

**BOARD MEETING DATE:** January 25, 2021

**FOR ACTION**

**SUBJECT:** Resolution 21-18 Affirming Compliance with CA Government Code 4217.10 *et seq.* Regarding Energy Service Contracts and Authorizing Execution of a Contract with General Lighting Service, Inc. for Construction of Solar Photovoltaic Projects at Mountain View High School and Los Altos High School.

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**BACKGROUND INFORMATION:** Section 4217.12 of the California Government Code authorizes public agencies to enter into energy service contracts on such terms as their governing bodies determine are in the best interests of the agency if the anticipated cost to the agency for energy services under the energy services contract will be less than the anticipated marginal cost to the agency of energy that would have been consumed by the agency in the absence of those purchases. The agency's determination of compliance with the above requirements must be made at a regularly scheduled public hearing, public notice of which is given at least two weeks in advance. In addition, in lieu of utilizing a competitive hard bid process to select the contractor to construct alternative energy projects, Government Code section 4217.10 *et seq.* authorizes the use of an informal request for proposals process.

**REPORT/PROPOSAL:** Consistent with the Government Code, the District requested proposals from qualified contractors to construct solar photovoltaic projects at Mountain View High School and Los Altos High School ("Solar Projects") and, based on the overall proposed cost of the Solar Projects and cost-savings, among other factors, selected General Lighting Service, Inc. to construct the Solar Projects. On January 11, 2021, the District posted notice of a public hearing.

Once the Solar Projects are completed at an anticipated total project cost of \$608,792, the District is anticipating savings of approximately \$28,761 during the first year. Solar photovoltaic panels have a standard manufacturer warranty of twenty-five (25) years; and are estimated to generate approximately \$1,038,347 in energy cost-savings over the 25-year life of the panels. Estimated payback of the project costs in energy cost savings for the Solar Projects is between seventeen (17) and eighteen (18) years. Based on the energy cost savings information provided above, the cost of constructing the Solar Projects at the proposed sites under a contract with General Lighting Service will be offset and will be less than the anticipated marginal cost to the District of electrical or other energy that would have been consumed by the District if the Solar Projects were not completed.

**FINANCIAL IMPACT:** The total estimated cost of the Solar Project is \$608,792 and project costs will be paid from Measure E General Obligation Bond proceeds.

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**SUPERINTENDENT'S RECOMMENDATION:** That the Board of Trustees adopt Resolution 21-18 affirming compliance with state Government Codes regarding energy service contracts and authorizing execution of a construction contract with General Lighting Service in the amount of \$608,792.

## MOUNTAIN VIEW LOS ALTOS HIGH SCHOOL DISTRICT

### **Resolution 21-18 Affirming Compliance with CA Government Code 4217.10 *et seq.* Regarding Energy Service Contracts and Authorizing Execution of a Contract with General Electric Service for Construction of Solar Photovoltaic Projects at Mountain View High School and Los Altos High School**

**WHEREAS**, California Government Code Section 4217.10 *et seq.* authorizes a public agency, including county offices of education, to utilize an informal procurement process, such as a request for proposals, to contract for energy services if its governing body determines, at a regularly scheduled public hearing, public notice of which is given at least two weeks in advance, that the anticipated cost to the agency for alternative energy project will be less than the anticipated marginal cost to the agency of electrical energy that would have been consumed by the agency in the absence of the energy services contract; and

**WHEREAS**, the Mountain View Los Altos High School District (“District”) desires to construct solar photovoltaic projects at Mountain View High School and Los Altos High School which consist of new roof mounted solar photovoltaic structures (“Solar Projects”) in order to generate energy cost savings and meet the sustainability goals of the District; and

**WHEREAS**, the District requested proposals from qualified contractors to construct the Solar Projects and, based on the overall proposed Project cost and cost-savings, among other factors, selected General Lighting Service to construct the Solar Projects; and

**WHEREAS**, in accordance with Government Code section 4217.10 *et seq.*, on January 11, 2021, the District posted notice at all the District Schools and the District Office of a public hearing at which the Board of Trustees (“Board”) would consider this Resolution; and

**WHEREAS**, the total cost of the Solar Project is approximately \$608,792 (including cost of first five years maintenance); and

**WHEREAS**, solar photovoltaic panels have a standard manufacturer warranty of twenty-five (25) years and over the twenty-five (25) year life of the Solar Projects, the Solar Projects are estimated to generate approximately \$1,038,347; in energy cost-savings; and

**WHEREAS**, based on the energy cost savings to be generated by the proposed solar projects, the cost of constructing the Solar Projects under a contract with General Lighting Service will be offset and will be less than the anticipated marginal cost to District of electrical or other energy that would have been consumed by District if such the Solar Projects were not completed; and

**WHEREAS**, the Board has considered all comments received at the public meeting on January 25, 2021 prior to adoption of this Resolution; and

**WHEREAS**, all other legal prerequisites to the adoption of this Resolution have been met;

**NOW, THEREFORE, BE IT RESOLVED**, that per California Government Code section 4217.10 et seq., the District Board hereby finds as follows:

1. All of the recitals set forth above are true and correct.
2. This Resolution is adopted following a public hearing at a regularly scheduled meeting of the Board for which a minimum of two weeks' public notice has been duly given.
3. Pursuant to Government Code section 4217.12, the cost of the Solar Projects contemplated by the contract with General Lighting Service will be offset and will be less than the anticipated marginal cost to District of electrical or other energy that would have been consumed by District if such Solar Projects were not completed.
4. The Board approves the Solar Projects.
5. The Superintendent or delegate is hereby authorized to do all things that are necessary to give effect to and comply with the terms and intent of this Resolution, including but not limited to, the finalization and execution of the contract with General Lighting Service. The Superintendent may designate and delegate to other District management personnel, as deemed necessary, tasks associated with the negotiating, drafting, and/or preparing of a contract and any related documents.
6. The Board directs that all documents and other materials constituting the record of proceedings for approval of the Solar Projects be maintained by the Superintendent or delegate at 1299 Bryant Ave., Mountain View, CA 94040.

**AND BE IT FINALLY RESOLVED**, that this Resolution shall take effect immediately upon its passage.

**PASSED AND ADOPTED** this 25th day of January, 2021, by the following vote of the Board:

AYES:

NOES:

ABSENT:

ABSTAIN:

I certify that the foregoing resolution was duly introduced, passed, and adopted as stated.

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[Name Here]  
Board President