

RESOLUTION NO. .

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

* * * * *

ADOPT A RESOLUTION MAKING FINDINGS REQUIRED BY GOVERNMENT CODE SECTION 4217.12 AND AUTHORIZING A SOLAR ENERGY POWER PURCHASE AGREEMENT BETWEEN THE COUNTY AND FFP BTM SOLAR, LLC FOR DESIGN, INSTALLATION, OPERATION, AND MAINTENANCE OF SOLAR PHOTOVOLTAIC SYSTEM ON SAN MATEO COUNTY PARKING STRUCTURE 2

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that

WHEREAS, the County of San Mateo (County) is committed to the adoption and implementation of energy conservation measures as defined in Government Code Section 4217.11 at County facilities including clean and efficient energy system such as photovoltaic systems; and

WHEREAS, on August 28, 2020, the County, through the County Manager's Project Development Unit (PDU), issued a Request for Proposals (RFP) for a Power Purchase Agreement (PPA) for the design, installation, operation, and maintenance of a solar photovoltaic system (Energy Conservation Measures) at the San Mateo County Parking Structure 2 (the Facility); and

WHEREAS, in response to the RFP, the County received and evaluated three proposals, conducted interviews, and selected FFP BTM Solar, LLC (Forefront) as the best value provider of the elements provided for in the PPA based upon, inter alia, PPA price, lifetime energy cost savings, vendor experience and qualifications, system design, system components, system performance, schedule, maintenance program, performance guarantee, local business participation, and overall thoroughness of Proposal and responsiveness to this RFP; and

WHEREAS, the County, its consultant Sage Renewables Inc., and Forefront have analyzed the energy needs at the Facility and have concluded that the installation and construction of the Energy Conservation Measures at the Facility will result in an anticipated reduction in energy consumption or demand that will result in net cost savings to the County; and

WHEREAS, based upon the analysis provided by County staff and its consultants, the cost to the County for Forefront to design, install, construct, and maintain the Energy Conservation Measures will be less than the anticipated marginal cost to the County of thermal, electric, or other energy that would have been consumed by the County in the absence of the Energy Conservation Measures; and

WHEREAS, Government Code section 4217.12 (a) authorizes a public agency to enter into an energy services contract if the determination is made at a regularly scheduled public hearing, public notice of which is given at least two weeks in advance, that the anticipated cost to the public agency for thermal or electrical energy or conservation services provided by the energy conservation facility under the contract will be less than the anticipated marginal cost to the public agency of thermal, electrical, or other energy that would have been consumed by the public agency in the absence of those purchases; and

WHEREAS, the County is a public agency and the Board its governing body; and

WHEREAS, on this date, pursuant to Government Code section 4217.10 *et seq.*, this Governing Board held a public hearing with respect to the County entering into an agreement with Forefront and the determination of this Resolution is based on the information and findings from that hearing; and

WHEREAS, a copy of the draft form of Power Purchase Agreement, which includes a performance guarantee from Forefront, is attached hereto as Attachment A and incorporated herein and the final form of agreement will be substantially similar to the attached draft after PDU finalizes any remaining details; and

WHEREAS, the County desires to retain Forefront to provide, install and construct the Energy Conservation Measures pursuant to the terms and conditions of the draft PPA as attached as Attachment A; and

WHEREAS, on June 5, 2018, the San Mateo County Board of Supervisors certified the Final Environmental Impact Report (FEIR) for the County Government Center Campus, including the Parking Structure 2 Project and associated renewable energy infrastructure, and the Director of the Project Development Unit has reviewed

the Energy Conservation Measures and determined that they are also each independently categorically exempt from the provisions of CEQA.

NOW, THEREFORE BE IT RESOLVED that this Board makes the following findings:

1. That County held a public hearing at a regularly scheduled Board meeting.
2. Based upon reports of staff, reviewed by this Board in connection herewith, and pursuant to Government Code Section 4217.12, this Board finds the anticipated cost to the County for Energy Conservation Measures provided pursuant to the terms of the draft PPA attached as Attachment A will be less than the anticipated marginal costs to the County of thermal, electrical or other energy that would have been consumed by the County in the absence of such purchase.
3. It is in the best interests of the County to enter into a PPA in form substantially similar to the draft set forth in Attachment A, subject to revisions approved by staff and counsel consistent with the intents and interests of this Resolution.

BE IT FURTHER RESOLVED that:

1. The President of the Board be and is hereby authorized and directed to execute the PPA with Forefront, subject to revisions approved by staff and legal counsel consistent with the intents and interests approved in this Resolution, and the Clerk of this Board shall attest the President's signature thereto.
2. The Director of the Project Development Unit or designee is authorized to take such actions as are necessary, including the execution of any additional agreements to carry out the intent of these resolutions and to execute amendments to the PPA which modify the contract terms and/or services so long as the modified terms or services is/are written within the current or revised fiscal provisions.
3. The Director of the Project Development Unit is authorized, should the Director determine it necessary or convenient, to file a Notice of Exemption from CEQA.