

# STAFF REPORT UTILITY MEETING

**AGENDA DATE:** April 30, 2024

**DEPARTMENT:** City Attorney

**TITLE:**

Engineer Neutral Engagement Agreement with Siemens Industry Inc. and Quaker Lane Associates

**SUMMARY:**

The Engineer Neutral Engagement Agreement with Siemens Industry Inc. and Quaker Lane Associates will provide a third-party professional engineer to determine if the City's AMI System has reached substantial completion under the City's Energy Savings Agreement with Siemens.

**BACKGROUND AND JUSTIFICATION:**

In September 2015, the City and Siemens entered the Energy Savings Agreement for Siemens to install and implement certain energy savings (facility improvement measures) including a new, turn-key Advanced Meter Infrastructure (AMI) System to be utilized with the City's water and electric utility systems. A dispute concerning whether the AMI System ever reached substantial completion has arisen between the City and Siemens. The City and Siemens attempted to mediate the dispute; however, the dispute remains without resolution. Under the Energy Savings Agreement, the City and Siemens must utilize a third-party professional engineer to resolve the dispute. The City and Siemens have agreed to utilize the firm of Quaker Lane Associates to review the dispute. Specifically, Michael Wiebe will be the primary professional engineer deciding the dispute with assistance from other associates from Quaker Lane Associates.

The anticipated cost of the services of Quaker Lane Associates is not expected to exceed \$100,000.

**MOTION:**

Move to approve/disapprove the Engineer Neutral Engagement Agreement with Siemens Industry Inc. and Quaker Lane Associates

**ATTACHMENT(S):**

Engineer Neutral Engagement Agreement with Siemens Industry Inc. and Quaker Lane Associates  
Fiscal Impact Analysis

**FISCAL IMPACT ANALYSIS**

Five Year Summary of Fiscal Impact:

<b>Fiscal Years</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>2027</b>	<b>2028</b>
<b>Inflows/Revenues</b>					
Appropriated (Budgeted)	0	0	0	0	0
Program Income	0	0	0	0	0
Grants	0	0	0	0	0
In Kind	0	0	0	0	0
<b>Outflows/Expenditures</b>					
Appropriated (Budgeted)	\$100,000	0	0	0	0
Operating	0	0	0	0	0
Capital	0	0	0	0	0
<b>Net Fiscal Impact</b> <i>(If not budgeted)</i>	0	0	0	0	0
<b>No. of Addn'l Full-Time</b> <b>Employee Positions</b>	0	0	0	0	0

<b>Contract Award - Existing Appropriation (Budgeted)</b>	
	<b>Expenditure</b>
<b>Department</b>	Electric
<b>Division</b>	Meter Shop
<b>GL Description</b>	Professional Services
<b>GL Account Number</b>	401-6035-531.31-90
<b>Project Number</b>	N/A
<b>Requested Funds</b>	\$100,000
<b>Remaining Balance</b>	\$36,236.19
<b>Source of Revenue</b> (i.e. Paygo. Current Revenue, Bond Money, Grants, etc.)	Current Revenue