



# WEST LIBERTY UNIVERSITY

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Roberta C. Linger, CPA, MBA  
VP Finance & Administration  
CUB 109 - 208 University Drive  
West Liberty, WV 26074  
(304) 336-8990  
[roberta.linger@westliberty.edu](mailto:roberta.linger@westliberty.edu)

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West Virginia Legislature

Joint Committee on Government and Finance

State Capitol

Charleston, West Virginia 25305

- Re: (i) Notice of Capital Project per W. Va. Code §18B-19-6(d);  
(ii) Guaranteed Energy Savings Contract per W. Va. Code §5A-3B-2(j);  
(iii) Proposal of Qualified Provider per W. Va. Code 5A-3B-2(b).

Dear Members of the Joint Committee on Government and Finance:

Pursuant to West Virginia Code §18B-19-6(d), as amended, please take notice that the Board of Governors of West Liberty University (the “University”) expects to begin construction and/or renovation work on one or more capital projects on its campus in West Liberty, West Virginia, which will, in the aggregate, exceed \$1,000,000 (the “Project”). Construction on the Project is expected to begin May 11, 2020 and be substantially complete by December 31, 2020.

The Project has been previously incorporated into, and is a part of, the University’s current Campus Development Plan,<sup>1</sup> said plan having been confirmed by the West Virginia Higher Education Policy Commission (“HEPC”) on August 24, 2018. The source of funding for the Project will primarily derive from the energy savings realized in the University’s existing budget<sup>2</sup> as a result of energy-conservation measures implemented pursuant to a guaranteed energy savings contract<sup>3</sup> with a Qualified Provider.<sup>4</sup> The energy savings

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<sup>1</sup> See W. Va. Code § 18B-19-4.

<sup>2</sup> The University presently pays utilities from its Auxiliary, E&G, and Tuition and Fee funds.

<sup>3</sup> Energy savings contracts are authorized under W. Va. Code § 5A-3B-1, *et. seq.* A copy of the proposed energy savings contract with the Qualified Provider is attached hereto as **Exhibit A** pursuant to W. Va. Code §5A-3B-2(j).

<sup>4</sup> The term “Qualified provider” means a person, firm or corporation experienced in the design, implementation and installation of energy-conservation measures. W. Va. Code § 5A-3B-1(d).

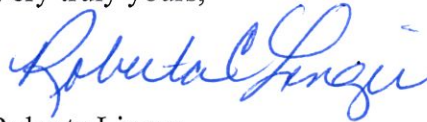
will be used to finance upgrades<sup>5</sup> to the University's facilities, including (i) a comprehensive HVAC renovation in Main Hall, (ii) four new boilers serving Main Hall and the Library, (iii) three buildings receiving new DDC controls and one receiving DDC controls integration, (iv) new domestic water infrastructure serving the Student Union, (v) LED lighting replacements and retrofits to over 11,000 fixtures, and (vi) plumbing fixture replacements and retrofits to over 1,700 fixtures.

The University expects to enter into a lease-purchase agreement<sup>6</sup> with the Qualified Provider consistent with all applicable laws and regulations. Under the lease-purchase agreement, lease payments for the new upgrades will be paid for out of the energy and water savings generated from the Project. As such, the Project will not require any new or special appropriations or the issuance of long-term debt. The University anticipates, once executed, that such lease will have a term of approximately 15 years. Upon expiration or termination of the lease, ownership of the upgrades will transfer to the University for a nominal payment.

The University also expects to apply to the HEPC for a loan under the Energy and Water Savings Revolving Loan Program Fund<sup>7</sup> to finance a portion of the Project (the "Revolving Loan Program"). The Revolving Loan Program is a competitive loan administered by the HEPC which is available to institutions of higher education in West Virginia to help finance energy and water conservation measures on campus. Loans under this program are capped at \$1,000,000 per applicant. If awarded, the University will use the Revolving Loan Program funding in conjunction with the energy savings contract described herein to complete the Project.

Please do not hesitate to contact me if the Joint Committee on Government and Finance has any questions or requires any additional information.

Very truly yours,



Roberta Linger  
Vice President of Finance and Administration

cc: Thomas L. Aman

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<sup>5</sup> A copy of the proposed scope of work from the Qualified Provider containing requisite estimates of all costs of installation, modifications or remodeling, and amounts by which energy operating costs will be reduced is attached hereto as **Exhibit B** pursuant to W. Va. Code § 5A-3B-2(b).

<sup>6</sup> Lease-purchase agreements are authorized under W. Va. Code § 18B-19-11.

<sup>7</sup> The Revolving Loan Program is codified in W. Va. Code §18B-5-11 and W. Va. C.S.R. §133-50.

## **EXHIBIT A**

Copy of the proposed energy savings contract with the Qualified Provider  
(W. Va. Code §5A-3B-2(j))

## **EXHIBIT B**

Copy of the proposed scope of work from the Qualified Provider

(W. Va. Code § 5A-3B-2(b))