

Resolution 26-084

RESOLUTION AUTHORIZING AN ENERGY AGENT CONTRACT WITH GABEL ASSOCIATES, INC., AND AUTHORIZING THE EXECUTIVE DIRECTOR OR IN HER ABSENCE THE ENGINEERING MANAGER TO AWARD A CONTRACT AND/OR REJECT BIDS IN RESPONSE TO THE REQUEST FOR BIDS FOR ELECTRIC GENERATION SERVICE ISSUED ON BEHALF OF THE NEW JERSEY SEWERAGE AND MUNICIPAL UTILITY AUTHORITY ELECTRICAL SUPPLY AGGREGATION

WHEREAS, the Rockaway Valley Regional Sewerage Authority ("Authority") has participated in the formation and implementation of the New Jersey Sewerage and Municipal Utility Authority Electrical Supply Aggregation ("NJSMUAESA"), which is a consortium of New Jersey Sewerage and Municipal Utility Authorities formed for the purpose of soliciting and securing bids on an aggregated basis for electric generation service from licensed electric power suppliers pursuant to the provisions of the "Electric Discount and Energy Competition Act" (P.L. 1999, c.23, N.J.S.A. 48:3-49 *et. seq.*, "the Act"), and thereby enjoying the benefits of joint purchasing and bulk power purchasing discounts; and

WHEREAS, the existing electric power supply contract(s) for the Authority's electric accounts, awarded and entered as a result of a bid conducted by the NJSMUAESA in October 2024, February 2025 and March 2025 will expire upon the meter read dates in either November 2026 or May 2027 for each Authority electric account; and

WHEREAS, the Authority desires to continue its purchase of electric generation service for its electric accounts as a participant in the NJSMUAESA to derive the benefits of bulk purchasing discounts; and

WHEREAS, the NJSMUAESA intends to issue a Request for Bids ("RFB") on or about September 8, 2026 for the purpose of seeking bids for electric generation service from licensed electric power suppliers to replace the current supply contract(s) scheduled to expire in November 2026 and May 2027; and

WHEREAS, as a participant in the NJSMUAESA the Authority requires the services of an "Energy Agent," as defined in the "Electric Discount and Energy Competition Act," to administer the bid process and arrange for the sale of retail electric generation service by a licensed retail electric power supplier to the Authority; and

WHEREAS, the Energy Agent shall provide the Authority with services, including but not limited to, analyzing the Authority's energy needs, quantifying the Authority's load profile, developing an energy plan for the Authority, preparing bid specifications and, upon approval of the bid specifications, bidding a contract for the supply of electric generation service to the Authority in accordance with the "Proposal to Provide Energy Consulting Services to Rockaway Valley Regional Sewerage Authority", dated August 26, 2026, attached herein and made a part of; and

WHEREAS, the Energy Agent shall not receive any monetary compensation directly from the Authority for the services to be provided; and

WHEREAS, the Authority and the Energy Agent agree that the electricity supply contract(s) ("ESC") between the Authority and the awarded supplier(s) shall provide that the awarded supplier pay the

Energy Agent a monthly administrative fee for each account served at a rate of \$.0006 per kilowatt-hour for all months of the ESC; and

WHEREAS, the Authority is desirous of authorizing the award of a contract to Gabel Associates as an extraordinary, unspecifiable service without competitive bidding pursuant to N.J.S.A. 40A:11-1 *et seq.*, after a fair and open process; and

WHEREAS, Gabel Associates, with a principal place of business located at 417 Denison Street, Highland Park, NJ 08904, is a duly registered Energy Agent pursuant to the Act; and

WHEREAS the Authority previously approved the retention of Gabel Associates, Inc. as the Authority's Energy Agent in connection with the procurement of electricity supply for the Authority's electric accounts; and.

WHEREAS, it is the NJSMUAESA's intent to receive bid price submittals on or about October 6, 2026 in response to the RFB to be issued on or about September 8, 2026; and

WHEREAS, due to the fact that the electricity market is highly volatile and bid prices will not be guaranteed past 3:00 p.m. on the day that bids are accepted, the award or rejection of bid(s) must be made on the Authority's behalf by its designated representative by no later than 3:00 p.m. on bid day;

NOW, THEREFORE, BE IT RESOLVED by the Rockaway Valley Regional Sewerage Authority as follows:

1. The Rockaway Valley Regional Sewerage Authority ("Authority") is hereby authorized to participate with the NJSMUAESA for the purpose of securing bids for electric generation service from licensed electric power suppliers for a contract to replace the existing electricity supply contract(s) expiring in November 2026 and May 2027, pursuant to the "Electric Discount and Energy Competition Act" (P.L. 1999, c.23, N.J.S.A. 48:3-49 *et. seq.*, "the Act"), Local Public Contracts Law, N.J.S.A. 40A:11-1 *et. seq.*, and applicable regulations.
2. The Authority's Executive Director, or in her absence the Engineering Manager, is hereby authorized to act in his/her sole discretion as the Authority's designated representative to award a contract for the applicable Bid Group(s) to the low, qualified bidder for the contract term and pricing product deemed most beneficial to the Authority, by executing an Award Letter on the day of bid receipt and subsequently executing the Model Supply Contract, or reject an electricity bid, in conjunction with the NJSMUAESA Request for Bids to be issued on or about September 8, 2026. Such authorization to award a contract to the low bidder as the Authority's designated representative is subject to the low bid being equal to or less than the Trigger Price(s) to be established for the applicable Bid Group(s) containing the Authority's accounts prior to the data of receipt of bids by the NJSMUAESA, under the advisement of the Energy Agent.

3. Notwithstanding the foregoing, the Authority's Executive Director or in her absence the Engineering Manager, may reject any bid, including, if necessary, all bids (and not award a contract), and if desirable, to authorize the NJSMUAESA to rebid the contract, provided that such rejection is in accordance with the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 *et. seq.*
4. The Authority hereby approves the retention of Gabel Associates, Inc. as the Authority's Energy Agent in connection with the procurement of electricity supply for the Authority's electric accounts.

CERTIFICATION

I hereby certify that this Resolution was adopted at a Regular Meeting of the Rockaway Valley Regional Sewerage Authority held on September 10, 2026.

On Motion of: Commissioner Schorno

Seconded by: Commissioner Farrell

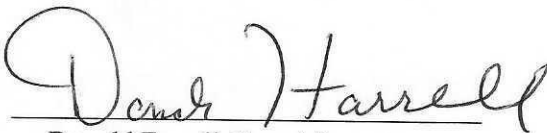
And a Roll Call Vote as follows:

Yeas: (7) Farrell, Hobbs, Howarth, Isselin, Janone, Schorno, and Sheehy.

Nays: (0) None

Abstain: (0) None

Absent: (3) Andes, Lepore, Zuppa.


Donald Farrell, Board Secretary