

Association of Bay Area Governments

Executive Board

November 17, 2022

Agenda Item 6.h.

Bay Area Regional Energy Network (BayREN)

Subject:

Authorization to amend a Bay Area Regional Energy Network (BayREN) contract with CodeCycle in an amount not to exceed \$220,000 for implementation services through December 31, 2023

Background:

Since 2013, BayREN has implemented a portfolio of energy efficiency programs across the region. The Association of Bay Area Governments (ABAG) serves as the program administrator and lead agency for a 10-member unincorporated association of local government entities.

On May 31, 2018, the California Public Utilities Commission (CPUC) issued Decision 18-05-041¹ which among other things, authorized funding for BayREN through 2025, allowed for modifications to the existing portfolio, and increased the portfolio's total and annualized budget. PG&E – as directed by the CPUC – is the fiscal agent for BayREN. The CPUC has also allowed PG&E and BayREN to negotiate contract terms independent of the CPUC. ABAG and PG&E have a contract for funding through December 2023 or FY 2023-24. The overall BayREN budget is developed each calendar year and the contracts have historically been amended on an annual basis or as needed.

In 2015, ABAG conducted a competitive procurement process on behalf of BayREN for electronic Energy Code compliance improvement tools, and the winning proposer was CodeCycle. In 2019, authority for a sole source contract with CodeCycle was provided in order to continue the CodeCycle Demonstration Project and to collect additional data for evaluation. The contract was for an amount not to exceed \$210,000 and was for services from July 2019 through December 2020. On September 17, 2020, the contract was amended to increase the total budget to \$610,000 and to extend the contract for two additional years, through December 2022.

CodeCycle is an electronic tool that can be used by local governments as well as project designers to ensure that projects comply with the California Energy Code. Compliance is essential for the state to meet its greenhouse gas reduction goals. BayREN's CodeCycle Demonstration Project provides funding to allow testing of the tool in the Bay Area, including support for local governments. The cities of Vacaville, Concord, and Milpitas are currently utilizing the tool.

The Demonstration Project is intended to determine whether the tool is a viable, scalable approach to improving Energy Code compliance. CodeCycle has developed a new approach for

¹ <http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M215/K706/215706139.PDF>

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local governments to access the tool which just became available during the past year. Additional time is needed in order to allow testing of this approach, development of other planned improvements, and collection of additional data.

Issues:

None

Recommended Action:

The ABAG Executive Board is requested to authorize the Executive Director of the Metropolitan Transportation Commission, or her designee, on behalf of the Association of Bay Area Governments and the Bay Area Regional Energy Network, to negotiate and enter into a contract amendment in an amount not to exceed \$220,000 for the CodeCycle Demonstration Project, for a total contract amount not to exceed \$830,000, and to extend the contract through December 31, 2023.

Attachments:

- A. Summary Approval – CodeCycle
- B. Sole Source Amendment Memo

Reviewed:



Therese W. McMillan