

A RESOLUTION BINDING THE TOWNSHIP OF WEST ORANGE
TO PURCHASE ELECTRIC GENERATION SERVICES
THROUGH THE ESSEX COUNTY AGGREGATE ENERGY PROCUREMENT COOPERATIVE PRICING
SYSTEM ("ECAEPC") Bid
Cooperative Pricing System ID# 198ECAEPC

WHEREAS, the Essex County Aggregate Energy Procurement Cooperative (hereinafter referred to as "ECAEPC"), will from time to time during the Effective Period as defined below solicit bids from electric power suppliers for electric generation services through an energy aggregation program in which the County of Essex will act as Lead Agency of the ECAEPC, Cooperative Pricing System #198ECAEPC in accordance with the "Local Public Contracts Law", N.J.S.A.40A:11-10.3, and the Electric Discount and Energy Competition Act, N.J.S.A. 48:3-91.3 ("EDECA") and the regulations promulgated there under; and

WHEREAS, the Township of West Orange is a Participating member of the ECCPS Cooperative Pricing System and is eligible thereby to obtain electric generation services for its own use through one or more contracts to be awarded to electric power suppliers following said bids for electric generation services pursuant to the aggregation program; and

WHEREAS, the Lead Agency will from time to time during the Effective Period December 01, 2011 through November 30, 2013 hereinafter referred to as "Effective Period") issue one or more Requests for Bids for electric generation services on behalf of the ECAEPC pursuant to the Local Public Contracts Law and EDECA; and

WHEREAS, due to significant volatility and the potential for price increases in the wholesale electric market, Participating Members will preauthorize the Lead Agency to award contracts for Electric Generation Service in each bid group to one or more electric power suppliers that submit bids which are reasonably forecasted to provide estimated savings to the Participating Member based upon its previous electric usage and utility provided Basic Generation Service rates; and

WHEREAS, the Lead Agency will only award contracts for said electric generation services to electric power suppliers that submit bids with pricing reasonably estimated to be lower than the utility-provided basic generation service; and

WHEREAS, the Township of West Orange agrees to purchase all electric power needed for its own use (exclusive of on-site electric generation sources) during the Effective Period through any electric power supplier(s) awarded a contract, it being understood that the term of any one contract shall be subject to the provisions of Local Public Contracts Law; and

WHEREAS, the Lead Agency will notify the Department of Community Affairs' Division of Local Government Services by mail prior to the issuance a Request for Bids for electric generation services, with the understanding that if the Division of Local Government Services does not respond within 10 business days, it will be deemed to have approved the issuance of the Request for Bids or the Request for Rebids.

NOW, BE IT RESOLVED that the Township of West Orange binds itself to the ECAEPC, Cooperative Pricing System #198ECAEPC to purchase all electric power needed for its own use (exclusive of on-site electric generation sources) during the Effective Period from the electric power supplier or suppliers awarded a contract for electric generation services by the Lead Agency.

BE IT FURTHER RESOLVED that the Lead Agency of the ECAEPC Cooperative Pricing System is hereby authorized to execute a master performance agreement that obligates the Township of West Orange to purchase electricity at the terms and conditions stated therein with a third-party supplier or suppliers who have been awarded the contract or contracts by the Lead Agency on behalf of the participating members of the ECAEPC Cooperative Pricing System #198ECAEPC, and provided further that all such contracts shall be at prices reasonably forecast and estimated by the Lead Agency to provide savings to the Township of West Orange relative to the price charged for basic generation service by the electric public utility that would otherwise provide such service.

BE IT FURTHER RESOLVED that ECAEPC is authorized to continue to bid to obtain electric

generation services at any time during the Effective Period on behalf of the ECAEPC Cooperative Pricing System including, for example, a rebid if energy market conditions do not initially lead to a successful bid, on additional dates to be determined by the Lead Agency.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon passage. The authorization provided to the County of Essex pursuant to the Local Public Contracts Laws (N.J.S.A. 40A:11-11(5)), Administrative Code N.J.A.C. 14:4-6.4 shall be valid until November 30, 2013 at which time the Cooperative Pricing System will be subject to renewal. Any rescission or expiration of this resolution shall not affect any Agreements entered into prior to such rescission or expiration.

Karen J. Carnevale, Municipal Clerk

Patricia Spango, Council President

Adopted: November 1, 2011