

RESOLUTION NO. 2018- 461

A RESOLUTION AWARDING A CONTRACT TO SIEMENS ENERGY INC., HOUSTON, TX, AUTHORIZING SIEMENS EXPENSES 4th QUARTER 2018 FOR UNIT #11 AND CLAYVILLE GENERAL SERVICES.

WHEREAS, the Vineland Municipal Electric Utility is requesting authorization for Siemens Expenses 4th Quarter 2018 for Unit #11 and Clayville General Services per the Long Term Service Agreement; and

WHEREAS, the City of Vineland has a need to acquire such service as a Non-Fair and Open Contract pursuant to N.J.S.A. 19:44A-20.5; and

WHEREAS, the purchasing agent has determined and certified in writing that the value of said services will exceed \$17,500.00; and

WHEREAS, the Director of Municipal Utilities has recommended that a contract be awarded to Siemens Energy Inc., Houston, TX, for a total estimated amount not to exceed \$354,478.81 for services which include:

1. Standard Annual Service/Repair Work-Scope per the Long Term Service Agreement
2. Cascon Lube Oil Pump Repair/Modification Work
3. Unit 11 Liquid Fuel Winter Operation Support; and

WHEREAS, Siemens Energy Inc. has completed and submitted a Business Entity Disclosure Certification for Non-Fair and Open Contract which certifies that Siemens Energy Inc. has not made any reportable contributions to a political or candidate committee in the City of Vineland in the previous one year and that the contract will prohibit Siemens Energy Inc. from making any reportable contributions through the term of the contract to a political or candidate committee in the City of Vineland; and

WHEREAS, the availability of funds for said contract to be awarded herein have been certified by the Chief Financial Officer; and

WHEREAS, the City of Vineland has certified that this meets the statute and regulations governing the award of said contracts.

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Vineland that:

1. The Purchasing Agent be and the same is hereby authorized to issue contract to Siemens Energy Inc., Houston, TX, for Siemens Expenses 4th Quarter 2018 for Unit #11 and Clayville General Services per the Long Term Service Agreement, for a total estimated amount not to exceed \$354,478.81.
2. That the Business Disclosure Entity Certification, the Political Contribution Disclosure Form and the Determination of Value be placed on file with the Resolution.
3. That a Notice of this action shall be printed once in the Daily Journal.

Adopted:

President of Council

ATTEST:

City Clerk

REQUEST FOR RESOLUTION FOR CONTRACT AWARDS
UNDER 40A:11-5 EXCEPTIONS
(PROFESSIONAL SERVICES, EUS, SOFTWARE MAINTENANCE, ETC)



10/30/2019

(DATE)

1. Service (detailed description): Siemens Expenses 4th Quarter 2018 for Unit 11 & Clayville Gen. Services per LTSA Agreement

2. Amount to be Awarded: \$ 354,478.81

- Encumber Total Award
 Encumber by Supplemental Release

3. Amount Budgeted: \$ 500,000

4. Budgeted: By Ordinance No. _____
Or Grant: Title & Year _____

5. **Account Number to be Charged: see attached breakdown

6. Contract Period: Q4 2018 & Q1 2019

7. Date To Be Awarded: November 13th 2018

8. Recommended Vendor and Address: Siemens Energy Inc. 1200 West Sam Houston Parkway North, Houston, TX 77043

9. Justification for Vendor Recommendation:(attach additional information for Council review)
1) Standard Annual Service/Repair Work-scope per LTSA
2) Cascon Lube Oil Pump Repair/Modification Work
3) Unit 11 Liquid Fuel Winter Operation Support

- Non-Fair & Open (Pay-to-Play documents required)
 Fair & Open: How was RFP advertised? _____

10. Evaluation Performed by: Steve August, Principal Engineer
SMA 10/30/2018

11. Approved by: *John B Reynolds*
John Lelli 10-31-18

12. Attachments:

- Awarding Proposal
 Other: _____

- Send copies to:
Purchasing Division
Business Administration



** If more than one account #, provide break down

Description	Amount	Account Number	Project Code
Cascon Pump Repair/Modification	\$ 27,712.80	002-0-55-90-9001-2-9022000	E342C-2
Clayville Fall Outage (Class A Inspection LTSA)	\$ 115,473.00	002-0-54-90-9001-2-7023350	E554C
Clayville Fall Outage (additional workscope)	\$ 22,587.20	002-0-54-90-9001-2-7023350	E554C
Clayville Fall Outage (5% annual escalation)	\$ 6,903.01	002-0-54-90-9001-2-7023350	E554C
Unit 11 Liquid Fuel Support (Winter Ops)	\$ 100,000.00	002-0-55-90-9001-2-9022000	E312X
30% Contingency for Unknown Emergency	\$ 81,802.80	002-0-55-90-9001-2-9022000	E312X

Total \$ 354,478.81

Quotation Number:

VMEU-008

SIEMENS

CUSTOMER
Vineland Municipal Electric Utility
211 N. West Avenue, P.O. Box 1508
Vineland, NJ 08360
(856) 794-4000 ext.4241

SIEMENS CONTACT:
Abhishek K Sharma
1200 W. Sam Houston
Houston, TX 77043
Cell: +1-740-390-8513

Siemens Energy Inc
1202 W Sam Houston Pkwy. North
Houston, TX, 77043
USA

THIS QUOTE IS VALID TO: 30 November 2018 Unless Previously Withdrawn

All delivery terms as per LTP Contract

CUSTOMER REFERENCE NUMBER(S): ROA_LTP_011 VINELAND CASCON
(Past Siemens Quotation -20117719)

Payment Terms: Payment due in 30 days
from invoice date

To whom it may concern:

Here is our quotation in response to your inquiry / order detailed below. Please use the quotation number shown at the top of this document in any future correspondence. Please note, there is scrap cost of \$2000 if the repair is not progressed.

Item No.	Description	Qty	UoM	Unit Price	Total (USD)	Lead Time
1	Cascon Pump Repair - 147-D-001-F1 (SN114)	1	EA	\$27,712.80	\$27,712.80	12 weeks

Scope of Repair: Pump will be modified from 147-D-001-F1 to 147-D-301. Repair includes the following: Replace three housings, two gerotors, shaft, shear coupling, all bearings & seals, nameplate. Repair other housings & gerotors. Assemble, test, and pack for domestic shipment.

Signed on behalf of Siemens Energy, Inc.

Sharma
Abhishek

Digitally signed by Shama Abhishek
DN: cn=Sharma Abhishek, o=Siemens,
email=abhishek.sharma@siemens.com
Date: 2018.10.26 12:49:33 -0500

DATED 10/26/2018

Registered Office: 1202 W Sam Houston Pkwy North, Houston, TX, 77043, USA



CERTIFICATION OF VALUE OF
SERVICES AND/OR ACQUISITION

1. I, Miguel A. Mercado, am the Purchasing Agent for the City of Vineland and make this Certification in accordance with N.J.S.A. 19:44A-20.5.
2. I have reviewed the correspondence submitted to me concerning Siemens Energy Inc. and have determined, based solely on such submission, that the Value of Services and/or Acquisition proposed for the City of Vineland will exceed \$17,500.00.
3. I make this Certification based upon information provided to me by the appropriate municipal officer.
4. I certify that the information contained herein is true and accurate to the best of my knowledge.



MIGUEL A. MERCADO
PURCHASING AGENT



BUSINESS ENTITY DISCLOSURE CERTIFICATION
FOR NON-FAIR AND OPEN CONTRACTS
Required Pursuant To N.J.S.A. 19:44A-20.8
CITY OF VINELAND

Part I – Vendor Affirmation

The undersigned, being authorized and knowledgeable of the circumstances, does hereby certify that Siemens Energy, Inc. (Business Entity) has not made and will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 et seq. that, pursuant to P.L. 2004, c. 19 would bar the award of this contract in the one year period preceding (03/15/2018) to any of the following named candidate committee, joint candidates committee; or political party committee representing the elected officials of the City of Vineland as defined pursuant to N.J.S.A. 19:44A-3(p), (q) and (r).

Mayor Anthony R. Fanucci
Councilman Paul F. Spinelli
Councilman David Acosta
Councilwoman Angela Calakos
Councilman Ronald John Franceschini, Jr.
Councilman Albert Vargas

Part II – Ownership Disclosure Certification

I certify that the list below contains the names and home addresses of all owners holding 10% or more of the issued and outstanding stock of the undersigned.

Check the box that represents the type of business entity:

- Partnership
 Corporation
 Sole Proprietorship
 Subchapter S Corporation
 Limited Partnership
 Limited Liability Corporation
 Limited Liability Partnership

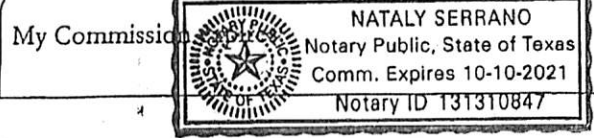
Name of Stock or Shareholder	Home Address
Siemens Corporation	300 New Jersey Avenue, Suite 1000, Washington, DC 20001

Part 3 – Signature and Attestation:

The undersigned is fully aware that if I have misrepresented in whole or part this affirmation and certification, I and/or the business entity, will be liable for any penalty permitted under law.

Name of Business Entity: Siemens Energy, Inc.
Signed: [Signature]
Title: Director of OPS
Print Name: Peter Roth
Date: 03/15/18

Subscribed and sworn before me this 15 day of March, 2018



[Signature]
(Affiant)
Nataly Serrano
(Print name & title of affiant) (Corporate Seal)

BUSINESS ENTITY DISCLOSURE CERTIFICATION
FOR NON-FAIR AND OPEN CONTRACTS
Required Pursuant To N.J.S.A. 19:44A-20.8
CITY OF VINELAND

The following is statutory text related to the terms and citations used in the Business Entity Disclosure Certification form.

"Local Unit Pay-To-Play Law" (P.L. 2004, c.19, as amended by P.L. 2005, c.51)

19:44A-20.6 Certain contributions deemed as contributions by business entity.

5. When a business entity is a natural person, a contribution by that person's spouse or child, residing therewith, shall be deemed to be a contribution by the business entity. When a business entity is other than a natural person, a contribution by any person or other business entity having an interest therein shall be deemed to be a contribution by the business entity.

19:44A-20.7 Definitions relative to certain campaign contributions.

6. As used in sections 2 through 12 of this act:

"business entity" means any natural or legal person, business corporation, professional services corporation, limited liability company, partnership, limited partnership, business trust, association or any other legal commercial entity organized under the laws of this State or of any other state or foreign jurisdiction;

"interest" means the ownership or control of more than 10% of the profits or assets of a business entity or 10% of the stock in the case of a business entity that is a corporation for profit, as appropriate;

Temporary and Executing

12. Nothing contained in this act shall be construed as affecting the eligibility of any business entity to perform a public contract because that entity made a contribution to any committee during the one-year period immediately preceding the effective date of this act.

~~~~~  
**The New Jersey Campaign Contributions and Expenditures Reporting Act (N.J.S.A. 19:44A-1 et seq.)**

**19:44A-3 Definitions.** In pertinent part...

p. The term "political party committee" means the State committee of a political party, as organized pursuant to R.S.19:5-4, any county committee of a political party, as organized pursuant to R.S.19:5-3, or any municipal committee of a political party, as organized pursuant to R.S.19:5-2.

q. The term "candidate committee" means a committee established pursuant to subsection a. of section 9 of P.L.1973, c.83 (C.19:44A-9) for the purpose of receiving contributions and making expenditures.

r. the term "joint candidates committee" means a committee established pursuant to subsection a. of section 9 of P.L.1973, c.83 (C.19:44A-9) by at least two candidates for the same elective public offices in the same election in a legislative district, county, municipality or school district, but not more candidates than the total number of the same elective public offices to be filled in that election, for the purpose of receiving contributions and making expenditures. For the purpose of this subsection: ...; the offices of member of the board of chosen freeholders and county executive shall be deemed to be the same elective public offices in a county; and the offices of mayor and member of the municipal governing body shall be deemed to be the same elective public offices in a municipality.

**19:44A-8 and 16 Contributions, expenditures, reports, requirements.**

*While the provisions of this section are too extensive to reprint here, the following is deemed to be the pertinent part affecting amounts of contributions:*

"The \$300 limit established in this subsection shall remain as stated in this subsection without further adjustment by the commission in the manner prescribed by section 22 of P.L.1993, c.65 (C.19:44A-7.2)

**STATEMENT OF OWNERSHIP DISCLOSURE**

N.J.S.A. 52:25-24.2 (P.L. 1977, c.33, as amended by P.L. 2016, c.43)

This statement shall be completed, certified to, and included with all bid and proposal submissions. Failure to submit the required information is cause for automatic rejection of the bid or proposal.

Name of Organization: Siemens Energy Inc.

Organization Address: 4400 Alafaya Trail, Orlando, FL, 32826

**Part I** Check the box that represents the type of business organization:

- Sole Proprietorship (skip Parts II and III, execute certification in Part IV)
- Non-Profit Corporation (skip Parts II and III, execute certification in Part IV)
- For-Profit Corporation (any type)     Limited Liability Company (LLC)
- Partnership     Limited Partnership     Limited Liability Partnership (LLP)
- Other (be specific): \_\_\_\_\_

**Part II**

The list below contains the names and addresses of all stockholders in the corporation who own 10 percent or more of its stock, of any class, or of all individual partners in the partnership who own a 10 percent or greater interest therein, or of all members in the limited liability company who own a 10 percent or greater interest therein, as the case may be. (COMPLETE THE LIST BELOW IN THIS SECTION)

OR

No one stockholder in the corporation owns 10 percent or more of its stock, of any class, or no individual partner in the partnership owns a 10 percent or greater interest therein, or no member in the limited liability company owns a 10 percent or greater interest therein, as the case may be. (SKIP TO PART IV)

(Please attach additional sheets if more space is needed):

| Name of Individual or Business Entity | Home Address (for Individuals) or Business Address      |
|---------------------------------------|---------------------------------------------------------|
| Siemens Corporation                   | 300 New Jersey Avenue, Suite 1000, Washington DC, 20001 |
|                                       |                                                         |
|                                       |                                                         |
|                                       |                                                         |



**Part III DISCLOSURE OF 10% OR GREATER OWNERSHIP IN THE STOCKHOLDERS, PARTNERS OR LLC MEMBERS LISTED IN PART II**

If a bidder has a direct or indirect parent entity which is publicly traded, and any person holds a 10 percent or greater beneficial interest in the publicly traded parent entity as of the last annual federal Security and Exchange Commission (SEC) or foreign equivalent filing, ownership disclosure can be met by providing links to the website(s) containing the last annual filing(s) with the federal Securities and Exchange Commission (or foreign equivalent) that contain the name and address of each person holding a 10% or greater beneficial interest in the publicly traded parent entity, along with the relevant page numbers of the filing(s) that contain the information on each such person. **Attach additional sheets if more space is needed.**

| Website (URL) containing the last annual SEC (or foreign equivalent) filing                                                               | Page #'s      |
|-------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| <a href="https://www.siemens.com/infostoc/en/publications_calendar.php">https://www.siemens.com/infostoc/en/publications_calendar.php</a> | Annual Report |
|                                                                                                                                           |               |

Please list the names and addresses of each stockholder, partner or member owning a 10 percent or greater interest in any corresponding corporation, partnership and/or limited liability company (LLC) listed in Part II other than for any publicly traded parent entities referenced above. The disclosure shall be continued until names and addresses of every noncorporate stockholder, and individual partner, and member exceeding the 10 percent ownership criteria established pursuant to N.J.S.A. 52:25-24.2 has been listed. **Attach additional sheets if more space is needed.**

| Stockholder/Partner/Member and Corresponding Entity Listed in Part II | Home Address (for Individuals) or Business Address |
|-----------------------------------------------------------------------|----------------------------------------------------|
|                                                                       |                                                    |
|                                                                       |                                                    |
|                                                                       |                                                    |

**Part IV Certification**

I, being duly sworn upon my oath, hereby represent that the foregoing information and any attachments thereto to the best of my knowledge are true and complete. I acknowledge: that I am authorized to execute this certification on behalf of the bidder/proposer; that the **City of Vineland Purchasing Department** is relying on the information contained herein and that I am under a continuing obligation from the date of this certification through the completion of any contracts with the **City of Vineland Purchasing Department** to notify the **City of Vineland Purchasing Department** in writing of any changes to the information contained herein; that I am aware that it is a criminal offense to make a false statement or misrepresentation in this certification, and if I do so, I am subject to criminal prosecution under the law and that it will constitute a material breach of my agreement(s) with the, permitting the **City of Vineland Purchasing Department** to declare any contract(s) resulting from this certification void and unenforceable.

|                    |                    |        |                        |
|--------------------|--------------------|--------|------------------------|
| Full Name (Print): | <i>Peter Roth</i>  | Title: | <i>Director GT-OPS</i> |
| Signature:         | <i>[Signature]</i> | Date:  | <i>03/15/15</i>        |

# C. 271 POLITICAL CONTRIBUTION DISCLOSURE FORM

## Contractor Instructions

Business entities (contractors) receiving contracts from a public agency that are NOT awarded pursuant to a "fair and open" process (defined at N.J.S.A. 19:44A-20.7) are subject to the provisions of P.L. 2005, c. 271, s.2 (N.J.S.A. 19:44A-20.26). This law provides that 10 days prior to the award of such a contract, the contractor shall disclose contributions to:

- any State, county, or municipal committee of a political party
- any legislative leadership committee\*
- any continuing political committee (a.k.a., political action committee)
- any candidate committee of a candidate for, or holder of, an elective office:
  - of the public entity awarding the contract
  - of that county in which that public entity is located
  - of another public entity within that county
  - or of a legislative district in which that public entity is located or, when the public entity is a county, of any legislative district which includes all or part of the county

The disclosure must list reportable contributions to any of the committees that exceed \$300 per election cycle that were made during the 12 months prior to award of the contract. See N.J.S.A. 19:44A-8 and 19:44A-16 for more details on reportable contributions.

N.J.S.A. 19:44A-20.26 itemizes the parties from whom contributions must be disclosed when a business entity is not a natural person. This includes the following:

- individuals with an "interest" ownership or control of more than 10% of the profits or assets of a business entity or 10% of the stock in the case of a business entity that is a corporation for profit
- all principals, partners, officers, or directors of the business entity or their spouses
- any subsidiaries directly or indirectly controlled by the business entity
- IRS Code Section 527 New Jersey based organizations, directly or indirectly controlled by the business entity and filing as continuing political committees, (PACs).

When the business entity is a natural person, "a contribution by that person's spouse or child, residing therewith, shall be deemed to be a contribution by the business entity." [N.J.S.A. 19:44A-20.26(b)] The contributor must be listed on the disclosure.

Any business entity that fails to comply with the disclosure provisions shall be subject to a fine imposed by ELEC in an amount to be determined by the Commission which may be based upon the amount that the business entity failed to report.

The enclosed list of agencies is provided to assist the contractor in identifying those public agencies whose elected official and/or candidate campaign committees are affected by the disclosure requirement. It is the contractor's responsibility to identify the specific committees to which contributions may have been made and need to be disclosed. The disclosed information may exceed the minimum requirement.

The enclosed form, a content-consistent facsimile, or an electronic data file containing the required details (along with a signed cover sheet) may be used as the contractor's submission and is disclosable to the public under the Open Public Records Act.

The contractor must also complete the attached Stockholder Disclosure Certification. This will assist the agency in meeting its obligations under the law. **NOTE: This section does not apply to Board of Education contracts.**

\* N.J.S.A. 19:44A-3(s): "The term "legislative leadership committee" means a committee established, authorized to be established, or designated by the President of the Senate, the Minority Leader of the Senate, the Speaker of the General Assembly or the Minority Leader of the General Assembly pursuant to section 16 of P.L.1993, c.65 (C.19:44A-10.1) for the purpose of receiving contributions and making expenditures."

**List of Agencies with Elected Officials Required for Political Contribution Disclosure  
N.J.S.A. 19:44A-20.26**

**County Name: Cumberland**

**State: Governor, and Legislative Leadership Committees**

**Legislative District #: 1 & 3**

**State Senator and two members of the General Assembly per district.**

**County:**

**Freeholders**

**County Clerk**

**Sheriff**

**Surrogate**

**Municipalities (Mayor and members of governing body, regardless of title):**

**Bridgeton City**

**Commercial Township**

**Deerfield Township**

**Downe Township**

**Fairfield Township**

**Greenwich Township**

**Hopewell Township**

**Lawrence Township**

**Maurice River Township**

**Millville City**

**Shiloh Borough**

**Stow Creek Township**

**Upper Deerfield Township**

**Vineland City**

**Boards of Education (Members of the Board):**

**Bridgeton City**

**Commercial Township**

**Cumberland Regional**

**Deerfield Township**

**Downe Township**

**Fairfield Township**

**Greenwich Township**

**Hopewell Township**

**Lawrence Township**

**Maurice River Township**

**Shiloh Borough**

**Stow Creek Township**

**Upper Deerfield Township**

**Vineland City**

**Fire Districts (Board of Fire Commissioners):**

**Commercial Township Fire District No. 1**

**Commercial Township Fire District No. 2**

**Commercial Township Fire District No. 3**

**Downe Township Fire District No. 1**

**Downe Township Fire District No. 2**

**Downe Township Fire District No. 3**

**Maurice River Township Fire District No. 1**

**Maurice River Township Fire District No. 2**

**Maurice River Township Fire District No. 3**

**Maurice River Township Fire District No. 4**

**Maurice River Township Fire District No. 5**