

A RESOLUTION OF TOWNSHIP OF UNION BOARD OF EDUCATION AUTHORIZING THE PURCHASE OF NATURAL GAS SUPPLY SERVICES FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE

*November 15, 2016*

WHEREAS, Township of Union Board of Education has determined to move forward with the EMEX Reverse Auction in order procure natural gas for the Township of Union Board of Education; and

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) (the "Act") authorizes the purchase of natural gas supply service for public use through the use of an online auction service; and

WHEREAS, the Township of Union Board of Education will utilize the online auction services of EMEX, LLC, an approved vendor pursuant to the Act, waiver number EMEX LLC-1, located at [www.energymarketexchange.com](http://www.energymarketexchange.com); and

WHEREAS, EMEX, LLC is compensated for all services rendered through the participating supplier that a contract is awarded to; and

WHEREAS, the auction will be conducted pursuant to the Act; and

WHEREAS, if the auction achieves a price of \$0.539/therm or less for a 12 month term, a price of \$0.553/therm or less for an 18 month term, or a price of \$0.536/therm or less for a 24 month term; the Township of Union Board of Education may award a contract to the winning supplier for the selected term.

NOW THEREFORE BE IT RESOLVED, that the Business Administrator of the Township of Union Board of Education be and he hereby is authorized to execute on behalf of the Township of Union Board of Education any natural gas contract proffered by the participating supplier that submits the winning bid in the EMEX Reverse Auction if the auction achieves a price of \$0.539/therm or less for a 12 month term, a price of \$0.553/therm or less for an 18 month term, or a price of \$0.536/therm or less for a 24 month term; Township of Union Board of Education may award a contract to the winning supplier for the selected term.

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GREGORY E. BRENNAN  
BUSINESS ADMINISTRATOR/  
BOARD SECRETARY



[www.EnergyMarketExchange.com](http://www.EnergyMarketExchange.com)

## Defined Scope of Engagement between EMEX And a Local Government Unit (“Local Unit”)

### Agreement between EMEX and the Local Unit

EMEX simply acts as the platform to allow all BPU approved energy suppliers to compete in a live online reverse auction for the Local Unit’s energy demand. Since there is no legal or financial obligation on behalf of the Local Unit to execute an agreement upon completion of the reverse auction, there is no written agreement between EMEX and the Local Unit.

### EMEX’s Proprietary Reverse Auction Platform

This platform allows all Local Units in the state of New Jersey to procure energy supply through an efficient online reverse auction process that has been strictly vetted to ensure compliance with New Jersey laws and regulations, including those relating to public bidding requirements and notice. The EMEX platform is both endorsed and approved under the state’s E-Procurement Pilot Program.

### Execution or Acceptance

Upon acceptance by the Local Unit of an agreement with the energy supplier that wins a reverse auction, the contractual obligation is between such winning supplier and the Local Unit. However, as the Local Unit’s consultant, EMEX will assist the Local Unit in all facets regarding the contract both before execution of the energy supply agreement and for the duration of the term of said agreement. This consulting expertise includes, but is not limited to: negotiation of the terms of the energy supply contract, providing cost savings analyses and reporting, and performing billing and usage inquiries.

### Fees

EMEX is a performance driven company. If the energy supply rates resulting from the reverse auction do not meet the expectations of the Local Unit, the Local Unit can simply walk away with no legal or financial obligations or ramifications. If pricing is accepted and a contract is awarded, EMEX is paid a commission from the energy supplier for its services. **The Local Unit will not receive an invoice for services rendered by EMEX as we are paid only through the energy supplier.**

### RFP

The request for proposal will be sent to every energy supplier licensed and authorized to do business in the area in which the Local Unit is located. All bidding suppliers will be participating on an even playing field or “apples to apples” for fixed, all inclusive products for the energy supply commodity. By allowing suppliers the transparency brought on by a live auction, the Local Unit will truly realize the lowest available pricing in the market.