AMENDMENT NUMBER FOUR
TO PROFESSIONAL SERVICES AGREEMENT
WITH
SIEMENS INDUSTRY, INC.

This Amendment Number Four ("Amendment") is made and entered into this 16th day of December, 2019 ("Effective Date"), by and between the CITY OF COSTA MESA, a municipal corporation ("City"), and SIEMENS INDUSTRY, INC., a Delaware corporation registered to do business in California ("Consultant").

WHEREAS, City and Consultant entered into an agreement on July 1, 2012 with an effective date of August 1, 2012 for Consultant to provide heating-ventilation-air conditioning ("HVAC") maintenance and repair services (the "Agreement"); and

WHEREAS, Section 4.1 of the Agreement provides for a term of five (5) years, with the option to extend the term of the Agreement for three (3) additional one (1) year periods; and

WHEREAS, on July 31, 2017, City and Consultant extended the term of the Agreement through July 31, 2018 and increased Consultant's compensation to Seventy-Six Thousand Eight Hundred Five Dollars and Four Cents ($76,805.04) for the extended period; and

WHEREAS, on July 31, 2018, City and Consultant extended the term of the Agreement through July 31, 2019, and increased Consultant's compensation to Eighty-Four Thousand Four Hundred Eighty-Five Dollars and Fifty-Four Cents ($84,485.54) to permit Consultant to perform supplemental repair services during the extended period; and

WHEREAS, on July 31, 2019, City and Consultant extend the term through July 31, 2020, amended the Scope of Services and established Consultant's compensation for the extended period; and

WHEREAS, City and Consultant now desire to further amend the Scope of Services as set forth in Exhibit "A," attached hereto and incorporated herein by this reference, and to establish Consultant's compensation for the additional services accordingly.

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. The Scope of Services shall be amended as set forth in Exhibit A.

2. Consultant shall be paid Six Thousand Three Hundred Twenty-Four Dollars ($6,324.00) for the additional services set forth in Exhibit A. Consultant's total compensation for the period ending July 31, 2020 shall not exceed Eighty-Three Thousand One Hundred Twenty-Nine Dollars and Four Cents ($83,129.04).

3. All terms not defined herein shall have the same meaning and use as set forth in the Agreement.

4. All other terms, conditions, and provisions of the Agreement, as amended, not in conflict with this Amendment shall remain in full force and effect.

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IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed by and through their respective authorized officers, as of the date first written above.

CITY OF COSTA MESA

_____   Date: 1/31/20
City Manager

CONSULTANT

_____   Date: 01/07/20
Signature

Viviana Seri, Sales Manager
Name and Title

_____   Date: 01/08/20
Signature

Mark Sunntag, Director of Finance
Name and Title

ATTEST:

Brenda Green 2/4/2020
City Clerk

APPROVED AS TO FORM:

Kimberly Hall Barlow
City Attorney   Date: 1/28/20

APPROVED AS TO INSURANCE:

_____   Date: 1/21/2020
Risk Management

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APPROVED AS TO CONTENT:

_____   Date: _01/22/2020_____
Project Manager

DEPARTMENTAL APPROVAL:

_____   Date: _1-23-2020_____
Public Services Director

APPROVED AS TO PURCHASING:

_____   Date: _1/16/2020_____
Finance Director

Siemens Industry, Inc. Amendment Four

EXHIBIT A

ADDITIONAL SERVICES

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Contact Information

Proposal #:	3990260
Date:	December 16, 2019

Sales Executive:	Vincent Makuch
Branch Address:	6141 Katella Avenue, Cypress, CA 90630
Telephone:	+1 (657) 465-0743
Email Address:	vincent.makuch@siemens.com

Customer:	City of Costa Mesa
Address:	77 Fair Drive, Costa Mesa, CA

Customer Contact:	Doug Lovell	Daniel Jojola
Customer Contact Information:	+1 (714) 925-7449	+1 (714) 925-7314
	doug.lovell@costamesaca.gov	daniel.jojola@costamesaca.gov

Proposal Overview

Services shall be provided at
1. City Hall, 77 Fair Drive, Costa Mesa, CA
   1. City Council Chambers

Scope of Work (Detailed Scope of Work Provided in the Following Sections)
1. Furnish and Install Wireless room sensor to the TEC in the IT Closet servicing the Council Chambers
2. Furnish and Install 2-hour timer switch to lower seat for easy on/off override

Sell Price:	**$6,324.00**

Includes Tax: Yes (On any software or material needed to maintain your system)
Special Pricing Included: Yes (*Sourcewell formerly known as NJPA*)
- *Customer Member Number 2173; Membership Originated on 06/30/2005*

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Sourcewell Purchasing Solution formerly NJPA

The following proposal submitted by Siemens Industry, Inc. utilizes the cooperative purchasing solutions that offer savings in both time and money for users by consolidating the efforts of numerous individually prepared solicitations into one national, cooperatively shared process—taking advantage of the aggregation of volume from members nationwide.

A Dropbox file folder maintained by Siemens contract team is available in the link below, which has the complete procurement files. Upon request, Siemens sales executives can deliver any of the requested documents to your team. Our procurement specialists periodically review documentation for compliance and effectiveness.

Sourcewell Documentation
https://www.dropbox.com/sh/a7d2qbmseamxfq4/AACJ5fPWdLaGbJpdSbahPYdra?dl=0

Sourcewell Contract Numbers
030817-SIE *(Mechanical)* and 031517-SIE

Scope of Work

The City has requested that Siemens Industry, Inc. provide the following services:

1. Furnish and install a method for the city manager/mayor to control temperature from their council chamber seat
2. Furnish and install a method for the assistant to perform an override and turn the unit on from a hard wired timer switch.

Customer to Provide

1. Coordination with IT on appropriate path way from IT closet to council chambers
2. Clear working condition's and access to the TEC on VAV in the IT closet behind chambers
3. Access to required locations:
    1. Siemens always recommends that one (1) staff member accompany our Siemens specialist

4. Any parking or necessary parking permits

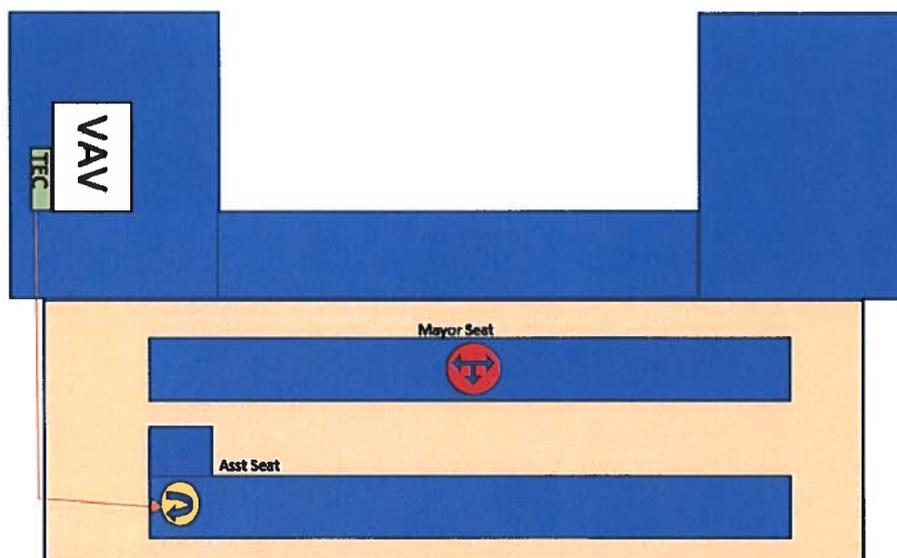### Zone Controller Device near Council Chamber room

1. One (1) TEC Zone Controller (Reference Rough Map)

Provide by Siemens

1. Pre-Work
    1. Download Insight Backup
    2. Confirm work space is clear and pathway is identified
    3. Confirm location of timer switch and wireless sensor

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     4. Verify unit works with staff before adding devices onto it

2. Execution
   1. Run wire for timer switch
   2. Connect wireless transponder to the TEC
   3. Place timer switch in desired area
      1. Verify location before mounting
      2. Confirm device is working
      3. Program features for control

   4. Mount T-Stat at appropriate seat position
      1. Verify location before mounting
      2. Confirm device is working
      3. Add room sensor to Council Chamber Overview in Insight
      4. Program features for control

3. Post Work
   1. Verify connectivity and graphics
   2. Verify programming & schedules work correctly
   3. Instructor customer on work performed
   4. Download New Insight Backup

Rough Map

Wire Run ——————

Wireless T-Stat 🔴

Hard wired timer switch 🟡

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Clarifications

1. This proposal is for adding manual override to turn the AHU at the zone controller via a timer switch and to add a thermostat connected via a wireless connection.
2. Network will remain P2 unless otherwise requested by the customer, additional labor and material will be needed for any conversations from the P2 configuration
3. Additional graphics, floor layouts or addition of data points can be provided at an additional fee
4. The work will be performed via the rough map at the buildings where the existing panels reside
5. **Labor during regular business hours (Monday to Friday: 7am – 4pm)**
   1. Overtime labor is excluded, added at an additional cost

6. Siemens always recommends that one (1) staff member accompany our specialist
7. Any safety requirements beyond what Siemens adheres to will be additional
8. Any change in the scope of work shall lead to commercial implications, if any
9. Warranty – 1 year on all new parts and labor
10. Taxes & Freight FOB Job Site

Exclusions

1. *Overtime labor (after regular hours and weekends or holidays) – additional price can be provided*
2. Work Height will not exceed 12-ft; if it does Siemens will need to know and the price may increase to adhere to the safety policy that Siemens sets for its employees
3. Upgrades to the system beyond the scope listed in this document
4. Any existing equipment performance shortfalls or issues
5. Customer is responsible for entire building operation (comfort, lighting, clocks, etc.) during migration
6. Network IP address assignment (Subnet mask and default gateway)
7. Any repairs to existing equipment, changes in proposed scope, delays in schedule due to existing equipment, access to facility, employee clearance or other undetermined schedules will be considered extra to this proposal
8. Conduit, Ethernet network, cabling, switches, routers, etc.
9. Siemens is bondable; however, the cost for bonds is not included in this proposal

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Payment Terms

Payment Terms Acceptance Agreement

The total price of: $6,324.00 and the estimated return on investment are based on the items outlined in this proposal. ANY statements made herein regarding savings that may be achieved by implementing the services offered in this proposal are estimates only. No warranty, either expressed or implied, shall be construed to arise from such statements, nor shall such statements be construed as constituting a guarantee by Siemens that such savings will occur if the services are implemented.

Payment Terms: 25% mobilization in advance, progress payments
Total: $6,324.00

Signature Page

Proposed by:

Siemens Industry, Inc.

_____
Company

Vincent Makuch

_____
Name

3990260

_____
Proposal #

$6,324.00

_____
Proposal Amount

December 16, 2019

_____
Date

Accepted by:

_____
Company

_____
Name (Printed)

_____
Signature

_____
Title

_____
Date

_____
Purchase Order #