

RESOLUTION NO. 24-

**TOWNSHIP OF MIDDLETOWN
COUNTY OF MONMOUTH**

**RESOLUTION RATIFYING ENERGY SUPPLY AGREEMENT WITH
CONSTELLATION NEWENERGY, INC. FOR ELECTRIC SUPPLY
SERVICE FOR A PERIOD OF 48 MONTHS BEGINNING DECEMBER 1,
2023**

WHEREAS, the Township of Middletown (the "**Township**") has chosen to avail itself of energy consulting and management services provided by TFS Energy Solutions, LLC d/b/a Tradition Energy, pursuant to Contract 2018-017 procured through the City of Mesquite's OMNIA Partners, Public Sector, f/k/a/ U.S. Communities Government Purchasing Alliance Request, which is a nationally recognized purchasing cooperative; and

WHEREAS, pursuant to N.J.S.A. 52:34-6.2(b)(3), the Township is authorized to enter into purchases through a nationally recognized cooperative, provided the Township determines that the use of same "shall result in cost savings after all factors, including charges for service, material, and delivery, have been considered"; and

WHEREAS, on September 5, 2023, pursuant to Resolution No. 23-237, the Township authorized the solicitation of electric supply bids by Tradition Energy; and

WHEREAS, in accordance with the Electric Discount and Energy Competition Act (P.L. 1999, Chapter 23), Tradition Energy sought competitive pricing in the marketplace for electric supply service for the 67 Township accounts; and

WHEREAS, Tradition Energy utilized its online pricing system to perform an indicative Request for Proposals for bid prices on September 6, 2023 from Tier 1 electricity suppliers that serve Jersey Central Power and Light ("**JCP&L**") for the 67 Township accounts served by JCP&L through current supplier; and

WHEREAS, Tradition Energy obtained pricing for five potential contract terms – 12 months, 24 months, 36 months, 48 months and 60 months; and

WHEREAS, the Township determined that the pricing available through the national cooperative is lower than the pricing available to the Township outside the national cooperative program; and

WHEREAS, procuring electric supply service through the national cooperative will result in cost savings after all factors, including charges for service, material, and delivery, have been considered; and

WHEREAS, Constellation NewEnergy, Inc. provided the lowest responsible bid for fully fixed capacity pricing for electric supply service for the Township's 67 accounts for a period of 48 months, pursuant to the energy supply agreement attached hereto as **Exhibit A** and incorporated by reference ("Agreement"); and

WHEREAS, it is in the best interest of the Township to enter into the Agreement for its 67 Accounts with Constellation NewEnergy, Inc. for electric supply, for a period of 48 months beginning on or about December 1, 2023; and

WHEREAS, the estimated cost for electric supply during the 48-month term of the contract is \$640,000; and

WHEREAS, the Chief Financial Officer of the Township has certified that adequate funds for such contract are available.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey, that it hereby ratifies the Agreement with Constellation NewEnergy, Inc. for electric supply service with capacity "Subject to Auction Adjustment" for a period of 48 months beginning on or about December 1, 2023, consistent with the foregoing.

BE IT FURTHER RESOLVED that Constellation NewEnergy, Inc. shall comply with requirements of N.J.S.A. 10:2-1 (Anti-Discrimination in Employment), N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq. (Equal Employment Opportunity), 42 U.S.C. § 12101 et seq. (Americans with Disabilities Act), and N.J.S.A. 52:32-44 et seq. (New Jersey Business Registration).