

September 29<sup>th</sup>, 2005

Steven A. Moore  
Siemens Building Technologies, Inc.  
8940 Western Way, Suite One  
Jacksonville, Florida 32256

Mr. Moore,

**Re: Approval to proceed with Performance Contracting Program**

*The City of Gainesville* intends to contract with Siemens Building Technologies, Inc. (SBT) for the implementation of a Performance Contracting Program designed to improve the mechanical system infrastructure and operational efficiencies of The Gainesville Police Department.

The first step in the process is normally the design phase of the project. A substantial amount of the design phase of the project has already been accomplished in order to get the program completed as described.

***The City of Gainesville Objectives for this program are as follows:***

1. Improve the building environment
2. Improve the conditioning of the spaces throughout the facility
3. Enhance the facility infrastructure
4. Improve and Enhance the Physical Plant
5. Decrease Operating Costs
6. Program is to Have a Neutral or Positive Cash Flow with no capital outlay.

**The program provided by Siemens Building Technologies, Inc. will include but is not limited to the following:**

Identification, engineering, installation, and monitoring of energy and operating cost reduction measures. These measures are the Energy Conservation Measures as listed in this proposal and agreed upon with The City of Gainesville and Siemens Building Technologies, Inc.

**The execution of a Performance Contract with The City of Gainesville is contingent upon the Design Study meeting the following criteria.**

1. *The program is to be self-funding from the energy and operational savings found in the program study.*
2. *Siemens Building Technologies, Inc. guarantees the performance of this contract and its savings to The City of Gainesville in writing.*

Based upon this commitment The City of Gainesville and Siemens Building Technologies, Inc. will provide any necessary resources to finalize the financial, legal and technical components of this agreement for implementation no later than 60 days after signature of this document. If Siemens Building Technologies, Inc. provides a program which meets the above conditions and The City of Gainesville chooses not to implement the Performance Contracting Program Agreement with Siemens Building Technologies, Inc. within 30 days following submission of the program, The City of Gainesville agrees to pay Siemens Building Technologies, Inc. the sum of \$ 15, 000.00 Dollars for services rendered. If in research of the project it is found that the project will not perform financially, (not self funding) or the financial tool provided by SBT (the contracts) does not conform to the financial objectives of the City of Gainesville then the City of Gainesville is not responsible for the payment of the engineering study.

Signature: <i>[Handwritten Signature]</i>	Signature: <i>[Handwritten Signature]</i>
Title: City manager	GEN MGR. Title: Account Executive
Date: 11/10/05	Date: 11/4/05
City of Gainesville	Siemens Building Technologies, Inc.
WITNESS: <i>[Handwritten Signature]</i>	WITNESS: <i>[Handwritten Signature]</i> 11/4/05