

## RESOLUTION

WHEREAS, the procurement of wholesale capacity and energy to meet the needs of Members of the Kentucky Municipal Energy Agency ("KYMEA") is its primary mission; and

WHEREAS, KYMEA issued a request for proposals ("RFP") in August 2020 to interested parties soliciting the supply of intermediate capacity and energy beginning not before June 2022, and

WHEREAS, the RFP requested interested parties to present proposals under the provisions of KRS 45A.370 for multiple products and options based upon conclusion by KYMEA that competitive sealed bidding was not feasible for procuring the supply of energy and capacity required by KYMEA; and

WHEREAS, KYMEA received numerous proposals from potential suppliers of energy and capacity (the "Proposals"); and

WHEREAS, KYMEA's All Requirements Project Committee (the "AR Project Committee") has reviewed the Proposals and evaluated the Proposals to determine which Proposals were the most advantageous to KYMEA All Requirement Project Members (the "AR Members") based upon the evaluation factors in the RFP; and

WHEREAS, based upon the evaluation of the criteria set forth in the RFP, KYMEA staff recommended that Duke Energy of Indiana, LLC ("DEI") should be considered for an award of a Power Purchase Agreement upon successful negotiation of the agreement, and

WHEREAS, at and with the direction of the Board, the President and CEO negotiated a Power Purchase Agreement with DEI (the "DEI PPA") attached hereto based upon DEI's Proposal to the RFP; and

WHEREAS, the AR Project Committee has reviewed and evaluated (i) the Proposals received pursuant to the RFP and (ii) the DEI PPA;

NOW THEREFORE BE IT RESOLVED:

**Section 1. Recommendation of Approval.** That the AR Project Committee accepts the recommendation of KYMEA staff and agrees with the evaluations and conclusions reached by KYMEA staff that progression toward award of the DEI PPA to DEI would be the most advantageous to the AR Members and hereby requests the KYMEA Board of Directors to approve and enter into the DEI PPA.