

VILLAGE OF HAMBURG-Natural Gas Program
100 Main Street
Hamburg, NY 14075



Phone: 716-649-0200 Fax 716-646-6558

Title: Operational Energy Services/Supply Contract

Bid Number : RFB _5_2016

REQUEST FOR BID

BIDDER'S NAME: _____

COMPANY NAME: _____

PHYSICAL ADDRESS: _____

Bidders must list a physical address

MAILING ADDRESS: _____

(P.O. BOX NUMBER, IF APPLICABLE)

CITY: _____ STATE: _____ ZIP: _____

Bids for the above referenced bid number and title will be received until **2:00 PM** on: **Wednesday April 13, 2016** at the Hamburg Village Hall, Clerk/Treasurer; at the above address, or via read receipt email at dwitkowski@villagehamburg.com. Questions or requests for bid forms may be submitted by emailing dwitkowski@villagehamburg.com.

TERMS: SEE TERM OF CONTRACT UNDER SPECIFICATIONS

SCOPE OF SERVICE: AS PER THE SPECIFICATIONS.

IMPORTANT NOTICE – Bid Distribution:

The Hamburg Village Natural Gas Program distributes bidding documents from the Hamburg Village Hall Office or via read receipt email.

Copies of bidding documents obtained from any other source are not considered official copies. Only those vendors who obtain bidding documents from the Village Natural Gas Program are guaranteed to receive addendum information, if such information is issued.

If you have obtained this document from a source other than the Hamburg Village Natural Gas Program, it is recommended that you obtain an official copy.

NOTE:

The proposal of each bidder shall contain the certification to non-collusive bidding as set forth in section 103-d of the General Municipal Law included in the specifications. This requirement must be strictly complied with.

RFB responses are to be sent electronically per instructions in this RFB, or sent by courier being enclosed in a sealed envelope marked: Bid name, RFB_5_2016, and shall be addressed to the Clerk/Treasurer, Hamburg Village Natural Gas Program, at the above address.

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The undersigned reserves the right to reject any and all proposals and to accept any proposal or proposals as submitted, or as modified, which in the opinion of the undersigned will be in the best interests of the Hamburg Village Natural Gas Program.

BIDDER'S CHECK LIST

Your response to our above referenced bid may be considered unresponsive and may be rejected if the following forms are not included at the time of the bid opening.

- A completed Invitation to Bid
- Notarized Affidavit of Non-Collusion as required by NYS Law
- Experience/Reference Form
- Notarized Certification of Compliance with Iran Divestment Act
- Bidder Pricing Sheet
- Copy of Most recent Operational Services Agreement (Contract)

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Affirmation of Acceptance Form

As a qualified Operational Energy Services Company (OESC) or Energy Services Company (ESCO) in the State of New York, and in compliance with the bid requirements of RFB_5_2016 issued by the Village of Hamburg Natural Gas Program, which is requesting bids for natural gas supply and operational services on behalf of its member participating in said RFB. By signing this form do firmly agree to adhere and use this document as a precursor to the transactional terms of RFB_5_2016. The Village of Hamburg Natural Gas Program shall use said document as the initial transaction verification document for fully executing an agreement for natural gas supply and operational services between the OESC or ESCO and the Village of Hamburg Natural Gas Program. The OESC's or ESCO's mutually approved contract will subsequently be signed by the Village of Hamburg and provided to the OESC or ESCO within a commercially reasonable time-frame.

Bidder Name _____

By applying the below signature I am formally declaring that I have the authority to bind the above-listed OESC or ESCO to the terms of this Affirmation of Acceptance Form:

Signed _____

Title _____

Date _____

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AFFIDAVIT OF NON-COLLUSION

The undersigned, having a principal place of business at:

NAME OF BIDDER: _____

PHONE NO.: _____ EXT: _____

BUSINESS ADDRESS: _____

TELEFAX NO.: _____

CERTIFICATION AND SIGNATURE FORM

I hereby attest that I am the person responsible within my firm for the final decision as to the prices(s) and amount of this bid or, if not, that I have written authorization, enclosed herewith, from that person to make the statements set out below on his or her behalf and on behalf of my firm.

I further attest that:

1. The price(s) and amount of this bid have been arrived at independently, without consultation, communication or agreement for the purpose of restricting competition with any other contractor, bidder or potential bidder.
2. Neither the price(s), nor the amount of this bid, have been disclosed to any other firm or person who is a bidder or potential bidder on this project, and will not be so disclosed prior to bid opening.
3. No attempt has been made or will be made to solicit, cause or induce any firm or person to refrain from bidding on this project, or to submit a bid higher than the bid of this firm, or any intentionally high or non-competitive bid or other form of complementary bid.
4. The bid of my firm is made in good faith and not pursuant to any agreement or discussion with, or inducement from any firm or person to submit a complementary bid.
5. My firm has not offered or entered into a subcontract or agreement regarding the purchase of materials or services from any other firm or person, or offered, promised or paid cash or anything of value to any firm or person, whether in connection with this or any other project, in consideration for an agreement or promise by any firm or person to refrain from bidding or to submit a complimentary bid on this project.
6. My firm has not accepted or been promised any subcontract or agreement regarding the sale of materials or services to any firm or person, and has not been promised or paid cash or anything of value by any firm or person, whether in connection with this or any project, in consideration for my firm's submitting a complementary bid, or agreeing to do so, on this project.
7. I have made a diligent inquiry of all members, officers, employees, and agents of my firm with responsibilities relating to the preparation, approval or submission of my firm's bid on this project and have been advised by each of them that he or she has not participated in any communication, consultation, discussion, agreement, collusion, act or other conduct inconsistent with any of the statements and representations made in this affidavit.

The person signing this bid, under the penalties of perjury, affirms the truth thereof.

Signature & Company Position

SWORN TO BEFORE ME THIS

___ DAY OF _____ 20___

Type Name & Company Position

Company Name

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**CERTIFICATION OF
EXPERIENCE**

(THIS FORM MUST BE FILLED IN BY VENDOR)

I _____ HEREBY CERTIFY THAT

(COMPANY) _____

HAS PROVIDED NATURAL GAS ENERGY SERVICES/SUPPLY WITHIN THE LAST THREE YEARS TO THE FOLLOWING:

NAME OF BUSINESS _____

NAME CONTACT _____ PHONE _____

ADDRESS _____

ANNUAL VALUE OF CONTRACT \$ _____

TYPE OF SERVICES PROVIDED _____

FAX NUMBER: _____

NAME OF BUSINESS _____

NAME CONTACT _____ PHONE _____

ADDRESS _____

ANNUAL VALUE OF CONTRACT \$ _____

TYPE OF SERVICES PROVIDED _____

FAX NUMBER: _____

NAME OF BIDDER: _____

BY: _____

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CERTIFICATION OF COMPLIANCE WITH THE IRAN DIVESTMENT ACT

As a result of the Iran Divestment Act of 2012 (the "Act"), Chapter 1 of the 2012 Laws of New York, a new provision has been added to State Finance Law (SFL) § 165-an and New York General Municipal Law § 103-g, both effective April 12, 2012. Under the Act, the Commissioner of the Office of General Services (OGS) will be developing a list of "persons" who are engaged in "investment activities in Iran" (both are defined terms in the law) (the "Prohibited Entities List"). Pursuant to SFL 165-a(3)(b), the initial list is expected to be issued no later than 120 days after the Act's effective date at which time it will be posted on the OGS website.

By submitting a bid in response to this solicitation or by assuming the responsibility of a Contract awarded hereunder, each Bidder/Contractor, any person signing on behalf of any Bidder/Contractor and any assignee or subcontractor and, in the case of a joint bid, each party thereto, certifies, under penalty of perjury, that once the Prohibited Entities List is posted on the OGS website, that to the best of its knowledge and belief, that each Bidder/Contractor and any subcontractor or assignee is not identified on the Prohibited Entities List created pursuant to SFL § 165-a(3)(b).

Additionally, Bidder/Contractor is advised that once the Prohibited Entities List is posted on the OGS Website, any Bidder/Contractor seeking to renew or extend a Contract or assume the responsibility of a Contract awarded in response to this solicitation must certify at the time the Contract is renewed, extended or assigned that it is not included on the Prohibited Entities List.

During the term of the Contract, should the Village receive information that a Bidder/Contractor is in violation of the above-referenced certification, the Village will offer the person or entity an opportunity to respond. If the person or entity fails to demonstrate that he/she/it has ceased engagement in the investment which is in violation of the Act within 90 days after the determination of such violation, then the Village shall take such action as may be appropriate including, but not limited to, imposing sanctions, seeking compliance, recovering damages or declaring the Bidder/Contractor in default.

The Village reserves the right to reject any bid or request for assignment for a Bidder/Contractor that appears on the Prohibited Entities List prior to the award of a contract and to pursue a responsibility review with respect to any Bidder/Contractor that is awarded a contract and subsequently appears on the Prohibited Entities List.

_____ Being duly sworn, deposes and says that
he/she is the

_____ of the Corporation and that neither the
Bidder/Contractor nor any proposed subcontractor is identified on the Prohibited Entities List.

Signed _____

SWORN to before me this _____ day of _____ 20____

Notary Public: _____

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SPECIFICATIONS

NATURAL GAS OPERATIONAL SERVICES AND SUPPLY

1. HISTORY

The Village of Hamburg was incorporated in 1874 and had a population in 1880 of 758 people. As of the census report of 2010, there were 10,116 people, 4,010 households, and 2,694 families residing in the Village. In addition to its current residents, Hamburg supports over 500 small to medium size businesses. The Hamburg Downtown Historic District was listed on the National Register of Historic Places in 2012. Hamburg is a village in Erie County, New York. The Village reportedly gets its name from a city in Germany. It is part of the Buffalo–Niagara Falls Metropolitan Statistical Area. The Village of Hamburg lies in the southeast part of the Town of Hamburg and is 15 miles south of the City of Buffalo. The median income for a household in the Village is \$51,239, and the median income for a family is \$63,180.

Approximately 15 years ago, the Village created its own natural gas aggregation pool to provide residents and businesses with an opportunity to save money on their natural gas purchases. The Village has been purchasing and selling natural gas to participants of the program via supply from a locally owned ESCO company based in Erie County. In an attempt to provide greater savings to the Village's natural gas program participants, the Village is seeking to procure its own supply of natural gas directly from the wellhead, via released capacity under the local utility (National Fuel Gas Distribution) program. Under Service Classification No.19 – STBA service, the Village of Hamburg has the ability to source its' own supply of natural gas direct. The Village is seeking companies interested in providing operational services that will aid and assist the Village in the procurement of monthly supplies of natural gas and operational services to ensure the program remains compliant with the utility program, meeting the gas scheduling needs of its' aggregation pool. Currently the program supplies just over 200,000 dth annually, while serving approximately 600+ residential and small commercial entities in the area. It is expected that via a direct supply arrangement, the additional savings available to offer participants (in addition to joint opportunities with other municipalities) will give the program the opportunity to grow to 750,00 dth to 1 Bcf of annual throughput in the next 12-18 months.

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2. PURPOSE

The Village of Hamburg Natural Gas Program (hereafter referred to as “The Program”) is seeking bids from Operational Energy Service Companies (OESC) or Energy Service Companies (ESCO’s), (hereafter referred jointly as “Service Provider”) that will provide firm supply of Natural Gas to the City Gate on behalf of the Village of Hamburg’s natural gas aggregation pool in the National Fuel Gas Distribution territory. The successful bidder shall provide operational services (defined below-SERVICES) to the Village gas program in an effort that is consistent with the rules and Regulations set forth under the most recent National Fuel Gas Distribution tariff and GTOP manual. It is expected that such service will provide The Program with complete transparency and a collaborative effort to provide The Program with the most economical source of gas month to month.

2. NATURAL GAS CONSULTANT OF RECORD

The Village of Hamburg Natural Gas Program has a consultant of Record to assist the Village in the solicitation and contracting process for natural gas supply. Contact information:

Matthew L. Lanfear
Lanfear and Associates
Phone: 716-983-0345

The awarded Service Provider is not responsible for the energy consultant of record's service fee(s).

3. PRE-BID CONFERENCE

There is not a PRE-BID Conference scheduled for this solicitation. All questions shall be submitted in writing to Attn: Village Administrator, Village of Hamburg Natural Gas Program, at dwitkowski@villagehamburg.com or faxed to 716-646-6558. All questions received will be forwarded to the Village Energy Consultant of record and will be responded to in writing via addendum.

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4. **RECEIPT OF BIDS**

Bids and other required documents must be submitted either electronically to dwitkowski@villagehamburg.com or delivered sealed in an opaque envelope clearly marked with the name and number of the bid and the name and address of the bidder. Bids must be received no later than **2:00 P.M. on Wednesday, April 13, 2016**, at the following address:

Village of Hamburg
Attn: Clerk/Treasurer
100 Main St
Hamburg, NY 14075

The bid submitted by the individual bidder(s) is the document upon which the Village will make its initial judgment regarding the bidder's qualifications, understanding of the Village's scope and objectives, methodology, and ability to complete services under the contract.

Those submitting bids do so entirely at their expense. There is no express or implied obligation by the Village of Hamburg to reimburse any firm or individual for any costs incurred in preparing or submitting bids, preparing or submitting additional information requested by the Village, or for participating in any selection interviews. The Village of Hamburg reserves the right, upon initial review of Service Provider bids, to limit suppliers for any future or subsequent bids that may, or may not, be required in relation to the current RFB.

Submission of any bid indicates acceptance of the conditions contained in the RFB, unless clearly and specifically noted otherwise in the bid response.

The Village of Hamburg reserves the right to reject any and all bids, in whole or in part, submitted in response to its RFB.

The Village of Hamburg reserves the right to waive any and all informalities and to disregard all nonconforming, non-responsive or conditional bids.

The Village of Hamburg may, at any time by written notification to all bidders, change any portion of the RFB described and detailed herein. Bids will be examined and evaluated by the Village of Hamburg and the Energy Consultant of Record.

During the evaluation of bids, the Village of Hamburg may require clarification of information to validate bid contents.



5. QUALIFICATION OF BIDDER

Any Service Provider with intent on submitting a bid shall contact the Energy Consultant of Record prior to submission for registration and agrees to preliminary qualification screening if deemed necessary.

Service Providers must provide a statement of bidder qualifications including:

- Provide the name, a brief history and description of your firm.
- Name and title of person(s) authorized to bind the bidder, together with the main office address, and telephone number (including area code).
- Provide at least two (2) references from similar commercial, municipal and industrial load accounts including company name, reference name, addresses and telephone numbers.
- Provide any additional information that would distinguish your firm in its service to the village

In addition, the Village of Hamburg and our Energy Consultant of Record may make such investigations it deems necessary to determine the ability of the bidder to perform the work. The bidder shall furnish to the Village of Hamburg, within five (5) days of a request, all such information, and data for this purpose as may be requested. The Village of Hamburg reserves the right to reject any bid if the information submitted by, or investigation of, such bidder fails to satisfy the Village of Hamburg that such bidder is properly qualified to carry out the obligations of the contract and to complete the work contemplated therein. Conditional bids will not be accepted.

6. SCOPE OF SERVICES

The Service Provider should use the attached volumes as reference of anticipated annual throughput. For purpose of ease of bid efforts and the nature of services being provided under this RFB, the average of the monthly delivered volumes for the past 2 years is listed below in Appendix A for your convenience.

The Service Provider shall agree to provide natural gas supply to meet the participants of The Program with 100% of the Monthly Daily Delivery Quantity requirements (MDDQ) at the respective LDC. Service Provider will deliver

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natural gas on the participating Village's behalf from the transfer point(s) to the respective LDC's City Gate per the released capacity as defined under the National Fuel Gas Distribution STBA program. The Service Provider shall act as the participating Village's designated agent for the arrangement for delivery and transportation natural gas from transfer point(s) to the respective LDC's City Gate. The Service Provider will act on the Village's behalf to provide the follow list of services:

- Retrieve the local distribution companies daily / monthly demand data.
- Retrieve / Execute the monthly interstate / intrastate pipeline capacity releases.
- Calculate the daily and monthly quantities needed per each local distribution company along the specific pipelines.
- Consult on various pricing strategies in order to ensure lowest possible delivered cost,
- Provide daily / monthly nominations and / or balancing per the rules and regulations set by the various interstate / intrastate pipelines under the NFGD STBA program.
- Provide daily / monthly nominations and / or balancing per the rules and regulations set by the various local distribution companies under the NFGD STBA program.
- Purchase / Sell additional supply, storage, and / or pipeline capacity (on CLIENT's account) to ensure daily / monthly utility requirements are fulfilled.
- Introduce potential supply options to diversify Village's supply portfolio.
- Provide all necessary paperwork including forms and agreements that maybe required by pipelines, aggregation pools, local distribution companies, suppliers, etc.
- Reconcile all daily / monthly volumes provided by suppliers, pipelines, aggregation pools, local distribution companies, etc.
- Reconcile all invoices provided by suppliers, pipelines, aggregation pools, local distribution companies, etc.
- Provide daily and monthly reports to CLIENT identifying various supply pricing, supply consumption, storage volume, etc. as specified by the various pipeline / local distribution companies.
- Provide monthly reallocation of volumes if required by suppliers, pipelines, aggregation pools, local distribution companies, etc.

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- Provide monthly pool, city gate, and pipeline cost calculations to ensure that all costs are captured and the Village is aware of the various components included in each of its' monthly invoices by the various parties,
- Calculate and monitor storage volume and ratchet levels as provided by the applicable local distribution companies,
- Consult on the optimization of Village's released assets (physical / financial hedges, interstate / intrastate pipeline capacity, storage, etc.).

Title to all natural gas sold and purchased hereunder shall be exclusive to the Village of Hamburg. Service Provider facilitates delivery of natural gas to the retail distribution receipt point.

If requested by the participating Village's Energy Consultant of Record the Service Provider shall meet to discuss any issues related to the contract.

7. TERM OF CONTRACT AND PRICING

The contract period shall be for either a period of twelve (12) months, twenty-four (24) months or thirty-six (36) months from the service start date. See Exhibit B-Service Pricing schedule.

Anticipated service start date is May 1, 2016; or on award of contract for the purpose of allowing Service Provider to set up and organize gas supply beginning on May 1, 2016 during or prior to bid week in April of 2016.

Pricing shall include one or all of the following options as determined solely by the Service Provider:

"Monthly Base Fee per City Gate"- This fee shall be determined by the Service Provider to cover base costs on a monthly basis to provide all services herein as described in Section 6.

"Monthly scheduling fee per dth"-Service provider may choose in addition; or separate from The Monthly Base Fee, to choose to charge the village a fee based on each dth scheduled to the city gate each month for the benefit of the Program.

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“Set Up Fee”- In addition to the above, Service Provider may choose to charge a 1 (one) time fee to aide and assist in covering the cost of efforts needed to initially set up and transfer the Village to new program sought and defined herein this document.

8. PAYMENT TERMS

Payment terms are Net 30 days from the last day of each month, or the received billing date from Provider, for all volumes scheduled to the city gate for the month in which services are provided.

9. TAX EXEMPTION

Village of Hamburg Natural Gas Program participants may, or may not, be tax exempt.

10. CONTRACT EXECUTION

Service Provider should include a copy of their Service Contract with this RFB. The Village will make every reasonable attempt to review the contract, provide comment and any necessary change in a reasonable time frame to allow Service Provider to execute and provide ample time to prepare and fulfill all obligations as defined herein Section 6 of this RFB in an expedient and timely manner as possible.

11. QUANTITIES

The contract quantities shall be determined by historical consumption patterns as reported to the service provider via the local LDC during each bid week prior to the month of delivery. A 2-year average historical usage by month is included for reference purposes; see Exhibit A-Volumes. It is expected the pool volume will grow to between 750,000 dth to 1Bcf annual throughput in the next 12-18 months. Historical load profile is expected to remain consistent with the current pool load profile. Current volumes and forward estimates do not guarantee annual throughput for the program.

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13. AVAILABILITY OF FUNDS-PAYMENT OF INVOICES-BILLING

Pursuant to state law any contract(s) resulting from this bid shall be subject to the annual availability and appropriation of sufficient funds. The Village of Hamburg expects all service invoices, gas charges, LDC charges, interstate pipeline, and any other related charges for the supply of natural gas to the Village pool to be billed directly to the Village for timely payment based on annual availability and the appropriation of sufficient funds. All invoices shall be incorporated in an estimate of cost, as best can be determined by service provider on or prior to the first day for each month of delivery. Any intra-month charges; balancing charges, etc., shall be provided to the Village as soon as reasonably available.

14. BID EVALUATION AND AWARD

Bids will be evaluated by the Village of Hamburg and the Energy Consultant of Record. An Award will be made to the lowest qualified bidder meeting the requirements of the bid.

It is the intention of the Village of Hamburg to award the bid by 3:30 PM E.S.T., on Friday April 15, 2016. Any Award will be pending approval of the applicable OESC's or ESCO's contract terms and conditions by the Village, including approval by the Village Board of Trustees.

The Village reserves the right to reject all bids and make no awards if deemed in its best interest.

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APPENDIX "A"-Volume ** All
volumes are rounded up or down
accordingly to the 2 year average
delivered volume**

Month	Total Schedule Volumes @ City Gate
January	16,000
February	15,500
March	13,000
April	8,000
May	3,500
June	2,500
July	1,800
August	1,800
September	1,800
October	5,000
November	6,500

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Exhibit B-Pricing for Operational Services

Please provide pricing for 1, 2 or 3 years of services. If no charge is applicable, please respond with "NA" in the appropriate field.

1-year Energy services contract as defined under section 6- "Scope of Services"

Monthly Base fee per month per city gate: \$ _____

Monthly scheduling fee per dth @ city gate: \$ _____

2-year Energy services contract as defined under section 6- "Scope of Services"

Monthly Base fee per month per city gate: \$ _____

Monthly scheduling fee per dth @ city gate: \$ _____

3-year Energy services contract as defined under section 6- "Scope of Services"

Monthly Base fee per month per city gate: \$ _____

Monthly scheduling fee per dth @ city gate: \$ _____

Additional Fees-1 time "Set Up" fee: \$ _____