

# Contract User Guide ENE55: Electricity Statewide Contract

## Contract Overview

|  |  |
| --- | --- |
| Category Manager Contact Information | [Michael Barry](mailto:michael.barry3@mass.gov)  617-720-3182  [Kelly Minichello](mailto:kelly.minichello@mass.gov)  351-667-9536 |
| Contract Term | * **Current Contract Term:** September 01, 2024–August 31, 2027 * **Maximum End Date, Either:** * One (1) two-year extension to August 31, 2029 * Two (2) one-year extensions to August 31, 2029 * [**Extend Beyond Date:**](#_Extend_Beyond_(Performance)All agreements or services entered into during the duration of this contract must be terminated on or before the contract end date stated above. |
| Massachusetts Management Accounting and Reporting System (MMARS) Master Agreement (MA) Number | **ENE55\***  **Note:** \*The asterisk is required when referencing the contract in the Massachusetts Management Accounting Reporting System (MMARS). |
| Quote Requirements | Quotes are required for purchasing. Refer to the [Quote Response and Requirements](#_Quote_Response_and) section for guidelines. |
| Vendor List | Refer to [Vendor List and Information](#_Appendix_A:_Vendor) for eligible vendors on this contract. |
| Updates | Added ISO New England Allowable Energy Surcharges Relating to Mystic River Generating. |

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## Contract Summary

**ENE55–Electricity Statewide Contract:** This is the primary Statewide Contract (SWC) for retail electricity purchased from Direct Energy Business, LLC by the Executive Branch and other participating entities. Each Commonwealth Agency and eligible entity is responsible for executing its own purchase orders and paying its own invoices for goods and/or services acquired from this Statewide Contract.

**NOTE:** This contract can be used to procure the goods or services described herein **at any dollar amount**. Any limitations, including for procurements involving **construction**, are outlined in this Contract User Guide.

For the Master Contract Record refer to the [Master Blanket Purchase Order PO-25-1080-OSD03-OSD03-33414](https://www.commbuys.com/bso/external/purchaseorder/poSummary.sdo?docId=PO-25-1080-OSD03-OSD03-33414&releaseNbr=0&external=true&parentUrl=close).

## Benefits and Cost Savings

Statewide contracts (SWCs) are an easy way to obtain benefits for your organization by:

* Leveraging the Commonwealth’s buying power
* Simplifying the solicitation process
* Providing contracting expertise
* Enhancing vendor relationships through proactive management and oversight
* Offering competitive pricing
* Partnering with qualified and experienced consultant ([Enel X](https://corporate.enelx.com/en))
* Offering Prompt Pay Discount
* Improving the availability of environmentally preferable products

## Contract Categories

This contract includes two (2) categories of electricity as listed as follows:

* **Category 1:** Firm Fixed Price
* **Category 2:** Firm Fixed Price with Capacity Pass Through

## Who Can Use the Contract

The following is a complete list of the types of organizations generally allowed to use Operational Service Division’s (OSD's) Statewide Contracts (SWCs). Some SWCs may be open to additional organizations, and some are more restricted in usage.

* Cities, towns, districts, counties, and other political subdivisions
* Executive, Legislative, and Judicial Branches, including all departments and elected offices therein
* Independent public authorities, commissions, and quasi-public agencies
* Local public libraries, public school districts, and charter schools
* Public hospitals owned by the Commonwealth of Massachusetts
* Public institutions of higher education
* Public purchasing cooperatives
* [Non-profit](https://www.mass.gov/info-details/non-profit-purchasing-programs), UFR-certified organizations that are doing business with the Commonwealth
* Other states and territories and their cities, towns, districts, counties, other political subdivisions, and public institutions of higher education without prior approval from the State Purchasing Agent
* Other entities when designated in writing by the State Purchasing Agent

## Pricing Options

This contract offers two finalized pricing options as follows, and no further negotiations may be made:

* **Category 1–Firm Fixed Price:**
  + For pre-award participants, the electricity rate is $0.11060 cents per kilowatt-hour (kWh) for meter readings taken between September 2024 and August 2027.
  + After the contract is awarded, the accounts will be priced at the then-current market rate, continuing through the contract's end date.
* **Category 2–Firm Fixed Price with Capacity Pass-Through**: The electricity rate is $0.10199 per kWh.

Please note the following guidelines:

* All orders should reference **ENE55** to ensure buyers get statewide contract pricing.
* Fuel Securitization Reliability Must Run (RMR) surcharges added for Mystic Generating Station (both surcharges are allowed though rates are subject to change). Buyers will see the following on their invoice:
  + Reliability Must Run (RMR)
  + Fuel Security Costs (IEP/FSS)
* The price files and vendor catalogs are accessible through public view in COMMBUYS; therefore, buyers can access the price files and vendor catalogs without needing to sign into a COMMBUYS account.
* Product pricing may be found on the [vendor information](#_Appendix_A:_Vendor) page, where links to all the vendors’ MBPOs are provided.

## Quote Response and Requirements

### Requesting Quotes Post-Contract Commencement

Eligible Entities wishing to participate after a contract award must:

1. Contact the Category Manager.
2. Sign a Letter of Authorization (LOA) with Direct Energy and provide them with copies of three (3) months of invoices per account.
3. If pricing is agreed upon, Eligible Entities are required to execute a Memorandum of Understanding (MOU), which will bind them to the contract pricing and terms established by the Operational Services Division.
4. Due to the nature of energy market pricing, post award entities must be prepared to agree to the price quoted by Direct Energy (NRG) before 12pm-noon of that day to insure price execution.

## Purchase Options

Purchases made through this contract will be direct, outright purchases.

All Executive Departments must use Statewide Contracts (SWCs) for their purchases if the goods and services they seek are available on an SWC. Executive agencies must use COMMBUYS for all related statewide contract purchasing activity. For more details, see the [Best Value Procurement Handbook](https://www.mass.gov/doc/conducting-best-value-procurements-handbook/download?_ga=2.147517943.1511158823.1739193429-1346777894.1722256684&_gl=1*gspsps*_ga*MTM0Njc3Nzg5NC4xNzIyMjU2Njg0*_ga_MCLPEGW7WM*MTczOTM2MzU4Ny45NC4wLjE3MzkzNjM1ODcuMC4wLjA.).

While all Non-Executive Eligible Entities are encouraged to use COMMBUYS for SWCs purchasing, it is **not** mandatory.

* **Direct Purchase of Fixed Price Items on COMMBUYS:** Used for products and services with fixed pricing and is viewable in vendor catalogs or price files. See the Vendor MBPO Listing on the [vendor information](#_Appendix_A:_Vendor) page for additional vendor details. The buyer can submit a request for goods and services from a Statewide Contract (SWC) or a Departmental Contract. This option is for users with Basic Purchaser or Department Access privileges in COMMBUYS. Once the requisition is approved, a Purchase Order (PO) is generated and can be sent to the vendor. Requisitions are documents used to request goods and services. A requisition is the first document used to generate a PO.

See the [How to Make a Statewide Contract Purchase in COMMBUYS](https://www.mass.gov/doc/how-to-make-a-statewide-contact-purchase-in-commbuys/download) job aid for more details.

* **Document Items in COMMBUYS That Have Already Been Purchased:** This contract enables buyers to retroactively record a previously made contract purchase within the COMMBUYS system. This is done through a Request for Payment Authorization (RPA) Release Requisition, which also allows MMARS users to easily keep track of spending.

For a description on how to complete this purchase in COMMBUYS, see the [How To Record a Contract Purchase Previously Made (RPA Release)](https://www.mass.gov/doc/qrg-how-to-record-a-contract-purchase-previously-made-rpa-release/download)job aid*.*

## Extend Beyond (Performance and Payment That Goes Beyond Contract End Date)

The extend beyond period is primarily used to aid the transition between an expiring contract and its replacement by allowing time for new agreements to be established with newly awarded vendors.

For extend beyond, the following stipulations are in place:

* Buyers **cannot** enter into any written agreement that will go beyond the maximum end date of the contract. Existing services may be completed and payments made during this period.
* No new agreements, including leases, rentals, or service contracts, may be made after the contract's expiration.
* All agreements or services entered into during the duration of this contract must be terminated on or before the contract end date stated above

## Setting Up a COMMBUYS Account

COMMBUYS is the Commonwealth of Massachusetts' e-procurement platform, serving as a central marketplace for state agencies and other Eligible Entities to procure goods and services, connecting government buyers and businesses. It aims to streamline the purchasing process, ensuring transparency and efficiency in the procurement process.

For Executive Agencies, COMMBUYS is required. Per 801 CMR 21.00, Executive Agencies must use established Statewide Contracts (SWCs) for the purchase of products and services. To set up a COMMBUYS buyer account or to update an existing agency account, the buyers must email the [OSD Help Desk](mailto:OSDhelpdesk@mass.gov) or call 1-888-627-8283.

While COMMBUYS use is not mandated for Non-Executive Agencies and other Eligible Entities, it is highly recommended to streamline the procurement process and assist buyers in making informed purchasing choices. Eligible entities should follow their internal guidelines for COMMBUYS use.

## Finding Contract Documents

Buyers may view contract Including (Contract User Guides, Request for Response, specifications, and other attachments) documents on COMMBUYS without requiring a COMMBUYS account or logging in.

To find contract documents in COMMBUYS, follow these steps:

1. On the [COMMBUYS](http://www.commbuys.com/) home page, enter **ENE55** in the search tool and select **Blankets** from the drop-down list.
2. Select the Search icon. The related Master Blanket Purchase Orders (MBPOs) information opens in a table format.
3. To view the associated contract documents, under the **Blanket #** column, select the applicable Purchase Order (PO) link. MBPO opens for the selected PO and the attachments can be found in the **Agency Attachments** or **Vendor Attachments** section.
4. All standard contract documents are within the Master Contract Record. Access them directly by selecting [Master Blanket Purchase Order PO-25-1080-OSD03-OSD03-33414](https://www.commbuys.com/bso/external/purchaseorder/poSummary.sdo?docId=PO-25-1080-OSD03-OSD03-33414&releaseNbr=0&external=true&parentUrl=close).

## Finding Vendor-Specific Documents

To find vendor-specific documents, including the MOU and LOA Templates, view the links to the individual vendor MBPO on the [Vendor Information](#_Appendix_A:_Vendor) page, and follow these steps:

1. On the [Vendor Information](#_Appendix_A:_Vendor) page, under the **Master Blanket Purchase Order #** Column, select the applicable Purchase Order (PO) link. The Master Blanket Purchase Order (MBPO) opens for the selected PO.
2. On the MBPO, scroll down to the **Vendor Attachments** section to find the vendor-specific documents.
3. To view, select the desired document link.

## Supplier Diversity Office (SDO) Requirements

Please refer to the following guidelines:

* Executive Departments must use diverse and small businesses to the extent possible based on contract terms, [Supplier Diversity Office (SDO)](https://www.mass.gov/orgs/supplier-diversity-office-sdo), and departmental policies, laws, and regulations.
* The [Small Business Purchasing Program (SBPP)](https://www.mass.gov/info-details/small-business-purchasing-program-sbpp?_gl=1*flb0s8*_ga*NDExMTU1ODA0LjE3MzYzNDk5NDE.*_ga_MCLPEGW7WM*czE3NTY5MTE2ODkkbzM2OSRnMSR0MTc1NjkxMzg1NCRqMjgkbDAkaDA.) applies to small procurements ($250,000 or below annually), while the [Supplier Diversity Program (SDP)](https://www.mass.gov/supplier-diversity-program-sdp?_gl=1*1dd4k06*_ga*NDExMTU1ODA0LjE3MzYzNDk5NDE.*_ga_MCLPEGW7WM*czE3NTY5MTE2ODkkbzM2OSRnMSR0MTc1NjkxMzk5MCRqNTckbDAkaDA.) applies to large procurements (over $250,000 annually). Executive Departments must consider these requirements when soliciting quotes or issuing Statements of Work (SOWs).
* Operational Services Division (OSD) provides a list of SDO businesses through the [Statewide Contract Index](https://www.mass.gov/doc/statewide-contract-index). Refer to the **SDO Programs (SDP and SBPP)** tab on the index (scroll to view the tab).

### Supplier Diversity Program (SDP) Requirements

Please view the following guidelines:

* In cases where all other factors are equal, and particularly when adhering to a best value approach, the department will favor the vendor with stronger SDP commitment.
* For more information, refer to [Best Value Evaluation of SDP Plan Forms: A Guide for Strategic Sourcing Teams](https://www.mass.gov/doc/best-value-evaluation-of-sdp-plan-forms-a-guide-for-strategic-sourcing-teams/download).
* Vendor SDP commitment percentages may be found on the [vendor list](#_Appendix_A:_Vendor) table.

### Small Business Purchasing Program (SBPP) Requirements

Please view the following guidelines:

* If available, departments must notify at least two certified small businesses capable of providing the product or service. Bids received from SBPP-participating small businesses must be evaluated, and if one meets the department’s best value criteria, the contract must be awarded to that vendor.
* For more information, refer to [Best Value Evaluation of Responses to Small Procurements: A Guide for Strategic Sourcing Teams](https://www.mass.gov/doc/best-value-evaluation-of-responses-to-small-procurements-a-guide-for-strategic-sourcing-teams/download).
* Vendor SBPP Certification status can be found on the [vendor list](#_Appendix_A:_Vendor) table in the **SDO Certification Type** column.

## Emergency Services

Vendors on this contract may be required to provide products or services in cases of statewide emergencies. The [801 CMR 21.05(3)](https://www.mass.gov/doc/801-cmr-21-procurement-of-commodities-or-services-including-human-and-social-services/download?_ga=2.5187184.276064254.1754065769-411155804.1736349941&_gl=1*sw9tsp*_ga*NDExMTU1ODA0LjE3MzYzNDk5NDE.*_ga_MCLPEGW7WM*czE3NTQwNzY0MjMkbzMyMyRnMSR0MTc1NDA3NjQ1NSRqMjgkbDAkaDA.) defines emergency for procurement purposes. Visit the [Emergency Response Supplies, Services and Equipment Contact Information for Statewide Contracts](https://www.mass.gov/doc/emergency-response-supplies-services-and-equipment-contact-information) list for emergency services related to this contract.

## Vendor Performance

Key points concerning vendor performance are outlined below:

* Provide actionable feedback on vendors for this contract to optimize performance through the [Procurated Platform](https://go.procurated.com/ma-statewide/). On the Procurated website, select an OSD contract, choose **Select**, and then choose **Provide a Review** for the applicable vendor listed.
* Buyers are encouraged to reach out to the Category Manager ([Michael Barry](mailto:michael.barry3@mass.gov)or[Kelly Minichello](mailto:kelly.minichello@mass.gov)) if vendors are not meeting their contractual obligations and buyers may be surveyed for vendor performance feedback.
* Vendors will be evaluated on their current performance and may be asked to work with the Commonwealth toward improvement.
  + If vendor performance is unacceptable but may be corrected, the vendor will be given the opportunity to develop and implement a Corrective Action Plan (CAP), working collaboratively with OSD and the relevant purchasing entities.
  + If vendor performance is inadequate or breaches the RFR terms, including attachments and agreements, the OSD Category Manager may issue a warning, implement a CAP, or suspend/terminate the contract.
* Vendors must meet all contractual requirements throughout the life of the contract, including requirements for timely and accurate report submission, to remain in good standing under the contract.

## General Procurement Guidelines and Best Practices

For general procurement guidelines and best practices, follow these recommendations:

* Buyers should inform vendors to reference Statewide Contract **ENE50** on all quotes and invoices.
* No prepayment should be made for products not yet delivered or services not yet rendered.
* No sales tax should be applied to invoices.
* No fees or surcharges (including travel, fuel, delivery) should be applied to invoices.
* Special order fees must be agreed upon by both parties upfront.
* Payments for products or services provided must be paid within 45 days per Massachusetts Bill Payment Policy, or sooner if applying Prompt Payment Discount.
* Buyers are not required to sign additional agreements with vendors that conflict with the Request for Response (RFR) Terms and Conditions. Contact the Category Manager ([Michael Barry](mailto:michael.barry3@mass.gov)or[Kelly Minichello](mailto:kelly.minichello@mass.gov)) for guidance.
* Vendors must notify buyers of product substitutions.

## Environmentally Preferable Products and Services (EPPs)

Massachusetts has built a layered clean energy framework where the [Clean Energy Standard](https://www.mass.gov/guides/clean-energy-standard-310-cmr-775) (CES), [Renewable Portfolio Standard](https://www.mass.gov/renewable-energy-portfolio-standard) (RPS), and [Alternative Energy Portfolio Standard](https://www.mass.gov/alternative-energy-portfolio-standard) (APS) work in tandem to drive the state’s transition to low-carbon energy. The CES sets a minimum percentage of electricity sales that utilities and competitive retail suppliers must procure from clean energy sources. This amount increases 2% annually to 80% in 2050. [Renewable Energy Portfolio (RPS) and Alternative Energy Standards (AES)](https://www.mass.gov/info-details/program-summaries) were some of the first programs in the nation to require a certain percentage of the state's electricity to come from renewable and alternative energy sources. Direct Energy must demonstrate annually that all suppliers have procured the required clean energy from any of the following sources:

* Renewable Energy Certificates (RECs)
* Alternative Energy Certificates (AECs)
* Waste Energy Certificates (WECs)
* Solar Renewable Energy Certificates (SRECs)
* Solar Renewable Energy Certificate IIs (SREC IIs) to meet the Minimum Standard for that class

**Learn More:** Explore the [Environmentally Preferable Products (EPP) Procurement Program](https://www.mass.gov/environmentally-preferable-products-epp-procurement-program) and discover detailed guidance in the [EPP Products and Services Guide](https://www.mass.gov/handbook/environmentally-preferable-products-and-services-guide).

## Memorandum of Understanding (MOU)

To add an account to the contract, Buyer’s will provide the Commonwealth with a list of accounts to be added, a recent utility invoice for each account, a signed letter of authorization, and a signed MOU. The Commonwealth will give these documents to Direct Energy to get a price for adding the account.

## Instructions for MMARS Users

When placing orders with a contractor, Massachusetts Management Accounting Reporting System (MMARS) users **must** reference the contract ID number **ENE55** in the applicable field in MMARS. Please address all inquiries regarding MMARS technical support and job aids by emailing the [Comptroller Help Desk](mailto:Comptroller.Info@mass.gov) or by calling 617-973-2468.

## Vendor List and Information

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Vendor[[1]](#footnote-2)** | Master Blanket Purchase Order Number | **Contact Person** | **Phone Number** | **Email** | **Categories** | **Counties** | **Supplier Diversity Office (SDO)**  **Certification Type** | **Supplier Diversity Program (SDP)**  **Commitment Percentage** |
| Master Contract Record (All contract  documents)[[2]](#footnote-3) | [PO-25-1080-OSD03-OSD03-33414](https://www.commbuys.com/bso/external/purchaseorder/poSummary.sdo?docId=PO-25-1080-OSD03-OSD03-33414&releaseNbr=0&external=true&parentUrl=close) | [Michael Barry](mailto:michael.barry3@mass.gov)  [Kelly Minichello](mailto:kelly.minichello@mass.gov) | 617-720-3182  351-667-9536 | [michael.barry3@mass.gov](mailto:michael.barry3@mass.gov)  [kelly.minichello@mass.gov](mailto:kelly.minichello@mass.gov) | N/A | N/A | N/A | N/A |
| Direct Energy Business, LLC (NRG) | [PO-25-1080-OSD03-OSD03-33547](https://www.commbuys.com/bso/external/purchaseorder/poSummary.sdo?docId=PO-25-1080-OSD03-OSD03-33547&releaseNbr=0&external=true&parentUrl=close) | James Razzaboni | 203-444-6314 | [james.razzaboni@nrg.com](mailto:james.razzaboni@nrg.com) | Category 1: Firm Fixed Price Category 2: Capacity Pass-  Through | All | N/A | 1% |

## United Nations Standard Products and Services Code® (UNSPSC®)

UNSPSC® for **ENE55**: **83–10–18–00**

1. Note that COMMBUYS is the official system of record for vendor contact information. [↑](#footnote-ref-2)
2. The Master Contract Record Master Blanket Purchase Order (MBPO) is the central repository for all common contract files. The price files may be found in the individual vendor’s MBPO. [↑](#footnote-ref-3)