

RESOLUTION NO. 2026-XX

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING AND APPROVING AN AGREEMENT FOR GUARANTEED ENERGY PERFORMANCE CONTRACTING SERVICES WITH LEOPARDO ENERGY PLLC AND LEOPARDO CONSTRUCTION, INC; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER'S ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, pursuant to Chapter 166, *Florida Statutes* and Section 1.4 of the Charter of the City of North Miami Beach ("City"), the City shall have all available governmental, corporate, and proprietary powers and may exercise them except when prohibited by law; and

WHEREAS, Section 3-2.2 of the City of North Miami Beach Code of Ordinances ("Code") provides that the City's Chief Procurement Officer has the authority to join with other governmental entities in cooperative purchasing plans, when the best interests of the City would be served.

WHEREAS, the City of Cleveland advertised and awarded solicitation No. AR2410 *Public Safety Energy Improvements* to Leopardo Energy PLLC, and Leopardo Construction, Inc. (collectively, "Leopardo"), through Ordinance No. 723-2025 by the City of Cleveland Council on August 13, 2025, subsequently entering into an agreement with Leopardo effective October 9, 2025, ("Piggyback Contract"); and

WHEREAS, Leopardo will provide comprehensive turnkey services including facility assessments, investment-grade energy audits, architectural and engineering design, implementation planning, construction management, procurement, financing, installation, commissioning, training, measurement and verification, maintenance services, and overall project management; and

WHEREAS, the guaranteed savings program whereby the projected reductions in utility and operational costs are contractually guaranteed to equal or exceed the costs associated with the implementation and financing of the approved energy conservation measures; and

WHEREAS, the proposed program requires no upfront capital investment, startup costs, or out-of-pocket expenditures by the City for the assessment, audit, or development phases of the project. Financing for the project may be structured over a term not exceeding twenty (20) years or the average useful life of the implemented improvements, whichever is less, with annual payments supported by verified savings generated through the program; and

WHEREAS, pursuant to Section 3-3.14 of the City Code, the City Manager has the authority to approve purchases and awards up to fifty thousand dollars (\$50,000), and any expenditure above this amount need to be presented to the Mayor and City Commission for approval; and

WHEREAS, the City Manager and the Chief Procurement Officer recommend that the City Commission authorize and approve an agreement for a guaranteed energy savings program with Leopardo; and

WHEREAS, the Mayor and City Commission determine it is in the best interests of the City to

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authorize and approve an agreement for a guaranteed energy savings program with Leopardo for the identification and implementation of energy conservation measures, facility improvements, and operational efficiencies that reduce utility consumption, lower operating costs, improve building performance

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, THAT:

Section 1. The foregoing whereas clauses are true and correct and adopted as the legislative and administrative findings of the City Commission and made a specific part of this Resolution; all exhibits attached hereto are made a specific part of this Resolution.

Section 2. The Piggyback Contract and subsequent Agreement with Leopardo Energy PLLC, and Leopardo Construction, Inc., in substantially the form attached as Exhibit "A", for a guaranteed energy savings program over a term not exceeding twenty (20) years, subject to budget appropriation and availability of funds is hereby approved.

Section 3. The City Manager or designee is authorized to do all things necessary to effectuate this Resolution. The award authorized herein is expressly contingent upon the successful completion of all required negotiations, clarifications, and revisions deemed necessary by the City Manager, the Chief Procurement Officer, and the City Attorney. The selected proposer shall comply with all conditions outlined during the negotiation process.

Section 4. All Resolutions or parts of Resolutions in conflict with this Resolution are repealed to the extent of such conflict.

Section 5. Any scrivener or typographical errors that do not affect intent may be corrected with notice to, and the authorization of the City Attorney and City Manager without further process.

Section 6. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are declared to be severable.

Section 7. This Resolution shall take effect immediately upon adoption.

[THE REMAINDER OF THIS INTENTIONALLY LEFT BLANK]

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APPROVED AND ADOPTED by the City of North Miami Beach City Commission at the regular meeting assembled this **16th day of June 2026**.

ATTEST:

ANDRISE BERNARD, MMC
CITY CLERK

MICHAEL JOSEPH
MAYOR

(CITY SEAL)

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE CITY OF NORTH MIAMI BEACH ONLY:

GREENSPOON MARDER, LLP.

By: _____
CITY ATTORNEYS

Sponsored by: Mayor & Commission

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