

**RESOLUTION NO. 2011-107**  
**RESOLUTION OF THE TOWNSHIP OF ABERDEEN DETERMINING**  
**THE SUCCESSFUL RESPONDENT AND AWARDING A CONTRACT IN**  
**UNDER THE TOWNSHIP'S RENEWABLE ENERGY PROGRAM**

**WHEREAS**, the Township of Aberdeen ("Township") has developed a Renewable Energy Program ("Program") to provide for, among other things, the design, construction, installation, operation and maintenance of solar energy projects ("Renewable Energy Projects") at the sole cost of the winning solar developer ("Successful Respondent") to be located on certain buildings, structures and lands ("Municipal Facilities") owned or controlled by the Township; and

**WHEREAS**, as part of the Program, the Township conducted a procurement process pursuant to competitive contracting provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. ("LPCL"), through the issuance on June 24, 2011 of a "Request for Proposals for a Developer of Photovoltaic Systems with Respect to Certain Municipal Facilities in the Township of Aberdeen" ("RFP") seeking a solar developer for Renewable Energy Projects to be located on Municipal Facilities owned or controlled by the Township, and for the sale of electricity to the Township at reduced rates; and

**WHEREAS**, the RFP provided that respondents were required to submit proposals under two proposal options: (1) Option 1 whereby the Successful Respondent (a) designs, permits, acquires, constructs, installs, operates and maintains the Renewable Energy Projects and (b) permits, constructs and installs certain roof replacements that are required for the Municipal Complex ("Capital Improvement Project"); and (2) Option 2 whereby the Successful Respondent designs, permits, acquires, constructs, installs, operates and maintains the Renewable Energy Projects, excluding the Capital Improvement Project; and

**WHEREAS**, on August 4, 2011, the Township received proposals under Option 1 and Option 2 from one Respondent to the RFP, Nexus Energy Solutions ("Nexus"), located at One Brunswick Circle, 1333 Brunswick Avenue, Suite 200, Lawrenceville, New Jersey; and

**WHEREAS**, Nexus proposed a Power Purchase Agreement (PPA) Price commencing at \$0.4875 per kWh, with a 2.5% annual escalation under Option 1, and a PPA Price of \$0.04175 per kWh, with a 2.5% annual escalation under Option 2; and

**WHEREAS**, the Township's evaluation team evaluated and scored Nexus' proposals and awarded Nexus an overall score of 94 on its Option 1 and 92 on its Option 2; and

**WHEREAS**, the evaluation team's evaluation of and findings with respect to Nexus' proposals are contained in the "Evaluation Report Prepared for the Township of Aberdeen, dated September 16, 2011" (a copy of which is attached hereto as Exhibit A, the "Evaluation Report"); and

**WHEREAS**, the Evaluation report recommends that Nexus be designated as the Successful Respondent and be awarded a contract under Option 1, in accordance with the RFP; and

**WHEREAS**, in accordance with the LPCL's competitive contracting provisions, specifically N.J.S.A. 40A: 11-4.5(d), the Evaluation Report has been made available to the public through posting on the Township's website at least 48 hours prior to adoption of this Resolution,

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP OF ABERDEEN** as follows:

1. The foregoing recitals are incorporated herein as if set forth at length.
2. The Township has reviewed the Evaluation Report and accepts the recommendation therein that Nexus Energy Solutions be and is hereby designated as the Successful Respondent to the RFP in accordance with the terms of its Option 1 Proposal (with Capital Improvement Project at Municipal Complex and tree-trimming at Noble Place Pump Station only), at a Power Purchase Agreement Price (as defined in the RFP) commencing at \$.04875 cents/kWh, with an annual escalation of 2.5%, and Nexus is hereby awarded a contract under such Proposal for the development of the Renewable Energy Projects at the Municipal Facilities in accordance with the RFP.
3. The Mayor, Township Manager or their designee are hereby severally authorized to (a) execute and deliver to Nexus Energy Solutions the Project Documents incorporating the terms of Nexus' Option 1 proposal, and (b) take such other action, including without limitation the execution and delivery of such other certificates, instruments or other documents in connection therewith or otherwise contemplated thereby.
5. This resolution shall take effect immediately.

**EXHIBIT A**

**EVALUATION REPORT**