

ENERGY PERFORMANCE CONTRACT FOR Nevada County

CONTRACT STRUCTURE

Overall Contract Agreement

INSTALLATION PHASE

Agreement “1” – Non-Solar Installation Agreement

Attachment “A” – Scope of Work

Attachment “B” - Lighting Summary

Attachment “C” – Mechanical Equipment Schedule

Attachment “D” – Technical Appendix

Attachment “E” – Project Costs

Agreement “2” – Solar Installation Agreement

Exhibits A thru G

OPERATING PHASE

Agreement “3” – Solar Performance Guarantee Agreement

Exhibits A thru D

Agreement “4” – M&V Agreement (non-solar)

Attachment “A” – Lighting System Upgrade

Attachment “B” – Utility Baseline Summary

Attachment “C” – Standards of Operations

Agreement “5” – Solar Operations and Maintenance Agreement

Insurance Annex

Exhibits A and B

ENERGY PERFORMANCE CONTRACT

This Contract dated April 12, 2016 (“Effective Date”) is made by and between:

County of Nevada (“Purchaser”)
with its principal place of business at
950 Maidu Avenue
Nevada City, CA 95959
and
Climatec LLC
With its principal place of business at
18002 Cowan
Irvine, CA 92614-6812

This Contract is comprised of the five (5) Agreements included in this document. The Agreements together define all of the required areas of responsibility within the Nevada County Energy Conservation and Solar Energy Generation Project (“the Project”). The Project is made up of two phases – Installation Phase and Operating Phase. Responsibility for project coordination for all services and activities through the completion of the Installation Phase of the project resides with Climatec LLC. All warranty obligations are the obligation of either SunPower or Climatec LLC, depending on the equipment or system involved. The price of the non-solar portion of the project is \$2,385,597.00. The price of the solar portion of the project is \$9,699,154.00.

The Operating Phase follows immediately after the Installation Phase. Climatec LLC will be solely responsible for the Measurement and Verification and the savings guarantee related to the non-solar portion of the project and SunPower will be solely responsible for the Operations and Maintenance Agreement and Solar Performance Guarantee Agreement for the solar portion of the project.

The terms and conditions of the overall project are dependent on the project phase and type of work being done. Each of the five Agreements contain the terms and conditions that apply to that specific work. Payment terms are delineated in each of the agreements.

All terms and conditions of the Agreements are conditioned upon the Purchaser obtaining financing to carry out the work described therein. In the event that Purchaser does not obtain financing at a rate and under terms that make the Project cost effective, Purchaser will not issue a Notice to Proceed for the work and neither Purchaser, Climatec LLC nor SunPower will be obligated to fulfill the obligations as described in the Agreements.

Overall project management during the installation phase of the project will be performed by Climatec LLC. Both Climatec LLC and SunPower will provide project management for their work, and coordination and supervision of the overall installation phase will be by Climatec LLC.

CLIMATEC LLC:

COUNTY OF NEVADA:

Name:
Title:

Honorable Dan Miller
Chair, Board of Supervisors

Dated: _____

Dated: _____

Licensed in accordance with an act providing for the
registration of Contractors
License Number: _____
Fed. Tax ID No: _____

Attest:

Julie Patterson Hunter
Clerk of the Board

Dept. of Industrial Relations
Registration No.: _____

Approved as to form:
By: _____
County Counsel

SUNPOWER:

Name:
Title:

Dated: _____

Licensed in accordance with an act providing
for the registration of Contractors

License Number: _____

Fed. Tax ID No: _____

Dept. of Industrial Relations

Registration No.: _____