



City of Newburgh Council Work Session
*Sesion de trabajo del Concejal de la
Ciudad de Newburgh*
February 4, 2021
6:00 PM

Executive Session

1. the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation
2. Proposed, pending or current litigation

Engineering/Ingeniería

3. Contract with Hudson Valley Engineering Associates for Construction Inspection on the Lake Street (Route 32) Bridge Rehabilitation Project
Resolution authorizing the City Manager to accept a proposal and execute an agreement with Hudson Valley Engineering Associates, P.C. for construction inspection services related to the Route 32/ Metal Arch Culvert Bridge (Lake Street Bridge) Rehabilitation Project BIN No. 2022260 at a cost of \$284,441.36
4. Proposal with McLaren Engineering for Engineering Services in Connection with PIN#8761.57 Lake Street (Route 32) Bridge Rehabilitation Project
Resolution authorizing the City Manager to accept a proposal and execute an amendment to the agreement with McLaren Engineering Group for professional engineering and construction support services related to the Route 32/ Metal Arch Culvert Bridge (Lake Street Bridge) Rehabilitation Project BIN No. 2022260 at a cost of \$41,770.00

Finance/Finanza

5. 2020 Year End Budget Adjustment (For Audit)
Resolution amending Resolution No: 288-2019, the 2020 Budget for the City of Newburgh, New York for 2020 year end budget transfers and/or amendments to adjust for any items in excess of budget

Water Department/ Departamento de Aqueductos

6. Amending the 2021 Personnel Analysis Book
Resolution amending the 2021 Personnel Analysis Book to add two (2) Assistant Maintenance Mechanic positions on a temporary basis in the City of Newburgh Water Department

Planning and Economic Development/Planificación y Desarrollo Económico

7. 34 Carter Street - Extension of Time to Rehabilitate

Resolution authorizing an extension of time to rehabilitate the premises known as 34 Carter Street (Section 22, Block 2, Lot 6) in the City of Newburgh until August 31, 2021

8. 159 West Parmenter Street - Release of Restrictive Covenants

Resolution authorizing the execution of a release of restrictive covenants and right of re-entry from a deed issued to Edith Rivera to the Premises known as 159 West Parmenter Street (Section 38, Block 3, Lot 8)

Grants/Contracts/Agreements / Becas /Contratos/Convenios

9. Resolution to Schedule a Public Hearing and 15-Day Public Comment Period for the FY2020 Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report (CAPER)

Resolution scheduling the Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report (CAPER) public hearing and opening of the 15-day public comment period for Fiscal Year 2020

10. To apply for only - NEA Grant for Arts Project

Resolution authorizing the City Manager to apply for an Art Works Grant from the National Endowment of the Arts in the amount of \$25,000.00 with a \$25,000.00 match to develop and implement a streamlined government process to support arts in under-utilized spaces

Ordinances/ Decretos

11. Ordinance increasing the penalty for littering and dumping violations

Ordinance amending Chapter 183, Article I entitled "Littering and Dumping" of the Code of Ordinances of the City of Newburgh increasing the penalties for violations

Local Laws/Leys Locales

12. Community Choice Aggregation

Resolution scheduling a public hearing for February 22, 2021 to hear public comment concerning "A Local Law Adding Chapter 156 to the Code of Ordinances of the City of Newburgh entitled "Energy" and enacting Article I entitled "Community Choice Aggregation Energy Program"

RESOLUTION NO.: _____ - 2021

OF

FEBRUARY 8, 2021

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO ACCEPT A PROPOSAL AND EXECUTE AN AGREEMENT WITH
HUDSON VALLEY ENGINEERING ASSOCIATES, P.C.
FOR CONSTRUCTION INSPECTION SERVICES RELATED TO
THE ROUTE 32/ METAL ARCH CULVERT BRIDGE (LAKE STREET BRIDGE)
REHABILITATION PROJECT BIN NO. 2022260 AT A COST OF \$284,441.36**

WHEREAS, by Resolution No. 225-2014 of September 8, 2014, the City of Newburgh accepted a proposal and executed an agreement with McLaren Engineering Group for inspection and engineering design services for the Route32/Metal Arch Culvert Bridge (Lake Street Bridge) Rehabilitation Project (the "Project"); and

WHEREAS, the Project was suspended until the City was awarded a New York State Department of Transportation Bridge NY 2016 Program grant to fund the Project; and

WHEREAS, Hudson Valley Engineering Associates, P.C. has submitted a proposal a professional engineering services agreement to provide construction inspection services for the Project at a cost of \$284,441.36 with funding for the additional services to be derived from a DASNY grant, the OCTC TIP Reserve Fund, and A.1918.0400 - Grant Match; and

WHEREAS, the City Council has reviewed the annexed proposal and has determined that continuing with such work as proposed would be in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to accept a proposal and execute an agreement with Hudson Valley Engineering Associates, P.C. for professional engineering and construction inspection services in connection with repairing and rehabilitating the Route32/Metal Arch Culvert Bridge (Lake Street Bridge) BIN No. 2022260 Rehabilitation Project at a cost of \$284,441.36.

RESOLUTION NO.: _____ - 2021

OF

FEBRUARY 8, 2021

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A PROPOSAL
AND EXECUTE AN AMENDMENT TO THE AGREEMENT WITH
MCLAREN ENGINEERING GROUP FOR PROFESSIONAL ENGINEERING AND
CONSTRUCTION SUPPORT SERVICES RELATED TO
THE ROUTE 32/ METAL ARCH CULVERT BRIDGE (LAKE STREET BRIDGE)
REHABILITATION PROJECT BIN NO. 2022260 AT A COST OF \$41,770.00**

WHEREAS, by Resolution No. 225-2014 of September 8, 2014, the City of Newburgh accepted a proposal and executed an agreement with McLaren Engineering Group for inspection and engineering design services for the Route32/Metal Arch Culvert Bridge (Lake Street Bridge) Rehabilitation Project (the "Project"); and

WHEREAS, the Project was suspended until the City was awarded a New York State Department of Transportation Bridge NY 2016 Program grant; and

WHEREAS, by Resolution No. 264-2018 of September 24, 2018, the City of Newburgh accepted a proposal and executed an amendment to the agreement with McLaren Engineering Group for professional engineering and construction support services, including certain design and pre-bid requirements required by the New York State Department of Transportation, for the Project; and

WHEREAS, McLaren Engineering Group has submitted a proposal for an amendment to the professional engineering services agreement for the bid phase of the Project to include construction support services, shop drawing review and contractor support, at a cost of \$41,770.00 with funding for the additional services to be derived from a DASNY grant, the OCTC TIP Reserve Fund, and A.1918.0400 - Grant Match; and

WHEREAS, the City Council has reviewed the annexed proposal and has determined that continuing with such work as proposed would be in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to accept a proposal and execute a contract amendment with McLaren Engineering Group for professional engineering and construction support services in connection with repairing and rehabilitating the Route32/Metal Arch Culvert Bridge (Lake Street Bridge) BIN No. 2022260 Rehabilitation Project at a cost of \$41,770.00.

RESOLUTION NO.: _____ - 2021

OF

FEBRUARY 8, 2021

RESOLUTION AMENDING RESOLUTION NO: 288-2019,
THE 2020 BUDGET FOR THE CITY OF NEWBURGH, NEW YORK
FOR 2020 YEAR END BUDGET TRANSFERS AND/OR AMENDMENTS
TO ADJUST FOR ANY ITEMS IN EXCESS OF BUDGET

WHEREAS, all 2020 budget lines ending in excess of appropriation can be covered by other 2020 budget lines ending with funds remaining, which requires a budget amendment but no increase in excess of the total annual appropriation; the same being in the best interest of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newburgh that Resolution No.: 288-2019, the 2020 Budget of the City of Newburgh, is hereby amended as follows:

2020 Council Transfer

<u>GL Account</u>	<u>Description</u>	<u>Decrease Budget</u>	<u>Increase Budget</u>
	General Fund		
City Manager			
A.1230.0455.0001	Consultant Services	\$61,032.81	
	Newburgh Facilities Master Plan		
Expense of Property Acquired			
A.1364.0448	Other Services		
A.1364.0490	Prop Acq/Taxes & Search	\$95,366.42	
Municipal Buildings			
A.1620.0422	Gas & Electric	\$192,299.81	
Information Systems			
A.1680.0453	Dues & Subscriptions	\$25,509.03	
A.1680.0491	WEB Services	\$38,031.41	
Police Department			
A.3120.0860.0001	Health Insurance-Retirees	\$274,048.93	

GL Account	Description	Decrease Budget	Increase Budget
	General Fund		
Assessor			
A.1355.0496	Tax Certiorari		\$3,569.77
Records Management			
A.1460.0448	Other Services		\$672.00
Fire Department			
A.3412.0103	Fire-Overtime		\$670,858.53
Architectural Review Committee			
A.8041.0462	Legal Ads		\$1,188.11
TOTAL GENERAL FUND:		<u>\$(676,288.41)</u>	<u>\$676,288.41</u>
	Sewer Fund		
Sanitary Sewers			
G.8120.0101	Salary	\$9,773.88	
Special Items			
G.1900.1987	Prior Year Expenditures		\$9,773.88
TOTAL SEWER FUND:		<u>\$ (9,773.88)</u>	<u>\$9,773.88</u>
GRAND TOTAL COUNCIL TRANSFER:		<u>\$(686,062.29)</u>	<u>\$686,062.29</u>

RESOLUTION NO.: _____-2021

OF

FEBRUARY 8, 2021

**A RESOLUTION AMENDING THE 2021 PERSONNEL ANALYSIS BOOK
TO ADD TWO (2) ASSISTANT MAINTENANCE MECHANIC POSITIONS
ON A TEMPORARY BASIS IN THE CITY OF NEWBURGH WATER DEPARTMENT**

WHEREAS, the Water Department has advised the City Manager the department is in need of 2 additional individuals to perform the duties of “Assistant Maintenance Mechanic” to promote the economy and efficiency within the Department; and

WHEREAS, the creation of the 2 Assistant Maintenance Mechanic positions will be on a temporary basis and funding for such positions will be derived from available funds in F.8320.0101 (Ponds and Reservoirs) and F.8340.1010 (Distribution); and

WHEREAS, the City Council has determined that adding two temporary Assistant Maintenance Mechanic positions in the Water Department is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the Personnel Analysis Book for the fiscal year 2021 be amended to add two (2) additional positions on a temporary basis in the job title “Assistant Maintenance Mechanic” in the Water Department.

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RESOLUTION NO. _____ - 2021

OF

FEBRUARY 8, 2021

**A RESOLUTION AUTHORIZING AN EXTENSION OF TIME
TO REHABILITATE THE PREMISES KNOWN AS 34 CARTER STREET
(SECTION 22, BLOCK 2, LOT 6) IN THE CITY OF NEWBURGH
UNTIL AUGUST 31, 2021**

WHEREAS, the City of Newburgh did convey the premises located at 34 Carter Street, more accurately described as Section 22, Block 2, Lot 6 on the Official Tax Map of the City of Newburgh, by deed dated February 8, 2019; and

WHEREAS, said deed included a provision requiring rehabilitation of the conveyed premises to be completed on or about August 8, 2020; and

WHEREAS, the owner of the property, 34 Carter Realty Partners, LLC, stated it would be unable to comply with the August 8, 2020 deadline, but has attempted a good faith effort and intent to complete the rehabilitation; and

WHEREAS, this Council has determined that it would be in the best interests of the City of Newburgh and its future development to grant an extension of time to rehabilitate the premises;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that 34 Carter Realty Partners, LLC be granted an extension to rehabilitate the premises known as 34 Carter Street in the City of Newburgh until August 31, 2021.

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RESOLUTION NO.: _____-2021

OF

FEBRUARY 8, 2021

**A RESOLUTION AUTHORIZING THE EXECUTION OF A RELEASE OF
RESTRICTIVE COVENANTS AND RIGHT OF RE-ENTRY FROM A DEED
ISSUED TO EDITH RIVERA TO THE PREMISES KNOWN AS
159 WEST PARMENTER STREET (SECTION 38, BLOCK 3, LOT 8)**

WHEREAS, on January 24, 2001, the City of Newburgh conveyed property located at 159 West Parmenter Street, being more accurately described on the official Tax Map of the City of Newburgh as Section 38, Block 3, Lot 8, to Edith Rivera; and

WHEREAS, Ms. Rivera's attorney has requested a release of the restrictive covenants contained in said deed; and

WHEREAS, this Council believes it is in the best interest of the City of Newburgh to grant such request;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to execute the release, annexed hereto and made a part of this resolution, of restrictive covenants numbered 1, 2, 3, 4, 5, and 6 of the aforementioned deed.

**RELEASE OF COVENANTS AND
RIGHT OF RE-ENTRY**

KNOWN ALL PERSONS BY THESE PRESENTS, that the City of Newburgh, a municipal corporation organized and existing under the Laws of the State of New York, and having its principal office at City Hall, 83 Broadway, Newburgh, New York 12550, in consideration of TEN (\$10.00) DOLLARS lawful money of the United States and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby release and forever quitclaim the premises described as 159 West Parmenter Street, Section 38, Block 3, Lot 8 on the Official Tax Map of the City of Newburgh, from those restrictive covenants numbered 1, 2, 3, 4, 5 and 6 in a deed dated January 24, 2001, from THE CITY OF NEWBURGH to EDITH RIVERA, recorded in the Orange County Clerk's Office on _____, in Liber _____ of Deeds at Page _____ and does further release said premises from the right of re-entry reserved in favor of the City of Newburgh as set forth in said deed.

Dated: _____, 2021

THE CITY OF NEWBURGH

By: _____
Joseph P. Donat, City Manager
Pursuant to Res. No.: ____-2021

STATE OF NEW YORK)
) ss.:
COUNTY OF ORANGE)

On the ____ day of _____ in the year 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared JOSEPH P. DONAT, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted; executed the instrument.

RESOLUTION NO.: _____ - 2021

OF

FEBRUARY 8, 2021

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR
AN ART WORKS GRANT FROM THE NATIONAL ENDOWMENT OF THE ARTS
IN THE AMOUNT OF \$25,000.00 WITH A \$25,000.00 MATCH
TO DEVELOP AND IMPLEMENT A STREAMLINED GOVERNMENT PROCESS
TO SUPPORT ARTS IN UNDER-UTILIZED SPACES**

WHEREAS, the Newburgh Arts and Cultural Commission conducted an Arts and Cultural Study in 2020 which inventoried and assessed the diverse arts and culture in the City of Newburgh; and

WHEREAS, the 2020 Arts and Cultural Study identified four priorities for current and future arts and culture activities in the City of Newburgh, including the development and implementation of a streamlined government process to support the arts and harness underutilized spaces, particularly City-owned vacant lots; and

WHEREAS, the Newburgh Arts and Cultural Commission proposes to apply for an Art Works grant from the National Endowment of the Arts from which the funds will be used to develop and implement a streamlined government process to support the arts in underutilized spaces and provide a template to address the other priorities and recommendations from the 2020 Arts and Cultural Study; and

WHEREAS, the grant in the amount of \$25,000.00 requires a match in the amount of \$25,000.00; and

WHEREAS, this Council has determined that applying for said grant is in the best interests of the City of Newburgh and its further development;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to apply for an Art Works grant in the amount of \$25,000.00 from the National Endowment of the Arts to develop and implement a streamlined government process to support the arts in underutilized spaces; and to execute all such further contracts and documentation and take such further actions as may be appropriate and necessary to apply for such grant.

ORDINANCE NO.: _____ - 2021

OF

FEBRUARY 8, 2021

AN ORDINANCE AMENDING CHAPTER 183, ARTICLE I ENTITLED “LITTERING AND DUMPING” OF THE CODE OF ORDINANCES OF THE CITY OF NEWBURGH INCREASING THE PENALTIES FOR VIOLATIONS

BE IT ORDAINED by the City Council of the City of Newburgh, New York that Chapter 183, Article I, entitled “ Littering and Dumping” of the Code of Ordinances is amended as follows:

SECTION 1. Article 1. Littering and Dumping

§183-2. Penalties for littering and dumping.

B. Any person found to be in violation of §183-1 or other section of Article I of this Chapter shall be guilty, upon conviction, of an offense punishable by a fine of not less than \$1,000 ~~500~~ nor more than \$7,500 ~~5,000~~ or by imprisonment for a period not exceeding 15 days, or both such fine and imprisonment. The imposition of one penalty for any violation of Chapter 183 of the Code of Ordinances of the City of Newburgh unless otherwise specified shall not excuse the offense or permit it to continue, and all such persons shall be required to correct or remedy such violation or defects. Each day that prohibited conditions or actions exist or continue shall constitute a separate offense hereunder.

SECTION 2. Severability.

The provisions of this Ordinance are separable and if any provision, clause, sentence, section, subsection, word or part thereof is held to be illegal, invalid, or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been adopted is such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Ordinance or part here of is held inapplicable had been specifically exempt therefrom.

~~Strikethrough~~ denotes deletions

Underlining denotes additions

SECTION 3. Codification.

It is the intention of the City Council of the City of Newburgh and it is hereby enacted that the provisions of this Ordinance shall be included in the Code of Ordinances of the City of Newburgh; that the sections and subsections of this Ordinance may be re-numbered and/or re-lettered by the codifier to accomplish such intention; that the term “Ordinance” shall be changed to “Chapter”, “Section”, or other appropriate word as required for codification; and that any such rearranging of the numbering and/or lettering and editing shall not affect the validity of this Ordinance or the provisions of the Code of Ordinances affected thereby.

SECTION 4. Validity

The invalidity of any provision of this Ordinance shall not affect the validity of any other provision of this Ordinance that can be given effect without such invalid provision.

SECTION 5. This ordinance shall take effect immediately.

~~Strikethrough~~ denotes deletions
Underlining denotes additions

RESOLUTION NO.: _____ - 2021

OF

FEBRUARY 8, 2021

**RESOLUTION SCHEDULING A PUBLIC HEARING FOR FEBRUARY 22, 2021
TO HEAR PUBLIC COMMENT CONCERNING “A LOCAL LAW ADDING
CHAPTER 156 TO THE CODE OF ORDINANCES OF THE CITY OF NEWBURGH
ENTITLED “ENERGY” AND ENACTING ARTICLE I ENTITLED “COMMUNITY
CHOICE AGGREGATION ENERGY PROGRAM”**

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that there is hereby scheduled a public hearing to receive comments concerning “A Local Law adding Chapter 156 entitled ‘Energy’ and enacting Article I entitled ‘Community Choice Aggregation Energy Program’ to the Code of Ordinances of the City of Newburgh”; and that such public hearing be and hereby is duly set for the next regular meeting of the Council to be held at 7:00 p.m. on the 22nd day of February, 2021; and

BE IT FURTHER RESOLVED, that due to public health and safety concerns related to COVID-19, the City Council will not be meeting in-person. In accordance with the Governor’s Executive Order 202.1, as amended, the February 22, 2021 City Council meeting will be held via videoconferencing, and a transcript will be provided at a later date. The public will have an opportunity to see and hear the meeting live and provide comments on the proposed local law as follows:

To view the livestream of the City Council Work Session and Meeting visit:
<https://www.cityofnewburgh-ny.gov/live-video-streaming>.

To access the City Council Work Session and Meeting remotely: join from a PC, Mac, iPad, iPhone, or Android device through the Zoom App:
https://zoom.us/webinar/register/WN_Ls3H6j2fRkKCKoMbhsaLLw. Please note that there is an underscore between the “N” and “L”).

To register in advance for this webinar in order to provide comments during the hearing:
https://zoom.us/webinar/register/WN_Ls3H6j2fRkKCKoMbhsaLLw. Please fill out the required information (First Name, Last Name, E-mail Address). After registering, you will receive a confirmation email containing information about joining the webinar.

Comments can be provided by email before the meeting to comments@cityofnewburgh-ny.gov with the Subject Line in this format: “PUBLIC HEARING ITEM” by 4:00 p.m. on Monday, February 22, 2021. Please check the meeting Agenda posted on the website for further instructions to access the virtual meeting and for updated information.

LOCAL LAW NO.: _____ - 2021

OF

_____, 2021

**A LOCAL LAW ADDING CHAPTER 156 TO THE CODE OF ORDINANCES
OF THE CITY OF NEWBURGH ENTITLED “ENERGY” AND ENACTING
ARTICLE I ENTITLED “COMMUNITY CHOICE AGGREGATION ENERGY PROGRAM”**

BE IT ENACTED, by the Council of the City of Newburgh, New York that Chapter 156 “Energy” be and is hereby added and enacted as follows:

SECTION 1 - TITLE

This Local Law shall be referred to as “A Local Law adding Chapter 156 entitled ‘Energy’ and enacting Article I entitled ‘Community Choice Aggregation Energy Program’ to the Code of Ordinances of the City of Newburgh”.

SECTION 2 - AMENDMENT

The Code of Ordinances of the City of Newburgh is hereby amended to add new Chapter 156 entitled “Energy”, Article I entitled “Community Choice Aggregation Energy Program” to read as follows:

ARTICLE I. COMMUNITY CHOICE AGGREGATION ENERGY PROGRAM

§ 156-1 Legislative findings, intent and purpose; authority.

- A. It is the policy of both the City of Newburgh and the State of New York to reduce costs and provide price certainty for the purpose of consumer protection and economic development, to expand access and opportunities for consumers in retail energy markets, as well as to promote the sustainability and resilience of energy systems through the proliferation of renewable energy, energy efficiency, and distributed energy resources (“DER”, as defined in this Chapter). Among the initiatives that may advance these objectives in New York is Community Choice Aggregation (“CCA”), which is a policy that empowers local governments to determine the source of electricity and/or natural gas supply on behalf of its residents and small businesses, reflecting local resources, priorities, and challenges. Energy delivery remains the responsibility of the distribution utility.
- B. The purpose of CCA is to allow participating local governments to procure energy supply service for eligible consumers, who will have the opportunity to opt out of the procurement, while maintaining transmission and distribution service from the existing distribution utility.

This Chapter establishes the authority for the City of Newburgh, in connection with the implementation of a CCA program, to acquire utility data, to select, through a competitive solicitation, energy supplier(s) on behalf of default consumers within the jurisdictional boundaries of the City of Newburgh, and to maximize value for participating consumers through enhanced services related to DER. The City of Newburgh may choose to collaborate with other local governments to form an intermunicipal program. As a result, consumers will have the opportunity to lower and stabilize their energy costs, to spur local clean energy innovation and investment, and to reduce their environmental impact; thereby fulfilling the purposes of this Chapter and fulfilling an important public purpose.

- C. The City of Newburgh is authorized to implement this Community Choice Aggregation Program pursuant to Section 10(1)(ii)(a)(12) of the New York State Municipal Home Rule Law; and consistent with State of New York Public Service Commission Case No. 14-M-0224, Proceeding on Motion of the Commission to Enable Community Choice Aggregation Programs (issued April 21, 2016) as may be amended, including subsequent orders of the Public Service Commission (PSC) issued in connection with or related to Case No. 14-M-0224, to the extent that orders related to Case No. 14-M-0224 enable actions by the municipality.
- D. This Chapter shall be known and may be cited as the Community Choice Aggregation Energy Program Law of the City of Newburgh.

§ 156-2 Definitions.

For purposes of this Chapter, and unless otherwise expressly stated or unless the context otherwise requires, the terms in this Chapter shall have the meanings employed in the State of New York Public Service Commission's Uniform Business Practices or, if not so defined there, as indicated below:

AGGREGATED DATA – Aggregated and anonymized information including the number of consumers by service class, the aggregated peak demand (kW) (for electricity) by month for the past 12 months, by service class to the extent possible, and the aggregated energy (kWh) for electricity or volumetric consumption for gas by month for the past 12 months by service class.

CCA ADMINISTRATOR – The City of Newburgh or third-party CCA Administrator duly authorized by the City of Newburgh to request aggregated and customer specific data, competitively solicit suppliers for the aggregated demand for electricity and/or natural gas on behalf of default consumers, and to offer participating consumers additional opportunities to participate or enroll in programs or projects related to distributed energy resources. CCA administrator is responsible for program organization, administration, procurement, communications, and for meeting all requirements for program implementation specified in the PSC CCA order, unless otherwise specified.

CUSTOMER SPECIFIC DATA – Customer specific information, personal data and utility data for all consumers in the municipality eligible for opt-out treatment based on the terms of PSC CCA Order and the CCA program design including the customer of record's name, mailing address, telephone number, account number, and primary language, if available, and any customer-specific alternate billing name, address, and phone number.

DEFAULT CONSUMERS – Customers of electricity and/or natural gas within opt-out eligible service classes, as defined in the PSC CCA order, who receive supply service from the distribution utility as of the date the supply contract goes into effect, or consumers within these service classes that subsequently become eligible to participate in the program including those that have terminated a supply contract with an ESCO, removed a freeze or block on their account, have voluntarily suspended service pursuant to a special rate, or are new residents to the City of Newburgh. Consumers within opt-out eligible service classes, as of the date the supply contract goes into effect, taking service from an ESCO, those that have placed a freeze or block on their account, and those for whom enrollment in the CCA program would interfere with a choice they have already made to take service pursuant to a special rate are not considered default customers and will not be enrolled on an opt-out basis. All default customers must reside or be otherwise located at one or more locations within the geographic boundaries of the City of Newburgh, as such boundaries exist as of the date the supply contract goes into effect.

DEFAULT SERVICE – Supply service provided by the distribution utility to consumers who are not currently receiving service from an energy service company (ESCO). Default consumers within the City of Newburgh that receive default service, and have not opted out, will be enrolled in the program as of the effective date.

DISTRIBUTED ENERGY RESOURCES (DER) – Local renewable energy projects, community distributed generation, such as shared solar, peak demand management, energy efficiency, demand response, energy storage, community resilience microgrid projects, and other innovative Reforming the Energy Vision (REV) initiatives that further engage and/or reduce cost of service for participating consumers, optimize system benefits, and/or address infrastructure and demand challenges within geography of the CCA.

DISTRIBUTION UTILITY – Owner or controller of the means of distribution of the natural gas or electricity in the municipality. The distribution utility also serves as the default supplier of electricity and natural gas preceding the establishment of a CCA program.

ENERGY SERVICES COMPANY (ESCO) – an entity duly authorized to conduct business in the State of New York as an ESCO.

PARTICIPATING CONSUMERS – Default consumers who have not opted out, and non-default consumers of any service class that have voluntarily enrolled in the program.

PROGRAM ORGANIZER – The group responsible for initiating and organizing the CCA. This group will typically secure buy-in from local governments and engage in preliminary outreach and education around CCA. The Program Organizer may be a non-profit organization, local government, or other third party. The Program Organizer and the CCA Administrator may be the same.

PSC CCA ORDER – the PSC’s Order Authorizing Framework for Community Choice Aggregation Opt-Out Program, issued on April 21, 2016 in Case 14-M-0224, “Proceeding on Motion of the Commission to Enable Community Choice Aggregation Programs.”

PUBLIC SERVICE COMMISSION (PSC) – New York State Public Service Commission.

SUPPLIER(S) – an ESCO(s) that procures electric power and natural gas for eligible consumers in connection with this Chapter or, alternatively, generators of electricity and natural gas or other entities who procure and resell electricity or natural gas.

§ 156-3 Authorization/Establishment of a Community Choice Aggregation (Energy) Program.

- A. Community Choice Aggregation (Energy) Program is hereby established by the City of Newburgh, New York, whereby the City of Newburgh may implement a CCA Program to the full extent permitted by the PSC CCA Order, as set forth more fully herein.
- B. The City of Newburgh may act as aggregator or broker for the sale of electric supply, gas supply, or both to eligible consumers and may enter into contracts with one or more Suppliers for energy supply and other services on behalf of eligible consumers.
- C. The City of Newburgh may enter into agreements and contracts with other municipalities, non-profits, consultants, and/or other third parties to:
 - (1) develop and implement the CCA Program;
 - (2) act as CCA Administrator; and/or
 - (3) develop offers of opt-in DER products and services to participating consumers, including but not limited to opportunities to participate in local renewable energy projects, shared solar, energy efficiency, microgrids, storage, demand response, energy management, and other innovative initiatives and objectives designed to optimize system benefits, target and address load pockets/profile within the CCA zone, and reduce costs for CCA customers.
- D. The operation and ownership of the utility service shall remain with the distribution utility. The City of Newburgh’s participation in a CCA program constitutes neither the purchase of a public utility system, nor the furnishing of utility service. The City of Newburgh shall not take over any part of the electric or gas transmission or distribution system and will not furnish any type of utility service, but will instead negotiate with suppliers on behalf of participating consumers.
- E. The Public Service Commission supervises retail markets and participants in these markets through legislative and regulatory authority and the uniform business practices, which includes rules relating to the eligibility of participating ESCOs, the operation by which ESCOs provide energy services, and the terms on which customers may be enrolled with ESCOs.

§ 156-4 Eligibility.

- A. All default consumers shall be enrolled on an opt-out basis. Default consumers will have the right to opt out before the supply contract goes into effect, or disenroll any time thereafter with no penalty. Those that do not opt out before the supply contract goes into effect will be enrolled automatically.
- B. All non-default consumers within the municipality, regardless of service class, shall be eligible to participate in the CCA program on an opt-in basis.
- C. The CCA Administrator, on behalf of the City of Newburgh, shall issue one or more requests for proposals to suppliers to provide energy to participants and then may award a contract in accordance with the CCA program.

§ 156-5 Opt-out process.

- A. A program notification letter, printed on City of Newburgh letterhead, shall be mailed to default consumers at least 30 days prior to customer enrollment. The letter shall include the information on the CCA program and the contract signed with the selected supplier(s) including specific details on rates, services, contract term, cancellation fee, and methods for opting out of the CCA program. The letter shall explain that consumers that do not opt out will be enrolled in the program under the contract terms and that information on those consumers, including energy usage data and APP status, will be provided to the ESCO.
- B. After the thirty-day opt-out period, all consumers shall have the option to disenroll from the CCA program at any time without penalty.

§ 156-6 Customer service.

Participating Consumers shall be provided customer service, including a toll-free telephone number available during normal business hours (9:00 a.m. to 5:00 p.m., Eastern time, Monday through Friday) to resolve concerns, answer questions, and transact business with respect to the service received from the supplier(s).

§ 156-7 Data protection requirements.

- A. The City of Newburgh, or CCA administrator on its behalf, may request aggregated data and customer-specific data from the distribution utility. However, a request for customer-specific data is limited to only those eligible consumers who did not opt-out after the initial opt-out period closed.
- B. Customer-specific data shall be protected in a manner compliant with, collectively:

- (1) All national, state and local laws, regulations or other government standards relating to the protection of information that identifies or can be used to identify an individual that apply with respect to the municipality or its representative's processing of confidential utility information;
 - (2) The utility's internal requirements and procedures relating to the protection of information that identifies or can be used to identify an individual that apply with respect to the municipality or its representative's processing of confidential utility information; and
 - (3) The PSC CCA order and PSC rules, regulations and guidelines relating to confidential data.
- C. For the purpose of protecting customer data, the City of Newburgh must enter into an agreement with the distribution utility that obligates each party to meet, collectively:
- (1) All national, state and local laws, regulations or other government standards relating to the protection of information that identifies or can be used to identify an individual default customer or participating consumer with respect to the CCA administrator or its representative's processing of confidential information;
 - (2) The distribution utility's internal requirements and procedures relating to the protection of information that identifies or can be used to identify the individual default consumer or participating consumer with respect to the CCA administrator or its representative processing of confidential information; and
 - (3) The PSC CCA order and PSC rules, regulations and guidelines relating to confidential data.

§ 156-8 Administration fee.

The City of Newburgh or CCA Administrator may collect, or cause to be collected, funds from customer payments to pay for administrative costs associated with running the CCA program.

§ 156-9 Reporting.

- A. Annual reports shall be filed with the City Clerk by March 31 of each year and cover the previous calendar year.
- B. Annual reports shall include, at a minimum: number of consumers served; number of consumers cancelling during the year; number of complaints received; commodity prices paid; value-added services provided during the year (e.g., installation of DER or other clean energy services); and administrative costs collected. The first report also shall include the number of consumers who opted-out in response to the initial opt-out letter or letters.
- C. If a CCA supply contract will expire less than one year following the filing of the annual report, the report must identify current plans for soliciting a new contract, negotiating an extension, or ending the CCA program.

§ 156-10 When effective.

This Chapter shall be effective immediately upon adoption and after filing with the Secretary of State.

§ 156-11 Severability.

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

SECTION 3 - SEVERABILITY

The provisions of this Local Law are separable and if any provision, clause, sentence, section, subsection, word or part thereof is held to be illegal, invalid, or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Local Law would have been adopted is such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part here of is held inapplicable had been specifically exempt therefrom.

SECTION 4 - CODIFICATION

It is the intention of the City Council of the City of Newburgh and it is hereby enacted that the provisions of this Local Law shall be included in the Code of Ordinances of the City of Newburgh; that the sections and subsections of this Local Law may be re-numbered and/or re-lettered by the codifier to accomplish such intention; that the term "Local Law" shall be changed to "Chapter", "Article", "Section", or other appropriate word as required for codification; and that any such rearranging of the numbering and/or lettering and editing shall not affect the validity of this Local Law or the provisions of the Code of Ordinances affected thereby.

SECTION 5 - VALIDITY

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

SECTION 6 - EFFECTIVE DATE

This Local Law and shall be effective immediately after the filing in the Office of the New York State Secretary of State in accordance with the provisions of New York State Municipal Home Rule Law.



Community Choice Aggregation

A High-Impact Action for the Clean Energy Communities Program

Communities and Local Government Team at NYSERDA

Clean Energy Communities Program

Provides **rewards and recognition** to city, town, village, and county governments that demonstrate clean energy leadership

STEP 1: Earn the **Clean Energy Communities** designation by completing **4 out of 10 high-impact actions** (one of which is Community Choice Aggregation)

STEP 2: Access **grant funding**, up to \$250K with no local cost share, to support additional clean energy projects

Dedicated and knowledgeable local coordinators are available to assist communities as they implement high-impact actions i.e. free on-demand technical support, decision support, step-by-step guidance, case studies, model ordinances, RFPs, etc.

10 High-Impact Actions

1. Benchmarking
2. Clean Energy Upgrades
3. LED Street Lights
4. Clean Fleets
5. Solarize
6. Unified Solar Permit
7. Energy Code Enforcement Training
8. Climate Smart Communities Certification
9. **Community Choice Aggregation**
10. Energize NY Finance



Community Choice Aggregation

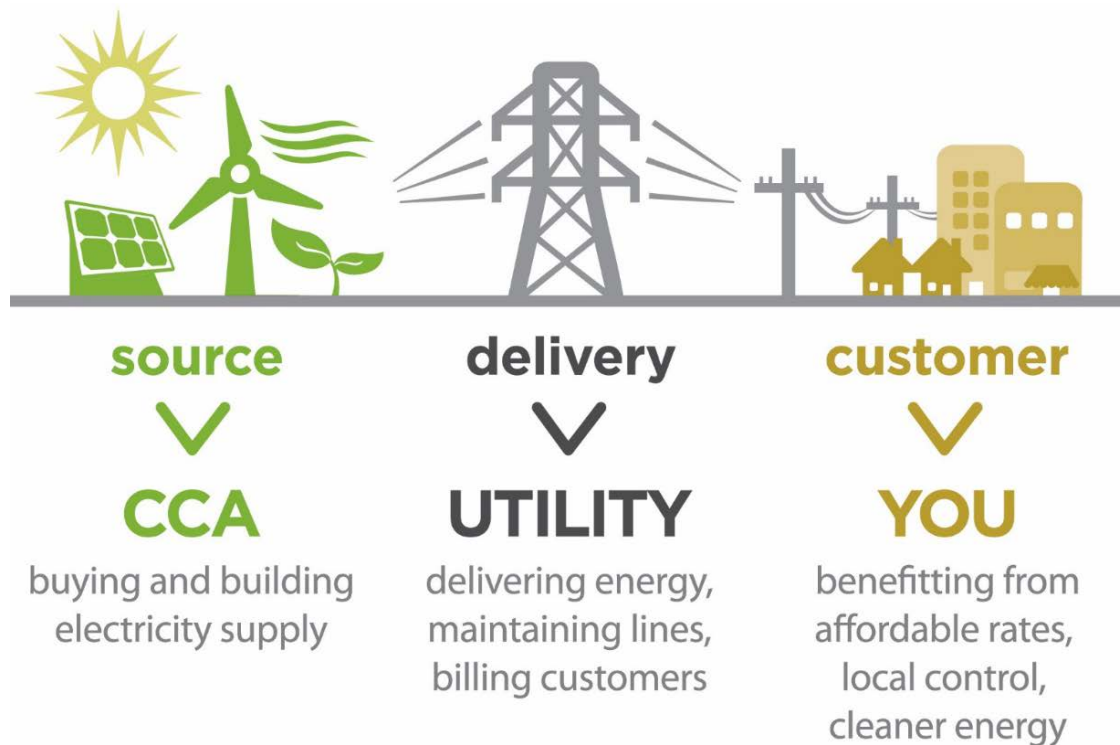
- Community Choice Aggregation (CCA) is a municipal energy procurement model that replaces the utility as the default supplier of electricity for virtually all homes and small businesses within your jurisdiction. The utility remains responsible for energy delivery and billing.
- CCA puts control of choosing energy supply in local hands. By pooling demand, communities build the clout necessary to negotiate lower rates with private suppliers, and are able to choose cleaner energy.
- A CCA can allow whole communities to participate in the clean energy economy by ensuring that a greater percentage of electricity is coming from renewable sources.
- CCA has the potential to simultaneously deliver lower monthly bills and cleaner energy for your constituents.

CEC Requirements

To earn credit for the Community Choice Aggregation action under NYSERDA's Clean Energy Communities (CEC) Program, the municipality must submit the following documentation to NYSERDA at www.nyserdera.ny.gov/cec:

- Submit a copy of the adopted legislation authorizing the municipality's participation in an opt-out CCA program.
- Submit a copy of an executed electric service agreement between the applying jurisdiction and an Energy Services Company (ESCO) to supply electricity to participating customers on an opt-out basis that is a default 100% renewable clean energy product mix. The ESCO electric service agreement should provide that the ESCO will retire renewable energy certificates (RECs) on behalf of the Municipality in a New York State Generation Attribute Tracking System (NYGATS) Account (with reports on such retirements to the Municipality) in a manner that is compliant with the environmental attributes and delivery rules of the New York Public Service Commission Environmental Disclosure Program. The electrical energy associated with the renewable energy certificates must be consumed at retail in New York State.
- For communities that are already part of a CCA, executing a new contract or an addendum to the electric services agreement or a new contract after August 1, 2016 shall be counted as a new action.

How CCA Works



Eligible Municipal Governments

Three types of municipalities under New York State law eligible to form a CCA are:

- Villages
- Towns
- Cities

County governments may act as CCA administrator but are not authorized to create a CCA independently of villages, towns and cities within the county.

It is not required that communities participate in NYSERDA's Clean Energy Communities program in order to pursue CCA.

Scope of CCA Programs

- CCA programs may aggregate electric supply, gas supply, or both.
- CCA programs may aggregate or integrate into their programs energy efficiency and distributed energy resources like solar.
- Municipalities are not permitted to allocate a portion of the CCA customer payments to a clean energy or public benefit fund.

Customer Eligibility

- All customers are eligible.
- A customer can be enrolled on an opt-out basis if their service class is listed in the relevant PSC Order. This means these customers may be automatically enrolled.
- ESCO customers or customers that have placed a freeze or block on their account can be enrolled on an opt-in basis.

The CCA Administrator can:

- Choose to apply opt-out treatment to a more limited class of customers, to only allow certain classes of customers to opt-in, or both.
- Determine whether eligible customers who move into a municipality should be enrolled on an opt-in or opt-out basis.

The Municipality's Role

- The process of planning for a CCA program will vary with each municipality and program.
- In some cases, a non-profit, consultant, or other third party may develop a plan and solicit municipal members.
- In other cases, municipal officials, on their own initiative or based on requests from residents, may develop their own plan for a CCA program and either implement it themselves or engage a third party to support them.
- Municipality will remain ultimately responsible for ensuring that the CCA program is operated in compliance with legal requirements, that it serves the interests of its residents, and that customer information is appropriately protected.

Administrative Costs

- CCA Administrators will be permitted to collect funds, through the supply charge, to pay for administrative costs associated with running the CCA program.
- Because most CCA customers will receive a single bill from the utility, any CCA customer payments to the CCA Administrator will have to be negotiated as part of the contract and built into the per kWh rates.
- Therefore, the payments to the CCA Administrator for CCA administrative purposes will be processed and remitted by the ESCO. Negotiations may include costs incurred before selection of the CCA Administrator.

NYSERDA's Role

NYSERDA is available as a technical consultant to assist municipalities and CCA administrators through:

- Individual consultations
- CCA toolkit describing best practices and including model documents such as customer outreach materials and contracts.
- For assistance, send an email to cec@nyserda.ny.gov

NYS Public Service Commission's Role

The Public Service Commission (PSC) Order on CCA sets forth the requirements, terms, and conditions under which CCA programs can proceed through implementation. The PSC Order requires that the following documents be filed with and approved by the PSC:

- A CCA Implementation Plan
- Data Protection Plan
- Local Law authorizations

Once these documents have been filed, the PSC will determine whether they comply with the requirement of the PSC's CCA Order and issue an approval.

CCA Implementation Plan

- Includes a description of the program and its goals
- Plans for value added services (e.g. installation of DER or other clean energy services) that will be included in an RFP
- A public outreach plan
- Includes drafts of written communications with its residents, including opt-out letters

CCA Data Protection Plan

The Data Protection Plan must:

- Describe how the CCA Administrator will ensure the same level of consumer protections, including low income customers, as currently provided by utilities and ESCOs.
- Utilities have developed a model Data Security Agreement which has been approved by PSC that will form the basis for these requirements.
- The Data Security Agreement is the standard agreement that all CCA Administrators will have to sign with the distribution utility.
- CCA Administrator must also file a Data Protection Plan, which will explain what steps will be taken to implement the agreement and otherwise protect personal data.

Municipal Approval

- Typically, the process starts with the municipality expressing interest in CCA by passing a non-binding resolution. This step is optional.
- Each municipality intending to implement a CCA program must pass legislation - exercising its Municipal Home Rule Law authority - after holding a public hearing.
- CCA programs where a third party acts as CCA administrator, municipalities may enter into a Memorandum of Understanding (MOU) with the CCA administrator to commit to participate in the CCA program subject to certain terms and conditions.
- Where a municipality acts as CCA administrator, municipalities may enter into Inter-Municipal Agreements (IMA) with participating municipalities to create a CCA program.

Opt-Out Process

- The Department of Public Service's order requires CCA Administrators to provide information and education to potential CCA members over no less than a two month period.
- The mailing of an opt-out letter must be preceded by the filing of Implementation and Data Protection Plans and certifications of local authorization with the Public Service Commission.
- Customers must be permitted by the selected ESCO to opt-out and return to utility service any time before the end of the third billing cycle after enrollment without penalty.

Energy Supply Contracts

- The terms of the contract must comply with applicable requirements for ESCO service.
- CCA programs are not limited to contracting with only one ESCO.
- Termination charges after the 3 month grace period will be subject to the contract.
- Contracts should not restrict the installation or use of distributed energy resources or energy efficiency products.

Provision of Customer Data

- CCA administrator may request aggregated data after Commission approval of its Implementation and Data Protection Plans and certifications of local authorization.
- Once contracts with ESCOs have been entered into and executed, customer-specific contract information can be requested for all eligible customers.
- Detailed customer information can be requested for eligible customers who did not opt-out once the initial opt-out period has closed.
- Data fees may apply.

Annual Reporting

The CCA administrator shall provide an annual report including:

- Number of customers served
- Number of customers cancelling during the year
- Number of complaints received
- Commodity prices paid
- Value-added services provided during the year
- Administrative costs collected

Project Snap Shot – Westchester Power CCA



- Initiated by the non-profit Sustainable Westchester in 2016, the Westchester Power CCA supplies approximately 115,000 electrical customers in 27 participating municipalities in Westchester County.
- 24 municipalities opted to provide 100% renewable energy to eligible customers within their jurisdictions.

Results:

- 500 million kWh of 100% renewable power.
- Approximately \$15 million in cost savings over three years.
- Cut the carbon footprint by 400,000 tons.

Tools and Resources

Public Service Commission (PSC) CCA Order

The PSC Order on CCA sets forth the requirements, terms, and conditions under which CCA programs can proceed through implementation.

Template CCA Authorizing Legislation

This template legislation may be used as a resource by municipalities in developing their own authorization for participation in a CCA program.

Template Inter-Municipal Agreement (IMA)

This sample IMA may be used as a resource by municipalities to participate in a specific CCA program where the CCA Administrator is a municipal government.

Template Memorandum of Understanding (MOU)

This sample MOU may be used as a resource by municipalities to participate in a specific CCA program with a third-party CCA Administrator.



Tools and Resources (cont.)

Template Implementation Plan

CCA programs are authorized subject to the Public Service Commission's approval of the CCA Implementation Plan, Data Protection Plan, and certifications of local authorization. It is intended that this template be used as a resource in designing a CCA Implementation Plan. The purpose is to clearly define the CCA Program goals, milestones, and deliverables, while also defining the roles and responsibilities of each project partner. It also addresses the CCA approach to public engagement, outreach, and education.

Template Opt-out Letter

This is intended as a resource for municipalities in fulfilling the Commission's requirement that an opt-out letter be sent to all eligible customers providing information and education prior to commencement of the CCA. The opt-out letter is subject to Department of Public Service Staff approval

Technical Support

Dedicated and knowledgeable local Clean Energy Coordinators are available to help municipal officials implement Community Choice Aggregation. To access this support, please send an email to cec@nyserda.ny.gov



NYSERDA

The Bottom Line

Local government officials that implement Community Choice Aggregation can expect to:

- ✓ Be well positioned to secure lower energy prices locally
- ✓ Exercise more local control over energy resources
- ✓ Increase the percentage of renewables in the fuel mix

Contact

Communities and Local Government

New York State Energy Research and Development Authority (NYSERDA)

Email: cec@nyserda.ny.gov

www.nyserda.ny.gov/cec

Community Choice Aggregation (CCA) Administrator Request for Proposal (RFP)

Purpose of this Document: *The Template Community Choice Aggregation (CCA) Request for Proposal (RFP) is meant to serve as an example RFP for municipalities and other organizations interested in pursuing CCA and running a competitive process for selecting a CCA Administrator. The information contained within can be adapted to meet a municipality's or a group of municipalities' specific needs. NYSERDA makes no representation that the information contained below will meet any specific municipality's local procurement policies or laws; this template should be customized by each user.*

Municipalities may wish to use the non-italicized text as sample language for a specific section of the RFP. The italicized text offers examples and options but should be drafted by the jurisdiction to meet their individual circumstances and needs. The bracketed text should be edited directly by the jurisdiction.

If CCA and the role of the Administrator is still new to you, you may find the [Community Choice Aggregation Toolkit](#) on NYSERDA's website helpful before embarking on an RFP process.

Section 1 – Purpose and Goals

A. Purpose

New York State municipalities are permitted to participate in a CCA program subject to local authorization, pursuant to the New York State Public Service Commission's Order Authorizing Framework for Community Choice Aggregation Opt-Out Program, issued on April 21, 2016 in Case 140M-0224 ("PSC CCA Order").

[Insert municipality name(s)] adopted local laws creating its own CCA program. [Insert municipality name] adopted its legislation [insert legislation name] on [insert date], after holding a public hearing on [insert date]. [Repeat above for each municipality]

Suggested language for communities entering a MOU (optional): The municipalities, through their legislative bodies, have adopted a Memorandum of Understanding ("MOU") to work collectively – in compliance with each municipality's respective procurement policy – to solicit, evaluate and select, a common CCA Administrator to assist in procuring, administering, and managing an electricity supply contract.

In this Request for Proposals (RFP), [City(s) / town(s) / Village(s) of ____] intend to review and select an organization to administer a Community Choice Aggregation ("CCA") program.

B. Goals

The municipality(s) seeks to implement a CCA program that: [Insert goals of CCA]. Example goals could include, but are not limited to:

- Reduces electricity costs for community members.

- *Provides a 100% renewable energy (RE) product as the default supply¹.*
- *Supports locally [Insert definition of local, such as within the town, county, region, or state] produced renewable energy generation.*
- *Supports the community in meeting clean energy goals/targets.*
- *Supports local economic development including local job creation, the attraction and retention of business establishments, and/or investment.*
- *Supports inclusive and equitable access to the CCA program.*
- *Offers constituents a range of opportunities to take advantage of clean energy products and services.*

C. Basic Requirements

Respondents to this RFP must have the following:

- A CCA Implementation Plan and Data Protection Plan approved by the New York Public Service Commission.
- Experience in [insert key experience]. *Potential examples include:*
 - *Experience in all aspects of administering a CCA program.*
 - *Experience procuring a 100% renewable clean energy product.*
 - *Experience with the above in New York State and/or demonstrated experience with New York State clean energy policies and programs.*
- Respondents must be in good financial standing with federal agencies and the State of New York.
- Respondents, subcontractors, or consultants must disclose whether they have been debarred, suspended, or otherwise prohibited from practice by any federal, state, or local agency.

D. Timeline

- Issuance of RFP: [Insert date]
- Pre-Proposal Conference RSVP: [Insert date]
- Pre-Proposal Conference: [Insert date]
- Deadline for Submissions: [Insert date]
- Final Decision: [Insert date]
- A pre-proposal conference will be held at [location] on [date] at [time]. If you plan to attend, please contact [name] at [email] or [phone] by [RSVP date].

¹ Green claims can only be made about a CCA's product mix when the supplier retires renewable energy certificates (RECs) on behalf of the municipality in a [New York State Generation Attribute Tracking System](#) (NYGATS) Account (with reports on such retirements to the municipality) in a manner that is compliant with the environmental attributes and delivery rules of the New York Public Service Commission Environmental Disclosure Program.

- Submitted proposals must be signed by an individual who is authorized to bind the proposer to all commitments made in the proposal. A PDF of the proposal, together with all attachments, must be submitted by email no later than [insert time] on [insert date]. Any late proposals will not be accepted.

Interested parties are advised that the authorized contact person for this procurement is set forth below. No contact with any other municipal personnel other than the authorized contact person is allowed until such times as an award (or awards) has (have) been made. The municipality is under no obligation to respond to any question, inquiry or assertion that is not received in writing. Interested parties may contact the authorized contact person by telephone or email. Violation of these provisions may result in immediate disqualification. Proposers will submit all proposals and direct all responses, questions, and any other communications to the following authorized contact person:

[Insert contact information]

E. Rights of Individual Municipalities *(in the case of a joint RFP with other municipalities)*

Each municipality reserves the right to contract with a CCA Administrator individually, or with all the other municipalities, or with one or more of the other municipalities on the same terms and conditions as provided in the RFP and the responses thereto. Nothing herein shall preclude any of the municipalities, together or individually, from negotiating contract terms with a CCA Administrator that each municipality deems to be in its best interest.

Ultimately the decision of retaining a CCA Administrator will reside with each individual municipality.

Section 2 - Scope of Services

The [insert name of municipality(s)] is seeking a CCA Administrator to procure, administer, and manage an electricity supply contract for the [insert name of municipality(s)] and to responsibly fulfill the obligations of a CCA Administrator as set out by PSC CCA Order. The following section details the specific scope of services the [insert name of municipality(s)] is seeking:

1. **Compliant with all Federal and NY State laws, rules, and regulations:** Ensure the CCA program complies with the PSC CCA Order, related orders, and other applicable laws and regulations.
2. **Goals and Objectives:** Support the municipality(s) and community(s) in further refining goals and objectives of CCA and identify how success will be measured and evaluated.
3. **Procurement of Electricity Supply Contract:** Procure an electricity supply contract below the utility benchmark price and include a 100% renewable energy option.
4. **Clean Energy Products and Services:** Offer a compelling and robust plan to provide and market clean energy products and services to the community, including the benefits the community may anticipate from such products and services and how success will be measured and evaluated. The benefits may include, but are not limited to, supporting local economic development through local job creation, the attraction and retention of business establishments and/or investment, increasing access to clean energy including for low to moderate income populations, electricity cost savings, reducing greenhouse gas (GHG)

emissions, and improving local air quality. Metrics for measuring and evaluating success may include the percentage of CCA participants that partake in clean energy product and service offerings or the percentage of electricity cost savings per participating household, among others.

- The clean energy products and services could be provided through programs the proposer organization already offers, through the electricity supply contract solicitation, through a separate solicitation for clean energy products and services, or another mechanism.
 - Potential products and services could include, but are not limited to, community solar, rooftop solar, battery storage, clean heating and cooling technologies, energy efficiency, smart home products, demand side management programs, micro-grid projects, electric vehicles, and electric vehicle charging infrastructure. [Appendix 1](#) provides examples of potential clean energy products and services a CCA Administrator could facilitate. These examples should not be viewed as prescriptive. Innovative and creative ideas are encouraged.
5. **Program Roles and Responsibilities:** Take full responsibility for administering the CCA and partner with local organization(s) and municipality(s) to implement the CCA.
 6. **Public Education and Outreach:** Conduct comprehensive community education and outreach on CCA.
 7. **Local Partner/Presence:** Work with/leverage local partner organizations, advocates, and/or other third-party stakeholders and have some local presence.
 8. **Customer Enrollment and Management:** Maximize customer enrollment, maintain and manage customer participation, manage opt-outs.
 9. **Consumer Protection:** Lawfully and securely procure, transfer, and store anonymized and customer-specific program data on behalf of the municipality(s), pursuant to an approved Data Protection Plan.
 10. **Pricing:** Provide a clear description of how the Administrator plans to establish a utility benchmark price to compare and evaluate the CCA price against once the price becomes available.
 11. **Program Fees:** Provide a clear explanation of how the Administrator anticipates covering program costs and any fees that will be passed on to CCA program participants or the municipality(s). This should include:
 - The costs the fee will cover such as program staffing and overhead, outreach and communications, legal expenses, program development.
 - The estimated per kWh fee (if available).
 - How the fee will be collected.
 - Any other fees charged to the municipality(s) or program customers.
 - Any fees associated with clean energy products or services (DERs) or other services offered to CCA customers by the CCA Administrator.
 12. **Reporting:** Analyze and report regularly to the municipality(s) and Public Service Commission on program data, pursuant to the PSC CCA Order.

13. **Implementation Timeline:** Implement and administer the CCA in a timely fashion.
14. **Vet and pre-qualify prospective electricity suppliers, clean energy product and service providers** in accordance with criteria established by the municipality(s).
15. **Continued Support and Additional Services and Information:** Provide continued support and capacity building to the municipality(s) and customers after program launch, including:
 - Customer service.
 - Monitoring and management of contractual obligations.
 - Regular program data and performance metrics reporting.
 - Program development and enhancement.
 - Continued analysis of relevant market and regulatory issues.
 - Ongoing support to the municipality(s) in helping them achieve broader energy goals.
 - Other services and information as relevant.

Section 3 – Proposal Requirements

All proposals must include the following information to be considered complete. The [\[insert name of municipality\(s\)\]](#) reserve(s) the right to reject any proposal for non-compliance with these requirements and specifications or may choose to accept the proposal regardless of compliance. For each step, be sure to detail what technical and support services the proposer has available.

A. Cover Letter

- a. A transmittal letter on the proposer's business stationery from the individual(s) or a principal officer of the organization offering the proposal and certifying that the proposal will remain in effect for ninety (90) days after the proposal due date. The letter should contain a general description of the mission or focus of the organization and provide the name and address of the individual or firm and contact information for the individual or officer (telephone and email address).

B. Organization Overview

- a. Please provide a brief history of the proposing organization. If a separate organization will be engaged as a subcontractor or consultant for this project, or has entered into any contract (as such term is defined in [General Municipal Law Article 18](#)) with any third party in connection with this RFP or with the proposal, please provide the following information for both companies:
 - i. Background
 - ii. Year founded and number of years in business
 - iii. Ownership status (public, private, or non-profit)
 - iv. Office location including headquarters and any local offices
 - v. Number of employees in local branch office at time of submittal (full time employees, excluding subcontractors)
 - vi. Contact information

- vii. Description of the organization
- viii. Federal Tax Identification Number
- ix. Any relevant certifications or licenses

C. CCA Administrator Team

Provide information about the key personnel to be assigned to this CCA Administrator team. If a separate organization will perform any of the responsibilities, please provide project team information for both organizations, including:

- 1. Full contact information for the project manager.
- 2. A team chart including all key personnel and their proposed roles (including subcontractors, if applicable).
- 3. For all key personnel (including subcontractors), include a bio of professional experience, certifications, role, and office location.
- 4. Indicate the local point of contact.
- 5. Indicate if any additional staff would need to be hired to carry out the scope of services.
- 6. Resumes of key personnel, provided in an appendix to the proposal.
- 7. Describe the proposer's compensation structure, fees, and terms.

D. Qualifications: Provide a detailed narrative that clearly demonstrates the proposer's and any subcontractors' prior and relevant qualifications and experience including the following:

- 1. Energy procurement, CCA program administration, and/or community-scale clean energy development in New York State.
- 2. Work with local governments in New York State and in the region.
- 3. Goals or measurable objectives for CCAs that the proposer administered in New York, or other jurisdictions.
- 4. CCA bids for electrical supply that the proposer has solicited or plans to solicit in New York including information on the results of the bid such as:
 - i. How do the electricity prices compare to the utility price benchmarks?
 - ii. Was a renewable energy option procured?
 - iii. Was a local option included?
 - iv. How many accounts were enrolled?

E. Proposed Approach to CCA Administration. Please provide a detailed approach describing how the proposer would carry out the scope of services as outlined in Section 2. The approach should clearly articulate which elements of the scope of services, if any, subcontractors would perform or participate in performing. The proposer's approach should include, but is not limited to the following:

- 1. **Goals and Objectives:** Describe the proposer's approach to defining the goals and measurable objectives for the CCA.
- 2. **Procurement Approach:** Describe the proposer's approach to procuring an electricity supply contract that is below the utility benchmark price and includes a 100% renewable energy supply option.

3. **Clean Energy Products and Services:** Describe the proposer's approach to offering clean energy products and services including renewable energy certificates (RECs), community solar, rooftop solar, smart thermostats, demand response, energy storage, energy efficiency, electric vehicles, and charging infrastructure, or similar products and services.
4. **Program Roles and Responsibilities:** Describe the roles and responsibilities for administration, management, and implementation. Please include information on the roles and responsibilities envisioned for the municipality(s), along with the anticipated workload, the roles and responsibilities of the Administrator, the roles and responsibilities of the energy supplier, and any other relevant organizations or stakeholders that will play a role in the CCA.
5. **Public Education and Outreach:** Describe the proposer's approach to how it will conduct public education, outreach, and capacity building about CCA, energy supply contracts, and renewable energy to the municipality(s), community residents including low to moderate income residents or underserved populations, and businesses within the community. Also provide examples of how the proposer has handled these activities in the past.
6. **Local Partner/Presence:** Describe how the proposer will work with/leverage local partner organizations, advocates, and/or other third-party stakeholders. Describe what kind of local presence the proposer will have, if any. Also provide examples of how the proposer has worked with other local organizations in the past.
7. **Customer Enrollment and Management:** Describe the proposer's approach to:
 - i. Maximizing customer enrollment and maintaining customer participation including considerations for time-of-use customers, demand-metered customers, low-income customers, non-English speaking constituent groups, and other customer segments.
 - ii. Customer service/customer care including website, social media, print collateral, mailings, call center & training, platforms, etc.
8. **Consumer Protection:** Describe the proposer's approach to customer protection, including customer data.
9. **Pricing:** Describe the proposer's approach to establishing a utility benchmark price to compare and evaluate the CCA price against once the CCA price is available.
10. **Program Fees:** Describe the proposer's anticipated fees to complete the Program Scope tasks and how they will be paid for via the electricity supply contract.
11. **Reporting:** Describe the proposer's approach to annual reporting to the municipality(s) and the PSC.
12. **Implementation Timeline:** Outline a proposed timeline for the completion of each task. Submit as an appendix.
13. **Inclusivity:** Describe the proposer's approach to ensure the CCA reaches low to moderate income residents or underserved residents in the community.
14. **Local Impact:** Detail the proposer's approach to making a local impact through job creation, training, or supporting community economic development.

15. **Additional Services and Information:** Describe anything else that may be relevant to the RFP such as other ongoing or additional services the proposer anticipates providing to the municipality(s) to ensure the long-term success of the program beyond the initial contract.

F. **References.** Provide at least three references for whom the proposer's organization has administered a CCA program, or a similar scope of services. Include the following information for each in the appendix:

1. Name and address of client
2. Name and telephone number of contact person
3. Summary of services provided

G. **Required Appendices Checklist.** As an appendix to the submission, the proposer shall include the following checklist to ensure that all components have been included in the proposal.

- ☐ Public Service Commission approved Implementation Plan and Data Protection Plan
- ☐ Local point of contact
- ☐ Resumes of key personnel
- ☐ Implementation Timeline
- ☐ At least three references for whom the proposer has administered a CCA program, or a similar scope of services.
- ☐ Example education, outreach, and engagement materials such as:
 - Links to social media pages and websites
 - PDFs of print material or PowerPoint presentations

Section 4 – Submission Instructions

1. All proposers should carefully review the contents of this document. All the Requirements and Specifications in this document may become part of an agreement to be signed by the municipality(s) and the successful respondent.
2. All proposals must be submitted by [\[insert date and time\]](#).
3. Proposals may be submitted by [\[insert municipality's required submission format and instructions including contact information of relevant municipal official\]](#).

Section 5 – Evaluation Criteria

The municipalities will evaluate proposals based on the weighted criteria described below *[Sample evaluation criteria and scoring are provided below. Please adjust and edit as appropriate for any given municipal procurement. The total weighting should add up to 100 and the weighting of each criterion should reflect the importance of each criteria to the municipality]*.

Criteria	Detail	Weight
Overall Quality of Proposal	<input type="checkbox"/> Degree to which the proposal fulfills the requested scope of services and proposal requirements. <input type="checkbox"/> Clarity and completeness of the proposed team and approach.	[insert value] 10
Experience, Qualifications, and References	<input type="checkbox"/> Capability and experience of the respondent (and its participating subcontractors) to carry out the roles and responsibilities of a CCA Administrator. <input type="checkbox"/> Credentials, capabilities, and experience of the proposed team and key personnel. <input type="checkbox"/> Experience providing effective education and outreach for other community or clean energy programs, especially within New York State <input type="checkbox"/> Quality of references.	[insert value] 40
Technical Approach and Workplan	<input type="checkbox"/> Clear outline of roles and responsibilities of the CCA administrator, municipality, local partners, electricity supplier and any other organizations involved in the CCA.	[insert value] 15
Project Management and Implementation	<input type="checkbox"/> Clear and appropriate implementation timeline that includes key benchmarks such as procurement of clean energy resources, local partnerships formed and customer enrollment start-dates <input type="checkbox"/> Ability to manage subcontractors and collaborate with municipality personnel. <input type="checkbox"/> Ability to help inform and educate project stakeholders including the public.	[insert value] 15
Pricing, Fees & Cost Savings	<input type="checkbox"/> Approach to establishing a utility benchmark price to compare and evaluate the CCA price against once available. <input type="checkbox"/> Clear description of the proposed fees to complete the program scope and tasks and how they will be paid for via the electricity supply contract. <input type="checkbox"/> Experience in procuring energy supply contracts at costs below existing utility rates.	[insert value] 10
Local Impact and Inclusivity	<input type="checkbox"/> Approach to meet local impact goals and incorporate consumer protections (PSC Approved data protection plan). <input type="checkbox"/> Clear explanation of how the approach will benefit the community. <input type="checkbox"/> Description of how the Administrator will reach and market the program to low to moderate income residents or underserved residents in the community. <input type="checkbox"/> Clear articulation of plan for working with local partners and providing a local presence.	[insert value] 10

Section 6 – Selection Process

All proposals that are deemed responsive (as described above) will be reviewed by staff as determined by the judgment of the municipality(s). All reviewers will sign a confidentiality statement and keep all content of proposals confidential, except to the extent disclosure of proposals is required by law or deemed advisable by the municipalities in any litigation arising from this RFP. The winning proposal may be shared unless it contains details on business models and/or proprietary secrets.

Appendix 1. Example Clean Energy Products and Services, Associated Benefits and Measuring Success

Appendix 1 describes several examples of how a proposer may incorporate clean energy products and services into their offering, as well as how they can measure the success of those offerings.

Clean Energy Product/Service	Example	Example Benefits	Measuring Success
Community Solar	<ul style="list-style-type: none"> The CCA develops partnerships with one or more Community Solar projects that are located within same utility territory as the CCA. The CCA encourages community members to subscribe in these projects, regardless of whether they enroll in the CCA program. 	<ul style="list-style-type: none"> Guaranteed long-term electricity bill savings for participating customers. Support local, clean, renewable energy. Support job creation. Reduce GHG emissions. No upfront cost. Participation not limited by rooftop or property characteristics. No operations and maintenance concerns. 	<ul style="list-style-type: none"> Community members and CCA members fully subscribe to the available community solar projects. More than 50% of CCA participants opt-in to the community solar offering. Long-term partnerships are developed with community solar developers and community solar becomes a lasting CCA offering.
Rooftop Solar/Battery Storage/Clean Heating and Cooling (CHC)	<ul style="list-style-type: none"> The CCA partners with existing or new community-based clean energy campaigns such as Solarize, Solarize + Battery Storage, and/or Clean Heating and Cooling Campaigns. CCA and campaign(s) conduct outreach, education, and enrollment to community members in conjunction. Community members learn about the different clean energy product and service options and benefits as well as the CCA and can 	<ul style="list-style-type: none"> Energy and bills savings for participants. Maximize electricity bill savings by installing solar and enrolling in a CCA. Reduce reliance on heating oil or natural gas by installing CHC technologies. Maximize and support local, clean, renewable energy adoption. Support local job creation and workforce training. Reduce GHG emissions. Reduce customer acquisition costs. Compatible with time-of-use rates. 	<ul style="list-style-type: none"> At least 20% of Solarize/Solarize + Battery storage/clean heating and cooling campaign participants install the relevant technology. More than 50% of Solarize/Solarize + Battery storage/clean heating and cooling campaign program participants enroll in the CCA. At least 10% of participants are low to moderate income. Lower purchase and installation cost of relevant technologies by at least 10-20%.

Clean Energy Product/Service	Example	Example Benefits	Measuring Success
	enroll in a one or multiple campaigns.		<ul style="list-style-type: none"> Local university, community college, technical college, or veterans receive workforce training on relevant technology.
Battery Storage	<ul style="list-style-type: none"> The CCA works with the local government and community to identify critical facilities that could benefit from battery storage. Identifies at least one facility, issues an RFP, and selects a qualified energy storage contractor to install storage (or solar + storage) offering. 	<ul style="list-style-type: none"> Increase resilience of critical facilities (e.g., hospital, nursing homes, schools, or community centers) to operate during outages. Help commercial customers avoid demand charges by shifting electric demand need to low cost periods. Provide high power quality without fluctuations in voltage or frequency to critical facilities, such as hospitals. 	<ul style="list-style-type: none"> At least one critical facility in the community evaluates and installs battery storage (or solar + storage).
"Smart Home"/Demand Side Management	<ul style="list-style-type: none"> By enrolling in the CCA customers can also sign up to: <ol style="list-style-type: none"> 1) receive smart home or energy efficient technologies, such as smart thermostats or smart water heaters, that are supported through a utility program or NYSEERDA incentive. 2) enroll in a demand response program where customers allow their load to be shifted remotely by the CCA program administrator. CCA administrator supports the customers with the 	<ul style="list-style-type: none"> Customer bill savings due to reduced consumption. Compatible with time-of-use rates. Ability for program administrator to shift customer electricity consumption in aggregate to times that benefit the grid and avoid electricity supply constraints. CCA participants are educated on smart home and energy efficient products. Increase energy-efficiency of community. 	<ul style="list-style-type: none"> Customers understand their options for energy efficiency and smart home products. 50% of customers who enroll with the CCA receive and install a smart thermostat or other smart or energy efficient technology. 10% of customers who enroll with the CCA enroll in a demand response program.

Clean Energy Product/Service	Example	Example Benefits	Measuring Success
	<p>process of purchasing, installing, and properly using the new, smart, efficient technologies.</p> <ul style="list-style-type: none"> CCA administrator supports customer with enrolling in demand response program and manages customer participation. 		
Electric Vehicles (EVs) and Charging Stations	<ul style="list-style-type: none"> The CCA partners with an existing local community partner or campaign to run an aggregated purchase program to reduce purchase costs on electric vehicles and charging stations for municipal fleets, commercial fleets (if possible), and residents. CCA and EV campaign conduct outreach, education, and enrollment to community members. Community members learn about the options and benefits of EVs as well as the CCA and can enroll in one or both programs. 	<ul style="list-style-type: none"> GHG emissions reductions in the transportation sector. Compatibility with time-of-use rates. Increased cost savings on EV purchases. Reduced customer acquisition costs. 	<ul style="list-style-type: none"> Increase EV penetration in the community by at least 10%. Lower purchase price on EVs by at least 10% for end-users. 10% increase in home and municipal charging stations.

APPENDIX C

LIST OF OPT-OUT ELIGIBLE SERVICE CLASSES BY UTILITY

Company	Electric Opt-Out Service Classes	Gas Opt-Out Service Classes
Central Hudson Gas & Electric Corporation	SC 1 Residential Service; and SC 2 General Service	SC 1 Residence Rate; and SC 2 Commercial and Industrial Rate
Consolidated Edison Company of New York, Inc.	SC 1 Residential and Religious; SC2 General - Small; SC 8 Multiple Dwellings - Redistribution; SC 12 Multiple Dwelling - Space Heating; and SC 13 Bulk Power - Housing Developments	SC 1 Residential and Religious Firm Sales Service; SC 2 General Firm Sales Service; and SC 3 Residential and Religious-Heating Firm Sales Service
KeySpan Gas East Corp. dba Brooklyn Union of L.I.	N/A	SC 1 Residential Service; SC 2 Non-Residential Service; and SC 3 Multiple Dwelling Service
National Fuel Gas Distribution Corporation	N/A	SC 1 Residential; and SC 3 General
New York State Electric & Gas Corporation	SC 1 Residential Service; and SC 6 General Service	SC 1 Residential Service; and SC 2 General Service
Niagara Mohawk Power Corporation	SC 1 Residential and Farm Service; and SC 2 Small General Service	SC 1 Residential Service; and SC 2 Small General Service

Orange and Rockland Utilities, Inc.	SC 1 Residential Service; and SC 2 General Secondary or Primary Service	SC 1 Residential and Space Heating; and SC 2 General Service
Rochester Gas and Electric Corporation	SC 1 Residential Service; and SC 2 General Service - Small Use	SC 1 General Service
The Brooklyn Union Gas Company	N/A	SC 1A Residential Non-Heating Service; SC 1B Residential Heating Service; SC 2 General Service; and SC 3 Heating and/or Water Heating Service (Multi-Family Buildings)