

RESOLUTION NO. 190-19

RESOLUTION OF THE TOWNSHIP OF WEST ORANGE, COUNTY OF ESSEX, STATE OF NEW JERSEY, REJECTING PROPOSALS FROM THIRD PARTY POWER SUPPLIERS TO PROVIDE ELECTRIC GENERATION SERVICE TO WEST ORANGE COMMUNITY ENERGY AGGREGATION (WOCEA) PROGRAM PARTICIPANTS AND TO PROVIDE GOVERNMENT ENERGY AGGREGATION SERVICES IN CONNECTION WITH THE WOCEA ROUND 3 PROGRAM PURSUANT TO N.J.A.C. 14:4-6.1 ET. SEQ.

WHEREAS, the Government Energy Aggregation Act of 2003 (P.L. 2003, c.24; N.J.S.A. 48:3-93.1 et. seq.) governs the establishment of a government energy aggregation program, which is a government-operated purchasing cooperative through which multiple energy consumers join together for the purchase of electric utility services by a government aggregator; and

WHEREAS, the New Jersey Board of Public Utilities has promulgated rules (N.J.A.C. 14:4-6.1 et. seq.) for the implementation of government energy aggregation programs; and

WHEREAS, the Township of West Orange passed an ordinance (Ordinance No. 2381-13) on August 20, 2013 authorizing the formation of a Government Energy Aggregation in the Township of West Orange, New Jersey, named the West Orange Community Energy Aggregation ("WOCEA") Program; and

WHEREAS, the Township is acting as the Lead Agency of the West Orange Community Energy Aggregation; and

WHEREAS, the residents of West Orange Township are included in the WOCEA on an "opt-out" basis, as set forth in applicable rules (N.J.A.C. 14:4-6.1 et. seq.); and

WHEREAS, by virtue of Ordinance No. 2381-13 and in accordance with New Jersey Board of Public Utilities rules (N.J.A.C. 14:4-6.1 et. seq.) and applicable law (PL. 2003, C24) West Orange Township is authorized to award a contract for electric generation service and government energy aggregation services on behalf of participating residential customers; and

WHEREAS, the Township of West Orange, in its capacity as Lead Agency, publicly noticed and issued on June 18, 2019 a Request for Proposals ("RFP") for the Provision of Electric Generation Service and Government Energy Aggregation Services for the third round of the WOCEA Program and has solicited proposals from New Jersey Board of Public Utilities (NJBPU)-licensed and qualified electric power suppliers in New Jersey; and

WHEREAS, the RFP provided for a two stage process that included: Stage 1 for the submission of supplier questions and comments and the submission of qualification documents by interested, NJBPU -licensed electric power suppliers; and Stage 2 for the submission of bid prices; and

WHEREAS, the RFP provides for the submission of separate pricing for electric generation service for one bid group consisting of Participating Residential Accounts, and including for three potential contract terms, including 12-month, 14-month, and 24-month; and two potential Master Performance Agreement (“MPA”) contract language options: Option A based upon the form of MPA attached to the RFP; and Option B which is based upon the same form of MPA except that a new section 2.1.6 as set forth in the MPA is added to the MPA; and

WHEREAS, the RFP provides for the submission of separate pricing for electric generation service for two different supply product options, including: Option 1 which contains the amount of renewable energy content required under the New Jersey Renewable Portfolio Standard (“RPS”); and Option 2 that has 100% renewable energy content as set forth in the RFP; and

WHEREAS, the RFP provides for the award of a contract for one, or none of the bid option combinations (contract length, MPA language option and renewable energy content product option) at the discretion of West Orange Township and in accordance with the evaluation criteria set forth in the RFP; and

WHEREAS, during Stage I non-binding Notices of Intent and other qualification documents were received from four (4) NJBPU-licensed electric power suppliers; and

WHEREAS, a number of supplier questions and comments were received and, as a result, on July 2, 2019 a document entitled ‘Responses to Supplier Questions and Addendum No.1’ to the RFP was issued and distributed to all suppliers that had submitted a Notice of Intent to Bid and/or requested a copy of the RFP; and

WHEREAS, Stage 2 price proposals and accompanying Transmittal Letters were submitted by **four (4)** NJBPU-licensed electric power suppliers by the 12:00 noon EDT July 16, 2019 deadline set forth in the RFP; and

WHEREAS, the Township, in consultation with its energy agent, has conducted extensive and in-depth evaluation of qualifications and analysis of bid prices, in accordance with the evaluation criteria set forth in the RFP and Addendum No.1; and

WHEREAS, pursuant to the RFP, the Township reserved the right to make an award to a supplier, or to make no award at all; and

WHEREAS, pursuant to applicable rules and the RFP, the Township shall base its award of a contract to a NJBPU-licensed electric power supplier for the Provision of Electric Generation Service and Government Energy Aggregation Services for the WOCEA program upon the most advantageous proposal, price and other factors considered; and

WHEREAS, as a result of the evaluation of qualifications and proposals and analysis of price proposals submitted on July 16, 2019, the Township of West Orange has determined that no contract award shall be made at this time.

NOW, THEREFORE, BE IT RESOLVED by the Township of West Orange, County of Essex and the State of New Jersey, as follows:

1. The Township shall make no contract award as a result of the price proposals submitted on July 16, 2019; said price proposals are hereby rejected on the basis that the award of a contract based thereon is not in the best interests of the Township and the potential WOCEA participants.
2. The RFP shall be held open for a period of up to 120 days, and the Township may accept refreshed prices in accordance with the RFP, at any time during that 120-day period, consistent with applicable law.

CERTIFICATION

I, Karen J. Carnevale, Municipal Clerk of the Township of West Orange, do hereby certify that the foregoing resolution was duly adopted by the West Orange Township Council at the meeting held on the **16th** day of **July, 2019**.
