

HOUSE No. 1916

By Toomey of Cambridge, petition (accompanied by bill, House, No. 1916) of Timothy J. Toomey, Jr., and others (with the approval of the city council) that the city of Cambridge be authorized to enter into agreements with Cambridge Energy Alliance for the provision of municipal energy advisory services. Municipalities and Regional Government.

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to the provision of services to the City of Cambridge by the Cambridge Energy Alliance..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 1. As used in this act, the following words shall have the following meanings:
2 "City", the City of Cambridge. "Corporation", the Cambridge Energy Alliance, a not-for-profit
3 corporation incorporated under chapter 180 of the General Laws and created and controlled by
4 the Cambridge Public Health Commission. "Commission", the Cambridge Public Health
5 Commission established pursuant to chapter 147 of the acts of 1996. "Department", the
6 Department of Energy Resources. "Energy conservation projects", as defined in chapter 25A of
7 the General Laws. "Energy management services", as defined in chapter 25A of the General
8 Laws. "Municipal Buildings", buildings and structures owned or operated by the City or any
9 department thereof, or by the Cambridge Public Health Commission. "Municipal Energy
10 Advisory Services", one or more of the following services: (i) providing access to the forward-
11 capacity energy market and similar programs to realize the benefits of the City's conservation
12 and clean energy efforts, (ii) providing advice and assistance in evaluating and documenting

13 measures to reduce energy and water consumption in Municipal Buildings, including performing
14 energy audits, monitoring energy and water consumption in Municipal Buildings, and optimizing
15 operating procedures of Municipal Buildings and installations therein for the purpose of
16 reducing, measuring or controlling energy or water consumption, (iii) providing advice and
17 assistance to the City in its procurement and administration of energy management services, and
18 (iv) providing advice and assistance in identifying, obtaining and administering grants or other
19 funding sources of financing programs for clean energy and energy and water conservation in the
20 City. The term Municipal Energy Advisory Services shall also include providing energy
21 management services to the City, including design services, but shall not include the actual
22 installation or construction of energy conservation projects in Municipal Buildings. Section 2.
23 Notwithstanding the provisions of chapter 25A, chapter 30B and any other general or special law
24 relative to public procurement processes to the contrary, the City is hereby authorized to enter
25 into an agreement, or a series of agreements, with the Corporation for the provision of Municipal
26 Energy Advisory Services for a maximum contract term in accordance with section six of this
27 Act. Payments under an agreement for the provision of such services may be based in whole or
28 in part on any revenues gained due to energy or water conservation or demand reduction
29 measures undertaken with respect to Municipal Buildings for which advisory services were
30 performed by the Corporation. Section 3. The City will provide to the Department and the
31 Office of the Inspector General, within ninety (90) calendar days of the close of each applicable
32 fiscal year, a report detailing any agreements the City has entered into with the Corporation for
33 the provision of Municipal Energy Advisory Services, which report shall include without
34 limitation: a detailed schedule of services provided to the City and the compensation payable to
35 the Corporation for such services; and a certification from the Chief Executive Officer or

36 Treasurer of the Corporation that the entirety of the revenues and/or carbon credits or similar
37 benefits received on account of Municipal Energy Advisory Services provided to the City in
38 excess of the costs necessary to provide such Municipal Energy Advisory Services, including
39 staff and administrative costs, has been paid or set aside by the Corporation for one or more of
40 the following purposes: (i) undertaking conservation education for residents and/or businesses in
41 the City, (ii) promoting energy and water conservation within the City, and/or (iii) subsidizing
42 energy audits, energy conservation measures or energy conservation projects in low-income
43 residences in the City or in Municipal Buildings. Section 4. In the event that any agreement
44 between the City and the Corporation for the provision of Municipal Energy Advisory Services
45 provides for revenues to be paid to the City, including the proceeds of any forward-capacity
46 energy market credits, the City may establish a revolving fund and may deposit such revenues
47 into such revolving fund. Monies held in this revolving fund may be expanded for the purpose of
48 (a) paying for Municipal Energy Advisory Services, (b) paying the costs of Energy conservation
49 projects or debt service payments for Energy conservation projects financed with municipal
50 obligations, or (c) reinvesting a portion of such revenues into conservation and clean energy
51 programs in the City, including outreach services, technical assistance and direct incentives.
52 Section 5. If any provision of this Act or the application of such provision to any person or
53 circumstance shall be held invalid, the validity of the remainder of the Act and the applicability
54 of such provision to other persons or circumstances shall not be affected thereby. Section 6. The
55 provision of this Act shall expire ten years following the date of its passage unless reenacted by
56 the Legislature. The expiration of this Act shall not affect the validity of any contract executed
57 pursuant to this Act prior to such expiration, and all provisions of this Act shall continue to apply

- 58 to said contracts for the remainder of the term of said contracts. Section 7. The provisions of this
- 59 Act shall be effective immediately upon passage.