



## Staff Report Item 11

**TO:** East Bay Community Energy Board of Directors

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

**SUBJECT:** First Amendment to Agreement with TRC Engineers, Inc. (Action Item)

**DATE:** February 19, 2020

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### Recommendation

Adopt a Resolution authorizing the CEO to execute an Amendment to the Consulting Services Agreement with TRC Engineers, Inc. to extend the term of the contract and allocate an additional \$20,000 to the Agreement.

### Background and Discussion

In February of 2019, EBCE's Board of Directors approved an Agreement to provide support for local agencies pursuing reach codes with TRC Engineers, Inc. ("TRC"), an engineering, management, and construction firm with offices in Alameda County. TRC has extensive experience with reach codes in California. This contract was funded under the Local Development Program Budget. During the initial term of the Agreement, which is currently set to expire on March 1, 2020, TRC has assisted eight jurisdictions with the EBCE service area with reach code development.

The Local Development Program Budget for reach code development included an allocation of \$100,000 to provide incentives for municipalities that successfully pass reach code ordinances. EBCE staff believe eight municipalities are likely to reach this milestone out of the ten originally budgeted for: this leaves \$20,000 of funding remaining. EBCE staff propose reallocating those funds to allow TRC to continue to provide technical support to those cities that are pursuing reach code development.

TRC has provided a high value service, drafting model codes, performing cost effectiveness analyses, and representing EBCE at stakeholder and city council meetings. EBCE has received positive input from staff at member agencies about the quality of service TRC has provided.

The proposed amendment would increase the not to exceed (NTE) amount of the Consulting Services Agreement by \$20,000 to an overall NTE of \$220,000 and extends the term of the Agreement through March 31, 2020. TRC will use this funding to continue with code development activities in the Cities of Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Oakland, and Piedmont. Funds have been allocated equally across cities to ensure equitable distribution of support. TRC will also continue developing tools to assist city officials with implementation of reach codes.

### **Fiscal Impact**

This Amendment is funded through a reallocation of existing program funds; therefore, there is no fiscal impact associated with this budget item.

### **Attachments**

- A. Resolution Authorizing the CEO to Execute the Amendment to a Consulting Agreement with TRC Engineers, Inc.
- B. Amendment to Consulting Services Agreement with TRC Engineers, Inc.

**RESOLUTION NO. \_\_**

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

THE BOARD OF DIRECTORS OF THE EAST BAY COMMUNITY ENERGY AUTHORITY DOES  
HEREBY FIND, RESOLVE AND ORDER AS FOLLOWS:

WHEREAS, the East Bay Community Energy Authority (“EBCE”) was formed 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 and energy-related climate change programs in all of the member jurisdictions.

WHEREAS, in February 2019 the Board of Directors authorized the CEO to execute an Agreement with TRC Engineers, Inc. (“TRC”) to support reach code development in the EBCE service area. 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. In order for TRC to continue its work developing reach codes for the eight member agencies, additional funding must be added to the Consulting Services Agreement.

WHEREAS, the Board of Directors approved \$550,000 in the Local Development Budget for building and transportation electrification, including funding to assist member agencies in developing local reach codes. The funding approved included \$100,000 in incentives for local jurisdictions, of which, \$80,000 has been allocated, leaving \$20,000 currently unallocated.

WHEREAS, EBCE would like TRC to continue providing reach code services to its member agencies, and to use the previously unallocated \$20,000 from the Local Development Budget for these purposes.

**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 execute an Amendment to the Consulting Services Agreement with TRC Engineers, Inc. to increase the total compensation by \$20,000 and to extend the term, in substantially

the form attached hereto, with clarifying or clerical changes proposed by the CEO and approved by the General Counsel.

ADOPTED AND APPROVED this 19<sup>th</sup> day of February, 2020.

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Dan Kalb, Chair

ATTEST:

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Stephanie Cabrera, Clerk of the Board

**First Amendment to Consulting Services Agreement for Services by and Between  
East Bay Community Energy Authority and TRC Engineers, Inc**

This First Amendment to the Consulting Services Agreement with TRC Engineers (“Amendment”) is made this 22nd day of February, 2020, by and between the East Bay Community Energy Authority, a Joint Powers Agency formed under the laws of the State of California (“EBCE”) and TRC Engineers, Inc, a California corporation, for the purposes of extending the termination date, updating the schedule, and adding additional compensation.

**Recitals**

- A. EBCE and TRC Engineers entered into that certain agreement for consulting services dated March 21st, 2019 (“Original Agreement”), wherein TRC Engineers agreed to provide electrical vehicle infrastructure services to EBCE.
- B. EBCE desires to continue to use TRC Engineers’ expertise in the area of electrical vehicle infrastructure services. TRC Engineers has the expertise and availability to assist EBCE in this area.

**Now therefore**, for good and valuable consideration, the amount and sufficiency of which is hereby acknowledged, the Parties agree as follows:

- 1. Section 2 of the Original Agreement is amended in its entirety to read as follows:  
“The term of this Agreement is from the Effective Date of this Agreement through March 31, 2021, unless terminated earlier pursuant to Section 8.”
- 2. Section 6.1 of the Agreement is amended to increase the maximum compensation under the Agreement to \$220,000 (adding an additional amount of \$20,000 for additional services).
- 3. Exhibit B – Schedule, is amended in its entirety and replaced with Exhibit B, attached hereto.
- 4. Exhibit E – Compensation/Budget, is amended in its entirety and replaced with Exhibit E, attached hereto.
- 5. All other terms and conditions in the Original Agreement not otherwise modified by this Amendment will remain in full force and effect.

**In witness whereof**, the Parties have entered into this Amendment on the date written above.

East Bay Community Energy Authority,  
A Joint Powers Authority

TRC Engineers  
A California corporation

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Nick Chaset  
CEO

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Name:  
Title:

*Indu Khalsa*

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Approve as to Form  
EBCE General Counsel

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Name:  
Title:

**Exhibit B**  
**Schedule**

Services provided under this Agreement shall be completed on a timeline as directed by EBCE.

**Exhibit E****Compensation/Budget**

Compensation for the services provided under this Agreement will be paid on a time and materials basis, based on the following rate schedule and terms:

*TRC Rate Schedule*

Staff Title	Staff Name	Rate (\$/Hour)
Vice President	Catherine Chappell, Abhijeet Pande	\$275
Associate Vice President	Carmen Henrikson, Katie Wilson	\$230
Director	Gwelen Paliaga, Colman Snaith	\$215
Associate Director	Michael Mutmansky, Marian Goebes	\$190
Senior Project Manager	Nicholas Dunfee	\$175
Project Manager	Farhad Farahmand, Rupam Singla, Dove Feng, David Douglass-Jaimes	\$160
Associate Project Manager	Avani Goyal, Yamini Arab, Parul Gulati	\$115
Associate	Neil Perry, Nolan Stephens, Mia Nakajima, Richard Williams, Josiah Norton, Kristen Bellows	\$105
Assistant	Yolanda Beesemyer	\$90

Total compensation under this Agreement is not to exceed \$220,000. Invoices may be submitted no more than monthly, with hours identified by staff, rate, and task.