

AN ORDINANCE 2012-10-18-0822

**AUTHORIZING A CONTRACT AMENDMENT WITH SERVIDYNE SYSTEMS, LLC, DBA SCIENERGY, INC., IN AN ADDITIONAL AMOUNT NOT TO EXCEED \$700,000.00, FOR A TOTAL CONTRACT VALUE NOT TO EXCEED \$3,700,000.00, FOR LIGHTING ASSESSMENTS, LIGHTING RETROFITS, AND SOLAR WINDOW FILM INSTALLATION AT NINETEEN ADDITIONAL CITY-OWNED FACILITIES AND SEVEN DOWNTOWN PARKS AND PEDESTRIAN WALKWAYS, AND EXTENDING THE CONTRACT TERM TO JULY 31, 2013, AN AUTHORIZED AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM.**

\* \* \* \* \*

**WHEREAS**, President Obama signed the American Recovery and Reinvestment Act of 2009 (ARRA) into law on February 17, 2009, which provides a total of \$787 billion in spending and tax cuts to preserve and create jobs, and make investments in infrastructure, energy and science, unemployment assistance, and State and local stabilization; under the ARRA, the U.S. Department of Energy (DOE) has awarded the City of San Antonio \$12,897,000.00 in Energy Efficiency and Conservation Block Grant (EECBG) program funds in 2009 and \$10,000,000.00 in 2010 under the EECBG Better Buildings Program; and

**WHEREAS**, Ordinance No. 2012-01-12-0017, selected **Servidyne Systems, LLC, dba SCienergy, Inc.**, and awarded a contract in an amount up to \$3,000,000.00 to provide lighting assessments, lighting retrofits, and solar window film installation to improve the energy efficiency of 103 City-owned facilities as a part of the Municipal Facility Retrofit Program, an authorized ARRA EECBG program; now additional opportunities for efficiency improvements have been identified at up to nineteen of the facilities, as well as seven downtown parks and pedestrian walkways, focused primarily on outdoor fixtures to achieve greater energy savings at these locations; and

**WHEREAS**, this Ordinance authorizes a contract amendment with **Servidyne Systems, LLC, dba SCienergy, Inc.**, in an additional amount not to exceed \$700,000.00, for a total contract value not to exceed \$3,700,000.00, for lighting assessments, lighting retrofits, and solar window film installation at nineteen additional City-owned facilities and seven downtown parks and pedestrian walkways, and extends the contract term to July 31, 2013, with funding available from the EECBG program as part of the ARRA; **NOW THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The City Manager, or her designee, or the Director, Office of Environmental Policy, or his designee, is hereby authorized to negotiate and execute a contract amendment with **Servidyne Systems, LLC, dba SCienergy, Inc.**, in an additional amount not to exceed \$700,000.00, for a total contract value not to exceed \$3,700,000.00, for additional services under the Municipal Facility Retrofit Program and to extend the contract term to July 31, 2013. All other terms and conditions in the contract shall remain identical to those of the original. A copy

of the Amendment, in substantially final form, is incorporated herein for all purposes as **Attachment I**. The execution authority granted by this Ordinance shall expire 90 days from the effective date.

**SECTION 2.** This ordinance authorizes a contract amendment with **Servidyne Systems, LLC, dba SCIenergy, Inc.**, in the amount of \$700,000.00 for a total contract value not to exceed \$3,700,000.00. The sum of \$700,000.00 is hereby appropriated in the designated funds below and will be disbursed as follows:

<b>Amount</b>	<b>Internal Order</b>	<b>Fund No</b>	<b>GL No</b>	<b>Cost Center</b>
\$700,000	155000000080	2301455001	5202020	
Total Amount	\$700,000.00			

**SECTION 3.** Payment is authorized to **Servidyne Systems, LLC, dba SCIenergy, Inc.** upon amendment of the purchase order.

**SECTION 4.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

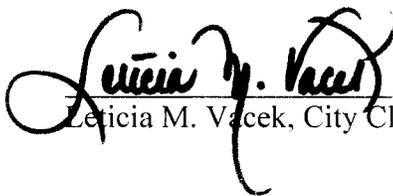
**SECTION 5.** This ordinance shall be effective immediately upon passage by eight or more affirmative votes; otherwise, it shall be effective on the tenth day after passage.

**PASSED and APPROVED** this 18th day of October, 2012.

  
M A Y O R  
Julián Castro

**ATTEST:**

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Leticia M. Vacek, City Clerk

  
for \_\_\_\_\_  
Michael D. Bernard, City Attorney

<b>Agenda Item:</b>	<b>10 ( in consent vote: 6, 7, 9, 10, 11B, 11C, 11D, 11E, 12, 13, 14 )</b>						
<b>Date:</b>	10/18/2012						
<b>Time:</b>	09:26:08 AM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	An Ordinance authorizing a contract amendment with Servidyne Systems, LLC, dba SCEnergy, Inc., in an additional amount not to exceed \$700,000.00, for a total contract value not to exceed \$3,700,000.00, for lighting assessments, lighting retrofits, and solar window film installation at 19 additional City-owned facilities and seven downtown parks and pedestrian walkways, and extending the contract term to July 31, 2013. [Edward Benavides, Chief of Staff; Laurence Doxsey, Director, Office of Sustainability]						
<b>Result:</b>	Passed						
<b>Voter</b>	<b>Group</b>	<b>Not Present</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Motion</b>	<b>Second</b>
Julián Castro	Mayor		x				
Diego Bernal	District 1		x				x
Ivy R. Taylor	District 2		x				
Leticia Ozuna	District 3		x				
Rey Saldaña	District 4	x					
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7		x				
W. Reed Williams	District 8		x			x	
Elisa Chan	District 9	x					
Carlton Soules	District 10		x				

**AMENDMENT SIX  
FOR THE CITY OF SAN ANTONIO MUNICIPAL FACILITIES  
ENERGY UPGRADE AGREEMENT**

The City of San Antonio, a Texas Municipal Corporation ("CITY"), presently contracts with Servidyne Systems, LLC., dba SCIEnergy ("CONTRACTOR"), for services outlined in the City's Request for Proposal for "Municipal Facilities Energy Upgrade" (RFP 6100000690), ("CONTRACT") approved by City Council on January 12, 2012, through Ordinance No. 2012-01-12-0017, for an amount not to exceed \$3,000,000.00. Amendment One, dated Feb 29, 2012, revised the Attachment B Price Schedule to Exhibit VII by the addition of 28 new items and two price changes, with no increase in total contract value. Amendment Two, dated May 8, 2012, added 16 new equipment items. Amendment Three, dated June 18, 2012, added 16 new equipment items. Amendment Four, dated July 17, 2012, added 24 new items. Amendment Five, dated September 24, 2012, added four new items.

This Amendment Six to the CONTRACT ("Amendment Six") adds 19 additional City facilities, increases the total compensation by an additional amount of up to \$700,000.00, and extends the term of the CONTRACT until July 31, 2013 with an option for the City to extend the CONTRACT for an additional six months if required. This Amendment Six is entered into by and between the CITY, acting by and through its designated representative as authorized by City Council on October 18, 2012 through Ordinance No. 2012-10-\_\_-\_\_\_\_, and the CONTRACTOR. The undersigned hereby agree to amend said CONTRACT as follows:

1. Page two, Article II COMPENSATION, section 2.1, shall be amended by deleting the ~~strikethrough~~ and inserting the underlined words:

2.1 Total Compensation for services rendered under this Agreement shall not exceed ~~three million dollars (THREE MILLION AND ZERO ON HUNDREDTHS DOLLARS)~~ \$3,700,000.00 (THREE MILLION SEVEN HUNDRED THOUSAND AND ZERO ONE-HUNDREDTH DOLLARS). Of this amount, ~~\$2,800,000~~ \$3,500,000.00 shall be drawn from ARRA funds and a maximum of \$200,000.00 in rebates provided through the incentive plan. No additional incentive payment shall be made as a result of the increase in compensation provided in Amendment Six. See Article 2.3 and subsequent, herein.

2. Page two, Article II COMPENSATION, section 2.3, shall be amended by inserting the underlined words:

2.3 The City will pay as additional compensation to Contractor an incentive of up to \$40,000.00 per month, beginning with the month of May 2012, for each month prior to October 2012 that the Scope of Work, as approved prior to Amendment Six, is completed on the entire project; however, no incentive payment shall be made for the additional work included in Amendment Six. On the Scope of Work approved prior to Amendment Six, a total of \$200,000.00 is available for incentive pay. Partial months shall be prorated. City has sole discretion on determination of completion of the Scope of Work.

3. Page five, Article V TIME AND PERIOD OF SERVICE, section 5.1, shall be amended by deleting the ~~strikethrough~~ and inserting the underlined words:

5.1 The term of this Agreement shall commence upon its approval by the San Antonio City Council and its execution by both parties and shall remain in force until ~~November 1, 2012~~ July 31, 2013, or until completion of defined Scope of Work or until this Agreement is terminated pursuant to Article IX herein, whichever is sooner. If required, the City shall have the option to extend this Agreement for six additional one month periods, under the same terms and conditions, with notice to the Contractor, and with no further action required by the City Council.

4. Contract Exhibit III (Addendum II dated Oct 26, 2011) added Exhibit 8: "Municipal Facility Retrofits: Lighting Fixtures and Window Area Count by Facility" to the RFP, which is hereby amended by the addition of the following 19 facilities and 7 parks and pedestrian lighting locations:

<b>Facility/Parks/Pedestrian Locations</b>	<b>Address</b>	<b>Building Area (sqft)</b>
Bode, James A. (Highland) Center	901 Rigsby	8,319
Camargo Park	5738 W. US Highway 90	2,200
Central Shops	329 South Frio	38,749
Cody Library	11441 Vance Jackson Rd.	17,277
Market Square Parking Garage	612 W. Commerce	61,718
Guadalupe Plaza Phase 1	1327 Guadalupe St.	8,632
International Center	203 S. St. Mary's	126,000
Lions Field Adult Center	2809 W. Broadway	9,674
Marina Garage	850 East Commerce	212,410
Mid City Garage	200 East Houston	293,244
Normoyle Park	700 Culberson Avenue	14,064
NUEVA STREET MARINA	202 East Nueva St.	39,398
Olmos Basin Park	620 Devine	1,715
Park Police Headquarters	600 Hemisfair Park #337	4,454
Rosedale Park	340 Dartsmouth St.	1,320

St. Marys Garage	400 N. St. Mary's	229,322
Stinson Field Helicopter Patrol	1110 99th Street	8,499
Traffic Operations	223 South Cherry	26,000
Woodlawn Gym	1103 Cincinnati	16,145
Tri Party Pedestrian Lighting	Various downtown locations	N/A
Travis Park	301 E Travis	N/A
Milam Park	500 W Commerce	N/A
Vietnam Memorial	301 E Martin	N/A
Riverwalk: South Channel	Various downtown locations	N/A
Riverwalk: Loop	Various downtown locations	N/A
Riverwalk: North Channel	Various downtown locations	N/A

5. This Amendment Six to the CONTRACT shall not prejudice any present or future rights, remedies, benefits, or powers belonging to or accruing to CITY under the terms of the CONTRACT herein amended.
6. Except as provided otherwise herein, the CONTRACT shall remain unaffected, unchanged, and unimpaired by reason of the foregoing Amendment.

Amendment AGREED to this \_\_\_\_\_ day of October, 2012.

CITY OF SAN ANTONIO  
A TEXAS MUNICIPAL CORPORATION

SERVIDYNE SYSTEMS LLC, dba  
SCIENERGY

By: \_\_\_\_\_  
W. Laurence Doxsey, Director  
Office of Environmental Policy

  
\_\_\_\_\_  
Rick Paternostro, President

APPROVED AS TO FORM  
MICHAEL D. BERNARD  
CITY ATTORNEY

By: \_\_\_\_\_  
Assistant City Attorney