

ORDER AUTHORIZING AN AMENDMENT TO THE PERFORMANCE CONTRACTING AGREEMENT BETWEEN THE CITY OF JACKSON, MISSISSIPPI AND SIEMENS INDUSTRY, INC., BUILDING TECHNOLOGIES DIVISION (CITY-WIDE).

OFFICE OF THE CITY ATTORNEY

WHEREAS, the City of Jackson and Siemens Industry, Inc., Building Technologies Division (Siemens) entered into a Performance Contracting Agreement to provide AMI meters and metering infrastructure, a new utility billing system, and water and sewer system improvements; and

WHEREAS, the City of Jackson and Siemens Industry, Inc. desire to bring the construction phase of the contract to a conclusion; and

WHEREAS, the City of Jackson is entitled to credit for certain meters that were not installed, contingency funds, and the installation of filter media at the J.H. Fewell Water Treatment Plant that could not be done due to other repairs needed to the sedimentation basin; and

WHEREAS, Siemens has agreed to provide additional assistance with the utility billing system and metering infrastructure through its subcontractors; and

WHEREAS, the credits for the meters, contingency, and filter media at J.H. Fewell Water Treatment Plant and the value of the additional work is a net of zero dollars;

WHEREAS, due to the delays in concluding the project requiring that the Construction Period Savings be adjusted and that the Guarantee Period Savings for the small meters be revised; and

WHEREAS, the parties agree that all additional work on the utility billing system will be completed on September 30, 2018; and

WHEREAS, the Department of Public Works recommends that the governing authorities of the City accept this Amendment.

IT IS, THEREFORE, ORDERED that Amendment No. 4 to the Performance Contracting Agreement between the City of Jackson, Mississippi and Siemens Industry, Inc., Building Technologies Division is accepted.

IT IS FURTHER ORDERED that the Mayor is authorized to execute Amendment No. 4 to the Performance Contracting Agreement between the City of Jackson, Mississippi and Siemens Industry, Inc., Building Technologies Division.

Item #35
04/24/2018

AGENDA DATE: _____
BY: MILLER, LUMUMBA



**City of Jackson
Department of Public Works**

To: Chokwe Antar Lumumba, Mayor

From: Robert K. Miller, Director, Department of Public Works

Council Agenda Item Briefing Memo

Agenda Item: **ORDER AUTHORIZING AN AMENDMENT TO THE PERFORMANCE CONTRACTING AGREEMENT BETWEEN THE CITY OF JACKSON, MISSISSIPPI AND SIEMENS INDUSTRY, INC., BUILDING TECHNOLOGIES DIVISION (CITY-WIDE).**

Item #:
Council Meeting: Regular Council Meeting, April 24, 2018
Purpose: Amend the Performance Contracting Agreement with Siemens to provide additional support for resolving issues with the utility billing system at no additional cost
Cost: N/A
Funding Source: N/A

Background:

The City of Jackson and Siemens entered into a Performance Contracting Agreement to provide new AMI meters, metering infrastructure, a new utility billing system, and repairs to the water and sewer systems. The project has been ongoing for over four years.

The installation of meters in the City of Byram service area is being completed, which will conclude the installation of meters under the Agreement. It is now possible to calculate the number of meters that will actually be installed versus the number of meters provided in the Agreement. The net difference is 4,800 meter that have not been installed from the original number of meters to be supplied under the Agreement. The Agreement also contained a contingency amount. Finally, the Agreement included the installation of new filter media in one of the sedimentation basins at the J.H. Fewell Water Treatment Plant. The total scheduled value of this work is \$1,122,609.38.

The City of Jackson continues to experience serious issues with the new utility billing system. The issues continue to prevent the City from billing all customers each month. To resolve these issues, I have negotiated with Siemens to provide the necessary services from their subcontractors through September 30, 2018 to resolve the issues with the utility billing system. The value of these services will be \$1,122,609.38, which is a net zero change in the present contract amount.

CITY COUNCIL AGENDA ITEM 10 POINT DATA SHEET April 19, 2018
DATE

P O I N T S		C O M M E N T S
1.	Brief Description	ORDER AUTHORIZING AN AMENDMENT TO THE PERFORMANCE CONTRACTING AGREEMENT BETWEEN THE CITY OF JACKSON, MISSISSIPPI AND SIEMENS INDUSTRY, INC., BUILDING TECHNOLOGIES DIVISION (CITY-WIDE).
2.	Public Policy Initiative 1. Youth & Education 2. Crime Prevention 3. Changes in City Government 4. Neighborhood Enhancement 5. Economic Development 6. Infrastructure and Transportation 7. Quality of Life	6. Infrastructure and Transportation
3.	Who will be affected	Water and sewer customers, and WSBA employees
4.	Benefits	Will provide support to clear all bills, bill them properly, and establish business practices with CC&B that will prevent future billing backlogs
5.	Schedule (beginning date)	Immediately upon approval
6.	Location: ▪ WARD ▪ CITYWIDE (yes or no) (area) ▪ Project limits if applicable	Citywide
7.	Action implemented by: ▪ City Department <input checked="" type="checkbox"/> ▪ Consultant <input type="checkbox"/>	Department of Public Works
8.	COST	N/A
9.	Source of Funding ▪ General Fund <input type="checkbox"/> ▪ Grant <input type="checkbox"/> ▪ Bond <input type="checkbox"/> ▪ Other <input type="checkbox"/>	N/A
10.	EBO participation	ABE _____ % WAIVER yes ___ no ___ N/A <u> x </u> AABE _____ % WAIVER yes ___ no ___ N/A <u> x </u> FBE _____ % WAIVER yes ___ no ___ N/A <u> x </u> HBE _____ % WAIVER yes ___ no ___ N/A <u> x </u> NABE _____ % WAIVER yes ___ no ___ N/A <u> x </u>

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OFFICE OF THE CITY ATTORNEY

This ORDER AUTHORIZING AN AMENDMENT TO THE PERFORMANCE CONTRACTING AGREEMENT BETWEEN THE CITY OF JACKSON, MISSISSIPPI AND SIEMENS INDUSTRY, INC., BUILDING TECHNOLOGIES DIVISION (CITY-WIDE) is legally sufficient for placement in NOVUS Agenda.



Sharon D. Gipson, *City Attorney*

Date 4/20/18

OFFICE OF THE CITY ATTORNEY