

1 CONTRACT

2 33901

3 THIS CONTRACT is made and entered, in duplicate, as of June 16, 2015
4 for reference purposes only, pursuant to Resolution No. RES-15-0066, adopted by the
5 City Council of the City of Long Beach at its meeting on June 2, 2015, by and between
6 SIEMENS INDUSTRY, INC., a Delaware corporation ("Contractor"), with a place of
7 business at 10775 Business Center Drive, Cypress, California 90630, and the CITY OF
8 LONG BEACH ("City"), a municipal corporation.

9 WHEREAS, the City requires modular equipment controllers for the Public
10 Safety Building; and

11 WHEREAS, City did by Resolution No. RES-15-0066 determine that the
12 City's need to purchase modular equipment controllers for the Public Safety Building
13 could only be met by Contractor and, by reason of the foregoing, no useful purpose
14 would be served by advertising for bids to purchase such modular equipment controllers
15 and to do so would constitute an idle and useless act and an unnecessary expenditure of
16 public funds;

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

19 1. Contractor shall sell, furnish and deliver to City modular equipment
20 controllers for the Public Safety Building attached hereto as Exhibit "A" and incorporated
21 herein by reference, as authorized by Resolution No. RES-15-0066.

22 2. City shall pay Contractor in due course of payments, following
23 receipt of an invoice from Contractor and upon acceptance from City, for modular
24 equipment controllers for the Public Safety Building, the prices shown in Exhibit "A", a
25 sum not to exceed One Hundred Eighteen Thousand Two Hundred Dollars (\$118,200).

26 3. The term of this Contract shall commence on July 1, 2015, and shall
27 terminate at midnight on June 30, 2016 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 modular equipment controllers, and Contractor warrants that the r modular equipment
12 controllers are in good working order and free from defect at the time 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.

SIEMENS INDUSTRY, INC., a Delaware corporation

_____, 2015

By [Signature]
Name Dave Misner 6/23/15
Title General Manager
Siemens Industry Inc.

_____, 2015

By _____
Name _____
Title _____

"Contractor"

CITY OF LONG BEACH, a municipal corporation

[Signature] _____, 2015

By [Signature]
City Manager

"City"

This Contract is approved as to form on June 29, 2015.

CHARLES PARKIN, City Attorney

By [Signature]
Deputy

EXHIBIT "A"

Pricing for Public Safety Building Only

\$118,200

APPENDIX A: PANEL PRICE BREAK DOWN

The project at City of Long Beach will comprise of migrating and upgrading phased out Siemens MBC and MEC panels to the latest Siemens PXC panels. The panel break down by location is as follows:

S. No.	Location	Existing Controller	Upgraded Controller	Budgetary Price for Fast Forward Migration	Total Per Building Price
1	City Hall	MBC (LBCH Node 03)	Siemens PXC	\$14,500	City Hall - \$106,800
2	City Hall	MBC (LBCH Node 04)	Siemens PXC	\$17,000	
3	City Hall	MBC (LBCH Node 05)	Siemens PXC	\$17,400	
4	City Hall	MBC (LBCH Node 06)	Siemens PXC	\$17,400	
5	City Hall	MBC (LBCH Node 09)	Siemens PXC	\$27,000	
6	City Hall	MBC (LBCH Node 10)	Siemens PXC		
7	City Hall	MBC (LBCH Node 11)	Siemens PXC		
8	City Hall	MBC (LBCH Node 17)	Siemens PXC		
9	City Hall	MBC (LBCH Node 20)	Siemens PXC	\$13,500	
10	Public Safety	MEC (LBPS Node 29)	Siemens PXC	\$18,500	Public Safety - \$118,200
11	Public Safety	MEC (LBPS Node 30)	Siemens PXC	\$11,500	
12	Public Safety	MEC (LBPS Node 31)	Siemens PXC	\$11,200	
13	Public Safety	MEC (LBPS Node 33)	Siemens PXC	\$11,900	
14	Public Safety	MEC (LBPS Node 34)	Siemens PXC	\$11,900	
15	Public Safety	MEC (LBPS Node 35)	Siemens PXC	\$15,500	
16	Public Safety	MEC (LBPS Node 36)	Siemens PXC	\$15,100	
17	Public Safety	MEC (LBPS Node 37)	Siemens PXC	\$11,300	
18	Public Safety	MEC (LBPS Node 38)	Siemens PXC	\$11,300	
Total Price for Fast Forward Migration & Upgrading to Latest Technology					\$225,000

- MBC – Modular Building Controller
- MEC – Modular Equipment Controller

Siemens highly recommends upgrading all the above panels together to realize economies of scale for City of Long Beach based on the above price.

The price is valid only when all the panels are upgraded together or at least when all the city hall or all the public safety panels are upgraded together. Individual panels cannot be upgraded at the above mentioned price since the above price includes discount due to economies of scale.

Since the MBCs and MECs are already phased out of Siemens' range of products and they are nearing the end of their service life, we strongly recommend that migrating the most critical pieces of Siemens infrastructure in time would help City of Long Beach to avoid heavy down time and disruptions associated with old infrastructure since the spare parts for these old equipments are no longer available.

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

1 RESOLUTION NO. RES-15-0066

2
3 A RESOLUTION OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH AUTHORIZING THE CITY
5 MANAGER TO EXECUTE A CONTRACT WITH SIEMENS
6 INDUSTRY, INC., WITHOUT ADVERTISING FOR BIDS, TO
7 REPLACE MODULAR EQUIPMENT CONTROLLERS IN
8 THE PUBLIC SAFETY BUILDING IN AN AMOUNT NOT TO
9 EXCEED \$118,200

10
11 WHEREAS, recent failures of a controller at Fire Station No. 1 have
12 prompted Public Works to seek to replace nine modular equipment controllers in the
13 Public Safety Building's energy management system which are nearing the end of their
14 useful life; and

15 WHEREAS, replacement of the modular equipment controllers will help
16 avoid system failures, minimize downtime and inconvenience to building users; and

17 WHEREAS, Siemens Industry, Inc.'s ("Siemens") energy management
18 system controls the lighting, heating and cooling of the Civic Center, Public Safety
19 Building and Fire Station No. 1; and

20 WHEREAS, Siemens is the only company that can provide the controller
21 hardware, programming and database transfers from the old panels to the new for the
22 existing automation system; and

23 WHEREAS, no useful purpose would be served by advertising for bids and
24 to do so would constitute an idle and useless act and an unnecessary expenditure of
25 public funds because Siemens Industry, Inc. is the only corporation, firm or individual that
26 could or would bid for the modular equipment controllers;

27 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
28 follows:

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

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Section 1. The City Manager is hereby authorized to enter a contract with Siemens Industry, Inc. without advertising for bids for the purchase and replacement of the modular equipment controllers in an amount not to exceed \$118,200, including tax. If the sole source status of Siemens Industry, Inc. changes, the City shall publicly bid instead of extending the contract.

Section 2. This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting this resolution.

I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of June 2, 2015 by the following vote:

Ayes:	Councilmembers:	<u>Gonzalez, Price, Supernaw, Mungo,</u>
		<u>Andrews, Uranga, Austin, Richardson,</u>
		<u>Lowenthal.</u>

Noes:	Councilmembers:	<u>None.</u>

Absent:	Councilmembers:	<u>None.</u>

Posnam Davis
City Clerk

2015 JUN 25 AM 11:04
CITY ATTORNEY'S OFFICE
HAND DELIVERED

SIEMENS

October 8, 2013

Delegation of Signature Authority

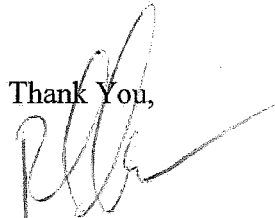
Siemens Industry, Inc.

I, Richard Evans, Southern California El Dorado Area Manager, Siemens Industry, Inc., (the "Corporation") by virtue of the authority vested in me as Area Manager, to sign or countersign and otherwise execute in the name of, or on behalf of the Corporation, customer contracts to include change orders (excluding Performance/Energy Contracts and change orders) in connection therewith for and on behalf of the Corporation, do hereby delegate to and acknowledge that the following persons may exercise such authority for and on my behalf.

Eric Ackermann, Area Sales Manager, Los Angeles Office
Dave Misner, Area Sales Manager, Los Angeles Office
Daniel Holmes, Area Sales Manager, Los Angeles Office
Andrew Krynen, Branch Manager, San Diego Office

I further designate and acknowledge that the signature of the persons referred to above, is binding upon the Corporation in the above identified circumstances and shall have the same force and effect as would my signature.

Thank You,



Richard Evans
SoCal - Area Manager
El Dorado Zone