



# MT. SAN ANTONIO COLLEGE

## SPECIAL MEETING OF THE BOARD OF TRUSTEES

**Wednesday, September 16, 2015**

**6:30 p.m. - Public Session**

**Founders Hall, 1100 North Grand Avenue, Walnut, CA 91789**

**Welcome** to a meeting of the Mt. San Antonio College Board of Trustees. If you wish to address the Board for any reason, please fill out one of the cards available on the table and give it to the Board Secretary. Those requesting to speak on an agenda item will be called upon at the time the item is under consideration. Anyone wishing to speak to items not on the agenda will be called upon under the "Communication" section. *Comments are limited to no more than three minutes per person.*

## AGENDA

*From time-to-time, writings that are public records which are related to open session items on an agenda for a regular meeting may be distributed to Trustees after the posting of the agenda. Whenever this occurs, such writings will be available for public inspection in the Office of the President, located in Founders Hall, between the hours of 7:30 a.m. and 4:30 p.m.*

**CALL TO ORDER (6:30 p.m.)**

## PUBLIC COMMUNICATION

**At this time, the Board of Trustees will listen to communication from the public on matters that are not on the Agenda. Under provisions of the Brown Act, the Board is prohibited from discussing or taking action on oral requests that are not part of the Agenda. Comments are limited to no more than three minutes per person.**

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*The Board reserves the right to modify the order of business in the manner it deems appropriate. Closed session shall not extend past the designated time; but, should the business considered in closed session require additional time, the Board shall reserve time after the public meeting to continue discussion.*

## **ACTION ITEM**

The item listed under “Action” will be discussed and acted on separately by the Board of Trustees.

1. Consideration of approval of Resolution No. 15-01 - Assessment, Design, Installation, and Operation and Maintenance of a Photovoltaic Solar System (West Parcel Solar Project – Request for Qualifications/Request for Proposal No. 3005) (Revised); and authorize the College to negotiate, prepare, and enter into a Design-Build Agreement for the design, procurement, installation, and construction of the system, and a separate ongoing Operations and Maintenance Agreement with Borrego Solar Systems, Inc. (See backup packet Pages 1 through 7.)

## **ADJOURNMENT**

### **Future Board Meetings**

October 21, 2015  
November 11, 2015  
December 9, 2015

It is the intention of Mt. San Antonio College to comply with the Americans with Disabilities Act in all respects. Any person with a disability may request that this agenda be made available in an appropriate alternative format. A request for a disability-related modification or accommodation may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting, to the President's Office, 1100 North Grand Avenue, Walnut, CA 91789, 909.274.4250, 7:30 a.m. to 4:30 p.m., Monday-Friday, at least 48 hours prior to the meeting.

**BOARD OF TRUSTEES  
MT. SAN ANTONIO COLLEGE**

**DATE:** September 16, 2015

**ACTION**

**SUBJECT:** Resolution No. 15-01 – Assessment, Design, Installation, and Operation  
and Maintenance of a Photovoltaic Solar System (West Parcel Solar  
Project – Request for Qualifications/Request for Proposal No. 3005)  
(REVISED)

**BACKGROUND**

On July 8, 2015, the Board of Trustees approved a design-build agreement for the purchase and installation of a ground-mount solar photovoltaic system. This item is being resubmitted for approval of an increase to the allowance and to allow the opportunity for the Board of Trustees to hold a Public Hearing on this matter.

This project is for a design-build agreement for the purchase and installation of a ground-mount solar photovoltaic system which will provide approximately two megawatts of clean power for the campus, and an operation and maintenance agreement for the operation, maintenance, and repair of the system. The new solar field will be located on the property southwest of Grand and Temple Avenues, adjacent to the main campus. This project was originally approved as part of the Mt. San Antonio College Facility Master Plan 2012 (2012 Master Plan) dated February 18, 2013, and received California Environmental Quality Act (CEQA) lead agency clearance by the Board of Trustees' certification of the 2012 Master Plan's Subsequent EIR on December 11, 2013, under Agenda Item No. 18. The project, as currently designed, could have significant effects on the environment; however, all potentially significant effects have been analyzed in the 2012 Master Plan EIR (SCH 2002041161) pursuant to applicable standards and have been avoided or mitigated pursuant to the 2012 Master Plan EIR including mitigation measures that were adopted in the 2012 Mitigation Monitoring Program that are applicable to the project. For these reasons, no additional environmental analysis is required under CEQA.

This design-build and operations and maintenance procurement is authorized by Government Code §§ 4217.10 *et seq.*, and more specifically Government Code §4217.12(a), which authorizes a public agency, such as the College, after holding a regularly scheduled public hearing, public notice of which is given at least two weeks in advance, to enter into energy services contracts if the public entity's governing board finds that its anticipated cost to the College for the energy conservation facilities (as defined in Government Code §4217.11) will be less than its anticipated marginal cost to the College of thermal, electrical, or other energy that would have been consumed in the absence of such purchases and, if a facility ground lease is proposed, that the fair rental value of the real property occupied by the energy conservation facilities will also be offset by the energy savings.

**ANALYSIS AND FISCAL IMPACT**

The College has sought proposals for the design, construction, installation, operation, maintenance, and repair of the Photovoltaic Solar System, meeting technical criteria developed by the College's consultant, Newcomb Anderson McCormick (NAM), through a Request for Qualifications and Request for Proposals (RFQ/RFP) issued in April 2015.

Prepared by: Gary L. Nellesen/Teresa Patterson

Reviewed by: Rosa M. Royce/Michael D. Gregoryk

Recommended by: Bill Scroggins

Agenda Item: Action #1

**SUBJECT:** Resolution No. 15-01 – Assessment, Design, Installation, and Operation and Maintenance of a Photovoltaic Solar System (West Parcel Solar Project – Request for Qualifications/Request for Proposal No. 3005) (REVISED)

**DATE:** September 16, 2015

The RFQ/RFP was legally advertised, and over 100 solar providers were invited to submit proposals. A mandatory pre-proposal conference was held on April 20, 2015, in which 16 solar providers attended. The College received two proposals by the deadline of May 7, 2015. Proposals were evaluated by the six-member evaluation committee based on financial benefits, technical strengths, implementation approach, the amount of solar photovoltaic experience of each company and the proposed team, and the track record of the proposer in delivering similar projects. Proposals were scored using a common evaluation matrix. The financial benefits of each proposal were analyzed by NAM and added to the committee's scores for the non-financial criteria.

Based on the results of the committee evaluations, both solar providers were invited for interviews with the committee. Upon conclusion of the interviews, the College submitted a Request for a Best and Final Offer (BAFO) for a 2.2 MW system from each solar provider. Responses to the BAFO were received by the deadline, and the financial benefits of the revised proposals under Government Code §4217.16 were analyzed by NAM. Based on the final analysis, staff has identified Borrego Solar Systems, Inc., located in San Diego, California, as best meeting the College's needs and providing the lowest cost for construction, operation, and maintenance to the College for a Photovoltaic Solar System. The costs associated with this procurement are as follows:

Capital Costs	\$5,367,180.00
Allowance for unforeseen soil or underground conditions at the site	\$125,000.00 (increased from \$25,000)
Annual Operation and Maintenance Costs	\$31,668.02 (plus 2% annual escalation)

The above costs include a 20-year Performance Guarantee, which ensures that the Photovoltaic Solar System will achieve the specified energy production, or the energy services contractor will compensate the College for the shortfall. The term of the Annual Operations and Maintenance Agreement will be for a period of five years with the option to renew for one additional five-year term.

All permit and approval conditions imposed by the responsible agencies will be applied to the project by the design-builder, as required by the Design-Build Agreement contained in Attachment C.2 to the RFQ/RFP. Since the responsible agencies are conducting their own CEQA reviews and approvals of the project, any project changes imposed by the responsible agencies as a condition of approval will not create a potentially new significant environmental impact or exacerbate any of the existing significant environmental impacts disclosed in the 2012 Master Plan Subsequent EIR. If any of the responsible agencies do not approve the project, the Design-Build Agreement would be terminated, and the project would not proceed.

#### Funding Sources

Proposition 39 Energy funds.  
Energy Incentives.  
California Energy Commission (CEC) loans.

**SUBJECT:** Resolution No. 15-01 – Assessment, Design, Installation, and Operation  
and Maintenance of a Photovoltaic Solar System (West Parcel Solar  
Project – Request for Qualifications/Request for Proposal No. 3005)  
(REVISED)

**DATE:** September 16, 2015

**RECOMMENDATION**

It is recommended that the Board of Trustees approves Resolution No. 15-01 – Assessment, Design, Installation, and Operation and Maintenance of a Photovoltaic Solar System – Revised, as presented, and authorizes the College to negotiate, prepare, and enter into a Design-Build Agreement for the design, procurement, installation, and construction of the system, and a separate ongoing Operations and Maintenance Agreement with Borrego Solar Systems, Inc.

## RESOLUTION NO. 15-01

### MT. SAN ANTONIO COMMUNITY COLLEGE DISTRICT Assessment, Design, Installation, and Operation and Maintenance of a Photovoltaic Solar System - Revised

**WHEREAS**, the following revision is submitted for Resolution No. 15-01 for the Assessment, Design, Installation, and Operation and Maintenance of a Photovoltaic Solar System, which was approved by the Board of Trustees on July 8, 2015; and

**WHEREAS**, Government Code sections 4217.10 *et seq.*, and more specifically section 4217.12(a), authorizes a public agency, such as the Mt. San Antonio Community College District (College), after holding a regularly scheduled public hearing, public notice of which is given at least two weeks in advance, to enter into energy services contracts if the public entity's governing board finds that its anticipated cost to the College from the energy conservation facilities (as defined in Government Code section 4217.11) will be less than its anticipated marginal cost to the College of thermal, electrical, or other energy that would have been consumed in the absence of such purchases; and

**WHEREAS**, the College wishes to reduce its energy costs and improve the quality and reliability of the campus electrical service by contracting to produce and implement certain new and upgraded energy systems including related equipment and materials; and

**WHEREAS**, the College has issued a Request for Qualifications and a Request for Proposals for the Assessment, Design, Installation, and Operation and Maintenance of a Photovoltaic Solar System; and

**WHEREAS**, Borrego Solar Systems, Inc. is an energy services consultant and has represented to the College that it can design, procure, install, construct, operate, maintain, and repair certain energy conservation measures and energy conservation facilities, as defined in Government Code section 4217.11 (ECMs), that would result in net energy savings to the College; and

**WHEREAS**, Newcomb Anderson McCormick, in conjunction with P2S Engineering, Inc. provided a comprehensive energy analysis (CEA) and recommended an energy plan to implement certain ECMs in the form of solar panels, monitoring systems, and tracking devices, as identified in the CEA; and

**WHEREAS**, the College desires to enter into a design-build agreement for the design, procurement, installation, construction, and commissioning of the Photovoltaic Solar System (Energy Project) with Borrego Solar Systems, Inc. of San Diego, California (Borrego), for the not-to-exceed amount of \$5,392,180.00, which includes an allowance of \$125,000.00 for unforeseen site conditions, and enter into an Operations and Maintenance Agreement for the operation, maintenance, and repair of the Energy Project with Borrego at annual payments of \$31,668.02, with a 2% annual escalation (collectively the Contracts); and

**WHEREAS**, the College's total cost for the Energy Project is estimated to be in the amount of \$6,951,147.00, and the 25-year total energy savings estimate for the Energy Project is \$15,311,830.00, which results in a 25-year net energy savings estimated at \$8,360,683.00 if the College were to not incur the cost of the Energy Project; and

**WHEREAS**, the cost to the College for electrical power from the ECMs will be less than the anticipated marginal cost to the College of thermal, electrical, or other energy that would have been consumed by the College in the absence of the ECMs; and

**WHEREAS**, on August 26, 2015, the College published a two-week notice of a public hearing at which the College would consider the Energy Project and make findings as required under Government Code Section 4217.16; and

**WHEREAS**, the Board finds that, although the Energy Project could have significant effects on the environment, because all potentially significant effects have been analyzed in the 2012 Master Plan EIR (SCH 2002041161) pursuant to applicable standards and have been avoided or mitigated pursuant to the 2012 Master Plan EIR, including mitigation measures that were adopted in the 2012 Mitigation Monitoring Program that are applicable to the project, no additional environmental analysis is required under CEQA;

**NOW THEREFORE, BE IT RESOLVED** that the Board of Trustees of the Mt. San Antonio Community College District (Board) hereby finds, determines, declares, and resolves as follows:

**Section 1.** Recitals. The Board hereby finds and determines that all the above recitals are true and correct.

**Section 2.** Notice of Public Hearing. 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 pursuant to Government Code § 4217.12(a).

**Section 3.** No EIR Required. Based upon the Agenda Report and the referenced documents therein, the facts developed at the public hearing, the Contracts, and the administrative record as a whole, there are no substantial changes in the Energy Project, no substantial changes in the circumstances under which the Energy Project is undertaken, and no new significant information of substantial importance exists that would cause a new significant environmental impact or substantially increase the severity of a previously identified significant environmental impact by the Energy Project, and thus, no further environmental impact report or CEQA clearance is required.

**Section 4.** Cost Benefit. Based upon the Agenda Report, the facts developed at the public hearing, the Contracts, and the administrative record as a whole, pursuant to Government Code §4217.12(a)(1), the Board hereby finds that the anticipated cost to the College for electrical energy under the Contracts will be less than the anticipated marginal costs to the College of thermal, electrical, or other energy that would have been consumed by the College in the absence of such purchases under the Contracts.

**Section 5.** No Facility Ground Lease. The College is not entering into a facility ground lease for the Energy Project, and the findings otherwise required in Government Code §4217.12(a)(2) are inapplicable.

**Section 6.** Best Interests. Based upon the Agenda Report, the facts developed at the public hearing, the Contracts, and the administrative record as a whole, it is in the best interests of the College to enter into the Contracts.

**Section 7.** Authority to Take All Actions Necessary. The College President or his designee is 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 Contracts with Borrego Solar Systems, Inc. of San Diego, California. The College President may designate and delegate to other College management personnel, as deemed necessary, tasks associated with the negotiating, drafting, and/or preparing the Contracts and any related documents.

**Section 8.** Effect. This Resolution shall take effect immediately upon its passage.

**PASSED and ADOPTED** this 16<sup>th</sup> day of September 2015, by the Board of Trustees of the Mt. San Antonio Community College District of the County of Los Angeles, State of California, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

This is to certify that this is a true and correct copy of the resolution as adopted and approved at a regular meeting of the Board of Trustees of the Mt. San Antonio Community College District.

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William T. Scroggins  
College President & CEO and  
Secretary to the Board of Trustees  
Mt. San Antonio Community College District