

**ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM**

**CE 1000695-01**

**SPECTRUM ENERGY CONCEPTS, INC.**

**ENERGY MANAGEMENT CONSULTANT CONTRACT**

**SECOND AMENDMENT**

**IN CONSIDERATION** of the payments, covenants and agreements contained in the original fully executed Contract CE1000695-01, on RQ17407 dated August 12, 2010 between the Cuyahoga County Planning Commission, (hereinafter referred to as the "CPC" or "the Client"), a county planning agency established pursuant to Ohio Revised Code § 713.22 whose address is 323 Lakeside Avenue West, Suite 400, Cleveland, Ohio 44113, on behalf of Cuyahoga County, a governmental entity created under authority granted to the Ohio General Assembly by the Ohio Constitution and the Cuyahoga County Charter adopted November 2009, located at 1219 Ontario Street, Cleveland, Ohio 44113 (hereinafter referred to as "the Grant Recipient") and Spectrum Energy Concepts, Inc. its successors, executors, administrators and assignees, an Ohio Corporation, Subchapter S, whose address is 3346 Arbor Way, Westlake, Ohio 44145, (hereinafter referred to as the "Consultant"), this Second Amendment increases the not-to-exceed amount from \$74,975.00 to \$102,131.20 adding \$27,156.20 for payment of additional services rendered to the MEP. This contract is amended only with respect to the matters contained herein. All other terms, conditions and authorizations contained in the original contract and its amendment remain in full force and effect.

**WITNESSETH:**

WHEREAS, the original Energy Management Consultant Contract was approved by the Cuyahoga County Planning Commission on August 12, 2010 (Resolution No. 100812-C), and by the Board of Cuyahoga County Commissioners on October 14, 2010 (Resolution No. 104431 contract approval) as a part of the Energy Efficiency and Conservation Block Grant (EECBG) funding received by Cuyahoga County; and

WHEREAS, the original Energy Management Consultant Contract was amended and approved by the Cuyahoga County Planning Commission on December 9, 2010 (Resolution No. 101209-F), and by the Board of Cuyahoga County Commissioners on December 2, 2010 (Resolution No. 105188 approval of contract first amendment) as a part of the Energy Efficiency and Conservation Block Grant (EECBG) funding received by Cuyahoga County; and

WHEREAS, the EECBG Grant is administered by the Cuyahoga County Department of Development, and the MEP is administered by the CPC; and

WHEREAS, in order to avoid adverse impact to the MEP, Spectrum Energy Concepts, Inc. rendered additional Energy Management Consultant Services to the MEP in the amount of \$27,156.20 above estimated contract price.

NOW, THEREFORE, BE IT RESOLVED THAT Contract No. CE1000695-01 and its amendment by and between the Cuyahoga County Planning Commission on behalf of Cuyahoga County and Spectrum Energy Concepts, Inc. is hereby amended as follows:

1. **Article 7. Time of Performance & Project Schedule.** Article 7.1 is hereby amended as follows:

The Consultant contract shall be extended from September 29, 2011 through March 31, 2012.

2. **Article 9. Compensation for the Consultant's Scope of Work.** Article 9 is hereby amended as follows:

The total compensation for the Consultant's Scope of Work, including Reimbursable Expenses and subcontracts, as described in Article 15 shall be based on a fixed not-to-exceed amount of One Hundred Two Thousand One Hundred Thirty-One dollars and twenty cents. (\$102,131.20).

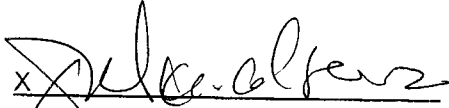
3. **Language Terms and Definitions.** Language terms, definitions and ordinary meaning subscribed to in the original Spectrum Energy Concepts, Inc. Energy Management Consultant contract and its amendment shall remain the same except that the competitive municipal grant program referred to as the Cuyahoga County Energy Efficiency and Conservation Municipal Block Grant Program (CCEEC-MGP) and the Municipal Energy Program (MEP) shall be understood to be one and the same.
4. **Full Force and Effect.** The original Spectrum Energy Concepts, Inc. Energy Management Consultant Contract and its amendment in its entirety are incorporated herein and made a part hereof as if fully rewritten herein. Except as herein expressly modified, all terms and conditions of the original consultant contract and its amendment shall remain in full force and effect.

**IN WITNESS WHEREOF,**

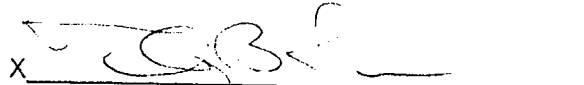
The Cuyahoga County Planning Commission and Spectrum Energy Concepts, Inc. through their duly authorized representatives have hereunto subscribed and affixed their respective signatures.

Cuyahoga County Planning Commission

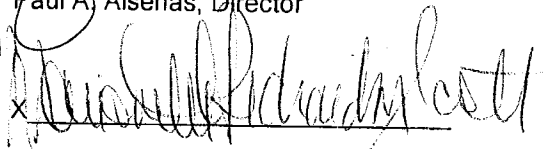
Spectrum Energy Concepts, Inc.

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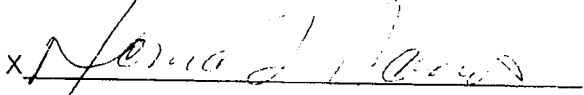
Paul A. Alsenas, Director

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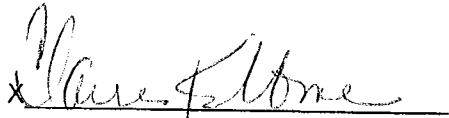
Timothy B. Janos, President

X 

Witness

X 

Witness

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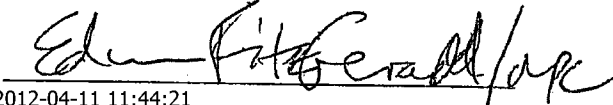
Witness

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Witness

**OFFICE OF CUYAHOGA COUNTY EXECUTIVE**

Edward FitzGerald, County Executive



2012-04-11 11:44:21

Edward FitzGerald, County Executive

The legal form of this Contract Amendment is hereby approved.

X \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

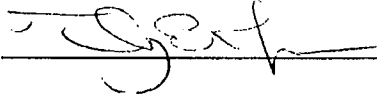
## ELECTRONIC SIGNATURE ACKNOWLEDGEMENT

By entering into this Contract, I, Timothy B. Janos, President of Spectrum Energy Concepts, Inc., agree on behalf of Spectrum Energy Concepts, Inc., its officers, employees, subcontractors, subconsultants, agents or assigns, to conduct this transaction by electronic means by agreeing that all documents requiring Cuyahoga County signatures may be executed by electronic means, and that the electronic signatures affixed by Cuyahoga County to said documents shall have the same legal effect as if the signature was manually affixed to a paper version of the document.

I also agree on behalf of the aforementioned entity and person, 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 Signature Policy of Cuyahoga County.

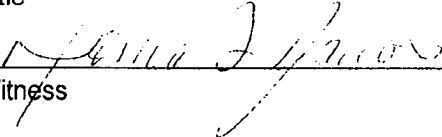
Dated this 12<sup>TH</sup> day of JANUARY, 2012.

Spectrum Energy Concepts, Inc.

X 

Signature

PRESIDENT  
Title

  
Witness

\_\_\_\_\_  
Witness