

Ordinance Number 0096-2009

Bio-Energy contract modification for purchased power.

Information to be included in all Legislation Modifying Contracts:

The names of all companies bidding or submitting an RFP or RFSQ for the original contract.

There were no bids taken for the original contract. Bio-Energy (Ohio) LLC, provides a unique source of energy generated from landfill gas at the model landfill. The existing contract with Bio-Energy is in effect until 2015.

The location by City and State of all companies bidding or submitting an RFP or RFSQ for the original contract.

Bio-Energy (Ohio) LLC, Houston, Tx. 77063

The status, Majority, MBE, FBE, of all companies bidding or submitting an RFP or RFSQ for the original contract.

Bio-Energy is a (Majority) publicly held company.

The name and location of the firm awarded the original contract and the Contract Number.

Contract: EL000658

Bio-Energy (Ohio) LLC, 7700 San Felipe, Suite 480, Houston, Tx. 77063

Note: Home Office is now located at 3322 West End Avenue, Suite 115, Nashville, TN 37203

A description of work performed to date as part of the contract and a full description of work to be performed during any future phasing of the contract.

Supply wholesale electrical energy generated from a landfill gas fueled power station at the Model Landfill site located at 3299 Jackson Pike, Grove City, Ohio

An updated contract timeline to contract completion.

The term of the contract is through 2015.

A description of any and all modifications to date including the amounts of each modification and the Contract Number associated with any modification to date. (List each modification separately)

Please see below.

A full description of the work to be performed as part of the proposed contract modification. (Indicating the work to be a logical extension of the contract is not sufficient explanation)

This modification will increase funding for the purchase of wholesale electric power through 2009.

If the contract modification was not anticipated and explained in the original contract legislation a full explanation as to the reasons the work could not have been anticipated is required. (Changed or field conditions is not sufficient explanation. Describe in full the changed conditions that require modification of the contract scope and amount.)

Contract must be increased to provide funding for purchase power each year upon City Council approval of the annual budget.

An explanation of why the work to be performed as part of the contract modification cannot be bid out. (Indicating the work to be a logical extension of the contract is not sufficient explanation)

The City is obligated to honor the existing contract for wholesale electric power purchases through the term of the contract. This is a unique source of energy not readily available through other sources.

A cost summary to include the original contract amount, the cost of each modification to date (List each modification separately), the cost of the modification being requested in the legislation, the estimated cost of any future known modifications and a total estimate of the contract cost.

Per the terms of the contract, modifications for funding are requested each year based upon annual budget authority authorized by City Council.

Note: The Contract should be considered to include any and all work that is anticipated to be awarded to the company awarded the original contract throughout the contract/project timeline. This includes the original contract and any and all future anticipated modifications to the contract to complete the contract/project.

ORD. 0096-2009**BIO ENERGY (OHIO) LLC
PURCHASE POWER CONTRACT
EL000658**

	<u>Performance Doc. No.</u>	<u>Amount</u>
Ord. 1825-00, passed 7/24/2000	EL000658	\$130,000.00
Ord. 185-01, passed 2/12/2001 (Mod. 1)	EL001239	1,050,649.60
Ord. 2014-01, passed 11/26/2001 (Mod. 2 RE: Availability and Sale of Energy)		.00
Ord. 0211-02, passed 2/11/02 (Mod. 3)	EL002114	1,000,000.00
Ord. 0387-03, passed 3/10/03 (Mod. 4)	EL003266	800,000.00
Ord. 0158-2004, passed 2/23/04 (Mod. 5)	EL004108	700,000.00
Ord. 0147-2005, passed 2/14/05 (Mod. 6)	EL005140	624,000.00
Ord. 0078-2006, passed 2/06/06 (Mod. 7)	EL005831	500,000.00
Ord. 0099-2007, passed 3/05/07 (Mod. 8)	EL006919	650,000.00
Ord. 0103-2008, passed 2/26/08 (Mod. 9)	EL008046	494,525.00
Ord. 0096-2009, in process		<u>436,810.00</u>
		\$6,385,984.60