

RESOLUTION OF THE MORRIS COUNTY IMPROVEMENT AUTHORITY

TITLE:

RESOLUTION AUTHORIZING A COMPETITIVE CONTRACTING AWARD TO SUNLIGHT GENERAL CAPITAL / AZIMUTH 180 SOLAR ELECTRIC, FOR OPERATION, MAINTENANCE AND MANAGEMENT SERVICES FOR THE TIOGA SOLAR I (2009A SERIES) PROJECT IMPROVEMENTS

WHEREAS, the Morris County Improvement Authority, County of Morris, New Jersey (the “Authority”), a county improvement authority organized and existing under the laws of the State of New Jersey, provides, among other things, for the provision of renewable solar energy to various local units within the County of Morris through physical solar photovoltaic plant which it owns; and

WHEREAS, in that regard, the Authority owns certain of the aforementioned physical solar photovoltaic plant (the Tioga Phase I portion thereof) as a result of an April 30, 2013 general assignment for the benefit of creditors to Tioga Energy (Assignment for the Benefit of Creditors), LLC ("Tioga Energy ABC"), including its membership interests in Tioga Morris. The Authority has since taken full ownership of the Tioga Solar I (2009A Series) Project Improvements, as of December 1, 2019 in the wake of that assignment (the forgoing program and project, together, the “Project Improvements”); and

WHEREAS, the Authority has determined to enter into an agreement with a successful responder to provide for the operation, maintenance and management of the Project Improvements; and

WHEREAS, pursuant to Authority Resolution No. 20-12, the Authority had previously authorized the use of competitive contracting pursuant to *N.J.S.A.* 40A:11-4.1 through 4.5 to procure such services; and

WHEREAS, subsequent thereto, the Authority issued a Request for Proposals for CC20-101, “Operation and Maintenance Services for County Owned Solar Facilities” (“RFP”), for the provision of operation, maintenance and management of the Project Improvements; and

WHEREAS, on May 19, 2020, the Authority received one proposal in response to the RFP, from SunLight General Capital / Azimuth 180 Solar Electric (“SunLight General”); and

WHEREAS, the Authority has complied with the requirements for competitive contracting set forth in *N.J.S.A.* 40A:11-4.1 through 4.5 with respect to the SunLight General proposal, including a review of the proposal submitted, evaluating the same in accordance with

the criteria set forth within the RFP, and preparing a Report for Board and public consideration of the recommendation that SunLight General be award the contract for operation, maintenance and management of the Project Improvements; and

WHEREAS, pursuant to and in accordance with *N.J.S.A. 40A:11-4.3*, the aforesaid competitive contracting process has been administered by the Authority's Chairman, who also serves as the Morris County Administrator (hereafter the "County Administrator") in consultation with the Authority's general counsel, and the Morris County Qualified Purchasing Agent ("QPA"), and following review and evaluation of these proceedings, the same are satisfied that the recommended award to SunLight General is consistent with the RFP, and all aspects of the competitive contracting process as a matter of law; and

WHEREAS, for the reasons expressed within the Report, the Authority is satisfied that an award of a contract to SunLight General be made for the aforementioned operation, maintenance and management services for the Project Improvements.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Authority, as follows:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Authority hereby authorizes and directs that an award, pursuant to *N.J.S.A. 40A:11-4.1 et. seq.* of the Local Public Contracts Law, be made to SunLight General for the operation, maintenance and management of the Project Improvements, all in accordance with the terms of the RFP, at the amounts and under the terms set forth in the SunLight General proposal, and in accordance with such form of agreement as the Authority's Chairman may approve with the consultation and input from the Authority's general counsel, and other professionals.

Section 3. A copy of this Resolution shall be available for distribution to the public and for public inspection at the Authority offices.

Section 4. Subject to the second sentence of this section, this resolution shall take effect immediately. In accordance with *N.J.S.A. 40:37A-50*, the Secretary of the Authority is hereby authorized and directed to submit to each member of the Board of Chosen Freeholders of the County of Morris, by the end of the fifth business day following this meeting, a copy of the minutes of this meeting. The Secretary is hereby further authorized and directed to obtain from the Clerk of the Board of Chosen Freeholders of the County of Morris a certification from the Clerk of the Board of Chosen Freeholders of the County of Morris stating that the minutes of this meeting have not been vetoed by the Director of the Board of Chosen Freeholders of the County of Morris.

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MOVED/SECONDED:

Resolution moved by Commissioner _____.

Resolution seconded by Commissioner _____.

VOTE:

Commissioner	Yes	No	Abstain	Absent
Bonanni				
Ramirez				
Bauer				
Sandman				
Gallopo				

This Resolution was acted upon at the Regular Meeting of the Authority held on June 3, 2020 at the Authority's principal corporate office in Morristown, New Jersey.

Attested to this 3rd day of June, 2020:

By: _____
Secretary of the Authority

FORM and LEGALITY:

This Resolution is approved as to form and legality as of June 3, 2020.

By: _____
Matthew D. Jessup, Esq., Member
McManimon, Scotland & Baumann, LLC
Counsel to the Authority
Resolution No. 20-18