



MT. DIABLO UNIFIED SCHOOL DISTRICT GOVERNING BOARD
RESOLUTION 21/22-49

Authorizing Turnkey Design and Construction for District-Wide Building Automation Heating, Ventilation, and Air Condition (HVAC) Systems and Lighting (REF 1896)

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 efficient practices for use in the District; and

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

WHEREAS, Government Code sections 4217.10 through 4217.18 authorize the District’s Governing 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”) through a Request for Qualification #1896 (RFQ); and

WHEREAS, based on the RFQ, Contractor has provided a proposal for a Turnkey Design and Construction District-Wide Building Automation Heating, Ventilation, and Air Condition (HVAC) Systems and Lighting project (“Proposal”), included in *Exhibit A*; and

WHEREAS, District plans to use funding available from a combination of available funding from Measure J, Measure C, ESSER II, ESSER III, in order to implement the energy efficiency, 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 of the Contract 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 sources of funds, including savings and other District funds.

PASSED AND ADOPTED by the Board of Education of the Mt. Diablo Unified School District, following a public hearing, at a regular meeting held on February 2, 2022, by the following vote:

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

Resolution 21/22-49

Adopted at the meeting of the MDUSD Governing Board of Education on 02/02/2022

Exhibit A
Proposal for Turnkey Design and Construction for District-Wide Building Automation Heating, Ventilation, and Air Condition (HVAC) Systems and Lighting (REF 1896)

Schneider Electric Will:

- A. Conduct a detailed audit all District facilities to identify lighting, building automation systems and HVAC needs and improvement potential
- B. Conduct a project programming meeting, facility walk-through(s) and personnel interview(s) to gain an understanding of facility operations, concerns, needs, and desired performance criteria.
- C. Work with Customer to refine performance requirements, financial criteria, and Project scope.
- D. Provide customer an energy, revenue, and cost savings analysis demonstrating the ROI effect of project finances and operations.
- E. Provide customer a Net Present Value lifecycle financial analysis cash flow.
- F. Provide an energy analysis report sufficient to demonstrate that the anticipated cost to Customer of the recommended project developed will be less than the anticipated marginal cost to Customer of thermal, electrical, or other energy that would have been consumed by Customer in the absence of the Project in accordance with Government Code section 4217.10 et seq.
- G. Provide Customer with a Project Proposal setting forth the following:
 - (i) Proposed Scope of Construction Work
 - (ii) Proposed Preliminary Construction Schedule
 - (iii) Proposed lump-sum Construction Fee
 - (iv) Proposed Savings Plan:
 - A proposed form of Performance Assurance Support Services Agreement
 - A proposed Performance Guarantee
 - A proposed Measurement & Verification (“M&V”) Plan
 - A proposed schedule of Customer Responsibilities for Performance Guarantee

Phases of Design

The Design Scope of Work shall consist of two phases: Conceptual Development (Up to Mid-Term Design Meeting) and Design Development (up to Design Completion Meeting).

- A. Conceptual Development (Project Scoping)
 - (i) At the Mid-term meeting, Design/Builder shall demonstrate for Customer whether recommended improvement measures are viable and whether financial benefits (including grants) can be derived by their implementation in an amount sufficient to cover costs associated with the Project.

(ii) Scope of work includes a description of the Energy Conservation Measures (ECM), Energy Generation Measures (EGM) and/or Facility Improvement Measures (FIM), a clear understanding of grant criteria and estimated probability of securing grants, calculation of energy and operational savings, and preliminary costs for the construction of the scope.

B. Design Development (Design Completion)

(i) At the Design Completion Meeting, Design/Builder shall provide Customer with a Project Proposal setting forth:

- A proposed final Scope of Construction Work (detailing any included ECMs, EGMs and/or FIMs);
- A proposed Preliminary Construction Schedule;
- The proposed Project Fee;
- If applicable, any proposed energy and/or other operational savings guarantees

Total cost of the Design portion of this project will not exceed \$385,000

Exhibit B

Energy Cost Savings Analysis

Both MDUSD and Schneider Electric are proposing to work under a Design-Build contract with a design budget of \$385,000 to fully develop the scope measures of Lighting, HVAC and Controls/Energy Management into two phases of turnkey, shovel ready projects. They include

- (1) An internal/external LED lighting retrofit; and
- (2) Non-DSA HVAC replacements and Control Systems

These two projects will substantially reduce energy demand and usage across all of MDUSD's school campuses and district sites. Upon construction completion of this initiative, SchneiderElectric's preliminary analysis has estimated that the total utility savings is roughly \$1,300,000 annually.

- The Design Phase within the overall initiative, will be broken into two separate projects as stated above. Each phase will include a contract amendment for construction
- Schneider Electric has reviewed utility data for all electric and gas meters at MDUSD going back 24 months prior to COVID. This utility information was provided by the District to Schneider for all of the District's sites. Currently MDUSD is spending approximately \$2,200,000 on electric and gas utilities. Upon completion of the project, Schneider anticipates that the electrical and gas utility savings for this project are expected to be \$900,000 per year. The estimated annual electric utility savings was determined by projecting the reduction of electricity and gas by utilizing a factor of more efficient lighting and mechanical systems with improved controls as it relates to District occupancy schedules.
- Schneider Electric will also utilize applicable rebates and incentives relative to our project scope from both State and Local programs as well as PG&E. This application management is included in the design phase scope of work.

The final electric utility savings for this project will be confirmed upon DSA approval and completion of the design phase. Based on Schneider's evaluation and the anticipated savings stated above, this project complies with the requirements of California Government Code section 4217.12.