



## Legislation Text

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**File #:** 47831, **Version:** 1

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### **Fiscal Note**

The proposed resolution requires no City appropriation. The revenue received from the associated agreements is deposited into Facility Management's Energy Improvement capital project (Project 10562) or Sustainability Improvements capital project (Project 10563) for reinvestment in additional energy efficiency/renewable energy projects or into the associated project's capital project.

### **Title**

Authorizing the City Engineer or designee to sign contract forms for the Focus on Energy programs.

### **Body**

WHEREAS, Focus on Energy is an energy efficiency and renewable resource program funded by the state's investor-owned energy utilities, under Wis. Stat. § 196.374(2)(a), and participating municipal and electric cooperative utilities. The program works with eligible Wisconsin residents, businesses, and local governments to install cost-effective energy efficiency and renewable energy projects. The program is currently administered by Shaw Environmental and Infrastructure, Inc. and/or its parent company Chicago Bridge and Iron Company or CB&I ("Program Administrator") under contract with Statewide Energy Efficiency and Renewable Administration, Inc. ("SEERA") although the program administrator can change from time to time; and,

WHEREAS the City of Madison wishes to apply to various Focus on Energy Incentive Programs (and tracks), including, but not limited to: Design Assistance (New Construction), Agriculture, Schools & Government (Prescriptive, Custom, Special/Bonus, Express Building Tune Up Program or EBTU, Retrocommissioning) and Renewable Energy (Prescriptive and Renewable Energy Competitive Incentive Program or RECIP) and;

WHEREAS, the application forms for each program require agreement to legal terms and conditions, amounting to a contract, and City employees cannot bind the City to a contract without authorization from the Common Council; and

WHEREAS, some of the programs also involve signing an Incentive Agreement once the City is accepted into the program and similar authorization is needed to sign the Incentive Agreement; and

WHEREAS, some of the programs also require signing a project completion form to receive the financial incentive, that may include yet another agreement to the same legal terms and conditions, therefore amounting to a contract; and

WHEREAS, Focus on Energy has agreed, at the City's request, to modify their standard legal terms to the City Attorney's satisfaction, and

WHEREAS, the City Engineer is seeking ongoing authority to sign these forms to facilitate participation in this beneficial program; and

NOW, THEREFORE, BE IT RESOLVED the City Engineer or designee is authorized to sign the above-described forms with Focus on Energy, the current Program Administrator(s), and SEERA, to participate in and receive incentives from the Focus on Energy program, if in a form pre-approved by the City Attorney and if budget authority already exists to receive the incentive; and

BE IT FURTHER RESOLVED that if a budget amendment is required to receive the financial incentive, a

separate resolution for that purpose will be sought for each project as needed.