TOWNSHIP OF RARITAN
COUNTY OF HUNTERDON, NEW JERSEY

RESOLUTION #17-208

RESOLUTION OF THE TOWNSHIP OF RARITAN, COUNTY OF HUNTERDON, STATE OF NEW JERSEY, TO NOT AWARD A CONTRACT TO A THIRD PARTY POWER SUPPLIER TO PROVIDE ELECTRIC GENERATION SERVICE TO RARITAN-FLEMINGTON ENERGY PROCUREMENT COOPERATIVE'S COMMUNITY ENERGY AGGREGATION (RFEPC CEA) PROGRAM PARTICIPANTS AND TO PROVIDE GOVERNMENT ENERGY AGGREGATION SERVICES IN CONNECTION WITH THE RFEPC CEA PROGRAM PURSUANT TO N.J.A.C. 14:4-6

WHEREAS, the Government Energy Aggregation Act of 2003 (PL. 2003, C24) 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) for the implementation of government energy aggregation programs; and

WHEREAS, the Raritan Township Committee passed an ordinance dated August 14, 2014 (No. 14-14) authorizing the formation of a Government Energy Aggregation in the Township of Raritan, New Jersey; and

WHEREAS, the Borough of Flemington ("Borough"), a municipality in the State of New Jersey adopted Ordinance No. 2014-22 on November 17, 2014 authorizing the formation of a Government Energy Aggregation in the Borough of Flemington; and

WHEREAS, on December 2, 2014 the Raritan Township Committee adopted Resolution No. 14-229 which authorizes the Township to form a cooperative pricing system named the Raritan-Flemington Energy Procurement Cooperative ("RFEPC"), with the Township designated as Lead Agency thereof, for the purpose of soliciting proposals for and the purchase of electric generation services and energy aggregation services for residents of the Township of Raritan and the Borough of Flemington called the RFEPC Community Energy Aggregation Program ("RFEPC CEA"), and on May 16, 2017 the Raritan Township Committee adopted Resolution No. 17-124 which renewed the cooperative pricing system for an additional three years; and

WHEREAS, on January 26, 2015 the Flemington Council adopted Resolution No. 2015-41 which authorizes the Borough to become a Participating Member of the Raritan-Flemington Energy Procurement Cooperative, and which designates the Township as Lead Agency of the RFEPC, for the purpose of soliciting proposals for and the purchase of electric generation services and energy aggregation services for residents of the Borough, and on May 8, 2017 the Flemington Council adopted Resolution No. 2017-96 which renewed the Borough's participation in the cooperative pricing system; and

WHEREAS, Ordinance No. 14-14 and 2014-22 and Resolutions No. 17-124 and 2017-96 designated the Township as the Lead Agency of the RFEPC, and memorialized the Lead Agency's intent to solicit proposals for electric generation service for Township and Borough residents who do not "opt-out" of the RFEPC CEA program; and

WHEREAS, in accordance with New Jersey Board of Public Utilities rules (N.J.A.C. 14:4-6) and applicable law (PL. 2003, C24), the Township is authorized to award a contract for electric generation service and government energy aggregation services on behalf of participating Township and Borough residential customers; and

WHEREAS, the Township of Raritan, in its capacity as Lead Agency, publicly noticed and issued on July 19, 2017 a Request for Proposals (RFP) for the Provision of Electric Generation Service and Government Energy Aggregation Services for the second round of the RFEPC CEA Program (RFEPC CEA-Round 2) and has solicited bids from qualified 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, New Jersey Board of Public Utilities (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 pricing group, Participating Residential Accounts, for several potential start dates and contract durations (terms), and for two different contract language options: Option A) using the form of Master Performance Agreement attached to the RFP; and Option B) using the form of MPA attached to the RFP except that subsection 3.2 (a) (iii) (C) is removed, and a new subsection 2.1.5 as set forth above is added to the MPA; and the RFP provides for the award of a contract, including start date, contract duration and contract language option, at the discretion of the Lead Agency, and in accordance with the evaluation criteria set forth in the RFP; and

WHEREAS, during Stage 1 non-binding Notices of Intent and other required qualification documents were received from four (4) NJBPU-licensed electric power suppliers who were deemed qualified to submit Stage 2 price proposals; and

WHEREAS, a number of supplier questions and comments were received and, as a result, on August 4, 2017 an Addendum No.1 to the RFP was issued and distributed to all suppliers that had submitted a Notice of Intent to Propose; and

WHEREAS, Stage 2 price proposals and accompanying Transmittal Letters were submitted by 3 NJBPU-licensed electric power suppliers by the 2:00 p.m. August 15, 2017 deadline set forth in the RFP; and

WHEREAS, the Raritan Township Committee, in consultation with the Borough of Flemington as well the Township's energy agent, has conducted extensive and in-depth evaluation of qualifications and analysis of price proposals, 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 price proposals submitted on August 15, 2017, the Raritan Township Committee has determined that no contract award shall be made at this time.

NOW, THEREFORE, BE IT RESOLVED that the Raritan Township Committee shall make no contract award as a result of the price proposals submitted on August 15, 2017; and

FURTHER RESOLVED that 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.

ATTEST:

Lisa Fania, RMC
Township Clerk

TOWNSHIP COMMITTEE OF THE TOWNSHIP OF RARITAN

Karen Gilbert
Mayor

CERTIFICATION

I, Lisa Fania, Clerk of the Township of Raritan, County of Hunterdon, State of New Jersey, hereby certify that the foregoing resolution is a true, complete and accurate copy of a resolution adopted by the Township Committee of the Township of Raritan at a meeting held on August 15, 2017.

Lisa Fania, RMC
Township Clerk