



## Action Item 16

**TO:** East Bay Community Energy Board of Directors

**FROM:** JP Ross, Senior Director of Local Development, Electrification and Innovation

**SUBJECT:** Local Development Plan and Reach Codes program (Action Item)

**DATE:** February 20, 2019

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### Recommendation

Adopt a resolution authorizing the CEO to negotiate and execute a contract, in a form substantially similar to the EBCE consulting Services Agreement, with TRC Consulting, an engineering, management and construction firm with offices in Alameda county with extensive experience with Reach Codes in California, for a period of 12 months, in an amount not to exceed \$200,000 in total compensation.

### Background

The Local Development Business Plan highlights two priority areas of Building and Transportation Electrification (Sections 3 and 4). EBCE will develop programs advancing building and transportation electrification to address the GHG sources and create local jobs. This memo describes a Building Electrification and Electric Vehicle (EV) Infrastructure “reach” code program to work with EBCE member cities to update local building codes for new residential and commercial construction.

The 2018 LDBP budget approved by the Board on July 18, 2018 included \$550,000 for both building and transportation electrification. This reach code program would utilize up to \$300,000 of that budget - \$200k for TRC and \$100k for participating local governments.

Codes for new buildings and major modifications are the most cost-effective points at which to install Electric Vehicle Charging Infrastructure (EVCI) and electric appliances (such as heat pump water heaters) compared to retrofitting existing buildings.

The State of California (through the California Energy Commission) is promulgating the 2019 Building Standards, which will go into effect on January 1, 2020. Municipalities may implement local “reach codes” that exceed state

standards in order to align with local climate objectives. To maximize consistency for building developers, it is preferred that reach codes be developed to go into effect on January 1, 2020.

## **DISCUSSION**

To maximize efficiency and consistency across counties as well as meet the January 1, 2020 code update, EBCE has piggybacked our effort with a similar effort that Peninsula Clean Energy (PCE) and Silicon Valley Clean Energy (SVCE) have initiated. PCE and SVCE have engaged a consultant, TRC, through a competitive solicitation to provide technical assistance on reach codes to local governments in the service territories and support the associated adoption process with a goal of implementing code updates to go into effect on January 1, 2020.

The consultant will draft one or more suitable model codes addressing new and modified buildings, including single family dwellings, multi-unit dwellings (apartments and condominiums) and commercial spaces. The codes will take into account existing/proposed codes adopted by other jurisdictions and stakeholder input, including from developers and low-income housing representatives. The code development will include both the EV infrastructure and the building electrification codes.

The local municipalities are the “authorities having jurisdiction” (AHJ) over building code enforcement. The consultant will work with each municipality (and stakeholders) to develop and refine the model codes, prepare staff report templates, and help cities implement the EV infrastructure and the building electrification codes. EBCE would also plan to provide grant funds, \$8k-\$10k per municipality depending on participation levels, for participating in the process.

The initiative is intending to leverage a cost-effectiveness analysis to be performed by the California Energy Commission (CEC) for building electrification measures and the PCE consultant will develop a cost-effectiveness analysis for the EV infrastructure portion of the model codes.

## **SELECTION PROCESS:**

EBCE will leverage the competitive solicitation issued by PCE to negotiate and execute a contract with TRC Consulting. This is in alignment with our Procurement Policy, Section (i) which states: “EBCE can rely on the competitive solicitation process provided by another governmental agency providing that that agency’s procurement is in compliance with California law”. EBCE must utilize this contract if we are to leverage the reach code activities in adjacent counties and meet the January 1, 2020 timeline.

**Timeline:** The code education, outreach and adoption process will be coordinated in partnership with BayREN, who has developed a parallel Reach Code Process for Bay Area Counties and is scheduled for Q2-Q4 2019 to correlate with other Reach code development/adoption. Finally, code implementation training, procedures

and materials will be developed and executed in Q4 2019 and Q1 2020. Exact timing of Building Electrification elements will be aligned with the CEC cost-benefit analysis.

**Prospective Measures:**

New building prospective EV code enhancements may include measures such as:

1. Single family home readiness for 2 plug-in electric vehicles
2. Condominiums: Level 2 (240v) outlet per unit
3. Apartments: Level 2 or Level 1 (110v) outlet per unit
4. Workplace/ Commercial: Level 2 or Level 1 (110v) outlet at a percentage of spaces

New Building Electrification code enhancements is anticipated to likely be based on a performance approach that encourages full electrification but provides an option for high efficiency dual-fuel (electric and natural gas). Reach codes for major alterations will be evaluated to maximize impact while minimizing financial impact to the community.

EBCE staff asks that Board members, as representatives of their respective cities, inform their jurisdictions that that code development is occurring and serve as champions for code adoption.

**FISCAL IMPACT:**

Up to \$300,000 for both the technical consultant and in-kind payments to participating cities that bring a reach code to their council for approval.

The contract includes:

- Up to \$70,000 cost for model code development and cost-effectiveness analysis.
- Up to \$130,000 variable cost is associated with adoption and implementation support for local governments. Total costs of support could be higher depending on number of participating cities. Staff may approach the board for added funds if deemed appropriate.
- Up to \$100k in grant funds to EBCE served local governments that participate in the process and bring a reach code to their respective council for passage.

**Committee Recommendation:**

The Reach Code project has not been discussed in any Board Committees.

**Attachments:**

- A. Resolution Authorizing CEO to negotiate and Execute a Consulting Services Agreement with TRC Consulting

RESOLUTION NO. \_\_\_\_  
A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE EAST BAY COMMUNITY ENERGY AUTHORITY AUTHORIZING THE CEO TO  
NEGOTIATE AND EXECUTE A CONSULTING SERVICES AGREEMENT WITH TRC  
CONSULTING TO CONDUCT A REACH CODE PROGRAM

THE BOARD OF DIRECTORS OF THE EAST BAY COMMUNITY ENERGY AUTHORITY DOES  
HEREBY FIND, RESOLVE AND ORDER AS FOLLOWS:

Section 1. The East Bay Community Energy Authority (“EBCE”) was formed 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 and energy-related climate change programs in all of the member jurisdictions.

Section 2. On July 18, 2018, the Board approved the Local Development Business Plan (LDBP) and budget. The LDBP lays out a series of local development early actions, outlines a series of policy principles, and defines a set of metrics to measure the impact on Alameda County.

Section 3. The budget included \$550,000 for the areas of building and transportation electrification. EBCE desires to enact a Reach Code program that will advance the two priority areas of building and transportation electrification.

Section 4. TRC Consulting is a firm that has extensive experience with Reach Codes. Peninsula Clean Energy (PCE) and Silicon Valley Clean Energy have engaged TRC following a competitive solicitation process and EBCE seeks to leverage the competitive solicitation issued by PCE to negotiate a contract with TRC Consulting. The EBCE Administrative Procurement Policy allows EBCE to rely on the competitive solicitation process provided by another governmental agency providing that that agency’s procurement is in compliance with California law.

Section 5. The Board of Directors hereby authorizes the CEO to negotiate and execute a Consulting Services Agreement with TRC Consulting in a form substantially similar to the EBCE Consulting Services Agreement, for a period of 12 months and not to exceed \$200,000 in total compensation to conduct a Reach Code program.

ADOPTED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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Scott Haggerty, Chair

ATTEST:

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Stephanie Cabrera, Clerk of the Board