

**RICHARD T. BISSEN, JR.**  
Mayor

**JOSIAH NISHITA**  
Managing Director



**OFFICE OF THE MAYOR**  
COUNTY OF MAUI  
200 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.mauicounty.gov](http://www.mauicounty.gov)  
December 23, 2024

Honorable Richard T. Bissen, Jr.  
Mayor, County of Maui  
200 South High Street  
Wailuku, Hawaii 96793

**APPROVED FOR TRANSMITTAL**

  
Acting Mayor 12262024  
Date

For Transmittal to:

Honorable Yuki Lei K. Sugimura, Chair  
and Members of the Budget, Finance, and Economic Development  
Committee  
200 South High Street  
Wailuku, Hawaii 96793

Dear Chair Sugimura:

**SUBJECT: JOHNSON CONTROLS, INC. ENERGY PERFORMANCE  
CONTRACT (BFED-21(24))**

Pursuant to your correspondence dated December 10, 2024, the following  
are responses to your questions:

1. Provide a copy of Amendments 4 and 5 and a summary of what each  
amendment does.

*Please see attached.*

*Amendment 4 was intended to remove the Central Maui Landfill site from the proposed list of Solar + Battery Storage systems that were under development for Phase 2. The County of Maui Department of Environmental Management had put out a separate RFP that awarded the rights of this site to a separate contractor under the separate RFP. No two contractors are allowed rights to a site, therefore, JCI relinquished their rights in cooperation with the County's needs.*

*Amendment 5 summarizes the overall changes to the scope of work, guaranteed savings, and cashflow of the Phase 1 performance contract. The amendment provides a narrative of the changes that were presented to the County of Maui and either approved or rejected.*

STANDARD FOR PRACTICE

STANDARD FOR PRACTICE

2. Confirm the final amount overpaid to JCI and explain why the overpayment occurred.

*The final amount was \$838,641.70. The overpayment occurred as the Bank of Hawaii continued to release payments to JCI as required by the contract until it was determined that there would be a significant change in scope and the initial amount of funding would no longer be needed.*

3. Confirm the total amount of the overpayment that was remitted to Bank of Hawaii.

*The total amount remitted by JCI to the Bank of Hawaii was \$838,641.70.*

4. Explain why the Administration chose to have the remaining overpaid funds remitted and provide a list of projects and equipment not pursued or purchased because of the remittance.

*The Administration chose to have the overpayment remitted in order to conclude the contract in a timely manner. The main Facility Improvement Measures (FIMs) which were not pursued were exterior LED lighting retrofits, Irrigation wells, and Onsite Hypochlorite Generation at Kokua Pool.*

5. Explain how the remittance affects the County's lease obligation. Did it reduce the entire obligation or was it just applied to the County's first payment to Bank of Hawaii?

*The remittance reduced the County's overall obligation to \$25,873,778.*

6. Confirm the amount of the first lease payment to Bank of Hawaii.

*The first lease payment to the Bank of Hawaii was \$1,708,372.*

7. Explain whether the total cost of the lease with Bank of Hawaii has been reduced. If so, provide the new amount and explain why it was reduced.

*The total cost of the lease with the Bank of Hawaii has been reduced. The new amount is \$25,873,778 and it was reduced due to the change in project scope.*

8. Confirm when JCI's first cost savings report will be submitted to the County and transmit a copy to the BFED Committee upon receipt. Further, explain the process by which the County will conduct an

independent audit of the report and confirm when the County's audit will be completed.

*JCI intends to provide a preliminary report outlining the Measured Project Benefits achieved throughout the Installation Period plus any Non-Measured Project benefits applicable to such period by December 20, 2024. When finalized, the report will be transmitted to the Maui County Council or the appropriate committee.*

*The Measured Savings Report for Year 1, which will establish if JCI has met their contractual obligations to meet or exceed the annual lease payment by \$1 every year, will be delivered by the end of October 2025. The Administration currently plans to issue an RFP in the summer of 2025 so that a third-party audit can begin as soon as possible after the Year 1 report is received.*

9. As it relates to Phase II of the contract:

a. Provide a summary of Phase II.

*Phase II will be solely for the installation of Solar PV & Battery systems across 50+ County of Maui Sites which will be funded through a Power Purchase Agreement (PPA). Sites can be added or removed from the list per County's direction and approval.*

b. Explain how Phase II will be financed.

*Phase II will be financed by a Power Purchase Agreement (PPA). The County will purchase the power produced by the Solar PV systems and pay the PPA provider for electric kilo-watt hours (kWh) produced, just like a standard electric bill. The electricity rate of the PPA (~\$0.20 cents per kWh) is less than the rate charged by HECO. The moment a Solar PV system is energized the County will begin to recognize energy and \$\$ savings.*

c. Provide the estimated total cost of Phase II.

*There are no upfront construction costs to the County. Payments are based on power generated by each Solar PV system.*

d. Identify all of the County's obligations to Phase II, including the amount of time required for it and any costs for which the County will be liable.

*The County's obligation is to coordinate and provide site access for the installation of the solar equipment. (For example, roof top installation of solar panels on a County building). Once the installation is complete, the County's obligation will be to purchase the power produced by the solar PV system, and provide site access for maintenance of the solar equipment. The County will also be responsible to perform routine maintenance for trees on County property that it would already plan to do. For example, if a tree branch is growing over a roof, the County would be responsible to trim the branch to prevent shading over the PV panels. All operations and maintenance of the Solar PV equipment is included in the PPA rate (for example, cleaning of the solar panels and replacement of solar equipment if it fails). Also included in the PPA rate is a monitoring system with meters that measure the amount of solar power produced. The internet data access (cellular card) for the remote monitoring of the PV system is also included in the PPA rate.*

- e. Explain the cost-saving benefits to the County and the estimated amount the County will save as a result of Phase II. Will the cost savings of Phase II impact the overall savings and lease repayment structure of Phase I?

*The County will begin recognizing savings when the Solar PV system(s) are energized because the cost of electricity in the PPA is substantially less than the cost of electricity from HECO. If somehow the cost of HECO power were decreased and dropped below the fixed rate for solar PV power, the PPA contains a utility true up clause that would lower the cost of solar power, resulting in a contractual assurance that the cost of solar will be less than MECO rates over the 20-year term. Savings from Phase II Solar PV & battery project could be leveraged to fund future work or additional Phases of the Energy Savings Performance Contract by Johnson Controls.*

- 10. The work that JCI has completed as part of Phase I of the contract.

*Please refer to the JCI IGA transmitted in June of 2024 (BFED-21(24), Item 2 in Granicus). Any projects de-scoped from the IGA can be found in the Change Order List, attached.*

- 11. The work remaining to be done in Phase I.

*The only work remaining to be done in Phase I is the installation of an electrical switch gear at the War Memorial Football Stadium*

*which was delayed due to shipping time. Equipment is slated to arrive January 6.*

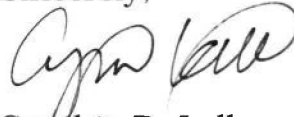
12. Any work intended for Phase I but was abandoned, including an explanation of why the work was abandoned.

*Please see attached Change Order List.*

13. The work that will be done under Phase II of the contract, including an explanation of whether the Phase II contract has been executed and the cost of the contract.

*The County has entered into a Solar Power Purchase Agreement which was transmitted to the BFED Committee earlier in the term (BFED-21(24), Item 1 in Granicus). Please see the responses to Question 9 for the remainder of the information requested.*

Sincerely,



Cynthia D. Lallo  
Chief of Staff  
Office of the Mayor

Attachments

Cc: Managing Director

## AMENDMENT TO CONTRACT CERTIFICATION

I, **MARCY MARTIN**, Acting Director of Finance of the County of Maui, State of Hawaii,  
do certify that there is available appropriation or balance of an appropriation over and above all  
outstanding contracts, sufficient to cover the amount required by the foregoing contract, i.e.

<u>Appropriation Index</u>	<u>Title</u>	<u>Amount Required</u>
903119B ✓	RENEWABLE ENERGY PROGRAMS ✓	(6132) ✓ \$0.00 ✓

Contract No. C 7619 ✓ JOHNSON CONTROLS, INC ✓

Amendment No. 4 ✓ Dated:

Dated this 12 day of AUGUST 2024

Extension of Contract to: No Change

Original Amount	\$	150,000.00
Prior Amends/CO	\$	-
This Amendment	\$	-
Total	\$	150,000.00 ✓

  
MARCY MARTIN  
Acting Director of Finance

Investment Grade Audit (IGA) Contract for Energy Saving Performance Contract  
with Countywide Facilities  
for Office of Mayor - Climate Change, Resiliency, and Sustainability  
Job No. RFP No. 21-22/ESPC  
No, Federal funds not being used

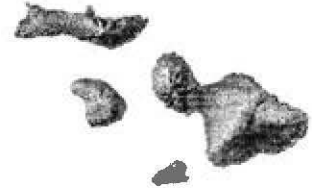
**FY 2025**

scp

*Handwritten notes:*  
08/15/24  
[Signature]

**RICHARD T. BISSEN, JR.**  
Mayor

**MARCY MARTIN**  
Director



**DEPARTMENT OF FINANCE**  
**COUNTY OF MAUI**  
**200 SOUTH HIGH STREET**  
**WAILUKU, MAUI, HAWAII 96793**  
[www.mauicounty.gov](http://www.mauicounty.gov)

August 23, 2024

Johnson Controls, Inc.  
550 Paiea Street  
Honolulu, HI 96819

**RE: INVESTMENT GRADE AUDIT (IGA) CONTRACT FOR ENERGY SAVING  
PERFORMANCE CONTRACT WITH COUNTYWIDE FACILITIES FOR THE  
OFFICE OF THE MAYOR  
CONTRACT NO. C7619 AMENDMENT NO. 4**

Dear Johnson Controls, Inc.:

Transmitted is a copy of the fully executed contract amendment for your file.

Sincerely,

  
MARCY MARTIN  
Director of Finance

MM:dda  
Enclosure

xc: Office of the Mayor, Climate Change, Resiliency, and Sustainability



**AMENDMENT 4 TO  
CONTRACT NO. C7619**

**Department:** Office of the Mayor – Climate Change, Resiliency, and Sustainability

**Project Title:** Investment Grade Audit (IGA) Contract for Energy Saving Performance  
Contract with Countywide Facilities

**RFP No.:** 21-22/ESPC

**Additional Certification Requested from County:** \$0.00

This AMENDMENT NO. 4 TO CONTRACT is made and entered into by and between the COUNTY OF MAUI, a political subdivision of the State of Hawaii, whose business address is 200 South High Street, Wailuku, Maui, Hawaii 96793, hereinafter referred to as the "County", and JOHNSON CONTROLS, INC., a Hawaii corporation, whose mailing address is 550 Paiea Street, Honolulu, Hawaii 96819, hereinafter referred to as the "Contractor". County and Contractor shall hereinafter be referred to collectively as the "Parties".

**Source of Funds.** The source(s) and availability of the funds for this Contract shall be as set forth in the Contract Certification signed by the Director of Finance of the County of Maui on or before the effective date of this Contract. Contract Certification shall be on file in the office of the Director of Finance of the County of Maui.

**R E C I T A L S:**

WHEREAS, the County and the Contractor entered into the following Contract and Amendment(s), if any, with certified availability of funds in the amount and time of performance as indicated:

Contract/ Amend	Date	Additional Certified Amount	Total Certified Amount	Time of Performance	Renewal Option(s)
C7619	5/4/2022	Not applicable	\$150,000.00	180 calendar days from Notice to Proceed (5/9/2022)	60 additional calendar days
Amend 1	9/29/2022	\$0.00	\$150,000.00	Notice to Proceed through January 4, 2023	None
Amend 2	11/28/2022	\$0.00	\$150,000.00	Notice to Proceed through January 4, 2024	None
Amend 3	1/27/2023	\$0.00	\$150,000.00	Notice to Proceed through November 20, 2027	None

WHEREAS, the Contract and any Amendment(s) thereto listed above shall be hereinafter collectively referred to as the "Contract";

WHEREAS, the Contract is on file with the Director of Finance;

**AMENDMENT 4 TO  
CONTRACT NO. C7619**

WHEREAS, the Parties now desire to amend the Contract; and

NOW, THEREFORE, the Parties mutually agree to amend the Contract as follows:

1. The scope of work as set forth in the Contractor's requests for contract amendment dated February 29, 2024 (Site List Verification Amendment) and any attachments thereto, (the "Amended Proposal") is hereby added to the Scope of Work. A copy of said document is maintained and on file in the office of the Director of Finance of the County of Maui and incorporated herein by reference and hereby made a part of the Contract. Any general, miscellaneous, or other terms, conditions, or provisions that are found in any of the Contractor's proposals for this Contract or in any sub-contractor's proposals attached thereto shall be unenforceable as against the County, unless the subject of such terms, conditions, or provisions is addressed in the County's General Conditions, and such terms, conditions, or provisions are consistent with the County's General Conditions.

2. This Amendment may be executed in two or more counterparts, each of which shall be deemed to be an original, but all of which shall constitute one and the same instrument. The parties agree that they may utilize and shall be bound by their electronic signatures, pursuant to Chapter 489E, Hawaii Revised Statutes.

The entire Contract, as amended herein, shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties execute this Amendment to Contract by their signatures on the dates below, to be effective as of the date of the last signature hereto.

[EXECUTION PAGES TO FOLLOW]

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

*THIS AMENDMENT DOES NOT ADJUST THE TOTAL CONTRACT AMOUNT  
OR THE TIME OF PERFORMANCE SET FORTH IN THE CONTRACT, AS  
PREVIOUSLY AMENDED.*

*JCI* *AF*  
*COUNTY OF MAUI* \_\_\_\_\_

AMENDMENT 4 TO  
CONTRACT NO. C7619

CONTRACTOR EXECUTION PAGE

I hereby represent and warrant that I have the legal right and authority to execute this Contract on behalf of the Contractor.

CONTRACTOR:

JOHNSON CONTROLS, INC.

By   
(Signature)

CARY LINDSAY  
(Print Name)

Its DIRECTOR, PROTECT DELIVERY  
(Title)

Date 8/8/2024

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**AMENDMENT 4 TO  
CONTRACT NO. C7619**

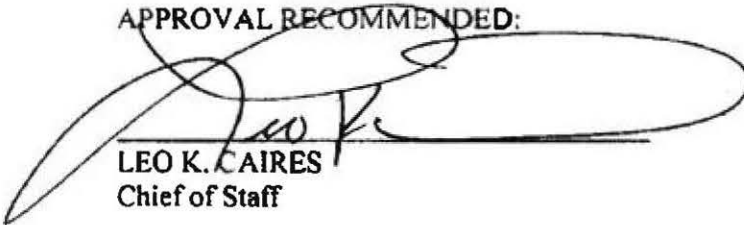
**COUNTY EXECUTION PAGE**

COUNTY OF MAUI:

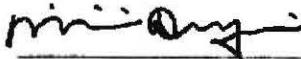
By   
MARCY MARTIN  
Its Acting Director of Finance

Date AUG 23 2024

APPROVAL RECOMMENDED:

  
LEO K. CAIRES  
Chief of Staff

APPROVED AS TO FORM  
AND LEGALITY:

  
MIMI DESJARDINS  
First Deputy Corporation Counsel  
IJ-2022-0483  
2024-07-03 C7619 AMD #4.docx

February 29<sup>th</sup>, 2024

Office of the Mayor  
County of Maui  
Attn: Mr. Leo Caires, Chief of Staff  
Kalana O Maui Bldg, 9<sup>th</sup> Floor  
200 S. High St.  
Wailuku, HI 96793  
Via electronic mail to: Leo.Caires@co.maui.hi.us

RE: County-Wide ESPC RFP 21/22 and subsequent Contract No. C7619 Primary, as Amended dated January 27, 2023 Implementation of Phase 2 Scope Item: Solar PV: **Site List Clarification Amendment**

Dear Mr. Caires,

This letter is to confirm the sites being **excluded** and **included** in the above referenced contract. For the site Central Maui Landfill located at Puunene Road, subsequent to the above referenced RFP and contract, the County issued a separate RFP for landfill gas to provide utility power directly in a utility power RFP and awarded the Central Maui Landfill site rights to another contractor. JCI did not respond to that RFP and is not involved in that Landfill Gas project, but JCI understands that the contract was awarded to another contractor who did respond to that RFP. However, the Central Maui Landfill located at Puunene Road is currently listed in the Site Licenses issued by the County to JCI and contained the above referenced JCI contract. While JCI would enjoy the opportunity to develop a 20MW energy solution at the Central Maui Landfill Site, JCI understands that the County wanted to remove the Central Maui Landfill from the JCI Contract because the County decided to go in another direction and issue a separate RFP. JCI understands that the County cannot grant a site license to two contractors, for the same site. JCI wishes to cooperate with the County's desires.

The additional clarification in this Amendment Request regards the community solar sites located on the other old, small landfills that are to be included to benefit the county and the community. Community Solar is a service requested by the County and presented in JCI's RFP response to the above referenced County-Wide ESPC RFP 21/22. After award and as part the County and JCI's planning efforts, the Department of Environmental Management (DEM) came up with the idea that these small landfill sites may have potential for Community Solar. As you know, this is an opportunity for the County to use community solar for sites where direct behind the meter solar is not feasible (i.e. Kalana O Maui building or other facilities), while also hosting community solar for low-income individuals. These landfill sites are already listed in one Exhibit (Exhibit A: IGA Phase 2 Scope of Work, where the sites are listed). However, these sites were not clearly listed with full descriptions in the Exhibit D, due to availability of the TMK numbers at time of contract. This Request for Amendment fixes that and lists the TMKs for Exhibit D.

The above referenced contract package included a sixty (60) day period to remove sites. Therefore, JCI obtained written Corporation Counsel approval for a Contract Amendment (via email from Sonya Toma, Deputy Corporation Counsel, dated March 31, 2023), which approved the form of the Amendment. JCI signed that Contract Amendment (attached). However, JCI never received Counter-Signature from the County. Therefore, this is just a clean-up item that needs to be executed by both parties.

**Description of Existing Work:** Development and installation of Community Based Renewable Energy (CBRE), under the signed Phase 2 Contract.

**Hawaii Contractor License Information:**

**General Contractor:** Johnson Controls, Inc (JCI): General Contractor License # CT-2023. General A, General B, C-13 Electrical, C-15 Electrical Contract Systems, C-52 HVAC Contractor, C-60 Solar Power Systems Contractor.

**Installation Date:** JCI plans to commence further development of this work upon release of the Phase 3 CBRE Applications, at a date to be determined by the PUC and the utility.

**Site List & Request for Contract Amendment:**

The form of Contract Amendment requested is attached in addition to a *Clarification to Schedule A of Appendix D Financing Submittals* document.

Sincerely,



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Kainoa Casco  
Climate + Resiliency Executive  
Johnson Controls Inc  
Sustainable Infrastructure, Hawaii  
2085 Main St., Wailuku, HI 96793  
Phone: 808-483-6551  
Email: Kainoa.Casco@jci.com

# **CLARIFICATION TO SCHEDULE A OF APPENDIX D FINANCING SUBMITTALS**

## **Clarification:**

The parties agree that, due to a separate, potential HECO Landfill Gas Collection and Power Generation project being pursued under a separate procurement related to the Central Maui Landfill located on Puunene Rd, no Community Based Renewable Energy (CBRE or "Community Solar") project or other solar project shall commence at Central Maui Landfill located on Puunene Rd. under this agreement. The County reserves the right to provide a written notice to proceed with a Community Solar project at the Central Maui Landfill on Puunene Rd, under this contract, at a later date.

The parties agree the below list of sites designated for Community Solar in the Amendment No. 3 IGA Scope of Work: Appendix A are also included in Schedule A of the Appendix D site list. The further detailed TMK descriptions are added here for purpose of clarity.

Site Name	Site Address	Island	Site Type
Hana Landfill***	Off Hana Highway on Waikeolu Road; TMK: 2-1-3-006-012	MAUI	Landfill
Waikapu Landfill***	centrally located on Maui; TMK: 2-3-8-007-082	MAUI	Landfill
Olowalu Landfill***	Off Honoapiʻilani Highway near the town of Olowalu, TMK: 2-4-8-003-039	MAUI	Landfill
Makani Landfill***	Near Makani Forest in Makawao/Pukalani area TMK: 2-7-4-001-020	MAUI	Landfill

## AMENDMENT TO CONTRACT CERTIFICATION

I, **MARCY MARTIN**, Director of Finance of the County of Maui, State of Hawaii,  
do certify that there is available appropriation or balance of an appropriation over and above all  
outstanding contracts, sufficient to cover the amount required by the foregoing contract, i.e.

<u>Appropriation Index</u>	<u>Title</u>	<u>Amount Required</u>
903119B ✓✓	RENEWABLE ENERGY PROGRAMS ✓	(6132) ✓ \$0.00

Contract No. C 7619 ✓ JOHNSON CONTROLS, INC ✓

Amendment No. 5 ✓ Dated:

Dated this 14 day of NOVEMBER 2024

Extension of Contract to: No Change

Original Amount	\$ 150,000.00
Prior Amends/CO	\$ -
This Amendment	\$ -
Total	\$ 150,000.00



MARCY MARTIN  
Director of Finance

Investment Grace Audit (IGA) Contract for Energy Saving Performance Contract Countywide Facilities  
for Office of Mayor  
Job No. RFP No. 21-22/ESPC  
No, Federal funds not being used  
ORDINANCE NO. 5657 (FY2025)

FY 2025

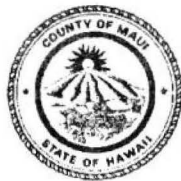
scp

MS 11/14/24  
1703  
11/19/24



**RICHARD T. BISSEN, JR.**  
Mayor

**MARCY MARTIN**  
Director



**DEPARTMENT OF FINANCE**  
**COUNTY OF MAUI**  
**200 SOUTH HIGH STREET**  
**WAILUKU, MAUI, HAWAII 96793**  
[www.mauicounty.gov](http://www.mauicounty.gov)

November 19, 2024

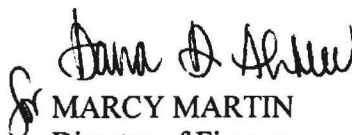
Johnson Controls, Inc.  
550 Paiea Street  
Honolulu, HI 96819

**RE: INVESTMENT GRADE AUDIT (IGA) CONTRACT FOR ENERGY SAVING  
PERFORMANCE CONTRACT COUNTYWIDE FACILITIES  
RFP NO. 21-22/ESPC  
CONTRACT NO. C7619 AMENDMENT NO. 5**

Dear Johnson Controls, Inc.:

Transmitted is a copy of the fully executed contract amendment for your file.

Sincerely,

  
**MARCY MARTIN**  
Director of Finance

MM:dda  
Enclosure

xc: Office of the Mayor

**AMENDMENT NO. 5 TO  
CONTRACT NO. C7619**

**Department:** Office of the Mayor

**Project Title:** Investment Grade Audit (IGA) Contract for Energy Saving Performance  
Contract Countywide Facilities

**RFP No.:** 21-22/ESPC

**Additional Certification Requested from County:** \$0.00

This AMENDMENT NO. 5 TO CONTRACT is made and entered into by and between the COUNTY OF MAUI, a political subdivision of the State of Hawaii, whose business address is 200 South High Street, Wailuku, Maui, Hawaii 96793, hereinafter referred to as the "County", and JOHNSON CONTROLS, INC., a Wisconsin corporation, whose mailing address is 550 Paiea Street, Honolulu, Hawaii 96819, hereinafter referred to as the "Contractor". County and Contractor shall hereinafter be referred to collectively as the "Parties".

**Source of Funds.** The source(s) and availability of the funds for this Contract shall be as set forth in the Contract Certification signed by the Director of Finance of the County of Maui on or before the effective date of this Contract. Contract Certification shall be on file in the office of the Director of Finance of the County of Maui.

**R E C I T A L S:**

WHEREAS, the County and the Contractor entered into the following Contract and Amendment(s), if any, with certified availability of funds in the amount and time of performance as indicated:

Contract/ Amend	Date	Additional Certified Amount	Total Certified Amount	Time of Performance	Renewal Option(s)
C7619	05/06/2022	Not applicable	\$150,000.00	180 calendar days from Notice to Proceed (05/09/2022)	60 additional calendar days
Amend 1	09/29/2022	\$0.00	\$150,000.00	Notice to Proceed through January 4, 2023	None
Amend 2	11/28/2022	\$0.00	\$150,000.00	Notice to Proceed through January 4, 2024	None
Amend 3	01/27/2023	\$0.00	\$150,000.00	Notice to Proceed through November 20, 2024	None
Amend 4	08/23/2024	\$0.00	\$150,000.00	Same as above	None

WHEREAS, the Contract and any Amendment(s) thereto listed above shall be hereinafter collectively referred to as the "Contract";

**AMENDMENT NO. 5 TO  
CONTRACT NO. C7619**

WHEREAS, the Contract is on file with the Director of Finance;

WHEREAS, the Parties now desire to amend the Contract; and

NOW, THEREFORE, the Parties mutually agree to amend the Contract as follows:

1. The scope of work of the contract is hereby amended pursuant to the Phase I Change Order List (Additions and Deductions) set forth in attachment 1 of Exhibit A. The Performance Guarantee of the contract is hereby amended pursuant to the Phase I Guaranteed Savings and Cashflow set forth in Attachment 2 of Exhibit A. Any general, miscellaneous, or other terms, conditions, or provisions that are found in any of the Contractor's proposals for this Contract or in any sub-contractor's proposals attached thereto shall be unenforceable as against the County, unless the subject of such terms, conditions, or provisions is addressed in the County's General Conditions, and such terms, conditions, or provisions are consistent with the County's General Conditions.

2. This Amendment may be executed in two or more counterparts, each of which shall be deemed to be an original, but all of which shall constitute one and the same instrument. The parties agree that they may utilize and shall be bound by their electronic signatures, pursuant to Chapter 489E, Hawaii Revised Statutes.

Those portions of the entire Contract that are not affected by this amendment, shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties execute this Amendment to Contract by their signatures on the dates below, to be effective as of the date of the last signature hereto.

[EXECUTION PAGES TO FOLLOW]

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

**AMENDMENT NO. 5 TO  
CONTRACT NO. C7619**

**CONTRACTOR EXECUTION PAGE**

I hereby represent and warrant that I have the legal right and authority to execute this Contract on behalf of the Contractor.

CONTRACTOR:

JOHNSON CONTROLS, INC.

By Gary Lindsay  
(Signature)

Gary Lindsay  
(Print Name)

Its Director, Project Project Delivery  
(Title)

Date 10/9/2024

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**AMENDMENT NO. 5 TO  
CONTRACT NO. C7619**

**COUNTY EXECUTION PAGE**

COUNTY OF MAUI:

By   
MARCY MARTIN  
Its Director of Finance

Date NOV 19 2024

APPROVAL RECOMMENDED:

  
CYNTHIA LALLO  
Chief of Staff

APPROVED AS TO FORM  
AND LEGALITY:

/s/ Mimi Desjardins  
MIMI DESJARDINS  
Deputy Corporation Counsel  
LF2022-0485  
2024-09-19 C7619 amd 5 DRAFT.docx

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County of Maui Contract No. C7619 - Johnson Controls, Inc.  
County-Wide Energy Savings Performance Contract: Summary Scope of Work  
Design, Installation & Maintenance included (20 year term), Performance Guarantee: (20 year term)

Prepared for:



Prepared by:

Chuck Collins  
Lowen Okamoto  
Jose Pecchio, CEM LEED AP  
Joe Caldwell, CEM CMVP

Engineering Manager  
Sr. Project Manager: **808-344-8334**  
Sr. Development Engineer  
Principal Development Engineer

Phase 1:

**Contract Modification #2**

Date:

**9/11/24**

CIP Funds:

**\$0 CIP Funds: No CIP funds required.**

Performance Guarantee:

**New guaranteed savings and cashflow as shown on Attachment 2, based on scope selection in Attachment 1.**

**Investment Grade Audit (IGA): See Phase 1 IGA document for more details.**

**Attachment 1:**

**Phase 1 Contract Modification #2 Item List (Additions and Deductions), reviewed by:**

Name:

\_\_\_\_\_

Title:

\_\_\_\_\_

Department:

\_\_\_\_\_

Signature:

\_\_\_\_\_

Date:

\_\_\_\_\_

**This letter is being used as the Notice to Proceed with the outlined changes in Attachment 1. Details of changes in scope, guaranteed savings, M&V, contract value and cashflows will be provided on a final IGA document provided at the end of construction.**

Contract Modification #2

County of Maui PHASE 1 Energy Savings Performance Contract

Customer Contract #	C7619
Customer Name	County of Maui
JCI Project #	2PYS-0014
Base Contract Value	\$28,803,233.00
Net Change Contract Amount	\$(3,718,965.00)
New Contract Value	\$25,084,268.00

Item #	FIM	Description	Site	Department	Approx. Date of Item	Requested By	CIP Funds Contributions	Year 1 Savings Change	Notes	Scope Description	Status	Approver	Date approved
1	FIM 9	Infiltration Reduction	All	All		JCI M&V		\$63,669	Correction of errors in contract savings calculation across all sites	Conversion factor corrected in savings calculations	Included	Leo Caires	7/19/24
2	FIM 4	Transformer Replacements	All	All		JCI M&V		(\$75,976)	Correction of errors in contract demand savings calculation across all sites	Demand savings wrongfully multiplied by 12 twice	Included	Leo Caires	7/19/24
3	FIM 2	Exterior Lighting Retrofits	All	All	10/31/2023	Mayor's Office		(\$209,020)	Mayor's office met in Oct 2023 and directed JCI to descope the exterior lighting (because it did not comply with Bill 21, which was passed after the contract was signed) and do roofing upgrades instead.	Descope from existing contract	Included	Leo Caires	7/19/24
4	FIM 2	Exterior Lighting Retrofits	All	All	7/12/2024	Mayor's Office		\$175,843	Preliminary data on providing Bill 21 compliant replacements of existing non-LED exterior fixtures using amber technology	Replace exterior lighting non-LED fixtures in original contract with new amber LED fixtures compliant with Bill 21	Rejected		
5	FIM 2	Exterior Lighting Retrofits	All	All	7/12/2024	Mayor's Office		\$0	Preliminary data on providing Bill 21 compliant replacements of existing LED exterior fixtures using amber technology	Replace exterior lighting LED fixtures in original contract (those had been excluded in original contract) with new amber LED fixtures compliant with Bill 21	Rejected		
6	FIM 1	Interior Lighting Retrofits	Fire Prevention Bureau	Fire	2/14/2024	Rylan Yatsuhiro		\$0	JCI had excluded these fixtures originally because MFD self-implemented, but 5 of those new LED fixtures have failed and MFD requested JCI to replace them.	Replace (5) non-working highbay LED fixtures in the garage with new LED high bay lights, and provide (2) additional for attic stock	Rejected		
7	FIM 1	Interior Lighting Retrofits	Various Fire Stations	Fire	2/14/2024	Rylan Yatsuhiro		\$0	Fire chief requested to remove Acuity switches from dormitory areas	Remove Acuity switches from various Fire Stations, per approved Memo 1900 from Fire Chief	Included	Leo Caires	7/10/24
8	FIM 5	Domestic Water Fixture Upgrades	All Fire Stations	Fire	7/25/2023	Rylan Yatsuhiro		(\$44,361)	Fire Fighters do not like low flow showerheads, so Fire Department has requested all low flow shower heads to be descope in the Fire Stations.	Descope (65) 1.5 GPM shower heads from existing contract	Included	Leo Caires	7/19/24
9	FIM 1	Interior Lighting Retrofits	West Maui Senior Center	Housing	10/1/2023	JCI		(\$11,561)	Facility was destroyed during the Lahaina fires	Descope from existing contract	Included	Leo Caires	7/19/24
10	FIM 5	Domestic Water Fixture Upgrades	West Maui Senior Center	Housing	10/1/2023	JCI		\$0	Facility was destroyed during the Lahaina fires	Descope from existing contract	Included	Leo Caires	7/19/24
11	FIM 1	Interior Lighting Retrofits	Kaunakakai Gym	Parks	8/16/2023	Darin Kimoto		\$9,188	Moloka'i gym has (8) old Sylvania Metal Halide 1000W fixtures and make the gym super hot. The community would like to get new LED fixtures	Replace (8) HID Metal Halide lights in the Kaunakakai Gym with (10) new LED high bay lights, and retrofit (25) other existing lighting fixtures of various types and locations with LED technology	Included	Leo Caires	7/10/24
12	FIM 1	Interior Lighting Retrofits	Duke Maliu Park, Mitchel Pauole Annex, Kaunakakai Youth Center, Maunaloa Community Center, One Alii Beach Park, Kaunakakai Police Station	Parks	8/15/2023	Darin Kimoto		\$18,748	Darin Kimoto (Molokai District Manager for Parks Dept) indicated he would like to have LED upgrades in this facility since it was not included in the original scope of Ph1	Retrofit (320) existing interior lighting fixtures of various types and locations with LED technology	Included	Leo Caires	7/10/24
13	FIM 10	Window Film	Lanai Baseyard (Lanai Gym)	Parks	2/1/2024	JCI		(\$448)	Building was mislabled "Baseyard", but it is really the Lanai Gym, which is not owned by the County.	Descope from existing contract	Included	Leo Caires	7/19/24
14	FIM 5	Domestic Water Fixture Upgrades	Harold Rice Park	Parks	8/22/2023	Karla Peters		\$50	Parks Department asked to include these facilities for domestic water retrofits. JCI requested water bills	Replace domestic water fixtures to new low flow fixtures, which includes furnishing and installing: (2) 1.0 gpf tank type toilets, (1) 1/8 gpf urinal and flush valve, (1) 0.5 gpm faucet aerator.	Included	Leo Caires	7/10/24
15	FIM 5	Domestic Water Fixture Upgrades	Kulamalu Park	Parks	8/22/2023	Karla Peters		\$134	Parks Department asked to include these facilities for domestic water retrofits. JCI requested water bills	Replace domestic water fixtures to new low flow fixtures, which includes furnishing and installing: (3) 1.28 gpf floor mounted toilets and flush valves, (1) 1/8 gpf urinal and flush valve, (2) 0.5 gpm faucet aerators.	Included	Leo Caires	7/10/24
16	FIM 8	Aquatics	Cooke Memorial Pool	Parks	10/15/2023	Darin Kimoto		\$0	Surge tank has cracks that cause significan water leaks/loss constantly	Seal with epoxy the cracks in the pool surge tank where currently water leaks. Replace existing defective isolation valves in the tank	Included		
17	FIM 5	Domestic Water Fixture Upgrades	Malu Ulu Olele Park	Parks	10/1/2023	JCI		(\$101)	Facility was damaged during the Lahaina fires	Descope from existing contract	Included	Leo Caires	7/19/24
18	FIM 5	Domestic Water Fixture Upgrades	Old Lahaina Prison	Parks	10/1/2023	JCI		(\$1,933)	Facility was damaged during the Lahaina fires	Descope from existing contract	Included	Leo Caires	7/19/24
19	FIM 5	Domestic Water Fixture Upgrades	Lahaina Banyan Court	Parks	10/1/2023	JCI		(\$9,742)	Facility was damaged during the Lahaina fires	Descope from existing contract	Included	Leo Caires	7/19/24
20	FIM 6	Shower Tower Retrofits	Kamehameha Iki Park	Parks	10/1/2023	JCI		(\$4,216)	Facility was damaged during the Lahaina fires	Descope from existing contract	Included	Leo Caires	7/19/24
21	FIM 4	Transformer Replacements	War Memorial Complex	Parks	1/26/2024	Pat McCall		\$0	JCI is not allowed to install the transformer because another contractor is working on the site, so DPR and contractor agreed on JCI providing the transformer to them, and they will install it on their contract.	JCI will hand over the transformer to contractor working on site and provide a credit to the County for the labor	Included	Leo Caires	7/19/24
22	FIM 1	Interior Lighting Retrofits	Alfred "Flako" Gymnasium	Parks	1/26/2024	Pat McCall		(\$3,248)	Parks Deparment indicated this building is condemned and will be demolished.	Descope from existing contract	Included	Leo Caires	7/19/24
23	FIM 7	Irrigation Wells	Maui Lani Park	Parks	7/10/2024	JCI		(\$63,813)	JCI informed the Parks Dept that permitting agency (CWRM) is likely to not approve in a timely manner, so it is better to defer to a future phase.	Descope from existing contract and defer to a future phase with JCI or to be done by County directly	Included	Leo Caires	7/19/24
24	FIM 7	Irrigation Wells	Kahalani Mauka Park	Parks	7/10/2024	JCI		(\$155,033)	JCI informed the Parks Dept that permitting agency (CWRM) is likely to not approve in a timely manner, so it is better to defer to a future phase.	Descope from existing contract and defer to a future phase with JCI or to be done by County directly	Included	Leo Caires	7/19/24

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Customer Name	County of Maui
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Net Change Contract Amount	\$(3,718,965.00)
New Contract Value	\$25,084,268.00

Item #	FIM	Description	Site	Department	Approx. Date of Item	Requested By	CIP Funds Contributions	Year 1 Savings Change	Notes	Scope Description	Status	Approver	Date approved
25	FIM 7	Irrigation Wells	Papohaku Park	Parks	7/10/2024	JCI		(\$13,133)	JCI informed the Parks Dept that permitting agency (CWRM) is likely to not approve in a timely manner, so it is better to defer to a future phase.	Descope from existing contract and defer to a future phase with JCI or to be done by County directly	Included	Leo Caires	7/19/24
26	FIM 7	Irrigation Wells	Kaunakakai Ball Park	Parks	7/10/2024	JCI		(\$67,809)	JCI informed the Parks Dept that permitting agency (CWRM) is likely to not approve in a timely manner, so it is better to defer to a future phase.	Descope from existing contract and defer to a future phase with JCI or to be done by County directly	Included	Leo Caires	7/19/24
27	FIM 7	Smart Irrigation Controls	Lahaina Civic Center, Lahaina Aquatic Center, Kualapuu Park, Kilohana Park, Leisure Estates Park, Lanai Park & Tennis, Makana Park, Wells Park	Parks	4/23/2024	Karla Peters / Chris Kenzle		\$44,868	Parks Department indicated they want to have smart irrigation controls in lieu of irrigation wells that are stuck on permitting	Install new Rainbird smart irrigation controls on (7) parks selected by DPR (one park for each District), plus Lahaina Aquatic Center	Rejected		
28	FIM 7	Smart Irrigation Controls	23 Additional Parks	Parks	6/21/2024	JCI		\$164,165	JCI suggests installing smart irrigation controls in more parks to maximize savings for this measure.	Install new Rainbird smart irrigation controls on (23) additional pars. Parks that are currently underwatering, are on R-1 or well water are excluded.	Rejected		
29	FIM 6	Shower Tower Retrofits	Kamole I Beach Park	Parks	7/1/2024	JCI		(\$12,059)	JCI to descope this because it is in a flood zone and SMA is likely to not be approved.	Descope from existing contract and provide labor credit to County	Included	Leo Caires	7/19/24
30	FIM 5	Domestic Water Fixture Upgrades	Various	Parks	3/19/2024	Karla Peters		\$0	JCI discovered that various facilities have high pressure (>100 psi) which is a code violation and causes issues with domestic plumbing fixtures. Karla Peters requested JCI to include these corrections in the project.	Waiting to see which parks get included for this, since DPR requested JCI to help with this	Rejected		
31	FIM 5	Domestic Water Fixture Upgrades	Waikapu Community Center	Parks	2/1/2024	JCI		(\$61)	Facility had already installed low flow fixtures	Descope from existing contract and provide labor credit to County	Included	Leo Caires	7/19/24
32	FIM 1	Interior Lighting Retrofits	Launiupoko Beach Park	Parks	5/20/2024	JCI		(\$137)	Site was mistakenly assumed to have lights on the restrooms during the audit (unable to access then)	Descope from existing contract	Included	Leo Caires	7/19/24
33	FIM 1	Interior Lighting Retrofits	War Memorial Complex	Parks	5/1/2023	JCI		(\$5,984)	Major renovation on this site by the County prevents JCI from performing the work on a timely fashion	Descope from existing contract	Included	Leo Caires	7/19/24
34	FIM 1	Interior Lighting Retrofits	Lahaina Civic Center	Parks	5/20/2024	Parks		(\$44,850)	DPR indicated the MIT tournament would take precedence over lighting retrofit work. There was concern about retrofitting the lighting prior to tournament due to risk of lighting issues that would hinder ESPN camera team. Given the fact this tournament is in November, and the County does not want to extend work beyond October, this will need to be descope.	Descope (42) gym lights from existing contract and potentially defer to Ph3	Included	Leo Caires	7/19/24
35	FIM 4	Transformer Replacements	Wailuku Police Station	Police	8/24/2023	JCI		\$3,355	Additional transformers were identified by Police Department that were not included in original scope	Replace (1) 75 kva, (1) 45 kva xmrs	Included		
36	FIM 5	Domestic Water Fixture Upgrades	Wailuku Police Station	Police	5/28/2024	Jeremy Pallone-DeLaTorre		(\$1,267)	Jeremy Pallone DeLa Torre indicated that MPD wants to descope the low flow toilets at this location due to issues they had experienced in the past	Descope from existing contract	Included	Leo Caires	7/19/24
37	FIM 5	Domestic Water Fixture Upgrades	All Police Stations	Police	6/3/2024	Jeremy Pallone-DeLaTorre		(\$520)	Maui Police Department has requested all low flow shower heads to be descope in the Police Stations.	Descope (44) 1.5 GPM shower heads from existing contract	Included	Leo Caires	7/19/24
38	FIM 1	Interior Lighting Retrofits	Kalana O Maui	Public Works	5/8/2023	JCI		\$0	JCI to rewire can lights on the 9th floor to new switch legs so that they can be controlled separately, and rearrange fixtures on 5th floor to match the rest of the fixtures on that floor	Rewire (16) 4' lights to separate switch legs on 9th floor and remove/reinstall (6) 2x2 fixtures to match the rest of the floor on 5th floor	Rejected		
39	FIM 1	Interior Lighting Retrofits	Hana Baseyard	Public Works	11/2/2023	Paul Barany		\$692	Paul Barany requested the lights at the Hana Baseyard to be replaced.	Replace (18) 4' Wrap Fixture, Fluorescent, (2) 48", T-8 lamps, Instant Start Ballast, w/ 4' Wrap Fixture, 1x4 Wrap - LED Luminaire, with Separate or Integrated Driver Component, 1X4LEDF-WFIXTURE INTEGRATED SENSOR	Included	Leo Caires	7/10/24
40	FIM 1	Interior Lighting Retrofits	Old Courthouse	Public Works		Ervin Pigao		(\$9,273)	JCI will not be allowed to perform the work until mold removal is completed on this building	Descope from existing contract and defer to a future phase with JCI or to be done by County directly	Included	Leo Caires	7/19/24
41		HVAC	Old Courthouse	Public Works	3/20/2024	Ervin Pigao		\$0	Erin Pigao indicated the building is contaminated with mold due to lack of performance of the chilled water system and indicated they would prefer to abandon the chilled water system and install a new VRF system.	Preliminary estimates to abandon chilled water system and install new VRF system	Rejected		
42	FIM 5	Domestic Water Fixture Upgrades	Maui County Service Center	Public Works	5/7/2024	Rodrigo "Chico" Rabara		(\$619)	This site had been added in CO#1, but DPW indicated they don't want low flow fixtures as there had been issues in this building before with low flow fixtures, so they requested this to be descope from the project.	Descope toilets and urinals from existing contract	Included	Leo Caires	7/19/24
43	0	Roofing Upgrades	Wailuku Police Station, Wailuku Fire Station, Forensic Facility	Various	10/31/2023	Mayor's Office		\$0	Mayor's office met in Oct 2023 and directed JCI to descope the exterior lighting (because it did not comply with Bill 21, which was passed after the contract was signed) and do roofing upgrades instead.	Perform roofing upgrades to enable the Solar PV installation on these three buildings	Rejected		
44	FIM 4	Transformer Replacements	Piiholo Water Treatment Plant	Water Supply	8/24/2023	JCI		\$1,355	Additional transformers were identified by Water Department that were not included in original scope	Replace (1) 15 kva, (1) 10 kva xmrs	Rejected		
45	FIM 4	Transformer Replacements	Lahainaluna WTP	Water Supply	10/23/2023	Jason Koskey		\$552	Additional transformers were identified by Water Department that were not included in original scope	Replace (1) 45 kva xmrs	Rejected		



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Item #	FIM	Description	Site	Department	Approx. Date of Item	Requested By	CIP Funds Contributions	Year 1 Savings Change	Notes	Scope Description	Status	Approver	Date approved
46	FIM 4	Transformer Replacements	Maui Meadows Pump	Water Supply	3/28/2024	JCI		\$612	Additional transformers were identified by Water Department that were not included in original scope	Replace (1) 30 kva xmr	Rejected		
47	FIM 1	Interior Lighting Retrofits	Maui Meadows Pump	Water Supply	5/20/2024	JCI		\$57	The only light on this site was exterior, which was mistakenly included in the interior lighting scope	Descope from existing contract	Included	Leo Caires	7/19/24
48	FIM 1	Interior Lighting Retrofits	Honokowai Booster	Water Supply	9/25/2023	Ryan Nagoshi		(\$15)	Ryan Nagoshi indicated this site does not have any lights to be retrofitted.	Descope from existing contract	Included	Leo Caires	7/19/24
49	FIM 8	Aquatics	Lahaina Aquatic Center	Parks	5/23/2024	Chris Kenzle		\$0	Parks Dept will not allow JCI access until the site is cleaned from ashes and debris that resulted from the Lahaina wild fires	Clean toxic soot and ash to mimic DOH standards from the interior and exterior building surfaces to allow JCI to perform lighting, plumbing and pool work currently under contract to be executed.	Rejected		
50	FIM 10	Window Film	Kalana Pakui	Public Works	6/25/2024	JCI		\$2,655	JCI had developed this scope several months ago for future work	Add window film in (1,139) sqft of glass	Rejected		
51	FIM 10	Window Film	Kalana O Maui	Public Works	6/25/2024	JCI		\$18,511	JCI had developed this scope several months ago for future work	Add window film in (10,371) sqft of glass	Rejected		
52	FIM 10	Window Film	Old Courthouse	Public Works	6/25/2024	JCI		\$2,888	JCI had developed this scope several months ago for future work	Add window film in (1,080) sqft of glass	Rejected		
53	FIM 10	Window Film	Kihei Aquatic Center	Parks	6/25/2024	JCI		\$2,027	JCI had developed this scope several months ago for future work	Add window film in (286) sqft of glass	Rejected		
54	FIM 10	Window Film	Kihei Police Station	Police	6/25/2024	JCI		\$1,239	JCI had developed this scope several months ago for future work	Add window film in (827) sqft of glass	Rejected		
55	FIM 10	Window Film	Lahaina Civic Center	Parks	6/25/2024	JCI		\$482	JCI had developed this scope several months ago for future work	Add window film in (717) sqft of glass	Rejected		
56	FIM 10	Window Film	Lahaina Fire Station	Fire	6/25/2024	JCI		\$293	JCI had developed this scope several months ago for future work	Add window film in (188) sqft of glass	Rejected		
57	FIM 10	Window Film	Lahaina Police Station	Police	6/25/2024	JCI		\$582	JCI had developed this scope several months ago for future work	Add window film in (255) sqft of glass	Rejected		
58	FIM 10	Window Film	Lanai Senior Center	Housing	6/25/2024	JCI		\$1,170	JCI had developed this scope several months ago for future work	Add window film in (441) sqft of glass	Rejected		
59	FIM 10	Window Film	Maui County Service Center	Public Works	6/25/2024	JCI		\$8,483	JCI had developed this scope several months ago for future work	Add window film in (4,662) sqft of glass	Rejected		
60	FIM 10	Window Film	Mayor Hannibal Tavares Community Center	Parks	6/25/2024	JCI		\$2,347	JCI had developed this scope several months ago for future work	Add window film in (798) sqft of glass	Rejected		
61	FIM 10	Window Film	South Maui Community Center & Park	Parks	6/25/2024	JCI		\$2,454	JCI had developed this scope several months ago for future work	Add window film in (1,490) sqft of glass	Rejected		
62	FIM 10	Window Film	Wailuku Police Station	Police	6/25/2024	JCI		\$8,613	JCI had developed this scope several months ago for future work	Add window film in (2,130) sqft of glass	Rejected		
63	FIM 10	Window Film	Kaunoa Senior Services	Parks	6/25/2024	JCI		\$3,164	JCI had developed this scope several months ago for future work	Add window film in (1,902) sqft of glass	Rejected		
64	FIM 5	Domestic Water Fixture Upgrades	Kalana O Maui	Public Works	6/18/2024	JCI		\$0	Council member indicated the water cooler in the 8th floor has been out of service for several months and has not yet been replaced	Replace (1) broken water cooler in 8th floor with new drinking fountain with bottle filler	Included	Leo Caires	7/10/24
65	FIM 9	Infiltration Reduction	Lanai Fire Station	Fire	2/8/2024	Rylan Yatsuhiro		\$0	Rylan Yatsushiro requested to replace the old jalousie windows with new double pane windows to better insulate the building and lower infiltration	Replace (23) existing jalousie windows totaling 478 sqft with new double pane windows with vynil frames	Rejected	0	1/0/00
66	0	HVAC	Lanai Fire Station	Fire	2/8/2024	Rylan Yatsuhiro		\$0	Rylan Yatsushiro requested to install (5) mini split units Fire Dept purchased for this station	Install (5) County-provided mini split units	Included	Leo Caires	7/19/24
67	FIM 1	Interior Lighting Retrofits	Kalana O Maui	Public Works	2/26/2024	JCI		\$0	There are (6) 2x2 fixtures in the 5th floor that had a different orientation than the rest of the fixtures on the floor, thus creating an aesthetic issue.	Remove and reinstall (6) 2'x2' fixtures in the 5th floor to match the rest of the fixtures on that floor	Included	Leo Caires	7/10/24
68	FIM 1	Interior Lighting Retrofits	Kihei WRF	Env Mgmt	4/9/2024	JCI		\$0	Switches did not have boxes in the wall in office spaces, which is not allowed by electrical code.	Add electrical boxes in the wall to comply with the electrical code	Included	Leo Caires	7/10/24
69	FIM 2	Exterior Lighting Retrofits	Kalana O Maui	Public Works	5/30/2024	JCI		\$0	Provide a mockup of Bill 21 compliant amber lights in the parking lot of the Kalana O Maui building	Install a mockup of exterior lights in (2) parking lots. The smaller lot includes (2) wall packs and (1) 4-lamp shoebox fixture. The larger lot includes (3) wall packs, (2) 4-lamp shoebox fixtures, and (3) post-top fixtures. Fixtures will be phosphor-coated amber.	Included	Leo Caires	7/10/24
70	FIM 1	Interior Lighting Retrofits	Wailuku Police Station	Police	6/28/2024	JCI		\$0	Fixtures (Qty: 18) were found with faulty wiring that will need to be replaced	Replace faulty wiring in (18) fixtures.	Rejected		
71	FIM 1	Interior Lighting Retrofits	Kahului Baseyard	Public Works	7/2/2024	JCI		\$0	Fixtures in the work and tools area were disconnected for safety reasons, but County requested sensors to be reconnected due to area use change.	Reconnect sensors in fixtures located in the work and tools area	Rejected		
72	0	General Conditions	Various	All	6/27/2024	JCI		\$0	Additional General Conditions and Project Management to finish installation of contracted scope of work due to delays outside of JCI's control	3 months of additional General Conditions and Project Management to finish installation of contracted scope of work	Rejected		
73	FIM 7	Irrigation Wells	Kaunakakai Ball Park, Papohaku Park	Parks	6/14/2024	JCI		\$0	CWRM requested on 6/14/24 that a more in-depth Ka Pa`akai analysis from the driller be provided in order to further consider the well permit application	Provide an expedited in-depth Ka Pa`akai analysis as requested by CWRM for the well permit applications	Rejected		
74	FIM 2	Exterior Lighting Retrofits	All	All	7/12/2024	JCI		\$0	Perform a new exterior lighting audit and develop a Bill 21 compliant design	Perform a new exterior lighting audit and develop a Bill 21 compliant design	Rejected		
75	FIM 2	Exterior Lighting Retrofits	All	Public Works	7/12/2024	JCI		\$0	Perform a streetlighting audit and provide the data for the County so they can pursue the design of Bill 21 compliant fixtures	Perform a streetlighting audit and provide the data and existing inventory of streetlights to the County	Rejected		
76	FIM 7	Smart Irrigation Controls	Lahaina Rec Center	Parks	7/10/2024	Leo Caires		\$0	Leo Caires requested this park to be added to the Smart Irrigation Controls scope to help revitalize it	Install new Rainbird smart irrigation controls on (1) additional park.	Rejected		

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77	FIM 11	EV	Various	Various	7/10/2024	Leo Caires		\$0	Leo Caires requested to include (12) new EV (Teslas)	Provide (12) new Teslas Model Y to meet the County specifications.	Rejected		
78	FIM 11	EV Charging Station	Kalana O Maui	Public Works	7/10/2024	Leo Caires		\$0	Leo Caires requested to add (6) additional EV Charging Stations in a specified location at Kalana O Maui blg	Provide and install (6) new EV Charging Stations, similar to the one already installed	Rejected		
79	FIM 1	Interior Lighting Retrofits	Parks Maintenance Baseyard	Parks	7/18/2024	Chris Kenzle		\$0	Chris Kenzle (Parks Dept) indicated they want JCI to do the lighting retrofits in the Kanaloa Parks Maintenance Baseyard	Retrofit (82) existing lighting fixtures of various types and locations in the Maintenance building with LED technology	Rejected		
80	0	Roofing Upgrades	Kula Fire Station	Fire	7/18/2024	Rylan Yatsuhiro		\$0	Fire Department indicated the roof in the Kula Fire Station is leaking and is in urgent need to be replaced.	Replace (5,751) sqft of slate tile roofing with new heavy duty architectural shingle roofing to enable the Solar PV installation	Included	Leo Caires	7/19/24
81	0	Roofing Upgrades	Wailuku Police Station	Police	7/18/2024	Jeremy Pallone-DeLaTorre		\$0	Police Department indicated the roof in the Wailuku Station is leaking and needs to be repaired.	Provide new coating on (30,109) sqft of flat roof to enable the solar PV installation with a roof warranty	Rejected		
82	0	Roofing Upgrades	Paia Fire Station	Fire	12/8/2023	Rylan Yatsuhiro		\$0	Fire Department indicated the roof in the Paia Fire Station is leaking and is in urgent need to be replaced.	Replace (5,010) sqft of shingle roofing with new heavy duty architectural shingle roofing, including new copper gutters and downpouts	Rejected		
83	FIM 8	Aquatics	All pools	Parks	7/18/2024	JCI/County		\$0	Service PSA will be descope to make sure the County can have enough savings to cover loan payments	Descope Pool Service PSA and Parks Department will take over those responsibilities	Included	Leo Caires	7/19/24
84	FIM 1	Interior Lighting Retrofits	All sites	All	7/18/2024	JCI/County		\$0	Service PSA will be descope to make sure the County can have enough savings to cover loan payments	Descope Interior Lighting Service PSA and every Department will take over those responsibilities	Included	Leo Caires	7/19/24
85	FIM 8	Aquatics	All pools	Parks	7/22/2024	JCI/County		\$0	DPR does not have the in-house expertise to maintain the pool equipment installed and did not include in their budget to outsource this	Reserve funds for Pool Service PSA for years 1-4 and Parks Department will take over those responsibilities after that.	Rejected		
86	FIM 6	Shower Tower Retrofits	Wahikuli Wayside Park, Kanaha Beach Park, Kalama Park, Hana Bay Beach Park	Parks	8/1/2024	Mayor's Office		(\$118,632)	County decided not to grant an extension to JCI to deal with permitting delays, thus JCI will provide a labor credit and turn over the material to the Parks Dept for them to install.	Descope (12) shower towers from existing contract, and provide the equipment and a labor credit to County. County will be responsible for installing the JCI provided equipment.	Included	Leo Caires	8/5/24
87	FIM 11	EV	Kalana O Maui	Public Works	8/7/2024	Leo Caires		\$0	Leo Caires requested JCI to provide the Ford Lightning truck that had originally been purchased and exchanged for the (2) Model Y Teslas	Provide (1) new Ford Lightning EV truck	Included	Leo Caires	8/7/24
88	FIM 11	EV	Kalana O Maui	Public Works	5/1/2023	Leo Caires		\$0	Mayor's office requested an exchange of (1) Ford Lightning truck for (2)Model Y Teslas	Exchange (1) Ford Lightning EV truck for (2) Model Yteslas	Included	Leo Caires	6/1/23
89	FIM 5	Domestic Water Fixture Upgrades	Lahaina Civic Center	Parks	7/14/2024	Angus Peters		(\$31,542)	District Manager indicated locker rooms are not utilized and showers are out of order due to a floor drain leak	Descope (16) 1.5 GPM shower heads from existing contract and (2) aerators	Included	Leo Caires	8/8/24
90	FIM 5	Domestic Water Fixture Upgrades	Kihei Police Station	Police	5/28/2024	Jeremy Pallone-DeLaTorre		(\$238)	Jeremy Pallone DeLa Torre indicated that MPD wants to descope the low flow toilets at this location due to issues they had experienced in the past	Descope low flow toilets from existing contract	Included	Leo Caires	8/8/24
91	FIM 5	Domestic Water Fixture Upgrades	Kanaha Beach Park	Parks	8/1/2024	JCI		(\$1,849)	Existing toilets had already been converted to low flow	Descope (2) low-flow toilets from project	Included	Leo Caires	8/8/24
92	FIM 5	Domestic Water Fixture Upgrades	Napili Fire Station	Fire	8/1/2024	JCI		(\$128)	Existing toilets had already been converted to low flow	Descope (6) low-flow toilets from existing contract	Included	Leo Caires	8/8/24
93	FIM 5	Domestic Water Fixture Upgrades	Lanai Police Station	Police	8/1/2024	JCI		(\$42)	Existing toilets had already been converted to low flow	Descope(3) aerators from existing contract	Included	Leo Caires	8/8/24
94	FIM 5	Domestic Water Fixture Upgrades	Kihei Fire Station	Fire	8/1/2024	JCI		(\$727)	Existing toilets had already been converted to low flow	Descope(3) aerators from existing contract	Included	Leo Caires	8/8/24
95	FIM 5	Domestic Water Fixture Upgrades	Kalana O Maui	Public Works	6/18/2024	JCI		\$0	Mayor's office requested to change the remaining water coolers in the building	Replace (6) water coolers in 2nd-7th floors with new drinking fountain with bottle filler	Included	Leo Caires	7/10/24
96	FIM 8	Aquatics	Kokua Pool	Parks	9/6/2024	Mayor's Office		(\$34,769)	County decided not to grant an extension to JCI to deal with electrical upgrades needed, thus JCI will provide a labor credit and turn over the material to the Parks Dept for them to install.	Descope the OSHG installation from existing contract, and provide the equipment and a labor credit to County. County will be responsible for installing the JCI provided equipment.	Included	Leo Caires	9/6/24
								\$0	(\$827,213)				
								\$0	\$0				
								\$0	\$442,303				

TOTAL FINANCED AMOUNT / CONTRACT VALUE: **\$ 25,084,268** A

Years 1-4 Pool Service PSA Value: \$ - B

Appx. BOH Accrued Interest: **\$ 789,510** CTotal TELP: **\$ 25,873,778** A+B+C

													Lease Balance						Fixed Rate
	Measured Savings		Non-Measured (Agreed Upon) Savings			Total Savings	Annual, In-Advance Lease Payment from BOH	Measurement and Verification	JCI Ongoing Services	Total Costs									
	Utility Savings	Utility Savings	Operational Savings	Rebates (Not Guaranteed)	Beginning Lease Balance						Principal Payment	Interest Payment	Total Principal and Interest Payment	Ending Lease Balance					
Year 1	\$ 1,132,246	\$ 188,164	\$ 250,516	\$ 191,353	\$ 1,762,279	\$ 1,708,372	\$ 53,906	\$ -	\$ 1,762,278	\$ 1	30-Sep-2024	30-Sep-2025	\$ 25,873,778	\$ 1,708,372	\$ -	\$ 1,708,372	\$ 24,165,406	3.83%	
Year 2	\$ 1,178,977	\$ 195,398	\$ 297,046	\$ -	\$ 1,671,421	\$ 1,614,818	\$ 56,602	\$ -	\$ 1,671,420	\$ 1	30-Sep-2025	30-Sep-2026	\$ 24,165,406	\$ 689,283	\$ 925,535	\$ 1,614,818	\$ 23,476,123		
Year 3	\$ 1,227,945	\$ 202,972	\$ 329,751	\$ -	\$ 1,760,668	\$ 1,701,235	\$ 59,432	\$ -	\$ 1,760,667	\$ 1	30-Sep-2026	30-Sep-2027	\$ 23,476,123	\$ 802,100	\$ 899,136	\$ 1,701,235	\$ 22,674,023		
Year 4	\$ 1,279,262	\$ 210,903	\$ 355,611	\$ -	\$ 1,845,775	\$ 1,783,371	\$ 62,403	\$ -	\$ 1,845,774	\$ 1	30-Sep-2027	30-Sep-2028	\$ 22,674,023	\$ 912,577	\$ 870,794	\$ 1,783,371	\$ 21,761,446		
Year 5	\$ 1,333,043	\$ 219,208	\$ 378,312	\$ -	\$ 1,930,564	\$ 1,865,039	\$ 65,523	\$ -	\$ 1,930,563	\$ 1	30-Sep-2028	30-Sep-2029	\$ 21,761,446	\$ 1,031,576	\$ 833,463	\$ 1,865,039	\$ 20,729,871		
Year 6	\$ 1,389,412	\$ 227,906	\$ 397,228	\$ -	\$ 2,014,546	\$ 1,945,746	\$ 68,800	\$ -	\$ 2,014,545	\$ 1	30-Sep-2029	30-Sep-2030	\$ 20,729,871	\$ 1,151,792	\$ 793,954	\$ 1,945,746	\$ 19,578,079		
Year 7	\$ 1,448,497	\$ 237,016	\$ 417,089	\$ -	\$ 2,102,603	\$ 2,030,362	\$ 72,240	\$ -	\$ 2,102,602	\$ 1	30-Sep-2030	30-Sep-2031	\$ 19,578,079	\$ 1,280,522	\$ 749,840	\$ 2,030,362	\$ 18,297,558		
Year 8	\$ 1,510,432	\$ 246,559	\$ 437,944	\$ -	\$ 2,194,935	\$ 2,119,082	\$ 75,852	\$ -	\$ 2,194,934	\$ 1	30-Sep-2031	30-Sep-2032	\$ 18,297,558	\$ 1,416,366	\$ 702,716	\$ 2,119,082	\$ 16,881,192		
Year 9	\$ 1,575,359	\$ 256,556	\$ 459,841	\$ -	\$ 2,291,756	\$ 2,212,111	\$ 79,644	\$ -	\$ 2,291,755	\$ 1	30-Sep-2032	30-Sep-2033	\$ 16,881,192	\$ 1,565,561	\$ 646,550	\$ 2,212,111	\$ 15,315,630		
Year 10	\$ 1,643,426	\$ 267,030	\$ 482,833	\$ -	\$ 2,393,289	\$ 2,309,662	\$ 83,626	\$ -	\$ 2,393,288	\$ 1	30-Sep-2033	30-Sep-2034	\$ 15,315,630	\$ 1,723,073	\$ 586,589	\$ 2,309,662	\$ 13,592,557		
Year 11	\$ 1,714,789	\$ 278,004	\$ 506,975	\$ -	\$ 2,499,768	\$ 2,411,959	\$ 87,808	\$ -	\$ 2,499,767	\$ 1	30-Sep-2034	30-Sep-2035	\$ 13,592,557	\$ 1,891,364	\$ 520,595	\$ 2,411,959	\$ 11,701,193		
Year 12	\$ 1,789,613	\$ 289,502	\$ 532,323	\$ -	\$ 2,611,439	\$ 2,519,240	\$ 92,198	\$ -	\$ 2,611,438	\$ 1	30-Sep-2035	30-Sep-2036	\$ 11,701,193	\$ 2,069,856	\$ 449,384	\$ 2,519,240	\$ 9,631,337		
Year 13	\$ 1,868,069	\$ 301,552	\$ 558,940	\$ -	\$ 2,728,560	\$ 2,631,751	\$ 96,808	\$ -	\$ 2,728,559	\$ 1	30-Sep-2036	30-Sep-2037	\$ 9,631,337	\$ 2,262,871	\$ 368,880	\$ 2,631,751	\$ 7,368,466		
Year 14	\$ 1,950,337	\$ 314,180	\$ 586,887	\$ -	\$ 2,851,403	\$ 2,749,754	\$ 101,648	\$ -	\$ 2,851,402	\$ 1	30-Sep-2037	30-Sep-2038	\$ 7,368,466	\$ 2,467,542	\$ 282,212	\$ 2,749,754	\$ 4,900,924		
Year 15	\$ 2,036,607	\$ 327,414	\$ 616,231	\$ -	\$ 2,980,253	\$ 2,873,521	\$ 106,731	\$ -	\$ 2,980,252	\$ 1	30-Sep-2038	30-Sep-2039	\$ 4,900,924	\$ 2,685,816	\$ 187,705	\$ 2,873,521	\$ 2,215,108		
Year 16	\$ 2,127,079	\$ 341,286	\$ 647,042	\$ -	\$ 3,115,407	\$ 2,300,179	\$ 112,067	\$ -	\$ 2,412,246	\$ 703,161	30-Sep-2039	30-Sep-2040	\$ 2,215,108	\$ 2,215,108	\$ 85,071	\$ 2,300,179	\$ 0		
Year 17	\$ 2,221,960	\$ 355,826	\$ 679,395	\$ -	\$ 3,257,181	\$ -	\$ 117,671	\$ -	\$ 117,671	\$ 3,139,510	30-Sep-2040	30-Sep-2041							
Year 18	\$ 2,321,471	\$ 371,068	\$ 713,364	\$ -	\$ 3,405,903		\$ 123,554	\$ -	\$ 123,554	\$ 3,282,349	30-Sep-2041	30-Sep-2042							
Year 19	\$ 2,425,841	\$ 387,047	\$ 749,033	\$ -	\$ 3,561,920		\$ 129,732	\$ -	\$ 129,732	\$ 3,432,189	30-Sep-2042	30-Sep-2043							
Year 20	\$ 2,535,313	\$ 403,799	\$ 786,484	\$ -	\$ 3,725,596		\$ 136,218	\$ -	\$ 136,218	\$ 3,589,377	30-Sep-2043	30-Sep-2044							
TOTAL	\$ 38,267,409	\$ 2,063,658	\$ 10,182,845	\$ 191,353	\$ 50,705,265	\$ 34,776,202	\$ 1,782,462	\$ -	\$ 36,558,664	\$ 14,146,601									

## BFED Committee

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**From:** Michelle L. Santos <Michelle.Santos@co.maui.hi.us>  
**Sent:** Thursday, December 26, 2024 2:01 PM  
**To:** BFED Committee  
**Cc:** Cynthia D. Lallo; Cynthia E. Sasada; Josiah K. Nishita; Kelii P. Nahooikaika  
**Subject:** BFED-Johnson Controls Inc. Energy Performance Contract  
**Attachments:** BFED-John son Controls Inc. Energy Performance Contract.pdf