

RESOLUTION NO. 18/19-49

**A RESOLUTION OF THE BOARD OF
TRUSTEES OF
THE PERALTA COMMUNITY COLLEGE
DISTRICT
TO
ENTER INTO AN ENERGY CONSERVATION SERVICE
CONTRACT WITH ENGIE SERVICES U.S. INC.
FOR THE
MULTI-SITE LED LIGHTING RETROFIT PROJECT (COLLEGE OF
ALAMEDA, COLLEGE OF ALAMEDA SCIENCE ANNEX (860 ATLANTIC),
COLLEGE OF ALAMEDA AVIATION MAINTENANCE FACILITY, AND
MERRITT COLLEGE)
(Government Code sections 4217.10, et seq.)**

WHEREAS, Government Code section 4217.10, et seq., authorizes a public agency to enter into an energy service contract with respect to an energy conservation facility on terms that the public agency's governing board determines that it is in the best interest of the public agency and if the Governing Board finds that the anticipated cost to the public agency for the energy provided by the energy conservation facility will be less than the anticipated marginal cost to the district in the absence of those purchases; and

WHEREAS, the California Clean Energy Jobs Act was created with the approval of Proposition 39 in the November 2012 statewide general election; under the initiative, up to \$550 million annually for the next five (5) years is available to be appropriated by the Legislature for eligible projects to improve energy efficiency and expand clean energy generation; and

WHEREAS, the District requested Proposition 39 funding by submitting an energy expenditure plan application to the California Energy Commission (CEC); and

WHEREAS, based upon the Energy Analysis and presentation by District staff and its consultants, the cost to the District for ENGIE Services U.S. Inc. to provide and install the Multi-Site LED Lighting Retrofit Project will be less than the anticipated marginal cost to the District of thermal, electrical, or other energy that would have been consumed by the District in the absence of the Energy Conservation Measures; and

WHEREAS, the District has determined that the District's payment to ENGIE Services U.S. Inc. is anticipated to be offset by reduced energy purchases or other benefits provided under the terms of an energy conservation services turnkey and installation contract for the Multi-Site LED Lighting Retrofit Project with ENGIE Services U.S. Inc. ("Contract") pursuant to Government Code section 4217.12(a)(2); and

WHEREAS, on February 26, 2019 pursuant to Government Code section 4217.10 *et. seq.*, the Board held a public hearing at a regularly scheduled Board meeting, with respect to the District entering into an energy service contract; and

WHEREAS, the District desires to enter into an energy conservation service contract with ENGIE Services – U.S., Inc. for the turnkey and installation of the Multi-Site LED Lighting Retrofit Project to achieve the Energy Conservation Measures pursuant to the terms and conditions of the Contract.

NOW, THEREFORE, the Governing Board of the Peralta Community College District FINDS, DECLARES, RESOLVES and ORDERS as follows:

1. The District held a public hearing on February 26, 2019 at a regularly scheduled meeting of the Board for which notice was advertised on February 12, 2019.

2. Pursuant to Government Code section 4217.12, the anticipated cost to the District for the energy conservation measures under the proposed energy conservation service contract with ENGIE Services U.S. Inc. will be less than the anticipated marginal cost to the District of electrical or other energy that would have been consumed by the District in the absence of these measures.

3. The District's payment to ENGIE Services U.S, Inc. is anticipated to be offset by reduced energy purchases or other benefits provided under the Contract.

4. Based upon all available information, including but not limited to evaluations and analysis of ENGIE Services U.S. Inc. and pursuant to Government Code section 4217.12, the Board hereby determines that it is in the best interest of the district to enter into an energy conservation service contract with ENGIE Services U.S. Inc.

5. The District's chancellor and designees are authorized to enter into an energy conservation service contract with ENGIE Services U.S. Inc., to take all steps and perform all actions necessary to enter into an energy service contract, and to take any actions deemed necessary to protect the interests of the district.

APPROVED and ADOPTED by the Governing Board of the Peralta Community College District at its regularly scheduled meeting held on the 26th day of February 2019

President of the Board of Trustees
Peralta Community College District

ATTEST:

Chancellor
Peralta Community College District

