

REQUEST FOR PROPOSALS:
**FOR THE PROVISION OF ELECTRIC GENERATION SERVICE
AND GOVERNMENT ENERGY AGGREGATION SERVICES
FOR THE
LACEY COMMUNITY ENERGY AGGREGATION PROGRAM
(LCEA)**

**THE TOWNSHIP OF LACEY
Lead Agency, LCEA**



DATE OF ISSUANCE: FEBRUARY 27, 2024

QUESTIONS AND COMMENTS DUE: MARCH 8, 2024, 5:00 p.m. EDT

NOTICE OF INTENT TO PROPOSE DUE: MARCH 8, 2024, 5:00 p.m. EDT

QUALIFICATIONS DOCUMENTS DUE: MARCH 8, 2024, 5:00 p.m. EDT

PRICE PROPOSALS DUE: MARCH 28, 2024, 12:00 noon EDT

All Times stated in prevailing Eastern Time Zone

Lead Agency's Energy Agent: Gabel Associates, Inc.

For questions relating to this RFP, send written inquiries via e-mail to:

Gabel Associates, Inc

417 Denison Street

Highland Park, New Jersey 08904

E-mail: procurement@gabelassociates.com

**TOWNSHIP OF LACEY
COMMUNITY ENERGY AGGREGATION PROGRAM
REQUEST FOR PROPOSALS
DATED MAY 11, 2021**

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Acronym Glossary

BGS	Basic Generation Service
BPU	Board of Public Utilities
EPP	Equal Payment Plan
GEA	Government Energy Aggregation
JCP&L	Jersey Central Power and Light
KWh	Kilowatt-hour
LCEA	Lacey Community Energy Aggregation
MRD	Meter Read Date
MPA	Master Performance Agreement
RFP	Request for Proposals or “Proposals”
RPS	Renewable Portfolio Standard
Township	Township of Lacey, Ocean County, New Jersey
TPS	Third Party Supplier

A. INTRODUCTION

The Lacey Township Committee, the governing body of the Township of Lacey, Ocean County, New Jersey (also referred to herein as the “Township”), adopted Ordinance No. 2013-21 on September 12, 2013 authorizing the formation of a Government Energy Aggregation (“GEA”) program in the Township of Lacey, named the Lacey Community Energy Aggregation (“LCEA”), pursuant to applicable State law (Government Energy Aggregation Act) and New Jersey Board of Public Utilities (“BPU”) rules (N.J.A.C. 14:4-6.1 *et seq.*). The LCEA has been formed for the express purposes of obtaining power supply for Township residents at a price that is lower than the tariff price for power supply charged by the local electric utility, Jersey Central Power and Light (“JCP&L”). The Township’s most recent contract under the LCEA program, for energy supply under Round II of the LCEA program, expired in September 2020; at that time all participating residents were transitioned back to Basic Generation Service provided under the JCP&L tariff. the Township is now seeking power supply service for Round III of the LCEA program.

The Township will act as the Lead Agency of the LCEA. Consistent with applicable rules, the Lead Agency will solicit proposals for electric generation service and government energy aggregation services for Township residents 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 boundaries of the Township.

The Lead Agency seeks to award a contract for one pricing group provided that the proposed price for the awarded pricing group is below the prevailing price for electric generation service provided by JCP&L, as set forth in the utility’s applicable Basic Generation Service (“BGS”) tariff, and provided further that the Lead Agency, in its sole discretion, determines that the price proposal warrants the award of a contract under this RFP. An award will be made based on which supplier’s proposal is most advantageous to the participating Township customers, price and other factors considered. The Township reserves the right to make no award at all; or to make a single award to one supplier covering the Residential Pricing Group. The evaluation and selection process are set forth in detail in Section H of this RFP.

The Township is seeking pricing proposals for three potential contract durations, as follows: The term of the electric generation service will be for a period of service of either twelve (12) months, seventeen (17) months or twenty-four (24) months beginning with the July 2024 meter read dates (“MRDs”) for each account. Suppliers may submit price proposals for one, some or all of the potential contract durations. At the time of contract award, the Township will, in its sole judgment, select the start date and term, if any, that is most advantageous to the participating customers.

As Lead Agency, the Township is issuing this RFP, and will, if a contract award is made, execute an MPA with the selected supplier that sets forth the rights and obligations of both the Lead Agency and the selected supplier in connection with the LCEA Program. The term of the MPA will be from the date of execution through July 2025, December 2025 or July 2026.

The decision to make an award is at the sole discretion of the Township as the Lead Agency. If in its discretion, the Lead Agency elects to make a contract award, the Lead Agency will make an award to the supplier whose proposal is most advantageous to the participating customers, price and other factors considered, as set forth specifically in Section H of this RFP. In particular, the Lead Agency shall consider which supplier will provide the most benefits to the LCEA participants, provided that the supplier meets the qualification requirements set forth in this RFP and provided that the proposed contract price for electric generation service does not exceed the BGS tariff price in accordance with N.J.A.C. 14:4-6.9, and is reasonably forecast and estimated by the Lead Agency to provide sufficient savings to the participants over

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the term of the contract relative to the cost that would be incurred by LCEA participants if they were to remain on the applicable BGS tariff over the contract term. The Lead Agency's award of a contract to a selected supplier will obligate the participants in the LCEA to purchase electricity from the selected supplier, subject to the terms and conditions stated in the MPA, including opt-out rights.

Gabel Associates, 417 Denison Street, Highland Park, NJ 08904 (732) 296-0770, has been retained by the Township to serve as the LCEA energy agent. Gabel Associates is an energy agent duly registered with the NJ Board of Public Utilities. The energy agent fee to compensate the Gabel team for its consulting services will be paid by the winning supplier and shall be included in suppliers' price proposal.

This procurement process is being conducted in accordance with the "Government Energy Aggregation Act" (N.J.S.A. 48:3-93.1 et seq.); Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.); "Electric Discount and Energy Competition Act," P.L. 1999, c. 23 (N.J.S.A. 48:3-49 et seq.) ("EDECA"); the Local Government Electronic Procurement Act P.L. 2018, c.156; and all applicable regulations and standards promulgated thereunder, including in particular the BPU's government energy aggregation rules (N.J.A.C. 14:4-6.1 et seq.). Specifically, the Township is implementing the LCEA Program as an "Option 2" government energy aggregation, as that term is defined in N.J.A.C. 14:4-6.6.

As the Lead Agency of an Option 2 government energy aggregation program, the Township has or will undertake a number of tasks (directly or through a designated agent such as the energy consultant and/or the selected supplier), including: 1) execution of an EDC Agreement with JCP&L; 2) preparation, release and administration of an RFP; 3) selection of winning bidder and execution of an MPA on behalf of all Participating Customers; 4) distribution of "opt-out" notifications to all residential customers in the Township that are not currently under a Third Party Supplier ("TPS") contract¹; 5) collection and compilation of completed "opt-out" notice forms returned by residential customers; and, 6) oversight of enrollment of Participating Customer accounts.

Pursuant to BPU rules and authorizing ordinances passed by the governing body of the Township, the Lead Agency is authorized to issue an RFP and to award a contract to an electric power supplier on the Participating Customers' behalf provided that the selected price proposal will, in the discretion of the Lead Agency, provide sufficient savings relative to the applicable utility tariff rates. Participating Customers of the LCEA fall into the following categories:

1. Residential electric accounts located within the geographic boundaries of the Township that do not currently have a third-party supply (TPS) contract (the initial eligibility list provided by the EDC, less the removal of customers on the Do Not Disturb list and customers with on-site, net-metered renewable energy systems) and who do not "opt-out" of the LCEA Round-III Program.
2. Residents currently on TPS contracts who subsequently opt-in to the program, and new residential customers who initiate a new JCP&L account after the start of the program who opt-in to the program.

According to JCP&L there are approximately 11,000 residential electric accounts located within the Township that are not currently served by a third-party supplier ("TPS"). These approximately 11,000 residential accounts, less those accounts that are identified as being on a Do Not Disturb list, or that are identified as having an on-site, net-metered renewable energy system, are being included in the LCEA

¹ Excluding customers who are on a 'Do Not Disturb' list or who are identified as having an on-site, net-metered solar energy system.

Program, pursuant to BPU rules, on an “opt-out” basis, as described in more detail below.² The opt-out letter will be mailed to residents will provide all of the particulars of the new contract and advise that customers on the ways in which they can opt-out if they wish to be excluded from the LCEA program.

Pursuant to BPU Rules and the EDC Agreement, within 10 business days after the award of a contract by the Lead Agency to the supplier selected to service residential accounts, and notification to JCP&L of said contract award, JCP&L will provide the Township with the name, address and account number of each residential customer located in the Township that is a current LCEA-II participant or that is not already being served by another TPS. This information will be reviewed by the Township and its energy agent in an attempt to identify any inconsistencies with municipal boundaries or other anomalies and will thereafter be immediately provided to the selected supplier. The selected supplier will be required to mail a written notice to each such residential customer that includes information as required in N.J.A.C. 14:4-6.6(r), including an opt-out response card. There follows a mandatory 30-day “opt-out” period for residential customers as required in the BPU Rules. The selected supplier will administer the receipt and logging of returned “opt-out” cards, as well as the receipt of ‘opt-outs’ received through other means such as telephonic, email or internet requests. All residential customers who do not submit an” opt-out” by the end of the 30-day” opt-out” period will be included in the LCEA and will be considered Participating Residential Accounts. All residential customers not on the initial eligibility list but who do decide to” opt-in” by the end of the 30-day” opt-out” period will also be included in the LCEA from the start of the LCEA contract and will be considered Participating Residential Accounts. At the end of the 30-day “opt-out” period the selected supplier will submit enrollment requests to JCP&L for all Participating Residential Customers, for service commencing with the July 2024 meter read dates (“MRDs”) for all accounts.

The customer-specific information provided to the selected supplier by the EDC, Lead Agency and/or the Lead Agency’s Energy Agent in connection with the LCEA, as provided for in this RFP and in the form of Master Performance Agreement, shall be treated in a confidential manner pursuant to N.J.A.C. 14:4-6.3(f), and be used by the selected supplier for the sole purpose of administering the LCEA program, and information for residential customers who opt-out of the program or that remain in the program shall not be used by the supplier for any other purpose.

By virtue of applicable state law (Government Energy Aggregation Act, P.L. 2003, c.24, N.J.S.A. 48:3-93.1 et. seq.) and BPU rules (N.J.A.C. 14:4-6.1 et seq.), and Ordinance No. 2013-21 adopted by the Township, the Lead Agency has the legal authority to enter into a contract with the selected power supplier for the provision of electric generation service on behalf of residential customers located within the Township. The terms and conditions for the provision of electric generation service by the selected supplier to all Participating Residential Accounts are set forth in the Master Performance Agreement (Attachment B of this RFP).

It is the intent of the Lead Agency that, other than a reduced price for power supply, the switch from the BGS tariff to the third-party supplier be as seamless as possible. Importantly, the Lead Agency intends that participating customers receive a single bill from the utility for delivery service and electric generation service. ***As such, the winning supplier shall bill customers on a utility consolidated billing basis. Moreover, for those participating residential customers that currently have a budget billing arrangement with JCP&L as indicated in the customer list provided by JCP&L the Lead Agency requires that those participating residential customers be***

² For purposes of the mailing of the opt-out notification package after the award of a contract, this number will be reduced somewhat based upon the removal of those customers whose accounts are included in the non-TPS customer list provided by the EDC but that cross-reference against the Do Not Disturb list and the accounts marked by the EDC as having an on-site, net-metered renewable energy system.

able to continue these arrangements. Accordingly, all such customers must be enrolled by the selected supplier with an equal payment plan for the power supply portion of their bill. In addition, the selected supplier shall set-up and implement an equal payment plan for any other customer participating in the program that requests budget billing.

The Lead Agency is accepting All-In Non-Variable Price proposals for a twelve (12) month, seventeen (17) month or twenty-four (24) month term for a July 2024 start date for Participating Residential Accounts. A single non-variable price proposal is being accepted for the Participating Residential Account pricing group.

If it makes a contract award, the Lead Agency will only select a single supplier for the pricing group. An award will not be made for the Participating Residential Accounts pricing group unless the price proposal submitted for the Participating Residential Accounts pricing group by a supplier deemed qualified to provide the requested services will, in the discretion of the Lead Agency, provide sufficient benefits to Township residents to warrant a contract award. The specific process for evaluation of pricing proposals and award is set forth in more detail in Section H of this RFP.

Provision of electric generation service procured as a result of this RFP shall begin for each participating account with the July 2024 MRDs extending for an initial term of twelve (12), seventeen (17) or twenty-four (24) consecutive billing months (the “Initial Term”). Under the terms of the MPA, Participating Residential Accounts will be permitted to opt-out of the contract at any time, consistent with the BPU Rules.

There is anticipated to be a certain amount of account turnover during the contract term due to residential customers moving. When a residential customer moves out of an existing dwelling, the account is closed out by the EDC and Electric Generation Service for that account will be closed out by the EDC. There will be no penalty assessed on such resident that has moved. The new resident moving into a dwelling will have a new account established by the EDC and not automatically be enrolled in the LCEA program by the EDC. In addition, it is possible that residential customers who are not initially eligible for inclusion in LCEA program (due to current enrollment with a TPS contract, or new customers who move into a home subsequent to the start of the contract, for instance) may subsequently seek inclusion in LCEA program. The winning supplier will accept new customers who opt-in to the LCEA Program at the same prevailing contract price being charged to existing Participating Residential Accounts. The winning supplier shall accept resident opt-ins and opt-outs from residents at any time during the term of the contract, without the imposition of enrollment or termination fees, and process such requests to be enrolled or de-enrolled in the program as soon as practicable.

B. PARTICIPATING ACCOUNTS AND ACCOUNT INFORMATION

As described above and as provided for in the BPU Rules, the list of specific residential accounts located in the Township that are eligible³ for the LCEA Program, including name, address and account number, will be provided to the winning supplier by JCP&L within ten (10) days of the Township’s issuance of the notice of the award to JCP&L and the Township’s provision of notification thereof to JCP&L. It is estimated by the Lead Agency that the total universe of eligible residential accounts (i.e., those not currently being served by a TPS excluding customers who are on the Do Not Disturb List or customers who have an on-site renewable energy system) in the Township consume about 100 million kWh annually.

³ Eligible residential accounts consist of all residential accounts for dwellings located in the Township that are not currently being served by any TPS, excluding customers who were previously placed on a Do Not Disturb list with the Township, and those with on-site, net-metered renewable energy systems.

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Suppliers shall treat all customer information provided to them in connection with this RFP as confidential. Such information shall be used by Suppliers for the sole purpose of preparing a proposal in response to this RFP and, if Supplier is awarded a contract, to implement the government aggregation program.

Electronic versions of this bid package can be obtained by any licensed electric power supplier contacting Nefertiti Danastor of Gabel Associates at procurement@gabelassociates.com

C. RFP PROCESS

This RFP is being conducted via a two-stage process. During Phase 1, prospective proposers are required to submit a (non-binding) Notice of Intent to Propose, and certain qualifications documents and legal forms as specified in Section D of this RFP and are also provided the opportunity to ask questions regarding these RFP documents including the form of MPA, as set forth below.

PHASE 1 – QUALIFICATION STAGE, QUESTIONS AND ADDENDUM:

Stage 1a:

Form 1 in Appendix C of this RFP provides a form Notice of Intent to Propose (“NOI”). A completed NOI is a required qualification document. All BPU-licensed suppliers who submit a Notice of Intent to Propose will be put on the Distribution List. The NOI is non-binding; in other words, while a completed NOI is required in order to be eligible to submit a proposal, the submission of a NOI does not impose a requirement on the part of a supplier to submit a proposal. However, in order to be eligible to submit a proposal interested suppliers *must* submit a completed NOI by no later than 5:00 p.m. on May 26, 2021 (i.e., the deadline for submission of the balance of qualifications documents as set forth under Stage 1b below). Moreover, interested suppliers are encouraged to submit a completed NOI as soon as possible in order to be placed on the Distribution List. The NOI may be submitted as follows:

Upload to LCEA page of Gabel Associates bid platform at <https://www.publicbiddingsystem.com/> or email procurement@gabelassociates.com;

Stage 1b:

Required documents and legal forms, otherwise referred to as Qualification Documents, are described in Section D of this RFP, and are provided in Appendix C of this RFP. All suppliers wishing to become qualified to submit a price proposal must complete and submit all of the required documents and legal forms. The deadline for submission of these documents is March 8, 2024. Electronic transmission by the appointed deadline will be acceptable. However, hardcopy originals of all qualification documents must be received by the energy agent from the selected supplier within two (2) business days of the receipt of a contract award letter by the selected supplier.

The Lead Agency and energy agent will review qualification document submissions and provide notification by March 14, 2024 at 5:00 p.m. of any deficiencies. Prospective suppliers will be given the opportunity to cure any identified deficiencies. The final deadline for submission of cured documentation is 5:00 p.m. on March 19, 2024.

All suppliers who have submitted Stage 1 qualification documents will be notified by no later than close of business March 21, 2024 at or before 5:00 p.m. whether they are deemed to be a Qualified Proposer and will be

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eligible to submit Stage 2 price proposals.

The qualification documents may be submitted as follows:

Upload to LCEA page of Gabel Associates bid platform: <https://www.publicbiddingsystem.com/>.

Email: procurement@gabelassociates.com

Hardcopy Via Mail: Gabel Associates, c/o Nefertiti Danastor, 417 Denison St., Highland Park, NJ 08904

Stage 1c:

The Lead Agency will accept written questions and comments concerning these specifications, including the Master Performance Agreement (MPA). There will be an open period for questions, which will conclude at 5:00 p.m. on March 8, 2024. Written questions may be submitted as follows:

Upload to LCEA page of Gabel Associates bid platform: <https://www.publicbiddingsystem.com/>.

Email: procurement@gabelassociates.com;

Mail: Gabel Associates, c/o Nefertiti Danastor, 417 Denison St., Highland Park, NJ 08904

The Lead Agency, through the energy agent, will answer all questions submitted in writing within a reasonable period of time through the issuance of addenda pursuant to the Local Public Contracts Law. All responses to any questions, along with any modifications to the RFP documents, will be included in a Notice of Addendum issued by the Lead Agency, through the energy agent, on March 14, 2024 via email to all suppliers on the Distribution List and also to other persons who are BPU-licensed electric power suppliers and who received an RFP package. The Addendum will also be uploaded to the LCEA page of Gabel Associates bid platform and be available to registered suppliers at: <https://www.publicbiddingsystem.com/>.

PHASE 2 - SUBMISSION OF PRICE PROPOSALS

In Phase 2 the Lead Agency will accept price proposals submitted electronically through the energy agent. Specific instructions regarding the electronic submission of Phase 2 price proposals will be distributed to pre-qualified suppliers prior to price proposal due date. **The deadline for price proposal submission is 12:00 noon prevailing Eastern time on March 28, 2024.** Price proposals received after the 12:00 noon deadline on the date of price submission will be returned unopened.

Price proposals must include the cost to the supplier(s) of the Administrative Fee and the Energy Agent Fee. The Administrative Fee consists of reimbursable out-of-pocket LCEA Program expenses incurred by the Lead Agency, and recoverable pursuant to N.J.A.C. 14:4-6.8(d), in the amount of **\$927.30** applicable to the Participating Residential Account pricing group⁴, payable to the Lead Agency in a lump-sum within 30 days

⁴ The amount of **\$927.30** in Administrative Fees included in this RFP takes into account the creation of a reserve fund in the amount of **\$750.00** to make provision for the payment of up to **\$750.00** to JCP&L in accordance with the EDC Agreement, as well as all out-of-pocket expenses already incurred and expected to be incurred in connection with the implementation of the LCEA program including, but not limited to: (i) \$0 in actual legal fees incurred and paid as of the date of issuance of this RFP and **\$0** in estimated additional legal fees incurred and not paid, and estimated to be incurred after the issuance of the RFP; (ii) **\$100.00** in anticipated expenses for translation services to create a Spanish language version of the Program Summary; and (iii) **\$77.30** in public advertisement costs. If actual LCEA expenses incurred are less than **\$927.30**, the excess amount will be placed in the reserve fund established and held by the Township and dedicated for application to future expenses incurred by the Township in connection with the

of the execution of the MPA in accordance with the terms of the MPA. The Energy Agent Fee of \$0.00042/kwh will be payable directly to Gabel Associates on a monthly or quarterly basis in accordance with the terms of an agent agreement to be executed between the winning supplier and Gabel Associates.

Price proposals must also include the currently-effective 6.625% State Sales and Use Tax.

The Lacey Township Committee has a scheduled public meeting on the evening of March 28, 2024, at which time it will vote on the award of a contract to the selected LCEA supplier (if any). Price proposals must be held firm until at least 11:00 a.m. EDT on March 29, 2024. In the event, based upon the price proposals received, the Lead Agency determines to make a contract award, the energy agent will notify the winning proposer, and the Lead Agency will issue an Award Letter to winning proposer via e-mail and facsimile, by no later than 11:00 a.m. EDT on March 29, 2024. An Award Letter issued by the Lead Agency will be a) a binding commitment on the part of the Township to execute the MPA with the selected supplier; and b) will also represent the award of the right to serve all Participating Residential Accounts.

If no award is made as a result of the price proposals submitted March 28, 2024, the energy agent will notify all qualified suppliers of the next date that it will be accepting price proposals. The deadline date and time for submission of refreshed price proposals under this RFP will be designated in such notification.

As indicated above, suppliers must submit Stage 2 price proposals electronically. Price proposals must be submitted on the Price Proposal Forms set forth in Appendix E and must be accompanied by a completed Transmittal Letter (Appendix D) executed by a person duly authorized to legally bind the Proposer (the "Authorized Representative").

Price proposals shall be submitted through the bid platform of the Township's energy agent at the following URL: <https://www.publicbiddingsystem.com/>. Specific instructions and credentials will be provided to suppliers once all compliant qualifications documents have been submitted.

Prospective proposers with concerns about their ability to deliver their price proposal via the energy agent's bid platform should coordinate with Gabel Associates' Program Coordinator prior to the due date for price submissions. It is your responsibility to contact the energy agent with any questions or concerns.

Price proposals received will not be opened until 12:00 noon prevailing Eastern Time, on price proposal submission day.

The costs and expenses associated with the preparation of a Proposal will be at the sole cost and expense of the Proposer. In no event will a Proposer have a claim against the Lead Agency, the energy agent or the LCEA Participating Customers for reimbursement of any such costs or expenses.

D. QUALIFICATION DOCUMENTS

i. Pre-Bid Submittals

The following documents must be submitted by a licensed electric power supplier by no later than 5:00 p.m.

implementation of the LCEA program. Copies of paid invoices and vouchers will be made available to the selected supplier upon request and in accordance with N.J.A.C. 14:4-6.8(d).

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prevailing time on March 8, 2024 in order to be eligible to submit a price proposal⁵. There will be a period for review by the Lead Agency and cure by suppliers, as described in Section C of this RFP.

Standard forms for documents that must be utilized, as set forth below, are provided in Appendix C of this RFP. The content of these forms, and all provisions and promises contained therein, shall be incorporated into this RFP as if fully stated herein.

- a. **Notice of Intent to Propose (Appendix C Form 1)**
- b. **Statement of Ownership (Appendix C Form 2)**
- c. **Non-Collusion Affidavit (Appendix C Form 3)**
- d. **Disclosure of Investment Activities in Iran (Appendix C Form 4)**
- e. **Copy of New Jersey Business Registration (Appendix C Form 5)**
- f. **Copy of New Jersey Board of Utilities-Issued Electric Power Supplier License (Appendix C Form 6)**
- g. **EEO Mandatory Equal Employment Opportunity Language – Appendix C Form 7 (standard EEO language and standard forms). NOTE: completed forms not due until post-bid – see below**
- h. **Americans with Disabilities Act of 1990 Appendix C Form 8 (standard ADA language)**
- i. Description of Prior, Relevant Experience on Project of Same or Larger Size and Scope, and Demonstration of Capabilities to Perform Requested Services, including:**
 - i. **General Overview of Industry Experience, including years as retail electric power supplier; states in which the firm offers retail electric power supply; number of customers and amount of load served; and trading desk capabilities.**
 - ii. **Description of Industry Experience specifically related to providing retail electric power supply to residential customers, including number of customers and amount of load served; and identifying in which states residential retail service is provided.**
 - iii. **Description of experience of firm specific to Government Energy Aggregation (“GEA”), including number of such GEA programs for which the firm is or has been the retail supplier and states in which GEA services have been provided.**
 - iv. **Provide references (municipal or county government preferred) for three retail power supply projects that are similar in scope, and equal or larger to in size, relative to the LCEA Program, including:**
 - a. **Reference Name, Title, Affiliation, address, phone number and email address,**
 - b. **Identification of program name,**
 - c. **Date(s) of Service, and**
 - d. **Approximate Number of Customers Served.**

⁵ Prospective proposers may submit qualifications documents prior to the deadline set forth above. Prospective proposers are encouraged to submit the non-binding Notice of Intent to Propose as soon as possible in order that the energy agent obtains all pertinent contact information and places supplier on the Distribution List as soon as possible.

- v. **Description of back-office capabilities and experience to provide requested services, including:**
 - a. **production of opt-out notification packages and ability to produce documents in multiple languages including Spanish,**
 - b. **distribution of opt-out notification packages,**
 - c. **receipt, processing and logging of opt-out notice forms,**
 - d. **timely enrollment of participating customers, including capabilities to submit EDI enrollment transactions to the EDC in compliance with EDC requirements and current, applicable BPU regulations that require a GEA-specific identifier in the EDI transaction,**
 - e. **capability to receive and answer customer inquiries, billing or service complaints via telephone, including multi-lingual capabilities,**
 - f. **confirmation that supplier will offer budget billing (equal payment plan or ‘EPP’) for LCEA participants and, describe how supplier would establish monthly budget payment amounts, including how the supplier will comply with the requirement in the NJBPU rules and this RFP to perform periodic true-ups of the EPP payment, and**
 - g. **issuance of timely invoice and interact with utility for consolidated billing.**
 - h. **ability to periodically identify and remove solar net-metering customers.**
- vi. **Discussion of any other capabilities, or insights into the logistical details of the implementation of Government Energy Aggregation programs not addressed in i. through v. above, that demonstrate the supplier’s experience, expertise and understanding of GEA and that the supplier believes demonstrate its qualifications for the services being requested.**
- vii. **Description of the specific manner in which supplier will verify, through generation attribute tracking and certifications, its compliance with the NJ Renewable Portfolio Standards**

If any of the information being provided in response to items (i - vi) above is proprietary in nature and that, if released to the public, may result in a compromise of intellectual property, it shall stamp such information “Confidential.” The Lead Agency will withhold such information from disclosure, until such time a request has been made for the release of such information and the release of such information is required by law, including the Open Public Records Act.

ii. Post-Bid Submittals

The following document is not required to be submitted in order to be eligible to bid, nor prior to the submission of bid, but will be required to be submitted by the winning supplier(s) within 7 days of bid award.

The successful bidder shall submit to the Energy Agent, within seven (7) days after notification of award, one of the following three documents as forms of evidence of compliance with affirmative action requirements:

- (a) A photocopy of a valid letter that the contractor is operating under an existing Federally approved or sanctioned affirmative action program (good for one year from the date of the letter);

OR

- (b) A photocopy of a **Certificate of Employee Information Report** approval, issued in accordance with N.J.A.C. 17:27-4;

OR

- (c) A photocopy of an **Employee Information Report (Form AA302)** completed by the winning

Supplier in accordance with N.J.A.C. 17:27-4.

E. FORM OF MASTER PERFORMANCE AGREEMENT

The form of Master Performance Agreement (“MPA”) is set forth in Appendix B. Appendix B constitutes the MPA applicable to the Participating Residential Account Pricing Group.

The Master Performance Agreement applicable to the Participating Residential Account Pricing Group sets forth rights and responsibilities of the selected supplier and the Lead Agency in connection with serving residential accounts under the LCEA Program and also sets forth the terms and conditions for the provision of electric generation service by the selected supplier to each residential customer in the LCEA Program. The MPA will be executed between the Lead Agency (Township of Lacey) and the selected supplier.

As described more fully in Section C of this RFP, during Phase I the Lead Agency will accept comments and questions concerning the form of MPA set forth in Appendix B. The Lead Agency will answer all questions to clarify the intent of the MPA as addenda, and, if it determines to make amendments to the MPA as a result of questions and comments received, it will include such amendments, if any, in its addendum to be issued on March 14, 2024.

The final Master Performance Agreement (the form of contract in Appendix B and any amendments thereto issued via addendum) will be the form of contract executed between the Lead Agency and the winning supplier.

Under New Jersey law, proposals that include "material exceptions" to the MPA will be deemed unresponsive. There shall be no negotiation of terms and conditions subsequent to the submission of price proposals. The Lead Agency reserves the right to reject proposals that are contingent upon modifications to the final MPA.

F. BILLING

Billing shall be on a monthly basis, consistent with terms set forth in the MPA. Suppliers are to provide billing to LCEA Participating Customers on a consolidated billing basis. Payment terms will be in accordance with JCP&L’s practices. If the winning supplier is notified by JCP&L upon initial enrollment of an account that the account is not eligible for consolidated billing due to a credit hold or late payment history, the supplier is not required to continue with enrollment. If the winning supplier is notified by JCP&L during the contract term that an enrolled account has become ineligible for consolidated billing due to a credit hold or late payment history, the supplier may drop the account and return it to the utility BGS tariff.

It is a requirement of the Township that residential customers who currently receive Basic Generation Service from JCP&L and that have a budget billing plan with JCP&L, be able to participate in the LCEA program and continue to receive a consolidated bill with levelized monthly charges for power supply charges. The Lead Agency will request that the electric utility indicate in the customer list provided which non-TPS customers currently receive budget billing from the electric utility. The Township requires that the winning supplier for Participating Residential Accounts set-up budget billing to such customers (i.e., those customers with existing equal payment plans with the EDC – a.k.a. ‘EPP Customers’). The winning supplier will also be required to provide budget billing to any non-EPP Customer who requests to be placed on an equal payment plan. The initial EPP payment amount for individual customers shall be based upon the contract price and the recent 12-month usage history of the customer, unless there is a significant anomaly in the historic usage data as reported by the EDC or a customer requests a customized EPP amount, in which case supplier shall develop

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a customized EPP payment amount. Suppliers are being required to submit a description of their budget billing capabilities and methodology as part of the Stage 1 qualification process (see Section D of this RFP). This information will be reviewed to assure that suppliers are equipped and willing to provide budget billing, that the methodology will provide for monthly budget stability for customers based upon the awarded contract price and recent usage history, and that there is a reasonable periodic true-up mechanism employed to mitigate against the build-up of large discrepancies between budgeted payments and actual accrued charges. **To that end, the methodology shall employ periodic true-up adjustments to the monthly budget amount and not periodic cash-outs. The EPP payment true-ups shall occur no less frequently than every 12 months; however, supplier shall have a methodology in place to monitor true-up accrual amounts and implement more frequent EPP payment true-ups for individual accounts to avoid the accrual of large balances and the necessity for large cash-out amounts at the end of the contract. Cash-outs (in the form of a final bill credit or charge) shall only occur at the end of the contract term, or prior to the end of the contract only upon the customer's termination of service prior to contract end.**

The winning supplier shall provide, upon request from the Lead Agency or its energy agent, quarterly reports showing for all EPP customers monthly metered usage, the monthly EPP payments, accrued charges based upon actual usage, and the cumulative EPP true-up balance. Cash-outs (in the form of a final lump-sum bill credit or charge) shall only occur at the end of the contract term or if and when a customer exits the MTCEA program prior to the end of the contract term.

G. PRICING GROUPS AND PRICING PRODUCTS

Pricing Groups:

The RFP includes a single pricing group consisting of all Participating Residential Accounts in the Township.

As described above, it is estimated based upon information provided by the EDC that there are approximately 11,000 residential electric accounts served within the geographic boundaries of the Township of Lacey that are not currently served by a TPS, and therefore that are eligible to participate in the LCEA program. For each contract duration, the Lead Agency will accept a single price proposal for all residential accounts in this pricing group. Taking into consideration the initial eligibility pool (which includes the list of non-TPS customers provided by the EDC less the removal of customers on the Do Not Disturb list and customers with on-site, net-metered renewable energy systems), the actual total number of Participating Residential Customers that will be initially enrolled by the selected supplier will be determined by: 1) the number of such eligible residential customers that decide to "opt-out" of the program within the initial 30-day opt-out period; and 2) the number of eligible residential customers that are rejected for consolidated billing by JCP&L based upon credit or payment problems. As well, an effort will be made to identify those customers that have solar photovoltaic systems installed on their homes and, if such customer can be identified, will be removed from the pool of eligible customers to avoid jeopardizing those customers' net metering benefits.

The Lead Agency is soliciting a single price proposal for all eligible residential accounts in the Pricing Group. The Lead Agency will only select a single supplier for the Pricing Group, as described further in Section H of this RFP.

Pricing Products:

The Lead Agency is requesting pricing on an "All-In, Non-Variable Price" basis, for a contract term of either twelve (12), seventeen (17) or twenty-four (24) months commencing with the July 2024 MRDs. All-In, Non-Variable Price is defined as cents per kilowatt-hour for load-following energy supply, capacity, transmission,

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ancillary services, Line Losses, Renewable Portfolio Standards (“RPS”), Administrative Fee and Energy Agent Fee, supplier margin, and any other applicable taxes. The Non-Variable Price must include all costs necessary to provide Full Requirements service to Participating Residential Accounts on a per kilowatt-hour basis as applied to metered usage. For each Billing Period during the Contract Term, Supplier shall bill the customer for all kilowatt-hours used by the customer during the Billing Period at the Non-Variable Price. *Price proposals must include the 6.625% New Jersey Sales and Use Tax.* The All-In, Non-Variable Price shall not change during the term of the contract, except as specifically provided for in the MPA.

A Regulatory, Legislative or Judicial Action that Materially Impacts Supplier’s Cost of Providing Electric Generation Service and Similarly Impacts the cost of Basic Generation Service (BGS) under JCP&L’s BGS Tariff

The form of MPA attached hereto includes subsection 3.2 (a) (iii) (C) which provides the opportunity, under certain conditions and subject to certain procedures, for the supplier to implement an adjustment to the contract price as the result of an action by a regulatory, legislative or judicial body, including a change in PJM transmission rates approved by the Federal Energy Regulatory Commission (FERC), that was not known at the time of the bid and contract award and that materially impacts supplier’s cost of providing Electric Generation Service under the Agreement and similarly impacts the EDC’s price for Basic Generation Service under the utility’s BGS-RSCP tariff⁶. Price proposals shall reflect those PJM transmission rates, and regulatory actions known on the date of bid submission.

Capacity Costs

PJM, the regional power grid, had been forced to delay its annual capacity auctions for the past two years while it awaited Federal Energy Regulatory Commission (“FERC”) guidance and approval for the new Minimum Offer Price Rule (“MOPR”) structure. As such, there has been uncertainty concerning the cost of capacity in the market beyond the 2021/2022 Delivery Year (beginning 6/1/22). However, as a result of an Order issued by the FERC in late 2020, PJM has now scheduled the next capacity auction, for the 2022/2023 Delivery Year, to open May 19, 2021, and close May 25, 2021, and PJM has announced that it will post auction results after 4 p.m. on June 2, 2021. As such, capacity costs from the Delivery Year 2022/2023 Base Residual Auction for Delivery Year will be known at the time that price proposals are submitted by suppliers on June 10, 2021; therefore, these capacity costs will not be eligible for recovery under subsection 3.2 (a) (iii) (C) of the MPA. Suppliers shall develop price proposals in response to this RFP accordingly.

NJ Legislation Impacting Renewable Portfolio Standards (RPS)

Legislation was passed in the New Jersey Legislature (A3723/S2314, referred to herein as the NJ Clean Energy Act) and signed into law by Governor Murphy in May 2018, which has resulted in a change in the RPS-required amounts of solar renewable energy and Class I renewable energy through 2030, including during RPS compliance years that coincide, at least in part, with the potential contract period(s) resulting from this RFP (if awarded). Suppliers are advised that the aforementioned legislation and its impact on RPS requirements over the contract terms(s), as clarified via the NJBPU Order dated 12/21/18 in Docket Nos. ER18040356 and EO18111250 (revised

Defined as the impact of the regulatory, legislative action on the Transmission Charge in the applicable Residential Service tariff, the applicable BGS Energy Charges per KWH and/or the BGS Transmission Enhancement Charges per KWH set forth in Rider BGS-RSCP of JCP&L’s tariff.

version issued 12/28/18 to correct typographical errors), and as set forth in N.J.A.C. 14:8-2.3, is considered a known law at the time of the bid and, therefore, would not be eligible to be considered a post-bid change in law, regulation or tariff that materially impacts the cost of electric generation service under Subsection 3.2 (a) (iii) (C) of the MPA. Suppliers shall develop price proposals in response to this RFP accordingly.

Additional MPA Language to Provide Lead Agency the Option to Remove subsection 3.2 (a) (iii) (C):

The Lead Agency will also be accepting alternative price proposals that would remove the MPA provision allowing the supplier the opportunity to implement the adjustment to the contract price under certain regulatory conditions. Under this option subsection 3.2 (a) (iii) (C) would be removed from the final form of contract executed between the supplier and the Lead Agency.

As such, the Lead Agency is accepting proposals for a contract term of either twelve (12), seventeen (17) or twenty-four (24) months commencing with the July 2024 MRDs, under two contract options: Option A) based upon the form of MPA attached hereto as Appendix B; and Option B) based upon the form of MPA attached hereto *except that subsection 3.2 (a) (iii) (C) is removed.*

On the Price Proposal Form suppliers will be provided the opportunity to submit price proposals for either or both Option A (existing MPA language) or Option B (deletion of MPA subsection 3.2 (a) (iii) (C).

Price proposals shall be exclusive of distribution charges and other charges imposed by JCP&L.

The Agreement will not be on a "take-or-pay" basis. Since it is impossible to determine the precise quantities of Full Requirements Service that will be needed during the term of the Agreement, the Supplier shall be obligated to furnish all of the participating accounts' requirements during the term of the Agreement. Each participating account shall purchase Full Requirements Service equal to its full requirements for its accounts under contract from the Supplier at the Contract Price.

Pricing Forms

Appendix E contains the Price Proposal forms for the submission LCEA program price proposals⁷.

H. SELECTION AND AWARD PROCESS

The Township of Lacey is the Lead Agency of the LCEA Program and is authorized by virtue of its Ordinance No. 2013-21 to award a contract for electric generation service on behalf of each Participating Residential Account within the Township of Lacey. The energy agent will analyze the proposals and will make a recommendation to the Lead Agency with respect to whether to make a contract award. The Lead Agency may make an award and, if so, will select the supplier whose proposal, in the Lead Agency's sole judgment, is most advantageous to the Participating Members, provided that the price proposal is lower than the applicable JCP&L BGS tariff price over the contract term and makes it feasible to award a contract to a third-party supplier in the discretion of the Lead Agency.

Specifically, if the price proposals for one or more suppliers for the Participating Residential Accounts are not lower than the applicable JCP&L BGS tariff prices for Participating Residential Accounts, in accordance with the

⁷ Price Proposal Forms will be distributed to Qualified suppliers in electronic format prior to the date of price proposal submission.

requirements of N.J.A.C. 14:4-6.9, or the amount of savings for residential customers (i.e., the magnitude of the discount offered by the price proposal relative to the BGS-RSCP tariff price) does not warrant the implementation of the program in the discretion of the Lead Agency, no award will be made. Otherwise, a contract will be awarded to the proposer that provides the most overall benefit for the Participating Residential Accounts, determined as follows.

Step 1:

Lead Agency determines which, if any, of the suppliers that submitted Stage 1 qualifications information are qualified to provide the requested services, and ranks those suppliers deemed qualified based upon their overall qualifications as determined by a review of the Qualification Documents submitted by prospective proposers as specified in Section D of this RFP, as well as interviews of references provided by suppliers.

Step 2:

If one or more suppliers deemed in Step 1 to be qualified to perform the requested services, submit a price proposal for the Participating Residential Accounts pricing group that is below the applicable BGS-RSCP tariff rate⁸, these price proposals will be ranked in order of savings, as follows:

Proposer 1 Savings = (BGS Tariff Price – Price Proposal) x (Residential Pricing Group Usage in Kwh).

Proposer 2 Savings = (BGS Tariff Price – Price Proposal) x (Residential Pricing Group Usage in Kwh).

etc.

Step 3:

If the Lead Agency determines based upon Step 2 calculations that one or more price proposals produce sufficient savings to residential customers to warrant the implementation of the program, an award will be made to one of those suppliers. All other suppliers whose price proposals are determined to not provide sufficient savings for residential customers will be eliminated from further consideration. **If none of the price proposals assessed in Step 2 is determined by the Lead Agency to produce sufficient savings to residential customers to warrant the implementation of the program, then the Lead Agency will not proceed to Step 4, and no award will be made.**

Step 4:

Based upon the following considerations, with the highest priority given to criteria #1, the Lead Agency will determine the supplier that provides the most overall benefit for the Participating Residential Customers, and will make an award to that supplier: 1) the total savings for Participating Residential Accounts determined in Step 2 for each contract term as well as the value of less-frequent switches of supplier and longer-term price certainty, if any, associated with longer contract lengths; 2) the qualification ranking in Step 1; and 3) the additional benefits, if any, as determined by the Lead Agency, associated with pricing proposals for the alternative contract language with cost pass-through language (MPA subsection 3.2 (a) (iii) (C)) removed from the MPA.

BGS Tariff Price:

All accounts included in this RFP are eligible for electric generation service from the EDC under a Basic

⁸ The price proposal must be calculated by the Lead Agency to be below the weighted average BGS tariff price for the Pricing Group and must also be below the average BGS-RSCP tariff price for each residential rate class within the pricing group. The average BGS-RSCP tariff price for each residential rate class within the Pricing Group will be calculated by applying the average monthly usage profile for each rate class, based upon the aggregate monthly usage information provided by the EDC, to the monthly tariff prices; in the case of a time-of-use tariff the monthly usage profile will be further broken down by the on-peak and off-peak period usage breakdown for that tariff class and applied to time-of-use charges.

Generation Service – Residential Small Commercial Pricing (BGS-RSCP) tariff⁹. For purposes of the analysis described above, the BGS Tariff Price benchmark will be determined in the following manner:

Residential Accounts:

The BGS Tariff Price equals the weighted average BGS-RSCP Tariff Price for the contract period for each residential tariff class (JCP&L RS and RT tariffs) which is calculated by the Lead Agency (in consultation with its energy agent) by applying individual price components of Basic Generation Service for the applicable tariff (inclusive of energy, generation capacity, ancillary services and related cost as well as Transmission Charges and all applicable Transmission Enhancement Charges) to the applicable billing determinants for each tariff class as broken down by season, energy block and time-of-use for each applicable tariff class, where applicable and consistent with the breakdown of Basic Generation Service charges, to develop an average annual BGS-RSCP tariff price for each residential rate class. For purposes of price proposal evaluation, the Lead Agency (in consultation with the energy agent) will also consider the impact of estimated changes to BGS-RSCP tariff prices during the contract term¹⁰.

Post-Award Changes in BGS-Tariff Price

As discussed above, the price proposal evaluation process and savings estimates will take into account estimated changes in BGS-RSCP tariff prices over the contract term. However, if after the award and during the term of the contract, the actual average annual BGS-RSCP tariff price drops below the contract price, the supplier shall be responsible for providing written notification to each MEAPC participant, the form, substance and timing of which shall be subject to review and approval by the Lead Agency, in accordance with the provisions of article 6.3.8 of the MPA.

Timing of Contract Award

The Lacey Township Committee has scheduled a meeting on the evening of March 28, 2024, at which time it will consider the proposals submitted in response to this RFP. Suppliers shall hold their price proposals firm until at least 11:00 a.m. EDT on March 29, 2024. If the Lead Agency determines to make an award on behalf of Participating Residential Customers, it will do so by resolution adopted on March 28, 2024. The resolution will authorize and direct the Mayor and Clerk of the Township of Lacey to execute and issue a Notice of Award letter to the winning supplier by no later than 11:00 a.m. on March 29, 2024. The resolution will also authorize the Mayor and Clerk to execute the Master Performance Agreement as soon as practicable thereafter.

If the Lead Agency determines, based upon the price proposals received on March 28, 2024, that none of the proposals provide for prices that are equal to or lower than the BGS tariff price, consistent with the requirements of N.J.A.C. 14:4-6.9, or that none of the proposals are otherwise in the best interest of the Participating Customers, proposals will be rejected and no contract award will be made. In such event the Lead Agency may accept refreshed price proposals under this RFP on a date and at a time to-be-announced (such announcement to be issued no later than 7 business days prior to the date of acceptance of refreshed prices), and all Stage 1-qualified suppliers

⁹ Effective June 1, 2015, Rider BGS-RSCP (Basic Generation Service – Fixed Pricing) was renamed Rider BGS-RSCP to comply with the BPU Order dated November 24, 2014 (Docket No. ER14040370).

¹⁰ BGS-RSCP tariff prices are adjusted on June 1st of each year based upon the EDC's revised BGS portfolio cost. The analysis will be based upon the posted BGS tariff prices to become effective June 1, 2024 and the estimated changes in the BGS portfolio cost during the contract term will be factored into the calculation of the BGS-RSCP tariff price benchmark against which the price proposals will be compared. The estimated changes in the BGS portfolio cost will be calculated by taking into account the cost of expiring BGS supply contracts and taking into account the estimated cost of new BGS supply contracts based upon energy market prices, BGS load shape, known capacity prices, transmission tariff prices, ancillary service costs, RPS compliance market costs, known changes in law or tariff and applicable risk premiums and margins.

will receive notice thereof. Refreshed prices must be received by the announced time on the announced price refresh date and must be held firm until at least the date and time designated in such announcement.

I. EXECUTION OF MPA AND ENROLLMENT OF PARTICIPATING ACCOUNTS

Execution of Master Performance Agreement

The Lead Agency will execute three original copies of the final form of Master Performance Agreement (“MPA”)¹¹ by close of business on April 4, 2024. Supplier is encouraged to make arrangements to counter-sign the Agreement in-person. If not, original signed copies will be express mailed to the selected supplier and electronic versions will be emailed to the selected supplier. The selected supplier shall counter-sign in-person at the Lead Agency’s offices, or return via email the counter-signed copy of the MPA, by no later than three business days from the date of receipt¹². The Lead Agency will send notice to JCP&L of the identity of the selected supplier, in written, email form, before close of business on March 29, 2024..

Develop and Finalize Opt-Out Notice

The Lead Agency will work with the selected supplier to utilize the BPU-approved template of “opt-out” notice and contract summary matrix, in compliance with current, applicable BPU regulations, and customize it to the particulars of the LCEA Program. A Spanish language version of the contract summary matrix must also be developed and be made available to requesting customers, in compliance with current, applicable BPU regulations. The Notification Letter will include the logo of both the Township and the selected supplier, and will also include the following:

- Brief overview of LCEA Program
- Price for power and estimated % savings vs. JCP&L BGS tariff,
- Contract start date and Term of the contract,
- Statement that customer has the right to opt-out within the 30-day opt-out period and the deadline for doing so,
- Summary of rights and responsibilities under the MPA, including
 - Right to opt-out at any time,
 - No exit fees, and
 - Obligation to make payments of utility bill on time,
- Instructions on how to opt-out, including toll-free phone number, email (or web portal), or return of signed opt-out form,
- Contact name, phone number and email address for inquiries,
- Description of billing
- Description of enhanced renewable energy product, if applicable

The postage-paid opt-out form must include the customer’s name and JCP&L customer number (name and customer number not visible to the naked eye but embedded in a scan-able barcode or similar identifying mechanism) and a signature line.

The selected supplier will, at its own expense, be responsible for the preparation of final proofs, preparation of envelopes, and reproduction and mailing of a package including the Notification Letter and contract summary matrix, Frequently-Asked-Questions (FAQs) and opt-out forms, in accordance with the schedule

¹¹ The final form of MPA will be the form of MPA attached to these RFP specifications, subject to any Addenda and resultant MPA amendments that may be issued during the RFP process – see Section K of this RFP for more details on the addenda process.

¹² If offices remain closed due to COVID-19, electronic signatures and transmission will be permitted.

below. The selected supplier must also be able to comply with any additional information and printing required by the BPU and Rate Counsel.

Opt-Out Notice, Opt-Out Administration, and Enrollment of Participating Accounts

Pursuant to BPU Rules, within 10 days after the postmark on the notice to the EDC of the identity of the selected supplier, the EDC shall provide the Lead Agency with the name, address and account number for each residential customer located in the Township that is not already being served by a TPS. The Lead Agency expects to submit that request by no later than March 29, 2024 and to receive the customer-specific residential account information, in electronic format, by no later than the close of business on April 8, 2024¹³. This file will be reviewed by the Township and its Energy Consultant in an attempt to identify any inconsistencies with municipal boundaries or other anomalies, and will thereafter be immediately provided to the selected supplier (this shall be referred to as the “Eligible Residential Customer List”).

By no later than April 16, 2024 the selected supplier shall have completed the preparation of final proofs of the opt-out notification package, and the reproduction and mailing of opt-out notification packages to all residential customers on the Eligible Residential Customer List, such that all opt-out notice forms are post-marked by no later than April 23, 2024.

The selected supplier for the Participating Residential Accounts Pricing Group will be required to have capabilities to field and answer questions regarding the opt-out notice forms via a toll-free telephone line, which will be listed on the notice. The selected supplier will provide a physical address where opt-out notice forms can be returned. The selected supplier shall accept, maintain and create an electronic log of all customer opt-out requests received, including by returned opt-out, telephone request, email request, received via the Energy Agent, or other means. Supplier shall maintain such record in electronic format and provide such information to the Lead Agency and/or the Energy Agent in a timely manner upon request. In the event that any of the mailed opt-out notices to residential customers are returned to the supplier because they are undeliverable, these customers/accounts should not be initially included or enrolled in the LCEA program; however, such customers are eligible for participation on an opt-in basis, and supplier shall enroll such customers if they affirmatively opt-in to the program.

The initial 30-day opt-out period shall conclude on May 23, 2024, and the selected supplier for the Participating Residential Accounts shall thereafter begin submitting electronic enrollment requests to JCP&L for all remaining residential customers (i.e., those that have not opted-out, otherwise referred to as Participating Residential Accounts), for service commencing with the July 2024 meter read date for each account. The selected supplier must pull the enrollment for any customers whose opt-out notice or request is received after May 23, 2024 as soon as practicable.

Provided that it takes all necessary enrollment steps in a timely manner (i.e., submits all enrollment requests by no later than June 16, 2024), Supplier shall not be responsible for errors or omissions of the EDC that result in a delay of enrollment of individual accounts. In the event that any of the account enrollments are rejected by the EDC, Supplier shall bring these rejections to the attention of the Lead Agency or its energy agent and shall work with the Lead Agency or its energy agent to resolve in as timely a manner as possible.

Supplemental New Participants

¹³ This date, and subsequent target dates set forth in this subsection of the RFP, assume that an award is made by the Lead Agency via resolution dated March 28, 2024. If no award is made on March 28, 2024, and refreshed price proposals are accepted by the Lead Agency at a later date all target dates set forth in this subsection of the RFP will be pushed back accordingly.

The selected supplier for the Participating Residential Accounts Pricing Group is required to supply new customers (residential customers located within the Township) who opt-in to the LCEA Round-III Program at any time during the awarded contract at the same prevailing contract price being paid by all existing Participating Residential Accounts.

End of Contract Term

The selected supplier shall “drop” all participating customers and return them to JCP&L effective at the end of the electric generation service term (i.e., a 12-month, 17-month or 24-month contract term starting in July 2024), unless the selected supplier is awarded a new contract, through a subsequent RFP process, to continue the provision of electric generation service to LCEA Participants after those dates, or unless the selected supplier and the Lead Agency reach written agreement to extend the initial term of the contract in accordance with applicable law.

In the event that the selected supplier is not awarded a new contract, selected supplier shall cooperate with the Lead Agency to provide all requested information in its possession concerning the LCEA program, including participants account information, customers that have opted-out of the LCEA program, customers who are on a EPP plan with the supplier and other information (in an excel spreadsheet) that may be necessary for the Lead Agency to continue to administer the LCEA program, in accordance with Article 6.3.9 of the MPA. This information will be provided in a timely fashion and in excel format, according to the request of the Township or its energy agent.

J. GENERAL REQUIREMENTS OF ELECTRIC GENERATION SERVICE AND GOVERNMENT ENERGY AGGREGATION SERVICES

The terms and conditions of service for Participating Residential Accounts will be set forth in the MPA executed between the Lead Agency and the selected supplier (form of MPA in Appendix B).

All quantities of Full Requirements Service for the Participating Customers under the MPA shall be considered firm and guaranteed for delivery by the Supplier to the Delivery Point(s) as defined in the MPA. The Supplier shall be liable for any and all fines, charges, penalties and other expenses assessed by the EDC to any Participating Customer for the failure of Supplier to provide Full Requirements Service pursuant to the MPA.

Supplier for the Participating Residential Accounts must have capability to provide customer care and government energy aggregation services as set forth in the MPA, for the scope of accounts and customers included in this RFP.

The Supplier shall comply with the mandatory Equal Employment Opportunity Language, Americans with Disabilities Act language and Business Registration and Sales and Use Tax Requirements set forth in Appendix C Forms 7, 8, and 5, respectively, attached to this RFP and incorporated herein as if fully restated.

The Supplier is also advised of the responsibility to file an annual disclosure statement on political contributions with the New Jersey Election Law Enforcement Commission (ELEC) pursuant to N.J.S.A. 19:44A-20.27 (P.L. 2005, c.271, §3) if the Supplier receives contracts in excess of \$50,000 from public entities in a calendar year. It is the Supplier’s responsibility to determine if filing is necessary. Additional information on this requirement is available from ELEC at (888) 313-3532 or at www.elec.state.nj.us.

K. CLARIFICATION OR MODIFICATION OF REQUEST FOR PROPOSALS

As described in Section C of this RFP, Suppliers may submit questions or comments with respect to these RFP documents, including the form of Master Performance Agreement in Appendix B. All such questions or

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comments shall be submitted via email to procurement@gabelassociates.com, and must be submitted by **no later than 5:00 p.m. on March 8, 2024** but submission of questions earlier than that deadline is encouraged to afford additional time for preparation, distribution and review of responses. All questions, comments and responses thereto will be provided to all persons on the Distribution List, consistent with the Local Public Contracts Law. The Lead Agency does reserve the right to supplement or modify this RFP by issuing one or more addenda in accordance with the Local Public Contract Law. A comprehensive Notice of Addendum will be distributed via email and FAX (if available) on **March 14, 2024** to all suppliers on the Distribution List and any other person who is a BPU-licensed supplier and who has received an RFP package and that provide the necessary contact information. The addendum will also be uploaded to the LCEA page of the energy agent's bid platform, for access by registered suppliers.

Each Proposer is required to acknowledge receipt of all addenda at the time of submission of its Price Proposal by submitting an executed Transmittal Letter. All responses to this RFP shall be prepared with full consideration of the addenda issued.

L. PAYMENT OF THE ADMINISTRATIVE FEE AND ENERGY AGENT FEE

As indicated in Section C of this RFP, Price Proposals must include the cost to reimburse the Lead Agency for its out-of-pocket expenses related to the LCEA Program, recoverable pursuant to N.J.A.C. 14:4-6.8(d), referred to as Administrative Fee. An Administrative Fee in the amount of **\$927.30** shall be included in the Price Proposals.

All Price Proposals must also include the Energy Agent Fee of \$0.00042/kwh. As such, the Contract Price (\$/Kwh) charged by the selected supplier to Participating Residential, and the payments received by the selected supplier from all of these participating customers, include these costs.

Within thirty (30) days of the execution of the MPA, the selected supplier shall remit payment of the Administrative Fee to the Lead Agency in the total amount of **\$927.30**.

Beginning on or about October 1, 2024, and monthly thereafter, the selected supplier shall remit to the energy agent (Gabel Associates) a payment equal to the amount of Energy Agent Fees collected (equal to Kwh sales to participating customers billed and paid x Energy Agent Fee of \$0.00042/kwh).

The energy agent may ask the winning supplier(s), on behalf of the Lead Agency, for commission fees data from the supplier's commissions system(s). If the energy agent requests this information, the supplier will be asked to supply this data in one or more reports beginning on or about January 1, 2022. The agent will review this data for fee payment accuracy and will raise any issues for correction as soon as practicable.