

RESOLUTION NO. _____

A RESOLUTION WAIVING FORMAL BIDDING REQUIREMENTS AND AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AMENDMENT OF THE EXISTING PURCHASE POWER AGREEMENT WITH TODAY’S POWER, INC. FOR AN ADDITIONAL 2.0 MW AC OF RENEWABLE ENERGY; AND FOR OTHER PURPOSES.

WHEREAS, Ark. Code Ann. 14-58-303 requires City purchases exceeding the amount of \$35,000 to follow statutory procedures of local advertisement and opening of sealed bids which may only be waived in exceptional situations where bidding is deemed not feasible or practical; and

WHEREAS, on July 24, 2023, the North Little Rock City Council adopted Resolution No. 10599, waiving formal bidding requirements and authorizing the Mayor and City Clerk to enter into a Purchase Power Agreement (“PPA”) with Today’s Power, Inc. (“TPI”) to purchase the full output of a solar powered electric generating facility (“Project”) with a generating capacity of up to 5.0 MW AC within the service territory of the North Little Rock Electric Department (“NLRED”) for a term of 25 years; and

WHEREAS, TPI is expanding the Project to construct an additional 2.0 MW AC of generating capacity; and

WHEREAS, the City has determined that consideration of price alone for the purchase of an additional 2.0 MW AC of renewable energy for NLRED’s power portfolio is not most advantageous to the City and its residents, and that it is not feasible or practical to consider price alone based on the City’s prior determination that waiving bids for the initial 5.0 MW AC purchase provides the maximum benefit and risk avoidance to the City and the advanced state of construction of the facility; and

WHEREAS, the essential terms of the proposed Amendment to the existing Purchase Power Agreement are set forth in the Letter of Intent attached hereto as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: That formal bidding is hereby waived in connection the purchase of 2.0 MW AC of renewable energy by amending the City’s existing Purchase Power Agreement with Today’s Power, Inc., the essential terms of which are set forth in the Letter of Intent attached hereto as Exhibit A.

SECTION 2: That the Mayor and City Clerk are authorized to enter into the formal Amendment to Purchase Power Agreement, which shall be reviewed and approved by the City Attorney prior to execution.

SECTION 3: That the costs associated with the Agreement shall be paid from the Electric Department Budget.

SECTION 4: That this Resolution shall be in full force and effect from and after its passage and approval.

PASSED:

APPROVED:

Mayor Terry C. Hartwick

SPONSOR:

ATTEST:

TERRY C. Hartwick

Mayor Terry C. Hartwick

by AT

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

Amy Beckman Fields

Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/ABF

FILED 10:30 A.M. ___ P.M.

By A. Fields

DATE 4-16-24

**Diane Whitbey, City Clerk and Collector
North Little Rock, Arkansas**

RECEIVED BY S. Ussery

April 4, 2024

North Little Rock Electric Department
1400 W Maryland Ave.
North Little Rock, AR 72120

RE: Letter of Intent to Enter to Amend the Existing PPA for an Additional 2.0 MWAC

Mr. Wilson and Ms. Stephans:

Today's Power, Inc. (TPI) is pleased to have the opportunity to present North Little Rock Electric Department with this binding letter of intent to amend the existing PPA for an additional 2.0 MWAC of renewable energy. The details of our negotiations are as follows:

Facility: 2.0 MWAC, single axis tracking system.

Location: Remaining portions of the approximately 47 acres of TPI owned property within NLRED's service territory where a 5.0 MWAC system is currently being constructed.

Interconnection: NLRED distribution network along a recently upgraded extension studied, approved, and constructed by NLRED near TPI's Offices located at 7300 Industry Drive.

Energy Rate: \$0.04425 / kWh, without escalation.

Service Charge: Fixed service charge for operations and maintenance of \$1,151.00/month for the additional 2.0 MWAC, escalating annually at the lesser of 2% or the Consumer Price Index for the South Region as published by the U.S. Bureau of Labor Statistics.

Term: 25 years with extension options available to NLRED.

Purchase Option: Initial purchase option available to NLRED in Contract Year six.

All terms and conditions applicable to the original 5.0MWAC PPA will remain unchanged.

Thank you for your involvement and interest.

Regards,

Derek Dyson
President/CEO

ACCEPTED BY:

Ryan Wilson
General Manager
North Little Rock Electric Department

April 4, 2024

