



Legislation Text

File #: 12-1294, Version: 1

Dept/ Agency: Economic & Housing Development

Action: () Ratifying (X) Authorizing () Amending

Type of Service: Solicitation of Sealed Bids

Purpose: Authorizing Competitive Contracting for engagement of Energy Services Company

WHEREAS, the Legislature, has provided municipalities with a frame work to implement Energy Savings Improvement Programs, which are defined as an initiative to implement energy conservation measures in existing facilities, provided that the value of the energy savings resulting from the program will be sufficient to cover the cost of the program’s energy conservation measures; and

WHEREAS, in order to implement an Energy Savings Improvement Plan, the Legislature has further authorized the engagement of Energy Services Companies (hereinafter, “ESC”) by municipalities to develop and implement an Energy Savings Plan (hereinafter, “ESP”), through the competitive contracting procedure set forth in the Local Public Contracts Law, N.J.S.A. 40A:11-4.1 et seq., more specifically, N.J.S.A. 40A:11-4.6, in lieu of the standard public bidding process; and

WHEREAS, the City of Newark (hereinafter, the “City”) is desirous of implementing an Energy Savings Improvement Program in the fashion set forth in the Local Public Contracts Law, N.J.S.A. 40A:11-4.6 et seq. and therefore has a need to contract with an ESC to develop and implement an ESP; and

WHEREAS, N.J.S.A. 40A:11-4.6 specifically authorizes the City to use competitive contracting to enter into an energy savings services contract with an ESC to implement the energy savings improvement program in the manner provided by sections 1 through 5 of P.L.1999, c.440 (C.40A:11-4.1 et seq.); and

WHEREAS, the development of an ESP will improve the operational efficiency and address deferred maintenance of municipal buildings, reduce the City of Newark’s energy use and carbon footprint, and reduce the municipal budget; and

WHEREAS, pursuant to N.J.S.A. 40A:11-4.3(a), in order to initiate competitive contracting, the Municipal Council must pass a resolution authorizing the use of competitive contracting each time specialized goods or services are desired to be contracted; and

WHEREAS, the competitive contracting process shall be administered by the Deputy Mayor/Director of the Department of Economic and Housing Development, pursuant to N.J.S.A. 40A:11-4.3(b) and any contract awarded under this process shall be made by resolution of the Municipal Council, subject to the provisions of subsection e. of N.J.S.A. 40A:11-4.5.

NOW, THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

1. The Municipal Council hereby authorizes the use of competitive contracting, pursuant to N.J.S.A 40A:11-4.1 et seq. to procure one or more energy savings service contract(s) with an Energy Services Company or Companies, to implement an Energy Savings Improvement Program.
2. The award of such a contract or contracts shall be by resolution of the Municipal Council.
3. The competitive contracting process shall be administered by the Deputy Mayor/Director of the Department of Economic and Housing Development, pursuant to N.J.S.A. 40A:11-4.3(b) and any contract awarded under this process shall be made by resolution of the Municipal Council, subject to the provisions of subsection e. of N.J.S.A. 40A:11-4.5.

STATEMENT

Resolution authorizing the use of competitive contracting pursuant to N.J.S.A. 40A:11-4.6 to procure an Energy Savings Services Contract with an Energy Services Company or Companies to implement an Energy Savings Improvement Plan.]