



**BOARD OF SUPERVISORS AGENDA ITEM REPORT
CONTRACTS / AWARDS / GRANTS**

Award Contract Grant

Requested Board Meeting Date: 10/03/17

* = *Mandatory, information must be provided*

or Procurement Director Award

***Contractor/Vendor Name (DBA):**

Oak Leaf Energy Partners Ohio, LLC

***Project Title/Description:**

Solar Electricity for Three Wastewater Reclamation Facilities (WRF)

***Purpose:**

Amendment of Award: Amendment No. 3, terminates Contract No. MA-PO-15-127 (Green Valley) and MA-PO-15-129 (Corona de Tucson). Administering Department: Regional Wastewater Reclamation Department.

***Procurement Method:**

Pursuant to Pima County Procurement Code 11.12.010 Competitive Sealed Bidding, Solicitation No.147692 was conducted. On 12/09/2014, the Board of Supervisors approved an award of three (3) contracts to Oakleaf Energy Partners Ohio, LLC., in the cumulative twenty (20) year amount of \$5,250,940.00 for electricity to be provided from solar photovoltaic facilities designed, financed, installed, operated and maintained by the contractor for the Green Valley Contract No. (MA-PO-15-127), Avra Valley (MA-PO-15-128) and Corona de Tucson (MA-PO-15-129) Wastewater Reclamation Facilities.

Amendment No. 1, terminated Contract No. MA-PO-15-128 for Avra Valley; increased funding for Contract No. MA-PO-15-127 in the amount of \$990,290.00 that resulted in a cumulative contract amount of \$3,224,141.00 and Contract No. MA-PO-15-129 in the amount of \$990,290.00 that resulted in a cumulative contract amount of \$2,026,799.00. This increase was due to the unit of electricity increase created by the uncertainty of rates and ACC rules.

Amendment No. 2, decreased funding for Contract No. MA-PO-15-129 in the amount of \$60,264.00, which resulted in a cumulative contract amount of \$1,966,535.00; decreased the Unit Price by \$0.005 from \$0.11 to \$0.105 per kilowatt hour for solar-generated electricity; and amended the contractual language relative to pricing for the duration of the term.

This Amendment is terminating these contracts due to uncertainty and site conditions making the projects unfeasible.

PRCUID: 147692

Attachment: Master Agreements.

***Program Goals/Predicted Outcomes:**

By procuring fixed cost solar energy over a 20 year term, the County is expected to save approximately \$500,000 over the duration of the agreement if the project is "grandfathered" before any possible negative impacts of the upcoming Trico Rate Case ruling from the Arizona Corporation Commission. In the case the County is not "grandfathered" the project will still save the County money, but it could be reduced to approximately \$80,000 over the term of the contract.

***Public Benefit:**

Maximize use of public funds by reducing cost of operations at the Green Valley and Corona de Tucson Wastewater Treatment Facilities and improve air quality by lowering carbon emissions.

***Metrics Available to Measure Performance:**

The value of solar energy generated versus the offset cost of energy purchased from TRICO Electric and the reduction in the carbon footprint.

***Retroactive:**

No

Procurement 10/03/17 10:05

*To: COB. 9-20-17
pgs. - 2*

Contract / Award Information

Document Type: _____ Department Code: _____ Contract Number (i.e., 15-123): _____

Effective Date: _____ Termination Date: _____ Prior Contract Number (Synergen/CMS): _____

Expense Amount: \$* _____ Revenue Amount: \$ _____

*Funding Source(s) required: _____

Funding from General Fund? Yes No If Yes \$ _____ % _____

Contract is fully or partially funded with Federal Funds? Yes No

*Is the Contract to a vendor or subrecipient? _____

Were insurance or indemnity clauses modified? Yes No

If Yes, attach Risk's approval

Vendor is using a Social Security Number? Yes No

If Yes, attach the required form per Administrative Procedure 22-73.

Amendment / Revised Award Information

Document Type: MA Department Code: PO Contract Number (i.e., 15-123): 15-127 and 15-129

Amendment No.: 3 AMS Version No.: 11 and 14

Effective Date: 10/03/17 New Termination Date: 10/03/17

Prior Contract No. (Synergen/CMS): _____

Expense or Revenue Increase Decrease Amount This Amendment: \$0.00

Is there revenue included? Yes No If Yes \$ _____

*Funding Source(s) required: RWRD Enterprise Fund

Funding from General Fund? Yes No If Yes \$ _____ % _____

Grant Information (for grants acceptance and awards)

Document Type: _____ Department Code: _____ Contract Number (i.e., 15-123): _____

Effective Date: _____ Termination Date: _____ Prior Contract Number (Synergen/CMS): _____

Match Amount: \$ _____ Revenue Amount: \$ _____

*Funding Source(s) required: _____

*Match funding from General Fund? Yes No If Yes \$ _____ % _____

*Match funding from other sources? Yes No If Yes \$ _____

*Funding Source: _____

*If Federal funds are received, is funding coming directly from the Federal government or passed through other organization(s)? _____

Contact: Nancy Page, Commodity/Contracts Officer *NP*

Department: Procurement *May 14 9/14/17* Telephone: 724-3563 *APC*

Department Director Signature/Date: _____ *9/19/17*

Deputy County Administrator Signature/Date: _____ *9/20/17*

County Administrator Signature/Date: _____ *9/20/17*

(Required for Board Agenda/Addendum Items)



PIMA COUNTY

MASTER AGREEMENT

PIMA COUNTY, ARIZONA

**THIS IS NOT AN ORDER - TRANSMISSION CONSTITUTES
CONTRACT EXECUTION**

Master Agreement No: 1500000000000000127

MA Version: 11

Page: 1 of 2

Description: Solar Electricity for Green Valley WRF

I S S U E R	Pima County Procurement Department
	130 W. Congress St. 3rd Fl
	Tucson AZ 85701
	Issued By: NANCY PAGE
	Phone: 5207243563
	Email: nancy.page@pima.gov

T E R M S	Initiation Date: 10-03-2017					
	Expiration Date: 10-03-2017					
	<table> <tr> <td>NTE Amount:</td> <td>\$0.01</td> </tr> <tr> <td>Used Amount:</td> <td>\$0.00</td> </tr> </table>		NTE Amount:	\$0.01	Used Amount:	\$0.00
	NTE Amount:	\$0.01				
	Used Amount:	\$0.00				

V E N D O R	Oak Leaf Energy Partners Ohio, LLC	Contact: Michael McCabe
	2645 E. 2nd Avenue	Phone: 303-893-6945
	Suite 206	Email: mike@oakleafep.com
	Denver CO 80206	Terms: 0.00 %
		Days: 30

Shipping Method:
Delivery Type:
FOB:
Modification Reason Amendment No. 3 terminates this contract. Attachment: Amendment No. 3.

This Master Agreement incorporates the attached documents, and by reference all instructions, Standard Terms and Conditions, Special Terms and Conditions, and requirements that are included in or referenced by the solicitation documents used to establish this agreement. All transactions and conduct are required to conform to these documents.

MASTER AGREEMENT DETAILS



Master Agreement No: 1500000000000000127

MA Version: 11

Page: 2 of 2

Line	Description					
1	Do Not Use Discount %	UOM KW	Unit Price \$0.00	Stock Code	VPN 28522	MPN
2	CL Solar Electricity for Green Valley WRF Discount %	UOM KW	Unit Price \$0.072	Stock Code	VPN 28522	MPN
3	Solar Electricity for Green Valley WRF Free Form Line Discount 0.0001 %	UOM	Unit Price \$0.00	Stock Code	VPN	MPN



MASTER AGREEMENT

PIMA COUNTY, ARIZONA

**THIS IS NOT AN ORDER - TRANSMISSION CONSTITUTES
CONTRACT EXECUTION**

Master Agreement No: 1500000000000000129

MA Version: 14

Page: 1 of 2

Description: Solar Electricity for Corona de Tucson WRF

I S S U E R	<p>Pima County Procurement Department 130 W. Congress St. 3rd Fl Tucson AZ 85701</p> <p>Issued By: NANCY PAGE Phone: 5207243563 Email: nancy.page@pima.gov</p>
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T E R M S	<p>Initiation Date: 10-03-2017 Expiration Date: 10-03-2017</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td>NTE Amount:</td> <td>\$0.01</td> </tr> <tr> <td>Used Amount:</td> <td>\$0.00</td> </tr> </table>	NTE Amount:	\$0.01	Used Amount:	\$0.00
NTE Amount:	\$0.01				
Used Amount:	\$0.00				

V E N D O R	<p>Oak Leaf Energy Partners Ohio, LLC 2645 E. 2nd Avenue Suite 206 Denver CO 80206</p>	<p>Contact: Michael McCabe Phone: 303-893-6945 Email: mike@oakleafep.com Terms: 0.00 % Days: 30</p>
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<p>Shipping Method:</p> <p>Delivery Type:</p> <p>FOB:</p> <p>Modification Reason Amendment No. 3 terminates this contract. Attachment: Amendment No. 3.</p>

This Master Agreement incorporates the attached documents, and by reference all instructions, Standard Terms and Conditions, Special Terms and Conditions, and requirements that are included in or referenced by the solicitation documents used to establish this agreement. All transactions and conduct are required to conform to these documents.

MASTER AGREEMENT DETAILS



Master Agreement No: 15000000000000000129

MA Version: 14

Page: 2 of 2

Line Description

1	Solar Electricity- Corona De Tucson WRF - Free Form Line					
	Discount	UOM	Unit Price	Stock Code	VPN	MPN
	0.0000 %		\$0.00			
2	Solar Electricity- Corona de Tucson WRF					
	Discount	UOM	Unit Price	Stock Code	VPN	MPN
	0.0000 %	KW	\$0.105			

<p>Pima County Department of Regional Wastewater Reclamation Department</p> <p>Project: Solar Electricity for Three Wastewater Reclamation Facilities (WF)</p> <p>Contractor: Oak Leaf Energy Partners Ohio, LLC 2645 E. 2nd Avenue Ste. 206 Denver, CO 80206</p> <p>Contract No.: MA-PO-15-127, MA-PO-15-129</p> <p>Contract Amendment No.: 3</p>	<div style="border: 1px solid black; padding: 5px; text-align: center;"> <p>CONTRACT</p> <p>NO. <u>MA-PO-15-127 + 129</u></p> <p>AMENDMENT NO. <u>03</u></p> <p>This number must appear on all invoices, correspondence and documents pertaining to this contract.</p> </div>
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Orig. Contract Term: 06/02/2015 - 12/08/2034
Termination Date Prior Amendment: 12/08/34
Termination Date This Amendment: 10/03/17

Orig. Amount: \$5,250,940.00
Prior Amendments Amount: <\$60,264.00>
This Amendment Amount: <\$5,190,677.00>
Revised Total Amount: \$0.00

CONTRACT AMENDMENT

The parties agree to amend the above-referenced contracts as follows:

- 1. Term 2.1 Duration.** The Contracts terminate on 10/03/2017.

The effective date of this Amendment is October 3, 2017.

PIMA COUNTY

OakLeaf Energy Partners of Ohio, LLC

Chair, Board of Supervisors

Date



Authorized Officer Signature

John Herford, President
Printed Name and Title

9/19/17
Date

ATTEST

Clerk of the Board

Date

APPROVED AS TO FORM



Tobin Rosen, Deputy County Attorney

9/13/17
Date