

RESOLUTION OF THE BOARD OF EDUCATION OF THE TOWNSHIP OF UNION IN THE COUNTY OF UNION, NEW JERSEY APPROVING (A) THE SEPARATION OF THE ESIP INTO PHASE I AND PHASE II; AND (B) THE USE OF COMPETITIVE CONTRACTING FOR A SECOND ROUND OF SOLICITATION OF PROPOSALS FOR A POWER PURCHASE AGREEMENT

WHEREAS, The Board of Education of the Township of Union in the County of Union, New Jersey (the "Board" when referring to the governing body and the "School District" when referring to the territorial boundaries governed thereby) has proceeded to undertake and Energy Savings Improvement Program (the "ESIP") which ESIP including various Energy Conversations Measures (ECM"s) including upgrades to various schools and the installation of solar panels on school sites in the School District (the "Solar Project") in an effort to provide energy savings to the School District; and

WHEREAS, the Board must determine to undertake the Solar Project as either a Power Purchase Agreement, whereby the School District does not own the panels (the "PPA Option") or whereby the Board constructs and owns the Solar Project (the "Ownership Option"); and

WHEREAS, in order to evaluate the Ownership Option, the Board is required to receive the approval of the New Jersey Board of Public Utilities to allow certain State incentives (TREC"s) to be included in the savings analysis of the Ownership Option of the Solar Project; and

WHEREAS, in order to evaluate the PPA Option, the Board would like to seek a second round of PPA proposals which would reflect certain changes in the design to maximize the Solar Project including certain car ports; and

WHEREAS, the Board anticipates that the required analysis of the PPA options which includes the seeking of BPU approval for the Ownership Option and the seeking of proposals for the PPA Option will take a few months; and

WHEREAS, as a result of the time that the further analysis will take in order to determine which option for the Solar Project is in the best interest of the School District, the Board now seeks to separate the ESIP into two phases: Phase I, being the projects that can be undertaken with the savings produced by the ECM's other than the Solar Project and Phase II being the ECM's (including the Solar Project) that can be undertaken once the determination is made as to which option for the Solar Project will be in the best interest of the School District; and

WHEREAS, on October 2, 2020, the Board received BPU approval of Phase I of the ESIP; and

WHEREAS, the Board now seeks to (i) move forward with the undertaking of Phase I of the ESIP and (ii) seek competitive proposals in connection with PPA Option for the Solar Project.

NOW, THEREFORE, BE IT RESOLVED by The Board of Education of the Township of Union in the County of Union, New Jersey, pursuant to the aforesaid statutes, as follows:

1. The Board hereby (i) determines to proceed with Phase I of the ESIP and authorizes the application to the to the Local Finance Board within the Division of Local Government Services, New Jersey Department of Community Affairs (the "LFB") for approval to adopt an Energy Savings Obligation Refunding Bond Ordinance and to issue the Energy Savings Obligation Refunding Bonds (the "Refunding Bonds") authorized therein (collectively, the "ESIP Financing") with the understanding that only Phase I (to be financed in the approximate of not to exceed \$9,000,000) will proceed now and that Phase II will be further authorized at a future date, if required and (ii) authorizes a competitive contracting process for the solicitation of bids for the Solar PPA, including the distribution of a Solar RFP in connection therewith.
2. Schneider Electric is hereby authorized and directed to undertake the drafting and distribution of such Solar RFP, including the evaluation of such Solar PPA bids, and to finalize a Solar PPA with a selected solar provider, to the extent awarded by the Board and in conjunction with the Board's professionals and administration.
3. Schneider Electric is hereby authorized and directed, to the extent not otherwise already accomplished, to (i) submit an application to the New Jersey Department of Education with respect to the Solar Project and to amend the School District's Long Range Facilities Plan to include the Solar Project, to the extent it is not incorporated therein and (ii) submit the Solar RFP to the Union Township Planning Board, as applicable, for its review.
4. The Board hereby authorizes and directs the Superintendent and the Business Administrator/Board Secretary to appoint a committee to evaluate the Solar PPA bids and to report same to the Board.
5. The President, Vice-President and Business Administrator/Board Secretary or any other appropriate officer or representative of the Board, are hereby authorized and directed to execute and deliver any and all documents and to do and cause to be done any and all acts and things necessary or proper for carrying out the transaction contemplated by this resolution, and the Solar RFP. The execution by such officials and officers of any such documents, with changes, insertions or omissions approved by the Business Administrator/Board Secretary, in consultation with the Board's professionals, shall be conclusive, and no further

ratification or other action by the Board shall be required with respect thereto.

6. This resolution shall take effect immediately.

