

RESOLUTION NO. 2012-298

RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPOINTING BIRDSALL SERVICES GROUP AS CONSULTANT IN CONJUNCTION WITH THE ENERGY AGGREGATION PROGRAM FOR BARNEGAT TOWNSHIP.

WHEREAS, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey (hereinafter referred to as the "Township") has adopted a Resolution authorizing the initial steps to be taken with regard to a Township wide Energy Aggregation Program ("Program"); and

WHEREAS, that in accordance with the appropriate statutory and regulatory authority, the Township needs to appoint a consultant to assist the Township with the selection of an energy supplier; and

WHEREAS, the Birdsall Services Group has undertaken this responsibility and consulting services for the County of Ocean and other governmental entities throughout New Jersey, and has vast experience in assisting the municipalities and governmental entities in this field; and

WHEREAS, the proposal is that the energy consultant will not be paid with any Township funds, but rather will be paid by the successful appointed supplier; and

WHEREAS, this is a professional service and, therefore, exempt from the formal bidding requirements of the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and is permitted as a professional appointment inasmuch as no funds will be incurred by the Township for this service.

DASTI, MURPHY
McGUCKIN, ULAKY,
CHERKOS & CONNORS

COUNSELLORS AT LAW

620 WEST LACEY ROAD
P.O. BOX 1057
FORKED RIVER, N.J. 08731

NOW, THEREFORE, BE IT RESOLVED, this 21st day of May, 2012, by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, as follows:

1. The Township appoints Birdsall Services Group to undertake all services as the consultant for the Township in conjunction with the Energy Aggregation Program.

2. This appointment shall be at no cost to the Township or its taxpayers. Rather, the agreement is that the consultant will be paid a management fee by the successful supplier. In the event that the Township chooses not to go forward with the project and refuses not to appoint a supplier, no funds shall be due and payable by the Township to Birdsall Services Group for any consulting services provided.

3. The Township authorizes and directs the Mayor, Township Administrator, and Township Clerk to execute any and all necessary documents in order to implement the intent of this Resolution.

4. A certified copy of this Resolution shall be forwarded by the Township Clerk to the following:

- (a) Honorable Alfonse Cirulli, Mayor;
- (b) David Breeden, Township Administrator;
- (c) Jerry J. Dasti, Esquire;
- (d) John J. Hess, P.E.;

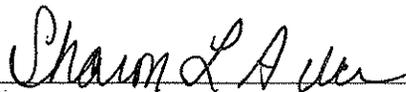
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CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Township of Barnegat at a meeting held on May 21, 2012, a quorum being present and voting in the majority.



**SHARON L. AUER,
ACTING TOWNSHIP CLERK**

Prepared by:

DASTI, MURPHY, McGUCKIN, ULAKY,
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