

**BOROUGH OF RED BANK**

**COUNTY OF MONMOUTH**

**RESOLUTION NO. 21-116**

**A RESOLUTION AWARDING A FAIR AND OPEN CONTRACT TO  
COMMERCIAL UTILITY CONSULTANTS, INC. TO DEVELOP AND ADMINISTER  
THE SUSTAINABLE MONMOUTH ALLIANCE ENERGY AGGREGATION PROGRAM**

**WHEREAS**, the Borough of Red Bank (the “Borough”) is the Lead Agent for the Sustainable Monmouth Alliance (“SMA”), which is a coalition of municipalities in Monmouth County, New Jersey, including Holmdel, Asbury Park, Matawan, Eatontown, Aberdeen, Freehold and Bradley Beach, that have come together for the purpose of combining their purchasing power to procure cleaner and less expensive electrical power for their residential electrical users; and

**WHEREAS**, the SMA requires a qualified consultant to develop a program to aggregate the electrical load of residential electricity users within the SMA, and, in consultation with the New Jersey Board of Public Utilities (“BPU”), develop, prepare, implement, and secure regulatory approval, and perform all services related to administering the SMA Aggregation Program in compliance with N.J.S.A. 48:3-93.1 *et seq.*, as amended, N.J.A.C. 14:4-6.1 *et seq.*, and the policies and procedures of the BPU; and

**WHEREAS**, the Borough, by Resolution No. 21-89, undertook a “fair and open” process under the Pay-To-Play Law, N.J.S.A. 19:44A-20.4, *et seq.* for the solicitation of proposals by qualified consultants to develop and administer the SMA Aggregation Program; and

**WHEREAS**, on April 15, 2021, the Borough received one (1) Proposal from Commercial Utility Consultants, Inc., 212 W. State Street, Trenton, New Jersey 08608, to develop and administer the SMA Aggregation Program; and

**WHEREAS**, the Borough, in conjunction with the other members of the SMA, has reviewed the aforementioned Proposal, which is attached hereto as Exhibit A, and finds same to be qualified and acceptable under the criteria set forth in the solicitation of proposals;

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40:11-1, *et seq.*, requires that this Resolution authorizing the award of a contract for professional services without competitive bids, together with the contract itself, must be available for public inspection;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor & Council of the Borough of Red Bank, County of Monmouth, State of New Jersey , that:

1. The Administrator is authorized to enter into a professional services contract with Commercial Utility Consultants, Inc. to develop and administer the SMA Aggregation Program.
2. The engagement of Commercial Utility Consultants, Inc. is exempt from public bidding as a professional service under N.J.S.A. 40A:11-5.1(a)(i), and is being awarded under a “fair and open” process in accordance with the Pay-to-Play Law.
3. Notice of the Resolution shall be published in the designated official newspapers as required by law within ten (10) days of the passage of this Resolution.

4. A certified copy of this resolution be forwarded to the Borough Administrator, Chief Financial Officer, and the Sustainable Monmouth Alliance.

|                        | Motion | Yes | No | Abstain | Absent |
|------------------------|--------|-----|----|---------|--------|
| Councilman Yassin      |        | X   |    |         |        |
| Councilwoman Triggiano | Motion | X   |    |         |        |
| Councilman Ballard     |        |     |    | X       |        |
| Councilman Yngstrom    | Second | X   |    |         |        |
| Councilman Zipprich    |        |     |    | X       |        |
| Councilwoman Horgan    |        | X   |    |         |        |

Dated: April 28, 2021

I hereby certify the above to be a true copy of a resolution adopted by the Council of the Borough of Red Bank, in the County of Monmouth, at a meeting held on April 28, 2021.

Pamela Borghi

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Pamela Borghi, Municipal Clerk