

**CITY COUNCIL****The City of Orange Township, New Jersey**DATE October 21, 2025NUMBER 454-2025

**TITLE: RESOLUTION AUTHORIZING THE ISSUING OF A NOTICE TO PROCEED TO AMB BUILDING SERVICES, LLC, 14141 SOUTHWEST FREEWAY, SUITE 477, SUGAR LAND, TX 77478 FOR THE IMPLEMENTATION OF AN ENERGY SAVINGS IMPROVEMENT PROJECT BY THE CITY OF ORANGE TOWNSHIP**

**WHEREAS**, in a continued effort to improve the efficiency of the City of Orange's physical plant, achieve significant long-term energy savings, reduce greenhouse gas emissions, install on-site solar photovoltaic (PV) systems, and capture additional benefits that might result from energy-related services and capital improvements, such as improved occupant comfort and indoor air quality, the City of Orange Township seeks to contract with an Energy Services Company to develop and implement an Energy Savings Plan (ESP) through an Energy Savings Improvement Program (ESIP); and

**WHEREAS**, P.L. 2011 c. 139 (N.J.S.A. 52:34-6.2) enables local contracting units to utilize nationally recognized and accepted cooperative purchasing agreements as a method of procurement; and

**WHEREAS**, the City of Orange is a member of TIPS Cooperative ("TIPS"); and

**WHEREAS**, P.L. 2011 c. 139 allows a contracting unit to use national purchasing cooperatives when the contracting unit has determined that the use of the cooperative purchasing agreement shall result in cost savings after all factors have been considered; and

**WHEREAS**, the City of Orange has determined that awarding a contract pursuant to its own Request for Proposals will require the purchasing, finance, facilities, and legal personnel to spend significant staff time as well as delay the implementation of energy savings by approximately 9 to 12 months; and

**WHEREAS**, Energy savings performance contracts are available via **Contract #220104** with TIPS; and

**WHEREAS**, TIPS utilized a competitive bidding process in the selection of contractors capable of implementing an Energy Savings Performance Contract; and

**WHEREAS**, ABM Building Services, LLC have been selected by TIPS as a provider of Energy Savings Performance Contracts; and

**WHEREAS**, ABM Building Services, LLC also designated under the Department of Management and Construction (DPMC) in the State of New Jersey under a CO36 classification as a qualified Energy Services/ESCO; and

**WHEREAS**, the City of Orange has selected ABM Building Services, LLC 14141 Southwest Freeway Suite 477 Sugar Land, TX, 77478, as its qualified Energy Services Company (ESCO) to conduct an Investment Grade Energy Audit (IGEA) with the City having the option to



have ABM Building Services, LLC detail and design an Energy Savings Plan (ESP) and ESIP for the of City of Orange in accordance with P.L. 2012 c. 55 (N.J.S.A. 18A:65A-1); and

**WHEREAS**, the IGEA, a detailed, comprehensive energy use and savings analysis report, is part of an Energy Savings Improvement Program (ESIP), in order to develop an Energy Savings Plan that will assist the City of Orange in determining and verifying the feasibility of entering into a subsequent long term Energy Savings Contract with ABM; and

**WHEREAS**, the IGEA and ESP will be conducted in accordance with rules and guidelines established by the NJBPU and the State of New Jersey's Energy Savings Improvement Program Law (N.J.S.A. 18A:65A-1); and

**WHEREAS**, the Energy Savings Plan will be developed in two phases with the first phase being the Investment Grade Energy Audit and the second phase being the finalization of the ESP and Energy Savings Contract; and

**WHEREAS**, once presented with the ESP, the City of Orange will have an option to continue the process of full implementation of the ESIP once the ESP has been reviewed and approved by an independent third party in accordance with P.L. 2012 c. 55 (N.J.S.A. 18A:65A-1) and adopted by City of Orange; and

**WHEREAS**, if the City of Orange exercises its option, ABM Building Services, LLC will provide an Energy Savings Plan (ESP), including a guaranteed Energy Savings Contract with pricing for a turnkey installation of the proposed project scope and that the total cost of services will be a predetermined amount and paid for out of the energy savings as calculated in accordance with P.L. 2012 c. 55 (N.J.S.A. 18A:65A-1); and

**WHEREAS**, the City of Orange would not be obligated to any payment to ABM Building Services, LLC for the ESIP Project, unless the City chooses not to execute a guaranteed Energy Savings Contract with ABM Building Services, LLC upon the completion of the Final IGA Report, at which time the City of Orange would pay ABM Building Services, LLC an amount not to exceed 2% of the hard costs of the proposed project; and

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Orange Township, County of Essex, State of New Jersey as follows:

1. Pursuant to the Letter of Intent dated August 21,2025, accepts the Energy Savings Improvement Program (ESIP) Letter of Intent
2. Authorizes the Mayor or his designee to execute Phase 1 and issue a notice to proceed (NTP) to ABM Building Services, LLC for the Investment Grade Audit (IGA) to further the development of the City's ESIP and complete the Final IGA Report. Within ninety (90) days of receiving the Final IGA Report, the City shall either (i) execute an Energy and Construction Services Contract with ABM Facility Support Services, LLC, or (ii) pay ABM BUILDING SOLUTIONS, LLC exit fee in the amount of \$165,008 (equivalent to 2% of developed hard costs, the "IGA Exit Fee"), provided, however, that no IGA Exit Fee shall be owed if ABM BUILDING SOLUTIONS, LLC is unable

to guarantee annual energy and/or other cost savings that meet or exceed the cost of the proposed Project over a term not to exceed 20 years or deliver a minimum of \$91,834 annually in energy savings.

**ADOPTED:            October 21, 2025**

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Trisha A. Scipio  
Acting Deputy Clerk

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Adrienne K. Wooten  
Council President