

MAYOR LINDA GORTON



LEXINGTON

SUSAN PLUEGER
DIRECTOR
ENVIRONMENTAL SERVICES

Siemens Industry, Inc.
Smart Infrastructure
Building Performance & Sustainability
5106 Glen Alden Drive
Richmond, VA 23231

June 20, 2019

To Whom It May Concern:

Pursuant to Articles 1.4 and 1.5 of Schedule J to the Energy Savings Performance Contract between the Lexington-Fayette Urban County Government and Siemens Industry, Inc., dated December 9, 2014, LFUCG expresses its intention not to renew the Annual Performance Assurance Services (APAS) for any annual periods following Annual Period 3.

LFUCG understands and agrees that, upon expiration of Annual Period 3 and the reconciliation of the savings thereafter, the Performance Guarantee Period shall terminate and the Energy and Cost Savings Guarantee shall terminate.

Very truly yours,

A handwritten signature in cursive script that reads "Linda Gorton".

Linda Gorton
Mayor, Lexington-Fayette Urban
County Government



RESOLUTION NO. 729 - 2014

A RESOLUTION ACCEPTING THE RESPONSE OF SIEMENS INDUSTRY, INC. TO RFP NO. 1-2014 DETENTION CENTER ENERGY PERFORMANCE CONTRACTING SERVICES, AND AUTHORIZING THE MAYOR, ON BEHALF OF THE URBAN COUNTY GOVERNMENT, TO EXECUTE AN ENERGY SAVINGS PERFORMANCE CONTRACT, AND OTHER NECESSARY DOCUMENTS, WITH SIEMENS INDUSTRY, INC. TO PROVIDE SERVICES RELATED TO THE RFP, AT A COST ESTIMATED NOT TO EXCEED \$3,037,832, SUBJECT TO THE AVAILABILITY OF QUALIFIED ENERGY CONSERVATION BOND FUNDS.

BE IT RESOLVED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That the response of Siemens Industry, Inc., to RFP No. 1-2014 Detention Center Energy Performance Contracting Services, be and hereby is accepted, and the Mayor, on behalf of the Lexington-Fayette Urban County Government, be and hereby is authorized to execute an Energy Savings Performance Contract, which is attached hereto and incorporated herein by reference, and any other necessary documents, with Siemens Industry, Inc., to provide services related to the RFP, at a cost estimated not to exceed \$3,037,832, subject to the availability of Qualified Energy Conservation Bond funds.

Section 2 - That an amount, not to exceed the sum of \$3,037,832, be and hereby is approved for payment to Siemens Industry, Inc., from account # 1105 - 313201 - 91012 (\$12,832), from account # 3400 - 313201 - 91012 (\$125,000), and from account # 2605 - 505401 - 91012 (\$2,900,000), subject to the availability of Qualified Energy Conservation Bond funds, pursuant to the terms of the Contract.

Section 3 - That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: December 4, 2014

MAYOR 

ATTEST:


CLERK OF URBAN COUNTY COUNCIL
1276-14_MSC_X:\Cases\ENV\ROPOLICY\14-CC0726\LEG\00464464.DOC

James Bush

From: Michael Cravens
Sent: Tuesday, June 18, 2019 2:19 PM
To: James Bush
Cc: Gina Dulin; Frank Griffith
Subject: RE: Questions from LFUCG Year 2 Energy Performance Contract Review
Attachments: Letter to Siemens - 6-20-19 (00658849xAFB4D).docx

James,

See attached. Does this work?

Resolution No. 729-2014 already authorizes the Mayor to sign other necessary documents with Siemens related to the Energy Savings Performance Contract for the Detention Center, so this does not need to be bluesheeted for signature. Once you are satisfied with the letter, it can be presented to the Council Clerk for the Mayor's signature (but make sure to attach Resolution No. 729-2014 and tell her that the Mayor's signature is authorized under its authority). Feel free to contact me if anyone has questions. Happy to discuss.

Michael Cravens
Attorney Senior
Department of Law

859.258.3500
MCravens@lexingtonky.gov
lexingtonky.gov



LEXINGTON

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From: James Bush <jbush@lexingtonky.gov>
Sent: Tuesday, June 18, 2019 11:04 AM
To: Michael Cravens <mcravens@lexingtonky.gov>
Cc: Gina Dulin <ginaa@lexingtonky.gov>; Frank Griffith <fgriffit@lexingtonky.gov>
Subject: FW: Questions from LFUCG Year 2 Energy Performance Contract Review

Michael,

See below. We never planned to continue performance monitoring beyond the third year, nor do we have a budget.

Is this something Law will draft?

The initial resolution authorized "other necessary documents". Can that clause be used to obtain a signature?