

# Clean, Green, and Lean

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# Procurement Options

	c.25A, §§11C or 11I	c.30B, §16	c.149A	c.30, §39M	c.164, §143(d)	c.30B, §§(b)(32) & (33)
Municipally owned solar PV system <\$5M				*	**	
Municipally owned solar PV system ≥\$5M				*	**	
Land Lease						
Land Lease w/PPA or CPA						
PPA/CPA only						

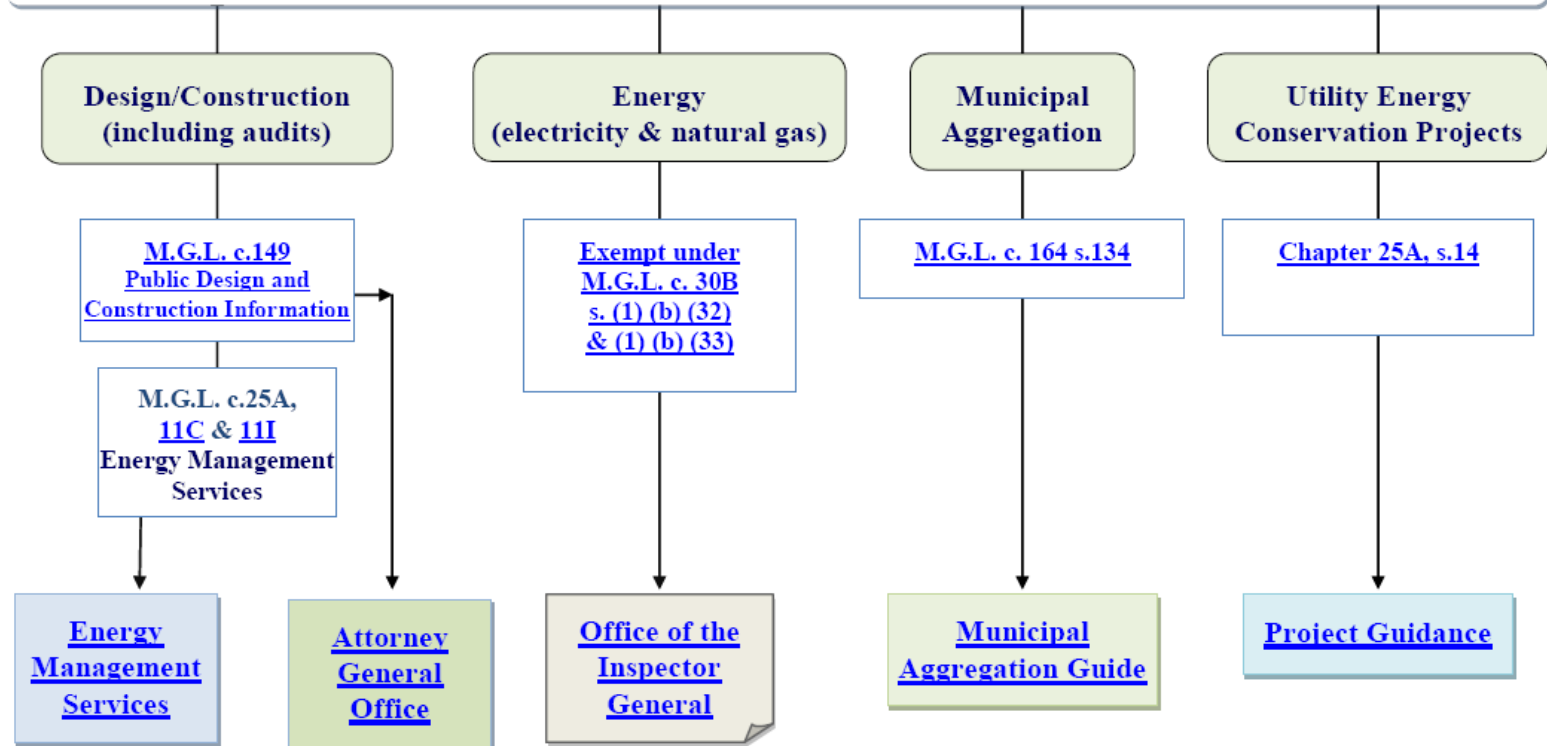
**Chapter 164 allows procurement of equipment & services using 30B**

\* **Not buildings**

\*\* **If <10 MW**

# Procurement Options

## Applicable Laws for Energy and Energy-Related Contracts in Municipalities



This chart provides relevant Massachusetts General Laws (M.G.L.) for energy contracts. Please contact Eileen McHugh at 617-626-7305 for more information.



Massachusetts Department  
of Energy Resources

# Procurement Options

- ✦ Chapter **149** for Designing and Constructing Public Facilities – call the **Attorney General Office (AGO)** at 617-963-2340

# Procurement Options

- ✦ Chapter **30B** for Supplies, Services, and Real Property – call the **Office of the Inspector General (OIG)** at **617-722-8838**

# Procurement Options

✦ Chapter 25A for Energy

Management Services – call the

**Department of Energy Resources**

at 617-626-7305

# Energy Management Services (EMS)

- ✦ Provides a limited exemption to c.149
- ✦ One-bid process
- ✦ Applies to any development scenario (solar/wind)
- ✦ May be used for ground mount or roof top
- ✦ Provides specific requirements
- ✦ Streamlines design and installation
- ✦ Requires a performance guarantee

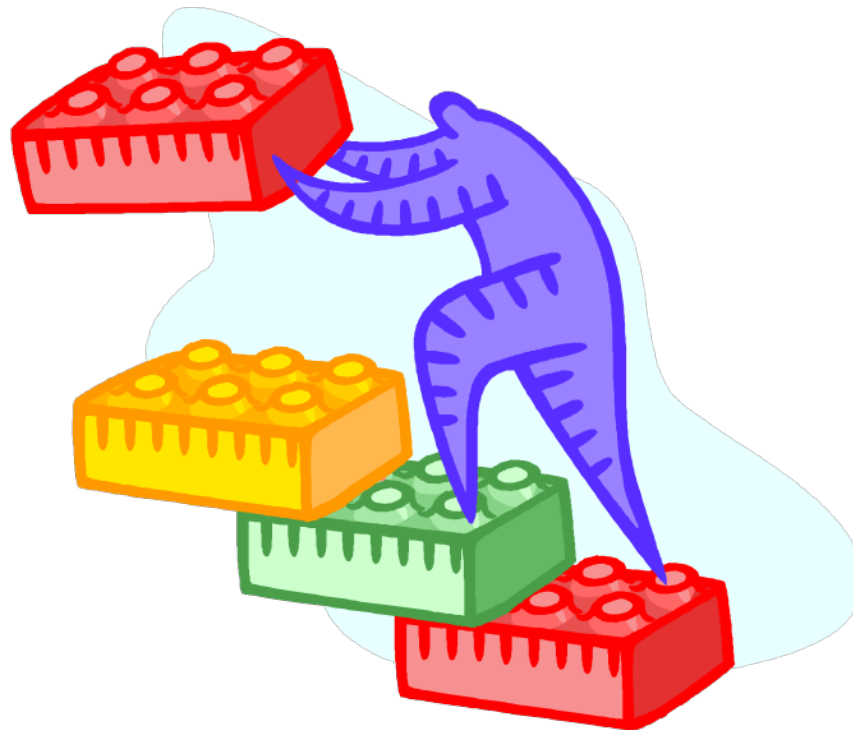
# Energy Conservation Projects

“...projects to promote energy conservation, including but not limited to energy conserving modification to windows and doors; caulking and weather stripping; insulation, automatic energy control systems; hot water systems; equipment required to operate variable steam, hydraulic and ventilating systems; plant and distribution system modifications, including replacement of burners, furnaces or boilers; devices for modifying fuel openings; electrical or mechanical furnace ignition systems; utility plant system conversions; replacement or modification of lighting fixtures; energy recovery systems; on-site electrical generation equipment using new renewable generating sources as defined in section 11F; and cogeneration systems. “



# Traditional Contract

Pay for activity



# Performance Contract

Pay for results



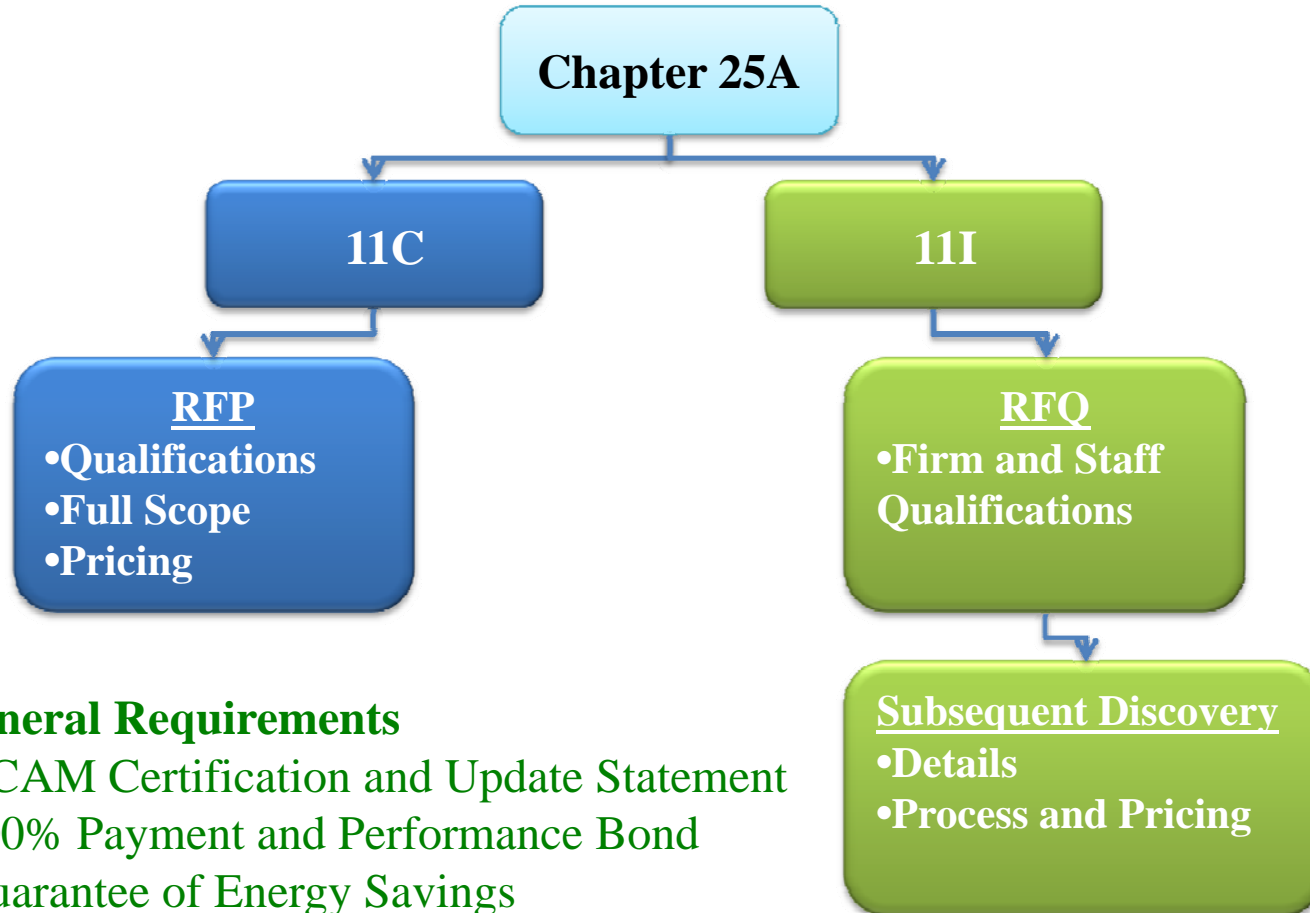
*Requires the ESCO to provide a performance-based guarantee*

DDER

Massachusetts Department  
of Energy Resources

*Creating A Cleaner Energy Future For the Commonwealth*

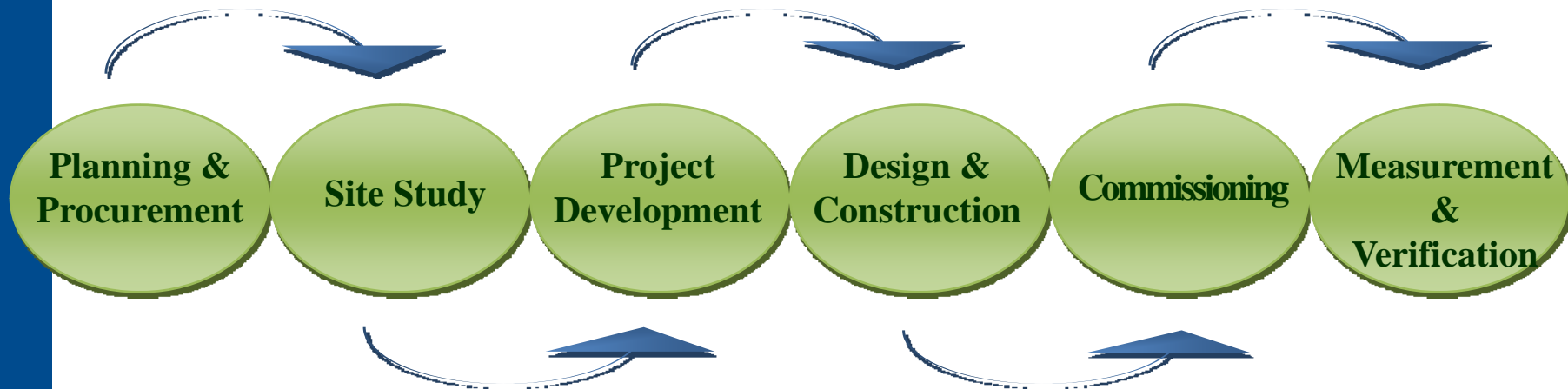
# Procurement Process



## General Requirements

- DCAM Certification and Update Statement
- 100% Payment and Performance Bond
- Guarantee of Energy Savings
- Competitive Pricing
- Maximum 20 Year Term
- DOER Filing /Reporting Requirements

# Project Implementation



# Assemble Project Team

- ✚ Financial
- ✚ Operational/Technical
- ✚ Administration
- ✚ Legal
- ✚ Procurement

# Major Tasks

- ✦ Site Selection/Feasibility Assessment
- ✦ Permits/Interconnection Application
- ✦ Engineering/Structural Assessment
- ✦ Zoning Restriction

# Developing the RFP/RFQ

- ✚ Mandatory Requirements
- ✚ Contact DOER
- ✚ Use DOER Model Documents
- ✚ File according to instructions on web page.

# EMS Contract Components

## Energy Management Services Agreement

- ✦ Design/Engineering
- ✦ Construction
- ✦ Commissioning
- ✦ Training
- ✦ Operations and Maintenance
- ✦ Measurement and Verification
- ✦ Cost





# EMS Contract Components



# EMS Contract Components

- ✚ Guaranteed onsite generation
- ✚ Lease/License of site
- ✚ Power purchase/net metering/credit

# Design & Construction

- ✦ Implementation schedule
- ✦ Define obligation and responsibilities
- ✦ Progress Meetings
- ✦ Communicate project progress to stakeholders



# Project Acceptance

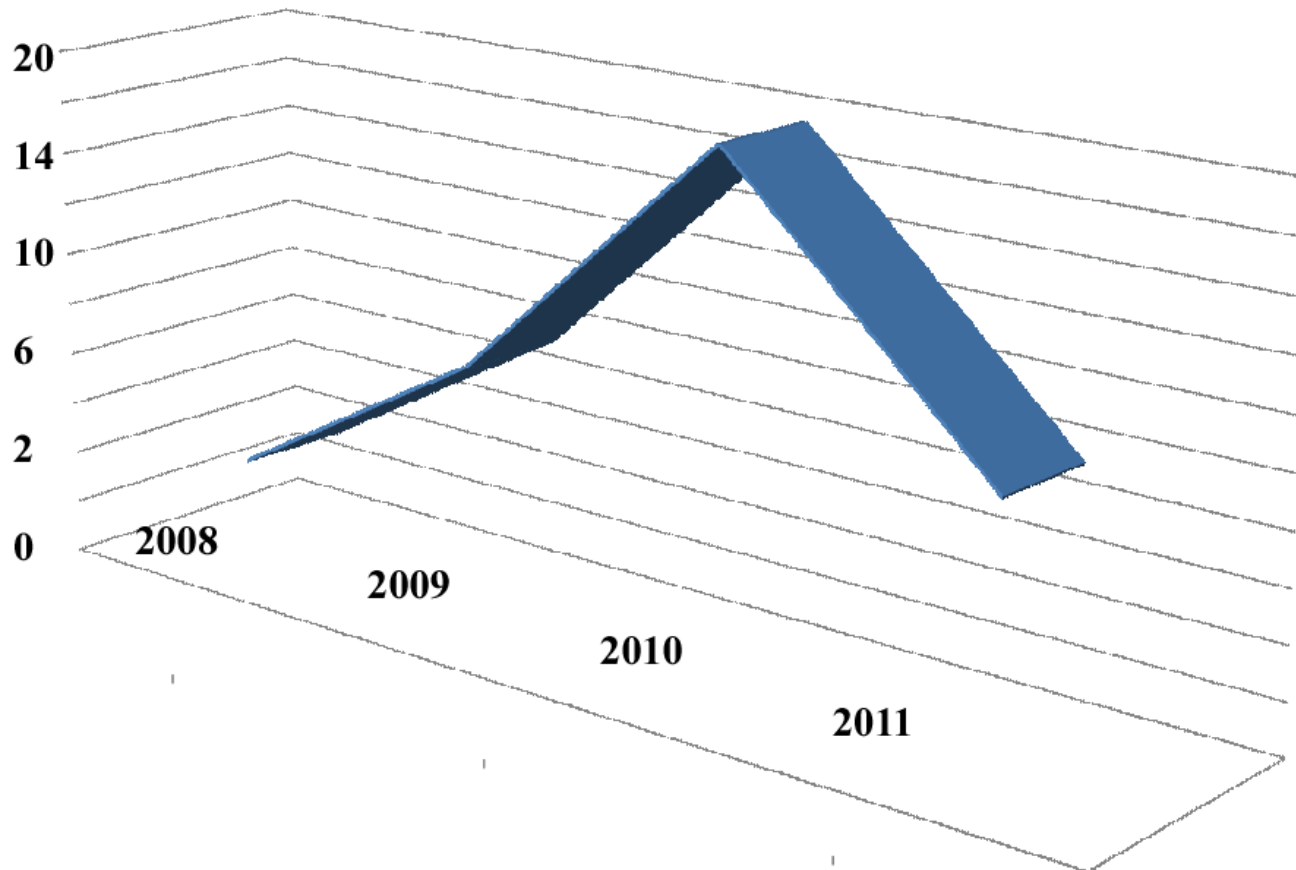
- ✦ Owner/host acknowledges the equipment as fully installed, inspected, and in good working condition.
- ✦ Owner does not accept



# Measurement and Verification

An M&V plan is central to proper determination of onsite generation and the basis for verification. The M&V plan must comply with the Federal Energy Management Program Guidelines.

# EMS Activity for Renewable



# DOER

- # Web site access to information
- # Guidance and model documents
- # RFP/RFQ review before publication
- # Contract review for adherence to 25A
- # Performance report requirements

# Contact Information

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*(617) 626-7305*

[mass.gov/energy-management-services\\_public-procurement](https://mass.gov/energy-management-services_public-procurement)

**“Energy Management Services”**