Consent Item 9

TO: East Bay Community Energy Board of Directors

FROM: Beckie Menten, Program Manager, Building Electrification and Energy Efficiency

SUBJECT: Third Amendment to Agreement with TRC Engineers

DATE: March 17, 2021

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Recommendation

Adopt a Resolution authorizing the CEO to negotiate and execute the Third Amendment to the Consulting Services Agreement with TRC Engineers, Inc. (“TRC”) dated March 21, 2019, to add new scope and personnel, extend the term, and allocate an additional $50,000 to the Agreement, for total compensation not to exceed $290,000.

Background and Discussion

TRC has provided crucial technical assistance to more than eight of EBCE’s member agencies as they pursue reach code implementation within their service areas. Reach codes leverage unique local government jurisdiction to enact planning ordinances and building code policies that are more stringent than those adopted by the State of California. These reach codes support the implementation of all-electric new construction and electric vehicle readiness measures. As buildings have life expectancies in the decades or centuries, these reach codes help ensure that newly constructed buildings will support EBCE and the State of California’s goals for greenhouse gas mitigation.

In June of 2020, TRC was selected through an informal solicitation to support the implementation of a grant program focused on kitchen electrification in EBCE’s service area. At the conclusion of the grant cycle, the sole applicant - the City of Berkeley - was selected for support in electrifying two senior center kitchens run by
the City of Berkeley. This project will replace old, existing natural gas stoves with pilot lights, providing greenhouse gas reductions and improving air quality in a facility that serves sensitive individuals. At the conclusion of the grant term, EBCE staff worked with TRC to redesign the program, hoping to expand the potential applicant pool and reduce the barriers to accessing the funding. EBCE now seeks modifications of the scope with TRC to accommodate the new program design, and additional compensation to cover those services.

The Amendment to the Consulting Services Agreement will incorporate lessons learned from the first years of implementation of these two programs and add funding to allow more EBCE jurisdictions and customers to participate in these programs.

**Fiscal Impact**

The funding for this Amendment has already been budgeted in the Local Programs budget under the Building Electrification line item.

**Attachments**

A. Resolution Authorizing the Third Amendment to the Consulting Services Agreement with TRC Engineers
RESOLUTION NO. __

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE EAST BAY COMMUNITY ENERGY AUTHORITY AUTHORIZING THE THIRD AMENDMENT TO THE CONSULTING SERVICES AGREEMENT WITH TRC ENGINEERS

WHEREAS The East Bay Community Energy Authority ("EBCE") was formed as a community choice aggregation agency ("CCA") on December 1, 2016, Under the Joint Exercise of Power Act, California Government Code sections 6500 et seq., among the County of Alameda, and the Cities of Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Piedmont, Oakland, San Leandro, and Union City to study, promote, develop, conduct, operate, and manage energy-related climate change programs in all of the member jurisdictions. The cities of Newark and Pleasanton, located in Alameda County, along with the City of Tracy, located in San Joaquin County, were added as members of EBCE and parties to the JPA in March of 2020.

WHEREAS in February 2019 the Board of Directors authorized the CEO to execute a Consulting Services Agreement with TRC Engineers, Inc. ("TRC") to support reach code development in the EBCE service area, with compensation not to exceed $200,000. TRC has supported eight EBCE member agencies (Fremont, Hayward, Emeryville, Piedmont, Albany, Oakland, Dublin, Berkeley) in the pursuit of all electric reach codes, providing a high level of support and helping EBCE achieve greenhouse gas reduction goals in the EBCE service area.

WHEREAS in February of 2020, the Board authorized an Amendment to the Consulting Services Agreement with TRC to allocate additional funds in the amount of $20,000 to support reach code services to cities. The EBCE Board authorized a second Amendment to the Consulting Services Agreement June of 2020 to add scope and an additional $20,000 for TRC to support kitchen electrification efforts in the EBCE service area.

WHEREAS with the inclusion of new communities and the continuation of reach code efforts across the EBCE service area, EBCE staff now seek additional resources to support both new community reach code development as well as support successful implementation of existing reach codes, including for the electrification of existing municipal facilities.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE EAST BAY COMMUNITY ENERGY AUTHORITY DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The Board of Directors hereby authorizes the CEO to negotiate and execute a Third Amendment to the Consulting Services Agreement with TRC to add $50,000 to the budget, increasing the compensation to an amount not to exceed $290,000, to extend the term of the Agreement, and modify the scope to allow for the continuation and expansion of services to support EBCE’s member agencies and to
support the adoption of kitchen electrification, to be approved by the General Counsel.

ADOPTED AND APPROVED this 17th day of March, 2021.

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Dan Kalb, Chair

ATTEST:

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Adrian Bankhead, Assistant Clerk of the Board