

**BOROUGH OF HILLSDALE  
RESOLUTION 16233**

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**RESOLUTION AUTHORIZING THE BOROUGH OF HILLSDALE'S  
PARTICIPATION IN THE BERGEN COUNTY AGGREGATE ENERGY  
PROCUREMENT COOPERATIVE PRICING SYSTEM**

**WHEREAS**, the Borough of Hillsdale is a Participating Member of Bergen County Aggregate Energy Procurement Cooperative Pricing System (hereinafter referred to as #206BCPS), eligible thereby to obtain natural gas and/or electricity supply services for its own use through one or more contracts to be awarded to natural gas or electricity suppliers following said bids for natural gas or electricity supply services pursuant to the aggregation program; and

**WHEREAS**, the #206BCPS will from time to time during the Effective Period as defined below solicit bids for natural gas and/or electricity supply service through an energy aggregation program in which the County of Bergen will act as Lead Agency of the #206BCPS in accordance with the "Local Public Contracts Law," N.J.S.A.40A:11-11, and the Electric Discount and Energy Competition Act, N.J.S.A. 48:3-49. ("EDECA") and the regulations promulgated thereunder; and

**WHEREAS**, the County of Bergen as the Lead Agency for the #206BCPS, will from time to time during the Effective Period (from date of adoption until the expiration of the Cooperative Pricing system, hereinafter referred to as "Effective Period") issue one or more Requests for Bids for natural gas or electricity supply services on behalf of the #206BCPS pursuant to the Local Public Contracts Law and EDECA; and

**WHEREAS**, by joining the #206BCPS, the Borough of Hillsdale agreed to purchase natural gas and/or electricity needed for its own use during the Effective Period through any electricity or natural gas supplier(s) awarded a contract, unless it opts in or out prior to the beginning of a new supply contract in accordance with the terms of the Cooperative Pricing Agreement previously executed between the parties, it being understood that the Lead Agency is responsible for compliance with the provisions of Local Public Contracts Law; and

**WHEREAS**, to facilitate the award of aggregate supply contracts for gas and/or electric supply service, the Borough of Hillsdale authorizes the execution of a new Cooperative Pricing System Agreement, a copy of which is annexed hereto, which agreement expressly authorizes the Lead Agency to sign a single contract for natural gas or electricity supply service, as applicable, on behalf of the Borough of Hillsdale when the Borough of Hillsdale participates in a procurement, avoiding the need for each Participating member to sign the agreement with the supplier(s); and

**WHEREAS**, due to significant volatility and the potential for price increases in the electricity generation and wholesale natural gas market, the procurement model requires that Participating Members preauthorize the Lead Agency to award contracts for electricity supply and/or Natural Gas Service in each bid group to one or more natural gas or electricity suppliers that submit bids which are reasonably forecasted to provide a pre-determined estimated savings

to the Participating Member based upon its previous natural gas usage and utility-provided Basic Generation Service rates; and

**WHEREAS**, the Lead Agency will only award contracts for said natural gas or electricity services to natural gas or electricity suppliers that submit bids with pricing that is at least 5% lower than the average price for utility-provided basic generation service;

**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 natural gas or electricity supply 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; and

**WHEREAS**, earlier this year, the #206BCPS carried out a procurement for electricity supply service, resulting in 2-year fixed rate for those members of the #206BCPS that opted to participate; and

**WHEREAS**, the #206BCPS has begun a new procurement for natural gas supply service; and

**WHEREAS**, by adopting this resolution the Borough of Hillsdale elects to **opt in** to the current procurement for natural gas supply service; and

**NOW THEREFORE BE IT RESOLVED** by the governing body of the Borough of Hillsdale, New Jersey, that:

- . The annexed Cooperative Pricing System Agreement is hereby authorized and approved, and the Mayor, Manager, or other authorized official of the Borough of Hillsdale is authorized to execute same.
- . The Borough of Hillsdale hereby **opts in** to the current procurement for natural gas supply, and binds itself to the #206BCPS to purchase all natural gas needed for its own use during the Effective Period from the natural gas supplier or suppliers awarded a contract for natural gas supply services by the Lead Agency.
- . The Lead Agency of the #206BCPS is hereby authorized to award one or more contracts, and execute one or more a master performance agreements that obligates the borough of Hillsdale to purchase natural gas 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 #206BCPS (or any CPS number to be assigned in the future), provided further that all such contracts shall be at prices reasonably forecast and estimated by the Lead Agency to provide savings to the Borough of Hillsdale of at least five percent (5%) relative to the price charged for basic generation service by the public utility company that would otherwise provide such service.
- . #206BCPS is authorized to continue to bid to obtain natural gas supply services at any time during the Effective Period, including -- for example -- 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

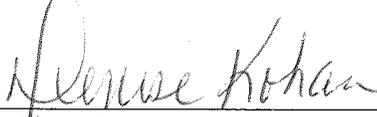
This Resolution shall take effect immediately upon passage.

6. The authorization provided to the County of Bergen pursuant to the Local Public Contracts Laws (N.J.S.A. 40A:11-11(5), Administrative Code (N.J.A.C. 5:34-7.1) shall be valid until the Cooperative Pricing System expires. Any rescission or expiration of this resolution shall not affect any Agreements entered into prior to such rescission or expiration.

Council member	Motion	Second	Yes	No	Absent	Abstain	Recuse
DeRosa, Anthony		X	✓				
Karcich, Scott			X				
Looes, Chrisoula	X		X				
Lundy, Abby			X				
Pizzella, Frank			X				
Ruocco, John			X				
Frank, Douglas							

Adopted: November 1, 2016

Attest:

  
Denise Kohan  
Acting Municipal Clerk

  
Douglas Frank  
Mayor