

**ENE51 Contract User Guide**

# ENE51: Designated DCAMM Statewide Contract for Demand Response Services

Table 1: Facts-at-a-Glance

|  |  |
| --- | --- |
| Category Manager Contact Information | Dave Lewis  617-413-1917  [Dave.Lewis@mass.gov](mailto:Dave.Lewis@mass.gov) |
| Contract Term | * **Current Contract Term:** October 1, 2020–September 30, 2025 * **Maximum End Date:** September 30, 2027 * [**Extend Beyond Date:**](#_Extend_Beyond_(Performance)09/30/2028. No new agreements except for performance and payment purposes only beyond this date. |
| MMARS MA# | ENE51\*  **Note:** \*The asterisk is required when referencing the contract in the Massachusetts Management Accounting Reporting System (MMARS). |
| Quote Requirements | Quotes are not required for purchasing. |
| Vendor List | Refer to the [Vendor List and Information](#_Appendix_A:_Vendor) for eligible vendors on this contract. |
| Updates | Contact information and pricing have been updated. |

Note: Contract User Guides are updated regularly. Print copies should be compared against the current version posted on mass.gov/osd.

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**One Ashburton Place, Room 1608 Boston, MA, 02108-1552**

Tel: (617) 720-3300 | [www.mass.gov/osd](http://www.mass.gov/osd) | TDD: (617) 727-2716 | Fax: (617) 727-4527

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## Contract Summary

**ENE51–Designated DCAMM Statewide Contract for Demand Response Services:** This is a Statewide Contract (SWC) for Demand Response (DR). This contract is streamlined to provide approved participants with a clear and accessible method to earn income for their involvement in DR programs. This is a program where facilities temporarily reduce or shift their electricity consumption during periods of high demand on the electrical grid (for example, hot summer days) through methods like load curtailment (temporarily turning off non-essential equipment) or switching to on-site emergency generators.

By participating in DR programs, facilities can help the electrical grid manage peak demand, and in return, receive financial compensation for their participation.

This contract facilitates access to financial incentives for Eligible Entities through the engagement of a vendor who will:

* Enroll and manage the participation of Eligible Entity facilities (accordingly “Customer Assets”) in the [ISO New England](https://www.iso-ne.com/) (ISO-NE) DR Program, utility load curtailment programs, and Clean Peak programs, as applicable.
* Provide support services for current and future assets enrolled by the Commonwealth in the Forward Capacity Market (FCM).
* Upgrade, retrofit, or replace existing emergency generators in various locations throughout the Commonwealth.

**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, refer to the [Master Blanket Purchase Order (MBPO) with RFR](https://www.commbuys.com/bso/external/purchaseorder/poSummary.sdo?docId=PO-21-1080-OSD03-SRC01-20264&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.
* Offering contracting expertise.
* Providing vendor management and oversight.
* Having availability of environmentally preferable products.

In addition to the above, this contract also offers the following benefits:

* **Revenue generating contract:** This contract is designed to make it easy for eligible entities to earn revenue by participating in Demand Response (DR) programs.
* **No upfront cost:** Participation in the program is free for eligible entities; there are no upfront costs for feasibility assessments or enrollment. The vendor is responsible for those costs.
* **Reduction in calculated electricity rates:** Some utilities calculate the rates they charge customers based on their energy demand during peak hours. Participating in DR programs during peak hours reduces facilities' peak energy demand, ultimately lowering electricity rates throughout the year.

## Who May 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

\*Division of Capital Asset Management and Maintenance-controlled (DCAMM-controlled) for this contract.

This contract categorizes all Eligible Entities into two groups based on their relationship with [DCAMM](https://www.mass.gov/orgs/division-of-capital-asset-management-and-maintenance), as mentioned in the following sections.

### DCAMM-Controlled

DCAMM-Controlled includes Executive, Legislative and Judicial Branches, including all Departments and elected offices internally, and public hospitals owned by the Commonwealth. For all those Eligible Entities, DCAMM will serve as the point of contact for establishing initial communication, Customer Asset enrollment, and all payments. DCAMM authorization is required for the vendor to enroll Customer Assets belonging to a DCAMM-Controlled Eligible Entity.

To use this contract, DCAMM-Controlled Eligible Entities must indicate in writing they wish to join the Demand Response (DR) Program, committing to full participation and performance throughout their enrollment. The Agreement outlines certain responsibilities including but not limited to:

* Operation of generators and permitting requirement
* General maintenance expectations
* Access to utility billing information
* Maintaining up-to-date contact information for purposes of response notification.
* The DCAMM contact is:

**Dave Lewis**

Energy Efficiency and Sustainable Buildings Group

Division of Capital Asset Management

1 Ashburton Place, 16th Floor

Boston, MA. 02108

Phone: 617-413-1917 (Direct)

[Dave.Lewis@state.ma.us](mailto:Dave.Lewis@state.ma.us)

### Non-DCAMM Controlled

Non-DCAMM ControlledThis includes all other Eligible Entities listed (for example, cities, towns, public schools, etc.). Non-DCAMM Controlled Eligible Entities do not need to sign any agreement with DCAMM. They can engage the vendor directly and must establish direct payment arrangements.

The non-DCAMM contact is:

**Paul M. Lopes**

Program Manager-Save Energy Now

Massachusetts Department of Energy Resources

100 Cambridge Street

Suite 1020

Boston, MA 02114

Phone: 617.626.7329

Cell: 508.717.1748

<http://www.mass.gov/doer/>

## Pricing Options

**Note:** The price files and vendor catalogs are accessible through public view in COMMBUYS; therefore, buyers may access the price files and vendor catalogs without signing into a COMMBUYS account.

For ENE51, please refer to the following specifications:

* For the renewal period, all price change requests must be submitted before the contract renewal. Please refer to section 4.4.3 of the ENE51 RFR for additional price adjustment details. To access the RFF, refer to [Finding Contract Documents (Including CUG, RFR, Specifications, and Other Attachments)](#_Finding_Contract_Documents_1) for instructions.
* During their enrollment, Eligible Entities will receive quarterly payments equivalent to a percentage of the total payments made by ISO New England (ISO-NE) for the enrolled Customer Assets under this contract.
* The vendor's price sheet specifies the percentage share of ISO-NE payments that the current Division of Capital Asset Management and Maintenance (DCAMM) assets receive.
* All Demand Response (DR) payments for DCAMM-Controlled Eligible Entities must be directed to DCAMM for deposit into the Commonwealth's designated account.
* Payments to non-DCAMM eligible entities must be made directly to each eligible entity, adhering to their specific payment instructions.
* The vendor shall be liable for all penalties imposed by ISO-NE.
* Eligible Entity payments will not be reduced due to an unforeseen penalty from the ISO-NE to the vendor.
* It is agreed that any payments for metering and monitoring will come from the savings generated by this contract, and that DCAMM (or the individual non-DCAMM controlled eligible entity) and the vendor will negotiate these costs on a case-by-case basis.
* In the event a Customer Asset cannot participate in the DR Program due to circumstances beyond the vendor's influence, the vendor may request the Eligible Entity to withdraw the asset from the program.
* The vendor is responsible for providing the lowest-cost alternative and covering all associated costs, thereby ensuring no payments are required from the Eligible Entity. In such situations, the Eligible Entity may negotiate a revised ISO-NE payment percentage share for this and other Customer Assets.
* The vendor is also engaged by DCAMM for Forward Capacity Market (FCM) services on a fee-for-service basis (FFS), which is a payment model where providers are reimbursed for each service they deliver, regardless of the outcome. Since this is currently a service used solely by DCAMM, please refer to the RFR Document and the vendor’s price sheet for information.

## Purchase Options

This contract is not associated with any spending on the part of the Eligible Entity. The vendor's fee structure is based on a percentage of the ISO New England (ISO-NE) payments earned by the Eligible Entity through its participation in the Demand Response (DR) program.

Please refer to the following purchasing guidelines:

* **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, refer to 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.

## Process for Engaging the Contractor

Please refer to the following process to engage a contractor:

1. DCAMM or the individual Non-DCAMM Controlled Eligible Entity request that the contractor examine the feasibility of adding specific Customer Assets to the Demand Response (DR) Program.
2. When the contractor and the Eligible Entity determine that it is feasible to enroll the Customer Asset, the parties will agree to a compensation using the best available information at the time of the agreement.
3. The contractor must successfully enroll the Customer Asset in ISO New England’s (ISO-NE’s) DR Program within 60 days of such agreement, unless otherwise agreed with the Eligible Entity.
4. DCAMM and other Eligible Entities reserve the right to decline any offer or seek additional DR service providers if doing so is in the best interest of the Commonwealth.
5. When using COMMBUYS for Forward Capacity Market (FCM) services where the Eligible Entity remits payment, process the engagement as a Release Requisition/Purchase Order (PO) using the catalog item details. The catalog item for the purchase can be located by: PO# PO-16-1019-DCP08-ENR01-00000006357, Vendor ID: 00010437, or description search: “Forward Capacity Market Services.”

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

For extend beyond, the following stipulations are in place:

* Buyers **may not** enter into a written agreement that will go more than twelve (12) months 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.

## 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 contact the COMMBUYS Help Desk at: (888)-627-8283 or [OSDhelpdesk@mass.gov](mailto:OSDhelpdesk@mass.gov).

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 (Including CUG, RFR, Specifications, and Other Attachments)

Buyers may view contract 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 **ENE51** 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, refer to 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 this link: [Master Blanket Purchase Order PO-21-1080-OSD03-SRC01-20264](https://www.commbuys.com/bso/external/purchaseorder/poSummary.sdo?docId=PO-21-1080-OSD03-SRC01-20264&releaseNbr=0&external=true&parentUrl=close).

## Finding Vendor-Specific Documents

**Note:** CPower is the sole vendor in this contract.

To find vendor-specific documents, on the [Vendor Information](#_Appendix_A:_Vendor) page, under the **Master Blanket Purchase Order #** Column, view the applicable Purchase Order (PO) link. The Master Blanket Purchase Order (MBPO) opens for the selected PO.

## 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) applies to small procurements ($250,000 or below annually), while the Supplier Diversity Program (SDP) 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 **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.

## Additional Discounts

This contract offers Prompt Pay Discount (PPD), which is a discount given to the buyer if the invoice is paid within a specified time, in accordance with the [Commonwealth’s Bill Paying Policy](https://www.macomptroller.org/policies/).

Vendor discounts are detailed in the [vendor list](#_Vendor_List_and) table and the price files within each vendor's Master Blanket Purchase Order [MBPO] or Master Contract Record MBPO.

ENE51 provides a PPD of 2% within 10 days for Forward Capacity Market Services to DCAMM. Since this is currently a service utilized solely by DCAMM, please refer to the RFR Document for details.

## 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 ([Dave.Lewis@mass.gov](mailto:Dave.Lewis@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 **ENE51** 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 ([Dave.Lewis@mass.gov](mailto:Dave.Lewis@mass.gov)) for guidance.
* Vendors must notify buyers of product substitutions.

## Environmentally Preferable Products and Services (EPPS)

This contract provides enrollment and management services for facilities to maximize participation and earnings in the ISO New England (ISO-NE) [Demand Response Program](https://www.mass.gov/info-details/demand-response-load-management), by using back-up emergency generators and/or load curtailment. Additionally, the vendor provides support services for existing and future assets participating in the Commonwealth's [Forward Capacity Market](https://www.mass.gov/info-details/forward-capacity-market-and-net-metering).

**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).

## Instructions for MMARS Users

When placing orders with a contractor, Massachusetts Management Accounting and Reporting System (MMARS) users **must** include a reference to the Statewide Contract ID number **ENE51\*** 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 to the Comptroller Help Desk at 617-973-2468 or [Comptroller.Info@mass.gov](mailto:Comptroller.Info@mass.gov).

## Vendor List and Information

Table 2: Vendor List

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Vendor\*** | **Master Blanket Purchase Order #** | **Contact Person** | **Phone #** | **Email** | **Discounts (PPD,**  **Dock Delivery, Other)** | **SDP**  **Commitment Percentage** |
| CPower | [PO-21-1080-OSD03-SRC01-20225](https://www.commbuys.com/bso/external/purchaseorder/poSummary.sdo?docId=PO-21-1080-OSD03-SRC01-20225&releaseNbr=0&parentUrl=contract) | Keith Black | 860-371-5518 | [keith.black@cpowerenergymanage](mailto:keith.black@cpowerenergymanagement.com) [ment.com](mailto:keith.black@cpowerenergymanagement.com) | 2% - 10 days | 1.25% |

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

## UNSPSC®

The United Nations Standard Products and Services Code® (UNSPSC®) for ENE51: **83–10–19–02–0000** Energy use reduction measures