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BOARD OF PUBLIC UTILITIES
MAIL ROOM

June 6, 2017

Irene Kim Asbury
Secretary
New Jersey Board of Public Utilities
44 S. Clinton Avenue
Trenton, NJ 08625

RE: Irvington Community Energy Aggregation Program

Dear Ms. Asbury:

ED17D60647

As the contracted Energy Agent for the Township of Irvington, I have enclosed current drafts of all documents proposed to be utilized for the township's planned Government Energy Aggregation Program, along with digital versions of each document. Althea Headley, the township's Purchasing Agent and Deputy Administrator, is the municipality's direct point of contact for this project and will be in receipt of comments from the Division, once review is complete. She will distribute any correspondence from the Division to other project team members, including Township Attorney Ramon Rivera. Please see her contact information below:

Althea Headley, QPA, RPPO, MPA, BA
Assistant Business Administrator
One Civic Square
Irvington, NJ 07111

If you have questions about the content of these documents that you would like clarified prior to the official correspondence that is sent back to the township, please do not hesitate to contact me.

Best Regards,

Nathan Burroughs
Director of Public Projects
Transparent Energy
862-210-8770
nburroughs@transparentedge.com
www.transparentedge.com

Cms
J. Galka
J. Kane

Enclosures: Form of Contract, Request for Bids, Notice to Bidders, Letter to Residents

CC: Althea Headley, Assistant Business Administrator - Irvington Township
Stefanie A. Brand, Esq., - Director, Division of Rate Counsel

Executive Office: 695 Route 46 W | Suite 408 | Fairfield, NJ 07004

Phone: 862-210-8770 | Fax: 877-335-7306

www.transparentedge.com

NOTICE TO BIDDERS

As authorized per local ordinance published December 11, 2014 establishing the Township of Irvington as the government aggregator for its energy-purchasing cooperative, the Township of Irvington announces that it will receive bids to serve said cooperative – the Irvington Community Energy Aggregation Program (ICEAP) – via electronic reverse auction on **September 14, 2017 at 1:00 PM** prevailing time. Any New Jersey Board of Public Utilities licensed electric supplier interested in participating in the online reverse auction must first submit the required bid qualification documentation on the provided forms via hard copy or electronic mail to the program's Energy Agent, Transparent Energy - 695 Route 46 W, Suite 408, Fairfield, NJ 07004 or nburroughs@transparentedge.com - not later than **5:00 PM on September 5, 2017**.

Specifications and instructions to bidders have been issued via electronic mail and all bid addenda will be issued in the same format, as per P.L. 2001, c.30. Therefore, all interested respondents should check and monitor their electronic mail accounts from now through bid opening. Bidders who have not previously engaged in an online auction conducted by the ICEAP consultant on this project, Transparent Energy, should email Nathan Burroughs, nburroughs@transparentedge.com, to enable connectivity with the online platform. It is the sole responsibility of the respondent to be knowledgeable of all addenda related to this procurement. Questions by prospective bidders concerning this bid may be addressed to Nathan Burroughs in writing, via fax at (877) 335-7306 or via e-mail to nburroughs@transparentedge.com. Questions must be submitted not later than **5:00 PM on September 1, 2017**. Please note the aforementioned contact is authorized only to direct the attention of prospective bidders to various portions of the bid documents so that they may read and interpret each portion for themselves. NO employee or consultant of the Township of Irvington is authorized to give interpretations of any portion of this bid or to give information as to the requirements for the bid in addition to that already contained in the bid. Interpretations of the bid or additional information as to its requirements, when necessary, shall be communicated to bidders ONLY by written addendum issued by the ICEAP's energy agent and the Purchasing Agent of the Township of Irvington. In the event that no contract is awarded resultant from the bids entered on **September 14, 2017**, the Lead Agency may request updated pricing at a future date to be specified for all qualified vendors. The lead agency has issued this bid in accordance with the "Government Energy Aggregation Act of 2003" (P.L. 2003, c.24); Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.); the "Local Unit Electronic Technology Pilot Program and Study Act" (P.L.2001, c.30) and the NJDLGS-administered E-Procurement Pilot Program; the "The Electric Discount and Energy Competition Act," P.L. 1999, c. 23, ("EDECA") and all applicable regulations and standards promulgated thereunder – notably, the BPU's government energy aggregation rules (N.J.A.C. 14:4-6). Additionally, bidders shall comply with the requirements of N.J.S.A 10:5-31 and N.J.A.C. 17-27 et seq.

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Dear Irvington Resident:

The Township of Irvington has passed an ordinance which permits the township to purchase electricity supply for all residential PSEG customers at rates lower than currently available from PSEG. The township has combined the load of all residential customers and sought competitive bids from licensed suppliers to provide this supply service, also known as Basic Generation Service (BGS).

We have decided to accept the bid(s) of _____ (company) to provide electricity supply at a rate of _____/kWh. This compares very favorably to PSE&G's current BGS rate of \$.1222/kWh, projecting approximately \$ _____ in annual savings for each resident. This projection could change because the utility supply charges will fluctuate over the course of the contract; however, if PSEG's posted supply rate ever drops below the rate contracted for residents through this process, _____ will either lower their rate or return each resident to PSEG's supply rate.

The aggregation program is only for the energy supply portion of your electric service. The delivery portion will continue to be provided by PSE&G at regulated rates; you will continue to receive only a single utility bill from PSE&G, and PSE&G will continue to provide all emergency and safety services. PSE&G will also continue to provide customer services such as meter reading, billing* and service restoration. The only difference will be the lower cost of electricity supply (BGS).

The Irvington Community Energy Aggregation Program (ICEAP) has been structured to provide residential with maximum possible savings at a minimum of risk. The program will begin in November of 2017 and last for _____ months. If for any reason you are dissatisfied with the new supply service, you have the right to leave the aggregation program at any time that you choose**.

IMPORTANT: According to the rules of the program, all residential electric customers who have not previously chosen a Third Party Supplier for their energy supply will be AUTOMATICALLY ENROLLED in this program unless you indicate your desire not to participate. If you do not want to take part in this savings program, complete, sign and mail the attached response card by _____ (date).

Additional information about government energy aggregation can be obtained from the Irvington Township Deputy Administrator, Department of Revenue and Finance, 1 Civic Square Irvington, NJ or from PSE&G at (973) 430-7000. If you have a specific question concerning the program outlined above, you should contact the township's energy agent, Transparent Energy by phone at (862) 210-8770 or by e-mail at ICEAP@transparentenergy.com for additional information.

Sincerely, (Town/County Official)

Tony Vauss,
Mayor
Township of Irvington

*Other billing arrangements may apply for customers who do not remain current with their utility payments. **Switching out of the aggregation program is subject to State-approved processes and time delays.

REQUEST FOR PROPOSALS
FOR THE PROVISION OF ELECTRIC GENERATION SERVICE AND
RELATED GOVERNMENT ENERGY AGGREGATION SERVICES FOR

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Township of Irvington
Community Energy Aggregation Program

JUN 09 2017

BOARD OF PUBLIC UTILITIES
MAIL ROOM

**By: The Township of Irvington, County of Essex, State of
New Jersey**

(hereinafter “Municipality” and “Lead Agency”)

<i>RFP Issuance Date:</i>	August 29, 2017
<i>Comments and Requests for Information and Clarification Due:</i>	September 1, 2017
<i>Notice of Intent to Bid, Qualifications And Other Bid Documents Due:</i>	September 5, 2017
<i>Date by which any Addenda will be Posted:</i>	September 6, 2017
<i>Reverse Auction Participation Date:</i>	September 14, 2017
<i>Notice of Award Issuance Date:</i>	September 14, 2017

Lead Agency’s Energy Agent: **Premiere Marketing, LLC d/b/a Transparent Energy**

For questions relating to this RFP please contact:

Nathan Burroughs
Transparent Energy
695 Route 46 W, Suite 408
Fairfield, NJ 07004
Phone: (862)-210-8770
E-Mail: nburroughs@transparentedge.com

I. INTRODUCTION

The Government Energy Aggregation Act of 2003 (N.J.S.A. 48:3-92 *et. seq.*) (hereinafter the “**Act**”) authorizes municipalities to establish Government Energy Aggregation programs after passing an ordinance or resolution. The Municipality adopted an Ordinance establishing the Municipality’s energy aggregation program (the “**Program**”) and authorizing the award of a contract to a licensed Electric Power Supplier, also referred to as a Third Party Supplier (“**TPS**”), to aggregate electric supply for residential customers on an opt-out basis and for non-residential customers on an opt-in basis. The Program shall be an **Option 2** government-private energy aggregation program within the meaning of the Act and regulations promulgated thereunder. The objective of the Program is to obtain power supply for residents of the Municipality at a price which is lower than the tariffed prices being charged for power supply by PSE&G the local electric distribution company or “**EDC**” serving the Municipality.

Pursuant to the Ordinance adopted December 24, 2014 the Municipality was designated to act as the “**Lead Agency**” as that term is defined in the Act and regulations adopted thereunder. As the Lead Agency, the Municipality will solicit proposals for electric generation service and government energy aggregation services for residents of the Municipality and may enter into a contract for the provision of electric generation service and government energy aggregation services on behalf of residential customers within the municipal borders.

The award of a supply contract shall be based on the most advantageous proposal, price and other factors considered, as determined after all interested and qualified bidders have participated in a Reverse Auction, to be held on **September 14, 2017**. As provided in N.J.S.A. 48:3-92 and regulations adopted thereunder, the Municipality shall only award a contract for service to residential customers where the rate is the same or lower than the price of basic generation service (“**BGS**”) in the applicable tariffs of the EDC serving the Municipality, plus the pro rata value of the cost of compliance with renewable energy portfolio standards imposed under the Act derived from a non-utility generation contract with an electric public utility (“**EPU**”) and transferred by the EPU to a supplier of BGS service. Further, as provided in the Act, Municipality may award a contract for electric generation service where the rate is higher than the price of BGS, as determined by the NJ BPU, plus the pro-rata value of the cost of compliance with the renewable energy portfolio standards imposed pursuant to the Act derived from a non-utility generation contract with an EPU and transferred by the EPU to a supplier of BGS, provided that the award is for electricity the percentage of which that is derived from verifiable Class I and Class II renewable energy (as defined in section 3 of P.L. 1999, c.23) is greater than the percentage of Class I and Class II renewable energy required pursuant to subsection d. of Section 38 of P.L. 1999, c.23 and that customers are informed, in a manner determined

by the NJ BPU's Secretary, that such a higher rate is under consideration by the Municipality.

The Municipality reserves the right: (i) to make no award at all; (ii) to make a single award to one TPS covering all bid groups; and (iii) to make separate awards to two (2) different Third Party Suppliers, one with respect to each bid group. The evaluation and selection process is further described in Section V. of this RFP.

The successful bidder(s) will be expected to execute an electrical supply agreement with the Municipality. The electrical supply agreement shall include, at a minimum, all of the terms and conditions required by the Act, including, without limitation, those specified in N.J.S.A. 48:3-92 a. and applicable regulations. The Lead Agency's award of a contract to a selected supplier(s) will obligate the participants in the Program to purchase electricity from the selected supplier under the terms and conditions set forth in the electrical supply agreement. A copy of the form Electrical Supply Agreement to be signed by the successful bidder(s) and Municipality is attached hereto as **APPENDIX A**.

The Municipality has engaged Premiere Marketing, LLC d/b/a/ "Transparent Energy", and hereinafter referred to as "**Transparent Energy**", to serve as the Energy Agent for the Lead Agency in connection with the Program. Transparent Energy is a licensed energy agent and a licensed energy consultant under applicable regulations of the New Jersey Board of Public Utilities. Pursuant to the Municipality's authority as Lead Agency to delegate under the Act, Municipality has delegated to Transparent Energy the Municipality's obligations with respect to administering the RFP process. The Energy Agent fee payable to Transparent Energy as compensation for its consulting services on behalf of the Lead Agency will be paid by the winning supplier(s) and shall be included in the supplier's bid prices.

The procurement process under this RFP is being conducted in accordance with and shall comply with requirements, to the extent they are applicable, of the Government Energy Aggregation Act (N.J.S.A. 48:3-92 *et. seq.*) and regulations adopted by the NJ BPU pursuant to that Act; the Local Public Contracts Law (N.J.S.A. 40 A: 11-1 *et. seq.*); the Public Schools Contract Law (N.J.S.A. 18A:18A-1 *et. seq.*) and the County College Contracts Law (N.J.S.A. 18A:64A-25.1 *et seq.*) and the rules of the Department of Community Affairs [N.J.A.C. 14:4-6.4(b)].

As provided in N.J.S.A.48:3-92 c., no concession fees, finders' fees, or other direct monetary benefit shall be paid to the Municipality by or on behalf of any licensed electric supplier as a result of a contract awarded pursuant to this RFP. Further, as provided in N.J.S.A.48:3-92 d., all bidders shall be subject to the prohibitions against political contributions in accordance with N.J.S.A. 19:34-45 and as set forth in N.J.S.A. 48:3-93.3.

All customer-specific information provided to any bidder and/or to the selected supplier(s) by the EDC and/or the Lead Agency pursuant to this RFP or any contract awarded thereunder or otherwise provided in connection with the Program shall be treated in a confidential manner pursuant to N.J.A.C. 14:4-6.3(f), and shall be used for the sole purpose of administering the Program. Further, information for residential customers who opt-out of the Program or that remain in the Program shall not be used by the supplier(s) for any other purpose.

The deadline to provide Notice of Intent to Bid, qualification documents, and other required bid documentation as outlined herein is **September 5, 2017**. The failure to respond completely to the questions or to provide all requested information, including all attachments, may result in a proposal being deemed incomplete or unresponsive and may result in the proposal being disqualified from consideration.

Please direct any questions or request for clarification concerning this proposal to:

Nathan Burroughs
Transparent Energy
695 Route 46 W, Suite 408
Fairfield, NJ 07004
Phone: (862)-210-8770
E-Mail: nburroughs@transparentedge.com

II. CUSTOMER INFORMATION

The EDC has indicated that there are 19,437 residential accounts located within the Municipality that are not currently supplied by a TPS. Of this number, 19411 are served under the PSE&G RS Rate Class 26 are served under the Rate Class RHS. All of these residential accounts are included in the Program, pursuant to the Act and BPU regulations, on an opt-out basis.

Pursuant to BPU Rules and the EDC Agreement, within ten (10) business days after the execution of the Electrical Supply Agreement by the Municipality and the selected TPS and notification to the EDC that the aforementioned agreement has been executed, the EDC will provide Municipality and/or its Energy Agent with the name, address and account number of each residential customer located in the Municipality that is not already served by a TPS. Such information will then be supplied at Municipality's earliest opportunity to the selected supplier. The selected supplier will be required to mail

a written notice, developed by the Municipality/Agent, to each residential customer which notice shall include the information required by N.J.A.C. 14:4-6.6(r), including an opt-out response card. There will be a mandatory thirty (30) day “opt-out” period to follow for residential customers, as provided by BPU regulations. The selected supplier is responsible for administering the receipt and logging of returned “opt-out” cards. All residential customers who do not submit an “opt-out” card by the expiration of the 30 day “opt-out” period will be included in the Program and considered “**Participating Residential Accounts**” under the Program.

Summary customer information – Phase I data – comprises **APPENDIX B**, and consists of aggregate capacity and transmission obligation, along with aggregate monthly consumption volume by kWh. The information set forth on **APPENDIX B** was obtained directly from the EDC by Transparent Energy. *Neither Transparent Energy nor the Municipality is able to verify the completeness or the accuracy of the information provided by the EDC and accordingly accepts no responsibility for any losses to a supplier resulting from its reliance upon the completeness or accuracy of the information set forth therein.*

III. OVERVIEW OF THE RFP PROCESS

This bid is being conducted in a two-phase process as follows:

During *Phase I*, prospective bidders will first be afforded an opportunity to request additional information, provide comments or to seek clarification regarding these bid specifications and/or with respect to the form of the Energy Supply Agreement. If and as appropriate Addenda will be issued to these bid documents, including the possibility of addenda to the form of the Electrical Supply Agreement attached hereto as **APPENDIX A**. Prospective bidders will be required to give a non-binding notice of their intent to bid (“**NOI**”) and will also be required to complete and submit certain information (as prescribed in Sections IV, V and VI, below) concerning their qualifications. As part of the qualification process, vendors must also provide indicative pricing within the bid response worksheet included in **APPENDIX D**, along with certification that they will honor bids submitted in the second phase of the bid process.

During *Phase II*, vendors who have submitted all requisite qualifying documents and been deemed by the Municipality to be qualified bidders shall be required to submit bids – per the Bid Specifications outlined in Section V – using a Reverse Auction procedure which is more fully described in Section V, below, and in **APPENDIX D** attached hereto. The successful bidders are expected to execute an Electrical Supply Agreement with the Municipality in the form of **APPENDIX A**, as modified by any addenda thereto.

IV. PHASE I (NOTICE OF INTENT; Q.&A., ADDENDA; QUALIFICATION)

Each supplier who is interested in submitting a bid must submit a form Notice of Intent to Bid (“**NOI**”) on or before **September 5, 2017** using the form attached hereto included in **APPENDIX C**. The NOI shall be considered a required bid qualification document. Suppliers are encouraged to submit a completed NOI as early as they can to be included on the Bid Distribution List that will be compiled by Transparent Energy. All suppliers who are licensed by the NJ BPU and who submit a NOI on or before the aforementioned deadline shall be included on a Bid Distribution List. The NOI will be considered non-binding on the supplier, meaning that a supplier is not obliged to submit a bid simply because it has submitted a NOI. A supplier must, however submit a NOI on or before **September 5, 2017** in order to be eligible to bid. The NOI may be submitted by mail or e-mail as follows:

Nathan Burroughs
Transparent Energy
695 Route 46 W, Suite 408
Fairfield, NJ 07004
E-Mail: nburroughs@transparentedge.com

The Lead Agency through its Energy Agent, Transparent Energy, will use reasonable efforts to provide answers to all questions submitted in writing by prospective bidders on or before **September 4, 2017**. Written questions may be submitted by mail or e-mail as follows:

Nathan Burroughs
Transparent Energy
695 Route 46 W, Suite 408
Fairfield, NJ 07004
E-Mail: nburroughs@transparentedge.com

Transparent Energy will answer all questions submitted within a reasonable time and responses will be forwarded to all suppliers on the Bid Distribution List via e-mail.

Addenda, if any, will be posted on the Program’s webpage found at www. and forwarded to all suppliers on the Bid Distribution List via e-mail by no later than 5 o’clock p.m. on **September 6, 2017**.

The documents comprising the Qualification Documents that are required to be submitted by bidders are described in Section VI. of this RFP and related forms are attached hereto as **APPENDIX C, APPENDIX D, and APPENDIX E**. All suppliers seeking to become

qualified to bid must complete and submit all of the required documents and forms to Transparent Energy no later than 5 o'clock p.m. on **September 5, 2017**. It is acceptable if the required documents and forms are submitted to Transparent Energy by e-mail by the required deadline, provided hardcopy originals of all qualification documents and forms are also received by Transparent Energy within two (2) business days of the aforementioned deadline. The qualification documents may be submitted, as applicable, to the following e-mail and mailing address:

Nathan Burroughs
Transparent Energy
695 Route 46 W, Suite 408
Fairfield, NJ 07004
E-Mail: nburroughs@transparentedge.com

The Lead Agency and Transparent Energy will review the qualification documents which are submitted and will notify prospective bidders of any deficiencies by **September 8, 2017**. Prospective bidders will be given an opportunity to correct any deficiencies which have been noted, and the final deadline for submission of cured documentation shall be 5 o'clock p.m. on **September 12, 2017**.

All suppliers who have submitted Phase I documentation will be notified on or before 5 o'clock p.m. on **September 13, 2017** whether they are determined to be a Qualified Bidder and accordingly eligible to submit a Phase II bid using the Reverse Auction procedure discussed in Section V, below.

V. PHASE II - BID SUBMISSION INSTRUCTIONS AND SPECIFICATIONS

A Reverse Auction procedure will be used to secure the best bids from suppliers interested in participating. Vendors who have met qualifying standards will be notified of such and provided with procedural instructions by 5 o'clock p.m. on **September 13, 2017**. The Reverse Auction shall be held on **September 14, 2017**, commencing at **twelve o'clock PM** and concluding at **two o'clock PM**. All qualifying vendors intending to bid and requiring clarification on the logistics of the auction process should contact Nathan Burroughs of Transparent Energy for further explanation of the instructions as far in advance of the published date and time of the auction as possible: 862-210-8770 or nburroughs@transparentedge.com. Bidders may bid on the base bid and/or any of the bid alternates outlined below. Notify Lead Agency of the alternates on which vender wishes to bid by providing indicative pricing on the relevant areas of the Bid Response Worksheet (**APPENDIX D** attached hereto).

Bid Specifications – All bids shall be made in consideration of the following:

- Each bid must represent a rate for electric generation service that is inclusive of the Energy Agent fee of \$0.001/kWh – payable directly to the Energy Agent - NJ

Sales and Use Tax, and all other components covered by the utility company's Basic Generation Service rate(s).

- Reimbursable out-of-pocket program expenses incurred by the lead agency, initially covered by the Energy Agent, and recoverable pursuant to N.J.A.C. are projected at \$8,250 – this Administrative Fee shall be remitted to Transparent Energy by the selected supplier within thirty (30) days of the execution of the ESA.
 - Start Date: First Meter read of November, 2017
 - Billing – All residential participants must be billed through the monthly EDC invoice.
- A. Base Bid – Provide a fully fixed rate for each bid lot for a 13-month term & a 25-month term; meet minimum Renewable Portfolio Standard (RPS)
- Bid lot 1 – EDC rate class RS
 - Bid lot 2 – EDC rate class RHS
- B. Alternate 1 – Provide a fully fixed rate for each bid lot for a 13-month term & a 25-month term; meet minimum Renewable Portfolio Standard (RPS); Contract to include “price match guarantee” → in the event the EDC's BGS supply only decreases over the course of this agreement and becomes lower than the vendor's contracted rate, the vendor will either 1) adjust the contracted price per kWh to at least equal or below the BGS rate, or 2) transfer all participating accounts back to the EDC by the next meter read date possible under said EDC policy
- Bid lot 1 – EDC rate class RS
 - Bid lot 2 – EDC rate class RHS
- C. Alternate 2 - Provide a fully fixed rate for a 13-month term & a 25-month term; exceed Renewable Portfolio Standard by at least 30%
- Bid lot 1 – EDC rate class RS
 - Bid lot 2 – EDC rate class RHS
- D. Alternate 3 - Provide a fully fixed rate for each bid lot for a 13-month term & a 25-month term; exceed minimum Renewable Portfolio Standard (RPS) by at least 30%; Contract to include “price match guarantee” outlined in item B above.
- Bid lot 1 – EDC rate class RS
 - Bid lot 2 – EDC rate class RHS
- E. Alternate 4 – For any or each term of 10, 15, or 25 years, provide a fully fixed rate for the first 48 months, after which time rate shall increase by 5% for a 12-month period and 2% for every 12-month period thereafter until the expiry of the

contracted term. Certify that 100% of the electricity is derived from a Class I Renewable source. Contract to include “price match guarantee” outlined in item B above.

- Bid lot 1 – EDC rate class RS
- Bid lot 2 – EDC rate class RHS

VI. QUALIFICATION DOCUMENTS

The documents identified below in this Section VI (“**Qualification Documents**”) must be completed, as necessary and appropriate, and submitted by each prospective bidder by no later than 5 o’clock p.m. on **September 5, 2017** in order to be eligible to bid.

Standard forms for certain of these Qualification Documents (those having prescribed forms are identified below) that must be utilized and are included in **APPENDIX C (Notice of Intent to Bid)** and **APPENDIX E (List of other Qualification Documents having Prescribed Forms)**.

- A. Notice of Intent to Bid (***APPENDIX C***).
- B. Bid Response Worksheet and Phase II Certification (**Appendix D**)
- C. Copy of Suppliers New Jersey Business Registration Certificate.
- D. Copy of Electric Power Supply License Issued by the NJ BPU.
- E. Ownership Disclosure Certification (*Form 1 in APPENDIX E*) - **MUST BE NOTARIZED.**
- F. Affidavit Regarding Debarment, Suspension or Disqualification (*Form 2 in APPENDIX E*) - **MUST BE NOTARIZED.**
- G. Non-Collusion Affidavit (*Form 3 in APPENDIX E*) - **MUST BE NOTARIZED.**
- H. Other Supplier Information that must be Submitted (As Set forth in ***APPENDIX F.***)
- I. Compliance with Affirmative Action Requirements as set forth in N.J.A.C. 17:27-4.3 by submitting appropriate evidence that:
 - (i) Supplier is operating under an existing Federally approved or sanctioned affirmative action program; or
 - (ii) Supplier has a Certificate of Employee Information Report issued in accordance with N.J.A.C 17:27-4; or

- (iii) Supplier has submitted an Employee Information Report (AA302) in accordance with N.J.A.C 17:27-4.]

VII. AWARD TO SUCCESSFUL BIDDER(S)

The Municipality is the Lead Agency under the Program and pursuant to Ordinance No. MC 3521 is authorized to award a contract (s) for electric generation service on behalf of each Participating Residential Account. Transparent Energy, as Energy Agent, will analyze the bids and make a recommendation to the Lead Agency with respect to making award. In making an award, the Lead Agency will select the bid deemed most advantageous those participating, provided that the bid price(s) are lower than the applicable EDC's BGS tariff price. If none of the bids received on **September 14, 2017** are determined by the Municipality to produce sufficient savings, no award will be made on this date. However, in this situation, the Lead Agency may request refreshed pricing at a later date to be announced to all qualified suppliers.

The Lead Agency will execute four (4) original versions of the ESA in final form by 3 o'clock p.m. on **September 14, 2017**. Supplier is encouraged to make arrangements to have an authorized representative available to counter-sign the ESA in person on or before 4 o'clock p.m. **September 14, 2017**.

If the supplier cannot appear in person, a signed ESA will be scanned and mailed electronically to the selected supplier on **September 14, 2017**, who must sign and scan back to the Lead Agency by 5 o'clock p.m. that same day. Additionally, signed copies will be forwarded to the successful bidder(s) by overnight mail and shall be signed by an authorized representative and returned to the Lead Agency and received no later than 5 o'clock p.m. on **September 18, 2017**. The Lead Agency will send written notice to the EDC of the selected supplier(s) before the close of business on **September 14, 2017**.

VIII. FORM OF ENERGY SUPPLY AGREEMENT

The form of Electrical Supply Agreement ("**ESA**") is set forth in **APPENDIX A**.

The ESA sets forth the rights and obligations of the supplier and the Lead Agency in connection with the Program, and the terms and conditions under which electric generation service will be provided to participating customers under the Program. It is intended that the ESA will conform in all respects to the requirements set forth in N.J.A.C. 14:4-6.10. The ESA will be executed by the Lead Agency and the winning supplier(s).

The Lead Agency will accept comments and questions concerning the form of the ESA and if, as a result, it determines that the form of the ESA needs to be amended or modified in any respect, it will issue an addendum which identifies any such changes to the form of the ESA. The “final” ESA (in the form set forth in Exhibit A as modified by any addenda thereto) will be the form of the agreement that will be executed by the Lead Agency and the winning supplier(s).

As provided under New Jersey law, bids that include “material exceptions” to the ESA will be deemed unresponsive, and the Lead Agency reserves the right to reject bids that are contingent upon modifications to the “final” ESA

IX. ADDITIONAL GENERAL TERMS AND CONDITIONS

The term of the ESA to be executed will be for a period determined by the Municipality in accordance with Local Public Contracts Law, N.J.S.A. 40A:11-1 *et. seq.* Supplier is expected to notify the Municipality at least ninety (90) days prior to the expiration of the current contract term to discuss renewal. In the event the contract term is not addressed by the parties, Supplier agrees to return all accounts to the EDC.

The Municipality reserves the right to reject any and all proposals submitted in response to the RFP. Any responses to the RFP that contain material exceptions shall be considered non-responsive and shall not be considered. The Municipality also reserves the right to later modify any portion of the RFP and, in its discretion, to request Suppliers to provide additional specific information and/or to propound additional questions which Suppliers should answer.

Suppliers must demonstrate compliance with all legal and regulatory requirements and must be certified and approved by all applicable or required NJ or federal agencies.

It shall be the responsibility of the bidder/supplier to assure that all applicable federal, state and local laws and regulations are followed, including without limitation, the Equal Employment Opportunity Act and the Americans with Disabilities Act.

All suppliers wishing to bid pursuant to this RFP must provide a signed and notarized Affidavit of Compliance with Campaign Contribution Regulations by an authorized agent of the supplier.

Supplier responses to this RFP will become the property of the Municipality once received.

All costs incurred by bidders in responding to this RFP shall be borne by bidders.

APPENDIX A

Form of Electrical Supply Agreement attached.

APPENDIX B

Pertinent Customer Information

Irvington Township Residential Customers not serviced by a TPS as of 5/24/2016																
Rate Category	No. of Non TPS Residential Customers	Equal Payment Plan Count	Capacity Obligation	Transmission Obligation	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
RHS	28	5	47	43	30,680	42,208	43,756	25,542	15,334	13,498	13,561	14,908	15,011	15,538	19,301	22,795
RS	19,411	1,480	25,361	22,453	7,428,432	7,301,796	7,979,760	6,478,135	5,822,214	6,039,793	7,876,477	8,776,174	8,477,724	7,477,241	6,014,236	6,823,163
TOTAL	19,437	1,485	25,408	22,496	7,457,112	7,343,994	8,023,516	6,503,677	5,837,548	6,053,291	7,890,038	8,791,082	8,492,735	7,492,779	6,033,537	6,945,958
																272,132
																86,495,135
																86,765,267

APPENDIX C
Notice of Intent to Bid

(The submission of this form is indicative of a non-binding intent to bid in response to the RFP of _____ dated _____, 201_.)

Supplier Information:

Name of Supplier: _____

NJBPU Electric Supplier License #: _____

Supplier's Contact Person:

Name: _____

Title: _____

Phone #: _____

E-mail Address: _____

Fax #: _____

I understand that by submitting this Notice of Intent the contact person specified above will be included on the Bid Distribution List for the RFP. By submitting this expression of interest, the Supplier is not bound to submit Phase II bids, but a party desiring to submit a Phase II bid must submit a completed Notice of Intent and other Phase I Qualification documents identified in Section VI no later than 5 o'clock p.m. on **September 5, 2017** in order to be eligible to submit Phase II bids.

DATE: _____ **BY:** _____
Authorized Representative for the
above-named Supplier

APPENDIX D

BID RESPONSE WORKSHEET

Please review the bid specifications and alternatives detailed in Section V and enter *indicative* pricing for the Base Bid and/or any of the requested alternates in the chart below.

	13-month rate	25-month rate
Base Bid - minimum RPS		
Lot 1	/kWh	/kWh
Lot 2	/kWh	/kWh

Alternate 1 - minimum RPS, price match guarantee		
Lot 1	/kWh	/kWh
Lot 2	/kWh	/kWh

Alternate 2 - exceed RPS by 30%		
Lot 1	/kWh	/kWh
Lot 2	/kWh	/kWh

Alternate 3 - exceed RPS by 30%, price match guarantee		
Lot 1	/kWh	/kWh
Lot 2	/kWh	/kWh

Rate		
Alternate 4 - 15-years, 100% Class I Renewable		
	Lot 1	Lot 2
Years 1-4	/kWh	/kWh
Year 5	/kWh	/kWh
Year 6	/kWh	/kWh
Year 7	/kWh	/kWh
Year 8	/kWh	/kWh
Year 9	/kWh	/kWh
Year 10	/kWh	/kWh
Year 11	/kWh	/kWh
Year 12	/kWh	/kWh
Year 13	/kWh	/kWh
Year 14	/kWh	/kWh
Year 15	/kWh	/kWh

Rate		
Alternate 4 - 25-years, 100% Class I Renewable		
	Lot 1	Lot 2
Years 1-4	/kWh	/kWh
Year 5	/kWh	/kWh
Year 6	/kWh	/kWh
Year 7	/kWh	/kWh
Year 8	/kWh	/kWh
Year 9	/kWh	/kWh
Year 10	/kWh	/kWh
Year 11	/kWh	/kWh
Year 12	/kWh	/kWh
Year 13	/kWh	/kWh
Year 14	/kWh	/kWh
Year 15	/kWh	/kWh
Year 16	/kWh	/kWh
Year 17	/kWh	/kWh
Year 18	/kWh	/kWh
Year 19	/kWh	/kWh
Year 20	/kWh	/kWh
Year 21	/kWh	/kWh
Year 22	/kWh	/kWh
Year 23	/kWh	/kWh
Year 24	/kWh	/kWh
Year 25	/kWh	/kWh

Rate		
Alternate 4 - 10 years, 100% Class I Renewable		
	Lot 1	Lot 2
Years 1-4	/kWh	/kWh
Year 5	/kWh	/kWh
Year 6	/kWh	/kWh
Year 7	/kWh	/kWh
Year 8	/kWh	/kWh
Year 9	/kWh	/kWh
Year 10	/kWh	/kWh

Certification – By execution of this form, the bidder certifies that _____ (fill in company) is providing *non-binding, indicative* pricing herein, but will be bound by any bid entered in the next phase of this procurement process and will execute the ESA should they participate in Phase II and be selected via the Reverse Auction.

Date: _____

By: _____

Print Name & Title: _____

APPENDIX E

Other Qualification Documents having Prescribed Forms

- Form 1: Ownership Disclosure Form
- Form 2: Affidavit re Debarment,
 Suspension or Disqualification
- Form 3: Non-Collusion Affidavit

FORM 1 (APPENDIX E)
OWNERSHIP DISCLOSURE CERTIFICATION

Name of Business:	
--------------------------	--

I certify that the list below contains the names and home addresses of all stockholders holding 10% or more of the issued and outstanding stock of the undersigned business organization.

OR

I certify that the bidder is a corporation and the list below contains the names and address of all stockholders who own 10% or more of the stock of any class of the corporation.

OR

I certify that no one stockholder owns 10% or more of the issued and outstanding stock of the undersigned.

Check the box that represents the type of business organization:

<input type="checkbox"/> Partnership	<input type="checkbox"/> Corporation	<input type="checkbox"/> Sole Proprietorship	<input type="checkbox"/> Limited Partnership
<input type="checkbox"/> Limited Liability Corporation	<input type="checkbox"/> Limited Liability Partnership	<input type="checkbox"/> Subchapter S Corporation	

(Complete and notarize the form below, and if necessary, complete the stockholder list below and copy form if additional space is needed).

Name:	Name:
Home Address:	Home Address:
Name:	Name:
Home Address:	Home Address:
Name:	Name:
Home Address:	Home Address:
Subscribed and sworn before me this ____ day of _____, 2__.	
(Notary Public) My Commission expires:	<div style="text-align: center;">_____ (Affiant) _____ (Print name & title of affiant) _____ (Name of Business) (Corporate Seal)</div>

FORM 2 (APPENDIX E)
AFFIDAVIT REGARDING LIST OF DEBARRED,
SUSPENDED OR DISQUALIFIED CONTRACTORS

AFFIDAVIT REGARDING LIST OF DEBARRED, SUSPENDED OR DISQUALIFIED CONTRACTORS

STATE OF NEW JERSEY/ _____
Specify, of Other

COUNTY OF _____

I, _____, of the (City, Town, Borough) of
_____ State of _____, of full age,

being duly sworn according to law on my oath depose and say that:

I am _____ of the firm of _____, the
Proposer making the Proposal for the above named Project, and that I executed the said Proposal
with full authority to do so; that said Proposer is not at the time of the making this proposal
included on the State of New Jersey Consolidated Department Report as a result of action taken by
any New Jersey state or local ACES.

Subscribed and sworn before me this ____ day of
_____, 2__.

(Notary Public)
My Commission expires:

(Affiant)

(Print name & title of affiant)

(Name of Business)
(Corporate Seal)

FORM 3 (APPENDIX E)
NON-COLLUSION AFFIDAVIT

AFFIDAVIT REGARDING LIST OF DEBARRED, SUSPENDED OR DISQUALIFIED CONTRACTORS

STATE OF NEW JERSEY/ _____
Specify, of Other

COUNTY OF _____

I, _____, of the (City, Town, Borough) of
_____ State of _____, of full age,

being duly sworn according to law on my oath depose and say that:

I am _____ of the firm of _____, the Proposer making the Proposal for the above named Project, and that I executed the said Proposal with full authority to do so; that said Proposer has not directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free and open competition in connection with the ACRS program; and that all statements contained in said Proposal and in this affidavit are true and correct, and made with full knowledge, and ACES relies upon the truth of the statements contained in this affidavit in awarding the contract.

I further warrant that no person or selling agency has been employed or retained to solicit or secure such contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, except bona fide employees or bona fide established commercial or selling agencies maintained by this organization.

<p>Subscribed and sworn before me this ____ day of _____, 2__.</p> <p>(Notary Public) My Commission expires:</p>	<p>_____ (Affiant)</p> <p>_____ (Print name & title of affiant)</p> <p>_____ (Name of Business) (Corporate Seal)</p>
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THIS FORM SHAL BE COMPLETED, SIGNED, AND NOTARIZED

APPENDIX F

OTHER SUPPLIER INFORMATION

THAT MUST BE SUBMITTED

Please submit detailed responses to the information requested herein concerning the Supplier:

1. Provide a general overview of Supplier's industry experience, including: (a) the number of years in which Supplier has been engaged in the retail electric supply business; (b) whether Supplier is currently serving retail customers in New Jersey, and if so, provide pertinent details; (c) an identification of the other states in which Supplier currently offers retail electric supply; and (d) the number of retail customers and amount of load being served by Supplier in various locations.
2. Describe the nature and extent of Suppliers experience related specifically to providing retail electric generation supply to residential customers, including: (a) an identification of the States in which service to residential customers is provided; and (b) the number of residential customers served in various locations and the amount of load served.
3. Describe the nature and extent of the Supplier's experience with respect to Government Energy Aggregation programs, including: (a) the number of such programs in which Supplier has served as the retail energy supplier for customers participating in the aggregation program; and (b) an identification of the states in which Supplier has provided retail energy supply in connection with a Government Energy Aggregation Program.
4. List any Government Energy Aggregation program previously served by Supplier which Supplier no longer serves, and explain why Supplier no longer serves them.
5. Indicate whether Supplier intends to rely upon any generation sources owned or controlled by Supplier in order to supply electric generation under the Electrical Supply Agreement ("ESA"), and if so, please further identify those sources.

6. List and describe, if applicable, any generation assets owned and controlled by Supplier, including (a) plant name and location; (b) fuel type; (c) KW capacity; and (d) whether owned by Supplier or by a parent or other affiliate of Supplier.
7. If Supplier intends to source generation from a generation source which is not owned or controlled by Supplier, explain how that power will be sourced, and also set forth the nature and extent of Supplier's qualifications for trading electric contracts in the market.
8. Does Supplier have all transmission agreements needed to deliver electricity to participating customers in the Municipality?
9. What credit rating has been assigned to supplier by Standard and Poor's? By Moody's? Another Rating Agency?
10. Has the Supplier ever failed to supply contracted electricity? If so, please explain the circumstances.
11. Has the Supplier ever been sued for failing to supply contracted electricity supply? If so, please explain the circumstances.
12. Provide a copy of the Supplier's most recent Annual Report.
13. Describe the nature and extent of Supplier's back-office capabilities and experience to provide the various services to be provided by Supplier under the ESA including: (a) production and distribution of Opt-out forms; (b) receipt, processing and logging of Opt-out forms; (c) enrollment of participating customers; (d) capability to answer customer inquiries, including multi-lingual capabilities; and (e) confirmation that supplier will work within each relevant EDC's equal monthly payment plan, when applicable.
14. Provide any other information (not requested above) concerning Supplier's capabilities, experience or expertise which Supplier believes will serve to help demonstrate its qualifications to provide the various services required under the ESA.