Clean Energy Alliance
JOINT POWERS AUTHORITY

AGENDA

Board of Directors Meeting Agenda
July 16, 2020, 2 p.m.
City of Del Mar | Virtual Meeting

Per State of California Executive Order N-29-20, and in interest of public health and safety, we are temporarily taking actions to prevent and mitigate the effects of the COVID-19 pandemic by holding Clean Energy Alliance Joint Powers Authority meetings electronically or by teleconferencing. All public meetings will comply with public noticing requirements in the Brown Act and will be made accessible electronically to all members of the public seeking to observe and address the Clean Energy Alliance Joint Powers Authority Board of Directors.

Members of the public can watch the meeting live on the City of Del Mar's website at: http://delmar.12milesout.com/Video/Live.

In conformance with the Brown Act and California Executive Order No. N-29-20, members of the public can participate in the meeting by either submitting a written red dot comment via email to cityclerk@delmar.ca.us or submitting a tele-comment request form to speak during the meeting. The subject line of your email or tele-comment request should clearly state the item number you would like to comment on. The deadline to submit written comments and/or tele-comment requests is 12 p.m. on the day of the meeting. For more information please visit: www.delmar.ca.us/publiccomment.

CALL TO ORDER

ROLL CALL

FLAG SALUTE

PUBLIC COMMENT/PARTICIPATION
Each person wishing to comment to the Board on any matter not on the agenda shall submit a written red dot comment via email to cityclerk@delmar.ca.us or a tele-comment request form to speak during the meeting. The subject line of your email or tele-comment request should clearly state "CEA Public Oral". The deadline to submit written comments and/or tele-comment requests is 12 p.m. on the day of the meeting. For more information please visit: www.delmar.ca.us/publiccomment. State law prohibits the Board from taking action on items not listed on the agenda. Comments requiring follow up with be referred to staff and, if appropriate, considered at a future Board meeting.

BOARD COMMENTS & ANNOUNCEMENTS

PRESENTATIONS

APPROVAL OF MINUTES

CLOSED SESSION FOR DISCUSSION OF REGULATORY STRATEGY

Item 1: **Elect Board Chair and Vice Chair for Fiscal Year 2020/21**

RECOMMENDATION
That the Board elect a Director to serve as Chair and another Director to serve as Vice Chair through Fiscal Year 2020/21, pursuant to Section 5.2 of the Clean Energy Alliance Joint Powers Agreement.

CONSENT CALENDAR
The items listed under Consent Calendar are considered routine and will be enacted by one motion as listed below. There will be no separate discussion on these items prior to the time the Board votes on the motion unless members of the Board, the Chief Executive Officer, or the public request specific items be discussed and/or removed from the Consent Calendar for separate action.

Item 2: **Clean Energy Alliance Treasurer's Report**

RECOMMENDATION
Receive and file Clean Energy Alliance Treasurer's Report.

Item 3: **Administrative, Operational and Regulatory Affairs Update**

RECOMMENDATION
1) Receive and File Community Choice Aggregation Update Report from Interim CEO.
2) Receive and File Community Choice Aggregation Regulatory Affairs Report from Special Counsel.

NEW BUSINESS

Item 4: **Clean Energy Alliance Draft Financial Pro-Formas**

RECOMMENDATION
Receive informational item on Clean Energy Alliance Draft Financial Pro-Formas.

Item 5: **Clean Energy Alliance Community Advisory Committee Policy Approval**

RECOMMENDATION
Approve Clean Energy Alliance Community Advisory Committee Policy and provide input and approve timeline for CAC activation.

Item 6: **Clean Energy Alliance Inclusive & Sustainable Workforce Policy**

RECOMMENDATION
Review, provide input and approve Clean Energy Alliance Inclusive & Sustainable Workforce Policy.

Item 7: **Clean Energy Alliance Bid Evaluation Criteria & Scoring System**

RECOMMENDATION
Review two alternative Bid Evaluation Criteria & Scoring Systems, provide input, select and approve a preferred alternative.

Item 8: **Clean Energy Alliance Administrative Policies**

RECOMMENDATION
Review and approve Clean Energy Alliance Unsolicited Proposal, Non-Energy Procurement and Financial Reserve Policies.

BOARD MEMBER REQUESTS FOR FUTURE AGENDA ITEMS

ADJOURN:

NEXT MEETING: Special Meeting July 23, 2020, 2 p.m., hosted by City of Carlsbad, (Virtual)

Reasonable Accommodations
Persons with a disability may request an agenda packet in appropriate alternative formats as required by the Americans with Disabilities Act of 1990. Reasonable accommodations and auxiliary aids will be provided to effectively allow participation in the meeting. Please contact the Carlsbad City Clerk's Office at 760-434-2808 (voice), 711 (free relay service for TTY users), 760-720-9461 (fax) or clerk@carlsbadca.gov by noon on the Monday before the Board meeting to make arrangements.

Clean Energy Alliance
JOINT POWERS AUTHORITY

Staff Report

DATE: July 16, 2020

TO: Clean Energy Alliance Board of Directors

FROM: Barbara Boswell, Interim Chief Executive Officer

ITEM 1: Elect Board Chair and Vice Chair for Fiscal Year 20/21

RECOMMENDATION:

The Board elect a Director to serve as Chair and another Director to serve as Vice Chair to serve for Fiscal Year 20/21, pursuant to Section 5.2 of the Clean Energy Alliance Joint Power Authority Agreement.

BACKGROUND AND DISCUSSION:

Section 5.2 of the Clean Energy Alliance ("CEA") Joint Powers Agreement ("JPA") establishes the requirement for the Board to elect a Chair and Vice Chair from the Board of Directors for each fiscal year. The Chair and Vice Chair shall serve with no limit on the number of terms that can be held by the Chair or Vice Chair.

The Chair is the presiding officer of the CEA Board meetings and performs duties as may be required of the Board, with the Vice Chair serving in the absence of the Chair.

FISCAL IMPACT

There is no fiscal impact associated with this item.

Clean Energy Alliance
JOINT POWERS AUTHORITY

Staff Report

DATE: July 16, 2020

TO: Clean Energy Alliance Board of Directors

FROM: Marie Marron Berkuti, Interim Treasurer

ITEM 2: Clean Energy Alliance Treasurer's Report

RECOMMENDATION:

Receive and File Clean Energy Alliance Interim Treasurer's Report.

BACKGROUND AND DISCUSSION:

At its November 5, 2019 board meeting, the Clean Energy Alliance (CEA) Board appointed Marie Marron Berkuti, City of Solana Beach Finance Director/Treasurer as the CEA Interim Treasurer. At that same meeting, the CEA board adopted the Fiscal Year 2019/20 budget and established $150,000 advances from each Member Agency to fund the approved expenditures.

This report provides the Board with the following financial information through June 30, 2020 (draft):

- Budget to Actuals – Reports actual revenues and expenditures compared to adopted budget
- Statement of Financial Position – Reports assets and liabilities of CEA
- List of Payments Issued – Reports payments issued for June 2020

The Treasurer's Report is a draft document as of June 30, 2020 because the CEA is awaiting June invoices from RWG Law and Tosdal APC and an invoice from the City of Solana Beach for services provided to the CEA for November 2019 through June 2020.

BUDGET TO ACTUALS

Through June 30, CEA has earned 100% of its revenue as a result of invoicing the advances to the Member Agencies.

Of its approved $450,000 budgeted expenditures, $350,900.48 has been expended, leaving $99,099.52.

Clean Energy Alliance
Budget to Actuals
for period ended June 30, 2020 (Draft)

	BUDGET	ACTUALS	VARIANCE
Revenue			
Advances from Member Agencies	$ 450,000.00	$ 450,000.00	-
Total Revenue	450,000.00	450,000.00	-
Expenditures			
Staffing/Consultants	$ 50,000.00	$ 41,856.74	$ 8,143.26
Legal Services	130,000.00	65,564.59	64,435.41
Professional Services	115,000.00	116,979.15	(1,979.15)
Memberships & Due	1,500.00	26,500.00	(25,000.00)
Graphic Design Services	6,500.00	-	6,500.00
CCA Bond	147,000.00	100,000.00	47,000.00
Total Expenditures	$ 450,000.00	$ 350,900.48	$ 99,099.52
Net Results (Revenue - Expenditures)	$ -	$ 99,099.52	$ 99,099.52

STATEMENT OF FINANCIAL POSITION

CEA's Statement of Financial Position reports the assets and liabilities as of June 30, 2020 (Draft).

Clean Energy Alliance
Statement of Financial Position
As of June 30, 2020 (Draft)

Assets		
River City Bank - Operating Account	$ 199,483.98	
Total Assets		$ 199,483.98
Liabilities		
Accounts Payable		
Current	$ 61,919.70	
Noncurrent	38,464.76	
Total Liabilities		$ 100,384.46
Reserve for Future Expenditures		$ 99,099.52

As of June 30, liabilities represent invoices received for services, but not yet paid. The noncurrent accounts payable are amounts due to the cities of Carlsbad and Del Mar for services provided to the CEA for the period November 2019 to June 2020. These invoices are scheduled to be paid once the CEA is operational.

LISTING OF PAYMENTS

The report below provides the detail of payments issued by CEA for June 2020. All payments were within approved budget.

Clean Energy Alliance
List of Payments Issued June 2020

Date	Vendor	Description	Amount
			-
06/04/20	Bayshore Consulting	May 2020 CEO Services	9,900.00
06/17/20	Bayshore Consulting	April 2020 CEO Services	7,612.50
06/17/20	RWG Law	Dec 2020 General Counsel Svcs (Addt'l)	1,340.00
06/17/20	RWG Law	April 2020 General Counsel Svcs	7,738.50
06/17/20	Tosdal APC	May 2020 Regulatory Counsel Svcs	6,243.70
06/17/20	Hall Energy	May 2020 Energy Procurement Counsel Svcs	4,046.00
06/17/20	Pacific Energy Advisors	May 2020 Technical Consulting Svcs	8,585.00
		Total June Payments	$ 45,465.70

FISCAL IMPACT

There is no fiscal impact associated with this item.

Staff Report

DATE: July 16, 2020

TO: Clean Energy Alliance Board of Directors

FROM: Barbara Boswell, Interim Chief Executive Officer

ITEM 3: Clean Energy Alliance Operational, Administrative and Regulatory Affairs Update

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RECOMMENDATION:

1) Receive and File Community Choice Aggregation Update Report from Interim CEO.
2) Receive Community Choice Aggregation Regulatory Affairs Report from Special Counsel.

BACKGROUND AND DISCUSSION:

This report provides an update to the Clean Energy Alliance (CEA) Board regarding the status of the operational, administrative and regulatory affairs activities.

OPERATIONAL UPDATE

CEA is meeting its milestones for the implementation of its community choice aggregation (CCA) program and is on track to begin serving customers in May 2021. (Attachment A - Clean Energy Alliance Timeline of Implementation Action Items).

As you are aware, San Diego Gas & Electric (SDG&E) has been working diligently over the past several years working on their Customer Information System replacement program, known as Envision. They have been committed to, and on track, for a January 4, 2021 go live, despite the challenges of working remote in the COVID-19 environment. With a January 2021 go live, SDG&E has been committed to supporting the CEA launch of May 2021. On Friday July 10, CEA staff, its regulatory attorney Ty Tosdal and data manager Calpine Energy Solutions participated in a call with San Diego Community Power and SDG&E regarding the recently approved California Public Utilities Commission (CPUC) Decision D. 20-06-003, which requires the Investor Owned Utilities (IOU) to adopt rules and policy changes designed to reduce the number of residential disconnections, provide assistance with debt forgiveness and offer extended payment plans. The decision is required to be implemented by the IOUs April 2021. This timing has presented a challenge to SDG&E to keep its go live date of January 4, 2021 while also meeting the requirements of the decision. As such, SDG&E has submitted a letter (Attachment B) to the CPUC requesting an extension to September 30, 2021 for implementing the new procedures and policies required by the decision. This extension would provide the ability for SDG&E to complete its new system implementation and support the CEA May 2021 launch. SDG&E's letter has received protests from The Utility Reform Network (Attachment C) and Utility Consumer's Action Network (Attachment D). SDG&E is not optimistic that their request to extend the implementation of the decision will be approved by the CPUC, as a result the May 2021 launch of CEA is now in jeopardy.

CEA and SDG&E are continuing to meet this week, and staff will provide a verbal update at the Board meeting.

Expansion of Clean Energy Alliance

Staff has been in communication with community members in San Clemente interested in bringing CCA to their city. Information was provided about the status of CEA and offer to meet with San Clemente leadership to discuss CCA and the potential to join CEA.

Regulatory Compliance Filings

CEA's 2020 Renewable Portfolio Standards (RPS) Procurement Plan was filed on July 2, 2020. The Plan amended the Initial RPS Procurement Plan to reflect additional information requested by the California Public Utilities Commission.

The Integrated Resource Plan (IRP) provides the CPUC with CEA's 10-year projected electricity load as part of the integrated resource planning process to ensure that California's electric sector meets its GHG reduction goals while maintaining reliability at the lowest possible costs. The IRP was originally due in April 2020, was pushed out to July 2020, and has now been further pushed out to September 2020. An informational item is planned for the CEA Board at the special meeting July 23, 2020, and the IRP will be brought for approval on August 20, 2020 followed by submittal by September 1.

Long-Term Renewable Procurement

As a load serving entity CEA will be required to procure 65% of its minimum required renewable portfolio standards in contracts of 10-years or longer. To ensure compliance with this requirement, work has begun in developing specification for a long-term renewable solicitation. The process of the solicitation process, from beginning through final execution can be lengthy, and in light of the impacts of COVID-19 on the renewable development industry, the solicitation opened on July 1, 2020.

Request for Proposals

<u>Request for Proposals for Credit Solution</u>

At its June 18, 2020 meeting the Board received a report regarding offers from JP Morgan and River City Bank (RCB) to provide funding for FY 20/21 budget, initial start-up repayment to Member Agencies and operational reserves and cash flow needs. The RCB offer was the lower cost option, however, requires security in the form of either a guaranty or cash collateral. The Board directed staff to reach out the Member Agencies to request consideration of providing the security for the RCB option. The request was scheduled for consideration by the Carlsbad City Council at its July 14, 2020 meeting, Del Mar at its July 20, 2020 meeting and Solana Beach at its July 8, 2020 meeting. The CEA Board will hold a special meeting on July 23, 2020 to receive a report on the results of the request made of the Member Agencies.

<u>Request for Qualifications 2020-004 for Portfolio Manager and Scheduling Coordinator</u>

At its May 21, 2020 meeting the Board authorized issuance of RFQ 2020-004, Portfolio Manager and Scheduling Coordinator Services with responses due June 17, 2020. CEA received five responses to the RFQ. Staff is continuing to evaluate the responses and will bring a recommendation to the Board at its August 20, 2020 meeting.

<u>Request for Proposals 2020-005 for Communications and Marketing Services</u>

At its May 21, 2020 meeting the Board authorized issuance of RFP 2020-005, Communications and Marketing Services with responses due June 19, 2020. CEA received ten responses to the RFP. Staff is continuing to evaluate the responses and will bring a recommendation to the Board at its August 20, 2020 meeting.

Administrative and Operational Policies
During the coming months as CEA prepares for its implementation and operation, policies will be brought to the Board for consideration in future Board meetings. The policies as proposed will be based on government code or regulatory requirements and best practices of successfully operational CCAs.

The policies and timeline as currently anticipated are:

August 20 Board Meeting
- Records Retention Policy
- Investment Policy

September 17 Board Meeting
- Energy Risk Management Policy

REGULATORY UPDATE

Attached is a regulatory report from Ty Tosdal, Special Counsel, providing a summary of key regulatory proceedings (Attachment B - Tosdal APC Energy Regulatory Update).

FISCAL IMPACT
There is no fiscal impact by this action.

ATTACHMENTS:
Attachment A - Clean Energy Alliance Timeline of Implementation Action Items
Attachment B – San Diego Gas & Electric Letter to California Public Utilities Commission
Attachment C – Letter from The Utility Reform Network to California Public Utilities Commission
Attachment D – Letter from Utility Consumer's Action Network to California Public Utilities Commission
Attachment E – Tosdal APC Energy Regulatory Update

Attachment A

Clean Energy Alliance
Timeline of Implementation Related Action Items

Timing	Date Completed	Description	Dec-19	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20	Jul-20	Aug-20
12/19/19	12/19/19	Appoint Interim Executive Director									
12/19/19	12/19/19 & 12/23/19	Approve & File Implementation Plan & Statement of Intent									
1/16/20	1/16/20	Direction on Banking and Credit Solutions									
1/16/20	1/16/20	Authorize RFP for Technical Consultant to Assist with Regulatory Filings									
1/16/20	1/16/20	Authorize RFP for Data Manager/Call Center									
1/16/20	1/16/20	CEA Public Outreach and Marketing Kickoff									
1/20/20	1/20/20	Issue RFP for Technical Consultant & Data Manager									
2/20/20	2/20/20	Select Financial Institution & Approve Financing Plan									
2/20/20	2/20/20	Select Technical Consultant to Assist with Regulatory Filings									
2/20/20	2/20/20	Select Data Manager									
2/20/20	2/20/20	Staff Develop & Submit Draft Customer Notice to CPUC									
2/20/20	2/20/20	Develop Renewable Portfolio Standards Procurement Plan									
2/20/20	2/20/20	Authorize Execution of Service Agreement with SDG&E									
4/20/20	4/23/20	Post CCA Bond with CPUC									
4/20/20	4/23/20	Execute Service Agreement with SDG&E & Submit to CPUC									
4/20/20	4/20/20	Year-Ahead Resource Adequacy Forecast Filing									
6/30/20		**Initial Resource Adequacy Solicitation**									
6/29/20		**File 2020 Renewable Portfolio Standards Procurement Plan**									
8/20/20		**Approve Integrated Resource Plan**									
8/31/20		**File Integrated Resource Plan**									

Key:

Administrative
Implementation Plan Related
Regulatory Compliance

Dan Skopec
Vice President, Regulatory Affairs
8330 Century Park Court
San Diego, CA 92123
dskopec@sdge.com

July 1, 2020

Alice Stebbins, Executive Director
California Public Utilities Commission
505 Van Ness Ave, Room 4004
San Francisco, CA 94102

Re: REQUEST FOR EXTENSION TO IMPLEMENT RULES, CHANGES, AND CUSTOMER PROGRAMS MANDATED IN DECISION (D.) 20-06-003, ADOPTING RULES AND POLICY CHANGES TO REDUCE RESIDENTIAL CUSTOMER DISCONNECTIONS FOR THE LARGER CALIFORNIA-JURISDICTIONAL ENERGY UTILITIES

Dear Ms. Stebbins:

Pursuant to Rule 16.6 of the California Public Utilities Commission Rules of Practice and Procedure, San Diego Gas & Electric Company (SDG&E) respectfully requests an extension to implement Decision (D.) 20-06-003 (or Decision), which requires Investor Owned Utilities (IOUs) to adopt rules and policy changes designed to reduce the number of residential disconnections and to improve the reconnection process for disconnected customers. As justified below, SDG&E respectfully requests an extension to implement the customer protections required by D.20-06-003 from April 16, 2021 to September 30, 2021. As required by Rule 16.6, a copy of this letter has been served upon all parties to Rulemaking (R.) 18-07-005 and the Administrative Law Judge Division, and the certificate of service is attached.

<u>Background</u>

On June 11, 2020, the Commission approved D.20-06-003, which makes permanent the interim disconnection protections currently in place, including the existing cap on disconnections and other vulnerable customer disconnection protections effected in D.18-12-013. The Decision also provides additional customer disconnection protections by requiring the IOUs to enroll eligible customers in all applicable benefit programs, offer 12-month payment plans, and to prohibit disconnections if there is a Low-Income Energy Assistance Program (LIHEAP) pledge.

Among other things, D.20-06-003 prohibits IOUs from requiring establishment or reestablishment of service deposits or charging connection fees, and requires improved disconnection notices so customers are better informed about available financial assistance programs. It revises medical baseline enrollment requirements. And to assist California Alternate Rates for Energy (CARE) and Family Electric Rate Assistance (FERA) customers with unpaid arrearages, it creates an Arrearage Management Payment (AMP) Plan for eligible customers. Finally, the decision mandates the creation of an enforcement program to ensure compliance with decision requirements.

Notably, D.20-06-003 acknowledges the ongoing COVID-19 Pandemic Emergency Consumer Protections in place for residential and small business customers, including the moratorium on disconnections for eligible customers. Many of the Emergency Customer Protections are similar to or overlap with programs mandated by the Decision. The Decision directs the IOUs to "immediately implement the vulnerable customer protections required by this decision at the expiration of the Emergency Customer Protections." (OP 3). It further provides that any protections set forth in the Decision which were not implemented due to a conflict with the Emergency Customer Protections must be implemented at the expiration of the Emergency Customer Protections period, or April 16, 2021. (OP 4). Additionally, customers eligible for the AMP must be allowed to opt into the AMP program even if they are involved in a separate payment plan under the Emergency Customer Protections. Given this direction, SDG&E understands that the effective date of many of the disconnection protections implemented by the Decision will be April 16, 2021.

In opening comments, SDG&E addressed the ongoing implementation of its new Customer Information System (CIS) upgrade, scheduled to go online on January 1, 2021. SDG&E noted that it would not be able to add billing or process changes until after the system has been fully implemented and a period of system stabilization occurs. In opening comments, Southern California Edison Company (SCE) specifically requested to delay implementing the Decision requirements until 2022 for similar reasons. Like SDG&E, SCE is currently updating its Customer Service Re-Platform implementation, scheduled for early 2021, and requires a six-month stabilization period after system deployment, during which system changes will be focused on defect correction and other stabilization needs. SCE requested up to 12 months after the stabilization period to implement the changes in the proposed decision, the most significant of which was the AMP program.[1] The Commission rejected SCE's delay request.

Discussion

SDG&E recognizes the importance of reducing disconnections for residential customers and will take all necessary steps to implement the programs and polices described in the Decision. The requirements in the decision, however, are expansive and complex. They require extensive technical analysis, design, and development work within the billing system and customer service technologies in order to deliver the new functionality and programs.

SDG&E is unable to complete this work within its new CIS prior to deployment in January 2021. Program scope is frozen, initial testing is nearly complete, and any substantive changes at this point introduce significant risk to the entire CIS project.

SDG&E is very proud that is has remained on schedule and on budget for its new CIS system after more than three years of effort. Yet in order to meet the implementation timeline required in the Decision, SDG&E would need to delay its entire CIS program to April 2021 so the new functionality could be added.

SDG&E strongly recommends against this option, as this months-long delay could increase program costs by an estimated $20 million to $30 million. Additionally, SDG&E has worked in partnership with newly established Community Choice Aggregators in its service territory to coordinate CIS

[1] *See* Southern California Edison's Opening Comments to Phase I Proposed Decision Adopting Rules and Policy Changes to Reduce Residential Customer Disconnections for the Larger California-Jurisdictional Energy Utilities at p. 10-11 and Appendix B.

implementation and ensure that the Community Choice Aggregators (CCA) can begin transitioning customers in spring of 2021. Any CIS delay may impact the ability to begin the CCA transition as scheduled, an outcome both SDG&E and CCA partners want to avoid.

As an alternative to this costly and consequential outcome, SDG&E requests a short delay of the Decision requirements from April 16, 2021 to September 30, 2021. This delay would enable SDG&E to complete the estimated 4 to 6-month stabilization period following CIS deployment in January 2021, and subsequently develop and install the Decision requirements in the new system. The overall objective of the stabilization period is to reduce the risk of potential customer impacts and billing system issues. The five-month delay sought is substantially shorter than the delay previously requested by SCE, provides a definitive timeframe, and minimizes customer risk and impact as SDG&E's new CIS system is onboarded. SDG&E recognizes the importance of the provisions of the Decision on eligible customers. A short delay of implementation of the Decision requirements, however, is less costly to ratepayers, preserves stability of the CIS system, and helps ensure CCAs can begin customer transition as scheduled.

SDG&E shares the goal of keeping customers energy on, and has historically taken cautious and calculated measures around disconnections. As a result, SDG&E has consistently maintained the lowest disconnection rate of the electric utilities at approximately 3.5%. SDG&E recognizes the intent of the Commission to further reduce disconnections of residential customers, especially low-income customers who may benefit by programs like AMP. If the Commission grants SDG&E's delay request, SDG&E proposes to extend the current disconnection moratorium to CARE/FERA customers until the Decision requirements are in place. This approach would ensure continued protection of these customers following expiration of the Emergency Customer Protections, and confirm that the Commission's goal of protecting eligible customers from disconnection is met.

In sum, implementation of the Decision's disconnection protections in April 2021 would interfere with SDG&E's CIS Replacement Project, potentially resulting in a costly delay of the CIS project with negative impacts on ratepayers and other stakeholders. A short delay of the Decision requirements is warranted. Therefore, SDG&E respectfully requests an extension of implementation of D.20-06-003 from April 16, 2021 to September 30, 2021.

Sincerely,

/s/ Dan Skopec

DAN SKOPEC
SDG&E Vice President Regulatory Affairs

Cc: Edward Randolph, Energy Division Director
Administrative Law Judge Gerald F. Kelly
CPUC Administrative Law Judge Division
Scott Crider, SDG&E Vice President Customer Services
All Parties of Record for R.18-07-005

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Consider New Approaches to Disconnections and Reconnections to Improve Energy Access and Contain Costs.	Rulemaking 18-07-005 (Filed July 12, 2018)

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing **SAN DIEGO GAS & ELECTRIC COMPANY'S REQUEST FOR EXTENSION TO IMPLEMENT RULES, CHANGES, AND CUSTOMER PROGRAMS MANDATED IN DECISION (D.) 20-06-003, ADOPTING RULES AND POLICY CHANGES TO REDUCE RESIDENTIAL CUSTOMER DISCONNECTIONS FOR THE LARGER CALIFORNIA-JURISDICTIONAL ENERGY UTILITIES** parties of record by electronic mail.

Due to the current Coronavirus (COVID-19) health crisis, our legal staff is working from home. Accordingly, pursuant to CPUC COVID-19 Temporary Filing and Service Protocol for Formal Proceedings, paper copies of e-filed documents will not be mailed to the Administrative Law Judge or to parties on the service lists.

Executed this 1st day of July 2020 at San Diego, California.

/s/ *Darleen Evans*
Darleen Evans

CPUC Home

CALIFORNIA PUBLIC UTILITIES COMMISSION
Service Lists

PROCEEDING: R1807005 - CPUC - OIR TO CONSID
FILER: CPUC
LIST NAME: LIST
LAST CHANGED: JUNE 26, 2020

Download the Comma-delimited File
About Comma-delimited Files

Back to Service Lists Index

Parties

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FOR: BEAR VALLEY ELECTRIC SERVICES
(GOLDEN STATE WATER COMPANY)

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July 6, 2020

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Re: SDG&E Request for Extension to Implement Rules, Changes, and Customer Programs Mandated in Decision (D.) 20-06-003, Adopting Rules and Policy Changes to Reduce Residential Customer Disconnections for the Larger California-Jurisdictional Energy Utilities

Dear Ms. Stebbins:

On July 1, 2020, San Diego Gas & Electric Company ("SDG&E") served a letter seeking to defer implementation of rules, changes and customer programs mandated in D.20-06-003 from April 16, 2021 to September 30, 2021. SDG&E claims that without this extension, its Customer Information System ("CIS") upgrade, currently scheduled to be deployed in January 2021, would not be implemented on schedule.

The Utility Reform Network ("TURN") urges the Commission to deny this request. First, SDG&E should submit this request as a petition for modification, not as a request for extension. Second, if the extension is to be considered, SDG&E must submit compelling evidence in support of their request. Third, should this extension be granted, all rules, changes, and customer programs mandated in decision D.20-06-003 that already exist in SDG&E's current CIS system or that require minimal changes must be implemented without delay by April 16, 2021.

As part of its request for extension, SDG&E proposes to extend the current disconnection moratorium for CARE/FERA customers until the requirements of D.20-06-003 are implemented. Yet, SDG&E glaringly omits from its proposal a commitment to reduce its disconnection rate as required by Senate Bill 598 and D.20-06-003. This omission is not surprising given that even in the face of a statute requiring utilities to reduce disconnections, SDG&E repeatedly advocated for the authority to *increase* its disconnection rate throughout the R.18-07-005 proceeding—including in it comments on Commissioner Guzman Aceves's Proposed Decision of May 6, 2020.[1] Granting SDG&E an extension to comply with D.20-06-003 would allow SDG&E to disconnect as many customers as it desires from April 16, 2021 to September 30, 2021, since the

[1] SDG&E Opening Comments on Proposed Decision, p. 11, fn 33.

temporary disconnection rate caps established by D.18-12-013 have expired.[2] TURN urges the Commission to keep this in mind as it evaluates SDG&E's request for extension.

The Commission should acknowledge the inappropriateness of SDG&E's attempt to seek this kind of relief through a request for an "extension of time to comply" under Rule 16.6. That administrative procedure is available where a utility needs more time to comply with a decision, which is not the case here. Furthermore, substantive issues and crucial questions related to this request should not be resolved through this procedure, such as the level of disconnection rate that SDG&E shall maintain during the extension, or what protection mechanisms should be implemented in the meantime. SDG&E's attempt demonstrates a lack of seriousness assigned to the decision, customer protections, and the current COVID-19 pandemic. Instead, this request should have been made via a petition for modification, which must provide clear and compelling evidence to support SDG&E's request. Furthermore, SDG&E's proposal to extend the disconnection moratorium to CARE/FERA customers through September 30, 2021 implicates not only decision D.20-06-003, but also Resolution M-4842 (authorizing emergency customer protections during the COVID-19 pandemic), such as SDG&E's ability to record costs to the COVID-19 Pandemic Protections Memorandum Account beyond April 16, 2021.

There are simply too many important issues and facts at play for this request to be considered through a letter. Should the Commission decide to consider the request without requiring a petition for modification, it should at a minimum direct SDG&E to provide evidence to support its claim that implementing the requirements of decision D.20-06-003 would cause a months-long delay and increase the cost of the CIS system by $20 to $30 million. Granting this request for extension would affect the lives of tens of thousands of Californians – the Commission should, at the very least, order SDG&E to present compelling evidence to support its claim.

Lastly, SDG&E already has the capabilities to implement many of the protections required by D.20-06-003 with minimal or no changes to the CIS. Yet, SDG&E fails to inform the Commission of its ability to implement the vast majority of the protections ordered by D.20-06-003, with a few exceptions such as the Arrearage Management Plan Program. This omission is telling given that SDG&E seeks to delay *all* consumer protections, even those that can be easily implemented. Should the Commission grant any extension, it should require at a minimum that SDG&E implement the following requirements by April 16, 2021:

a. Reduce disconnections rate to 3%.
   SB 598 required all the IOUs to reduce their disconnection rates. SDG&E can easily control the number of disconnections in its systems, as it currently does.
b. Prohibit disconnections during extreme weather conditions (above 100 degrees or under 32 degrees Fahrenheit).
   SDG&E already implemented this functionality previously.
c. Offer a 12-month payment plan to all customers at risk of disconnection.
   SDG&E already offers payment plans of various lengths, and it simply needs to stop offering the shorter-term payment plans.

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[2] Per D.18-12-013, these protections shall remain in effect until the issuance of a decision in Phase 1, which is D.20-06-003.

d. Offer to enroll customers in all applicable benefit programs such as CARE, FERA, or Medical Baseline.
   This is an education, communication, and outreach effort, which is unrelated to the CIS upgrade.
e. Eliminate all deposits.
   SDG&E can disable this functionality or set the value to $0.
f. Eliminate reconnection fees.
   SDG&E can disable this functionality or set the value to $0.
g. Benefit of service.
   This is largely a manual process and not automated within the CIS system. The new requirements are largely policy changes and not affected by the system upgrade.
h. Nurse practitioners (in addition to physician assistants as required by SB 1338) can certify customer eligibility for Medical Baseline.
   Certification for Medical Baseline by nurse practitioners is not related to the CIS system upgrade.

These requirements provide critical protections for Californians and require minimal or no upgrades to the CIS system. Thus, SDG&E should be required to implement them on time.

For the reasons outlined above, TURN urges the Commission to deny SDG&E's request at this time and order SDG&E to make a more complete presentation on the merits and implications of their request via a petition for modification to the Commission. Should the Commission see fit to accept SDG&E's request for extension, the Commission should at a minimum order SDG&E to implement the protections discussed above that require minimal or no upgrade to the CIS system.

Thank you for your attention to these matters. If you have any questions or wish to discuss this further, please do not hesitate to contact me.

Yours truly,

__________/S/_______________

David Cheng
Staff Attorney

Cc: Edward Randolph, Energy Division Director
Administrative Law Judge Gerald F. Kelly
CPUC Administrative Law Judge Division
All Parties of Record for R.18-07-005

UCAN
UTILITY CONSUMERS' ACTION NETWORK
San Diego's Utility Watchdog
3405 Kenyon St. Suite 401, San Diego, CA 92110
(619) 696-6966 ● www.UCAN.org

July 9, 2020

Alice Stebbins, Executive Director
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

Re: TURN's July 6, 2020 Letter About San Diego Gas & Electric's Request for Extension to Implement Rules, Changes, and Customer Programs Mandated in Decision (D.) 20-06-003, Adopting Rules and Policy Changes to Reduce Customer Disconnections for the Large California-Jurisdictional Energy Utilities

Dear Ms. Stebbins:

On July 6, 2020 The Utility Reform Network ("TURN") submitted a letter to you in response to San Diego Gas & Electric Company's ("SDG&E") request to defer its implementation of the rules, changes, and customer programs that the Commission mandated in D.20-06-003. According to SDG&E, if it is required to comply with the provisions with D.20-06-003 it will be unable to complete its deployment of its Customer Information System ("CIS") upgrade that is currently scheduled to be completed in January of 2021.

In its letter TURN urged the Commission to deny SDG&E's request on a number of grounds including the procedural impropriety of seeking this type of relief via a letter instead of using a petition for modification as is provided for in Rule 16.4 of the Rules of Practice and Procedure of the California Public Utilities Commission; the lack of evidentiary support for SDG&E's request; TURN also contends that if SDG&E's extension is granted that SDG&E should be required to complete its revision of its CIS (consistent with D.20-06-030) by April 16, 2021.

TURN's letter also discusses how the Covid-19 pandemic and the temporary moratorium on disconnections will affect customers in the coming months and TURN argues that SDG&E's request to delay implementation of D.20-06-003 will affect a variety of other aspects of SDG&E's interactions with its customers, complications that are too involved and far-reaching to be properly dealt with by simply granting SDG&E the relief it is seeking.

The Utility Consumer's Action Network ("UCAN") has been an active participant in this proceeding from the outset and is familiar with the issues outlined in TURN's July 6, 2020 letter. UCAN agrees that it is inappropriate to grant the type of relief SDG&E is seeking via a letter to the Commission's Executive Director. Moreover, UCAN notes that SDG&E has been aware of the direction R.18-07-005 was taking well in advance of the date the Proposed Decision was issued. UCAN is disappointed that SDG&E was not more pro-active in dealing with the customer protections established in D.20-06-003 in its design of its CIS upgrade. Other jurisdictional energy utilities in California (including SDG&E's corporate cousin Southern California Gas Company) have not sought this type of delay. While UCAN is aware that the additional requirements for establishing an Arrearage Management Program for SDG&E's customers adds a degree of complexity to SDG&E's upgrade of its Customer Information System, SDG&E needs to integrate the provisions of D.20-06-030 into the information portal that its residential customers will use beginning in January of 2021 to avoid customer confusion.

TURN's letter states that if the Commission decides to grant SDG&E's request for delay it should impose some additional consumer-protection conditions on SDG&E by April 21, 2021. Similar to SDG&E's initial request for delay, these additional conditions TURN has proposed would represent a modification of D.20-06-030 that would be more properly addressed in a petition for modification. SDG&E should not be able to use its long-planned CIS upgrade to delay the implementation of long-awaited and much needed customer protections in SDG&E's service territory.

The Commission should not grant SDG&E's request to delay implementation of D.20-06-030 absent a thorough consideration of whether SDG&E's request is merited, how a delay in implementing the decision will likely have a deleterious effect on SDG&E's residential electric and gas customers, and whether the Commission will have *de facto* condoned SDG&E's dilatory approach towards complying with an important Commission decision by granting the delay it seeks. In considering SDG&E's request and TURN's response, the Commission should be mindful that D.20-06-030 extends much needed customer relief during a period of unprecedented economic uncertainty and genuine consumer hardship. SDG&E's customers have the right to expect their energy utility to afford them the same type of consumer protections (delineated in D.20-06-030) that other California utilities will be providing to their customers as soon as reasonably possible.

Sincerely yours,

Jason Zeller
Senior Attorney
UCAN

Cc: Edward Randolph, Energy Division Director
Administrative Law Judge Gerald F. Kelly
CPUC Administrative Law Division
All Parties of Record for R.18-07-005

ENERGY REGULATORY UPDATE

To: Barbara Boswell, CEO, Clean Energy Alliance

From: Ty Tosdal, Regulatory Counsel, Tosdal APC

Re: Energy Regulatory Update

Date: July 9, 2020

The energy regulatory update summarizes important decisions, orders, notices and other developments that have occurred at the California Public Utilities Commission ("Commission") and that may affect Clean Energy Alliance ("CEA"). The summary presented here describes high priority developments and is not an exhaustive list of the regulatory proceedings that are currently being monitored or the subject of active engagement by CEA. In addition to the proceedings discussed below, Tosdal APC monitors a number of other regulatory proceedings as well as related activity by San Diego Gas & Electric ("SDG&E") and other Investor-Owned Utilities ("IOUs").

1. Disconnections, Reconnections and Energy Access (R.18-07-005)

The Commission adopted a final decision, D. 20-06-003, on June 11, 2020, establishing limits on customer disconnections and instructing SDG&E and other utilities to take steps to implement customer payment plans. The main purpose of the decision is to protect vulnerable customers from disconnection and preserve access to electricity. The implementation of the measures announced in the decision may have an impact on CEA's revenue, as it is unclear how SDG&E will allocate partial payments collected from CCA program customers.

The decision adopts the following specific measures:

- Cap on disconnections of 3% per IOU through 2024 (based on 2017 disconnection rate), and 30% per zip code.
  - No disconnections allowed for customers on low-income plan, has a child under 12 months old, or *anyone* over age 65, or when it is over 100 or below 32 degrees using a 72-hour look ahead.
  - Deposits and reconnection fees eliminated for all IOU customers.
- Customers will be offered a payment plan:

- Arrearage Management Program (AMP) – AMP will address bill forgiveness after on-time payments.
- Percentage of Income Payment Plan (PIPP) – PIPP is a pilot program with a working group to include CCAs to evaluate the feasibility of participation.

- A separate phase established in this proceeding will evaluate PIPP implementation.
- IOUs must enter into NDAs and MOUs with CCAs to promote data sharing.
- Decision will go into effect when Resolution M-4842 (COVID-19 Protections) expires in March 2021.

Please note that SDG&E has requested a delay in implementing these measures on grounds that it is in the process of upgrading its billing system. As of the date of this memo, the request has not been addressed by the Commission.

2. SDG&E ERRA Forecast Proceeding (A. 20-04-014)

SDG&E's ERRA Forecast proceeding continues to unfold. This is an annual process designed to reconcile revenues and costs previously approved in rates with forecasts that are informed by actual revenues and costs. PCIA rates for the following year are also approved as part of the ERRA Forecast proceeding.

The Commission recently issued a scoping memo identifying the issues for the proceeding and setting a schedule. Important dates are as follows:

- July 17 – Intervenor Testimony
- August 25-27 – Evidentiary Hearings
- September 25 – Opening Briefs
- November 6 – SDG&E November Testimony Update
- November 18 – Comments on November Testimony Update
- December 2 – Proposed Decision
- December 8 – Comments on Proposed Decision
- December 17 – Final Decision Anticipated

3. Power Charge Indifference Adjustment – (R.17-06-026)

A local nonprofit association, Protect Our Communities Foundation (POC), has filed a Petition for Review in the California Court of Appeal, challenging Commission Decision (D.) 18-10-019. The central argument advanced by POC is that Commission failed to properly interpret

Public Utilities Code section 366.2, which identifies eligible costs that may be recovered as part of the PCIA, and related statutes, and as a result, incorrectly included Utility Owned Generation (UOG) costs as part of the PCIA. SDG&E estimates that its UOG costs that can be recovered through PCIA charges range between $100 million and $200 million per year for the next 16 years. The Commission and several utilities, including SDG&E, opposed the petition in the Court of Appeal. The California Community Choice Association and San Diego Community Power, as well as another nonprofit, filed *amicus curiae* briefs in support of POC's Petition.

4. Renewables Portfolio Standard (R. 18-07-003)

CEA filed its 2020 Renewables Portfolio Standard Plan on July 6, 2020, and the filing has been acknowledged by the Commission. The RPS Plan will now be reviewed by the Commission for compliance with SB 350 and other applicable statutes. A decision is anticipated in the fourth quarter of 2020.

Clean Energy Alliance
JOINT POWERS AUTHORITY

Staff Report

DATE: July 16, 2020

TO: Clean Energy Alliance Board of Directors

FROM: Barbara Boswell, Interim Chief Executive Officer

ITEM 4: Clean Energy Alliance Draft Financial Pro-Formas

RECOMMENDATION:
Receive informational item on Clean Energy Alliance Draft Financial Pro-Formas.

BACKGROUND AND DISCUSSION:
At its regular Board meeting June 18, 2020, the Board requested an informational item be brought back to the July 18 meeting to review the Clean Energy Alliance (CEA) Pro-Forma scenarios.

There are currently 3 scenarios being evaluated based on different renewable energy portfolio mix related to portfolio category of renewable energy. Portfolio Content Category (PCC) 1 is renewable energy generated within California, PCC 2 is renewable energy generated outside California.

They scenarios include:

- Base Assumption
  - 50% Renewable Default Energy Product increasing to 100% by 2035
  - 82% Portfolio Content Category (PCC) 1/18% PCC 2 Renewable Energy Product Mix
- Option 1
  - 50% Renewable Default Energy increasing to 100% by 2035
  - 100% PCC 1 at launch
- Option 2
  - 50% Renewable Default Energy increasing to 100% by 2035
  - 100% PCC1 by 2023

Each of these renewable energy mixes are being further evaluated related to rate discounts for CEA customers, including 1% discount, 2% discount and rate parity as compared to San Diego Gas & Electric (SDG&E) generation rates.

The current projections, using the financing costs related to the credit option with River City Bank are shown below.

Base Pro-Forma Scenario

Base @ Rate Parity

Annual DRAFT Pro Forma Projections for a Community Choice Aggregation Program - Base RCB/Calpine Credit Solution
Clean Energy Alliance

Fiscal Year Ending:	2020	2021	2022	2023	2024	2025
I. Revenue	-	9,913,235	69,767,349	71,127,161	72,508,987	73,913,166
II. Operating Expenses						
Power Supply	-	8,988,017	60,976,876	59,978,716	61,512,028	62,261,087
Staff	50,000	120,000	600,000	618,000	636,540	655,636
Administrative Costs*	253,000	1,223,938	2,459,148	2,497,813	2,558,347	2,616,275
Subtotal Operating Expenses	303,000	10,331,956	64,036,023	63,094,529	64,706,915	65,532,998
Operating Margin	(303,000)	(418,721)	5,731,326	8,032,632	7,802,071	8,380,167
III. Financing						
Interest	-	123,333	146,250	116,038	69,822	22,280
Principal	-	450,000	500,000	1,287,015	1,332,791	1,380,194
Subtotal Financing	-	573,333	646,250	1,403,053	1,402,613	1,402,474
Operating Margin Less Financing	(303,000)	(992,054)	5,085,076	6,629,579	6,399,458	6,977,693
IV. Cash From Financing	450,000	4,500,000	-	-	-	-
V. Other Uses						
CPUC and CAISO Deposits	147,000	500,000	-	-	-	-
Collateral Deposits	0	2,500,000	-	-	-	-
Reserve Additions	-	495,662	3,488,367	3,556,358	3,625,449	3,695,658
Subtotal Other Uses	147,000	3,495,662	3,488,367	3,556,358	3,625,449	3,695,658
VI. Net Surplus/(Deficit)	-	12,284	1,596,708	3,073,221	2,774,009	3,282,035
VII. Cumulative Reserve	-	495,662	3,984,029	7,540,387	11,165,837	14,861,495
VIII. Cumulative Net Surplus	-	12,284	1,608,993	4,682,213	7,456,222	10,738,257
VI. Combined Cumulative Reserve & Cumulative I	-	507,946	5,593,022	12,222,601	18,622,059	25,599,752

* Comprised of Technical and Legal Services, Customer Outreach and Communications, Utility Services Fees, Data Management Services, Uncollectibles

The Base scenario at rate parity with SDG&E for generation results in:

- Net Surplus each year; can be utilized for Board directed rate discounts/programs/additional reserve contribution.
- 20% Cumulative Operating Reserve by 2025

Base with 1% Rate Discount

Annual DRAFT Pro Forma Projections for a Community Choice Aggregation Program - Base @ 1% Rate Discount
Clean Energy Alliance

Fiscal Year Ending:	2020	2021	2022	2023	2024	2025
I. Revenue	-	9,773,664	68,750,216	70,094,719	71,461,007	72,849,414
II. Operating Expenses						
Power Supply	-	8,988,017	60,976,876	59,978,716	61,512,028	62,261,087
Staff	50,000	235,000	600,000	618,000	636,540	655,636
Administrative Costs*	253,000	1,108,938	2,459,148	2,497,813	2,558,347	2,616,275
Subtotal Operating Expenses	303,000	10,331,956	64,036,023	63,094,529	64,706,915	65,532,998
Operating Margin	(303,000)	(558,292)	4,714,192	7,000,190	6,754,091	7,316,415
III. Financing						
Interest	-	123,333	146,250	116,038	69,822	22,280
Principal	-	450,000	500,000	1,287,015	1,332,791	1,380,194
Subtotal Financing	-	573,333	646,250	1,403,053	1,402,613	1,402,474
Operating Margin Less Financing	(303,000)	(1,131,625)	4,067,942	5,597,137	5,351,478	5,913,941
IV. Cash From Financing	450,000	4,500,000	-	-	-	-
V. Other Uses						
CPUC and CAISO Deposits	147,000	500,000	-	-	-	-
Collateral Deposits	0	2,500,000	-	-	-	-
Reserve Additions	-	368,375	3,437,511	3,504,736	3,573,050	3,642,471
Subtotal Other Uses	147,000	3,368,375	3,437,511	3,504,736	3,573,050	3,642,471
VI. Net Surplus/(Deficit)	-	0	630,432	2,092,401	1,778,428	2,271,471
VII. Cumulative Reserve	-	368,375	3,805,886	7,310,622	10,883,672	14,526,143
VIII. Cumulative Net Surplus	-	0	630,432	2,722,833	4,501,261	6,772,732
VI. Combined Cumulative Reserve & Cumulative Net Surplus	-	368,375	4,436,318	10,033,455	15,384,933	21,298,875

* Comprised of Technical and Legal Services, Customer Outreach and Communications, Utility Services Fees, Data Management Services, Uncollectibles

The Base scenario with 1% discount compared to SDG&E for generation results in:

- Net Surplus beginning FY 2022 (first full fiscal year of serving customers); can be utilized for Board directed rate discounts/programs/additional reserve contribution.
- FY 20/21 Operating Reserve Contribution 3.8% (short of 5% goal)
- 20% Cumulative Operating Reserve by 2025

Base Scenario with 2% Rate Discount

Annual DRAFT Pro Forma Projections for a Community Choice Aggregation Program - Base Scenario with 2% Discount
Clean Energy Alliance

Fiscal Year Ending:	2020	2021	2022	2023	2024	2025
I. Revenue	-	9,634,093	67,733,082	69,062,278	70,413,027	71,785,662
II. Operating Expenses						
Power Supply	-	8,988,017	60,976,876	59,978,716	61,512,028	62,261,087
Staff	50,000	235,000	600,000	618,000	636,540	655,636
Administrative Costs*	253,000	1,108,938	2,459,148	2,497,813	2,558,347	2,616,275
Subtotal Operating Expenses	303,000	10,331,956	64,036,023	63,094,529	64,706,915	65,532,998
Operating Margin	(303,000)	(697,862)	3,697,059	5,967,749	5,706,112	6,252,664
III. Financing						
Interest	-	123,333	146,250	116,038	69,822	22,280
Principal	-	450,000	500,000	1,287,015	1,332,791	1,380,194
Subtotal Financing	-	573,333	646,250	1,403,053	1,402,613	1,402,474
Operating Margin Less Financing	(303,000)	(1,271,195)	3,050,809	4,564,696	4,303,499	4,850,190
IV. Cash From Financing	450,000	4,500,000	-	-	-	-
V. Other Uses						
CPUC and CAISO Deposits	147,000	500,000	-	-	-	-
Collateral Deposits	0	2,500,000	-	-	-	-
Reserve Additions	-	228,805	3,050,809	3,453,114	3,520,651	3,589,283
Subtotal Other Uses	147,000	3,228,805	3,050,809	3,453,114	3,520,651	3,589,283
VI. Net Surplus/(Deficit)	-	(0)	(0)	1,111,582	782,847	1,260,907
VII. Cumulative Reserve	-	228,805	3,279,614	6,732,728	10,253,379	13,842,662
VIII. Cumulative Net Surplus	-	(0)	(1)	1,111,581	1,894,429	3,155,335
VI. Combined Cumulative Reserve & Cumulative Net Surplus	-	228,805	3,279,613	7,844,309	12,147,808	16,997,998

* Comprised of Technical and Legal Services, Customer Outreach and Communications, Utility Services Fees, Data Management Services, Uncollectibles

The Base scenario with 2% discount compared to SDG&E for generation results in:

- Net Surplus beginning FY 2023 can be utilized for Board directed rate discounts/programs/additional reserve contribution.
- FY 20/21 Operating Reserve Contribution 2.4% and FY 21/22 contribution 4.5% (short of 5% goal)
- 19.2% Cumulative Operating Reserve by 2025

Option 1 – 100% PCC1 at Launch – Rate Parity

Annual DRAFT Pro Forma Projections for a Community Choice Aggregation Program - Rate Parity and 100% PCC1 at Launch
Clean Energy Alliance

Fiscal Year Ending:	2020	2021	2022	2023	2024	2025
I. Revenue	-	9,913,235	69,767,349	71,127,161	72,508,987	73,913,166
II. Operating Expenses						
Power Supply	-	9,008,910	61,168,848	60,232,062	61,785,316	62,526,043
Staff	50,000	235,000	600,000	618,000	636,540	655,636
Administrative Costs*	253,000	1,109,006	2,460,107	2,499,080	2,559,714	2,617,600
Subtotal Operating Expenses	303,000	10,352,916	64,228,956	63,349,142	64,981,570	65,799,279
Operating Margin	(303,000)	(439,681)	5,538,393	7,778,019	7,527,417	8,113,886
III. Financing						
Interest	-	123,333	146,250	116,038	69,822	22,280
Principal	-	450,000	500,000	1,287,015	1,332,791	1,380,194
Subtotal Financing	-	573,333	646,250	1,403,053	1,402,613	1,402,474
Operating Margin Less Financing	(303,000)	(1,013,014)	4,892,143	6,374,966	6,124,804	6,711,412
IV. Cash From Financing	450,000	4,500,000	-	-	-	-
V. Other Uses						
CPUC and CAISO Deposits	147,000	500,000	-	-	-	-
Collateral Deposits	0	2,500,000	-	-	-	-
Reserve Additions	-	486,986	3,437,511	3,504,736	3,573,050	3,642,471
Subtotal Other Uses	147,000	3,486,986	3,437,511	3,504,736	3,573,050	3,642,471
VI. Net Surplus/(Deficit)	-	(0)	1,454,633	2,870,230	2,551,754	3,068,942
VII. Cumulative Reserve	-	486,986	3,924,497	7,429,233	11,002,283	14,644,754
VIII. Cumulative Net Surplus	-	(0)	1,454,632	4,324,862	6,876,616	9,945,558
VI. Combined Cumulative Reserve & Cumulative Net Surplus	-	486,986	5,379,129	11,754,095	17,878,899	24,590,311

* Comprised of Technical and Legal Services, Customer Outreach and Communications, Utility Services Fees, Data Management Services, Uncollectibles

The Option 1 scenario at rate parity compared to SDG&E for generation results in:

- Net Surplus beginning FY 2022 can be utilized for Board directed rate discounts/programs/additional reserve contribution.
- 19.8% Cumulative Operating Reserve by 2025

Option 1 – 100% PCC1 at Launch – 1% Rate Discount

Annual DRAFT Pro Forma Projections for a Community Choice Aggregation Program - 1% Discount and 100% PCC1 at Launch
Clean Energy Alliance

Fiscal Year Ending:	2020	2021	2022	2023	2024	2025
I. Revenue	-	9,773,664	68,750,216	70,094,719	71,461,007	72,849,414
II. Operating Expenses						
Power Supply	-	9,008,910	61,168,848	60,232,062	61,785,316	62,526,043
Staff	50,000	235,000	600,000	618,000	636,540	655,636
Administrative Costs*	253,000	1,109,006	2,460,107	2,499,080	2,559,714	2,617,600
Subtotal Operating Expenses	303,000	10,352,916	64,228,956	63,349,142	64,981,570	65,799,279
Operating Margin	(303,000)	(579,252)	4,521,260	6,745,577	6,479,437	7,050,134
III. Financing						
Interest	-	123,333	146,250	116,038	69,822	22,280
Principal	-	450,000	500,000	1,287,015	1,332,791	1,380,194
Subtotal Financing	-	573,333	646,250	1,403,053	1,402,613	1,402,474
Operating Margin Less Financing	(303,000)	(1,152,585)	3,875,010	5,342,524	5,076,824	5,647,660
IV. Cash From Financing	450,000	4,500,000	-	-	-	-
V. Other Uses						
CPUC and CAISO Deposits	147,000	500,000	-	-	-	-
Collateral Deposits	0	2,500,000	-	-	-	-
Reserve Additions	-	347,415	3,437,511	3,504,736	3,573,050	3,642,471
Subtotal Other Uses	147,000	3,347,415	3,437,511	3,504,736	3,573,050	3,642,471
VI. Net Surplus/(Deficit)	-	0	437,499	1,837,789	1,503,774	2,005,190
VII. Cumulative Reserve	-	347,415	3,784,926	7,289,662	10,862,712	14,505,183
VIII. Cumulative Net Surplus	-	0	437,499	2,275,288	3,779,062	5,784,251
VI. Combined Cumulative Reserve & Cumulative Net Surplus	-	347,415	4,222,425	9,564,949	14,641,774	20,289,434

* Comprised of Technical and Legal Services, Customer Outreach and Communications, Utility Services Fees, Data Management Services, Uncollectibles

The Option 1 scenario with 1% rate discount compared to SDG&E for generation results in:

- Net Surplus beginning FY 2022 can be utilized for Board directed rate discounts/programs/additional reserve contribution
- 3.6% Reserve Contribution in FY 20/21 (short of 5% goal)
- 20% Cumulative Operating Reserve by 2025

Option 1 – 100% PCC1 at Launch – 2% Rate Discount

Annual DRAFT Pro Forma Projections for a Community Choice Aggregation Program - 2% Discount and 100% PCC1 at Launch
Clean Energy Alliance

Fiscal Year Ending:	2020	2021	2022	2023	2024	2025
I. Revenue	-	9,634,093	67,733,082	69,062,278	70,413,027	71,785,662
II. Operating Expenses						
Power Supply	-	9,008,910	61,168,848	60,232,062	61,785,316	62,526,043
Staff	50,000	235,000	600,000	618,000	636,540	655,636
Administrative Costs*	253,000	1,109,006	2,460,107	2,499,080	2,559,714	2,617,600
Subtotal Operating Expenses	303,000	10,352,916	64,228,956	63,349,142	64,981,570	65,799,279
Operating Margin	(303,000)	(718,823)	3,504,126	5,713,136	5,431,458	5,986,383
III. Financing						
Interest	-	123,333	146,250	116,038	69,822	22,280
Principal	-	450,000	500,000	1,287,015	1,332,791	1,380,194
Subtotal Financing	-	573,333	646,250	1,403,053	1,402,613	1,402,474
Operating Margin Less Financing	(303,000)	(1,292,156)	2,857,876	4,310,083	4,028,845	4,583,909
IV. Cash From Financing	450,000	4,500,000	-	-	-	-
V. Other Uses						
CPUC and CAISO Deposits	147,000	500,000	-	-	-	-
Collateral Deposits	0	2,500,000	-	-	-	-
Reserve Additions	-	207,844	2,857,876	3,453,114	3,520,651	3,589,283
Subtotal Other Uses	147,000	3,207,844	2,857,876	3,453,114	3,520,651	3,589,283
VI. Net Surplus/(Deficit)	-	0	0	856,969	508,193	994,626
VII. Cumulative Reserve	-	207,844	3,065,720	6,518,834	10,039,485	13,628,768
VIII. Cumulative Net Surplus	-	0	1	856,970	1,365,163	2,359,789
VI. Combined Cumulative Reserve & Cumulative Net Surplus	-	207,844	3,065,721	7,375,804	11,404,648	15,988,557

* Comprised of Technical and Legal Services, Customer Outreach and Communications, Utility Services Fees, Data Management Services, Uncollectibles

The Option 1 scenario with 2% rate discount compared to SDG&E for generation results in:

- Net Surplus beginning FY 2023 can be utilized for Board directed rate discounts/programs/additional reserve contribution
- 2.1% Reserve Contribution in FY 20/21 and 4.2% in FY 21/22 (short of 5% goal)
- 19% Cumulative Operating Reserve by 2025

Option 2 – 100% PCC1 by 2023 – Rate Parity

Annual DRAFT Pro Forma Projections for a Community Choice Aggregation Program - Rate Parity and 100% PCC1 by 2023
Clean Energy Alliance

Fiscal Year Ending:	2020	2021	2022	2023	2024	2025
I. Revenue	-	9,913,235	69,767,349	71,127,161	72,508,987	73,913,166
II. Operating Expenses						
Power Supply	-	8,988,017	61,018,825	60,161,460	61,785,316	62,526,043
Staff	50,000	235,000	600,000	618,000	636,540	655,636
Administrative Costs*	253,000	1,109,006	2,460,107	2,499,080	2,559,714	2,617,600
Subtotal Operating Expenses	303,000	10,332,024	64,078,933	63,278,540	64,981,570	65,799,279
Operating Margin	(303,000)	(418,789)	5,688,416	7,848,620	7,527,417	8,113,886
III. Financing						
Interest	-	123,333	146,250	116,038	69,822	22,280
Principal	-	450,000	500,000	1,287,015	1,332,791	1,380,194
Subtotal Financing	-	573,333	646,250	1,403,053	1,402,613	1,402,474
Operating Margin Less Financing	(303,000)	(992,122)	5,042,166	6,445,567	6,124,804	6,711,412
IV. Cash From Financing	450,000	4,500,000	-	-	-	-
V. Other Uses						
CPUC and CAISO Deposits	147,000	500,000	-	-	-	-
Collateral Deposits	0	2,500,000	-	-	-	-
Reserve Additions	-	486,986	3,437,511	3,504,736	3,573,050	3,642,471
Subtotal Other Uses	147,000	3,486,986	3,437,511	3,504,736	3,573,050	3,642,471
VI. Net Surplus/(Deficit)	-	20,892	1,604,656	2,940,832	2,551,754	3,068,942
VII. Cumulative Reserve	-	486,986	3,924,497	7,429,233	11,002,283	14,644,754
VIII. Cumulative Net Surplus	-	20,892	1,625,547	4,566,379	7,118,133	10,187,074
VI. Combined Cumulative Reserve & Cumulative Net Surplus	-	507,878	5,550,044	11,995,612	18,120,416	24,831,828

* Comprised of Technical and Legal Services, Customer Outreach and Communications, Utility Services Fees, Data Management Services, Uncollectibles

The Option 2 scenario at rate parity compared to SDG&E for generation results in:

- Net Surplus beginning FY 2021 can be utilized for Board directed rate discounts/programs/additional reserve contribution
- 19.8% Cumulative Operating Reserve by 2025

Option 2 – 100% PCC1 by 2023 – 1% Rate Discount

Annual DRAFT Pro Forma Projections for a Community Choice Aggregation Program - 1% Discount and 100% PCC1 by 2023
Clean Energy Alliance

Fiscal Year Ending:	2020	2021	2022	2023	2024	2025
I. Revenue	-	9,773,664	68,750,216	70,094,719	71,461,007	72,849,414
II. Operating Expenses						
Power Supply	-	8,988,017	61,018,825	60,161,460	61,785,316	62,526,043
Staff	50,000	235,000	600,000	618,000	636,540	655,636
Administrative Costs*	253,000	1,108,938	2,459,357	2,498,727	2,559,714	2,617,600
Subtotal Operating Expenses	303,000	10,331,956	64,078,183	63,278,187	64,981,570	65,799,279
Operating Margin	(303,000)	(558,292)	4,672,033	6,816,532	6,479,437	7,050,134
III. Financing						
Interest	-	123,333	146,250	116,038	69,822	22,280
Principal	-	450,000	500,000	1,287,015	1,332,791	1,380,194
Subtotal Financing	-	573,333	646,250	1,403,053	1,402,613	1,402,474
Operating Margin Less Financing	(303,000)	(1,131,625)	4,025,783	5,413,479	5,076,824	5,647,660
IV. Cash From Financing	450,000	4,500,000	-	-	-	-
V. Other Uses						
CPUC and CAISO Deposits	147,000	500,000	-	-	-	-
Collateral Deposits	0	2,500,000	-	-	-	-
Reserve Additions	-	368,375	3,437,511	3,504,736	3,573,050	3,642,471
Subtotal Other Uses	147,000	3,368,375	3,437,511	3,504,736	3,573,050	3,642,471
VI. Net Surplus/(Deficit)	-	0	588,272	1,908,743	1,503,774	2,005,190
VII. Cumulative Reserve	-	368,375	3,805,886	7,310,622	10,883,672	14,526,143
VIII. Cumulative Net Surplus	-	0	588,272	2,497,016	4,000,790	6,005,979
VI. Combined Cumulative Reserve & Cumulative Net Surplus	-	368,375	4,394,158	9,807,637	14,884,462	20,532,122

* Comprised of Technical and Legal Services, Customer Outreach and Communications, Utility Services Fees, Data Management Services, Uncollectibles

The Option 2 scenario with 1% rate discount compared to SDG&E for generation results in:

- Net Surplus beginning FY 2022 can be utilized for Board directed rate discounts/programs/additional reserve contribution
- 3.8% reserve contribution FY 20/21 (short of 5% goal)
- 20% Cumulative Operating Reserve by 2025

Option 2 – 100% PCC1 by 2023 – 2% Rate Discount

Annual DRAFT Pro Forma Projections for a Community Choice Aggregation Program - 2% Discount and 100% PCC1 by 2023
Clean Energy Alliance

Fiscal Year Ending:	2020	2021	2022	2023	2024	2025
I. Revenue	-	9,634,093	67,733,082	69,062,278	70,413,027	71,785,662
II. Operating Expenses						
Power Supply	-	8,988,017	61,018,825	60,161,460	61,785,316	62,526,043
Staff	50,000	235,000	600,000	618,000	636,540	655,636
Administrative Costs*	253,000	1,108,938	2,459,357	2,498,727	2,559,714	2,617,600
Subtotal Operating Expenses	303,000	10,331,956	64,078,183	63,278,187	64,981,570	65,799,279
Operating Margin	(303,000)	(697,862)	3,654,899	5,784,091	5,431,458	5,986,383
III. Financing						
Interest	-	123,333	146,250	116,038	69,822	22,280
Principal	-	450,000	500,000	1,287,015	1,332,791	1,380,194
Subtotal Financing	-	573,333	646,250	1,403,053	1,402,613	1,402,474
Operating Margin Less Financing	(303,000)	(1,271,195)	3,008,649	4,381,038	4,028,845	4,583,909
IV. Cash From Financing	450,000	4,500,000	-	-	-	-
V. Other Uses						
CPUC and CAISO Deposits	147,000	500,000	-	-	-	-
Collateral Deposits	0	2,500,000	-	-	-	-
Reserve Additions	-	228,805	3,008,649	3,453,114	3,520,651	3,589,283
Subtotal Other Uses	147,000	3,228,805	3,008,649	3,453,114	3,520,651	3,589,283
VI. Net Surplus/(Deficit)	-	(0)	0	927,924	508,193	994,626
VII. Cumulative Reserve	-	228,805	3,237,454	6,690,568	10,211,219	13,800,502
VIII. Cumulative Net Surplus	-	(0)	0	927,924	1,436,117	2,430,743
VI. Combined Cumulative Reserve & Cumulative Net Surplus	-	228,805	3,237,454	7,618,492	11,647,336	16,231,245

* Comprised of Technical and Legal Services, Customer Outreach and Communications, Utility Services Fees, Data Management Services, Uncollectibles

The Option 2 scenario with 2% rate discount compared to SDG&E for generation results in:

- Net Surplus beginning FY 2023 can be utilized for Board directed rate discounts/programs/additional reserve contribution
- 3.8% reserve contribution FY 20/21; 4.4% reserve contribution FY 21/22 (short of 5% goal)
- 19.2% Cumulative Operating Reserve by 2025

FISCAL IMPACT
There is no fiscal impact by this action.

ATTACHMENTS:
None

Clean Energy Alliance
JOINT POWERS AUTHORITY

Staff Report

DATE: July 16, 2020

TO: Clean Energy Alliance Board of Directors

FROM: Barbara Boswell, Interim Chief Executive Officer

ITEM 5: Clean Energy Alliance Community Advisory Committee Policy & Timeline

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RECOMMENDATION:
Approve Clean Energy Alliance (CEA) Community Advisory Committee (CAC) Policy and provide input and approve timeline for the CAC activation.

BACKGROUND AND DISCUSSION:
At its regular meeting on June 18, 2020 the CEA Board reviewed the draft Citizen Advisory Committee Policy and provided edits to be incorporated into the final draft for approval. Those edits included:

- Change name from Citizen Advisory Committee to Community Advisory Committee
- Add two (2) year term limit
- Revise background/expertise criteria
- Clarify attendance requirements
- Revise CAC Purpose & Objectives

The attached updated CAC Policy and application reflect the direction provided by the Board.

Timeline
The CAC timeline below provides ability for CAC to participate in the customer outreach and education process. The timeline can be adjusted should the Board decide to have the CAC activated closer to the launch of CEA in May 2021.

Open Application Process	August 3, 2020
CEA Board Approve Initial CAC Workplan & Meeting Schedule	August 20, 2020
Applications due to CEA Board Secretary	August 28, 2020
Applications distributed to CEA Board Member	September 4, 2020
CEA Board Member Application Review & Evaluation	September 7 – October 2
CEA Board Meeting Review Recommendations & Approve Appointees	October 15, 2020
First Meeting of CAC	November/December 2020

FISCAL IMPACT
The estimated administrative cost for each CAC meeting is $2,500 per meeting. Funding is to be identified in the FY 20/21 Budget.

ATTACHMENTS:

Attachment A - Clean Energy Alliance Community Advisory Committee Policy

COMMUNITY ADVISORY COMMITTEE
PURPOSE AND SCOPE

Community Advisory Committee (CAC) Authorization

Section 5.9 of the Clean Energy Alliance (CEA) Joint Powers Authority (JPA) Agreement provides the authority for the CEA Board to establish an advisory committee to assist the Board in implementing and operating its CCA program. Pursuant to the JPA Agreement, the committee should have equal representation from the member agencies. The Board may establish criteria to qualify for appointment to the committee, and establish rules, regulations, policies or procedures to govern the committee.

CAC Membership Criteria

- The CAC membership shall consist of two (2) appointees from each CEA member agency and 1 Board Alternate. CAC committee members shall serve staggered three (3) year terms with a two-term limit. In the inaugural year, one appointee seat from each member agency shall serve two (2) years.

- Committee members serve at the pleasure of the Board.

- CAC members will be subject to all applicable conflict of interest laws and may be required to disclose potential conflicts by filing a Form 700. (Information about conflicts of interest and Form 700 can be found here: http://www.fppc.ca.gov/Form700.html.

- Members shall be residents (property owners or renters) or business owners within the service territory of CEA.

- CAC membership will be considered for those that have a relevant background in or expertise related to one or more of the following fields: electricity, community outreach or engagement, or policy advocacy.

- Applicants must be committed to serving on the CAC and attending regular committee meetings, and occasional CEA Board meetings. Committee meetings will be held quarterly unless additional meetings are directed by the Board. Members are expected to maintain a good attendance record. A committee member will be removed from the CAC if the member has two consecutive unexcused absences from CAC meetings or has unexcused absences from more than 25% of the CAC meetings in a calendar year.

- The CAC is subject to Brown Act and all meetings will be publicly noticed and held in public settings pursuant to requirements of the Brown Act.

- CAC meetings, times and location will be determined by the CEA Board.

- The CAC will elect a Chair who will facilitate meetings and provide reports to the Board as needed.

<u>CAC Purpose & Objectives</u>

The purpose of the CAC is to advise the CEA Board of Directors on those matters concerning the operation of its Community Choice Aggregation (CCA) program as directed by the Board of Directors in an annual workplan for the CAC that is adopted by the Board   The objectives of the CAC are to provide feedback to the Board, act as a liaison between the Board and the community and serve as a forum for community input on those matters assigned to the CAC in the annual workplan. The CAC shall not have any decision-making authority but will serve as an advisory body to the Board of Directors.

<u>CAC Member Selection Process</u>

Applicants must complete and submit the Clean Energy Alliance Community Advisory Committee Application (Attachment A). Board Members will nominate two applicants from their respective communities to the full Board for approval. In addition, the full Board will select one Board Alternate to participate on the CAC.

Attachment A
Clean Energy Alliance
Community Advisory Committee Application

CAC Purpose & Objectives

The purpose of the CAC is to advise the CEA Board of Directors on those matters concerning the operation of its Community Choice Aggregation (CCA) program as directed by the Board of Directors in an annual workplan for the CAC that is adopted by the Board The objectives of the CAC are to provide feedback to the Board, act as a liaison between the Board and the community and serve as a forum for community input on those matters assigned to the CAC in the annual workplan. The CAC shall not have any decision-making authority but will serve as an advisory body to the Board of Directors.

NAME: ____

ADDRESS: ____

PHONE: __________________________ EMAIL:____________________________________

Are you a resident/business owner of one of the CEA member cities?

If yes, which city: _________________________________

Please attach a current resume and respond to the following questions. Please attach a separate sheet if additional space is needed.

What experience/perspective will you bring to the committee?

Describe any relevant background in or expertise related to one or more of the following fields: electricity, community outreach or engagement, or policy advocacy.

Do you have any interests or associations that might present a conflict of interest? If yes, please explain:

What do you hope to accomplish as a member of the Clean Energy Alliance Community Advisory Committee?

Please provide three references

NAME	Phone Number	Relationship

By signing below I acknowledge that I have sufficient time to actively participate in the Clean Energy Alliance Community Advisory Committee for the benefit of the program and the communities it serves. I understand that committee members are subject to conflict of interest laws and required to disclose potential conflicts by filing Form 700.

Signature: ____

Date: ____

Completed applications should be emailed to: Secretary@TheCleanEnergyAlliance.org

Clean Energy Alliance
JOINT POWERS AUTHORITY

Staff Report

DATE: July 16, 2020

TO: Clean Energy Alliance Board of Directors

FROM: Barbara Boswell, Interim Chief Executive Officer

ITEM 6: Clean Energy Alliance Inclusive & Sustainable Workforce Policy

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RECOMMENDATION:
Review, provide input and approve Clean Energy Alliance (CEA) Inclusive & Sustainable Workforce Policy.

BACKGROUND AND DISCUSSION:
At its special meeting on May 7, 2020, the CEA Board of Directors provided input to staff regarding drafting of an Inclusive & Sustainable Workforce Policy (Policy) (Attachment A) to be brought back to the Board for consideration at its July meeting.

The Board referenced the Peninsula Clean Energy (PCE) Inclusive & Sustainable Workforce Policy (Attachment B), with direction that the PCE policy be used as a starting point and that it be revised to ensure conformity with the CEA Joint Powers Authority (JPA) Agreement Recital 6f which states:

> *Pursue the procurement of local generation of renewable power developed by or within member jurisdictions with an emphasis on local jobs, where appropriate, without limiting fair and open competition for projects or programs implemented by the Authority;*

Additional information was provided by the Board, which had been received from the Sierra Club and IBEW 569 (Attachment C) suggesting edits to the PCE Inclusive & Sustainable Workforce Policy.

In drafting the proposed CEA Policy staff and CEA General Counsel took into consideration Board comments from the May 7, 2020 special meeting, the CEA JPA Agreement, the PCE Policy and the edits provided by Sierra Club and IBEW 569.

Changes reflected in the proposed CEA Policy for consistency with the JPA Agreement include:

- Added language from JPA Agreement related to the policy not limiting fair and open competition;
- Edited language such as “shall” and “will” to strive;
- Edited language such as “require” to “encourage”;
- Removed language that refers to project labor agreements.

The Policy as proposed reflects efforts to meet the requests and concerns expressed by the Board, conformity with the JPA Agreement and suggestion provided by the Sierra Club and IBEW 569.

FISCAL IMPACT

There is no fiscal impact by this action.

ATTACHMENTS:

Attachment A - Clean Energy Alliance Inclusive & Sustainable Workforce Policy
Attachment B - Peninsula Clean Energy Inclusive & Sustainable Workforce Policy
Attachment C – Updated Proposed CEA Inclusive and Sustainable Workforce Policy from Sierra Club and IBEW 569

INCLUSIVE & SUSTAINABLE WORKFORCE POLICY

The Clean Energy Alliance (CEA) Board of Directors desires to establish a policy that supports local jobs, sustainable and inclusive workforce opportunities, local economic sustainability, and diversity through contracting for power sources, procuring goods and services, and implementing hiring initiatives where appropriate, without limiting fair and open competition for projects or programs implemented by CEA.

CEA Staff

CEA relies on its employees to provide clean, cost-effective, alternative energy to its customers. These customers live in diverse communities and an inclusive workforce of staff who reflect and are invested in these communities allows CEA to serve them more effectively. An inclusive staff also provides good jobs for people from diverse communities.

To help maintain and strengthen CEA's inclusive staff, CEA will strive to:

1. Engage in broad outreach efforts in diverse communities, including disadvantaged and low-income communities, to ensure a diverse pool of candidates for open positions;
2. Provide fair compensation that aligns with regional market indicators for compensation levels for each position;
3. Be transparent about these practices and lessons learned; and
4. Provide contact information for staff who can answer questions about this policy.

Supply Chain

CEA also strives for inclusion in its supply chain. Where and from whom CEA purchases good and services have important consequences for businesses, customers, and their communities. Where appropriate, an inclusive supply chain is an important driver for successful delivery of CEA's services to its customers, and of fair and equitable economic development generally.

Where appropriate, and without limiting fair and open competition, to support an inclusive supply chain, CEA will strive to:

1. Use local businesses and provide fair compensation in the purchase of services and supplies;
2. Proactively seek services from local businesses that are taking steps to protect the environment;

3. Engage in efforts to reach diverse communities to ensure an inclusive pool of potential suppliers;
4. Collect information from suppliers and contractors on the inclusivity of their workforce;
5. Include questions about supplier inclusivity in requests for proposals (RFPs) for services;
6. Encourage reporting from developers and vendors on inclusivity in business ownership and staff;
7. Be transparent about these practices and lessons learned; and
8. Provide contact information for staff who can answer questions about this policy.

Inclusive Business Practices

To fulfill its goals of providing a range of energy product and programs, available to all CEA communities and customers, that best serve their needs and their local communities, and support local sustainability efforts, CEA will strive to:

1. Provide information in the multiple languages commonly spoken in CEA's service area (including mailers, tabling materials, customer service, call center, workshops and outreach events, advertisements, and other means of customer engagement);
2. Conduct marketing and outreach in diverse communities to increase awareness of CEA's services and programs;
3. Attend multi-cultural community events with multi-lingual materials and speakers;
4. Share information about activities and initiatives that promote inclusion, access, and diverse engagement in the community.

Non-Discrimination Pledge

CEA will not discriminate, and will strive to work with suppliers that do not discriminate, on the basis of race, color, national origin, ancestry, age, disability (physical or mental), sex, sexual orientation, gender identity, marital or domestic partner status, religion, political beliefs or affiliation, familial or parental status (including pregnancy), medical condition (cancer-related), military service, or genetic information.

Sustainable Workforce

Support of local businesses, fair compensation, apprenticeship and pre-apprenticeship programs that create employment opportunities, without limiting fair and open competition, are important components of building and sustaining healthy and sustainable communities. It is in the interest of CEA to provide fair compensation and sustainable workforce opportunities, within a framework of fair and open competition and the promotion of renewable energy, energy efficiency and greenhouse gas reduction.

CEA recognizes the importance of locally-generated renewable energy (local is defined as within the San Diego County region) in assuring that California is provided with (1) adequate supplies of renewable energy for economic growth, (2) sustained local job opportunities and job creation, and (3) effective means to reduce the impacts of greenhouse gas emissions. CEA also recognizes the opportunities that energy efficiency programs provide for local workforce training and employment.

CEA encourages fair compensation in direct hiring, renewable development projects, energy efficiency programs and in procurement of CEA services and supplies. CEA also encourages use of State of California approved apprenticeship and pre-apprenticeship training programs in construction craft occupations to foster long-term, fairly compensated employment opportunities for program graduates.

Where appropriate, without limiting fair and open competition, CEA will strive to accomplish the following objectives:

1. Support for and direct use of local businesses;
2. Support for and direct use of green and sustainable businesses;
3. Encourage the use of skilled and trained workers who receive fair compensation;
4. Encourage the use of State of California approved apprenticeship programs, and pre-apprenticeship programs within CEA's service territory.

CEA Power Purchase Agreements with Third Parties

CEA will encourage the submission of information from respondents to any bidding and/or RFP/RFQ process regarding planned efforts by project developers and their contractors to achieve the following goals:

- Employ workers and use businesses from the San Diego county area.
- Employ properly licensed (A, B, C10, C7, C46) contractors and California Certified electricians.
- Utilize local apprentices, particularly graduates of San Diego County pre-apprenticeship programs.
- Pay workers prevailing wage for each craft, classification and type of work performed.
- Display a poster at jobsites informing workers of prevailing wage requirements.
- Provide workers compensation coverage to on-site workers.
- Support and use State of California approved apprenticeship programs.

Relevant information submitted by proposers will be used to evaluate potential impact on local jobs and workforce of the planned project.

CEA Owned Generation Projects

Each construction contractor or subcontractor performing work on any CEA-owned project is encouraged to use local labor and apprenticeship programs and follow fair compensation practices including proper assignment of work to crafts that traditionally perform the work. Contractors and subcontractors shall pay at least prevailing rate of wages, as defined in Article 2 (commencing with Section 1770) of Chapter 1 of Part 7 of Division 2 of the California Labor Code and encouraged to use a skilled and trained workforce, as defined in Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the California Public Contract Code.

CEA Feed-In Tariff Projects

CEA will encourage construction contractors or subcontractors performing work on any CEA Feed-In Tariff project utilize local businesses and local apprenticeship programs, and fair compensation practices including proper assignment of work to crafts that traditionally perform the work.

CEA encourages contractors and subcontractors performing work on any CEA Feed-In-Tariff project to pay at least prevailing rate of wages, as defined in Article 2 (commencing with Section 1770) of Chapter 1 of Part 7 of Division 2 of the California Labor Code and encouraged to use a skilled and trained workforce, as defined in Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the California Public Contract Code.

CEA Energy Efficiency Projects

CEA will strive to support local businesses and apprenticeship programs, in the implementation of its energy efficiency programs. CEA will encourage construction contractors or subcontractors performing work on any CEA energy efficiency program utilize local businesses and apprenticeship programs and fair compensation practices including proper assignment of work to crafts that traditionally perform the work.

Union Neutrality Pledge

CEA will remain neutral regarding whether its employees choose to join or support labor unions and will not interfere with decisions by its contractors' and suppliers' employees about whether to join or support labor unions.

PENINSULA CLEAN ENERGY

Policy Number: 10

Original Adoption Date: December 15, 2016

Revised: October 25, 2018

Subject: Inclusive and Sustainable Workforce Policy

Policy: One of PCE's strategic goals is to "foster a work environment that espouses sustainable business practices and cultivates a culture of innovation, diversity, transparency, integrity, and commitment to the organization's mission and the communities it serves." PCE recognizes that an inclusive and sustainable workforce helps PCE meet its core mission and goals more effectively, serve its customers in a more culturally sensitive manner, and reflect the businesses we partner with and the community we serve more comprehensively. PCE strives to have a workforce that is as inclusive as the community it serves.

Inclusive Workforce

PCE Staff

PCE relies on its employees to provide clean, cost-effective, alternative energy to its customers. These customers live in diverse communities, and an inclusive workforce comprised of staff who reflect and are invested in these communities allows PCE to serve them more effectively. An inclusive staff also provides good jobs for people from diverse communities.

To help maintain and strengthen PCE's inclusive staff, PCE will:

(1) Engage in broad outreach efforts in diverse communities, including disadvantaged and low-income communities, to ensure a diverse pool of candidates for open positions;

(2) Provide fair compensation that aligns with regional market indicators for compensation levels for each position;

(3) Be transparent about these practices and lessons learned; and

(4) Provide contact information for staff who can answer questions about this policy.

Supply Chain

PCE's commitment to inclusion also extends to its supply chain. Where and from whom PCE purchases goods and services have important consequences for businesses, customers, and their communities. An inclusive supply chain is an important driver for successful delivery of PCE's services to its customers, and of fair and equitable economic development generally.

To help ensure an inclusive supply chain, PCE will:

(1) Strive to use local businesses and provide fair compensation in the purchase

of services and supplies;

(2) Proactively seek services from local businesses and from businesses that have been Green Business certified and/or are taking steps to protect the environment;

(3) Engage in efforts to reach diverse communities to ensure an inclusive pool of potential suppliers;

(4) Collect information from suppliers and contractors on the inclusivity of their workforce;

(5) Include questions about supplier inclusivity in requests for proposals (RFPs) for services;

(6) Require reporting from developers and large vendors on inclusivity in business ownership and staff;

(7) Be transparent about these practices and lessons learned; and

(8) Provide contact information for staff who can answer questions about this policy.

Inclusive Business Practices

To fulfill its core mission to provide energy choices to the diverse residents and communities of San Mateo County, PCE must ensure that its services and information are accessible to all communities. Accordingly, PCE will:

(1) Strive to provide information on PCE's services in the multiple languages commonly spoken in PCE's service area (including mailers, tabling materials, customer service, call center, workshops and outreach events, advertisements, and other means of customer engagement);

(2) Conduct marketing and outreach in diverse communities (including advertising in minority-owned media, establishing partnerships with community organizations, and using various media, such as radio and television) to increase awareness of PCE's services and programs;

(3) Strive to attend important multi-cultural community events with multi-lingual materials and speakers;

(4) Share information about activities and initiatives that promote inclusion, access, and diverse engagement in the community.

Non-Discrimination Pledge

PCE will not discriminate, and will require that its suppliers do not discriminate, on the basis of race, color, national origin, ancestry, age, disability (physical or mental), sex, sexual orientation, gender identity, marital or domestic partner status, religion, political beliefs or affiliation, familial or parental status (including pregnancy), medical condition (cancer-related), military service, or genetic information.

Sustainable Workforce

Support of local businesses, union labor and apprenticeship and pre-apprenticeship programs that create employment opportunities are important components of building and sustaining healthy and sustainable communities. It is in the interest of Peninsula Clean Energy in San Mateo County (PCE) to provide fair compensation and sustainable workforce opportunities within a framework of competitive service and the promotion of renewable energy, energy efficiency and greenhouse gas reduction.

PCE Recognizes the importance of locally-generated renewable energy in assuring that California is provided with (1) adequate supplies of renewable energy for economic growth, (2) sustained local job opportunities and job creation, and (3) effective means to reduce the impacts of greenhouse gas emissions. PCE also recognizes the opportunities that energy efficiency programs provide for local workforce training and employment.

PCE supports fair compensation in direct hiring, renewable development projects, energy efficiency programs and in procurement of PCE services and supplies. PCE also supports quality State of California approved apprenticeship and pre-apprenticeship training programs in construction craft occupations to foster long-term, fairly compensated employment opportunities for program graduates and believes that local apprenticeship and pre-apprenticeship programs are an efficient vehicle for delivering quality training in construction industry craft occupations.

PCE therefore desires to facilitate and accomplish the following objectives:

(1) Support for and direct use of local businesses;

(2) Support for and direct use of union members from multiple trades;

(3) Support for and use of training and State of California approved apprenticeship programs, and pre-apprenticeship programs from within PCE's service territory; and

(4) Support for and direct use of green and sustainable businesses.

"Local" is defined as 1.) San Mateo County; 2.) Nine Bay Area Counties (Alameda, Contra Costa, Marin, Napa, San Mateo, San Francisco, Santa Clara, Solano, Sonoma); 3.) Northern California; 4.) California. Preference will be give first to San Mateo County; second, to the Nine Bay Area Counties; third, to Northern California; fourth, to California.

PCE will support the objectives stated above in the following ways:

PCE Power Purchase Agreements with Third Parties

PCE shall collect information from respondents to any bidding and/or RFP/RFQ process regarding past, current and/or planned efforts by project developers and their contractors to:

- Employ workers and use businesses from the PCE service territory.
- Employ properly licensed (A, B, C10, C7, C46) contractors and California Certified electricians.
- Utilize multi-trade project labor agreements on the proposed project or any prior project developments.
- Utilize local apprentices, particularly graduates of local pre-apprenticeship programs.
- Pay workers the correct prevailing wage rates for each craft, classification and type of work performed.
- Display a poster at jobsites informing workers of prevailing wage requirements.
- Provide workers compensation coverage to on-site workers.
- Support and use State of California approved apprenticeship programs.

Relevant information submitted by proposers will be used to evaluate potential workforce impacts of proposed projects with the goal of promoting fair compensation, fair worker treatment, multi-trade collaboration, and support of the existing wage base in local communities where contracted projects will be located.

PCE Owned Generation Projects

Any PCE-owned renewable development project shall use local businesses, union labor, and apprenticeship programs through multi-trade agreements and/or through multiple agreements for work. Each construction contractor or subcontractor performing work on any PCE-owned project shall use a combination of local labor, union labor and apprenticeship programs, and shall follow fair compensation practices including proper assignment of work to crafts that traditionally perform the work. For each renewable energy project, PCE or its construction contractor shall require of its regular workforce that at least 50% of all “journey level” employees shall be graduates of a State of California approved apprenticeship program and at least 20% shall be enrolled and participating in a local State of California approved apprenticeship program. Apprenticeship programs must be approved by the State Department of Apprenticeship Standards.

PCE Feed-In Tariff Price Projects

PCE shall use best efforts to ensure each construction contractor or subcontractor performing work on any PCE Feed-in Tariff project utilize local businesses, union labor, multi-trade agreement, apprenticeship programs, and fair compensation practices including proper assignment of work to crafts that traditionally perform the work.

PCE Energy Efficiency Projects

PCE shall use best efforts to support local businesses, union labor, and local apprenticeship programs in the implementation of its energy efficiency programs. PCE shall use best efforts to ensure each construction contractor or subcontractor performing work on any PCE energy efficiency program utilize local businesses, union labor, local apprenticeship, and fair compensation practices in program implementation including proper assignment of work to crafts that traditionally perform the work.

1. **Adopt the Peninsula Clean Energy (PCE) Inclusive and Sustainable Workforce Policy Oct 25, 2018 presented in staff report.**
2. **Update Peninsula's policy with the additional Job Quality and Workforce provisions outlined below. Note: PCE has been replaced with CEA throughout.**

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1. Insert new section regarding Union Neutrality:

Union Neutrality Pledge

Clean Energy Alliance (CEA) will remain neutral regarding whether its employees choose to join or support labor unions and will not interfere with decisions by its contractors' and supplier's employees about whether to join or support labor unions.

2. Amend these sections as follows:

Sustainable Workforce

Support of local businesses, fair compensation,~~union labor~~ and apprenticeship and pre-apprenticeship programs that create employment opportunities are important components of building and sustaining healthy and sustainable communities. It is in the interest of CEA to provide fair compensation and sustainable workforce opportunities within a framework of competitive service and the promotion of renewable energy, energy efficiency and greenhouse gas reduction.

CEA Recognizes the importance of locally-generated renewable energy in assuring that California is provided with (1) adequate supplies of renewable energy for economic growth, (2) sustained local job opportunities and job creation, and (3) effective means to reduce the impacts of greenhouse gas emissions. CEA also recognizes the opportunities that energy efficiency programs provide for local workforce training and employment.

CEA supports fair compensation in direct hiring, renewable development projects, energy efficiency programs and in procurement of CEA services and supplies. CEA also supports quality State of California approved apprenticeship and pre-apprenticeship training programs in construction craft occupations to foster long-term, fairly compensated employment opportunities for program graduates and believes that local apprenticeship and preapprenticeship programs are an efficient vehicle for delivering quality training in construction industry craft occupations.

CEA therefore desires to facilitate and accomplish the following objectives:

(1) Support for and direct use of local businesses;

(2) Support for and direct use of skilled and trained workers who receive fair compensation~~union members from multiple trades~~;

(3) Support for and use of training and State of California approved apprenticeship programs, and pre-apprenticeship programs from within CEA's service territory; and

(4) Support for and direct use of green and sustainable businesses.

"Local" is defined as 1.) Clean Energy Alliance Service Territory; 2.) San Diego County; 3.) Imperial County; 4.) Adjacent California Counties; 5.) California. Preference will be given first to CEA Service territory; second to San Diego County; third to Imperial County; fourth to adjacent CA Counties; fifth to California.

CEA will support the objectives stated above in the following ways:

CEA Power Purchase Agreements with Third Parties

CEA shall collect information from respondents to any bidding and/or RFP/RFQ process regarding past, current and/or planned efforts by project developers and their contractors to:

- Employ workers and use businesses from the CEA service territory.
- Employ properly licensed (A, B, C10, C7, C46) contractors and California Certified electricians.
- Utilize multi-trade project labor agreements on the proposed project or any prior project developments.
- Utilize local apprentices, particularly graduates of local pre-apprenticeship programs.
- Pay workers the correct prevailing wage rates for each craft, classification and type of work performed.
- Display a poster at jobsites informing workers of prevailing wage requirements.
- Provide workers compensation coverage to on-site workers.
- Support and use State of California approved apprenticeship programs.

Relevant information submitted by proposers will be used to evaluate potential workforce impacts of proposed projects and priority will be given to those proposals that best serve CEA's~~SPCP~~'s ~~with the~~ goal of promoting fair compensation, fair worker treatment, multi-trade collaboration, and support of the existing wage base in local communities where contracted projects will be located.

CEA Owned Generation Projects

~~Any~~ CEA-owned renewable development projects shall make use of ~~use~~ local businesses~~, union labor,~~ and apprenticeship programs and project labor agreements that include the taxpayer protection provisions of Public Contract Code Section 2500 to ensure fair and open competition~~ through multi-trade agreements and/or through multiple agreements for work~~. Each construction contractor or subcontractor performing work on any CEA-owned project shall use ~~a combination of~~ local labor~~, union labor~~ and apprenticeship programs, and shall follow fair compensation practices including proper assignment of work to crafts that traditionally perform the work. All contractors and subcontractors shall pay at least the prevailing rate of wages, as defined in Article 2 (commencing with Section 1770) of Chapter 1 of Part 7 of Division 2 of the California Labor Code and use a skilled and trained workforce, as defined in Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the California Public Contract Code. ~~For each renewable energy project, CEA or its construction~~

~~contractor shall require of its regular workforce that at least 50% of all "journey level" employees shall be graduates of a State of California approved apprenticeship program and at least 20% shall be enrolled and participating in a local State of California approved apprenticeship program. Apprenticeship programs must be approved by the State Department of Apprenticeship Standards.~~

CEA Feed-In Tariff Price Projects

CEA shall require, as a condition of eligibility for Feed-in-Tariffs, that applicants agree that all contractors and subcontractors performing work on the energy generating capacity shall pay at least the prevailing rate of wages, as defined in Article 2 (commencing with Section 1770) of Chapter 1 of Part 7 of Division 2 of the California Labor Code and use a skilled and trained workforce, as defined in Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the California Public Contract Code.

CEA shall use best efforts to ensure each construction contractor or subcontractor performing work on any CEA Feed-in Tariff project utilizes local businesses and ~~, union labor, multi-trade agreement,~~ apprenticeship programs, and fair compensation practices including proper assignment of work to crafts that traditionally perform the work. Any project labor agreements required by CEA shall include the taxpayer protection provisions of Public Contract Code Section 2500 to ensure fair and open competition.

CEA Energy Efficiency Projects

CEA shall require, as a condition of eligibility for CEA funding or financing for energy efficiency projects, that applicants agree that all contractors and subcontractors performing work on the project shall pay at least the prevailing rate of wages, as defined in Article 2 (commencing with Section 1770) of Chapter 1 of Part 7 of Division 2 of the California Labor Code and use a skilled and trained workforce, as defined in Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the California Public Contract Code.

CEA shall use best efforts to support local businesses~~, union labor,~~ and ~~local~~ apprenticeship programs in the implementation of its energy efficiency programs. CEA shall use best efforts to ensure each construction contractor or subcontractor performing work on any CEA energy efficiency program utilizes local businesses and ~~, union labor, local~~ apprenticeship programs, and fair compensation practices in program implementation including proper assignment of work to crafts that traditionally perform the work. Any project labor agreements required by CEA shall include the taxpayer protection provisions of Public Contract Code Section 2500 to ensure fair and open competition.

Clean Energy Alliance
JOINT POWERS AUTHORITY

Staff Report

DATE: July 16, 2020

TO: Clean Energy Alliance Board of Directors

FROM: Barbara Boswell, Interim Chief Executive Officer

ITEM 7: Clean Energy Alliance Bid Evaluation Criteria and Scoring System

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RECOMMENDATION:
Review two alternative Bid Evaluation Criteria & Scoring Systems, provide input and select a preferred alternative.

BACKGROUND AND DISCUSSION:
At its May 7, 2020 special meeting, the Clean Energy Alliance (CEA) Board requested the subject of implementing a Bid Evaluation Criteria and Scoring System be scheduled on a Board agenda for discussion. On June 1, 2020 the CEA Board received an email from IBEW 569 (Attachment A) that included a letter from Sierra Club and sample bid evaluation criteria and scoring systems (Criteria) from East Bay Community Energy (EBCE) and Clean Power Alliance (CPA) requesting the Board consider adopting a similar criteria.

EBCE Bid Evaluation

EBCE's Bid Evaluation is included in the EBCE Administrative Procurement Policy and provides bonus percentages/points in competitive solicitations for certain categories, up to a maximum bonus of 10%. Specifically:

- 5% or 5 points out of a 100-point scoring system for responses with offices located within Alameda County (East Bay's local county) and minimum 25% employees from Alameda County;
- 2.5% or 2.5 points out of a 100-point scoring system for responses who use union labor and/or unionized contractors;
- 2.5% or 2.5 points out of a 100-point scoring system for responses from businesses owned and operated by a person representing one or more women, minority, disabled veteran, and lesbian, gay, bisexual, and transgender categories.

CPA Bid Evaluation Criteria

CPA's bid evaluation uses a High-Medium-Low ranking system based on six priority criteria:

- $ Value
- Environmental Stewardship – project demonstrates multiple benefits beyond climate and GHG reduction
- Workforce Development – evaluates target-hire, union labor, or multi-trade project labor agreements

- Development Risk – composite rank based on factors impacting project risk including site control; interconnection status; environmental screens; land use and permits; project financing; and developer experience
- Project Location – ranked based on location with CPA service counties, other counties within California or out of state
- Benefits to Disadvantaged Communities (DAC) – ranked based on location with a DAC and demonstrates DAC workforce and community development benefits

In contemplating implementing a Bid Evaluation Criteria and Scoring System, the CEA Joint Powers Authority (JPA) Agreement recital 6(f) should be taken into consideration, which states:

"Pursue the procurement of local generation of renewable power developed by or within member jurisdictions with an emphasis on local jobs, where appropriate, without limiting fair and open competition for projects or programs implemented by the Authority."

FISCAL IMPACT

There is no fiscal impact by this action, however, scoring systems that provide bonus points for criteria may result in increased project costs for Clean Energy Alliance.

ATTACHMENTS:

Attachment A – Email and Sample Criteria from IBEW 569

From: **Gretchen Newsom** gnewsom@ibew569.org
Subject: IBEW 569 & Sierra Club on CEA Long-Term Renewable Energy Procurement
Date: June 1, 2020 at 12:03 PM
To: cori.schumacher@carlsbadca.gov, ehaviland@delmar.ca.us, kbecker@cosb.org
Cc: ceo@thecleanenergyalliance.org, secretary@thecleanenergyalliance.org, Micah Mitrosky mmitrosky@ibew569.org, richard.miller@sierraclub.org, Luis Amezcua (luis.amezcua@sierraclub.org) luis.amezcua@sierraclub.org, Karl Aldinger karl.aldinger@sierraclub.org, Paige DeCino pdecino@hotmail.com, Mike McMahon 2mmcmahon@gmail.com

GN

Dear Chair Schumacher and Fellow CEA Board Members:

Please see the attached letter and related materials from IBEW 569 and Sierra Club outlining our recommendations regarding your Long-Term Renewable Energy Procurement.

With kind regards,

Gretchen Newsom
Political Director / Organizer
IBEW 569
4545 Viewridge Avenue, Ste 100
San Diego, CA 92123
858-569-8900 office
619-208-4853 cell
www.ibew569.org

PDF IBEW569-Sierra Club C...20.pdf

PDF Clean Power Allianc...ria.pdf

PDF East Bay Admini...licy.pdf

June 1, 2020

Clean Energy Alliance
Via Email

Re: Long-Term Renewable Procurement Recommendations

Dear Chair Schumacher and CEA Board Members:

Congratulations on the exciting progress of Clean Energy Alliance (CEA). As you begin to craft the Long-Term Renewable Procurement Request for Proposals (RFP) document and plan the solicitation process, we urge you to incorporate the following to help ensure proposals align with CEA priorities and community values:

1. **Align the Solicitation with CEA Inclusive and Sustainable Workforce Policy**: Prior to releasing a Long-Term Renewable Procurement solicitation document, we recommend finalizing the Inclusive and Sustainable Workforce Policy and ensure the language in the solicitation aligns with this policy. The Inclusive and Sustainable Workforce Policy should be included as an Attachment to any solicitation/RFP package so project respondents can plan their project execution, delivery and workforce needs accordingly.

2. **Develop CEA Bid Evaluation Scoring Criteria and Incorporate into the Solicitation Process**: Bid evaluation scoring criteria will send a signal to the market about the types of projects CEA would like to see proposed. For example, criteria can incentivize projects that are local, sited responsibly and create good, middle-class jobs and skilled training opportunities. Similar to the workforce policy, a Bid Evaluation Scoring Criteria policy needs to be finalized and adopted prior to releasing a solicitation so it can be incorporated into the RFP package and the solicitation process. We recommend a Bid Evaluation Scoring Criteria framework similar to those used by Clean Power Alliance and East Bay Community Energy (see attachments).

3. **Solicit Category 1 Resources**: CEA has discussed an interest in prioritizing Category 1 resources. We strongly support this approach as the best avenue to maximize greenhouse gas reductions and job creation and recommend releasing the solicitation as a Request for Proposals for California Renewable Energy. Here is sample language:

"*For the purposes of the RFP, renewable energy generation facilities mean any energy sources that meet the standards required under the California Energy Commission's definitions to be an eligible Portfolio Content Category 1 Eligible Renewable Resource ("PCC1"). CEA will only consider purchasing power from projects that are physically located within the geographic boundaries of California and must have arrangements to deliver the power to the CAISO grid*."

Thank you in advance for your consideration. We believe these recommendations will be valuable components of the Long-Term Renewable Procurement solicitation process to help ensure the kinds of projects and outcomes desired by the community and CEA ratepayers.

Sincerely,

Mike McMahon
MyGen Team Carlsbad
Sierra Club

Jeremy Abrams
Business Manager
IBEW Local 569

CC: Barbara Boswell, Interim CEO

Attachments: Clean Power Alliance Bid Evaluation Criteria
East Bay Administrative Procurement Policy

Staff Report Item 13

TO: East Bay Community Energy Board of Directors

FROM: Annie Henderson, Vice President, Marketing & Account Services

SUBJECT: **Second Amended and Restated Administrative Procurement Policy**

DATE: March 20, 2019

Recommendation

Adopt a resolution to approve the Second Amended and Restated Administrative Procurement Policy.

Background and Discussion

On January 17, 2018, the Board approved an Administrative Procurement Policy that (1) delegated certain authority to the Chief Executive Officer ("CEO") to enter into professional service agreements and vendor contracts; (2) authorized the award of professional service agreements; (3) mandated issuance of Request for Proposals ("RFPs") for non-professional service contracts; (4) contained criteria for evaluation of bids and proposals, namely preferences for local and union labor and ethical vendor standards; and (5) contained reporting obligations and provided for public access to contracts.

On July 18, 2018, the Administrative Procurement Policy was amended and restated by approval of the Board. Amendments included:

- Provides for competitive solicitations for goods or services in excess of $100,000 in value, informal written proposal from at least three providers for contracts valued between $50,000 and $100,000, and informal verbal proposals from at least three providers for contracts valued between $10,000 and $50,000. Certain limited exceptions were also approved.
- Prohibits staff from accepting certain gifts, does not require acceptance of lowest responsible bidder, requires contracts be approved as to form and content by General Counsel, and certain contracts are subject to Public Records Act.
- Delegation of authority to execute professional services agreements and vendor contracts
- Authorizes any Director-level or above executive staff member to sign Nondisclosure Agreements and the COO-level or above to sign Banking and Treasury Administration Documents
- Provides for bid evaluation criteria that are identical to the criteria set out in the original Administrative Procurement Policy

- Provides authority to the CEO, the COO and the Director of Power Resources to enter into agreements for the purchase of power and energy attributes

Since the Administrative Procurement Policy was first adopted, East Bay Community Energy ("EBCE") has launched service to commercial, municipal, and residential customers, the staff has increased in size and is continuing to increase in size, and the workload and scope of activities have likewise increased, necessitating a more detailed Administrative Procurement Policy containing additional authorization to enter into vendor contracts.

Analysis

EBCE conducts extensive outreach activities through participation in community events. In the course of scheduling outreach events, we are occasionally presented with an application that requests that the EBCE release liability. Below is example language that we could encounter in EBCE's role as a "Vendor":

- *Vendor agrees to indemnify, defend, with counsel selected by City, and hold harmless the Released Parties from any and all claims, demands, actions, judgments, damages, liabilities, and costs of any kind, including attorneys' fees, (collectively "Liabilities") arising out of or in any manner related to Vendor's participation in the Event, except to the extent that such Liabilities are caused by the sole negligence or willful misconduct of the Released Parties.*
- *The person signing this Agreement represents and warrants that he or she is duly authorized and has the legal capacity to execute and deliver this Agreement on the behalf of the Vendor.*

The current policy does not grant authority to any staff for release of liability. Staff proposes a revision to section 4h to include the third authorization as follows:

h. In addition, the following authorities shall apply, after review and approval of such Agreements by the General Counsel, or his/her designee and except where in conflict with the Joint Powers Agreement, state or federal law:

i. Non-Disclosure Agreements – Director level and above;
ii. Banking and Treasury Administration – COO level and above; and,
iii. Release of Liability and Indemnification – Director level and above.

Fiscal Impact

There should be no additional fiscal impact.

CEQA

Not a project

Attachments

A. Resolution to Adopt a Second Amended and Restated Administrative Procurement Policy
B. Second Amended and Restated Administrative Procurement Policy

RESOLUTION NO. ______
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE EAST BAY COMMUNITY ENERGY AUTHORITY
TO ADOPT A SECOND AMENDED AND RESTATED ADMINISTRATIVE PROCUREMENT POLICY

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 January 17, 2018, the EBCE Board of Directors ("Board") adopted an Administrative Procurement Policy that (1) delegated certain authority to the Chief Executive Officer to enter into professional service agreements and vendor contracts; (2) authorized the award of professional service agreements; (3) mandated issuance of Requests for Proposals for non-professional service contracts; (4) contained criteria for evaluation of bids and proposals, namely preferences for local and union labor and ethical vendor standards; and (5) contained reporting obligations and provided for public access to contracts.

Section 3. On July 18, 2018, the Board adopted an Amended and Restated Administrative Procurement Policy that detailed the requirements for competitive solicitations, detailed criteria for evaluation of bids and proposals, authorized various EBCE executive staff to execute professional services agreements and vendor contracts related to their administrative areas, required public access to said agreements, required legal review of all contracts and agreements prior to their execution, and provided specific authorizations for procurement of power and energy attributes.

Section 4. EBCE staff has increased in size and focus, consequently increasing the need for EBCE to enter agreements with broader liability and indemnification coverage. These new needs require additional procurement practices and authorizations to ensure staff can execute these agreements and others efficiently. Therefore, the Board hereby further amends the Amended and Restated Administrative Procurement Policy adopted on July 18, 2018.

Section 5. The Board hereby adopts the Second Amended and Restated Administrative Procurement Policy attached as Exhibit A and listed as Policy # ____ authorizing directors and above to sign agreements for which EBCE must release another party from liability and or indemnify that party, after review and approval of such agreements by the General Counsel or his/her designee and except where in conflict with the Joint Powers Agreement, state or federal law .

ADOPTED AND APPROVED this 20th day of March 2019.

____

Scott Haggerty, Chair

ATTEST:

____

Stephanie Cabrera, Clerk of the Board

SECOND AMENDED AND RESTATED Administrative Procurement Policy

Policy No. 2019-

March 20, 2019

Purpose:

It is in the interest of East Bay Community Energy ("EBCE") to establish administrative procurement practices that facilitate efficient business operations and provide fair compensation and local workforce opportunities whenever possible within a framework of high quality, competitive service offerings.

Policy:

1. Public Bidding Requirements:
    a. EBCE shall issue a Request for Proposals or a Request for Qualifications for the purchase of goods or services in excess of $100,000 in any given contract year or term. EBCE will run competitive solicitations through the issuance of requests for proposals ("RFPs") or similar instruments for all non-professional service contracts with a contract value in excess of $100,000 in any given contract year. These contracts are subject to Board approval before final execution.
    b. For contracts valued between $50,000 and $99,999.99, staff shall solicit informal written proposals from at least three providers, if feasible. An informal written proposal consists of a written proposal that includes the provider's name, address, phone number, professional license number, if applicable, the work to be performed and the amount of the bid. A written proposal may be in an electronic mail format.
    c. For contracts valued between $10,000 and $49,999.99, staff shall solicit informal verbal proposals from at least three providers. Staff shall note the three verbal bids by including the providers' name, address, phone number and amount of the verbal proposal in EBCE's records.
    d. For contracts valued at less than $10,000, no formal or informal bids shall be required, but EBCE staff is directed to seek the lowest cost supplies and the highest quality services available.
    e. When procuring goods and services utilizing federal funds (e.g., grant funds), EBCE shall comply with all federal project requirements in securing any goods or services necessary.
    f. The Chief Executive Officer ("CEO"), at his/her discretion, may direct that EBCE solicit competitive solicitations through the RFP process for contracts under $100,000.
    g. EBCE shall not be required to award a contract to purchase goods or services from the lowest responsible bidder, unless required by California law.

h. No EBCE employee, official, or director shall split purchases into more than one purchase in order to avoid the competitive solicitation requirements in this policy. Splitting purchases does not allow for a competitive marketplace, increases administrative workflow, and may create ethical issues.

i. Exceptions to competitive solicitation requirements:

    i. Sole source purchasing is authorized when the goods or services contemplated are capable of being performed by a sole provider, such as the holder of an exclusive patent or franchise, for purchase of unique or innovative goods or services including but not limited to computer software and technology, or for purchases of goods or services when there is a demonstrated need for compatibility with an existing item or service. A sole source may be designated when it is apparent that a needed product or service is uniquely available from the source, or for all practical purposes, it is justifiably in the best interest of EBCE. Under some circumstances, EBCE competitive solicitation requirements may be dispensed with when the goods or services are only available from one source either because the brand or trade name article, goods, or product or proprietary service is the only one which will properly meet the needs of the EBCE or the item or service is unique and available only from a sole source.

       Sole source purchasing shall be an exception to the normal solicitation process and requires a detailed explanation. The following factors shall not apply to sole source requests and shall not be included in the sole source justification: personal preference for product or vendor; cost, vendor performance, and local service (this may be considered an award factor in competitive bidding); features that exceed the minimum requirements for the goods or services; explanation for the actual need and basic use for the equipment, unless the information relates to a request for unique factors.

    ii. No competitive solicitation, formal or informal bids shall be required for goods or services valued at less than $10,000 in any one contract term or contract year.

    iii. No competitive solicitation shall be required to rent or lease equipment.

    iv. Competitive or informal solicitations shall not be required when the contract, the goods or the services will be provided by another governmental agency. 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.

    v. In the event of an emergency, the CEO may suspend the normal purchasing and procurement requirements for goods and services related to abatement of the impacts or effects of the emergency.

j. No EBCE employee, officer, or Director shall accept, directly or indirectly, any gift, rebate, money or anything else of value from any person or entity if such gift, rebate, money or anything of value is intended to reward or be an inducement for conducting business, placing orders with, or otherwise using the employee's position to secure an agreement with EBCE.

2. Procurement of Supplies:

EBCE shall procure supplies in compliance with the Competitive Solicitation Requirements in Section 1, above. While, EBCE shall not be required to award to lowest responsible bidder, EBCE staff shall seek to purchase supplies at the lowest costs. EBCE is encouraged to jointly procure supplies with other governmental agencies to obtain the lowest cost when possible. In the event one or more EBCE employees are designated as purchasing agents, those individuals shall be included in EBCE's conflict of interest code as persons who must file an annual statement of economic interest.

3. Procurement of Professional Services:

EBCE may contract for professional services, including but not limited to consultant, legal, or design services, in its sole discretion. EBCE shall endeavor to secure the highest quality professional services available. While EBCE shall secure such services in compliance with the Competitive Solicitation Requirements in Section 1, above, awarding a contract for services need not be awarded to the lowest responsible bidder.

4. Executive Management Signing Authority:

    a. The CEO is authorized to enter into contracts of $100,000 or less without prior Board approval with the stipulation that all new contracts must be reported at the next scheduled Board meeting. This contract limit does not include power supply or wholesale energy services and shall remain in place unless and until amended by the EBCE Board of Directors.

    b. Notwithstanding other express authority in this Administrative Procurement Policy, a member of the EBCE executive level staff consisting of the Chief Operating Officer ("COO"), the General Counsel or a Vice President, at the discretion and approval of the CEO, is authorized to sign professional service agreements and vendor contracts up to $100,000 as an authorized designee of the CEO, subject to Board reporting requirements outlined above.

    c. The COO is authorized to sign professional service agreements or vendor contracts whose object or purpose is related to the activities or functions of the Office of the COO, up to $25,000 in total compensation, subject to Board reporting requirements outlined in Subsection a, above.

    d. Any staff Senior Director or Vice President is authorized to sign professional service agreements or vendor contracts whose object or purpose is related to the activities or functions of that Senior Director or Vice President up to $10,000 in total compensation, subject to Board reporting requirements outlined in Subsection a, above.

    e. Any staff level Director is authorized to sign professional service agreements or vendor contracts whose object or purpose is related to the activities or functions of that Director up to $5,000 in total compensation, subject to Board reporting requirements outlined in Subsection a, above.

f. The General Counsel, or his/her designee, is authorized to sign professional service agreements or vendor contracts whose object or purpose is related to the activities or functions of the Office of the General Counsel up to $50,000 in total compensation, subject to Board reporting requirements outlined in Subsection a, above. All Legal Services Agreements must be issued through the General Counsel's Office.

g. Prior to signing any professional services agreement or vendor contract, the individual signing shall ensure 1) that the contract compensation has been budgeted for in the current EBCE budget 2) that adequate funds have been appropriated by the Board 3) that such funds are unexpended and unencumbered sufficient to pay the expense of the contract, and 4) that the Contract or Professional Services Agreement has been approved as to form and content by the General Counsel or his/her designee.

h. In addition, the following authorities shall apply, after review and approval of such Agreements by the General Counsel, or his/her designee and except where in conflict with the Joint Powers Agreement, state or federal law:

   i. Non-Disclosure Agreements – Director level and above;
   ii. Banking and Treasury Administration – COO level and above; and,
   iii. Release of Liability and Indemnification – Director level and above.

i. Invoices and vendor payments shall be approved by the contract signee, his/her executive level manager or the COO prior to payment.

j. Contract amendments including changes in timeframe, scope, and value shall be subject to Board approval and signing authorities outlined in this Section 4.

k. EBCE shall report on all new contracts, regardless of scope or contract value, at each Board meeting. Unless subject to the attorney client privilege or some other legal protection, as a public agency, EBCE shall release all public records, including contracts as applicable, as required by the Public Records Act.

5. Bid Evaluation:

   a. Bids and proposals received through a competitive solicitation shall be subject to a set of criteria and a scoring system, reviewed and evaluated by relevant EBCE staff and an evaluation committee selected by the CEO, COO or General Counsel, or at the discretion of the Board, members of a designated Board subcommittee or the Community Advisory Committee. Bids for contracts received through formal or informal solicitation shall be evaluated based on competency to perform the scope of work, best fit, price competitiveness and compliance with subsections i (Special Procurement Preferences), ii (Alameda County Preference), iii (Union Labor Preference), and iv (Other Preferences) below.

i. EBCE seeks to support companies and contractors that reflect its values, and has identified three vendor/contractor categories that shall be given special consideration during bid evaluation and selection. In competitive solicitations, these categories shall receive bonus percentages/points ranging from 2.5% - 5% for a maximum bonus total of 10% in a bid scoring process.

ii. EBCE desires to support Alameda County businesses where possible. Businesses with office(s) located in Alameda County and include at least 25% Alameda County residents under their employment shall receive a bonus equal to 5% or 5 points out of a 100-point scoring system in competitive solicitations.

iii. EBCE desires to support the use of union labor where possible. EBCE shall make its best effort to work with unionized contractors and subcontractors in the provision of goods and services to EBCE. Businesses who use union labor and/or unionized contractors shall receive a bonus equal to 2.5% or 2.5 points out of a 100-point scoring system in competitive solicitations.

iv. EBCE desires to support diversity among its contractors and vendors by working with women, minority, disabled veteran, and lesbian, gay, bisexual, and transgender-owned businesses. Businesses owned and operated by a person representing one or more of these categories shall receive a bonus equal to 2.5% or 2.5 points out of a 100-point scoring system in competitive solicitations.

b. EBCE is committed to the highest standards of responsible behavior and integrity in all of its business relationships. EBCE will consider a company's business practices, environmental track record, and commitment to fair employment practices and compensation in its procurement decisions.

6. Procurement of Power and Energy Attributes:

EBCE must secure sufficient power resources and energy attributes to serve its customers, comply with State law and meet EBCE's and its member agencies' goals. The Board shall approve the form of all master power purchase agreements. The signing authority in Section 4 shall not apply to power and energy attribute procurement. The following EBCE staff shall be authorized to enter into power purchase agreements and other agreements to secure power and energy attributes providing such agreements are in substantially the same form as the Board-approved master power purchase agreements, and that all transactions and agreements are in strict compliance with EBCE's Risk Management Policy:

a. The CEO is authorized to enter into agreements in accordance to the approved Risk Management Policy.

b. The COO is authorized to enter into agreements in accordance to the approved Risk Management Policy provided that transactions shall not be over two years in duration and $10,000,000 in total compensation.

c. The Director of Power Resources is authorized to enter into agreements in accordance to the approved Risk Management Policy provided that transactions shall not be over one year in duration and not be over $2,000,000 in compensation.

d. With dual signatures, the COO and Director of Power Resources are authorized to enter into agreements with equivalent authority as the CEO in accordance with the approved Risk Management Policy.

7. All Professional Service Agreements, vendor contracts and power procurement agreements must be approved as to the form and content by the General Counsel or his/her designee prior to signature by any authorized individual.

CLEAN POWER ALLIANCE
Locally powered energy innovation.

Request for Offers (RFO) Evaluation Criteria

Attachment A

Evaluation Criteria

CPA evaluates projects based on six criteria:

$ Value	Environmental Stewardship	Workforce Development
Development Risk	Project Location	Benefits to DACs

Development Risk Score

Projects will be ranked from high (good) to low (bad)

- The development risk metric is a composite rank based on a number of factors impacting project risk:
  - Site control
  - Interconnection status
  - Environmental screens
  - Land use and permits
  - Project financing
  - Developer experience

Environmental Stewardship

Projects are ranked high, medium, neutral, and low based on the following prioritization:

HIGH	• Demonstrates multiple benefits (provides additional societal, health, economic, water saving, or environmental benefits beyond the climate and GHG reduction benefits of renewable energy)
MEDIUM	• Located in an area designated as a preferred renewable energy zone and received required land use entitlement permits
NEUTRAL	
LOW	• Project is located in a high conflict area

Workforce Development

Projects will be ranked high, medium, and low based on the following prioritization:

HIGH	The project will use targeted-hire, union labor, or multi-trade project labor agreements (including requirements for state-apprenticeship graduates)
MEDIUM	The project does not have a labor agreement, but can demonstrate prevailing wage, union labor, and targeted hire commitments
LOW	The project does not demonstrate prevailing wage, union labor, and targeted hire commitments

Benefits to Disadvantaged Communities (DACs)

Projects will be ranked high, medium, and low based on the following prioritization:

HIGH	• Located within a DAC and demonstrates DAC workforce and community development benefits
MEDIUM	• Project not located within a DAC but can demonstrate DAC benefits and has completed community outreach
NEUTRAL	• Project does not demonstrate DAC benefits
LOW	

Project Location

Projects will be ranked high, medium, and low based on the following prioritization:

HIGH	• In Los Angeles and Ventura counties
MEDIUM	• Other counties within California
LOW	• Out of state projects

CLEAN POWER ALLIANCE

Attachment A

Clean Energy Alliance
JOINT POWERS AUTHORITY

Staff Report

DATE: July 16, 2020

TO: Clean Energy Alliance Board of Directors

FROM: Barbara Boswell, Interim Chief Executive Officer

ITEM 8: Clean Energy Alliance Administrative and Operational Policies

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RECOMMENDATION:
Review and approve Clean Energy Alliance (CEA) Unsolicited Proposals, Non-Energy Procurement and Financial Reserve Policies.

BACKGROUND AND DISCUSSION:
A key activity of establishing a new organization is establishing administrative and operational policies. The policies proposed to the Board for consideration include:

Unsolicited Proposals Policy
Non-Energy Procurement Policy
Reserve Policy

Unsolicited Proposals Policy
Currently CEA provides a form on its website for individuals and firms to register to receive updates on future CEA solicitations. The CEA Board expressed a desire to provide a venue for the submission of Unsolicited Proposals. The proposed Unsolicited Proposals Policy is in response to that request.

Unsolicited Proposals must meet all of the following requirements to be eligible for review:

- Must contain a novel, innovative, or otherwise meritorious concept, application, approach or method;
- Is for a good, project, program or service that would not be normally procured through CEA's typical solicitation processes;
- Be independently originated and developed by the proposer;
- Be prepared without CEA staff supervision or direct CEA staff assistance;
- Present the proposed work or project in sufficient detail to allow a determination to be made that the proposed project could enhance, benefit, and provide valuable input to meeting CEA goals.

The policy identifies a two-phased approach to the receipt and evaluation of Unsolicited Proposals:
Phase 1 – Conceptual Proposal
Phase 2 – Detailed Proposal

The purpose of the Conceptual Proposal phase is for CEA to receive written, concept-level proposals and to screen those proposals to determine whether to the proposals meets requirements to move to Phase 2 – Detailed Proposal. CEA staff will review the Conceptual Proposal submittal to determine whether it meets the requirements as outlined above.

The purpose of Phase 2 – Detailed Proposal is for CEA to receive more detailed technical and financial information to fully understand and evaluate the proposal. CEA staff, and technical consultants if deemed necessary and beneficial, will review and evaluate the Detail Proposals on the following minimum requirements:

- Proposer's capabilities, related experience, facilities, techniques, or unique combinations of these which are integral factors for achieving the proposal objectives;
- Qualifications, capabilities and experience of key personnel who are critical in achieving the proposal objectives;
- Proposer's financial capacity to deliver the goods or services defined in the proposal;
- Viability of the proposed schedule;
- Proposal's consistency with CEA's objectives and goals;
- Any other factors appropriate for the particular proposal.

Detailed Proposals that meet the requirements outlined above will be scheduled to be presented to the CEA Board of Directors for discussion and direction. The Board may decide to forego moving forward with the proposal, proceed to a sole source agreement or pursue a competitive solicitation.

The proposed Policy is designed to provide a process for Unsolicited Proposals to be screened at a high level to ensure they meet initial requirements with a minimum amount of impact to staff.

Non-Energy Procurement Policy

The CEA Non-Energy Procurement Policy establishes the administrative procedures for procurement of goods and services necessary in the conduct of CEA business. The policy establishes the following thresholds:

a. A Request for Proposals or Request for Qualifications for Goods, Services or a Combination of Goods and Services shall be required if the aggregate anticipated value of a contract exceeds $100,000 in any fiscal year. These contracts are subject to Board approval before final execution.
b. An Informal Bid Process for Goods, Services or a Combination of Goods and Services shall be required if the aggregate anticipated value of a contract is between $50,000 and $99,999.
c. An Informal Verbal Proposal for Goods, Services or Combination of Goods and Services shall be required if the aggregate anticipated value of a contract is between $10,000 and $49,999. Staff shall note the three verbal bids by including the providers' name, address, phone number and amount of the verbal proposal.

d. For Goods, Services or Combination of Goods and Services anticipated to be valued at less than $10,000, no formal or informal bids shall be required, however, staff is directed to seek the best value available.

The establishes the criteria related to exceptions to competitive solicitations such as: sole source procurement, rent or leasing equipment or offices, procurement from another governmental agency, or in the event of an emergency.

The Policy also establishes signature authority for the Chief Executive Officer to execute contracts up to $100,000 provided the contract is for goods or services that have been budgeted, and subject to approval as to form by the CEA General Counsel. All new contracts in excess of $50,000 shall be reported at the next regular Board meeting. The Policy also authorizes the CEO to approve invoices and vendor payments, pursuant to the approved CEA budget.

Financial Reserve Policy

A best practice in building an organization that has long-term financial viability is establishing and implementing reserve policies. Operating reserves provide a contingency to provide rate stability to customers and a source of funds for unanticipated expenditures. The proposed Financial Reserve Policy formalizes the CEA Board goal of contributing 5% of revenues annually to its operating reserve, with a goal of achieving a minimum 25% of revenues operating reserve. Once the 25% operating reserve has been met, the Board will strive to continue contributing to the operating reserve to achieve a balance of 40% of revenues.

FISCAL IMPACT

There is no fiscal impact by this action.

ATTACHMENTS:

Attachment A - Clean Energy Alliance Unsolicited Proposals Policy
Attachment B – Non-Energy Procurement Policy
Attachment C – Financial Reserve Policy

UNSOLICITED PROPOSALS POLICY

As a normal course of business, Clean Energy Alliance (CEA) develops its own requirements, solicits proposals or bids, and contracts with entities whose proposals or bids are deemed to most closely meet the requirements at the best value. The CEA Board of Directors desires to provide a venue whereby innovative ideas may be forwarded to CEA outside of a solicitation to for review. This policy describes the process for submission and how the unsolicited proposal will be handled.

For purposes of this policy, an "unsolicited proposal" is defined as a proposal for goods, projects, programs or services that are not within the scope of an open competitive procurement such as a request for proposal or request of qualifications.

Unsolicited proposals must meet all of the following requirements to be eligible for review:

- Must contain a novel, innovative, or otherwise meritorious concept, application, approach or method;
- Is for a good, project, program or service that would not be normally procured through CEA's typical solicitation processes;
- Be independently originated and developed by the proposer;
- Be prepared without CEA staff supervision or direct CEA staff assistance;
- Present the proposed work or project in sufficient detail to allow a determination to be made that the proposed project could enhance, benefit, and provide valuable input to meeting CEA goals.

<u>Approach</u>
CEA receives and evaluates unsolicited proposals using a two-phased approach:

Phase 1 - Conceptual Proposal
Phase 2 – Detailed Proposal

Phase 1 – Conceptual Proposal

The purpose of the Conceptual Proposal Form (Exhibit A) is for CEA to receive written, concept-level proposals and to screen those proposals to determine whether to the proposals meets requirements to move to Phase 2 – Detailed Proposal.

The Conceptual Proposal will be reviewed to determine if it meets the eligibility requirements detailed above as well as the following criteria:

- The proposal offers direct or anticipated benefits to CEA, its member agencies, and its customers;
- The proposal is consistent with CEA's objectives and goals;
- The proposal satisfies a need for CEA that can be reasonably accommodated within CEA's budget;
- The proposal does not rely on CEA's credit to finance the project;
- Other criteria appropriate for the particular proposal.

CEA will notify the proposer of the results of the review of the Conceptual Proposal within 30 days. Potential outcomes may be to discontinue moving forward with the Proposal, proceed to Phase 2 – Detailed Proposal, or CEA may pursue a competitive solicitation.

The receipt of a Conceptual Proposal does not commit CEA to award, nor does it commit CEA to pay any cost incurred in the submission of the Conceptual Proposal, or in making necessary studies or designs for the preparation thereof.

Phase 2 – Detailed Proposal

The purpose of Phase 2 – Detailed Proposal is for CEA to receive more detailed technical and financial information to fully understand and evaluate the proposal. Through the review of the Detailed Proposal CEA will decide whether to forego moving forward with the proposal, to proceed to a sole source agreement or to pursue a competitive solicitation.

CEA may engage outside consultants to assist with the evaluation of the Detailed Proposal if deemed necessary and beneficial.

The Detail Proposal must include, at a minimum, the following information:

- Description of the proposer's organization and previous experience in the field;
- Names and relevant background of key personnel who would be committed to the project;
- Type of support needed from CEA; e.g. facilities, equipment, materials, or personnel resources;
- Type of support being provided by the proposer;
- A sufficiently detailed description of the scope of work being proposed to all CEA to evaluate the value received for the price proposed;
- Proposed price or estimated cost in sufficient detail for meaningful evaluation and cost analysis;
- Schedule for implementation;
- Required statements and disclosures about organizational conflicts of interest and environmental impacts.

Detailed Proposals will be evaluated in accordance with the criteria set out in this section, as well as any other criteria identified in the response to Phase 1 – Conceptual Proposal. The Detailed Proposal will be evaluated using the same criteria set forth in Phase 1 in addition to the following minimum factors:

- Proposer's capabilities, related experience, facilities, techniques, or unique combinations of these which are integral factors for achieving the proposal objectives;
- Qualifications, capabilities and experience of key personnel who are critical in achieving the proposal objectives;
- Proposer's financial capacity to deliver the goods or services defined in the proposal;
- Viability of the proposed schedule;
- Proposal's consistency with CEA's objectives and goals;
- Any other factors appropriate for the particular proposal.

Detailed Proposals that meet the requirements outlined above will be scheduled to be presented to the CEA Board of Directors for discussion and direction. The Board may decide to forego moving forward with the proposal, proceed to a sole source agreement or pursue a competitive solicitation.

Nothing in this policy or otherwise requires CEA to act or enter into a contract based on an Unsolicited Proposal. CEA, at its sole discretion, may return and/or reject an Unsolicited Proposal at any time during the process.

Fair and Open Competition

CEA's receipt of an Unsolicited Proposal does not, by itself, justify a contract award without fair and open competition. If the Unsolicited Proposal offers a proprietary concept that is essential to contract performance, it may be deemed a Sole Source. If not, CEA may pursue a competitive procurement.

Sole Source Award

If it is impossible to describe the project, program or services offered without revealing proprietary information or disclosing the originality of thought or innovativeness of the project, program or services, CEA may make a sole source award. A sole source award may not be based solely on the unique capability of the proposer to provide the project, program or service proposed.

Claims against CEA

Neither your organization nor any of your representatives shall have any claims whatsoever against CEA, or any of its respective officials, agents, or employees arising out of or relating to the Unsolicited Proposal, except as set forth in the terms of a definitive agreement between CEA and your organization.

Form of Proposals

Electronic proposals only will be accepted.

Withdrawal of Proposal

Proposers may withdraw their proposals at any. The proposer must submit a written withdrawal request signed by the proposer's duly authorized representative addressed to and submitted to the contact.

Public Records Act (CPRA)

Please note that any information provided as part of an Unsolicited Proposal may be subject to the Public Records Act (PRA). If the Proposer feels that any part of its submission is proprietary information, please identify by section, paragraph, and page the information the Proposer believes is proprietary. In the event of a PRA, this information may be reviewed by CEA's attorneys for applicability. No guarantee can be provided that any part of the Proposer's information will be kept confidential.

Confidentiality

All data and information obtained from or on behalf of CEA by the Proposer and its agents in this Unsolicited Proposal process, including reports, recommendations, specifications, and data, shall be treated by the Proposer and its agents as confidential. The Proposer 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 CEA. Generally, each proposal and all documentation, including financial information, submitted by a Proposer to CEA is confidential until a contract is awarded, when such documents become public record under State and local law, unless exempted under PRA.

Exhibit A
Clean Energy Alliance Unsolicited Proposal
Concept Proposal Form

Phase 1 of CEA's Unsolicited Proposal process involves submission of this form to the Clean Energy Alliance Chief Executive Officer via email at ceo@TheCleanEnergyAlliance.org. Submit only the information requested on this form. If CEA determines that the Unsolicited Proposal should proceed to Phase 2, CEA will notify the proposer.

Proposer Information
Name:____
Address:____
Primary contact information: ____
Type of organization: ____

CEA will submit technical and/or business questions concerning the proposal and results of review to the primary contact.

Technical Information
Title of the proposal: ____

CEA Goal or Objective the proposal addresses: _________________________________

An executive summary of the proposal, up to a maximum 2 pages, must be attached. The summary must include a brief discussion of the following:

1. Description of the project, program or service
2. Objectives project, program or services will achieve
3. Method of approach which makes the proposal novel, innovative, or otherwise meritorious
4. Manner in which the work will help support the goals and objectives of CEA
5. Clearly identify the benefit to CEA, its member agencies or its customers

Technical expertise the proposer needs from CEA: ______________________________

Financial Information
Proposed price or total estimated cost (by year if appropriate):

Financing plan for the proposal: ____
____

Procedural Information

Period of time for which the proposal is valid: -_______________________________________

☐ Proprietary data has been submitted with this proposal and is deemed confidential by the proposer in the event of a request submitted to CEA under the California Public Records Act. *Any proprietary data must be clearly designated.*

☐ Other government entities, CCAs or private parties have received this proposal.
Please explain: ____

☐ Other government entities, CCAs or private parties may provide funding for this proposal.
Please explain: ____

☐ There are patents, copyrights and/or trademarks applicable to the Unsolicited Proposal.
Please explain: ____

☐ There is additional information not requested in this form that would assist CEA in evaluating this proposal at a conceptual phase.
Please describe: ____

Signature

____
Signature
Name: ______________________________
Date: _______________________________
Title: _______________________________

The individual who signs this form must be authorized to represent and contractually obligate the Proposer.

Clean Energy Alliance
JOINT POWERS AUTHORITY

NON-ENERGY PROCUREMENT POLICY

It is in the interest of Clean Energy Alliance (CEA) to establish non-energy competitive solicitation and procurement practices that facilitate efficient business operations and offer fair and open competition. This policy shall not apply to any energy procurements or transactions.

DEFINITIONS

"Best Value" is award based on factors in addition to price that provide the best overall value to CEA.

"Informal Bid Process" is a process wherein the Chief Executive Officer requests written quotes from at least three (3) vendors. A written proposal may be in an electronic mail format.

"Competitive Solicitation" is a competitive process in which CEA procures Goods, Services, or a combination thereof from Proposers in order to secure the Best Value for CEA and its customers.

RULES REGARDING COMPETITIVE SOLICITATION OF GOODS AND SERVICES

1. **Goods, Services or a Combination of Goods and Services**.
   a. A Request for Proposals or Request for Qualifications for Goods, Services or a Combination of Goods and Services shall be required if the aggregate anticipated value of a contract exceeds $100,000 in any fiscal year. These contracts are subject to Board approval before final execution.
   b. An Informal Bid Process for Goods, Services or a Combination of Goods and Services shall be required if the aggregate anticipated value of a contract is between $50,000 and $99,999.
   c. An Informal Verbal Proposal for Goods, Services or Combination of Goods and Services shall be required if the aggregate anticipated value of a contract is between $10,000 and $49,999. Staff shall note the three verbal bids by including the providers' name, address, phone number and amount of the verbal proposal.
   d. For Goods, Services or Combination of Goods and Services anticipated to be valued at less than $10,000, no formal or informal bids shall be required, however, staff is directed to seek the best value available.
2. CEA shall be permitted to award a contract on Best Value, unless a lowest cost award is required by California law.

3. No CEA employee, official or director shall split purchases into more than one purchase in order to avoid the competitive solicitation requirements in this policy.
4. Exceptions to competitive solicitation requirements:
    a. Sole source purchasing is authorized when the goods or services contemplated are capable of being performed by a sole provider, such as the holder of an exclusive patent or franchise, for purchase of unique or innovative goods or services including but not limited to computer software and technology, or for purchases of goods or services when there is a demonstrated need for compatibility with an existing item or service. A sole source may be designated when it is apparent that a needed product or service may be designated when it is apparent that a needed product or service is uniquely available from the source, or for all practical purposes, it is justifiable in the best interest of CEA. Under some circumstances, CEA competitive solicitation requirements may be dispensed with when the goods or services are only available from one source either because the brand or trade name article, goods, product or proprietary service is the only one which properly meets the needs of the CEA or the item or service is unique and available only from a sole source.

       The following factors shall not apply to sole source requests: personal preference for product or vendor; cost, vendor performance, and local service; features that exceed the minimum requirements for the goods or services; explanation for the actual need and basic use for the equipment, unless the information relates to a request for unique factors.

    b. No competitive solicitation shall be required to rent or lease equipment or offices.
    c. No competitive solicitation shall be required when the contract, the goods or the services will be provided by another governmental agency. CEA can rely on the competitive solicitation process provided by another governmental agency providing that that agency's procurement is in compliance with California law.
    d. In the event of an emergency, the CEO may suspend the normal purchasing and procurement requirements for goods and services related to abatement of the impacts or effects of the emergency.
5. CEA is encouraged to jointly procure supplies with other governmental agencies to obtain lowest cost when possible.
6. No CEA employee, officer or Director shall accept, directly or indirectly, any gift, rebate, money or anything else of value from any person or entity if such gift, rebate, money or anything of value is intended to reward or be an inducement for conducting business, placing orders with, or otherwise using the employee's position to secure an agreement with CEA.

PROCUREMENT OF PROFESSIONAL SERVICES

CEA may contract for professional services, including but not limited to consultant, legal or technical services in its sole discretion. CEA shall endeavor to secure the highest quality professional services available. While CEA shall secure such services in compliance with the Competitive Solicitation Requirements above, awarding a contract for services need not be awarded to the lowest responsible bidder.

SIGNING AUTHORITY

1. The Chief Executive Officer (CEO) is authorized to enter into contracts of $100,000 for less without prior Board approval with the stipulation that the contract be for goods or services budgeted for in the current CEA budget, that the contract has been approved as to form and content by the CEA General Counsel. All new contracts in excess of $50,000 shall be reported at the next regular Board meeting.
2. Invoices and vendor payments shall be approved by the CEO prior to payment, pursuant to the approved CEA budget.

FINANCIAL RESERVE POLICY

It is in the interest of Clean Energy Alliance (CEA) to establish financial reserves that support long-term financial viability, provide a contingency to provide rate stability to customers, provide a source of funds for unanticipated expenditures.

Policy Guidelines
CEA shall strive to contribute 5% of revenues into an operating reserve annually with a goal of achieving a minimum 25% of revenues operating reserve.

Once the 25% operating reserve is achieved, CEA will strive to continue contributing to the operating reserve to achieve a balance of 40% of revenues.

Exceptions to this policy and spending from the operating reserves must be approved by the CEA Board.