

RESOLUTION NO. 22-20

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA, APPROVING AND AUTHORIZING THE PROJECT DEVELOPMENT AGREEMENT BETWEEN THE CITY OF COOPER CITY AND ENERGY SYSTEMS GROUP, LLC, A FLORIDA LIMITED LIABILITY COMPANY, AUTHORIZING AND DIRECTING THE APPROPRIATE CITY OFFICIALS TO TAKE ANY AND ALL ACTIONS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Cooper City (“City”) advertised for Energy Savings Performance Contractor Services, RFQ 2022-1-UTL, on August 12, 2021; and

WHEREAS, the scope of services included a full range of Energy, Operations and Capital Budget (EOCB) related capital improvements to be implemented for the City’s facilities, including buildings, grounds, parks, water and wastewater facilities and upgrade of water meters from manual to automated metering infrastructure (AMI); and

WHEREAS, specific facilities and project scope were to be determined after the selection of the Performance Savings contractor in a co-authored, partnership approach with the City; and

WHEREAS, three (3) consultants, Ameresco, Energy Systems Group, Inc. and Johnson Control responded to the RFQ; and

WHEREAS, an evaluation committee consisting of Michael Bailey, City’s former Utilities Director/City Engineer; Tim Fleming, City’s former Acting Public Works Director and Karl Kennedy, City of Pembroke Pines’ City Engineer evaluated proposals from all three (3) respondents; and

WHEREAS, the evaluation committee ranked Energy Systems Group (“ESG”), Inc. as their top choice followed by Johnson Control and Ameresco; and

WHEREAS, “ESG” was also found to be the most responsive and responsible proposer and with whom the negotiations resulted in the attached Project Development Agreement (“PDA”); and

WHEREAS, the City staff has reviewed the “ PDA” and is recommending its approval; and

WHEREAS, the City Commission finds that approving and authorizing the “PDA” are in the best interests of the citizens and residents of the City of Cooper City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA:

Section 1: **Recitals Adopted.** That each of the above stated recitals is hereby adopted and confirmed. All exhibits attached hereto and incorporated herein and made a part hereof.

Section 2: That the City Commission hereby approves and authorizes the attached Project Development Agreement (“PDA”) between the City of Cooper City and Energy Systems Group, LLC, a Florida Limited Liability Company.

Section 3: That the appropriate City officials are hereby authorized and directed to take any and all actions necessary to effectuate the intent of this Resolution .

Section 4: **Conflicts.** All resolutions inconsistent or in conflict herewith shall be and are hereby repealed insofar as there is conflict or inconsistency.

Section 5: **Severability.** If any section, sentence, clause, or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this resolution.

Section 6: **Effective Date.** This Resolution shall become effective upon its passage and adoption by the City Commission.

THE REST OF THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK.

PASSED AND ADOPTED this _____ day of _____, 2022.

GREG ROSS
Mayor

ATTEST:

TEDRA ALLEN
City Clerk

ROLL CALL

Mayor Ross _____
Commissioner Pulcini _____
Commissioner Meltzer _____
Commissioner Green _____
Commissioner Shrouder _____

APPROVED AS TO LEGAL FORM:

JACOB G. HOROWITZ
City Attorney