

ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM
CE 1200496
SPECTRUM ENERGY CONCEPTS, INC.
ENERGY MANAGEMENT SERVICES – TECHNICAL AUDIT REVIEWS
FIRST AMENDMENT

IN CONSIDERATION of the payments, covenants and agreements contained in the original fully executed Contract CE 1200496 ("Contract"), on RQ23806 dated August 13, 2012 between the **Cuyahoga County Planning Commission**, (hereinafter referred to as the "CCPC" 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 amendment extends the time of performance until June 30, 2013.** The 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 Services-Technical Audit Reviews Consultant Contract was approved by the Cuyahoga County Planning Commission on July 12, 2012 (Resolution No. 120712-D), and by the Contracts and Purchasing Board on August 13, 2012 (No. CPB2012-724) 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 Municipal Energy Program Component is administered by the CCPC; and

WHEREAS, the Consultant was charged with, among other things, reviewing twenty-two (22) municipal energy audits funded by the MEP for Technical and Economic compliance with ASHRAE Level II Program Standards and Guidelines, and to assist the CCPC in tracking the implementation of energy conservation measures (ECMs) of selected energy efficiency retrofit projects; and

WHEREAS, under Section 3.2 of the Contract the parties acknowledged that changes in the schedule that adversely affect the efficient completion of the project, through no fault of Consultant, may require an adjustment in the schedule and timeline

and provides that any such changes must be in writing signed by both parties; and

WHEREAS, the CCPC is developing conclusions and recommendations resulting from the data collected from the MEP, and desires to have consultant's energy management expertise in the data analysis and evaluation needed to establish MEP Program Performance outcomes and criteria for an additional period of time.

NOW, THEREFORE, BE IT RESOLVED that Contract No. CE 1200496 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 2. Scope of Work. Notwithstanding the end of the federal grant term, Section 2.1(d) providing that the Consultant assist the County, as needed with information to the U.S. Department of Energy through the reporting period of September 28, 2015 shall remain in full force and effect.

2. Article 3. Time of Performance & Project Schedule. Section 3.1 is hereby amended as follows:

The Consultant contract shall be extended until June 30, 2013.

3. Language Terms and Definitions. Language terms, definitions and ordinary meaning subscribed to in the original Spectrum Energy Concepts, Inc. Energy Management Consultant Contract No. CE1200496 shall remain the same.


4. Full Force and Effect. The original Spectrum Energy Concepts, Inc. Energy Management Consultant Contract CE1200496 for technical audit reviews is, in its entirety, 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 shall remain in full force and effect.

IN WITNESS WHEREOF,

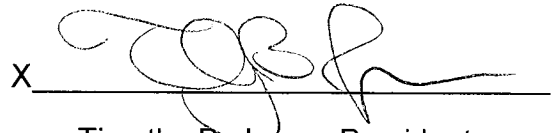
The Cuyahoga County Planning Commission and Spectrum Energy Concepts, Inc. through their duly authorized representatives have hereunto subscribed and affixed their respective signatures.

Cuyahoga County Planning Commission,

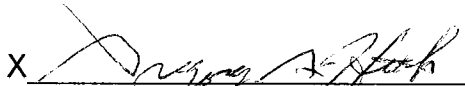
Spectrum Energy Concepts, Inc.

X  _____

Glenn Coyne, Director

X  _____
Timothy B. Janos, President

The legal form of this Contract Amendment is hereby approved.

X  _____

Printed Name: Gregory C. Heth

Title: Asst. Pres. Atty.

Edward FitzGerald, County Executive



2013-04-24 18:08:44

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 28th day of FEBRUARY, 2013.

Spectrum Energy Concepts, Inc.

X

Signature

PRESIDENT
Title