



### Consent Item 8

**TO:** Ava Community Energy Authority

**FROM:** Zac Thompson, Senior Program Associate

**SUBJECT:** **Sixth Amendment to Consulting Services Agreement with Stantec for EV Charging Design Engineering Services**

**DATE:** December 20, 2023

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#### **Recommendation**

Adopt a Resolution authorizing the CEO to negotiate and execute a Sixth Amendment to the Consulting Services Agreement between Ava Community Energy (“Ava”) and Stantec for electric vehicle (“EV”) charging design engineering services, to increase the compensation amount by \$150,000 for a total amount not to exceed \$550,000, and to update and expand the Scope of Work to include Electric Vehicle (“EV”) Design Engineering services for additional cities within Ava’s service territory.

#### **Background and Discussion**

Stantec was selected as Ava’s EV charging design engineering consultant through a competitive selection process. Stantec has provided services related to EV Design Engineering services to Ava for projects in several cities. Stantec was selected for their expertise, history of completing similar projects for other public agencies, a clear and detailed outline—both in breadth and depth—in response to the instructions as stated in the solicitation for written quotes, and cost estimate for completing the Scope of Work. In February of 2021, Ava’s CEO executed a Consulting Services Agreement (“CSA”) with Stantec for EV charging design engineering services. The CSA was amended five times, most recently in May 2023, all for the purposes of increasing the total compensation, expanding the scope of work, and to extend the termination date.

This proposed Sixth Amendment to the CSA with Stantec will increase the compensation amount to account for an increased number of EV charging projects and

extend the term. Ava is aiming to develop several more EV fast charging hubs, which will require Design Engineering services; thus, Ava staff seek to increase the not to exceed amount of this CSA by \$150,000 to account for the additional cost of these services, for a total compensation amount not to exceed \$550,000. Ava is also seeking to extend the term of the CSA to June 30, 2025 to account for the time it will take to develop these infrastructure projects.

**Fiscal Impact**

All program costs will be funded through the Local Development budget.

**Attachments**

- A) Resolution of the Board of Directors Authorizing the CEO to Negotiate and Execute a Sixth Amendment to the Consulting Services Agreement with Stantec
  
- B) Draft Sixth Amendment to the Consulting Services Agreement with Stantec

**RESOLUTION NO. R-2023-XX**  
**A RESOLUTION OF THE BOARD OF DIRECTORS**  
**OF AVA COMMUNITY ENERGY AUTHORITY AUTHORIZING THE CEO TO**  
**NEGOTIATE AND EXECUTE A SIXTH AMENDMENT TO THE CONSULTING**  
**SERVICES AGREEMENT WITH STANTEC**

**WHEREAS** The Ava Community Energy Authority (“Ava”) 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 Ava and parties to the JPA in March of 2020. The city of Stockton, located in San Joaquin County was added as a member of Ava and party to the JPA in September of 2022. The city of Lathrop, located in San Joaquin County, was added as a member to Ava and party to the JPA in October of 2023. On October 24, 2023, the Authority legally adopted the name Ava Community Energy Authority, where it had previously used the name East Bay Community Energy Authority since its inception.

**WHEREAS** Stantec was selected through a competitive selection process, and among the submissions received in response to a solicitation of written quotes, Stantec was selected as the most qualified consultant to provide electric vehicle charging infrastructure design engineering services to Ava; and

**WHEREAS** in February 2021, the CEO executed a Consulting Services Agreement with Stantec for electric vehicle (“EV”) charging infrastructure design engineering services, and the Consulting Services Agreement has been amended five times, most recently, in May 2023. The prior amendments to the Agreements added additional compensation, expanded the Scope of Work, and extended the termination date; and

**WHEREAS** Ava seeks to develop several more EV fast charging hubs, which will require increasing the total amount of compensation of the Agreement by \$150,000 to account for the additional cost of these services, and to extend the term of the Agreement to June 30, 2025, to account for the time it will take to develop these infrastructure projects.

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

Section 1. The CEO is hereby authorized to negotiate and execute a Sixth Amendment to the Consulting Services Agreement with Stantec for EV charging design engineering services for the purpose of expanding the scope of work, extending the term of the Agreement to June 30, 2025, and increasing the total compensation by \$150,000, for a total amount not to exceed \$550,000. This Agreement will be approved as to form by the General Counsel.

ADOPTED AND APPROVED this 20<sup>th</sup> day of December 2023.

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Elisa Márquez, Chair

ATTEST:

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Adrian Bankhead, Clerk of the Board

**Sixth Amendment to Consulting Services Agreement by and Between Ava Community Energy Authority and Stantec Consulting Services**

This Sixth Amendment to the Agreement with Stantec Consulting Services for Consulting Services (“Sixth Amendment”) is made this 20th day of December, 2023, by and between the Ava Community Energy Authority, a Joint Powers Agency formed under the laws of the State of California (“Ava”) and Stantec Consulting Services, a New York corporation (“[Stantec]”), 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. Ava and Stantec entered into that certain Consulting Services Agreement dated February 1<sup>st</sup>, 2021 (“Agreement”), wherein Stantec agreed to provide engineering Services to Ava, with compensation not to exceed \$8,900.
- B. Ava and Stantec entered into that certain First Amendment to the Consulting Services Agreement on June 4, 2021 to add additional compensation, increasing the not-to-exceed amount by \$11,100 to cover additional services of electrical engineering, civil engineering, and project management services for a total amount not to exceed \$20,000, to update the scope of services, to extend the term through December 31, 2021.
- C. Ava and Stantec entered into that certain Second Amendment to the Consulting Services Agreement on January 20, 2022 to add additional compensation, increasing the not-to-exceed amount by \$29,000 to cover additional services of electrical engineering, civil engineering, and project management services for a total amount not to exceed \$49,999, and to extend the term through December 31, 2022.
- D. Ava and Stantec entered into that certain Third Amendment to the Consulting Services Agreement on May 1, 2022, to add additional compensation, increasing the not-to-exceed amount by \$50,000 to cover additional services of electrical engineering, civil engineering, and project management services for a total amount not to exceed \$99,999, and to extend the term through June 30, 2023.
- E. Ava and Stantec entered into that certain Fourth Amendment to the Consulting Services Agreement on June 16, 2022 to add additional compensation, increasing the not-to-exceed amount by \$150,001 for a total amount not to exceed \$250,000.
- F. Ava and Stantec entered into that certain Fifth Amendment to the Consulting Services Agreement on May 17, 2023, to add additional compensation, increasing the not-to-exceed amount by \$150,000 to cover additional services of electrical engineering, civil engineering, and project management services for a

total amount not to exceed \$400,000, and to extend the term through December 29, 2023.

- G. On October 24, 2023, East Bay Community Energy Authority legally adopted the name Ava Community Energy Authority, where it had previously used the name East Bay Community Energy Authority since its inception.
- H. Ava and Stantec now desire to amend the Agreement to add additional compensation, increasing the not-to-exceed amount by \$150,000 for a total amount of \$550,000 and to update and expand the scope of work to include the Electric Vehicle ("EV") Design Engineering services for additional cities in Ava's service territory, and extend the term to June 30, 2025.

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

1. Section 2 of the Agreement ("Term") is amended to extend the term of the Agreement through June 30, 2025.
2. Section 6 of the Agreement ("Compensation and Payment") is amended in part to increase the total compensation of the Agreement by \$150,000 for a total amount not to exceed five hundred and fifty thousand dollars (\$550,000).
3. Exhibit A ("Scope of Work") of the Agreement is replaced in its entirety by Exhibit A, attached hereto.
4. Exhibit B ("Schedule") of the Agreement is replaced in its entirety by Exhibit B, attached hereto.
5. Exhibit E ("Compensation/Budget") of the Agreement is replaced in its entirety by Exhibit E, attached hereto.
6. All other terms and conditions in the Agreement not otherwise modified by this Sixth Amendment will remain in full force and effect.

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

Ava Community Energy Authority,  
A Joint Powers Authority

Stantec,  
A New York Corporation

\_\_\_\_\_  
Nick Chaset  
Chief Executive Officer

\_\_\_\_\_  
David Kennedy  
Title:

Date:

Date: \_\_\_\_\_

\_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Name: Wicus Postma  
Principal

Date: \_\_\_\_\_

\_\_\_\_\_  
Ava General Counsel

## Exhibit A

### Scope of Work

#### General Design and Engineering

Stantec will provide general design and engineering services on behalf of Ava on future Electrical, Civil, and Structural Engineering

Stantec will provide electrical, civil, and structural engineering, as well as project management services for the feasibility assessments of the power service and reconfiguration of the parking stalls related to the installation of the EV Charging Stations at approximately 10-15 locations across Ava's service area.

Stantec's tasks will include, but not be limited to, the following:

projects related to public DC fast charging and municipal fleet charging, including attending meetings with Ava and their affiliated municipalities and to advise on project design.

- PG&E Applications
  - PG&E pre-assessments, including applications for new service
  - PG&E Estimates
  - Overall Project Management/coordination
  - Client calls
- Develop Issue for Bid Documents
  - Electrical plan set
  - Civil plan set
  - QA/QC
  - Specifications
  - Project management/coordination
- Develop electrical Opinion of Probable Construction Cost
- Develop working drawings, specifically single line diagrams and site plans
- Develop and provide CAD files for each project
- Review and assist with comments on PG&E Design drawings
- Coordinate with Ava staff and Ava's DC fast charging project developer on project design questions and potential modifications



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**Exhibit B**

**Schedule**

Milestones and deliverables to be scheduled as directed by EBCE.

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**Exhibit E****Compensation/Budget**

The maximum compensation under this Agreement is not to exceed \$550,000.  
Compensation will be based on the following rates;

<b>Staff Classification</b>	<b>Rate</b>
Project Manager	\$228/hr
Engineer	\$199/hr
Designer	\$165/hr
Drafter	\$147/hr
Clerical	\$147/hr

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