

RESOLUTION NO. 53 FOR THE YEAR 2023

**RESOLUTION AUTHORIZING PARTICIPATION IN
COOPERATIVE ENERGY PURCHASING SERVICE
(NYSMEC) FOR NATURAL GAS**

WHEREAS, Article 5-G of the New York State General Municipal Law authorizes municipal corporations to enter into cooperative agreements for the performance or exercise of services, functions, powers or activities on a cooperative or contract basis among themselves or one for the other, and

WHEREAS, Section 119-n of the General Municipal Law defines the term "municipal corporation" for the purposes of Article 5-G as a county outside the city of New York, a city, a town, a village, a board of cooperative educational services, a fire district or a school district; and

WHEREAS, The City of Cohoes (hereinafter sometimes referred to as "Participant") is a "municipal corporation" as defined above; and

WHEREAS, this Board wishes for this municipal corporation to become or remain a Participant pursuant to the Municipal Cooperation Agreement For Energy Purchasing Services dated the 1st day of May, 2005 (the "Agreement"), among municipal corporations collectively identified as the New York School and Municipal Energy Consortium ("NYSMEC") upon the terms of the Agreement and further wishes to authorize participation as an energy consumer as specified below.

NOW, THEREFORE, BE IT

RESOLVED, that this Board hereby determines that it is in the interests of the City of Cohoes to participate in the NYSMEC, and authorizes and directs the City Comptroller to sign the Agreement/and or the Billing Schedule and Agreement for natural gas on its behalf; and

RESOLVED, that this Board authorizes the Administrative Participant (as defined in the Agreement) to prepare, advertise, disseminate and open bids pursuant to the General Municipal Law and to award, execute and deliver binding contracts on behalf of this Board for the purchase of natural gas delivered to the city gate of the local utility distribution company for the Participant's facility or facilities, on a firm basis, for this Participant to the lowest responsible bidder as is determined by the Administrative Participant at a price for such commodity natural gas not to exceed \$.656 cents per therm for a term of at least one year and no more than three years commencing May 1, 2024, and other terms and conditions, all as may be determined by the Administrative Participant, or to reject any or all such bids; and

RESOLVED, that this Participant agrees to advertise said bid as may be directed by the Administrative Participant; and

RESOLVED, that the officers and employees of this Participant are authorized to execute such other confirming agreements, certificates and other documents and take such other actions as may be necessary or appropriate to carry out the intent of this resolution.

RESOLVED, This Resolution shall take effect immediately.

Approved as to form this 12th day of December, 2023.



Brian S. Kremer
Corporation Counsel

Resolution No. 53 for the Year 2023
December 12, 2023
Page 2

Engrossed and signed by the President of the Common Council and attested by the Clerk of the Common Council this 12 day of December, 2023.

Lari A. Yonko
Clerk

[Signature]
President

I hereby approve the foregoing Resolution of the Common Council.

12/12/23
Date

[Signature]
William T. Keeler
Mayor of the City of Cohoes

November 3, 2023

To All NYSMEC Participants,

The NYSMEC team is pleased to share that we are in the process of completing natural gas and electricity bids to secure optimal pricing for participants. On April 30, 2024, current NYSMEC contracts for both natural gas and electricity expire. In the next few months, the bid will be provided to Energy Service Companies (ESCO's), and NYSMEC will receive bids for our next contract period beginning May 1, 2024.

In an effort to obtain the best possible prices, we are following our established practice of confirming your continued participation in the program. We are again asking all participants to have their board confirm participation in the program by resolution. The resolution authorizes NYSMEC to conduct the cooperative public bid process and to award binding purchase contracts to the lowest responsible vendor, as long as the bid price does not exceed the amount stated in the resolutions. NYSMEC is able to secure better pricing from the ESCO's when we have firm commitments from our participants prior to completion of the bid process. The "not to exceed" price per kWh or therm amount reflected in each attached resolution are by design conservative calculations on the part of our consultant. As has happened in the past, we expect that bid pricing received will be less than the "not to exceed" amount.

Attached you will find the following documents:

- "Electricity Cooperative Energy Purchasing Service Billing Schedule And Agreement (Joinder)"
- "Resolution Authorizing Participation In Cooperative Energy Purchasing Service (NYSMEC) For Electricity"
- "Natural Gas Cooperative Energy Purchasing Service Billing Schedule And Agreement (Joinder)"
- "Resolution Authorizing Participation In Cooperative Energy Purchasing Service (NYSMEC) For Natural Gas "

Our consultant has run some pricing scenarios based on the following criteria:

- Current market conditions and future market predictions
- Recent news indicating increasing price volatility in the Northeast during the bid period
- Weather and increased electricity production from natural gas and local natural gas transportation constraints
- Various Contract Terms (1, 2, and 3 years)
- Service Classifications
- Zone areas (for electric)
- Balancing Options (for natural gas)

Because the bids will not be opened and awarded until late March, we have put in the resolution documents a "not to exceed" price per kWh for electric and per therm for natural gas. These "not to exceed" prices are a result of the consultant's findings based on the factors

listed above. The actual prices will be determined by the market at the time of bid opening. While we expect pricing to come in lower than the “not to exceed” price, this is the absolute cap you are allowing us to award on either bid, and for a term not to exceed 3 years.

The price listed on each resolution is the highest price authorized in the most expensive electric zone (\$0.0845 per kWh) and in the most expensive balancing option for natural gas (\$.0656 per therm). For reference, below is the consultant’s determination of the anticipated cap for each electricity zone.

ZONE	Cap/kWh
B	\$0.0605
C	\$0.0648
D	\$0.0659
E	\$0.0649
F	\$0.0819
H	\$0.0845


As you will see, the electricity cap listed in the enclosed Board Resolution uses the highest Zone “H” cap determined by our consultant (i.e. \$0.0845) out of an abundance of caution to ensure participants in all Zones can award the contract on bid day.

Please note that these figures are for the commodity only and do not include the utility “transportation” charges.

We will need all signed documents returned to us no later than 12:00 noon on Friday, December 15, 2023. If your intent is to discontinue your participation in the program, I will need a letter in writing stating that intention, effective April 30, 2024, as soon as possible, but no later than 12:00 noon on Friday, December 15, 2023.

Should you have any questions, you can contact me by email at lrussell@OCMBOCES.org or Judy DeGarie at jdegarie@ocmboces.org.

Sincerely,



Lynda Russell
OCM BOCES
Manager of Central Services
Main Campus - Administration Building

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November 8, 2023

To All NYSMEC Participants (Business Officials & Maintenance Department Contacts):


I am writing to provide you with a corrected resolution for participation in NYSMEC's natural gas bid for the contract period beginning May 1, 2024.

NYSMEC's consultant advised that the cap (i.e. highest potential award cost) he recommended for the resolution contained an errant "0" after the decimal point. That is, the consultant's recommended cap of "\$.0656" per therm included in the resolution was an error, and should have read "\$.656" per therm.

Enclosed is the revised natural gas resolution listing the correct "\$.656 per therm" cap. Please make sure the correct resolution form is approved by your school district/municipality. This error did not impact the resolution for participation in NYSMEC's electricity bid or the agreements provided to you on November 3rd.

On behalf of the consultant, please accept my apologies for any confusion or inconvenience this caused you.

Sincerely,



Lynda A. Russell
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Main Campus - Administration Bldg.
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