

**RESOLUTION NO. 4312**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLEDAD  
AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER NO. 1 TO  
THE AIRCON ENERGY CONTRACT FOR REPLACEMENT OF EXISTING WATER  
METERS TO THE CITY'S WATER SYSTEM IN AN AMOUNT NOT TO EXCEED  
\$110,220 AND AUTHORIZING A BUDGET AMENDMENT IN THE AMOUNT OF  
\$48,220 FROM THE WATER CAPITAL FUND**

**WHEREAS**, on August 6, 2008 the City entered into a contract with Aircon Energy Inc. contingent upon execution of an acquisition fund and account control agreement and a master equipment lease/purchase agreement between Banc of America Capital Corp for an amount not to exceed \$1,248,134 for an Energy Retrofit Project; and

**WHEREAS**, on September 17, 2007 the City entered into a consulting services agreement with Aircon Energy Inc. for the purpose of developing a final engineered proposal and energy audit for City facilities; and

**WHEREAS**, an energy audit report was prepared by Aircon Energy Inc. that identified a potential area for energy savings resulting in a project proposal; and

**WHEREAS**, the project is the Energy Retrofit Project that outlines an energy savings retrofit to the City's water system; and

**WHEREAS**, during the course of project City Staff identified that (300) three-hundred additional Neptune Water Meters are needed to be purchased and installed to replace the number of older meters to complete the City wide conversion of manual to electronic read water meters; and

**WHEREAS**, Staff has identified a need for a Change order to the Aircon Energy contract for replacement of existing water meters to the City of Soledad Water for an additional cost of \$110,220 for the (300) additional water meters; and

**WHEREAS**, the current contract with Aircon Energy Inc. is for \$1,248,134. The contract Change Order No. 1 will bring the total contract amount to \$1,358,354 and require an increase of \$48,220 in the approved project budget. The source of funding for the Contract Change Order will be from monies allocated from the water capital fund #19-81-4054.

**NOW THEREFORE, BE IT HEREBY RESOLVED**, by the City Council of the City of Soledad as follows:

- 1) The City Manager is hereby authorized to execute Change Order No.1, Exhibit A, to the Aircon Energy contract for replacement of existing water meters to the City's water system in an amount not to exceed \$110,220.

- 2) The City hereby approves a budget amendment in the amount of \$48,220 from the Water Capital Fund.


**PASSED AND ADOPTED** by the City Council of the City of Soledad at a regular meeting duly held on the 19<sup>th</sup> of November, 2008 by the following vote:

AYES, and in favor thereof, Councilmembers: Juan Saavedra, Mayor Pro Tem Christopher Bourke, Mayor Richard Ortiz

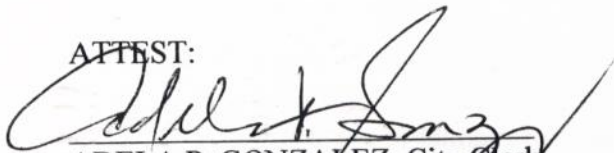
NOES, Councilmembers: None

ABSENT, Councilmembers: Martha Camacho, Patricia Stephens

ABSTAIN, Councilmembers: None

  
RICHARD V. ORTIZ, Mayor

ATTEST:

  
ADELA P. GONZALEZ, City Clerk



**CHANGE ORDER NO. 1  
TO AGREEMENT BETWEEN THE CITY OF SOLEDAD  
AND AIRCON ENERGY FOR REPLACEMENT OF EXISTING WATER  
METERS TO THE CITY'S WATER SYSTEM**

WHEREAS, the City of Soledad, a municipal corporation of the State of California entered into an agreement dated August 7, 2008, with Aircon Energy Inc. for a total price of \$1,248,134.00 for construction of a facility improvement and energy retrofit project.

1. **REASON FOR CHANGE.**

This change order is necessary to complete a city wide conversion of manual to electronic read water meters.

2. **DESCRIPTION OF CHANGE.**

The Contractor shall provide and install:  
(300) 5/8" x 3/4" T-10 Neptune Water Meters w/R900i MIU  
Compliance with City bonding requirements

Contractor will perform all work per the terms and conditions of the original contract dated August 7, 2008

**Addition cost of** **+ \$ 110,220.00**

3. **CONTRACT COST SUMMARY.**

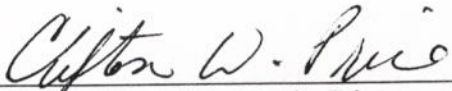
Original Contract Amount	<b>\$1,248,134.00</b>
Total Increase Previous CCO	<b>\$ 0.00</b>
Subtotal	<b>\$1,248,134.00</b>
Increase This CCO	<b>\$ 110,220.00</b>
New Contract Total	<b><u>\$1,358,354.00</u></b>

4. **ADJUSTMENT IN TIME OF COMPLETION.**


No adjustment in time is granted as a result of this contract change order.

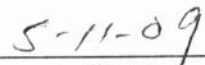
"Exhibit A"

**APPROVED:**

  
\_\_\_\_\_  
Clifton Price, Public Works Director  
City of Soledad

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Adela P. Gonzalez, City Manager  
City of Soledad

  
\_\_\_\_\_  
Date

**ACCEPTED:**

We, the undersigned contractor, have given careful consideration to the change proposed and hereby agree, if this proposal is approved, that we will provide all equipment, furnish all materials, except as may otherwise be noted above, and perform all services necessary for the work above specified, and will accept as full payment therefore the prices shown above.

\_\_\_\_\_  
Name, Title  
Aircon Energy Inc.

\_\_\_\_\_  
Date

END OF CONTRACT CHANGE ORDER NO. 1

**EXHIBIT A**

**Conditions for Approval of Reduction in Utility Charges for 725 Market Street:**

1. The suspension of the monthly garbage fee for the property at 725 Market Street shall be retroactive as of November 1, 2008.
2. Owner or representative shall submit a bi-annual statement with their monthly utility bill payment, beginning June 2009, stating that the special circumstances described herein still exist.
3. The suspension of utility fees shall sunset and expire upon any change in the special circumstances as they now exist, including any one or more of the following events:
  - a. Sale of the property or other change in ownership; or
  - b. Change in occupancy status such that the residence is no longer vacant; or
4. The property owner or representative agrees to notify the City within two weeks following either sale of the property, change in ownership, or re-occupancy of the premises.

Name (Print): \_\_\_\_\_

Signature: \_\_\_\_\_

Phone No.: \_\_\_\_\_

Date: \_\_\_\_\_