

Association of Bay Area Governments

Executive Board

May 16, 2019

Agenda Item 6.c.

Authorization to enter into a Sole-Source Contract with CodeCycle to continue the Bay Area Regional Energy Network (BayREN) CodeCycle Demonstration Project through December 2020, for an amount not to exceed \$210,000

Subject: Authorization to enter into a Sole-Source Contract with CodeCycle to continue the Bay Area Regional Energy Network (BayREN) CodeCycle Demonstration Project through December 2020, for an amount not to exceed \$210,000.

Background: The Bay Area Regional Energy Network (BayREN) implements a portfolio of energy efficiency programs across the region. ABAG serves as the program administrator and lead agency for a 10-member unincorporated association of local government entities. The California Public Utilities Commission (CPUC), in Decision 12-11-015, first authorized funding for BayREN. In Decision 18-15-041, the CPUC authorized BayREN funding through 2025, or when the Commission issues a superseding decision. The current budget for 2019 is approximately \$23 million, and the CPUC Decision authorizes a budget of about \$24 million for 2020.

In 2015, ABAG conducted a competitive procurement process on behalf of BayREN for compliance improvement tools to assist local governments with compliance with the California Energy Code. The winning proposer based on the review team scores was CodeCycle, which has a unique software tool that can be used by project designers as well as local building inspectors both in the office and in the field to ensure compliance with the complex commercial lighting provisions in the Energy Code. BayREN's CodeCycle Demonstration Project involves providing funding to allow a small number of Bay Area jurisdictions full access to the tool and associated support from CodeCycle, in order to determine whether the tool is a viable, scalable approach to improving compliance with the Energy Code.

In 2018, BayREN commissioned a process evaluation of the CodeCycle tool, which found that the CodeCycle tool has value, identified barriers to wider use and provided recommendations for addressing those barriers, and noted that once recommendations are implemented, the tool should be used for another 6 months to one year before conducting additional research on the value and potential for scalability of the tool. BayREN therefore intends to continue with the CodeCycle Demonstration Project while working with CodeCycle to improve the project. Planned improvements include expanding the scope of the tool with the grant from the CEC and working with the local governments that are currently

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using the tool in order to improve the tool's utility for local building departments.

The original 2015 contract with CodeCycle was directly with ABAG, but in 2016 for greater efficiency, CodeCycle became a subconsultant to BayREN's Codes & Standards prime consultant, Frontier Energy. BayREN is now starting a procurement process to re-bid its Codes and Standards consultant services.

Regardless of the outcome of that procurement, BayREN intends to continue the CodeCycle Demonstration Project and would like to ensure that services are not interrupted to the jurisdictions that are participating the demonstration project. It is in the best interests of continued program operations to return to contracting directly with CodeCycle. As there are no other electronic tools available that provide the same functions and there are ongoing CodeCycle projects, a sole source contract is appropriate. Funding for the proposed contract is contained in BayREN's approved budget.

Issues:

None.

Recommended Action:

The Executive Board is requested to authorize the Executive Director of the Metropolitan Transportation Commission, or her designee, to enter into a sole source contract with CodeCycle in an amount not to exceed \$210,000 for services between July 1, 2019 and December 31, 2020, on behalf of the Association of Bay Area Governments.

Attachments:

Summary Approval

Reviewed:



Therese W. McMillan