

December 3, 2013

**RESOLUTION OF THE TOWNSHIP OF WEST ORANGE, COUNTY OF ESSEX,
STATE OF NEW JERSEY, AUTHORIZING THE AWARD OF A CONTRACT TO A
THIRD PARTY POWER SUPPLIER 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
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 an 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, and the businesses of West Orange Township are included in the WOCEA on an "opt-in" 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 and business customers; and

WHEREAS, the Township of West Orange, in its capacity as Lead Agency, publicly noticed and issued on November 11, 2013 a Request for Proposals (RFP) for the Provision of Electric Generation Service and Government Energy Aggregation Services for the WOCEA Program 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 two distinct bid groups, including i) Participating Residential Accounts; 2) Participating Business Commercial Accounts, for two potential contract terms, including 15-month, and 21-month, and the RFP provides for the award of a contract for both, none or one of the bid groups 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 six (6) NJBPU-licensed electric power suppliers; and

WHEREAS, a number of supplier questions and comments were received and, as a result, on November 20, 2013 a 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 bids and accompanying Transmittal Letters were submitted by 6 NJBPU-licensed electric power suppliers by the 2:00 p.m. December 2, 2013 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, as a result of the evaluation of qualifications and proposals and analysis of bid prices submitted, the Township has determined that the proposal submitted by ConEdison *Solutions*, for a contract term of 21 months i) provides the most overall benefit for the Township and WOCEA participants; and 2) will provide for contract power supply prices that are lower than the applicable Public Service Gas and Electric Co. (PSE&G) Basic Generation Service tariff prices for power supply, and make it feasible to award a contract, for the Residential Account bid group; and, 3) provides the opportunity for residents currently receiving budget billing from PSE&G to continue to receive that service from the third party supplier; and

WHEREAS, as a result of the evaluation of qualifications and proposals and analysis of bid prices submitted, the West Orange Township Council has determined that none of the proposals submitted for the WOCEA business participants warrant an award; and

NOW, THEREFORE, BE IT RESOLVED that the Township of West Orange hereby awards a contract for the provision of electric generation service to the Participating Residential Accounts bid group and the provision of government energy aggregation services in connection with the WOCEA Program to ConEdison *Solutions* in accordance with the terms and conditions of the RFP (including the applicable form of Master Performance Agreement included therein), as amended pursuant to Addendum No. 1 to the RFP;; and

FURTHER RESOLVED that government energy aggregation services to be provided by ConEdison *Solutions*, including implementation of the opt-out process for residential customers as set forth in the RFP and applicable NJBPU rules, shall commence immediately upon execution of the Master Performance Agreement, and that electric generation service to be provided by ConEdison *Solutions* to the WOCEA-participating customers shall commence with the March 2014 meter read date for each electric account served, and shall continue for a 21month term; and

FURTHER RESOLVED that the following contract prices are awarded for electric generation service for the 21month term beginning in March 2014:

<u>Bid Group</u>	<u>Bid Price</u>	<u>Term</u>
Residential Accounts	\$0.1045/kwh	21months

FURTHER RESOLVED that the Mayor is authorized to execute a Notice of Award Letter to ConEdison *Solutions*, and the Mayor is authorized to execute and the Clerk to attest to the execution of the Master Performance Agreement, in the form included in the RFP (as amended pursuant to Addendum No. 1).

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 **3rd** day of **December, 2013**.

Susan McCartney, Council President

Adopted: December 3, 2013