



Consent Item 11

TO: East Bay Community Energy Board of Directors

FROM: Eryn Kim, Energy Fellow & Beckie Menten, Program Manager, Building Electrification and Energy Efficiency

SUBJECT: First Amendment to Consulting Services Agreement with Acterra for the Administration of the Induction Cooktop Lending Program

DATE: April 20, 2022

Recommendation

Adopt a Resolution authorizing the CEO to negotiate and execute a First Amendment to the Consulting Services Agreement between EBCE and Acterra to administer an induction cooktop lending program (ICLP) for EBCE's residential customers, to extend the term, increase the compensation amount by \$6,375 for a total amount not to exceed \$141,375, correct clerical errors, and to update the Scope of Work.

Background and Discussion

Acterra was selected as EBCE's 3rd party induction cooktop lending program vendor, through a competitive selection process. Acterra was selected for the following reasons: close alignment of Acterra's proposal to EBCE's organizational goals; Acterra's expertise, network, and reach that will allow EBCE to expand its marketing, education, and outreach objectives; and a clear, detailed outline—both breadth and depth—in response to the instructions as stated in the Request for Proposal. In December of 2021, the EBCE Board of Directors approved a Resolution authorizing EBCE's CEO to negotiate and execute a Consulting Services Agreement with Acterra to administer the ICLP. The Agreement was finalized and executed December 23, 2021.

The proposed First Amendment to the CSA with Acterra will correct for clerical errors, extend the term, update the Scope of Work, and increase the compensation amount to account for an increased cost in procurement of induction hobs. EBCE staff worked

with Acterra to identify a local procurement option for the induction hobs, ensuring that EBCE funds will continue to support local businesses. However, the hobs found locally cost \$85 more per unit than Acterra's existing procurement source; thus, EBCE staff seek to increase the not to exceed amount of this agreement by \$6,375 to account for the additional cost due to local procurement.

Fiscal Impact

All program costs will be funded through budgets already authorized for this fiscal year.

Attachment

1. Resolution of the Board of Directors Authorizing the CEO to Negotiate and Execute a First Amendment to the Consulting Services Agreement with Acterra.

RESOLUTION NO. R-2022-XX ____

A RESOLUTION OF THE BOARD OF DIRECTORS

OF THE EAST BAY COMMUNITY ENERGY AUTHORITY AUTHORIZING THE CEO TO NEGOTIATE AND EXECUTE A FIRST AMENDMENT TO THE CONSULTING SERVICES AGREEMENT WITH ACTERRA TO ADMINISTER AN INDUCTION COOKTOP LENDING PROGRAM

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, Acterra was selected through a competitive selection process among the submissions received in response to a Request for Proposal, as the most qualified vendor to administer EBCE’s induction cooktop lending program.

WHEREAS, in December 2021 the CEO executed Consulting Services Agreement with Acterra to administer an induction cooktop lending program for an amount not to exceed \$135,000.

WHEREAS, The cost of procurement for induction hobs increased from the original proposal based on direction from EBCE staff to identify a local business from which to procure the hobs, requiring an increase in the compensation.

WHEREAS, EBCE staff desires to extend the termination date to March 31, 2023, update the Scope of Work, and correct clerical errors.

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

Section 1. Authorize CEO to negotiate and execute a First Amendment to the Consulting Services Agreement with Acterra to administer an induction cooktop lending program for EBCE’s residential customers, to amend the termination date to March 31, 2023, correct clerical errors, update the Scope of Work, and to increase the total compensation by \$6,375, for a total amount not to exceed \$141,375.

ADOPTED AND APPROVED this 20th day of April 2022.

Dianne Martinez, Chair

ATTEST:

Adrian Bankhead, Clerk of the Board