

# County of Nueces



**MIKE PUSLEY**  
Commissioner  
Precinct 1

**JOE A. GONZALEZ**  
Commissioner  
Precinct 2

**SAMUEL L. NEAL, JR.**  
County Judge  
Nueces County Courthouse, Room 303  
901 Leopard Street  
Corpus Christi, Texas 78401-3697

**OSCAR ORTIZ**  
Commissioner  
Precinct 3

**JOE McCOMB**  
Commissioner  
Precinct 4

---

## NUECES COUNTY COMMISSIONERS COURT ORDER

**WHEREAS**, Nueces County ("County") is interested in implementing a second phase of energy efficiency upgrades to the County Courthouse, Mckenzie Annex and the Juvenile buildings;

**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 provider of the Energy Savings Performance Contract will not be financing these projects. Therefore, County will have to bid out, select and award a financing contract;

**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 (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 Director of the Office of Commissioners Court Administration, the 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 offerors, 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 23<sup>rd</sup> DAY OF OCTOBER, 2013.**

---

**SAMUEL L. NEAL, JR.**  
NUECES COUNTY JUDGE

---

**MIKE PUSLEY**  
Commissioner, Precinct 1

---

**JOE A. GONZALEZ**  
Commissioner, Precinct 2

---

**OSCAR ORTIZ**  
Commissioner, Precinct 3

---

**JOE McCOMB**  
Commissioner, Precinct 4

**ATTEST:**

---

**DIANA T. BARRERA**  
County Clerk