

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING THE PURCHASE OF ELEVATOR MAINTENANCE SERVICES FROM THYSSENKRUPP

WHEREAS, Section I-2-3.09 of the Milpitas Municipal Code authorizes the City Council to award contracts without competition when the Purchasing Agent determines that there is only one source for the required supply or service; and

WHEREAS, the elevators in the City Hall are ThyssenKrupp brand and the elevators in the Police and Public Works building are Dover brand, which was bought out by ThyssenKrupp; and

WHEREAS, the technology to maintain the elevators is proprietary, solely owned by ThyssenKrupp; and

WHEREAS, after conducting a good faith review of the available sources for maintenance services for Dover and ThyssenKrupp elevators, the City’s Purchasing Agent has determined that ThyssenKrupp is the sole provider in California.

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. That the City Manager is authorized to execute Amendment No. 6 to the Agreement with ThyssenKrupp for Elevator Platinum Maintenance and Repair for the annual not-to-exceed amount of \$30,054.86.

PASSED AND ADOPTED this ____ day of _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney



AMENDMENT NO 6
TO THYSSENKRUPP ELEVATOR
PLATINUM MAINTENANCE AGREEMENT

This Amendment is entered into this 1st day of July 2011, by and between the City of Milpitas, a municipal corporation of the State of California (hereafter referred to as "CITY") and **THYSSENKRUPP ELEVATOR**, (hereafter referred to as "CONSULTANT").

RECITALS

WHEREAS, the parties entered into an annual automatically renewing agreement for elevator maintenance, on 7/01/05; and

WHEREAS, the parties desire to amend the annual service charges as per the "Annual Price Adjustment" section on page 6; and

NOW THEREFORE, in consideration of the mutual covenants and conditions herein contained, the parties agree to amend the agreement as follows:

1. Per the attached price quote from Account Manager, Tara Fitzsimmons, dated August 10, 2011, the annual services charges shall be as follows:

City Hall	\$ 9,985.80
Police and Public Works	\$10,069.06

2. The annual contract amount for "incidental services and repairs" as stated in Amendment Number Four shall be amended from \$13,000.00 to \$10,000.00 annually. The rates for services and repairs will remain the same as stated in "Attachment A" to Amendment Number Four.
3. All other provisions of the agreement shall remain in full force and effect.

This Amendment is executed as of the date written above.

APPROVED BY:

CITY OF MILPITAS

THYSSENKRUPP ELEVATOR

Thomas C. Williams, City Manager

Approved as to Form

Approved as to Content

Michael J. Ogaz, City Attorney

Eddie Loreda, Project manager



August 10, 2011

Attn: Eddie Loreda
City of Milpitas
455 E. Calaveras Blvd.
Milpitas, CA 95035

Re: Elevator Maintenance Budget for City of Milpitas

Dear Eddie,

Per your request, the elevator maintenance cost from July 1, 2011 through June 30, 2012 will be as follows:

455 E. Calaveras Blvd: \$9,985.80
1265 & 1275 N. Milpitas Blvd.: \$10,069.06

Should you have any questions or concerns, please don't hesitate to call me. Thank you.

Sincerely,

Tara Fitzsimmons
Account Manager
ThyssenKrupp Elevator
2140 Zanker Road
San Jose, CA 95131