

COUNTY OF ROCKLAND  
Department of General Services  
Purchasing Division

# Contract Award Notification

Title: **FIRM NATURAL GAS FOR THE COUNTY OF ROCKLAND,  
ROCKLAND COUNTY SEWER DISTRICT NO. 1, ROCKLAND  
COMMUNITY COLLEGE, AND ROCKLAND SOLID WASTE  
MANAGEMENT AUTHORITY**

Contract Period: July 1, 2022, through June 30, 2024

Original Date of Issue: December 14, 2021

Date of Revision:

**BID No: RFB-RC-2022-057**

**Ordering Method: Order by Special Request**

Authorized Users: County Agencies, Political Subdivisions

Address Inquiries To:

Name: Sabrina Samuels  
Title: Purchaser II  
Phone: 845-364-3807  
Fax: 845-364-3809  
E-mail: [samuelss@co.rockland.ny.us](mailto:samuelss@co.rockland.ny.us)

### Description

This contract is to purchase natural gas.

Contract #	Vendor Number	Contractor & Address	Telephone No.
BID 22-057	0000027148	Direct Energy Business Marketing, LLC, d/b/a Direct Energy Business 194 Wood Avenue, 2 <sup>nd</sup> Floor Iselin, NJ 08830 Contact: Sandra Seastream Sandra.seastream@nrg.com	732-395-8943

# RFB-RC-2022-057

## Firm Natural Gas

#	Items	QuantityRequired	UnitOfMeasure	UnitPrice	AWARD
1					
#1-1	Six (6) Month Term- dual Billing (city gate)	1	dth	\$ 0.305	No Award
#1-2	Twelve (12) Month Term- Dual Billing (city gate)	1	dth	\$ 0.183	No Award
#1-3	Eighteen (18) Month Term- Dual Billing (city gate)	1	dth	\$ 0.151	No Award
#1-4	Twenty-four (24) Month Term-Dual Billing (city gate)	1	dth	<b>\$ 0.174</b>	<b>AWARD</b>
2					
#2-1	Six (6) Month Term- POR Billing (city gate)	1	dth	No Bid	No Bid
#2-2	Twelve (12) Month Term- POR Billing (city gate)	1	dth	No Bid	No Bid
#2-3	Eighteen (18) Month Term- POR Billing (city gate)	1	dth	No Bid	No Bid
#2-4	Twenty-Four (24) Month Term- POR Billing (city gate)	1	dth	No Bid	No Bid

**COUNTY OF ROCKLAND - DGS-PURCHASING**  
 BLDG. A., 6TH FLOOR, 50 SANATORIUM RD, POMONA, NY 10970  
 TELEPHONE: 845-364-3820 / TELEFAX: 845-364-3809

**TITLE: Firm Natural Gas For The County Of Rockland, Rockland County Sewer District No.1, Rockland Community College And Rockland Solid Waste Management Authority**

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## PURCHASES BY OTHER

### LOCAL GOVERNMENTS, SCHOOL DISTRICTS, AND NON PROFIT AGENCIES

As per the New York State General Municipal Law, all political subdivisions of New York State are allowed to make purchases through the resulting contract(s). As per Rockland County Procurement Policy, Non Profit Agencies approved to participate in New York State's Contract Extension Program are authorized to make purchases through the resulting contract(s).

1. The County of Rockland shall make all contract award information available to other political subdivisions and non profit agencies through our website: [www.rcpurchasing.com](http://www.rcpurchasing.com)
2. Any other political subdivision or Rockland County non profit agency will issue purchase orders directly to vendors within the specified contract period referencing the County's contract and shall be liable for any payments due on such purchase orders; and shall accept sole responsibility for any payment due.
3. All purchases shall be subject to audit and inspection by the other political subdivisions and Rockland County non profit agencies for which the purchase was made.
4. No officer, board or agency of a county, town, village, or school district shall make any purchase through the County when bids have been received for such purchase by such officer, board or agency, unless such purchase may be made upon the same terms, conditions and specifications at a lower price through the County.
5. All Bidders shall be on notice that as a condition of the award of a County contract, the successful bidder shall accept the award of a similar contract with any other political subdivision in New York State and Rockland County non profit agencies authorized to use New York State's contracts, if called upon to do so. A listing of approved Rockland County non profit agencies is available on the Purchasing Division's website at [www.rcpurchasing.com](http://www.rcpurchasing.com). The County, however, will not be responsible for any debts incurred by the participants pursuant to this or any other agreement.
6. Necessary deviations from the County's specifications in the award of a participant contract, whether such deviations relate to quantities, or delivery points shall be resolved between the successful bidder and the other political subdivisions and Rockland County non profit agencies.

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## SPECIFICATIONS

### **FIRM NATURAL GAS SUPPLY FROM ENERGY SERVICE COMPANIES**

#### 1. PURPOSE

The County of Rockland is seeking Bids from Energy Service Companies (ESCOs) to provide firm natural gas supply to the County of Rockland, Rockland County Sewer District No. 1, Rockland County Solid Waste Management Authority, and Rockland Community College.

Each Agency shall contract separately and shall be responsible for all payments for energy purchased on its behalf.

Proposal Specifications and Account Lists may be obtained electronically via email from the Energy Consultant of Record for this Bid.

#### 2. ENERGY CONSULTANT OF RECORD

The County has named Resolution Energy as its exclusive Energy Consultant of Record for this cooperative energy purchase.

Contact information: Resolution Energy  
 75 South Broadway, 4<sup>th</sup> Floor  
 White Plains, New York 10601  
 pricing@rtec.energy

The awarded ESCO is fully responsible for the energy consultant's fee and should contact the consultant directly for details of payment prior to the bid. Fee shall be universal and based upon the total energy loads contracted. Fee is a cost to the supplier and any price offered to the County shall be inclusive of that cost.

#### 3. PRE-BID CONFERENCE

A pre-bid conference is not scheduled for this solicitation. All questions must be submitted in writing to Paul J. Brennan, FNIGP, NIGP-CPP, CPPO via email at [purchasing@co.rockland.ny.us](mailto:purchasing@co.rockland.ny.us) or via fax at (845)364-3809 by **5pm on May 18, 2022**. Questions received will be forwarded to the County's Energy Consultant and responded to in writing via addendum.

#### 4. RECEIPT, OPENING, WITHDRAWAL OF BIDS, AND FAILURE TO RESPOND

Sealed Bids shall be received by the County on the date, time and locations as well as the manner listed in the advertisement. Any bid may be withdrawn prior to the time for opening of bids or the authorized postponement thereof. Any bid received after the opening of the bids will not be considered.

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**5. PREPARATION OF BID**

Qualifications must be signed by authorities with the capacity to legally bind the bidder to its bid proposal. The County reserves the right to reject any or all bids or to waive any informality in the bids received as permitted by law. All bids must be submitted electronically as noted on the Electronic bid submission instructions for suppliers.

**6. QUALIFICATION OF BIDDER**

Any ESCO with intent on submitting a bid must contact the County's Energy Consultant prior to submission for registration and agrees to a preliminary qualification screening if deemed necessary.

ESCO must submit a statement of Bidder Qualifications along with its Bid that includes:

6.1 The name, a brief history and description of your firm.

6.2 Name and title of person(s) authorized to bind the Bidder, together with main office address and telephone number.

6.3 At least two (2) references from similar municipal, commercial and/or industrial load accounts including company name and complete contact information.

6.4 Any additional information that would distinguish your firm in its service to the participating agencies.

County and its Energy Consultant may make such investigations it deems necessary to determine the ability of the Bidder to provide proposed services. Bidder shall furnish to the County, within seven (7) days of a request, all relevant information and data for this purpose as may be reasonably requested. Conditional Bids will not be accepted.

**7. PRICING REQUIREMENTS FOR FIRM NATURAL GAS SUPPLY**

7.1 This is a cooperative natural gas purchase, the County is seeking one (1) aggregate price for all agencies, for each pricing option requested.

7.2 The County is seeking both Dual and POR billing prices for each pricing option.

7.3 This is a firm natural gas purchase; the flow start date for all agencies shall be the meter read on or after June 30, 2022.

7.4 The County is seeking NYMEX + Basis pricing only for the requested terms.

7.5 The County is seeking NYMEX + Basis pricing to the city gate for the requested terms.

7.6 The County is seeking both Dual and POR billing for the requested terms.

7.7 The County requests NYMEX + Basis pricing (Dual and POR billing) for terms of six (6) months, twelve (12) months, eighteen (18) months and twenty-four (24) months.

7.8 Pricing shall be stated for firm natural gas supply service only.

7.9 Pricing Option 1 shall be based on a city gate rate per dekatherm, and Dual billing.

7.10 Pricing Option 2 shall be based on a city gate rate per dekatherm, and POR billing.

7.11 Grossing of volumes to account for any losses is strictly prohibited.

7.12 All NYMEX + Basis Pricing shall include a "trigger option" permitting the customer to lock in a fixed natural gas rate at any time during the service term.

7.13 Bid prices must allow a minimum 100% swing tolerance, above or below the contract volumes.

7.14 If Dual Bill is selected, the Awarded ESCO shall provide monthly summary billing at no additional cost to the customer(s).

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- 7.15 Payment terms are Net 20.
- 7.16 Each agency shall contract and be billed separately for its natural gas supply.
- 7.17 The ESCO shall obtain the latest account and usage information directly from Orange & Rockland Utility to develop their bid. Should any accounts be identified that are not included in the account list, the ESCO shall identify those accounts as additional accounts in its Bid.
- 7.18 In submitting a Bid, the bidder acknowledges that it waives any and all claims and causes of action against all participating County of Rockland Agencies, the members of Resolution Energy or any of their officers, directors, representatives, members, employees, principals, consultants, and agents, on the basis of the historical usage that the bidder may have relied upon. The Agreement will not be on a “take-or-pay” basis.

#### 8. CONTRACT QUANTITIES

Contract Quantities shall be determined by historical consumption patterns for each account and shall be mutually agreeable to both the contracting agency and the Awarded ESCO.

#### 9. TERM OF CONTRACT

Contract Terms for all-natural gas accounts shall be for six (6) months, twelve (12) months, eighteen (18) months or twenty-four (24) months from the service start date. The service start date for all-natural gas accounts shall be the meter read on or after June 30, 2022. All-natural gas contracts shall be coterminous.

Each Agency shall contract separately with the Awarded ESCO(s) and be billed separately for its natural gas supply.

The General Terms & Conditions in Appendix “A” are in addition to the ESCO’s standard Terms & Conditions. Any contract awarded shall be executed on the ESCO’s New York State Sales Agreement, pending approval of contract language by the County Attorney, as stated in the RFB Specifications.

#### 10. AVAILABILITY OF FUNDS

Pursuant to New York State Law any contract(s) resulting from this Bid shall be subject to the annual availability and appropriation of sufficient funds.

#### 11. BID EVALUATION AND AWARD

Bids shall be evaluated by the County’s Energy Advisory Group and Awards shall be made to the lowest responsible bidder(s) meeting the requirements of the Bid.

It is the intention of the County to Award the Bid within 48 hours of the bid opening. Any Award shall be pending approval of the applicable ESCO’s contract terms and conditions by the County’s Attorney.

The County reserves the right to make individual Awards by billing method if deemed in its best interest or to Award the bid in its entirety if deemed in its best interest.

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The County reserves the right to reject any and all Bids, in whole or in part, submitted in response to its RFB.

12. "Piggy Backing"

As per New York State General Municipal Law, all political subdivisions of New York State are allowed to make purchases through the resulting contract(s). As per Rockland County Procurement Policy, Rockland County based Non-Profit Agencies approved to participate in New York State's Contract Extension Program are authorized to make purchases through the resulting contract(s). This type of procurement option is called "piggy backing."

Should any government agency contact the Awarded ESCO(s) seeking an electricity and/or natural gas contract based on the County Award(s), ESCO shall immediately direct them to the County's Energy Consultant of Record. Based on market conditions, the awarded ESCO(s) shall have the option of offering the same (or better) contract price(s) to other government agencies and Rockland County based non-profits provided such contract is executed under the same terms and conditions of the County's approved contract.

ESCO(s) acknowledge, and agree, that any additional contract(s) by way of "piggy backing" shall be under the same terms and conditions of the County's contract and executed through Resolution Energy. Consulting fees shall be the same as the County Bid, and any price offered to additional Agencies shall be inclusive of that cost. Consulting fees on piggybacked contracts shall be payable to Resolution Energy.

At no time shall the addition of any Agency negatively impact Bid prices for the County of Rockland, Rockland County Sewer District No. 1, Rockland County Solid Waste Management Authority, and Rockland Community College.

**DEPARTMENT OF GENERAL SERVICES, PURCHASING DIVISION**

Dr. Robert L. Yeager Health Center  
50 Sanatorium Rd, Building A  
Pomona, New York 10970  
Phone: (845) 364-3820 Fax: (845) 364-3809  
Email: purchasing@co.rockland.ny.us

**Paul Brennan, FNIGP, NIGP-CPP, CPPO**  
*Director of Purchasing*

**ADDENDUM # 1**

**RFB-RC-2022-057**  
**Firm Natural Gas**

The information in this addendum supersedes any contradictory information set forth in the contract documents. Acknowledge receipt of this addendum in the space provided on the signature page of the bid proposal. Failure to do so, may subject the bidder to disqualification. This addendum forms a part of the contract documents.

**Question #1:** The County is seeking Dual and POR pricing. Would submitting a POR price bid disqualify us?

**Response #1:** No, it does not disqualify your company. However, the County reserves the right to select its billing option in awarding the Bid. Therefore, it would preclude your company from consideration of a Dual bill Award.

**Question #2:** The County Attorney must review and approve our contract language. Can we submit our contract the same day as the Bid, or does it need to be sent before the Bid for review?

**Response #2:** Suppliers should not include a copy of their contract in or before their submission. Upon deciding, the County shall request a copy of the applicable supplier's contract for the County Attorney to review before finalizing the Award.

**Question #3:** The RFB requires three years of experience. We have been active in ORU since April 2020 (2 years). Does this preclude us from participating in the RFB?

**Response #3:** No. As stated in the RFB, Bidders must submit with the proposal a Certificate of Experience for the past three (3) years and include two (2) references from similar municipal, commercial and/or industrial load accounts. Experience and references are not limited to only Orange & Rockland Utility.

**SIGNED:**

*Paul J. Brennan*

**PAUL J. BRENNAN, FNIGP, NIGP-CPP, CPPO**  
**DIRECTOR OF PURCHASING**



**DEPARTMENT OF GENERAL SERVICES, PURCHASING DIVISION**

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**ADDENDUM # 2**

**RFB-RC-2022-057**  
**Firm Natural Gas**

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**Question # 1:** What day and time are you requesting bidders to hold the prices in our price proposal firm until you make the award?

**Response # 1:** Per the RFB Specifications, it is the intention of the County to Award the Bid within 48 hours of the bid opening. The bid opening is May 26, 2022, at 3 PM.

**Question #2:** Are you requesting executable pricing? Will you allow prices to be refreshed?

**Response #2:** Yes, the County is requesting executable pricing. Yes, a supplier may refresh pricing before execution. However, the supplier's refreshed prices must be the same or lower than their submitted Bid price.

**Question #3:** Can you please confirm to exclude from bid prices State Sales Tax, Gross Receipt Taxes (GRT), or Commercial Activity Taxes (CAT)?

**Response #3:** The County is exempt from state and local sales tax. Gross Receipt Tax (GRT) is excluded from the Bid prices.

**SIGNED:**

*Paul J. Brennan*

**PAUL J. BRENNAN, FNIGP, NIGP-CPP, CPPO**  
**DIRECTOR OF PURCHASING**