

AMENDMENT NO. 1 TO ENERGY PERFORMANCE CONTRACT DOCUMENTS

Revisions to Energy Performance Contract

Wendel Energy Services, LLC ("Wendel") and City of Beacon ("Owner") herewith amend the Energy Performance contract documents between the parties dated January 4, 2016 as detailed below:

Amendment No. 4 to Project Development Agreement

- Amend Attachment B - "Total Project Summary". Delete Attachment B – "Total Project Summary" dated 12/22/2015 in the original documents, and replace with the "Total Project Summary" table, dated 6/26/17 in Attachment 1 of this document.

Assured Performance Contract Section

- Amend Exhibit A – Project Scope of Work. At the request of the Owner add the following ECM's to the project scope of work
 - ECM 6: WTP LED Lighting
 - ECM 7: City Hall Parking Lot LED Lighting
 - ECM 8: DPW Facility Roadway Lighting
- Amend Exhibit A – Project Scope of Work. Delete Attachment 1 – "Total Project Summary", dated 12/22/16 in the original documents, and replace with the "Total Project Summary" table, dated 6/26/16 in Attachment 1 of this document.
- Amend Exhibit B – Annual Reconciliation and Savings / Revenue Allocation. Delete Exhibit B "Annual Reconciliation and Savings / Revenue Allocation" in the original documents, and replace with the Exhibit B "Annual Reconciliation and Savings / Revenue Allocation" found in Attachment 2 of this document. Revisions include the following:
 - The Annual Stipulated Energy and Utility Charge Savings was revised from \$4,004 to read \$6,435.
 - The Total Guaranteed Net Annual Savings was revised from \$208,006 to read \$210,439.

- Amend Exhibit C – Stipulated Savings/Costs. Delete Exhibit C “Stipulated Savings/Costs” in the original documents, and replace with the Exhibit C “Stipulated Savings/Costs” found in Attachment 3 of this document. Revisions include the following:
 - The Total Stipulated Savings (Year One) dollar amount was revised from \$4,004 to \$6,435 to include the additional savings from the WTP Exterior LED Lighting improvements and City Hall Parking Lot LED Lighting improvements.
 - The Energy and Cost Savings for the WTP Exterior LED Lighting improvements were added to the Stipulated Savings Description
 - The Energy and Cost Savings for the City Hall Parking Lot LED Lighting improvements were added to the Stipulated Savings Description
- Amend Exhibit I - Comprehensive Energy Audit (CEA). Delete in Section 1, Executive Summary, Table 1-1 “Total Project Summary”, dated 12/22/16, and replace with Table 1-1 “Total Project Summary”, dated 6/26/16 in Attachment 1 of this document.

Project Building Contract Section

- Amend and revise the “Project Build Contract Amount” on page 1 from \$1,291,756 to \$1,437,071.

NOW THEREFORE, in consideration of the mutual promises, covenants and agreements contained herein, and other good and valuable consideration the receipt of which is hereby acknowledged, the parties have hereto executed this Amendment Agreement, effective the 17th day of July, 2017.

Wendel

Signature

Joseph DeFazio

Printed Name

Vice President Energy Services

Title

Date

Owner

Signature

Printed Name

Title

Date

Acknowledgement taken in New York State

State of New York, County of

_____, SS:

On the ____ day of _____, in the year 20__, before me, the undersigned, personally appeared

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

Acknowledgement taken in New York State

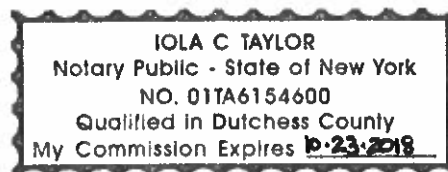
State of New York, County of

Dutchess, SS:

On the 15th day of November, in the year 2017, before me, the undersigned, personally appeared

Anthony Ruggiero
personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public



ATTACHMENT 1

PDA, Attachment B - “Total Project Summary”

&

APC, Exhibit A – Attachment 1 “Total Project Summary”

&

CEA, Exhibit I, Section 1 Table 1-1 “Total Project Summary”

City of Beacon Street Lighting

TOTAL PROJECT SUMMARY

6/26/2017

| (Yes No Option) | EDM No. | Energy Conservation Measure | Total Measure Cost ¹ (\$) | Annual Electric Savings (kWh) | Annual Utility Charge Savings (\$) | Average Annual Maintenance Costs (\$) | Annual O&M Savings (\$) | Annual Electric Savings (\$) | Total Annual Savings (\$) | Simple Payback Period ² | Estimated Total Incentive ³ |
|---------------------------------------|---------|---|---|--|---|---|----------------------------------|---------------------------------------|------------------------------------|--|--|
| Y | 1 | Street Lighting with 3% Extra Stock ⁴ | \$1,643,798 | 819,495 | \$ 174,542 | \$ 34,718 | \$139,825 | \$63,925 | \$203,750 | 8.1 | \$73,755 |
| Y | 2 | Traffic Signals | \$93,095 | 60,040 | \$ (1,598) | (253) | -\$1,345 | \$5,512 | \$4,167 | 22.3 | \$5,404 |
| Y | 3 | Estimated Cost to Purchase Lights from Central Hudson | \$333,450 | 0 | \$ - | \$ - | \$0 | \$0 | \$0 | 0.0 | \$0 |
| Y | 6 | A1-WTP Exterior LED Lighting | \$46,442 | 21,523 | \$ - | \$ - | \$0 | \$1,309 | \$1,309 | 35.5 | \$1,076 |
| Y | 7 | A1-City Hall Parking Lot LED Lighting | \$65,514 | 19,928 | \$ - | \$ - | \$0 | \$1,212 | \$1,212 | 54.0 | \$996 |
| Y | 8 | A1-DPW Facility LED Roadway Lighting | \$79,860 | 0 | \$ - | \$ - | \$0 | \$0 | \$0 | 0.0 | \$0 |
| PROGRAM TOTALS - Recommended Measures | | | \$2,562,159 | 909,466 | \$172,945 | \$14,965 | \$38,479 | \$71,658 | \$280,432 | 40.7 | \$131,241 |
| Total EPC Contract Amount: | | | \$1,279,700 | | | | | | | | |

NOTES:

1. TOTAL MEASURE COST includes direct construction costs (subcontractor material and labor) and DOES include fees for the following services: Energy, Electrical and Mechanical engineering, Construction documents, Financing assistance services, Subcontractor coordination and administration.
2. SIMPLE PAYBACK PERIODS DO NOT include incentives. Payback is given by the total measure cost divided by total annual savings.
3. ESTIMATED TOTAL INCENTIVE is based on NYSEERDA's Existing Facilities Program Performance Based Incentive at a rate of \$0.12/kWh and is subject to NYSEERDA approval, program rules and modifications, and eligibility. This incentive rate does not account for customer-secured third party firms or their costs to provide program deliverables such as calculations.
4. Costs for make ready of poles and street lighting purchase are estimated and will be finalized during negotiations with CHGE.
5. Street Lighting cost are based on moderately priced fixtures. Fixture style and manufacturer will be finalized with the city's input and may increase or decrease the project cost.
6. ANNUAL O&M SAVINGS are a summation of the Annual Utility Charge Savings and the Average Annual Maintenance Costs



ATTACHMENT 2

APC, Exhibit B – “Annual Reconciliation and Savings / Revenue Allocation”

ASSURED PERFORMANCE CONTRACT
EXHIBIT B – ANNUAL RECONCILIATION AND SAVINGS / REVENUE ALLOCATION

| | |
|--|-----------|
| ANNUAL MEASURED STREET LIGHTING ENERGY SAVINGS: | \$63,925 |
| ANNUAL MEASURED STREET LIGHTING UTILITY CHARGE SAVINGS: | \$174,542 |
| AVERAGE ANNUAL STIPULATED MAINTENANCE COSTS: (See Exhibit C for Annual Maintenance Costs) | \$34,465 |
| ANNUAL STIPULATED ENERGY AND UTILITY CHARGE SAVINGS: | \$6,435 |
| <hr/> | |
| TOTAL GUARANTEED NET ANNUAL SAVINGS (Average) | \$210,439 |

Note: Annual guaranteed savings will be adjusted per Exhibit F to reflect the actual installed quantities of LED lights.

ATTACHMENT 3

APC, Exhibit C – “Stipulated Savings/Costs”

ASSURED PERFORMANCE CONTRACT EXHIBIT C – STIPULATED SAVINGS/COSTS

The savings identified below shall be Stipulated Savings under this Exhibit. Stipulated Savings are mutually agreed upon by the Owner and Wendel as set forth below to be achieved upon execution of the applicable Certificate of Substantial Completion and shall not be measured or monitored during the Term. Refer to the Comprehensive Energy Audit for the detailed calculations used to estimate these savings. The Stipulated Savings shall be deemed to follow the below table.

| Source of Savings | First Year Savings | Escalation |
|--|--------------------|------------|
| LED Traffic Signals (Energy and Utility Charges) | \$3,914 | 3% |
| WTP Exterior LED Lighting | \$1,309 | 3% |
| City Hall Parking Lot LED Lighting | \$1,212 | 3% |
| TOTAL STIPULATED SAVINGS (Year one) | \$6,435 | 3% |

Stipulated Savings Description

LED Traffic Signals

This measure involves retrofitting existing incandescent traffic and pedestrian signals with LED retrofits. Savings are based on converting from Service Classification 9 to a metered (non-demand) service. The following savings are agreed upon by the Owner and Wendel:

| | <u>Savings(\$)</u> | <u>Units</u> |
|--------------------------------------|--------------------|--------------|
| • LED Traffic Signals Energy | \$5,512 | 60,040 kWh |
| • LED Traffic Signals Utility Charge | (\$1,598) | |
| NET TOTAL | \$3,914 | |

WTP Exterior LED Lighting

This measure involves replacing existing High Intensity Discharge (HID) exterior lighting fixtures at Water Treatment Plant with LED fixtures. Savings are based on converting from HID fixtures to lower wattage LED Fixtures. The following savings are agreed upon by the Owner and Wendel:

| | <u>Savings(\$)</u> | <u>Units</u> |
|------------------------------------|--------------------|--------------|
| • WTP Exterior LED Lighting Energy | \$1,309 | 21,523 kWh |

City Hall Parking Lot LED Lighting

This measure involves replacing existing High Intensity Discharge (HID) exterior lighting fixtures at the City Hall Parking Lot with LED fixtures. Savings are based on converting from HID fixtures to lower wattage LED Fixtures. The following savings are agreed upon by the Owner and Wendel:

| | <u>Savings(\$)</u> | <u>Units</u> |
|---|--------------------|--------------|
| • City Hall Parking Lot LED Lighting Energy | \$1,212 | 19,938 kWh |

Assured Performance Contract EXHIBIT C – STIPULATED SAVINGS/COSTS

Stipulated Costs Description

Street Lighting and Traffic Signal Maintenance Costs

The project upgrades includes the City purchase of Rate A fixtures and conversion of Rate A and Rate B fixtures to Rate C, and thus assuming the responsibility for the maintenance costs associated with these fixtures. In addition, for existing HID street lighting fixtures and incandescent traffic signals that are converted to LED technology, extended rated life spans are expected and a warranty period which will in turn reduce costs required to maintain the proposed system. These savings are also incorporated into this cost/savings associated with this measure. Proposed maintenance costs assume that the City would use a qualified electrical contractor for the newly converted street lights. The following costs are mutually agreed upon by the Owner and Wendel:

| Year | Proposed Maintenance Costs |
|-------------|-----------------------------------|
| 1 | \$(3,864) |
| 2 | \$(1,943) |
| 3 | \$(1,984) |
| 4 | \$(2,026) |
| 5 | \$24 |
| 6 | \$15 |
| 7 | \$4,331 |
| 8 | \$4,393 |
| 9 | \$8,927 |
| 10 | \$9,067 |
| 11 | \$61,699 |
| 12 | \$62,865 |
| 13 | \$64,055 |
| 14 | \$65,268 |
| 15 | \$66,505 |
| 16 | \$67,767 |
| 17 | \$69,055 |
| 18 | \$70,368 |
| 19 | \$71,707 |
| 20 | \$73,073 |
| AVG. | \$34,465 |

Authorized Owner Representative: _____