

RESOLUTION NO. 15-16-29

A RESOLUTION OF THE BOARD OF EDUCATION
OF THE IRVINE UNIFIED SCHOOL DISTRICT

TO ENTER INTO AN ENERGY SERVICE CONTRACT
WITH EMCOR SERVICES – MESA ENERGY SYSTEMS, INC.
FOR DESIGN, INSTALLATION, AND COMMISSIONING
OF HVAC AT UNIVERSITY HIGH AND WESTPARK ELEMENTARY SCHOOLS
(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, the District staff received six (6) proposals that were due at 3:00 pm on February 10, 2016 from its Request for Qualifications and Request for Proposals for HVAC Retrofit Design-Build Services at University High and Westpark Elementary Schools (RFQ/RFP No. 15/16-0001MO) and a committee comprised of six (6) members reviewed, evaluated, and scored all proposals using the following components: Proposal Completeness 5%, Proposed Design 25%, Project Phasing Schedule 20%, Pricing 30%, and Project Management Plan 20%; and

WHEREAS, based upon the Energy Analysis and presentation by District staff and its consultants, the cost to the District for EMCOR Services – Mesa Energy Systems, Inc. to provide and install the Energy Conservation Measures 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, EMCOR Services – Mesa Energy Systems, Inc. has represented to the District certain procedures for the design and installation of energy conservation measures as defined in Government Code section 4217.11; and

WHEREAS, the District has determined that the District's payment to EMCOR Services – Mesa Energy Systems, Inc. is anticipated to be offset by below-market energy purchases or other benefits provided under the terms of an energy conservation services design, installation, and commissioning contract with EMCOR Services – Mesa Energy Systems, Inc. ("Contract") pursuant to Government Code section 4217.12(a)(2); and

WHEREAS, on March 15, 2016, 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 service contract with EMCOR Services – Mesa Energy Systems, Inc. to provide, install, and maintain the Energy Conservation Measures pursuant to the terms and conditions of the Contract.

NOW, THEREFORE, the Governing Board of the Irvine Unified School District FINDS, DECLARES, RESOLVES and ORDERS as follows:

1. The district held a public hearing on March 15, 2016 at a regularly scheduled meeting of the Board for which notice was advertised on February 28, 2016.

2. The District was notified on December 22, 2015 that the CEC approved the District's 2015/16 Energy Expenditure Plan in the total amount of \$5,307,404.00 which will fund the energy service contract.

3. Pursuant to Government Code section 4217.12, the anticipated cost to the District for the energy conservation measures under the proposed energy service contract with EMCOR Services – Mesa Energy Systems, 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.

4. The District's payment to EMCOR Services – Mesa Energy Systems, Inc. is anticipated to be offset by below-market energy purchases or other benefits provided under the Contract.

5. Based upon all available information, including but not limited to evaluations and analysis of EMCOR Services – Mesa Energy Systems, 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 service contract with EMCOR Services – Mesa Energy Systems, Inc.

6. The District's superintendent and designees are authorized to enter into an energy service contract with EMCOR Services – Mesa Energy Systems, 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 Irvine Unified School District at its regularly scheduled meeting held on the 15 day of March 2016.

President of the Board of Education
Irvine Unified School District

ATTEST:

Clerk of the Board of Education of the
Irvine Unified School District

CLERK'S CERTIFICATE

I, Ira Glasky, Clerk of the Board of Education of the Irvine Unified School District, hereby certify that the foregoing is a full, true and correct copy of a resolution duly adopted at a regular meeting of said Board of Education duly and regularly held on March 15, 2016, of which meeting all of the members of said Board of Education had due notice and at which a majority thereof were present; and that at said meeting said resolution was adopted by the following vote:

AYES:

NOES:

ABSENT OR NOT VOTING:

An agenda of said meeting was posted at least 72 hours before said meeting at 5050 Barranca Parkway, Irvine, California, a location freely accessible to members of the public, and a brief general description of said resolution appeared on said agenda.

I further certify that I have carefully compared the same with the original minutes of said meeting on file and of record in my office; that the foregoing resolution is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and that said resolution has not been amended, modified or rescinded since the date of its adoption, and the same is now in full force and effect.

Dated: _____, 2016

Clerk of the Board of Education of the
Irvine Unified School District