

COUNTY OF ROCKLAND
Department of General Services
Purchasing Division

Contract Award Notification

Title: **Interruptible Natural Gas-Cooperative**

Contract Period: January 1, 2023 through December 31, 2023

Original Date of Issue: 11/30/22

Date of Revision:

BID No: RFB-RC-2022-145

Authorized Users: Rockland County and Rockland Community College

Address Inquiries To:

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

Description

This contract is for Interruptible Natural Gas.

Contract #	Vendor Number	Contractor & Address	Telephone No.
RFB-RC-2022-145	0000027148	Direct Energy Business Marketing LLC 804 Carnegie Center Princeton, NJ 08540 Contact: Sandra Seastream Sandra.seastream@nrg.com	732-395-8943

RFB-RC-2022-145- Interruptible Natural Gas				NRG Energy, Inc.		
#	Items	Quantity	Unit of Measure	UnitPrice	TotalCost	AWARDED VENDOR
#2-1	TWELVE (12) MONTH TERM NYMEX + BASIS RATE - CITY GATE (+/-100% SWING)	1	dth	\$ 3.565	\$ 3.565	AWARD

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 # 2

RFB #: RFB-RC-2022-145
Interruptible Natural Gas - Cooperative

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: **Appendix A: 37. Performance Qualifications** – Would the County be willing to make the financial responsibility language in this section bilateral?

Response #1: No

Question #2: **Appendix A: 62. Assignment/Subcontracts** – Would the County be willing to make the language in this section bilateral?

Response #2: No

Question #3: **Appendix A: 65. Termination** - Would the County be willing to make the language in this section bilateral?

Response #3: No

Question #4: **Appendix A: 66. Savings/ Force Majeure** – Can the County confirm that they understand that the REP does not have the ability to show preferential treatment to any customers. Once REP delivers the gas to the LDC, LDC delivers the gas as they see fit?

Response #4: Yes, confirmed

Question # 5: **Appendix A: 68. Default** – Authorized User – Would the County be willing to change the breach of contract for payment days to 30?

Response #5: Appendix A, paragraph 68 will not apply to this Request for Bid as only the County of Rockland and Rockland Community College will utilize the resulting contract award. Page 6 of the RFB titled Purchases by Other Local Governments, School Districts and Non-Profit Agencies is deleted from the RFB Specifications.

SIGNED:

Paul J. Brennan

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

ADDENDUM

11/22/22

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ADDENDUM # 1

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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: Are you requesting Full Plant Requirements, No Gas Settlement Adjustment? Or are you requesting Contract Quantities with Gas Settlement Adjustment and No Swing?

Response #1: The County expects the winning supplier to provide 100% of its required natural gas each month for the term of the agreement. The County is seeking a fixed City Gate price with +/-100% swing in monthly usage. There should be no monthly Gas Settlement Adjustment.

Question #2: Please specify if the fee is to be applied to the Contract volumes or the Facility Usage volumes.

Response #2: The fee rate to be paid to NORESKO is \$0.15/Dth. This is to be included in supplier bid prices, and will be paid based on actual usage at each location throughout the term of the resulting agreement.

Question #3: Please provide a W9 for payment purposes, so that we may set NORESKO, LLC up in our accounts payable system.

Response #3: This information will be provided to the awarded vendor.

Question #4: Is an electronic signature acceptable on the bid documents?

Response #4: Yes

SIGNED:

Paul J. Brennan

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

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

TITLE: Interruptible Natural Gas Cooperative

RFB #: RFB-RC-2022-145

SPECIFICATIONS

The County of Rockland is seeking bids from Energy Service Companies (ESCO) to provide Interruptible Natural Gas (IT Natural Gas) service to two (2) service accounts located in Rockland County. This is a cooperative purchase that includes the County of Rockland and Rockland Community College (RCC).

Notice is hereby given that the sealed proposals will be received on November 30, 2022 no later than 12:00 PM EST to:

Paul J, Brennan, CPPO
 Director of Purchasing
 Department of General Services – Purchasing Division
 50 Sanatorium Rd., Bldg. A, 6th, Pomona, NY 10970
purchasing@co.rockland.ny.us

Proposals must be received either electronically on the Bonfire portal as noted in the submission instructions, or in person, at the hour designated in this advertisement, or previous thereto by either Personal Delivery, Mail, Federal Express, or United Parcel Service to the attention of Paul J. Brennan, CPPO, Director of Purchasing at the address listed above.

The County of Rockland will notify the awarded bidder by 3pm on November 30, 2022.

Account Lists and information regarding the Energy Consultant Administrative Fee will be provided to ESCOs that complete and submit the enclosed Receipt Confirmation Form by **November 18, 2022** to advise the County of their intent to submit a bid response. Receipt Confirmation Forms must be emailed to purchasing@co.rockland.ny.us.

ESCO's may request an ESCO letter of authorization to provide to Orange and Rockland Utilities to obtain gas usage and account information. Please send request by **November 18, 2022** to purchasing@co.rockland.ny.us

Bid Specifications may be obtained electronically from the Empire State Purchasing System (www.empirestatebids.com) or by sending an email request to purchasing@co.rockland.ny.us.

THE COUNTY IS NOT RESPONSIBLE FOR ANY BID PROPOSALS THAT ARE NOT RECEIVED IN A TIMELY MANNER.

The proposal must be accompanied by all documents required by the conditions and specifications for submitting a proposal.

The County of Rockland reserves the right to reject any and all proposals, waive informalities, and make such awards or take action as may be in the best interest of the participating agencies.

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1. PURPOSE

The County of Rockland is seeking Bids from Energy Service Companies (ESCOs) to provide Interruptible Natural Gas (IT Natural Gas) service to the County of Rockland and Rockland Community College (RCC).

Each Agency shall contract separately and shall individually be responsible for all payments for the natural gas 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 and participating agencies have appointed NORESKO, LLC as its exclusive Energy Consultant of Record for this cooperative interruptible natural gas purchase.

Contact information: NORESKO, LLC
 One Research Drive
 Suite 400C
 Westborough, MA 01581
 Erik Miller
 emiller@noresko.com

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 must be universal and based upon the total natural gas loads contracted. Fee is a cost to the supplier and any price offered to the participating Agencies shall be inclusive of this cost. At no time shall the ESCO pass through any additional cost to the customer for this fee.

- 3. PRE-BID CONFERENCE** is not scheduled for this solicitation. All questions shall be submitted in writing no later than 5pm on November 21, 2022 to Paul J. Brennan, CPPO via email at purchasing@co.rockland.ny.us. Questions received will be forwarded to the County's Energy Consultant and responded to in writing by the County 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.

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 or in a sealed envelope and state the name and number of the Bid, the name of the Bidder, address and subject and title of the specifications.

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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. Intent must be submitted by 5pm November 21, 2021 to emiller@noresco.com

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

- a. The name, a brief history and description of your firm.
- b. Name and title of person(s) authorized to bind the Bidder, together with main office address and telephone number.
- c. At least two (2) references from similar municipal, commercial and/or industrial load accounts including company name and complete contact information.
- d. 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 INTERRUPTIBLE NATURAL GAS

- 7.1 This is a cooperative IT Natural Gas purchase. The County is seeking one (1) aggregate price for both agencies, for each pricing option requested.
- 7.2 This is an interruptible gas purchase; the flow start date for all accounts will be the meter read on or after December 31, 2022.
- 7.3 The County is seeking NYMEX + Basis pricing to the City Gate for the requested terms.
- 7.4 The County requests IT Natural Gas Bids for the following terms: six (6) months, twelve (12) months, and eighteen (18) months.
- 7.5 The County requests pricing for 100% Swing Tolerances for all requested pricing terms.
- 7.6 Pricing shall be stated for IT Natural Gas supply service only.
- 7.7 **Pricing Option 1** must be based on a city gate rate per dekatherm, including any Orange & Rockland Utility line loss charges to the city gate – and 100% Swing Tolerance – 6 month term.
- 7.8 **Pricing Option 2** must be based on city gate rate per dekatherm, including any Orange & Rockland Utility line loss charges to the city gate – and 100% Swing Tolerance- 12 month term.
- 7.9 **Pricing Option 3** must be based on city gate rate per dekatherm, including any Orange & Rockland Utility line loss charges to the city gate – and 100% Swing Tolerance- 18 month term.

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- 7.10 Grossing of volumes to account for any losses to the city gate is strictly prohibited.
- 7.11 All NYMEX + Basis pricing must include a “trigger option” permitting the customer to lock in a fixed NYMEX natural gas rate at any time during the service term.
- 7.12 Each agency shall contract and be billed separately for its IT Natural Gas supply.
- 7.13 Billing method is Dual Bill.
- 7.14 Payment terms are **Net 20**.
- 7.15 The ESCO shall obtain the latest account and usage information directly from Orange & Rockland Utility to develop its 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. ESCO’s may request an ESCO letter of authorization for Orange and Rockland Utilities to obtain gas usage, profile information and interval data. Please send request to purchasing@co.rockland.ny.us.
- 7.16 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 NORESCO LLC 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 Term shall be for a period to be determined by the pricing option selected by the County and deemed by the County to be in the best interest of the County.

The service start date for all IT natural gas accounts must be the meter read on or after December 31, 2022. All natural gas contracts will be coterminous.

Each Agency must contract with and be billed separately by the Awarded ESCO 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 must 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.

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11. BID EVALUATION AND AWARD

Bids will be evaluated by the County’s Energy Consultant 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 notify the winning bidder of award within 3 hours of the bid opening. Any Award will be pending approval of the applicable ESCO’s contract terms and conditions by the County’s Attorney.

RCC reserves the right to have its own attorney review and approve the Awarded ESCO’s contract terms and conditions.

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 NORESKO. 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 NORESKO.

At no time shall the addition of any Agency negatively impact Bid prices for the County of Rockland or Rockland Community College.