

2016-131

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDNG (“MOU”) is made as of the ___ day of _____ 2015, between **City of Jacksonville Environmental Protection Board**, a body politic, whose address is 214 N Hogan Street – Suite 500, Jacksonville, Fl 32202 (“EPB”), and the **U.S. Green Building Council – North Florida Chapter**, with the address at 388 8th Street, Atlantic Beach, FL 32233 (“USGBC NF”).

BACKGROUND FACTS, the intent of this MOU is:

- EPB and USGBC NF both support principles of sustainable buildings and practices; and
- EPB and USGBC NF both support the stated educational goals of the LiveSMART mobile unit (Attachment A); and
- EPB and USGBC NF both desire to educate consumers and businesses about how to be more energy and water efficient and sustainable in their every day practices; and
- EPB and USGBC NF both desire to reduce energy and water consumption and create a healthier living environment for NE Florida residents

NOW, THEREFORE, in consideration of the foregoing, the parties hereby agree as follows:

1. **RECITALS.** The recitals, also known as Background Facts, set forth above are true and correct in all respects, and are hereby incorporated in and made a part of the Agreement.

2. **OBLIGATIONS OF EACH PARTY.**

a. **EPB’S Obligations:**

- i. EPB agrees to provide its high resolution logo
- ii. EPB agrees to provide the following support per the description and expectations as a LiveSMART Founder (Attachment B):
 - a. FY 2015-2016 -- \$30,000
- iii. EPB agrees to help promote LiveSMART wherever and whenever possible
- iv. EPB agrees to help LiveSMART connect with entities in the community

b. **USGBC NF Obligations**

- i. USGBC NF agrees to place EPB’s logo on LiveSMART per the Partner Sponsor Package (Attachment B)
- ii. USGBC NF agrees to provide updates on LiveSMART’s metrics at least twice a year for three years following initial funding.
- iii. USGBC NF agrees to provide updates on LiveSMART’s budget at least once a year for three years following initial funding
- iv. USGBC agrees to participate in the City of Jacksonville sponsored activities per the Commitment to Participate (Attachment C)

3. **Term and Renewal.** This MOU shall continue in effect for three (3) years and is non-renewable.
4. **Performance.** EPB and USGBC NF shall perform the work in a workmanlike manner, using reasonable efforts and abilities, on a non-emergency basis.
5. **Safety.** EPB and USGBC NF agree that the safety of all employees, contractors, and the public shall always be considered as having priority. Either EPB or USGBC NF personnel may stop the work immediately due to any safety concerns.
6. **Force Majeure.** Except as otherwise expressly provided herein, neither party shall be liable for any failure or delay in the performance of its obligations under this Agreement due to a force majeure event, including but not limited to, acts of civil or military authority, acts of courts and/or regulatory agencies, war, riot or insurrection, embargoes, sabotages, strikes or lockouts (provided such strike or lockout does not arise from inequitable labor practices), epidemics, fires, floods, earthquakes, tornadoes, hurricanes. In the event of any failure or delay resulting from such causes, upon notice of the other party within five (5) days of occurrence of the event giving rise to the delay, the time for performance hereunder shall be extended for a period of time reasonably necessary to overcome the effects of such delays.
7. **Indemnification.** Each party agrees to indemnify, reimburse, and hold each other harmless, including their officers, employees, representatives, agents, contractors, successors and affiliated entities (each an "indemnified party"), from and against any liabilities which in any way may arise from or pertain to the negligence or willful misconduct of either party or its employees, representatives, agents contractors or subcontractors in connection with its or their performance of this Agreement.
8. **Disclaimer of Warranties.** EXCEPT AS SET FORTH IN THIS AGREEMENT, EPB AND USGBC NF MAKES NO EXPRESS OR IMPLIED WARRANTIES WITH REGARD TO THE PROJECT, AND EXPRESSLY DISCLAIMS ANY IMPLIED WARRANTIES OF MERCHANTABILITY.
9. **No Third Party Beneficiaries.** This MOU does not provide third parties, including customers of EPB or of the City, with any remedy, claim, liability, reimbursement, and cause of action or to the right or privilege.
10. **No Waivers.** Failure of EPB or the City to take action to enforce compliance with any of the terms or conditions of this MOU or to give notice or declare this MOU or any authorization granted hereunder terminated shall not constitute a waiver or relinquishment of any term or condition of this MOU, but the same shall be and remain at all times in full force and effect.
11. **Entire MOU.** This MOU constitutes the entire agreement between the parties and supersedes all previous discussion, understandings and agreements between the parties relating to the subject matter hereof.

12. **Applicable Law.** The MOU shall be construed, interpreted and controlled by the laws of the State of Florida.

13. **Public Records.** The Parties understand and agree that all documents of any kind provided in connection with this MOU are public records and are treated as such in accordance with Florida law.

14. **Limitations of Government Liability.** Nothing in this MOU shall be deemed a waiver of immunity or limits of liability of EPB beyond any statutory limited waiver of immunity or limits which may have been adopted by the Florida Legislature in Florida Statutes Section 768.28, or other statute as it now exists or may be changed from time to time, and nothing in the MOU shall inure to the benefit of any third party for the purpose of allowing any claim which would otherwise be barred under the Doctrine of Sovereign Immunity or by operation of law.

IN WITNESS WHEREOF, the parties execute this MOU the day and year first written above:

ATTEST:

United States Green Building Council –North
Florida Chapter [USGBC- NF]

City of Jacksonville

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

ATTACHMENT A



Find Your Green
*It's easier than
you think.*

LiveSMART

(Sustainable Materials And Resources Trailer)

Proposal for funding to:
City of Jacksonville Environmental Protection Board

From:
U.S. Green Building Council North Florida Nonprofit
Linking people, planet, and profits for a sustainable region by 2040



USGBC
NORTH FLORIDA

388 8th Street
Atlantic Beach, FL 32233
904-535-0055
sarahboren@usgbcnf.org



Making sustainability accessible and easy.



USGBC C4 Chapter in California reached 40,000 people in its first year with this BuildSMART unit.

At least four other USGBC Chapters are pursuing a mobile unit.

Sustainability
is the future

Vision.

The U.S. Green Building Council North Florida Nonprofit (USGBC NF) has a vision to create the region's *first* sustainability education mobile unit entitled: LiveSMART (Sustainable Materials and Resource Trailer) and take it to new audiences that may not otherwise have access.

The LiveSMART mobile unit will **inspire, educate, and activate** 30,000 people a year to “take sustainable action” and create demand for local green products, services, and talent that focus on the triple bottom line of sustainability – **people, planet, and profits.**

Visitors to LiveSMART will be able to touch, assess, and experience products and have instant access to objective, vetted information from trained volunteers, educational materials, and interactive digital information. LiveSMART will increase awareness, empower smart consumers, and connect residents to the information and resources they need to take informed action and make informed purchases. By educating the public, we will **foster continued dialogue** on how to make sustainability accessible, easy, commonplace, and popular.

Why.

Because Americans spend 90% of their time indoors (US EPA) and U.S. buildings use 39% of total energy and 74% of all electricity produced (EIA), LiveSMART is a crucial step in educating Duval residents about easy, healthy, high performing, and cost effective actions to reduce their impact and increase their savings. The unit will specifically educate and activate people to take action in energy and water efficiency, indoor environmental quality, outdoor irrigation and planting practices, and share building science fundamentals, principles of sustainable design, specific products, systems, and materials used in green building. It will also include interactive displays and tablets that will help people obtain the information they need to take personal and direct action.

Who.

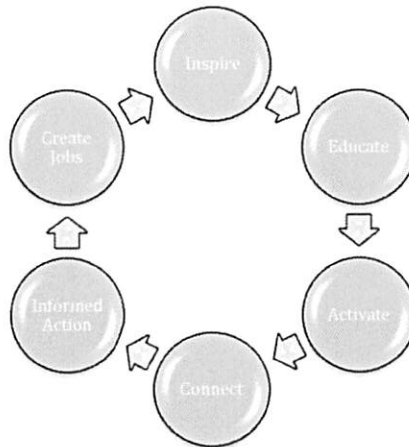
The **target audience** will span from the youngest student to a knowledgeable adult in the **general public** at big events such as Art Walk, Jaguar games, Sunday gatherings, and Home & Patio Shows and **schools, churches, homeowners associations, and business campuses** during the week.

Benefits.

- **Inspire people to action** that will create demand for local green products, services, and talent to ultimately create & retain jobs
- **Take education and resources out TO the community** and reach different audiences who don't typically have access from schools and homeowner associations to churches and large community events like Jaguar games and the annual Jazz Festival.
- Be the **"go to" source** for those interested in learning more about sustainability and personal responsibility.
- **Partner and collaborate** with other sustainability leaders and organizations.
- **Place Jacksonville on the map** as a sustainability-friendly city which actively fosters high sustainable literacy
- **Make sustainability accessible, easy, commonplace, popular, and achievable** by highlighting successes and recognizing individual efforts.

Anticipated Impact.

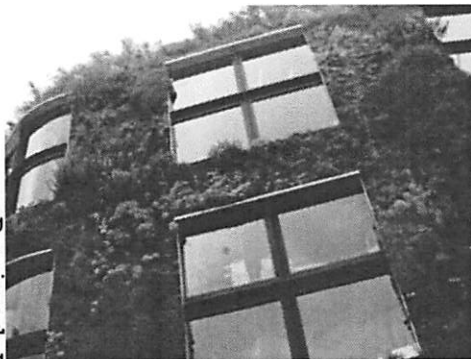
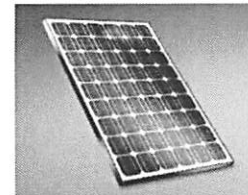
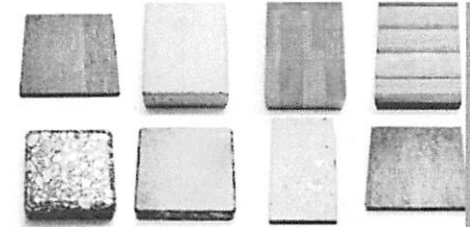
- Educate 30,000 people a year about conservation, sustainable living, and green building with the LiveSMART Mobile Unit
- Achieve 5-20% energy consumption reduction of 5% of visits (~1.1 million kWh reduction per year)
- Host a robust internship program with five local universities
- Partner with several other like-minded organizations
- Host monthly residential and commercial conservation challenges with environmentally-friendly raffle wins
- Create a cool "green docent" opportunity for community service hours for high school and college students to foster peer-to-peer encouragement and engagement



FEATURES

LiveSMART Features.

- *Energy Conservation Features:* such as solar panels, LED lighting, advanced lighting controls, HVAC education, insulation options, energy star appliances, and smart home technology.
- *Water Conservation Features:* including high efficient fixtures, rain barrel installation, and advanced irrigation controls.
- *Sustainable Materials:* will include certified lumber, bamboo & cork flooring options, recycled content materials, low VOC materials & options
- *Interactive* computer displays & activities along with a kid's corner
- *Educational* brochures and *Regional Issues* displayed and discussed
- *Access* to useful resources on-site such as your energy bills, consumer reports scorecards, and firstcoastgreenpages.org.



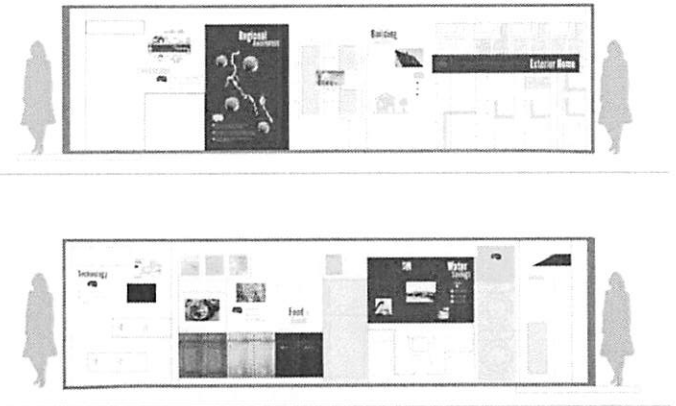
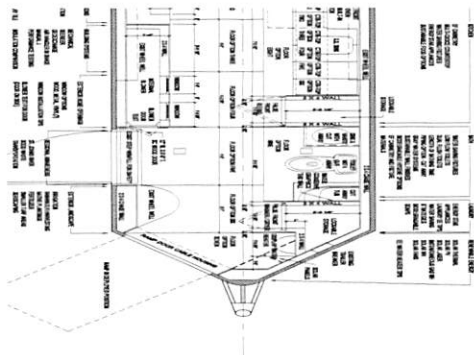
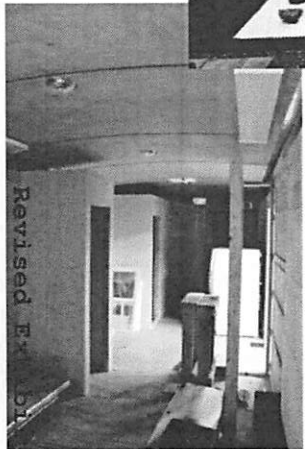
The "see, touch, and experience" of sustainable choices and practices will be featured everywhere in the LiveSMART mobile unit including multiple types of sustainable flooring, countertops, lighting, solar, irrigation, insulation, external wall building materials, recycling and composting, and much more

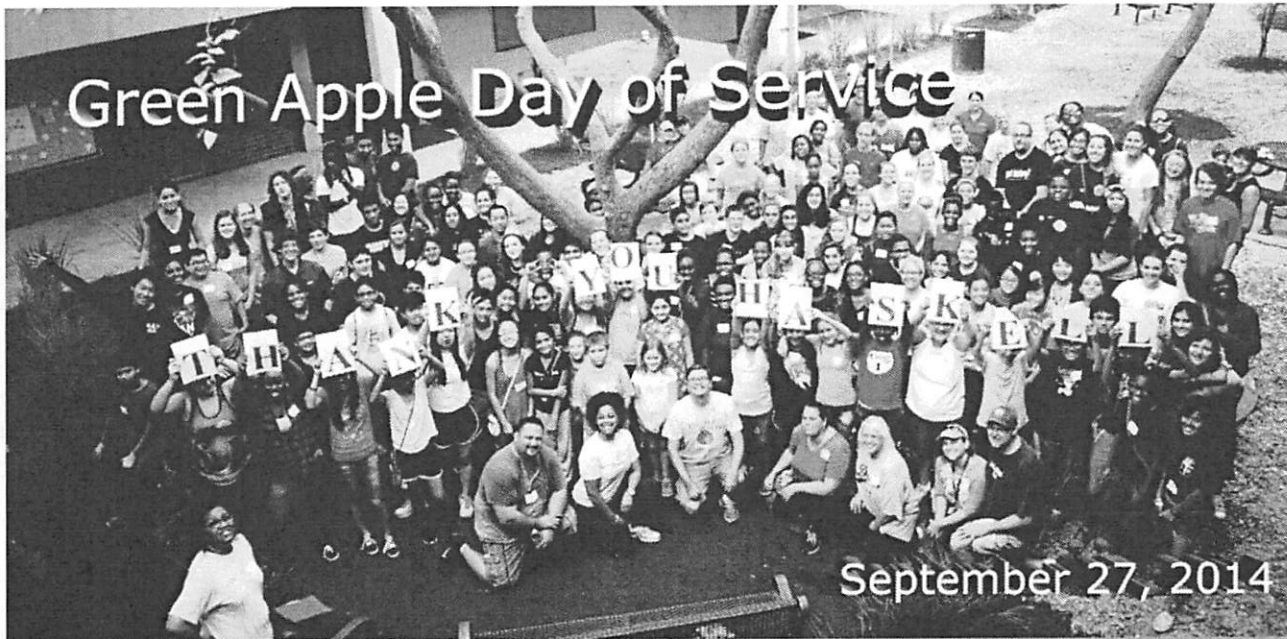
The intent is to demonstrate the beauty, savings, and high performance of green features and building in numerous ways.

SUCCESS TO DATE

History & Success to Date.

- Saw presentation by USGBC C4 Chapter and saw their BuildSMART unit at GreenBuild
- Tremendous amount of dedicated professional volunteers have donated thousands of dollars and time to work on LiveSMART
- Applied for a grant, organized volunteers, and ordered customized, locally made trailer
- Secured several sponsors
- Placed 3rd in Technology in 2014 One Spark proving there is high demand for sustainable information
- Made it to the finals out of 600+ proposals in the international MIT Co-Climate Lab contest
- Pre-orders for LiveSMART visits from 3 large businesses and 6 schools
- Invited to showcase at LiveSMART at GreenBuild 2015 in Washington, D.C. which is expecting 25,000+ people





Partners

Hosts

- Large business campuses (e.g., Adecco, CSX, Haskell, Vistakon, Bank of America, Wells Fargo)
- City supported events & festivals
- Jaguar games

Government

- City of Jacksonville
- FDEP
- Jacksonville Transportation Authority
- JEA
- NEFRC

Nonprofit

- 35+ groups in the NE FL Environmental Roundtable
- Jacksonville Zoo & Gardens
- Cultural Fusion

Education

- DCPS -- School Tours, Green Apple Day of Service projects, Lesson Plans & Extensions, Student Leadership Training
- UNF
- Jacksonville University
- FSCJ
- Flagler College
- Florida Coastal School of Law
- Several private k-12 schools

Evaluation Metrics.

To measure LiveSMART's actual impact and its effectiveness in reaching its goals, several different evaluation techniques and metrics will be employed and reported on regularly including quantitative, qualitative, and sharing methods.

Quantitative:

- Total potential exposure (e.g. 10,000 people attended April's Art Walk according to Downtown Vision, Inc.)
- Actual estimated exposure
- Total estimated touches (e.g., of those 10,000 Art Walk attendees, we estimate 10% visited LiveSMART)
- Actual number of observers (e.g., actual number of people counted as LiveSMART visitors using a manual counter)
- Actual number of lightly engaged (e.g., number of people who most likely learned something from LiveSMART -- stopped and read a sign/tablet/section of LiveSMART or engaged with a trained volunteer)
- Actual number of fully engaged (e.g., number of people who attended a LiveSMART workshop, opted-in for more information, shared an action they took because of LiveSMART, etc.)
- Number of people who reduce energy consumption due to LiveSMART
- Number of repeat visitors
- Number of students and adults
- Number of interns, community service hours, and active partners
- Amount of media coverage including print, TV, radio, blog, and social media

Qualitative

- Quick satisfaction one question survey
- Post event survey from schools, HOA's, and business campuses

Measuring Impact

- Follow-up email surveys with those who opted-in. Did you take an action after visiting LiveSMART? If so, what action, what did it cost, how long did it take you to research and complete, etc.
- Quick exit oral & video interviews by volunteers: What did you learn? What was your main take-a-way? Would you like additional information on anything specific?
- Post internship/community service interview and written evaluation of their experience with LiveSMART
- Continuous check-ins with partners on how we can improve LiveSMART

Additional Sharing & Ripple Effects

- Capture extensions and ripple effects that occurred because of LiveSMART such as was a science project born, did student write essays about doing an energy or waste audit at home; or did a student go home and change her parents behavior?

LiveSMART

MOBILE RESOURCE UNIT

Sustainable Materials and Resources Trailer



USGBC Florida Nonprofit Chapter (USGBC FL) is building a mobile sustainable resource unit! This interactive "green home exhibit on wheels" will showcase the local, sustainable, affordable, and attainable sustainable technologies, strategies, products, and practices and take them OUT DIRECTLY TO the community.

LiveSMART will participate in many BIG events such as NFL and pro baseball games, Home & Patio Shows, and music festivals typically on weekends and more intimate educational events during the week that inspire schools, renters, homeowner associations, and business campuses on the benefits of green building and sustainable living.

We anticipate reaching over 30,000 a year and activating 5-10% to take a least one sustainable action.

YOU CAN HELP!

We are in need of both monetary and product donations to outfit the trailer and for ongoing maintenance, operations, and travel.

Some project sponsor levels are set up as annual renewals, some with a multi-year option, and then the founding sponsor level which is permanent and can be customized. We welcome a combination of cash and in-kind donations. As a recognized 501(c)3 charitable organization, all contributions to the USGBC FL are tax deductible to the extent permitted by law.



TO BECOME A SUPPORTER:

Contact: Sarah Boren, sboren@usgbcflorida.org
904-535-0055, www.usgbcnf.org/livesmart

BECOME A SUPPORTER

Sponsors of LiveSMART are being sought to fund the following:

- Education venues
- Interactive displays
- Exterior and interior graphics
- Student internships
- Ongoing operations
- Alternative fuel truck to pull LiveSMART

In-Kind Donor (Materials / Services):

- Logo in Sponsor Display and online
- Green Pages Product Listing
- Recognized at equivalent sponsor level to market rate of donation

\$500 Hitch Sponsor (Annual Renewal):

- Logo + description in Sponsor Display, online, and regular social media posts
- Green Pages Product Listing
- Promotional materials on LiveSMART digital equipment

\$1,000 Tire Sponsor (Annual Renewal):

- Same as Hitch Sponsor
- Small exterior logo on one side

\$3,000 Rim Sponsor (Annual Renewal):

- Same as Hitch Sponsor
- Medium exterior logo on one side

\$5,000 Ramp Sponsor (Three year renewal)

- Same as Hitch Sponsor
- Large exterior logo on two sides of trailer

\$20,000 Founding Sponsor (Permanent)

- Same as Hitch Sponsor
- Extra-large, prominent exterior logo on very visible front nose and side
- Additional custom opportunities available

Revised Exhibit 2

Rev Agmt

May 2, 2016- Finance

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LiveSMART Mobile Unit

The Vision

The U.S. Green Building Council Florida Chapter (USGBC FL) has a vision to create the state's *first* sustainability education mobile unit entitled: LiveSMART (Sustainable Materials and Resource Trailer). The intent of LiveSMART is to: *inspire, educate, activate, connect, and create demand and jobs* by taking energy and water efficiency and sustainable living education to new audiences that may not otherwise have access.

Because Americans spend 90% of our time indoors (US EPA) and U.S. buildings use 39% of total U.S. energy and 74% of all US electricity produced (EIA), LiveSMART is a crucial step in helping USGBC FL fulfill its current mission to achieve a sustainable state and green buildings for all within this generation through open, collaborative, education, leadership, and direct action. The unit will educate and activate people to take action in energy and water efficiency, indoor environmental quality, outdoor irrigation and planting practices, and share building science fundamentals, principles of sustainable design, specific products, systems, and materials used in green building. It will also include interactive displays and tablets that will help people obtain the information they need to take personal and direct action.



The **target audience** will span from the youngest student to a knowledgeable adult in the **general public** with a focus on existing home owners and renters at big events such as NFL games and Home & Patio Shows and **schools** and business campuses during the week.

Features

- *Energy Conservation Features:* such as solar panels, LED lighting, advanced lighting controls, HVAC education, insulation options, and energy star appliances.
- *Water Conservation Features:* including high efficient fixtures, rain barrel installation, and advanced irrigation controls.
- *Sustainable Materials:* will include certified lumber, bamboo & cork flooring options, recycled content materials, low VOC materials & options
- *Interactive* computer displays & activities along with a kid's corner
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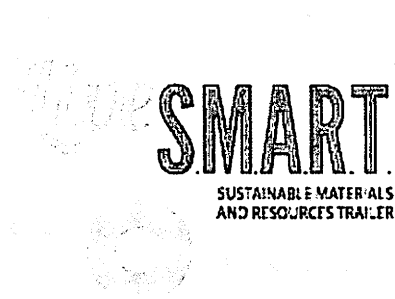
Anticipated Impact

LiveSMART will take green education and resources TO the community and reach different audiences from schools and homeowner associations to churches and large community events like the Jazz Festival, Dancin' in the Streets, and Home & Patio Shows. We anticipate over 30,000 visitors within the first year.

For more information, please visit: www.usgbcnf.org/livesmart

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Attachment C



LiveSMART (Sustainable Materials and Resources Trailer)

Commitment to Participate in City of Jacksonville Sponsored Activities

The LiveSMART mobile unit will inspire, educate, and activate 30,000 people a year to “take sustainable action” and create demand for local jobs and green products, services, and talent that focus on the triple bottom line of sustainability – people, planet, and profits. LiveSMART is a large trailer pulled by a large vehicle and needs quite a bit of space to set up safely and enable good pedestrian flow. For a one hour full impact event with all the bells and whistles, it takes a minimum of 7-10 hours of set up time which includes site coordination, hitch and travel time, two hour set up, administering the event, and break down. Due to its size and uniqueness, some venues charge significant entrance fees and depending on chosen location may or may induce worthwhile visitation flow.

In order to achieve LiveSMART’s goals and mission, the mobile unit will be deployed at community functions, professional sports games, schools, workplaces, homeowner associations, churches and other activities where they are invited and there are citizens to impart information. To that end, the City of Jacksonville has a number of activities either coordinated, or supported, by city personnel. In exchange for funding received through the Jacksonville Environmental Protection Board, USGBC NF Region, at no additional cost to USGBC NF Region, establishes the following 32 required mobile unit appearance commitments to be completed before September 30, 2019:

- Participate in a minimum of 4 (four) EPB sponsored events (Water Festival, Clean Air Festival, EnviroFest and EPB Environmental Symposium)
- Appear at each Citizen Planning Advisory Council (CPAC) meeting at least once.
- Participate in at least 2 (two) of the activities coordinated by the City’s Office of Special Events (World of Nations, 4th of July celebration, FL v GA activities, Jacksonville Jazz Festival, etc.)
- Appear, if invited, at 2 (two) community meetings held by the Office of the Mayor
- Appear, if invited, at a Town Hall or similar meeting in each Council District at least once. during the agreement
- Showcase the unit a minimum of 2 (two) times during the day in Hemming Park and participate in at least 2 (two) Artwalk events.

If a required event or location is not able to accommodate LiveSMART safely, USGBC NF Region will not be held accountable for not fulfilling its required number of City events.