

# Contract User GuideENE50: Natural Gas Statewide Contract

## Contract Overview

|  |  |
| --- | --- |
| Category Manager Contact Information | Michael Barry617-720-3182Kelly Minichello 351-667-9536  |
| Contract Term | * **Current Contract Term:** November 01, 2023–October 31, 2025
* **Maximum End Date:** October 31, 2025
 |
| Massachusetts Management Accounting and Reporting System (MMARS) Master Agreement (MA) Number | ENE50\***Note:** \*The asterisk is required when referencing the contract 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 the [Vendor List and Information](#_Vendor_List_and) for eligible vendors on this contract. |
| Updates | Contract renewal term update. |

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## Contract Summary

**ENE50–Natural Gas Statewide Contract:** This Statewide Contract (SWC) enables the Executive Branch and other eligible entities to purchase retail natural gas supply from [Direct Energy](https://www.google.com/search?sca_esv=2dbc18be17d9f5b4&rlz=1C1GCEA_enUS1144US1144&cs=0&q=Direct+Energy&sa=X&ved=2ahUKEwjNwvDNvqqMAxWEEFkFHcAML1EQxccNegQIAhAB&mstk=AUtExfAlGNYJHsMpXK3q3q5N9v2g4qMND05IVmWNcMNoTypxcsbi8btxSZh0QN-_klR0hRuABEtRcPAU7zWAkjIEL-NOlJdHRHe9Bo_S00u26MGD_WSRNheAGH1UyCkMrf5e2Xo&csui=3), based on their participation in the procurement.

This contract serves approximately 360 accounts from various state agencies. These accounts use approximately 2.6 million dekatherms (Dths). The SWC is available for use by other [Eligible Entities](#_Who_Can_Use).

The accounts serviced through this contract are in the following utility service territories:

* Berkshire Gas Company
* Bay State Gas Company (DBA Columbia Gas)
* Eversource (formerly NSTAR)
* Liberty Utilities
* National Grid (comprises Boston Gas Company and Colonial Gas Company)

**Note:** This contract may 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 Master Contract Record, view the [Master Blanket Purchase Order (MBPO) with RFR](https://www.commbuys.com/bso/external/purchaseorder/poSummary.sdo?docId=PO-20-1080-OSD03-SRC01-17574&releaseNbr=0&external=true&parentUrl=close).

### Benefits and Cost Savings

Statewide contracts 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 a qualified and experienced vendor (Direct Energy) and consultant (EnerNOC)
* Offering Prompt Pay Discount

## Who May Use the Contract

The following is a complete list of the types of organizations generally allowed to use the 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

**Note:** Eligible Entities are required to execute a [Memorandum of Understanding (MOU)](#_Memorandum_of_Understanding) prior to the use of this contract.

## Pricing Options

For **ENE50**, please follow these specifications:

* This is a fixed pricing contract, meaning pricing is fixed but further negotiations can be made.
* For pre-award participants, effective November 1, 2023, the fixed rate price will be $9.776 cents per Dth for meter reads from November 2023 to October 2025.

**Note:** Access toproduct pricing may be found on the [vendor information](#_Vendor_List_and) page, where links to all the vendors’ MBPOs are provided.

## Quote Response and Requirements

Eligible Entities wishing to participate after a contract award must:

1. Contact the Category Manager (Michael BarryorKelly Minichello).
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.

## Purchase Options

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

**Executive Departments:** All Executive Departments must use statewide contracts for their purchases if the goods and services they seek are available on a statewide contract. Executive agencies must use COMMBUYS for all related statewide contract purchasing activity. For more details, view 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.).

**Eligible Entities:** All other Non-Executive Eligible Entities are encouraged to use COMMBUYS for all statewide contracts purchasing activity, however the use of COMMBUYS is **not** required.

This contract has the following purchasing options for post-award participants:

* Quote Solicitation: Refer to the [Quote Response and Requirements](#_Quote_Response_and) for 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, refer to 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*.*

**Note:** MMARS and COMMBUYS do not interface. Payment request and invoice must be reported in both MMARS and COMMBUYS.

## 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 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 documents (including Contract User Guides, Request for Response, specifications, and other attachments) 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 **ENE50** 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.

All standard contract documents are within the Master Contract Record. Access them directly by selecting [Master Blanket Purchase Order PO-20-1080-OSD03-SRC01-17574](https://www.commbuys.com/bso/external/purchaseorder/poSummary.sdo?docId=PO-20-1080-OSD03-SRC01-17574&releaseNbr=0&external=true&parentUrl=close).

## Finding Vendor-Specific Documents

If applicable, to find vendor-specific documents, view the links to the individual vendor MBPOs on the [Vendor Information](#_Vendor_List_and) page, and follow these steps:

1. On the [Vendor Information](#_Vendor_List_and) 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. If applicable, 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 BarryorKelly Minichello) 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 BarryorKelly Minichello) for guidance.
* Vendors must notify buyers of product substitutions.

## Memorandum of Understanding (MOU)

Eligible Entities are required to execute a Memorandum of Understanding (MOU) with the awarded vendor, which will bind them to the contract pricing and terms established by the Operational Services Division.

## Instructions for Massachusetts Management Accounting and Reporting System (MMARS) Users

When placing orders with a contractor, MMARS users **must** include a reference to the Statewide Contract ID number **ENE50\*** in the Agreement ID field in MMARS for encumbrances related to purchases from Statewide Contracts. Please address all inquiries regarding MMARS technical support and job aids by emailing the Comptroller Help Desk or by calling 617-973-2468.

## Awarded Vendor Contact Information

**Direct Energy Business Partners:**

Gina Menniti

Client Service Analyst

Direct Energy Business

412-667-5285

James Razzaboni

Senior Account Executive
Northern New England

203-444-6314

Amanda Wolfe

Senior Account Executive

Direct Energy Business

412-335-5260

## Vendor List and Information

Vendor: Direct Energy

Master Blanket Purchase Order Number: [PO–20–1080–OSD03–SRC01–17574](https://www.commbuys.com/bso/external/purchaseorder/poSummary.sdo?docId=PO-20-1080-OSD03-SRC01-17574&releaseNbr=0&external=true&parentUrl=close)

**Supplier Diversity Program (SDP) Commitment Percentage:** 0.064

**Note:** COMMBUYS is the official system of record for vendor contact information.

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

UNSPSC® for ENE50: **83–10–16–01**