

**Pima Community College Response
August 6, 2021**

Exhibits 11 — 20

Exhibit 11 - Conflict of Interest and Confidentiality Statement

Conflict of Interest and Confidentiality Statement Purchasing Evaluation Committee Member

Solicitation ID: _____

Solicitation Title: _____

As a member of a Pima Community College Purchasing Evaluation Committee for the above solicitation, I acknowledge that I have been informed by a representative of the College's Purchasing Office that service in this capacity requires that I:

- Understand that it is a conflict of interest and a violation of State statutes for a member of this committee or a relative of a member to have a substantial interest in supplying any equipment, material, supplies or services involved through this solicitation, and that it is my responsibility to avoid situations in which a conflict of interest may arise;
- Understand that it is my legal and ethical responsibility to maintain the confidentiality of the process and agree that I will have no communication related in any way to the particular procurement, except during formal Committee meetings, with any Offeror or potential subcontractor to that Offeror prior to award, and that I will promptly disclose any attempted contacts to the Purchasing Department;
- Agree it is not appropriate to reveal the content of any evaluation discussions to persons within or outside the College not directly involved in the process;
- Agree to protect the materials submitted as confidential information; and
- Agree to discuss confidential information only as part of the evaluation process, and to refrain from discussing, either during or after the evaluation process, any information outside of the Committee or within the hearing of other people not involved in the evaluation process.

I, the undersigned, declare that I have no conflict of interest regarding this solicitation and that if I discover that a conflict may exist I will disclose that to the Director of the Purchasing Office as soon as possible. I also acknowledge that I have read, understand and agree to adhere to the above standards. I recognize that a violation of conflict of interest or the unauthorized release of confidential information may subject me to legal action and will result in my removal from the Committee and if I am an employee of Pima Community College may also result in disciplinary action.

Signature: _____

Print Name: _____

Email: _____

Date: _____

Exhibit 12 -PCC Mail - Fwd Draft Energy Program Concept

Silvyn, Jeff <jsilvyn@pima.edu>

Fwd: Draft Energy Program Concept

1 message

Bea, David <dbea@pima.edu>
To: Jeff Silvyn <jsilvyn@pima.edu>

Mon, Jun 14, 2021 at 2:17 PM

[David Bea](#)
[Executive Vice Chancellor for Finance and Administration](#)
[Pima Community College](#)
[4905 E Broadway](#)
[Tucson, AZ 85718](#)
[\(520\) 206-4519](#)
dbea@pima.edu

----- Forwarded message -----

From: **Hill, Keri** <kshill1@pima.edu>
Date: Mon, Jun 14, 2021 at 2:02 PM
Subject: Fwd: Draft Energy Program Concept
To: David Bea <dbea@pima.edu>

Keri Hill
Executive Assistant
Office of the Executive Vice Chancellor for Finance & Administration
(520) 206-4792

----- Forwarded message -----

From: **Hill, Keri** <kshill1@pima.edu>
Date: Thu, Aug 22, 2019 at 3:31 PM
Subject: Re: Draft Energy Program Concept
To: Bea, David <dbea@pima.edu>
Cc: Robinson, Terry <trobins17@pima.edu>

Hi Terry,

Here are some links:

OMNIA/TCPN - Energy Performance Contracting Services

- [Honeywell Award](#)
- [Executive Summary](#)
- [RFP 17-12](#)

OMNIA - Energy Savings Performance Contracting Services

- [Trane Award](#) (scroll to bottom of page)
- [RFP 2017-7473](#)

Thank you!

Keri Hill
Executive Assistant
Office of the Executive Vice Chancellor for Finance & Administration
(520) 206-4792



On Tue, Aug 20, 2019 at 11:03 AM Bea, David <dbea@pima.edu> wrote:

I have two paper examples in my office that help but this is also more comprehensive than probably exists.

-Dave

[David Bea](#)
Executive Vice Chancellor for Finance and Administration
Pima Community College
4905 E Broadway
Tucson, AZ 85718
(520) 206-4519
dbea@pima.edu

On Tue, Aug 20, 2019 at 10:27 AM Robinson, Terry <trobinson17@pima.edu> wrote:

Dave,

You mentioned having reviewed one or two other RFP examples. Would you mind sending me links to those RFPs.

Terry

On Thu, Aug 15, 2019 at 8:49 AM Bea, David <dbea@pima.edu> wrote:

Hi Terry,

We haven't had a time to chat yet, but I wanted to share the energy program concept with you so we can get it moving toward an RFP we can issue in the near future.

Thanks

-Dave

[David Bea](#)
Executive Vice Chancellor for Finance and Administration
Pima Community College
4905 E Broadway
Tucson, AZ 85718
(520) 206-4519
dbea@pima.edu

----- Forwarded message -----

From: **Bea, David** <dbea@pima.edu>
Date: Fri, Jul 26, 2019 at 4:58 PM
Subject: Draft Energy Program Concept
To: Lee Lambert <llambert@pima.edu>, David Dore` <ddore@pima.edu>

Attached is a concept summary of the energy program-- basically the framework for what will go into the RFP.

I wanted to give you a chance to look at the framework to make sure I'm not missing anything. I've included a list of possible committee members.... I have not run this by all of them yet.

-Dave

[David Bea](#)

Executive Vice Chancellor for Finance and Administration
Pima Community College
4905 E Broadway
Tucson, AZ 85718
(520) 206-4519
dbea@pima.edu

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Terry Robinson, CPPO, CPPB, MBA
Director Of Procurement & Payment Services
Pima Community College
Work: 520-206-4739
District Office: [4905 East Broadway Blvd, Tucson AZ 85709](#)

Adjunct Faculty - Instructor & Subject Matter Expert (SME)
Logistics & Supply Chain Management Program

Exhibit 13 - June 3, 2020 Trane Board Report



Agenda Item Details

Meeting	Jun 03, 2020 - Public Hearing, Special and Regular Meeting
Category	11. ACTION ITEMS (50 min.)
Subject	11.3 Contract: Trane, Inc. for Comprehensive, Integrated Energy Management Program
Access	Public
Type	Action
Fiscal Impact	Yes
Budgeted	Yes
Recommended Action	The Chancellor recommends the Governing Board authorize the Chancellor or designee to execute an agreement with Trane, Inc. to develop a comprehensive energy management program that includes evaluation of Heating, Ventilation, and Air Conditioning and controls systems, recommendations for efficiency improvements, and integration of equipment and training into state-of-the-art living lab academic programming.
Goals	Strategic Direction 1: Improve student success Accreditation-Criterion 5: Resources, Planning, and Institutional Effectiveness

Public Content

Contact Person:

Dr. David Bea,
Executive Vice Chancellor for
Finance and Administration
(520) 206-4519

Justification:

The development of the Pima Community College Center of Excellence of Applied Technology creates a state of the art facility to train students and incumbent workers while modernizing College curriculum in conjunction with business and industry. Further, the College is reevaluating its existing physical locations through the implementation of the Educational and Facilities Master Plans, finding opportunities to revitalize existing spaces and optimize resources.

Vendor Selection:

On November 13, 2019, the College issued a Request for Proposals (RFP P20/20015) seeking qualified firms to provide a comprehensive, integrated energy management program. The program would include system controls and equipment and training services for integration into the Center of Excellence of Applied Technology, including (but not limited to) the following expectations:

- Assessing current systems and equipment to develop lifecycle replacement plans for systems, controls, and equipment in a large multi-location organization;
- Establishing and tracking sustainability and energy and cost reduction goals;
- Identifying and/or providing funding sources and financing options suited to the College's needs;
- Implementing smart technology and data analytic platforms to monitor efficiency and optimize system performance;
- Designing and implementing living labs, including integrating industry-standard technology and

training into academic curricula and facilitating hands-on, experiential learning opportunities for faculty and students; and

- Promoting program awareness and accomplishments via interactive web-based dashboards, publications, etc.

Responses to the RFP were due on December 18, 2019, and the review committee met on January 16, 2020. Presentations by the potential vendors occurred on February 11, 2020, and Trane, Inc. ("Trane") was the successful proposer.

Through the partnership with Trane, the College will:

1. Assess the current state of the systems and controls throughout the College;
2. Identify capital projects that will improve the efficiency of the College's Heating, Ventilation, and Air Conditioning (HVAC) and control systems to reduce future utility costs; and
3. Integrate equipment and systems analysis into living lab learning opportunities for students enrolled in the College's Building and Construction Technology (BCT) programs.

Financial Considerations:

In the Spring of 2020, the College engaged with an external, contracted firm to provide legal counsel as to the terms and structure of the agreement. The College expects to update the supporting documents prior to the June 3, 2020 meeting with the final agreement terms which will have some minor modifications from the initial proposed agreement with accompanies this report. After the completion of the audit, the actual plans and recommended capital projects and costs will be submitted to the Governing Board as separate action items.

[RFP P20-10015 - Comprehensive, Integrated Energy Management Program.pdf \(567 KB\)](#)

[Trane Negotiation documents.pdf \(743 KB\)](#)

Administrative Content

Executive Content

Motion & Voting

The Chancellor recommends the Governing Board authorize the Chancellor or designee to execute an agreement with Trane, Inc. to develop a comprehensive energy management program that includes evaluation of Heating, Ventilation, and Air Conditioning and controls systems, recommendations for efficiency improvements, and integration of equipment and training into state-of-the-art living lab academic programming.

Motion by Maria D Garcia, second by Meredith Hay.

Final Resolution: Motion Carries

Yea: Mark Hanna, Meredith Hay, Demion Clinco, Luis L Gonzales, Maria D Garcia

Exhibit 14 - June 3, 2020 Meeting Minutes

Public Hearing, Special and Regular Meeting (Wednesday, June 3, 2020)

Generated by Andrea Gauna on Friday, June 5, 2020

Members present

Mark Hanna, Meredith Hay, Demion Clinco, Luis L Gonzales, Maria D Garcia

Meeting called to order at 2:12 PM

1. PUBLIC HEARING

Procedural: 1.1 Call to Order, Videoconference
The meeting was called to order at 2:12 p.m.

Procedural: 1.2 Roll Call
All board members were present.

2. INFORMATION/DISCUSSION

Discussion, Information: 2.1 Fiscal Year 2021 Proposed Budget Summary and Hearing

Dr. Bea noted that due to the impact of the COVID-19 pandemic, various revenue and expenditures have been adjusted to reflect new realities. Dr. Bea also noted, that due to the economic challenges that individuals and businesses are facing during this difficult time, the College has opted to forego an increase in the property tax levy and remain levy neutral. There will be no increase to property tax levels.

Dr. David Bea, Executive Vice Chancellor for Finance and Administration provided a brief recap of the proposed budget for fiscal year 2021.

Board member Hanna asked what the impact to the budget would be if we were to reverse the tuition increase and delay or cancel the salary increases for full-time employees and adjunct faculty. Dr. Bea noted that the increase comes to about \$1 million for full-time employees and \$350,000 for adjunct faculty. Board member Hanna also asked if the CARES Act funds that were not directly distributed to students were included in revenues. Dr. Bea noted that this money will be spent before the start of this fiscal year because a large majority of it was obligated to technology.

Public Comment
No one addressed the Board regarding this item.

Public Hearing was adjourned at 2:37 p.m.

3. RECESS

4. SPECIAL MEETING

Procedural: 4.1 Call to Order

The Special Meeting was called to order at 2:38 p.m.

5. ACTION (20 min.)

Action: 5.1 Fiscal Year 2021 Property Tax Rates and Levies
Motion to approve a levy neutral tax rate

Motion by Maria D Garcia, second by Mark Hanna.
Final Resolution: Motion Carries
Yea: Mark Hanna, Meredith Hay, Demion Clinco, Luis L Gonzales, Maria D Garcia
By roll call vote

Action: 5.2 Fiscal Year 2021 Proposed Budget

The Chancellor recommends the Governing Board, through a roll call vote, adopt the proposed budget for the Pima County Community College District for Fiscal Year July 1, 2020 through June 30, 2021, which contains parameters set by the Board at their meetings in Spring 2020.

With the caveat that the Board will revisit the budget in September 2020.

Motion by Maria D Garcia, second by Meredith Hay.

Final Resolution: Motion Carries
Yea: Mark Hanna, Meredith Hay, Demion Clinco, Luis L Gonzales, Maria D Garcia

Board member Hanna offered an amendment to reverse the tuition increase and delay to a COLA increase for employees.

Motion by Mark Hanna, second by Meredith Hay.

Motion Fails

Yea: Mark Hanna

Nay: Meredith Hay, Demion Clinco, Luis L Gonzales, Maria D Garcia

Chairperson Clinco offered Board member Hanna a friendly amendment to his amendment to not reverse the tuition increase, but instead put a hold on the salary increases until we know what the College's fiscal reality is in the Fall. Board member Hanna did not accept Chairperson Clinco's friendly amendment.

Board member Hanna offered to withdrawal his amendment as long as he can have the assurance that the situation can be reviewed at the November meeting.

The Special Meeting adjourned at 3:02 p.m.

6. RECESS

The Board reconvened the Regular Meeting at 3:03 p.m.

7. REGULAR MEETING (80 min.)

Procedural: 7.2 Public Comment-Call to Audience, Teleconference/District Office, 4905 E. Broadway Blvd., Building C, Room 105 (Please visit the PCC webpage for public comment registration information.)

Carol Williams-CNA lab concerns due to pandemic

Chairperson Clinco asked Chancellor Lambert to briefly explain his re-entry plan. Chancellor Lambert reported that the College is opening up the CTE programs on June 8, 2020 and it will be done in phases. This particular program will open up on June 15th. Jeff Silvyn, General Counsel noted that this item is not on the agenda for discussion. Chairperson Clinco asked that Chancellor Lambert come up with a solution to resolve the student testing issue.

Paulina Lopez-CNA program

Suzanne Jolley-CNA program issues. Asking for a way to expedite the opening of the program.

Kelley Williams-CNA program

Chairperson Clinco added that an opening of the programs can only be done if it's done safely.

Procedural: 7.3 Governing Board Recognition and/or Awards (20 min.)

The Board recognized the recipients of the "Striving Beyond Award".

Procedural: 7.4 Remarks by Governing Board Members

Board member Hay thanked the leadership and faculty for their work to keep classes online.

Board member Garcia thank everyone for their hard work.

Board member Hanna read a personal statement on the importance of PCC taking the lead on social justice and making sure we provide an opportunity for ALL community members to be educated. He also thanked everyone for the work they have done.

Board member Gonzales thanked everyone for their help in preparing for Fall classes and keeping everyone safe.

8. REPORTS (35 min.)

Reports: 8.1 Administration Reports (15 min.)

Jeffrey Lanuez, Chief Human Resources Officer and AVC of Human Resources, Acting and Hilda Ladner, Diversity, Equity and Inclusion Officer provided a report on Diversity and the Affirmative Action Plan.

David Arellano, Dean of Enrollment Management provided an update on enrollment numbers.

Dolores Duran-Cerda reported on the fall academic plan.

Reports: 8.2 Reports by Representatives to the Board (5 min.)

Michael Lopez provided a staff report. There were no concerns noted.

Jim Craig provided the administrator report. There were no concerns noted.

Reports: 8.3 Chancellor's Report

Highlights of the Chancellor's Report included:

- Thanked the faculty, staff, administrators, and Board for their help getting this crisis.
- Introduced Police Chief Harold "Buddy" Janes
- Arizona Chamber and AZ360 interviews
- Campus visits
- Preparation for re-entry next week
- Importance of our safety and health
- The death of George Floyd and social injustice

9. INFORMATION ITEMS (5 min.)

Information: 9.1 Financial Report: March 2020 Financial Statements

Information: 9.2 Financial Report: April 2020 Financial Statements

Information: 9.3 Finance and Audit Committee 2019-2020 Report

Information: 9.4 Employment Information

Information: 9.5 Faculty Hiring

Information: 9.6 Adjunct Faculty Hiring

Information: 9.7 Grant Program: CARES Act, Minority Serving Institution Allocation

Information: 9.8 USDA SARE Grant

10. CONSENT AGENDA GROUPING (5 min.)

Action (Consent), Minutes: 10.1 Minutes-May 13, 2020 Executive Session

Resolution: The unapproved Minutes of the Special Meeting to go into Executive Session on May 13, 2020 are submitted for approval.

The Board is asked to approve items on Consent Agenda.

Motion by Meredith Hay, second by Demion Clinco.

Final Resolution: Motion Carries

Yea: Mark Hanna, Meredith Hay, Demion Clinco, Luis L Gonzales, Maria D Garcia

By roll call vote

Action (Consent), Minutes: 10.2 Minutes-May 13, 2020 Regular Meeting

Resolution: The unapproved Minutes of the Regular Meeting of May 13, 2020 are submitted for approval.

The Board is asked to approve items on Consent Agenda.

Motion by Meredith Hay, second by Demion Clinco.

Final Resolution: Motion Carries

Yea: Mark Hanna, Meredith Hay, Demion Clinco, Luis L Gonzales, Maria D Garcia

By roll call vote

Action (Consent): 10.3 Faculty Emeritus

Resolution: The Chancellor recommends that the Governing Board approve Simone Gers and Brad Fiero as Pima Community College Faculty Emeriti.

The Board is asked to approve items on Consent Agenda.

Motion by Meredith Hay, second by Demion Clinco.

Final Resolution: Motion Carries

Yea: Mark Hanna, Meredith Hay, Demion Clinco, Luis L Gonzales, Maria D Garcia

By roll call vote

Action (Consent): 10.4 Fiscal Year 2020 Adopted Budget Reductions

Resolution: The Chancellor recommends that the Governing Board approve post year-end expenditure budget reductions to match actual expenditures for the Fiscal Year ending June 30, 2020.

The Board is asked to approve items on Consent Agenda.

Motion by Meredith Hay, second by Demion Clinco.

Final Resolution: Motion Carries

Yea: Mark Hanna, Meredith Hay, Demion Clinco, Luis L Gonzales, Maria D Garcia

By roll call vote

Action (Consent): 10.5 Fiscal Year 2020 Chief Fiscal Officer Designation

Resolution: The Chancellor recommends the Governing Board name Dr. David Bea as the Chief Fiscal Officer responsible for submitting the Annual Expenditure Limitation Report for Fiscal Year 2020.

The Board is asked to approve items on Consent Agenda.

Motion by Meredith Hay, second by Demion Clinco.

Final Resolution: Motion Carries

Yea: Mark Hanna, Meredith Hay, Demion Clinco, Luis L Gonzales, Maria D Garcia

By roll call vote

Action (Consent): 10.6 Designation of Arizona Department of Emergency and Military Affairs (DEMA) Applicant Agent

Resolution: The Chancellor recommends the Governing Board adopt a resolution naming Laurie Wright, Director of Grant Services, as the designated Applicant Agent on behalf of Pima County Community College District for the Arizona Department of Emergency and Military Affairs (DEMA) grants portal.

The Board is asked to approve items on Consent Agenda.

Motion by Meredith Hay, second by Demion Clinco.

Final Resolution: Motion Carries

Yea: Mark Hanna, Meredith Hay, Demion Clinco, Luis L Gonzales, Maria D Garcia

By roll call vote

Action (Consent): 10.7 Intergovernmental Agreement for Educational Services & Facilities and Equipment Usage: City of Tucson

Resolution: The Chancellor recommends the Governing Board authorize the Chancellor or designee to execute a two-year intergovernmental agreement with the City of Tucson for provision of educational services by the College.

The Board is asked to approve items on Consent Agenda.

Motion by Meredith Hay, second by Demion Clinco.

Final Resolution: Motion Carries

Yea: Mark Hanna, Meredith Hay, Demion Clinco, Luis L Gonzales, Maria D Garcia

By roll call vote

Action (Consent): 10.8 Intergovernmental Agreement for Educational Services Amendment: Pima County Sheriff's Department

Resolution: The Chancellor recommends the Governing Board authorize the Chancellor or designee to execute a three-year intergovernmental agreement with the Pima County Sheriff's Department for provision of educational services by the College.

The Board is asked to approve items on Consent Agenda.

Motion by Meredith Hay, second by Demion Clinco.

Final Resolution: Motion Carries

Yea: Mark Hanna, Meredith Hay, Demion Clinco, Luis L Gonzales, Maria D Garcia

By roll call vote

Action (Consent): 10.9 Intergovernmental Agreement for Educational Services: Davis Monthan Air Base (DMAB) / 355th Wing

Resolution: The Chancellor recommends the Governing Board authorize the Chancellor or designee to execute a five-year intergovernmental agreement with the United States Air Force, 355th Fighter Wing for provision of educational services by the College.

The Board is asked to approve items on Consent Agenda.

Motion by Meredith Hay, second by Demion Clinco.

Final Resolution: Motion Carries

Yea: Mark Hanna, Meredith Hay, Demion Clinco, Luis L Gonzales, Maria D Garcia

By roll call vote

Action (Consent): 10.10 Intergovernmental Agreement for Educational Services: Arizona Department of Corrections

Resolution: The Chancellor recommends the Governing Board authorize the Chancellor or designee to execute a three-year intergovernmental agreement with the ADC for provision of educational services by the College.

The Board is asked to approve items on Consent Agenda.

Motion by Meredith Hay, second by Demion Clinco.

Final Resolution: Motion Carries

Yea: Mark Hanna, Meredith Hay, Demion Clinco, Luis L Gonzales, Maria D Garcia

By roll call vote

Action (Consent): 10.11 Intergovernmental Agreement with Maricopa County Community College District to host the

Arizona Small Business Development Center

Resolution: The Chancellor recommends the Governing Board authorize the Chancellor or designee to execute a one-year intergovernmental agreement with Maricopa County Community College District (MCCCD) to serve as a member of the Arizona Small Business Development Center Network in exchange for receiving grant funds provided by the U.S. Small Business Administration to MCCCD.

The Board is asked to approve items on Consent Agenda.

Motion by Meredith Hay, second by Demion Clinco.

Final Resolution: Motion Carries

Yea: Mark Hanna, Meredith Hay, Demion Clinco, Luis L Gonzales, Maria D Garcia

By roll call vote

Action (Consent): 10.12 Intergovernmental Agreement (IGA) with Pima County Community Services - Arizona @ Work
Resolution: The Chancellor recommends that the Governing Board authorize the Chancellor or designee to execute a one-year renewal and amendment to the Intergovernmental Agency Agreement for the provision of Workforce Development and Adult Basic Education for College and Career (ABECC) education for youth and adults. The term of this Intergovernmental Agreement is from July 1, 2020 through June 30, 2021 with an option for extension up to five (5) years.

The Board is asked to approve items on Consent Agenda.

Motion by Meredith Hay, second by Demion Clinco.

Final Resolution: Motion Carries

Yea: Mark Hanna, Meredith Hay, Demion Clinco, Luis L Gonzales, Maria D Garcia

By roll call vote

Action (Consent): 10.13 Intergovernmental Agreement (IGA) with Pima County Joint Technical Education District (JTED)

Resolution: The Chancellor recommends that the Governing Board authorize the Chancellor or designee to execute an Intergovernmental Agency Agreement for the provision of non-credit training for JTED students and/or staff. The term of this Intergovernmental Agreement is from the effective date, through June 30, 2025.

The Board is asked to approve items on Consent Agenda.

Motion by Meredith Hay, second by Demion Clinco.

Final Resolution: Motion Carries

Yea: Mark Hanna, Meredith Hay, Demion Clinco, Luis L Gonzales, Maria D Garcia

By roll call vote

Action (Consent): 10.14 Dual Enrollment IGA Amendments: Amphi USD, Santa Cruz Valley USD, Tucson USD, Tucson Youth Dev., Inc., Vail USD

Resolution: The Chancellor recommends that the Governing Board authorize the Chancellor or designee to execute an amendment to the intergovernmental agreement for dual enrollment to authorize and update course offerings in the dual enrollment agreements between Pima County Community College District and the public and private schools as specifically listed in this Board Report.

The Board is asked to approve items on Consent Agenda.

Motion by Meredith Hay, second by Demion Clinco.

Final Resolution: Motion Carries

Yea: Mark Hanna, Meredith Hay, Demion Clinco, Luis L Gonzales, Maria D Garcia

By roll call vote

Action (Consent): 10.15 Contract: CopperPoint Mutual Insurance Company for Workers Compensation Insurance, Fiscal Year 2021

Resolution: The Chancellor recommends the Governing Board authorize the Chancellor or designee to execute an agreement with CopperPoint Mutual Insurance Company to provide workers' compensation insurance. Total estimated costs for the policy year July 1, 2020 through June 30, 2021 are not expected to exceed \$342,000.

The Board is asked to approve items on Consent Agenda.

Motion by Meredith Hay, second by Demion Clinco.

Final Resolution: Motion Carries

Yea: Mark Hanna, Meredith Hay, Demion Clinco, Luis L Gonzales, Maria D Garcia

By roll call vote

Action (Consent): 10.16 Contract: General Liability and Automobile Liability and Physical Damage Insurance, Fiscal Year 2021

Resolution: The Chancellor recommends the Governing Board authorize the Chancellor or designee to execute a contract with The Arizona School Risk Retention Trust, Inc. to provide general liability and automobile liability and physical damage insurance for the period July 1, 2020 through June 30, 2021. The anticipated annual contribution

expense is not expected to exceed \$378,710 exclusive of an additional \$50,000 for potential deductible costs.

The Board is asked to approve items on Consent Agenda.

Motion by Meredith Hay, second by Demion Clinco.

Final Resolution: Motion Carries

Yea: Mark Hanna, Meredith Hay, Demion Clinco, Luis L Gonzales, Maria D Garcia

By roll call vote

Action (Consent): 10.17 Contract: Oracle Corporation for Information Technology Solutions, 2020-2021
Resolution: The Chancellor recommends the Governing Board authorize the Chancellor or designee to execute a purchasing agreement with Oracle Corporation for information technology solutions. Total costs for the one-year agreement, from September 1, 2020 to August 31, 2021, are not expected to exceed \$305,600.

The Board is asked to approve items on Consent Agenda.

Motion by Meredith Hay, second by Demion Clinco.

Final Resolution: Motion Carries

Yea: Mark Hanna, Meredith Hay, Demion Clinco, Luis L Gonzales, Maria D Garcia

By roll call vote

Action (Consent): 10.18 Contract: RBC Global Asset Management for Investment Manager Services, 2020-2025
Resolution: The Chancellor recommends the Governing Board authorize the Chancellor or designee to execute a contract with RBC Global Asset Management (U.S.) Inc. (RBC GAB-US) to provide Investment Manager (IM) services, and to execute up to four, one-year extensions. Total costs for the potential five-year contract, from 2020-2025, are not expected to exceed \$450,000.00.

The Board is asked to approve items on Consent Agenda.

Motion by Meredith Hay, second by Demion Clinco.

Final Resolution: Motion Carries

Yea: Mark Hanna, Meredith Hay, Demion Clinco, Luis L Gonzales, Maria D Garcia

By roll call vote

Action (Consent): 10.19 Contract: Solon Corporation/Tesla Inc. - Relocation of Solar Arrays at the Downtown Campus
Resolution: The Chancellor recommends the Governing Board authorize the Chancellor or his designee to execute a contract with Solon Corporation/Tesla Inc., to provide General Contractor Services for the relocation of selected Solar Shade Structures at the Downtown Campus for an amount not to exceed \$375,000.

The Board is asked to approve items on Consent Agenda.

Motion by Meredith Hay, second by Demion Clinco.

Final Resolution: Motion Carries

Yea: Mark Hanna, Meredith Hay, Demion Clinco, Luis L Gonzales, Maria D Garcia

By roll call vote

Action (Consent): 10.20 Contract Amendment: LewerMark Student Insurance for International Student Health Insurance, 2020-2023

Resolution: The Chancellor recommends the Governing Board authorize the Chancellor or designee to execute an amendment to the agreement with LewerMark Student Insurance to provide health insurance to international students. The total costs for the three-year amendment, from July 22, 2020 to July 21, 2023, are not expected to exceed \$660,000.

The Board is asked to approve items on Consent Agenda.

Motion by Meredith Hay, second by Demion Clinco.

Final Resolution: Motion Carries

Yea: Mark Hanna, Meredith Hay, Demion Clinco, Luis L Gonzales, Maria D Garcia

By roll call vote

Action (Consent): 10.21 Approval of items on Consent Agenda
Resolution: The Board is asked to approve items on Consent Agenda.

The Board is asked to approve items on Consent Agenda.

Motion by Meredith Hay, second by Demion Clinco.

Final Resolution: Motion Carries

Yea: Mark Hanna, Meredith Hay, Demion Clinco, Luis L Gonzales, Maria D Garcia

By roll call vote

11. ACTION ITEMS (50 min.)

Action: 11.1 Temporary Delegation of Additional Signature Authority to the Chancellor

The Chancellor recommends that the Board delegate to him additional, temporary contract signature authority as specified below in the proposed motion.

Motion by Meredith Hay, second by Demion Clinco.

Final Resolution: Motion Carries

Yea: Mark Hanna, Meredith Hay, Demion Clinco, Luis L Gonzales, Maria D Garcia

By roll call vote

Action: 11.2 Contract: Barker Contracting, Inc. for General Contractor Services for Aviation Technology Center Expansion

The Chancellor recommends the Governing Board authorize the Chancellor or designee to execute an agreement with Barker Contracting, Inc. to provide General Contractor Services for the Aviation Technology Center building expansion. Total costs for this agreement are not expected to exceed \$14,000,000.

Motion by Maria D Garcia, second by Meredith Hay.

Final Resolution: Motion Carries

Yea: Mark Hanna, Meredith Hay, Demion Clinco, Luis L Gonzales, Maria D Garcia

By roll call vote

Action: 11.3 Contract: Trane, Inc. for Comprehensive, Integrated Energy Management Program

The Chancellor recommends the Governing Board authorize the Chancellor or designee to execute an agreement with Trane, Inc. to develop a comprehensive energy management program that includes evaluation of Heating, Ventilation, and Air Conditioning and controls systems, recommendations for efficiency improvements, and integration of equipment and training into state-of-the-art living lab academic programming.

Motion by Maria D Garcia, second by Meredith Hay.

Final Resolution: Motion Carries

Yea: Mark Hanna, Meredith Hay, Demion Clinco, Luis L Gonzales, Maria D Garcia

By roll call vote

Board member Garcia asked about the College's partnership with Trane. Chancellor explained the relationship with Trane and NC3. She also asked when the last energy efficiency audit was done at the College. Bill Ward explained that there was a study of all equipment done in 2010. Dr. Bea explained the benefits of having this type of program.

Board member Garcia also noted that Chancellor Lambert is a member of NC3 and is concerned that there may be a conflict of interest. She asked how that relates to this project. Chancellor Lambert responded by saying he has not been involved with any decisions made on this project and had no influence on how this played out. He also noted that he has no financial interest in the outcome on either end.

Action: 11.4 Contract: BlackBeltHelp for Call Center Services, 2020-2025

The Chancellor recommends the Governing Board authorize the Chancellor or designee to execute a contract with BlackBeltHelp to provide telephone, chat, and email support for Accounts Receivable Services, Financial Aid, Admissions, Registration, Advising, Referral Services, and general College information for one year and to exercise the options to extend the contract for up to a total of five (5) years. Total value of the contract over the potential five-year term is not expected to exceed \$1,500,000.

Motion by Maria D Garcia, second by Mark Hanna.

Final Resolution: Motion Carries

Yea: Mark Hanna, Meredith Hay, Demion Clinco, Luis L Gonzales, Maria D Garcia

By roll call vote

David Arellano noted that the call center is located in the United States.

Action: 11.5 Consideration of placing a measure on the November 2020 general election ballot to modify the expenditure limit

The Chancellor recommends the Governing Board consider and if it deems appropriate, authorize a resolution to place a measure on the November 2020 general election ballot to modify the Pima College expenditure limitation.

Chairperson Clinco asked the Board to refer to the November 2020 general election ballot a permanent adjustment to the base limit used to determine the expenditure limitation of the College.

Motion by Demion Clinco, second by Meredith Hay.

Final Resolution: Motion Carries

Yea: Mark Hanna, Meredith Hay, Demion Clinco, Luis L Gonzales, Maria D Garcia

By roll call vote

Jeff Silvyn noted that a Board meeting will be scheduled to approve the language that will be submitted to the county election department for placement on the ballot and the State Auditor General's Office for review.

Action: 11.6 Consideration of a resolution regarding the recent death of George Floyd*

Motion to adopt the resolution.

Yea: Demion Clinco, Meredith Hay, Mark Hanna, Maria Garcia, Luis Gonzales

By roll call vote

Chairperson Clinco noted how proud he is of our college community for what they do day in and day out to help create a level of equity in the community. Chairperson Clinco voted aye.

Board member Hay supports the resolution. Board member Hay voted aye.

Board member Hanna noted that he supports the resolution and is very proud of the College. He encourages the College to continue to support programs like the Ethnic, Gender, and Transborder Studies program and our Immigrant and Refugee Resource Center. Board member Hanna voted aye.

Board member Garcia thanked Chancellor Lambert for his words, she felt he covered everything. She is proud to serve on this Board and thanked him for his leadership. Board member Garcia voted aye.

Board member Gonzales supports the resolution. Board member Gonzales voted aye.

12. REQUEST FOR FUTURE AGENDA ITEMS (5 min.)

No requests for future agenda items.

13. ADJOURNMENT

The meeting adjourned at 5:20 p.m.

14. ANNOUNCEMENTS

Procedural: 14.1 The next regular meeting of the Governing Board will be held on September 9, 2020. Executive Session will begin at 4:30 p.m. in the Governing Board Conference Room-C-228 and Open Session at 5:30 p.m. in the Community/District Board Room C-105, 4905 E. Broadway Blvd. Tucson, Arizona 85709

Exhibit 15 - April 19, 2021 Study Session Agenda

Monday, April 19, 2021
Governing Board Study Session

2:30 p.m.

VIRTUAL MEETING

Following the guidance of public health officials, the College has closed its facilities to the public and allows only restricted access for essential personnel to promote social distancing and limit the spread of the coronavirus. Accordingly, the Governing Board will conduct this meeting through remote technology only. Members of the public interest in following the proceedings may do so via Zoom webinar.

Please click the link below to join the webinar:

<https://www.youtube.com/c/PCCTVSTREAM>

1. Call Meeting to Order

1.1 Call Meeting to Order

2. Discussion

2.1 Education Programs and Plans to Support Career Pathways

[The Board will receive and discuss a presentation regarding multiple approaches to providing education that directly supports career pathways, including Centers of Excellence, Building and Construction Technology, Virtual Living Learning Labs (VL3), the new Data Analytics certification, and the Comprehensive, Integrated Energy Management Program.]

2.2 Comprehensive Integrated Energy Management Program

[In connection with the Career Pathways information covered by agenda item 2.1, the Board will also receive and discuss an overview of the Comprehensive Integrated Energy Management Program portion that includes proposals for improving the College's energy efficiency and sustainability through investment in equipment and management systems.]

2.3 Educational and Facilities Master Plan Mid-Cycle Revision

[Educational and Facilities Master Plan consultants from Smithgroup will present the findings and recommendations from the master plan mid-cycle review and revision report. The consultants will be joined by PCC leadership, Vice Chancellor for Facilities, President of Campuses and Executive Vice Chancellor, Provost and Executive Vice Chancellor, and the Chancellor to discuss the report and answer questions from the Governing Board.]

3. Adjourn Meeting

Option to recess into legal advice executive session - Pursuant to A.R.S. 38-431.03(A)(3) the Governing Board may vote to go into executive session for the purpose of obtaining legal advice from its legal counsel with respect to any item listed on this agenda or any addendum thereto; A.R.S. 38-431.03(A)(2) to discuss or consider records exempt by law from public inspection.

The Governing Board reserves the right to take action on any agenda item.

Please note that all individuals wishing to attend the Board meeting are subject to a search for security reasons.

To request a reasonable accommodation for individuals with disabilities, a minimum of 5 business days before the event is requested. Contact phone: (520) 206-4539; Fax (520) 206-4567.

Members of the Governing Board may participate by telephone, video or internet conferencing.

Meeting presentations will be posted within a reasonable time following the meeting.

Exhibit 16 - Energy & Sustainability - Energy Proposal



Energy & Sustainability

Governing Board Study Session
April 12, 2021



PimaCommunityCollege



Agenda

Centers of Excellence

David Dore - President of Campuses and Executive Vice Chancellor

Student Energy Living Lab

Greg Wilson - Dean of Applied Technology

Energy and Sustainability Projects

Bill Ward - Vice Chancellor for Facilities

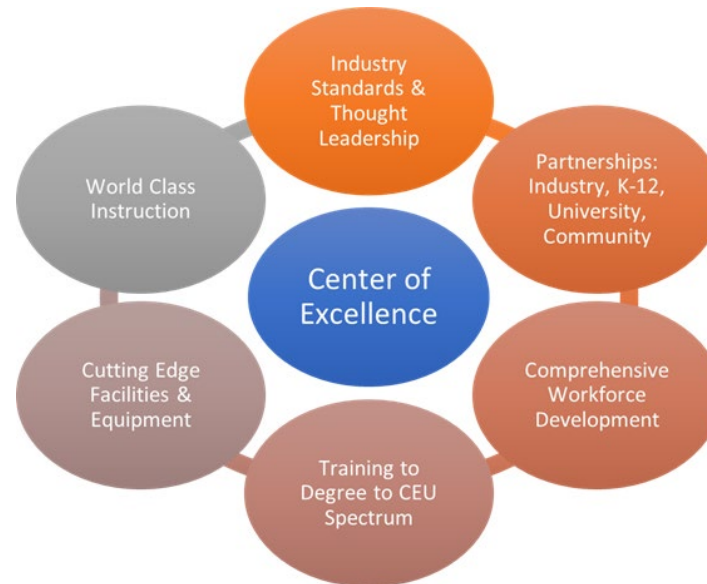
Costs and Funding

David Bea - Executive Vice Chancellor for Finance and Administration



Living Labs & Centers of Excellence

- Living Labs
 - Hands-on, Experiential and Work-based Learning
 - Industry-standard Equipment
 - Real-time Data and Decision Making
- Components of Centers of Excellence



Living Labs & Centers of Excellence



Building & Construction Living Lab

- **Building & Construction Technology (BCT) Overview**
- **Building Automation Systems**
 - HVAC industry trends*
 - Data Analysis certification*
 - Student perspective*
- **Workforce Development**
 - Partnerships*
- **Center of Excellence**
 - Community hub*

Building & Construction Technology

- Over 350 students, four FT faculty, two lab staff, 12+ adjunct faculty members
- Carpentry, Electrical, Energy, HVAC, Plumbing, and Management pathways
- Certificates, degrees; NCCER, OSHA, NC3, EPA
- Work-based learning



BCT - HVAC/Building Automation

- BCT HVAC Career pathway
- Building Automation Systems
- NC3/Trane Data Analysis certification
- Partnerships
- Student perspective

Jacob Javits Center NYC



Building Controls and Automation



Realtime Data



BCT - Industry certifications

Data Analytics
NC3 Certification



PCC Facilities

BCT Energy Living Lab

“Applied Tech programs house in flexible, stimulating and learning living centric spaces”

- DC Energy Living Lab part of the CoE Master Plan
- Proposal integrates the ST buildings with the lab so that the students can study these two buildings as part of the energy lab
- ST Bldg Construction Cost \$4.5 million - ST West BCT lab at 21,000 SF and ST East 12,300 SF
- Budget will be requested from FY23 for the ST building, including the energy lab, as part of the CoE for Applied Technology



Trane Technologies

Comprehensive, Integrated Energy Management Program

Jim Knutson

Dir. of Integrated Solutions
Trane Technologies

TRANE
TECHNOLOGIES

Pima Community College

Comprehensive Integrated
Energy Management Program

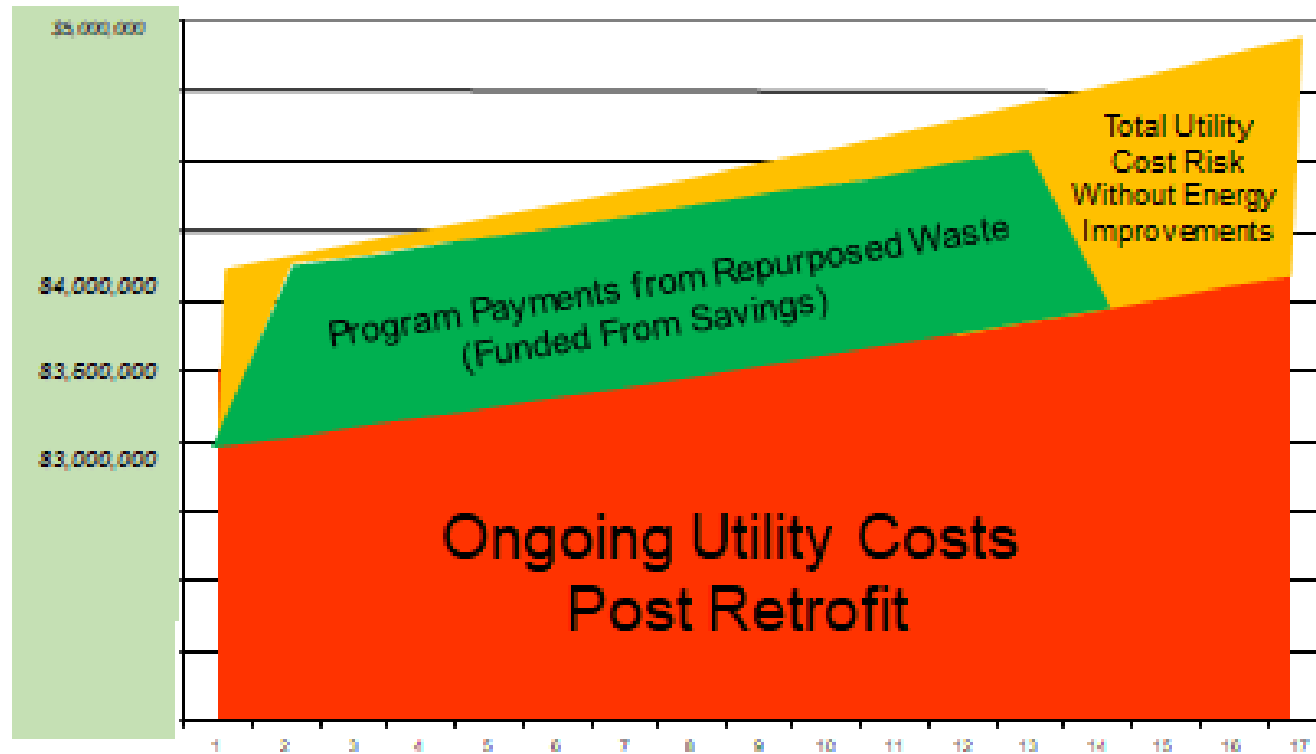


PimaCommunityCollege

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Financial Overview:

- \$863,000 Annual Energy Savings Resulting In...
- \$15,000,000 of Energy Waste Repurposed over 15 Years



RFP Request Expectations:

- Assessing & Develop life-cycle replacement plans for systems, controls, and equipment
- Establishing and tracking sustainability and energy and cost reduction goals
- Identify funding sources and financing options
- Implementing smart technology and data analytic platforms to monitor efficiency and optimize system performance
- Designing and implementing living, learning, labs & training
- Promoting program awareness and accomplishments via interactive web-based dashboards, publications, etc.

Trane RFP & IGA Deliverables:

- ✓ Designed and recommend a complete Building Automation System integration & replacement, complete lighting system upgrade, water conservation & HVAC retrofits.
- Intelligent Solutions & millions of data points annually will be the foundation for facilities Energy Master Plan & Climate Action Plan.
- Self funding & financed energy, water and deferred maintenance program with payments out of guaranteed savings by Trane.
- We have designed a completely new and updated building automation system that integrates existing technology with new systems to provide real time metering, monitoring and verification using millions of system data points annually.
- A campus wide Virtual Living Learning Lab (VL3) approach allows the college's current and new facilities to become real, relevant, and rigorous instructional spaces including NC3 programs, certifications and commercial labs.
- Enrollment Pathways will get students and adult learners excited about enrolling and expanding their horizons at Pima CC. The VL3 education transformation marketing opportunities will bring local, region, and national recognition and leadership opportunities.



Additional Integrated P5 Program Opportunities:

- Indoor Environmental Quality (IEQ) including Indoor Air Quality (IAQ) is an ongoing challenge.
- Maximize previous PCC Solar PV system and Power Purchase Agreements (PPA) from real-time analytics-based data and student learning.
- Micro-Certification Development and On-Line Enrollment using Virtual Reality to enhance recruiting and enrollment as well as information retention and effectiveness.
- Connected Communities P3 + Platform and Pathways (P5) with direct recruitment much like coach signing athletes to play college sports. (Integrate with the NC3 National Signing Day Event)

Added Features Designed into the Program:

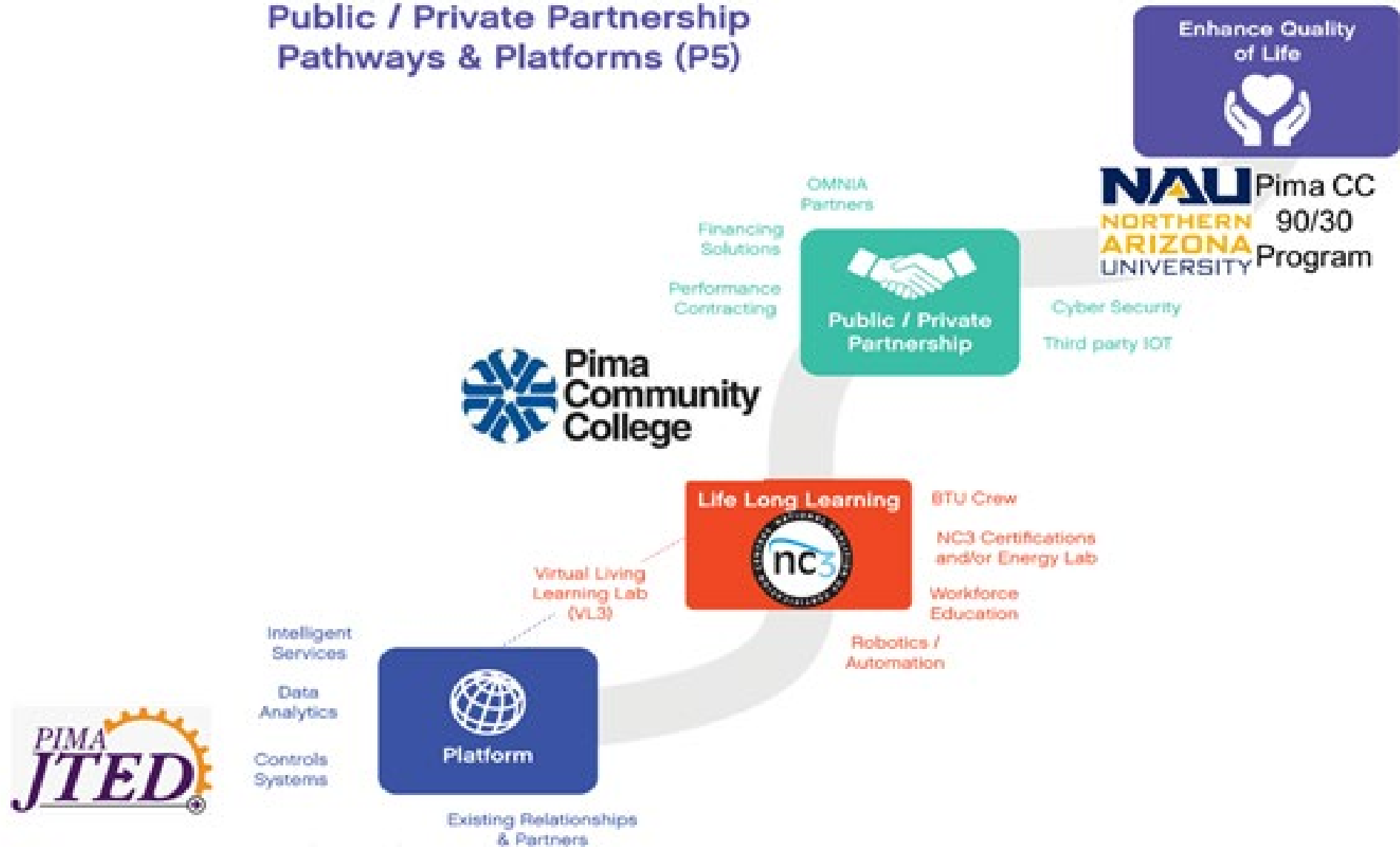
- WellSphere from Trane® is a holistic approach to building wellness. It's a multi-disciplinary collective of experts using world class technologies such as Synexis DHP and services to improve the viability of your buildings.
- Our Grid Solutions (GS), Trane Renewable Energy and Power Solutions (TREPS) teams engaged in the Energy Master Plan & Climate Action Planning Process. This evaluation will include Electric Vehicle Charging, Battery Storage, Microgrid systems & evaluations all integrated into student learning programs.
- Trane to support PCC with Grants and incentive funding opportunities to maximize scholarships, apprenticeships, internships along with job placements and continuing education opportunities or Pathways with PCC partners like NAU, U of A and the City of Tucson.
- We will help to drive strategies to invite and excite students from disadvantaged situations and unemployment lines to connect the community to Pima CC and create hope and inspiration for a bright future.

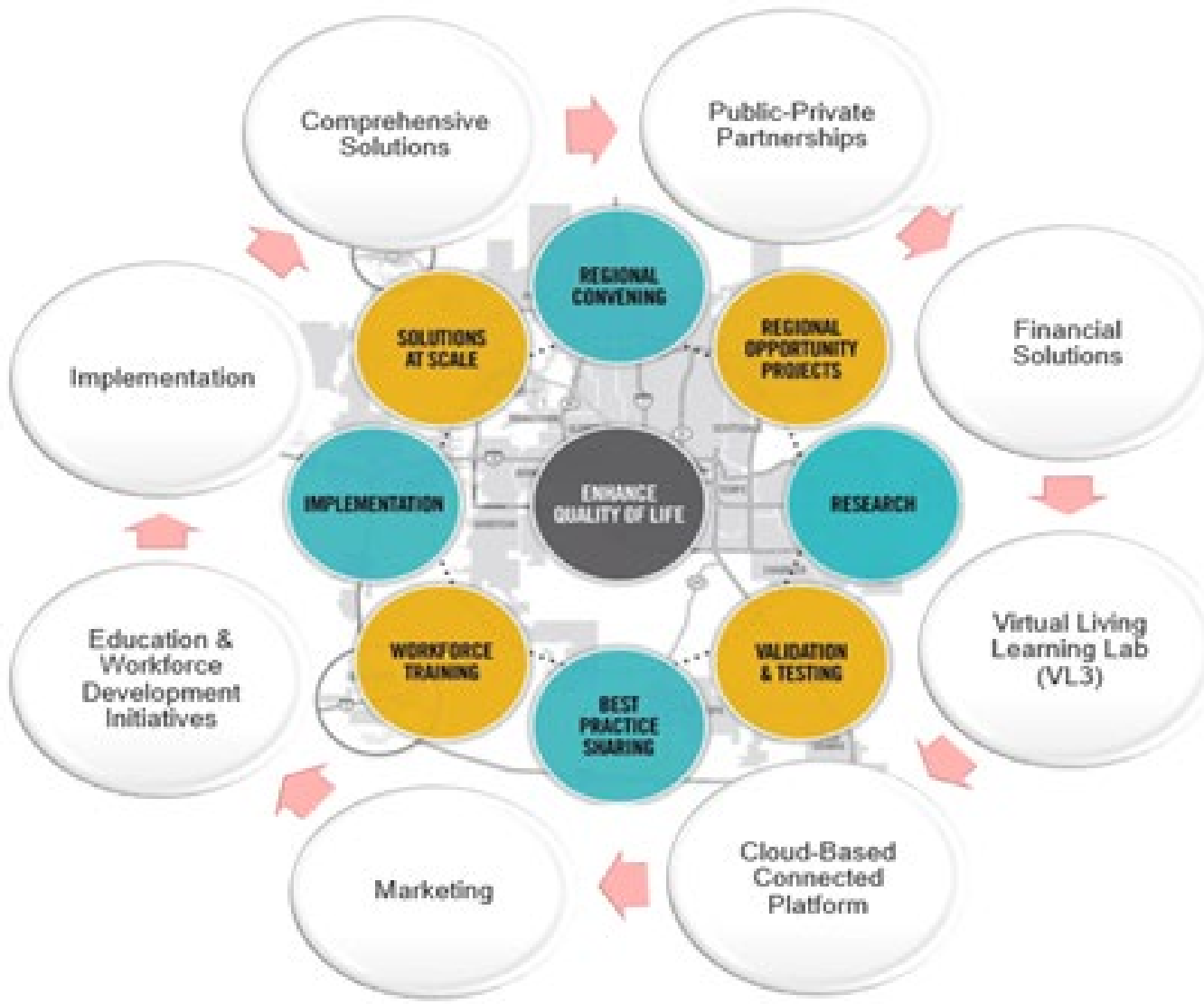


Goals of Pima Community College & Trane Partnership

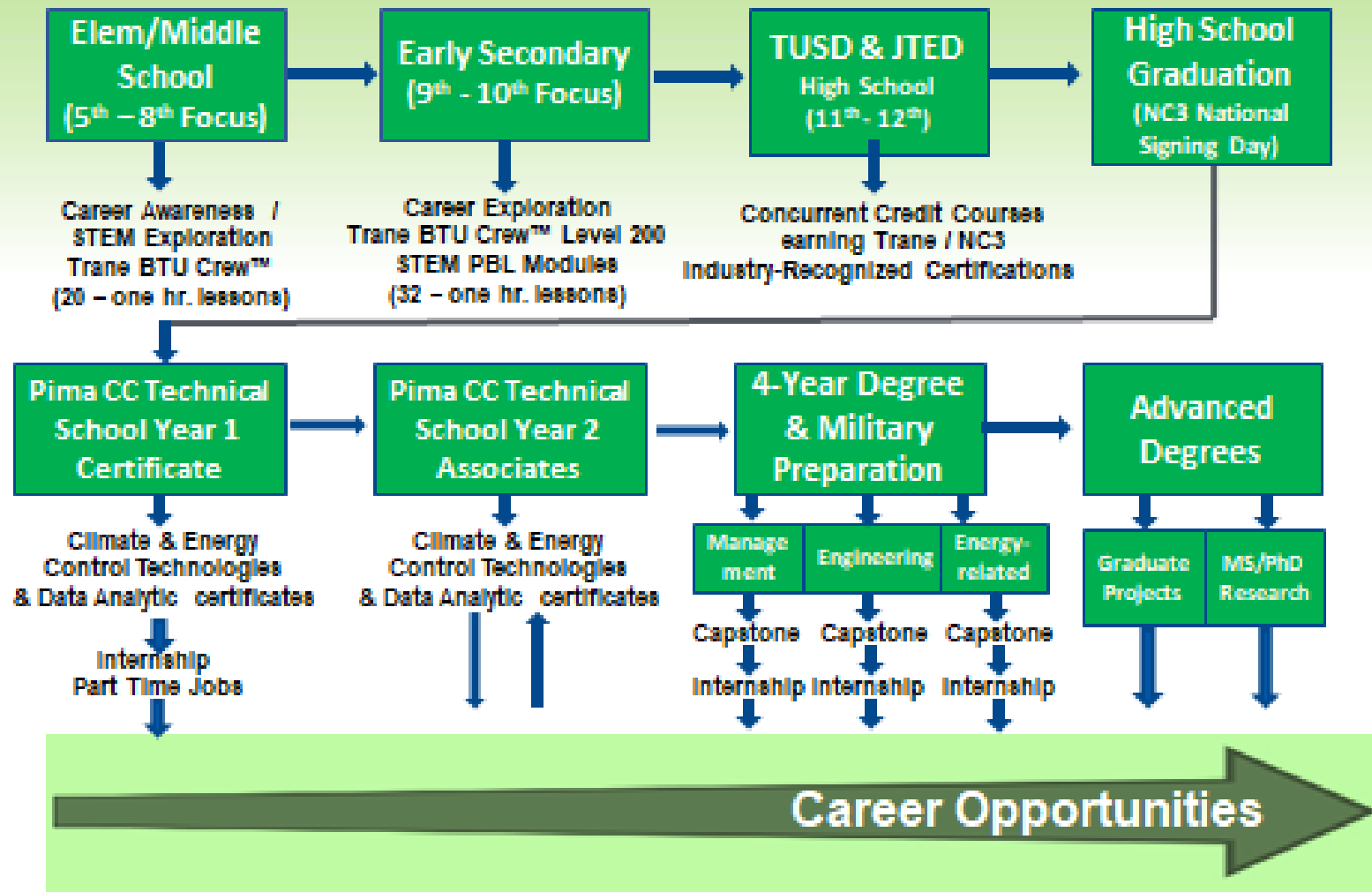
- **Implement budget-neutral programs and ways to reduce the financial hurdles to Smart Infrastructure Management and Aging System Upgrades**
- Allow PCC to implement a **Campus Wide Technology System Upgrade to manage connected infrastructure** funded from savings
- **Drive future enrollment** through pathways, partnerships and high-demand, multi-faceted Energy, HVAC and Climate Action Plan program expansion
- **Create a Strong Foundation for Pima CC Integrated Education and Facilities Climate Action Plan within the Strategic Master Plan Goals.**
- **Training** Pima CC students to become the State of Arizona's and USA's **Workforce of the Future**
- **Engage students** in Real, Relevant and Robust education experiences using all current campus buildings as Virtual Living Learning Labs

Public / Private Partnership Pathways & Platforms (P5)

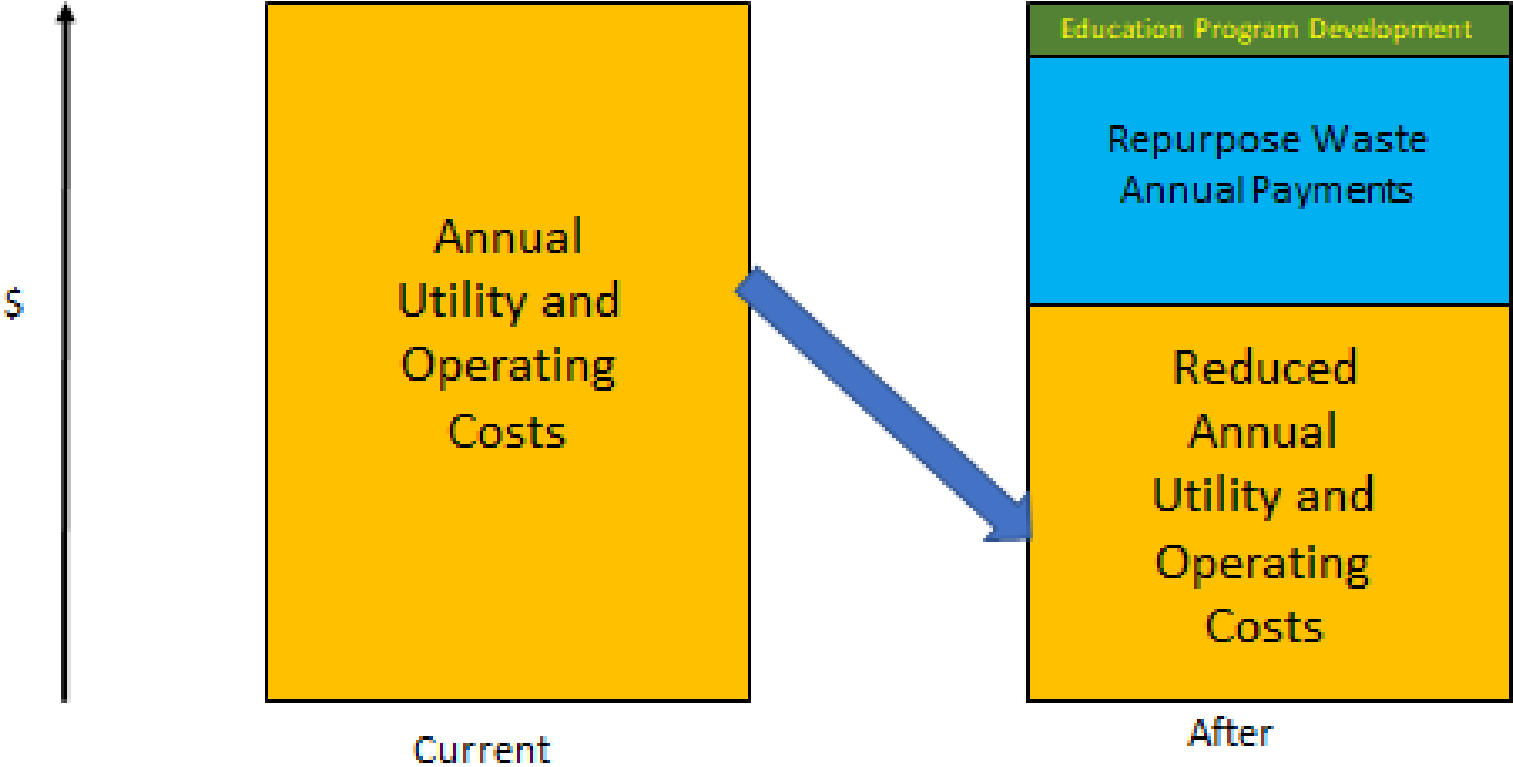




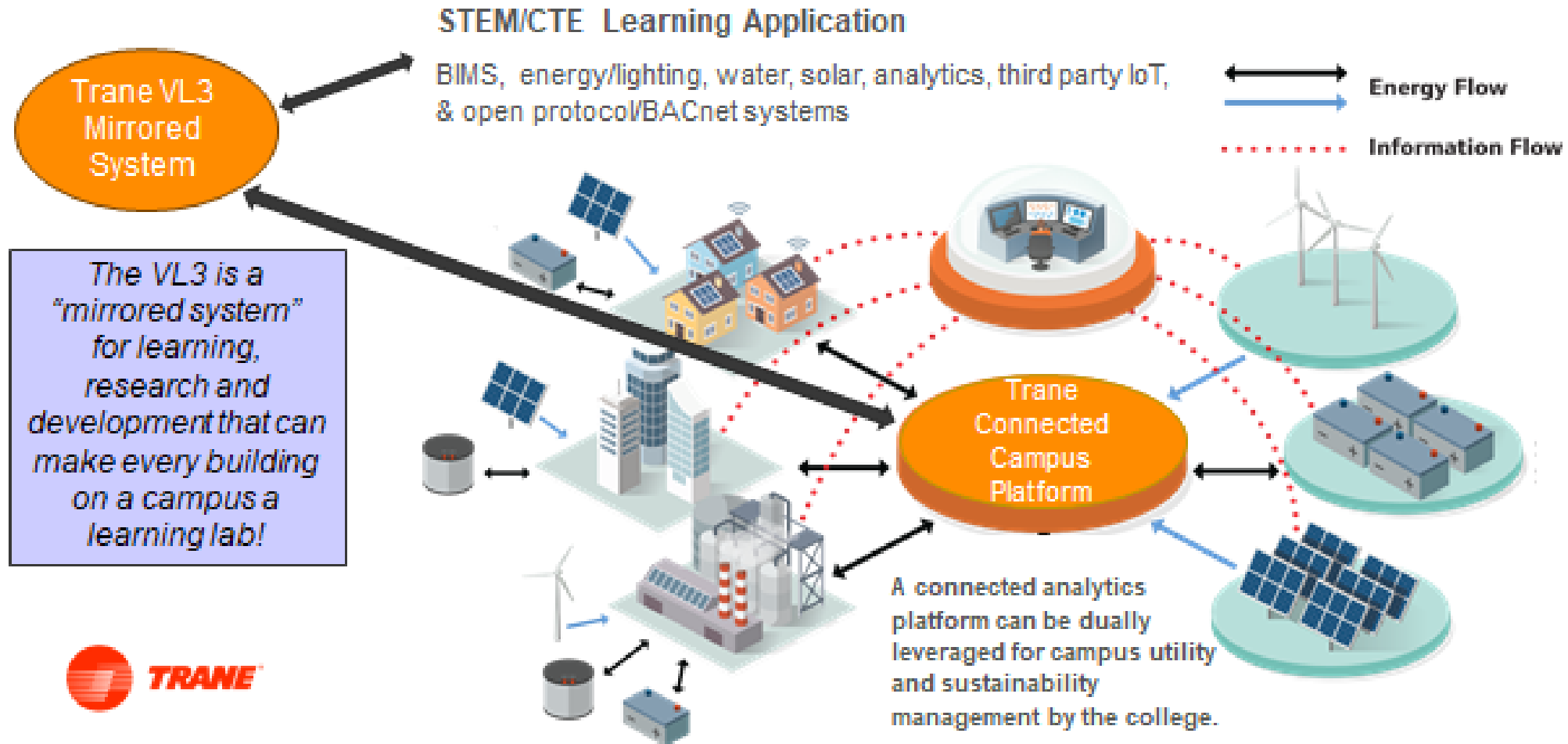
Pima CC Pathways Student Engagement Model



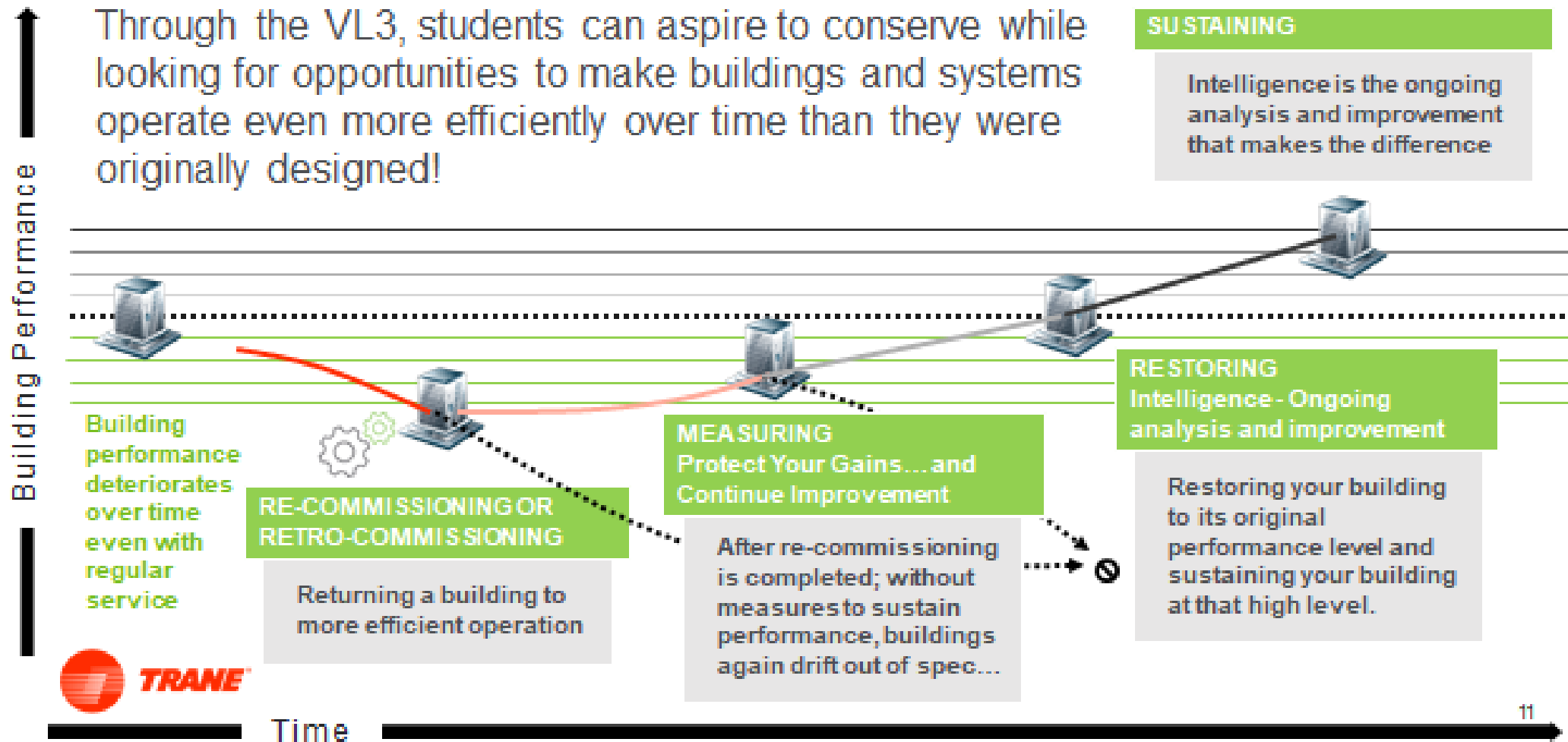
Funding Programs through Guaranteed Savings Projects



What is a Virtual Living Learning Lab (VL3)?



Why is the Intelligent Services offering so important to Pima CC?



Trane Technologies - Our Purpose + 2030 Commitments

Purpose & Strategy



2030 Sustainability Commitments

The Gigaton Challenge:

Reducing our customer carbon footprint by 1 Gigaton of CO₂

Leading by Example:

Achieving **carbon neutral operations, zero waste to landfill and net positive water**

Opportunity for All:

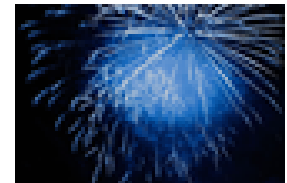
Focusing on **gender parity and diversity** in the workplace; investing in **STEM education and economic mobility** in our communities



Reducing the Energy Intensity of the World

TEP Utility Rebates (* Added Savings Not Included In Current Savings Total)

- TEP's 2021 Rebate Program details are scheduled to be released in **March**.
- TEP Customers can receive up to **\$600,000** in rebates per calendar year.
- The current TEP Rebate Application shows the **EMS** scope of work is eligible for over ***\$800,000** in rebates.
- In addition, TEP **Lighting Rebates** are also available.
- Since TEP reserves the right to close the rebate program at any time, utility rebates are **not guaranteed**. Regardless, if available, they can have a substantial impact on the project.
- Trane will partner with PCC and TEP to help provide the necessary paperwork for eligible equipment.
- New control systems will also enable PCC to participate in TEP's Demand Response Program (**SmartDR**). Revenue from this program is not included in the project but can provide additional saving opportunities for PCC.



Current State Utility Cost Summary

<u>College Location</u>	<u>2018-19 Avg. Utility Cost</u>	<u>Interior Space (EUI) Ft²</u>	<u>\$/EUI Ft²</u>
West	\$1,371,239	436,328	\$3.14
Downtown	\$625,732	179,427	\$3.49
Desert Vista	\$595,570	167,663	\$3.55
East	\$443,295	126,387	\$3.51
Northwest	\$532,822	131,139	\$4.06
M&S	\$88,664	55,668	\$1.59
<u>DO</u>	<u>\$293,459</u>	<u>79,667</u>	<u>\$3.68</u>
Total	\$3,950,781	1,176,279	\$3.36

Proposed Projects

<u>Project Category</u>	<u>Project Costs</u>	<u>Annual Cost Savings</u>	<u>Simple Payback</u>
HVAC Controls Upgrades	\$7,090,667	\$511,178	13.9
Lighting Upgrades	\$4,062,583	\$253,483	16.0
Domestic Water Upgrades	\$673,524	\$59,636	11.3
HVAC System Upgrades	\$719,157	\$25,848	27.8
Transformer Upgrades	\$274,714	\$13,509	20.3
Academic Lab	\$254,634	\$0	NA
<u>Commissioning</u>	<u>\$253,097</u>	<u>\$0</u>	<u>NA</u>
Total	\$13,328,376	\$863,654	15.4

Reduced Consumption by Project Category

<u>Energy Consumption Savings</u>	<u>kWh/Yr</u>	<u>Therms/Yr</u>	<u>Water (kGAL)</u>
HVAC Controls Upgrades	4,650,869	136,849	0
Lighting Upgrades	2,015,175	0	0
Domestic Water Upgrades	0	3,963	5,261
HVAC System Upgrades	342,202	0	0
<u>Transformer Upgrades</u>	<u>113,225</u>	<u>0</u>	<u>0</u>
Total	7,121,471	140,812	5,261

Reduced Consumption Summary

<u>College Utility Consumption</u>	<u>Current</u>	<u>Est. Reduction</u>	<u>%</u>
Electrical	25,355,196	(7,121,471)	-28%
Therms	484,409	(140,812)	-29%
Kgal	66,669	(5,261)	-8%
Annual Cost	\$3,950,781	(\$863,654)	-22%
Cost per EUI Ft²	\$3.36	(\$0.734)	-22%

Environmental Impact

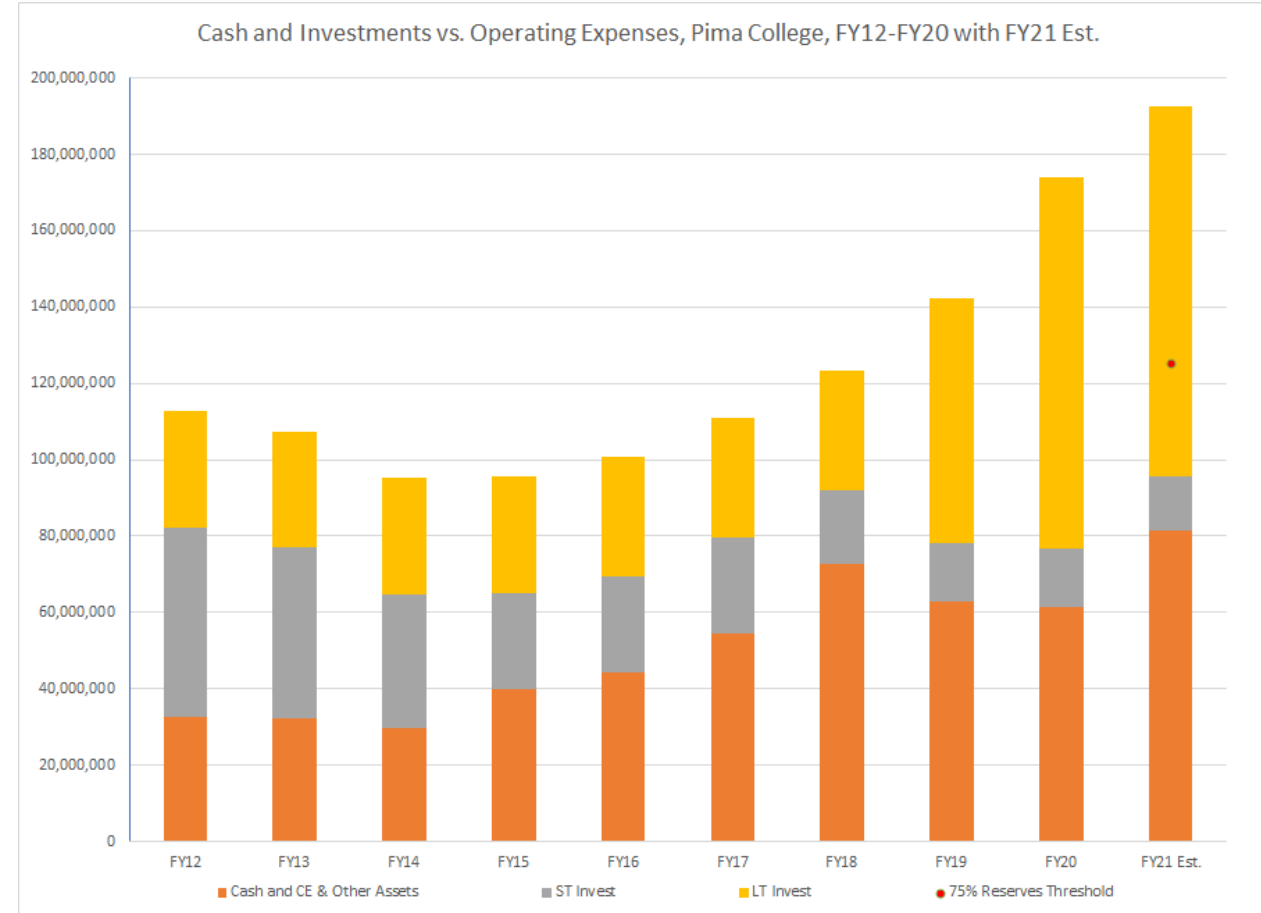
<u>Equivalent Environmental Impact per Year</u>	<u>kWh/Yr</u>	<u>Therms/Yr</u>	<u>Total</u>
Energy Savings	(7,121,471)	(140,812)	
Metric Tons of CO ₂	5,047	745	5,792
Passenger vehicles driven	1,098	162	1,260
Households at Average Energy Consumption	669	13	682
https://www.eia.gov/tools/faqs/faq.php?id=97&t=3			
https://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator			

Funding the Projects

Board Policy 4.07 - Financial Stability

Maintains a minimum threshold of 75% of the prior fiscal year's General and Designated Budget

Available Reserves Summary	
Est. Available Reserves	\$192,000,000
Target minimum	(\$126,000,000)
Net	\$66,000,000
Less Allied Health	(\$23,500,000)
Available	\$42,500,000



Advantages

Comprehensive Energy Management Program

- State-of-the-art training facility for HVAC and Data Analytics programs
- Consistent, refreshed, and integrated systems and controls
- Reduced annual utilities costs
- Reduced annual maintenance/deferred maintenance costs
- Decreased College Carbon footprint
- Sustainability program metrics and publicity
- Additional opportunities for savings with reserve fund program

Comprehensive Energy Management Program Objectives

- Assess current systems and equipment to develop lifecycle replacement plans
- Establish and track sustainability, energy, and cost reduction goals
- Identify and/or provide funding sources and financing options
- Implement smart technology and data analytic platforms to monitor efficiency and optimize system performance
- Design and implement living labs into academic curricula, including hands-on, experiential learning opportunities for faculty and students
- Promote program awareness and accomplishments



Q & A



PimaCommunityCollege

/// **Keep striving.**

**Exhibit 17 - CORR to J Silvyn re Chancellor Lee Lambert -
Conflict of Interest**

**GUST
ROSENFELD**
ATTORNEYS SINCE 1921 P.L.C.

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Susan P. Segal
602-257-7425
spsagal@gustlaw.com

September 30, 2020

Jeffrey Silvyn, Esq.
General Counsel
Pima County Community College District
4905 East Broadway Blvd.
Tucson, AZ 85709-1010

Re: Participation of the College's Chancellor in transactions or decisions related to the award of a contract for a Comprehensive, Integrated Energy Management Program ("EMP Contract")

Dear Mr. Silvyn:

You have asked me to address whether Chancellor Lee Lambert's position on the Board of Directors of the National Coalition of Certification ("NC3") creates a conflict of interest under Arizona's conflict of laws or policies of Pima County Community College District ("College") with respect to the award of the EMP Contract to Trane U.S., Inc. ("Trane"). You also have asked me to recommend possible changes to policy or practice going forward as might be appropriate to prevent any appearance of a possible conflict of interest.

I have examined relevant documents, as well as laws and College policies, to reach the conclusions below. I have also spoken with the College Procurement Director, Terry Robinson.

Short Answer

1. An officer or employee of a public agency must comply with the requirement of disclosing a conflict of interest and refraining from participating in a

transaction or decision if he or she has a substantial interest in the transaction or decision, as defined by law.¹

2. The Chancellor's interest in a transaction or decision pertaining to Trane and the EMP Contract award is a remote interest unless he would derive a direct non-speculative economic benefit personally by participating in the transaction or decision.
3. If the Chancellor's interest is remote, it is not a substantial interest and he is not required to disclose any conflict of interest or refrain from participating in any transaction or decision made by the College as to Trane
4. The Chancellor's interest in the EMP award and EMP Contract with Trane is not a substantial interest by virtue of his service as a Board member of NC3. Rather, it is a remote interest because:
 - a. He does not derive a non-remote, non-speculative benefit or detriment by virtue of his participation in and service on NC3.
 - b. NC3 is a non-profit association.
 - c. The membership of a Trane employee on the NC3 Board on which the Chancellor also serves does not create a conflict of interest.
5. The Chancellor's participation in the EMP award and EMP Contract with Trane would not violate the Arizona Conflict of Interest laws. In this instance, there is no evidence that the Chancellor directly participated in the award decision or contract.
6. The Chancellor has not violated any law or College Policy by virtue of his involvement with and participation in the EMP award and EMP Contract with Trane.

¹ For purposes of this opinion, the terms "contract," "sale," "purchase," or "service" as used in paragraph A of A.R.S. §38-503 are collectively referred to as "transaction."

Discussion and Analysis

I. Background.

A. NC3.

NC3 is a non-profit association of education providers of Career and Technical Education (“CTE”) and industry representatives.² According to its website, NC3’s purpose is to develop standards for CTE training with the input of industry to “build a workforce prepared to meet the needs of today’s and tomorrow’s industries . . . [to] foster effective training, elevation of skilled careers, and employment opportunities.” NC3 website, <https://www.nc3.net/why-nc3/>.

Chancellor Lambert serves on the Board of Directors of NC3 (the “NC3 Board”), along with nine other individuals. Patrick Archambault, who is employed by Trane as its Director of Strategic Programs, Commercial HVAC, is also a member of the NC3 Board.

Chancellor Lambert receives no direct or indirect non-speculative benefit for his service on the NC3.

B. The EMP Procurement and EMP Contract.

On October 11, 2019, the College issued Request for Proposal P20/10015 (the “RFP”) requesting proposals from qualified firms for consulting services to develop and implement a comprehensive, integrated energy management program.³ The proposals were submitted on December 18, 2019. Five proposals were submitted, including one from Trane.

The RFP Review and Evaluation Committee (“Committee”) consisted of the following individuals: Greg Wilson, Committee Team Leader and College Dean of Applied Technology; James Russell, a College faculty member; Jessica Normoyle, a College Program Manager; David Clark, College Superintendent of Operations and Raj Murthy, College Chief Information Officer. College Senior Procurement Analyst, Jan Posz, convened and facilitated the Committee. Each Committee member completed and signed a conflict of interest and

² NC3 is currently registered as a 501(c)(3) organization under the Internal Revenue Code. *See also* 2018 990 filing at <https://projects.propublica.org/nonprofits/organizations/270825975>.

³ The RFP can be found at <https://web19.pima.edu/administration/contracts-purchasing/docs/comprehensive-integrated-energy-managment-program.pdf>

confidentiality statement. The evaluation process was finalized on February 19, 2020, and an award recommendation went to the highest scored/ranked Offeror, Trane. Tab 1. Upon completing successful contract negotiations with Trane, the EMP Contract was awarded to Trane.

The Chancellor had no involvement in the procurement process or the negotiation of the Contract terms. He signed the EMP Contract on June 29, 2019, which was previously approved by the College Board at its meeting of June 3, 2020.

II. Legal Analysis.

A. Analysis Based upon Arizona Conflict of Interest Law.

1. Arizona Conflict of Interest Law prohibits the involvement of public employees in a transaction or decision when the employee has a substantial interest in the transaction or decision.

Arizona's Conflict of Interest Law is codified at A.R.S. §§38-501-511. The principal provision of the law is in §38-503, which states, in pertinent part, the following:

A. Any public officer or employee of a public agency who has, or whose relative has, a substantial interest in any contract, sale, purchase or service to such public agency shall make known that interest in the official records of such public agency and shall refrain from voting upon or otherwise participating in any manner as an officer or employee in such contract, sale or purchase.

B. Any public officer or employee who has, or whose relative has, a substantial interest in any decision of a public agency shall make known such interest in the official records of such public agency and shall refrain from participating in any manner as an officer or employee in such decision.

The term "substantial interest" as used in A.R.S. § 38-503 is defined as "any nonspeculative pecuniary or proprietary interest, either direct or indirect, other than a remote interest." A.R.S. § 38-502(11).⁴ "Interest" does not mean a mere abstract interest in the general subject or a contingent interest but is "a pecuniary or proprietary interest, by which a person will gain or lose something, as contrasted with a general sympathy, feeling or bias." *Yetman v. Naumann*, 16 Ariz. App. 314, 317, 492 P.2d 1252, 1255 (1972). "[T]o violate the conflict of

⁴ The term "nonspeculative" was added in 2016. 2016 Ariz. Legis. Serv. Ch. 289.

interest statute, a public official must have a **non-speculative, non-remote pecuniary or proprietary interest in the decision at issue.**" *Hughes v. Jorgenson*, 203 Ariz. 71, 74-75, 50 P.3d 821, 824-25 (2002) [Emphasis added.] See also A.R.S. §38-502(11).

"Remote interest" means an interest that falls in any of twelve categories listed in A.R.S. § 38- 502(10). The Arizona Legislature "has determined that certain economic interests are so remote that they do not impermissibly influence a person's decisions or actions." *Arizona Attorney General Agency Handbook* (Revised 2018) ("*Handbook*") §8.3. If the public official or employee has only a remote interest, there is no need for further analysis.

The most relevant type of "remote interest" for purposes of this discussion is found in subparagraph (a), which is "[t]hat of a nonsalaried officer of a nonprofit corporation."

However, the alleged interest is even more attenuated than that. NC3 is not a contractor in this transaction. Rather, the allegation of conflict of interest hangs on the ever so slim thread of a tie between Trane and Chancellor Lambert by virtue of the fact that Mr. Archambault and Chancellor Lambert sit on the NC3 Board.⁵

B. Other Prohibitions contained in Arizona's Conflict of Interest Laws.

A.R.S. §38-504 states:

C. A public officer or employee shall not use or attempt to use the officer's or employee's official position to secure any valuable thing or valuable benefit for the

⁵ As I have previously pointed out in other correspondence, the Arizona Attorney General sets forth a test to determine if a public employee has a substantial interest:

To determine whether a substantial interest exists, the public officer should ask:

1. Could the decision affect, either positively or negatively, an interest of the officer or employee or the officer's or employee's relative?
2. Is the interest a pecuniary or proprietary interest? Could it affect a financial interest or ownership interest?
3. Is the interest something that is not statutorily designated as a remote interest?

If the answer to each of these questions is yes, then a substantial interest exists that requires disclosure and disqualification by the public officer or employee.

Handbook, §8.3. [Emphasis added.]

officer or employee that would not ordinarily accrue to the officer or employee in the performance of the officer's or employee's official duties if the thing or benefit is of such character as to manifest a substantial and improper influence on the officer or employee with respect to the officer's or employee's duties.

This is a subjective test and depends on the nature of the "valuable thing" and whether it "is of such character as to manifest a substantial and improper influence."

A.R.S. §38-505, which is also part of Arizona's Conflict of Interest Law, states:

A. No public officer or employee may receive or agree to receive directly or indirectly compensation other than as provided by law for any service rendered or to be rendered by him personally in any case, proceeding, application, or other matter which is pending before the public agency of which he is a public officer or employee.

Please also note that reimbursement by the College for travel expenses does not pose a conflict of interest. See A.R.S. §38-502(f).

C. There has been no violation of Arizona's Conflict of Law.

If the transaction or decision of Chancellor Lambert will confer a direct non-speculative economic benefit or detriment on him as an employee of the College, he must declare a conflict and refrain from voting upon or otherwise participating in any manner in any transaction or decision related to Trane. This determination is made on a case-by-case basis. Ariz. Atty. Gen. Op. I18-001.

Because Chancellor Lambert does not receive such a benefit or detriment by virtue of his participation in and service on the NC3 Board, he has no conflict of interest under the Arizona Conflict of Interest Law in the College's transactions or decisions related to the award of the EMP Contract to Trane.

D. Analysis under College Policies.

1. The College's Procurement, Purchasing, and Acquisition Procedures Manual and AP 1.25.05 follow the statutory Arizona Conflict of Interest Law.

Section 1.4 of the College's Procurement, Purchasing, and Acquisition Procedures Manual (Rev. 2018) incorporates the language of A.R.S. §38-503. It states:

1.4 Conflict of Interest

College employees must comply with the Arizona Conflict of Interest Law, ARS § 38-503. The Conflict of Interest Law provides if an employee or an employee's relative has a financial interest in any decision or transaction made or to be made by the College the employee must: (1) disclose such financial interest on a "Conflict of Interest Disclosure Form" and (2) refrain from participating in any manner in such decision or transaction, including any contract, fee, grant, purchase, sale, service, benefit or any other matter. The Conflict of Interest Law does not prevent an employee from doing business with the College. A College employee may supply equipment, material, supplies, or services to the College but only if the contract is awarded after public competitive bidding. The employee should contact the Department for a description of the competitive bidding requirements. Note when a College employee does business with the College, the employee has a financial interest in the transaction and the disclosure and non-participation requirements set out above apply. (See AP 1.25.05)

Since I have concluded that Chancellor Lambert's participation on the NC3 Board does not violate Arizona Conflict of Interest Law, my conclusion is also that it does not violate Section 1.4 of the Procurement, Purchasing, and Acquisition Procedures Manual or AP 1.25.05.

2. The Ethical Standards of the Employee Handbook also tie into Arizona Conflict of Interest Law.

I have also examined the section of the College Employee Handbook entitled "Ethical Standards and Conflict of Interest," adopted September 11, 2020. That section also reiterates A.R.S. §38-501 through 511, which are the relevant statutory conflict of interest provisions for public employees.

Since I have concluded that Chancellor Lambert's membership and participation on the NC3 Board does not violate Arizona Conflict of Interest Law, my conclusion is also that it does not violate the College Employee Handbook Ethical Standards and Conflict provisions.

III. Conclusion and Recommendations Going Forward.

There has been no violation of the law or College policy in relation to the EMP award and EMP Contract.

Proof of a conflict of interest must be "direct, definite, capable of demonstration, not remote, uncertain, contingent, unsubstantial, or merely speculative or theoretical." *Miller v. Grundy Cty. M. of Supervisors*, No. 14-0765, 2015 WL 1817096 (Iowa Ct. App. Apr. 22, 2015). As a matter of public policy, this is the correct approach. Citing Justice Holmes, one court has said the following:

Local governments would be seriously handicapped if every possible interest, no matter how remote and speculative, would serve as a disqualification of an official. If this were so, it, would discourage capable men and women from holding public office. Of course, courts should scrutinize the circumstances with great care and should condemn anything which indicates the likelihood of corruption or favoritism. But in doing so they must also be mindful **that to abrogate a municipal action at the suggestion that some remote and nebulous interest is present, would be to unjustifiably deprive a municipality in many, -important instances of the service of its duly elected or appointed officials.** The determinations of municipal officials should not be approached with a general feeling of suspicion, "for as Justice Holmes has said, "Universal distrust creates universal incompetency."

Landau v. Twp. Of Teaneck, 231 N. J. Super. 586, 595, 555 A. 2d 119:5, 1200 (Law. Div. 1989)(citations omitted). *See also Candlewood Hills Tax Dist. v. Medma*, 143 Conn. App. 230, 248, 74 A.3d 421, 432 (2013)("Local governments and school boards would be seriously handicapped if any conceivable interest, no matter how remote and speculative, would require the disqualification, of a [public] official.")

Conflict of interest laws are not easy to understand and recognizing the difference between a remote interest and a substantial interest is key to comprehending how the statute operates and how courts interpret the law. The relevant College policies are fully aligned with Arizona Conflict of Interest Law. Given the number of inquiries and allegations about violations of Arizona's Conflict of Interest laws, I suggest training be given to your Board and Senior Staff on a regular basis. I believe the Chair of your Board has scheduled such a session in the very near future.

Jeffrey Silvyn, Esq.

-9-

September 30, 2020

If you should have any questions, please do not hesitate to contact me.

Very truly yours,



Susan P. Segal
For the Firm

SPS/lb
Enclosure

TAB 1



Pima Community College
 Contract Purchasing

Request For Qualification Summary Evaluation Team Recommendation
P20/10015 – Comprehensive, Integrated Energy Management

Team Lead - Greg Wilson Date: 2-18-2020

Proposals Received	Round 1 Score	
<p>Ameresco</p>	<p>87.2 Interview 22 Total Score 104.8</p>	<p>Appropriate Market Sector Experience: Expertise – exclusively in industry, very extensive examples of involvement in energy and water management in diverse applications – including public sector and educational institutions provided example projects with similar goals, numerous completed projects, experience in Arizona environment including ASU, UA, MAU, been performing in the industry for 19 years, recognized by NAESCO and DOE. Project Management and Coordination – comprehensive project approach, design & engineering, implementation, ECM construction, long list of successful project completions, 33 years of experience, diverse team with considerable experience and knowledge in industry and related areas. Experience integrating systems into training experiences and marketing opportunities – “living lab” not addressed in proposal, training experiences for students referred to in a familiarization for behavior modification and not technical capacity, training is identified primarily for College staff, overview and methodology section identifies a process for multi-phase project, phases are well planned, consumption-side services, auditing, design, engineering, and equipment selection, construction management, monitoring, training, marketing and media relations, awards, case studies, community affairs, Earth Day activities, expos and events; Project Personnel and Staffing – program development, and engineering, financing, implementation, performance period, PMI with team of 10 for support in engineering, renewable energy, software solutions, construction and service/maintenance, all work done by sub-contractors, historically 50 – 70% local sub-contractors, project plan identified as multi-phase, relies heavily on analytics and data, key program outline identified, primary point of contact in Tucson, 67 team members in state, 12 person team defined in proposal including members in Tucson, selection process for subcontractor selection well defined; Cost/Price Proposal – financing options available as well as a variety of strategies, multiple Cooperative purchasing agreements cited on proposal, initial project costs projected at 7¢ (calculation required), investment grade audit \$78,071.00 based on .06 cents per square foot. References – ASU, New Mexico State University, West Texas A & M, MAU, good, 3 complete and relevant references included, provided example projects with similar goals, diverse references. Interview – M&V protocol explained in detail, savings calculated options available and determined in contracting stage, maintenance responsibilities defined, also contractual arrangement, addressed the integration process for existing equipment, described “turn-key roles and noted that this might not be the best option, very knowledgeable on financing options with other solutions presented, highly collaborative and flexible</p>

<p>Bath Energy</p>	<p>69.4</p>	<p>Appropriate Market Sector Experience/Expertise – 63 years electrical, approximately 25-30 years in building commissioning, experience cited in public sector and education projects, experience with a Community College, extensive experience with laboratories and medical centers, projects completed in other states but none in Arizona, has completed retrofit for educational institutions including ASU. Project Management and Coordination – project phases include – planning, investigation, implementation, operation, initially addressed in broad reference of commissioning, clear identification of staff structure for project, only two individuals are identified as having primary responsibility for project, clear table that identifies which partner has primary roles and secondary roles, no Tucson based resources, closest branch out of Phoenix recently established, primary point of contact lists experience with projects in Arizona including Tucson, approach to project management sequencing logical; Experience integrating systems into training opportunities and marketing opportunities – training listed in proposal focused only on operational considerations with no reference to “Living Labs” or any other academic student related activities, even training for staff was not greatly detailed, overview and methodology section identifies clear experience and a process for integrating systems into training experiences, no clear identification of marketing, firm has completed hospital project including a web-based energy management system; Project Personnel and Staffing – principal in charge, PM, commissioning engineer and building analytics consultant, only 3 personnel mentioned in the proposal, provided in table on page 6 of proposal, staff is small which leads to concerns about how they will meet deadlines, primary listed project pilot of contact, branch manager, has only one year with company, commissioning engineer has only one year with the company, additional technicians, plumbers, electricians, and engineers referenced by not detailed; Cost/Prices Proposal – \$686,517 base, \$144,966 annual ongoing, no financing options, allocated based on space and 200 cost per month for software subscription, no clear budget narrative, References – no higher education facilities referenced, 4 related projects provided from W/C, did not include details on respective projects, project profiles listed were not affiliated with references.</p>
<p>Bernhard</p>	<p>52.5</p>	<p>Appropriate Market Sector Experience/Expertise – experience and knowledge in scope of focus, related work performed with clients in higher learning and public sector, positive outcomes defined, considerable state work described, company well established and involved in area of energy management, projects being performed in Tucson in public sector educational facilities, limited community college experience, provided example projects with similar goals, highly experienced company, 100 years’ experience with over \$650M in revenue in 2016, 80% of work is with repeat customers, firm has local experience including UA, ASU, numerous educational projects across the US; Project Management and Coordination – project development, operational support, energy engineering, construction, service & maintenance, multi-faceted company that could include all required services, project lead has 11 years of experience has worked with higher ed., identified an agronomic approach to project delivery, team has related experience, and includes a number of individuals, clear process outline, more heavily uses analytics and software, resources in Tucson for management and coordination time, related projects in public sector and education; Experience integrating systems into training experiences and marketing opportunities – system integration training not detailed and no mention of “Living Labs” or student engagement beyond general education of participation in utility reduction practices, overview and methodology section identifies clear experience and a process for multi-phase project, communications campaign, behavior change plan, stakeholder meetings, campus participation in EPA Energy Star Battle of the Buildings, press releases and marketing materials; Project Personnel and Staffing – Experienced engineers and technicians with education project experience (engineering, retro-commissioning, financing, project development), 11 engineers and/or CEM personnel based in Tucson, team bios are robust and appropriate to the project, in house resources in areas of electrical and mechanical; Cost/Price Proposal – \$95,000 + \$150,000 and the recurring annual fee of \$75,000, experience with financing options and partnerships, fixed fee for time on assessment, unclear on need for annual fee, is college expected to maintain software?; References – good provided example projects with similar goals, examples include a point of contact, references cited applicable in scope and included some higher learning institutions, cost savings metrics were presented, all examples were out of state</p>

<p>Wendel Energy</p>	<p>87 Interview</p>	<p>Appropriate Market Sector Experience/Expertise – In business in mechanical HVAC industry for 100 years, controls for 40 years and energy for 25, very well resourced and diverse company with commitment to sustainability and energy conservation having received awards, Federal certifications and qualifications in energy, manufacturer of control systems and equipment regarding energy related systems, although vendor neutrality started for selection of equipment and produce, there could be concerns about objectivity with purchasing of assets, experience with higher-education, community college's provided in reference, very good, in Tucson for over 50 years, there are 246 Arizona based team members, can easily integrate into legacy systems, including systems that are more than 20 years old, in performance contracting business since 1995, accredited by NAEESCO, ASHRAE, USGBC, DOE, Project Management and Coordination – management tools (Primavera), communication, planning and scheduling field validation, mobilization, implementation, commissioning, project closeout, includes a sub-contractor evaluation process, good understanding of the "learning lab", identified program manager has 11 years of experience – note with community college, but extensive energy projects, clear project timeline, strategy, and process, logical sequenced project management for coordinated and cohesive approach, project management personnel has considerable experience in industry and area of focus. Experience Integrating systems into training experiences and marketing opportunities – Extensive comprehensive plan for integration of technology and systems to directly relate to student training educational experience, reference commitment to STEM as well as involvement in multiple levels of education as it relates to student engagement in industry, overview and methodology section identifies clear experience and a process for multi-phase project, understands what PCC is looking for in the living lab area and the vision of PCC for future students, excellent, plan includes virtual living labs that allow for a campus-wide learning application with building data points (i.e., BMS, water, energy, solar, analytics, alarms, open protocol systems), student engagement portion does not compromise cybersecurity and campus IT security, link to NCS; Project Personnel and Staffing – key personnel have industry experience and experience building educational partnerships, including ASU, UA U of Colorado, and other institutions like the Town of Oro Valley, Banner University Medical Center, very good, has over 200 employees in Arizona with 20+ located in Tucson, organizational structure and team staffing identified and specific project team identified, team bios are robust and appropriate to the project, personnel identified had considerable time in industry as well as time with company, Tucson point of contact however has less than 5 years in the industry, Arizona staff 246, 10 technicians, close proximity for support; Cost/Price Proposal – hypothetical model presented shows 10 year investment with savings to be repurposed into infrastructure as well as potentially providing additional savings over the 10 year period, financing opportunities and partnerships available as well as diverse funding examples; References – included work in Arizona as well as higher learning although not combined, additional higher learning references stated in length including work in Arizona but not detailed, includes CC's, Town of Oro Valley, Central Piedmont Community College, Washburn Tech, Gateway Technical and many other educational projects. Interview – knowledgeable on MA&V protocol and have experience implementing all protocols, noted cases for both types of calculated savings (component by component or major system), maintenance responsibilities tailored per needs of customer, independent commissioning service is available which include options, addressed integration of existing equipment specifically Copper Clute software, replacement of equipment done in the best interest of the college with collaboration of vendor, "turn-key" install also collaborative and contractual issue, have several in-house maintenance personnel able to respond within hours of need, local presence good, clear experience with learning labs, highly collaborative approach</p>
<p>Trane</p>	<p>93.8 Interview 24 Total Score 113</p>	<p>Appropriate Market Sector Experience/Expertise – In business in mechanical HVAC industry for 100 years, controls for 40 years and energy for 25, very well resourced and diverse company with commitment to sustainability and energy conservation having received awards, Federal certifications and qualifications in energy, manufacturer of control systems and equipment regarding energy related systems, although vendor neutrality started for selection of equipment and produce, there could be concerns about objectivity with purchasing of assets, experience with higher-education, community college's provided in reference, very good, in Tucson for over 50 years, there are 246 Arizona based team members, can easily integrate into legacy systems, including systems that are more than 20 years old, in performance contracting business since 1995, accredited by NAEESCO, ASHRAE, USGBC, DOE, Project Management and Coordination – management tools (Primavera), communication, planning and scheduling field validation, mobilization, implementation, commissioning, project closeout, includes a sub-contractor evaluation process, good understanding of the "learning lab", identified program manager has 11 years of experience – note with community college, but extensive energy projects, clear project timeline, strategy, and process, logical sequenced project management for coordinated and cohesive approach, project management personnel has considerable experience in industry and area of focus. Experience Integrating systems into training experiences and marketing opportunities – Extensive comprehensive plan for integration of technology and systems to directly relate to student training educational experience, reference commitment to STEM as well as involvement in multiple levels of education as it relates to student engagement in industry, overview and methodology section identifies clear experience and a process for multi-phase project, understands what PCC is looking for in the living lab area and the vision of PCC for future students, excellent, plan includes virtual living labs that allow for a campus-wide learning application with building data points (i.e., BMS, water, energy, solar, analytics, alarms, open protocol systems), student engagement portion does not compromise cybersecurity and campus IT security, link to NCS; Project Personnel and Staffing – key personnel have industry experience and experience building educational partnerships, including ASU, UA U of Colorado, and other institutions like the Town of Oro Valley, Banner University Medical Center, very good, has over 200 employees in Arizona with 20+ located in Tucson, organizational structure and team staffing identified and specific project team identified, team bios are robust and appropriate to the project, personnel identified had considerable time in industry as well as time with company, Tucson point of contact however has less than 5 years in the industry, Arizona staff 246, 10 technicians, close proximity for support; Cost/Price Proposal – hypothetical model presented shows 10 year investment with savings to be repurposed into infrastructure as well as potentially providing additional savings over the 10 year period, financing opportunities and partnerships available as well as diverse funding examples; References – included work in Arizona as well as higher learning although not combined, additional higher learning references stated in length including work in Arizona but not detailed, includes CC's, Town of Oro Valley, Central Piedmont Community College, Washburn Tech, Gateway Technical and many other educational projects. Interview – knowledgeable on MA&V protocol and have experience implementing all protocols, noted cases for both types of calculated savings (component by component or major system), maintenance responsibilities tailored per needs of customer, independent commissioning service is available which include options, addressed integration of existing equipment specifically Copper Clute software, replacement of equipment done in the best interest of the college with collaboration of vendor, "turn-key" install also collaborative and contractual issue, have several in-house maintenance personnel able to respond within hours of need, local presence good, clear experience with learning labs, highly collaborative approach</p>

	18.8	<p>Total Score</p> <p>102</p> <p>identified program manager has 11 years of experience- none with community college, but extensive energy projects, clear project timeline, strategy, and process, focus strategic approach, well-structured and defined implementation, office in Phoenix, experienced team, well described structure to implementation as well inclusion of various elements of scope. Experience Integrating systems into training experiences and marketing opportunities - structured approach on integration of technology and college systems to academic side for student learning and creation of "Living Labs", educational resources available to structure program, overview and methodology section identifies clear experience and a process for Integrating systems into training experiences (timely); Project Personnel and Staffing - executive VP, P.M, and then split to Energy Services, Design (mechanical and electrical), and construction, organizational structure and team staffing provided for project, staffing appears to be robust including 11 individuals, extensive and applicable credentials with experience in industry and time with company, project manager has experience with higher education projects including Instate, local Tucson support not detailed; Co-Office Proposal - financing managing options available, extensive and comprehensive breakdown on various financial approaches including pros & cons for different types, initial strategy cost \$20,500 plus \$250 per building, this has the benefit of a scalable approach if so selected, additional fee schedule included, \$1,500 per building for walk-through, estimated 15-30 cents per sq. ft. for audits; References - Yale University, Maricopa Community College District, NY Power Authority; references included strong letters of recommendation from higher learning, government entity and an instate community college. Interview - IPMVP - 4 options, system level analysis discusses maintenance options, both independent & in-house commissions are options, demonstrated an understanding of Integration process, equipment replacement handled through a collaborative process, "turn-key" is usually how projects go, discussed warranty and after hours support, no option regarding solid tender relationship, unclear on experience regarding learning labs.</p>
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Evaluation Team Recommendation: The team recommends award to: Trane

Team Signatures

x _____
 Greg Wilson
 x _____
 James H. Russell
 x _____
 Jim Russell
 x _____
 Jessica Normyle
 x _____
 David Clark
 x _____
 Raj Marney

Reviewed By:

Terry Robinson
 Terry Robinson/Purchasing Director Date 2/19/2020

Exhibit 18 - Oct 6 2020 agenda item re Segal Sept 30 report



Agenda Item Details

Meeting	Oct 06, 2020 - Governing Board Special Meeting
Category	2. DISCUSSION AND ACTION ITEMS
Subject	2.2 Waiver of Privilege and Release of Outside Legal Counsel's Opinions for Public Discussion
Type	Action
Recommended Action	The Chancellor recommends that the Board waive attorney-client privilege and authorize the release and public discussion of outside legal counsel's opinions regarding potential conflicts of interest regarding the College's purchase of the Tucson Inn site dated March 8, 2019, the ongoing development of the Unmudl project and related agreements with Social Tech dated September 25, 2020, and the award of an energy management and education program contract with Trane, dated September 30, 2020.

Background:

At the direction of the Board Chair and the Chancellor, in 2019 and 2020, the College's General Counsel retained attorney Susan Segal of the law firm of Gust Rosenfeld to review potential conflict-of-interest issues in three College financial transactions: 1) the College's 2017 purchase of real property located at 127 West Drachman, formerly the site of the Tucson Inn, 2) the College's ongoing negotiations with Social Tech, Inc. to utilize the Unmudl.com network platform, and 3) the College's 2020 award of an energy-management and education program contract to Trane U.S., Inc. Ms. Segal has completed the requested reviews and provided written opinions in the form of confidential and privileged attorney-client communications, addressed to the College's General Counsel, specifically the March 8, 2019 "Tucson Inn" Opinion, September 25, 2020 "Unmudl" Opinion, and September 30, 2020 "Trane" Opinion.

These memoranda and the related opinions expressed by Ms. Segal are confidential and subject to the attorney-client privilege. Pursuant to BP 6.05, College and Board Relationship with General Counsel, the Board may waive the attorney-client privilege. So that the issues addressed in the memoranda may be fully discussed by the Board and the public assured that the College has conducted its activities in compliance with applicable conflict of interest standards, the Chancellor recommends the Board waive the privilege and discuss these matters in an open meeting.

Motion & Voting

The Chancellor recommends that the Board waive attorney-client privilege and authorize the release and public discussion of outside legal counsel's opinions regarding potential conflicts of interest regarding the College's purchase of the Tucson Inn site dated March 8, 2019, the ongoing development of the Unmudl project and related agreements with Social Tech dated September 25, 2020, and the award of an energy management and education program contract with Trane, dated September 30, 2020.

Motion by Mark Hanna, second by Meredith Hay.
 Final Resolution: Motion Carries
 Yea: Mark Hanna, Meredith Hay, Demion Clinco

Exhibit 19 - PCCCD Procurement Report 3-10-2021

PRIVILEGED AND CONFIDENTIAL ATTORNEY CLIENT COMMUNICATION

**REPORT OF THE INVESTIGATION OF THE PROCUREMENT OF AN
ENERGY MANAGEMENT PROGRAM AND RECOMMENDATIONS**

Susan Plimpton Segal, Esq.

Gust Rosenfeld, PLC

March 10, 2021

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I. Introduction and Background.

On January 26, 2021, Pima County Community College District (“College”) General Counsel Jeffrey Silvyn asked me, as outside counsel, to conduct an investigation of a Comprehensive, Integrated Energy Management Program (“EMP”) procurement (“EMP Procurement”).¹ The EMP Procurement ultimately resulted in the award of a contract (“EMP Contract”)² to Trane U.S. Inc. (“Trane”) by the College Governing Board (Board”) on June 3, 2020.

My assignment arose from a letter written by Board members Maria Garcia and Luis L. Gonzales to Arizona Auditor General Lindsay Perry, dated January 14, 2021 (the “Letter”).³ Tab 1. In the Letter, Ms. Garcia and Mr. Gonzales requested that the Arizona Auditor General conduct an audit of the EMP Procurement. The Letter specifically referred to emails containing communications between Trane Director of Integrated Solutions Jim Knutson and employees of the District.

Subsequently, the Arizona Auditor General declined to conduct the requested audit. In an email to Ms. Garcia and Mr. Gonzales from Gretchen Augustine, Arizona Auditor General Division of Financial Investigations Lead Manager, dated February 11, 2021, Ms. Augustine stated the following:

We have reviewed the documents you provided and have concluded on the following. Specifically, the college district does not follow the State Procurement Statutes, but instead has its own procurement rules and therefore this Office has no authority to conduct an internal review of potential rule violations. **Further, the emails you provided do not establish any obvious violations of the State Conflict of Interest Statutes.** It appears that the concerns brought forth are internal and the college district should

¹ My qualifications in the area of Arizona public procurement law can be found at https://gustlaw.com/attorneys3.tpl?GustLaw=Susan_Plimpton_Segal. In addition to that information, I am providing my specific background relevant to this investigation. In 1983, I was one of four persons who drafted the Arizona Procurement Code that applies to state agencies. Since then, I advised on changes to that code and the School Procurement Code. I have presented to numerous groups representing public agencies on the topic of public procurement. I have authored Attorney General legal opinions on the topic while employed by the Arizona Attorney General and I am author of a chapter on construction procurement in a book entitled *From the Ground Up*. I have been consulted as an expert witness on the topic of public procurement and I have investigated procurement practices of a variety of public entities. While I served as the Chief Counsel of Public Advocacy in the administration of Attorney General Terry Goddard, among other things, I supervised the attorneys in the School Fraud Unit.

² The full title of the EMP Contract is Comprehensive, Integrated Energy Management Program Agreement.

³ Although Ms. Garcia and Mr. Gonzales identify themselves in the Letter as members of the College Board of Governors, by statute, they are Governing Board members and by law and policy, the Board is called the Governing Board. Arizona Revised Statute (“A.R.S.”) §15-1441., Board Policy 1.06, <https://www.pima.edu/about-pima/leadership-policies/policies/board-policies/docs-bp-01/BP-1-06.pdf>. I only point this out for the benefit of third parties who may not understand that they are one and the same.

conduct an internal review to determine if the district's policies were violated. As a result, we will not be conducting a further review of these issues at this time.

[Emphasis added.] Tab 2.

Although the College is not subject to State procurement statutes or the State Procurement Code,⁴ its employees are subject to the Arizona conflict of interest ("Conflict of Interest") laws, which the Auditor General routinely addresses with respect to the conduct of officials of a variety of public entities. It is particularly noteworthy that the Auditor General concluded that "the emails . . . provided do not establish any obvious violations of the State Conflict of Interest Statutes." *Id.* See discussion below in Section XIII.

Prior to writing the Letter, Ms. Garcia and Mr. Gonzales raised concerns that Chancellor Lee Lambert's position as a nonsalaried officer of the Board of Directors of the nonprofit National Coalition of Certification Centers ("NC3") created a conflict of interest under Arizona's Conflict of Interest laws or College policies with respect to the award of the EMP Contract to Trane. Tab 3. I concluded, in a letter dated September 30, 2020, that there was no conflict of interest and no violation of College policy or the Arizona Conflict of Interest laws.

My legal analysis in my September 30, 2020, opinion was related solely to the question of whether Chancellor Lambert's service on the NC3 Board created a conflict of interest in connection with the EMP award and EMP Contract with Trane. Based on application of the law to the facts, I determined that the Chancellor did not violate any Arizona law or College policy by virtue of service on the nonprofit NC3 Board and his limited involvement with and participation in the EMP award and EMP Contract with Trane. Service as a nonsalaried officer on a nonprofit board is deemed only a remote interest under Arizona Conflict of Interest law, which do not constitute a prohibited conflict. A.R.S. §38-502(10)(a), see also Arizona Attorney General Agency Handbook (Revised 2018) ("Handbook") §8.3. If the public official or employee has only a remote interest, there is no need for further analysis. Further, Chancellor Lambert had no financial interest in the award of the EMP Contract. *Id.* My analysis and written findings were presented to the Board at a meeting held on October 6, 2020 and are set out in my letter attached to this report at Tab 3.

II. Purpose of Investigation and Scope of Review.

The purpose of this investigation was to investigate the facts relating to the EMP Procurement and analyze that procurement in terms of requirements of law and policy. This task is to be distinguished from making a business judgment about the EMP

⁴ State procurement rules are codified at Arizona Administrative Code (A.A.C.)R7-2-701 *et. seq.*,

transaction. In essence, my investigation constitutes the review suggested by the Arizona Auditor General. Tab 2.

With respect to my legal analysis for this report, I examined the EMP Procurement in light of Arizona Conflict of Interest laws and procurement laws and College policies. My findings and legal conclusions are set forth below.

III. Persons Interviewed.

In connection with this investigation, I interviewed the following persons:

Dr. David Bea, Executive Vice Chancellor for Finance and Administration

David Davis, Energy Resource Manager

Jim Knutson, Trane Director of Integrated Solutions

Lee Lambert, Chancellor

Jan Posz, formerly a Senior Procurement Analyst

Terry Robinson, Director of Procurement & Payment Services, Chief Procurement Officer

Jeffrey Silvyn, General Counsel

William Ward, Vice Chancellor for Facilities.

Greg Wilson, Dean of Applied Technology

With the exception of Mr. Knutson, all of the above witnesses are current or former employees of the College.

IV. Documents Reviewed.

In addition to the relevant College and Board policies and Arizona statutes, I examined and reviewed the following:

- Agenda of Governing Board Meeting of June 3, 2020. Tab 6.
- Arizona statutes referred to in this report.
- College policies and procedures referred to in this report.
- Conflict of Interest policies and Conflict of Interest Statements signed by all members of the Purchasing and Evaluation Committee for the Comprehensive, Integrated Energy Management Program. Tab 4.
- Decision regarding Ameresco Protest. Tab 8.
- Email from David Bea to members of the Committee dated September 10, 2019. Tab 9.
- Email from Gretchen Augustine dated February 11, 2021. Tab 2.
- Email from Jan Posz to Committee members dated September 20, 2019. Tab 13.

- Email from Jim Knutson to Chancellor Lambert dated May 6, 2019. Tab 10.
- Emails between David Davis and Jan Posz.
- Emails to and from Jim Knutson referenced herein.
- Emails to and from William Ward referred to herein.
- Emails referenced in the Letter (total of 518).
- EMP Contract.
(<https://go.boarddocs.com/az/pima/Board.nsf/goto?open&id=BJPMBT595F4C>)
- Evaluation scoring sheets. Tab 5.
- Letter from Jan Posz to Dean Oakley, dated May 12, 2020.
- Minutes of Governing Board Meeting of June 3, 2020. Tab 6.
- Request for Proposal P20/10015 (the “RFP”) requesting proposals from qualified firms for consulting services to develop and implement a comprehensive, integrated energy management program.
(<https://web19.pima.edu/administration/contracts-purchasing/docs/comprehensive-integrated-energy-managment-program.pdf>)
- Procurement protest from Ameresco. Tab 7.
- Second Round Questions. Tab 12.
- The Letter, including all attachments. Tab 1.
- Video of Board meeting of June 3, 2020.
(<https://www.youtube.com/watch?v=ihooXUOgwhM>)

V. Summary of Conclusions.

1. Arizona community college districts, such as the College, are exempt from the Arizona Procurement Code because they are not state governmental units. A.R.S. §41-2501; 1986 Ariz. Op. Att’y Gen. 9.
2. Contact with potential vendors before the Bid/RFP process commences is not prohibited.
3. Mr. Knutson’s pre-RFP emails are very aggressive and overreaching at times in terms of making suggestions about how the EMP Procurement should be conducted. They also are voluminous. However, these emails had no impact on how the procurement was conducted.
4. The email from Mr. Knutson to Ms. Posz about the logistics of the second round interview on February 11, 2019, and the email forwarding copies of the slides Trane used at the second round interview to Ms. Posz are not unusual or inappropriate.

5. Trane and its representatives were not involved in the initial preparation of the RFP. Had Trane been involved, most likely these specifications would have been more tailored to give Trane an advantage. The specifications do not do this.
6. No competitor claimed that the specifications were proprietary, too narrow, anticompetitive, or tailored to a particular vendor.
7. The specifications and the Scope of Work were not influenced by Trane.
8. The specifications and the Scope of Work were not proprietary, too narrow, anticompetitive, or tailored to a particular vendor.
9. I find nothing inappropriate in the membership of the Committee. The members selected for the Committee were logical resources and uniquely situated to assess proposals for the EMP project. Dr. Bea picked a variety of knowledgeable administrators and staff from diverse but relevant areas of the College, including representatives from the Facilities Department.
10. The emails sent by Mr. Knutson had no influence on the selection of Committee members. Mr. Knutson's suggestion as to the composition of the Committee set in his email of May 20, 2019, was not adopted.
11. The evaluation process was fair and appropriate. It adhered to College policy and fundamental principles of competitive procurement.
12. The situation with Mr. Davis could have been handled differently. Mr. Davis should have been instructed he was required to rank the vendors in good faith. If Mr. Davis continued to refuse to participate in good faith, a determination should have been made as to whether he needed to be replaced on the Committee. However, this incident did not invalidate the EMP procurement by any means.
13. The EMP Contract negotiations on behalf of the College with Trane were at arm's length and the drafts exchanged by the parties required multiple revisions and extensive interaction. The end result was a contract that protected the College's interests. The terms of the EMP Contract are fair to the College.
14. In an email to Ms. Garcia and Mr. Gonzales from Gretchen Augustine, Arizona Auditor General Division of Financial Investigations Lead Manager, dated February 11, 2021, Ms. Augustine stated that the emails provided to her by them "do not establish any obvious violations of the State Conflict of Interest" statutes. I concur with this conclusion.

15. I do not find that Chancellor Lambert did anything inappropriate, much less violated Arizona Conflict of Interest laws, with respect to his residential Trane unit. There was no offer of anything of value and Chancellor Lambert did not take anything of value. He did not follow up on Mr. Knutson's offer to have someone look at Chancellor Lambert's residential unit. Nor did Mr. Knutson offer to do anything for free. Chancellor Lambert did not take Mr. Knutson up on the offer to take a look at his residential unit, much less accept it.
16. Months later Chancellor Lambert asked Mr. Ward for a recommendation for a new residential unit after his residential air conditioner failed. As recommended by Mr. Ward, Chancellor Lambert purchased a Lennox or Rheem unit through a local dealer. Chancellor Lambert did not contact Mr. Knutson. This is further evidence that the previous conversation with Mr. Knutson had no effect on Chancellor Lambert.
17. There was no violation of Arizona law or College policy arising from Mr. Knutson's email dated May 6, 2019.
18. There is no evidence of anything of value in excess of \$25.00 given by Trane to any College employee, with the exception of the purchase of a foursome of golf in 2019 at a golf tournament sponsored by the College Foundation, which is not a violation of law or policy.

VI. Applicable Procurement Rules and Laws.

A. Procurement Rules.

Arizona community college districts, such as the College, are exempt from the Arizona Procurement Code because they are not state governmental units. A.R.S. §41-2501. 1986 Ariz. Op. Att'y Gen. 9 (1986). However, "even in the absence of a statutory bidding requirement, the board has a fiduciary obligation to obtain maximum return for each dollar spent which may, under some circumstances, require competitive bidding." 1986 Ariz. Op. Att'y Gen. 9.

Political subdivisions, such as the College, typically adopt their own procurement rules. In the case of the College, its administrative purchasing procedure is found at AP 4.01.05. <https://go.boarddocs.com/az/pima/Board.nsf/goto?open&id=BJPMBT595F4C>. In addition, the College has adopted procurement procedures that are contained in its *Purchasing Procedures Manual* ("Manual").

While they are similar in many ways to rules contained in the State procurement code, the rules and policies in the College Code and manual are separate and distinct from those in the State procurement code. This is true with respect to procurement rules adopted by all Arizona community colleges.

Some of the relevant sections of AP 4.01.05 are the following:

“Full and Open Competition” - when used with respect to a contract action, means all responsible vendors are permitted to compete for the College purchase.. Section 1 Definitions.

All College procurement transactions shall be conducted in a manner providing full and open competition consistent with the standards and subject to prohibited practices identified in the Uniform Guidance. Section 4, 4.2 Full and Open Competition.

The Specifications may not contain features or characteristics that are unduly restrictive to competition and may not require “brand name” product instead of allowing for “an equal or equivalent” product. Any vendor who has developed or assisted in development of the Solicitation Materials or any of its components shall be excluded from competing for such procurements. Section 5, 5.2 Solicitation Materials; Specifications.

College contracts may be awarded only to responsive, responsible vendor possessing the ability to perform successfully under the terms and conditions of a proposed procurement, considering all factors required by the Uniform Guidance. Section 6, 6.1 Vendor Selection Criteria.

The College shall, in all procurements of architect and engineering services and for purchases where it would assist the College in selecting qualified vendors, use a committee consisting of members of the public, students, and/or current College employees, qualified through experience or education. Section 6, 6.2 Selection Committees.

The *Purchasing Procedures Manual* (the “Manual”) is consistent with AP 4.01.05. For purposes of this report, this provision is particularly relevant:

5.6 Contact with Vendors

Vendors play an important role in keeping College personnel informed of products and services available. Personnel are encouraged to take advantage of these contacts. However, specific rules must be followed when dealing with vendors to avoid financial liability, conflicts of interest and other misunderstandings. Avoid the following:

...

2. Do not contact a vendor after a Bid/RFP process has started;

...

7. Questions or clarifications should be addressed to the Procurement Services Department.

This section of the Manual makes it clear that contact with potential vendors before the Bid/RFP process commences is not prohibited. However, once the Bid/RFP process commences, communications with vendors should cease.

Ms. Posz and Mr. Robinson confirmed this is the rule. Further, in the case of the EMP Procurement, communications with Trane were limited after the RFP was issued. *See* Section VII.

B. Energy Savings Agreements.

The content and terms of energy management agreements (also known as energy savings contracts) are governed by A.R.S. §34-105. The College retained qualified outside legal counsel to assist with negotiation and drafting of the EMP contract terms.

C. Conflict of Interest Laws and Policies.

The applicable Conflict of Interest laws are set out in my letter of September 30, 2020, which is attached to this report at Tab 3. For purposes of this report, the focus is upon a) when an employee is required to disclose a conflict of interest and b) whether there were any improper gratuities or gifts that may have violated A.R.S. §§38-504 or 505.

The College Employee Handbook entitled “Ethical Standards and Conflict of Interest,” adopted September 11, 2020. That section also reiterates A.R.S. §38-501 through 511, which are the relevant statutory conflict of interest provisions for public employees.

VII. Timeline of the EMP Procurement and the EMP Contract.

On November 13, 2019, the College issued Request for Proposal P20/10015 (the “RFP”) requesting proposals from qualified firms for consulting services to develop and implement a comprehensive, integrated energy management program.⁵ The proposals were submitted on December 18, 2019. Five proposals were submitted, including one from Trane.⁶

The RFP Review and Evaluation Committee (the “Committee”) consisted of the following individuals: Greg Wilson, Committee Team Leader and College Dean of Applied Technology; James Russell, a College faculty member who had previously worked in the private sector for over 20 years in HVAC; Agnes Maina, College Director of Financial Services who previously worked for the Arizona Auditor General; Jessica Normoyle, a College Advanced Program Manager; David Clark, College Superintendent of Operations and Raj Murthy, College Chief Information Officer.⁷ College Senior Procurement Analyst,

⁵ The RFP can be found at <https://web19.pima.edu/administration/contracts-purchasing/docs/comprehensive-integrated-energy-managment-program.pdf>.

⁶ The other proposers/offerors were Ameresco, Bath, Bernhard, and Wendel.

⁷ The process for the selection of Committee members is described in Section X.

Jan Posz, convened and facilitated the Committee. Each Committee member completed and signed a conflict of interest and confidentiality statement (the “Statement”). Tab 4. Dr. Bea, a non-voting member of the Committee, also signed the Statement.

In the Statement, each member of the Committee said:

. . . I acknowledge that I have been informed . . . that service [on the Committee] requires that I:

Understand that it is a conflict of interest and a violation of State statutes for a member of this committee or a relative of a member to have a substantial interest in supplying any equipment, material, supplies or services involved through this solicitation, and that it is my responsibility to avoid situations in which a conflict of interest may arise;

Understand that it is my legal and ethical responsibility to maintain the confidentiality of the process and agree that I will have no communication related in any way to the particular procurement, except during formal Committee meetings, with any Offeror or potential subcontractor to that Offeror prior to award, and that I will promptly disclose any attempted contacts to the Purchasing Department;

Agree it is not appropriate to reveal the content of any evaluation discussions to persons within or outside the College not directly involved in the process;

Agree to protect the materials submitted as confidential information; and

Agree to discuss confidential information only as part of the evaluation process, and to refrain from discussing, either during or after the evaluation process, any information outside of the Committee or within the hearing of other people not involved in the evaluation process.

Id.

After initial scoring, the Committee met and ranked Ameresco, Trane and Wendel as the top offerors. The Committee conducted interviews with representatives of each on February 11, 2019. The same Second Round Questions were asked of each vendor offeror. Tab 12.

The Committee's review of the RFP responses and the scoring process were finalized on February 18, 2020, and the highest scored/ranked Offeror was Trane.⁸ Tab 5. Trane was notified of this decision on May 12, 2020, by Ms. Posz in a letter, which included a formal contract.

Upon the College's completion of extensive arm's length contract negotiations with Trane, the EMP Contract was awarded to Trane by the Governing Board at its meeting of June 3, 2020.⁹ Tab. 6.

Chancellor Lambert was not involved in the procurement evaluation process or the negotiation of the Contract terms. He signed the EMP Contract on June 29, 2020.

On July 17, 2020, Ameresco, which scored the second highest number of points, filed a protest of the award. Tab 7. The protest was deemed timely but, it was denied on the merits by Mr. Robinson on July 23, 2020. Tab 8. The protest informed Ameresco of its right to appeal, but Ameresco did not do so. *Id.*

VIII. Pre-Award Communications from Mr. Knutson.

Because the concerns raised in the Letter are primarily related to Trane's influence on the EMP Procurement process before the EMP Contract was awarded to Trane, my investigation focused on communications a) before the RFP was issued and b) between the date the RFP was issued and the date Trane was notified of the Committee's decision on the successful offerer.

A. Pre-RFP Communications.

Jim Knutson sent a number of emails, primarily to Dean Wilson, before the RFP was issued on November 13, 2019. The Letter lists some of the emails that Ms. Garcia and Mr. Gonzales say are "troubling. Tab 1. I have reviewed all of the emails (over five hundred) that Mr. Luis A. Gonzales previously requested from the College.¹⁰ See Letter.

Mr. Knutson's pre-RFP emails are very aggressive and overreaching at times in terms of making suggestions about how the EMP Procurement should be conducted. They also are voluminous. However, as noted below, these emails had no impact on how the EMP Procurement was conducted.

⁸ The Evaluation process is addressed in Section XI.

⁹ The actual motion was that the "Governing Board authorize the Chancellor or designee to execute an agreement with Trane, Inc. to develop a comprehensive energy management program that includes evaluation of Heating, Ventilation, and Air Conditioning and controls systems, recommendations for efficiency improvements, and integration of equipment and training into state-of-the-art living lab academic programming." Tab 6.

¹⁰ Mr. Luis A. Gonzales is a former Board member and not the current Board member Luis L. Gonzales. However, because the attachments to the Letter are some of those obtained by Luis A. Gonzales, it is logical to assume that these documents were part of those provided to Luis A. Gonzales in response to his public records request. Ms. Garcia and Mr. Luis L. Gonzales refer to a number of these emails in the Letter.

Dean Wilson told me that he ignored these emails. In his words, the “College is going to do what’s in its best interests” and he took the emails “with a grain of salt.” He added that the Knutson emails “did not have an influence in making the best decision for the College.” Regardless of what was said, Mr. Wilson added, “we are going to go forward with what is in the best interest of the College” as “we [the College] determine it to be”—not based on comments from or discussions with outside vendors.

Some of Mr. Knutson’s emails are harshly accusatory toward Mr. Ward. There were two emails in particular that had negative comments about Mr. Ward and what Mr. Knutson perceived was Mr. Ward’s bias against the EMP project: May 20, 2019 and June 4, 2019. I questioned Dean Wilson about the emails and, in particular, the June 4, 2020, email from Mr. Knutson to him. He recalled the email and said, “As you can see, I clearly did not respond.”

Mr. Ward said in his interview that he was offended by Mr. Knutson’s accusations against him in some of the emails. He referred to the June 4, 2020, email, which he had partially read when I interviewed him. Tab 1. Mr. Ward said, “I am offended this happened” and “I’m upset this [the email] is a public record.”

Mr. Ward distinguished Mr. Knutson’s conduct from Trane’s ability to perform. He said he likes Trane generally, is a “massive supporter of Trane companies,” and has worked successfully with Trane companies on other projects. However, Mr. Ward deems the “antics” of Mr. Knutson and Mr. Knutson’s emails to be “very concerning.” He also expressed that he could not imagine that Trane would condone Mr. Knutson’s conduct. He later added, referring to the concerns that have arisen, “This is all on Knutson.”

Mr. Knutson, who was interviewed with a Trane attorney present, stated that he felt some antagonism from Mr. Ward and that Mr. Ward was shutting his team of engineers out while they were doing feasibility studies. Mr. Ward explained that this was not true and presented logical reasons why his team was not available. One reason is that the College was closed for a period due to the Covid-19 pandemic. The other reason, he said, is that the Trane engineers “just showed up.”

B. Pre-Award Notification Communications.

There were no emails between the date the RFP was issued and the date Trane was notified of the Committee’s decision on the successful offerer that raise issues as to the EMP Procurement. There is one email from Mr. Knutson to Ms. Posz that was sent before the second round interview on February 11, 2019, concerning the logistics of the meeting, and an email sent after the second round interview on February 11, 2019, sending copies of the slides Trane used at the second round interview to Ms. Posz. This type of communication is not unusual or inappropriate.

IX. Drafting of the RFP and Specifications for the EMP Procurement.

Jan Posz explained the process for drafting the RFP and specifications. The College has template language for all requests for proposals, which typically includes all

but technical specifications that are uniquely aligned with the deliverable. The technical specifications are contained in the “Scope of Work” section of the RFP.

Dr. Bea drafted the scope of work and specifications. To do this, he conducted research on the internet on “living labs.” Among the many sources he consulted was the SEED (Sustainability Education and Economic Development) Center.¹¹ The College is a member of SEED, which consists of 480 community colleges throughout the nation. <https://theseedcenter.org/about/who-we-are/>. Chancellor Lambert and David Dore, College President of Campuses and Executive Vice Chancellor, serve on the advisory committee of the SEED Center, along with twenty-three other community college leaders from around the nation.¹²

Ms. Posz and Dr. Bea both emphatically stated that Trane and its representatives played no role in developing the RFP or the specifications. Mr. Knutson also said that Trane and its representatives had no role in the drafting of the specifications.

In fact, my examination of the Scope of Work shows that the specifications are very general, competitive, and non-proprietary or tailored to a particular brand or vendor, which allows for competition. Here is the language:

Pima Community College is seeking a qualified firm to develop and implement a comprehensive energy management program, to include system controls and equipment and training services for integration into the Center of Excellence of Applied Technology, including (but not limited to) the following expectations:

- Assessing current systems and equipment to develop lifecycle replacement plans for systems, controls, and equipment in a large multi-location organization
- Establishing and tracking sustainability and energy and cost reduction goals
- Identifying and/or providing funding sources and financing options suited to the College’s needs
- Implementing smart technology and data analytic platforms to monitor efficiency and optimize system performance

¹¹ The SEED Center was originally a program of the American Association of Community Colleges, a nonprofit organization. The Center is now run by the nonprofit National Council for Workforce Education and Bellevue College. The American Association of Community Colleges (AACC) is a member organization that advocates on behalf of 1,200 community colleges and the nearly 12 million students they serve.

¹² For the same reasons set out in my September 30, 2020, letter, there is no “substantial interest” by virtue of their service on the advisory committee and thus no conflict of interest by virtue of their service on the advisory board of this non-profit entity.

- Designing and implementing living labs, including integrating industry-standard technology and training into academic curricula and facilitating hands-on, experiential learning opportunities for faculty and students
- Promoting program awareness and accomplishments via interactive web-based dashboards, publications, etc.

RFP, page 4.

Mr. Robinson and Ms. Posz confirmed that the specifications for this RFP were very general. In my interview, Ms. Posz did not express any concerns about the language in the Scope of Work.

It is my conclusion that Trane and its representatives were not involved in the initial preparation of the RFP. Had Trane been involved, most likely these specifications would have been more tailored to give Trane an advantage. The specifications do not do this.

It is also noteworthy that no competitor claimed that the specifications were proprietary, too narrow, anticompetitive, or tailored to a particular vendor. After the solicitation was issued, all interested vendors had the opportunity to submit questions on November 13, 2019. *See* RFP. Only one question pertaining to the current College systems was submitted.

There also is a process for a potential bidder/offerer to complain about specifications. *See* Manual, Section 5.7.¹³ Once a Request For Proposal or Call for Bid is issued by a public procurement unit, it is not uncommon for potential vendors/offerors to challenge specifications in the pre-submission stage. *Id.* There was no such challenge to the RFP.

It is true that Mr. Knutson sent an email to Mr. Wilson with suggestions about language for the Investment Grade Audit and the Facility Condition Assessment, as well as public information from the Colorado State Architect. Tab 11. However, Dr. Bea did not rely on this information to prepare the Scope of Work or the specifications. Mr. Ward agrees that there is no evidence that the information Mr. Knutson sent to Mr. Wilson influenced the drafting of the Scope of Work or the specifications.

X. Selection of Evaluation Committee Members.

Dr. Bea selected the Committee members, with the exception of the representatives of the Facilities Department. With respect to the Facilities Department, Dr. Bea communicated with Mr. Ward to ask him who should represent the Facilities Department on the Committee. Mr. Ward named David Clark, the Superintendent of Operations, and

¹³ The language of this section is substantially similar to A.A.C. R2-7-A901, which applies to state agencies and R7-2-1142, which applies to K-12 school districts.

David Davis, the Energy Resource Manager.¹⁴ Dr. Bea then invited these individuals to join the committee. Both were initially on the Committee. Tab 9. However, Mr. Davis gave a “0” on each of the evaluation criteria for each vendor/offeror proposal. He ultimately left the Committee.¹⁵

The other members selected for the Committee were logical resources and uniquely situated to assess proposals for the EMP project. The living lab that is part of the project is to be situated on the Downtown campus and under the jurisdiction of Dean Wilson, the lead on the Committee. James Russell is a College faculty member who had previously worked in the private sector for over 20 years in HVAC. Agnes Maina, College Director of Financial Services, previously worked for the Arizona Auditor General and understands financial and operational compliance. In addition, the RFP called for the vendor/offeror to identify and/or provide funding sources and financing options suited to the College’s needs. Raj Murthy is the College Chief Information Officer. Part of the RFP called for integrating industry-standard technology and Implementing smart technology and data analytic platforms. Jessica Normoyle was a College Advanced Program Manager and was assigned to the College Workforce Development Division, which is logically connected to the EMP project. She was also selected to serve on the Committee because of her familiarity with the Center of Excellence for Applied Technology and her compliance role with Grants and Contracts.

At one point during a Board meeting, Ms. Garcia asked Mr. Ward whether he was involved in the selection process. Mr. Ward responded, “No.” Mr. Ward told me that he took the question to mean him personally. He stated that he was involved to the extent that he selected two members of his department to serve on the Committee.

¹⁴ Mr. Ward had high praise for David Clark. He said, “David Clark just wanted the best deal for the College.”

¹⁵ Mr. Davis was notified on September 10, 2019, in an email from Dr. Bea that he had been selected to serve on the Committee. Tab 9. According to Mr. Robinson and Ms. Posz, Mr. Davis attended the first Committee meeting on January 16, 2020, that took place starting at 9am at the District Office. The procedure was for Ms. Posz to call out an evaluation criteria and then go around the room and each member would indicate their respective score for that criteria. Ms. Posz would record these scores and then calculate the average. Mr. Davis responded with the number 0 on each criteria for each vendor/offeror. When it appeared to Ms. Posz that Mr. Davis intended to give each vendor/offeror a 0 on each evaluation criteria, Ms. Posz met with him separately outside of the meeting room. Mr. Davis told me he gave each vendor/offeror a 0 on each criteria because he was not consulted on the specifications. This is confirmed by an email he sent to Ms. Posz after he left the January 16, 2020, meeting. Ms. Posz and Mr. Davis agreed he should not continue on the Committee.

The first time Mr. Davis indicated he would give each vendor a 0 score was on January 16, 2016. If Mr. Davis had problems with serving on the Committee or evaluating the proposals, he should have raised them to Ms. Posz. If he felt his concerns were not being addressed, he should have contacted Mr. Robinson. *See* discussion in section XI..

It would be unusual for the head of a major College business unit to participate in an RFP selection committee. In this case, Mr. Ward designated two representatives who were both subject matter experts.

I find nothing inappropriate in the membership of the Committee. When Mr. Davis dropped out of the process, Mr. Clark remained. Mr. Russell, who has expertise in HVAC continued on the Committee as well.

I also find that the emails sent by Mr. Knutson had no influence on the selection of Committee members. Mr. Knutson's suggestion as to the composition of the Committee sent in his email of May 20, 2019, was not adopted. *See* Tab 1. Dr. Bea was not influenced by the email, which was addressed to Dean Wilson. Dr. Bea picked a variety of knowledgeable administrators and staff from diverse but relevant areas of the College, including representatives from the Facilities Department.

XI. The Evaluation Process.

A. The Process in General.

After Dr. Bea selected the Committee members, Ms. Posz wrote an email on September 20, 2019, to each of them explaining the process. Tab 13. Among other things, Ms. Posz said:

You are committing to participate to the fullest in all meetings (2-3,). We will attempt to schedule them early enough to let you know so that you can schedule (or adjust) your schedule to make the meetings. At any point in the process you are not able to participate you will be removed as a voting member, however, you will be held to the confidentiality until after the award.

Id.

Once the proposals of offerors were submitted, the members of the Committee were asked to evaluate them and score them on the criteria listed in the RFP.¹⁶ After initial scoring by Committee members, and at the meeting of January 16, 2020, the Committee ranked Ameresco, Trane and Wendel as the top offerors. The Committee conducted interviews with representatives of each of the top offerors on February 11, 2019.

Committee members were asked to bring their work to a February 18, 2019 meeting of the Committee. Ms. Posz facilitated the meeting. Each member was asked their score on each of the evaluation factors listed in the RFP. Tab 5. Ms. Posz added up the scores.

¹⁶ It is a fundamental principle of public procurement that the evaluation of proposals be based on the evaluation factors set out in the RFP. Compare, for example, A.A.C. R2-7-C301 and C317, which apply to state agencies and R7-2-1042 and 1046 in the School Procurement Code.

In the case of the EMP Procurement, the evaluation factors and their relative weights are set out on page 9 of 27 and R7-2-1042 and 1046 in the School Procurement Code.

The Committee's review of the RFP responses and the scoring process were finalized on February 18, 2020, and the highest scored/ranked offeror was Trane.

Ms. Posz also summarized the comments of the Committee on each of the offers. She distributed this to each Committee member and asked for feedback. Mr. Robinson reviewed the comments on February 19, 2019.

The evaluation process was fair and appropriate. It adhered to College policy and fundamental principles of competitive procurement.

B. The Participation of Mr. Davis on the Committee.

In my opinion, the situation with Mr. Davis could have been handled differently. *See* discussion in footnote 14 for background. When Mr. Davis came to the Committee meeting on January 16, 2019 and indicated, for the first time, that he was giving each vendor/offer a 0 score on each evaluation criteria, the matter should have been referred to his supervisor, Dr. Bea, and possibly Mr. Silvyn. Mr. Davis should have been instructed he was required to grade the proposals of each vendor/offeror in good faith. As Mr. Ward told me, "You should have to score whether you like it or not."¹⁷

If Mr. Davis continued to refuse to participate in good faith, a determination should have been made as to whether he needed to be replaced on the Committee. Mr. Ward told me, "I could have given them another name," which he said would have been Mike Baker, who is the Facilities Operations Manager.

Nonetheless, this incident does not invalidate the EMP Procurement by any means.

XII. The Contract.

Scott Holcomb of the Dickinson Wright law firm represented the College in negotiations with Trane. Mr. Holcomb has a high level of experience in procurement of energy management and energy management contracts.

Mr. Holcomb's negotiations with Trane on behalf of the College were at arm's length and the drafts exchanged by the parties required multiple revisions and extensive interaction. The end result was a contract that protected the College's interests. The terms are fair to the College.

XIII. Allegations of Improper Gifts or Financial Benefits.

A. The May 6, 2019 Email.

In the Letter, Ms. Garcia and Mr. Gonzales raise concern about an offer from Mr. Knutson to "send technicians and or an engineer" to look at Chancellor Lambert's Trane unit at his home.

¹⁷ Mr. Davis told Ms. Posz in a January 16, 2019, email that he felt that if he scored the EMP responses on the criteria established, it would imply his acceptance of them. Herein is an example of another missed opportunity, which was for someone to explain to him that participation in the evaluation did not imply his acceptance of the criteria.

In particular, the email of May 6, 2019, states:

[Y]ou mentioned you have a Trane unit on your home that is or has gotten loud. I'd like to see if one of our technicians and/or an engineer could stop by and take a look at it to see if we might help.

Let me know if that is of interest and we will have our team in Tucson get a site visit scheduled.

As the Arizona Auditor General concluded, the emails, including this email, that Ms. Garcia and Mr. Gonzales provided in the Letter “do not establish any obvious violations of the State Conflict of Interest Statutes.”

I do not find that Chancellor Lambert did anything inappropriate, much less violated Arizona Conflict of Interest laws, with respect to his residential Trane unit for the following reasons:

1. My investigation shows that the Trane commercial section is separate and apart from Trane residential operations. This was confirmed by Mr. Ward. Trane residential operations are far different from the Trane commercial operations.

Trane residential units and services are sold by separately and independently owned Trane dealers.

<https://www.trane.com/index.html>

Mr. Knutson had no ability to influence what was offered or sold by independent dealers of Trane residential units.

2. This email was sent six months before the RFP was issued.
3. Chancellor Lambert did not ask Trane to repair or replace his residential unit and the email does not state that. He merely complained that his home unit was loud.
4. Chancellor Lambert did not follow up on the offer to take a look at his residential unit, much less accept it.
5. Mr. Knutson did not offer to give the Chancellor anything of value. The Chancellor did not accept anything of value.
6. Months later Chancellor Lambert asked Mr. Ward for a recommendation for a new residential unit after his residential unit failed. Mr. Ward told me that he recommended Chancellor Lambert purchase a Lennox or Rheem unit through a local dealer. This is in fact what Chancellor Lambert did. He bought a Lennox unit through Costco. He did not

contact Mr. Knutson. This is further evidence that the previous conversation with Mr. Knutson had no effect on Chancellor Lambert.

7. Finally, Chancellor Lambert did not participate in the selection of Trane and I can find no evidence he made any attempt to influence the ultimate selection.

A.R.S. §38-502 *et. seq.* and College policy require a College employee to disclose when he or she has a substantial financial interest in a decision or transaction. In this case, no such interest existed. Even if Trane had offered to supply a Trane unit to Chancellor Lambert, which it did not do, Chancellor Lambert could not accept the offer. There is no disclosure requirement under such circumstances.

A.R.S. §38-504(C) and 505 prohibit a public employee from accepting a “valuable thing” that is “of such character as to manifest a substantial and improper influence.” This determination is a subjective test and depends on the nature of the “valuable thing” and whether it “is of such character as to manifest a substantial and improper influence.” *See State v. Ross*, 214 Ariz. 280, 284, 151 P.3d 1261, 1265 (App. 2007), as amended (March, 2007)(Overturning the conviction of the Maricopa County Assessor for using voter information for his personal business.)

However, in this matter, there was no offer of anything of value and Chancellor Lambert did not take anything of value. He did not follow up on this May 6, 2019 offer to have an engineer or technician “stop by” Chancellor Lambert’s home and “and take a look at it to see if we might help.”

For these reasons, I conclude that there was no violation of Arizona law or College policy arising from this email.

B. Items of Value.

I asked each witness if they knew of anything of value in excess of \$25.00 given by Trane to any College employee. The answer was “no,” with the exception of the purchase of a foursome of golf in 2019 at a golf tournament sponsored by the College Foundation, which is discussed below.

Please note that meals and sponsorships are generally excluded from State prohibitions against gifts. See e.g. A.R.S. §15-213(Q). Travel expense reimbursements are likewise excluded. A.R.S. §38-502(f). I used the \$25.00 benchmark, which has been used in applying A.R.S. §38-504(C) and 505.

C. The Foundation Golf Tournament.

Further consideration should be given to the Facilities Department soliciting vendors for participation in a 2019 golf tournament hosted by the College Foundation (the

“Foundation”), which is reflected in Mr. Knutson’s emails.¹⁸ The Foundation is a separate non-profit that raises funds to support the College’s mission.
<https://pimafoundation.org/about/finances/>.

While the solicitation of vendors to participate in the golf tournament is not illegal, or specifically contrary to College policy, the best practice would be for such solicitation to be made by the Foundation, rather than the Facilities Department. This way there can be no doubt that vendors participating in this event do not have any competitive advantage in future solicitations.

XIV. Best Practices and Recommendations.

I have also been asked to make recommendations for policy changes to ensure the College is engaging in best practices over and above the minimum required by the law and to avoid future concerns. In that regard, I recommend the following:

1. The College Procurement and Payment Services Department should amend Section 5.6 of the Manual by adding the following:

If a vendor contacts College personnel outside of the Contracts and Purchasing Department after a Bid/RFP process has started, the vendor should be referred to the Procurement and Payment Services Department.

If College personnel have a good faith belief that a vendor is attempting to exert undue influence on a procurement or is making inappropriate comments about the College or personnel, he or she should immediately report it to the Procurement Director.

2. The College Procurement and Payment Services Department should add the following to the Manual:

If any person serving on a committee to evaluate bids or proposals has a good faith belief he or she cannot fairly evaluate bids or proposals, he or she should contact the Procurement Director immediately.

3. In the Manual, there should be an added requirement that evaluation committee members for any procurement shall not solicit a potential vendor for that procurement for a contribution to a College related charitable event.

This requirement should be reiterated in the Employee Handbook section of "Ethical Standards."

4. Any person who is appointed to evaluate bids or proposals who refuses to assign scores should be instructed that it is his or her duty to participate in the evaluation in good faith.

¹⁸ Trane, among other vendors, purchased a foursome for this event held in 2019.

5. With the benefit of hindsight a group representing relevant perspectives and expertise (i.e., Procurement, Legal, Human Resources, etc.) should debrief what happened with David Davis and his expressions of concerns and determine what guidance should be developed to deal with future, similar situations.

Dated March 10, 2021.

A handwritten signature in blue ink, reading "Susan Segal", is written over a horizontal line.

Susan Plimpton Segal

TAB 1

January 14, 2021

Lindsey A. Perry, State Auditor
State of Arizona office of the Auditor General
2910 North 44th Street Suite 410
Phoenix, Arizona 85018

Re: Request for audit of the Comprehensive, Integrated Energy Management Program Proposal No. P20/10015 10/11/2019).

Auditor General Perry,

We currently serve as elected members of the Pima Community College District Board of Governors (College). We were both elected in 2018. As elected public officials, our fiduciary responsibilities require us to request that your office conduct an audit of the award of the Pima Community College's Energy Management Contract. Recently, a constituent provided us with emails obtained through a request for public records. These emails indicate that Mr. James Knutson of Trane Inc., attempted to influence the RFP process and the selection of members of the review committee for the above referenced contract. The attempts to influence the outcome of this process included communication with Chancellor Lee Lambert.

On October 11, 2019, the College published a Request for Proposal entitled: Comprehensive, Integrated Energy Management Program, (Proposal No. P20/10015, 10/11/2019). We have obtained emails between Mr. Knutson and College employees dated from February 16, 2019 to August 17, 2019. During this period, Mr. Knutson and college employees exchanged 191 emails. All of the emails were sent prior to the October 11, 2019, release of Request for Proposal referenced above. The Pima Community College District Board of Governors approved executing an agreement with Trane, Inc. on June 3, 2020. The two signatories on this audit request were not aware of this information. The contract was executed on August 18, 2020. We have included a record of the emails between Mr. Knutson and the following College employees.

Employee	2019	2020	Total
David Bea, Executive Vice Chancellor for Finance and Admin.	28	93	121
Tom Davis, Chief of Staff	4	7	11
David Dore	16	32	48
Lee Lambert, Chancellor	22	45	67
Ian Roark	7	2	9
Jeffrey Silvyn, General Counsel	0	25	25
William Ward, Vice Chancellor for Facilities	31	30	61
Gregory Wilson, Dean, Applied Technology	83	93	176
Total	191	327	518

It is clear from the emails provided by the College that Mr. Knutson sought to develop a relationship with the College personnel for the purposes of influencing its decision on its energy

management systems contract. It is likely that the nexus for the connection between Mr. Lambert and Mr. Knutson is through NC3. The NC3 website (accessed October 26, 2019) indicates that Trane is an “industry partner” of NC3 (<https://www.nc3.net/industry-partners/#>). The website also contains a NC3 Board of Directors page that lists Mr. Lambert as a member of the Board (<https://www.nc3.net/board-of-directors/>). The extent of Trane’s involvement with NC3 can be gauged by the fact that Mr. Michael McAlice is listed as the Program Manger for Trane. The facts preceding are not a criticism of NC3 or its programs; however, it does clearly indicate that a relationship between Mr. Lambert and Trane appears to have occurred through NC3—well before the RFP process.

We are troubled by the content of these emails as they raise questions concerning the possibility that Arizona Procurement Policy was violated in the preparation and awarding of the contract to Trane. The relationship between Mr. Knutson and College employees is troubling in light of the fact that Trane was awarded the energy management contract. It is critical that the College follow procurement policies set by State of Arizona and its own procurement policies. This is essential to the fair, proper and legal awarding of contracts to vendors. These are the facts in the public record.

1. Chancellor Lambert is a member of the Board of Directors of NC3.
2. Mr. Patrick Archambault, Trane, Director of Strategic Programs, Commercial HVAC, is a member of the Board of Directors of NC3.
3. Trane’s Response to Request for Proposal states that, “Trane is the exclusive Energy Sponsor of NC3.”
4. Mr. James Knutson, Director, Integrated Solutions for Trane US Inc. developed a personal and email relationship with employees of the College that began on or about February 16, 2019.
5. Between February 16, 2019, and August 17, 2019, Mr. Knutson and College employees exchanged 191 emails.
6. On February 19, 2019, Mr. Knutson emailed Trane’s request to Chancellor Lambert to conduct, “[a] Preliminary Assessment for PCC at the Downtown Campus and West Campus, and all I need in return is an email from you agreeing to the terms in this email.”
7. On February 19, 2019, Chancellor Lambert emailed Mr. Knutson approving this request.
8. On May 20, 2019, Mr. Knutson emailed Greg Wilson “If you want to do an RFP, the selection committee must be your entire exec team and must not be done through Bill’s [William Ward, Vice Chancellor, Facilities] department for obvious reasons.
9. On June 6, 2019, Mr. Knutson emailed Mr. Wilson listing the “...tactics” that he alleged Mr. William Ward, Vice Chancellor for Facilities” would use to stop Trane’s Preliminary Assessment.

In the case of the Trane RFP and award process, we are concerned that it may have involved violations of long established policies, procedures and statutes that govern the fair awarding of public funds. We have voiced our concerns through appropriate internal channels including the Chancellor and Board Chair Demion Clinco. The College conducted an investigation on potential conflict of interest, however, it did not address the issues raised in this request.

In summary, we believe that the awardee, Trane Inc., may have been involved not only in the initial preparation of the RFP but also in influencing the selection of the review committee members. E-mails obtained through the Freedom of Information request process, indicate that Mr. James Knudson attempted to influence the RFP and award process. The emails to the Review Committee chair Mr. Greg Wilson clearly document Mr. Knutson's efforts to influence the membership of the selection committee. We note that among the emails received, there is one in which Mr. Knutson offered to repair the Trane air conditioning unit at Chancellor Lambert's private residence. All of this communication occurred prior to, and perhaps during, the RFP process. Arizona statute and regulations require open, fair, and transparent procurement processes. Therefore, violations of the type documented in the emails attached to this correspondence are of a very serious nature.

We have attached documents for your review. We would appreciate your immediate attention to this serious matter.

Sincerely,

Maria Garcia, PCC Board Member, District 3

Luis L. Gonzales, Board Member, District 5

From: "Knutson, James" <Jim.Knutson@trane.com>
To: gwilson@pima.edu
CC:
Date: 3/14/2019 10:21:56 AM
Subject: Jim's Email

Greg,
I sent a couple emails from my personal email jim.knutson@in-consensus.com
Just a head's up in case they got filtered.
Jim

Jim Knutson
Director, Integrated Solutions
Trane Ingersoll Rand
445 Bryant St., Unit 5
Denver, CO 80204
Direct/Mobile/Text: (303) 349-4281
Email: Jim.Knutson@Trane.com



From: ["Knutson, James" <Jim.Knutson@trane.com>](mailto:Jim.Knutson@trane.com)
To: gwilson@pima.edu
CC:
Date: 4/10/2019 6:09:47 AM
Subject: FW: Arizona CS Projects Call
Attachments: [Controls Spec.pdf](#)
[Pima IS Symposium Ideas - V1.pdf](#)

Greg, (I apologize in advance for the long email)

I hope you hang onto that Virginia National Championship feeling for a long long time! What fun watching your team... I think it's a great example of when we have issues in our lives, (like losing by 20 to a 16 seed last year) and then what perseverance and determination (grounded in a strong foundation based on faith) can do!

Also, I think I actually owe you the \$40 I won in our family bracket pool because I wouldn't have picked the Cavaliers to win it if we had not met/talked. I needed the "OT" added score to increase the point total or I wouldn't have won the 4th place tiebreaker.

Here's an update regarding the Trane Partnership Status Update. As you are the internal "Land Mine Sweeper" for our partnership, I will appreciate some sweeping on your part:

1. Please see string below: David Davis told Brice he has to ask Bill for permission to get us the requested data below.
2. Plus, see the highlighted items in yellow below.
3. I have not addressed any of this with Bill Ward nor copied him on this.
4. With your insight and edits, I will draft an email string with the letter signed by Lee, notes from our initial meeting with Bill, you, Mike, DD and our team.
 - a. I will also include some highlights of the meeting and Demo, etc. we had in our Denver Trane Office with Bill Ward and Michael Smith.

Greg, I think my intuition on some push back is starting to come through... i.e. Regarding wanting to be in control, look good and be right. There's some building system technical insight for you in this summary:

1. Bill told me there's no need to copy you or David or Lee on the correspondence. (i.e. wants to be in control)
2. Time will tell if he allows us to change his dated "Controls Spec" (see attached) based on the Education Partnership/Energy Lab/Living Lab discussions but we shall see.
 - a. I hope they don't try to come back with "the spec is the law" excuse.
 - i. I've seen this used many times before -- where an old spec or a rule than "overrides common sense" and/or doing the right thing or changing.

3. Without asking them, Davis Davis and Mike Posey told Brice that "PCC would be **unwilling** to entertain using a Trane Front End"
 - a. See the system overview **attached** that is needed in order to have the Energy Lab/Living Lab and the existing buildings integrate with the new buildings.
 - b. Trane's IS "front end" or Ensemble overlay is an overlay that integrates all the various older and virtually un-used technology in place today and the new systems into one "seamless" system.
 - c. The "three for one option" we are proposing with us would include the Ensemble system that would provide students with all the analytics, control systems, energy optics, building performance and integrate all campus buildings for the living lab for building operators and students AND integrate the same system for the new buildings too.
 - d. Siemen's offered a "Free" new Front End as part of their free East Campus Assessment they are doing. However as you can imagine, this would be a very costly "Free" option.

In addition:

1. I'd like to offer you and PCC an "On Site Symposium" by Trane to cast the vision of the Living/Learning Lab concept we have been discussing to:
 - a. invite you, David (Ian and Lee too?) Bill/his team, your HVAC professor, the new building engineering team (KC Mechanical) and DLR to attend.
 - b. Goal: to educate them on the Educational and Operational Integration of mechanical, electrical, controls, lighting, into the energy/living/learning lab concept.
2. See the two links to the YouTube video's and the slides below:

I can only imagine the power of these tools and technology in the hands of both the students AND building operators working on this together!
3. Trane Intelligent Services – Uncover the Opportunities <https://www.youtube.com/watch?v=pjplWsYXlc&feature=youtu.be>

And at summary or at the end of the Symposium, we can use this video:

1. Trane Connected Buildings - Go Beyond video
2. https://www.youtube.com/watch?v=u7phqbcOm_4&feature=youtu.be

Your Thoughts? See below and feel free to reply or call me.

Best,

Jim

Jim Knutson

Director, Integrated Solutions

Trane Ingersoll Rand

Direct/Mobile/Text: (303) 349-4281

Email: Jim.Knutson@Trane.com

From: May, Brice <Brice.May@irco.com>
Sent: Tuesday, April 9, 2019 10:50 AM
To: Knutson, James <Jim.Knutson@trane.com>
Subject: RE: Arizona CS Projects Call

Jim,

See below for a summary of the meeting on 4-2-19 with David Davis/Mike Posey, and the information requested to date.

Information requested to date by Trane (was included in the Letter to Proceed by Lee Lambert):

- Mechanical/Electrical/plumbing Drawings of the buildings if available (or we can come make copies of them)
- Current fire evacuation plans
- We would look at Ice Storage, Battery Storage and other Renewable Energy options
- Commitment to offer Trane time to present and review our proposed project and financial structure with the intent or working with Trane as a partner should our project meet all desired goals of PCC stakeholders
- Water Bills--1 month will suffice; however, 12 months will enable us to conduct a full water balance.
 - o If you don't have access to water bills at this juncture, please identify the water/ sewer utility and schedule they fall under.
- Occupancy—Attending students, staff counts, and visitors counts will provide accurate usage data.
 - o If attendance and staff data are not available, please provide what you have.
- Copy of the Smith Group 10 year plan
- Copy of the GLHN consultation report
- Signed Letter of Authorization for Trane to request/collect energy/gas usage data on your behalf (attached)
- Agreement to answers to additional information and questions moving forward

Highlights from the meeting on April 2nd. These were comments from David Davis and Mike Posey – Bill Ward was not in the meeting with Brice.

- David required to ask for permission to request the info listed above – at this point, I have received gas bills for East Campus and West Campus (he mentioned that this would take some time to gather)
- Siemens currently performing a Preliminary Energy Assessment on East Campus
- Current front end campus wide – Allerton (Compass Essentials)
- Unwilling to entertain the possibility of using a Trane front end
- Provided PCC's official Controls Spec (attached)
- Currently a mix of Allerton/Delta/Inet controls across all campuses

West Campus – no schedule used, no economizing/temp resets or ECM's in general
West Campus – Automation infrastructure issues; frequent comm loss issues that knock out entire system

Talk soon,

Brice May

Account Manager
Trane Commercial Systems
4520 S. Coach Dr
Tucson, AZ 85714

Mobile: (480) 773-5905

Email: bricemay@trco.com



From: "Knutson, James" <Jim.Knutson@trane.com>
To: gwilson@pima.edu
CC:
Date: 4/29/2019 4:53:55 PM
Subject: DRAFT: Pima CC Foundation Golf

Greg,
Should I send this? Can you play?
Thx,
Jim

Lee and Greg,
I was thinking of sponsoring a 2nd Trane foursome and coming down for your foundation golf tournament that's on Saturday morning May 18th. If you're not already committed, would one or both of you like to join me in a foursome? I'm not even sure if either one if you like to play golf, but if so, let me know as soon as convenient so I can make arrangements.

Also, would it be helpful and/or do you have any interest in meeting on Friday May 17th any time between 11 AM and 5 PM or maybe a happy hour after work? Lee – we could discuss follow up from the NCS meeting in MN and “level set” or provide additional insight for David, Ian, Greg and Bill? I will send an invite to any/all for a meeting if you'd like.

Best,
Jim

Jim Knutson
Director, Integrated Solutions
Trane Ingersoll Rand
445 Bryant St., Unit 5
Denver, CO 80204
Direct/Mobile/Text: (303) 349-4281
Email: Jim.Knutson@Trane.com



From: "Knutson, James" <Jim.Knutson@trane.com>
To: gwilson@pima.edu
CC:
Date: 5/20/2019 2:09:01 PM
Subject: RE: IGA and FCA

Greg,

Good decision on limiting weekend work. I'm also working on that hard to accomplish task. Yes, the tourney was fun, absolutely a perfect morning and I made my flight back so a great couple of days.

In addition, thanks for the introduction of Jaime from DLR. I had a good but short visit with him and his PM (I think it was either Stan or Hank?) before the tourney. We plan to meet on my next trip to AZ (likely May 29th in Phoenix) prior to our 30th meeting with you and the PCC Exec Team. I agree about full disclosure with Lee but also want to be wise about communicating a good plan of action that overcomes some of the past/current barriers that will end up with the best result for PCC.

Here's my suggestions for a plan moving forward that we can discuss:

1. If our feasibility study we are preparing meet's and/or exceeds Lee's, David's, Ian's and your plan or expectations, (we will have a brief overview on the 30th as we have not had a chance to complete the report seeing we still have not gotten our requested data from Bill) we would like to proceed with the detailed IGA/FCA contract through S.A.V.E. or Omnia/US Communities.
2. I have a current Omnia report that shows PCC has used Omnia/US Communities a number of times before. This would allow us to avoid a delay and also provide your team with a long overdue and much needed "trust but verify" report of needs, existing building savings, energy conservation measures (ECM's) and other opportunities on your campuses.
3. I realize Bill's comment and the old traditional narrative about Trane being self-serving, but as we discussed, that is just simply not true as we can provide so much more value working alongside you and PCC that this old and tired excuse can be overcome with a number of real life examples.
4. In addition, we will provide insight to a PCC NC3/Trane Energy Lab (and provide related NC3 certifications), and plans on how we can bolster and integrate the new buildings into a combined three phase Intelligent Services program offerings and related Refrigeration/HVAC Commercial and Residential learning programs at PCC.
5. I talked to Lee in our meeting on Friday and also Pat Archambault about having PCC be a National Trane Technician training center (with our Living Learning Lab (L3) and he thought Dan Reynolds (leads our entire Trane HVAC service department) would be interested in this possibility.

In closing, be prepared for someone to be very resistant and pull out a number of tactics and claims to prevent us from a deep dive into your facilities and systems.

i.e. delay, lack of information exchange, needing to give others a chance, and many others. If you want to do an RFP, the selection committee must

be your entire exec team and must not be done through Bill's department for obvious reasons.

Please forgive me for sending all these long emails but I'm more resolved than ever that we can repurpose millions of dollars that will be put to better use for students and create a Real Life Case Study that is accountable, measured, verified, and studied with hundreds of millions of data points through students ongoing training and involvement.

Gratefully,

Jim

Jim Knutson
Director, Integrated Solutions
Trane Ingersoll Rand
Direct/Mobile/Text: (303) 349-4281
Email: Jim.Knutson@Trane.com

From: Wilson, Gregory <gwilson@pima.edu>
Sent: Sunday, May 19, 2019 9:51 PM
To: Knutson, James <Jim.Knutson@trane.com>
Subject: Re: IGA and FCA

Alert: This is an external email.

Thanks, Jim. I'm glad we had a chance to catch up. I think the more we share with Lee and the team, the better. There is no point keeping the info. Given the big changes with the center plans, now is a good time to get it all out on the table.

The Mrs. and I had a full weekend, and I tend to catch up on Sunday night. I hope the golf tournament went well! I will review this material and give you a call this week. Thanks again for helping us move forward. It will not be easy, but it will be worth it.

Greg
Greg Wilson
Dean of Applied Technology
Pima Community College
1255 N. Stone Avenue
Tucson, AZ 85709-3125
520-206-7134 office
520-904-0843 cell
gwilson@pima.edu

On Sat, May 18, 2019 at 5:58 AM Knutson, James <Jim.Knutson@itrane.com> wrote:

Greg,

I've been thinking this would be good for PCC to include in the Technical Audit or Investment Grade Audit (IGA) Phase. This additional Facility Condition Assessment (FCA) and Power Master Plan information will be helpful to understand not only the energy infrastructure through our energy audit but also power/central plant system conditions AND other systems. I would also mention that we would perform an operating cost analysis for the past year or two that would break out "maintenance" instead of "Repairs" as best we could. This is pretty typical for us to dive into and determine operating cost savings if a major capital infrastructure project. This would be very interesting...

See attached Call For Sessions response pdf and PPT that is just an initial submittal to Rocky Mountain APPA and slides from Jeff Duncan - Principle at Vanderweil Engineers. Jeff is a solid business partner of ours that would do a great job for you at PCC. Vanderweil was also selected in a competitive process for their project. PLUS, Vanderweil is also "third party to PCC" so the information you get would not be based on any internal or past local relationships or "filtering" of data.

In addition, this chart below from Colorado's State Architect shows a required submittal that makes up a Facilities Condition Index (FCI). The green lines is 65% of the index. That is what we provide in our Investment Grade Audit process. So with Vanderweil's work, PCC would get a reduced price (like a 2 for 1) with the full audit (facilities condition AND energy/water) ALL paid for out of energy savings. NOTE: The cost for both scope's of IGA/FCA work would be funded out of savings through the performance contract. (NO OUT OF POCKET CAPITAL COST TO PCC).

STATE OF COLORADO
OFFICE OF THE STATE ARCHITECT



FACILITY CONDITION AUDIT AND INFRASTRUCTURE ASSESSMENT INSTRUCTIONS

Building Systems	System Rating	System Multiplier	System Deficiency	System Deficiency Cost
Foundation	0.25	0.023	0.0058	\$ 52,014
Col. & Ext. Walls	0.55	0.048	0.0265	\$ 238,448
Floors	0.21	0.138	0.0290	\$ 261,236
Roof	0.61	0.056	0.0339	\$ 305,658
Ceiling	0.6	0.044	0.0262	\$ 236,596
Int Walls & Partitions	0.61	0.068	0.0416	\$ 375,427
Windows	0.27	0.036	0.0097	\$ 87,645
Doors	0.32	0.037	0.0118	\$ 106,664
Cooling/Ventilation	0.55	0.108	0.0591	\$ 533,212
Heating	0.44	0.108	0.0473	\$ 426,570
Plumbing	0.26	0.120	0.0311	\$ 280,386
Electrical	0.39	0.131	0.0511	\$ 460,937
Conveying	0.17	0.023	0.0039	\$ 35,184
Safe/y / Standards	0.2	0.061	0.0123	\$ 110,673
Totals		1.0	0.3894	\$ 3,510,651

Jim Knutson
 Director, *Integrated Solutions*
 Trane Ingersoll Rand
 445 Bryant St., Unit 5
 Denver, CO 80204
 Direct/Mobile/Text: (303) 349-4281
 Email: Jim.Knutson@Trane.com



From: ["Knutson, James" <Jim.Knutson@trane.com>](mailto:Jim.Knutson@trane.com)
To: qwilson@pima.edu
CC:
Date: 5/30/2019 5:07:38 AM
Subject: FW: Arizona CS Projects Call

Greg,

Looking forward to talking later this morning.

FYI - It's really been a struggle to get building data over the past three months. See below. If we don't go ahead with an Investment Grade Audit Development after this meeting and you/Lee want us to complete our feasibility study first, (what we plan to do once we can get the data to evaluate and report on) we must put a hard deadline on Bill today to get us access to building plans and utility data.

This is needed in order to extrapolate the total campus savings potential. My guess is that since we got the LTP approved by Bill on Feb 13th, probably \$100,000/month of waste that's gone to the utility or about \$300,000 just since our kickoff meeting that could have been repurposed.
Jim

Jim Knutson
Director, Integrated Solutions
Trane Ingersoll Rand
Direct/Mobile/Text: (303) 349-4281
Email: Jim.Knutson@Trane.com

From: May, Brice <Brice.May@irco.com>
Sent: Tuesday, April 9, 2019 10:50 AM
To: Knutson, James <Jim.Knutson@trane.com>
Subject: RE: Arizona CS Projects Call

Jim,

See below for a summary of the meeting on 4-2-19 with David Davis/Mike Posey, and the current status of information collection **IN RED** requested

to date.

Information requested to date:

- Mechanical/Electrical/plumbing Drawings of the buildings if available (or we can come make copies of them) – Downtown campus received on 5-14, West campus not received (multiple requests)
- Current fire evacuation plans – Not Received, original request only
- We would look at Ice Storage, Battery Storage and other Renewable Energy options – N/A
- Commitment to offer Trane time to present and review our proposed project and financial structure with the intent or working with Trane as a partner should our project meet all desired goals of PCC stakeholders – N/A
- Water Bills--1 month will suffice; however, 12 months will enable us to conduct a full water balance. – West Campus received on 5-23, unable to view due to lack of access to Google Drive (requested access 5-24). Downtown Campus received on 4-8, unable to view due to lack of access to Google Drive (requested Drive access on 5-22)
 - If you don't have access to water bills at this juncture, please identify the water/ sewer utility and schedule they fall under.
- Occupancy—Attending students, staff counts, and visitors counts will provide accurate usage data. NOT received, original request only
 - If attendance and staff data are not available, please provide what you have.
- Copy of the Smith Group 10 year plan – Received 4-9
- Copy of the GLHN consultation report – NOT received, original request only
- Signed letter of Authorization for Trane to request/collect energy/gas usage data on your behalf (attached) – Received 4-17, had to request utility specific release forms on 5-16 (not received)
- Agreement to answers to additional information and questions moving forward – N/A

Note – David Davis has been out on Vacation for the last 2 weeks. He has been working from home on trying to get us access to the Drives.

Highlights from the meeting on April 2nd:

- David required to ask for permission to request the info listed above – at this point, I have received gas bills for East Campus and West Campus (he mentioned that this would take some time to gather)
- Siemens currently performing a PEA on East Campus – currently offering a free Delta front end
- Current front end campus wide – Allerton (Compass Essentials)
- Unwilling to entertain the possibility of using a Trane front end
- Provided PCC's official Controls Spec (attached)
- Currently a mix of Allerton/Delta/Inet controls across all campuses
- West Campus – no schedule used, no economizing/temp resets or ECM's in general
- West Campus – Automation infrastructure issues; frequent comm loss issues that knock out entire system

Talk soon,

Brice May

Account Manager
Trane Commercial Systems
4520 S. Coach Dr
Tucson, AZ 85714

Mobile: (480) 773-5905

Email: brice.may@trco.com

From: "Koultson, James" <Jim.Koultson@trane.com>
To: gwilson@dima.edu
CC:
Date: 6/4/2019 7:15:38 AM
Subject: Computer version

Greg,

I'm looking forward to visiting in a bit. Some questions I've been thinking about since the meeting on Thursday for us to discuss: Why would Bill reject and do whatever he can to sidetrack our offer to help PCC repurpose millions of dollars of waste instead of donating it to the utility? Does he not see how we could have made him be the hero by simply using the excuse he hasn't had the funds or resources to make energy improvements. He could then be the headline speaker for how he's now saving the organization Millions of dollars!

So, unfortunately we hear:

1. Bill is telling the team that the Trane meeting didn't go well (even though Leg mentioned to me on the phone that David Dorc thought it was a great meeting and he sees the amazing potential for our partnership).
2. Bill also said that we didn't step up in the meeting by offering to donate/contribute to PCC if we were to do the partnership (I think you know and/or you will see how much we will invest in this relationship) and as you can understand, that initial meeting is and was not the time for that conversation. Thus, we said that Pat Archambault would be our connection on that.
3. He told us after the meeting and told us "The last I checked, I'm still in charge of facilities and this will have to go to an RFP process". It may be that is needed but it would not be necessary.
4. In addition, like my not last night suggests, if we put the development resources on this project and speed it up, it would save \$200k/month of lost opportunity cost.

So my conclusion is:

1. It has to be his overriding fear due to not looking good...



2. He's on the utility company payroll as they are giving him a very nice monthly check. Not likely...
3. There is something to hide after years of "trusting but not verifying" ... I had a good visit with Lee about this and he agreed Bill's judgement may be clouded by his overriding fear of not looking good.
4. We believe that the only way for PCC to uncover the true opportunity is to do a very detailed energy and op cost audit. There has been a culture instilled by Bill that will need to be changed and also a lot of layers of methods and employees that have not known another way.
5. If we help to provide accountability – it will be another culture shock as there has been years of "little to no" accountability with his staff and support.
6. If it goes to an RFP, Bill will do everything in his power to select a company that will scratch the surface only and not uncover the real potential or he will do everything in his power to self-perform the projects.
7. He will employ some of these tactics: lack of full disclosure, delay tactics, digging up dirt or trying to find a negative reference, suggesting another firm is more qualified, probably sharing our material with other firms, potentially finding naysayers in the public, claiming a purchasing network selection will cause protests or legal action, etc. (not true).

Jim Koultson

Director, Integrated Solutions

Trane Corporation of America

4150 E. 9th Ave., Suite 100

Denver, CO 80231

Phone: 303.318.4283

Email: jkoultson@trane.com

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LET'S GO BEYOND

From: "Knutson, James" <Jim.Knutson@trane.com>
To: gwilson@pima.edu
CC:
Date: 7/19/2019 5:59:04 AM
Subject: Fwd: Clarksville Factory Trip - Aug 15th-Aug 17th
Attachments: [RMT_Clarksville_Trip_Aug2019.pdf](#)

Fyi. example of a factory trip we can do with your design and technology leaders. We will take whomever can go and/or also to White Bear Lake MN to our controls manufacturing site. Lee Lambert was there with me at the NC3 board meeting. He can tell you about it.

Jim Knutson, Director of Integrated Solutions
Ingersoll Rand/Trane
Mobile/Direct: 303-349-4281
Email: Jim.Knutson@Trane.com

(Sent from my mobile phone so please excuse typos)

From: Felix, Shelby
Sent: Wednesday, June 26, 4:43 PM
Subject: FW: Clarksville Factory Trip - Aug 15th-Aug 17th
To: Bases, David, Clough, Sam, Headings, David, Jeffries, Travis, Knutson, James, Noone, Joey, Starkey, Rolla, Torres, Daniel, White, Doug, Felix, Shelby
Cc: Lupton, Austin, Donahue, Jon

Gents,

Austin is working on getting a factory trip to Clarksville together. Please read details below. Also, attached is a nice flyer with information Amy put together. If anyone is interested in joining with customers please let us know. This should be a good opportunity to bond with customers and educate them on some Trane RTUs!

Thanks!

Shelby Felix | Systems Account Manager
Trane Commercial Systems
Rocky Mountain District
Office: 303-228-2863 Mobile: 469-222-4645

From: Lupton, Austin <Austin.Lupton@trane.com>
Sent: Friday, June 21, 2019 3:24 PM
Subject: RE: Clarksville Factory Trip - Aug 15th-Aug 17th

All,

Amy threw together a pretty cool flyer for the Clarksville/Nashville trip. Take a look and forward to customers if you are thinking about going.

- Also, I spoke to Matt and he thought that the below schedule and product emphasis is best.
- Do both light commercial and large commercial production floor tours
 - Go through Ipak 1,2 and Symbio products
 - Go through Symbio Control capability
 - Touch on our WSHPs and the high level advantages and differentiators.

Thanks!

Austin B. Lupton |Account Manager

From: Lupton, Austin
Sent: Friday, June 21, 2019 9:45 AM
To: Cicciarelli, Joseph <Joe.Cicciarelli@irco.com>; Everyly, Ryan <Ryan.Everyly@trane.com>; Diehl, Matt <mkdiehl@trane.com>; Eitemiller, Evan <EvanP.Eitemiller@trane.com>; Felix, Shelby <Shelby.Felix@trane.com>; James, Jacob <jjames2@trane.com>; Redman, Mark <mredman@trane.com>; Sayre, Ryan <Ryan.Sayre@trane.com>; Schedlbauer, Steve <sischedlbauer@trane.com>; Schwenk, Michael <MSchwenk@trane.com>; Stewart, Matthew <Matthew.Stewart@trane.com>; Weaver, Nick <Nick.Weaver@trane.com>; Wolf, Andrew <Andrew.Wolf@trane.com>; Chapman, Gavin <G.Chapman@trane.com>; Cays, Keith <Keith.Cays@trane.com>; Beech, Dean <Dean.Beech@trane.com>; Lanphier, Anthony <Tony.Lanphier@trane.com>; Stewart, Matthew <Matthew.Stewart@trane.com>
Subject: RE: Clarksville Factory Trip - Aug 15th-Aug 17th

All,

I should've mentioned this in the previous email, but the dates I threw out are through Saturday and some people may not want to give up

that family time. With that being said, it may be beneficial to throw out the option for them to leave Friday. My thought is that Nashville is an awesome town and an additional night would be more fun and make it a more memorable trip. Handle it however you want, but I wanted to throw that out there.

Thanks!

Austin B. Lupton |Account Manager

Trane Commercial Systems
Rocky Mountain Region | Denver
445 Bryant Street, Unit 5
Denver, CO 80204

Cell: 303-335-6647

Office: 303-228-2803

Service Line: 303.228.2875

Parts Counter: 303.228.3310

email: austin.lupton@trane.com

From: Lupton, Austin

Sent: Friday, June 21,

Subject: RE: Clarksville Factory Trip - Aug 15th-Aug 17th

All,

It looks like we landed on Aug 15th – Aug 17th for the Clarksville trip. Clarksville is looking for a rough head count soon, so can we get a tentative number of who would be going and how many customers you would bring. This is an immediate need so please get back to me with a rough idea by the end of next week.

My rough idea of a schedule is below:

- Stay in Nashville, about 45 min – 1 hour from Clarksville
- Arrive Thursday mid-day/afternoon.
- o Then hit up this music free festival after dinner <https://www.liveonthegreen.com/schedule/#/> (for those who like good music, Gary Clark Jr plays the night we are there)

- Do the factory tour on Friday
- Do a group dinner Friday night and then we tear up Nashville!
- Leave midday-afternoon Saturday

The factory tour is described below. We need to decide what product presentations we want to see. We can discuss this at the next sales meeting as it isn't an immediate need, but our options are: Voyager 12.5-50, Precedent, Foundation, Odyssey, IPAK I,II Symbio, RAUJ CAUJ, CSC's, Water Source Heat Pumps. One of them will definitely be the Intellipaks. Let me know what else y'all would like to do.

From: "Knutson, James" <Jim.Knutson@trane.com>
To: jlambert@pima.edu
gwilson@pima.edu
ParChambault@trane.com
CC: dan.ramirez@nc3.net
roger.tadajewski@nc3.net
michael.mcalice@nc3.net
Rob.Wax@trane.com
IDonahoo@trane.com
Date: 2/16/2019 4:15:40 PM
Subject: Thank You

Lee and Greg,
What a great day on Thursday and it was a very productive and insightful meeting on Friday morning. We are truly appreciative of the opportunity to be a part of your National Signing Day event and to meet with you both on Friday as well. We look forward to continuing the discussion on how the value of the Trane/MC3 partnership can be multiplied in many ways across Pima Community College campuses.

We will be sending the *Letter To Proceed* email that will allow us to develop a no-cost feasibility report for you on ways to leverage savings and integrate PCC programs. The outcome of this initial evaluation will help us to provide you with valuable data and insight on how we can create a more efficient and improved learning environment while integrating "Ivling-lab" analytics options for your students.
Gratefully,
Jim and the Trane Team

Jim Knutson
Director, Integrated Solutions
Trane Ingersoll Rand
445 Bryant St., Unit 5
Denver, CO 80204
Direct/Mobile/Text: (303) 349-4281
Email: Jim.Knutson@Trane.com



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From: "Knutson, James" <Jim.Knutson@trane.com>
To: llambert@pima.edu
CC:
Date: 5/6/2019 2:56:07 PM
Subject: House HVAC Discussion Follow Up

Lee,

When we were in Minnesota you mentioned you have a Trane unit on your home that is or has gotten loud. I'd like to see if one of our technicians and/or an engineer could stop by and take a look at it to see if we might help.

Let me know if that is of interest and we will have our team in Tucson get a site visit scheduled.
Best,
Jim

Jim Knutson
Director, Integrated Solutions
Trane Ingersoll Rand
445 Bryant St., Unit 5
Denver, CO 80204
Direct/Mobile/Text: (303) 349-4281
Email: Jim.Knutson@Trane.com







From: "Lambert, Lee" <llambert@pima.edu>
To: Jim.Knutson@trane.com
CC:
Date: 4/28/2019 6:14:13 PM
Subject: Re: Thank You and Presentation

Hi Jim, it was good to see you last week. I enjoyed my visit and getting to know you. The work you and your Trane colleagues are doing is impressive. I love the values Trane stands for. I look forward to our work together. Best, Lee

On Fri, Apr 26, 2019 at 3:51 PM Knutson, James <Jim.Knutson@trane.com> wrote:
Lee,

Just a quick thanks for the good visit and chance to get to know you at the NC3 Board Meeting. I hope the presentations, tours and chance for you to get to know about us/Trane was helpful. I'm so much looking forward to helping you and your PCC team with our integrated Lab/Existing Systems/New Building "living lab" programs.

I'm copying you on the "Knowledge Is Power" PPT presentation in case you want to use any of these slides to communicate to your team. As per your suggestion, I will be including you, David, Greg and Bill on my emails and status updates going forward. Also, I'm going to send you more US Communities & Omnia Procurement/Purchasing Group information in my next email. Here is their website link that Trane is a member of that would allow PCC to contract with us to get the projects underway. Let me know if I can help with how to explain the many ways this can benefit PCC going forward.

<https://www.omniapartners.com/publicsector/us-communities-an-omnia-partner>

<https://www.omniapartners.com/publicsector/contracts/supplier-contracts/trane?hsCtaTracking=42994911-b91e-4180-b1a7-99e34d012337%7C614ab489-338f-4624-98a0-cad2b8a8a4d0>

Best,

Jim

Jim Knutson

Director, Integrated Solutions

Trane Ingersoll Rand

445 Bryant St., Unit 5

Denver, CO 80204

Direct/Mobile/Text: (303) 349-4281

Email: Jim.Knutson@Trane.com

 Green Trane

“BUILDING CUSTOMERS FOR LIFE”



From: ["Knutson, James" <Jim.Knutson@trane.com>](mailto:Jim.Knutson@trane.com)
To: llambert@pima.edu
gwilson@pima.edu
CC: Dan.Beyer@irco.com
Brice.May@irco.com
Parchambault@trane.com
Date: 5/1/2019 6:49:23 AM
Subject: PPC Exec Team Meeting and Golf Tourney
Attachments: [NC3 Board Meeting Preso Draft PPT rev3.pdf](#)

Lee,
I'm planning on sponsoring a 2nd Trane foursome and coming down for your golf tournament on Saturday morning May 18th. I would arrive at 9:30 AM in Tucson on the morning of Fri the 17th.

I emailed Greg on Monday night and he also thought it would be good to get your team together and discuss some of the items and value propositions from the NC3 Board meeting in MN. The goal would be to "level set" or provide insight and review the Trane Energy Lab, existing building upgrades and a Living Lab. plus share some ideas on new construction building systems as a learning lab with your executive team (you, David, Ian, Greg and Bill). See attached PPT as an example to use in the meeting.

If this level setting meeting is of interest, please suggest a good time on Friday the 17th (after 10:30 AM) or suggest another date or two that might work for your team and we will do our best to accommodate. I'd say 1.5 hours would be good meeting length depending on availability and discussion questions that may come from the attached PPT.

Note: I will be in AZ and could be in Tucson on May 10th if that date is a possibility or better for you. Also, a few future dates that would work are May 27-30, and June 5th-7th)
Best,
Jim

Jim Knutson
Director, Integrated Solutions
Trane Ingersoll Rand
445 Bryant St., Unit 5
Denver, CO 80204
Direct/Mobile/Text: (303) 349-4281
Email: Jim.Knutson@Trane.com



TAB 2

On Thu, Feb 11, 2021 at 7:00 AM Gretchen Augustine <gAugustine@azauditor.gov> wrote:
Dear Mr. Gonzales and Ms. Garcia,

Thank you for reaching out to us regarding your concerns with procurement issues, as well as potential Conflict of Interest Violations related to the college's Integrated Energy Management Program Proposal and subsequent awarding of a contract. Your request for an audit cannot be fulfilled but must come from the Joint Legislative Audit Committee. We have reviewed the documents you provided and have concluded on the following. Specifically, the college district does not follow the State Procurement Statutes, but instead has its own procurement rules and therefore this Office has no authority to conduct an internal review of potential rule violations. Further, the emails you provided do not establish any obvious violations of the State Conflict of Interest Statutes. It appears that the concerns brought forth are internal and the college district should conduct an internal review to determine if the district's policies were violated. As a result, we will not be conducting a further review of these issues at this time. Please let me know if I can be of further assistance.

Sincerely,

Gretchen Augustine, CFE
Manager, Division of Financial Investigations
Arizona Auditor General
2910 N. 44th Street, Suite #410
Phoenix, Arizona 85018
Office: 602.553.0333
Direct: 602.553.9804

TAB 3

**GUST
ROSENFELD**
ATTORNEYS SINCE 1921 P.L.C.

■ ONE E. WASHINGTON, SUITE 1600 ■ PHOENIX, ARIZONA 85004-2553 ■ TELEPHONE 602-257-7422 ■ FACSIMILE 602-254-4878 ■

Susan P. Segal
602-257-7425
spsegal@gustlaw.com

September 30, 2020

Jeffrey Silvyn, Esq.
General Counsel
Pima County Community College District
4905 East Broadway Blvd.
Tucson, AZ 85709-1010

Re: Participation of the College's Chancellor in transactions or decisions related to the award of a contract for a Comprehensive, Integrated Energy Management Program ("EMP Contract")

Dear Mr. Silvyn:

You have asked me to address whether Chancellor Lee Lambert's position on the Board of Directors of the National Coalition of Certification ("NC3") creates a conflict of interest under Arizona's conflict of interest laws or policies of Pima County Community College District ("College") with respect to the award of the EMP Contract to Trane U.S., Inc. ("Trane"). You also have asked me to recommend possible changes to policy or practice going forward as might be appropriate to prevent any appearance of a possible conflict of interest.

I have examined relevant documents, as well as laws and College policies, to reach the conclusions below. I have also spoken with the College Procurement Director, Terry Robinson.

Short Answer

1. An officer or employee of a public agency must comply with the requirement of disclosing a conflict of interest and refraining from participating in a

transaction or decision if he or she has a substantial interest in the transaction or decision, as defined by law.¹

2. The Chancellor's interest in a transaction or decision pertaining to Trane and the EMP Contract award is a remote interest unless he would derive a direct non-speculative economic benefit personally by participating in the transaction or decision.
3. If the Chancellor's interest is remote, it is not a substantial interest and he is not required to disclose any conflict of interest or refrain from participating in any transaction or decision made by the College as to Trane.
4. The Chancellor's interest in the EMP award and EMP Contract with Trane is not a substantial interest by virtue of his service as a Board member of NC3. Rather, it is a remote interest because:
 - a. He does not derive a non-remote, non-speculative benefit or detriment by virtue of his participation in and service on NC3.
 - b. NC3 is a non-profit association.
 - c. The membership of a Trane employee on the NC3 Board on which the Chancellor also serves does not create a conflict of interest.
5. The Chancellor's participation in the EMP award and EMP Contract with Trane would not violate the Arizona Conflict of Interest laws. In this instance, there is no evidence that the Chancellor directly participated in the award decision or contract.
6. The Chancellor has not violated any law or College Policy by virtue of his involvement with and participation in the EMP award and EMP Contract with Trane.

¹ For purposes of this opinion, the terms "contract," "sale," "purchase," or "service" as used in paragraph A of A.R.S. §38-503 are collectively referred to as "transaction."

Discussion and Analysis

I. Background.

A. NC3.

NC3 is a non-profit association of education providers of Career and Technical Education ("CTE") and industry representatives.² According to its website, NC3's purpose is to develop standards for CTE training with the input of industry to "build a workforce prepared to meet the needs of today's and tomorrow's industries . . . [to] foster effective training, elevation of skilled careers, and employment opportunities." NC3 website, <https://www.nc3.net/why-nc3/>.

Chancellor Lambert serves on the Board of Directors of NC3 (the "NC3 Board"), along with nine other individuals. Patrick Archambault, who is employed by Trane as its Director of Strategic Programs, Commercial HVAC, is also a member of the NC3 Board.

Chancellor Lambert receives no direct or indirect non-speculative benefit for his service on the NC3.

B. The EMP Procurement and EMP Contract.

On October 11, 2019, the College issued Request for Proposal P20/10015 (the "RFP") requesting proposals from qualified firms for consulting services to develop and implement a comprehensive, integrated energy management program.³ The proposals were submitted on December 18, 2019. Five proposals were submitted, including one from Trane.

The RFP Review and Evaluation Committee ("Committee") consisted of the following individuals: Greg Wilson, Committee Team Leader and College Dean of Applied Technology; James Russell, a College faculty member; Jessica Normoyle, a College Program Manager; David Clark, College Superintendent of Operations and Raj Murthy, College Chief Information Officer. College Senior Procurement Analyst, Jan Posz, convened and facilitated the Committee. Each Committee member completed and signed a conflict of interest and

² NC3 is currently registered as a 501(c)(3) organization under the Internal Revenue Code. See also 2018 990 filing at <https://projects.propublica.org/nonprofits/organizations/270825975>.

³ The RFP can be found at <https://web19.pima.edu/administration/contracts-purchasing/docs/comprehensive-integrated-energy-management-program.pdf>

confidentiality statement. The evaluation process was finalized on February 19, 2020, and an award recommendation went to the highest scored/ranked Offeror, Trane, Tab 1. Upon completing successful contract negotiations with Trane, the EMP Contract was awarded to Trane.

The Chancellor had no involvement in the procurement process or the negotiation of the Contract terms. He signed the EMP Contract on June 29, 2019, which was previously approved by the College Board at its meeting of June 3, 2020.

II. Legal Analysis.

A. Analysis Based upon Arizona Conflict of Interest Law.

1. Arizona Conflict of Interest Law prohibits the involvement of public employees in a transaction or decision when the employee has a substantial interest in the transaction or decision.

Arizona's Conflict of Interest Law is codified at A.R.S. §§38-501-511. The principal provision of the law is in §38-503, which states, in pertinent part, the following:

- A. Any public officer or employee of a public agency who has, or whose relative has, a substantial interest in any contract, sale, purchase or service to such public agency shall make known that interest in the official records of such public agency and shall refrain from voting upon or otherwise participating in any manner as an officer or employee in such contract, sale or purchase.
- B. Any public officer or employee who has, or whose relative has, a substantial interest in any decision of a public agency shall make known such interest in the official records of such public agency and shall refrain from participating in any manner as an officer or employee in such decision.

The term "substantial interest" as used in A.R.S. § 38-503 is defined as "any non-speculative pecuniary or proprietary interest, either direct or indirect, other than a remote interest." A.R.S. § 38-502(11).⁴ "Interest" does not mean a mere abstract interest in the general subject or a contingent interest but is "a pecuniary or proprietary interest, by which a person will gain or lose something, as contrasted with a general sympathy, feeling or bias." *Yetman v. Naumann*, 16 Ariz. App. 314, 317; 492 P.2d 1252, 1255 (1972). "[T]o violate the conflict of

⁴ The term "non-speculative" was added in 2016. 2016 Ariz. Legis. Serv. Ch. 289.

interest statute; a public official must have a **non-speculative, non-remote pecuniary or proprietary interest in the decision at issue.** *Hughes v. Jorgenson*, 203 Ariz. 71, 74-75, 50 P.3d 821, 824-25 (2002) [Emphasis added.]. See also A.R.S. §38-502(11).

"Remote interest" means an interest that falls in any of twelve categories listed in A.R.S. § 38-502(10). The Arizona Legislature "has determined that certain economic interests are so remote that they do not impermissibly influence a person's decisions or actions." *Arizona Attorney General Agency Handbook* (Revised 2018) ("*Handbook*"), §8.3. If the public official or employee has only a remote interest, there is no need for further analysis.

The most relevant type of "remote interest" for purposes of this discussion is found in subparagraph (a), which is "[t]hat of a nonsalaried officer of a nonprofit corporation."

However, the alleged interest is even more attenuated than that. NC3 is not a contractor in this transaction. Rather, the allegation of conflict of interest hangs on the ever so slim thread of a tie between Trane and Chancellor Lambert by virtue of the fact that Mr. Archambault and Chancellor Lambert sit on the NC3 Board.⁵

B. Other Prohibitions contained in Arizona's Conflict of Interest Laws.

A.R.S. §38-504 states:

C. A public officer or employee shall not use or attempt to use the officer's or employee's official position to secure any valuable thing or valuable benefit for the

⁵ As I have previously pointed out in other correspondence, the Arizona Attorney General sets forth a test to determine if a public employee has a substantial interest:

To determine whether a substantial interest exists, the public officer should ask:

1. Could the decision affect, either positively or negatively, an interest of the officer or employee or the officer's or employee's relative?
2. Is the interest a pecuniary or proprietary interest? Could it affect a financial interest or ownership interest?
3. Is the interest something that is not statutorily designated as a remote interest?

If the answer to each of these questions is yes, then a substantial interest exists that requires disclosure and disqualification by the public officer or employee.

Handbook, §8.3. [Emphasis added.].

officer or employee that would not ordinarily accrue to the officer or employee in the performance of the officer's or employee's official duties if the thing or benefit is of such character as to manifest a substantial and improper influence on the officer or employee with respect to the officer's or employee's duties.

This is a subjective test and depends on the nature of the "valuable thing" and whether it "is of such character as to manifest a substantial and improper influence."

A.R.S. §38-505, which is also part of Arizona's Conflict of Interest Law, states:

A. No public officer or employee may receive or agree to receive directly or indirectly compensation other than as provided by law for any service rendered or to be rendered by him personally in any case, proceeding, application, or other matter which is pending before the public agency of which he is a public officer or employee.

Please also note that reimbursement by the College for travel expenses does not pose a conflict of interest. See A.R.S. §38-502(f).

C. There has been no violation of Arizona's Conflict of Law.

If the transaction or decision of Chancellor Lambert will confer a direct non-speculative economic benefit or detriment on him as an employee of the College, he must declare a conflict and refrain from voting upon or otherwise participating in any manner in any transaction or decision related to Trane. This determination is made on a case-by-case basis. Ariz. Atty. Gen. Op. 118-001.

Because Chancellor Lambert does not receive such a benefit or detriment by virtue of his participation in and service on the NC3 Board, he has no conflict of interest under the Arizona Conflict of Interest Law in the College's transactions or decisions related to the award of the EMP Contract to Trane.

D. Analysis under College Policies:

1: The College's Procurement, Purchasing, and Acquisition Procedures Manual and AP 1.25.05 follow the statutory Arizona Conflict of Interest Law.

Section 1.4 of the College's Procurement, Purchasing, and Acquisition Procedures Manual (Rev. 2018) incorporates the language of A.R.S. §38-503. It states:

1.4 Conflict of Interest

College employees must comply with the Arizona Conflict of Interest Law, ARS § 38-503. The Conflict of Interest Law provides if an employee or an employee's relative has a financial interest in any decision or transaction made or to be made by the College the employee must: (1) disclose such financial interest on a "Conflict of Interest Disclosure Form" and (2) refrain from participating in any manner in such decision or transaction, including any contract, fee, grant, purchase, sale, service, benefit or any other matter. The Conflict of Interest Law does not prevent an employee from doing business with the College. A College employee may supply equipment, material, supplies, or services to the College but only if the contract is awarded after public competitive bidding. The employee should contact the Department for a description of the competitive bidding requirements. Note when a College employee does business with the College, the employee has a financial interest in the transaction and the disclosure and non-participation requirements set out above apply. (See AP 1.25.05).

Since I have concluded that Chancellor Lambert's participation on the NC3 Board does not violate Arizona Conflict of Interest Law, my conclusion is also that it does not violate Section 1.4 of the Procurement, Purchasing, and Acquisition Procedures Manual or AP 1.25.05.

2. The Ethical Standards of the Employee Handbook also tie into Arizona Conflict of Interest Law.

I have also examined the section of the College Employee Handbook entitled "Ethical Standards and Conflict of Interest," adopted September 11, 2020. That section also reiterates A.R.S. §38-501 through 511, which are the relevant statutory conflict of interest provisions for public employees.

Since I have concluded that Chancellor Lambert's membership and participation on the NC3 Board does not violate Arizona Conflict of Interest Law, my conclusion is also that it does not violate the College Employee Handbook Ethical Standards and Conflict provisions.

III. Conclusion and Recommendations Going Forward.

There has been no violation of the law or College policy in relation to the EMP award and EMP Contract:

Proof of a conflict of interest must be "direct, definite, capable of demonstration, not remote, uncertain, contingent, unsubstantial, or merely speculative or theoretical." *Miller v. Grundy Cty. M. of Supervisors*, No. 14-0765, 2015 WL 1817096 (Iowa Ct. App. Apr. 22, 2015). As a matter of public policy, this is the correct approach. Citing Justice Holmes, one court has said the following:

Local governments would be seriously handicapped if every possible interest, no matter how remote and speculative, would serve as a disqualification of an official. If this were so, it would discourage capable men and women from holding public office. Of course, courts should scrutinize the circumstances with great care and should condemn anything which indicates the likelihood of corruption or favoritism. But in doing so they must also be mindful that to abrogate a municipal action at the suggestion that some remote and nebulous interest is present, would be to unjustifiably deprive a municipality in many, important instances of the service of its duly elected or appointed officials. The determinations of municipal officials should not be approached with a general feeling of suspicion, for as Justice Holmes has said, "Universal distrust creates universal incompetency."

Landau v. Twp. Of Teaneck, 231 N. J. Super. 586, 595, 555 A.2d 119, 5, 1200 (Law. Div. 1989) (citations omitted). See also *Candlewood Hills Tax Dist. v. Medina*, 143 Conn. App. 230, 248, 74 A.3d 421, 432 (2013) ("Local governments and school boards would be seriously handicapped if any conceivable interest, no matter how remote and speculative, would require the disqualification, of a [public] official.")

Conflict of interest laws are not easy to understand and recognizing the difference between a remote interest and a substantial interest is key to comprehending how the statute operates and how courts interpret the law. The relevant College policies are fully aligned with Arizona Conflict of Interest Law. Given the number of inquiries and allegations about violations of Arizona's Conflict of Interest laws, I suggest training be given to your Board and Senior Staff on a regular basis. I believe the Chair of your Board has scheduled such a session in the very near future.

Jeffrey Silvyn, Esq.

-9-

September 30, 2020

If you should have any questions, please do not hesitate to contact me.

Very truly yours,



Susan P. Segal
For the Firm

SPS/lb
Enclosure

TAB 1

Request For Qualification Summary Evaluation Team
 Recommendation
P2010013 - Comprehensive, Integrated Energy
 BY ALTERNATIVE

Team Lead - Greg Wilson Date: ~~2-13-20~~ 20


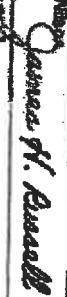




Proposals Received	Round 1 Score	
<p>Amoroso</p>	<p>87.2 22 Total Score 104.8</p>	<p>Appropriate Horizontal Builder Experience/Expertise -- exclusively in industry, very extensive examples of involvement in energy and water management in diverse applications -- including public sector and educational facilities provided example projects with similar goals, numerous completed projects, experience in Arizona environment including ASU, UA, MAUI, been performing in the industry for 19 years, recognized by NASECO and DOE. Proven Experience and Construction -- comprehensive project approach, design & engineering, implementation, EPC construction, long list of successful project completions, 33 years of experience, diverse team with considerable experience and knowledge in industry and related areas. Experience Integrating systems into existing experiences and providing opportunities -- "big job" not addressed in proposal, testing experience for details referred to in a bid/contract for better modification and not technical capacity, testing is identified primarily by College staff, overview and methodology section identifies a process for multi-phase project, phases are well planned, consumption-side savings, auditing, design, engineering, and equipment selection, construction management, monitoring, training, marketing and media relations, energy, case studies, community affairs, Earth Day exhibits, energy and water, Project Personnel and Staffing -- program development and engineering, financing, implementation, performance period, P3 with team of 10 for support in engineering, turnkey strategy, software solutions, construction and services/operations, all work done by sub-contractors, historically 60 - 70% local sub-contractors, project plan identified as multi-phase, rules heavily on analytics and data, key program outline identified, primary point of contact in Tucson, 67 team members in state, 12 person team defined in proposal including members in Tucson, selection process for subcontractor selection well defined. Cooperative Proposal -- financing options available as well as a variety of strategies, multiple Cooperative purchasing agreements filed on proposal, initial project costs projected at \$7, (candidate required), investment grade audit \$78,971.00 based on .08 cents per square foot. References -- ASU, New Mexico State University, West Texas A & M, MAUI, good, 3 complete and relevant references included, provided example projects with similar goals, diverse references included -- MAUI project explained in detail, savings estimated options available and demonstrated in contracting scope, subcontractor responsibilities defined, also contractual arrangements, addressed the integration process for existing equipment, described "turn-key" rules and noted that the project not be the best option, very knowledgeable on financing options with other solutions presented, highly collaborative and flexible</p>

<p>Bernhard</p>	<p>68.4</p>	<p>Appropriate Market Sector Experience/Experience - 83 years electrical, approximately 25-30 years in building construction, experience cited in public sector and education projects, experience with a Community College, extensive experience with laboratories and medical centers, projects completed in other states but none in Arizona, has completed projects for education facilities including ASU's Project Management and Coordination - project phases include - planning, investigation, implementation, operation, ultimately addressed in broad research of construction, clear identification of staff structure for project, any two individuals are identified as having primary responsibility for project, clear tasks that identify which partner has primary roles and secondary roles, no Tucson based resources, classes branch out of Phoenix research established, primary profit of contract jobs experience with projects in Arizona including Tucson, approach to project management sequencing logical, Experience including systems into training opportunities and marketing opportunities - yielding field in project focused only on operational considerations with no reference to "Using Labor" or any other economic student related matters, even training for staff was not greatly detailed, overview and methodology section identifies clear experience and a process for managing systems into training opportunities, no other identification of marketing, firm has completed hospital project including a walk-based energy management system. Project Personnel and Staffing - principal in charge, P4, construction engineer and building specialties consultant, only 3 personnel mentioned in the proposal, provided in table on page 8 of proposal, staff is small which leads to concerns about how they will meet demands, primary listed project point of contact, branch manager, has only one year with company, commissioning engineer has only one year with the company, additional technicians, partners, electricians, and engineers referenced by not detailed. Construction Proposal - \$888,617 base, \$/44,893 annual ongoing, no training options, educated based on specs and 210 cost per month for software subscription, no clear budget narrative, Performance - no higher education facilities referenced, 4 listed projects provided main w/OC, did not include details on the - who projects, project profiles listed were not aligned with references.</p>
<p>Bernhard</p>	<p>62.5</p>	<p>Appropriate Market Sector Experience/Experience - experience and knowledge in scope of focus, related work performed with efforts in higher learning and public sector, problems overcome defined, considerable state work completed, extensive well established and involved in area of energy management, projects being performed in Tucson in public sector education facilities, limited community college experience, provided example projects with similar goals, highly experienced company, 100 years' experience with other \$50M in revenue in 2018, 80% of work is with repeat customers, firm has local experience including UA, ASU, numerous educational projects across the US, Project Management and Coordination - Project development, operational support, energy management, construction, services & maintenance, multi-faceted company that could include all required services, project less than 11 years of experience has worked with higher ed., identified an aggressive approach to project delivery, team has related experience, and includes a number of individuals, clear process outline, more heavily uses analysis and software, resources in Tucson for management and construction time, related projects in public sector and education; Experience/Experience systems into training opportunities and marketing opportunities - system integration training and defined and no mention of "Using Labor" or student engagement beyond general education of participation in utility education practices, overview and methodology section identifies clear experience and a process for third-phase project, communications campaign, handbook change plan, stakeholder meetings, company participation in EPA Energy Star Rating of the Building, press releases and marketing materials, Project Personnel and Staffing - Experienced engineers and technicians with education project experience (engineering, water construction, training, project development), 11 engineers and/or O&M personnel based in Tucson, team has one robust and appropriate to the project, it includes resources in areas of electrical and mechanical, Construction Proposal - \$888,600 + \$150,000 and the remaining annual fee of \$75,000, experience with financing options and partnerships, bond fee for three on assessment, unclear on need for annual fee, is college expected to maintain ownership? References - good provided example projects with similar goals, examples include a point of contact, references cited applicable in scope and included some higher learning institutions, cost of construction were provided, all examples were out of state.</p>

<p>Traine</p>	<p>93.8 Interview 24 Total Score 413</p>	<p>Appropriate Market Sector Experience: Expertise - In business in mechanical HVAC industry for 100 years, controls for 40 years and energy for 25. Very well respected and diverse company with qualifications in energy, manufacturing of control systems and equipment regarding energy related systems, although vendor marketing started for selection of equipment and products, there could be concerns about objectivity with purchasing of assets, experience with higher education, community college's provided in relevance, very good. In Tucson for over 50 years, firm has 246 Arizona based team members, can easily integrate into legacy systems, handling systems that are more than 20 years old, in performance contracting business since 1986, awarded by NAESCO, ASHRAE, USGBC, DOE, Project Management and Coordination - management tools (Primavera), communication, planning and scheduling field verification, mobilization, implementation, commissioning, project closeout. Includes a subcontractor selection process, good understanding of the "learning by", identified program manager has 14 years of experience - more visit community colleges, but extensive energy projects, clear project timeline, strategy, and process, logical sequenced project management for coordinator and cohesive approach, project management personnel has considerable experience in industry and area of focus. Experience integrating systems into training experiences and marketing opportunities - Extensive comprehensive plan for integration of technology and systems to directly relate to student training educational experience, reference commitment to STETA as well as involvement in multiple levels of education as it relates to student engagement in industry, overview and methodology section identifies clear experience and a process for multi-phase project, understands what PCC is looking for in the living lab area and the value of PCC for future students, exam bank, plan includes virtual things like that allow for a campus-wide learning application with building data points (i.e., BEMS, water, energy, meter, analyzer, alarms, open protocol systems), student engagement portion does not compromise operational and campus IT security, link to MAC, Project Personnel and Staffing - key personnel have industry experience and expertise building educational partnerships, including ASU, UA of Colorado, and other institutions like the Town of Oro Valley, Banner university Medical Center, very good, has over 200 employees in Arizona with 27+ branches in Tucson, organizational structure and team staffing identified and specific project team identified, team bios are robust and applicable to the project, personnel identified had considerable time in industry as well as time with company, Tucson point of contact however has less than 5 years in the industry, Arizona staff size, 10 technicians, close proximity for support, CapEx/OpEx Proposal - hypothetical model presented shows 10 year investment with savings to be realized this investment as well as potential providing additional savings over the 10 year period, financing opportunities and partnerships available as well as diverse funding examples. References - included work in Arizona as well as higher learning although not combined, additional higher learning references listed in length including work in Arizona but not detailed, includes CC's, Town of Oro Valley, Central Piedmont Community College, Washburn Tech, Gateway Technical and many other educational projects. Interview - knowledgeable on M&V protocol and have experience implementing of protocols, noted cases for both types of calibrated savings (component or major systems), maintenance responsibilities tailored per needs of customer, independent commissioning service is available which include options, addressed integration of existing equipment specifically Casper Cielo software, replacement of equipment done in the best interest of the college with collaboration of vendor, "turn-key" install also collaborative and contractual basis, have several In-house maintenance personnel able to respond within hours of need, local presence good, clear experience with learning labs, highly collaborative</p>
<p>Wendel Energy</p>	<p>87 Interview</p>	<p>Appropriate Market Sector Experience: Expertise - 60 years in industry, Federal qualification, direct focus on energy/utility, diverse experiences with higher education, clear experiences with energy saving base projects, has completed energy projects for Yale University, the NY Power Authority, Ohio State University, the State of AZ, Michigan Community College, and other educational institutions, NAESCO, DOE, ISO certified, Project Management and Coordination - planning (initial assessment of systems, tactics, funding sources, stakeholder meetings), investigation, formulation, strategy conservation measures</p>

<p>18.8 Total Score 102</p>	<p>Identified program manager has 11 years of experience, none with community college. But extensive energy projects, clear project timeline, strategy, and process, focus strategic approach, well-structured and defined implementation, office in Phoenix, experienced team, well described strategy to implementation and well inclusion of various elements of scope. Experienced integrating systems into existing experience and building experience - structural approach on integration of technology and College systems to academic side for student learning and creation of "Living Labs", educational resources available to structure program, overview and methodology section identifies clear experience and a process for integrating systems into existing experience (technical and electrical), and construction, organizational structure and team staffing provided for project, staffing appears to be robust including 11 individuals, academics and specific credentials with experience in industry and then with campus, project manager has experience with higher education projects including system, local Tucson support not needed. Certificate Proposal - financing managing options available, alternative and comprehensive breakdown on various financial approaches including pros & cons for different types, initial strategy cost \$20,000 plus \$250 per building, this has the benefit of a scalable approach if no needed, additional fee schedule included, \$1,500 per building for walk-through, estimated 15-30 cents per sq. ft. for entire. New options - Yale University, Maricopa Community College District, NY Power Authority, references included strong letters of recommendation from higher learning, government entity and an urban community college. Interview - PPAEP - 4 options, system level energy discuss maintenance options, both independent & in-house contractors are options, demonstrated an understanding of integration process, equipment replacement funded through a confidential process, "turn-key" is usually how projects go, discussed warranty and other issues support, no option regarding solid partner relationship, unclear on experience regarding learning labs.</p>
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Evaluation Team Recommendation: The team recommends award to: Trane

Team Signatures	
<input checked="" type="checkbox"/> Greg Webb	
<input checked="" type="checkbox"/> James H. Russell	
<input checked="" type="checkbox"/> Jim Russell	
<input checked="" type="checkbox"/> Jessica Morrison	
<input checked="" type="checkbox"/> Daniel Sigafoos	
<input checked="" type="checkbox"/> Paul Kennedy	

Reviewed By:  **Date** 2/19/2020

Terry Robinson, Purchasing Director

TAB 4



**Conflict of Interest and Confidentiality Statement
Purchasing Evaluation Committee Member**

Solicitation ID: P20/10015

Solicitation Title: Comprehensive, Integrated Energy Management Program

As a member of a Pima Community College Purchasing Evaluation Committee for the above solicitation, I acknowledge that I have been informed by a representative of the College's Purchasing Office that service in this capacity requires that I:

- Understand that it is a conflict of interest and a violation of State statutes for a member of this committee or a relative of a member to have a substantial interest in supplying any equipment, material, supplies or services involved through this solicitation, and that it is my responsibility to avoid situations in which a conflict of interest may arise;
- Understand that it is my legal and ethical responsibility to maintain the confidentiality of the process and agree that I will have no communication related in any way to the particular procurement, except during formal Committee meetings, with any Offeror or potential subcontractor to that Offeror prior to award, and that I will promptly disclose any attempted contacts to the Purchasing Department;
- Agree it is not appropriate to reveal the content of any evaluation discussions to persons within or outside the College not directly involved in the process;
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I, the undersigned, declare that I have no conflict of interest regarding this solicitation and that if I discover that a conflict may exist I will disclose that to the Director of the Purchasing Office as soon as possible. I also acknowledge that I have read, understand and agree to adhere to the above standards. I recognize that a violation of conflict of interest or the unauthorized release of confidential information may subject me to legal action and will result in my removal from the Committee and if I am an employee of Pima Community College may also result in disciplinary action.

Signature: *Greg Wilson*
Greg Wilson (Oct 3, 2019)

Print Name: Greg Wilson

Email: gwilson@pima.edu

Date: 10/3/19



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Signature: *Agnes Maina*

Print Name: Agnes Maina

Email: amaina@pima.edu

Date: 09/23/19



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Signature: *Raj Murthy*

Print Name: RAJ MURTHY

Email: RMURTHY@PIMA.EDU

Date: 9/20/19



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Signature: *Jim Russell*

Print Name: Jim Russell

Email: JRussell34@Pima.edu

Date: 09/24/2019



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Signature: Jessica Normoyle

Print Name: Jessica Normoyle

Email: JNormoyle@pima.edu

Date: 9/23/19



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NO VOTING MEMBER

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Signature: 
David Bea (Sen 23, 2014)

Print Name: David Bea

Email: dbea@pima.edu

Date: 09/23/19



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WITHHELD
FROM
COMMITTEE

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Signature: _____

Print Name: _____

DAVID DAVIS

Email: _____

ddavis57@pima.edu

Date: _____

10/3/29



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Signature: _____

Print Name: _____

David Clark

Email: _____

djclark3.edu

Date: _____

10/4/2019

TAB 5

Comprehensive Integrated Energy Management Program		
Vendor Name		
Ameresco	Committee Members	
Evaluation Criteria	Max. points	
Appropriate Market Sector Experience/Expertise	35	33.6
Project Management and Coordination	25	24.2
Experience integrating systems into training experiences and marketing opportunities	10	7.0
Project Personnel and Staffing	10	6.8
Cost/Price Proposal	10	6.2
References	10	9.4
Total	100	87.2
Presentation Total	27	22.0
		104.8
Vendor Name		
Bath	Committee Members	
Evaluation Criteria	Max. points	
Appropriate Market Sector Experience/Expertise	35	25.0
Project Management and Coordination	25	18.4
Experience integrating systems into training experiences and marketing opportunities	10	6.4
Project Personnel and Staffing	10	6.2
Cost/Price Proposal	10	6.0
References	10	7.4
Total	100	69.4
Vendor Name		
Bernhard	Committee Members	
Evaluation Criteria	Max. points	
Appropriate Market Sector Experience/Expertise	35	19.6

Project Management and Coordination	25	13.2
Experience integrating systems into training experiences and marketing opportunities	10	4.8
Project Personnel and Staffing	10	5.2
Cost/Price Proposal	10	4.4
References	10	5.2
Total	100	52.4
Vendor Name		
Trane	Committee Members	
Evaluation Criteria	Max. points	
Appropriate Market Sector Experience/Expertise	35	33.4
Project Management and Coordination	25	24.4
Experience integrating systems into training experiences and marketing opportunities	10	9.8
Project Personnel and Staffing	10	9.4
Cost/Price Proposal	10	7.2
References	10	9.6
Total	100	93.8
Presentation	27	24.0
Overall Total		113.0
Vendor Name		
Wendel	Committee Members	
Evaluation Criteria	Max. points	
Appropriate Market Sector Experience/Expertise	35	30.2
Project Management and Coordination	25	22.6
Experience integrating systems into training experiences and marketing opportunities	10	9.0
Project Personnel and Staffing	10	8.6
Cost/Price Proposal	10	6.6
References	10	10.0
Total	100	87.0
Presentation	27	18.8
Overall Total		102.0

Request For Qualification Summary Evaluation Form
Recommendation
P2010018 - Comprehensive, Integrated Energy
Initial Evaluation

Team Lead - Greg Wilson Date: 2-15-2020

Proposals Received	Round 1 Score	
Amersoco	87.2 Interview 22 Total Score 104.8	<p>Appropriate Market Sector Experience/Qualifications - exclusively in industry, very extensive examples of involvement in energy and water management in diverse applications - including public sector and educational institutions provided example projects with similar goals, numerous completed projects, experience in Arizona environmental tracking ASU, UN, MAU, been performing in the industry for 19 years, recognized by NAESCO and DOE. Project based government and construction - comprehensive project experience, design & engineering, implementation, EPC construction, long list of successful project completions, 28 years of experience, diverse team with considerable experience and knowledge in industry and related testing. Experience in designing systems into existing experiences and knowledge in industry opportunities - "being led" not addressed in proposal, testing experience for students returned to be a barrier/obstacle for behavior modification and not technical expertise, looking to identify primary for College staff, overview and methodology section identifies a process for staff phase project, process are well planned, construction-side services, auditing, design, engineering, and equipment selection, construction management, monitoring, testing, modeling and other related, electric, case studies, community plans, Earth Day activities, topics and others. Project Parameters met starting - program development and engineering, financing, implementation, performance period, P3M with team of 10 for support in engineering, renewable energy, software solutions, construction and construction management, all work done by sub-contractors, historically 50 - 70% local sub-contractors, production identified as multi-phases, value heavily on energy and data, key program outline identified, primary point of contact in Tucson, 87 team members in state, 12 projects team defined in proposal including members in Tucson, also other processes for sub-contractors selection will be first. Complete Proposal - identifying options strategies for 2018 as a vehicle of strategies, multiple Cooperative purchasing agreements that can provide, state project under proposal of, (additional required) Investment grade audit \$7,071,120 listed on, 401 cents per square foot. References - ASU, New Mexico State University, West Texas A & M, MAU, speed, 3 examples and relevant references included, provided example projects with similar goals, diverse resources. Interview - 480V protocol explained in detail, savings calculated options available and determined in contracting stage, maintenance responsibilities defined, heavy contractual arrangement, addressed the integration process for existing equipment, described turn-key roles and noted that this might not be the best option, very knowledgeable on financing options with other solutions presented, highly collaborative and flexible.</p>

Bath Energy

89.4

Appropriate Market Sector Experience: Experience - 69 years electrical, approximately 25-30 years in building construction, experience gained in public sector and education projects, experience with a Community College, electrical experience with laboratories and medical centers, projects completed in other states but none in Arizona, has completed contracts for additional facilities including ASU Project Reimbursement and Construction - project phases include - planning, investigation, implementation, operations, initially addressed in local references of construction, clear identification of cost structure for project, only two individuals are identified as having primary responsibility for project, clear role for individuals who perform the primary roles and secondary roles, no Tucson based resources, contact through one of Philbrick's recently established, primary point of contact has experience with projects in Arizona including Tucson, approach to project management emphasizing explicit experience integrating systems into building operations and providing opportunities - driving force in proposed business only an operational considerations with no reference to "Third Party" or any other concerns related to the project, when talking to cost was not greatly detailed, number and methodology section in the clear experience and a process for integrating systems into building operations, no clear identification of building, then has emphasized financial project including a cost-based energy management system, Project Financial and Staffing - principal in charge, PM, construction engineer and building analysis consultant, only 2 personnel mentioned in the proposal, provided in table on page 8 of proposal, staff is listed which leads to concerns about how they will meet deadline, primary listed project part of contract, project manager, then only one year with company, construction engineer has only one year with the company, additional technicians, planners, electricians, and engineer experienced by put doublet, Construction Proposal - \$188,817 base, \$14,588 annual ongoing, no funding outline, attached based on space and 200 cost per month for various reductions, no other budget estimate, Performance - no higher education facilities mentioned, 2 market projects provided more WCO, did not include details on procedures provided, project critical listed years not affiliated with references.

Barnhart

82.5

Appropriate Market Sector Experience: Experience and knowledge in scope of team, national work performed with clients in higher learning and public sector, positive educational outlook, considerable state work described, company well established and finished in area of energy management, projects being performed in Tucson in public sector education facilities, limited community college experience provided example projects with similar goals, highly experienced company, 100 years' experience with over \$550M in revenue in 2014, 80% of work is with repeat customers, firm has local experience including UN, ASU, numerous educational projects across the US, Project Management and Construction - project development, operational support, energy engineering, construction, services & maintenance, multi-faceted company that could include all required services, project lead has 14 years of experience has worked with higher ed, provided an aggressive approach to project delivery, team has related experience, and includes a number of individuals, clear process outline, major team/ user analysis and software, resources by Tucson for management and coordination, related projects in public sector and education, Experience in managing systems into building operations and supporting opportunities - system integration building and facilities and no mention of "third party" or external engagement beyond general education of participation in utility reduction practices, overview and methodology section identifies clear experience and processes for multi-phase project, construction example, technical change plan, stakeholder meeting, complete participation in EPA Energy Star Goals of the buildings, press releases and marketing materials, Project Personnel and Staffing - Experienced engineers and technicians with education project experience (engineering, into-construction, electrical, project development), 11 engineers and/or civil engineers based in Tucson, team has one nuclear and experienced to the project, in house resources in terms of electrical and mechanical, Construction Proposal - \$45,000 + \$180,000 and the remaining amount of \$14,000, experience with financing options and participation, Total fee for base on construction, unclear on need for manual fee, is change expected to maintain resources? Reference - good provided example projects with similar goals, examples include a public or private, reference good applicable to scope and budget seems higher learning facilities, cost \$20,000,000 for year 1, year 2, all equipment, systems, out of state.

Name	83.8	<p>Appropriate Market Sector Experience - In business in mechanical HVAC industry for 100 years, controls for 40 years and energy for 25, very well rounded and diverse company with commitment to sustainability and energy conservation having received awards, Federal certifications and qualifications in energy, manufacturing of control systems and equipment regarding energy related systems, although vendor readiness asked for selection of equipment and products, there could be concerns about ability with purchasing of assets, experience with higher education, community colleges provided in reference, very good, to Tucson for over 50 years, there are 246 Arizona based team members, can easily integrate into legacy systems, including systems that are more than 20 years old, in performance contracting business since 1988, accredited by NAWESCO, ASHRAE, USGBC, DOE, Project Management and Construction - management level professional, communication, planning and scheduling field validation, mobilization, implementation, commissioning, post-occupancy, includes a subcontractor evaluation process, good understanding of the "teaching job", Modified program manager has 11 years of experience - 100% with community colleges, but extensive energy projects, clear project timelines, strategy, and process, logical organized project management for coordinated and cohesive approach, project management personnel has considerable experience in industry and area of focus, Experience in building systems like teaching experience and scheduling opportunities - Extensive comprehensive plan for integration of technology and systems to directly relate to student training educational experience, reference commitment to STEM as well as broad-based in multiple levels of education as it relates to student engagement in industry, overview and methodology section identifies clear experience and a process for multi-phase project, understands what PCC is looking for in the Mfg lab area and the vision of PCC for future students, concept, plan includes what kind of lab that allow for a campus-wide learning application with building data points (i.e. BMS, water, energy, water, analytics, climate, open protocol systems), student engagement points does not compromise operability and campus IT security, IIR '83 NCC, Project Personnel and Staffing - key personnel have industry experience and experience building educational pavilions, including ASU, UA of Colorado, and other institutions like the Town of Oro Valley, Ballinger University, Michael Corbin, very good, has over 200 employees in Arizona with 20+ based in Tucson, organizational structure and team staffing identified and specific project team identified, team there are robust and experienced in the project, personnel identified had considerable time in industry as well as time with company, Tucson point of contact has been here less than 6 years in the industry, Arizona staff 50%, 10 technicians, direct primary for support services</p> <p>Project - Appropriate Market Sector Experience - 10 year investment with savings to be recognized this reference as well as potentially providing additional savings over the 10 year period, financing opportunities and partnerships available as well as diverse funding sources, references - included work in Arizona as well as higher learning although not completed, additional higher learning references listed in length including work in Arizona in not detailed, includes CCA, Town of Oro Valley, Central Piedmont Community College, Westman Tech, Gateway Technical and many other educational projects.</p> <p>Inherent - Notwithstanding on IIR project and have experience implementing all products, noted issues for both types of calculated savings (commitment by component or meter systems), maintenance responsibilities balanced per meter of equipment, independent performance metrics to include which include options, addressed integration of existing equipment specifically Copper Core systems, equipment enhancement of equipment done in the best interest of the college with collaboration of vendor, "turn-key" build also enhancing and contextual issues, there several in-house references personnel able to respond within hours of need, local presence good, clear experience with teaching team, highly collaborative and open.</p>
Interview	24	
Total Score	113	
Wendel Energy	87	<p>Appropriate Market Sector Experience - 60 years in industry, Federal qualifications, direct focus on energy/utility, diverse experience with higher education, clear experience with energy saving base projects, has completed many projects for Yale University, the UT Power Authority, Ohio State University, the State of AZ, Maricopa Community College, and other educational institutions, NAWESCO, DOE, ISO certified, Project Management and Construction - Planning (initial assessment of systems, process, identify sources, deliverables, etc.), Investment, Installation, Energy conservation, 100% on-site.</p>
Interview		

<p>19.8 Total Score 102</p>	<p>Identified program manager has 11 years of experience-works with community college, but established energy projects, clear project timeline, strategy, and process, (also strategic approach, well-organized and defined implementation, risks in Project, supported team, well detailed structure to implementation as well inclusion of various elements of scope. Experience integrating systems into existing superstructure and existing operational-structured approach on integration of technology and College systems to academic side for student learning and creation of "Living Labs", educational resources available to students program, oversight and methodology section identifies other experience and a process for integrating systems into existing superstructure (method, Project presented and starting - versatile VP, PM, and then split to Energy Services, Design (mechanical and electrical, and construction, organizational structure and team staffing provided for project, starting appears to be robust including 11 individuals, students and faculty students with experience in industry and time with company, project manager has experience with higher education projects including facilities, best Tucson support not detailed. Qualifies Personnel - Financing managing systems available, students are comprehensive breakdown on various financial approaches including pro-4 costs for different types, (total savings cost \$20,500 plus \$300 per building, this has the benefit of a scalable approach if no school, additional fee schedule included, \$1,500 per building for walk-through, estimated 15-20 scale per sq. ft. for public facilities - Yale University, Maricopa Community College District, NY Power Authority, references included among list of recommendations from higher learning, government early and on public community college, references - EP&S - 4 options, system level analysis discusses maintenance options, both independent & third-party consultants are outside, demonstrated an understanding of integration process, equipment replacement needed through a collaborative process, "turn-key" is usually how projects get discussed warranty and other hours support, no option regarding odd-hour relationship unclear on experience regarding learning tech.</p>
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Evaluation Team Recommendation: The team recommends award to Trane

Team Signature:

Greg Meyer
 James H. Russell
 Jim Russek
 Jason Nemys
 David Clark
 Ed Hickey

Reviewed By:

Terry Robinson
Terry Robinson, Purchasing Director
Date: 2/19/2020

TAB 6



Agenda Item Details

Meeting	Jun 03, 2020 - Public Hearing, Special and Regular Meeting
Category	11. ACTION ITEMS (50 min.)
Subject	11.3 Contract: Trane, Inc. for Comprehensive, Integrated Energy Management Program
Access	Public
Type	Action
Fiscal Impact	Yes
Budgeted	Yes
Recommended Action	The Chancellor recommends the Governing Board authorize the Chancellor or designee to execute an agreement with Trane, Inc. to develop a comprehensive energy management program that includes evaluation of Heating, Ventilation, and Air Conditioning and controls systems, recommendations for efficiency improvements, and integration of equipment and training into state-of-the-art living lab academic programming.
Goals	Strategic Direction 1: Improve student success Accreditation-Criterion 5: Resources, Planning, and Institutional Effectiveness

Public Content

Contact Person:
Dr. David Bea,
Executive Vice Chancellor for
Finance and Administration
(520) 206-4519

Justification:

The development of the Pima Community College Center of Excellence of Applied Technology creates a state of the art facility to train students and incumbent workers while modernizing College curriculum in conjunction with business and industry. Further, the College is reevaluating its existing physical locations through the implementation of the Educational and Facilities Master Plans, finding opportunities to revitalize existing spaces and optimize resources.

Vendor Selection:

On November 13, 2019, the College issued a Request for Proposals (RFP P20/20015) seeking qualified firms to provide a comprehensive, integrated energy management program. The program would include system controls and equipment and training services for integration into the Center of Excellence of Applied Technology, including (but not limited to) the following expectations:

- Assessing current systems and equipment to develop lifecycle replacement plans for systems, controls, and equipment in a large multi-location organization;
- Establishing and tracking sustainability and energy and cost reduction goals;
- Identifying and/or providing funding sources and financing options suited to the College's needs;
- Implementing smart technology and data analytic platforms to monitor efficiency and optimize system performance;
- Designing and implementing living labs, including integrating industry-standard technology and training into academic curricula and facilitating hands-on, experiential learning opportunities for faculty and students; and
- Promoting program awareness and accomplishments via interactive web-based dashboards, publications, etc.

Responses to the RFP were due on December 18, 2019, and the review committee met on January 16, 2020. Presentations by the potential vendors occurred on February 11, 2020, and Trane, Inc. ("Trane") was the successful proposer.

Through the partnership with Trane, the College will:

1. Assess the current state of the systems and controls throughout the College;
2. Identify capital projects that will improve the efficiency of the College's Heating, Ventilation, and Air Conditioning (HVAC) and control systems to reduce future utility costs; and
3. Integrate equipment and systems analysis into living lab learning opportunities for students enrolled in the College's Building and Construction Technology (BCT) programs.

Financial Considerations:

In the Spring of 2020, the College engaged with an external, contracted firm to provide legal counsel as to the terms and structure of the agreement. The College expects to update the supporting documents prior to the June 3, 2020 meeting with the final agreement terms which will have some minor modifications from the initial proposed agreement with accompanies this report. After the completion of the audit, the actual plans and recommended capital projects and costs will be submitted to the Governing Board as separate action items.

RFP P20-10015 - Comprehensive, Integrated Energy Management Program.pdf (567 KB)

Trane Negotiation documents.pdf (743 KB)

Administrative Content

Executive Content

Motion & Voting

The Chancellor recommends the Governing Board authorize the Chancellor or designee to execute an agreement with Trane, Inc. to develop a comprehensive energy management program that includes evaluation of Heating, Ventilation, and Air Conditioning and controls systems, recommendations for efficiency improvements, and integration of equipment and training into state-of-the-art living lab academic programming.

Motion by Maria D Garcia, second by Meredith Hay.

Final Resolution: Motion Carries

Yea: Mark Hanna, Meredith Hay, Demion Clinco, Luis L Gonzales, Maria D Garcia

TAB 7



3544 N. Romero Road, Suite 102
Tucson, Arizona 85705
www.ameresco.com

Pima County Community College District
Finance/Contracts & Purchasing
4905D East Broadway, Room D-232
Tucson, Arizona 85709-1420

Attn: Jan Posz, C.P.M. Sr. Procurement Analyst

**RE: Formal Protest and Request for Consideration
RFP P20/10015 Comprehensive, Integrated Energy Management Program**

Ms. Posz,

After a careful review of the data provided regarding the proposal scoring and the content of the selected proposal versus that of Ameresco, Inc., we respectfully request that the College consider our protest of the award of this RFP to Trane Co.

We have noted a number of concerns with the content of the selected proposal and falsehoods within it that we believe have affected the scoring and outcome of this Request for Proposal.

Our protest is based on the following issues:

1. Lack of Experience with Arizona State Law Requirements for Performance Contracting

- a. The Trane Proposal contains a major falsehood that highlights their lack of experience in Performance Contracting in compliance with the applicable Arizona State Laws. On page 8 and again on page 9 of Trane's Proposal, they claim the following:

"State legislation mandates a minimum of three year term in Arizona but this term can be extended upon Pima Community College's request."

"The State of Arizona does not require public agencies to maintain M&V services after the first 3 successful years of achieved savings guarantee."

While there was a time long ago when this was true, these assertions are false and have been addressed by the Arizona Attorney General's Office almost 10 years ago. Measurement & Verification as well as Annual Reconciliation of Savings is required on an annual basis for the complete term of the project. We have included a link to the Attorney General's Opinion below and provided a copy as an attachment to this document.

<https://www.azag.gov/opinions/i10-007-r10-018>

While there are two separate laws, A.R.S. 15-213.01 which is used for Public Schools which was the basis for the Attorney General's Opinion and A.R.S. 34-105 which is used for Community Colleges, the text of both laws regarding the guarantee of energy savings term and the requirement for Measurement and Verification during the term are identical and have been confirmed to be addressed by the Opinion.

- b. The Trane Proposal also claims that Operational Savings and Deferred Maintenance can be used to provide savings to offset the project costs in direct conflict with Arizona Revised Statute 34-105. This is noted in their Sample Project Cash Flow Table on Page 9, Line 4 of the proposal

Example Cash Flow - 10 Year		Pima CC		T
Description of Project	First Cost	Savings Year 1		
ECM's <u>Deferred Maint</u> Upgrades, Renewables, Labs	\$15,500,000	\$1,873,000		
Ongoing Services, M&V Training, Instruction	\$0	(\$130,000)		
Total Calculated Cost Savings		\$1,743,000		
Total Construction First Cost	\$15,500,000			

and also on Page 51. The use of operational and maintenance savings was specifically removed from the Statute in 2015 and was restricted to only Energy Savings.

This was changed by the Legislature because several ESCO's were claiming operational savings that were not being realized within the budgets of the customers and, as a result, was requiring those entities to expend additional funds out of their capital budgets for debt service payments that were not covered by the realized savings.

Based on these issues, we feel that the scoring for Trane under the "Appropriate Market Sector Experience/Expertise" is significantly incorrect and shows that they are not experienced nor have the appropriate expertise in this market.

2. Project Personnel/Staffing Comparative Scoring of the Proposals for each firm

There is a substantial difference in the scoring of this section between Ameresco (6.8) and Trane (9.4) that we cannot find cause for. A review of the project teams proposed by each vendor does suggest some differences, however, we believe that those differences are in Ameresco's favor and not Trane's. For Example:

- While the team members for each organization generally have similar levels of overall experience, the Ameresco team has substantially more experience working together on their reference projects as a team. When

you look at the resumes for each team member, it is clear that the Ameresco team has worked together collectively on many more projects than the Trane team.

- The average tenure of the proposed team members working with their respective teams is also in favor of Ameresco, 13.66 years compared with 10.35 years for the Trane team.
- The projects that the team members have worked on together for Ameresco are significantly more aligned with the size, scope and complexity of the Pima Community College project than those of the Trane team.
- The local point of contact in Tucson for Ameresco that is assigned to the Project has 33 years of experience in developing and managing Comprehensive Integrated Energy Management Programs and has over \$150 million of successful projects located in Arizona. The local point of contact for Trane has 4.5 years of experience and does not appear to have any reference projects of the size and scale of PCC

3. Reference Projects – Scoring and Scope, Nature and Complexity

The scoring for Trane in this section does not appear to be appropriate based on the criteria set forth in the RFP document. Section 4,h. of the RFP document clearly states that PCC asked for “... *three (3) independent references from three (3) different projects of similar scope, nature, and complexity...*” .

Of the references provided by Trane, only one of them appears to meet this requirement. The other three references are much smaller and simpler projects that are not similar to that being considered by PCC. For example, The Town of Oro Valley project submitted by Trane consists of a single facility of approximately 100,000 s.f. (formerly the Sheraton El Conquistador Golf Club) and includes a very basic scope of work. Further, this is the only project that Trane submitted that is within the State of Arizona which has very specific legal requirements which we noted earlier. As it happens, the Town of Oro Valley is also an Ameresco customer and all of the other facilities within the Town were done by Ameresco in a \$4.3 million dollar project. We did not include this project as a reference as even it was not of sufficient similarity to PCC for inclusion, although it is noted in the resumes of Mr. Byrd and Mr. Drake in the Ameresco proposal.

On the other hand, Ameresco provided three reference projects that were of similar scope, nature and complexity including multi-building, multi-campus facilities with a mix of Central Plants, Packaged HVAC Upgrades, BAS Controls, Lighting, Water Conservation, etc. as well as a separate reference from Northern Arizona University for Solar PV.

Lastly, in the table of additional reference projects completed nationwide provided by Trane there are only five nationwide that appear to be of similar size and scope to PCC. Ameresco provided a similar table that includes over \$100 Million dollars of work at Arizona State University and \$35 Million dollars for work

at the University of Arizona as well as at least 15 other projects of equal scope and complexity to that being contemplated by PCC.

The scoring for this section does not appear to reflect the differences noted above in the submissions by Trane and Ameresco as Trane was scored a 9.6 vs. 9.4 for Ameresco and may also have been a factor in the scoring of the "Appropriate Market Sector Experience/Expertise" area as well.

In conclusion, we ask that Pima Community College consider this protest request and revise the scoring appropriately. We believe that the items we have noted above are substantial and, once corrected, will result in Ameresco being selected. It is clear that the selected proposer clearly does not have sufficient experience in performing this type of work within Arizona while Ameresco has over \$250 Million dollars of projects in Arizona alone.

On behalf of the Ameresco team, thank you for providing information on the selection process and proposal scoring for the above referenced project. Should you have any questions or require additional information regarding this request, please do not hesitate to contact me at 520.490.3663 or at lbyrd@ameresco.com.

Respectfully Submitted,



Leonard Byrd.
Senior Project Development Manager
Ameresco, Inc.

Attachments to Email

Arizona Attorney General Opinion - I10-007.PDF

cc: Robert Georgeoff – President, Ameresco Southwest
File

TAB 8



**District Office
Procurement Services**

Purchasing Department
4905D E Broadway Blvd.
Tucson, AZ 85709
Telephone (520) 206-4759
Fax (520) 206-4536

PimaCountyCommunityCollegeDistrict

July 23, 2020

Leonard Byrd,
Senior Project Development Manager
Ameresco, Inc.
3544 N. Romero Road,
Suite 102 Tucson,
Arizona, 85705
www.ameresco.com

**Subject: Protest Determination
RFP P20/10015 Comprehensive, Integrated Energy Management Program**

Dear Mr. Byrd,

Ameresco's formal protest referencing RFP P20/10015 Comprehensive, Integrated Energy Management Program was filed with the Director of Procurement Services as of Friday, July 17, 2020. We thank you for presenting your concerns and giving us an opportunity to address them in accordance with our established procurement policies and procedures. Your notice of protest has been thoroughly reviewed and considered. The following represents the Procurement Services Director's determination:

Introduction:

The College issued a solicitation to acquire Comprehensive, Integrated Energy Management Program services on October 11, 2019. Responses to the Request for Proposals (RFPs) were due to be received by the college on December 18, 2019. A Procurement Department Representative, Sr. Procurement Analyst, Jan Posz, convened and facilitated the RFP Review and Evaluation Committee for this solicitation. The Committee Evaluation Process was finalized on February 19, 2020, an award recommendation went to the highest scored/ranked Offeror, Trane. Upon completing successful contract negotiations with Trane the contract was awarded to Trane. Notice of award letters were issued on July 8, 2020 to all unsuccessful proposers.

The Protestant's Grievances:

Summarily, Ameresco has presented the following protest grievances associated with the evaluation and scoring made by the Evaluation Committee and decision to recommend award of this solicitation to Trane. Each of the following grievance topics were followed by detailed explanations of Ameresco's concerns in their filed formal protest.

1. Lack of Experience with Arizona State Law Requirements for Performance Contracting

- "Based on these issues, we feel that the scoring for Trane under the 'Appropriate Market Sector Experience/Expertise' is significantly incorrect and shows that they are not experienced nor have the appropriate expertise in this market."
2. Project Personnel/Staffing Comparative Scoring of the Proposals for each firm
 - "There is a substantial difference in the scoring of this section between Ameresco (6.8) and Trane (9.4) that we cannot find cause for. A review of the project teams proposed by each vendor does suggest some differences, however, we believe that those differences are in Ameresco's favor and not Trane's."
 3. Reference Projects – Scoring and Scope, Nature of Complexity
 - "The scoring for Trane in this section does not appear to be appropriate based on the criteria set forth in the RFP document. Section 4,h. of the RFP document clearly states that PCC asked for '*... three (3) independent references from three (3) different projects of similar scope, nature, and complexity...*'."

Ameresco's Closing Statement:

"In conclusion, we ask that Pima Community College consider this protest request and revise the scoring appropriately. We believe that the items we have noted above are substantial and, once corrected, will result in Ameresco being selected. It is clear that the selected proposer clearly does not have sufficient experience in performing this type of work within Arizona while Ameresco has over \$250 Million dollars of projects in Arizona alone."

Background & Pertinent Solicitation Process & Procedure Information:

RFP Evaluation Process – The PCC Procurement Department is responsible for forming and facilitating the RFP Evaluation Committee. The Committee Members consist of dedicated PCC Employees from various College departments directly associated with the solicitation of the products or services needed. Typically, Committee Members include department leaders, subject matter experts (SMEs), or other highly dedicated and disciplined PCC employees representing constituent stakeholder units of the College likely to be impacted by the solicitation results. These employees receive training on evaluation-committee expectations and requirements.

Committee Evaluation Members are charged with the following responsibilities:

1. Each committee member is responsible for independently reviewing and scoring each proposal fairly and consistently, based on their own review of the materials submitted.
2. Each committee member is required to thoroughly review each proposal response and only score it against the solicitation's specified evaluation criteria.
3. Committee members DO NOT score or evaluate vendor proposals subjectively against other competitor proposals.
4. Committee members must commit to fully participate in scheduled evaluation meetings whereby evaluation discussions take place and final independent assessments are shared and compiled.

The facilitating Procurement Analyst is responsible for compiling the evaluation committee notes, scores, and signatures necessary for making the Evaluation Committee's award recommendation.

Findings of Fact

1. PCC conducted a full and fair solicitation process in accordance with PCC policy, and no errors in process or abuses of discretion occurred that could have materially affected the outcome for Ameresco or the awarding of the contract to Trane.
2. Ameresco's protest presents a subjective reassessment and reevaluation of a competitor's (Trane's) proposal that does not provide sufficient justification to reevaluate and rescore Ameresco's or its competitor's respective proposals.
3. Ameresco did not provide a reasonable factual basis to conclude that a reevaluation and rescoring of Trane's proposal, based on Ameresco's concerns, would result in a different solicitation outcome.
4. In sum, Ameresco generally disagrees with the evaluation committee's subjective assessments of Ameresco's and Trane's proposals and the College's discretionary determination to award the contract to Trane on the basis of those assessments. Ameresco does not present a reasonable factual basis to conclude that the assessments and determination in question were made improperly or that the College's administrative practices and procedures, or its handling of the solicitation process in this instance, were materially flawed.

Director's Determination

Ameresco's protest is denied. PCC shall proceed with the contract award to Trane in accordance with PCC Procurement Policies and Procedures.

The PCC Department of Procurement & Payment Services greatly values its vendor relationships and promotes fair and open competition in accordance with purchasing "best Practices," policy, procedure and in compliance with all state and federal regulatory requirements. Thank you for presenting your concerns. We hope to have an opportunity to work with your firm in the future for potential acquisitions.

Should you have any additional questions regarding this matter, or in the future while working with my staff for any reason, please do not hesitate to contact me directly for assistance.

Sincerely,



Terryl Robinson, CPPO, CPPB, MBA
Pima Community College
Director of Procurement & Payment Services
Chief Procurement Officer

Instructions for Appeal:

Appeals of the protest this decision may be filed by the original protester only and are to be filed with the Procurement Services Director within 5 calendar days of the receipt of the decision. The notice of appeal shall contain: (a.) The information from the original protest Letter; (b.) A copy of Procurement Services Director's decision; (c.) The basis for the matter.

The Procurement Services Director shall, within 48 hours, give written notice of the pending appeal to the successful contractor if award has been made or, if no award has been made, to participating bidders. Any party so notified shall, upon request, be furnished with a copy of the notice of appeal filed in the matter.

The Procurement Services Director shall notify the Executive Vice Chancellor for Finance and Administration or its designee of the appeal. Any hearing or appeal shall be conducted by the Executive Vice Chancellor for Finance and Administration or its designee as hearing officer. A written decision will be made within 14 calendar days after the appeal has been filed.

The time limit for a decision may be extended by the Executive Vice Chancellor for Finance and Administration or its designee as hearing officer for a reasonable time not to exceed 30 calendar days. The Executive Vice Chancellor for Finance and Administration or its designee as hearing officer shall notify the protester in writing that the time for the issuance of a decision has been extended and the date by which a decision will be issued.

Non-Stay of Procurement Award:

The College has elected not to issue a stay of award during the protest review, decision or appeal process.

TAB 9

From: "Ward, Bill" <wward@pima.edu>
To: eleon@pima.edu
CC: mposey@pima.edu
Date: 9/10/2019 4:51:16 PM
Subject: Re: Energy Management Project

Thanks.

On Tue, Sep 10, 2019, 4:25 PM Federico, Esther <eleon@pima.edu> wrote:
Added to Agenda. Thanks.
Esther Leon Federico
Support Coordinator – Facilities

Pima Community College
6680 S. Country Club Road
Tucson, AZ 85709-1800

Phone: (520) 206-2610
Fax: (520) 206-2736
eleon@pima.edu

On Tue, Sep 10, 2019 at 3:14 PM Ward, Bill <wward@pima.edu> wrote:
FYI...please include this for our Cabinet meeting tomorrow.

Bill

----- Forwarded message -----

From: Davis, David <ddavis57@pima.edu>
Date: Tue, Sep 10, 2019, 2:53 PM
Subject: Fwd: Energy Management Project
To:
Cc: Bill Ward <wward@pima.edu>, Mike Posey <mposey@pima.edu>

fyi

----- Forwarded message -----

From: **Bea, David** <dbea@pima.edu>

Date: Tue, Sep 10, 2019 at 2:51 PM

Subject: Energy Management Project

To: David Davis <ddavis57@pima.edu>, David Clark <djclark3@pima.edu>, Raj Murthy <rmurthy@pima.edu>, Gregory Wilson <gwilson@pima.edu>, Agnes Maina <amaina@pima.edu>, Jessica Normoyle <jnormoyle@pima.edu>, Jim Russell <jrussell34@pima.edu>

Good Afternoon,

I wanted to invite you to participate on an exciting upcoming College energy management project. This project is intended to: 1) update the College's energy management and HVAC systems; 2) integrate the systems and data within the College's academic programs via living labs; and 3) develop and track success of sustainability goals. The College is finalizing a Request for Proposal (RFP) to identify a partner that will assist the College with this long-term project.

We would like you to help by serving on the RFP evaluation committee, which will be chaired by Greg Wilson. We are expecting the initial work for this will comprise some prep work (reading proposals) and a couple of meetings, likely in the mid October timeframe. We may also touch base with you to gather information required as background or for other technical elements of the solicitation.

Thanks in advance for your participation and we will be in touch soon with additional information.

-Dave Bea

David Bea
Executive Vice Chancellor for Finance and Administration
Pima Community College
4905 E Broadway
Tucson, AZ 85718
(520) 206-4519
dbea@pima.edu

—

David Davis, CEM, CDSM - Energy Resource Manager
Pima Community College - M&S
6680 S. Country Club Rd, Tucson, AZ 85709-1810
520 206-2631

TAB 10

From: "Knutson, James" <Jim.Knutson@trane.com>
To: llambert@plma.edu
CC:
Date: 5/6/2019 2:56:07 PM
Subject: House HVAC Discussion Follow Up

Lee,

When we were in Minnesota you mentioned you have a Trane unit on your home that is or has gotten loud. I'd like to see if one of our technicians and/or an engineer could stop by and take a look at it to see if we might help.

Let me know if that is of interest and we will have our team in Tucson get a site visit scheduled.

Best,
Jim

Jim Knutson
Director, Integrated Solutions
Trane Ingersoll Rand
445 Bryant St., Unit 5
Denver, CO 80204
Direct/Mobile/Text: (303) 349-4281
Email: Jim.Knutson@Trane.com



TAB 11

be your entire exec team and must not be done through Bill's department for obvious reasons.

Please forgive me for sending all these long emails but I'm more resolved than ever that we can repurpose millions of dollars that will be put to better use for students and create a Real Life Case Study that is accountable, measured, verified, and studied with hundreds of millions of data points through students ongoing training and involvement.

Gratefully,

Jim

Jim Knutson

Director, Integrated Solutions

Trane Ingersoll Rand

Direct/Mobile/Text: (303) 349-4281

Email: Jim.Knutson@Trane.com

From: Wilson, Gregory <gwilson@pima.edu>

Sent: Sunday, May 19, 2019 9:51 PM

To: Knutson, James <Jim.Knutson@trane.com>

Subject: Re: IGA and FCA

Alert: This is an external email.

Thanks, Jim. I'm glad we had a chance to catch up. I think the more we share with Lee and the team, the better. There is no point keeping the info. Given the big changes with the center plans, now is a good time to get it all out on the table.

The Mrs. and I had a full weekend, and I tend to catch up on Sunday night. I hope the golf tournament went well! I will review this material and give you a call this week. Thanks again for helping us move forward. It will not be easy, but it will be worth it.

Greg

Greg Wilson

Dean of Applied Technology

Pima Community College

1255 N. Stone Avenue

Tucson, AZ 85709-3125

520-206-7134 office

520-904-0843 cell

gwilson@pima.edu

On Sat, May 18, 2019 at 5:58 AM Knutson, James <Jim.Knutson@trane.com> wrote:

Greg,

I've been thinking this would be good for PCC to include in the Technical Audit or Investment Grade Audit (IGA) Phase. This additional Facility Condition Assessment (FCA) and Power Master Plan information will be helpful to understand not only the energy infrastructure through our energy audit but also power/central plant system conditions AND other systems. I would also mention that we would perform an operating cost analysis for the past year or two that would break out "maintenance" instead of "Repairs" as best we could. This is pretty typical for us to dive into and determine operating cost savings if a major capital infrastructure project. This would be very interesting...

See attached Call For Sessions response pdf and PPT that is just an initial submittal to Rocky Mountain APPA and slides from Jeff Duncan -- Principle at Vanderweil Engineers. Jeff is a solid business partner of ours that would do a great job for you at PCC. Vanderweil was also selected in a competitive process for their project. PLUS, Vanderweil is also "third party to PCC" so the information you get would not be based on any internal or past local relationships or "filtering" of data.

In addition, this chart below from Colorado's State Architect shows a required submittal that makes up a Facilities Condition Index (FCI). The green lines is 65% of the index. That is what we provide in our Investment Grade Audit process. So with Vanderweil's work, PCC would get a reduced price (like a 2 for 1) with the full audit (facilities condition AND energy/water) ALL paid for out of energy savings. NOTE: The cost for both scope's of IGA/FCA work would be funded out of savings through the performance contract. (NO OUT OF POCKET CAPITAL COST TO PCC).

STATE OF COLORADO
OFFICE OF THE STATE ARCHITECT



FACILITY CONDITION AUDIT AND INFRASTRUCTURE ASSESSMENT INSTRUCTIONS

Building Systems	System Rating	System Multiplier	System Deficiency	System Deficiency Cost
Foundation	0.25	0.023	0.0058	\$ 52,014
Col. & Ext. Walls	0.55	0.048	0.0265	\$ 238,448
Floors	0.21	0.138	0.0290	\$ 261,236
Roof	0.61	0.056	0.0339	\$ 305,658
Ceiling	0.6	0.044	0.0262	\$ 236,596
Int. Walls & Partitions	0.61	0.068	0.0416	\$ 375,427
Windows	0.27	0.036	0.0097	\$ 87,645
Doors	0.32	0.037	0.0118	\$ 106,664
Cooling/Ventilation	0.55	0.108	0.0591	\$ 533,212
Heating	0.44	0.108	0.0473	\$ 426,570
Plumbing	0.26	0.120	0.0311	\$ 280,386
Electrical	0.39	0.131	0.0511	\$ 460,937
Conveying	0.17	0.023	0.0039	\$ 35,184
Safety / Standards	0.2	0.061	0.0123	\$ 110,673
Totals		1.0	0.3894	\$ 3,510,651

Jim Knutson
 Director, *Integrated Solutions*
 Trane Ingersoll Rand
 445 Bryant St., Unit 5
 Denver, CO 80204
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 Email: Jim.Knutson@Trane.com



TAB 12

Second round questions for Energy Management Program

1. Describe your Measurement and Verification (M&V) protocol.
2. As a possible example of the calculation, for an air-handler or central plant, will savings be calculated on a component by component basis, or only per major system?
3. How are maintenance responsibilities defined between contractor and customer? Is this in the contract? Provide an example.
4. Do you use an independent commissioning service for installed measures?
5. Describe your integration process for existing equipment, specifically Copper Cube software already owned by the College for trending, webpages (dashboards), and analytics?
6. How is required equipment replacement handled?
7. Would the install be described as "Turn-key"? (Can you describe the customer role in installing measures and approval?)
8. During and after construction/upgrades, how will warranty breakdowns or other issues be handled, include afterhours support.
9. Please present scenarios of cost savings using a 10 yr. and 20 yr. scenario for the following:
 - a. Solid Lender Relationships
 - b. Energy Service Agreements
 - c. Third Party Ownership ESA

Possible Maximum Points for presentation 27

Awarded points

TAB 13

From: "Posz, Jan" <jposz@pima.edu>
To: gwilson@pima.edu
ddavis57@pima.edu
djclark3@pima.edu
amaina@pima.edu
rmurthy@pima.edu
jrussell34@pima.edu
jncmoyle@pima.edu
CC:
Date: 9/20/2019 9:03:35 AM
Subject: Energy Management Program Proposal
Attachments: [Energy Management Confidentiality Form.pdf](#)

Hi Evaluation Team,

You have been chosen and accepted the challenge of participating in the proposal process for the hiring of an Architectural firm for the Aviation Tech Center expansion.

First of all I will need you to please read, sign and return to me the attached Confidentiality/Conflict of Interest form as soon as possible.

Next I will explain the process and what you have committed to:

1. In order to keep the process on an even playing field you are agreeing to not have any conversation with anyone regarding any aspect of the process and must keep it confidential until the final award. Should you be approached, please refer them to the Purchasing Department.
2. You are committing to participate to the fullest in all meetings (2-3.). We will attempt to schedule them early enough to let you know so that you can schedule (or adjust) your schedule to make the meetings. At any point in the process you are not able to participate you will be removed as a voting member, however, you will be held to the confidentiality until after the award.
3. Once all proposals are submitted, you will receive a google invite to view the proposals submitted. In the drive you will find, an individual evaluation form to use to score each submittal against the evaluation criteria. This is done for each vendor. You will then be invited to a meeting where you will bring those sheets and as a group we will discuss the scores as well as the comments you have made as to how you came about those scores. As your Purchasing representative, I will combine the scores and an average is taken to determine the total score for the submittals.
4. The team will determine how many firms (3-4) they will invite back for presentations and the presentations will be scored (criteria to be determined ahead of the presentations). These scores will be added to the scores in #3 above to determine the final award recommendation.

Thanks and look forward to working with you

Please read and return to me the attached Confidentiality Form

Note: you may e-sign it

Jan Posz, C.P.M. Sr. Procurement Analyst
Pima Community College Purchasing
520-206-4876

Exhibit 19A - Segal resume



SUSAN PLIMPTON SEGAL
spsegal@gustlaw.com
602.257.7425
Executive Committee Member

PRACTICE AREAS
Public Law
Municipal Law
Education Law
Employment Law

Susan Segal brings exceptional expertise in the area of public law and employment law. Susan has represented the State of Arizona, the Arizona Department of Education and the Arizona Board of Education in complex litigation regarding financing of public education. She has also led investigations of public procurement and conflict of interest violations that has resulted in civil and criminal litigation.

At Gust Rosenfeld, Susan is a member of the firm's Executive Committee and is Chair of the firm's Client Committee. In both public and private practice, she has mentored many attorneys. She currently is an adjunct professor at the Sandra Day O'Connor College of Law.

Susan is a recognized expert in public procurement law and advises both public entities and private sector clients on a broad range of legal issues and challenges. She has represented the State of Arizona, as well as Arizona school districts and community college districts on complex procurement and conflict of interest issues. She has been responsible for drafting and recommending revisions of public procurement policies and laws.

Susan speaks frequently on Arizona Procurement Law, Conflict of Interest Law, Public Records and the Arizona Open Meeting Law. She is a contributing author in "From the Ground Up; Legal Issues in School Construction" published by the National School Boards Association.

Susan was formerly a member of the Arizona Attorney General Open Meeting Law Enforcement Team and the Arizona Attorney General Opinion Review Committee. Susan also has extensive experience in advising and representing employers in the public and private sectors on employment matters. She has drafted employment agreements and manuals and has appeared before administrative and state and federal courts on behalf of employers.

Prior to joining Gust Rosenfeld, Susan was Division Chief of the Public Advocacy Section of the Arizona Attorney General's office. She also served as Section Chief in the Education and Health Section. She has advised state regulatory boards, including the Arizona State Board of Education, and has been in-house counsel to a large public school district.

Susan is AV® Preeminent™ rated by Martindale-Hubbell®, representing the highest rating in legal ability and ethical standards.

EDUCATION

- University of Kansas (B.A., with Distinction, 1970)
- Arizona State University College of Law (J.D., 1979)

ADMISSIONS

- Arizona (1979)
- U.S. District Court, District of Arizona
- U.S. Court of Appeals, Ninth Circuit
- U.S. Supreme Court

PROFESSIONAL ASSOCIATIONS

- State Bar of Arizona, Ethics Committee
- Maricopa County Bar Association
- Arizona Supreme Court Committee on Character and Fitness, Chair and Member

PROFESSIONAL RECOGNITION

- *The Best Lawyers in America*[®] (Education Law; Employment Law – Management; Municipal Law) 2019 – 2021
 - *Lawyer of the Year Phoenix (Municipal Law) 2021*
- Top 100 Lawyers in Arizona, *Az Business* (2021)

PRESENTATIONS AND PUBLICATIONS

- *From the Ground Up; Legal Issues in School Construction*, published by The National School Boards Association (contributing author)

COMMUNITY INVOLVEMENT

- Ability 360, Board of Directors
- Arizona Theatre Company, Board of Trustees, Chair
- Fresh Start Women's Foundation, Former Executive Board Member
- Sandra Day O'Connor College of Law Ambassador

**Exhibit 20 - May 7, 2021 Finance and Audit Committee -
Summary of Executive Session Minutes**



Governing Board's Finance and Audit Committee

Friday, May 7, 2021

9:00am

Virtual Meeting - Zoom

Summary Minutes

On May 7, 2021, the Finance and Audit Committee ("Committee") met to discuss the Comprehensive Integrated Energy Management Program vendor selection process review. Chair Tracy Nuckolls called the meeting to order at 9:04am, noting a quorum was met.

A motion was made to convene an Executive Session for discussion or consultation for legal advice from the College's legal counsel concerning the Comprehensive Integrated Energy Management Program vendor selection process review. The Executive Session comprised Chair Nuckolls; Committee members Demion Clinco, Maria Garcia, Jesus Manzanedo, Ken Marcus, Scott Odom, and Ben Tuchi; College General Counsel Jeff Silvyn; and Susan Segal from Gust Rosenfeld.

The Committee discussed the vendor selection process review and the report provided by Ms. Segal. A second Executive Session on the topic was scheduled for May 27, 2021 to discuss a potential report of recommendations for submission to the Governing Board.

Recommendations to consider include:

- Ms. Segal's list of procurement manual revisions, as stated in section *XIV. Best Practices and Recommendation*, of her report.
- More robust training for employees participating on solicitation review committees to better describe expectations for participation and to help distinguish between personal opinions or concerns and the scoring criteria.
- A revision to the procurement manual, or perhaps a Board Policy, to codify the practice of the Chancellor not participating in competitive solicitation processes due to the volume of requests and inquiries received in the Chancellor role.

With no other business, Chair Nuckolls adjourned the Executive Session at 10:15am, and the meeting concluded at 10:16am.

**Exhibit 20 - May 27, 2021 Finance and Audit Committee -
Summary of Executive Session Minutes**



Governing Board's Finance and Audit Committee

Thursday, May 27, 2021

10:00am

Virtual Meeting - Zoom

Summary Minutes

On May 27, 2021, the Finance and Audit Committee ("Committee") convened an Executive Session for discussion or consultation for legal advice from the College's legal counsel concerning the Comprehensive Integrated Energy Management Program vendor selection process review. The Executive Session comprised Chair Tracy Nuckolls; Committee members Demion Clinco, Maria Garcia, Jesus Manzanedo, Ken Marcus, Scott Odom, Ben Tuchi, and Clarence Vatne; and College General Counsel Jeff Silvyn.

Chair Nuckolls called the meeting to order at 10:04am, noting a quorum was met.

As follow-up to the May 7, 2021 Executive Session, the Committee convened an Executive Session to discuss the review of the Comprehensive Integrated Energy Management Program vendor selection process. Ms. Susan Segal, outside counsel from Gust Rosenfeld, was on standby, but with no further questions for legal counsel, the Committee concluded based on the results of the review conducted that no violation of law or of College policy occurred in the selection process associated with the Comprehensive Integrated Energy Management Program. However, as a result of the review, the Committee supports implementation of the following recommendations:

- Ms. Segal's list of procurement manual revisions, as stated in section *XIV. Best Practices and Recommendation*, of her report.
- More robust training for employees participating on solicitation review committees to better describe expectations for participation and to help distinguish between personal opinions or concerns and the scoring criteria.
- A revision to the procurement manual, or perhaps a Board Policy, to codify the practice of the Chancellor not participating in competitive solicitation processes due to the volume of requests and inquiries received in the Chancellor role.

The Executive Session concluded at 10:20am.

Exhibit 20 - May 27, 2021 Finance and Audit Minutes



Governing Board's Finance and Audit Committee

Thursday, May 27, 2021

10:00am

Virtual Meeting - Zoom Webinar

Meeting Minutes

In Attendance:

Tracy Nuckolls (Chair), Demion Clinco, Ken Marcus, Scott Odom, Ben Tuchi, Jesus Manzanedo, Clarence Vatne, Maria Garcia, Jeff Silvyn, Keri Hill (Recorder)

Executive Open Session

1. Call to Order

Chair Tracy Nuckolls called the meeting to order at 10:02am, noting a quorum was met.

2. Motion for Executive Session

Chair Nuckolls asked for a motion to convene an Executive Session for discussion or consultation for legal advice from the College's legal counsel concerning the Comprehensive Integrated Energy Management Program vendor selection process review.

Motion No. 202105-02: Convene Executive Session to discuss Comprehensive Integrated Energy Management Program vendor selection process review

First: Jesus Manzanedo

Second: Maria Garcia

Vote: Motion passed unanimously (Nuckolls, Clinco, Marcus, Odom, Tuchi, Manzanedo, Vatne, Garcia voting in favor)

Motion Carried.

3. Executive Session - Closed Session

The Executive Session began at 10:04am and concluded at 10:20am.

4. Regular Meeting - Open Session

The Regular Meeting reconvened at 10:22am.

Chair Nuckolls asked if there was a motion to approve the Summary Minutes from the May 7, 2021 Executive Session.

Motion No. 202105-03: Approve Summary Minutes from the May 7, 2021 Executive Session

First: Clarence Vatne

Second: Ken Marcus

Vote: Motion passed unanimously (Nuckolls, Clinco, Marcus, Odom, Tuchi, Manzanedo, Vatne, Garcia voting in favor)

Motion Carried.

Prior to reconvening the Regular Meeting, the Committee concluded based on the results of the review conducted that no violation of law or of College policy occurred in the selection process associated with the Comprehensive Integrated Energy Management Program. However, as a result of the review, the Committee supports implementation of the following recommendations:

- Ms. Segal's list of procurement manual revisions, as stated in section *XIV. Best Practices and Recommendation*, of her report.
- More robust training for employees participating on solicitation review committees to better describe expectations for participation and to help distinguish between personal opinions or concerns and the scoring criteria.
- A revision to the procurement manual, or perhaps a Board Policy, to codify the practice of the Chancellor not participating in competitive solicitation processes due to the volume of requests and inquiries received in the Chancellor role.

To submit a report to the Governing Board, Mr. Silvyn suggested the development of a statement indicating the Committee accepted the report and the three recommendations provided in the Summary Minutes from May 7, 2021.

Chair Nuckolls asked if there was a motion to create a recommendation document for the Governing Board that will summarize the process review completed by the Committee, with acceptance of the three recommendations at the end of the Summary Minutes from the May 7, 2021 Executive Session.

Motion No. 202105-04: Motion to create a recommendation document for the Board that will summarize the process review completed by the Committee, with acceptance of the three recommendations at the end of the Summary Minutes from the May 7, 2021 Executive Session.

First: Ken Marcus

Second: Jesus Manzanedo

Vote: Motion passed unanimously (Nuckolls, Clinco, Marcus, Odom, Tuchi, Manzanedo, Vatne, Garcia voting in favor)

Motion Carried.

The Committee will review the report via email in preparation for submission as an Information item for the Governing Board's June 9, 2021 meeting.

Adjournment

The meeting concluded at 10:32am.

Next Meeting:

June 24, 2021

Zoom Webinar

Finance and Audit Committee Minutes

May 27, 2021