

RESOLUTION NO. 2020- 563

A RESOLUTION AUTHORIZING THE ISSUANCE OF AMENDATORY SUPPLEMENTAL CHANGE ORDER NO. 21, TO CONTRACT NO. RES09-623, ISSUED TO SIEMENS ENERGY, INC., ORLANDO, FL, IN AN AMOUNT NOT TO EXCEED \$136,179.50.

WHEREAS, the City Council of the City of Vineland, on November 24, 2009, adopted Resolution No. 2009-623, entitled "A RESOLUTION AWARDING A CONTRACT TO ROLLS-ROYCE ENERGY SYSTEMS INC., MOUNT VERNON, OH, FOR THE COMPLETION OF VMEU SIMPLE CYCLE TURBINE GENERATOR WITH SELECTIVE CATALYTIC REDUCTION"; and

WHEREAS, N.J.A.C. 5:30-11.9 sets forth the procedures for processing change orders which exceed the 20 percent limitation; and

WHEREAS, the Director of Municipal Utilities has requested a change order to contract to Siemens Energy Inc., Orlando, FL, (formerly Rolls-Royce Energy Systems, Inc., Mount Vernon, OH) for the Completion of VMEU Simple Cycle Turbine Generator with Selective Catalytic Reduction as authorized by Resolution No. 2009-623; said change order is necessary to incorporate the following modification:

1. To extend the term of the existing LTSA for a period of three (3) months from January 1, 2021 through March 31, 2021, to allow additional time to evaluate the new proposal, finalize details and to navigate any necessary approval process.

WHEREAS, the City of Vineland desires to comply with said requirements of N.J.A.C. 5:30-11.1, et seq., and to that end herewith files with the governing body a report stating the facts involved and indicating that the proposed change order may be allowed under these regulations; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for the amendatory supplemental change order for which authorization is requested in the amount of \$136,179.50; now, therefore,

BE IT RESOLVED by the Council of the City of Vineland that said amendatory supplemental change order #21 to Contract No. RES09-623, issued to Siemens Energy Inc., Orlando, FL, in the amount of \$136,179.50, be and the same is hereby ratified and approved.

Adopted:

President of Council

ATTEST:

City Clerk



December 10, 2020

REPORT

TO: THE MAYOR AND COUNCIL

RE: Reduction Change Order No. 21
Contract No RES09-623
VMEU Simple Cycle Turbine Generator with Selective Catalytic Reduction
Siemans Energy Inc., Orlando, FL

Dear Mayor and Members of Council:

We are requesting that an amendatory supplemental change order be issued for Contract No. RES09-623, to Siemans Energy Inc., Orlando, FL, (formerly Rolls-Royce Energy Systems, Inc., Mount Vernon, OH) for the Completion of VMEU Simple Cycle Turbine Generator with Selective Catalytic Reduction. This contract was authorized by Resolution No. 2009-623, adopted by City Council on November 24, 2009.

The change order requested, in the amount of \$136,179.50, is necessary to incorporate the following modification:

1. To extend the term of the existing LTSA for a period of thee (3) months from January 1, 2021 through March 31, 2021, to allow additional time to evaluate the new proposal, finalize details and to navigate any necessary approval process.

This change order increases the current revised contract amount of \$67,647,500.27 to 67,783,679.77.

The amendatory supplemental change order which exceeds the 20% limitation, for which authorization is herein requested, may be authorized in accordance with N.J.A.C. 5:30-11.9.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Robert E. Dickenson, Jr.", with the initials "FCK" and "RD" written to the right of the signature.

Robert E. Dickenson, Jr.
Business Administrator

RD/wr
Encl.

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

December 16, 2020

(DATE)

1. Service (detailed description): Amended and Restated Long Term Service Agreement (LTSA) with Siemens Energy, Inc., Change Order # 21

2. Amount to be Awarded: \$ 136,179.50

- Encumber Total Award
 Encumber by Supplemental Release

3. Amount Budgeted: \$ 550,000.00

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

5. **Account Number to be Charged: _____

6. Contract Period: January 1, 2021 thru March 31, 2021

7. Date To Be Awarded: 12/22/2020

8. Recommended Vendor and Address: Siemens Energy, Inc.; 4400 N Alafaya Trail,
Orlando, FL 32826

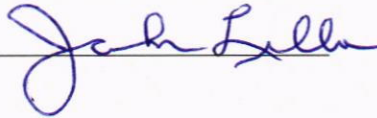
9. Justification for Vendor Recommendation:(attach additional information for Council review)
The existing 5 year LTSA will expire 12/31/20. A proposal for a five year extension is being evaluated. To assure that Siemens services are available to support operat Down # 11 and Clayville generating units while the proposal evaluation is comple three month extension is required.

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

10. Evaluation Performed by: Pete Kudless Steve August

11. Approved by: Tom Dunmore Joe Isabella

John Lillie



12. Attachments:

- Awarding Proposal
 Other: _____

- **Send copies to:**
Purchasing Division
Business Administration

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

CHANGE ORDER NO. 21

Contract: Amended and Restated Long Term Service Agreement (LTSA) Ref. No. 0426

Effective Date: December 31, 2020

Buyer: Vineland Municipal Electric Utility

Seller: Siemens Energy, Inc.

1. **Introduction.** This Change Order No. 21 (this "Change Order") is agreed to pursuant to that certain Amended and Restated Long Term Service Agreement (LTSA) Ref. No. 0426 for the Vineland Municipal Electric Utility for DOWN11 and CLAYVILLE1, submitted February 17, 2016 (the "Contract") by and between Siemens Energy, Inc. ("SELLER") and the Vineland Municipal Electric Utility ("OWNER"). Capitalized terms used but not defined herein shall have the meaning given them in the Contract. Upon its countersignature in the space provided below, this Change Order shall constitute a Change Order within the meaning of the Contract.
2. **Scope of Change.** The Parties hereby mutually agree to the following:
 - (a) In Exhibit A, clause 3.3 shall be modified to be: "Five (5) years, three (3) months from COMMENCEMENT" (expiring on March 31, 2021);
 - (b) In Exhibit H, clause 1.2 shall have the following added to the end of the clause:

During the final three (3) months of the Period for Providing SERVICES, the ANNUAL MAINTENANCE FEE shall be \$544,718.
3. **Other Terms and Conditions.** The following additional terms shall apply and shall supersede any terms to the contrary in the Contract:
 - (a) The Parties agree that during the final three (3) months of the Period for Providing SERVICES, no SCHEDULED MAINTENANCE shall be performed unless separately agreed in writing by the Parties pursuant to a Change Order dated after the date of this Change Order 21.
4. Except as otherwise specifically provided in this Change Order, all other terms and conditions of the Contract shall remain in full force and effect.

// SIGNATURES NEXT PAGE //

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IN WITNESS WHEREOF, the Parties, intending to be legally bound, have caused this Change Order No. 21 to be executed by their duly authorized representatives to be effective as of the date first above written.

Siemens Energy, Inc.

Vineland Municipal Electric Utility

By: _____

By: _____

Name: **Chilcote**
Digitally signed by Chilcote Stephen
DN: cn=Chilcote Stephen, o=Siemens,
email=stephen.chilcote@siemens.com
Date: 2020.12.10 12:53:35 -05'00'

Name: _____

Title: **Stephen**

Title: _____

Date: _____

Date: _____

By: **Lawrence**
Digitally signed by Lawrence
Michael
DN: cn=Lawrence Michael,
o=Siemens,
email=davidlawrence@siemens.com
Date: 2020.12.11 13:55:15 -05'00'

Name: **Michael**

Title: _____

Date: _____