

# Contract User Guide for FAC109

## FAC109: Renewable & Alternative Energy Portfolio Standards

UPDATED: 3/30/2020

<b>Contract #:</b>	FAC109DesignatedDCAMM
<b>MMARS MA #:</b>	FAC109*
<b>Initial Contract Term:</b>	April 1, 2018 – March 30, 2020
<b>Maximum End Date:</b>	March 30, 2024
<b>Current Contract Term:</b>	April 1, 2018 – March 30, 2022
<b>Contract Manager:</b>	Dave Lewis, 617-727-4050 x 31472, <a href="mailto:dave.lewis@state.ma.us">dave.lewis@state.ma.us</a>
<b>This Contract Contains:</b>	SDO Contractors and Environmentally Preferred Products (EPP)
<b>UNSPSC Codes:</b>	83-10-19 (Energy Conservation); 83-10-19-00-00-90 (EPP – Energy Conservation)

\*The asterisk is required when referencing the contract in the Massachusetts Management Accounting Reporting System (MMARS).

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## Contract Summary

Under the Massachusetts Renewable Portfolio Standard (RPS) and Alternative Portfolio Standard (APS) regulations, all retail electricity suppliers must provide a minimum percentage of kilowatt-hours (kWh) sales to end-use customers in Massachusetts from eligible renewable and alternative energy generating sources. As a result, there is a market for energy generated by such sources and Eligible Entities may be able to receive revenue for generating it. Renewable Energy Certificates (RECs) and Alternative Energy Certificates (AECs) are tools used to trade such energy.

Under this contract, the Contractor must provide all equipment, devices, data collection, testing and any additional products and/or services necessary to qualify Customer Assets for RPS and/or APS. Furthermore, the contractor will compile and submit all necessary documentation required to create and certify all environmental certificates as being marketable and maintain all ongoing certifications as required.

In cases where an Eligible Entity requires services above and beyond those described above, Contractors will be allowed to provide additional/consulting services on a fee-for-service basis related to the markets, assets and types of ECs traded.

This contract is relevant for Eligible Entities that own onsite sources of renewable or alternative energy, or would like to purchase REC's.

## Contract Categories

This contract includes 4 categories\* as listed below:

- Category 1: Alternative Portfolio Standard (APS)
- Category 2: RPS/Class 1/Class 2 and maintenance of SREC I and II resources
- Category 3: Repair and other services- Optional
- Category 4: Support services in administration of the development of the Solar Massachusetts Renewable Target (SMART Program) or other alternatives- Optional

\*See Appendix for details regarding each category.

## Benefits and Cost Savings

### Revenue Generating Contract

This contract is designed to bring Eligible Entities revenue for generating renewable and alternative energy.

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## No Upfront Cost

Eligible Entities do not incur any upfront cost for assessing the feasibility of their participation in the program or for qualifying their energy generating sources for RPS and APS. The Contractor is responsible for those costs.

## Find Bid/Contract Documents

- To find all contract-specific documents, including the Contract User Guide, RFR, specifications, price sheets and other attachments, visit [COMMBUYS.com](http://COMMBUYS.com) and search for FAC109.
- To link directly to the MBPOs for FAC109 visit:
  - [Master Blanket Purchase Order PO-18-1019-DCP08-ENR01-13066](#)

## Who Can Use This Contract

### Applicable Procurement Law

Executive Branch Goods and Services: MGL c. 7, § 22; c. 30, § 51, § 52; 801 CMR 21.00\*

\* See also: 225 CMR 14.00 and 15.00 and 225 CMR 16.00, which apply to the production and administration of RPS and APS, respectively.

### Eligible Entities

Please see the standard list of Eligible Entities on our [Who Can Use Statewide Contracts](#) webpage.

## Subcontractors

The awarded vendor's use of subcontractors is subject to the provisions of the Commonwealth's Terms and Conditions and Standard Contract Form, as well as other applicable terms of this Statewide Contract.

## Construction Requirements

Purchasers must ensure that **any** services involving construction are limited to \$50,000 or less.

Purchasing entities are responsible for compliance with applicable construction law requirements. Information concerning specific M.G.L. c. 149 and c. 30 construction requirements may be found in the Office of the Inspector General's Public Procurement Charts at:

[https://www.mass.gov/files/documents/2019/01/22/Procurement-Charts-](https://www.mass.gov/files/documents/2019/01/22/Procurement-Charts-2018.pdf?_ga=2.124883074.983852563.1583159587-1602106512.1563824646)

[2018.pdf?\\_ga=2.124883074.983852563.1583159587-1602106512.1563824646](https://www.mass.gov/files/documents/2019/01/22/Procurement-Charts-2018.pdf?_ga=2.124883074.983852563.1583159587-1602106512.1563824646). It is the responsibility of the Eligible Entity to determine whether installation work includes construction as defined by M.G.L. c.149 or M.G.L. c.30,

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§39M. Chapter 30B Procurement Assistance from the Office of the Inspector General is available at [mass.gov/ig/procurement-assistance](http://mass.gov/ig/procurement-assistance). Access the 30B Hotline at 617-722-8838 or email them at: [30BHotline@massmail.state.ma.us](mailto:30BHotline@massmail.state.ma.us).

See [Quotes Including Construction Services Requirements](#) below for information on quoting these types of projects.

## Pricing, Quote and Purchase Options

### Pricing Options

Categories 1, 2, & 4 - this contract is not associated with any expenditure on the part of the Eligible Entity. The Contractor is paid, to buyers, by taking a percentage of the sale of Renewable Energy Certificates (RECs) and Alternative Energy Certificates (AECs) for energy generated at your facility.

Category 3, the acquisition method for this contract is outright purchase.

### Eligible Entity Classification for This Contract

For the purpose of this contract, all Eligible Entities are divided into two groups with contract activity coordinated by different Commonwealth agencies:

Group	Who is Included	Point of Contact
<b>DCAMM Coordinated</b>	Executive, Legislative and Judicial Branches, including all Departments and elected offices therein, public hospitals owned by the Commonwealth and entities under the Executive office of Higher Education	Dave Lewis Energy Efficiency and Sustainable Buildings Group Division of Capital Asset Management 1 Ashburton Place, 16th Floor Boston, MA. 02108 Phone: 857-204-1472 <a href="mailto:dave.lewis@State.MA.US">dave.lewis@State.MA.US</a>
<b>Mass Department of Energy Resources Coordinated</b>	Includes independent public authorities, commissions and quasi-public agencies, public institutions of higher education, municipal government entities and all other entities outside of the DCAMM Coordinated group	Joanne Bissetta Deputy Director Green Communities Division of Energy Resources 100 Cambridge St. Boston, MA. 02114 617-626-7832 <a href="mailto:Joanne.bissetta@state.ma.us">Joanne.bissetta@state.ma.us</a> Phone: 508-792-7650 x2771

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## Process for Engaging the Contractor

Contract users are instructed to contact the contract manager for the contract (see the table above) for guidance on engaging the contractor. In addition, Eligible Entities will be required to:

- Provide access to all necessary areas of its facilities and all available utility information as needed by the Contractor, and,
- Assist Mass DEP, DCAMM and the Contractor in a one-time preparation and submittal of information required by DOER for a proper RPS/APS Statement of Qualifications Application (SQA). Information will include but not be limited to: appropriate electrical drawings, equipment specifications, metering specifications (including DAS provider information), utility interconnection authorization and other information as required. The Municipal or Governmental Entity may utilize the Contractor for the SQA application with the understanding that an additional fee will be charged by the Contractor for the service.
- Provide to the Contractor contact lists with names and contact numbers for key employees, and keep the lists current.
- Provide to the contract administrators at least one contact for resolution of operating issues (such as data acquisition issues) and monetary transactions (such as payment confirmation or setting up EFT).
- For organizations using COMMBUYS:

Categories 1&2: No action in COMMBUYS is required in the system for sales transactions with Next Grid Markets, LLC

Category 3: Create a new Release Requisition and, once approved, PO to be sent to the contractor. The catalog item for the purchase can be located by: [Master Blanket Purchase Order PO-18-1019-DCP08-ENR01-13066](#); Vendor ID: 00028772, or description search: "Purchase of Green-E and other Renewable Energy Certificates (RECs)."

## Setting up a COMMBUYS Account

COMMBUYS is the Commonwealth's electronic Market Center supporting online commerce between government purchasers and vendors. If you do not have one already, contact the COMMBUYS Help Desk to set up a COMMBUYS buyer account for your organization: (888)-627-8283 or [COMMBUYS@state.ma.us](mailto:COMMBUYS@state.ma.us).

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Per **801 CMR 21.00**, Executive Branch Departments must use established statewide contracts for the purchase of commodities and services. Specifically, Executive Departments are required to use OSD’s statewide contracts, including designated statewide contracts, if available, for their specific commodity and service needs. Exceptions will only be permitted with prior written approval from the Assistant Secretary for Operational Services, or designee. )

### Contract Pricing

**In Categories 1 & 2:** For the duration of their enrollment, Eligible Entities will be paid quarterly a percentage of certificate sales made by the Contractor on behalf of the Eligible Entity’s energy generating assets. The Contractor’s fee is also a percentage of certificate sales.

Certificate type	Contractor	Fee if Contractor provides DOER SQA Approval services	Fee if site is already qualified
Category 1: Alternative Energy Certificates (AECs)	Next Grid Markets, LLC	7% (note 1)	7%
Category 2, Part I: Class 1 and Class 2 (excluding waste to energy and solar carve-out)		3% (note 1)	3%
Category 2, Part 2: SREC solar carve-out		1.5% (note 1)	1.5%
Category 2, Green-e REC Purchase		7% markup on Green-e REC cost	NA
Category 3- Repair Services		NA see note 2	NA
Category 4- SMART program services		NA see note 3	NA

Note 1: Large systems over 200 kW CHP, and renewable thermal classified intermediate/large: \$7,500. Small systems (less than 200 kW CHP, small thermal) \$3,000. Fee will be deducted from generated credits.

Note 2: See rate schedule as part of Next Grid proposal for Category 3. Costs for services under this Category shall be based on a proposal and scope of services and based on the contractual rates.

Note 3: See rate schedule as part of Next Grid proposal for Category 4. Costs for services under this Category shall be based on a proposal and scope of services and based on the contractual rates.

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Payments for DCAMM Coordinated assets will be directed to DCAMM for disbursement to individual facilities. Mass DOER will arrange for participating non-DCAMM entities to receive their payments directly from the Contractor either electronically or through paper checks.

**Please note: If the Eligible Entity fails to provide metering data to the third-party meter-reading firm or does not obtain an Interconnection Approval from the local electric utility, it will not qualify for credit sales, and will receive no payments.**

Sites may require non-routine work to become eligible to apply as an approved generator of Energy Certificates. Under this contract, non-routine work costs are not included in the above fee structure, but may be included under this contract as a separate charge based on the contracted hourly rate(s) and materials. These non-routine costs can be paid through program revenue if approved by one contract administrator and the Eligible Entity.

This type of contract allows buyers to document a contract purchase in COMMBUYS that already has taken place through a Request for Payment Authorization (RPA) Release Requisition. It also allows MMARS users to easily keep track of spend. NOTE: MMARS and COMMBUYS do not interface –payment request and invoice should be reported in both MMARS and COMMBUYS separately.

For a description of how to complete this purchase in COMMBUYS, visit the [Job Aids for Buyers](#) webpage, and select:

The COMMBUYS Requisitions section, and choose the *How to Create an RPA Release Requisition* job aid.

### Obtaining Quotes

For a full description of how to complete a quote in COMMBUYS visit the [Job Aids for Buyers](#) webpage, and select:

The *COMMBUYS Purchase Orders* section, and choose the *How to Create a Solicitation Enabled Bid Using a Release Requisition* job aid.

### Additional Services

#### Instructions for MMARS Users

MMARS users must reference the MA number in the proper field in MMARS when placing orders with any contractor.

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## Additional Information

### Additional Consulting Services Related to this Contract

The Contractor may also be engaged on projects related to repair and other services but not associated with the sale of renewable and alternative energy certificates. In such cases, the Contractor shall submit a proposal with scope of work and may base proposal on the following rates:

Contractor	Next Grid Markets LLC
Employee level	Hourly rate
Executive	200
Manager	170
Sr Engineer	170
Engineer	135
Jr Engineer	115
Accounting	60
Clerical	65
% Markup on Equipment Provided	10*
Overhead %	10

### Geographical Service Area

See the [Vendor List and Information](#) for regions covered.

### Product Specifications, including Environmental Standards and Requirements

Products and services purchased by state agencies must be in compliance with Executive Order 515, which requires Executive Departments to reduce their impact on the environment and enhance public health by procuring environmentally preferable products and services (EPPs) when EPPs perform to satisfactory standards and represent best value. EPPs are considered to be products and services that help to conserve natural resources, reduce waste, protect public health and the environment, and promote the use of clean technologies, recycled materials, and less toxic products. Questions concerning the EO or the appropriate

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specifications may be directed to OSD's EPP Procurement Program, [www.mass.gov/epp](http://www.mass.gov/epp). The Order can be seen at <http://www.mass.gov/governor/docs/executive-orders/executive-order-515.pdf>.

### Warranties

All equipment sold and installed, by the contractor, under the Contract will be new, free from defects in materials and workmanship, conform to all applicable laws, shall be installed properly in a good and workmanlike manner, and shall function properly for its stated purpose for a period of one year from the date of acceptance for the particular installation.

### Discounts

**Prompt Pay Discounts:** A discount given to the buyer if paid within a certain time period. These discounts may be found in the [Vendor List and Information](#) section below. All discounts offered will be taken in cases where the payment issue date is within the specified number of days listed by vendor and in accordance with the Commonwealth's Bill Paying Policy. Payment days will be measured from the date goods are received and accepted / performance was completed OR the date an invoice is received by the Commonwealth, whichever is later to the date the payment is issued as an EFT (preferred method) or mailed by the State Treasurer. The date of payment "issue" is the date a payment is considered "paid" not the date a payment is "received" by a Contractor.

### Contract Term

The initial contract term is two years with two renewal options, each for two-years. The initial contract term ends March 20, 2020.

Energy credit sales under this contract shall be consistent with the production period (when the credits were generated) and the associated Contract period. In the instance where the trading period of RECS belonging to the previous production period overlaps with the new contract period (i.e. for calendar production quarter 1, the January –March 2018 trading period closes on July 10, 2018 ), the vendor who is associated with the previous production period credits shall control production and data for those assets in their NEPOOL account until such time as they are minted and sold.

Revenue shall be transferred to the eligible entity per the terms of the Agreement. The new vendor Contractor(s) under the new contract shall control data and production commencing with the initial calendar quarter associated with the new contract which commences on April 1, 2018. The same terms will apply to assignment of any new contract (and Assets) following this RFR.

Eligible Entities may opt-out of the contract at any time with written notice to the contract administrators and the vendor.

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## Performance and Payment after Contract Expiration

- All agreements for Energy Certificate services entered into by Eligible Entities whose performance and payment time frames extend beyond the duration of this Contract shall remain in effect for performance and payment purposes (limited to the time frame established per each agreement). All such agreements shall be subject to the terms and conditions of this Contract. No written agreement shall extend more than one calendar quarter beyond the final termination date of this Statewide Contract. No agreements for services under this Contract may be executed after the Contract has expired.

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## Strategic Sourcing Team Members

- Dave Lewis      DCAMM
- Joanne Bissetta      DOER

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## Vendor List and Information\*

Vendor	Master Blanket Purchase Order #	Contact Person	Phone #	Email	Categories	Counties	PPD Discounts
Next Grid Markets, LLC	PO-18-1019-DCP08-ENR01-13066	Heather Merhi/ Miles Walker	617-721-0972	Heather.merhi@nextgridmarkets.com	All	All	PPD-10 – 5% PPD-15 – 4% PPD20 – 3% PPD30 – 1%

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

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## Appendix A - Category Descriptions:

### Category 1

#### **Combined Heat and Power (CHP), Flywheel, Coal Gasification, Ground source and Solar thermal and Efficient Steam Tech and Other Alternative Portfolio Standard Renewable Energy Systems**

- As needed, qualify CHP and other applicable renewable energy systems for APS.
- As needed, provide equipment, devices, data collection and testing to meet APS eligibility requirements.
- Maintain registration requirements for CHP and other applicable systems as required by APS.
- Market and sell the AECs generated from CHP and other applicable systems.

### Category 2

#### **Wind, Solar Photovoltaic, Hydropower and Hydrokinetic Renewable Energy Systems**

- As needed, qualify solar, wind and hydro renewable energy systems for RPS.
- Maintain registration requirements for solar, wind and hydro systems as required by RPS.
- Market and sell the RECs and/or SRECs from solar, wind and hydro renewable energy systems.

### Category 3

#### **Repair and other services**

- Provide meter installation services including providing all equipment, devices, data collection, testing and any additional products/services necessary to qualify customers Assets for above categories 1 and 2.
- Troubleshoot metering issues and other equipment issues and make recommendations in order to meet production estimates.
- Provide repair of existing equipment (less than \$10,000 in labor costs).

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## Category 4

### **Provide Support Services for SMART program**

- This category is optional. A Bidder will not be penalized for non-response, however any input and optional services offered for this category will be viewed favorably in the overall comprehensiveness category. A Bidder may also wish to propose alternatives for this section. These alternatives may include related commodities or services that may be available to enhance performance during the period of the Contract. The Quote should describe how any alternative achieves substantially equivalent or better performance to that of the Bid specifications.