



Consent Item 11

TO: East Bay Community Energy Board of Directors

FROM: Nick Chaset, Chief Executive Officer

SUBJECT: Amendment of Consulting Services Agreement with Sixth Dimension for design and construction management services

DATE: November 16, 2022

Recommendation

Approve a Resolution delegating authority to the CEO to negotiate and execute a Second Amendment to the Consulting Services Agreement with Sixth Dimension to expand the scope of work to include design and construction management services for the build of EBCE's headquarters at 251 8th Street in Oakland, to increase the compensation by \$171,686 for a total amount not to exceed \$388,486, and to extend the termination date to December 31, 2023.

Background and Discussion

In the fall of 2021, EBCE issued a Request for Proposal for property management and construction management services. Through this solicitation, EBCE selected Sixth Dimension - an Oakland, CA based, Alameda County Small, Local and Emerging certified Business ("SLEB"), to provide on-going property management and construction management services for the design and build out of EBCE's headquarters. In December 2021, EBCE entered into the initial phase of the Consulting Services Agreement with Sixth Dimension focused on the property management scope of work and support selecting an architect to design the interior of 251 8th St. At the time, EBCE staff elected not to include a scope of work related to the design and construction of 251 8th St.

In March 2022, the Board approved a resolution authorizing a First Amendment to the Consulting Services Agreement adding additional services to the scope of work,

increasing the total compensation, and extending the term of the agreement to June, 30, 2023.

With Komorous-Towey Architects under contract, staff have a better understanding of the schedule and scope of construction and find it necessary to increase the compensation for Sixth Dimension, the project construction manager. This increase in funding will cover payment of sub consultant services needed to assist with design and preconstruction, including industrial hygienist services, commissioning services, CALGreen inspection services, and material testing services. Staff also recommends extending the termination date of this agreement from June 30, 2023 to December 31, 2023.

Fiscal Impact

The amended CSA will increase the compensation by \$171,686 for a total amount not to exceed \$388,486.

Attachments

- A. Resolution Authorizing the CEO to Negotiate and Execute a Second Amendment to the Consulting Services Agreement with Sixth Dimension.

RESOLUTION NO. __

**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 SIXTH DIMENSION**

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 the Fall of 2021, EBCE issued a Request For Proposals for property management and construction management services;

WHEREAS EBCE selected the vendor Sixth Dimension and executed a Consulting Services Agreement (“Agreement”) effective November 30, 2021, for construction management services;

WHEREAS on March 16, 2022, the Board authorized an amendment for the Agreement adding additional services related to design and construction management services for the architect that will be improving 251 8th Street, Oakland; and

WHEREAS EBCE now requires additional services, and more time, to assist with design and preconstruction that will be improving the 251 8th Street, Oakland office.

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

Section 1. The CEO is authorized to negotiate and execute a Second Amendment to the Consulting Services Agreement with Sixth Dimension to expand the scope of services, to increase the compensation by \$171,686 for a total amount not to exceed \$388,486 and to extend the termination date to December 31, 2023.

ADOPTED AND APPROVED this 16 day of November, 2022.

Dianne Martinez, Chair

ATTEST:

Adrian Bankhead, Clerk of the Board