Passed: 8-1 (JB)

RESOLUTION 99-24

TO AUTHORIZE THE CITY TO ENTER INTO A "GUARANTEED ENERGY SAVINGS CONTRACT" WITH ENERGY SYSTEMS GROUP

WHEREAS, the provisions of recently enacted Indiana Code Section 36-1-12.5 permit units of local government to enter into "Guaranteed Energy Savings Contracts" with providers of various energy savings services and capital improvements; and

WHEREAS, several Departments of the City of Bloomington, namely, Utilities, Public Works and Parks and Recreation, joined together to invite proposals for Guaranteed Energy Savings Contracts in accordance the statutorily required procedure; and

WHEREAS, a proposal was received from Energy Systems Group for services and capital improvements which, as required by statute, are guaranteed to pay for themselves within a ten-year period, and said proposal includes financing for the up-front costs of the project; and

WHEREAS, staff review of the proposal by these Departments indicates that it is in the best interest of the City of Bloomington to enter into a Guaranteed Energy Savings Contract with Energy Systems Group as the provider; and

WHEREAS, the Utilities Service Board, Board of Public Works and Board of Park Commissioners of the City of Bloomington have each adopted resolutions recommending that the City enter into such a Guaranteed Energy Savings Contract with Energy Systems Group as the provider, contingent upon a final determination by staff as to which items of the proposal are likely to be most beneficial and, therefore, best to include in the final contract documents and financial commitment; and

WHEREAS, the Common Council finds after reviewing the report issued by Energy Systems Group and upon recommendation of staff that:

a) the amount the city would spend on the proposed conservation measures is not likely to exceed the amount to be saved in energy conservation or operating costs for the length of the contract;

b) Energy Services Group has submitted a written guarantee that the savings in energy conservation measures will cover the payments for the measures and that Energy Services Group will reimburse the city for the differences between the guaranteed savings and actual savings;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. The City of Bloomington shall enter into a Guaranteed Energy Savings Contract with Energy Systems Group as the provider pursuant to the provisions of Indiana Code Section 36-1-12.5 allowing such projects.

SECTION II. The Common Council hereby accepts the proposal dated May 28, 1999 from Energy Systems Group, as amended on August 4, 1999, and further approves the documents attached hereto which establish the terms and conditions of the contract and financing for the project.

SECTION III. The Common Council hereby authorizes the Mayor to execute any and all documents necessary to enter into said contractual relationship on behalf of the City of Bloomington.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 4th day of August, 1999.

TIMOTHY MAYER, President
Bloomington Common Council

ATTEST:

PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 5th day of August, 1999.

PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 5 day of August, 1999.

JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

This resolution authorizes the City to enter into a "Guaranteed Energy Savings Contract" with Energy Systems Group as the provider, pursuant to the provisions of Indiana Code Section 36-1-12.5, which permits the financing of the initial costs of such a project and requires that the cost of the project be recouped within a ten-year period from savings realized from the project. The terms and conditions of the contract and financing for the project are approved and the Mayor is authorized to execute documents on behalf of the City.

Note: This resolution was amended on August 4th with the adoption of Am 1. The amendment changed Section II by replacing the date of the amended contract from July 26th to August 4th.

Signed copies to:
Controllers office
Legal
Utilities
Public Works
Parks