



Township Council
1 Municipal Plaza
Bloomfield, NJ 07003

Louise M. Palagano
Municipal Clerk

<http://www.bloomfieldwpnj.com>

Meeting: 11/16/15 07:00 PM

4-3

2015 RESOLUTION AGREEMENTS

ENERGY AGGREGATION

WHEREAS, pursuant to New Jersey's Government Energy Aggregation Act of 2003 (N.J.S.A. 48:3-92 - N.J.S.A. 48:3-95) and the New Jersey Board of Public Utilities ("BPU") implementing regulations (N.J.A.C. 14:4-1 et seq.), as amended (collectively, the "Act"), the Township of Bloomfield has determined to undertake a Governmental Energy Aggregation Program (as defined herein) and the Mayor and Council of the Township of Bloomfield has been designated as a Lead Agency (as defined herein) charged with the responsibility for adopting and providing for the implementation of such Governmental Energy Aggregation Program within the geographic boundaries of the Township of Bloomfield ("Program"); and

WHEREAS, on June 2, 2014 the Mayor and Council of the Township of Bloomfield adopted an ordinance formalizing its intent to commence the Program on behalf of all of the residential energy customers of the Township of Bloomfield that do not opt-out of the Program in accordance with the Act and all of the non-residential customers that opt-in to the Program pursuant to the Act; and

WHEREAS, the Township of Bloomfield and its duly appointed Energy Agent (as defined herein) Commercial Utility Consultants, Inc. ("CUC") engaged in a procurement process to obtain a third-party supplier of energy, duly licensed by the BPU, to implement the Program; and

WHEREAS, based upon the Supplier's response to the RFP, dated August 20, 2014, the Township of Bloomfield has determined that the Supplier possesses the minimum acceptable financial, technical and administrative qualifications including, but not limited to, any and all

ED AS TO FORM AND PROCEDURE
ON BASIS OF FACTS SET FORTH

Richard J. Acosta
of Law - Township Attorney

required authorizations to operate within the PSE&G Local Distribution Area, necessary to provide energy supply services, and thereafter designated the Supplier as a qualified vendor; and

WHEREAS, the Township of Bloomfield after evaluation of all of the proposals submitted by qualified vendors in response to the RFP, has determined that the Supplier's proposal serves the interests of the Township of Bloomfield and has resolved to award a contract for such services to the Supplier; and

WHEREAS, pursuant to the Program, the Mayor and Council of the Township of Bloomfield entered into a written contract with Constellation New Energy, Inc., for the provision of Electric Generation Service on behalf of residential and non-residential customers within its geographic boundaries which replaced such customers current third party electricity supplier on March 5, 2015; and

WHEREAS, the Township of Bloomfield and the Supplier now desire to extend this Agreement for the supply of energy services all in accordance with the terms and conditions of the Act, and the RFP in accordance with the terms of the attached Agreement.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Township of Bloomfield, County of Essex, State of New Jersey, that the Mayor may sign and the Clerk attest to the execution of the attached agreement; and

BE IT FURTHER RESOLVED, that this Agreement will only set the energy price for those residents who are still currently participating in the program; anyone who has already opted out will remain opted out; and

BE IT FURTHER RESOLVED, that any resident that previously opted out of the program, shall have the opportunity to opt back into the program at any time.

* * * * *

I hereby certify that the above resolution was duly adopted by the Mayor and Council of the Township of Bloomfield at a meeting of said Township Council held on November 16, 2015.

Louise K. Polyzano

 Municipal Clerk of the Township of Bloomfield

me Vye

 Mayor of the Township of Bloomfield

✓ Vote Record - Resolution					
		Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Adopt					
<input type="checkbox"/> Deny					
<input type="checkbox"/> Withdrawn	Elias N. Chalet	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Table	Nicholas Joanow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Not Discussed	Carlos Bernard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> First Reading	Wartyna Davis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Table with no Vote	Joseph Lopez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Approve	Carlos Pomares	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Veto by Mayor	Michael J. Venezia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Discussion					
<input type="checkbox"/> Defeated					
<input type="checkbox"/> Discussion No Vote					

**ADDENDUM TO
AGREEMENT FOR PROVISION OF
ENERGY SUPPLY SERVICES**

By and Between

*The Township of Bloomfield
in the County of Essex, New Jersey*

and

Constellation NewEnergy, Inc.

Dated March 5, 2015

This ADDENDUM to the AGREEMENT FOR PROVISION OF ENERGY SUPPLY SERVICES made this ____ day of _____, 2015 ("Agreement") is by and between the Township of Bloomfield, in the County of Essex, New Jersey, a public body corporate and politic of the State of New Jersey (the "Municipality") and Constellation New Energy, Inc. a Delaware Corporation (the "Supplier") (License #ESL-0016)

WITNESSETH:

WHEREAS, pursuant to New Jersey's Government Energy Aggregation Act of 2003 (*N.J.S.A. 48:3-92 - N.J.S.A. 48:3-95*) and the New Jersey Board of Public Utilities ("BPU") implementing regulations (*N.J.A.C. 14:4-1 et seq.*), as amended (collectively, the "Act"), the Municipality has determined to undertake a Governmental Energy Aggregation Program (as defined herein) and the Municipality Council has been designated as a Lead Agency (as defined herein) charged with the responsibility for adopting and providing for the implementation of such Governmental Energy Aggregation Program within the geographic boundaries of the Municipality ("Program"); and

WHEREAS, on June 2, 2014 the Municipality's Council has adopted an ordinance formalizing its intent to commence the Program on behalf of all of the residential energy customers of the Municipality that do not opt-out of the Program in accordance with the Act and all of the non-residential customers that opt-in to the Program pursuant to the Act; and

WHEREAS, the Municipality and its duly appointed Energy Agent (as defined herein) Commercial Utility Consultants, Inc. ("CUC") engaged in a procurement process to obtain a third-party supplier of energy, duly licensed by the BPU, to implement the Program; and

WHEREAS, based upon the Supplier's response to the RFP, dated August 20, 2014, the Municipality has determined that the Supplier possesses the minimum acceptable financial, technical and administrative qualifications including, but not limited to, any and all required authorizations to operate within the PSE&G Local Distribution Area, necessary to provide energy supply services, and thereafter designated the Supplier as a qualified vendor; and

WHEREAS, the Municipality after evaluation of all of the proposals submitted by qualified vendors in response to the RFP, has determined that the Supplier's proposal serves the interests of the Municipality and has resolved to award a contract for such services to the Supplier; and

WHEREAS, pursuant to the Program, the Municipality's Council entered into a written contract with Constellation New Energy, Inc. for the provision of Electric Generation Service on behalf of residential and non-residential customers within its geographic boundaries which replaced such customers current third party electricity supplier on March 5, 2015; and

WHEREAS, the Municipality and the Supplier now desire to extend this Agreement for the supply of energy services all in accordance with the terms and conditions of the Act, the RFP and this Agreement.

NOW THEREFORE, in consideration of the mutual covenants and obligations set forth herein, the Parties intending to be legally bound, agree to amend the original contract as follows:

SECTION II - TERM OF THE AGREEMENT

2.01 Commencement, Duration of Term and Rate

The term of this Agreement ("Contract Term") shall be extended beginning December 1, 2015 (the "Contract Commencement Date"), and shall continue from that date until September 30, 2016 or until such time that the term of this Agreement is extended or terminated earlier in accordance with the provisions of this Agreement ("Contract Termination Date"). Provision of Electric Generation Services, as defined in *N.J.A.C. 14:4-1.2*, shall be provided for the period commencing on the first meter read following the Contract Commencement Date and ending on the meter read date immediately following the Contract Termination Date.

The contract rate for the term is \$ 0.121/kWh. The rate reflects one of the following selected options:

Fixed Price for the term of the contract.

All other terms & provisions in Agreement shall remain in full force and effect.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the Municipality and Supplier have executed this Agreement, intending to be legally bound hereby as of the day and year first above written.

**TOWNSHIP OF BLOOMFIELD
COUNTY OF ESSEX, NEW JERSEY**

ATTEST:

By: Louise M. Palagano
Name: Louise M. Palagano
Title: Municipal Clerk

By: [Signature]
Name: MATTHEW U. WATKINS
Title: TOWNSHIP ADMINISTRATOR

[SEAL]

CONSTELLATION NEWENERGY, INC.

ATTEST:

By: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____