

RESOLUTION NO. 2688

EAST NORRITON TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

A RESOLUTION BY THE BOARD OF SUPERVISORS OF EAST NORRITON TOWNSHIP AUTHORIZING PARTICIPATION IN THE INVESTMENT GRADE AUDIT PHASE OF THE DELAWARE VALLEY REGIONAL PLANNING COMMISSION'S REGIONAL STREETLIGHT PROCUREMENT PROGRAM

WHEREAS, East Norriton Township is located in Montgomery County, Pennsylvania (the "Township") and constitutes a "governmental unit" as such term is defined under Pennsylvania's Guaranteed Energy Savings Act (62 Pa C.S. §3751 *et seq.*) (the "Act"); and

WHEREAS, the Delaware Valley Regional Planning Commission ("DVRPC") has established a Regional Streetlight Procurement Program (the "**Program**") to facilitate the implementation of energy conservation measures ("**EMCs**") as such term is defined under the Act; and

WHEREAS, the Township, has participated in the Program solicitation process and desires to implement some or all of the EMCs identified in a report dated April 20, 2016 ("**Preliminary Audit**") prepared by Johnson Controls, Inc. ("**JCI**") and seeks to appoint a "qualified provider," as such term is defined under the Act, to evaluate, recommend, design, implement, and install the various ECMs as a result of the Township's participation in the Program (the "**Project**"); and

WHEREAS, both the Township and JCI have mutual interest in entering into a "guaranteed energy savings contract" for the evaluation, recommendation, and implementation of ECMs for the Project (the "**Guaranteed Savings Agreement**"); and

WHEREAS, the Preliminary Audit, available for public inspection, summarizes estimates of the installation costs and debt service, as well as estimates of the amounts by which energy, operating and maintenance costs will be reduced ("**Savings**"), for each ECM; and

WHEREAS, after reviewing the Preliminary Audit, the Township has found that the costs to implement some or all of the identified ECMs will not exceed the corresponding Savings resulting from those ECMs within a period not to exceed 20 years from the date of final installation, provided all recommendations were followed, which is in accordance with the Act; and

WHEREAS, JCI desires to perform a comprehensive investment grade energy use and savings analysis, including accompanying schedules (the "**Investment Grade Audit**") for the Township that will specify the ECMs for the Project; and

WHEREAS, under the terms of the Guaranteed Savings Agreement, JCI will have completed an Investment Grade Audit under which JCI will guarantee that, through its participation in the Program, the Township will realize energy savings as a result of the Project that will meet or exceed 90% of the per unit energy savings projected in the Preliminary Audit during the period commencing at the installation of the ECMs and running until the bonds issued to finance the Project are paid in full; and

WHEREAS, under the terms of the Guaranteed Savings Agreement, if JCI conducts an Investment Grade Audit, or portions thereof, that meets the requirements of the preceding paragraph, the Township will have an obligation to pay JCI the associated ESCO break fees as outlined in the Guaranteed Savings Agreement incurred in connection with conducting the Investment Grade Audit but the Township will have no obligation to proceed with the Project at any time prior to the date on which it agrees to the final schedules to the Guaranteed Savings Agreement (the “**Schedules**”), and, in its sole discretion, may determine whether or not to proceed with the Project until such time as it approves such Schedules.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby authorizes the Township to participate in the Program and hereby appoints JCI as its qualified provider and will make its Preliminary Audit publicly available; and it is

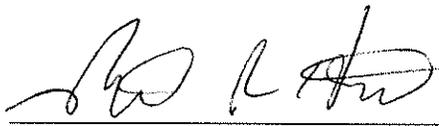
FURTHER RESOLVED that the Board of Supervisors hereby authorizes the Township to participate in the Investment Grade Audit phase of the Program and to enter into the Guaranteed Savings Agreement with JCI, subject to satisfactory review and recommendation by the Township Solicitor and any changes to the Guaranteed Savings Agreement shall be conclusively established by the execution of said agreement by the Township Manager or his designee; and it is

FURTHER RESOLVED that the Board of Supervisors hereby authorizes and directs the Township Manager, or his designee, to take all such further actions and to execute and deliver all such instruments and other documents as necessary or appropriate to enable the Township to carry out the intent and purposes of the foregoing resolutions and the transactions contemplated thereby.

DULY PRESENTED AND ADOPTED by the Board of Supervisors of East Norriton Township, Montgomery County, Pennsylvania, in a public meeting held this 26th day of April, 2016.



ATTEST:



Robert R. Hart, Secretary

BOARD OF SUPERVISORS
EAST NORRITON TOWNSHIP

By: 

Tina Howell, Chairwoman