

**RESOLUTION NO. 22-**

**TOWNSHIP OF MIDDLETOWN  
COUNTY OF MONMOUTH**

**RESOLUTION AUTHORIZING AGREEMENT WITH CONSTELLATION  
NEWENERGY, INC. FOR ELECTRIC SUPPLY SERVICE FOR A PERIOD OF 18  
MONTHS BEGINNING JUNE 1, 2022**

**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**, in accordance with the Electric Discount and Energy Competition Act (P.L. 1999, Chapter 23), Tradition Energy previously sought competitive pricing in the marketplace for electric supply service for the 69 Township accounts shown on **Exhibit A**; and

**WHEREAS**, Tradition Energy utilized its online pricing system to perform an indicative Request for Proposals for preliminary bid prices on March 24, 2020 from Tier 1 electricity suppliers that serve Jersey Central Power and Light ("**JCP&L**")'s territory for the 69 Township accounts; and

**WHEREAS**, on April 6, 2020, pursuant to Resolution No. 20-103, the Township authorized the procurement of electric supply services from Constellation NewEnergy, Inc.; and

**WHEREAS**, due to current high energy market prices and extreme volatility, Tradition has recommended that the Township enter a new contract term with Constellation NewEnergy, Inc. for 18 months; and

**WHEREAS**, the Township determined that the pricing available through the national cooperative and its current supplier contract is lower than the pricing otherwise available to the Township; and

**WHEREAS**, procuring electricity supplied through the national cooperative and its current supplier will result in cost savings relative to current market conditions after all factors, including charges for service, material, and delivery, have been considered; and

**WHEREAS**, on May 16, 2022, Tradition Energy received updated pricing from Constellation NewEnergy, Inc. for fully-fixed capacity pricing for electric supply service for the Township's 69 accounts for a period of 18 months, pursuant to the draft agreement attached hereto as **Exhibit B** and incorporated by reference (the "**Agreement**"); and

**WHEREAS**, due to current volatility in the marketplace, it is in the best interest of the Township to enter into the Agreement for its 69 Accounts with Constellation NewEnergy, Inc. for electric supply, for a period of 18 months, beginning on the June 1, 2022; and

**WHEREAS**, the estimated cost for electric supply during the 18-month term of the contract is \$347,532; 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 awards a contract to Constellation NewEnergy, Inc. for electric supply service with fully-fixed capacity pricing for a period of 18 months beginning June 1, 2022, consistent with the foregoing.

**BE IT FURTHER RESOLVED** that the Mayor and Township Clerk are hereby authorized to execute a contract with Constellation NewEnergy, Inc., substantially in the form attached hereto and incorporated by reference, subject to the final review and approval of the Township Attorney.

**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).

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution shall be provided by the Office of the Township Clerk to each of the following:

- A) Purchasing Agent
- B) Constellation NewEnergy, Inc.

- C) Director of the Department of Public Works
- D) Tradition Energy