



## Legislation Text

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**File #:** 3265-2022, **Version:** 1

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This legislation amends Ordinance 3029-2021, approved December 6, 2021, which authorized the Director of Public Utilities to negotiate and enter into agreements with Columbus Solar Park LLC, an affiliate of BQ Energy Development, LLC, and with AEP Energy Partners, Inc. (AEPEP), both related to the development of the Columbus Solar Park by SWACO and BQ Energy on a 173 acre SWACO-owned property that once served as Franklin County's sanitary landfill and is located between Jackson Pike and I-71 in Grove City.

It is necessary to amend Ordinance 3029-2021 to authorize the Director of Public Utilities to enter into a facilities coordination agreement with AEPEP that will outline the terms and conditions for the sharing of the output of the Columbus Solar Park. Based on the results of discussions with AEPEP, the previously authorized benefits sharing agreement is no longer necessary. It is also necessary to amend Ordinance 3029-2021 to authorize the Director of Public Utilities to amend, as necessary, any agreements with American Municipal Power, its wholesale power supplier to facilitate such coordination with AEPEP.

### **SUPPLIERS:**

Columbus Solar Park LLC, an affiliate of BQ Energy Development, LLC. | FID#: 84-4618154 | Vendor CC#: 040120 | Expires 11/12/2023

AEP Energy Partners, Inc., FID #77-0690681 | Vendor CC# 010283 | Expired 11/27/2020.

Neither company is debarred according to the Excluded Party Listing System of the Federal Government or prohibited from being awarded a contract according to the Auditor of State Unresolved Findings for Recovery Certified Search.

**FISCAL EFFECT:** None.

### **EMERGENCY DESIGNATION:**

This ordinance is requested to be an emergency measure to allow negotiations to begin and be completed at the earliest possible date.

To amend Ordinance 3029-2021 to authorize the Director of Public Utilities to negotiate and enter into a facilities coordination agreement with AEP Energy Partners, Inc. and to enter into any necessary amendments to the Department of Public Utilities' agreement with American Municipal Power, its wholesale power supplier for the Division of Power; and to declare an emergency. (\$0.00)

**WHEREAS**, Ordinance 3029-2021, approved December 6, 2021, authorized the Director of Public Utilities to negotiate and enter into agreements with Columbus Solar Park LLC, an affiliate of BQ Energy Development, LLC, and with AEP Energy Partners, Inc., related to the development of the Columbus Solar Park by SWACO and BQ Energy on a 173 acre SWACO-owned property that once served as Franklin County's sanitary landfill and is located between Jackson Pike and

I-71 in Grove City; and

**WHEREAS**, it is necessary to amend Ordinance 3029-2021 to authorize the Director of Public Utilities to enter into a facilities coordination agreement with AEP Energy Partners, Inc. that will outline the terms and conditions for the sharing of the output of the Columbus Solar Park because, based on the results of discussions with AEP Energy Partners, Inc., the previously authorized benefits sharing agreement is no longer necessary; and

**WHEREAS**, it is necessary to authorize the Director of Public Utilities to enter into any necessary amendments to its agreement with American Municipal Power, its wholesale power supplier, to support the facilities coordination agreement; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Utilities, in that it is immediately necessary to authorize this amendment to Ordinance 3029-2021 to complete negotiations at the earliest possible date, for the immediate preservation of the public health, peace, property, and safety, now, therefore:

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That Section 2 of Ordinance 3029-2021 is hereby amended as follow:

That the Director of Public Utilities is hereby authorized to negotiate and enter into a ~~benefits sharing agreements~~ facilities coordination agreement with AEP Energy Partners, Inc. to facilitate any necessary coordination related to support the development of the Columbus Solar Park, and to enter into any necessary amendments to its agreement with American Municipal Power, its wholesale power supplier, to facilitate any necessary coordination.

**SECTION 2.** All other provisions of Ordinance Number 3029-2021 remain effective as adopted prior to this ordinance.

**SECTION 3.** That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after the passage if the Mayor neither approves nor vetoes the same.