



Consent Item 10

TO: East Bay Community Energy Board of Directors

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

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

DATE: July 20, 2022

Recommendation

Adopt a Resolution authorizing the CEO to negotiate and execute a Second Amendment to the Consulting Services Agreement between EBCE and Acterra to administer an induction cooktop lending program (ICLP) for EBCE's residential customers, to increase the compensation amount by \$143,625 for a total amount not to exceed \$285,000, to update the Scope of Work, and to extend the term of the Agreement to June 30, 2023.

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. In April of this year, the Board authorized an Amendment extending the Agreement and adding additional scope to account for the higher cost of local cooktop procurement.

The program has been very successful, with more than 207 applications for cooktops since launch in mid-May. This has resulted in longer than anticipated wait times for customers who want to participate in the program. The proposed Second Amendment to the CSA with Acterra will update the Scope of Work, increase the compensation amount to account for an increased cost in procurement of additional induction hobs to reduce wait times for customers, and to extend the term of the Agreement to June 30, 2023. EBCE staff worked with Acterra to identify a need to expand the ICLP's equipment inventory, to ensure that the program continues to serve the residents of EBCE's service territory and facilitate positive customer experience with clean energy technologies. Therefore, EBCE staff seek to increase the maximum equipment inventory from 75 kits to 200 kits and to increase the not to exceed amount of this agreement by \$143,625 to account for the additional cost due to additional procurement.

Fiscal Impact

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

Attachment

- A. Resolution of the Board of Directors Authorizing the CEO to Negotiate and Execute a Second Amendment to the Consulting Services Agreement with Acterra to Administer an Induction Cooktop Lending Program

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 SECOND 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, in April 2022, the First Amendment to the Consulting Services Agreement with Acterra to administer an induction cooktop lending program was executed to extend the termination date to March 31, 2023, update the Scope of Work, correct clerical errors, and increase the compensation for an amount not to exceed \$141,375,

WHEREAS, The cost of procurement for induction hobs increased from the First Amendment based on direction from EBCE staff to procure additional induction hobs for administration of the program, requiring an increase in the compensation,

WHEREAS, EBCE staff desires to update the Scope of Work to reflect the additional procurement of induction hobs and to extend the term of the Agreement to June 30, 2023.

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

Section 1. Authorizes the CEO to negotiate and execute a Second Amendment to the Consulting Services Agreement with Acterra to administer an induction cooktop lending program for EBCE's residential customers, to update the Scope of Work, to increase the total compensation by \$143,625, for a total amount not to exceed \$285,000, and to extend the term of the Agreement to June 30, 2023. The Amendment will be approved as to form by General Counsel.

ADOPTED AND APPROVED this 20th day of July 2022.

Dianne Martinez, Chair

ATTEST:

Adrian Bankhead, Clerk of the Board