MEMORANDUM OF UNDERSTANDING BETWEEN
THE CITY OF MUNCIE AND
THE MUNCIE SANITARY DISTRICT

This Memorandum of Understanding is made and entered into by and between the City of Muncie (hereinafter "City") and the Muncie Sanitary District (hereinafter "MSD") pursuant to IC 36-1-7-12.

WITNESSETH:

WHEREAS, the City and MSD have a common interest in the development of solar energy infrastructure projects ("Projects"); and

WHEREAS, the City has issued a Request for Proposals/Qualifications ("RFPQ") for the design, financing, construction and transfer of Projects under a public-private partnership; and

WHEREAS, the City has identified Performance Services Inc., of Indianapolis, Indiana, along with GM Development Companies LLC, of Springport, Indiana (together "Contractors"), as having provided a responsive submission to the RFPQ and has authorized the Contractors to provide design, budget and financing terms for Projects ("Design Phase"); and

WHEREAS, MSD has available property that can be utilized and energy needs that can be served as a part of the Projects;

NOW, THEREFORE, it is mutually agreed by and between City and MSD as follows:

Article 1:   The City will direct the Contractors to include MSD properties and energy needs in the Design Phase of the Projects;

Article 2:   The City and MSD will cooperate in the working with and providing information to the Contractors during the Design Phase of the Projects.
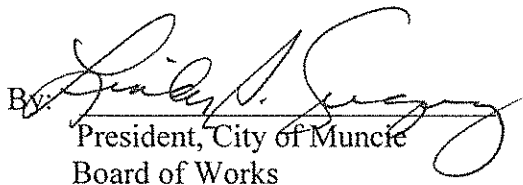
Article 3:   The City and MSD will each have the right, but not the obligation, to approve Projects on their respective properties or as to which they will share energy resources once the Design Phase is completed.
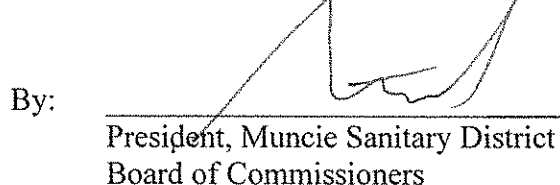
Article 4:   The City and MSD shall each be responsible for any costs or charges associated with their respective properties or energy usage during the Design Phase or any subsequent development of Projects.

Dated this 10th day of February, 2021.

CITY OF MUNCIE   **MUNCIE SANITARY DISTRICT**

By: By:
President, City of Muncie   President, Muncie Sanitary District
Board of Works   Board of Commissioners