



MT. DIABLO UNIFIED SCHOOL DISTRICT GOVERNING BOARD
RESOLUTION 21/22-77
RESOLUTION AUTHORIZING AMENDMENT NO.1
TO TURNKEY DESIGN AND
CONSTRUCTION ENERGY SERVICES CONTRACT

WHEREAS, the Mt. Diablo Unified School District (“District”) Board of Trustees (“Board”) has endorsed the goal of efficient school operations and directed staff to develop energy conservation practices for use in the District; and

WHEREAS, the Board wishes to further reduce the District’s energy consumption, encourage outdoor learning and to otherwise obtain cost savings related to energy use; and

WHEREAS, Government Code sections 4217.10 through 4217.18 authorize the Board to enter into one or more energy service contracts with any person or entity, pursuant to which that person or entity will provide electrical or thermal energy or conservation services to the District, which may comprise or include an energy conservation facility, if the anticipated cost to the District for thermal or electrical energy or conservation services provided under the contract(s) is 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 those energy service contracts; and

WHEREAS, the District selected Schneider Electric Buildings Americas, Inc. (“Contractor”) and formally entered into the Agreement for Turnkey Design and Construction Energy Services (“Agreement”), dated as of April 27th, 2022 pursuant to which Contractor performed an integrated energy assessment and presented District with recommendations for energy efficiency at selected school sites (“Recommendations”); and

WHEREAS, based on these Recommendations, Contractor has proposed to the District Amendment No. 1 to the Agreement for Turnkey Design and Construction Energy Services (“Amendment No. 1”), attached hereto as Exhibit A, under the terms of which Contractor will install energy efficient upgrades; and

WHEREAS, District plans to use funding available from Measure J and other funding sources in order to implement the energy efficiency upgrades, set forth in Exhibit A and Exhibit B; and

WHEREAS, the Analysis (“Energy Savings Projections”), attached here to as Exhibit B, demonstrates that the cost to the District for the thermal or electrical energy or conservation services provided thereunder is 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 Contract (“Savings”).

NOW, THEREFORE, BE IT RESOLVED that it is found, determined and resolved by the Board of the District as follows:

1. The above recitals are true and correct.
2. The District held a public hearing at a regularly scheduled meeting of the Board for which notice was given not less than two weeks in advance pursuant to Government Code Section 4217.12(a).
3. Based upon available information, including but not limited to reports, analysis and presentations by CONTRACTOR, and District staff, as reviewed by the Board in connection herewith, and as required by Government Code section 4217.12(a), the Board hereby finds and determines as follows:
 - a. The anticipated cost to the District for electrical energy and conservation services provided by the Energy Conservation Facilities under the Energy Services Contract will be less than the anticipated marginal cost to the District of electrical energy that would have been consumed by the District in the absence of the Project facilities and services; and
 - b. The fair rental value for the District's real property subject to the agreement between the District and CONTRACTOR for use in connection with the Energy Conservation Facilities is offset by below-market energy costs and other benefits provided under the Energy Services Design-Build Contract to the District and/or the public.
4. It is in the best interests of the District to authorize the District's Superintendent and designees to execute and deliver the Agreement with CONTRACTOR, substantially in the form presented to this Board at this meeting, to take all steps and perform all actions with respect to identifying and securing financing and/or sources of funds, including savings and other District funds, and returning to this Board with a recommendation concerning such financing, and to take any actions deemed necessary to protect the interests of the District.

AYES: NOES: ABSENCES: ABSTENTIONS:

Debra Mason, Board President

Keisha Nzewi, Board Vice President

Cherise Khaund, Board Member

Linda Mayo, Board Member

Erin McFerrin, Board Member

Dr. Adam Clark, Superintendent

Exhibit A: Amendment No.1 Agreement for Turnkey Design and Construction Energy Services

(Attached to Resolution)

Exhibit B: Updated Price and Savings Projections

Lighting Modernization & Savings Cashflow

Project Price		Project Assumptions				
Turn-Key Energy Project	\$ 24,354,012	Estimated Energy Savings	\$ 744,000			
		Estimated EM Savings	\$ 300,000			
		Estimated O&M Savings	\$ 243,540			
		Utility Rate Escalation	4.00%			
		Inflation	3%			

Project Expenses		Project Savings				
Year	District Contribution	Estimated Energy Savings	Estimated EM Savings	Estimated O&M Savings	Total Annual Savings	Annual Project Cash Flow
2021	0	\$24,354,012				
2022	1	\$0	\$744,000	\$300,000	\$243,540	\$1,287,540
2023	2	\$0	\$773,760	\$312,000	\$250,846	\$1,336,606
2024	3	\$0	\$804,710	\$324,480	\$258,372	\$1,387,562
2025	4	\$0	\$836,899	\$337,459	\$266,123	\$1,440,481
2026	5	\$0	\$870,375	\$350,958	\$274,107	\$1,495,439
2027	6	\$0	\$905,190	\$364,996	\$282,330	\$1,552,515
2028	7	\$0	\$941,397	\$379,596	\$290,800	\$1,611,793
2029	8	\$0	\$979,053	\$394,780	\$299,524	\$1,673,356
2030	9	\$0	\$1,018,215	\$410,571	\$308,509	\$1,737,295
2031	10	\$0	\$1,058,944	\$426,994	\$317,765	\$1,803,702
2032	11	\$0	\$1,101,302	\$444,073	\$327,298	\$1,872,673
2033	12	\$0	\$1,145,354	\$461,836	\$337,116	\$1,944,307
2034	13	\$0	\$1,191,168	\$480,310	\$347,230	\$2,018,708
2035	14	\$0	\$1,238,815	\$499,522	\$357,647	\$2,095,984
2036	15	\$0	\$1,288,367	\$519,503	\$368,376	\$2,176,246
2037	16	\$0	\$1,339,902	\$540,283	\$379,428	\$2,259,613
2038	17	\$0	\$1,393,498	\$561,894	\$390,810	\$2,346,203
2039	18	\$0	\$1,449,238	\$584,370	\$402,535	\$2,436,143
2040	19	\$0	\$1,507,207	\$607,745	\$414,611	\$2,529,563
2041	20	\$0	\$1,567,496	\$632,055	\$427,049	\$2,626,600
20 Year Totals		\$0	\$22,154,890	\$8,933,424	\$6,544,014	\$37,632,328
		\$0	\$22,154,890	\$8,933,424	\$6,544,014	\$37,632,328

Utility escalation based on California Energy Commission recommendations for Prop-39 of 4%
 California Energy Commission recommendations O&M savings equal 2% of project price
 Schneider Electric uses a conservative 1% for O&M Savings