



Consent Item 11

TO: East Bay Community Energy Board of Directors

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

SUBJECT: Fourth Amendment to Agreement with TRC Engineers

DATE: July 20, 2022

Recommendation

Adopt a Resolution authorizing the CEO to negotiate and execute a Fourth Amendment to the Consulting Services Agreement with TRC Engineers, Inc. (“TRC”) dated March 21, 2019, to add new scope, extend the term to [date], and allocate an additional \$75,000 to the Agreement, for total compensation not to exceed \$365,000.

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.

The California Energy Commission has adopted a new state building code for energy standards, Title 24, which pushes the State of California further towards all-electric building construction in new buildings. As the statewide standard gets more aggressive for new construction, the largest remaining opportunity for pushing all-electric construction is with existing buildings. This Amendment to the Agreement

with TRC provides for an evaluation of the existing building reach code strategies, an assessment of what is needed in the market to allow for the successful implementation of existing building reach codes, and potential interventions EBCE can take to move the market along.

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 Fourth Amendment to the Consulting Services Agreement with TRC Engineers

RESOLUTION NO. R-2022-xx

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE EAST BAY COMMUNITY ENERGY AUTHORITY AUTHORIZING THE FOURTH
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 to the scope and to add an additional \$20,000 in compensation for TRC to support kitchen electrification efforts in the EBCE service area. The Board authorized a Third Amendment in March of 2021 to add compensation to account for growth in EBCE’s service area,

WHEREAS staff seeks to increase the compensation for consulting services to support EBCE member agencies in pursuing Reach Code ordinances and seeks to add scope to prepare an evaluation of reach code activities and recommendations for future reach code interventions.

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 Fourth Amendment to the Consulting Services Agreement with TRC to add \$75,000 to the compensation, increasing the compensation to an amount not to exceed \$365,000, to extend the term of the Agreement through [date], and modify the scope to allow for the continuation and expansion of services to support EBCE’s

member agencies and to prepare an evaluation of previous reach code activities and develop recommendations for EBCE's next phase of reach code programs. The Amendment will be approved by the General Counsel.

ADOPTED AND APPROVED this 20th day of July, 2022.

Dianne Martinez, Chair

ATTEST:

Adrian Bankhead, Clerk of the Board