



GOVERNMENT OF PUERTO RICO

Puerto Rico Electric Power Authority
Governing Board

RESOLUTION 4817 AMDENDMENT TO RESOLUTION 4806

- 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:** Through Resolution 4736 of September 26, 2019, PREPA's Governing Board authorized the Chief Executive Officer to execute a professional services contract with Tidal Basin Caribe, LLC (Consultant), up to a maximum of \$6,000,000, with a termination date of December 31, 2019.
- WHEREAS:** On October 3, 2019, PREPA and the Consultant executed Professional Services Contract 2020-P00039 (Contract) through which the Consultant would provide PREPA with services related to policy guidance and drafting, administration, control and validation of all PREPA's Project Worksheets (PW's) to be submitted or which have already been submitted, to the Federal Emergency Management Agency (FEMA), to recover the costs of repair of PREPA's property, damaged by Hurricane María.
- WHEREAS:** At the request of Mr. Arturo Deliz Vélez, PREPA's Disaster Funding Management Office (DFMO) Administrator, PREPA's Governing Board approved Resolution 4756 on December 18, 2019, authorizing a six-month extension to the Contract due to the fact that the mitigation work on PREPA's electrical system has not concluded and a great number of the PW's are pending FEMA's approval. The DFMO also informed that it was working to complete a Request for Proposal (RFP) process to select a company to provide these professional services to PREPA. This extension did not contemplate the allocation of additional funds, since the Contract still had \$5,378,083.75 available.



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- WHEREAS: On February 26, 2020, the Governing Board approved Resolution 4765, authorizing a Second Amendment to the Contract with Consultant. This amendment was approved at the request of the DFMO, and it authorized an increase in the Contract amount by \$3,600,000, for a maximum amount of \$9,600,000, for Fiscal Year 2019-2020.
- WHEREAS: On December 4, 2019, PREPA issued RFP 99703 to get proposals for Grant Management Services. On January 6, 2020, the only proposal that was received was presented by Tidal Basin Caribe LLC. After a detailed evaluation, Tidal proposal was finally recommended by an Evaluation Committee for approval by the Governing Board. On February 26, 2020, through Resolution 4761, this Governing Board approved the selection of Consultant to provide Grant Management services to PREPA. Due to the maximum amount of the RFP, the proposed contract with Tidal was submitted for the evaluation and approval of the Fiscal Oversight & Management Board for Puerto Rico (FOMB).
- WHEREAS: On May 22, 2020, PREPA received the FOMB's request to conduct a new competitive process for Grant Management Services, with specific instructions for PREPA to assure the continuity of any current grant management services that may be required, while a new procurement process is conducted.
- WHEREAS: On June 24, 2020, the Governing Board approved Resolution 4806, authorizing a Third Amendment to the Contract, in order to extend its term until September 30, 2020, with a maximum amount of \$4,500,000, allocated in the budget for Fiscal Year 2020-2021. This Third Amendment has not yet been signed by the parties.
- WHEREAS: However, in order to assure the continuity of grant management services currently in process and through the end of the current fiscal year, the DFMO has requested the approval of an increase in the amount of the Contract, for \$300,000, for Fiscal Year 2019-2020.
- WHEREAS: The Finance Directorate has certified the availability of \$300,000 for Fiscal Year 2019-2020, which would increase the maximum amount of the Contract to \$9,900,000, for the current fiscal year.
- WHEREAS: PREPA's General Counsel considered Mr. Deliz-Vélez's request and from a legal standpoint, has no objection.

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

1. Amend Resolution 4806 in order to authorize an increase of \$300,000 for Fiscal Year 2019-2020, for a maximum Contract amount of \$9,900,000 for this fiscal year, in the Third Amendment to Professional Services Contract 2020-P00039.
2. All of the other terms of Resolution 4806 shall remain in full force and effect.

Approved in San Juan, Puerto Rico, this twenty-sixth day of June, 2020.



Eduardo Arosemena- Muñoz
Secretary of the Board