

**SENATE . . . . . No. 1635**

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The Commonwealth of Massachusetts

PRESENTED BY:

*James B. Eldridge*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to power-purchase agreements for state property.

PETITION OF:

| NAME:                    | DISTRICT/ADDRESS:              |
|--------------------------|--------------------------------|
| <i>James B. Eldridge</i> | <i>Middlesex and Worcester</i> |
| <i>Jason M. Lewis</i>    | <i>Fifth Middlesex</i>         |
| <i>Carolyn C. Dykema</i> | <i>8th Middlesex</i>           |
| <i>Chris Walsh</i>       | <i>6th Middlesex</i>           |

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By Mr. Eldridge, a petition (accompanied by bill, Senate, No. 1635) of James B. Eldridge, Jason M. Lewis, Carolyn C. Dykema and Chris Walsh for legislation relative to power-purchase agreements for state property. State Administration and Regulatory Oversight.

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The Commonwealth of Massachusetts

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**In the One Hundred and Eighty-Ninth General Court  
(2015-2016)**  
\_\_\_\_\_

An Act relative to power-purchase agreements for state property.

*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 4. Section 11C of chapter 25A of the General Laws, as appearing in the 2012  
2 Official Edition, is hereby amended by adding the following subsection:-

3 (e)(1) Notwithstanding section 137 of chapter 164, and consistent with this section and  
4 sections 30 and 31 of chapter 7C, the commissioner of capital asset management and  
5 maintenance may, in cooperation with a state agency or building authority, develop requests for  
6 proposals for power-purchase agreements or net metering agreements involving use of  
7 commonwealth real property.

8 (2) A state agency may develop requests for proposals for power-purchase agreements or  
9 net metering agreements, only consistent with section 11C and this subsection (e) and only with  
10 the approval of the commissioner of capital asset management and maintenance, who shall give  
11 her approval in writing to the authorized state agency. The division of capital asset management  
12 and maintenance may contract for power-purchase agreements or net metering agreements

13 jointly with the authorized state agency, if the commissioner of capital asset management and  
14 maintenance finds the arrangement necessary and appropriate.

15 (3) The commissioner of capital asset management and maintenance and the using  
16 agency may award contracts for power-purchase agreements or net metering agreements to the  
17 proposer whose proposal provides the best value for the commonwealth. For the purposes of this  
18 section, a determination of best value may include price per unit of power, total energy output,  
19 the quality of the proposal and the entity submitting a proposal, including but not limited to any  
20 subcontractors and consultants used by the entity submitting a proposal, and other factors to be  
21 determined by the commissioner of capital asset management and maintenance, which shall be  
22 set forth in the request for proposals.

23 (4) Notwithstanding sections 33 through 36, inclusive, of chapter 7C or any other general  
24 or special law to the contrary, the commissioner of capital asset management and maintenance,  
25 in consultation with the authorized state agency, may lease one or more parcels of land owned by  
26 the commonwealth, other than land subject to Article 49, as appearing in Article 97, of the  
27 Amendments to the Constitution, for a term, including extensions, not to exceed 20 years, in  
28 connection with a power-purchase agreement or net metering agreement under this subsection.  
29 The commissioner of capital asset management and maintenance shall determine the exact  
30 boundaries of the property so leased after completion of a survey. Each lease shall be subject to  
31 terms and conditions that the commissioner of capital asset management and maintenance may  
32 prescribe in consultation with the appropriate state agency. In connection with any lease  
33 authorized by this section, the commissioner of capital asset management and maintenance may  
34 grant rights of way or easements for access, egress and utilities across commonwealth property

35 contiguous to the leased premises, but those rights of way or easements shall expire upon the  
36 expiration or termination of the lease.