

**A RESOLUTION OF THE NEWTON COUNTY BOARD OF COMMISSIONERS  
APPROVING GUARANTEED ENERGY SAVINGS PERFORMANCE CONTRACT  
DOCUMENTS WITH ABM BUILDING SOLUTIONS, LLC**

**WHEREAS**, Georgia counties are authorized to participate in Energy Savings Performance Contracting as authorized by a Constitutional Amendment passed by voters in November 2010 and in compliance with O.C.G.A. § 50-37-1, *et seq.*; and

**WHEREAS**, the Newton County Board of Commissioners recognizes the importance of providing best-in-class facilities to support the County's service needs and goals; and

**WHEREAS**, the Newton County Board of Commissioners recognizes that this can be achieved by providing modern, energy efficient and technologically superior infrastructure for our facilities, through a Guaranteed Energy Savings Performance Contract as defined at O.C.G.A. § 50-37-2(5); and

**WHEREAS**, the Newton County Board of Commissioners voted unanimously to partner with ABM Building Solutions, LLC, a Qualified Energy Services Provider as contemplated by O.C.G.A. § 50-37-2(10), on November 17, 2015 regarding the provision of a Final Facility Survey and an Energy Analysis for the Newton County Jail Facility; and

**WHEREAS**, on November 17, 2015, the Newton County Board of Commissioners also voted unanimously to exercise the right to extend this partnership with ABM Building Solutions, LLC, a Qualified Energy Services Provider as contemplated by O.C.G.A. § 50-37-2(10), regarding the provision of a Final Facility Survey and an Energy Analysis for all other Newton County Facilities; and

**WHEREAS**, ABM Building Solutions, LLC presented a Final Facility Survey and an Engineering Analysis to the Newton County Board of Commissioners on July 19, 2016 which provided (1) detailed descriptions of the improvements recommended for the Newton County Jail Facility project, the estimated costs of the improvements, and the utility and operation and maintenance cost savings projected to result from the recommended improvements, and (2) a detailed economic analysis of the project's performance over the life of the contract term; and

**WHEREAS**, ABM Building Solutions, LLC presented a Final Facility Survey and an Engineering Analysis to the Newton County Board of Commissioners on July 19, 2016 which provided (1) detailed descriptions of the improvements recommended for the Newton County Facilities project, the estimated costs of the improvements, and the utility and operation and maintenance cost savings projected to result from the recommended improvements, and (2) a detailed economic analysis of the project's performance over the life of the contract term; and

**WHEREAS**, the Newton County Board of Commissioners has elected to enter into a contract with ABM Building Solutions, LLC for an amount not to exceed \$7,319,058.00, for the Comprehensive Bundled Energy Solution, to provide upgrades to Newton County Jail Facility

\$7,096,040.00, for the Comprehensive Bundled Energy Solution, to provide upgrades to Newton County Facilities through a Guaranteed Energy Savings Performance Contract, for a total contract price not to exceed \$14,415,098.00; and

**WHEREAS**, on July 19, 2016, the Board of Commissioners approved a Resolution supporting a Guaranteed Energy Savings Contract with ABM Building Solutions, LLC, directing the preparation of contractual documents, in accordance with the Guaranteed Energy Savings Performance Contracting Act (O.C.G.A. § 50-37-1 *et seq.*), with ABM Building Solutions, LLC for the Newton County Jail Facility and other Newton County Facilities, with such contractual documents to be presented to the Board of Commissioners for consideration and approval; and

**WHEREAS**, the Newton County Board of Commissioners finds it to be in the public interest to approve, and authorize the Chairman to execute, the contractual documents necessary for the Guaranteed Energy Savings Performance Contract projects described therein;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF NEWTON COUNTY, GEORGIA AS FOLLOWS:**

- (1) The Board of Commissioners hereby approves and authorizes the Chairman of the Board of Commissioners to execute the following contracts/agreements with ABM Business Solutions, LLC, in substantially the form attached hereto:

Exhibit A: Bundled Energy Solutions Project Agreement;

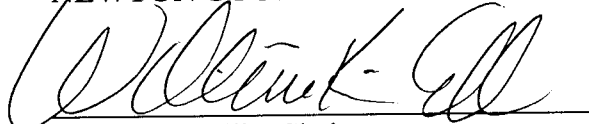
Exhibit B: Annual Energy Unit Savings Agreement;

Exhibit C: Maintenance Agreement for Building Environmental Systems (control systems); and

Exhibit D: Maintenance Agreement for Building Environmental Systems (HVAC).

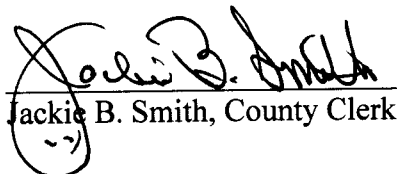
**SO RESOLVED** this 20th day of September, 2016.

**NEWTON COUNTY BOARD OF COMMISSIONERS**



William K. Ellis, Chairman

Attest:



Jackie B. Smith, County Clerk