



RESOLUTION No. 16-175

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION APPROVING AND AUTHORIZING THE CHAIR OF THE BOARD TO EXECUTE AN ENERGY PERFORMANCE MASTER CONTRACT WITH CLIMATEC LLC AND SUNPOWER CORPORATION, SYSTEMS TO IMPLEMENT A PROGRAM OF ENERGY CONSERVATION AND SOLAR ENERGY GENERATION AT VARIOUS NEVADA COUNTY FACILITIES

WHEREAS, Nevada County has followed the process provided for in California Government Code §4217 to procure the services of a qualified Energy Services Company, and through that process has selected Climatec LLC (“Climatec”); and

WHEREAS, Climatec has completed a comprehensive energy assessment of County facilities, and has recommended a Program comprising energy conservation measures and development of solar energy generation facilities at various County-owned properties; and

WHEREAS, the anticipated cost of the proposed energy program is less than the anticipated savings to the County for energy projected to be used in the facilities benefitting from the Program over the useful life of the proposed improvements; and

WHEREAS, a Notice of Public Hearing has been published in accordance with California Government Code Section 4217.12.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Board of Supervisors approves and authorizes the Chair of the Board to execute, in substantially the form attached hereto, an Energy Performance Master Contract between the County of Nevada, Climatec LLC, and SunPower Corporation, Systems (“SunPower”) providing for Climatec LLC to coordinate an Energy Conservation and Solar Energy Generation Program for which Climatec will be engaged by the County under separate Agreements to implement energy conservation measures, to perform measurement and verification services on said energy conservation measures, and to guarantee that the measures result in the anticipated level of energy cost savings to the County; and for which SunPower will be engaged by the County under separate Agreements to implement five solar energy generation projects, to perform operations and maintenance services on the completed solar projects, and to guarantee that the solar projects result in the anticipated level of energy cost savings to the County.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 26th day of April, 2016, by the following vote of said Board:

Ayes: Supervisors Nathan H. Beason, Edward Scofield, Dan Miller, Hank Weston and Richard Anderson.

Noes: None.


Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

By: 


Dan Miller, Chair

4/26/2016 cc: IGS*
AC*(hold)

7/1/2016 cc: IGS*
AC*(release)
Climatec LLC
Sunpower Corp

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

Exhibits A and B

ENERGY PERFORMANCE CONTRACT

This Contract dated April 26, 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
and

SunPower Corporation, Systems ("SunPower")
With its principal place of business at
1414 Harbour Way South
Richmond, CA 94804

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 Purchaser obtaining financing to carry out the work described therein. In the event that Purchaser does not obtain financing at rates 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 their 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:

Name: Steve Siverson
Title: Vice President

Dated: 5/18/16

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

License Number: 991066

Fed. Tax ID No: 86-0945853

Dept. of Industrial Relations
Registration No.: 1000001265

COUNTY OF NEVADA:

Honorable Dan Miller
Chair, Board of Supervisors

Dated: 6-29-16

Attest: Julie Patterson Hunter
Julie Patterson Hunter
Clerk of the Board

Approved as to form:
By: Alison Barrera
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.: _____

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CLIMATEC LLC:

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.: _____

COUNTY OF NEVADA:




Honorable Dan Miller

Chair, Board of Supervisors

Dated: 6-29-16

Attest:



Julie Patterson Hunter

Clerk of the Board

Approved as to form:

By: 

County Counsel

SUNPOWER.


Name: William Kelly

Title: Vice President, Commercial Americas

Dated: MAY 26, 2016

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

License Number: 890895 Fed. Tax ID No: 20-8248962

Dept. of Industrial Relations Registration No.: 1000012065