

RESOLUTION NO. 2016-25

(Duly Adopted: 10/17/16)

NEW BRITAIN TOWNSHIP
BUCKS COUNTY, PENNSYLVANIA

A RESOLUTION OF THE BOARD OF SUPERVISORS OF NEW BRITAIN TOWNSHIP APPROVING THE INVESTMENT GRADE AUDIT REPORT IN CONJUNCTION WITH THE REGIONAL STREETLIGHT PROCUREMENT PROGRAM; AND AUTHORIZING APPROPRIATE PERSONNEL TO UNDERTAKE ALL OTHER ACTIONS NECESSARY OR APPROPRIATE TO ENABLE THE TOWNSHIP TO FULLY PARTICIPATE IN THE REGIONAL STREETLIGHT PROCUREMENT PROGRAM.

WHEREAS, the Township of New Britain is located in Bucks County, Pennsylvania ("**Township**"); and

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

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

WHEREAS, the Township, in its capacity as a governmental unit, has participated in the Program solicitation process to implement energy conservation measures contemplated by the Program; and

WHEREAS, pursuant to its Resolution of March 21, 2016, the Township selected Johnson Controls, Inc. ("**JCI**") as its contractor and entered into a Guaranteed Savings Agreement with JCI; and

WHEREAS, under the terms of the Guaranteed Savings Agreement, JCI has completed and delivered an investment grade energy use and savings analysis, including accompanying schedules ("**Investment Grade Audit Report**") for the Township that specifies the ECMs to be undertaken pursuant to the Guaranteed Savings Agreement (such ECMs collectively referred to as the "**Project**"); and

WHEREAS, as required by the terms of the Guaranteed Savings Agreement, JCI will guarantee to the Township that, through its participation in the Program, the Township will achieve energy savings as a result of the Project that will meet or exceed the cost of implementing the ECMs contemplated ("**Energy Savings**") and those savings are greater than 90% of the savings projected in the Preliminary Audit provided by JCI as a part of the selection

process for 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, the Township must notify JCI in writing of its acceptance of the final Investment Grade Audit Report and its determination regarding whether the Township will proceed to have JCI design, engineer, procure, construct, install, and commission the ECM Installations ("**Construction Work**") as a condition to commencement of the Construction Work.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby approves the final Investment Grade Audit Report.

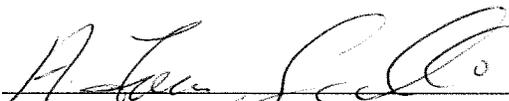
BE IT FURTHER RESOLVED that the Board of Supervisors hereby authorizes the delivery to JCI of notice of acceptance of the Investment Grade Audit Report.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby authorizes and directs one or more of the Township's officers or other authorized persons (each, an "**Authorized Person**") to take all such further actions and to execute and deliver all such instruments and other documents with such modifications as such Authorized Person deems necessary and approves, to be conclusively established by the Authorized Person's execution of such instruments and documents, to enable the Township to carry out the intent and purposes of the foregoing resolutions and the transactions contemplated thereby.

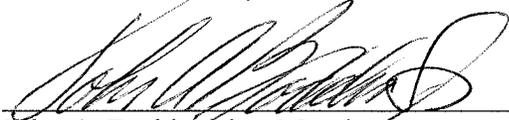
DULY ADOPTED this 17th day of October, 2016, by the Board of Supervisors of New Britain Township, in lawful session duly assembled.



William B. Jones, III, Chairman



A. James Scanzillo, Vice Chair



John A. Bodden, Sr., Member

Helen B. Haun, Member



Gregory T. Hood, Member



Attest: Eileen M. Bradley, Secretary
Township Manager