

Designated DCAMM Statewide Contract for Demand Response Services

UPDATED: 1/31/2019

| | |
|-------------------------------|---|
| Contract #: | FAC89 |
| MMARS MA #: | FAC89* |
| Initial Contract Term: | 04/10/15 – 05/31/18 |
| Maximum End Date: | Options to renew: one (1), one (1) year renewal to 2020 |
| Current Contract Term: | 1/15/2019 – 5/31/2020 |
| Contract Manager: | Dave Lewis, 857-204-1472, Dave.Lewis@mass.gov |
| UNSPSC Codes: | |

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

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Contract Summary

This is a Statewide Contract for Demand response (DR) is a temporary reduction or shift in a facility's electricity use by switching to on-site emergency generators, load curtailment (temporarily turning off non-essential equipment) or other means during the hours when the electrical grid experiences peak demand (e.g. hot summer days). By participating in demand response programs facilities help the electrical grid manage increased demand for power during critical times and, in return, receive financial compensation for participation.

This contract enables Eligible Entities to access such financial incentives by engaging a contractor who will:

- Enroll and manage the participation of Eligible Entity facilities (hereinafter "Customer Assets") in the ISO New England (ISO-NE) Demand Response Program.
- Provide support services for current and future assets enrolled and to be enrolled by the Commonwealth in the Forward Capacity Market.

The contractor must provide all equipment, devices, data collection, testing and any additional products and/or services necessary to make all Customer Assets eligible and to enroll them in the ISO-NE Demand Response Programs. Furthermore, beginning with the Customer Asset's enrollment in a DR Program, the contractor, will manage all aspects of participation in said Program, including but not limited to all obligation management, notification of appropriate Eligible Entity employees for events, and transfer of funds to the Eligible Entity. The Eligible Entity will be responsible for the reliability of their generators and the facility electrical systems.

Benefits and Cost Savings

Statewide contracts are an easy way to obtain benefits for your organization by leveraging the Commonwealth's buying power, solicitation process, contracting expertise, vendor management and oversight, and the availability of environmentally preferable products.

Revenue Generating Contract

This contract is designed as a user-friendly way to bring Eligible Entities revenue for their participation in demand response programs.

No Upfront Cost

Eligible Entities do not incur any upfront cost for assessing the feasibility of their participation in the program or for enrolling in the program. The Contractor is responsible for those costs.

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Reduction in Calculated Electricity Rates

Some utilities calculate the rates they charge customers based on their energy demand during peak hours. Participation in demand response programs during those hours reduces the facilities' peak energy demand and, as a result, helps reduce the rates they pay for electricity throughout the year.

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 and search for FAC89 to find related Master Blanket Purchase Order (MBPO) information.
- To link directly to the MBPO for FAC89 visit the Master MBPO [PO-17-1019-DCP08-ENR01-9054](#)
- To find all contract-specific documents, including the Contract User Guide, RFR, specifications, and other attachments, visit COMMBUYS.com and search for FAC89 to find related Master Blanket Purchase Order (MBPO's) information. All common contract documents are located in the "Conversion Vendor" Master Blanket Purchase Order (MBPO) for FAC89 and can be accessed directly by visiting Master Blanket Purchase Order [PO-17-1019-DCP08-ENR01-9054](#)
- To find vendor-specific documents, including price sheets, see links to individual vendor MBPOs on the [Vendor Information](#) page.

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;

Eligible Entities

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

01. Cities, towns, districts, counties and other political subdivisions
02. Executive, Legislative and Judicial Branches, including all Eligible Entities and elected offices therein;*
03. Independent public authorities, commissions and quasi-public agencies
04. Local public libraries, public school districts and charter schools;
05. Public Hospitals, owned by the Commonwealth;*
06. Public institutions of high education
07. Public purchasing cooperatives;
08. Non-profit, UFR-certified organizations that are doing business with the Commonwealth;
09. Other states and territories with no prior approval by the State Purchasing Agent required; and
10. Other entities when designated in writing by the State Purchasing Agent.

**DCAMM Controlled for this contract*

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Pricing, Quote and Purchase Options

Purchase Options

This contract is not associated with any expenditure on the part of the Eligible Entity. The Contractor is paid by taking a percentage of the ISO-NE payment for the Eligible Entity's participation in the demand response program.

Eligible Entity Classification for This Contract

For the purpose of this contract, all Eligible Entities are divided into two groups based on their relationship with the Division of Capital Asset Management and Maintenance (DCAMM):

DCAMM Controlled

This includes Executive, Legislative and Judicial Branches, including all Departments and elected offices therein, 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 Contractor to enroll Customer Assets belonging to a DCAMM Controlled Eligible Entity.

To use this contract, DCAMM Controlled Eligible Entities must sign an agreement with DCAMM that will commit them to full participation and performance for the duration of their enrollment. The Agreement outlines certain responsibilities including but not limited to: operation of generators and permitting requirements, general maintenance expectations, access to utility billing information and maintaining up to date contact information for purposes of response notification.

Dave Lewis (DCAMM Contact)

Energy Efficiency and Sustainable Buildings Group
Division of Capital Asset Management
1 Ashburton Place, 16th Floor
Boston, MA. 02108
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Dave.Lewis@state.ma.us

Non-DCAMM Controlled

This includes all other Eligible Entities listed (e.g. cities, towns, public schools, etc.). Non-DCAMM Controlled Eligible Entities do not need to sign any agreement with DCAMM. They may engage the Contractor directly and must establish direct payment relationships with the Contractor.



Paul M. Lopes

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

Process for Engaging the Contractor

The process starts with DCAMM (or the individual Non-DCAMM Controlled Eligible Entity) requesting that the Contractor examine the feasibility of adding a specific Customer Assets to the DR Program. Once 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.

The contractor must successfully enroll the Customer Asset in ISO-NE’s demand response program within 60 days of such agreement unless otherwise agreed with the Eligible Entity. DCAMM and other Eligible Entities reserve the right to decline any offer and/or seek additional demand response service providers if doing so is in the best interest of the Commonwealth.

When using COMMBUYS, engaging the contractor for Forward Capacity Market Services in which the Eligible Entity is expected to remit payment should be processed as a Release Requisition/PO. 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.”

Demand Response Pricing

For the duration of their enrollment, Eligible Entities are to be paid quarterly a percentage of all payments made by ISO-NE for the Customer Assets enrolled under this contract. The Price Sheet posted under the “Vendor(s)” tab for the Contractor provides the percentage share of ISO-NE payments current DCAMM Assets receive.

For new facility enrollments, the Contractor may update the percentage share of ISO-NE payments based on a mutual agreement between the Contractor and the Eligible Entity. All demand response payments for DCAMM Controlled Eligible Entities must be sent to DCAMM for deposit into an account specified by the Commonwealth. Payments to Non-DCAMM Eligible Entities must be made directly to each Eligible Entity based on their specifications.

The cost of all penalties from ISO-NE to the Contractor will be borne by the Contractor. Eligible Entity payments will not be reduced due to an unforeseen penalty from the ISO-NE to the Contractor. It is further

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understood that any payments for metering and monitoring will be paid from the savings derived by this contract and that DCAMM (or the individual Non-DCAMM Controlled Eligible Entity) and the Contractor will negotiate these costs on a case-by-case basis.

Should a Customer Asset be unable to participate in the Program due to unforeseen circumstances not related to the Contractor, the Contractor may notify the Eligible Entity of said circumstances and request that the asset be withdrawn from the program. The Contractor will be required to provide the lowest-cost alternative to the Eligible Entity to insure that no payments are made by the Eligible Entity to the Contractor. In such cases, the Eligible Entity may renegotiate the ISO-NE payment percentage share for this and/or other Customer Assets.

Pricing Adjustments

Any requests for price changes (i.e. changing the percentage of the ISO-NE payment withheld by the Contractor) must be submitted prior to the contract renewal to be considered for the renewal period. Any such requests must be accompanied by documentation supporting the reasons for the requested change. The request, written on the Contractor's letterhead must include: identified price increases and their source and copies of old and new price lists, if applicable, reflecting price changes. The same requirement shall apply to pricing established under any service agreement between an Eligible Entity and a Contractor.

The Eligible Entity will address price change requests by either negotiating a price change and renewing the contract at the new price or denying the requested price increase and renewing the contract at the previous contract price. The Commonwealth will be advised of and will automatically receive the benefit of any price decreases retroactive to the dates of such decreases. It is the Contractor's responsibility to notify the Eligible Entity of any such decrease. The Commonwealth reserves the right to negotiate price reductions based on increased volume at any point in duration of the contract.

Executive Departments: All Executive Departments are required to use statewide contracts for their purchases if the goods/services they seek are available on a statewide contract. Executive agencies are required to utilize COMMBUYS for all related statewide contract purchasing activity. For further details please see the [Best Value Procurement Handbook](#).

Eligible Entities: All other Non-Executive Eligible Entities are encouraged to utilize COMMBUYS for all statewide contracts purchasing activity, however the use of COMMBUYS is not required. Non-Executive Eligible Entities may order via email, phone or fax as allowed by the vendor. To ensure that you are being offered statewide contract pricing, contract users should identify and reference the contract number FAC89 when contacting the vendor for quote activity or placing an order.



Setting up a COMMBUYS Account

COMMBUYS is the Commonwealth's electronic Market Center supporting online commerce between government purchasers and businesses. 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.

When contacting a vendor on statewide contract, always reference FAC89 to receive contract pricing.

Quick Search in COMMBUYS

Log into COMMBUYS, and use the Search box on the COMMBUYS header bar to locate items described on the MBPO or within the vendor catalog line items. Select Contract/Blanket or Catalog from the drop-down menu.

Instructions for MMARS Users

MMARS users must reference the MA number in the proper field in MMARS when placing orders with any contractor. Contact the Comptroller Help and Support Desk at 617-973-2468 or via email at Comptroller.Info@state.ma.us for additional support.

Emergency Services

Many statewide contracts are required to provide products or services in cases of statewide emergencies. [ML - 801 CMR 21](#) defines emergency for procurement purposes. Visit the [Emergency Contact Information for Statewide Contracts](#) list for emergency services related to this contract.

Additional Information/FAQs

Forward Capacity Market Services to DCAMM

The Contractor is also engaged by DCAMM for Forward Capacity Market (FCM) services on a fee for service basis. Since this is currently a service utilized solely by DCAMM, please refer to the RFR Document and the contractor's Price Sheet for information.

Performance and Payment after Contract Expiration

All agreements for Demand Response 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 (1) year beyond the final termination date of this Statewide Contract. No agreements for services under this Contract may be executed after the Contract has expired.



Summary of Where to Obtain Important Contract Information

To obtain in depth contract information please go to the COMMBUYS Website:

<https://www.commbuys.com/bs/> click on “Contracts” then search by document number FAC89designatedDCAMM to locate the following contract information under the tab:

- **Contract User Guide** – the latest version of this document
- **Request for Response (RFR) FAC89designatedDCAMM** – the original solicitation document containing complete service specifications for this contract.
- **Purchase Order Form for Cities and Towns** – a form designed to help Eligible Entities document their service relationships with Contractors.
- **CPower PO:** PO-16-1019-DCP08-ENR01-00000006357

Performance and Payment Time Frames Which Exceed Contract Duration

All term leases, rentals, maintenance or other agreements for services entered into during the duration of this Contract and 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 and services established per each written agreement). No written agreement shall extend more than 12 months beyond the current contract term of this Statewide Contract as stated on the [first page](#) of this contract user guide. No new leases, rentals, maintenance or other agreements for services may be executed after the Contract has expired.

Contract User Guide for FAC89

Strategic Sourcing Team Members

| Name | Department |
|-------------------|------------|
| Dave Lewis | DCAMM |
| Dmitriy Nikolayev | OSD |
| Paul Lopes | DOER |

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Vendor List and Information*

| Vendor | | MMARS Vendor Code and Vendor Line | Contact Person | Phone # | Email | Discounts (PPD, Dock Delivery, Other) |
|--------|---|-----------------------------------|----------------|---------------------------------------|--|---------------------------------------|
| CPower | PO-17-1019-DCP08-ENR01-9054 | | William Cratty | Ph: 203 262 9444 Cell 203 733 1826 | William.Cratty@CPowerCorp.com | |

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

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