

Contracts for Energy and Energy-Related Services Reporting Requirements

Provided that certain reporting requirements are met, M.G.L. c. 30B, § 1(b)(33) exempts contracts for energy and energy-related services entered into by jurisdictions that are subject to M.G.L. c. 30B (governmental bodies). The Inspector General's office interprets the term "energy," which is not defined in any applicable statute, to apply only to electricity and natural gas commodity contracts. Contracts for fuel sources other than natural gas, such as gasoline, fuel oil and propane, are all supply contracts that must be competitively procured. Electricity and natural gas contracts with local distribution companies that your jurisdiction is assigned to, based on geography, are subject to M.G.L. c. 30B but may fall within a sole source exception. M.G.L. c. 30B does not define "energy-related services," however, based on a court decision, energy broker contracts are considered energy-related services and must be reported.

According to M.G.L. c. 30B, within 15 days of contract execution, a governmental body must forward a copy of any electricity or natural gas contract to which it is a party and a report of the process used to execute the contract to 1) the Department of Public Utilities, 2) the Department of Energy Resources, and 3) the Office of the Inspector General.

To comply with the requirements of the law, please send a copy of a contract and a report of the process used to execute the contract to each of the three required entities. Email submissions are preferred. We recommend keeping a copy of the submission in your procurement file, along with copies of all relevant documents, to demonstrate compliance with the law.

Please send an email with attachments to the following email addresses:

Mark.Marini@mass.gov; doer.energy@mass.gov; IGO-EnergyContracts@mass.gov;

Subject line: **Chapter 30B Energy Contract Report**

Sample email language:

By email dated _____, I am providing a copy of a contract and a report of the process used to execute the contract to 1) the Department of Public Utilities, 2) the Department of Energy Resources, and 3) the Office of the Inspector General in compliance with M.G.L. c. 30B, § 1(b)(33).

Name

Title

Name of Contract

Date of Contract Execution

If you choose to mail in the report and copy of the contract, please use the following addresses:

Mark Marini, Secretary
Department of Public Utilities
One South Station, 5th Floor
Boston, MA 02110

Office of the General Counsel
Department of Energy Resources
100 Cambridge Street, Suite 1020
Boston, MA 02114

Office of the Inspector General
One Ashburton Place, Room 1311
Boston, MA 02108

For more information, see:

<https://www.mass.gov/how-to/file-a-municipality-energy-contract-to-the-dpu>

<https://www.mass.gov/orgs/massachusetts-department-of-energy-resources>

<https://www.mass.gov/service-details/oig-forms>