

**RESOLUTION
NO.2015 11-111**

**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") was formed by the County of Essex, with the County acting as Lead Agency, in September 23, 2011, to effect substantial economies in the provision of goods and services, specifically to provide the opportunity for local government units located within the County to join together with the County of Essex to take advantage of the benefits of bulk purchasing for energy, at no out-of-pocket expense to the participating local government units or the County, and to thereby minimize the cost of electric generation service (a.k.a. electricity supply) for participating local units, and the ECAEPC remains a cooperative pricing system duly-registered with the New Jersey Department of Community Affairs - Division of Local Government Service; and

WHEREAS, the Township of West Orange has been a Participating Member of the ECAEPC and has enjoyed the electricity supply cost savings resulting from prior bids conducted by the ECEAPC; and

WHEREAS, the ECAEPC will from time to time solicit bids from electric power suppliers for electric generation services in accordance with the "Local Public Contracts Law", N.J.S.A. 40A:11-11(5), the Electric Discount and Energy Competition Act, N.J.S.A. 48:3-91.3 ("EDECA") and the regulations promulgated thereunder; and

WHEREAS, the Township of West Orange (hereinafter referred to as the Local Government Unit or "L"), as a Participating Member of the ECAEPC 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, due to significant volatility in the wholesale energy market there is a need for the Lead Agency to award contracts within a short period of time after the receipt of bids in order to lock-in favorable pricing; and

WHEREAS, the Lead Agency will from time to time issue one or more requests for Bids for electric generation services on behalf of the Participating Members of the ECAEPC which are reasonably forecasted to provide estimated savings to the Participating Members based upon their previous electric usage and utility-provided Basic Generation Service tariff rates; and

WHEREAS, the Lead Agency will only award contracts for electric generation services to electric power suppliers that submit bids with pricing reasonably estimated to be lower than the utility-provided Basic Generation Service tariff rates; and

WHEREAS, the LGU agrees to purchase all electricity supply needed for its own use (exclusive of on-site electric generation sources) through any electric power supplier(s) awarded a contract by the Lead Agency, 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, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of West Orange, County of Essex, State of New Jersey that the LGU binds itself to the ECAEPC, Cooperative Pricing System #198ECAEPC to purchase all electricity supply needed for its own use (exclusive of on-site electric generation sources) from the electric power supplier or suppliers awarded a contract for electric generation services by the Lead Agency; and

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 LGU 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 (or any CPS number to be assigned in the future), and provided further that all such contracts shall be at prices reasonably forecast and estimated by the Lead Agency to provide savings to the LGU relative to the price charged for Basic Generation Service by the electric public utility that would otherwise provide such service; and

BE IT FURTHER RESOLVED that ECAEPC is authorized to continue to bid to obtain electric generation services through a rebid if energy market conditions do not initially lead to a successful bid, on additional dates to be determined by the Lead Agency; and

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 throughout the life of the Cooperative Pricing System and its subsequent renewals. 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

Jerry Guarino, Council President

Adopted: March 24, 2015