



Staff Report Item 5

TO: East Bay Community Energy Board of Directors
FROM: Bruce Jensen, Alameda County Community Development Agency (CDA)
SUBJECT: Informational Item – County Staff Updates
DATE: March 1, 2017

Staff Recommendation

Accept Staff Reports on update items below.

Multiservices Bid Challenge Status

As Staff described last month, each of the bids for the three Service Categories described in the RFP No. 16-CCA-1, Multiservices, had been protested or appealed by a non-winning bidder, and County Staff is following the procedure established and described in the RFP to process these protests. The Board may recall that the Service Categories included:

- SC-1: Energy and Technical Services
- SC-2: Community Outreach, Marketing and Customer Notification
- SC-3: Data Management and Call Center Services

Our standard protest process, as described in the RFP, includes adjudication by the Planning Director and / or CDA Director, and additional investigation as necessary to fully understand the issues raised in the protest / appeal. This can include contacts with the bidders and negotiations where necessary.

Staff will process these protest / appeals as expeditiously as possible, and we will report out to your Board as soon as possible; we expect that we will be able to bring at least the first of these appeals to the Alameda County Board of Supervisors by March 28. If any of the protests result in a Staff recommendation that differs from the recommendations of this Board of Directors at its January 30 meeting, Staff will bring those back to your Board at the earliest possible time.

Contra Costa County Update

Staff and certain members of your Board have already begin to visit Contra Costa County jurisdictions at their Board and City Council meetings to provide those bodies with information about EBCE and a possible CCA partnership with those communities. So far, attendance and presentations at six meetings are scheduled for various Cities in Contra Costa County, and Staff anticipates that several more will be added to that schedule in the next month or two.

On February 21 a letter was sent to John Kopchik, Director, Department of Conservation and Development for Contra Costa County, from Chris Bazar, Alameda County CDA Director, indicating EBCE's interest in engaging Contra Costa County jurisdictions as EBCE members. This letter is attached as Attachment 5. The letter also outlined the terms of EBCE membership for prospective Contra Costa County communities. The terms for joining include:

- No cost for Contra Costa County jurisdictions to join the JPA, but a request that new member jurisdictions assign appropriate staff to assist in coordinating the JPA resolution and Agreement, passage of the CCE ordinance and help with local public outreach.
- Prospective members must pass the required CCA ordinance, authorize access to their load data, hold at least two duly noticed public hearings, and pass the JPA resolution in order to become a party to the EBCE Joint Powers Agreement, (the same as required for Alameda County communities). Deciding votes are requested by June 30, 2017, for those who wish to become members under these terms.
- Each Contra Costa County jurisdiction who joins will have a seat on its Board, and voting share would be determined in the same manner as for other Alameda County members. New Board members could be seated once the JPA resolution has been passed, and the first and second readings of the CCE ordinance are complete.
- Contra Costa County member jurisdictions could be enrolled as Phase 2 customers in the Summer or Fall of 2018. Cities that join after the June 30th deadline or in 2018 would be enrolled in Phase 3, likely to be the late Fall of 2018 or Spring of 2019.

The letter contained several informational attachments to help them understand our process, including JPA Agreement, sample ordinance, and load size / voting share comparisons.

Whenever we have definitive information from any Contra Costa County jurisdictions, Staff will bring that to your Board by both e-mail and at upcoming meetings.

Launch Timeline Update

The Board will recall that it approved an initial process timeline that included a program, launch in October 2017. This was predicated on an aggressive process timeline, assuming few or no delays in any specific set of necessary tasks, identifying the most expeditious methods of performing these tasks, and full staffing of the program by the County and subsequently by the EBCEA itself as Agency Staff is hired.

However, a number of task sets are experiencing either delays or are proving to require more time than anticipated.

- The bid protest procedures described earlier will permit hiring of the Multiservice RFP consultants no sooner than March 28, 2017, which is a delay of approximately 1.5 months. As these contracts will include essential tasks for program start-up, each with its own timeline that may not be compressible, this likely shifts the timeline forward by roughly 1.5 months.
- The CEO hiring process, described below, in order to attract the best possible candidates for the job, may also take a bit more time beyond that originally hoped for. While this task can run parallel to the bid protest procedures, it is another essential component of the process that will require more time and result in a necessary lengthening of the timeline.
- In order to make the program as attractive as possible to Contra Costa County, the overall timeline for Contra Costa County cities to join the JPA and for Phase 1 and 2 launch dates requires extension by a few months. The Board has indicated that it feels this accommodation is highly desirable, and well worth the additional time and effort required.

Given these factors and others, an October 2017 launch date appears to be very unlikely. A Spring 2018 launch date should be readily workable, however, and easily achieved.

County Cooperative Services Agreement Update

Counsel for the EBCE and County Counsel are currently negotiating a Cooperation Agreement, under which the County will be reimbursed for County services provided to the EBCE. Such services include, but are not limited to: (1) fiscal management and financial services, including the services of the Treasurer and Auditor; (2) CEO recruitment and human resources support; (3) staff support and secretarial support at meetings; (4) general counsel/legal services; (5) any other services authorized by the Board. These services may be provided directly by County staff and officers, or through contract by consultants.

At this time, several terms are still being negotiated, including the “not to exceed amount” and the interest to be charged. Staff anticipates bringing the agreement to the County Board of Supervisors for their approval before bringing it to the EBCE Board. The Agreement applies retroactively to provide reimbursement for County services provided before the finalization of the Cooperation Agreement.

Board Form 700

Each Director and Alternate is required to fill out and sign a “Form 700,” a form required by the State of California in which the official declares his or her financial and economic interests that occur within the area of jurisdiction for the governing body. These interests may include business interests, sources of income, investments, and real properties owned within the jurisdiction of the EBCE, and others described in the Form itself. In this case, each Director would need to fill this form out and return by April 15 of the year for economic interests within the EBCE Service Area (the unincorporated County and eleven participating Cities). This form should be familiar to all Board members, as it is required for all public officials in their own communities as well.

The Board Secretary has the files for these forms; she will send blank forms via e-mail to each Director and Alternate, and once they are filled out she will collect them back from the Members as part of the EBCEA records. These forms should be made available in the few days following this meeting.

Hayward City Council Chambers

At prior meetings, the EBCE Board decided that for now, the City Council Chambers at Hayward City Hall are a suitable meeting place, and that normal meeting schedules would include the first and third Wednesdays of each month except as required for special circumstances (notably in the event of unavailability of the meeting space). Staff suggests for future reference that once the Board agrees to make the schedule once monthly instead of twice as it is now, the normal meeting date should be the third Wednesday evening of the month, as this would allow participation by appointed Board Directors who may have conflicts on the first Wednesday.

The City of Hayward initially advised Staff that the costs of each meeting to the EBCEA would be approximately \$700 per meeting; however, after inquiry by County CDA Staff, City of Hayward Staff has volunteered a reduction on this rate to \$450 per meeting. If the EBCE Board finds this fee appropriate, Staff will continue to work with the City of Hayward to make this so.

/Attachment: Attachment 5, Invitation and Terms Letter to Mr. John Kopchik, Contra Costa County