



MESM ACADEMY:

MA Procurement Laws & Pathways

January 14, 2026

9:30 – 11 AM



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Today's Lesson

Lesson Questions

- How do I procure clean energy technologies/services while complying with procurement laws?
- What are the procurement pathways available to me?

Learning Objectives

- Describe common procurement pathways for energy-related technologies and services.
- Understand the procurement process and how to maintain compliance with State laws.





Introductory Polls

Rate your level of agreement with the following statements:

- I am familiar with the basic procurement rules that apply to municipalities in Massachusetts.
- I understand when energy/sustainability project requires a formal procurement process.

1 = Strongly Disagree

2 = Disagree

3 = Neutral

4 = Agree

5 = Strongly Agree

Have you met your Chief Procurement Officer?



Meet the Instructors



**Marjorie
Weinberg**

General Counsel
MAPC



Joanne Bissetta

Director of Green
Communities Division
DOER



Beth Greenblatt

Managing Director
**Beacon Integrated
Solutions**

Today's Agenda:

Time	Duration	Topic
9:30AM	5 mins	Welcome & Lesson Overview
9:35AM	20 mins	Procurement Overview, Ch. 30B, and Statewide Contracts
9:55AM	10 mins	Q&A
10:05AM	20 mins	Ch. 25A Section 14: Procurement Pathway for municipal energy projects
10:25AM	10 mins	Q&A
10:35AM	10 mins	Ch. 25A Section 11.i and 11.c: Energy Performance Contracts
10:45AM	10 mins	Q&A
10:55AM	5 mins	Next Steps

Procurement Overview

Marjorie Weinberg,
MAPC General Counsel



Questions?





MASSACHUSETTS
**DEPARTMENT OF
ENERGY RESOURCES**

Using Ch. 25A Section

14 A procurement pathway for municipal energy projects

January 14, 2026

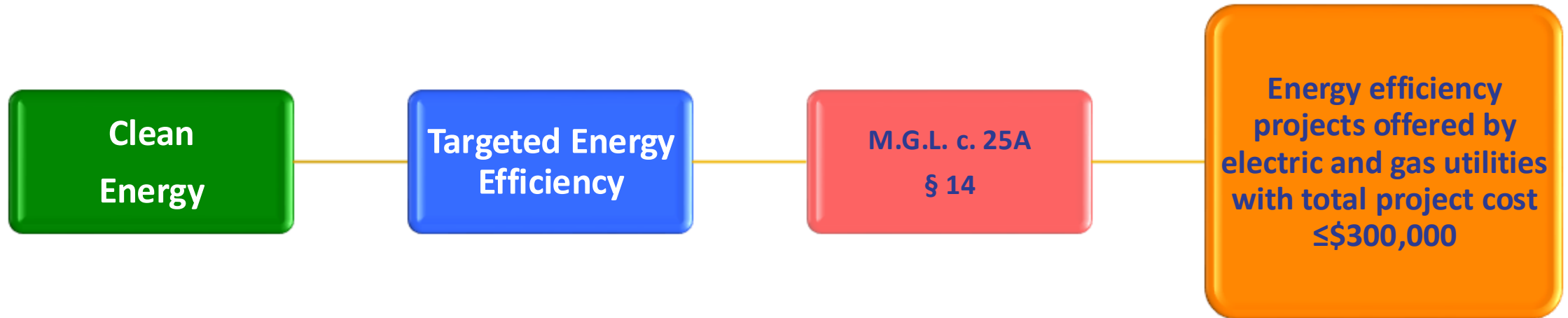
Presented by

**Joanne Bissetta, Director
Green Communities
Division**



Clean Energy Solutions

Targeted Energy Efficiency



**General Law - Part I, Title II, Chapter 25A,
Section 14**

Clean Energy Solutions

Targeted Energy Efficiency

Contracts for energy conservation projects:

- ❖ Costing \$300,000 or less;
- ❖ Additions to monthly utility bills



M.G.L. c.25A, § 14

A provision in the Green Communities Act of 2008

(a) A state agency, building authority or local governmental body may contract for energy conservation projects that have a total project cost of \$300,000 or less, directly and without further solicitation, with electric and gas utilities, their subcontractors and other providers of such energy conservation projects authorized under sections 19 and 21 of chapter 25 and section 11G

M.G.L. c.25A, § 14

A provision in the Green Communities Act of 2008

(b) For purposes of this section, “total project cost” shall mean all construction costs of an energy conservation project, whether borne by the utility, agency, authority or body including, without limitation, the costs associated with equipment purchase and installation of such equipment. Ancillary services provided at no cost by utilities, such as auditing and design, shall not be considered part of project cost.

M.G.L. c.25A, § 14

A provision in the Green Communities Act of 2008

(c) A state agency, building authority or local governmental body may pay for such energy conservation projects through additions to their monthly utility bills.

(d) Sections 44A to 44M, inclusive, of chapter 149 and section 39M of chapter 30 shall not apply to contracts entered into under this section.

How and Why?

Targeted Energy Solutions



- M.G.L. 25, §§ 19 and 21 authorize mandatory charge to fund statewide energy efficiency programs, cost effectiveness, and investment plans
- Program Administrators - Manage and administer all aspects of programs to ensure accountability of rate payer funds and attainment of savings goals
- Three-year plans – investments plans approved and screened for cost-effectiveness goals

Who will you be working with?

Targeted Energy Solutions

- Companies competitively procured by utilities
- Each utility has multiple vendors
- Some services may be subcontracted
- Prevailing wage for municipal projects



Working with utility vendors

Targeted Energy Solutions

- Contact your electric utility's municipal representative
- If building(s)/facilities have not been recently assessed, discuss needs/concerns with utility
- Ask Green Communities Regional Coordinator to facilitate conversation
- Select the utility vendor for assessment/audit

Working with utility vendors

Targeted Energy Solutions

- Schedule the audit
- Have a post-audit meeting to go over results, identify ECMs
- Develop scope of work and contract
- ID funds to pay for projects
- Schedule work
- Determine how to handle incentive payments
 - Vendors can deduct it from their invoice
 - Payment made directly to municipality (typically ends up in general fund)

What is a "Project?"

Targeted Energy Solutions

Projects may include any energy conservation measure (ECM) that qualifies under the cost effectiveness criteria for new construction and renovations, ***including "decarbonization activities."***

- ECM Examples:

- ✓ Compressed Air
- ✓ Energy Management Systems
- ✓ Food Services Equipment
- ✓ Water Heaters
- ✓ *Renewable energy generation*
- ✓ HVAC
- ✓ Lighting and Lighting Controls
- ✓ Motors and Variable Speed Drives
- ✓ Vending Misers
- ✓ *EV Charging stations*

❖ **Important:** 2022 Amendment removed "... (the) replacement of burners, furnaces or boilers..."

What's a "Total Project" ?

Targeted Energy Solutions

Installation of one clearly identifiable ECM

- Examples:
 - ✓ The installation of high efficiency lighting fixtures may be regarded as one "total project" in a building, and installation of new high-efficiency HVAC equipment in that same building may be regarded as a separate and distinct "total project."
 - ✓ Each "total project" would require a separate contract with the vendor of each service.
 - ✓ Each "total project" can have a total cost of \$300,000 or less.

Sample #1

Targeted Energy Solutions

Library needs \$275k energy projects:

- \$90k HVAC upgrade
- \$150k lighting retrofit (plus \$35k utility incentive)
-

Using Ch.25A Sec. 14:

Town can have **separate \$90,000 contract** for HVAC work, and **separate \$185,000 contract** for lighting upgrades for a total of two (2) contracts.

Sample #2

Targeted Energy Solutions

School needs \$608k energy projects:

- \$30k insulation and weatherization (\$8k incentive)
- \$220k lighting retrofit (plus \$40k utility incentive)
- \$375k HVAC work (plus \$25k incentive)

Using Ch.25A Sec.14:

Town **CAN** execute a \$38,000 contract for the insulation and weatherization and a \$260,000 contract for lighting work. Town **CANNOT** execute a contract using sec. 14 for HVAC project – the total cost exceeds \$300,000 and must go out for public bid.

Other Benefits

Contracting with MassSave vendors

- Vendors will process utility incentives through MassSave program
- Help custom incentive applications
- Help with technical assistance studies
- Provide on-bill financing

Keys to Success

Contracting with MassSave Vendors

- Assign project manager
- Before contracting, talk to other communities that have used vendor
- Maintain communication with vendors and utility reps
- Use different vendors for different project types
- Look out for project “phasing” (\$300k per project per building per year)
 - Delays project savings
 - Bid splitting
 - May not be best value for community



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Thank You!

Questions?



Ch.25A Section 11.c & 11.i

Energy Performance Contracts

Beth Greenblatt,
Beacon Integrated Solutions

NOTE: Beth Greenblatt's
slides are available in a
separate PDF, **here**.



Next Steps

- Please take 3-5 mins to please complete the anonymous evaluation form (link in chat)

Upcoming Events:

- **1/21:** PLN Meeting
- **1/28 (Optional):** Office Hour
- **1/30 (Optional):** Mitsubishi heat pump training
- **2/11:** Base Code, Stretch Code, Specialized Code – Oh my!



Thank you!



Q&A

- Q: Does PowerOptions provide municipal rate aggregation options?
 - PowerOptions does offer commodity supply options including electricity and natural gas. Claire (email) is happy to connect anyone with the point person at PowerOptions about this.
- Q: Do you have any insights on procurement done through a Redevelopment Authority?
 - As a municipality, you cannot depart from the state procurement laws. Federal procurement has a lot of similar requirements and state sometimes has additional requirements. Make sure you follow all your federal and state requirement inclusive of redevelopment authority. Having a side by side checklist to make sure you have covered all bases is a good strategy.
- Q: Is there a cheat sheet with the minimum requirements outlined?
 - There are cheat sheets at the end of the [OIG 30B manual](#). The manual speaks mostly to 30B but also has construction requirements.
- Q: What if there is a conflict between federal and state requirements? (for e.g.conflicts on DEI requirements)
 - The best way to approach these conflicts is to start with where the funding is coming from. If you are using state funds, you cannot ignore the state requirements. Be transparent about what you are following, best to put it in writing to the funders.
 - If you are exploring both state and federal funding, go to your municipal attorney and counsel, and make sure you are checking al the boxes. MAPC legal counsel is available to help you with the types of question to consider, though they cannot give legal advice outside MAPC region.

Q&A

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- Q: What is the ideal timeline/sequencing if one is seeking through 25A Section 15 while also aiming for Green Communities grant? If one knew from the start that the project is going to be larger than 300k, do they need one or all quotes for the competitive grants?
 - Competitive grants require project quote estimates. They do not need to see you have gone through procurement or the process. High level cost estimates from audits may also suffice instead of a quote, depending on how detailed it is.
 - If a vendor is offering to do you a favor by providing you with quotes, keep in mind you cannot give them an advantage. Disclose that the quote was provided by a particular vendor, and that they did not get any advantage as a result of the favor. Put this in writing. Mention in the RFP that the quote has been solicited from one vendor and that they are not being advantaged.

Q&A

- Q: What are some pitfalls we should avoid with project phasing?
 - One of the reasons it was included in Green Communities was to allow small and medium size projects to implement without huge procurement burden.
 - If you have larger projects broken into smaller phases, be wary that some phases may not have good energy savings, and they may not get awarded.
 - Sometimes going through 30B might be more advantageous, get multiple inputs and talk to people to figure the best option.
- Q: Are utility incentives required in order to use 25A?
 - No utility incentives are not required. For example, vendors can still do lightning work, just would not get incentives for it.
- Q: Does 24A Section 14 apply outside Green Communities too?
 - Yes, as long as the muni is in investment owned utility area.

Q&A

- What are the common ways ESCO contracts unintentionally disqualify public owners from grants, and how can municipalities structure contracts to avoid those pitfalls?
 - ESCO are generally huge proponents of securing grants and rebates. The greater the financial offset of the construction project from grants and rebates, the better the cashflow. ESCOs are required contractually to help municipalities secure incentives and rebates, and have proactively supported grant applications for state and federal funds. This level of support would be required contractually.
- Q: The PowerOptions BDaaS offer isn't subject to the same statutory EMS requirements, correct? As PowerOptions is a nonprofit, can one expect better terms than from a for-profit EMS provider?
 - PowerOptions is contracting with for profit entities directly, and their status as a non-profit does not directly effect the overall project cost. Would recommend checking with PowerOptions.