



REQUEST FOR PROPOSAL

For

East Bay Community Energy Authority
Commercial Pay-for-Performance Energy Efficiency Program and
Additional Grid Services Program

RESPONSE DUE

by

5:00 PM PST

on

December 16, 2022

For complete information regarding this project, see RFP posted at <https://ebce.org/solicitations/> or contact the EBCE representative listed below. Thank you for your interest!

Beckie Menten | Program Manager, EBCE
510-588-1736
energyefficiency@ebce.org

**EAST BAY COMMUNITY ENERGY
REQUEST FOR PROPOSAL
SPECIFICATIONS, TERMS & CONDITIONS
for
East Bay Community Energy Authority:
Commercial P4P Energy Efficiency and Additional Grid Services**

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OVERVIEW

1. PURPOSE

East Bay Community Energy (EBCE) is seeking proposals for implementation and measurement & verification (M&V) services for two distinct programs: Commercial Pay-for-Performance (“P4P”) Energy Efficiency and Additional Grid Services. Both programs are described in Section 4 and Section 5 of this RFP. Bidders may choose to prepare proposal responses for one or both programs as described below:

- **Option 1:** Bidder prepares proposal responses for one program
 - A. Commercial P4P Energy Efficiency (Implementation and M&V).
 - OR
 - B. Additional Grid Services (Implementation and M&V)
- **Option 2:** Bidder prepares proposal responses for both programs
 - A. Commercial P4P Energy Efficiency and Additional Grid Services (Implementation and M&V for both programs)

EBCE is interested in selecting one or more implementers with demonstrated success in serving commercial customers, familiarity and experience with a CPUC-approved methodology for verifying meter-based energy efficiency program results¹, and strong innovation in program design and delivery, particularly as it relates to programs that focus on building electrification, peak energy reductions, and integrated demand response (DR) or DR-ready program approaches. Ideal responses will include a clear vision for and demonstrated success in commercial building electrification. Bidders are encouraged to team as necessary to fulfill all services required for each program.

2. EBCE BACKGROUND

EBCE is a Joint Powers Authority formed on December 1, 2016, pursuant to California Government Code §§ 6500 et. seq. On August 10, 2017, EBCE filed its Community Choice Aggregator (CCA) Implementation Plan with the California Public Utilities Commission (CPUC). On September 7, 2017, the CPUC provided PG&E notice of the receipt of EBCE’s Implementation Plan, and on November 8, 2017, the CPUC certified EBCE’s Implementation Plan. EBCE began serving commercial, industrial, and municipal customers in June 2018, and began serving residential customers in November 2018. EBCE currently serves the County of Alameda, and each of the following cities incorporated therein: Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Oakland, Piedmont, San Leandro, and Union City. In April 2021, the cities of Newark, Pleasanton and Tracy joined EBCE’s service territory. The city of Tracy is located in San Joaquin County. In September of 2022, the City of Stockton voted to join EBCE. EBCE will be serving the City of Stockton in 2024. EBCE’s audited financial statements are available at <https://ebce.org/documents-and-resources/>.

¹ See Rulebook for Programs and Projects Based on Normalized Metered Energy Consumption (January 2020 available at: <https://www.cpuc.ca.gov/-/media/cpuc-website/files/legacyfiles/n/6442463694-nmec-rulebook2-0.pdf>)

EBCE is committed to reducing energy-related greenhouse gas reductions; in December of 2020 EBCE’s Board of Directors voted to establish a goal of procuring 100% carbon-free energy by 2030². EBCE contracts with renewable energy and carbon-free electricity suppliers to procure sufficient energy to meet the demands of our customers. The portfolio is a mix of long-term contracts, short-term contracts, and hedge supplies. Additionally, EBCE is responsible for procuring resource adequacy resources equal to 115% of our maximum peak. More information on EBCE’s procurement policies can be found in our [Integrated Resources Plan](#), published biennially. Information on our current portfolio, including the carbon intensity, can be found on [EBCE’s website](#). As EBCE pursues a zero-carbon portfolio, there is an increasing interest in reducing energy obligations when traditional energy supply is both expensive and carbon-intensive, most typically during peak hours (currently 4-9 pm) during summer months.

EBCE currently serves more than 642,000 customer accounts with a combined load of 6,400 GWh/year across all jurisdictions and a peak of over 1,280 MW. A breakdown of customer accounts and load from 2021 is below:

| Customer segment | Customer Accounts | Total Load (GWh) | % of Total Load |
|------------------|-------------------|------------------|-----------------|
| Residential | 578,757 | 2655 | 42% |
| Commercial | 50,990 | 2509 | 39% |
| Industrial | 6,209 | 1034 | 16% |
| Municipal | 5,020 | 156 | 2.5% |
| Total | 640,976 | 6354 | |

3. TERM OF AGREEMENT

The initial term of the Agreement(s) will be for a minimum of 3 years. Contracts executed to cover the grid services scope of work should be a minimum of five years, though longer terms would be considered.

4. COMMERCIAL PAY FOR PERFORMANCE ENERGY EFFICIENCY PROGRAM

4.1 Background

In 2020, EBCE contracted with Recurve to launch three pay-for-performance (“P4P”) pilots to explore the ability to cost effectively procure flexible demand side savings that contribute value to EBCE’s energy portfolio. Each pilot ran for one year and provided contractor incentives based on savings measured at the meter. These pilots were designed to test the market readiness for P4P programs and to observe effects of targeted savings in evening peak hours (4-9 pm). These pilots indicated market readiness for P4P approaches and were used to justify a scaled program.

² See https://res.cloudinary.com/diactiwk7/image/upload/v1607735188/Item_12_-_Integrated_Resource_Plan_Results_zerwue.pdf

EBCE has “elected” to administer energy efficiency programs on behalf of EBCE customers³. EBCE’s Energy Efficiency Program Plan and Advice Letter⁴ were certified by the CPUC in Resolution E-5215 in September 2022⁵. The Resolution allocates a budget of \$13,463,049 of funding collected from EBCE’s customers for EBCE to administer a commercial energy efficiency program.

This program will leverage emerging P4P program approaches to offer cost-effective projects for its large, non-residential customer accounts. Projects will focus on high-potential opportunities for peak load management and building electrification. The primary objectives of this program are to 1. Deliver cost-effective energy savings to commercial customers, 2. Cross-promote demand response to maximize peak load reductions for energy efficiency projects, and 3. Encourage electrification of existing natural gas end uses to achieve GHG reductions.

EBCE is targeting commercial customers (non-residential) for this program given they consume 58% of the entire load and make up 9.6% of all accounts. Commercial customers are responsible for a significant amount of EBCE’s total electric load, and the time of day that customers use this energy contributes to the price they pay, the burden on the grid, and the associated GHG emissions. Within this segment, EBCE will target customers with high peak usage due to the cost-effective nature of use reduction and price signals from time-of-use (“TOU”) rates.

Given the landscape of existing commercial energy efficiency programs in EBCE service territory, Bidder will have a strategy for collaborating with other PG&E and BayREN programs, namely the PG&E Market Access Program⁶ and the BayREN Business Program⁷, to minimize overlap. In addition to understanding the landscape of programs, Bidder must understand the cost effectiveness requirements each program is subject to. Per Resolution E-5215, EBCE is required to file an annual Joint Cooperation Memorandum (JCM) with PG&E and BayREN detailing a plan to align on marketing tactics and prevent customer confusion and double-dipping by December 14, 2022. Selected Bidder will be subject to coordination protocol per the JCM.

4.2 Implementation Overview

EBCE will use its existing data and analytics capabilities to assist program implementers in identifying the highest opportunity projects. EBCE will pay incentives to contractors (entities installing measures) for cost-effective savings measured at the meter per CPUC approved methodologies. Customers will be educated on the potential impacts of TOU rates and offered tools and strategies for adapting their business model to new rate structures as they emerge.

³ California Public Utilities Code Section (381.1(e-f))

⁴ See Attachment C – EBCE Advice Letter 28-E-A

⁵ See Resolution E-5212 (September 2022) available at:

<https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M488/K211/488211243.PDF>

⁶ See Proclamation of State of Emergency (July 2021) available at: <https://www.gov.ca.gov/wp-content/uploads/2021/07/Energy-Emergency-Proc-7-30-21.pdf>

⁷ See BayREN Business Program Implementation Plan (February 2022) available at: <https://cedars.sound-data.com/documents/download/2485/main/>

Though not an exhaustive list, EBCE proposes to support the installation of the following measure types:

- Refrigeration controls
- Lighting
- Building envelope
- Retro-commissioning
- Building electrification measures: Heat pump water heating, space heating, and induction cooking technologies
- Load management strategies (controls, programmable thermostats, smart appliances)
- **EBCE will not fund gas efficiency measures**

EBCE will explore and incorporate new offerings over time that will advance and align with state goals while supporting new local emerging markets. Examples may include, but are not limited to:

- Commercial building electrification
- Combined demand response/ energy efficiency installations

A summary of annual savings targets are as follows:

| Year | Gross kWh Savings | Net kWh Savings |
|------|-------------------|-----------------|
| 1 | 9,011,867 | 8,561,274 |
| 2 | 9,011,867 | 8,561,274 |
| 3 | 12,304,105 | 11,688,900 |

Within first year, EBCE also expects 1029 kW of demand savings. Additional measures of success will include, but not limited to:

- 60% of projects will include demand control strategies
- 50% of projects will include “high opportunity” projects as identified by EBCE
- 30% of projects will include building electrification measures

The first-year Total Resource Cost (“TRC”) for the energy efficiency program is 1.07 with a Program Administrator Cost (“PAC”) of 1.57.⁸ EBCE believes the TRC will improve in subsequent years as program is ramped up. For this, EBCE will pay only for measured and delivered energy efficiency that is valued at a TRC ratio of 1.0 or above.

4.2.1 Implementation Scope of Work

The selected Bidder will be primarily responsible for the delivery of energy savings through management of a contractor network or marketplace of providers, tracking and reporting on program activities, quality assurance and quality control provisions of the work performed, customer and contractor education on TOU and peak load management, and innovation in program design and delivery. Bidders selected must represent an understanding of the goals and objectives of the EBCE program with a feasible scope of work (“SOW”) that achieves these objectives.

⁸ See Attachment C – EBCE Advice Letter (Appendix A.)

Bidders must submit a complete and detailed scope of work covering the below activities at a minimum. Bidders are invited to propose additional scope to accomplish the goals and objectives of the program. To support implementation of the program, EBCE can provide customer targeting via internal data and analytics platform, marketing, regulatory and compliance filing submissions (though support will be needed), Salesforce CRM and partner portal, EBCE customer verification, and EBCE call center support. EBCE prefers to host a project intake form on the EBCE program website and leverage EBCE's Salesforce CRM for limited lead tracking, incentive reservations, and final project reporting. This system will enable EBCE to pass verified project leads to selected Program Implementer. More information on EBCE's capabilities and tools on data and analytics are provided for reference in Attachment D.

The SOW below aligns with the CPUC approved cost categories. Bidders are requested to present the SOW and budget according to the following categorization to simplify reporting.

1. Administration

a. Overhead

- i. Develop reporting databases, provide ongoing IT services and support, support CPUC regulatory filing and data request responses.
- ii. Monitor CPUC policy changes that may impact the program, including but not limited to changes to the NMEC or CALTRACK methodologies, changes to the avoided cost calculator, etc. Attend routine meetings with EBCE staff and monthly coordination calls with PG&E and BayREN.

b. Reporting

- i. Provide monthly, quarterly, and annual reporting to EBCE and integrate reports with EBCE's Salesforce CRM.
- ii. Recommend metric targets and KPIs for each of the Performance Metrics⁹ and track via quarterly reports to EBCE.
- iii. Support Annual Reports to file with CPUC and include performance metrics, survey responses, lessons learned. Bidder will also work with selected EM&V consultant as needed.
- iv. Attend Reporting Peer Coordination Group meetings facilitated by the CPUC to track and incorporate changes to reporting specification.

c. Invoicing

- i. Propose invoice cadence to EBCE, quarterly invoicing preferred
- ii. Format invoice with CPUC cost-categories and include claims

2. Direct Implementation (Non-Incentive)

a. Program Ramp Up

- i. Program Manual
 1. Develop a program manual to communicate program policies, objectives, explain incentive levels, and describe the approach to program implementation
- ii. Program Documents
 1. Develop application forms, incentive reservation forms, measure lists, contractor enrollment forms, and any other forms

⁹ See Attachment C – EBCE Advice Letter, p. 25

necessary for program implementation. Ensure implementation plan is consistent with CPUC guidance.¹⁰

- iii. Data Management strategy
 - 1. Outline strategy for data management, including source of data (EBCE, IOU via Share My Data platform, direct metering at customer site, etc.)
 - 2. Demonstrate compliance with CPUC customer data privacy regulations.¹¹
 - iv. Program Overlap
 - 1. Develop a strategy for ensuring that customers are not “double dipping” with other CPUC energy efficiency program funds in the region.
 - 2. Coordinate marketing and outreach to minimize customer confusion, and develop a referral process to ensure customers are given a “warm hand-off” to other programs pursuant to EBCE’s JCM with BayREN and PG&E.
 - v. Recruitment and management of contractor network
 - 1. Lead overall recruitment of contractors and provides all necessary onboarding support.
 - 2. Ensures contractors are understand difference and similarities across overlapping programs.
- b. Program Implementation
- i. Quality assurance / quality control provisions
 - 1. Ensure projects are installed to the highest standard, including any labor and licensing requirements, contractor network management, verification of projects installed and permits, and mitigation measures for poor installation.
 - ii. Energy savings forecast and measurement
 - 1. Provide methodology for forecasting energy savings, including any tools provided to contractor networks (if relevant) to support accurate energy savings estimates.
 - 2. Outline how building electrification will be incorporated into the measurement strategy. Define strategy for ensuring persistence of savings over the expected useful live (EUL) of the project.
 - iii. Incentive administration
 - 1. Finalize the settlement strategy for determining incentive levels and propose a cadence and mechanism for settling incentives with customers or contractors.
 - 2. Manage incentive reservations and communicate to EBCE when incentive levels are near exhaustion.

3. Marketing, Outreach, and Education

- a. Marketing strategy
 - i. Establish overall marketing approach to ensure a robust pipeline to meet targets and to ensure EBCE is well represented with customers served by the program.

¹⁰ See <https://www.cpuc.ca.gov/-/media/cpuc-website/files/legacyfiles/i/6442466376-implementation-plan-template-may2020.pdf>

¹¹ See <https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M026/K531/26531585.PDF>

- ii. Collaborate with EBCE’s internal Marketing Team for all outreach collateral (EBCE); EBCE can support targeted marketing through data segmentation analysis, referrals from EBCE call center, and interaction with key customer accounts.
- iii. Identify proposed marketing channels and a strategy for coordinating with other programs to avoid customer confusion.
- iv. Manage outreach to leads via shared Salesforce portal
- b. Customer Education
 - i. Provide customers (building owners, property managers) education on TOU rates and demand management controls or other strategies to mitigate bill costs due to TOU rates.
 - ii. Integrate with other behind the meter resources, such as on-site generation, storage, or event-based DR programs.

4.3 Measurement and Verification

The measurement and verification (“M&V”) of installed projects is an important component of a P4P program. The activities in this program area will support the measurement of actual project and program impacts and will support settlement of incentives distributed in this program. M&V proposals for the energy efficiency program must demonstrate a clear understanding of the CPUC requirements for Normalized Metered Energy Consumption (“NMEC”) programs; proposals for the grid services M&V must articulate a strategy for capturing the additionality of energy and capacity values following an energy efficiency program intervention.

EBCE maintains a robust internal database, integrating billing and consumption data with building information available from the County of Alameda assessor’s office. EBCE uses several tools available within the Google Cloud Platform to share data (e.g., Google Cloud storage, service accounts), and automizes the data transfer process based on parameters established with program partners. Bidders are welcome to propose other tools or platforms for the storage or transfer of data.

Bidder must clearly articulate the planned methodologies, including analytical methods and any tools or software required. The strategy should include minimum data requirements and identify data sources. Bidders should propose a method for data transfer and indicate the required cadence of data transfer. All bidders must also attest to their compliance with the CPUC policies on data protection and privacy and should be prepared to demonstrate compliance with these policies if selected.

4.3.1 M&V Statement of Work

Bidders must submit a complete and detailed scope of work covering the below activities at a minimum. Bidders are invited to propose additional scope to accomplish the goals and objectives of the program. EBCE will provide all gas and electric meter data for EBCE customers.

1. Program Ramp Up

- a. Measurement and Verification Plan
 - i. Develop an M&V plan for with requirements for contractors, including pre and post data requirements, proposed eligibility rules to ensure accurate measurement is possible, guidelines for contractors around forecasted energy savings, analytical methods used for establishing baseline, assumptions for program evaluation, treatment and control groups, calculation of gross and net program impacts, peak program impacts, measurement protocols for fuel-substitution measures, and any other information to communicate the methods and requirements associated with the M&V strategy.
 - ii. Maintain data transfer and storage, providing any diagrams necessary to communicate the data flows.
- 2. Program Implementation
 - a. Data transfer and storage
 - i. Collect, store, and share with EBCE any data necessary to execute M&V strategy and demonstrate compliance with CPUC policies and procedures on data privacy.
 - b. Quality assurance / quality control
 - i. Ensure data integrity and consistency of treatment and control groups. Ensure the use of sound assumptions for program evaluation and rigorous evaluation of tools or methods that will be used to forecast energy savings in the program.
 - ii. Provide recommendations for new sources of data and the improvement of programs to increase energy efficiency results. Also provide methodological suggestions to improve accuracy of program impacts.
 - c. Tracking and reporting
 - i. Provide data sharing mechanism (e.g., dashboard, data transfer) for EBCE to evaluate performance of portfolio of projects on an ongoing basis.
 - ii. Develop process to share project performance with contractors or program implementers that ensures protection of personally identifiable information.
 - iii. Provide data necessary to support internal tracking and reporting and compliance reporting to the CPUC (minimum quarterly) in a format agreed upon with EBCE.
 - d. Settlement
 - i. Manage settlement on incentives, and communicate proposed cadence, required documentation, and proposed policies for over or under delivery on energy savings.

5. ADDITIONAL GRID SERVICES PROGRAM

5.1 Background

In addition to traditional supply sources, EBCE is interested in pursuing load flexibility and greenhouse gas reduction benefits through demand-side sources. These activities can provide rate stability and mitigate carbon emissions while also investing in local communities and helping customers to save money on energy costs. EBCE has several programs which are

exploring the benefits that behind-the-meter (BTM) solutions can provide to EBCE’s procurement portfolio. These programs include combined solar + storage for residential customers, a new managed EV charging pilot, and former partnerships with OhmConnect and Rising Sun to explore load shifting opportunities for low-income residential customers. EBCE now seeks to build on these opportunities by offering a price signal for peak load reductions and invites broad proposals across market sectors to determine what strategies exist for delivering avoided energy and load flexibility benefits from BTM resources.

5.2 Implementation and M&V Overview

EBCE is interested in obtaining true procurement value from BTM resources by providing supplemental funding (not sourced from CPUC ratepayer funding) for grid services. The procurement value will come from additional peak reductions (between hour ending (HE) 0600-0900 and 1700-2300) that can be obtained from projects in EBCE service area. These additional grid services will put a high emphasis on demand management strategies, including permanent baseload reduction as well as controls-based load shifting approaches, and storage solutions. **Fossil fuel-based measures, such as diesel-powered backup generators or fuel cell systems, are not eligible for this program.**

Unlike the P4P energy efficiency program that is subject to cost effectiveness requirements, this additional program area would be funded with EBCE revenue, but ultimately EBCE is seeking a pathway to monetize the energy or capacity value of these grid services. Thus, value delivered through the grid services activities should be tied to the avoided energy and/or capacity costs.

EBCE is looking for thoughtful responses to the following proposed program parameters:

- EBCE will pay the following rates for energy delivered according to the table below:

| | Summer months (July, Aug., Sept.) | All other months |
|------------------------------|--------------------------------------|------------------|
| Morning Peak HE 0600-0800 | \$105/MWh | \$95/MWh |
| Evening Peak HE 1800-2300 | \$115/MWh | \$105/MWh |

- EBCE envisions contracting for 5-year or longer timeframes to pay for persistent savings as they are measured and delivered
- Grid services may include additional energy efficiency measures, demand management controls, battery storage, etc.
- While EBCE is interested in adding additional grid services funding to the commercial EE projects, these services are not required to be tied to only projects enrolled in the commercial EE program; EBCE is open to having grid services stack onto other EE or demand-side management programs across customer segments as long as the project is sited on EBCE customer property (not including new construction).

5.2.1 Implementation and M&V Scope of Work

Based on program parameters listed above, EBCE invites bidders to propose a contract-ready scope of work that outlines the program design for capturing this additional grid value. Bidders SOW must demonstrate if and how they intend to integrate with the commercial P4P program, and how they propose to leverage other programs that may be available for this additional incentive. The SOW must include a clear methodology for settling on measured and delivered value. A proposed M&V approach for the Grid Services program must articulate how the Bidder plans to account for impacts associated with any energy efficiency project as well as any proposed electrification, if relevant.

In addition to providing a clear and executable program design and contract-ready SOW, Bidders are asked to respond to a list of program design questions provided in Attachment A: Response Requirements.

6. STATEMENT OF REQUIREMENTS

The successful proposal submittal(s) must demonstrate that the Consultant has the appropriate professional and technical background as well as access to adequate resources to fulfill the stated scope of work.

6.1 Commercial Energy Efficiency Program Implementation

- Demonstrated experience with all aspects of commercial energy efficiency programs, including but not limited to:
 - Measure selection and management
 - Customer acquisition and pipeline management
 - Data-driven marketing
 - Forecasting energy savings impacts
 - Quality assurance and quality control (contractor network and project performance)
 - High quality customer service
 - Experience with CPUC programs and policies
- Demonstrated experience implementing programs with high emphasis on peak energy reduction.
- History of collaboration with other program administrators and regional agencies

6.2 Normalized Metered Energy Consumption (Energy Efficiency M&V)

- Demonstrated experience with CPUC approved methodologies for measuring program impacts with energy consumption data.
- Sound proposal for applying NMEC approaches to fuel-substitution measures
- Compliance with CPUC rules around data privacy and protection

6.3 Additional Grid Services

- Knowledge of peak demand reduction strategies, both event-based as well as load modifying activities
- Knowledge of communication protocols for behind-the-meter devices

- Knowledge of CPUC and CAISO requirements around demand management programs, specifically peak reduction and demand response programs
- Knowledge of CCA procurement obligations

7. CONSULTANT SERVICES

EBCE intends to award one or more Consulting Services Agreement (see contract options in Section 1 above) based upon the highest-ranked score for each technical area described in Section 4 and Section 5. EBCE encourages teaming and will publish a list of attendees from each Bidders Webinar.

8. PROCEDURES, TERMS, AND CONDITIONS

GENERAL

Incurring Cost

This RFP does not commit EBCE to award or pay any cost incurred in the submission of the proposal, or in making necessary studies or designs for the preparation thereof, nor procure or contract for services or supplies. Further, no reimbursable cost may be incurred in anticipation of a contract award.

Claims Against EBCE

Neither your organization nor any of your representatives will have any claims whatsoever against EBCE or any of its respective officials, agents, or employees arising out of or relating to this RFP or these RFP procedures, except as set forth in the terms of a definitive agreement between EBCE and your organization.

Guarantee of Proposal

Responses to this RFP, including proposal prices, will be considered firm and irrevocable for one hundred eighty (180) days after the due date for receipt of proposals.

Basis for Proposal

Only information supplied by EBCE in writing by the Contact in connection with this RFP should be used as the basis for the preparation of Consultant(s)'s proposal.

Form of Proposals

Proposals must be submitted electronically by e-mail to energyefficiency@ebce.org. Proposals must abide by requirements listed in Required Documentation and Submittals.

Amended Proposals

Bidders may submit amended proposals before the Deadline to Submit Proposals. Such amended proposals must be complete replacements for previously submitted proposals and must be clearly identified in a written format. The Contact will not merge, collate, or assemble proposal materials.

Withdrawal of Proposal

Bidders may withdraw their proposals at any time prior to the Deadline to Submit Proposals. The Consultant(s) must submit a written withdrawal request signed by the Consultant(s)'s duly authorized representative addressed to and submitted to the Contact.

Late Responses

To be considered, proposals must be received electronically by email and (optional) in person or via courier/mail or to the place specified by Date Time. No late responses will be considered.

California Public Records Act (CPRA)

All proposals become the property of EBCE, which is a public agency subject to the disclosure requirements of the California Public Records Act ("CPRA"). If Consultant(s) proprietary information is contained in documents submitted to EBCE, and Consultant(s) claims that such information falls within one or more CPRA exemptions, Consultant(s) must clearly mark such information "CONFIDENTIAL AND PROPRIETARY," and identify the specific lines containing the information. In the event of a request for such information, EBCE will make best efforts to provide notice to Consultant(s) prior to such disclosure. If Consultant(s) contends that any documents are exempt from the California Public Records Act (CPRA) and wishes to prevent disclosure, it is required to obtain a protective order, injunctive relief, or other appropriate remedy from a court of law in Alameda County, before EBCE's deadline for responding to the CPRA request. If Consultant(s) fails to obtain such remedy within EBCE's deadline for responding to the CPRA request, EBCE may disclose the requested information.

Consultant(s) further agrees that it shall defend, indemnify, and hold EBCE or its agents, harmless against any claim, action, or litigation (including, but not limited to, all judgments, costs, fees, and attorney's fees) that may result from EBCE's assertion of an exemption or privilege as a basis for withholding any information marked confidential by the Consultant(s).

DO NOT MARK YOUR ENTIRE BID CONFIDENTIAL. ONLY MARK THOSE PAGES THAT YOU BELIEVE CONTAIN PROPRIETARY INFORMATION.

Confidentiality

All data and information obtained from or on behalf of EBCE by the Consultant(s) and its agents in this RFP process, including reports,

recommendations, specifications, and data, shall be treated by the Consultant(s) and its agents as confidential. The Consultant(s) and its agents shall not disclose or communicate this information to a third party or use it in advertising, publicity, propaganda, or in another job or jobs, unless written consent is obtained from EBCE.

Generally, each proposal and all documentation, including financial information, submitted by a Consultant(s) to EBCE is confidential until a contract is awarded, when such documents become public record under State and local law, unless exempted under CPRA.

Electronic Mail Address

Most of the communication regarding this procurement will be conducted by electronic mail (e-mail). Potential Bidders agree to provide the Contact with a valid e-mail address to receive this communication.

EBCE Rights

EBCE and its Contact reserve the right to do any of the following at any time:

- a. Reject any or all proposal(s), without indicating any reason for such rejection;
- b. Waive or correct any minor or inadvertent defect, irregularity, or technical error in a proposal or the RFP process, or as part of any subsequent contract negotiation;
- c. Request that Bidders supplement or modify all or certain aspects of their proposals or other documents or materials submitted;
- d. Terminate the RFP, and at its option, issue a new RFP;
- e. Procure any equipment or services specified in this RFP by other means;
- f. Modify the selection process, the specifications or requirements for materials or services, or the contents or format of the proposals;
- g. Extend a deadline specified in this RFP, including deadlines for accepting proposals;
- h. Negotiate with any or none of the Bidders;
- i. Modify in the final agreement any terms and/or conditions described in this RFP;
- j. Terminate failed negotiations with any Consultant(s) without liability, and negotiate with other Consultant(s)(s);
- k. Disqualify any Consultant(s) on the basis of a real or apparent conflict of interest, or evidence of collusion that is disclosed by the proposal or other data available to EBCE;
- l. Eliminate, reject, or disqualify a proposal of any Consultant(s) who is not a responsible Consultant(s) or fails to submit a responsive offer as determined solely by EBCE or its representative; or
- m. Accept all or a portion of a Consultant(s)'s proposal.

Supplier Diversity

Pursuant to California Senate Bill 255, Community Choice Aggregators (CCAs) are required to report to the California Public Utilities Commission on their diverse suppliers, as defined by CPUC General Order 156. Consistent with the California Public Utilities Code and California Public Utilities Commission policy objectives, Bidders that execute a contract with EBCE will be required to complete a Supplier Diversity Questionnaire. EBCE will not consider race, sex, color, ethnicity, or national origin in procurement decisions; providing such information will not impact the selection process or good standing of executed contracts.

EBCE encourages all eligible parties to get certified with the CPUC as women, minority, disabled veteran and/or LGBT owned business enterprise (WMDVLGBTBE).

For overview information on the CPUC Supplier Diversity Program, please visit the program homepage (<https://www.cpuc.ca.gov/supplierdiversity/>). For information on the certification process and requirements, please visit the Certifications page (<https://www.cpuc.ca.gov/Certifications/>).

PROPOSED CALENDAR OF EVENTS

| | Action | Date |
|----|---|---|
| 1. | Issuance of RFP | October 26, 2022 |
| 2. | Option 1: Bidder's Webinar Register here: https://us02web.zoom.us/webinar/register/WN_Ac_00g9BRT6lICj8jwzV_A | November 2, 2 pm PST |
| 3. | Option 2: Bidder's Webinar Register here: https://us02web.zoom.us/webinar/register/WN_J9zFp1u3QnShzFlXldyQg | November 10, 1 pm PST |
| 4. | Deadline for questions/clarifications | December 2 by 5 pm PST |
| 5. | Question Responses posted Online | Rolling basis every week until December 9 |
| 6. | Deadline to submit proposals | December 16 by 5 pm via email to energyefficiency@ebce.org |

| | | |
|-----|--|---------------------|
| 7. | Proposal Evaluation | Week of December 19 |
| 8. | Finalist selection/interviews | Week of January 2 |
| 9. | Final Negotiations and/or Best and Final Offer | Week of January 9 |
| 10. | Target Date for Contract Execution | January 23, 2023 |

EVALUATION CRITERIA

Evaluators will review proposal responses for Commercial P4P Energy Efficiency Program and Additional Grid Services Program separately using the below criteria. Proposals must provide clear, concise information and sufficient detail to enable reviewers/evaluators to evaluate the responsiveness and quality of the proposals to all RFP requirements. Evaluators will also review the proposals for format to ensure conformance with the RFP requirements. Proposals that fail to meet RFP requirements could be rejected. EBCE may waive minor irregularities in proposals if doing so would be in the best interest of EBCE. Evaluators may recommend discontinuing evaluation of any proposal that is considered not in compliance with the RFP requirements.

| | Technical Evaluation Criteria | Points |
|----|---|--------|
| 1. | Program Design and SOW <ul style="list-style-type: none"> ● Quality, clarity, and responsiveness of proposal ● Proposed approach is innovative and aligns to EBCE objectives ● Proposed SOW is complete and contract-ready | 20% |
| 2. | Management, Personnel, and Experience <ul style="list-style-type: none"> ● Relevant experience in successfully performing similar services ● Background and related experience of the specific individuals to be assigned to this project ● Program is staffed appropriately with capacity to carry out all services | 10% |
| 3. | Comprehensive Strategy <ul style="list-style-type: none"> ● Quality of responses to strategy questions ● M&V strategy is sound and clearly articulates how Bidder will avoid conflict of interest with implementation ● Bidder identifies clear strategy for achieving annual savings targets ● Bidder proposes realistic and thoughtful metrics to gauge progress towards achieving annual savings targets and other desired program outcomes | 40% |

| | | |
|----|---|------|
| 4. | Budget <ul style="list-style-type: none"> ● Cost of proposed services is competitive and within proposed budget ● Performance-based payment structure | 20% |
| 5. | Bidder preference <ul style="list-style-type: none"> ● Bidder Headquarter Location - EBCE Service Area ● Bidder Headquarter Location - Disadvantaged Community ● Union Labor ● Disabled-Veteran Owned Business | 10% |
| | TOTAL | 100% |

In addition to these technical evaluation criteria, EBCE will also consider a set of Special Procurement Preferences, outlined in our Administrative Procurement Policy. As reflected in the Evaluation Criteria, contract award will not be based solely on cost, but on a combination of factors as determined to be in the best interest of EBCE. EBCE will not be bound to award the contract(s) based solely on the lowest bid submitted.

EBCE’s form of a Consulting Services Agreement is attached as Attachment B and includes EBCE’s current insurance requirements. Please note that these requirements are subject to change by EBCE prior to execution of a contract with a selected Bidder and may require annual updating during the term of a Consulting Services Agreement. Bidders are expected to note any exceptions to the Consulting Services Agreement in the Bidder’s response and failure to so may preclude consideration of any requested change at a later date.

After evaluating the proposals and discussing them further with the Finalists or the tentatively selected Consultant(s), EBCE reserves the right to further negotiate the proposed work and/or method and amount of compensation. EBCE further reserves the right to consider the changes make to the Consulting Services Agreement in its evaluation and selection.

INSTRUCTIONS TO BIDDERS

9. EBCE CONTACT

The evaluation phase of the competitive process will begin upon receipt of bids until a contract has been awarded. Bidders must not have any contact with EBCE personnel nor should they lobby evaluators or any member of the staff or Board of

Directors during the evaluation process. Any communications outside of the procedures set forth in this RFP may result in disqualification of bidder.

All questions regarding these specifications, terms and conditions are to be submitted in writing, via e-mail. Questions will be responded to on a rolling basis, with responses posted weekly on the [solicitations page](#). All questions must be submitted by 5:00 pm PST on Friday, December 2, 2022, to:

Attn: Beckie Menten
East Bay Community Energy
E-Mail: energyefficiency@ebce.org

The EBCE website will be the official notification posting place of all Requests for Interest, Proposals, Quotes and Addenda. Go to <http://www.ebce.org/solicitations> to view current opportunities.

SUBMITTAL OF PROPOSALS

All bids must be received at EBCE by 5:00 pm PST on December 16, 2022. Bids will be received only at the addresses shown below any bid received after that time and date or at a place other than the stated address will not be considered and will be returned to the bidder unopened. Electronic bids must be submitted in a non-alterable format such as a .pdf.

1. Bidders **must** submit an electronic copy of their proposal via email to the following:
 - a. Beckie Menten, Energy Efficiency & Building Decarbonization Program Manager - EBCE: energyefficiency@ebce.org
2. Bidders are responsible for all costs required for the preparation and submission of a bid.
3. Only one bid response will be accepted from any one person, partnership, corporation, or other entity; however, several alternatives may be included in one response. For purposes of this requirement, “partnership” means, and is limited to, a legal partnership formed under one or more of the provisions of the California or other state’s Corporations Code or an equivalent statute.
4. All other information regarding the bid responses will be held as confidential until the Review Committee has completed its evaluation, a recommended award has been made by the EBCE Board of Directors, and the contract has been fully negotiated.
5. California Government Code Section 4552: In submitting a bid to a public purchasing body, the bidder offers and agrees that if the bid is

accepted, it will assign to the purchasing body all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. Sec. 15) or under the Cartwright Act (Chapter 2, commencing with Section 16700, of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, materials, or services by the bidder for sale to the purchasing body pursuant to the bid. Such assignment shall be made and become effective at the time the purchasing body tenders final payment to the bidder.

6. Bidder expressly acknowledges that it is aware that if a false claim is knowingly submitted (as the terms “claim” and “knowingly” are defined in the California False Claims Act, Cal. Gov. Code, §12650 et seq.), EBCE will be entitled to civil remedies set forth in the California False Claim Act. It may also be considered fraud and the Consultant(s) may be subject to criminal prosecution.
7. The undersigned Bidder certifies that it is, at the time of bidding, and throughout the period of the contract, licensed by the State of California to do the type of work required under the terms of the Contract Documents. Bidder further certifies that it is regularly engaged in the general class and type of work called for in the Bid Documents.
8. It is understood that EBCE reserves the right to reject this bid and that the bid shall remain open to acceptance and is irrevocable for a period of one-hundred and eighty (180) days, unless otherwise specified in the Bid Documents.

10. RESPONSE FORMAT

1. Bid responses are to be straightforward, clear, concise and specific to the information requested.
2. Bids shall adhere to all documentation and formatting requirements in Required Documentation and Submittals.
3. **Objections for the form of Consulting Services Agreement:** Bidders must provide specific objections to the Form Consulting Services Agreement in order for any changes to be considered. Stating an objection does not guarantee that EBCE will accept such changes.

11. REQUIRED DOCUMENTATION AND SUBMITTALS

Bidders shall submit all documentation, in the order listed below and clearly label each section with the appropriate title (i.e., Table of Contents, Letter of Transmittal, Key Personnel, etc.) and abide by page limits. Attachments (resumes, etc.) shall not be included in page limits.

- 1. **Table of Contents:** Bid responses shall include a table of contents listing the individual sections of the proposal/quotation and their corresponding page numbers. Tabs should separate each of the individual sections. (1 page)
- 2. **Letter of Transmittal:** Bid responses shall include a description of Bidder's capabilities and approach in providing its services to the EBCE and provide a brief synopsis of the highlights of the proposal and overall benefits of the Proposal to the EBCE. Letter should indicate which program(s) response is prepared for. (1 page)
- 3. **Key Personnel:** Bid responses shall identify the lead contact and include resumes for all key personnel associated with the RFP. Resumes may be included as attachments and will not count against page limits.
- 4. **Scope(s) of Work:** Bidder shall provide detailed, contract-ready SOW for each program. Bidder should include a schedule with key milestones or benchmarks for each SOW. (max 10 pages per program)
- 5. **Scope(s) of Work:** Bidder shall include responses and supporting documentation for Attachment A: Supplemental Questionnaire (max 10 pages per program)
- 6. **Costs:**

Commercial P4P EE Program: Costs presented below represent the program budget as filed with the CPUC, less administrative expenses withheld by EBCE. Bidder shall include bid costs in the following manner but is free to propose a different allocation of costs among categories, or to present the budget in a performance-based or milestone-based payment structure. Administrative costs cannot exceed 10% of total budget, and marketing costs should be kept to no more than 6% of the budget. The incentive budget presented here is a minimum, and no proposal should include less funding for incentives.

Bidders proposing a performance-based budget may bill for ramp up costs separately, but such costs must be clearly identified in the budget proposal. Bidders presenting performance-based budgets are asked to communicate treatment of marketing and administration costs to facilitate reporting requirements. If M&V requires engagement beyond year three (for example, post project measurement), then Bidder to propose

year 4 costs. At no time shall the proposed budget for the commercial EE program exceed an overall NTE of \$11,569,528.

| | Year 1 | Year 2 | Year 3 | Total |
|--------------|--------------------|--------------------|--------------------|---------------------|
| Admin | \$265,818 | \$390,818 | \$390,818 | \$1,047,454 |
| ME&O | \$131,491 | \$144,991 | \$144,991 | \$421,473 |
| DINI | \$483,635 | \$672,635 | \$672,635 | \$1,828,905 |
| Incentive | \$2,757,232 | \$2,757,232 | \$2,757,232 | \$8,271,696 |
| Total | \$3,638,176 | \$3,965,676 | \$3,965,676 | \$11,569,528 |

In addition to a budget table, Bidders must provide a cost justification narrative.

Additional Grid Services Program: EBCE anticipates all administrative and customer acquisition costs should be recovered in the total \$ / MWh proposal. EBCE is prepared to assist in customer acquisition activities per the capabilities described in Attachment D.

| | Summer months (July, Aug., Sept.) | All other months |
|------------------------------|--------------------------------------|------------------|
| Morning Peak HE 0600-0800 | \$105/MWh | \$95/MWh |
| Evening Peak HE 1800-2300 | \$115/MWh | \$105/MWh |

Bidders must include a cost justification narrative.

- 8. References and Relevant Work Example:** Bidder to provide a list of 3 relevant current or recent clients. References must include: company name, contact person (name and email), address, telephone number, date of services, and a summary of the relevant work provided. EBCE staff may contact some or all of the references provided in order to determine Bidder’s performance record on work similar to that described in this request. EBCE staff reserves the right to contact references other than those provided in the Response and to use the information gained from them in the evaluation process. (1 page)

Attachment A: Required Response Information

In addition to developing contract-ready scopes of work for each program, bidders must provide responses to the following questions. ONLY provide responses to the program(s) you are submitting for, including responses to the EBCE mandatory procurement questions.

1. Commercial P4P Energy Efficiency Program

A. Implementation

- Describe how the program will reduce peak energy use at the project and / or portfolio level, including the intervention strategies and efficiency measures.
- How will you incorporate building electrification into this program?
- How will you ensure annual targets for projects and savings are met given competing programs? Are there program design recommendations you would make to make EBCE's program more attractive?
- Describe your approach to recruiting contractors into this program.
- How would you approach issues in quality of work / underperforming projects in the portfolio?
- Describe your approach to customer education around time-of-use management and load shifting.
- How will the incentive be shared with the customer installing energy efficiency measures? What other benefits will customers be offered to encourage participation in this program?
- Describe your approach to customer acquisition. How will you collaborate with EBCE on customer acquisition? What data can EBCE provide to facilitate acquisition?
- Describe how you will confirm the portfolio meets a 1.0 TRC.
- Propose an incentive disbursement schedule to program participants.

B. M&V

- Describe your methodology to calculate savings.
- Describe your approach to avoiding conflict of interest with implementation services.

2. Additional Grid Services Program

A. Implementation

- Describe your programmatic approach for achieving the goals of the Additional Grid Services Program as described in Section 5?
 - Is the pricing listed in Section 5 a reasonable market signal to encourage market participation? If not, what price would you set? Please provide justification.
 - EBCE is interested in 3+ year contracts for persistent savings. Bidder to provide recommendation on length of contract given EBCE objectives.

- What market segment(s) would you propose to target for the additional grid services? Provide recommendation and justification.
- How might project finance play a role in this?
- What types of technologies would you deploy to achieve this?
- What will be your approach to coordinating with overlapping programs with PG&E Market Access Program and the BayREN Business Program? How will you integrate with these programs or other similar programs?

B. M&V

- Describe your approach to avoiding conflict of interest with implementation services.
- Describe your methodology to calculate savings. What would be the proposed settlement methodology and approach for this?
- Describe how Grid Services value can reduce EBCE's capacity obligations or capture value from capacity markets. Differentiate between non-market integrated approaches (i.e. reduce Resource Adequacy obligations) or market-integrated approaches (i.e. participation in the CAISO PDR markets.)
- Propose an incentive disbursement schedule to program participants.
- Describe your strategy for capturing the additionality of energy and capacity values following an energy efficiency program intervention.

3. EBCE Procurement Preferences - REQUIRED FOR ALL BIDDERS

- Does your organization have an office located in EBCE's service territory or does at least 25% of your workforce reside in EBCE's service territory?
- Will your organization use union labor or union contractors for these services if selected?
- Is your organization registered as a Disabled Veteran Business Enterprise with the California Department of General Services?
- Is the office where work will primarily be conducted on behalf of EBCE for these services be located in a Disadvantaged Community as identified by the California Environmental Protection Agency's CalEnviroScreen Tool?

Attachment B: EBCE Consulting Services Agreement

Attachment C: EBCE Advice Letter 28-E-A

Attachment D: Description of EBCE Data and Analytics Tools and Capabilities