

R-10-92

RESOLUTION AUTHORIZING AN OPEN-END CONTRACT WITH CONSTELLATION NEWENERGY, INC.
FOR THE PURCHASE OF ELECTRIC ENERGY

WHEREAS, it is in the Township of Livingston's ("Township") best interest to purchase electric energy for the Water Pollution Control Facility and Water Department from a third party supplier; and

WHEREAS, on January 28, 2010, the Township of Livingston issued Bid No. 004-2010, to solicit bids from companies experienced in providing electricity; and

WHEREAS, the bid was advertised on the Township of Livingston website and West Essex Tribune on January 28, 2010 and as a result four (4) bid packages were requested and mailed; and

WHEREAS, on February 10, 2010, one (1) bid was received by the bid deadline and publicly read; and

WHEREAS, the firm of Constellation NewEnergy, Inc. was identified as the lowest responsive and responsible bidder whose bid meets all of the requirements of the bid specifications, complies with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.S.A. 17:27 et seq., is responsive and responsible; and

WHEREAS, Constellation NewEnergy, Inc.'s schedule of pricing is attached; and

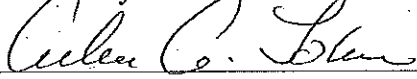
WHEREAS, the Consulting Engineer and Superintendent of the Water Pollution Control Facility have evaluated the proposal for qualifications, experience, and cost reasonableness, and recommends the award of a contract to Constellation NewEnergy, Inc at a fixed rate of 0.079846 per kilowatt hour; and

WHEREAS, the contract was signed by the Township Manager on February 17, 2010 as authorized by resolution 09-273 which was passed on December 7, 2009 ; and

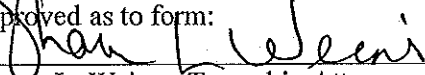
WHEREAS, the Township Manager is recommending the award of a twenty-four month contract to Constellation NewEnergy, Inc. at a price of 0.079846 per kilowatt hour; and

WHEREAS, the certification of availability of funds shall be made by the chief financial officer through the issuance of a purchase order, as appropriate, per N.J.A.C. 5:30-11.10; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Livingston, in the County of Essex, State of New Jersey, that it authorizes the Township Manager to enter into a twenty-four month contract with Constellation NewEnergy, Inc.


Arlene A. Johnson, Mayor


Glenn R. Turteltaub, Township Clerk

Approved as to form:

Sharon L. Weiner, Township Attorney

Adopted: February 22, 2010