

County of Nueces



CAROLYN VAUGHN
Commissioner
Precinct 1

JOE A. GONZALEZ
Commissioner
Precinct 2

BARBARA CANALES
County Judge
Nueces County Courthouse, Room 303
901 Leopard Street
Corpus Christi, Texas 78401-3697

JOHN MAREZ
Commissioner
Precinct 3

BRENT CHESNEY
Commissioner
Precinct 4

NUECES COUNTY COMMISSIONERS COURT ORDER

WHEREAS, Nueces County (“County”) is interested in implementing energy efficiency upgrades to the County Courthouse, County Jail, McKinzie Annex, the Juvenile building and other County facilities;

WHEREAS, County will enter into an Energy Savings Performance Contract in accordance with Chapter 302 of the Texas Local Government Code;

WHEREAS, pursuant to Chapter 302 one method of financing under a term of an Energy Savings Performance Contract is through a tax-exempt lease-purchase;

WHEREAS, the energy service provider will not be financing these projects. Therefore, County will have to bid out, select and award a lease-purchase agreement;

WHEREAS, County Commissioners Court (“Court”) is responsible for procuring, selecting, and awarding a contract for financing services for the County;

WHEREAS, the County desires to use competitive bidding procedures to promulgate a fair and confidential manner of procuring the financing services and choose to issue the Requests for Proposals (“RFP”s”);

WHEREAS, the County, through its Commissioners Court, has determined that the best method to procure financing services to accomplish these goals is through a sealed-proposal procedure authorized by Chapter 262 of the Texas Local Government Code with the award of the Agreement based on the lowest and best evaluated offer resulting from negotiations; and

WHEREAS, the Purchasing Agent has determined that it is impractical to prepare detailed specifications for the services to support an award of this purchase contract. Thus, the Purchasing Agent recommends that the Court procure these services through a Request for Proposal method pursuant to Chapter 262 of the Texas Local Government Code;

WHEREAS, the Purchasing Agent is requesting that the court delegate the authority to evaluate all proposals in accordance to the criteria in the advertisement and to appoint several members to the evaluation committee. The appointed committee will meet to evaluate all the proposals and make a recommended selection to the court;

WHEREAS, the Court considered the procurement method of selecting a financing provider for an Energy Savings Performance Contract under a tax-exempt lease-purchase and the designation of an evaluation committee; and

NOW, THEREFORE, THE COURT MAKES THE FOLLOWING FINDINGS AND ORDERS;

The Court finds and **ORDERS** that it is impractical to prepare detailed specifications to support the award of a purchase contract and therefore the method of procurement will be a Request for Proposals under Chapter 262 of the Texas Local Government Code. This method of procurement selects the responsible offeror with the lowest and best evaluated offer resulting from negotiation. The Court finds and **ORDERS** the following as the designated representative (“Designated Representative”) for the review of proposals to make a recommendation to the Court. The Designated Representative shall be a committee comprised of those who occupy the following positions: The Commissioners Court Administration Manager, Purchasing Agent, County Auditor, and the County Judge, provided however, that in the event the County Judge elects not to serve, a Commissioner of the Court shall serve on the Committee that constitutes the Designated Representative. In the event that any of the persons designated above is unable to serve for any reason, the persons serving on the committee (i.e. Designated Representative) may continue to serve as the Designated Representative without the participation by such a person without diminishing its authority provided.

The Designated Representative shall evaluate the proposals of the offerers, enter into negotiations and, after negotiations, shall make its recommendation to the Court. Thereafter, the Court shall select the responsible offeror whose proposal is determined to be the lowest and best evaluated offer resulting from negotiations in accordance to Chapter 262 of the Texas Local Government Code

**DULY ADOPTED BY VOTE OF THE COMMISSIONERS COURT OF NUECES COUNTY, TEXAS
ON THIS 15th DAY OF JULY, 2020.**

BARBARA CANALES
NUECES COUNTY JUDGE

CAROLYN VAUGHN
Commissioner, Precinct 1

JOE A. GONZALEZ
Commissioner, Precinct 2

JOHN MAREZ
Commissioner, Precinct 3

BRENT CHESNEY
Commissioner, Precinct 4

ATTEST:

KARA SANDS
County Clerk