

TCAP – COUNTY PARTICIPATION AGREEMENT

This Participation Agreement is entered into by and between the Texas Coalition for Affordable Power (“TCAP”), a political subdivision aggregator organized and operating pursuant to Section 304.001 of the Texas Local Government Code, and the undersigned, a political subdivision of the State of Texas (“Hidalgo County”).

WHEREAS, TCAP, on behalf of its political subdivision members, acts as a local cooperative organization to purchase goods and services for its members, including negotiating the purchase of electricity and providing additional related services to its members as permitted by its Bylaws and authorized by its Board of Directors; and

WHEREAS, Hidalgo County has passed a resolution authorizing it to accept membership in TCAP; and

WHEREAS, Hidalgo County wishes to obtain electricity for its public facilities through TCAP in order to benefit its stakeholders, and

WHEREAS, a local government that purchases materials, supplies, goods, services, or equipment, pursuant to a cooperative purchasing program with an organization of governments, satisfies the requirement of the local government to seek competitive bids for the purchase of the goods or services; and

WHEREAS, TCAP is such an organization of governments, and operates such a program.

NOW THEREFORE, for and in consideration of the mutual agreements and promises set forth herein, TCAP and Hidalgo County agree as follows:

1. TCAP agrees to facilitate and arrange Hidalgo County’s electric supply under TCAP’s current supply agreement with its energy provider, NextEra Energy Power Marketing, LLC, with such supply to commence upon expiration of Hidalgo County’s current electricity supply agreement.
2. Upon execution of a Commercial Electricity Service Agreement (“CESA”) between Gexa Energy, L.P. (“Gexa”) and Hidalgo County, and the commencement date of that CESA, Hidalgo County agrees to pay Gexa for retail electric service, and to comply with all other contract terms, as set forth in the CESA.
3. Hidalgo County agrees to provide TCAP with the contact information of a person designated to act on behalf of Hidalgo County in matters relating to TCAP and the electric service provided hereunder.
4. Hidalgo County agrees to pay TCAP’s aggregation fee, as periodically set by TCAP’s Board of Directors, through its bills issued in accordance with the CESA.

5. This Participation Agreement is terminable by either party at will, but any CESA executed by Hidalgo County pursuant to it may only be terminable as provided in the CESA.

EXECUTED this _____ day of _____, 2019.

HIDALGO COUNTY, TEXAS

By: _____

Name: _____

Title: _____

Date Signed: _____

Address for Notice:

ATTEST:

By: _____

[Title] [If required]

EXECUTED this _____ day of _____, 2019

**TEXAS COALITION FOR
AFFORDABLE POWER**

By: _____

Name: _____

Title: _____

Date Signed: _____

Address for Notice: