

*(Passed 7-0  
absent vote, Pizzo)*

**RESOLUTION 03-16**

**TO AUTHORIZE THE CITY TO ENTER INTO A  
"GUARANTEED ENERGY SAVINGS CONTRACT" WITH  
ENERGY SYSTEMS GROUP  
(Improvements to Dillman Road Wastewater Treatment Plant)**

- 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, the City of Bloomington Utilities Department invited proposals for Guaranteed Energy Savings Contracts in accordance the statutorily required procedure for work at the Dillman Road Wastewater Treatment Plant; 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 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 of the City of Bloomington Utilities Department has adopted a Resolution 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; and
  - b) Energy Systems Group has submitted a written guarantee that the savings in energy conservation measures will cover the payments for the measures and that Energy Systems Group will reimburse the City for the differences between the guaranteed savings and actual savings;

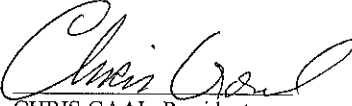
NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

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.

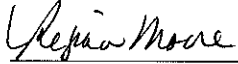
SECTION II. The Common Council hereby accepts the proposal dated June 20, 2003, from Energy Systems Group, and further approves the documents attached hereto which establish the terms and conditions of the contract and financing for the project, including any subsequent change orders as long as they involve items included in the proposal dated June 20, 2003.

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.

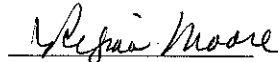
PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 23rd day of July, 2003.

  
CHRIS GAAL, President  
Bloomington Common Council


ATTEST:

  
REGINA MOORE, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 24th day of July, 2003.

  
REGINA MOORE, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this 24 day of JULY, 2003.

  
JOHN FERNANDEZ, Mayor  
City of Bloomington  
JAMES McNAMARA  
DEPUTY MAYOR

#### 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.

Signed Copies to:  
Controller  
Legal (5)  
Mayor

Utilities  
Utilities Service Board

Energy Systems Group