminated as provided herein.
28 The City may terminate this Contract by giving thirty (30) days prior notice of termination

1 to Contractor.

2 4. Neither this Contract nor any of the moneys that may become due
3 Contractor hereunder may be assigned without the prior written consent of City.

4 5. Any notices required hereunder or desired to be given by either party
5 shall be in writing and personally delivered or deposited in the U.S. Postal Service, first
6 class postage prepaid, addressed to Contractor at the address stated herein, and to City
7 at 333 West Ocean Boulevard, Long Beach, California 90802 Attn: City Manager. Notice
8 shall be deemed given on the date personal delivery is made or on the date of deposit in
9 the mail, whichever first occurs.

10 6. City shall have the benefit of any warranty from the manufacturer on
11 the gas meters and related services and parts, and Contractor warrants that the gas meters
12 and related services and parts are in good working order and free from defect at the time
13 of delivery.

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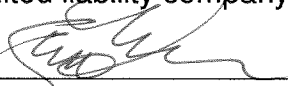
OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

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IN WITNESS WHEREOF, the parties have signed this document with all the formalities required by law as of the date first stated above.

ECLIPSE, INC. DBA ELSTER AMERICAN
METER COMPANY, LLC, a Delaware
limited liability company

September 21, 2018

By 
Name Scott K. Miller
Title SALES DIRECTOR

_____, 2018

By _____
Name _____
Title _____

Tom Modica
Assistant City Manager

"Contractor"

**EXECUTED PURSUANT
TO SECTION 301 OF
THE CITY CHARTER**

CITY OF LONG BEACH, a municipal
corporation

Oct 15, 2018

By 
City Manager

"City"

This Contract is approved as to form on October 8, 2018.

CHARLES PARKIN, City Attorney

By 
Deputy

EXHIBIT "A"

Reference: 2019 Pricing
 Quote #: 18652
 Act #: 10001646

DATE: 3-Aug-18

TO: City of Long Beach
 2400 Spring Street
 Long Beach, CA 90806
 Renee Williams

Elster American Meter Company, LLC
 A Honeywell International Inc. Company
 2221 Industrial Rd
 Nebraska City, NE 68410
 (402) 873-8200

Payment Terms: NET CASH, 30 DAYS
 Freight Terms: Origin, Freight Prepaid & Add
 Term & Conditions: Attached
 Pricing Validity: Pricing valid for product shipped on or before:
 12/31/2020

SHIPPING POINTS:
 Meters: Nebraska City, NE
 Industrial Regulators: Nebraska City, NE
 Residential Regulators: Laredo, TX
 Refurbished Meters: Cartersville, GA

CONFIDENTIAL & PROPRIETARY

Quote #: 18652

ITEM	QTY.	DESCRIPTION	PRICE	
			Each	Extended
1	30	BK250 5# REG	\$48.50	\$1,455.00
2	30	AC250 5# REG	\$67.75	\$2,032.50
3	12	AL425 10# REG	\$206.88	\$2,482.56
4	24	AC630 25# REG	\$553.05	\$13,273.20
5	12	AC800 25# REG	\$672.75	\$8,073.00
6	5	AL800 20# REG	\$813.00	\$4,065.00
7	5	AL1000 25# REG	\$832.25	\$4,161.25
8	1	AL1400 Remanufactured 100# REG	\$2,682.00	\$2,682.00
9	250	1813C, 3/4" or 1" NPT, 180 Degree	\$22.84	\$5,710.00
10	25	1813C, 1-1/4" NPT, 180 Degree	\$30.45	\$761.25
11	25	1813C-HC, 1-1/4" NPT, 180 Degree	\$45.65	\$1,141.25
12	10	SR113, 3/4" or 1" NPT, 180 Degree	\$29.35	\$293.50
13	5	1803, 1.5" or 2" NPT	\$298.00	\$1,490.00
14	5	1813B, 1.5" or 2" NPT	\$372.90	\$1,864.50
15	60	Sensus AMR, Front Mount Installation	\$3.75	\$225.00

SUPPLEMENTAL COMMENTS

1	Elster Standard Terms and Conditions
2	Elster Standard Warranty and Performance Guarantee
3	Elster American Meter Company, LLC, A Honeywell International Inc. Company, submits this bid contingent upon the parties' mutual agreement to a contract document that will govern this sale.

BY:



Scott K. Miller
 Honeywell Sales Representative