

**ENERGY CONSERVATIVE MEASURES  
FOR VARIOUS CUYAHOGA COUNTY  
BUILDINGS**

**AMENDMENT NO. 1**

**CONTRACT NO. CE1000462-01,02,03**

This Agreement made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between the County of Cuyahoga, Ohio ("COUNTY") and the Brewer-Garrett Company, an Ohio Corporation with principal offices located at 6800 Eastland Road, Middleburg Heights, Ohio 44303, ("VENDOR").

**WITNESSETH:**

**WHEREAS**, on or about July 1, 2010, the Board of Control, awarded Contract No. CE100462-01,02,03 with Brewer Garrett Company, for Energy Conservation Measures for the Various Cuyahoga County Owned buildings; and

**WHEREAS**, Department of Public Works of Cuyahoga County, recommended to the COUNTY that the aforementioned energy conservation measures be performed by the VENDOR as Amendment No. 1 to Contract No. CE100462-01,02,03; and

**WHEREAS**, the VENDOR has agreed to the terms and conditions for the consideration indicated herein below.

**NOW THEREFORE**, in consideration of the mutual promises and obligations herein to be observed and performed by the parties hereto, the COUNTY and the VENDOR hereby agree as follows:

1. **SCOPE OF SERVICES** - The VENDOR shall provide the improvements that are necessary to make alterations and modifications as follow in said contract in order to complete energy conservation measures needed for the following County buildings: Virgil Brown, Jane Edna Hunter, and Board of Elections.
2. **COMPENSATION** - The COUNTY agrees to pay the VENDOR, for energy conservation measures contained within this Amendment, as follows:

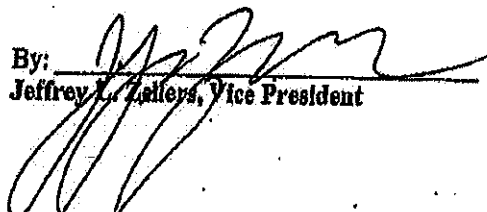
The total maximum fee is not to exceed FOUR HUNDRED FORTY-FOUR THOUSAND SIXTY AND ZERO CENTS (\$414,060.00)

3. **ORIGINAL AGREEMENT** - Nothing in this Agreement shall in any way release either party from any of the obligations of the original contract or previous Amendments.
4. **PROPOSALS** - The proposals of the VENDOR, dated June 20, 2013 are hereby expressly rewritten herein. The provisions of this Amendment Agreement shall govern should there be any variances between the language of the aforementioned proposals and the provisions of this Agreement.

BY ENTERING INTO THIS CONTRACT I AGREE ON BEHALF OF THE CONTRACTING OR SUBMITTING BUSINESS ENTITY, ITS OFFICERS, EMPLOYEES, SUBCONTRACTORS, SUBGRANTEES, AGENTS OR ASSIGNS, TO CONDUCT THIS TRANSACTION BY ELECTRONIC MEANS BY AGREEING THAT ALL DOCUMENTS REQUIRING COUNTY SIGNATURES MAY BE EXECUTED BY ELECTRONIC MEANS, AND THAT THE ELECTRONIC SIGNATURES AFFIXED BY THE COUNTY TO SAID DOCUMENTS SHALL HAVE THE SAME LEGAL EFFECT AS IF THAT SIGNATURE WAS MANUALLY AFFIXED TO A PAPER VERSION OF THE DOCUMENT. I ALSO AGREE ON BEHALF OF THE AFOREMENTIONED ENTITIES AND PERSONS, TO BE BOUND BY THE PROVISIONS OF CHAPTERS 304 AND 1306 OF THE OHIO REVISED CODE AS THEY PERTAIN TO ELECTRONIC TRANSACTIONS, AND TO COMPLY WITH THE ELECTRONIC TRANSACTIONS, AND TO COMPLY WITH THE ELECTRONIC SIGNATURE POLICY OF CUYAHOGA COUNTY.

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed on the day and year first above mentioned.

THE BREWER- GARRETT COMPANY

By:   
Jeffrey L. Zellers, Vice President

COUNTY OF CUYAHOGA, OHIO

By:   
Edward FitzGerald, County Executive

**CUYAHOGA COUNTY ENERGY CONSERVATION PROGRAM**

**AMENDED AGREEMENT CE1000462-01,02,03**

**VIRGIL BROWN**

- Replace existing Novar automation system with new Tridium DDC controls \$183,340.00

**JANE EDNA**

- Replace existing Novar automation system with new Tridium DDC controls \$150,380.00

**BOARD OF ELECTIONS**

- Replace existing Novar automation system with new Tridium DDC controls \$80,340.00

**TOTAL AMENDMENT AMOUNT \$414,060.00**

#### **SCHEDULE C: ENERGY AND OPERATIONAL SAVINGS GUARANTEE**

Contractor guarantees that the program designed for the Customer will generate **\$277,603** in first year annual energy/utility (electric, gas) savings (Schedule F), and **\$278,859** annually in years two through ten.

The total energy savings guaranteed by the Contractor during the ten (10) year term of this agreement will be **\$2,787,332**.

There were no operational savings taken as part of this contract (Schedule G).

### Project Narrative

The control system in place at the Virgil Brown, Jane Edna Hunter, Board of Elections and Metzenbaum Building are Novar Controls. These control systems are near the end of their life expectancy and are approaching "legacy" status which means that the specific components will not be supported any more by the manufacturer. In addition to being old, they do not subscribe to any "open-protocol" architecture that would allow a system to be expanded via an open bid process by competing vendors and solutions. The Novar Controls systems in these buildings limit access and expandability which does not allow the County to easily react to the ever-changing energy environment.

The Brewer-Garrett Company recommends a complete upgrade to Tridium LON. The Tridium system will allow for an open architecture and ease of expandability. The Tridium system offers a cost effective transition from an aging DDC system to a state of the art DDC system.

As part of the upgrade The Brewer-Garrett Company will provide training on the new Tridium system. This will be a combination of classroom and field time giving the County users a solid foundation for using the new open protocol system.

**Cuyahoga County  
Energy Conservation Project**

**AMENDED PROJECT CASH FLOW**  
June 20, 2013

Total Project Investment \$2,023,690  
Stimulus Money \$1,601,324  
Net Investment to be Financed \$152,316  
ADDITIONAL PROJECTS \$172,770  
APR 4.75%  
Period - Length 10  
Utility Inflation 0.0%  
Maintenance Cost Inflation 0.0%  
Auditing Cost Inflation 5.0%  
Deferred Capital Inflation 0.0%  
Project Inflation Rate 0%  
Total Cash Flow \$224,893

Year	Projected Utility Savings	Actual Utility Savings	Auditing Fees	Total Savings	Annual Financed Program Cost	Programs Cost Paid from Stimulus Funding	Amendment Program Cost	Cash Flow (Savings-Cost)	Cumulative Cash Flow (Savings-Cost)
Installation Period		219,071		229,071	0	(1,601,324)		(1,372,253)	(1,372,253)
1 2012	0	316,737	(20,617)	296,120	(16,392)			279,728	(1,092,525)
2 2013	277,403	0	(21,448)	255,955	(16,392)		(472,770)	(232,207)	(1,324,732)
3 2014	277,403	0	(22,730)	254,673	(16,392)			238,281	(1,086,451)
4 2015	277,403	0	(23,897)	253,506	(16,392)			237,114	(849,337)
5 2016	277,403	0	(25,060)	252,343	(16,392)			235,951	(613,386)
6 2017	277,403	0	(26,313)	251,090	(16,392)			234,698	(378,688)
7 2018	277,403	0	(27,629)	249,774	(16,392)			233,382	(145,306)
8 2019	277,403	0	(29,010)	248,393	(16,392)			232,001	(13,305)
9 2020	277,403	0	(30,461)	246,942	(16,392)			230,550	84,665
10 2021	277,403	0	(31,984)	245,419	(16,392)			229,027	284,693
Total	2,498,437	643,798	(229,315)	2,768,607	(163,620)	(1,601,324)	(472,770)	254,493	

Notes:

\*Annual payment cost is based on 12 equal monthly payments per year.  
This cash flow is used to illustrate that Program Savings will meet or exceed Program Costs per HB 300 Parameters.  
It does not obligate the County to a specific interest rate or financing term.

June 20, 2013

Confidential and Proprietary Information of The Brewer-Garrett Company

The Brewer-Garrett Company