public power generation agency

AGENDA
Board of Directors
Public Power Generation Agency
Virtual Meeting
8377 Glynoaks Dr. Lincoln, NE
Wednesday, June 17, 2026 – 10:30 a.m. (CT)

All agenda items are for discussion and action will be taken as deemed appropriate.

PUBLIC COMMENT

Date:	**June 17, 2026**
Initiator/Staff information source:	**Bob Poehling**
Action Proposed:	**Information**

This is the opportunity for any individuals of the public body that are in attendance to make comments.

CONSENT AGENDA

Date:	**June 17, 2026**
Initiator/Staff information source:	**Bob Poehling**
Action Proposed:	**Information/Approval**

Minutes
The minutes of the May 18, 2026 meeting were previously distributed and are included as Attachment A of the meeting packet. Please contact Stacy Hendricks at 800-234-2595 with any recommended changes or corrections.

Next Meeting
The next meeting of the PPGA Board of Directors will be held in person on Wednesday, September 16, 2026, in Lincoln.

Financial Report
Financial Statements and Disbursements for the period ended April 2026 have been previously distributed to the Board of Directors.

Consent Resolution

PPGA BOARD OF DIRECTORS CONSENT RESOLUTION

WHEREAS, certain business of the Board of Directors of the Public Power Generation Agency (PPGA) transpires on a regular and routine basis or is not of a controversial nature; and,

WHEREAS, roll call votes on each individual issue greatly extended the meeting time.

NOW, THEREFORE, BE IT RESOLVED BY THE PPGA Board of Directors that in the interest of economizing time, yet complying with the Open Meetings Act of the State of Nebraska, which require roll call voting, the following issues are hereby consolidated in this Consent Resolution:

BE IT FURTHER RESOLVED BY the PPGA Board of Directors that the minutes of the May 18, 2026 meeting are hereby approved.

BE IT FURTHER RESOLVED BY the PPGA Board of Directors that the next meeting will be held in person on Wednesday, September 16, 2026, in Lincoln.

BE IT FURTHER RESOLVED BY the PPGA Board of Directors that the Financial Statements and Disbursements for the period ended April 2026 are hereby accepted.

REPORTS AND RECOMMENDATIONS

Date:	**June 17, 2026**
Initiator/Staff information source:	**Mike Malone, Adam Graff, Shane Stone**
Action Proposed:	**Information/Approval**

Finance Committee
Mike Malone, Finance Committee Vice Chair, will report on various activities of the Finance Committee including results from the recent bond refunding and audit services proposal.

The Finance Committee met on June 1, 2026 and provided the following recommendations:

- The Finance Committee recommends the PPGA Board of Directors consider continuing with Forvis Mazars as auditor through 2030, subject to annual contract evaluation.

- The Finance Committee recommends the PPGA Board of Directors approve the modifications to PPGA's Purchasing Policy in Section 12 of PPGA's Policies and Guidelines.

Engineering & Operations (E&O) Committee
E&O Committee Chair, Adam Graff, will provide an update to the Board on the Committee's activities.

The E&O Committee recommends the PPGA Board of Directors approve updating Section 12: PPGA Purchasing Policy of the PPGA Policies and Guidelines to align with the revised Nebraska State Statutes 13-824.01 and 13-824.02.

Project Operating Agent
Project Operating Agent, Shane Stone, will update the Board on activities and projects being worked on.

Joint Committee and Project Operating Agent Recommendations
The Project Operating Agent and Committee Chairs will present details of recommendations to be considered by the Board.

The Project Operating Agent has reviewed and recommends updating Section 12: PPGA Purchasing Policy of the PPGA Policies and Guidelines to align with the revised Nebraska State Statutes 13-824.01 and 13-824.02, as recommended by Engineering and Staff.

Description	**Recommendation Approved (by)**		
	Finance Committee	**E & O Committee**	**Project Op. Agent**
Modifications to PPGA Policies and Guidelines - Purchasing Policy (Attachment B)	YES	YES	YES

OPEN DISCUSSION AND CHAIRPERSON REMARKS

Date:	**June 17, 2026**
Initiator/Staff information source:	**Bob Poehling**
Action Proposed:	**Discussion**

Open Discussion

This is an opportunity for the Members to raise any issues to be included on future meeting agendas and/or to discuss or seek clarification on existing matters.

Closing Remarks

The Chairperson will provide closing remarks.

NOTICE OF MEETING

NOTICE IS HEREBY GIVEN that a meeting of the Public Power Generation Agency Board of Directors of the will be held virtually on Wednesday, June 17, 2026, at 10:30 a.m. (CT). The meeting is open to the public and members of the media and is accessible via computer or smart device at: https://www.microsoft.com/microsoft-teams/join-a-meeting meeting ID: 290 966 013 562 27, passcode zF3V2xu2 or via telephone at (308) 251-2063, access code: 710959533#, or at NMPP Energy, the public designated meeting site, 8377 Glynoaks Drive, Lincoln, Nebraska, 68516. When joining virtually you may be prompted for your name. This information is used only to identify you as an attendee. If you wish to remain anonymous, enter your name as "Public Attendee." If you wish to make comments during the meeting, you will be required to identify yourself for the public record.

An agenda is kept continually current and is available for public inspection at NMPP Energy during normal business hours. Notice of this meeting, agenda, and meeting materials along with a copy of the Nebraska Open Meetings Act will be posted prior to the meeting at: https://www.ppga-ne.com/board-information/. If you require assistance or special accommodation in order to participate in the meeting, contact Stacy at (402) 474-4759.

Unapproved MEETING MINUTES
Board of Directors
Public Power Generation Agency
Virtual Conference
Monday, May 18, 2026, 1:00 p.m. (CT)

The Board of Directors of the Public Power Generation Agency (PPGA) met virtually on Monday, May 18, 2026. Notice of the meeting was given to Directors by email, and the public was advised by publication in print and online in the Lincoln Journal-Star newspaper and website on May 8, 2026. The notice and agenda were posted upon issuance at the NMPP Energy Office, at 8377 Glynoaks Drive, Lincoln, Nebraska and kept continually current and available for public inspection. Instructions to join the meeting virtually were provided in the public meeting notice and all documents being considered at the meeting, and the current version of the Nebraska Open Meetings Act were made available on PPGA's public Board Information website.

CALL TO ORDER
Chair, Bob Poehling called the meeting to order at 1:00 p.m. (CT). Pursuant to Section 84-1412 (8) of the Nebraska Open Meetings Act, a current copy of the Open Meetings Act was made available to the public electronically.

ROLL CALL
A quorum was declared with four of five Directors in attendance.

1. Hastings Utilities (HU) – Derek Zeisler
2. Heartland Energy (HE) – Russell Olsen
3. Municipal Energy Agency of Nebraska (MEAN) – Bob Poehling
4. Nebraska City Utilities (NCU) – Jon Borer

Absent: Grand Island (GI) – Ryan Schmitz

Others in attendance: Darren Buettner (GI); Larry Fox (HU); Jean Gorecki (HU); Derek Pfeifer (HU); Adam Graff (HE); Stacy Hendricks (MEAN); Joe Hobelman (MEAN); Jamie Johnson (MEAN); Keith Leonhardt (HU); Mike Malone (HE); Lynn Mayhew (GI); Micah McCaffery (HU); Roger Nash (HU) and Shane Stone (HU).

PUBLIC COMMENT
The public comment period was announced and members of the public body in attendance were offered the opportunity to make comments on any of the agenda items. There were no public comments.

CONSENT AGENDA

<u>Minutes</u>
The minutes of the April 16, 2026, meeting were previously distributed and included as Attachment A of the meeting packet. There were no changes or corrections to the minutes.

Next Meeting
The next meeting of the PPGA Board of Directors is scheduled to be held virtually on Wednesday, June 17, 2026.

Financial Report
Financial Statements and Disbursements for the period ended March 2026 were previously distributed.

Consent Resolution
Motion: Russell Olsen moved to approve the following consent resolution. Derek Zeisler seconded the motion, which carried unanimously on a roll call vote.

PPGA BOARD OF DIRECTORS CONSENT RESOLUTION

WHEREAS, certain business of the Board of Directors of the Public Power Generation Agency (PPGA) transpires on a regular and routine basis or is not of a controversial nature; and,

WHEREAS, roll call votes on each individual issue greatly extended the meeting time.

NOW, THEREFORE, BE IT RESOLVED BY THE PPGA Board of Directors that in the interest of economizing time, yet complying with the Open Meetings Act of the State of Nebraska, which require roll call voting, the following issues are hereby consolidated in this Consent Resolution:

BE IT FURTHER RESOLVED BY the PPGA Board of Directors that the minutes of the April 16, 2026, and meeting are hereby approved.

BE IT FURTHER RESOLVED BY the PPGA Board of Directors that the next meeting will be held virtually on Wednesday, June 17, 2026.

BE IT FURTHER RESOLVED BY the PPGA Board of Directors that the Financial Statements and Disbursements for the period ended March 2026, are hereby accepted.

REPORTS AND RECOMMENDATIONS

Finance Committee

Jamie Johnson, chair of the Finance Committee, presented an update on the status of the previously approved refunding transaction. The Preliminary Official Statement and investor presentation were released publicly on Friday and have already generated initial investor interest. Rating agencies have completed their reviews and issued consistent ratings, with no upgrades or downgrades, aligning with expectations. Based on current market conditions, the 2009 Build America Bonds were determined to be unfavorable for refunding and were therefore excluded from the

public power generation agency

transaction. The 2016 bonds continue to present a strong refunding opportunity, while the 2015 bonds remain marginal but will be monitored closely through the pricing phase.

The team will continue to evaluate market conditions in coordination with municipal advisors and underwriters and may adjust the transaction structure as needed. At this time, the transaction remains on track for pricing later in the month, with at least a portion expected to generate meaningful savings.

Joint Committee and Project Operating Agent Recommendations

Engineer's Certificate for Toshiba Control System Upgrade to Toshiba America Energy Systems Corporation (TAES) for $813,000, not including sales tax or shipping

Shane Stone, Project Operating Agent, presented an overview of the Toshiba DCS Evergreen Re-Control and Excitation Overhaul project (CAP 226-06), a component of the approved capital budget. The request pertains specifically to the Toshiba Machine Automation Program Distributed Control System, which controls the turbine, generator, excitation and related systems. It works in conjunction with the already approved DCS Evergreen for the Emerson Ovation system for balance-of-plant operations.

The existing Toshiba system has not been updated since 2014 and is experiencing increasing obsolescence, including discontinued hardware and software components. Alternatives, including conversion to a different vendor platform, were evaluated but deemed impractical due to proprietary restrictions, increased complexity, and expanded project scope.
Based on these considerations, staff elected to proceed using an engineer's certificate rather than a competitive bid process, given the specialized nature of the equipment and reliance on the original manufacturer.

The project is subject to a significant estimated lead time of approximately thirty-four months. Efforts are underway to align procurement and scheduling to support a targeted installation timeframe of fall 2029. The overall project budget is $2.6 million; the current request represents only one portion of that total, with additional components still under development and evaluation.

Progress payments are anticipated to begin in 2026 and may extend through 2028. Staff will continue to refine project details and coordinate remaining elements as planning progresses.

Derek Zeisler moved to approve a contract with Toshiba America Energy Systems Corporation (TAES) for the purchase of the Toshiba Control System Upgrade, in the amount of $813,000, not including sales tax or shipping, along with the associated Engineers Certificate. Russell Olsen seconded the motion, which carried unanimously on a roll call vote.

OPEN DISCUSSION AND CHAIRPERSON REMARKS

The September 16th meeting will be in person, in Lincoln. Directors and presenters should plan to attend in person.

ADJOURNMENT

There being no further business, the meeting was adjourned at 1:09 p.m. (CT).

Prepared by:	Released for Distribution by:
Stacy Hendricks	Derek Zeisler
Administrative Assistant	Secretary Treasurer

public power generation agency

POLICIES AND GUIDELINES

public power generation agency		Revision No.	~~2.0~~3.0
		Effective Date	July 17, 2026~~June 22, 2022~~
Policies and Guidelines	Distribution Restriction: Public Document		

Table of Contents

Commented [JJ1]: Update Table of Contents upon completion

Return to Top

public power generation agency		Revision No.	~~2.0~~3.0
		Effective Date	July 17, 2026~~June 22, 2022~~
Policies and Guidelines	Distribution Restriction: Public Document		

public power generation agency	Revision No.	~~2.0~~3.0
	Effective Date	July 17, 2026~~June 22, 2022~~
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Section 1: General Statement

1.1 General Statement

Public Power Generation Agency (PPGA) sets forth written documentation of the Policies and Guidelines it uses to conduct business and administer the organization. The Policies and Guidelines are approved by the PPGA Board of Directors (Board).

1.2 Purpose and Applicability

The purpose of the Policies and Guidelines is to guide staff of PPGA Members serving in the role of Managing Agent or Project Operating Agent, representatives serving on the Board and Committees, and staff of PPGA Members in appropriate mechanisms to maintain the fiscal integrity of PPGA and assist in the administration and proper governance of the organization.

1.3 Agreements

No policy, guideline, or Committee function authority, duty and responsibility shall be inconsistent with existing PPGA agreements including the PPGA Interlocal Agreement, PPGA Participation Agreement, Amended and Restated Bylaws of PPGA, Facility Sharing and Lease Agreement, Project Construction Manager Agreement, Project Operating Agent Agreement, and Transmission Facility Agreement (the "Agreements").

Section 2: Program and Organizational Structure

2.1 Program Structure

To ensure effective governance of PPGA's operations and administration, the organizational reporting structure will require timely and meaningful performance as well as compliance and risk reporting.

2.2 Roles and Responsibilities

The Board is responsible for approving the Policies and Guidelines. Administration of and compliance with the Policies and Guidelines may be delegated to certain Committees of the Board or staff of PPGA Members serving in the role of Managing Agent or Project Operating Agent. Material matters involving the various Policies and Guidelines are expected to be reported to the Board.

The Board is responsible for ensuring the Policies and Guidelines are reviewed, at least once per year, and revised if necessary.

Section 3: Committees of the Board

3.1 Purpose

The Board may establish one or more Committees to assist the Board in fulfilling its oversight responsibilities of PPGA and the Whelan Energy Center Unit 2 Project ("Project"). The business and affairs of the Committees shall be managed by the Board.

The Finance Committee was established to assist the Board in overseeing the financial activities and financial condition of PPGA and the Project.

The Engineering and Operations ("E&O") Committee was established to assist the Board in overseeing the engineering, operations and maintenance activities of the Project.

3.2 Structure

Each PPGA Member shall have one representative on each Committee ("Representative"). Such appointment shall be made by the Member designated Director of the Board. Each Representative, who may or may not be a Director of the Board, shall serve until a successor is appointed. In the event a given Representative is unable to attend a meeting, the applicable Director has the ability to designate another individual to represent the PPGA Member at that meeting.

3.3 Meetings

Meetings shall be scheduled as necessary in order for the Committee to fulfill its responsibilities.

3.3.1 - Notices

Notice of all meetings shall be simultaneously transmitted by electronic mail to all members of the Committee at their designated addresses.

3.3.2 - Agenda

The Chair shall prepare or cause to be prepared an agenda of matters to be acted upon at any regular meeting of the Committee. The agenda shall be provided to each Representative via electronic mail in advance of the meeting. Whenever reasonably possible, the agenda should be provided at least seven (7) calendar days preceding the meeting.

3.3.3 - Quorum

At all meetings of the Committee, the presence of four (4) Representatives shall be necessary for the transaction of business, and affirmative vote of a simple majority of the Representatives present shall be necessary for any action of the Committee.

3.3.4 - Expenses

Representatives shall not be entitled to compensation for their services as a Member Representative but may be reimbursed by PPGA for their necessary expenses properly incurred in the performance of any Board-approved special assignment on behalf of PPGA (i.e. rating agency presentation, bond financing, user group meetings, similar plan visits, etc.).

3.4 Authority

The Committees shall be authorized to develop, review, and authorize action by the Project Operating Agent and Managing Agent pursuant to the provisions of the Agreements and to carry out such action. Such action shall be reported to and subsequently approved by the Board.

Return to Top

public power generation agency		Revision No.	~~2.0~~3.0
		Effective Date	July 17, 2026~~June 22, 2022~~
Policies and Guidelines	Distribution Restriction: Public Document		

The Board shall at all times have the authority to make final decisions on all matters relating to PPGA and the Project, including but not limited to those instances when a disagreement has arisen between the Committee and the Project Operating Agent.

3.5 Officers

The officers of each Committee shall be a Chair, a Vice Chair, and a Secretary, each being elected from one of the Committee's Representatives. The Committee may create such other officers as it may deem appropriate from time to time.

The Committee shall annually elect the officers of the Committee, who shall serve for a term of one year or until their successors are elected and qualified, whichever is later. The term of the officers shall begin on the first day of January each year.

Officers may be removed by an affirmative vote of at least three (3) Representatives following a formal motion and second.

3.5.1 - Duties of the Chair

- Preside at all meetings of the Committee, unless otherwise determined by the Committee.
- Represent the Committee at regular meetings of the Board. Should the chair and vice chair be unavailable for a given Board meeting, the chair shall appoint a designated Representative from the Committee to represent the Committee.
- Provide a report to the Board on the activities and actions of the Committee.
- Call meetings of the Committee and prepare or cause to be prepared an agenda for such meetings as described in Section 3.3.2.

3.5.2 - Duties of the Vice Chair

- Preside over Committee meetings in the absence of the chair.
- Represent the Committee at regular meetings of the Board should the chair be unavailable.

3.5.3 - Duties of the Secretary

- The Secretary shall cause to be performed the following:
  - Keep minutes of meetings or cause to be prepared, recording formal actions taken by the Committee.

- Review the minutes and send them to the Committee within seven (7) calendar days following a Committee meeting in which formal action had been taken.

3.6 Duties and Responsibilities

Each Committee is to review at least annually these Duties and Responsibilities and submit proposed amendments to the Board for approval. Each Committee will provide support to other standing committees, as needed, and review and make recommendations on other such matters as requested by the Board. The additional duties and responsibilities of each Committee include, but are not limited to, the items outlined as follows.

3.6.1 - Finance Committee

- Make recommendations regarding evaluation and selection of finance related professionals including bond counsel, bond trustee, financial advisor, investment manager or advisor, and external auditor.
- Review and make recommendations with regard to financing plans and strategies including the issuance of short-term and/or long-term debt.
- Monitor the Project Operating Agent's accounting methods to ensure they are in accordance with the Agreements.
- Review and make recommendations regarding proper accounting and reporting of financial transactions, including the format and content of monthly financial statements and other financial reports.
- Review and make recommendations with regard to the proposed annual budget which shall be prepared in accordance with the guidelines provided in the Project Operating Agent Agreement.
- Act as financial liaison among Members and the Project Operating Agent.
- Review and make recommendations regarding PPGA's insurance broker and/or risk management consultant, and insurance policies and levels.

3.6.2 - Engineering and Operations Committee

- Make recommendations with regard to contracting for engineering, procurement, construction, and technical services.
- Make recommendations with regard to procedures for proper engineering and operating liaison between PPGA and the Project Operating Agent.
- Make recommendations with regard to the annual capital expenditures, annual operations and maintenance budgets and long-term capital plans.

Return to Top

- Make recommendations on fuel stockpile levels, operating procedures, maintenance requirements and Project improvements.

- Review reports of the Project Operating Agent and make timely reports to the Board regarding actions and duties of the Committee.

- The Committee shall, subject to subsequent approval of the Board, develop and implement the following in concert with the Project Operating Agent. These items include, but are not limited to, the following:

  - Procedures to determine minimum and maximum Net Generating Capability.

  - Near-term and long-range maintenance outage plans for the Project.

  - Performance goals and measures of the Project including, but not limited to the following:

    - Net Unit Heat rate
    - Net Unit Capacity Factor
    - Equivalent Availability Factor
    - Forced Outage Rate
    - Non-fuel Incremental Cost

- Make recommendations to the Project Operating Agent on the operation and maintenance of the Project including, but not limited to the following:

  - Procedures for maintaining complete and accurate fuel, capacity, and energy accounting.

  - Procurement strategies for fuel, lime, ammonia, activated carbon, and any other material needed for operation that is priced based on market conditions.

  - Strategies for the transportation of fuel to the Project.

  - Long-range engineering plans to document foreseeable system changes and capital investments for the Project within a 6-year planning horizon.

  - Procedures to communicate to PPGA members and their agents: 1) any changes in the status of the Project that affect the availability, capacity or capabilities of the unit, 2) outage schedules, and 3) scheduling requirements of the Project Operating Agent.

  - Procedures to guide operations of the project within applicable energy markets.

public power generation agency	Revision No.	~~2.0~~3.0
	Effective Date	July 17, 2026~~June 22, 2022~~
Policies and Guidelines	Distribution Restriction: Public Document	

Section 4: Managing Agent

On September 28, 2005, the Board approved a resolution that appoints the Municipal Energy Agency of Nebraska (MEAN) to serve as Managing Agent of PPGA. As Managing Agent, MEAN shall perform such duties as may be assigned by the Board consistent with the administrative function of PPGA. The Managing Agent Letter Agreement sets for the terms and conditions for the arrangement between PPGA and MEAN whereby MEAN will serve as the "Managing Agent", as that term is defined in the Amended and Restated Bylaws of PPGA. The Managing Agent Letter Agreement is included as Appendix A.

Financial Policies and Guidelines

Section 5: Cash and Liquidity Policy

PPGA recognizes that one of the keys to sound financial management is the development and implementation of sound financial policies. As such, the Board approved the Cash and Liquidity Policy, which is included as Appendix B.

Section 6: Rate Stabilization Account

PPGA's Whelan Energy Center Unit 2 General Revenue Bond Resolution adopted January 4, 2007 establishes a Rate Stabilization Account within the General Reserve Fund. Each month PPGA deposits into or transfers from the Rate Stabilization Account the amount budgeted for the then current month as set forth in the current annual budget, or the amount otherwise determined by PPGA to be deposited into or transferred from such fund for the month. Amounts on deposit in the Rate Stabilization Account may also be used to pay operating expenses or debt service or for other purposes that enable PPGA to, or facilitate PPGA's ability to, provide services to the Members at stable and economic rates.

Section 7: Investments

PPGA utilizes the guidelines provided in the bond resolutions to guide and protect investments in financial assets and to serve as a guide to PPGA's investment decisions.

Section 8: Rate Covenant

PPGA will establish Billings to Members each fiscal year to achieve the rate covenant established in the bond resolutions.

Section 9: Annual Budget

Annually, the Project Operating Agent will prepare a detailed budget for the immediately succeeding fiscal year based on known information and other quantifiable information. The Annual Budget requirement is detailed further in Section 4.2 of the Project Operating Agreement.

Return to Top

public power generation agency	Revision No.	~~2.0~~3.0
	Effective Date	July 17, 2026~~June 22, 2022~~
Policies and Guidelines	Distribution Restriction: Public Document	

Section 10: Commercial Insurance

To minimize the risk of loss due to an event beyond PPGA's control, PPGA reviews its insurance package on an annual basis to ensure that insurance coverage is in effect for any area of exposure of loss of a catastrophic nature. Coverage limits are increased, added or deleted as the situation warrants.

Section 11: Debt Management and Compliance

11.1 Purpose

PPGA has issued and intends to issue various series of tax-advantaged bonds such as tax-exempt bonds and build America bonds to finance and refinance the cost of the Project.

The Board has approved the policies noted in the following subsections which confirms PPGA's longstanding practice of undertaking bond transactions in compliance with all applicable laws and regulations. The policies may be modified by the Board from time to time.

11.2 Continuing Disclosures Controls and Procedures

The Board has approved Continuing Disclosure Controls and Procedures to assist its compliance with its continuing disclosure agreements, continuing disclosure covenants, and its contractual obligations, and to otherwise ensure that its filings satisfy the federal securities laws. The policy is included as Appendix C.

11.2 Post-Issuance Tax Compliance Policy and Procedures

The Board has approved Post-Issuance Tax Compliance Policy and Procedures that provide guidelines for issuance and post-issuance compliance in connection with bonds and other obligations issued by PPGA. The policy is included as Appendix D.

Section 12: PPGA Purchasing Policy

PPGA will follow applicable Nebraska Revised Statutes in PPGA's purchasing process. PPGA will monitor changes in Nebraska law and update this policy for any revisions or changes to the relevant provisions of the Nebraska State Statutes applicable to PPGA. In accordance with Nebraska Revised Statutes § 13-824.01(1), PPGA will utilize a competent engineer or engineers to estimate the cost of a contract applicable under the provisions thereof to determine whether the contract is an Informal or Formal Contract as defined in Section 12.1.

12.1 Definitions

For the purposes of this policy, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

12.1.1 – Bid shall mean and include all bids and proposals.

12.1.2 – Engineer's Certificate shall mean a certificate that complies with the requirements of Nebraska Revised Statutes § 13-824.01.

Return to Top

public power generation agency		Revision No.	~~2.0~~3.0
		Effective Date	July 17, 2026~~June 22, 2022~~
Policies and Guidelines	Distribution Restriction: Public Document		

12.1.3 – Formal Contract shall mean any contract for the construction, management, ownership, maintenance, servicing, or purchase of an electric generating facility or related facility whose estimated cost exceeds $750,000~~100,000~~, the amount listed in Nebraska Revised Statutes §~~State Statute~~ 13-824.01(2). Unless otherwise required by applicable law, purchasing of consumables or professional services is not required to be a formal contract.

12.1.4 – Informal Contract shall mean any contract for the construction, management, ownership, maintenance, servicing, or purchase of an electric generating facility or related facility whose estimated cost is $750,000~~100,000~~ or less, the amount listed in Nebraska Revised Statutes § 13-824.01(2).

12.1.5 – PPGA shall mean the Public Power Generation Agency.

12.2 Formal Contract Procedure

(a) All formal contracts shall comply with the requirements of Nebraska Revised Statutes § 13-824.01, 13-824.02, and 13-824.03, including those that may not require public bidding based upon the issuance of an appropriate Engineer's Certificate.

(b) When deemed necessary, bid deposits or bonds shall be prescribed in the public notice inviting bids. Unsuccessful bidders shall be entitled to a return of any bid deposits or bonds required by the bid specifications. The ~~Successful~~ successful bidder shall forfeit his or her bid deposit or bond upon failure on his or her part to enter a contract within ten (10) days after being notified of the award.

(c) Bids shall be sealed and submitted to PPGA as directed in the request for bids. Bids shall be opened in public on the date and at the time and place stated in the public notices. A tabulation of all bids received shall be available for public inspection upon request.

(d) The Board will award contracts in accordance with Nebraska Revised Statutes § 13-824.01, 13-824.02, and 13-824.03.

12.3 Informal Contract Procedure

(a) The purchase shall be made in the open market, without newspaper advertisement and without observing the Formal Contract Procedures and shall be referred to as open market purchases.

(b) All open market purchases in an amount greater than ten thousand dollars ($10,000.00) but less than or equal to $750,000~~100,000~~, the amount listed in Nebraska Revised Statutes § 13-824.01(2), shall, whenever possible or practicable, be based on at least three (3) competitive bids, and shall be awarded to the "lowest responsible and responsive bidder," in accordance with the following criteria.

- All open market purchases of ten thousand dollars ($10,000.00) or less may be made by utilizing open monthly purchase orders or by purchasing from available sources without the necessity of a bid.

- Open market bids may be solicited by direct mail request to prospective vendors, by public notice on bulletin board, by telephone, by electronic mail or other electronic means.

12.4 Purchase Using an Engineer's Certificate

An Engineer's Certificate may be used for purchases in compliance with Nebraska Revised Statutes § 13-824.01 that may not require the public bidding of such Formal Contract.

12.5 Emergency Situations

In the event of sudden, unanticipated, or unexpected damage, injury, or impairment to PPGA's generating facility or related facilities, or an order of a regulatory body which would prevent compliance with Nebraska Revised Statutes §§ 13-824.01 to 13-824.03, the PPGA Board of Directors may, in its discretion, declare an emergency and proceed with any necessary construction, reconstruction, remodeling, building, alteration, maintenance, repair, extension, or improvement of such electric generating facility or related facilities without first complying with the provisions of Nebraska Revised Statutes §§ 13-824.01 to 13-824.03.

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12.~~5~~ 6 Inspection and Testing

(a) The respective Whelan Energy Center (WEC) department head or his/her designee shall inspect, or supervise the inspection of, all deliveries of supplies or contractual services to determine their conformance with the specifications set forth in the order or contract procured under this policy.

(b) The respective WEC department head or his/her designee may require chemical and physical tests of samples submitted with bids and samples of deliveries which are necessary to determine their quality and conformance with the applicable specifications. In the performance of such tests, the respective WEC department head or his/her designee shall have the authority, to make use of laboratory facilities of any agency of the City of Hastings ~~government~~ or any outside laboratory.

12.~~6~~ 7 Surplus Stock and Real Property

The Project Operating Agent shall submit to the Engineering and Operations (E&O) Committee at such time and in such form as the E&O Committee shall prescribe, reports showing stock of all supplies which are no longer used or of use at the WEC2 facility or which have become obsolete, worn out or scrapped.

The Project Operating Agent shall have the authority to sell or dispose of all such surplus supplies or equipment of less than forty thousand dollars ($40,000.00) in value which have become unsuitable or unnecessary for use at the WEC2 facility.

The Project Operating Agent shall sell or dispose of such supplies or equipment by any method which is most advantageous to PPGA, including by auction, sealed bid, private or public sale, or trade-in for other property. All sales of any one piece of equipment or supplies of forty thousand dollars ($40,000.00) or more in value shall require the prior approval of the E&O Committee.

Following any sale or disposal made under this Section 12.~~6~~7, the Project Operating Agent shall inform the E&O Committee of the proceeds resulting from any such sale or disposal occurring hereunder.

12.~~7~~ 8 Prescribed Authority Structures

Insofar as the sale or purchasing procedures of this policy are concerned, the following authority structure shall apply:

(a) Employees shall requisition for supplies, equipment or services only with the approval of the WEC department head or duly authorized representative.

(b) Requisition dollar limits shall be approved by the Project Operating Agent.

(c) After obtaining the approval of the WEC department head or authorized representative, the employee shall follow the procedures of the sale or purchase as specified in this policy.

(d) No employee shall circumvent ~~that~~ the prescribed authority structure of this policy without permission of the Project Operating Agent.

12.~~8~~ 9 Contract and Agreement Approval and Signing

Unless otherwise determined by the Board, Formal Contracts shall be signed by the Board Chair after approval by the Board.

Other contracts, including Informal Contracts, may be signed by the Project Operating Agent including standard contracts that have previously been approved by the Board. The Board acknowledges that it has approved generic specifications for the bidding process and contracts for the removal and transportation of the Spec and Non-Spec Scrubber Ash.

Appendix List

Appendix A – Managing Agent Letter Agreement

Appendix B – Cash and Liquidity Policy

Appendix C – Continuing Disclosure Controls and Procedures

Appendix D – Post-Issuance Tax Compliance Policy and Procedures

Return to Top

public power generation agency	Revision No.	~~2.0~~3.0
	Effective Date	July 17, 2026~~June 22, 2022~~
Policies and Guidelines	Distribution Restriction: Public Document	

Revision History

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Version	**Effective Date**	**Description of Revision**
1.0	April 15, 2020	Adoption of full policy and guidelines document
2.0	June 22, 2022	Adoption and addition of Section 12: PPGA Purchasing Policy
3.0	July 17, 2026	Modifications to Section 12: PPGA Purchasing Policy to update limits and add Emergency Situations provisions due to changes in Nebraska State Law.

Return to Top