



Consent Item 8

TO: East Bay Community Energy Board of Directors

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

SUBJECT: Second Amendment to Agreement with TRC Engineers

DATE: June 17, 2020

Recommendation

Adopt a Resolution authorizing the CEO to negotiate and execute the Second Amendment to the Consulting Services Agreement with TRC Engineers, Inc. to add new scope and personnel, and allocate an additional \$20,000 to the Agreement, for a total not to exceed amount of \$240,000.

Background and Discussion

EBCE's Local Programs team is seeking consulting support for a community grant program focused on kitchen electrification in EBCE's service area. The majority of commercial kitchens are currently fueled by primarily by natural gas. In order to achieve our climate goals cost effectively, all buildings must be transitioned to high efficiency electric appliances. These technologies currently exist, and in many cases out-perform their natural gas counterparts in terms of both control and speed as well as in health and safety. Despite this, persistent barriers exist to kitchen electrification, noted most starkly by the lawsuit brought against the City of Berkeley natural gas ban by the California Restaurant Association. Because of this, the need for local examples of kitchen electrification must be supported to help tackle these barriers and raise visibility regarding the benefits of kitchen electrification.

The Local Programs staff is developing a community grant program targeting the full or partial electrification of community and commissary kitchens in the EBCE service area. This grant program will provide financial incentives and technical support to

grantees interested in upgrading their kitchens with high efficiency electric alternatives. To support implementation of this grant program, and in accordance with EBCE's procurement policies, EBCE staff sought three informal bids from consulting firms with expertise in this area. After receiving three bids, EBCE staff determined that the bid provided by TRC Engineers best met the needs of staff as well as the budget.

The Resolution before you amend the existing agreement with TRC to increase the budget by \$20,000, for a total amount not to exceed \$240,000, and adds additional scope specific to supporting the kitchen electrification grant program.

Fiscal Impact

This amendment allocates funding from within the FY 19/20 Local Programs budget to support these services; there is no additional impact to the FY 19/20 budget.

Attachments

- A. Resolution Authorizing the CEO to Negotiate and Execute a Second Amendment to the Consulting Services Agreement with TRC Engineers
- B. TRC Engineers Second Amendment to Consulting Services Agreement

RESOLUTION NO. __

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE EAST BAY COMMUNITY ENERGY AUTHORITY TO AUTHORIZE THE CEO TO
NEGOTIATE AND EXECUTE A SECOND 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 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.

WHEREAS in February of 2020 the Board amended the Consulting Services Agreement with TRC to allocate additional funds to support Reach Code Services to cities.

WHEREAS the Local Programs team conducted an informal solicitation to recruit additional consulting services to support local efforts to expand kitchen electrification activities and received three informal bids from consulting firms, of which the TRC bid best met the needs of EBCE.

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 an Amendment to the Consulting Services Agreement with TRC Engineers, Inc. to increase the total compensation by \$20,000, for a total amount not to exceed \$240,000, and to add new scope and personnel, 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 17th day of June, 2020.

Dan Kalb, Chair

ATTEST:

Stephanie Cabrera, Clerk of the Board

**Second Amendment to Consulting Services Agreement by and Between East Bay
Community Energy Authority and TRC Engineers**

This Second Amendment to the Agreement with TRC Engineers for Consulting Services (“Second Amendment”) is made this 17 of June, 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 (“TRC”), for the purposes of adding additional compensation, adding additional services to the scope, extending the termination date, and updating the hourly rates of compensation.

Recitals

- A. EBCE and TRC entered into that certain Consulting Services Agreement dated March 21, 2019 (“Agreement”), wherein TRC agreed to provide consulting services to EBCE, with compensation not to exceed \$200,000.
- B. EBCE and TRC entered into that certain First Amendment to the Consulting Services Agreement on 22 February 2020 to add additional compensation, increasing the not-to-exceed amount by \$20,000 for a total amount not to exceed \$220,000.
- C. EBCE and TRC now desire to amend the Agreement to add additional compensation, increasing the not-to-exceed amount by \$20,000 to cover consulting services to for a total amount not to exceed \$240,000, to add additional services to the scope of services including technical assistance to support the implementation of a kitchen electrification grant program, and to add additional staff.

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

- 1. Section 6.1 of the Agreement (“Compensation and Payment”) is amended in part to increase the total compensation of the Agreement by \$20,000 for a total amount not to exceed two hundred and forty thousand dollars (\$240,000).
- 2. Exhibit A (“Scope of Work”) of the Agreement is replaced in its entirety by Exhibit A, attached hereto.
- 3. Exhibit C (“Consultant Staffing”) of the Agreement is replaced in its entirety by Exhibit C, attached hereto.
- 4. Exhibit E (“Compensation/Budget”) of the Agreement is replaced in its entirety by Exhibit E, attached hereto.
- 5. All other terms and conditions in the Agreement not otherwise modified by this Second Amendment will remain in full force and effect.

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

East Bay Community Energy Authority,
A Joint Powers Authority

TRC Engineers,
A California corporation

Nick Chaset
Chief Executive Officer

Name:
Title:

Date: _____

Date: _____

Approved as to form:

Name:
Title:

EBCE General Counsel

Date: _____

Exhibit A

Scope of Work

Program Overview: Reach Code Work

East Bay Community Energy's (EBCE) mission includes reducing greenhouse gas (GHG) emissions in EBCE member municipalities within Alameda County. Emissions from transportation and building natural gas use comprise the largest sources of GHGs within the territories. This program aims to develop and advance Building Electrification and Electric Vehicle (EV) Infrastructure "reach" codes with member municipalities to update local building codes for new residential and commercial construction and major remodels. These codes are to be developed in alignment with and build on the 2019 California statewide building code updates. Codes for new buildings and major modifications are the most cost-effective points at which to install Electric Vehicle charging infrastructure and electric appliances (such as heat pump water heaters) compared to retrofitting existing buildings. As used in this Exhibit A, "municipalities" refers to EBCE's 12-member jurisdictions, including the 11 cities and unincorporated Alameda County, except where context clearly indicates otherwise.

In consideration of the payments set forth in Exhibit E, Consultant shall provide the following services:

1 Administrative Tasks

1.1 Kickoff Meeting

Participate in a kickoff meeting with EBCE to review objectives, budget, timeline, administrative processes and contract at a mutually determined time.

1.2 Monthly Progress Report and Call

Provide a monthly 1-2 page progress report and associated call by the 5th day of the following month to the designated EBCE contract administrator outlining the project's progress, challenges encountered, and objectives for the following month. Deliverables developed in the course of work must be submitted with the progress report such as research summaries, charette notes and attendees, and other deliverables.

1.3 Expense Report

Provide a monthly expense report, submitted with the corresponding monthly progress report, documenting expenses including: labor (hours, rate, total), subconsultant expenses (with invoices), and expenses (with receipts). The expense report must include the total expenditures and remaining funds.

1.4 Final Report

As part of the final invoice at the conclusion of the Term of this Agreement, Consultant shall submit a final report that includes a concise description, summary, or outline of the following:

1. Summary of the process undertaken, and stakeholders engaged.
2. Outline of the model codes developed including thresholds and performance requirements.
3. Brief description of the outcomes, including number of municipalities successfully adopting reach codes, number of municipalities who participated substantively (but may not have adopted new codes).
4. Itemization of the tools and resources developed.
5. Discussion of challenges and recommendations (including potential program and tariff strategies to advance electrification).

2 Program Tasks

2.1 Research Existing State and Local Codes

Consultant will research relevant state and local building codes to be developed related to building electrification (track 1), electric vehicle (EV) infrastructure (track 2) and alterations (track 3). These codes may serve as models or foundations for the local model reach codes. This research must examine both mandate- and incentive-based codes. The key features will be summarized in format easy for stakeholders to review.

Deliverable: Existing State and Local Reach Code Summary and Links.

2.2 Lead Development of Model Reach Codes

Consultant will work with EBCE to define the process and schedule, provide key education to, and take input from, municipalities and other identified stakeholders to draft model reach codes to achieve program objectives. Specific activities and deliverables are as follows:

2.2.1 Process Summary

The following table summarizes a potential process of model code development, review and revision.

	Building Electrification (BE) Track	Electric Vehicle (EV) Track	Alterations (BA) Track
Step 1	Consultant disseminates: <ul style="list-style-type: none"> • BE model code variant 1, version 1 • BE model code variant 2, version 1 	Consultant disseminates: <ul style="list-style-type: none"> • EV model code variant 1, version 1 • EV model code variant 2, version 1 	Consultant disseminates: <ul style="list-style-type: none"> • BE model code variant 1, version 1 • BE model code variant 2, version 1
Step 2	Feedback gathered from stakeholder charrettes, individual stakeholder meetings, and other input channels		
Step 3	Consultant revises all model codes based on stakeholder feedback		
Step 4	Consultant disseminates: <ul style="list-style-type: none"> • BE model code variant 1, version 2 • BE model code variant 2, version 2 	Consultant disseminates: <ul style="list-style-type: none"> • EV model code variant 1, version 2 • EV model code variant 2, version 2 	Consultant disseminates: <ul style="list-style-type: none"> • BE model code variant 1, version 1 • BE model code variant 2, version 1
Step 5	Feedback gathered from stakeholder charrettes, individual stakeholder meetings, and other input channels		
Step 6	Consultant carries out final revisions to all model codes based on stakeholder feedback and finalizes all supporting documentation		

The process, schedule, and stakeholder engagement will be refined in consultation with EBCE.

Deliverable: Final process definition and schedule.

2.2.2 Regional Coordination

Consultant will coordinate with regional and statewide entities that are carrying out building electrification reach code activities (the Building Decarb Coalition, BayREN, NRDC, Sierra Club, etc.), which may be leveraged by or could benefit from the EBCE effort.

Deliverable: Provide regular updates to project team on key resources and activities by regional and state entities

2.2.3 Stakeholder Engagement

EBCE and Consultant will work together to determine which stakeholders to include in the reach code development process, but the stakeholders are anticipated to include elected officials, municipal staff (including relevant planning, building, sustainability staff), architects, developers, affordable housing organizations, electric vehicle experts, building electrification experts, Pacific

Gas & Electric, building trades, environmental groups, building electrification and EV advocates, the groups identified under Task 2.2.2, and other members of the community. The facilitated processes for the three tracks may be handled separately as deemed appropriate and will also include detailing the code development and adoption sequencing plus the program's time-sensitive nature.

The stakeholder engagement process will include a minimum of four charettes. The charettes may be divided by service territory, topic area (Buildings and EVs), or stakeholder class (ex: developers and others) as deemed most effective. Consultant shall conduct individual and stakeholder group (planning and building staff, developers, etc.) outreach with at least ten in person and/or telephone calls per track. To support this process, EBCE will provide facilitation support for their respective territories including charette and meeting locations, invitations, and facilitation support.

Deliverable: Meeting notes and attendee lists for at least 2 charettes and 13 meetings or calls

2.2.4 Model Code Development

The model reach code options must be compliant with California's and extend 2019 Building Code and in conjunction with task 2.3.1 are expected to leverage the cost-effectiveness analysis results from the 2019 Statewide Codes & Standards Program for the building electrification track.

Likewise, for the EV infrastructure track, the proposed codes should integrate Task 2.3.2.

It is expected that two to four variants of each model reach code, with varying levels of stringency, will be developed per track. A single variant of a model reach code for building electrification is expected to address multiple building uses/prototypes (e.g. single family, low-rise multifamily, medium retail, medium office, etc.), and may include prescriptive or performance-based options. The model code development process will include a minimum of one revision of each model code variant.

Task output will consist of a proposed model reach code package, consisting of a summary noting the purpose and adoption timing, a matrix highlighting the differences between the model reach codes, and two to four versions of each model reach code with varying levels of stringency. The Consultant will disseminate the model reach code package to the stakeholders with easily accessible online distribution and will review the model code package in a meeting or webinar. One meeting or webinar will be conducted for each service territory and for each reach code track.

Deliverables:

1. Online document distribution method.
2. Version 1 of model code variants.
3. Final version of model reach codes with supporting documentation.

2.3 *Package Building Electrification Cost-Effectiveness Study and Develop EV Cost-Benefit Analysis*

2.3.1 **Building Electrification Cost-Benefit Analysis**

The Consultant will utilize the Statewide Codes & Standards program cost-effectiveness analysis for the Building Electrification model codes. The Consultant will package the results of the analysis as needed as a component of the proposed model reach code package in Task 2.2. The Consultant may be requested to provide additional enhanced analysis to supplement the Statewide cost-benefit analysis. If so, this will be treated as technical assistance under Task 2.5.

Deliverable: Building Electrification Cost-Effectiveness Study Results Summary

2.3.2 *Develop EV Cost-Effectiveness Analysis*

For the EV model codes, Consultant will also conduct an analysis of all costs and benefits – monetary and non-monetary (e.g. emissions impacts) – of the measures included. The EV cost-effectiveness analysis will be developed in a manner consistent with State and industry standards. In addition, the analysis will determine the:

- 2019 CALGreen Standards incremental compliance construction costs;
- Incremental construction costs resulting from the reach code (“first costs”);
- Retrofitting costs to install the same charging density; and
- Unit construction cost (per residential unit, ft² commercial development or other appropriate metric plus any associated parking capital costs).

From the above data, the Consultant will calculate the percentage increase in construction costs resulting from one of the three EV charging infrastructure deployment scenarios plus associated carbon and energy reductions and other non-monetary impacts. The analysis will be documented in a format easy for stakeholders to review and for use by non-EBCE jurisdictions as a self-standing document.

Finally, the Consultant will integrate the cost-benefit analysis as a component of the proposed model reach code package in Task 2.2 and for dissemination as part of Task 2.4.

Deliverable: EV Cost-Effectiveness Analysis Document (may be delivered in a consolidated document with 2.3.1)

2.4 *Identify Tools and Processes for Adoption and Implementation*

This task includes identifying tools and process improvements to consider for Tasks 2.5 and 2.6. This may include but is not limited to:

2.4.1 Adoption tools

Consultant will identify tools and process improvements including template staff reports, findings for local governments to use when submitting Building codes to the California Building Standards Commission for acceptance, a proposed reach code template presentation for use by city staff in presenting to their City Councils, and/or other tools needed to move forward with the code adoption process at the local government and State level.

Deliverable: List of Adoption Tools to develop with descriptions.

2.4.2 Implementation tools

Consultant will identify tools and process improvements including building department training, permit and inspection streamlining (including documenting all process efficiencies and benefits enabled by a suite of proposed streamlined permitting processes), builder community education, and/or other tools needed to move forward with the code implementation process.

Recommendations and deliverables will be developed with and vetted by the interested municipalities, development community, and other key stakeholders.

Deliverable: List of Implementation Tools to develop with descriptions.

2.5 Provide Technical Assistance to Municipalities for Adoption

For each jurisdiction within EBCE's service territory, the Consultant will provide technical assistance to interested municipalities for the adoption process, including developing the tools mutually agreed to in Task 2.4. In addition, the technical assistance may include presenting to or answering technical questions at Commission and City Council meetings and preparing and submitting Building Electrification codes to the California Energy Commission for approval. EBCE has a total of 12 jurisdictions within its service territory.

In advance of Task 2.5, EBCE will identify jurisdictions planning to participate and estimate the level of support required to implement Tasks 2.5 and 2.6.

Deliverables:

1. Produced Adoption Tools (template documents, etc.).
2. Presentation slides delivered to municipalities.
3. California Energy Commission submission packets.
4. List of cities and assistance provided.

2.6 Provide Technical Assistance to Municipalities for Code Implementation

For each jurisdiction within EBCE's service territory, the Consultant will provide technical assistance to municipalities for the implementation process, including developing the tools mutually agreed to in Task 1.4, and which may include staff training sessions as requested.

Deliverables:

1. Produced Implementation Tools (template documents, etc.).
2. Training slides delivered to municipalities.
3. List of cities and assistance provided.

3 Schedule

All work must be completed with sufficient time for municipalities to adopt ordinances in 2019 that will go into effect on January 1, 2020. Code implementation and process streamlining under Task 2.6 may carry over to December 31, 2020 with EBCE prior written approval.

Deliverable: Consultant to provide a detailed schedule within 2 weeks of execution of this Agreement.

Task 4: Kitchen Electrification Grant Program Support

TRC will provide support to EBCE on implementation of a commercial kitchen electrification grant program, including supporting 1-5 commissary kitchens in the EBCE service area with partial or full electrification. Compensation for this task is not to exceed \$20,000, unless fund shifting from other categories is approved in writing by EBCE staff.

Task 4a: Assist EBCE in design of grant applications.

TRC will review the package of grant documents prepared by EBCE to help improve the quality of responses EBCE will receive. This input includes review of application requirements, eligibility criteria, evaluation criteria, and suggestion of any additional application requirements to aid and assist in EBCE's review and selection of strong applicants. This task is to be billed at fixed fee as outlined in Exhibit E.

Task 4b: Assist in review of applications.

TRC will assist EBCE in review and selection of applicants. This review will include an assessment of project feasibility, additional potential opportunities, adequacy of proposed project budget, and potential of the project for advancing the awareness of and receptivity to induction cooking. This task is to be billed as fixed fee as outlined in Exhibit E.

Task 4c: Serve as technical consultant to EBCE and grantees to help achieve success with selected projects.

TRC will be available on a time and materials basis as a resource to both EBCE and grantees to help achieve success with selected projects. This support could include identifying possible technology solutions for transitioning existing equipment to all-electric alternatives, reviewing feasibility of integration electrification-related improvements into existing building infrastructure, bill analysis to understand bill implications of kitchen electrification, and other technical matters related to the electrification component of the projects.

Task 4d: Assist in development training materials for chefs for technology installed at grantee kitchens.

TRC will support development of training materials to be left behind at the selected project sites to facilitate new chef orientation to installed equipment. Materials left with grantees should include spec sheets and warranty information for any selected and installed technology and a fact sheet providing specific tips for success when working with new electric alternatives to previous equipment.

Additional Services:

Consultant will not provide additional services outside of the services identified in this Exhibit A, unless it obtains advance written authorization from the EBCE contract administrator or lead EBCE representative prior to commencement of any additional services.

Exhibit C**Consultant Staffing**

TRC Engineers, Inc. anticipates the following staff to provide services on this contract:

Staff Title	Staff Name
Vice President	Catherine Chappell, Abhijeet Pande
Associate Vice President	Carmen Henrikson, Katie Wilson
Director	Gwelen Paliaga, Colman Snaith
Associate Director	Michael Mutmansky, Marian Goebes
Senior Project Manager	Nicholas Dunfee
Project Manager	Farhad Farahmand, Rupam Singla, Dove Feng, David Douglass-Jaimes
Associate Project Manager	Avani Goyal, Yamini Arab, Parul Gulati, Robert Mason
Associate	Neil Perry, Nolan Stephens, Mia Nakajima, Richard Williams, Josiah Norton, Kristen Bellows, Amanda Pinion
Assistant	Yolanda Beesemyer

Exhibit E**Compensation/Budget**

In consideration of the services provided by Consultant described in Exhibit A and subject to the terms of the Agreement, EBCE shall pay Consultant based on the following fee schedule and terms:

1. Time and materials up to \$70,000 cost for administration, model code development and cost-effectiveness analysis (Task 1, Tasks 2.1 through 2.4, tasks 4c-4d).
2. Time and materials up to \$145,050 for adoption and implementation support (Tasks 2.5 and 2.6). These costs are not to exceed \$10,000 per municipality unless approved in writing by EBCE.
3. Tasks 4a and 4b are to be billed at a fixed cost. 4a to be billed at \$1,200 / review and task 4b to be billed at \$750 / application reviewed. Fixed costs are not to exceed \$4,950, unless otherwise approved in writing by EBCE.
4. Billings will utilize the rate schedules below as fully loaded rates. Non-labor expenses are not to exceed \$3,500.
5. Invoices may be submitted no more than monthly, with hours identified by staff, rate and task.

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, Robert Mason	\$115
Associate	Neil Perry, Nolan Stephens, Mia Nakajima, Richard Williams, Josiah Norton, Kristen Bellows, Amanda Pinion	\$105
Assistant	Yolanda Beesemyer	\$90