



GOVERNMENT OF PUERTO RICO

Puerto Rico Electric Power Authority
Governing Board

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RESOLUTION 4717 FILSINGER ENERGY PARTNERS

- WHEREAS:** The Puerto Rico Electric Power Authority (PREPA) is a public corporation and an instrumentality of the Government of Puerto Rico created by Act 83 of May 2, 1941, as amended (Act 83). PREPA was created to provide electrical energy in a reliable way contributing to the general welfare and sustainable future of the people of Puerto Rico, maximizing benefits and minimizing social, environmental and economic impacts. In addition, PREPA provides a service based on affordable, fair, reasonable and non-discriminatory cost that is consistent with environmental protection, non-profit, focused on citizen participation and its clients.
- WHEREAS:** Act 83 authorizes PREPA to grant contracts and formalize all the instruments that are necessary or convenient in the exercise of any of its powers.
- WHEREAS:** Section 15(1) (a) of Act 83 states that all purchases made and contracts for supplies or services, except professional services, entered into by PREPA, including its capital construction contracts, shall follow a bid process.
- WHEREAS:** According to Section 15 (2) (d) of Act 83, a competitive bidding process shall not be necessary, when professional or expert services or work are required and PREPA deems it in the best interests of good administration for such works or services to be contracted without such process.
- WHEREAS:** On December 7, 2017, Filsinger Energy Partners ("Filsinger") began providing professional services to PREPA as Chief Financial Advisor. Filsinger has uninterruptedly provided its services until today and its value to the corporation is notable. Filsinger's scope of work has expanded and evolved during the last year. The expansion is attributable to the work streams that emerge as part of the restructuring and transformation process that PREPA is currently undergoing.
- WHEREAS:** Considering that PREPA needs continuity to the services that Filsinger is currently providing, Mr. Fernando Padilla-Padilla, Restructuring and Fiscal Affairs Administrator, requests authorization to formalize a professional services contract with Filsinger for Fiscal Year 2019-2020.



PO Box 364267 San Juan, Puerto Rico 00936-4267

For this new Contract Filsinger will provide PREPA the following services: general financial and managerial support on such areas as budgeting, financial management, cash management, and expense approval, among others; advise and support PREPA's Chief Executive Officer on the implementation of the fiscal and operational restructuring reforms and initiatives outlined in the certified Fiscal Plan and the implementation of the certified budget; assistance and support on any other matters as requested by PREPA's Chief executive Officer.

WHEREAS: Mr. Padilla-Padilla, recommends a professional services contract with a maximum amount of \$7,420,000, for Fiscal Year 2019-2020.

WHEREAS: On May 23, 2019, the Finance Directorate certified the availability of funds in the budget for Fiscal Year 2019-2020, for this contract.

WHEREAS: PREPA's General Counsel considered information provided by Mr. Padilla-Padilla and concluded that Filsinger's professional services may be carried out through a professional services contract without a competitive bid process, according to the faculty granted to PREPA by Section 15(2) (d) of Act 83.

THEREFORE: In accordance with Act 83, PREPA's Governing Board resolves to:

1. Authorize the Chief Executive Officer to execute a Professional Services Contract with Filsinger Energy Partners, for a maximum amount of \$7,420,000, for Fiscal Year 2019-2020.
2. The General Counsel will review the terms and conditions of the contract to ensure that they meet the legal requirements regarding government contracting.

Approved in San Juan, Puerto Rico, on the twenty-sixth day of June two thousand nineteen.



Eduardo Arosemena- Muñoz
Secretary of the Board