



General Assembly

January Session, 2019

Raised Bill No. 7114

LCO No. 4101



Referred to Committee on ENERGY AND TECHNOLOGY

Introduced by:
(ET)

AN ACT CONCERNING MUNICIPAL COMPETITIVE PROCUREMENT OF ELECTRICITY, NATURAL GAS, RENEWABLE ENERGY AND OTHER ENERGY-RELATED PRODUCTS BY NONPROFIT ENERGY BUYING CONSORTIA.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2019*) (a) As used in this
2 section:

3 (1) "Competitively procured program" means a program (A) for
4 which a nonprofit energy buying consortium publishes notice of any
5 procurement (i) at least fifteen days prior to such procurement, which
6 may include publication in a newspaper of general circulation in the
7 state, (ii) in a display form that shall serve substantially to notify the
8 public of such procurement and in print no smaller than ten-point type
9 size, and (iii) on such nonprofit energy buying consortium's Internet
10 web site, (B) that contains clear evaluation criteria, and (C) that meets a
11 best value standard that may include the consideration of factors other
12 than price that have a significant impact on cost, including, but not
13 limited to, provisions regarding change in use or change in law, the
14 financial strength of the supplier, the availability of customer service

15 and the ability of the supplier to serve the customer base;

16 (2) "Nonprofit energy buying consortium" means an entity
17 recognized as exempt from taxation pursuant to Sections 501(c)(3) or
18 501(c)(4) of the Internal Revenue Code of 1986, or any subsequent
19 corresponding internal revenue code of the United States, as amended
20 from time to time, whose purpose is to aggregate a group of
21 participating buyers and perform the procurement of electricity,
22 natural gas, renewable energy, demand response, energy efficiency,
23 solar, storage and other energy-related products, or any combination
24 thereof, for such participating buyers; and

25 (3) "Participating buyers" means any agency, executive office,
26 department, board, commission, bureau, division or authority of a
27 municipality that participates in or becomes a member of a nonprofit
28 energy buying consortium.

29 (b) Notwithstanding any municipal ordinance, general or special
30 law to the contrary, any agency, executive office, department, board,
31 commission, bureau, division or authority of a municipality may
32 participate in and become a member of any competitively procured
33 program organized and administered by or on behalf of a nonprofit
34 energy buying consortium or of any subsidiary organization thereof,
35 provided if a participating buyer is located within the boundaries of a
36 community that is served by a municipal electric utility, such
37 participating buyer may not purchase electricity, electricity-related
38 products or renewable energy. Such nonprofit energy buying
39 consortium or any such subsidiary organization shall procure
40 electricity, natural gas, renewable energy, demand response, energy
41 efficiency, solar, storage and other energy-related products, or any
42 combination thereof, for such participating buyers. Any such
43 procurement made pursuant to this section shall be exempt from any
44 municipal competitive bidding requirements.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2019</i>	New section
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ET *Joint Favorable*