

**BERKELEY UNIFIED SCHOOL DISTRICT  
BERKELEY, CALIFORNIA**

**RESOLUTION NO. 21-048**

**RESOLUTION TO ENTER INTO AN ENERGY SERVICE CONTRACT  
FOR THE BERKELEY HIGH SCHOOL NATATORIUM**

**WHEREAS**, Berkeley Unified School District ("DISTRICT"), is a public school district organized and existing as a political subdivision of the State of California, and is authorized by the laws of the State of California to implement projects to promote energy efficiency to achieve energy cost reductions; and

**WHEREAS**, the DISTRICT finds it to be in its best interest to implement projects to promote energy efficiency to achieve energy cost reductions; and

**WHEREAS**, Government Code section 4217.12(a)(1) 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 are in the best interests of the public agency so long as the governing board of such public agency 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 public agency of thermal, electrical or other energy that would have been consumed by the public agency in the absence of those purchases; and

**WHEREAS**, DISTRICT staff reviewed the qualifications and recommendations presented by Schneider Electric Buildings Americas, Inc. ("VENDOR") to implement modifications to the DISTRICT's Berkeley High School Natatorium to improve water and air quality for maximum health and safety benefits and to improve energy efficiency, based on a feasibility study ("Natatorium Project"); and

**WHEREAS**, the VENDOR's qualifications appear bona fide and adequate, and VENDOR has provided the DISTRICT with its cost savings analysis showing the benefits of proceeding with the Natatorium Project, which analysis is attached as **EXHIBIT A** and made a part hereof by reference; and

**WHEREAS**, on June 9, 2021, at least two weeks prior to the regularly scheduled public meeting of the DISTRICT's Board of Trustees, the DISTRICT posted a notice of its intent to conduct a public hearing and take public comment upon the subject matter of this Resolution, as required by Government Code section 4217.12; and

**WHEREAS**, on June 23, 2021, pursuant to Government Code section 4217.12, the Board held a public hearing at its regularly scheduled Board meeting and provided an opportunity for public comment on the Natatorium Project and on the question of the DISTRICT's entering into an Energy Service Contract with VENDOR; and

**WHEREAS**, based on the attached analysis, the anticipated cost to the DISTRICT for the energy or conservation services provided by the proposed Natatorium Project will be less than the anticipated marginal cost to the DISTRICT of the electrical or other energy that would have been consumed by the DISTRICT in the absence of the Natatorium Project; and

**WHEREAS**, DISTRICT desires to enter into an Energy Service Contract with VENDOR, through which VENDOR would design, install, and implement the Natatorium Project pursuant to the terms and conditions of the Energy Service Contract.

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

1. That pursuant to California Government Code sections 4217.10, *et seq.*, the above recitals are true and correct.
2. That this Resolution is adopted following a public hearing at a regularly scheduled meeting of the School Board for which a minimum of two weeks public notice has been duly given.
3. That pursuant to Government Code section 4217.12, and based upon all available information, including but not limited to the attached analysis at **EXHIBIT A**, other reports, analysis and presentations by DISTRICT Staff, reviewed by the Board in connection herewith, and pursuant to Government Code section 4217.12, the Board hereby determines that the cost of the Energy Services Contract to the DISTRICT for the conservation services provided thereunder is less than the anticipated marginal cost to the DISTRICT of other energy that would have been consumed by the DISTRICT in the absence of the Energy Services Contract and that it is in the best interests of the DISTRICT to enter into the Energy Service Contract with VENDOR to implement the Natatorium Project.
4. The DISTRICT's Superintendent, and designees of the Superintendent, are hereby authorized to enter into the Energy Service Contract with VENDOR, in substantially the form on file with the Superintendent (with such changes therein as may be approved by the Superintendent not inconsistent with the intent of this Resolution), and to do all things that are necessary and proper to carry out or give effect to this Resolution, and take all steps and perform all actions necessary to enter into the Energy Service Contract with VENDOR, and to take any actions deemed necessary to protect the best interests of the DISTRICT.

PASSED AND ADOPTED by the Governing Board of the Berkeley Unified School District at a regular meeting held on June 23, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED: \_\_\_\_\_

BERKELEY UNIFIED SCHOOL DISTRICT,

By: \_\_\_\_\_  
President, Board of Trustees

I, \_\_\_\_\_, Clerk of the Board of Trustees, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Board of Trustees of the Berkeley Unified School District at the regular meeting on June 23, 2021, which resolution is on file in the office of said Board.

DATED:

SIGNED:

\_\_\_\_\_  
Clerk, Board of Trustees

**EXHIBIT A**  
**Energy Cost Savings Analysis**

Schneider Electric Buildings America, Inc. ("Schneider") proposes to enter into an energy savings agreement ("Agreement") with the Berkeley Unified School District ("District") for the proposed energy savings project at the Berkeley High School pool complex.

Schneider and District have had several meetings to discuss the proposed project scope and Schneider has performed a preliminary evaluation of the site.

- The parties anticipate that the Contract Price for the project will be approximately \$8.9 million. The final Contract Price and final project scope details will be agreed upon in an amendment to the Agreement to be executed after the design phase.
- Schneider has reviewed certain utility (i.e. electricity and gas) and other ancillary invoices and documents from the past 26 months provided by District to Schneider for the site. Without the proposed project, Schneider estimates the District is expected to spend approximately \$548,000 on average each year on utility purchases for the site. Upon completion of the project, Schneider estimates that the District's remaining utility purchases for the site will be approximately between \$413,000 and \$473,000 on average each year.
- Based on Schneider's preliminary analysis, including its calculation of the difference between the estimated annual utility purchases without the proposed project and the estimated annual utility purchases following completion of the proposed project as stated above, the energy, operations and maintenance savings for this project are estimated to be approximately between \$80,000 to \$150,000 per year.
- As Schneider has not yet conducted the design phase of the project and as the parties have not yet determined the final scope of the construction phase of the project, these numbers are preliminary estimates only.

The final energy, operation and maintenance savings for this project will be confirmed after the design phase. However, based on Schneider's initial evaluation, it is estimated that the District's energy, operations, and maintenance savings will fall somewhere between \$80,000 to \$150,000 per year with the implementation of this project, and thus, the project complies with the requirements of California Government Code section 4217.12.